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Gweinidog yr Amgylchedd, Ynni a Materion Gwledig
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Llywodraeth Cymru
Welsh Government

Mike Hedges AM,
Chair of the Climate Change, Environment and Rural Affairs Committee

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Dear Mike

I wish to bring a procedural matter to your attention.

In accordance with section 8 of the Pests Act 1954, spring traps are prohibited in Wales unless approved by Order.

The Spring Traps Approval (Wales) Orders 2010 and 2012 were made under section 8(3) and (7) of the Pests Act 1954 and in accordance with the negative resolution procedure. The Spring Traps Approval (Wales) Order 2019 has been made under the same powers, but is not subject to a procedure.

The provision governing the procedure for the Orders is section 8(8) which, when untangled, provides that only Orders made under section 8(5) are subject to the negative resolution procedure. All of the Orders the Secretary of State has made under section 8(3) and (7) appear to have been made without a procedure. It is incongruous for Parliament and the National Assembly to apply different procedures to the same powers and it seems sensible we seek to end this anomaly.

I enclose a copy of the Spring Traps Approval (Wales) Order 2019 for your ease of reference. The Order has been made and will come into force on 1 February. As the Order is not subject to a procedure it will not be laid before the National Assembly or accompanied by an explanatory memorandum.

I apologise this issue has not been previously identified. However, I hope it will be recognised the application of a more onerous procedure was born of innocent error.

Regards

Lesley Griffiths
Gweinidog yr Amgylchedd, Ynni a Materion Gwledig
Minister for Environment, Energy and Rural Affairs

Cc Mick Antoniw AM, Chair of the Constitutional and Legislative Affairs Committee

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Rydym yn croesawu derbyn gohebiaeth yn Gymraeg. Byddwn yn ateb gohebiaeth a dderbynnir yn Gymraeg yn Gymraeg ac ni fydd gohebu yn Gymraeg yn arwain at oedi.

We welcome receiving correspondence in Welsh. Any correspondence received in Welsh will be answered in Welsh and corresponding in Welsh will not lead to a delay in responding.