

Statutory Instruments with Clear Reports

16 September 2019

SL(5)432 – Code of Practice for the Welfare of Cats

Procedure: Negative

A person who is responsible for an animal has a duty under the Animal Welfare Act 2006 (“the 2006 Act”) to take reasonable steps to ensure its welfare needs are met. The existing Code of Practice was issued in 2008, under the 2006 Act. An update is required to reflect the most recent science, legislation and standards in animal welfare in order to avoid animals being put at risk of harm.

The guidance in this Code explains what needs to be done by those responsible for a cat and covers the need for a suitable environment; a suitable diet; normal behaviour patterns; housing needs (particularly in relation to other animals) and health and welfare needs. The guidance contains signposts to further information and recommends veterinary surgeons as a primary source of advice on the animal’s health and welfare.

The Code should be used by those responsible for a cat. If proceedings are brought under the 2006 Act for a welfare offence the court may take into account the extent to which someone has complied with the guidance in the Code in deciding whether an offence has been committed.

The current maximum sentence for certain animal welfare offences under the 2006 Act is 51 weeks imprisonment and/or a fine. The Animal Welfare (Sentencing) Bill is currently awaiting committee stage in the House of Commons, if passed it will allow these offences to be tried either way and will increase the maximum penalty to a fine and/or 12 months imprisonment if tried summarily, and a fine and/or 5 years imprisonment if tried on indictment. The wording in the Code will be updated to reflect any changes.



Procedure: Negative

The Code of Practice is issued under section 14 of the 2006 Act, which allows the National Assembly for Wales to publish practical guidance in respect of any provision under the Act. The power to publish guidance was transferred from the Assembly to Welsh Ministers by paragraph 30 of Schedule 11 of the 2006 Act. Section 16 requires that a draft of the Code is published, consulted on, and any consultation responses are considered. These steps have been taken.

There is a transitional provision in paragraph 34 of Schedule 11 of the 2006 Act that states where there is a corresponding function exercisable by a Minister of the Crown, the relevant Parliamentary procedure applies to any function conferred on Welsh Ministers. The Minister of the Crown must use the negative procedure, set out by section 15 of the 2006 Act, and so the Code is being laid using the negative resolution procedure; the Assembly may resolve that the Code be annulled not later than 40 days after it is laid.

Parent Act: Animal Welfare Act 2006

Date Made:

Date Laid: 12 July 2019

Coming into force date:



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SL(5)436 – The Renting Homes (Fees etc.) (Wales) Act 2019 (Transitional Provision for Assured Shorthold Tenancies) Regulations 2019

Procedure: Negative

The Renting Homes (Fees etc) (Wales) Act 2019 (Transitional Provision for Assured Shorthold Tenancies) Regulations 2019 (“Regulations”) deal with the application of the Renting Homes (Fees etc.) (Wales) Act 2019 (“the 2019 Act”) to assured shorthold tenancies.

The Act prohibits a landlord, letting agent or any other person from requiring a prohibited payment to the landlord, letting agent or any other person:

- a) in consideration of the grant, renewal, or continuance of a standard occupation contract; or
- b) pursuant to a term of a standard occupation contract which purports to require the payment to be made.

The Regulations apply Parts 1 to 5 and 7 of the 2019 Act (which set out an overview of the 2019 Act and go on to deal with the prohibition of certain payments; treatment of holding deposits; enforcement; recovery of prohibited payments and ancillary provisions) to assured shorthold tenancies under the Housing Act 1988 (“the 1988 Act”). The Regulations also restrict landlords of a dwelling under a standard occupation contract from giving notice under section 21(1)(b) or (4)(a) of the 1988 Act (“a section 21 notice”) in relation to a dwelling where the landlord has required a prohibited payment which has been paid but not repaid. The Regulations similarly prevent a section 21 notice from being given where a holding deposit has not been repaid in relation to a standard occupation contract and such



failure to repay breaches the provisions of the 2019 Act.

Assured shorthold tenancies under the 1988 Act will be converted into occupation contracts by the Renting Homes (Wales) Act 2016 (“2016 Act”). However, the 2019 Act is to come into force on 1 September 2019, prior to the relevant provisions of the 2016 Act coming into force, therefore these transitional Regulations are required to ensure that the 2019 Act applies to assured shorthold tenancies when it comes into force.

Parent Act: Renting Homes (Fees etc.) (Wales) Act 2019

Date Made: 18 July 2019

Date Laid: 22 July 2019

Coming into force date: 01 September 2019

