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Llywodraeth Cymru
Welsh Government

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Wild Animals and Circuses (Wales) Bill

Following the introduction of the Wild Animals and Circuses (Wales) Bill into the National Assembly for Wales on 8 July 2019, please find attached a copy of the Statement of Policy Intent on the powers to make subordinate legislation under the Bill. This document is provided to support the Committee's scrutiny of the Bill.

I look forward to providing evidence to the Committee in due course.

I am copying this letter to the Chair of the Constitutional and Legislative Affairs Committee.

Regards,

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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.

Wild Animals and Circuses (Wales) Bill

Statement of Policy Intent for Subordinate Legislation

Subordinate Legislation

The powers to make subordinate legislation in the Bill are discretionary, and there are no plans to use these powers immediately. Draft regulations have therefore not been prepared; instead the information below is intended to explain how the powers are to be used (at the relevant time).

Section 3: Meaning of “wild animal”

In the Bill, a “wild animal” means an animal of a kind that is not commonly domesticated in the British Islands. It is possible there may be uncertainty or conflicting views regarding whether a kind of animal is to be considered wild or not. Welsh Ministers may, by regulations, specify a kind of animal (a) that is to be regarded as a wild animal, and/or (b) that is not to be regarded as a wild animal. However, the power to make regulations is without prejudice to the generality of the definition of wild animal in the Bill. This power does not require Welsh Ministers to list, in legislation, all wild animals.

Section 4: Meaning of “travelling circus”

In the Bill, a “travelling circus” means a circus which travels from one place to another for the purpose of providing entertainment at those places, despite there being periods during which it does not travel from one place to another. It is possible that there may be cases where there may be uncertainty or conflicting views regarding whether a type of undertaking, act or entertainment is or is not regarded as a travelling circus. Welsh Ministers may, by regulations, specify a type of undertaking, act or entertainment (a) that is to be regarded as a travelling circus, and/or (b) that is not to be regarded as a travelling circus. However, the power to make regulations is without prejudice to the generality of the definition of travelling circus in the Bill. This power does not require Welsh Ministers to list, in legislation, all types of undertakings, acts or entertainment which are, or are not, to be regarded as a travelling circus.

Section 11: Regulations

Regulations under the Act are to be made by the Welsh Ministers. A power to make regulations is exercisable by statutory instrument, and includes power to make different provision for different purposes. A statutory instrument containing regulations may not be made unless a draft of the instrument has been laid before, and approved by a resolution of, the Assembly.

Consultation on subordinate legislation

The Welsh Government consults on the content of subordinate legislation when it considers it appropriate to do so. The precise nature of any consultation in relation to

exercising the powers to make subordinate legislation would be decided at the appropriate time.

Regulatory Impact Assessment

The analysis presented in the Regulatory Impact Assessment (RIA) is based on the current, widely accepted definitions for “wild animals” and “travelling circuses”. Any future subordinate legislation to specify a kind of animal (a) that is to be regarded as a wild animal, and/or (b) that is not to be regarded as a wild animal, or to specify a type of undertaking, act or entertainment (a) that is to be regarded as a travelling circus, and/or (b) that is not to be regarded as a travelling circus, will be accompanied by an RIA. No need for such legislation is currently envisaged and at this stage the best estimate of the costs associated with any subordinated legislation is therefore zero.

Procedure

Making Regulations to determine what is or is not a wild animal or to specify a type of undertaking, act or entertainment that is or is not to be regarded as a travelling circus will have a bearing on the offence, and therefore would require the Assembly to explicitly approve them before they become law (through the ‘affirmative procedure’).