



Mick Antoniw AM,
Chair, Constitutional and Legislative
Affairs Committee

28 November 2019

Dear Mick,

Wild Animals and Circuses (Wales) Bill

Further to my appearing before the Committee on 21 October, I feel it would be of benefit to the Committee to clarify some of the issues raised in relation to the Regulation making powers in the Wild Animals and Circuses (Wales) Bill.

The Regulation making powers are in sections 3 and 4 of the Bill and allow for the specification of what is or is not to be regarded as a wild animal, and what is or is not to be regarded as a travelling circus.

Although the definition of a wild animal is similar across the Wild Animals and Circuses (Wales) Bill, the Wild Animals in Travelling Circuses (Scotland) Act 2018, Wild Animals in Circuses Act 2019, and Zoo Licensing Act 1981, there are some variations in the drafting although I do not anticipate these resulting in a difference in the overall common effect across the different administrations. For example, the Zoo Licensing Act 1981 defines a wild animal as being not normally domesticated in Great Britain, whilst in both the Wild Animals and Circuses (Wales) Bill and the Wild Animals in Travelling Circuses (Scotland) Act 2018 a wild animal is defined as not commonly domesticated in the British Islands. Notably however, whilst both the Wild Animals and Circuses (Wales) Bill and Wild Animals in Travelling Circuses (Scotland) Act 2018 contain Regulation making powers, the Wild Animals in Circuses Act 2019 does not contain such powers. Why the UK government decided to omit these is a matter for them, but I believe these powers are necessary in order to clarify any uncertainty in the future (should it ever arise) as to what is or is not a wild animal or travelling circus.

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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.

There was some discussion during the Committee meeting as to whether these Regulation making powers are Henry VIII powers. I would like to make clear that technically these are not Henry VIII powers as they do not provide for the textual amendment of primary legislation. However, they do allow for supplementary provision to be made which will affect the main purpose of the Bill (i.e. the offence). In that context it is undoubtedly correct for them to be subject to the affirmative procedure as provided for in the Bill.

I hope this will assist the Committee in preparing their Report ahead of the debate on the general principles of the Bill in the New Year.

Regards,

A handwritten signature in cursive script that reads "Lesley".

Lesley Griffiths AC/AM

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