

Explanatory Memorandum to The Welfare of Animals at Time of Killing (Consequential Amendments) (Wales) Regulations 2014:

This Explanatory Memorandum has been prepared by the Office of the Chief Veterinary Officer and is laid before the National Assembly for Wales in conjunction with the above subordinate legislation and in accordance with Standing Order 27.1

Minister's Declaration

In my view, this Explanatory Memorandum gives a fair and reasonable view of the expected impact of The Welfare of Animals at Time of Killing (Consequential Amendments) (Wales) Regulations 2014

Rebeca Evans

Deputy Minister for Agriculture and Fisheries under authority of the Minister for Economy, Science and Transport, one of the Welsh Ministers

6 August 2014

1. Description

These Regulations make amendments consequential on the Welfare of Animals at the Time of Killing (Wales) Regulations 2014 (the 2014 Regulations) (S.I. 2014/951) (W. 92). They make consequential amendments to three Acts of Parliament and one Statutory Instrument to provide that those Acts and Instrument refer to certificates of competence and licences issued under the 2014 Regulations.

The 2014 Regulations came into force on 20 May 2014. They give effect, in Wales, to Council Regulation (EC) 1099/2009 on the protection of animals at the time of killing. They revoke and replace the Welfare of Animals (Slaughter and Killing) Regulations 1995 (“the 1995 Regulations”) in so far as they apply to Wales.

Technical consequential amendments are required as a result of the 2014 Regulations coming into force. It was agreed that the Secretary of State would take forward some consequential amendments to the following pieces of legislation:

- the Firearms Act 1968;
- the Slaughterhouses Act 1974;
- the Animals (Scientific Procedures) Act 1986; and
- the Gangmasters Licensing (Exclusions) Regulations 2013.

The Secretary of State’s Regulations were laid on 16 May but they were revoked before they came into force by another set of Regulations laid on 16 May. Therefore, the consequential amendments still need to be applied in Wales.

2. Matters of special interest to the Constitutional and Legislative Affairs Committee

These amending Regulations are made under the negative resolution procedure of the National Assembly for Wales as the provisions of these amending Regulations do not substantially affect the provisions of Acts of Parliament.

3. Legislative background

These amending Regulations are made under section 2(2) of the European Communities Act 1972. The Welsh Ministers are designated for the purpose of section 2(2) in relation to the Common Agricultural Policy by a designation order (S.I. 2010/2690).

4. Purpose & intended effect of the legislation

The 2014 Regulations require that a person carrying out listed slaughterhouse operations undergoes training and obtains a certificate of competence (whereas a slaughter man working under the 1995 Regulations would have instead required a licence). Therefore, the licence requirement under the 1995 Regulations has been replaced with a certificate of competence requirement under the 2014 Regulations.

There are 4 references to licences issued under the 1995 Regulations elsewhere on the statute book and those references should now be modified as they apply to Wales. In view of the fact that the Secretary of State’s Regulations did not come into

force, amendments now need to be made to those 4 pieces of legislation in relation to Wales by the Welsh Ministers.

The Consequential Amendments

The Firearms Act 1968 currently provides that if a person holds a licence under the 1995 Regulations in relation to a firearm as a slaughtering instrument, then he or she does not also require a Firearms Act licence.

Section 16 of the Slaughterhouse Act 1974 confirms that Local Authorities may employ persons benefiting from a licence under the 1995 Regulations to work at public slaughterhouses.

The Animals (Scientific Procedures) Act 1986 provides that animals slaughtered by a person authorised under the 1995 Regulations are exempt from the requirements of that 1986 Act, and no additional authorisation under the 1986 Act is required.

The Gangmasters Licensing (Exclusions) 2013 currently provide that a person does not require a licence under the Gangmasters Licensing Act 2004 to recruit a slaughter man licensed under the 1995 Regulations.

In those 4 items of legislation, the references to a licence under the 1995 Regulation needs to be amended to include a reference to a certificate of competence issued under the 2014 Regulations to ensure those qualified under the new system have parity in terms of the exemptions they benefit from in those other pieces of regulatory legislation.

5. Consultation

As these Regulations refer to technical changes to references within existing legislation no consultation has been under taken.

A short consultation exercise on proposals to implement of the Council Regulation (EC) 1099/2009 was conducted by the Welsh Government between 24 September and 5 November 2012 that sought views on proposals to implement Council Regulation (EC) 1099/2009 on the Protection of Animals at the Time of Killing, in Wales.

<http://wales.gov.uk/consultations/environmentandcountryside/120924protectionofanimals/?status=closed&lang=en>

6. Regulatory Impact Assessment (RIA)

No Regulatory Impact Assessment has been prepared in respect of this instrument as there are no costs associated to business or voluntary sector as a result of these amending Regulations.

An RIA was presented to the National Assembly for Wales with the Welfare of Animals at Time of Killing (Wales) Regulations on 9 April 2014. These amending Regulations make minor technical changes and do not change the information presented in that RIA.