

Explanatory Memorandum to The Spring Traps Approval (Wales) Order 2012

This Explanatory Memorandum has been prepared by the Natural Environment & Agriculture Team within the Environment and Sustainable Development Department 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 Spring Traps Approval (Wales) Order 2012

John Griffiths

Minister for Environment and Sustainable Development

21 November 2012

1. Description

The Spring Traps Approval (Wales) Order 2012 will allow the use of certain types of spring traps for the control of named pests.

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

There are no matters of special interest to the Constitutional and Legislative Affairs Committee.

3. Legislative background

Section 8 of the Pests Act 1954 makes it a criminal offence for any person to use a trap for the taking or killing of animals unless that trap is approved by Order. The making of the Order is subject to annulment (the negative resolution procedure).

4. Purpose & intended effect of the legislation

The use of spring traps allows land managers or their agents to control certain pests on their land. The types of traps that may be used have to meet certain criteria to ensure that no unnecessary suffering is caused to the target animal, and are then approved by Order. These are published in the relevant Spring Traps Approval Order.

The list of approved spring traps was last reviewed in 2010, and since then a number of other traps have been identified as suitable for pest control purposes and for inclusion in the legislation. It is necessary to update the existing legislation to allow these traps to be used and sold in Wales.

5. Consultation

Consultation on this proposal was not conducted; however the Welsh Government did notify the European Commission of its intention to make the Order in accordance with the Technical Standards & Regulations Directive 98/34/EC. The other Administrations in the United Kingdom have similarly notified updated approvals orders in recent months. Such notifications are published on the internet by the European Commission for three months, during which time representations can be made regarding the proposed legislation.

In considering the draft Order, the European Commission's (and other Member States') focus will be to assess whether Wales is unlawfully restricting access to the market in Wales of spring traps that are manufactured or sold elsewhere in the European Union.

6. Regulatory Impact Assessment (RIA)

A Regulatory Impact Assessment has not been completed for this Order as it has no impacts on the cost to business.