

SL(6)544 – The Animal Health (Miscellaneous Fees) (Amendment and Revocation) (Wales) Order 2024

Background and Purpose

This Order amends the Animal Gatherings (Fees) (Wales) Order 2018 (“the Animal Gatherings Order”). It increases fees payable to the Welsh Ministers under the Animal Gatherings Order for services provided by the Animal and Plant Health Agency.

This Order also revokes the Diseases of Animals (Fees for the Testing of Disinfectants) Order 1991 (“the 1991 Order”) in relation to Wales.

Procedure

Negative

This Order was made by the Welsh Ministers before it was laid before the Senedd. The Senedd can annul the Order within 40 days (excluding any days when the Senedd is: (i) dissolved, or (ii) in recess for more than four days) of the date it was laid before the Senedd.

Technical Scrutiny

The following one point is identified for reporting under Standing Order 21.2 in respect of this instrument.

1. Standing Order 21.2 – that its drafting appears to be defective or it fails to fulfil statutory requirements.

There are inconsistencies in the Schedule to this Order, which is to replace the existing Schedule to the Animal Gatherings Order. In column 1 of Table 1, in the first and second entries, licences are described as being “*for sale premises or [for use as] a collection centre...*”. In the third and fourth entries, the licences are described as being “for premises used for animal sales or for use as a collection centre”.

Therefore, the entries vary by referring to “sale premises” or “premises used for animal sales”. The descriptions in these entries in column 1 of Table 1 should be consistent with each other if they all refer to the same activity on the premises. The heading of Table 1 refers to “premises for animal sales or collection centres” which suggests that the third and fourth entries are correct.

In addition, “animals” is a defined term in articles 2 of both the 2018 Order and the Animal Gatherings (Wales) Order 2010, which means that its inclusion is significant as it bears a specific meaning in these entries.



Merits Scrutiny

The following one point is identified for reporting under Standing Order 21.3 in respect of this instrument.

- 2. Standing order 21.3(i) – that it imposes a charge on the Welsh Consolidated Fund or contains provisions requiring payments to be made to that Fund or any part of the government or to any local or public authority in consideration of any licence or consent or of any services to be rendered, or prescribes the amount of any such charge or payment**

This Order prescribes the amount of a charge for various licences and applications as set out in the Schedule.

Welsh Government response

A Welsh Government response is required to the technical reporting point.

Committee Consideration

The Committee considered the instrument at its meeting on 25 November 2024 and reports to the Senedd in line with the reporting points above.

