

SL(5)278 – The Humane Trapping Standards Regulations 2019

Background and Purpose

These Regulations amend the Wildlife and Countryside Act 1981 (c. 69) in order to implement in Great Britain requirements contained in the Agreement on international humane trapping standards concluded between the European Community, the Government of Canada and the Government of the Russian Federation (the "Agreement"). In doing so, the Regulations also implement the equivalent standards contained in a bilateral agreed minute between the European Community and the United States of America.

Procedure

Affirmative.

Technical Scrutiny

One point is identified for reporting under Standing Order 21.2(ix) in respect of this instrument, as the instrument is to be made in English only.

Paragraph 2 of Part 1 of the Explanatory Memorandum states as follows:

"...As the Regulations will be subject to UK Parliamentary scrutiny, it is not considered reasonably practicable for this instrument to be made or laid bilingually..."

The Committee has written to First Minister on this issue, following advice received from the House of Commons Procedures Committee, and awaits a response.

Merits Scrutiny

One point is identified for reporting under Standing Order 21.3(ii) in respect of this instrument. The EU has entered into agreements to improve the welfare standards of traps used to catch or kill some wild animals. Paragraph 4 of the Explanatory Memorandum states that "the deadline for implementation of the Agreement was July 2016". As such, the Agreement has not been implemented on time. The coming into force date for these Regulations is 28 March 2019, with transitional provision in Regulation 9 delaying implementation for stoat by 12 months (until 1 April 2020).

Implications arising from exiting the European Union

The European Union (EU) is a party to the Agreement. However, there is no implementing legislation at the EU level. Under EU law, the UK Government and the Welsh Ministers are obliged to implement the trapping standards directly through domestic legislation.

These Regulations are made under section 2(2) of the European Communities Act 1972 and therefore will form part of retained EU law after exit day.

Government Response

On the technical point, the First Minister will be responding to the Committee's letter in due course.

The merits point is, of course, accepted. The Committee correctly note that the Explanatory Memorandum sets out the deadline for implementation. It is appreciated that any delay in



implementation is a matter of interest and, as such, the Explanatory Memorandum also sets out consultation responses regarding delay and reasons for delay.

Committee consideration

The Committee considered the instrument along with the Government response at its meeting on 26 November 2018 and reports to the Assembly in line with the reporting points identified.

