

Draft Regulations laid before the National Assembly for Wales under paragraph 1(9) of Schedule 7 to the European Union (Withdrawal) Act 2018, for approval by resolution of the National Assembly for Wales.

DRAFT WELSH STATUTORY
INSTRUMENTS

2019 No. (W.)

**EXITING THE EUROPEAN UNION,
WALES**

ANIMALS, WALES

**The Animal Health and Welfare
(Miscellaneous Amendments)
(Wales) (EU Exit) Regulations 2019**

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations are made in exercise of the powers conferred by paragraph 1(1) of Schedule 2 and paragraph 21 of Schedule 7 to the European Union (Withdrawal) Act 2018 (c. 16) in order to address failures of retained EU law to operate effectively and other deficiencies arising from the withdrawal of the United Kingdom from the European Union.

These Regulations make amendments to subordinate legislation, which apply in relation to Wales, in the fields of the registration of laying hen establishments, animal welfare at transport, the welfare of farmed animals and animal welfare at slaughter.

The Welsh Ministers' Code of Practice on the carrying out of Regulatory Impact Assessments was considered in relation to these Regulations. As a result, it was not considered necessary to carry out a regulatory impact assessment as to the likely costs and benefits of complying with these Regulations.

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**The Animal Health and Welfare
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Made

*Coming into force in accordance with
regulation 1(2)*

The Welsh Ministers, in exercise of the powers conferred by paragraph 1(1) of Schedule 2 and paragraph 21 of Schedule 7 to the European Union (Withdrawal) Act 2018⁽¹⁾, make the following Regulations.

In accordance with paragraph 1(9) of Schedule 7 to that Act, a draft of this instrument has been laid before and approved by a resolution of the National Assembly for Wales.

Title, commencement and application

1.—(1) The title of these Regulations is the Animal Health and Welfare (Miscellaneous Amendments) (Wales) (EU Exit) Regulations 2019.

⁽¹⁾ 2018 c. 16.

- (2) These Regulations come into force on exit day.
- (3) These Regulations apply in relation to Wales.

The Registration of Establishments (Laying Hens) (Wales) Regulations 2004

2.—(1) The Registration of Establishments (Laying Hens) (Wales) Regulations 2004⁽¹⁾ are amended as follows.

(2) In regulation 2—

- (a) omit the definitions of “the Directive” and “the National Assembly”;
- (b) in the definition of “register”, for “National Assembly” substitute “Welsh Ministers”.

(3) In regulation 4—

- (a) in paragraph (1), for “National Assembly” substitute “Welsh Ministers”;
- (b) in paragraph (2)—
 - (i) for “National Assembly” substitute “Welsh Ministers”;
 - (ii) for “the Directive” substitute “paragraph (3)”;

(c) after paragraph (2) insert—

“(3) The distinguishing number must be composed of the appropriate farming method code determined in accordance with paragraphs (5) to (7), followed by the letters “UK”, followed by a unique identification number allocated to the establishment by the Welsh Ministers.

(4) Where it appears appropriate to the Welsh Ministers to do so, they may add further characters to the unique identification number required by paragraph (3) in order to identify single flocks kept in separate buildings of an establishment.

(5) Except where paragraph (6) applies, when the farming method in column A is used, the appropriate farming method code is the corresponding number in column B.

(1) S.I. 2004/1432 (W. 145), to which there are amendments not relevant to these Regulations.

<i>Column A</i>	<i>Column B</i>
Free Range	1
Barn	2
Cages	3

(6) Where the farming method used in the establishment produces eggs under the conditions set out in Council Regulation (EC) No 834/2007 on organic production and labelling of organic products, the appropriate farming method code is “0”.

(7) For the purposes of paragraph (5), the farming method used in an establishment is to be determined in accordance with Commission Regulation (EC) No 589/2008 laying down rules for implementing Council Regulation (EC) No 1234/2007 as regards marketing standards for eggs.”

(4) In regulation 6—

- (a) in paragraphs (2) and (4), for “National Assembly” substitute “Welsh Ministers”;
- (b) in paragraph (3), for “National Assembly requires” substitute “Welsh Ministers require”.

(5) In regulations 7(1) and 11, for “National Assembly” substitute “Welsh Ministers”.

The Welfare of Animals (Transport) (Wales) Order 2007

3.—(1) The Welfare of Animals (Transport) (Wales) Order 2007⁽¹⁾ is amended as follows.

(2) In article 2, omit paragraph (5).

(3) For article 20 substitute—

“The competent authority

20. The Welsh Ministers are the competent authority for the purposes of Council Regulation (EC) No 1255/97 and Council Regulation (EC) No 1/2005.”

(1) S.I. 2007/1047 (W. 105).

(4) In article 22—

- (a) in paragraphs (1), (3)(c) and (5), for “National Assembly” substitute “Welsh Ministers”;
- (b) in paragraph (2)(a), for “National Assembly considers” substitute “Welsh Ministers consider”;
- (c) in paragraph (4)—
 - (i) for “National Assembly”, in the first place where it occurs, substitute “Welsh Ministers”;
 - (ii) for “National Assembly decides” substitute “Welsh Ministers decide”.

(5) In article 23—

- (a) in paragraphs (1) and (3), for “National Assembly” substitute “Welsh Ministers”;
- (b) in paragraph (2), for “National Assembly’s” substitute “Welsh Ministers”;
- (c) in paragraph (4)—
 - (i) for “National Assembly” substitute “Welsh Ministers”;
 - (ii) for “its”, in both places where that word occurs, substitute “their”.

(6) In articles 24(9), 26(1)(a), 27(b) and 29(2), for “National Assembly”, in each place where it occurs, substitute “Welsh Ministers”.

The Welfare of Farmed Animals (Wales) Regulations 2007

4.—(1) The Welfare of Farmed Animals (Wales) Regulations 2007⁽¹⁾ are amended as follows.

(2) In Schedule 1, in paragraph 27(2), for “has the meaning given in Article 1(2)(c) of Directive 96/22/EEC concerning the prohibition on the use in stockfarming of certain substances having a hormonal or thyrostatic action and of beta-agonists.” substitute “means the administering to an animal, in accordance with regulation 8 of the Veterinary Medicines Regulations 2013⁽²⁾, of veterinary medicinal products having an

(1) S.I. 2007/3070 (W. 264), amended by S.I. 2010/2713 (W. 229).

(2) S.I. 2013/2033, to which there are amendments not relevant to these Regulations.

oestrogenic, androgenic or gestagenic action for synchronizing oestrus and preparing donors and recipients for the implantation of embryos, after examination of the animal by a veterinary surgeon or someone under the responsibility of a veterinary surgeon.”

(3) In Schedule 5A, in paragraph 2—

(a) for sub-paragraph (1) substitute—

“(1) A keeper must hold a recognised certificate.

(1A) In this paragraph, “recognised certificate” means a certificate recognised by the Welsh Ministers attesting to the completion of such training, or the acquisition of experience equivalent to such training, as the Welsh Ministers consider appropriate.”;

(b) in sub-paragraph (2), for “certificates recognised by the Welsh Ministers for the purposes of sub-paragraph (1)” substitute “recognised certificates”.

The Welfare of Animals at the Time of Killing (Wales) Regulations 2014

5.—(1) The Welfare of Animals at the Time of Killing (Wales) Regulations 2014⁽¹⁾ are amended as follows.

(2) In regulation 3—

(a) in paragraph (1), in the definition of “EU Regulation”, at the end insert “as amended from time to time”;

(b) omit paragraph (4).

(3) In regulation 4(2), omit “, and act as the member State,”.

(4) In regulation 11(3), for “England, Scotland, Northern Ireland or another member State of the European Union” substitute “England, Scotland or Northern Ireland”.

(5) In regulation 19(1), omit “(including a certificate or temporary certificate granted in another member State)”.

(6) In regulation 35, for paragraph (6) substitute—

(1) S.I. 2014/951 (W. 92).

“(6) An inspector may be accompanied by such other persons as the inspector considers necessary.”

(7) In Schedule 2, in paragraph 3(2), for “any EU obligation” substitute “any retained EU obligation”.

Name

Minister for Environment, Energy and Rural Affairs,
one of the Welsh Ministers

Date