

Rural Affairs, Islands and Natural Environment Committee

16th Meeting, 2022 (Session 6), Wednesday, 18 May

Subordinate legislation

1. This paper supports the Committee's consideration of the draft [Animal Health and Welfare \(Scotland\) Act 2006 \(Consequential Provisions\) Order 2022](#)
2. The SSI is subject to the affirmative parliamentary procedure. Further information about this procedure is set out in paragraphs 9 to 12.

Animal Health and Welfare (Scotland) Act 2006 (Consequential Provisions) Order 2022

3. The purpose of this instrument is to amend and repeal primary legislation and to amend and revoke secondary legislation. These amendments, repeals and revocations are consequential to, or in connection with, [the Animal Health and Welfare \(Scotland\) Act 2006](#).
4. The instrument will deliver a number of consequential amendments to remove references to repealed or revoked enactments in certain provisions on the statute book and, where appropriate, insert equivalent references to provisions included in [the Animal Welfare \(Licensing of Activities Involving Animals\) \(Scotland\) Regulations 2021](#).
5. These amendments are consequential to the coming into effect of [the Animal Health and Welfare \(Scotland\) Act 2006 \(Commencement No. 3 and Saving Provisions\) Order 2020](#) and [the Animal Welfare \(Licensing of Activities Involving Animals\) \(Scotland\) Regulations 2021](#).
6. The policy note states the instrument only introduces amendments to reflect changes in statute and does not introduce new policy or create new obligations for the Scottish Ministers.
7. The SSI was laid on 29 March 2022 and will come into force on 8 June 2022.

Consideration by the Delegated Powers and Law Reform Committee

8. The Delegated Powers and Law Reform Committee considered the instrument at its meeting on 26 April 2022 and agreed that no points arose.

Parliamentary procedure – affirmative instruments

9. The affirmative parliamentary procedure is set out in Chapter 10 of the [Parliament's Standing Orders](#). Instruments subject to the affirmative procedure cannot come into force unless they are approved by Parliament.
10. It is usual practice for subject committees to take evidence from the Scottish Government in advance of considering the instrument. The Committee will take evidence from the Cabinet Secretary and Scottish Government officials at **agenda item 1**.
11. During its formal consideration, a member of the Scottish Government proposes, by motion, that the lead committee recommend that the instrument or draft instrument be approved.
12. The lead committee must report its recommendation to the Parliament within 40 days of the SSI being laid; where the lead committee recommends the instrument be approved, the Parliamentary Bureau will propose a motion that the instrument be agreed. The deadline for the Committee to report on this instrument is 23 May 2022.

For decision

13. The Committee is invited to—

- take evidence from the Cabinet Secretary and Scottish Government officials on the instrument (agenda item 2);
- ask the Cabinet Secretary to move, and then to debate, the motion on the instrument (agenda item 3); and
- delegate authority to the Convenor to sign off the Committee's report to the Parliament on the instrument.

**Rural Affairs, Islands and Natural Environment Committee clerks
May 2022**

Policy Note

The Animal Health and Welfare (Scotland) Act 2006 (Consequential Provisions) Order 2022

SSI 2022/XXX

1. The above instrument was made by the Scottish Ministers in exercise of the powers conferred by section 53(1) of the Animal Health and Welfare (Scotland) Act 2006 and all other powers enabling them to do so. The instrument is subject to the affirmative procedure.

Purpose of the instrument

2. This instrument amends and repeals primary legislation and amends and revokes secondary legislation. The amendments, repeals and revocations are consequential to the purposes of, or in connection with, the Animal Health and Welfare (Scotland) Act 2006.

Policy objectives

3. The key objective of the instrument is to deliver a number of consequential amendments to remove references to repealed/revoked enactments in certain provisions on the statute book and, where appropriate, insert equivalent references to provisions included in the 2021 Regulations into such provisions.
4. Specifically, the amendments are consequential to the coming into force of the Animal Health and Welfare (Scotland) Act 2006 (Commencement No. 3 and Saving Provisions) Order 2020 and The Animal Welfare (Licensing of Activities Involving Animals) (Scotland) Regulations 2021.

Consultation

5. No consultation was necessary as the proposed instrument does not introduce any new policy, nor does it introduce any new obligations. It simply delivers a number of consequential amendments to reflect changes in statute.

Impact assessments

6. Given the limited affect and scope of this instrument no Business and Regulatory Impact Assessment (BRIA) is necessary.
7. The amendments introduced by this instrument do not have any data protection implications and accordingly no consultation with the Information Commissioner's Office was necessary.

8. No equality impact assessment has been undertaken as this instrument does not affect people with 'protected characteristics' (race, sex, disability, age, sexual orientation, gender reassignment and religion or belief).

Financial effects

9. No financial effects associated with the introduction of this instrument have been identified and none are anticipated.

Post-implementation review

10. No post-implementation review is necessary given the limited affect and scope of the instrument.

Animal Health & Welfare
Directorate for Agriculture & Rural Economy
The Scottish Government
March 2022