

SL(5)518 – The Wildlife and Countryside Act 1981 (Variation of Schedule 2) (Wales) Order 2020

Background and Purpose

This Order amends Schedule 2 to the Wildlife and Countryside Act 1981 (“the Act”).

Part 1 of that Schedule lists the birds that may be killed or taken outside the close season. The close season is defined in section 2(4) of the Act.

Article 2 of this Order amends the entry for White-fronted Goose (*Anser Albifrons*) in Part 1 of Schedule 2 to the Act, so that Greenland White-fronted Goose are exempt from that Schedule. The effect of this amendment is to make it an offence in Wales (under section 1 of the Act) to kill or take (or to injure in the course of an attempt to kill) Greenland White-fronted Goose outside the close season for White-fronted Goose.

Procedure

Negative.

Technical Scrutiny

No points are identified for reporting under Standing Order 21.2 in respect of this instrument.

Merits Scrutiny

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

Standing Order 21.3 (ii) – that it is of political or legal importance or gives rise to issues of public policy likely to be interest to the Assembly.

1. There are inconsistencies between the meaning of the Welsh and English texts of the third paragraph of the Explanatory Note. The Welsh language text states that article 2 amends the entry for White-fronted Goose in Part 1 of Schedule 2 to the Act, therefore that entry is no longer applicable in relation to Wales. This is not the case. It is so that Greenland White-fronted Goose are exempt from that Schedule.

2. Secondly, in the Welsh text, it notes that the effect of the amendment is to make it an offence in Wales (under section 1 of the Act) to kill or take (or to injure in the course of an attempt to kill) any subspecies of the White-fronted Goose, as opposed to naming the Greenland White-fronted Goose specifically.

Implications arising from exiting the European Union

No implications are identified for reporting under Standing Order 21.3 in respect of this instrument.

Government Response

A government response is required.

Legal Advisers

Legislation, Justice and Constitution Committee



Cynulliad Cenedlaethol Cymru
Pwyllgor Deddfwriaeth, Cyfiawnder a'r Cyfansoddiad
—
National Assembly for Wales
Legislation, Justice and Constitution Committee

17 March 2020



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