

# **SL(6)604 – The Charges for Residues Surveillance (Amendment and Revocation) (Wales) Regulations 2025**

## **Background and Purpose**

The Charges for Residues Surveillance (Amendment) (Wales) Regulations 2024 (**the 2024 Regulations**) amended the Charges for Residues Surveillance Regulations 2006 (**the 2006 Regulations**) to enable the competent authorities responsible for official controls to recover costs incurred in carrying out inspections and controls relating to surveillance of animals and animal products.

The 2024 Regulations also amended the 2006 Regulations by amending the fees to be paid in respect of the surveillance of animals and animal products.

However, there was an error in the fees set out in the 2024 Regulations.

The Charges for Residues Surveillance (Amendment) (Wales) Regulations 2025 (**the 2025 Regulations**) corrected that error – the 2025 Regulations inserted the correct fee into Schedule 1 to the 2006 Regulations, amending the charge to be recovered for residue surveillance of Solipeds<sup>1</sup> from £0.04287 per carcase to £0.4287 per carcase.

However, there was an error in the commencement date in the Welsh text of the 2025 Regulations.

The Charges for Residues Surveillance (Amendment and Revocation) (Wales) Regulations 2025 (**the New 2025 Regulations**) revoke the 2025 Regulations and correctly set out the law regarding the residue surveillance fee and the commencement date.

## **Procedure**

Negative

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

## **Technical Scrutiny**

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

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<sup>1</sup> Solipeds are animals with a single, unclown hoof on each foot; for example, horses, donkeys, mules and hinnies.



## Merits Scrutiny

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

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

We note the breach of the 21-day convention (i.e. the convention that 21 days should pass between the date a “made negative” instrument is laid before the Senedd and the date the instrument comes into force), and the explanation for the breach provided by Huw Irranca-Davies MS, Deputy First Minister and Cabinet Secretary for Climate Change and Rural Affairs, in a letter to the Llywydd dated 21 March 2025.

In particular, we note the following paragraphs from the letter:

*The 2025 Regulations were made to amend a drafting error in the Charges for Residues Surveillance (Amendment) (Wales) Regulations 2024. The new 2025 Regulations will introduce the same amendment outlined, whilst including an additional regulation to revoke the erroneous original version.*

*It is imperative that the new 2025 Regulations come into force before the 2025 Regulations, as this will enable the 2025 Regulations to be revoked prior to coming into force on 28 March 2025.*

## Welsh Government response

A Welsh Government response is not required.

### **Legal Advisers**

**Legislation, Justice and Constitution Committee**

**24 March 2025**

