

Huw Irranca-Davies AS/MS
Y Dirprwy Brif Weinidog ac Ysgrifennydd y Cabinet dros
Newid Hinsawdd a Materion Gwledig
Deputy First Minister and Cabinet Secretary for Climate
Change and Rural Affairs



Llywodraeth Cymru
Welsh Government

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Mike Hedges MS
Legislation, Justice and
Constitution Committee
SeneddLJCC@senedd.wales

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Dear Mike,

Thank you for your letter of 22 October regarding the Prohibition of the Greyhound Racing (Wales) Bill.

The attached Annex provides the responses to the questions the Committee was not able to ask during the scrutiny session.

I thank the Committee for their interest in this Bill and look forward to considering the Committee's report, in due course.

Yours sincerely,

Huw Irranca-Davies AS/MS
Y Dirprwy Brif Weinidog ac Ysgrifennydd y Cabinet dros Newid Hinsawdd
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Deputy First Minister and Cabinet Secretary for Climate Change and Rural Affairs

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Rydym yn croesawu derbyn gohebiaeth yn Gymraeg. Byddwn yn ateb gohebiaeth a dderbynnir yn Gymraeg yn Gymraeg ac ni fydd gohebu yn Gymraeg yn arwain at oedi.

We welcome receiving correspondence in Welsh. Any correspondence received in Welsh will be answered in Welsh and corresponding in Welsh will not lead to a delay in responding.

ANNEX

Question 1: A version of the Bill was published shortly before introduction. What changes were made to this version of the Bill before its introduction?

Two minor changes were made to the Bill ahead of introduction. One small change was made to section 2(b) in order to clarify that the persons who commit the offence created by section 1(1)(a) will be (a) the owner of the venue and (b) either the person with overall responsibility for operating the venue, or if the person with that overall responsibility is not in the UK, the person in the UK who is responsible. A further minor change was made to correct punctuation and numbering in Schedule 3, para 3(2)(a)(ii).

Question 2: The Regulatory Impact assessment states that the “Welsh Government submitted a Justice System Impact Identification Form to the Ministry of Justice and engagement is ongoing.” Can you provide an update?

The impact on the justice system has been considered, and a Justice System Impact Identification Form was submitted to the Ministry of Justice.

The Lady Chief Justice’s Department has also been consulted on the anticipated impact the Bill will have on the justice system and a response is awaited.

Engagement with the Ministry of Justice is ongoing. Once this is complete, I intend to publish the JSII and I will reflect the updated position in the Explanatory Memorandum ahead of Stage 3.

Question 3: The Integrated Impact Assessment published on the Welsh Government website states that “[t]he policy objective is to introduce primary legislation to prohibit greyhound racing. If approved, the legislation will be subject to a review no later than five years after it has come into force.” The Bill does not provide for such a review, so how will you ensure that this review takes place?

While the Bill does not include a statutory requirement for post-implementation review under the Government of Wales Act 2006 and does not establish new systems or reporting duties that would necessitate such a provision, the Welsh Government is committed to good practice in policy evaluation. A review will be undertaken within five years of commencement, with evaluation activity beginning from 12 months after the Bill comes into force.

The review will aim to measure whether the policy objectives are being met and to identify any unintended consequences in line with the Welsh Government’s principles for research and evaluation.

A post-implementation review of the legislation will play a key role in monitoring the effects and impacts of the ban. Particular attention will be given to the effectiveness of enforcement mechanisms, unintended consequences and the broader impact of the legislation and will inform ongoing policy decisions.

A post-implementation review specifically of any enforcement action as a result of the Bill will be undertaken within 3 years of the legislation coming into force, in keeping with Welsh Government Justice System Impact Identification guidance.

Question 4: Why does the equality, diversity, inclusion and human rights impact assessment not include any information in relation to the interference with Article 8 rights?

The impact assessments have been published alongside the Bill and are subject to ongoing review. We will ensure that the equality, diversity, inclusion and human rights impact assessment reflects the assessment undertaken in respect of Article 8.

Question 5: The equality, diversity, inclusion and human rights impact assessment, in relation to Article 1 of the First Protocol to the European Convention on Human Rights, states that “[t]here may be a negative impact to the owners of Valley Greyhounds, in that they may be deprived of using their property as they wish.” Do you consider this Bill to amount to a deprivation of property in relation to Valley Stadium?

Our view on the facts as we currently understand them is that the prohibition does not amount to a deprivation of property. The impact assessment recognises that the prohibition will mean that the owners will no longer be able to use the property for greyhound racing.

Question 6: Do you consider restricting how Valley Stadium will be able to use its property is "in the general interest", for the purpose of Article 1 of the First Protocol? If so, please explain how.

I am content the proposed ban is justified and in the general interest. The Explanatory Memorandum explains the context and purpose of the Bill.

Question 7: Do you consider the prohibition to be proportionate, and does it strike a fair balance between the general interest and the private interests of Valley Stadium? If so, please explain how.

I am content the Bill achieves a fair and proportionate balance between the protection of the rights of those affected by the Bill and the general interest. This takes account of a range of factors including the potential for re-purposing of the track and the long lead in time provided for the ban to take effect.

The length of the lead in time will ensure that any impacts can be properly managed and mitigated as far as possible. We will continue to assess all evidence and information provided during the Bill process and will keep this under review.

Supplementary: Did you consider any alternatives that would have had a less invasive impact on Valley Stadium?

An assessment of policy options, including their associated costs and benefits, is set out in the published Regulatory Impact Assessment and Explanatory Memorandum. Alternatives were considered, including those with less impact on Valley Stadium.

Among these was the licensing of owners, keepers, or trainers. However, as outlined in the Explanatory Memorandum, this approach would not achieve the primary policy objective of preventing the risks associated with greyhound racing, including injury, race fatality and poor post racing outcomes. An ethical argument is also brought forward for a ban. The public and stakeholder support for a ban on greyhound racing reflects a desire for meaningful change.

Question 8: In relation to the negative impacts of the proposals, the reason for the decision given in the impact assessment is “[t]hese proposals need to be balanced against the prevention of animals suffering for sport.” Considering the negative consequences of the prohibition on Valley Stadium, are you satisfied this assessment is sufficiently detailed for the purposes of justifying the interference with Valley Stadium’s right to peaceful enjoyment of their possessions?

In addition to the Explanatory Memorandum, a Regulatory Impact Assessment and a number of [impact assessments](#) have been completed and published. We will continue to assess all evidence and information provided during the passage of the Bill and will keep the Explanatory Memorandum, the Regulatory Impact Assessment and the impact assessments under review.

I am content that the Bill achieves a fair and proportionate balance between the protection of the rights of those affected by the Bill and the effectiveness of the proposed ban. This takes account of a range of factors including the potential for re-purposing of the track and the long lead in time provided for the ban to take effect. The length of the lead in time will ensure that any impacts can be properly managed and mitigated as far as possible.

Question 9: What assessments have been made of the contracts currently in place at Valley Stadium and are there any contracts that would be in place beyond the earliest date a ban could come into force?

The published Regulatory Impact Assessment accompanying the draft legislation sets out our understanding of these impacts. At present the extent of some impacts are not fully known, including on employment, the local economy and communities and secondary industries associated to Valley Greyhound Stadium. It acknowledges the limitations of available data and highlights areas where further analysis will be undertaken as the Bill progresses.

We have listened to the evidence provided to the Culture, Communications, Welsh Language, Sport, and International Relations Committee from the industry, academics and other stakeholders. We will continue to assess all evidence and information provided during the Bill process and consider any additional information provided to further inform our assessments.

The impact of the ban remains a key consideration, and we are actively undertaking work to assess implications as part of our ongoing work. These assessments will be kept under review during the passage of the Bill.

My officials have requested on a number of occasions via the Implementation Group detailed information from Valley Stadium, including commercial contractual and financial information, as well as social and attendance figures, to support further assessment of the Bill's social, economic and financial impacts. The Implementation Group will play a key role in providing guidance and advice on the readiness of the industry, rehoming organisations, and local authorities, enabling the government to give appropriate notice to the industry and set a commencement date in a planned and considered way that mitigates any potential negative impacts.

The legislation is proposed to come into force between April 2027 and April 2030. This window gives time to consider how the industry in Wales will wind down its activities and allows the Implementation Group to advise us on whether any key areas need to be addressed during that period in readiness for a ban.

Supplementary: Why has this information not been included in the equality, diversity, inclusion and human rights impact assessment?

The impact assessments are subject to ongoing review, and we will ensure that the equality, diversity, inclusion and human rights impact assessment reflects all relevant information that we are provided.

Question 10: Are you of the view that the rights of owners and keepers of greyhounds that currently race in Wales are impacted by the provisions of this Bill? Have any assessments been carried out?

Human rights implications have been considered in relation to all those who may be impacted by the provisions of the Bill, including owners and keepers of greyhounds in Wales.

The Bill prohibits the racing of greyhounds in Wales and will not prevent or restrict the owning or keeping of greyhounds in Wales. For owners and keepers who are also trainers of racing greyhounds, the Bill will prohibit them in Wales from being involved in organising training practices that involve setting greyhounds to run around a track in pursuit of a lure activated by mechanical means.

The Regulatory Impact Assessment sets out the anticipated impacts, disbenefits and associated costs of the Bill's provisions.

Supplementary, if the previous answer is that the rights of owners/keepers are impacted: Why has this information not been included in the equality, diversity, inclusion and human rights impact assessment?

The Impact Assessments are subject to ongoing review, and we will ensure that the equality, diversity, inclusion and human rights impact assessment reflects all relevant information that we are provided.

Question 11: If there are questions surrounding a dog's breed, who will determine the breed for the purposes of enforcing the offences in the Bill?

An inspector would determine the breed for the purposes of enforcing section 1 of the Bill.

Inspectors are provided with powers of enforcement in section 4 and schedule 2 of the Bill. The powers of enforcement include powers of entry and powers to inspect.

In exercising the power of entry in section 4 and schedule 2 inspectors may be accompanied by other persons where appropriate, to support as needed.

Question 12: The Explanatory Notes to the Bill state that the offence under section 1(1)(b) of organising greyhound racing in Wales could include organising such a race on "open land". Is the Bill clear enough in what could be captured by this offence?

Section 1 of the Bill introduces two new offences. The first, at section 1(1)(a), makes it an offence for an operator of a stadium or a similar venue in Wales to use it, or knowingly permit it to be used, for greyhound racing.

The second, at section 1(1)(b), makes it an offence for a person to be involved in organising greyhound racing in Wales. This includes at a stadium or similar venue or anywhere else.

If the event involves organising greyhound racing anywhere where greyhounds pursue a mechanically activated lure around a track, it will fall within the scope of the offences. This reflects a key objective of the Bill to capture greyhound racing around a track anywhere else.

The term 'open land' isn't used in the Bill. Open land is referenced in the explanatory note as an example of other places greyhound racing activity could take place.