

Constitutional and Legislative Affairs Committee Draft Report

CLA36

Title: The Wildlife and Countryside Act 1981 (Variation of Schedules 5 and 8) (England and Wales) Order 2011

Procedure: Negative

This draft Order will apply to both England and Wales.

This Order deals with the protection of specified plants and animals under the Wildlife and Countryside Act 1981 (“the Act”). The Order adds four new animals to Schedule 5 of the Act and removes two existing entries from protection. The Order also extends protection afforded to two animals and decreases the level of protection afforded to two animals. The Order also adds two new plant entries to Schedule 8 and removes four existing plant entries. Schedule 5 lists animals protected under section 9 of the Act. Schedule 8 lists plants protected under section 13 of the Act.

Technical Scrutiny

Under Standing Order 21.2 the Assembly is invited to pay special attention to the following instrument:-

1. These Regulations have not been made bilingually.

[21.2(ix) – that it is not made or to be made in both English and Welsh].

Merits Scrutiny

Under Standing Order 21.3 the Assembly is invited to pay special attention to the following instrument:-

1. This Order could have been made in Wales by Welsh Ministers and therefore bilingually.

[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 Assembly].

Legal Advisers

Constitutional and Legislative Affairs Committee

August 2011

Government’s response

The Government has responded as follows:

The Wildlife and Countryside Act 1981 (Variation of Schedules 5 and 8) (England and Wales) Order 2011

Technical Response

This composite Order amends Schedules 5 and 8 of the Wildlife and Countryside Act 1981. The Order adds four new animals to Schedule 5 and removes two existing entries from protection. The Order also extends the protection to two animals and decreases the level of protection afforded to two animals. The Order also adds two new plant entries to Schedule 8 and removes 4 existing plant entries. Schedule 5 lists animals protected under section 9 of the Wildlife and Countryside Act and Schedule 8 lists plants protected under section 13 of the Wildlife and Countryside Act.

Merits Response

The composite Order was made following representations by the GB conservation bodies through the Joint Nature Conservation Committee. This Order applies to England and Wales and accordingly, it is not considered reasonably practicable for this Instrument to be made bilingually."

Constitutional and Legislative Affairs Committee

(CLA(4)-05-11)

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David Melding AM

Chair, Constitutional and Legislative Affairs Committee

19 September 2011

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