

UK MINISTERS ACTING IN DEVOLVED AREAS

The Leghold Trap and Pelt Imports (Amendment etc.) (EU Exit) Regulations 2018

Laid in the UK Parliament: 21 November 2018

Sifting

Subject to sifting in UK Parliament?	Yes
Procedure:	Proposed negative
Date of consideration by the House of Commons European Statutory Instruments Committee	Not known
Date of consideration by the House of Lords Secondary Legislation Scrutiny Committee	w/c 3 December 2019
Date sifting period ends in UK Parliament	6 December 2018
Written statement under SO 30C:	Paper 15
SICM under SO 30A (because amends primary legislation)	Not required

Scrutiny procedure

Outcome of sifting	Not known
Procedure	Negative or Affirmative
Date of consideration by the Joint Committee on Statutory Instruments	Not known
Date of consideration by the House of Commons Statutory Instruments Committee	Not known
Date of consideration by the House of Lords Secondary Legislation Scrutiny Committee	Not known

Commentary

These Regulations are proposed to be made by the UK Government pursuant to section 8(1) of, and paragraph 21 of Schedule 7 to, the European Union (Withdrawal) Act 2018.

Council Regulation (EEC) 3254/91 prohibited the use of leghold traps in the European Union and the introduction into the EU of pelts and manufactured goods of certain wild animal species originating in countries which catch them by means of leghold traps or trapping methods which do not meet international humane trapping standards. These Regulations amend Council Regulation (EEC) 3254/91 and two pieces of associated legislation (Commission Regulation (EC) No 35/97 and Council Decision (EC) No 97/602) to ensure their operability following the UK's withdrawal from the EU. The Regulations also revoke the associated Commission Regulation 1771/94 and Commission Decisions 98/188/EC and 98/596.

Following the UK's withdrawal from the EU, Council Regulation (EEC) 3254/91 (as amended) will prohibit the use of leghold traps in the UK and the introduction into the UK (unless from Member States of the EU) of pelts, and manufactured goods incorporating pelts, of certain wild animal species unless the pelts originate from an approved country or are from animals which were captive-bred. Pelt import controls are not being imposed on EU Member States by these Regulations in order to avoid changing policy and expanding the remit of Council Regulation (EEC) 3254/91 to cover countries not currently covered.

Legal Advisers agree with the statement laid by the Welsh Government dated 22 November 2018 regarding the effect of these Regulations. The above summary and the content of the Explanatory Memorandum to these Regulations confirm their effect and the extent to which these Regulations would enact new policy in devolved areas.

Legal Advisers do not consider that any significant issues arise under paragraph 8 of the Memorandum on the European Union (Withdrawal) Bill and the Establishment of Common Frameworks in relation to these Regulations.

Legal Advisers have not identified any legal reason to seek a consent motion under Standing Order 30A.10 in relation to these Regulations.