

## **Antoinette Sandbach AM**

*Assembly Member for North Wales  
Shadow Minister for Rural Affairs*

Cynulliad  
Cenedlaethol  
Cymru

National  
Assembly for  
Wales

Alun Davies AM  
Minister for Natural Resources and Food  
National Assembly for Wales  
Cardiff Bay  
CARDIFF  
CF99 1NA



25<sup>th</sup> November 2013

*Dear Alun*

### **Re: Concerns regarding Committee consideration of the Control of Horses (Wales) Bill,**

I am writing to express some concerns I have had regarding the potential for comprehensive Committee scrutiny of the Control of Horses (Wales) Bill. Given that the committee consideration of the general principles of the Bill was excluded at Stage 1, I believe these points to be of great importance. I am placing a copy of this letter in the library, and propose to place a copy of your response in the library.

Firstly, during the Committee consideration of amendments the Environment and Sustainability Committee requested a revised Explanatory Memorandum, in order to allow assurances that any Stage 3 amendments wished to put forward are technically correct and in accordance with the Bill as amended. Whilst this has been promised no later than five working days before the Stage 3 debate, this coincides with the deadline for amendments, and therefore does not allow the technical certainty of amendments prior to them being laid. Could we therefore receive assurances that we will receive the revised Explanatory Memorandum no later than 9am on the morning of

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Whilst Antoinette Sandbach AM will treat as confidential any personal information which you pass on, she will normally allow staff and authorised volunteers to see it, if this is needed to help and advise you. The AM may pass on all or some of this information if this is necessary to help with your case. Antoinette Sandbach AM may wish to write to you from time to time to keep you informed on issues which you may find of interest. Please let her know if you do not wish to be contacted for this purpose.

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December 3<sup>rd</sup>, to allow a full understanding of the assessments undertaken by the Government of the Bill as amended prior to the amendment deadline.

One of the primary reasons for requiring the revised Explanatory Memorandum is the concerns regarding the current appeals process. I am concerned that the current appeals process does not comply with human rights legislation, given that it is limited to financial disputes and does not consider other possible appeals. You have stated that if Committee members make representations on the appeals process, you will proactively consider taking this into account in amendments within Stage 3 – and I urge you to do so. The concerns were clearly raised in committee and I would invite you to look at the record of concerns raised by all the opposition parties, concerning the appeals process.

I have further concerns regarding the lack of provision of information on discussions and correspondence which you inform us you have had. One such example follows your statement that “no response to the consultation asked for statutory guidance to local authorities; everybody sought non-statutory guidance”, yet for us to see evidence of this statement I was required to put in a request for the consultation responses, and wait for the provision of these. I understand that amendments are being tabled by the Angela Burns AM on behalf of the cross party group on the horse, as there was a clear theme in the evidence before them that guidance be issued in a statutory format. I would therefore hope that you will accept that guidance will be in statutory form, rather than non statutory form.

I would be grateful for further information surrounding your statement that the Ministry of Justice and the Home Office have voiced their agreement to your proposed appeals process. Given the Human Rights Act concerns that have been raised earlier in this letter, I would be grateful if you could put a copy of your correspondence with the Home Office and the Ministry of Justice into the Library. Could copies of original correspondence therefore be presented prior to the Stage 3

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amendment deadline of December 3<sup>rd</sup>, to allow full and proper scrutiny.

Finally with regards to the identification of horses, there appeared to be a statement from you that local authorities would be exempt from the provision of the Equine Identification (Wales) Regulations 2009, and that they would not be considered a keeper of a seized horse. I can see no such exemption on the face of the regulations, and would be grateful if you could put in the library a copy of the legal advice you referred to in committee, indicating that local authorities are exempt from the requirements of the regulations.

In the event that there is uncertainty about whether or not those regulations do, in fact, apply to local authorities, any release of a horse either by sale, or by returning it to another "keeper" or "owner" without that equine being microchipped may or would be a criminal offence. Clearly it is important that there is clarity on this issue, particularly for the protection of local authority employees who risk being charged with this offence. I note the representations from many welfare charities calling for microchipping requirements on the face of the bill. If the Equine Identification (Wales) Regulations 2009 do apply to *any* keeper of a horse, including where that keeper is the local authority, then there is no conflict with the bill, and those regulations will require the release of previously unidentified equines, by microchip.

I look forward to hearing from you.

Yours sincerely

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