

Control of Horses (Wales) Bill: Summary of changes made at Stage 2

Introduction

This document sets out the main changes made to the **Control of Horses (Wales) Bill** ('the Bill') during Stage 2 proceedings.

Background

The Bill was introduced on 14 October 2013 by the Minister for Natural Resources and Food, Alun Davies AM, and the Business Committee remitted the Bill to **the Environment and Sustainability Committee** ('the Committee') but agreed to bypass Stage 1 consideration.

The Constitutional and Legislative Affairs Committee considered the Bill prior to the Stage 1 debate and sent a **letter to the Minister**.

The Bill was approved unanimously at Stage 1 by the Assembly following a **debate on its general principles** in Plenary on 22 October 2013.

Stage 2 consideration took place on 14 November 2013. A total of 24 amendments were tabled, 15 of which were laid by the Welsh Government.

Further information about the Bill (as introduced) is available in a **Bill Summary** prepared by the Research Service.

Notices about seizure

Amendment 11 was agreed. It is intended to clarify who would be issued with a notice of seizure and the times at which those notices are issued. The amendment changes section 3(3) to ensure that it is clear that a constable is always issued with a notice. If there is a person who appears to be the owner of the horse, they will also be issued with a notice within 24 hours of the horse being seized.

Notices about costs

Government amendments 17 was agreed. It inserts new subsections into sections 4 and 5, placing a duty on local authorities to provide the identified owner with a notice that states the costs that the owner is liable to pay the local authority, and how those costs were arrived at. Under section 4, this notice will be given prior to returning the horse to that owner. After disposal, similar notices must be given under section 5. The Government's amendments also place a duty on the local authority to inform the owner by notice that they have a right to refer a dispute regarding those costs for resolution by Welsh Ministers, and how that right can be exercised.

Disposal of impounded horses

Government amendments 18,19, 20 and 21 were agreed. These amendments require the local authority to give notice to the owner of the horse, stating the amount it considers the owner liable to pay and that is liable to pay after the horse's disposal. It also states how the amount was arrived at and tells the owner of their right to refer any dispute to Welsh Ministers and how to exercise that right.

Costs incurred by third parties

Plaid Cymru amendment 10 was withdrawn in response to the Minister's agreement to lay before the Assembly a report on the costs incurred by individuals and organisations other than local authorities.

The Minister said that he was happy to give that undertaking to produce a report by the end of 2014.

Appeals

Amendments 23 and 22 were agreed. Amendment 7 removes appeals from the face of the Bill, including the need for making subordinate legislation. A new section, 'Resolution of disputes about amounts payable', provides that where a dispute arises between the owner of a horse and a local authority as to the amount payable to or by that authority, the owner of the horse may, within seven days, beginning on the day that he or she receives a notice, refer the dispute for resolution by Welsh Ministers, stating the reasons for the dispute.

Where Welsh Ministers receive such a notice, they must forward it to the local authority, which then has seven days in which to make representations to Welsh Ministers from the date of receipt of the notice.

Welsh Ministers may also require the local authority to provide any information they deem appropriate to assist them in resolving the dispute.

The amendment also requires Welsh Ministers to determine the amount of liability as soon as possible. The local authority may not dispose of a horse while a dispute is awaiting resolution. This, once again, ensures that these matters are dealt with in a speedy fashion.

Opposition members expressed their concern that the new section was too narrow in its scope. The Minister gave an undertaking to Members that if they wish to make representation the nature of the appeals process he will take that very seriously and come back with amendments to Stage 3.

Guidance

Opposition amendments relating to statutory guidance were not agreed. However, the Minister stated that Guidance will be available on the day of commencement. He also gave an undertaking that he will provide the committee with a draft of the guidance as soon as it is available, and before it comes into effect. This will provide the committee with an opportunity to comment and suggest amendments to the guidance before it comes into effect, and before the legislation is commenced.

Interpretation

Amendment 24 is to ensure consistency between the English and the Welsh languages on the face of the legislation. It removes the the word 'hinny' from the English version of the Bill.

Further information

For further information on Stage 2 of the Control of Horses (Wales) Bill, please contact **Alys Thomas** alys.thomas@wales.gov.uk, Research Service. Or **Alun Davidson**, Clerk, Environment and Sustainability Committee alun.davidson@wales.gov.uk.

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