

Explanatory Memorandum to **THE BEE DISEASES AND PESTS CONTROL  
(WALES) (AMENDMENT) ORDER 2011**

**2011 No. [XXXX]**

This Explanatory Memorandum has been prepared by The Department for Rural Affairs and is laid before the National Assembly for Wales in conjunction with the above subordinate legislation and in accordance with Standing Order 24.1.

**Minister's Declaration**

In my view, this Explanatory Memorandum gives a fair and reasonable view of the expected impact of The Bee Disease and Pest Control (Wales) (Amendment) Order 2011.

Gwenda Thomas

Deputy Minister for Social Services

01 February 2011

## **1. Description**

The Bee Diseases and Pests Control (Wales) Order 2006, implements the post import controls for bees which are laid down in Commission Decision 2003/881/EC. This Commission Decision has now been revoked and replaced by Commission Regulation (EU) 206/2010 and therefore the Order needs to be amended to reflect this change.

## **2. Matters of special interest to the Constitutional Affairs Committee**

None

## **3. Legislative background**

The Amendment to the 2006 Order will be made by the Welsh Ministers using powers contained in section 1 of the Bees Act 1980. The powers were transferred to the National Assembly for Wales by virtue of the National Assembly for Wales (Transfer of Functions) Orders 1999 and 2004 (S.I. 1999/672 and S.I. 2004/3044) and now vest in the Welsh Ministers by virtue of section 162 and paragraph 30 of Schedule 11 to the Government of Wales Act 2006.

The instrument is subject to annulment (the negative procedure).

## **4. Purpose & intended effect of the legislation**

The Bee Diseases and Pests Control (Wales) Order 2006 currently implements the post import controls on bees which are laid down in Commission Decision 2003/881/EC. This Decision has now been replaced by Commission Regulation (EU) No 206/2010 which is directly applicable. Although the post import control requirements are unchanged, for legal reasons the new instrument is needed to remove the domestic measures on these controls from the Order and replace them with provisions which simply enforce those in the Commission Regulation.

The instrument also clarifies that the requirements regarding the provision of facilities and other obligations to an authorised person, where reasonably required for the purposes of the Order, applies in cases where either a notifiable disease or notifiable pest is suspected.

## **5. Consultation**

Wales did not carry out a consultation exercise. There is no additional cost or administrative burden involved in the amendments to this Regulation, and therefore, there is little public interest.

## **6. Regulatory Impact Assessment (RIA)**

A Regulatory Impact Assessment has not been prepared for this instrument as it has no impact on business, charities or voluntary bodies.

An assessment was prepared for the Bee Diseases and Pests Control (Wales) Order 2006 and is available on the National Assembly for Wales website.