

Explanatory Memorandum to The Mink Keeping Order (Wales) 2012.

This Explanatory Memorandum has been prepared by the Natural Environment & Agriculture Team within the Environment and Sustainable Development Department and is laid before the National Assembly for Wales in conjunction with the above subordinate legislation and in accordance with Standing Order 27.1

Minister's Declaration

In my view, this Explanatory Memorandum gives a fair and reasonable view of the expected impact of The Mink Keeping Order (Wales) 2012.

John Griffiths

Minister for Environment and Sustainable Development

8 May 2012

1. Description

This Order prohibits the keeping of mink in Wales.

2. Matters of special interest to the Constitutional and Legislative Affairs Committee

Section 10 of the Destructive Imported Animals Act 1932 sets out the procedure to be followed in relation to this SI; 'an order made under this section shall be of no effect until a resolution approving it has been passed by each House of Parliament' This means that the Welsh Ministers may make this Order, but that it can not be of effect until approved by resolution of the Assembly.

3. Legislative background

The Mink Keeping (Prohibition) (Wales) Order 2012 will be made under section 10 of the Destructive Imported Animals Act 1932. This Act regulates the keeping of certain specified imported animals that are considered destructive. The Act was originally introduced after muskrat established a breeding population in the United Kingdom following escapes from fur farms. Subsequently, the controls specified in the Act have been applied to other species by Orders issued under the Act. Currently, Orders apply to the muskrat, grey squirrel, coypu and non-indigenous rabbits.

Since fur farming was banned by the Fur Farming (Prohibition) Act 2000 only so called 'special licences' for the keeping of mink have been issued. These permit the keeping of mink for exhibition, or for purposes of scientific research or other exceptional purposes (Section 8(1) of the 1932 Act).

4. Purpose & intended effect of the legislation

The purpose of this legislation is to control the keeping of mink in Wales, as they are considered animals that are destructive to the natural environment under the Destructive Imported Animals Act 1932.

Due to earlier escapes from fur farms, mink have become widespread and well-established within the natural environment, and this has been identified as a major factor in the decline of the native water vole. De-regulating the keeping of mink is not considered appropriate at this time as it would undermine efforts to eradicate mink from localised areas.

It has been the long standing policy of the UK Government and Devolved Administrations to prohibit the keeping of mink, and the Mink Keeping (Wales) Order 2000 was introduced as part of this policy. However in 2004 this Order was allowed to lapse as a result of an administrative oversight. Introduction of the Mink Keeping (Wales) Order 2012 will ensure that the keeping of mink is prohibited across the United Kingdom.

The Welsh Government has not received any applications to keep mink in the last five years, thus it is anticipated that there are no groups in Wales who would be affected by the introduction of this Order.

5. Consultation

Consultation on this proposal was not conducted. It has been the long standing policy of the UK Government and Devolved Administrations to prohibit the keeping of mink, and the Mink Keeping (Wales) Order 2000 was introduced as part of this policy. De-regulating the keeping of mink could appear to undermine efforts to eradicate mink from localised areas or the benefits that competition from otters is having on mink numbers and distribution.

There has been no public interest in this issue in the last five years, and as such the Minister for Environment & Sustainable Development agreed that consultation on the re-introduction of the Mink Keeping Order was not necessary.

6. Regulatory Impact Assessment (RIA)

A Regulatory Impact Assessment has not been completed for this Order as it has no impacts on the cost to business.