

LEGISLATIVE CONSENT MEMORANDUM

FARRIERS (REGISTRATION) BILL

1. This Legislative Consent Memorandum is laid under Standing Order (“SO”) 29.2. SO29 prescribes that a Legislative Consent Memorandum must be laid, and a Legislative Consent Motion may be tabled, before the National Assembly for Wales if a UK Parliamentary Bill makes provision in relation to Wales for any purpose within, or which modifies the legislative competence of the National Assembly.
2. The Farriers (Registration) Bill was introduced as a Private Member’s Bill in the House of Commons on 29 June 2016 and had its second reading on 27 January 2017. The Bill can be found at:

<http://services.parliament.uk/bills/2016-17/farriersregistration.html>

Policy Objective(s)

3. The principal objective of the Bill is to make changes to the constitution of the Farriers Registration Council and its committees

Summary of the Bill

4. This Private Member’s Bill is sponsored by Byron Davies, MP. The purpose of this Bill is to modernise the governance, structure and operation of the Farriers Registration Council (FRC) and its statutory committees, and thereby protect and maintain the public interest.
5. The Bill amends the Farriers (Registration) Act 1975 (FRA), which sets out the statutory responsibilities of the FRC, the regulatory body for the farriery profession in Great Britain. The FRC has responsibilities as set out in the FRA to maintain a register of farriers, to determine who is eligible for registration and to make rules about the form and keeping of the register. The FRC also regulates farriery training. It also undertakes the preliminary investigation of disciplinary cases through its Investigating Committee and determines cases through its Disciplinary Committee.
6. The arrangements for the regulation of farriers, as set out in the FRA, are now out of date and no longer in line with the regulation of other professions. The amendments proposed in the Farriers (Registration) Bill are intended to update the constitution of the FRC and its Investigating and Disciplinary Committees, and to make it easier to make such changes in future.

Provisions in the Bill for which consent is required

Clause 1 – Constitution of Farriers Registration Council and its committees

7. The purpose of this clause and the schedule to the Bill which it introduces is to update the constitution of the FRC and its Investigating and Disciplinary Committees, to make them fit for purpose, bringing them into line with regulation of other professions and alleviating practical difficulties.
8. This clause therefore introduces the schedule which amends the existing schedules 1 (The Farriers Registration Council) and 3 (Constitution of the Disciplinary Committee) and replaces the existing schedule 2 (Constitution of the Investigation Committee) of the FRA to make changes to the constitution of the FRC and its Committees.
9. The main changes are:
 - replacing the current legal prescription requiring both self-employed and employed working-farrier members of Council. This distinction is no longer necessary, representative or valid as 96% of registered farriers are self-employed;
 - altering the membership of the statutory Investigating Committee and Disciplinary Committee. Instead of the committees constituted from members of Council the reverse will apply; membership must not be members of Council. This is to achieve “separation of powers” ensuring that those who set standards for the profession are not the same as those who investigate and adjudicate upon potential breaches of those standards;
 - introducing “fitness to serve” requirements for all members of Council and the statutory committees, as is the practice in other regulatory bodies, as well as defined terms of office; and
 - altering the requirement for appointment of the Chair of the Council to election of the Chair by members of the Council.

Clause 2 – Power to make further changes to constitution of Council and its committees

10. The purpose of this clause is to make provision that any future amendments to the governance arrangements of the Farriers Registration Council and its committees can be made by secondary legislation.
11. Any change to the FRC and its Committees requires an amendment to the FRA, which at present requires primary legislation. This is inflexible, and makes it difficult to ensure that the FRC and its committees are kept up to date and remain fit for purpose.
12. This clause therefore provides a power to make amendments by secondary legislation to those parts of the FRA which set out the constitutions of the FRC and its committees. The clause provides for this power to be exercised by the Secretary of State, on whom the Bill imposes

a duty to consult the FRC and other persons the Secretary of State considers appropriate before making any such changes. This clause also includes a requirement that before making such changes by secondary legislation, the Secretary of State must obtain the consent of the Scottish Ministers and the Welsh Ministers.

13. Consent is required for these provisions because they fall within the legislative competence of the National Assembly for Wales in so far as they relate to Animal Health and Welfare under paragraph 1 of Part 1, Schedule 7 to the Government of Wales Act 2006

Reasons for making these provisions for Wales in the Farriers (Registration) Bill

14. The FRA is a GB body, with a constitution which applies across the whole of Great Britain. A GB-wide consultation on the governance, structure and operation of the Farriers Registration Council and its committees was conducted by Defra in 2013, in conjunction with the Scottish and Welsh governments. The consultation, and its responses, was not controversial and there was general agreement on the way forward. The responses to that consultation have been used to develop the final proposals laid out in this Bill.
15. There is policy agreement across GB on the changes to be made. It would therefore seem appropriate for these amendments to be taken forward on a GB-wide basis.

Financial implications

16. There will be no financial implications for the Welsh Government resulting from this Bill.

Conclusion

17. It is the view of the Welsh Government that it is appropriate to deal with these provisions in this UK Bill as it represents the most practical and proportionate legislative vehicle to enable the provisions to apply in Wales. There is policy agreement across GB on the changes to be made. It would therefore seem appropriate for these amendments to be taken forward on a GB-wide basis.

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