

Explanatory Memorandum to The Animal Health (Import Controls) (Wales) Order 2025

This Explanatory Memorandum has been prepared by the Office of the Chief Veterinary Officer and is laid before Senedd Cymru in conjunction with the above subordinate legislation and in accordance with Standing Order 27.1.

Cabinet Secretary Declaration

In my view, this Explanatory Memorandum gives a fair and reasonable view of the expected impact of The Animal Health (Import Controls) (Wales) Order 2025.

Huw Irranca-Davies MS

Deputy First Minister and Cabinet Secretary for Climate Change and Rural Affairs
6 August 2025

PART 1

1. Description

1.1 This instrument prohibits imports of certain ruminant and porcine products intended for personal consumption or use into Wales from European Economic Area (EEA) countries, the Faroe Islands, Greenland and Switzerland (“the EU single market area”) for the purpose of preventing the introduction of disease into Great Britain (GB). There are exemptions for small quantities of powdered infant milk, other infant formula, food for special medical purposes, petfood required for health-related reasons and certain food products. There are no exemptions for certain low-risk composite products.

2. Matters of special interest to the Legislation, Justice and Constitution Committee

2.1 None

3. Legislative background

- 3.1. Section 10 of the Animal Health Act 1981 allows Ministers to use Orders to make such provision as they see fit for purpose of preventing the introduction or spreading of disease into or within GB through the importation of animals and other things, whether animate or inanimate, by or by means of which it appears to them that any disease might be carried or transmitted.
- 3.2. Functions under the 1981 Act were originally conferred on “the Ministers” (as defined in section 86 of that Act). The functions of “the Ministers”, so far as exercisable by the Secretary of State for Wales in relation to Wales, were transferred to the National Assembly for Wales by virtue of the National Assembly for Wales (Transfer of Functions) Order 1999. The joint functions of “the Ministers”, so far as exercisable by the Secretary of State for Scotland in relation to Wales, were transferred to the Minister of Agriculture, Fisheries and Food by the Transfer of Functions (Agriculture and Food) Order 1999. Functions of the Minister of Agriculture, Fisheries and Food were then transferred to the Secretary of State by the Ministry of Agriculture, Fisheries and Food (Dissolution) Order 2002. Functions of the Secretary of State were transferred to the National Assembly for Wales by the National Assembly for Wales (Transfer of Functions) Order 2004. These functions of the National Assembly for Wales are now exercisable by the Welsh Ministers by virtue of section 162 of, and paragraph 30 of Schedule 11 to, the Government of Wales Act 2006.
- 3.3. This instrument is subject to the “laying only” procedure and is required to be laid, after being made, before Senedd Cymru by virtue of section 10(6) of the 1981 Act,

as read with paragraph 33 of Schedule 11 to, the Government of Wales Act 2006.

- 3.4. The existing safeguard declarations for [PPR/ASF/FMD](#) will need revoking after the proposed SI comes into force. This will be done administratively via revocation declarations, rather than through the Order itself.

4. Purpose and intended effect of the legislation

- 4.1. The instrument is made using powers under section 10 of the Animal Health Act 1981 to replace the existing ban on personal imports of ruminant and pig meat and dairy products from the EU into GB. Wales and the other GB Governments imposed the ban using safeguard powers under the Trade in Animals and Related Products (Wales) Regulations 2011 (TARP) following outbreaks of foot and mouth (FMD) in the EU.
- 4.2. The TARP measure needed to be replaced with a more resilient regime that enables the retention of a ban until such a time it is decided that on a risk-based basis it is no longer needed.
- 4.3. This instrument consolidates the restrictions in place due to FMD, Peste des Petits Ruminant (PPR) and African Swine Fever (ASF) outbreaks in the EU.
- 4.4. This instrument also provides a legislative basis for restrictions on personal imports of products from EEA States, the Faroe Islands, Greenland and Switzerland that are currently implemented through safeguard measures.

5. Consultation

- 5.1. No formal consultation was carried out in relation to this instrument. The devolved governments have been in joint discussions and are in agreement that these measures are necessary to protect animal health in GB. Separate instruments will be introduced in England and Scotland.

6. Regulatory Impact Assessment

- 6.1. A Regulatory Impact Assessment has not been prepared for this instrument because it has no significant impact on the private, voluntary or public sectors. This is in line with the policy set out in the Welsh Ministers' code of practice for carrying out regulatory impact assessments for subordinate legislation