

*These notes refer to the Animal Welfare Act 2006 (c.45)
which received Royal Assent on 8 November 2006*

ANIMAL WELFARE ACT 2006

EXPLANATORY NOTES

COMMENTARY ON SECTIONS

General

Section 61: Orders and regulations

- 223. *Subsection (1)* provides for all order and regulation-making powers of the Secretary of State, the National Assembly for Wales or the Scottish Ministers under the Act to be exercisable by statutory instrument (other than the power of the National Assembly for Wales under section 17 to revoke codes of practice).
- 224. *Subsection (2)* provides for regulations made by the Secretary of State under sections 1(3) (extension of definition of “animal”), 5(4) (specified exemptions to the prohibition on mutilations), 6 (regulations about the docking of working dogs’ tails), 12 (regulations to promote welfare) or 13 (licensing or registration activities involving animals) to be subject to the affirmative resolution procedure.
- 225. *Subsection (5)* provides that regulations made by the Secretary of State under section 55(6) (extension of the power to detain aircraft) are to be subject to negative resolution procedure.
- 226. *Subsections (3) and (4)* provide that where a code is to be revoked under section 17, and not be replaced, a draft of the instrument which contains the revocation order shall be laid before Parliament.
- 227. Orders for commencement and transition, made by the Secretary of State under section 66(1) and section 68, are not subject to any Parliamentary control.