

## WELSH STATUTORY INSTRUMENTS

# 2007 No. 1047

## The Welfare of Animals (Transport) (Wales) Order 2007

### PART 4

#### Approvals

#### [<sup>F1</sup>The competent authority

**20.** The Welsh Ministers are the competent authority for the purposes of Council Regulation (EC) No 1255/97 and Council Regulation (EC) No 1/2005.]

**F1** Art. 20 substituted (31.12.2020) by The Animal Health and Welfare (Miscellaneous Amendments) (Wales) (EU Exit) Regulations 2019 (S.I. 2019/684), regs. 1(2), 3(3); 2020 c. 1, Sch. 5 para. 1(1)

#### Approvals, authorisations etc

**21.** Any approval, authorisation or certificate issued under this Order, Council Regulation (EC) No 1/2005 or Council Regulation (EC) No 1255/97—

- (a) must be in writing;
- (b) may be made subject to conditions; and
- (c) may be amended, suspended or revoked at any time.

#### Commencement Information

**II** Art. 21 in force at 30.3.2007, see [art. 1](#)

#### Suspension, revocation of approvals etc

**22.**—(1) The [<sup>F2</sup>Welsh Ministers] may, by notice, suspend or amend an approval, authorisation, certificate of approval or certificate of competence if satisfied that any of the conditions under which it was granted or of any provision of Council Regulation (EC) No 1/2005, Council Regulation (EC) No 1255/97 or this Order have been breached.

- (2) A suspension under paragraph (1)—
  - (a) has immediate effect where the [<sup>F3</sup>Welsh Ministers consider] it necessary to protect the welfare of animals;
  - (b) otherwise will not have effect for at least 21 days following service of the notice.
- (3) The notice must—
  - (a) give reasons;
  - (b) state when it comes into effect and, in the case of a suspension, state on what date or event it is to cease to have effect; and

(c) explain the right of the recipient of the notice to make written representations to a person appointed by the [F<sup>4</sup>Welsh Ministers].

(4) Where the notice does not have immediate effect, and representations are made under article 23, an amendment or suspension will not have effect until the final determination by the [F<sup>5</sup>Welsh Ministers] in accordance with article 23 unless the [F<sup>6</sup>Welsh Ministers decide] that it is necessary for the protection of animal welfare for the amendment or suspension to have immediate effect and gives notice to that effect.

(5) Where a suspension is upheld, the [F<sup>7</sup>Welsh Ministers] may, by notice, revoke an approval, authorisation, certificate of approval or certificate of competence if satisfied that this Order, Council Regulation (EC) No 1/2005 or Council Regulation (EC) No 1255/97 will not be complied with.

(6) A notice must not be issued under paragraph (5) until the process in article 23 (if any) has been completed.

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| <b>F2</b> | Words in art. 22(1) substituted (31.12.2020) by <a href="#">The Animal Health and Welfare (Miscellaneous Amendments) (Wales) (EU Exit) Regulations 2019 (S.I. 2019/684)</a> , regs. 1(2), <b>3(4)(a)</b> ; 2020 c. 1, Sch. 5 para. 1(1)     |
| <b>F3</b> | Words in art. 22(2)(a) substituted (31.12.2020) by <a href="#">The Animal Health and Welfare (Miscellaneous Amendments) (Wales) (EU Exit) Regulations 2019 (S.I. 2019/684)</a> , regs. 1(2), <b>3(4)(b)</b> ; 2020 c. 1, Sch. 5 para. 1(1)  |
| <b>F4</b> | Words in art. 22(3)(c) substituted (31.12.2020) by <a href="#">The Animal Health and Welfare (Miscellaneous Amendments) (Wales) (EU Exit) Regulations 2019 (S.I. 2019/684)</a> , regs. 1(2), <b>3(4)(a)</b> ; 2020 c. 1, Sch. 5 para. 1(1)  |
| <b>F5</b> | Words in art. 22(4) substituted (31.12.2020) by <a href="#">The Animal Health and Welfare (Miscellaneous Amendments) (Wales) (EU Exit) Regulations 2019 (S.I. 2019/684)</a> , regs. 1(2), <b>3(4)(c)(i)</b> ; 2020 c. 1, Sch. 5 para. 1(1)  |
| <b>F6</b> | Words in art. 22(4) substituted (31.12.2020) by <a href="#">The Animal Health and Welfare (Miscellaneous Amendments) (Wales) (EU Exit) Regulations 2019 (S.I. 2019/684)</a> , regs. 1(2), <b>3(4)(c)(ii)</b> ; 2020 c. 1, Sch. 5 para. 1(1) |
| <b>F7</b> | Words in art. 22(5) substituted (31.12.2020) by <a href="#">The Animal Health and Welfare (Miscellaneous Amendments) (Wales) (EU Exit) Regulations 2019 (S.I. 2019/684)</a> , regs. 1(2), <b>3(4)(a)</b> ; 2020 c. 1, Sch. 5 para. 1(1)     |

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#### Commencement Information

- I2** Art. 22 in force at 30.3.2007, see [art. 1](#)

### Representations to an appointed person

**23.—**(1) A person may make written representations against a refusal, condition, amendment, suspension or revocation of an approval, authorisation or certificate to a person appointed for the purpose by the [F<sup>8</sup>Welsh Ministers].

(2) Any representations must be made within 21 days of receiving notification of the [F<sup>9</sup>Welsh Ministers'] decision.

(3) The appointed person must consider the representations and report in writing to the [F<sup>10</sup>Welsh Ministers].

(4) The [F<sup>11</sup>Welsh Ministers] must give to the person making the representations written notification of [F<sup>12</sup>their] final determination and [F<sup>12</sup>their] reasons.

- F8** Words in art. 23(1) substituted (31.12.2020) by The Animal Health and Welfare (Miscellaneous Amendments) (Wales) (EU Exit) Regulations 2019 (S.I. 2019/684), regs. 1(2), **3(5)(a)**; 2020 c. 1, Sch. 5 para. 1(1)
- F9** Words in art. 23(2) substituted (31.12.2020) by The Animal Health and Welfare (Miscellaneous Amendments) (Wales) (EU Exit) Regulations 2019 (S.I. 2019/684), regs. 1(2), **3(5)(b)**; 2020 c. 1, Sch. 5 para. 1(1)
- F10** Words in art. 23(3) substituted (31.12.2020) by The Animal Health and Welfare (Miscellaneous Amendments) (Wales) (EU Exit) Regulations 2019 (S.I. 2019/684), regs. 1(2), **3(5)(a)**; 2020 c. 1, Sch. 5 para. 1(1)
- F11** Words in art. 23(4) substituted (31.12.2020) by The Animal Health and Welfare (Miscellaneous Amendments) (Wales) (EU Exit) Regulations 2019 (S.I. 2019/684), regs. 1(2), **3(5)(c)(i)**; 2020 c. 1, Sch. 5 para. 1(1)
- F12** Word in art. 23(4) substituted (31.12.2020) by The Animal Health and Welfare (Miscellaneous Amendments) (Wales) (EU Exit) Regulations 2019 (S.I. 2019/684), regs. 1(2), **3(5)(c)(ii)**; 2020 c. 1, Sch. 5 para. 1(1)

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**Commencement Information**

- I3** Art. 23 in force at 30.3.2007, see **art. 1**

**Changes to legislation:**

There are currently no known outstanding effects for the The Welfare of Animals (Transport) (Wales) Order 2007, PART 4.