

Subordinate Legislation Committee

Report (SLC(3) 12-08)

Date: 13 May 2008
Time: 8.45am
Venue: Committee Room 2, Senedd

CONTENTS

The Committee met on 13 May 2008. At the meeting the following Committee Members were present: Dr Dai Lloyd AM, Eleanor Burnham AM, Andrew RT Davies AM, Alun Davies AM, Irene James AM.

The Committee reports to the Assembly as follows:

Instruments and draft instruments in respect of which the Assembly is not invited to pay special attention under Standing Order 15.2

Draft Instruments subject to approval pursuant to a resolution of the Assembly (Affirmative Procedure)

SLC153 - Commissioner for Older People in Wales (Amendment) Regulations 2008

Affirmative procedure. Date made 2008. Coming into force date 2008.

Instruments subject to annulment pursuant to a resolution of the Assembly (Negative Procedure)

SLC150 - The Street Works (Inspection Fees) (Wales) (Amendment) (No. 2) Regulations 2008

Negative Procedure. Date made 29 April 2008. Date laid 30 April 2008. Coming into force date 22 May 2008.

SLC151 - The Civil Enforcement of Parking Contraventions (Approved Devices) (Wales) (No. 2) Order 2008

Negative Procedure. Date made 29 April 2008. Date laid 30 April 2008. Coming into force date 22 May 2008.

SLC152 - The Civil Enforcement of Parking Contraventions (General Provisions) (Wales) (No. 2) Regulations 2008

Negative Procedure. Date made 29 April 2008. Date laid 30 April 2008. Coming into force date 22 May 2008.

Instruments and Draft Instruments in respect of which the Assembly is invited to pay special attention under Standing Order 15.2

Instruments subject to annulment pursuant to a resolution of the Assembly (Negative Procedure)

SLC149 - The Transmissible Spongiform Encephalopathies (Wales) (Amendment) Regulations 2008

Negative Procedure. Date made 25 April 2008. Date laid 25 April 2008.
Coming into force date 26 April 2008.

SLC154 - The Plastic Materials and Articles in Contact with Food (Wales) Regulations 2008

Negative Procedure. Date made 30 April 2008. Date laid 30 April 2008.
Coming into force: for the purpose of regulation 29(c) - 1 July 2008; for all other purposes - 1 May 2008.

The Committee's Reports under S.O.15.2 on Statutory Instruments subject to annulment pursuant to a resolution of the Assembly (Negative Procedure) are attached as Annex 1-2 to this Report.

Other Business

It was agreed that the Committee would keep a record of statutory instruments which are not made in both English and Welsh as reported under Standing Order 15.2 with a view to periodically monitoring whether this legislation has been re-issued bilingually.

Dr Dai Lloyd AM

Chair, Subordinate Legislation Committee

13 May 2008

Annex 1

Subordinate Legislation Committee

(SLC(3)-12-08)

SLC149

Subordinate Legislation Committee Report

Under Standing Order 15.2 the Assembly is invited to pay special attention to the following instrument.

Title: The Transmissible Spongiform Encephalopathies (Wales) (Amendment) Regulations 2008

- implementing in Wales a change to the EU controls on specified risk material to increase the age at which bovine vertebral column is classified as specified risk material from 24 months to 30 months. (This returns the bovine vertebral column age limit in the UK to its position before May 2006 when UK specified risk material controls were harmonised with those in other Member States as part of the process for lifting the export ban on UK beef and beef products).

Procedure: Negative

The Assembly is invited to pay special attention to this instrument under Standing Order 15.2(vi) (defective drafting) and Standing Order 15.2 (vii) (inconsistencies between the Welsh and English texts):-

Regulation 2(2)(a) inserts a new definition i.e. that of “the amended Community TSE Regulations”. The Welsh text provides that the Welsh expression is “Rheoliad diwygiedig y Gymuned”. However in the Welsh text of paragraph 1(1) of the new Schedule 6 the words are “Reoliadau TSE y Gymuned fel y’l diwygiwyd” (the Community TSE Regulations as amended).

Government have responded as follows:-

The Government has indicated that it accepts the above mentioned reporting point but does not propose any action at this time as the Regulations are due to be revoked and remade in the next 12 months.

Dr Dai Lloyd AM

Chair, Subordinate Legislation Committee

13 May 2008

Annex 2

Subordinate Legislation Committee

(SLC(3)-12-08)

SLC154

Subordinate Legislation Committee Report

Under Standing Order 15.2 the Assembly is invited to pay special attention to the following instrument.

Title: The Plastic Materials and Articles in Contact with Food (Wales) Regulations 2008

- implementing in Wales European commission Directive 2007/19/EC which amends Directive 2002/72/EC by updating the lists of monomer substances and additives permitted for use in the manufacture of food contact plastics and laying down conditions for their safe use.

The instrument breaches the 21 day rule in that it was made and laid before the Assembly on 20 April 2008 and came into force (other than for certain revocations) on 1 May 2008. The Counsel General and Leader of the House has advised, in his letter to the Presiding Officer dated 30 April 2008) that the breach arises as a consequence of the need to transpose and implement the Directive by 1 May 2008.

Procedure: Negative

The Assembly is invited to pay special attention to this instrument under Standing Order 15.2(ix) (that it is not made in both English and Welsh):
The instrument has been drafted in English only.

In his letter to the Presiding Officer the Counsel General and Leader of the House stated that the Deputy Minister for Social Services deemed it would not be reasonably practical to make Regulations bilingually because of the need to transpose and implant the Directive by 1 May 2008 and to ensure that the Regulations came into force at the same time as parallel regulations in England, Scotland and Northern Ireland thus ensure consistency of enforcement and protection for consumers across the UK. The length and technical nature of the Regulations (the Schedule is some 17,000 words long)indicted that between 4 and 6 weeks would have been required to produce a Welsh version which could not be undertaken in time to comply with the transposition deadline.

It is understood that the Government intends to revoke and remake these Regulations bilingually.

Dr Dai Lloyd AM

Chair, Subordinate Legislation Committee

13 May 2008