

Explanatory Memorandum to the Meat (Official Controls Charges) (Wales) (Amendment) Regulations 2010

This Explanatory Memorandum has been prepared by the Food Standards Agency and is laid before the National Assembly for Wales in conjunction with the above subordinate legislation and in accordance with Standing order 24.1.

Minister's Declaration

In my view this explanatory memorandum gives a fair and reasonable view of the expected impact of the Meat (Official Controls Charges) (Wales) (Amendment) Regulations 2010. I am satisfied that any benefits outweigh any costs.

Gwenda Thomas AM

Deputy Minister for Social Services
Assembly Member in charge of the Proposed Measure

24 April 2010

Explanatory Memorandum for the Meat (Official Controls Charges) (Wales) (Amendment) Regulations 2010

1. Description

These Regulations correct errors in the text of the Meat (Official Controls Charges) (Wales) Regulations 2009 (SI 2009/1557 (W.152) ('the 2009 Regulations').

2. Matters of special interest to the Constitutional Affairs Committee

The Regulations make minor amendments to the preamble, and regulations 2(1) and 5 (2)(b), of the Meat (Official Controls Charges) (Wales) Regulations 2009 in order to address the points raised in the Subordinate Legislation Committee report, which is attached at Annex A.

3. Legislative Background

The powers enabling this instrument to be made are contained in section 2(2) of, and paragraph 1A to, the European Communities Act 1972. Welsh Ministers are designated for the purposes of that section in relation to measures relating to food (including drink) including the primary production of food.

4. Purpose and Intended Effect of the Legislation

The purpose of these Regulations is to correct the above mentioned errors in the 2009 Regulations.

5. Regulatory Impact Assessment

A Regulatory Impact Assessment has not been prepared to accompany these Regulations as there are no identified costs to consumers, businesses or enforcement authorities associated with implementation of these amending Regulations.

The new Regulations will not impose any new burden on Government or enforcement officers.

Subordinate Legislation Committee report

- The preamble to the Regulations states that it considered expedient that the Regulations contain an ambulatory reference* to the Community instruments referred to in Schedule 1 to the Regulations. The relevant paragraph states that “it appears to the Secretary of State” that it is expedient to make such a reference. The reference to the Secretary of State should be to the Welsh Ministers [Standing order 15.2(vi) – defective drafting]
- In the Welsh text of the definitions of various community instruments contained in regulation 2(1), words corresponding to “have the meanings “ are omitted. [Standing order 15.2(vi) – defective drafting]
- Regulation 5(2) provides that any demand issued by the Environment Agency for information or evidence must be delivered to the operator. In the case of an operator that is a body corporate the demand is to be delivered to “the operator’s secretary at the operator’s registered or principal office” The Welsh text refers to “ysgrifennydd or ysgrifennyddes”. It is assumed that the reference to “secretary” is to the person required under company law to hold the office of Company Secretary and not to a person employed as a personal secretary or personal assistant and as such it is considered that this would be more clearly conveyed by the use of the expression “Secretary” in the English text. In these circumstances “Ysgrifennydd” alone would then be considered acceptable in the Welsh text. [Standing order 15.2(v) – meaning needs further explanation]

* An “ambulatory reference” allows an instrument to be read as if references to a community instrument therein are references to the instruments as amended from time to time. This obviates the necessity of amending regulations and orders each time an amendment is made to the community instrument concerned. This practice is permitted by section 1A of the European Communities Act 1972 (as inserted by section 16 of the Legislative and Regulatory Reform Act 2006).