



Cynulliad National  
Cenedlaethol Assembly for  
Cymru Wales

## ADRODDIAD GAN Y PWYLLGOR DEDDFAU

## LEGISLATION COMMITTEE REPORT

### **The Sheep and Goats (Records, Identification and Movement) (Wales) Order 2006**

This Order makes provision for the administration and enforcement in Wales of Council Regulation (EC) No 21/2004 which established a system for the identification and registration of sheep and goats.

#### **Standing Order 11.7**

The following points have been identified for reporting under SO 11.7.

The format of “Member State” should follow consistently the capital case style used in European legislation. The corresponding Welsh term should consistently be “Aelod-wladwriaeth” as in all other Assembly legislation and not “Aelod Wlad”. [Standing Order 11.7(v)]

The Welsh text consistently uses “fferm eni” [*farm of birth*] to correspond to “holding of birth” although “daliad” is otherwise used for “holding”. This is incorrect as “holding” is more broadly defined in Article 2(b) of the Community Regulation as “any establishment, any structure, or in the case of free-range farming, any environment, in which animals are held, reared or handled on a permanent or temporary basis, except veterinary practices or clinics;”. “Daliad geni” should therefore be substituted for “fferm eni” throughout the Order. [Standing Order 11.7(v)]

The English text of article 7(2) starts with “The provisions of Schedule 1 apply in addition to the requirements of –“. It is unclear whether this means that the provisions of Schedule 1 apply as well as the provisions that follow or that the provisions of Schedule 1 apply also to the provisions that follow. The Welsh text, “Ar ben hyn, mae darpariaethau Atodlen 1 yn gymwys hefyd at ofynion-“ suggests the latter interpretation of the English. However, the wording of Article 4.2 of the Community Regulation suggests that the former interpretation of the English is correct, and that the Welsh text should therefore be amended. Standing Order 11.7(v)]

In the Welsh text of the definition of “CPH” in article 2(1), “ffurflenni” is incorrectly used for “forms”. In articles 14(4) and 17(3)(a) “ffurf” is correctly used to correspond to “form” to introduce Schedules 2 and 3, so “ffurfiau” should be used to refer to them in the definition. [Standing Order 11.7(v)]

In paragraph (ch) of the definition of "y Gorchmynion blaenorol" in article 2(1), "Gorchymyn" is repeated at the end of the paragraph and should be deleted. [Standing Order 11.7(v)]

The definition of "tir pori dros dro" is ambiguous in that it does not convey the "on to" meaning included in the English text, but is also capable of including movements from place to place on the same land. [Standing Order 11.7(v)]

In the English text of article 13(1), the word "otherwise" is used in the English text, but no corresponding term is used in the Welsh text. [Standing Order 11.7(vi)]

The English text of article 32(b) refers to "an animal born on or before 9th July 2005", whilst the Welsh text refers to "anifail a anwyd ar neu ar ôl 9 Gorffennaf 2005" [*an animal born on or after 9th July 2005*]. The context, and in particular the wording of 32(a), suggests that the English is correct. [Standing Order 11.7(vi)]

These are minor drafting or typographical errors appropriate for correction by Memorandum of Corrections.

### **Observations**

Minor formatting points suitable for correction on publication have been drawn to the attention of the drafting lawyer.

**David Melding AM**

Chair, Legislation Committee

**28 March 2006**