

Subordinate Legislation Committee

Report (SLC(3) 08-08)

Meeting Date: 15 April 2008
Meeting Time: 8.15am
Meeting Venue: Committee Room 2, Senedd

CONTENTS

The Committee met on 15 April 2008. At the meeting the following Committee Members were present: Dr Dai Lloyd AM, Eleanor Burnham AM, Andrew RT Davies AM, Alun Davies AM. Apologies were received from Irene James AM. Sandy Mewies AM substituted for 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

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

SLC131- The Civil Enforcement of Parking Contraventions (Representations and Appeals) Removed Vehicles (Wales) Regulations 2008

Negative Procedure. Date made 6 March 2008. Date laid 10 March 2008. Coming into force date 31 March 2008.

SLC132 - The Civil Enforcement of Parking Contraventions (Guidelines on Levels of Charges) (Wales) Order 2008

Negative Procedure. Date made 6 March 2008. Date laid 10 March 2008. Coming into force date 31 March 2008.

SLC134 - The Civil Enforcement Officers (Wearing of Uniforms) (Wales) Regulations 2008

Negative Procedure. Date made 6 March 2008. Date laid 10 March 2008. Coming into force date 31 March 2008.

SLC138 - The Dairy Produce Quotas (Wales) (Amendment) Regulations 2008

Negative Procedure. Date made 10 March 2008. Date laid 11 March 2008. Coming into force date 1 April 2008.

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)

SLC128 – The Meat (Official Controls Charges) (Wales) Regulations 2008

Negative Procedure. Date made 4 March 2008. Date laid 6 March 2008.
Coming into force date 31 March 2008.

SLC129 - The Street Works (Inspection Fees) (Wales) (Amendment) Regulations 2008

Negative Procedure. Date made 5 March 2008. Date laid 6 March 2008.
Coming into force date 1 April 2008.

SLC133 - The Civil Enforcement of Parking Contraventions (Approved Devices) (Wales) Order 2008

Negative Procedure. Date made 6 March 2008. Date laid 10 March 2008.
Coming into force date 31 March 2008.

SLC135 – The Civil Enforcement of Parking Contraventions (General Provisions) (Wales) Regulations 2008

Negative Procedure. Date made 6 March 2008. Date laid 10 March 2008.
Coming into force date 31 March 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 Annexes 1 - 4 to this Report.

Other items of business

The Committee considered the Proposed Healthy Eating in Schools (Wales) Measure 2008 and decided to give further consideration to the subordinate legislation provisions in this proposed Measure. It was agreed to invite Jenny Randerson AM and the Welsh Assembly Government to provide further information and views on the subordinate legislation provisions of the proposed Measure. The Committee's recommendations would then be submitted to the Stage 1 Committee on the Proposed Measure.

The Committee noted that the Proposed Learner Travel Measure (Wales). The Chair informed the Committee that the Legal Advisers will prepare a paper on the proposed Measure for next week's meeting to assist them in deciding whether the Committee would like to undertake scrutiny of the Measure.

The Committee agreed that they would meet at 8.45am when considering routine business.

Dr Dai Lloyd AM

Chair, Subordinate Legislation Committee

15 April 2008

Annex 1

Subordinate Legislation Committee

(SLC(3)-08-08)

SLC128

Subordinate Legislation Committee Report

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

Title: The Meat (Official Controls Charges) (Wales) Regulations 2008

These Regulations revoke and replace the Meat (Official Controls Charges) (Wales) (No 2) Regulations 2007, and provide for the execution and enforcement in relation to Wales of Articles 26 and 27 of Regulation (EC) No. 882/2004 of the European Parliament and of the Council on official controls performed to ensure the verification of compliance with feed and food law, animal health and animal welfare rules.

Procedure: Negative

The Assembly is invited to pay special attention to this instrument on the grounds set out in Standing Order 15.2(vii) (inconsistencies between the meaning of Welsh and English texts):

- In the table contained at paragraph 4 of Schedule 2 to the Regulations, reference is made in the English version to 'Bovine animals aged less than 8 months at slaughter, and animals aged 8 months or more at slaughter'.
- However, in the Welsh version the same references are expressed in weeks and not months.
- Thus the English and Welsh versions of the Regulations are inconsistent [Standing Order 15.2(vii)].

Government have responded as follows:-

The Government has indicated that it accepts the abovementioned reporting point and intends to make Amending Regulations as soon as possible but in any event no later than 31st May 2008.

Dr Dai Lloyd AM

Chair, Subordinate Legislation Committee

15 April 2008

Annex 2

Subordinate Legislation Committee

(SLC(3) 08-08)

SLC129

Subordinate Legislation Committee Report

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

Title: The Street Works (Inspection Fees) (Wales) (Amendment) Regulations 2008

These Regulations amend the Street Works (Inspection Fees) (Wales) Regulations 2006 so as to increase the fee payable by undertakers for inspections of their work by street authorities in Wales under regulation 3 of those Regulations. The fee originally prescribed in the 2006 Regulations was £21. The fee was last altered in June 2007, to £24 and is now increased to £25.

Procedure: Negative

The following point has been identified for reporting under Standing Order 15.2.

In regulation 3, a substitution of £25.00 for £21.00 is made. However, as indicated in the Explanatory Note, £24.00 has already been substituted for the original £21.00. The current substitution should therefore be of £25.00 for £24.00. [Standing Order 15.2(vi)]

Government have responded as follows:-

The Government has indicated that it accepts the abovementioned reporting point and intends to revoke and remake the Regulations as soon as possible but in any event no later than 30th April 2008.

Dr Dai Lloyd AM

Chair, Subordinate Legislation Committee

15 April 2008

Annex 3

Subordinate Legislation Committee

(SLC(3) 08-08)

SLC133

Subordinate Legislation Committee Report

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

Title: The Civil Enforcement of Parking Contraventions (Approved Devices) (Wales) Order 2008

Welsh Ministers have made the Civil Enforcement of Parking Contraventions (General Provisions) (Wales) Regulations 2008 (S.I. 2008/614 (W.66)). Regulation 5(a) of those Regulations prohibits the imposition of a penalty charge for a parking contravention except on the basis of a record produced by an approved device or, information given by a civil enforcement officer as to conduct observed by that officer. This Order specifies a description of a device which is an approved device for this purpose. In accordance with article 2, a device is an approved device if it is of a type which has been certified by the Welsh Ministers as meeting the requirements specified in the Schedule.

Procedure: Negative

The following point has been identified for reporting under Standing Order 15.2.

In paragraph 1(1)(b) of the Schedule, the Welsh text contains the expression “sydd o ran y defnydd a wneir ohonynt yn cyflawni tramgwyddau parcio” [*which are, in respect of the use being made of them, committing parking offences*]. There is no corresponding reference to the use of the vehicle in the English text. [Standing Order 15.2(vii)]

In paragraph 1(1)(d) of the Schedule, the English text contains the expression “in relation to which a parking contravention was committed”, for which there is no corresponding expression in the Welsh text. [Standing Order 15.2(vii)]

Government Response

The Government has indicated that it accepts the abovementioned reporting point and intends to revoke and remake the Order as soon as possible but in any event no later than 30th April 2008.

Dr Dai Lloyd AM
Chair, Subordinate Legislation Committee

15 April 2008

Annex 4

Subordinate Legislation Committee

(SLC(3) 08-08)

SLC135

Subordinate Legislation Committee Report

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

Title: The Civil Enforcement of Parking Contraventions (General Provisions) (Wales) Regulations 2008

These Regulations provide for the civil enforcement of parking contraventions in Wales in accordance with Part 6 of the Traffic Management Act 2004. Part 6 of the 2004 Act and Regulations made thereunder supersede the provisions of Part II and Schedule 3 of the Road Traffic Act 1991.

Procedure: Negative

The following point has been identified for reporting under Standing Order 15.2.

In regulation 2(4)(b), the Welsh text contains the expression “hysbysiad rheoliad 11” [*regulation 11 notice*] without further explanation. Regulation 11 deals with surpluses rather than notices. The English text makes it clear that the reference should be to regulation 11 of the “Enforcement and Adjudication Regulations. [Standing Order 15.2(vii)]

In regulation 7(2)(c) the English text refers to the unlawful removal of a device. There word “unlawful” appears to have been identified as absent from the Welsh text, which now reads “(c) sy'n rhybuddio bod symud dyfais sy'n (this should say unlawful removal) rhwystro cerbyd rhag symud yn dramgwydd” but without the correction having been made. [Standing Order 15.2(vii)]

Government have responded as follows:-

The Government has indicated that it accepts the abovementioned reporting point and intends to revoke and remake the Regulations as soon as possible but in any event no later than 30th April 2008.

Dr Dai Lloyd AM

Chair, Subordinate Legislation Committee

15 April 2008