



Cynulliad Cenedlaethol Cymru The National Assembly for Wales

ADRODDIAD GAN Y PWYLLGOR DEDDFAU

LEGISLATION COMMITTEE REPORT

The Tir Mynydd (Wales) Regulations 2001

Following a review of the European Union's common agricultural policy, (Agenda 2000), the procedure by which payments are calculated for areas of less favoured agricultural support have changed from the number of animals principle to an area based principle.

Different support schemes have been adopted by Wales, England, Scotland and Northern Ireland. Holdings that include land in more than one part of the United Kingdom will therefore be the subject of further Regulations.

Standing Order 11.5

There are some points which have been identified as matters in respect of which the Committee would need to invite the National Assembly to pay special attention. If these points are corrected by means of a Memorandum of Corrections, however, no reporting issues will arise under SO 11.5.

This Report is accordingly subject to a Memorandum of Corrections being duly laid in respect of the minor drafting errors identified in this Report

under the following headings -

- Regulation 1(1)
- Regulation 2(1) "tir porthiant/forage land"
- Regulation 3(1)(a) - (d)
- Regulation 6(2)
- Regulation 8 - paragraphs (e) (English text) and (d) (Welsh text)
- Regulation 12(a)

- Regulation 13
- (c) (Welsh text)

The typographical/grammatical errors and drafting improvements identified below should also be included in the Memorandum of Corrections but these are not matters which the Committee would consider serious enough to report under Standing Order 11.5 as defective drafting.

General Observations

Explanatory Note - paragraph 2

'Cymrua' should read 'Cymru a'

Explanatory Note - Paragraph 3

It is understood that the present intention is that the Regulations appertaining to land in more than one part of the United Kingdom will have effect at the same time as these Regulations.

Should all bullet points begin with a capital letter so as to maintain consistency?

Explanatory Note - Part III 6th bullet point

The Welsh Text should refer to the singular rate of interest as opposed to the plural.

Explanatory Note - last paragraph

It is understood that this paragraph is to be re drafted to make it easier for the reader.

Regulation 1(1)

The provisions in paragraphs (1) - (4) of Regulation 16 are applicable only within Wales. It is assumed, however, that the intention is that paragraph (5) should additionally be capable of being applied where the claimant keeps his or her records in England. To allow this it is thought that the "application" provision in Regulation 1(2) should be amended to the format "in relation to Wales" which is permissible under the Designation Order 1999/2788. This would be appropriate` under a Memorandum of Corrections.

Regulation 2(1) "Rheoliad y Cyngor 1257/1999"

Following '(EAGGF)' it is suggested that the drafter may wish to consider an ending similar to the following in the Welsh text:

'... ac a ddiwygiodd rhai Rheoliadau penodol gan ddiddymu eraill'.

Regulation 2(1) "tir porthiant/forage land"

There is a discrepancy of dates between the English and Welsh versions. It will need to be determined which is the intended text.

This is appropriate for correction by means of a Memorandum of Corrections.

Regulation 2(1) "ewe"

There should be a space after "May".

Regulation 3(1)

Repetition of 'os ydynt' could have been avoided by inserting it in the opening wording.

Regulation 3(1)(a) - (d)

'and / ac' should be inserted after Regulation 3 (1) (c) as opposed to 3(1)(b). This can be corrected by means of a Memorandum of Corrections.

Regulation 3(1)(d) makes reference to 'usual good farming practices'. It is understood that this is included in the European legislation, and is followed in the present Regulations to maintain consistency.

The paragraphs in the Welsh text should read 3(1) (a)-(ch) as opposed to 3(1) (a)-(d).

Regulation 5(1)

A comma has been inadvertently included at the end of Regulation 5(1) in the English text.

Regulation 5(2)

It is noted that this imposes a three yearly inspection obligation on the Assembly which will continue indefinitely following a single instance of the 1.8 limit being exceeded.

Regulation 5 (4)

The brackets in the Welsh text could usefully be repeated in the English.

Regulation 6(2)

'tir helbori' is used in the Welsh text for 'forage land'. In Regulation 2(1), however, the defined term is 'tir porthiant'.

Regulation 8 - paragraphs (e) (English text) and (d) (Welsh text)

This would be appropriate for correction in a Memorandum of Corrections.

The lettered paragraphs in Regulation 8 are specifying categories of holding.

Paragraphs (d) and (e), in the Welsh and English texts respectively are, however, worded more in the form of a requirement than a description of a category. In addition, it is understood that it is intended to require all the graziers to move off the land at the same time. This requirement is not stated, however.

These points can be corrected by means of a Memorandum of Correction.

Regulation 8(e) (Welsh text)

In the Welsh text should 'y' be omitted from the second line?

Regulation 9(1) - 2nd line

'ynigwneud' should be 'yn gwneud'.

Regulation 11(1)

'u' on the fifth line should be 'y' in the Welsh text.

Regulation 12(a)

It is considered that clarification is needed as to the type of pension referred to.

This can be corrected by means of a Memorandum of Corrections.

Regulation 13(c) (Welsh text)

'gweithiwr cyflogedig' should be used instead of 'gyflogai' as 'gweithiwr cyflogedig' is used in Regulation 16 (5) (a).

This can be corrected by means of a Memorandum of Corrections.

Regulation 16(1)(c)

Full stop missing after 'unig' in the Welsh text.

Regulation 16(2)

Should 'fel' be inserted instead of the first 'yn' at the third line of the Welsh text?

Should there be inserted the words 'yn cael' after 'neu' in the Welsh Text?

Regulation 20(3)

Should 'warantu' be used instead of 'haeddu' in the Welsh text, or could 'cyfiawnhau' and 'justify' be used?

Schedule 1

There does not appear to be a Schedule 2 or any reference to such a Schedule. The Schedule thus should not be numbered. See Regulation 6 also.

Part C -1

There are two a full stops at the end of the Welsh text.

Part C - 3

'uchwanegu' should read 'ychwanegu'.

Mick Bates AM

Chair, Legislation Committee

6 February 2001