

Subordinate Legislation Committee

Report (SLC(3) 09-08)

Meeting Date: 22 April 2008
Meeting Time: 8.15am
Meeting Venue: Committee Room 2, Senedd

CONTENTS

The Committee met on 22 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, 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)

SLC143 – The Bovine Semen (Wales) Regulations 2008

Negative Procedure. Date made 7 April 2008. Date laid 10 March 2008. Coming into force date 30 April 2008.

SLC144 – The Zootechnical Standards (Amendment) (Wales) Regulations 2008

Negative Procedure. Date made 9 April 2008. Date laid 10 April 2008. Coming into force date 2 May 2008.

SLC145 – The Seed Potatoes (Wales) (Amendment) Regulations 2008

Negative Procedure. Date made 9 April 2008. Date laid 10 April 2008. Coming into force date 6 May 2008.

SLC147 - The Heather and Grass etc. Burning (Wales) Regulations 2008

Negative Procedure. Date made 14 April 2008. Date laid 15 April 2008. Coming into force date 6 May 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)

SLC141 - The Rice Products from the United States of America (Restriction on First Placing on the Market) (Wales) Regulations 2008

Negative Procedure. Date made 18 March 2008. Date laid 19 March 2008. Coming into force date 20 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 Annex 1 to this Report.

Other items of business

The Committee discussed the Proposed Learner Travel Measure (Wales). The Committee decided to give further consideration to the subordinate legislation provisions in this proposed Measure and to this purpose to invite the Deputy First Minister and Minister for Economy and Transport, Ieuan Wyn Jones AM to provide further information on the subordinate legislation provisions of the proposed Measure.

As the Chair is unable to attend the Committee meeting next week (29.04.08), in accordance with Standing Order 10.19, the Committee unanimously elected Andrew RT Davies AM to act as a temporary chair for that meeting.

Dr Dai Lloyd AM

Chair, Subordinate Legislation Committee

22 April 2008

Annex 1

Subordinate Legislation Committee

(SLC(3)-09-08)

SLC141

Subordinate Legislation Committee Report

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

Title: The Rice Products from the United States of America (Restriction on First Placing on the Market) (Wales) Regulations 2008

These regulations revoke and re-enact the Rice Products (Restriction on First Placing on the Market) (Wales) Regulations 2006 (S.I. 2006/2923 W.260).

Procedure: Negative

The Assembly is invited to pay special attention to this instrument on the grounds set out in Standing Order 15.2(vi) (that its drafting appears to be defective or it fails to fulfil statutory requirements)

- The Rice Products from the United States of America (Restriction on First Placing on the Market) (Wales) Regulations 2008 provides that the definition of “feed authority” means the authority required by section 67 (1) of the Agriculture Act 1970 to enforce that Act within its area or as the case may be district. The Regulations should refer to section 67 (1A) of the Agriculture Act 1970 and not to section 67 (1), as section 67 (1A) refers to the duties of Councils within Wales and section 67 (1) refers to the equivalent provision but in England.
- As stated in regulations 4 and 5 there should not be a reference to “district”, as there are now only unitary authorities in Wales following the abolition of the two tier local government in 1996.

Government have responded as follows:-

The Government has indicated that it accepts the above mentioned reporting points and intends to make amendments to the Regulations to rectify the defective drafting before the summer recess.

The above course of action is considered acceptable.

Dr Dai Lloyd AM

Chair, Subordinate Legislation Committee

22 April 2008