

**The Wales Centre for Health (Constitution, Membership and Procedures)  
Regulations 2004**

The purpose of these Regulations is to make preparatory arrangements for the Wales Centre for Health to be established in April 2005.

**Standing Order 11.7**

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

In the Welsh text of regulation 2(4), the word “eraill” (other) has crept in in relation to co-opted members. As there is no previous reference to co-opted members, the word is inappropriate, and not reflected in the English text. It should therefore be removed.

In regulation 5, a superfluous “(1)” appears at the start. As there are no other main paragraphs, the “(1)” is not appropriate, but the subordinate paragraphs are correctly lettered. This reflects the correct approach shown in regulation 8. The “(1)” should also be deleted in other cross-references to this provision in regulation 6.

In the Welsh text of regulation 5(a), the words “o dramgwydd” (of an offence) are needed after “neu os collfarnwyd ef yn rhywle arall” as there would otherwise be no noun to which the “a fyddai, ...” that follows could relate.

The English text of regulation 6(6) contains the expression “such longer period as may have been specified”. The Welsh text uses “am gyfnod hirach y gall ...ei bennu”. The difference in tense is potentially significant. The English text suggests that the longer period must have been specified when the membership was terminated, whereas the Welsh leaves open the possibility of a later decision. It is considered that the Welsh text should have used “am gyfnod hirach y gallai ... fod wedi ei bennu” so that the time implications of both provisions are the same.

In a number of places in the text, the word “will” is used in the English text and “bydd” in the Welsh text. This use of the simple future tense is unusual in legislation, but to be preferred to the ambiguous “shall” when appropriate. However, in regulation 10(2), it is considered that the need for standing orders is a requirement, and that therefore “the Centre must make ... standing orders” and “rhaid i'r Ganolfan ... wneud rheolau sefydlog” would have been more appropriate.

In paragraph 4 of the Schedule, the expression “members present and voting” has been misunderstood and expressed as “aelodau sy'n bresennol a thrwy bleidleisio”. The correct meaning is “aelodau sy'n bresennol ac yn pleidleisio”.

These are all minor drafting or typographical errors appropriate for amendment by means of a Memorandum of Corrections.

**Observations**

A number of minor formatting points have also been identified and notified to the drafting lawyer for correction on publication.

**Glyn Davies AM**  
Chair, Legislation Committee

**22 June 2004**