

# Subordinate Legislation Committee

## Report (SLC(3) 16-09)

**Date:** 22 June 2009  
**Time:** 15.30  
**Venue:** Committee Room 3, Senedd

## CONTENTS

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The Committee met on 22 June 2009. At the meeting the following Committee Members were present: Janet Ryder AM, Mike German AM, David Melding AM, Joyce Watson AM. Apologies were received from Alun Davies AM.

The Committee reports to the Assembly as follows:

### **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)**

#### **SLC288 - The Education (Areas to which Pupils and Students Belong) (Wales) (Amendment) Regulations 2009**

Negative procedure. Date made 29 May 2009. Date laid 2 June 2009. Coming into force date 24 June 2009

#### **SLC289 - The General Teaching Council for Wales (Disciplinary Functions) (Amendment) Regulations 2009**

Negative procedure. Date made 2 June 2009. Date laid 4 June 2009. Coming into force date 12 October 2009

#### **SLC290 - The Education (Supply of Information) (Wales) Regulations 2009**

Negative procedure. Date made 2 June 2009. Date laid 4 June 2009. Coming into force date 12 October 2009

#### **SLC291 - The General Teaching Council for Wales (Additional Functions) (Amendment) Order 2009**

Negative procedure. Date made 2 June 2009. Date laid 4 June 2009. Coming into force in accordance with article 1(2)

#### **SLC292 - The General Teaching Council for Wales (Constitution)(Amendment) Regulations 2009**

Negative procedure. Date made 2 June 2009. Date laid 4 June 2009. Coming into force date 12 October 2009

#### **SLC293 - The General Teaching Council for Wales (Functions) (Amendment) Regulations 2009**

Negative procedure. Date made 2 June 2009. Date laid 4 June 2009.  
Coming into force in accordance with article 1(2)

**SLC294 - The Seed (Conservation Varieties Amendments) (Wales) Regulations 2009**

Negative procedure. Date made 3 June 2009. Date laid 5 June 2009. Coming into force date 30 June 2009

**SLC297 - The Public Health Wales National Health Service Trust (Membership and Procedure) Regulations 2009**

Negative procedure. Date made 9 June 2009. Date laid 9 June 2009. Coming into force date 1 August 2009

**SLC298 - The Plant Health (Wales) (Amendment) Order 2009**

Negative procedure. Date made 8 June 2009. Date laid 10 June 2009.  
Coming into force date 1 July 2009

**Instruments in respect of which the Assembly is invited to pay special attention under Standing Orders 15.2**

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

**SLC295 - The Swine Vesicular Disease (Wales) Regulations 2009**

Negative procedure. Date made 8 June 2009. Date laid 9 June 2009. Coming into force date 30 June 2009

**SLC296 - The Products of Animal Origin (Disease Control) (Wales) (Amendment) Regulations 2009**

Negative procedure. Date made 8 June 2009. Date laid 9 June 2009. Coming into force date 30 June 2009

**SLC299 - The Contaminants in Food (Wales) Regulations 2009**

Negative procedure. Date made 8 June 2009. Date laid 10 June 2009.  
Coming into force date 1 July 2009

The Committee's Report under S.O.15.2 on Statutory Instruments subject to annulment pursuant to a resolution of the Assembly (Negative Procedure) is attached as Annexes 1-3 to this Report.

**Other Business**

**UK Bills**

The Committee agreed to scrutinise the Equality Bill and the Marine and Coastal Access Bill. The Members agreed to invite the Minister for Social Justice and Local Government Dr Brian Gibbons AM to give evidence on the Equality Bill at the meeting 6 July 2009 and the Minister for Environment, Sustainability and Housing Jane Davidson AM and the Minister for Rural Affairs Elin Jones AM to discuss the Marine and Coastal Access Bill at the

meeting 13 July 2009. The Committee agreed to scrutinise the Floods and Water Bill in the autumn term.

The Committee discussed the Legislative Consent Memorandum for the Child Poverty Bill. The Committee will scrutinise the Bill in the autumn term.

**Proposed Education (Wales) Measure: consideration of the Draft Report**

In accordance with Standing Order 10.37(vi) the Committee resolved to exclude the public from the remainder of the meeting to consider the Committee's draft report on the Proposed Education (Wales) Measure

**Janet Ryder AM**

Chair, Subordinate Legislation Committee

**22 June 2009**

## **Annex 1**

### **Subordinate Legislation Committee**

**(SLC(3)-16-09)**

**SLC295**

### **Subordinate Legislation Committee Report**

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

**Title: The Swine Vesicular Disease (Wales) Regulations 2009**

**Procedure:        Negative**

These Regulations will implement Council Directive 2007/10/EC which amends Council Directive 92/119/EEC for the control of Swine Vesicular Disease (SVD) in domestic legislation for Wales. Similar Regulations are being made in England, Scotland and Northern Ireland.

**The following points have been identified for reporting under Standing Order 15.2.**

Regulation 41 provides that it is an offence to obstruct any person acting in the execution of the Regulations. The words "to obstruct anyone" used in the English text imply that obstruction may be intentional or otherwise. However, the corresponding Welsh text "rhwystro'n fwriadol" translates as "intentionally obstructs". [Standing Order 15.2(vii)]

Given that this provision creates an offence it is considered that an appropriate amendment is made to either the English or Welsh text of the Regulations to ensure the substance of the offence is made clear.

**Janet Ryder AM**

Chair, Subordinate Legislation Committee

**22 June 2009**

**Government have responded as follows:-**

### **The Swine Vesicular Disease (Wales) Regulations 2009**

"Only intentional obstructions should be prosecuted under Regulation 41. Therefore, the Welsh version of the Regulations is correct and the English version would benefit from the insertion of the word "intentionally" by amending instrument to clarify the position. A draft amending instrument has been prepared and sent to translation today. In the meantime, Regulation 41 is enforceable where a person intentionally obstructs the enforcement of the

Regulations because the narrower interpretation is possible under both versions. There would only be a conflict between the English and Welsh versions where a prosecution was brought against a person for non-intentional obstruction."

## **Annex 2**

### **Subordinate Legislation Committee**

**(SLC(3)-16-09)**

**SLC296**

### **Subordinate Legislation Committee Report**

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

**Title: Products of Animal Origin (Disease Control) (Wales) (Amendment) Regulations 2009**

**Procedure: Negative**

These Regulations implement paragraph 4(d) of Annex II to Council Directive 92/119/EC. The Regulations provide, by amendment of the Products of animal origin (Disease Control) (Wales) Regulations 2008 ("the principal Regulations") for meat from pigs that have tested positive for antibodies to swine vesicular disease, but negative to live virus, to be sold for consumption on the domestic market subject to certain controls. Similar provisions are applied in respect restricted meat from restricted poultry intended for supply only on the domestic market. The objective of the amendments is to reduce the risk of disease transmission to animals via products of animal origin (intended for human consumption), during an outbreak of certain exotic animal diseases.

**The following points have been identified for reporting under Standing Order 15.2.**

In Regulation 4(a), "protected" should be replaced with "protection" as this is the correct wording of the defined term in the principal Regulations. [Standing Order 15.2(vi)]

**Janet Ryder AM**

Chair, Subordinate Legislation Committee

**22 June 2009**

**Government have responded as follows:-**

**The Products of Animal Origin (Disease Control) (Wales) (Amendment) Regulations 2009**

The Government accepts the reporting point and will amend the Regulations immediately.

## **Annex 3**

### **Subordinate Legislation Committee**

**(SLC(3)-16-09)**

**SLC299**

### **Subordinate Legislation Committee Report**

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

**Title: The Contaminants in Food (Wales) Regulations 2009**

**Procedure: Negative**

The Regulations revoke and re-enact with changes the Contaminants in Food (Wales) Regulations 2007 as amended and provide the necessary measures to enforce three new European Commission Regulations introducing or revising maximum permitted levels (MPLs) for certain specified contaminants in food. The contaminants in question include dioxins, certain heavy metals and a group of veterinary products designed for use in animal feed.

**The following points have been identified for reporting under Standing Order 15.2.**

Regulation 2 (1) (interpretation): - in the paragraph relating to Commission Regulation 124/2009, the English text refers to "Commission Regulation (EC) No 124/2009. In the Welsh text the corresponding reference is to "Rhif xxx/2008" – Standing Order 15.2 (vi)

**Janet Ryder AM**

Chair, Subordinate Legislation Committee

**22 June 2009**

**Government have responded as follows:-**

**The Contaminants in Food (Wales) Regulations 2009**

The Government has indicated that it accepts the reporting point and that it intends to amend the Regulations as soon as possible and in any event by the end of 2009.