

Subordinate Legislation Committee

Report (SLC (3) 24-09)

Date: 21 October 2009
Time: 9.30am
Venue: Committee Room 4, Ty Hywel

CONTENTS

The Committee met on 21 October 2009. At the meeting the following Committee Members were present: Janet Ryder AM, Alun Davies AM, William Graham AM, Mike German AM. Apologies were received from Joyce Watson AM. There were no substitutions.

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)

SLC339 - The Staffing of Maintained Schools (Wales) (Amendment) Regulations 2009

Negative Procedure. Date made 5 October 2009. Date laid 7 October 2009. Coming into force date 2 November 2009

SLC340 - The Prohibition of Fishing for Scallops (Wales) Order 2009

Negative Procedure. Date made 7 October 2009. Date laid 8 October 2009. Coming into force date 1 November 2009

SLC341 - The Persons Providing Education at Further Education Institutions in Wales (Conditions) (Amendment) Regulations 2009

Negative Procedure. Date made 10 October 2009. Date laid 13 October 2009. Coming into force date 4 November 2009

Instruments in respect of which the Assembly is invited to pay special attention under Standing Orders 15.2 and 15.3

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

SLC337 - The Food Labelling (Nutrition Information) (Wales) Regulations 2009

Negative Procedure. Date made 04 November 2009. Date laid 6 October 2009. Coming into force date 30 October 2009

The Committee's Report under S.O.15.2 and S.O. 15.2 on these Regulations is attached as Annex 1.

Other Business

Committee Correspondence: the Ministers' responses to the Chair's letters re SLC304 - The Marketing of Fresh Horticultural Produce (Wales) Regulations 2009 and SLC309 - The Food Irradiation (Wales) Regulations 2009

The Members noted the Ministers' responses to the Chair's letters regarding the points raised in the Committee's reports on the above mentioned Statutory Instruments.

Agenda Items 5 and 6 – Update on 'Inquiry into the Scrutiny of Subordinate Legislation and Delegated Powers' and Subordinate Legislation Committee's Work Review

In accordance with Standing Order 10.37(ix) the Committee resolved to exclude the public from the remainder of the meeting to receive an update on the progress of the Inquiry into the Scrutiny of Subordinate Legislation and Delegated Powers and to discuss the work review.

Janet Ryder AM
Chair, Subordinate Legislation Committee

21 October 2009

Annex 1

Subordinate Legislation Committee

(SLC(3)-24-09)

SLC337

Subordinate Legislation Committee Report

Title: The Food Labelling (Nutrition Information) (Wales) Regulations 2009

Procedure: Negative

These Regulations further amend the Food Labelling Regulations 1996 (“the principal Regulations”) in so far as they apply in relation to Wales. The principal Regulations extend to the whole of Great Britain. These Regulations implement in Wales Commission Directive 2008/100/EC amending Council Directive 90/496/EEC on nutrition labelling for foodstuffs as regards recommended daily allowances, energy conversion factors and definitions (“the Commission Directive”).

Under Standing Order 15.2 the Assembly is invited to pay special attention to this instrument on the following grounds:

The Table substituted by Schedule 2 to the Regulations sets out minerals in respect of which nutrition claims may be made, both as regards the substances included and the recommended daily allowances. The Recommended Daily Amount shown for Potassium in the Regulations is 200mg. However, the corresponding amount shown in the Commission Directive being implemented is 2,000mg. [Standing Order 15.2(vi) – defective drafting]

The attention of the Assembly is also drawn to these Regulations under Standing Order 15.3(iv) as they inappropriately implement European Union legislation.

Janet Ryder AM

Chair, Subordinate Legislation Committee

21 October 2009

The Government has responded as follows:

The Food Labelling (Nutrition Information) (Wales) Regulations 2009

We accept the point made. This was a drafting error and the correct Recommended Daily Amount shown for Potassium should have been 2000mg. Steps are now being taken to make amending regulations to correct

this error. We aim to have these amending regulations signed and laid within three months.