

## **Constitutional Affairs Committee**

**Report: CA(3)-22-10 : 6 October 2010**

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**Time: 9.30 am**

**Venue: Committee Room 4, Tŷ Hywel**

### **Assembly Members in attendance**

Janet Ryder, North Wales (Chair)

Alun Davies, Mid and West Wales

William Graham, South Wales East

Rhodri Morgan, Cardiff West

Kirsty Williams, Brecon and Radnorshire

### **Apologies.**

There were no apologies.

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 or 15.3**

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

- **CA484 - The Materials and Articles in Contact with Food (Wales) Regulations 2010**

**Procedure:** Negative

**Date made:** 15 September 2010

**Date laid:** 17 September 2010

**Coming into force date:** 20 October 2010

- **CA485 - The Food Irradiation (Wales) (Amendment) Regulations 2010**

**Procedure:** Negative

**Date made:** 15 September 2010

**Date laid:** 17 September 2010

**Coming into force date:** 20 October 2010

#### **Draft Instruments subject to approval pursuant to a resolution of the Assembly (Affirmative Procedure)**

- **CA487 - The Fishing Boats (Electronic Transmission of Fishing Activities Data) (Wales) Scheme 2010**

**Procedure:** Affirmative

**Date made:** 28 September 2010

**Date laid:** 28 September 2010

**Coming into force date:** 20 October 2010

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

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

- **CA486 - The Feed (Sampling and Analysis and Specified Undesirable Substances) (Wales) Regulations 2010**

**Procedure:** Negative

**Date made:** 15 September 2010

**Date laid:** 17 September 2010

**Coming into force date:** 11 October 2010

The Committee agreed the Report under S.O.15.2 (viii) on this Statutory Instrument, which is attached as Annex 1.

### **Other Business**

#### **Review of Standing Orders – Committees: Response of the Chair of the Constitutional Affairs Committee to the Head of Assembly Committee Service**

The Committee noted the Chair's response to the Head of Assembly Committee Service regarding the Review of the Standing Orders.

The Committee agreed that the Chair should write to the Business Committee seeking further details on the timescale for the review of standing orders and to ask whether there would be any further opportunity for the Committee to consider draft amendments to standing orders before they are put to the Assembly as a whole.

#### **Response to Merits Reports from the Minister for Rural Affairs**

The Chair informed the Committee that she had received a response from the Minister for Rural Affairs Elin Jones AM to the Merits report on the Plant Health (Wales) (Amendment) Order 2010 (CA469). Bearing in mind that the reporting points on both the Plant Health (Wales) (Amendment) Order 2010 (CA469) and the Eggs and Chicks (Wales) Regulations 2010 (CA459) raised a similar issue of principle, it was decided to adjourn consideration until next week, so that both responses could be discussed together.

**Consideration of the Proposed Domestic Fire Safety (Wales) Measure (Item 7) and Update on ‘Inquiry into Drafting Welsh Government Measures: Lessons from the first three years’ (Item 8)**

In accordance with Standing Order 10.37(vi) the Committee resolved to exclude the public from the remainder of the meeting to consider the evidence on the Proposed Domestic Fire Safety (Wales) Measure 2010 and to discuss the evidence to the Inquiry into the Drafting Welsh Government Measures: Lessons from the first three years.

**Janet Ryder AM**  
Chair, Constitutional Affairs Committee

**6 October 2010**

## **Annex 1**

### **Constitutional Affairs Committee**

**(CA(3)-22-10)**

**CA486**

### **Constitutional Affairs Committee Report**

**Title: The Feed (Sampling and Analysis and Specified Undesirable Substances) (Wales) Regulations 2010**

**Procedure: Negative**

These Regulations provide for the execution in Wales of Commission Regulation (EC) No. 152/2009 laying down the methods of sampling and analysis for the official control of feed

These Regulations also, in Part 4, amend the Feeding Stuffs (Wales) Regulations 2006 in order to implement Commission Directive 2009/141/EC

#### **Technical Scrutiny**

Under Standing Order 15.2 the Assembly is invited to pay special attention to this instrument:-

1. In regulations 17 and 18, gender specific language (he and his) is used in order to maintain consistency with the style of the legislation being amended. The gender specific language is used in the Welsh text of regulations 17 and 18 because the legislation that they amend was made in English only. "His" alone is also used in regulation 21(4). [Standing Order 15.2(viii)]

#### **Merits Scrutiny**

Under Standing Order 15.3 the Assembly is not invited to pay special attention to this instrument.

**Janet Ryder AM**

Chair, Constitutional Affairs Committee

**6 October 2010**

**The Government responded as follows:**

**The Feed (Sampling and Analysis and Specified Undesirable Substances) (Wales) Regulations 2010 (“the Regulations”)**

1. Regulations 17 and 18 of the Regulations use gender-specific language to modify sections 76 and 77 of the Agriculture Act 1970 in order to maintain consistency with the style of the legislation being amended, rather than mixing gender-neutral drafting with the existing gender-specific provisions.

2. The reference in the Committee’s report to the English text of regulation 21 of the Regulations is noted. The amendment to regulation 30(1)(b) of the Feed (Hygiene and Enforcement) (Wales) Regulations 2005 (“the 2005 Regulations”) made by regulation 21(4)(a) of the Regulations should be drafted in gender-neutral terms (his or her) rather than gender-specific terms (his). This does not affect the efficacy of the 2005 Regulations. That said, the words “or her” will be inserted into regulation 30(1)(b) of the 2005 Regulations on the next occasion that the 2005 Regulations are amended.