

Subordinate Legislation Committee

Report (SLC (3) 27-09)

Date: 18 November 2009
Time: 9.30am
Venue: Committee Room 1, Senedd

CONTENTS

The Committee met on 18 November 2009. At the meeting the following Committee Members were present: Janet Ryder AM, Alun Davies AM, William Graham AM, Mike German AM, Joyce Watson AM. There were no apologies.

The Committee reports to the Assembly as follows:

1. 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)

SLC348 - The Food Labelling (Declaration of Allergens) (Wales) Regulations 2009

Negative Procedure. Date made 27 October 2009. Date laid 29 October 2009. Coming into force date 20 November 2009

SLC351 - The Seed Potatoes (Wales) (Amendment) Regulations 2009

Negative Procedure. Date made 10 November 2009. Date laid 11 November 2009. Coming into force date 15 December 2009

2. 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)

SLC350 - The Contaminants in Food (Wales) (Amendment) Regulations 2009

Negative Procedure. Date made 2 November 2009. Date laid 5 November 2009. Coming into force date 27 November 2009

The Committee noted that the regulations amend an error in the Welsh text of the Contaminants in Food (Wales) Regulations 2009 but instead of correcting the incorrect reference (XXX/2008) to Commission Regulation EC No 124/2009, regulation 2(2) incorrectly refers to Commission Regulation 124/2008.- Standing Order 15.2 (vi)

Nevertheless, the Committee agreed that this was an obvious typographical error that was appropriate for correction on publication.

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

3. Committee Correspondence

Letter from the Chair of the Legislation Committee No.5 re the process of the LCO scrutiny

The Committee discussed the letter from the Chair of the Legislation Committee No. 5, which brought to the Subordinate Legislation Committee's attention issues which the SLC was asked to consider as matters of general legal interest as part of the Inquiry on the Development of Schedule 5. The Committee decided to invite the Chair of the Legislation Committee No.5 to give evidence as part of the Inquiry into the Developments in Schedule 5 to the Government of Wales Act 2006, including Exceptions to Matters.

Response of the Minister for Social Justice and Local Government Dr Brian Gibbons AM to the Subordinate Legislation Committee Report on the Equality Bill

The Committee discussed the response of the Minister for Social Justice and Local Government Dr Brian Gibbons to the Committee's Report on the Equality Bill, published in September. The Committee agreed that the Minister's response was disappointing in some respects and agreed to write to him to outline its concerns.

Response of the Minister for Environment, Sustainability and Housing Jane Davidson AM to the Subordinate Legislation Committee Report on the Marine and Coastal Access Bill

The Committee discussed the response of the Minister for Environment, Sustainability and Housing, Jane Davidson, to the Committee's Report on the Marine and Coastal Access Bill, published in September. The Committee agreed that parts of the Minister's response raised issues of continuing concern. It agreed to write to her outlining those concerns, particularly in relation to Recommendation 3 of the Committee's Report, where it appeared that the Minister had in giving evidence accepted that there were deficiencies in the drafting of section 63 of the Bill.

The Committee also agreed to write to the Counsel General to draw his attention to this and other issues emerging from the Committee's scrutiny of the Bills.

Response from the Minister for Health and Social Services to the Chair's letter regarding SLC312 - The National Health Service

(General Medical Services Contracts) (Prescription of Drugs Etc) (Wales) (Amendment) Regulations 2009

The Committee discussed the response of the Minister for Health and Social Services Edwina Hart AM to the Chair's letter about the reasons given by the Welsh Government for issuing these Regulations in English only. The Committee accepted that a tight timescale and an urgent necessity to legislate could be valid reasons for not translating subordinate legislation. However, they were not wholly convinced that this was valid in this case where only a small amount of translation work was needed.

Response of the Minister for Social Justice and Local Government Dr Brian Gibbons AM to the Subordinate Legislation Committee Report on the UK Government Child Poverty Bill

The Committee considered the response of the Minister for Social Justice and Local Government Dr Brian Gibbons to the Committee's Report on the Child Poverty Bill, published in October. The Committee agreed that no further action was necessary at this stage.

4. Regulatory Impact Assessment Code for Subordinate Legislation – comparison with other administrations

The Members compared the Welsh the Regulatory Impact Assessment Code with those in other devolved administrations. The Committee decided to write to the Counsel General to inform him that, having compared the Welsh Assembly Government's Code with others, the Members found the Welsh Code to be comprehensive and thorough while appearing to avoid some of the overly detailed guidance used in other places. The Committee would keep the development of the Code under review and ask the Government for an indication of their timetable for reviewing the Code.

Janet Ryder AM
Chair, Subordinate Legislation Committee

18 November 2009

Annex 1

Subordinate Legislation Committee

(SLC(3)-27-09)

SLC350

Subordinate Legislation Committee Report

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

Procedure: Negative

The Regulations Purports to correct an error in the Welsh text of The Contaminants in Food (Wales) Regulations 2009 that was identified by the Subordinate Legislation Committee meeting on 22 June 2009 (SLC 299).

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

Regulation 2 (2) : - This regulation amends an error in the Welsh text of the Contaminants in Food (Wales) Regulations 2009 but instead of correcting the incorrect reference (XXX/2008) to Commission Regulation EC No 124/2009, regulation 2(2) incorrectly refers to Commission Regulation 124/2008.- Standing Order 15.2 (vi)

Nevertheless, it is considered that this obvious typographical error is appropriate for correction on publication.

Janet Ryder AM

Chair, Subordinate Legislation Committee

18 November 2009