

**NATIONAL ASSEMBLY
FOR WALES
LEGISLATION COMMITTEE**

**SECOND ASSEMBLY
FIRST ANNUAL REPORT
2003 - 2004**

CONTENTS	Page No.
Summary of the Work of the Legislation Committee 2003-2004	16
Preface by the Chair of the Legislation Committee	16
Introduction	18
Second Assembly: First Year Analysis	19
Committee Responsibilities: Standing Order 11.7	19
Distribution of Problems Established by the Committee under Standing Order 11.7	20
Observations	20
Procedures by Which Legislation is Made	21
Distribution of Procedures by Which Legislation is Made	21
Operational Matters	22
Other Activities	22
Election to the Second Assembly	22
Presentation by Dr Richard Crowe, Chief Legal Translator: 'The Challenge Of Translating Legislation'	23
Discussion with Mr. Winston Roddick QC, the Counsel General: Co-Drafting of Legislation. Alterations in Legal Advice to the Legislation Committee	23
Points of Order Made by the Chair of the Legislation Committee Glyn Davies In Plenary	23
Change of Legal Advisers to the Committee	24
Discussion with the Counsel of the Spanish Council of State Sr. Torre De Silva	25
Delays with Submissions of Draft Statutory Instruments to the Committee	25
Statutory Instruments Issued under the Executive Procedure	25
Dedication of Certain Plenary Meetings Solely to Debates on Subordinate Legislation	26

The Education (Pupil Exclusions And Appeals) (Miscellaneous Amendments) (Wales) Regulations 2004 (Lc931)	27
Visit Of The Delegation From The Subordinate Legislation Committee Of The Scottish Parliament	27
Statutory Instruments Considered by the Legislation Committee	29
Summary of Issues Raised by the Committee in their Reports	94
LC682 The Housing (Right to Buy) (Limits of Discount) (Amendment) (Wales) Order 2003	29
LC683 The Adoption of Children from Overseas (Wales) (Amendment) Regulations 2003	29
LC684 The Fish Labelling (Wales) Regulations 2003	29
LC685 The National Health Service (Optical Charges and Payments) and (General Ophthalmic Services) (Amendment) (Wales) Regulations 2003	29
LC686 The National Health Service (Travelling Expenses and Remission of Charges) (Amendment) (Wales) Regulations 2003	29
LC687 The Preserved Counties (Amendment to Boundaries) (Wales) Order 2003	30
LC688 The Products of Animal Origin (Third Country Imports) (Wales) (Amendment) Regulations 2003	30
LC689 The Administration of the Rent Officer Service (Wales) Order 2003	30
LC690 The Diseases of Poultry (Wales) Order 2003	30
LC691 The Health Authorities (Transfer of Functions, Staff, Property, Rights and Liabilities and Abolition) (Wales) (Amendment) Order 2003	31
LC692 The Local Health Boards (Functions) (Amendment) Regulations 2003	31
LC693 The Powys Local Health Board (Additional Functions) Regulations 2003	31
LC694 The Food Labelling (Amendment) (Wales) Regulations 2003	31
LC695 The Bus Service Operators Grant (Amendment) (Wales) Regulations 2003	32
LC696 The Care Homes (Amendment) (Wales) Regulations 2003	32
LC697 The Non-Domestic Rating (Utilities) (Rateable Value) (Amendment) (Wales) Order 2003	32

LC698	The Food (Pistachios from Iran) (Emergency Control) (Wales) Regulations 2003	32
LC699	The Housing (Right to Acquire and Right to Buy) (Designated Rural Areas and Designated Regions) (Amendment) (Wales) Order 2003	33
LC700	The Waste Management Licensing (Amendment) (Wales) Regulations 2003	33
LC701	The Education (Nursery Education and Early Years Development and Childcare Plans) (Wales) Regulations 2003	33
LC702	The National Health Service (General Medical Services) (Amendment) (No. 3) (Wales) Regulations 2003	33
LC703	The Plastic Materials and Articles in Contact with Food (Amendment) (Wales) Regulations 2003	33
LC704	The Sweeteners in Food (Amendment) (Wales) Regulations 2003	34
L0705	The Disease Control (Interim Measure) (Wales) (No. 2) Order 2003	34
LC706	The Food Supplements (Wales) Regulations 2003	34
LC707	The Transport of Animals (Cleansing and Disinfection) (Wales) (No.2) Order 2003	34
LC708	The Environmental Protection (Duty of Care) (Amendment) (Wales) Regulations 2003	34
LC709	The Feeding Stuffs (Sampling and Analysis), the Feeding Stuffs (Enforcement) and the Feeding Stuffs (Establishments and Intermediaries) (Amendment) (Wales) Regulations 2003	35
LC710	The Non-Domestic Rating (Collection and Enforcement) (Local Lists) (Amendment) (Wales) Regulations 2003	35
LC711	The Council Tax (Administration and Enforcement) (Amendment No. 2) (Wales) Regulations 2003	35
LC712	The Special Educational Needs and Disability Act 2001 (Commencement No. 2) (Wales) Order 2003	35
LC713	The Education (School Organisation Plans) (Wales) Regulations 2003	36
LC714	The Welfare of Farmed Animals (Wales) (Amendment) Regulations 2003	36
LC715	The Education Act 2002 (Commencement No. 2) (Wales) Order 2003	36
LC716	The Education Act 2002 (Transitional Provisions and Consequential Amendments) (Wales) Regulations 2003	36
LC717	The Common Agricultural Policy (Wine) (Wales) (Amendment) Regulations 2003	36

LC718	The Contaminants in Food (Wales) Regulations 2003	36
LC719	The Food Safety (Ships and Aircraft) (Wales) Order 2003	37
LC720	The Education (Assisted Places) (Incidental Expenses) (Amendment) (Wales) Regulations 2003	37
LC721	The Air Quality (Ozone) (Wales) Regulations 2003	37
LC722	The Plant Health (Amendment) (Wales) Order 2003	37
LC723	The Protection of Animals (Anaesthetics) Amendment (Wales) Order 2003	37
LC724	The Housing (Right to Buy) (Priority of Charges) (Wales) Order 2003	38
LC725	The Home Loss Payments (Prescribed Amounts) (Wales) Regulations 2003	38
LC726	The Feeding Stuffs, the Feeding Stuffs (Sampling and Analysis) and the Feeding Stuffs (Enforcement) (Amendment) (Wales) Regulations 2003	38
LC727	The Coast Protection (Notices) (Wales) Regulations 2003	38
LC728	The Action Programme for Nitrate Vulnerable Zones (Amendment) (Wales) Regulations 2003	39
LC729	The Prohibition of Fishing with Multiple Trawls (Wales) Order 2003	39
LC730	The Animal By-Products (Identification) (Amendment) (Wales) Regulations 2003	39
LC731	The Education (Assisted Places) (Amendment) (Wales) Regulations 2003	39
LC732	The Disability Discrimination (Prescribed Periods for Accessibility Strategies and Plans for Schools) (Wales) Regulations 2003	39
LC733	The Nurses Agencies (Wales) Regulations 2003	39
LC734	The Care Standards Act 2000 (Commencement No. 12) (Wales) Order 2003	40
LC735	The Special Educational Needs and Disability Act 2001 (Commencement No. 2) (Wales) Order 2003	40
LC736	The National Health Service (Amendments concerning Supplementary and Independent Nurse Prescribing) (Wales) Regulations 2003	40
LC737	The Animal Gatherings (Wales) Order 2003	40
LC738	The Transport of Animals (Cleansing and Disinfection) (Wales) (No. 3) Order 2003	40
LC739	The Disease Control (Wales) Order 2003	41

LC740	The National Health Service (General Dental Services) (Amendment) (No. 2) (Wales) Regulations 2003 SI No. 1976 (W.215)	41
LC741	The Food (Peanuts from China) (Emergency Control) (Amendment) (Wales) Regulations 2003	41
LC742	The Food (Figs, Hazelnuts and Pistachios from Turkey) (Emergency Control) (Wales) (Amendment) Regulations 2003	41
LC743	The Food (Brazil Nuts) (Emergency Control) (Wales) Regulations 2003 SI No. 2254 (W.224)	42
LC744	The Food (Pistachios from Iran) (Emergency Control) (Wales) (No. 2) Regulations 2003	42
LC745	The Education (Information About Post-16 Individual Pupils) (Wales) Regulations 2003	42
LC746	The Education (Teachers' Qualifications and Health Standards) (Amendment No. 2) (Wales) Regulations 2003	42
LC747	The Classical Swine Fever (Wales) Order 2003	42
LC748	The Health (Wales) Act 2003 (Commencement No. 1) Order 2003	43
LC749	The Pig Industry Restructuring Grant (Wales) (Variation) Scheme 2003	43
LC750	The Food (Hot Chilli and Hot Chilli Products) (Emergency Control) (Wales) Regulations 2003	43
LC751	The Local Authorities (Allowances for Members of County and County Borough Councils) (Past Service Awards) (Wales) Regulations 2003	43
LC752	The Smoke Control Areas (Exempted Fireplaces) (Wales) Order 2003	43
LC753	The National Assistance (Assessment of Resources) (Amendment No. 2) (Wales) Regulations 2003	43
LC754	The Oil and Fibre Plant Seeds (Amendment) (Wales) Regulations 2003	44
LC755	The Animal By-Products (Wales) Regulations 2003	44
LC756	The National Health Service (Travelling Expenses and Remission of Charges) (Amendment) (No. 2) (Wales) Regulations 2003	44
LC757	The Animal By-Products (Identification) (Amendment) (Wales) (No. 2) Regulations 2003	44
LC758	The Food (Star Anise from Third Countries) (Emergency Control) (Wales) (Revocation) Order 2003	45
LC759	The Schools Forums (Wales) Regulations 2003	45
LC760	The Child Minding and Day Care (Amendment) (Wales) Regulations 2003	45
LC761	The Registration of Social Care and Independent Health Care (Amendment) (Wales) Regulations 2003	46
LC762	The Education (Recognised Bodies) (Wales) Order 2003	46

LC763	The Pigs (Records, Identification and Movement) (Interim Measures) (Wales) (No. 2) (Amendment) (No. 2) Order 2003	46
LC764	The Education Act 2002 (Transitional Provisions and Consequential Amendments) (No. 2) (Wales) Regulations 2003	46
LC765	The Natural Mineral Water, Spring Water and Bottled Drinking Water (Amendment) (Wales) Regulations 2003	46
LC766	The Shrimp Fishing Nets (Wales) Order 2003	47
LC767	The Specified Sugar Products (Wales) Regulations 2003	47
LC768	The Cocoa and Chocolate Products (Wales) Regulations 2003	47
LC769	The Fruit Juices and Fruit Nectars (Wales) Regulations 2003	47
LC770	The Condensed Milk and Dried Milk (Wales) Regulations 2003	47
LC771	The Honey (Wales) Regulations 2003	47
LC772	The Education (Admission Forums) (Wales) Regulations 2003	48
LC773	The Education Act 2002 (Commencement No. 3) (Wales) Order 2003	48
LC774	The Local Authorities (Allowances for Members of County and County Borough Councils) (Pensions) (Wales) Regulations 2003	48
LC775	The Nurses Agencies (Wales) (Amendment) Regulations 2003	48
LC776	The Local Government Act 2003 (Commencement) (Wales) Order 2003	48
LC777	The Council Tax (Valuation Bands) (Wales) Order 2003	49
LC778	The Health (Wales) Act 2003 (Commencement No. 2) Order 2003	49
LC779	The LEA Budget, Schools Budget and Individual Schools Budget (Wales) Regulations 2003	49
LC780	The South Wales Sea Fisheries Committee (Levies) Regulations 2003	49
LC781	The South Wales Sea Fisheries District (Variation) Order 2003	49
LC782	The Feeding Stuffs, the Feeding Stuffs (Sampling and Analysis) and the Feeding Stuffs (Enforcement) (Amendment) (Wales) (No. 2) Regulations 2003	50
LC783	The Independent Schools (Religious Character of Schools) (Designation Procedure) (Wales) Regulations 2003	50
LC784	The Food (Peanuts from Egypt) (Emergency Control) (Wales) Regulations 2003	50
LC785	The Kava-kava in Food (Wales) (Revocation) Regulations 2003	50
LC786	The Independent Schools (Provision of Information) (Wales) Regulations 2003	51
LC787	The National Assembly for Wales (Returning Officers' Charges) (Amendment) Order 2003	51

LC788	The Independent School (Publication of Inspection Reports) (Wales) Regulations 2003	51
LC789	The Independent School Standards (Wales) Regulations 2003	51
LC791	The Welsh Language Schemes (Public Bodies) Order 2004	51
LC792	The National Health Service (Pharmaceutical Services) (Amendment) (No. 2) (Wales) Regulations 2003	52
LC793	The Non-Domestic Rating Contributions (Wales) (Amendment) Regulations 2003	52
LC794	The Education (School Day and School Year) (Wales) Regulations 2003	52
LC795	The Education (Pupil Exclusions and Appeals) (Pupil Referral Units) (Wales) Regulations 2003	52
LC796	The Education (Pupil Exclusions and Appeals) (Maintained Schools) (Wales) Regulations 2003	53
LC797	The Dog Fouling (Fixed Penalty) (Wales) Order 2003	53
LC798	The Litter (Fixed Penalty) (Wales) Order 2003	53
LC799	The National Health Service (Primary Care) Act 1997 (Commencement No. 1) (Wales) Order 2003	53
LC800	The Collagen and Gelatine (Intra-Community Trade) (Wales) Regulations 2003	53
LC801	The Central Rating List (Wales) (Amendment) Regulations 2003	54
LC802	The Wildlife and Countryside (Registration, Ringing and Marking of Certain Captive Birds) (Wales) Regulations 2003	54
LC803	The Adoption Agencies (Amendment) (Wales) Regulations 2003	54
LC804	The Local Authorities (Capital Finance and Accounting) (Wales) Regulations 2003	54
LC805	The Waste Management Licensing (Amendment) (Wales) Regulations 2004	55
LC806	The Organic Farming Scheme (Wales) (Amendment) Regulations 2004	55
LC807	The Producer Responsibility Obligations (Packaging Waste) (Amendment) (Wales) Regulations 2003	55
LC808	The African Swine Fever (Wales) Order 2003	55
LC809	The Pig Carcase (Grading) (Amendment) (Wales) Regulations 2004	55
LC810	The Health and Social Care Act 2001 (Commencement No.6) (Wales) Order 2004	55
LC811	The Road Traffic (Permitted Parking Area and Special Parking Area) (County of Carmarthenshire) Order 2004	56
LC812	The Conduct of Members (Model Code of Conduct) (Amendment) (Wales) Order 2004	56
LC813	The Local Government (Ordinary Day of Election) (Wales) Order 2004	56

LC814	The Adoption and Children Act 2002 (Commencement No.5) (Wales) Order 2004	57
LC815	The Food (Emergency Control) (Miscellaneous Amendments) (Wales) Regulations 2004	57
LC816	The Council Tax (Demand Notices) (Amendment) (Wales) Regulations 2004	57
LC817	The Housing Renewal Grants (Amendment) (Wales) Regulations 2004	58
LC818	The Housing Renewal Grants (Prescribed Form and Particulars) (Amendment) (Wales) Regulations 2004	58
LC819	The Domiciliary Care Agencies (Wales) Regulations 2004	58
LC820	The Food (Provisions relating to Labelling) (Wales) Regulations 2004	58
LC821	The Removal of Obstructions from Highways (Wales) Regulations 2004	59
LC822	The Countryside and Rights of Way Act 2000 (Commencement No.4) (Wales) Order 2004	59
LC823	The Infant Formula and Follow-on Formula (Amendment) (Wales) Regulations 2004	59
LC824	The Health Professions Wales (Establishment, Membership, Constitution and Functions) Order 2004	60
LC825	The Health Professions Wales (Transfer of Staff, Property, Rights and Liabilities Order 2004	60
LC826	The Processed Cereal-based Foods and Baby Foods for Infants and Young Children (Wales) Regulations 2004	60
LC827	The Water Industry (Prescribed Conditions) (Wales) Regulations 2004	61
LC828	The Education (Individual Pupil Information) (Prescribed Persons) (Wales) Regulations 2004	61
LC829	The Jam and Similar Products (Wales) Regulations 2004	62
LC830	The Miscellaneous Food Additives (Amendment) (Wales) Regulations 2004	62
LC831	The Commonhold and Leasehold Reform Act 2002 (Commencement No.2 and Savings) (Wales) Order 2004	62
LC832	The Leasehold Valuation Tribunals (Fees) (Revocation and Savings) (Wales) Order 2004	62
LC833	The Leasehold Valuation Tribunals (Service Charges, Insurance or Appointment of Managers Applications) (Revocation and Saving) (Wales) Order 2004	63
LC834	The Leasehold Valuation Tribunals (Fees) (Wales) Regulations 2004	63
LC835	The Leasehold Valuation Tribunals (Procedure) (Wales) Regulations 2004	63
LC836	The RTM Companies (Memorandum and Articles of Association) (Wales) Regulations 2004	63

LC837	The Leasehold Reform (Enfranchisement and Extension) (Amendment) (Wales) Regulations 2004	64
LC838	The Leasehold Reform (Collective Enfranchisement and Lease Renewal) (Amendment) (Wales) Regulations 2004	64
LC839	The Right to Manage (Prescribed Particulars and Forms) (Wales) Regulations 2004	64
LC840	The Service Charges (Consultation Requirements) (Wales) Regulations 2004	65
LC842	The Water Industry (Prescribed Conditions) (Undertakers Wholly or Mainly in Wales) Regulations 2004	65
LC841	The Vehicular Access Across Common and Other Land (Wales) Regulations 2004	65
LC843	The Education (School Inspection) (Amendment) (Wales) Regulations 2004	66
LC844	The Inspection of Education and Training (Amendment) (Wales) Regulations 2004	66
LC845	The Common Agricultural Policy Non-IACS Support Schemes (Appeals) (Wales) Regulations 2004	66
LC846	The Inspection of Youth Support Services in Wales Regulations 2004	67
LC847	The Care Standards Act 2000 (Extension of Meaning of “Social Care Worker”) (Wales) Regulations 2004	67
LC848	The Care Council for Wales (Specification of Student Social Workers) (Registration) Order 2004	67
LC849	The Food (Hot Chilli and Hot Chilli Products) (Emergency Control) (Amendment) (Wales) Regulations 2004	68
LC850	The Local Authorities (Alteration of Requisite Calculations) (Wales) Regulations 2004	68
LC851	The Council Tax (Prescribed Classes of Dwellings) (Wales) Regulations 2004	68
LC852	The Library Advisory Council for Wales Abolition and Consequential Amendments Order 2004	68
LC853	The Education (Induction Arrangements for School Teachers) (Amendment) (Wales) Regulations 2004	69
LC854	The Community Health Councils Regulations 2004	69
LC855	The Welsh Development Agency (Derelict Land) Order 2004	70
LC856	The Council Tax (Demand Notices) (Wales) (Amendment) Regulations 2004	70
LC857	The Health and Social Care (Community Health and Standards) Act 2003 Commencement (No.1)(Wales) Order 2004	70
LC858	The National Health Service (General Medical Services Contracts) (Wales) Regulations 2004	70
LC859	The General Medical Services Transitional and Consequential Provisions (Order) (Wales) 2004	71

LC860	The Dairy Produce Quotas (Wales) (Amendment) Regulations 2004	72
LC861	The Water Act 2003 (Commencement) (Wales) Order 2004	72
LC862	The Litter and Dog Fouling (Fixed Penalty) (Wales) Order 2004	72
LC863	The Education (School Organisation Proposals) (Wales) (Amendment) Regulations 2004	73
LC864	The National Health Service (Pharmaceutical Services etc) (Repeatable Prescriptions) (Amendment)(Wales) Regulations 2004	73
LC865	The National Health Service (General Medical Services Contracts) (Prescription of Drugs etc.) (Wales) Regulations 2004	73
LC866	The National Health Service (Performers Lists) (Wales) Regulations 2004	73
LC867	The Anti-Social Behaviour Act 2003 (Commencement No.1)(Wales) Order 2004	74
LC868	The National Assistance (Assessment of Resources) (Amendment) (Wales) Regulations 2004	74
LC869	The National Assistance (Sums for Personal Requirements) (Wales) Regulations 2004	74
LC870	The Pigs (Records, Identification and Movement)(Wales) Order 2004	74
LC871	The Education Act 2002 (Commencement No.4 and Transitional Provisions)(Wales) Order 2004	75
LC872	The Education (Pupil Information) (Wales) Regulations 2004	75
LC873	The Education (School Performance Information)(Wales) Regulations 2004	75
LC874	The Adoption Support Services (Local Authorities) (Wales) Regulations 2004	76
LC875	The Local Authorities (Capital Finance and Accounting)(Wales) (Amendment) Regulations 2004	76
LC876	The Non-Domestic Rating (Miscellaneous Provisions) (Amendment) (Wales) Regulations 2004	77
LC877	The Council Tax (Administration and Enforcement) (Amendment) (Wales) Regulations 2004	77
LC878	The Agricultural Holdings (Units of Production) Order 2004	77
LC879	The Health and Social Care (Community Health and Standards) Act 2003 Commencement (No.2)(Wales) Order 2004	77
LC880	The National Health Service (Travelling Expenses and Remission of Charges) (Amendment) (Wales) Regulations 2004	77
LC881	The Local Authorities (Conduct of Referendums) (Wales) Regulations 2004	78
LC882	The Care Homes (Wales) (Amendment) Regulations 2004	78
LC883	The Valuation Tribunals (Wales) (Amendment) Regulations 2004	79
LC884	The National Health Service (Pharmaceutical Services) (Amendment) (Wales) Regulations 2004	79

LC885	The Care Standards Act 2000 (Commencement No 13) (Wales) Order 2004	79
LC886	The Primary Medical Services (Sale of Goodwill and Restrictions on Sub-contracting) (Wales) Regulations 2004	79
LC887	The General Medical Services Transitional and Consequential Provisions (Wales) (No.2) Order 2004	80
LC888	The Council Tax (Administration and Enforcement) and the Non-Domestic Rating (Collection and Enforcement) (Local Lists) (Amendment) (Wales) Regulations 2004	80
LC889	The National Health Service (Optical Charges and Payments) and (General Ophthalmic Services) (Amendment) (Wales) Regulations 2004	80
LC890	The Food for Particular Nutritional Uses (Addition of Substances for Specific Nutritional Purposes) (Wales) (Amendment) Regulations 2004	81
LC891	The National Health Service (Travelling Expenses and Remission of Charges) and (Optical Charges and Payments) and General Ophthalmic Services) (Amendment) (Wales) Regulations 2004	81
LC892	The Health and Social Care (Community Health and Standards) Act 2003 Commencement (No.1)(Wales) (Amendment) Order 2004	81
LC893	The Registration of Establishments (Laying Hens) (Wales) Regulations 2004	81
LC894	The Products of Animal origin (Third Country Imports) (Wales) Regulations 2004	81
LC895	The National Health Service Bodies and Local Authority Partnership Arrangements (Wales) (Amendment) Regulations 2004	82
LC896	The Meat Products (Wales) Regulations 2004	82
LC897	The National Health Service (Charges to Overseas Visitors) (Amendment) (Wales) Regulations 2004	82
LC898	The Food (Jelly Confectionery) (Emergency Control) (Wales) (Amendment) Regulations 2004	83
LC899	The Advocacy Services and Representations Procedure (Children) (Wales) Regulations 2004	83
LC900	The Waste and Emissions Trading Act 2003 (Commencement) (Wales) Order 2004	83
LC901	The Town and Country Planning (General Development Procedure) (Amendment) (Wales) Order 2004	83
LC902	The Landfill Allowances Scheme (Wales) Regulations 2004	83
LC903	The Review of Children's Cases (Amendment) (Wales) Regulations 2004	84
LC904	The Countryside and Rights of Way Act 2000 (Commencement No.5) (Wales) Order 2004	84
LC905	The Local Elections (Declaration of Acceptance of Office) and Welsh Forms (Wales) Order 2004	84
LC906	The Conduct of Members (Model Code of Conduct) (Wales) (Amendment) (No.2) Order 2004	85

LC907	The Local Government (Whole Authority Analyses and Improvement Plans) (Wales) (Amendment) Order 2004	85
LC908	The School Organisation Proposals by the National Council for Education and Training for Wales Regulations 2004	85
LC909	The National Health Service (Charges for Drugs and Appliances) (Wales) (Amendment) Regulations 2004	85
LC910	The Dyfed Powys Health Authority and Gwent Health Authority (Transfer of Trust Property) Order 2004	86
LC911	The Natural Mineral Water, Spring Water and Bottled Drinking Water (Amendment) (Wales) Order 2004	86
LC912	The Environmental Assessment of Plans and Programmes (Wales) Regulations 2004	86
LC913	The Road Traffic (Permitted Parking Area and Special Parking Area) (County of Denbighshire) Order 2004	87
LC914	The Farm Waste Grant (Nitrate Vulnerable Zones) (Wales) Scheme 2004	87
LC915	The Designation of Schools Having a Religious Character and Amendments (Wales) Order 2004	87
LC916	The Adult Placement Schemes (Wales) Regulations Order 2004	87
LC917	The Education (School information) (Wales) (Amendment) Regulations 2004	88
LC918	The School Governors' Annual Reports (Wales) (Amendment) Regulations 2004	88
LC919	The Care Standards Act 2000 (Commencement No.14) (Wales) Order 2004	88
LC921	The Wales Centre for Health (Constitution, Membership and Procedures) Regulations 2004	89
LC922	The Animal Gathering (Wales) Order 2004	89
LC923	The Education (School Teachers' Qualifications) (Wales) Regulations 2004	90
LC924	The Education (Specified Work and Registration) (Wales) Regulations 2004	90
LC925	The School Teachers (Consequential Amendments) (Wales) Regulations 2004	90
LC926	The Wildlife and Countryside Act 1981 (Amendment) (Wales) Regulations 2004	91
LC927	The Conservation (Natural Habitats, &c.) (Amendment) (Wales) Regulations 2004	91
LC928	The Education Act 2002 (Commencement No. 5) (Wales) Order 2004	91
LC929	The Education Act 2002 (Transitional Provisions and Consequential Amendments) (Wales) Regulations 2004	91
LC930	The Housing (Right to Buy) (Priority of Charges) (Wales) Order 2004	92
LC931	The Education (Pupil Exclusions and Appeals) (Miscellaneous Amendments) (Wales) Regulations 2004	92

LC932	The General Teaching Council for Wales (Functions) (Amendment) Regulations 2004	92
LC933	The Feeding Stuffs, the Feeding Stuffs (Sampling and Analysis) and the Feeding Stuffs (Enforcement) (Amendment) (Wales) Regulations 2004	92
LC934	The Bus Service Operators Grant (Amendment) (Wales) Regulations 2004	93
LC935	The Planning and Compulsory Purchase Act 2004 (Commencement No. 2) (Wales) Order 2004	93
LC936	The Planning and Compulsory Purchase Act 2004 (Commencement No. 1 and Transitional Provision) (Wales) Order 2004	93
LC937	The Schools Budget Shares (Wales) Regulations 2004	93
LC938	The Water Act 2003 (Commencement No. 2) (Wales) Order 2004	93
LC939	The Food (Emergency Control) (Wales) (Miscellaneous Amendments) (No.2) Regulations 2004	94
LC940	The Street Works (Inspection Fees) (Amendment) (Wales) Regulations 2004	94
LC941	The Education (Assisted Places) (Amendment) (Wales) Regulations 2004	94
LC942	The Education (Assisted Places) (Incidental Expenses) (Amendment) (Wales) Regulations 2004	94
LC943	The Education (LEA Financial Schemes) (Wales) Regulations 2004	94
LC944	The Potatoes originating in Egypt (Wales) Regulations 2004	95

SECOND ASSEMBLY

FIRST ANNUAL REPORT

2003 - 2004



SUMMARY OF THE WORK OF THE LEGISLATION COMMITTEE 2003-2004

PREFACE BY THE CHAIR OF THE LEGISLATION COMMITTEE

Presenting the First Annual Report of the Legislation Committee of the National Assembly for Wales (Second Assembly) gives me the opportunity to emphasise that the scrutiny undertaken by the Legislation Committee is vital to the proper functioning of this Assembly. It is very important that the Legislation Committee serves the Assembly well in ensuring that all the legislation that is produced here is compliant with requirements of the Standing Orders and the Government of Wales Act. Legislation Committee has a busy role considering legislation in a way that cannot possibly be done in Plenary.

In May 2003, the elections to the Second Assembly took place and the present Committee was elected shortly after that. This Committee has continued and developed the work undertaken by the Committee during the First Assembly. The Committee consists of ten Members, four of whom (including myself) were on the previous Committee. For the other six Members the work of this Committee has been a new experience. I would like to take this opportunity to thank all my fellow Committee Members for their commitment to the Committee's work, their dedication and enthusiasm.

The Assembly Review of Procedure recommended that the Legislation Committee should lay its annual report before the Assembly. Although the current report is entitled "Annual", due to the election, it covers a period longer than one year (May 2003 - August 2004). This Report is laid before the Assembly together with a supplement - the Third Annual Report of the Legislation Committee (First Assembly).

The Committee will continue its efforts to scrutinise thoroughly the subordinate legislation issued by the National Assembly, making it as precise, modern and comprehensible as possible, so that the people of Wales could use it with confidence. We shall do our best to maintain and develop further the high

standards required of the Committee by the Standing Orders. I am certain that the Committee will continue to fulfil its role in the coming year.

Finally, I would like to record my appreciation, and that of the Committee, for the valuable support that we receive from the Legal Advisers to the Committee and the Committee officials. In particular I would like to thank John Turnbull who was Legal Adviser to the Committee throughout the First Assembly and on until December 2003. He helped to steer the Committee through the treacherous waters of the scrutiny of bilingual legislation for the first time in the United Kingdom.

Glyn Davies, AM
Chair, The National Assembly for Wales Legislation Committee

INTRODUCTION:

The role of the Legislation Committee is to scrutinise relevant Welsh subordinate legislation to ensure that it is within the enabling powers and is properly drafted. Its statutory basis is set out in sections 58 and 59 of the Government of Wales Act 1998 and its functions are detailed in Standing Order 11.

This is the First Annual Report of the work of the Legislation Committee (Second Assembly), covering the period June 2003 - July 2004. During that time, the Committee considered a total of **263** pieces of subordinate legislation.

This annual report provides an overview of the Committee's deliberations on each piece of legislation scrutinised and considers the impact of the Committee's reports. The results are presented in summary tabular form for ease of reference.

The report also covers the wider aspects of the Committee's work including its general interest in the presentation and quality of National Assembly legislation.

SECOND ASSEMBLY: FIRST YEAR ANALYSIS

COMMITTEE RESPONSIBILITIES: Standing Order 11.7

Standing Order 11.7 sets out the grounds on which the Committee is to invite the National Assembly to pay special attention to legislation:

- doubt as to whether the legislation is within the Assembly's powers
- the legislation appears to make unusual or unexpected use of the powers
- it is excluded from challenge in the courts
- it appears to have unauthorised retrospective effect
- its form or meaning needs further explanation
- its drafting appears to be defective
- it fails to fulfil statutory or other legal requirements
- there appear to be inconsistencies between the English and the Welsh texts.

Before reporting to the Assembly, the Committee is, under Standing Order 11.6, required to notify the relevant Assembly Minister of this intention and invite him or her to give evidence to the Committee.

Where a defect is capable of correction by Memorandum of Corrections, the Committee reports the matter under S.O.11.7, but indicates that its concerns can be addressed by a Memorandum of Corrections to rectify the points identified. During the reporting period it happened on **55** occasions. Of these, there were:

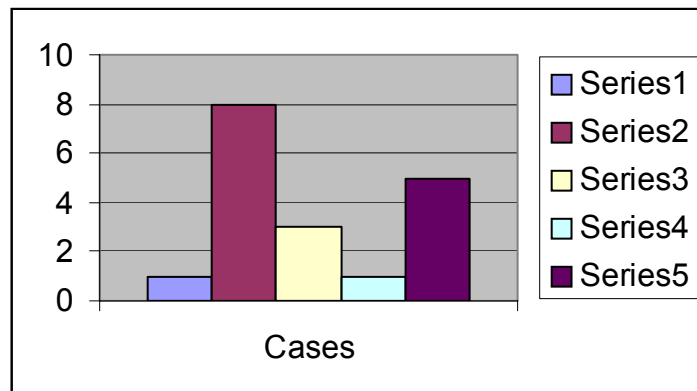
- **3** cases where greater clarity was needed
- **9** cases where greater clarity was needed and drafting errors were present
- **19** cases where drafting errors were present
- **11** cases contained instances of inconsistencies between the English and Welsh texts and defective drafting
- **4** cases contained instances of inconsistencies between the English and Welsh texts
- **1** case contained instances of unusual or unexpected use of Assembly powers, defective drafting, need for further clarification
- **1** case contained defective drafting and typographical mistakes
- **6** cases contained instances of inconsistencies between the English and Welsh texts, defective drafting, need for further clarification
- **1** case contained instances of inconsistencies between the English and Welsh texts, need for further clarification

The Committee invited the Assembly to pay special attention to legislation on **18** separate occasions for the following reasons:

- form or meaning needed further explanation - **1** case
- drafting appeared to be defective - **8** cases

- unusual or unexpected use of Assembly powers (of which in one case – LC903 – there were no powers) – **3** cases
- form or meaning needed further explanation, drafting appeared to be defective and there were some typographical errors - **1** cases form or meaning needed further explanation and drafting appeared to be defective - **5** cases

Distribution of Problems Established by the Committee under Standing Order 11.7



Not suitable for correction by means of a Memorandum of Corrections (**18** cases in total):

- **Series 1** - form or meaning needed further explanation - **1** cases
- **Series 2** - drafting appeared to be defective - **8** cases
- **Series 3** - unusual or unexpected use of Assembly powers (of which in one case – LC903 – there were no powers) – **3** cases
- **Series 4** - form or meaning needed further explanation, drafting appeared to be defective and there were some typographical errors - **1** cases
- **Series 5** - form or meaning needed further explanation and drafting appeared to be defective - **5** cases

Observations

Besides reporting formally under Standing Order 11.7, the Committee's reports to the Assembly have included observations on minor defects.

Having considered the total of **263** statutory instruments, the Committee made suggestions regarding:

- the need for greater clarity - on **31** occasions;
- the simplification of drafting to assist the reader - on **91** occasions;
- typographical errors - on **38** occasions;
- grammatical errors - on **7** occasions.

In the previous years the Committee has paid particular attention eliminating the use of gender specific language and during the period only **1** Draft Statutory Instrument was found to contain an instance of gender specific language.

The National Assembly is required to produce bilingual legislation except where this is inappropriate or not reasonably practicable. Of the two hundred and sixty three Statutory Instruments submitted, **250** were drafted bilingually and only **10** of these contained inconsistencies between the English and Welsh texts.

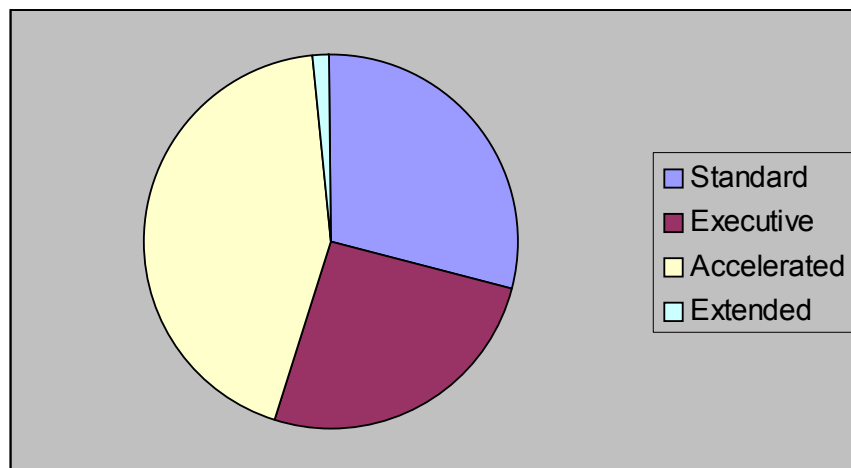
At present out of a total of **263** Statutory Instruments considered by the Committee during the period from June 2003 to July 2004, **258** are available as final printed versions. Of these, **91** final versions took on board Committee's suggestions; **29** final versions incorporated some of the Committee's suggestions; **29** did not incorporate the Committee's suggestions; the Committee's points were taken into consideration and amendments were intended by way of an amending Statutory Instrument in **1** case. The Committee did not make any comments on the remaining **108** Statutory Instruments.

In many instances the legal advisers to the Committee were able to comment on early drafts of legislation. As a result, a considerable number of drafting and similar points being rectified prior to formal submission of the legislation to the Committee.

Procedures By Which Legislation Is Made

The National Assembly processes legislation in four different ways: by Standard Procedure, Executive Procedure, Accelerated Procedure and Extended Procedure. Of the **263** Orders considered by the Committee during the period from June 2003 to July 2004, **77** cases were processed by Standard Procedure; **67** cases - by Executive Procedure; **115** cases - by Accelerated Procedure and **4** cases - by Extended Procedure.

Procedures By Which Legislation Is Made



OPERATIONAL MATTERS

Despite tight deadlines due to weekly meetings, the operational side of the Committee has run smoothly. As soon as a draft Order has been laid before the Assembly it appears on the next available meeting agenda, together with the report of the legal adviser. The Committee Service aims to provide Members with all papers two working days before the meeting. Following each meeting the Committee Service ensures that the Committee's Reports are laid before the Assembly as soon as possible, often on the same day. The finalised reports and minutes are placed on the internet within two working days of each meeting and the aim is also to send any S.O.11.6 letters from the Chair to the relevant Ministers within this time scale.

In April 2004, the Standing Orders of the National Assembly for Wales were updated and the S.O.11.5 changed to S.O.11.7. Although this change has happened in April 2004, in this report S.O.11.7 is quoted throughout. Similarly, other Standing Orders are also quoted as in the updated version.

OTHER ACTIVITIES

ELECTION TO THE SECOND ASSEMBLY

The last meeting of the Legislation Committee before the election to the Second Assembly took place on the 25 March 2003. Accordingly, Mick Bates AM(Chair); Ron Davies AM; Dai Lloyd AM; Jonathan Morgan AM; Owen John Thomas AM; Rosemary Butler AM; Tom Middlehurst AM; Pauline Jarman AM and Huw Lewis AM ceased to be the Members of the Committee on 30 April 2003. In addition to the Members mentioned above, the following AMs were members of the Legislation Committee during the first four years: Lorraine Barrett AM, Nicholas Bourne AM, Christine Chapman AM, Glyn Davies AM, Jocelyn Davies AM, Delyth Evans AM, the late Val Feld AM, Michael German AM, Briam Gibbons AM, Janice Gregory AM, John Griffiths AM, Ann Jones AM, Carwyn Jones AM, Peter Law AM, Val Lloyd AM, John Marek AM, Lynne Neagle AM, Alun Pugh AM, Karen Sinclair AM, and Gwenda Thomas AM.

After the election to the Second Assembly, on 3 June 2003 new Members were elected to the Legislation Committee: Glyn Davies AM (Chair); Eleanor Burnham AM; Rosemary Butler AM; Christine Chapman AM; Jeff Cuthbert AM; Irene James AM; Elin Jones AM; Laura Jones AM; Dai Lloyd AM; Catherine Thomas AM (*Note: In January 2004 Catherine Thomas AM resigned from the Committee and Tamsin Dunwoody-Kneafsey AM was elected to replace her*). The first meeting of the newly-elected Legislation Committee took place on 10 June 2003.

PRESENTATION BY DR RICHARD CROWE, CHIEF LEGAL TRANSLATOR: 'THE CHALLENGE OF TRANSLATING LEGISLATION'.

On 24 June 2003, the Chief Legal Translator in the Office of the Counsel General, Dr Richard Crowe, attended the Committee meeting and gave a short presentation on the work of the team of four senior legal translators, drawing attention to the difficulties in translating secondary legislation. His presentation was followed by a discussion.

DISCUSSION WITH MR WINSTON RODDICK QC, THE COUNSEL GENERAL: CO-DRAFTING OF LEGISLATION. ALTERATIONS IN LEGAL ADVICE TO THE LEGISLATION COMMITTEE.

On 1 July 2003, the Counsel General Mr Winston Roddick QC attended the Committee meeting and gave a short presentation on “Co-drafting of Legislation and Changes to the Arrangements for Legal Advice to Be Given to the Legislation Committee”. The presentation was followed by a discussion. The following topics were covered:

- The importance of the Legislation Committee to the work of the scope of the Assembly and, consequently, the importance of the Members’ understanding of the process of making legislation;
- Possibility of the Members’ visit to OCG to have a discussion with the lawyers and observe the legislative process;
- The importance of the provision of a high quality independent advice to the Committee in the light of the planned changes in legal advisers;
- The authoritative role of the Counsel General in giving advice to the Assembly;
- The necessity of the development of co-drafting of legislation in the light of the requirement for the Assembly to produce its legislation bilingually, with both the English and the Welsh texts having an equal legal status.

POINTS OF ORDER MADE BY THE CHAIR OF THE LEGISLATION COMMITTEE GLYN DAVIES AM IN PLENARY

In plenary on 15 July 2003 the Chair of the Legislation Committee Glyn Davies AM made three points of order:

- The first concerned the duty of the Legislation Committee to invite the Assembly to pay special attention to a proposed Assembly Order or other subordinate legislation ‘if its drafting appears to be defective or the instrument fails to fulfil statutory or other legal requirements’. The Chair expressed concern that the Committee could not ensure that the legislation-making process was carried out properly if the issue of the consideration of regulatory appraisals by the Committee was not resolved – without scrutinising the regulatory appraisals the Members could not satisfy themselves that the appraisals had been carried out comprehensively. This point of order was supported by Dai Lloyd AM and Mick Bates AM. The Presiding Officer expressed his gratitude to the

Members who had supported this point of order. He reminded the Members that the Assembly Review of Procedure recommended that the Legislation Committee should report 'to plenary if it believes that any statutory requirements, including procedural requirements in standing orders, have not been complied with.' He pointed out that the matter was still before the Business Committee which had sought further legal advice. *(Note: Later on in the year the Business Committee decided that it would consider the Regulatory Appraisals itself. When the issue was raised again at the meeting of the Legislation Committee in June 2004, the Legal Adviser explained that the decision regarding the consideration of the Regulatory Appraisals by the Business Committee was made on the basis of the advice it received from the former Counsel General and former Legal Adviser to the Presiding Office. It was decided that the Legal Adviser would prepare a paper on this issue and the Committee would re-examine the matter after the summer recess early in October 2004);*

- The second point of order related to the fact that, on a number of occasions, the motions on the plenary agenda did not reflect the fact that the Legislation Committee had drawn the special attention of the Assembly to S.O.11.7 matters in relation to draft Statutory Instruments (whilst correctly stating that those matters could be corrected by a Memorandum of Corrections). The Presiding Officer promised to investigate the issue. *(Note: the issue has since been resolved. Motions before Plenary now contain references to the reports of the Legislation Committee and state whether matters referred to therein are capable of correction by means of Memoranda of Corrections, and if so such Memoranda are also laid before Plenary).*
- The third point of order concerned the position on legal advice to the Committee and independent legal advice to Members: during his visit to the Committee the Counsel General expressed an opinion that all persons offering legal advice to Members or to the Presiding Officer were answerable to him. The Chair of the Legislation Committee expressed his concern that the Committee, the Presiding Office and all Members should have recourse to independent legal advice. The Presiding Officer stated that he would be happy to be involved in furthering the discussion of this matter by reflecting upon the events of the first four and a half years of the National Assembly. *(Note: The system of the legal advice to the Legislation Committee was changed in January 2004)*

CHANGE OF LEGAL ADVISERS TO THE COMMITTEE

In January 2004, the new Legal Adviser, Gwyn Griffiths, was introduced to the Committee. New Assistant Legal Adviser, Joanest Jackson, joined him later in the year. Unlike their predecessors, they are based in the Assembly Building and form part of the Legal Division of the Assembly Parliamentary Service. The Members expressed the Committee's gratitude to the previous Legal Advisers John Turnbull and Huw Rowlands.

DISCUSSION WITH THE COUNSEL OF THE SPANISH COUNCIL OF STATE SR. TORRE DE SILVA

On 3 February 2004, the Counsel of the Spanish Council of State Sr Torre de Silva visited the Committee and made a short presentation on his work and the work of the Spanish Council of State. His presentation was followed by a discussion.

DELAYS WITH SUBMISSIONS OF DRAFT STATUTORY INSTRUMENTS TO THE COMMITTEE

At the meeting on the 16 March 2004, the Legal Adviser informed the Members about the lack of time between the official submissions of Draft Statutory Instruments to the Legislation Committee and the Committee meetings, which made drafting reports on time very difficult. Quite often the Legal Advisers would get only two days to draft a report instead of the eight. The Legal Adviser suggested three options for addressing this problem:

- “if there is an insufficient time to draft a report, the consideration of the Statutory Instrument should be postponed accordingly;
- the Statutory Instrument is placed on agenda with a note that there was insufficient time to draft a report;
- the report is drafted late and, consequently, also sent late to Members.”

The Chair of the Committee wrote a letter to the Chair of the Business Committee pointing out the difficulty in meeting their requirements for consideration of Statutory Instruments if the fortnightly schedule was not observed. The timescale of submissions has subsequently improved.

STATUTORY INSTRUMENTS ISSUED UNDER THE EXECUTIVE PROCEDURE

In April 2004, the Committee Members expressed concern that a significant proportion of legislation was issued under the Executive Procedure. Whilst the choice of procedure is primarily a matter for the Business Committee, the extended, standard (and accelerated) procedures permit full scrutiny by the Legislation Committee before Statutory Instruments are made. This includes the possibility of using Memoranda of Corrections to remedy any defects. Scrutiny of Instruments using the Executive Procedure only takes place after they are made, they cannot therefore be corrected without the making of further legislation.

It was noted that a number of the Explanatory letters stating the reasons for choice of the Executive procedure said that the up-to-date information about the necessity to issue a piece of legislation was released too late from UK Government Departments, making it impossible for the Assembly legislation to follow the full procedures and meet the deadline when it was required to come into force. The Chair wrote to the relevant Ministers querying the reasons for the delay in communications between Westminster and the Assembly. Following

reminder letters, the replies were received, but the Members noted that it was over one month after the Chair's letters were issued. They commented also that, although the Business Minister's letter provided explanations, it did not contain an assurance that in the future the Executive Procedure would be used only in exceptional cases. The Members decided that the Chair should write to relevant Ministers each time the Committee felt that it needed to clarify the reasons for the use of the Executive Procedure.

In her letter the Business Minister stated that her officials were in the process of preparing new guidance for Assembly officials on these issues. This guidance would address the concerns that the Legislation Committee had raised. The Chair wrote to the Business Minister to clarify the date when the guidance was going to be issued and the possibility for the Committee to contribute.

DEDICATION OF CERTAIN PLENARY MEETINGS SOLELY TO DEBATES ON SUBORDINATE LEGISLATION

In May 2004, the Committee received a letter from the Chair of the Business Committee regarding a possibility of dedicating certain plenary meetings solely to debates on subordinate legislation. Earlier in the year the Business Managers discussed the issue with the Presiding Officers and there was a suggestion that instead of considering some subordinate legislation at most sessions, the Assembly could dedicate a whole plenary meeting to subordinate legislation. However, the Deputy Presiding Officer raised a concern that if a lot of legislation was submitted at the same time it would increase the pressure on the Legislation Committee as it might have to report on a great number of Statutory Instrument within a shortened period of time.

Following the discussion of this matter, the Chair of the Legislation Committee wrote to the Chair of the Business Committee highlighting the following points:

- although there were benefits in considering, for example, all regulations on Medical Contracts together in one plenary session, this would cause a large increase in the workload of the Legal Advisers to the Legislation Committee and the Committee's administrative staff, as large amount of legislation would be submitted to the Committee at the same time for draft reports to be produced within a day;
- the Members of the Legislation Committee already have to study a large amount of Draft reports and Draft Statutory Instruments in a short time period. If the proposal regarding the discussion of subordinate legislation in single dedicated sessions goes ahead, this could increase further.

THE EDUCATION (PUPIL EXCLUSIONS AND APPEALS) (MISCELLANEOUS AMENDMENTS) (WALES) REGULATIONS 2004 (LC931)

On the 29 June 2004, the Committee discussed LC931 - The Education (Pupil Exclusions and Appeals) (Miscellaneous Amendments) (Wales) Regulations

2004 and a question was raised concerning the lack of definition of the word "practical" – the Members considered that the terminology was not tight enough. The consideration of this Draft Statutory Instrument was adjourned. An Explanatory Note was circulated to Members and on the 6 July 2004 an Assembly Counsel, Mr Andrew Felton and the Head of Pupil Engagement Team, Mr Graham Davies, attended the Committee meeting to answer questions in respect of this Statutory Instrument.

In discussion, it was pointed out that although, having read the Note with explanations, the Members fully understood the meaning of the word "practical", Members were concerned that the general public would experience difficulties when using the Regulations as they would not have seen the explanation. The Members decided that the Note should be published together with the Legislation Committee papers.

Mr Felton also confirmed that the Assembly would be publishing supplementary guidance to the existing guidance to explain the new provisions in the amending Regulations. Mr Graham Davies further informed the Committee that revised Guidance would issue soon. The Guidance has since been circulated to Members.

The Committee was grateful to Messrs Davies and Felton for their assistance, which demonstrated that officials working with the Committee could assist in making National Assembly legislation more accessible to its users.

VISIT OF THE DELEGATION FROM THE SUBORDINATE LEGISLATION COMMITTEE OF THE SCOTTISH PARLIAMENT

On the 6 July 2004 the delegation from the Subordinate Legislation Committee of the Scottish Parliament attended the Committee meeting. The delegation comprised Convener of the Subordinate Legislation Committee of the Scottish Parliament Dr Sylvia Jackson MSP, Member of the Subordinate Legislation Committee of the Scottish Parliament Mr Stewart Maxwell MSP, Member of the Subordinate Legislation Committee of the Scottish Parliament Mr Gordon Jackson MSP, Legal Adviser to the Subordinate Legislation Committee of the Scottish Parliament, Ms Margaret Macdonald, Adviser to the Subordinate Legislation Committee of the Scottish Parliament on Inquiry into the regulatory framework in Scotland, Mr. Iain Jamieson, Clerk of the Subordinate Legislation Committee of the Scottish Parliament, Mr Alasdair Rankin.

The Convener of the Subordinate Legislation Committee of the Scottish Parliament gave an overview of the activities of her Committee and the issues concerning them, specifically paying attention to the Inquiry into the regulatory framework in Scotland that her Committee was undertaking. The Chair of the Legislation Committee, Glyn Davies AM, made a short presentation on the work of his Committee. The presentations were followed by discussion. The Head of

the Economic Development and Transport Business Unit, Mr David Hobbs, and his colleague, Ms Julie Hanley, took part in discussion, commenting on the steps being taken by the National Assembly for Wales to ensure that the Regulatory Appraisals were conducted and that their quality was satisfactory.

Statutory Instruments Considered by the Legislation Committee

LC682 The Housing (Right to Buy) (Limits of Discount) (Amendment) (Wales) Order 2003

Considered by the Legislation Committee on: 10th June 2003

The Committee did not identify any points reportable under S.O. 11.7.

LC683 The Adoption of Children from Overseas (Wales) (Amendment) Regulations 2003

Considered by the Legislation Committee on: 10th June 2003

The Committee identified one drafting defect reportable under S.O.11.7 that was appropriate for correction by means of a Memorandum of Corrections under S.O.24.13: the coming into force date was incorrect.

LC684 The Fish Labelling (Wales) Regulations 2003

Considered by the Legislation Committee on: 10th June 2003

The Committee did not identify any points reportable under S.O. 11.7.

LC685 The National Health Service (Optical Charges and Payments) and (General Ophthalmic Services) (Amendment) (Wales) Regulations 2003

Considered by the Legislation Committee on: 10th June 2003

The Committee did not identify any points reportable under S.O. 11.7. Under Observations the Committee noted that some textual amendments were necessary (it was recommended that consolidated re-enactments of these regulations be provided for Wales); regulation 1(4) and the inserted regulation 12A(1) in regulation 4 had drafting defects (there was some unnecessary wording in the former and it was recommended that the words “shall” or “must” be more appropriate than “will” in the latter). There were also some typographical errors which were notified to the Legislation Management Unit for correction in the published version.

686 The National Health Service (Travelling Expenses and Remission of Charges) (Amendment) (Wales) Regulations 2003

Considered by the Legislation Committee on: 10th June 2003

The Committee did not identify any points reportable under S.O. 11.7. The legal advisers to the Committee had had the opportunity to consider an early draft when some points had been identified and subsequently corrected. Under Observations the Committee noted that its observations regarding LC341 on the last set of amending regulations (SI 2001/3322 (W.275)) had to be repeated – it was suggested that in the interests of clarification, consideration should be given to the making of a consolidated re-enactment of the 1988 Regulations for Wales.

LC687 The Preserved Counties (Amendment to Boundaries) (Wales) Order 2003

Considered by the Legislation Committee on: 10th June 2003

The Committee did not identify any points reportable under S.O. 11.7. The legal advisers to the Committee had had the opportunity to consider an early draft when some points had been identified and subsequently corrected.

LC688 The Products of Animal Origin (Third Country Imports) (Wales) (Amendment) Regulations 2003

Considered by the Legislation Committee on: 10th June 2003

The Committee did not identify any points reportable under S.O. 11.7. Under Observations the Committee noted that the definition of “customs officer” inserted by regulation 3(2) needed clarification.

LC689 The Administration of the Rent Officer Service (Wales) Order 2003

Considered by the Legislation Committee on: 10th June 2003

The Committee did not identify any points reportable under S.O. 11.7. The legal advisers to the Committee had had the opportunity to consider an early draft when a number of points had been identified and subsequently corrected. Additionally, the drafting of the amendments to the 1977 Act had been considered by Parliamentary Counsel.

LC690 The Diseases of Poultry (Wales) Order 2003

Considered by the Legislation Committee on: 10th June 2003

The Committee did not identify any points reportable under S.O. 11.7. Under Observations the Committee noted some typographical errors which should be corrected in the published version.

LC691 The Health Authorities (Transfer of Functions, Staff, Property, Rights and Liabilities and Abolition) (Wales) (Amendment) Order 2003

Considered by the Legislation Committee on: 10th June 2003

The Committee did not identify any points reportable under S.O. 11.7. Under Observations the Committee noted that the citation of powers contained an unnecessary inclusion (the Committee made the same observation in respect of the principal Order (Report LC633)); in addition, there were two small typographical errors which should be corrected in the published version.

LC692 The Local Health Boards (Functions) (Amendment) Regulations 2003

Considered by the Legislation Committee on: 10th June 2003

The Committee did not identify any points reportable under SO11.7. Under Observations the Committee noted that footnote (a) of the preamble needed clarification and regulation 2 contained defective drafting.

LC693 The Powys Local Health Board (Additional Functions) Regulations 2003

Considered by the Legislation Committee on: 10th June 2003

The Committee did not identify any points reportable under SO11.7. Under Observations the Committee noted that footnote (a) of the preamble needed clarification; the wording had been omitted in footnote (b) of regulation 2 (the necessary revisions in the former and the latter observations were to be made in the published versions); paragraph (c) in Regulation 2 (“the Additional Functions”) needed further clarification.

LC694 The Food Labelling (Amendment) (Wales) Regulations 2003

Considered by the Legislation Committee on: 10th June 2003

The Committee did not identify any points reportable under SO11.7.

LC695 The Bus Service Operators Grant (Amendment) (Wales) Regulations 2003

Considered by the Legislation Committee on: *10th June 2003*

The Committee identified two drafting defects reportable under S.O. 11.7: the meaning of “domestic coach service” in regulation 3(1)(b) and “part only of a year or month” inserted paragraph (5)(a) in regulation 4(3) needed further clarification. Under Observations the Committee noted that paragraph (b) of the definition of “domestic coach service” needed further clarification.

LC696 The Care Homes (Amendment) (Wales) Regulations 2003

Considered by the Legislation Committee on: *10th June 2003*

The Committee did not identify any points reportable under SO11.7.

LC697 The Non-Domestic Rating (Utilities) (Rateable Value) (Amendment) (Wales) Order 2003

Considered by the Legislation Committee on: *10th June 2003*

The Committee did not identify any points reportable under S.O. 11.7. The legal advisers to the Committee had had the opportunity to consider an early draft when a number of points had been identified and subsequently corrected.

LC698 The Food (Pistachios from Iran) (Emergency Control) (Wales) Regulations 2003

Considered by the Legislation Committee on: 10th June 2003

The Committee did not identify any points reportable under SO11.7. Under Observations the Committee noted two small drafting errors: in the definitions in regulation 2(1) the reference to “Iranian pistachios” was not in alphabetical order and in the definition of “food authority” the reference to the Food Safety Act 1990 could have simply been “the Act”.

LC699 The Housing (Right to Acquire and Right to Buy) (Designated Rural Areas and Designated Regions) (Amendment) (Wales) Order 2003

Considered by the Legislation Committee on: *10th June 2003*

The Committee did not identify any points reportable under SO11.7.

LC700 The Waste Management Licensing (Amendment) (Wales) Regulations 2003

Considered by the Legislation Committee on: 10th June 2003

The Committee identified two minor drafting defects reportable under S.O. 11.7: although section 33(3) had been cited in the enabling powers, it was not a power which had been used and regulation 3 contained an unnecessary definition of “scrap metal dealer”. Under Observations the Committee noted that regulations 4 and 6 purported to add footnotes to the 1994 regulations. As footnotes do not form part of the instrument, it was suggested that they could not be inserted by formal amendment. It was also suggested the wording “whether or not that person was, at that time, managing a facility of that type” in the added paragraph (8)(a) of regulation 7, would be more appropriate than the more colloquial form used.

LC701 The Education (Nursery Education and Early Years Development and Childcare Plans) (Wales) Regulations 2003

Considered by the Legislation Committee on: 10th June 2003

The Committee did not identify any points reportable under SO11.7.

LC702 The National Health Service (General Medical Services) (Amendment) (No. 3) (Wales) Regulations 2003

Considered by the Legislation Committee on: 10th June 2003

The Committee did not identify any points reportable under SO11.7.

LC703 The Plastic Materials and Articles in Contact with Food (Amendment) (Wales) Regulations 2003

Considered by the Legislation Committee on: 10th June 2003

The Committee did not identify any points reportable under SO11.7.

LC704 The Sweeteners in Food (Amendment) (Wales) Regulations 2003

Considered by the Legislation Committee on: 17th June 2003

The Committee identified one small drafting defect reportable under S.O.11.7 that was appropriate for correction by means of a Memorandum of Corrections under S.O.24.13: regulation 3 of “the Sweeteners in Food (Amendment) (Wales) Regulations 2002” was to cease to have effect (not “Regulation 4”).

LC705 The Disease Control (Interim Measure) (Wales) (No. 2) Order 2003

Considered by the Legislation Committee on: 17th June 2003

The Committee did not identify any points reportable under SO11.7.

LC706 The Food Supplements (Wales) Regulations 2003

Considered by the Legislation Committee on: 24th June 2003

The Committee did not identify any points reportable under S.O. 11.7.

LC707 The Transport of Animals (Cleansing and Disinfection) (Wales) (No. 2) Order 2003

Considered by the Legislation Committee on: 24th June 2003

The Committee identified one drafting defect reportable under S.O.11.7: in article 1(3) sub-paragraphs (a) and (b) each provided for the collective extension of two definitions, while the enabling provisions in sections 87 and 88 provided for the separate extension of each definition. The same defect was reported in relation to the earlier Order which had now been re-enacted. Under Observations the Committee noted that in articles 3(1) and 4(1), whilst the meaning was not compromised, it was not considered that “must” was the appropriate word to use. This observation was also made by the Committee in relation to the earlier Order.

LC708 The Environmental Protection (Duty of Care) (Amendment) (Wales) Regulations 2003

Considered by the Legislation Committee on: 24th June 2003

The Committee did not identify any points reportable under S.O. 11.7.

LC709 The Feeding Stuffs (Sampling and Analysis), the Feeding Stuffs (Enforcement) and the Feeding Stuffs (Establishments and Intermediaries) (Amendment) (Wales) Regulations 2003

Considered by the Legislation Committee on: 24th June 2003

The Committee did not identify any points reportable under S.O.11.7. The legal advisers to the Committee had had the opportunity to consider an early draft when one point had been identified and subsequently corrected.

LC710	The Non-Domestic Rating (Collection and Enforcement) (Local Lists) (Amendment) (Wales) Regulations 2003
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Considered by the Legislation Committee on: 24th June 2003

The Committee did not identify any points reportable under S.O.11.7.

LC711	The Council Tax (Administration and Enforcement) (Amendment No. 2) (Wales) Regulations 2003
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Considered by the Legislation Committee on: 24th June 2003

The Committee did not identify any points reportable under S.O.11.7.

LC712	The Special Educational Needs and Disability Act 2001 (Commencement No. 2) (Wales) Order 2003
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Considered by the Legislation Committee on: 1st July 2003

The Committee did not identify any points reportable under S.O.11.7. The legal advisers to the Committee had had the opportunity to consider an early draft when a small drafting error had been identified and subsequently corrected. However, the Committee was informed that this Order should be withdrawn from the agenda as the Business Committee determined the week before that the Disability Discrimination (Prescribed Periods for Accessibility Strategies and Plans for Schools) (Wales) Regulations 2003 should be referred to the Education and Lifelong Learning Committee for extended consideration under Standing Order 22.5 and considered in tandem with The Special Educational Needs and Disability Act 2001 (Commencement No. 2) (Wales) Order 2003. The Order was accordingly withdrawn.

LC713	The Education (School Organisation Plans) (Wales) Regulations 2003
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Considered by the Legislation Committee on: 1st July 2003

The Committee did not identify any points reportable under S.O.11.7. The legal advisers to the Committee had had the opportunity to consider an early draft when some points had been identified and subsequently corrected.

LC714 The Welfare of Farmed Animals (Wales) (Amendment) Regulations 2003

Considered by the Legislation Committee on: 1st July 2003

The Committee did not identify any points reportable under S.O.11.7. Under Observations the Committee noted that footnotes needed to be added to the preamble to identify the chapter number of the 1968 Act and to identify the transfer of functions order in relation to the “now vested in it” statement.

LC715 The Education Act 2002 (Commencement No. 2) (Wales) Order 2003

Considered by the Legislation Committee on: 1st July 2003

The Committee did not identify any points reportable under SO11.7.

LC716 The Education Act 2002 (Transitional Provisions and Consequential Amendments) (Wales) Regulations 2003

Considered by the Legislation Committee on: 1st July 2003

The Committee did not identify any points reportable under SO11.7.

LC717 The Common Agricultural Policy (Wine) (Wales) (Amendment) Regulations 2003

Considered by the Legislation Committee on: 1st July 2003

The Committee did not identify any points reportable under SO11.7.

LC718 The Contaminants in Food (Wales) Regulations 2003

Considered by the Legislation Committee on: 1st July 2003

The Committee did not identify any points reportable under SO11.7.

LC719 The Food Safety (Ships and Aircraft) (Wales) Order 2003

Considered by the Legislation Committee on: 1st July 2003

The Committee identified one drafting defect reportable under S.O.11.7 that was appropriate for correction by means of a Memorandum of Corrections under S.O.24.13: the definition of “Wales” in this Order needed clarification to indicate that it was the same as in the Government of Wales Act. Under Observations the Committee noted that the reference to “the Ministers” in footnote (a) to the preamble would be clearer as “the Secretary of State”, as this was the terminology currently used in the 1990 Act.

LC720 The Education (Assisted Places) (Incidental Expenses) (Amendment) (Wales) Regulations 2003

Considered by the Legislation Committee on: 1st July 2003

The Committee did not identify any points reportable under SO11.7.

LC721 The Air Quality (Ozone) (Wales) Regulations 2003

Considered by the Legislation Committee on: 8th July 2003

The Committee did not identify any points reportable under SO11.7. Under Observations the Committee noted that the definition of “zone” in regulation 2 needed further clarification.

LC722 The Plant Health (Amendment) (Wales) Order 2003

Considered by the Legislation Committee on: 8th July 2003

The Committee did not identify any points reportable under SO11.7.

LC723 The Protection of Animals (Anaesthetics) Amendment (Wales) Order 2003

Considered by the Legislation Committee on: 8th July 2003

The Committee did not identify any points reportable under SO11.7.

LC724 The Housing (Right to Buy) (Priority of Charges) (Wales) Order 2003

Considered by the Legislation Committee on: 8th July 2003

The Committee did not identify any points reportable under SO11.7.

LC725 The Home Loss Payments (Prescribed Amounts) (Wales) Regulations 2003

Considered by the Legislation Committee on: 8th July 2003

The Committee did not identify any points reportable under SO11.7.

LC726 The Feeding Stuffs, the Feeding Stuffs (Sampling and Analysis) and the Feeding Stuffs (Enforcement) (Amendment) (Wales) Regulations 2003

Considered by the Legislation Committee on: 8th July 2003

The Committee identified three drafting defects reportable under S.O.11.7 that were appropriate for correction by means of a Memorandum of Corrections under S.O.24.13: in regulation 2 the words “in so far as they apply to Wales” were inappropriate as the regulations in question only had effect in Wales; in regulation 3(a)(i)(aa) the words “any commencing” should read “any definition commencing” and the Committee sought confirmation that the abbreviation “EEA” meant “European Economic Area”.

LC727 The Coast Protection (Notices) (Wales) Regulations 2003

Considered by the Legislation Committee on: 8th July 2003

The Committee did not identify any points reportable under S.O.11.7. The legal advisers to the Committee had had the opportunity to consider an early draft when a number of points had been identified and subsequently corrected.

LC728 The Action Programme for Nitrate Vulnerable Zones (Amendment) (Wales) Regulations 2003

Considered by the Legislation Committee on: 8th July 2003

The Committee did not identify any points reportable under S.O.11.7. The legal advisers to the Committee had had the opportunity to consider an early draft when some points had been identified and subsequently corrected.

LC729 The Prohibition of Fishing with Multiple Trawls (Wales) Order 2003

Considered by the Legislation Committee on: 8th July 2003

The Committee did not identify any points reportable under S.O.11.7. The legal advisers to the Committee had had the opportunity to consider an early draft when a drafting point had been identified and subsequently corrected.

LC730 The Animal By-Products (Identification) (Amendment) (Wales) Regulations 2003

Considered by the Legislation Committee on: 8th July 2003

The Committee did not identify any points reportable under S.O.11.7. The legal advisers to the Committee had had the opportunity to consider an early draft when a drafting point had been identified and subsequently corrected.

LC731 The Education (Assisted Places) (Amendment) (Wales) Regulations 2003

Considered by the Legislation Committee on: 8th July 2003

The Committee did not identify any points reportable under SO11.7.

LC732 The Disability Discrimination (Prescribed Periods for Accessibility Strategies and Plans for Schools) (Wales) Regulations 2003

Considered by the Legislation Committee on: 23rd September 2003

The Committee did not identify any points reportable under SO11.7.

LC733 The Nurses Agencies (Wales) Regulations 2003

Considered by the Legislation Committee on: 23rd September 2003

The Committee did not identify any points reportable under S.O.11.7. The legal advisers to the Committee had had the opportunity to consider an early draft when a number of points had been identified and subsequently corrected.

LC734 The Care Standards Act 2000 (Commencement No. 12) (Wales) Order 2003

Considered by the Legislation Committee on: 23rd September 2003

The Committee did not identify any points reportable under S.O.11.7. The legal advisers to the Committee had had the opportunity to consider an early draft when some typographical and formatting points had been identified and notified to the proof readers for incorporation in the published version.

LC735 The Special Educational Needs and Disability Act 2001
(Commencement No. 2) (Wales) Order 2003

Considered by the Legislation Committee on: 23rd September 2003

The Committee did not identify any points reportable under S.O. 11.7.

LC736 The National Health Service (Amendments concerning
Supplementary and Independent Nurse Prescribing) (Wales)
Regulations 2003

Considered by the Legislation Committee on: 23rd September 2003

The Committee did not identify any points reportable under S.O. 11.7.

LC737 The Animal Gatherings (Wales) Order 2003

Considered by the Legislation Committee on: 23rd September 2003

The Committee did not identify any points reportable under S.O. 11.7.

LC738 The Transport of Animals (Cleansing and Disinfection) (Wales) (No.
3) Order 2003

Considered by the Legislation Committee on: 23rd September 2003

The Committee did not identify any points reportable under S.O. 11.7.

LC739 The Disease Control (Wales) Order 2003

Considered by the Legislation Committee on: 23rd September 2003

The Committee identified two points reportable under S.O.11.7 to which it drew special attention of the Assembly: article 24 and paragraph 9(3) of Schedule 1 appeared to make an unusual or unexpected use of the Assembly's powers.

LC740 The National Health Service (General Dental Services) (Amendment) (No. 2) (Wales) Regulations 2003 SI No. 1976 (W.215)

Considered by the Legislation Committee on: 23rd September 2003

The Committee did not identify any points reportable under S.O.11.7. Under Observations the Committee noted that there was a small typographical error in regulation 2(1A) of the 1992 Regulations which should have been amended when the present Regulations were drafted.

LC741 The Food (Peanuts from China) (Emergency Control) (Amendment) (Wales) Regulations 2003

Considered by the Legislation Committee on: 23rd September 2003

The Committee did not identify any points reportable under S.O. 11.7.

LC742 The Food (Figs, Hazelnuts and Pistachios from Turkey) (Emergency Control) (Wales) (Amendment) Regulations 2003

Considered by the Legislation Committee on: 23rd September 2003

The Committee identified one point reportable under S.O.11.7 to which it drew special attention of the Assembly: there was an apparent small drafting defect in regulation 2(1).

LC743 The Food (Brazil Nuts) (Emergency Control) (Wales) Regulations 2003 SI No. 2254 (W.224)

Considered by the Legislation Committee on: 23rd September 2003

The Committee did not identify any points reportable under S.O. 11.7.

LC744 The Food (Pistachios from Iran) (Emergency Control) (Wales) (No. 2) Regulations 2003

Considered by the Legislation Committee on: 23rd September 2003

The Committee identified one small drafting error reportable under S.O.11.7 to which it drew special attention of the Assembly: regulation 7 purported to revoke

the Food (Pistachios from Iran) (Emergency Control) Order 1997, however this order had already been revoked by the Food (Pistachios from Iran) (Emergency Control) (Wales) Regulations 2003 SI 1119 (W.150). Under Observations the Committee noted that the first paragraph of the explanatory note, the definitions in regulation 2(1) and the definition of “food authority”, contained drafting defects.

LC745 The Education (Information About Post-16 Individual Pupils) (Wales) Regulations 2003

Considered by the Legislation Committee on: 7th October 2003

The Committee did not identify any points reportable under S.O.11.7.

LC746 The Education (Teachers' Qualifications and Health Standards) (Amendment No. 2) (Wales) Regulations 2003

Considered by the Legislation Committee on: 7th October 2003

The Committee did not identify any points reportable under S.O.11.7.

LC747 The Classical Swine Fever (Wales) Order 2003

Considered by the Legislation Committee on: 7th October 2003

The Committee did not identify any points reportable under S.O.11.7. Under Observations the Committee noted that the English text of article 6(c) needed further clarification.

LC748 The Health (Wales) Act 2003 (Commencement No. 1) Order 2003

Considered by the Legislation Committee on: 7th October 2003

The Committee did not identify any points reportable under S.O.11.7.

LC749 The Pig Industry Restructuring Grant (Wales) (Variation) Scheme 2003

Considered by the Legislation Committee on: 7th October 2003

The Committee did not identify any points reportable under S.O.11.7.

LC750 The Food (Hot Chilli and Hot Chilli Products) (Emergency Control) (Wales) Regulations 2003

Considered by the Legislation Committee on: 7th October 2003

The Committee did not identify any points reportable under S.O.11.7.

LC751 The Local Authorities (Allowances for Members of County and County Borough Councils) (Past Service Awards) (Wales) Regulations 2003

Considered by the Legislation Committee on: 7th October 2003

The Committee did not identify any points reportable under S.O.11.7.

LC752 The Smoke Control Areas (Exempted Fireplaces) (Wales) Order 2003

Considered by the Legislation Committee on: 14th October 2003

The Committee did not identify any points reportable under S.O.11.7. Under Observations the Committee noted one drafting error suitable for correction by means of a Memorandum of Corrections: in the English text there was a misprint in the preamble - “quality” should have been “quantity”.

LC753 The National Assistance (Assessment of Resources) (Amendment No. 2) (Wales) Regulations 2003

Considered by the Legislation Committee on: 14th October 2003

The Committee did not identify any points reportable under S.O.11.7.

LC754 The Oil and Fibre Plant Seeds (Amendment) (Wales) Regulations 2003

Considered by the Legislation Committee on: 14th October 2003

The Committee did not identify any points reportable under S.O.11.7.

LC755 The Animal By-Products (Wales) Regulations 2003

Considered by the Legislation Committee on: 14th October 2003

The Committee did not identify any points reportable under S.O.11.7. Under Observations the Committee noted one typographical error which had arisen since the computer software was not able to handle the numbering of this very lengthy set of regulations: the regulation numbering in the Arrangement of Regulations started at 2 instead of 1, and the regulations themselves started at 53 instead of 1. The error was suitable for correction in printing.

LC756 The National Health Service (Travelling Expenses and Remission of Charges) (Amendment) (No. 2) (Wales) Regulations 2003

Considered by the Legislation Committee on: 14th October 2003

The Committee identified one small drafting error reportable under S.O.11.7 to which it drew special attention of the Assembly: in the preamble the wording "... hereby makes the following Order" should be "... hereby makes the following Regulations". The same errors were made in the bracketed wording under the Explanatory Note heading and in the same places in the Welsh text. Under Observations the Committee noted that work should now commence on the preparation of a consolidated version of the National Health Service (Travelling Expenses and Remission of Charges) (Wales) Regulations.

LC757 The Animal By-Products (Identification) (Amendment) (Wales) (No. 2) Regulations 2003

Considered by the Legislation Committee on: 14th October 2003

The Committee identified several drafting defects reportable under S.O.11.7 to which it drew special attention of the Assembly that was appropriate for correction by means of a Memorandum of Corrections under S.O.24.13: in regulation 3(c) the term "the Council Regulation" should be "the Community Regulation"; regulation 4(b)(i) purported to delete wording which had already been deleted by SI 2003/1849 (W.199) regulation 2(5)(a); in the Welsh text of the regulation 3(c) a substantial part of the inserted definition was in Welsh, when the whole of the definition should have been in English as it was being inserted into regulations which, having been made in 1995 for both Wales and England, were in English only. These defects were appropriate for correction by means of a Memorandum of Corrections under S.O.24.13. Under Observations the Committee noted that the reference to the 2003 regulations in paragraph 2 of Explanatory Note was incorrect as "(Wales)" had been omitted from the title; the English text of regulation (c) contained a small typographical error.

LC758 The Food (Star Anise from Third Countries) (Emergency Control) (Wales) (Revocation) Order 2003

Considered by the Legislation Committee on: 4th November 2003

The Committee did not identify any points reportable under S.O.11.7. Under Observations the Committee noted that footnote (a) on page 2 needed clarification and this was suitable for correction in the printed version.

LC759 The Schools Forums (Wales) Regulations 2003

Considered by the Legislation Committee on: 4th November 2003

The Committee did not identify any points reportable under S.O.11.7. Under Observations the Committee noted that the definition of “schools member” needed further clarification to explain that in order to “represent” governing bodies or head teachers the member must be a governor or head teacher. This requirement could have been made clear either in the definition in regulation 1(3) or in regulation 3(3); the date specified in regulation 2 needed to be changed from 30 November to 15 December in order to correspond with the new coming into force date as written in the new version of the Regulations (13 November 2003). The change could be effected by means of a Memorandum of Corrections.

LC760 The Child Minding and Day Care (Amendment) (Wales) Regulations 2003

Considered by the Legislation Committee on: 4th November 2003

The Committee did not identify any points reportable under S.O.11.7. Under Observations the Committee noted that regulation 2, inserted regulation 4A, inserted regulation 4B(3), inserted regulation 4B(3)(c) and regulation 2(i) contained some typographical and drafting errors suitable for correction in the printed version.

LC761 The Registration of Social Care and Independent Health Care (Amendment) (Wales) Regulations 2003

Considered by the Legislation Committee on: 4th November 2003

The Committee did not identify any points reportable under S.O.11.7. Under Observations the Committee noted that subject heading, Explanatory note, Substituted Regulation 17(1)(d) and (e), Substituted Regulation 17(1)(e) and Substituted Schedule 8 contained some typographical and drafting errors suitable for correction in the printed version.

LC762 The Education (Recognised Bodies) (Wales) Order 2003

Considered by the Legislation Committee on: 25th November 2003

The Committee did not identify any points reportable under S.O.11.7.

LC763 The Pigs (Records, Identification and Movement) (Interim Measures) (Wales) (No. 2) (Amendment) (No. 2) Order 2003

Considered by the Legislation Committee on: 11th November 2003

The Committee did not identify any points reportable under S.O.11.7.

LC764 The Education Act 2002 (Transitional Provisions and Consequential Amendments) (No. 2) (Wales) Regulations 2003

Considered by the Legislation Committee on: 11th November 2003

The Committee did not identify any points reportable under S.O.11.7.

LC765 The Natural Mineral Water, Spring Water and Bottled Drinking Water (Amendment) (Wales) Regulations 2003

Considered by the Legislation Committee on: 11th November 2003

The Committee did not identify any points reportable under S.O.11.7.

LC766 The Shrimp Fishing Nets (Wales) Order 2003

Considered by the Legislation Committee on: 11th November 2003

The Committee did not identify any points reportable under S.O.11.7. The legal advisers to the Committee had had the opportunity to consider an early draft when some points had been identified and subsequently corrected.

LC767 The Specified Sugar Products (Wales) Regulations 2003

Considered by the Legislation Committee on: 11th November 2003

The Committee identified one drafting defect reportable under S.O.11.7 to which it drew special attention of the Assembly. The defect was appropriate for correction by means of a Memorandum of Corrections under S.O.24.13: in regulation 10(6) the wording “insofar as they apply to Wales” was inappropriate as the regulations in question only applied to Wales.

LC768 The Cocoa and Chocolate Products (Wales) Regulations 2003

Considered by the Legislation Committee on: 11th November 2003

The Committee did not identify any points reportable under S.O.11.7.

LC769 The Fruit Juices and Fruit Nectars (Wales) Regulations 2003

Considered by the Legislation Committee on: 11th November 2003

The Committee did not identify any points reportable under S.O.11.7.

LC770 The Condensed Milk and Dried Milk (Wales) Regulations 2003

Considered by the Legislation Committee on: 11th November 2003

The Committee did not identify any points reportable under S.O.11.7.

LC771 The Honey (Wales) Regulations 2003

Considered by the Legislation Committee on: 11th November 2003

The Committee did not identify any points reportable under S.O.11.7.
Under Observations the Committee noted that there were some typographical errors in preamble, regulation 2(1) and regulation 10(3).

LC772 The Education (Admission Forums) (Wales) Regulations 2003

Considered by the Legislation Committee on: 11th November 2003

The Committee did not identify any points reportable under S.O.11.7.

LC773 The Education Act 2002 (Commencement No. 3) (Wales) Order
2003

Considered by the Legislation Committee on: 11th November 2003

The Committee did not identify any points reportable under S.O.11.7.

LC774 The Local Authorities (Allowances for Members of County and County Borough Councils) (Pensions) (Wales) Regulations 2003

Considered by the Legislation Committee on: 11th November 2003

The Committee did not identify any points reportable under S.O.11.7. The legal advisers to the Committee had had the opportunity to consider an early draft when some points had been identified and subsequently corrected.

LC775 The Nurses Agencies (Wales) (Amendment) Regulations 2003

Considered by the Legislation Committee on: 18th November 2003

The Committee did not identify any points reportable under S.O.11.7.

LC776 The Local Government Act 2003 (Commencement) (Wales) Order 2003

Considered by the Legislation Committee on: 18th November 2003

The Committee did not identify any points reportable under S.O.11.7.

LC777 The Council Tax (Valuation Bands) (Wales) Order 2003

Considered by the Legislation Committee on: 18th November 2003

The Committee did not identify any points reportable under S.O.11.7. The legal advisers to the Committee had had the opportunity to consider an early draft when a number of points had been identified and subsequently corrected.

LC778 The Health (Wales) Act 2003 (Commencement No. 2) Order 2003

Considered by the Legislation Committee on: 18th November 2003

Following identification of some drafting points by the legal advisers to the Committee, a revised version of the Order has been re-laid and the Committee did not identify any points reportable under S.O.11.7.

LC779 The LEA Budget, Schools Budget and Individual Schools Budget (Wales) Regulations 2003

Considered by the Legislation Committee on: 25th November 2003

The Committee did not identify any points reportable under S.O.11.7.

LC780 The South Wales Sea Fisheries Committee (Levies) Regulations 2003

Considered by the Legislation Committee on: 18th November 2003

The Committee did not identify any points reportable under S.O.11.7. Under Observations the Committee noted that in regulation 4(2) the question whether Rhondda Cynon Taf had paid any sums by reference to the old levies needed clarification. Additionally, the Committee noted that “shall” or “is to” might have been more appropriate than “must”.

LC781 The South Wales Sea Fisheries District (Variation) Order 2003

Considered by the Legislation Committee on: 18th November 2003

The Committee did not identify any points reportable under S.O.11.7. Under Observations the Committee noted that the wording referring to the Water Acts in footnotes (a) and (b) in preamble did not seem to be relevant and could be omitted from the published version.

LC782 The Feeding Stuffs, the Feeding Stuffs (Sampling and Analysis) and the Feeding Stuffs (Enforcement) (Amendment) (Wales) (No. 2) Regulations 2003

Considered by the Legislation Committee on: 25th November 2003

The Committee identified one drafting defect reportable under S.O.11.7 to which it drew special attention of the Assembly. The defect was appropriate for correction by means of a Memorandum of Corrections under S.O.24.13: regulation 2(1), regulation 2(3)(a) and Schedule (English text only) contained minor drafting errors. Under Observations the Committee noted that title, preamble and footnote (d) needed clarification, while footnote (a) in regulation 2(1) had a minor drafting error. These points were also capable of correction by means of a Memorandum of Corrections.

LC783 The Independent Schools (Religious Character of Schools)
(Designation Procedure) (Wales) Regulations 2003

Considered by the Legislation Committee on: 2nd December 2003

The Committee did not identify any points reportable under S.O.11.7.

LC784 The Food (Peanuts from Egypt) (Emergency Control) (Wales)
Regulations 2003

Considered by the Legislation Committee on: 25th November 2003

The Committee identified two drafting defects (one in regulation 6(2) and the other in regulation 6(3)) reportable under S.O.11.7 to which it drew special attention of the Assembly. Those defects were the same as those reported by the Joint Committee on Statutory Instruments in relation to identical provisions in the corresponding England regulations. Under Observations the Committee noted that the reference in the explanatory note needed clarification.

LC785 The Kava-kava in Food (Wales) (Revocation) Regulations 2003

Considered by the Legislation Committee on: 25th November 2003

The Committee did not identify any points reportable under S.O.11.7.

LC786 The Independent Schools (Provision of Information) (Wales)
Regulations 2003

Considered by the Legislation Committee on: 2nd December 2003

The Committee did not identify any points reportable under S.O.11.7. The legal advisers to the Committee had had the opportunity to consider an early draft when some points had been identified and subsequently corrected.

LC787 The National Assembly for Wales (Returning Officers' Charges)
(Amendment) Order 2003

Considered by the Legislation Committee on: 25th November 2003

The Committee did not identify any points reportable under S.O.11.7. The legal advisers to the Committee had had the opportunity to consider an early draft when a number of points had been identified and subsequently corrected.

LC788 The Independent School (Publication of Inspection Reports) (Wales) Regulations 2003

Considered by the Legislation Committee on: 2nd December 2003

The Committee did not identify any points reportable under S.O.11.7.

LC789 The Independent School Standards (Wales) Regulations 2003

Considered by the Legislation Committee on: 2nd December 2003

The Committee did not identify any points reportable under S.O.11.7. The legal advisers to the Committee had had the opportunity to consider an early draft when some points had been identified and subsequently corrected.

LC790 The Education (Information About Individual Pupils) (Wales) Regulations 2003

Considered by the Legislation Committee on: 2nd December 2003

The Committee did not identify any points reportable under S.O.11.7.

LC791 The Welsh Language Schemes (Public Bodies) Order 2004

Considered by the Legislation Committee on: 2nd December 2003

The Committee did not identify any points reportable under S.O. 1.7. The legal advisers to the Committee had had the opportunity to consider an early draft when some points had been identified and subsequently corrected.

LC792 The National Health Service (Pharmaceutical Services) (Amendment) (No. 2) (Wales) Regulations 2003

Considered by the Legislation Committee on: 2nd December 2003

The Committee did not identify any points reportable under S.O.11.7. Under Observations the Committee noted that immediate consideration must be given to the production of a consolidated version of these regulations for Wales. Additionally, the Committee noted several small typographical errors suitable for correction by Memorandum of Corrections.

LC793 The Non-Domestic Rating Contributions (Wales) (Amendment) Regulations 2003

Considered by the Legislation Committee on: 2nd December 2003

The Committee did not identify any points reportable under S.O.11.7. Under Observations the Committee noted that paragraph (b) of regulation 2 needed clarification.

LC794	The Education (School Day and School Year) (Wales) Regulations 2003
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Considered by the Legislation Committee on: 2nd December 2003

The Committee did not identify any points reportable under S.O.11.7.

LC795	The Education (Pupil Exclusions and Appeals) (Pupil Referral Units) (Wales) Regulations 2003
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Considered by the Legislation Committee on: 2nd December 2003

The Committee did not identify any points reportable under S.O.11.7.

LC796	The Education (Pupil Exclusions and Appeals) (Maintained Schools) (Wales) Regulations 2003
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Considered by the Legislation Committee on: 2nd December 2003

The Committee did not identify any points reportable under S.O.11.7. The legal advisers to the Committee had had the opportunity to consider an early draft when some points had been identified and subsequently corrected.

LC797	The Dog Fouling (Fixed Penalty) (Wales) Order 2003
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Considered by the Legislation Committee on: 2nd December 2003

The Committee did not identify any points reportable under S.O.11.7. Under Observations the Committee noted that it would be preferable to combine this Order and the draft Litter (Fixed Penalty) (Wales) Order and make one comprehensive order; the wording of article 2 should be cleared with Parliamentary Counsel; the heading of Article 1 should refer to “application” rather than “extent”.

LC798	The Litter (Fixed Penalty) (Wales) Order 2003
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Considered by the Legislation Committee on: 2nd December 2003

The Committee did not identify any points reportable under S.O.11.7. Under Observations the Committee noted that it would be preferable to combine this Order and the draft Litter (Fixed Penalty) (Wales) Order and make one comprehensive order; the wording of article 2 should be cleared with Parliamentary Counsel; the heading of Article 1 should refer to “application” rather than “extent”.

LC799 The National Health Service (Primary Care) Act 1997
(Commencement No. 1) (Wales) Order 2003

Considered by the Legislation Committee on: 2nd December 2003

The Committee did not identify any points reportable under S.O.11.7. Under Observations the Committee noted that in the Explanatory Note “National Health Service 1977” should be “National Health Service Act 1977”.

LC800 The Collagen and Gelatine (Intra-Community Trade) (Wales)
Regulations 2003

Considered by the Legislation Committee on: 2nd December 2003

The Committee did not identify any points reportable under S.O.11.7. Under Observations the Committee noted that in the definition of “establishment producing collagen” in regulation 2 there was an inconsistency between the English and Welsh texts and one typographical error.

LC801 The Central Rating List (Wales) (Amendment) Regulations 2003

Considered by the Legislation Committee on: 2nd December 2003

The Committee did not identify any points reportable under S.O.11.7.

LC802 The Wildlife and Countryside (Registration, Ringing and Marking of
Certain Captive Birds) (Wales) Regulations 2003

Considered by the Legislation Committee on: 2nd December 2003

The Committee identified several drafting defects reportable under S.O.11.7 to which it drew special attention of the Assembly. The defects were appropriate for

correction by means of a Memorandum of Corrections under S.O.24.13: regulation 3(4), regulation 3(5) and regulation 4(1)(d)(ii) needed clarification.

LC803 The Adoption Agencies (Amendment) (Wales) Regulations 2003

Considered by the Legislation Committee on: 2nd December 2003

The Committee did not identify any points reportable under S.O.11.7. Under Observations the Committee noted that footnote (a) in preamble needed clarification (the term "appropriate Minister" should be in quotation marks) and there was an inconsistency between the English and the Welsh texts in Inserted paragraph (1A).

LC804 The Local Authorities (Capital Finance and Accounting) (Wales) Regulations 2003

Considered by the Legislation Committee on: 2nd December 2003

The Committee did not identify any points reportable under S.O.11.7.

LC805 The Waste Management Licensing (Amendment) (Wales) Regulations 2004

Considered by the Legislation Committee on: 2nd December 2003

The Committee did not identify any points reportable under S.O.11.7.

LC806 The Organic Farming Scheme (Wales) (Amendment) Regulations 2004

Considered by the Legislation Committee on: 13th January 2004

The Committee did not identify any points reportable under S.O.11.7.

LC807 The Producer Responsibility Obligations (Packaging Waste) (Amendment) (Wales) Regulations 2003

Considered by the Legislation Committee on: 13th January 2004

The Committee did not identify any points reportable under S.O.11.7. Under Observations the Committee noted that there was a grammatical error in the Welsh title of the Regulations (the word "Deunydd" was spelt incorrectly).

LC808 The African Swine Fever (Wales) Order 2003

Considered by the Legislation Committee on: 13th January 2004

The Committee did not identify any points reportable under S.O.11.7.

LC809 The Pig Carcase (Grading) (Amendment) (Wales) Regulations 2004

Considered by the Legislation Committee on: 13th January 2004

The Committee did not identify any points reportable under S.O.11.7.

LC810 The Health and Social Care Act 2001 (Commencement No.6)
(Wales) Order 2004

Considered by the Legislation Committee on: 13th January 2004

The Committee identified two minor errors reportable under S.O.11.7 to which it drew special attention of the Assembly. These were appropriate for correction by means of a Memorandum of Corrections under S.O.24.13: in the Welsh text, the words "a Gofal Cymdeithasol" had been omitted from the title of the Order and "(Cymru)" appeared in the incorrect place. Under Observations the Committee noted that a small number of minor points had been identified by the legal advisers in relation to the Explanatory Note and footnotes. These defects were also appropriate for correction by means of a Memorandum of Corrections.

LC811 The Road Traffic (Permitted Parking Area and Special Parking Area)
(County of Carmarthenshire) Order 2004

Considered by the Legislation Committee on: 13th January 2004

The Committee did not identify any points reportable under S.O.11.7. The legal advisers to the Committee had had the opportunity to consider an early draft when some points had been identified and subsequently corrected.

LC812 The Conduct of Members (Model Code of Conduct) (Amendment)
(Wales) Order 2004

Considered by the Legislation Committee on: 20th January 2004

The Committee did not identify any points reportable under S.O.11.7. Under Observations the Committee noted that the Title of the Order would have been clearer if it was "The Conduct of Members (Model Code of Conduct) (Wales) (Amendment) Order 2004". The Committee was also informed about two very minor typographical errors appropriate for correction on publication, and a small addition to the Explanatory Note that had been suggested by the legal advisers.

LC813	The Local Government (Ordinary Day of Election) (Wales) Order 2004
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Considered by the Legislation Committee on: 20th January 2004

The Committee identified one point reportable under S.O.11.7 to which it drew special attention of the Assembly. The point was appropriate for correction by means of a Memorandum of Corrections under S.O.24.13: there was an inconsistency between the English and Welsh texts in article 3(b). Under Observations the Committee noted that there was also a minor inconsistency between the English and the Welsh texts in article 1(3)(b), - this could also be corrected by the Memorandum of Corrections.

LC814	The Adoption and Children Act 2002 (Commencement No.5) (Wales) Order 2004
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Considered by the Legislation Committee on: 20th January 2004

The Committee identified two points reportable under S.O.11.7 to which it drew special attention of the Assembly. The points were appropriate for correction by means of a Memorandum of Corrections under S.O.24.13: the reference to section 139(2) should be removed from the Order and the scope of the provision commenced should be limited to 62(7)(c) and the corresponding provision in section 61(5)(c) should also be commenced. Under Observations the Committee commented that the note on the earlier commencement orders should follow immediately after the Explanatory Note, this could be done in printing; the note on the earlier orders was confusing - it would have been easier if the table contained only those provisions previously brought into force in relation to Wales followed by a short paragraph listing simply the orders made in relation to other parts of the United Kingdom without item missing the provisions commenced.

LC815	The Food (Emergency Control) (Miscellaneous Amendments) (Wales) Regulations 2004
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Considered by the Legislation Committee on: 27th January 2004

The Committee identified one point reportable under S.O.11.7 to which it drew special attention of the Assembly. This was appropriate for correction by means

of a Memorandum of Corrections under S.O.24.13: the coming into force date should be changed to allow for consideration in plenary. Under Observations the Committee noted a small number of points relating to the Explanatory Note, footnotes and formatting appropriate for correction on publication.

LC816 The Council Tax (Demand Notices) (Amendment) (Wales) Regulations 2004

Considered by the Legislation Committee on: 20th January 2004

The Committee identified one point reportable under S.O.11.7 to which it drew special attention of the Assembly. This was appropriate for correction by means of a Memorandum of Corrections under S.O.24.13: paragraph 1 of Schedule 2 to the Local Government Finance Act 1992 should have been added to all the powers cited in relation to the Council Tax (Demand Notices) (Wales) Regulations 1993. Under Observations the Committee noted that the title of the Regulations should be amended to "The Council Tax (Demand Notices) (Wales) (Amendment) Regulations 2004", this could also be addressed by the Memorandum of Corrections referred to above.

LC817 The Housing Renewal Grants (Amendment) (Wales) Regulations 2004

Considered by the Legislation Committee on: 27th January 2004

The Committee did not identify any points reportable under S.O.11.7.

LC818 The Housing Renewal Grants (Prescribed Form and Particulars) (Amendment) (Wales) Regulations 2004

Considered by the Legislation Committee on: 27th January 2004

The Committee identified four points reportable under S.O.11.7 to which it drew special attention of the Assembly. The points were appropriate for correction by means of a Memorandum of Corrections under S.O.24.13: in the Welsh text of paragraph 7 of the Schedule the words "2 i 2C" should read "2A i 2C"; in paragraph 12(b) of the Schedule in the Welsh text the words "yn lle" should read "ar ôl" as this is an addition and not a substitution; the introduction to paragraph 21 of the Schedule should be in Welsh in the Welsh column: "Yn lle Nodiadau 16 i 19 rhowch – " and in paragraph 30 of the Schedule in the Welsh text the words "Nodyn 55(a)" should read "Nodyn 55(a) a (b)". Under Observations the Committee noted a number of minor points in relation to the Explanatory Note, footnotes and punctuation.

LC819 The Domiciliary Care Agencies (Wales) Regulations 2004

Considered by the Legislation Committee on: 27th January 2004

The Committee identified a number of points reportable under S.O.11.7 to which it drew special attention of the Assembly. The points were appropriate for correction by means of a Memorandum of Corrections under S.O.24.13: throughout the Regulations eighteen discrepancies between the Welsh and English text were identified and regulation 3(1)(c) contained a drafting error: it inappropriately referred to a prospective piece of Assembly legislation. Under Observations the Committee noted that the Regulations contained a number of spelling and formatting points appropriate for correction on publication.

LC820 The Food (Provisions relating to Labelling) (Wales) Regulations 2004

Considered by the Legislation Committee on: 27th January 2004

The Committee identified two points reportable under S.O.11.7 to which it drew special attention of the Assembly. The points were appropriate for correction by means of a Memorandum of Corrections under S.O.24.13: in the Welsh text of regulation 1(1), "2003" needed to be changed to "2004" and in the new regulation 34A(1)(b) (inserted in the 1996 Regulations by regulation 6) there was an inconsistency between the English and the Welsh texts. The Committee also observed that the Regulations contained other examples where updating was needed, but as these errors were not to the operative parts of the Regulations that would have to be done on publication. Under Observations the Committee noted that references to Community legislation needed updating; this could also be addressed by the Memorandum of Corrections and that the legal adviser to the Committee had had the opportunity to consider an early draft when some points relating to the Explanatory Note, footnotes, spelling and formatting had been identified as appropriate for correction on publication.

LC821 The Removal of Obstructions from Highways (Wales) Regulations 2004

Considered by the Legislation Committee on: 27th January 2004

The Committee identified one point reportable under S.O.11.7 to which it drew special attention of the Assembly. The point was appropriate for correction by means of a Memorandum of Corrections under S.O.24.13: there was an inconsistency between the English and the Welsh texts at the end of Form 5 set out in the Schedule. Under Observations the Committee noted that the legal adviser to the Committee had had the opportunity to consider an early draft when

a number of spelling and formatting points had been identified as appropriate for correction on publication.

LC822 The Countryside and Rights of Way Act 2000 (Commencement No.4) (Wales) Order 2004

Considered by the Legislation Committee on: 27th January 2004

The Committee did not identify any points reportable under S.O.11.7.

LC823 The Infant Formula and Follow-on Formula (Amendment) (Wales) Regulations 2004

Considered by the Legislation Committee on: 3rd February 2004

The Committee identified one point reportable under S.O.11.7 to which it drew special attention of the Assembly. The point was appropriate for correction by means of a Memorandum of Corrections under S.O.24.13: the power contained in Section 6(4) of the Section 6 of the Food Safety Act 1990 was particularly relevant in relation to regulation 8 of the current Regulations and should have been added to other powers. Under Observations the Committee noted that in regulation 5 both the phrases in quotation marks used “a” when it should read “and”.

LC824 The Health Professions Wales (Establishment, Membership, Constitution and Functions) Order 2004

Considered by the Legislation Committee on: 3rd February 2004

The Committee identified a number of points reportable under S.O.11.7 to which it drew special attention of the Assembly. The points were appropriate for correction by means of a Memorandum of Corrections under S.O.24.13: in article 1(1) the title of the Order required updating in both languages and there were eight inconsistencies between the English and the Welsh texts in the Regulations. Under Observations the Committee noted that the legal adviser to the Committee had had the opportunity to consider an early draft when a number of points relating to the Explanatory Note, footnotes, spelling, punctuation and formatting had been identified as appropriate for correction on publication.

LC825 The Health Professions Wales (Transfer of Staff, Property, Rights and Liabilities) Order 2004

Considered by the Legislation Committee on: 3rd February 2004

The Committee did not identify any points reportable under S.O.11.7. Under Observations the Committee noted that there was a drafting error in the Welsh text of the Schedule and that the legal adviser to the Committee had had the opportunity to consider an early draft when a small number of points relating to footnotes, spelling and formatting had been identified as appropriate for correction on publication.

LC826 The Processed Cereal-based Foods and Baby Foods for Infants and Young Children (Wales) Regulations 2004

Considered by the Legislation Committee on: 3rd February 2004

The Committee identified a number of points reportable under S.O.11.7 to which it drew special attention of the Assembly. The points were appropriate for correction by means of a Memorandum of Corrections under S.O.24.13:

- the power contained in section 6(4) of Section 6 of the Food Safety Act 1990 dealt with enforcement and was particularly relevant in relation to regulation 9 of the current Regulations. That power should be added to other powers;
- there was a discrepancy between the Welsh and English texts in regulation 6(3) and the numbering was incorrect (the numbering could be corrected on publication);
- in regulation 12, the entries for section 35(2) and (3) did not correspond;
- in paragraph 1 of Part II of the Welsh version of Schedule 1 there two references should be “gynhyrchion gwreiddiau startslyd” and “cynnyrch gwreiddiau startslyd” in turn;
- in both languages paragraph 6.2 of Part II of Schedule 1 had some missing text immediately before the table, such as “the following limits apply”;
- in Schedule 4, the entry for “Calcium L-ascorbate” in Welsh should read “Calsiwm L-asgorbad”.

Under Observations the Committee noted that the legal adviser to the Committee had had the opportunity to consider an early draft when a small number of points relating to the ‘other language’ terms in the definitions in regulation 2(1) and to numbering and formatting had been identified as appropriate for correction on publication.

LC827 The Water Industry (Prescribed Conditions) (Wales) Regulations 2004

Considered by the Legislation Committee on: 27th January 2004

The Committee identified one point reportable under S.O.11.7 to which it drew special attention of the Assembly. The point was appropriate for correction by means of a Memorandum of Corrections under S.O.24.13: the title in regulation 1(1) should be amended to include wording such as “(Undertakings wholly or mainly in Wales)” and consequential amendments to the non-operative parts of

the Regulations should be made. Under Observations the Committee noted that a footnote defining the term “the Director” as used in regulation 3(3)(a) would be helpful to the reader. The Committee also noted that regulation 1(2) provided that these Regulations applied to water or sewerage undertakers whose area was wholly or mainly in Wales and therefore these Regulations should be laid before Parliament after they have been made by the National Assembly. It was presumed that this was the reason that the Minister had considered it appropriate to make these Regulations in English only.

LC828 The Education (Individual Pupil Information) (Prescribed Persons) (Wales) Regulations 2004

Considered by the Legislation Committee on: 10th February 2004

The Committee identified one point reportable under S.O.11.7 to which it drew special attention of the Assembly. The point was appropriate for correction by means of a Memorandum of Corrections under S.O.24.13: there was one minor drafting error in the English title given in regulation 1(1) (the words “(Prescribed Persons)” were missing).

LC829 The Jam and Similar Products (Wales) Regulations 2004

Considered by the Legislation Committee on: 10th February 2004

The Committee identified two points reportable under S.O.11.7 to which it drew special attention of the Assembly. The points were appropriate for correction by means of a Memorandum of Corrections under S.O.24.13: there were two inconsistencies between the English and the Welsh texts. Under Observations the Committee noted that a small number of other points relating to the Explanatory Note, footnotes, spelling and formatting appropriate for correction on publication.

LC830 The Miscellaneous Food Additives (Amendment) (Wales) Regulations 2004

Considered by the Legislation Committee on: 10th February 2004

The Committee did not identify any points reportable under S.O. 11.7. Under Observations the Committee noted a small number of other points relating to the Explanatory Note, footnotes, plurals, punctuation and formatting appropriate for correction on publication.

LC831 The Commonhold and Leasehold Reform Act 2002 (Commencement No.2 and Savings) (Wales) Order 2004

Considered by the Legislation Committee on: 24th February 2004

The Committee did not identify any points reportable under S.O.11.7. Under Observations the Committee noted a few typographical errors appropriate for correction on publication.

LC832 The Leasehold Valuation Tribunals (Fees) (Revocation and Savings) (Wales) Order 2004

Considered by the Legislation Committee on: 24th February 2004

The Committee did not identify any points reportable under S.O.11.7. Under Observations the Committee noted two minor points in relation to the Explanatory Note and errors in punctuation appropriate for correction on publication.

LC833 The Leasehold Valuation Tribunals (Service Charges, Insurance or Appointment of Managers Applications) (Revocation and Saving) (Wales) Order 2004

Considered by the Legislation Committee on: 24th February 2004

The Committee did not identify any points reportable under S.O.11.7.

LC834 The Leasehold Valuation Tribunals (Fees) (Wales) Regulations 2004

Considered by the Legislation Committee on: 24th February 2004

The Committee did not identify any points reportable under S.O.11.7. Under Observations the Committee noted the Welsh text of regulation 8(4)(a) needed clarification. Also, the Committee noted a couple of minor typographical errors appropriate for correction on publication.

LC835 The Leasehold Valuation Tribunals (Procedure) (Wales) Regulations 2004

Considered by the Legislation Committee on: 24th February 2004

The Committee identified several minor drafting points reportable under S.O.11.7 to which it drew special attention of the Assembly. The points were appropriate for correction by means of a Memorandum of Corrections under S.O.24.13: there were discrepancies between the Welsh and English texts in regulation 4(2), paragraph 11(4)(a), paragraph 13(4), paragraph 14(3), paragraph 14(5), paragraph 14(7)(a), the final part of paragraph 14(7)(b), paragraph 16(1)(a),

paragraph 16(1)(b), paragraph 23(5)(b), paragraph 11(7) of Schedule 2. Under Observations the Committee noted a number of other points relating to the Explanatory Note and footnotes, spelling, punctuation and formatting, appropriate for correction on publication. The Committee also expressed its surprise that the Regulations made no provisions in relation to the language of any hearing.

LC836 The RTM Companies (Memorandum and Articles of Association) (Wales) Regulations 2004

Considered by the Legislation Committee on: 24th February 2004

The Committee identified several points reportable under S.O.11.7 to which it drew special attention of the Assembly: the introductory paragraph following the reference to the Welsh Language Act 1993 needed clarification; both the English and the Welsh Memorandum and Articles should have provided for just one legal name of the company, which could be in either language; the signature details at the end of both documents should have required the names and addresses of witnesses; in the first line of paragraph 4(h) of the Welsh text of Schedule 2 the word “gan “ was superfluous; in the Welsh text, the second line of paragraph 4(ph) and the first line of paragraph 4(th) of Schedule 2 needed clarification. Under Observations the Committee noted a small number of other points relating to typographical errors appropriate for correction on publication.

LC837 The Leasehold Reform (Enfranchisement and Extension) (Amendment) (Wales) Regulations 2004

Considered by the Legislation Committee on: 24th February 2004

The Committee did not identify any points reportable under S.O.11.7. Under Observations the Committee noted a small inconsistency between the English and the Welsh texts in the preliminary paragraph the power cited to make the Regulations; regulation 2(a) needed clarification; a couple of other points relating to the Explanatory Note and footnotes appropriate for correction on publication.

LC838 The Leasehold Reform (Collective Enfranchisement and Lease Renewal) (Amendment) (Wales) Regulations 2004

Considered by the Legislation Committee on: 24th February 2004

The Committee identified one point reportable under S.O.11.7 to which it drew special attention of the Assembly. The point was appropriate for correction by means of a Memorandum of Corrections under S.O.24.13: there was an inconsistency between the English and the Welsh texts in regulation 2(b).

LC839 The Right to Manage (Prescribed Particulars and Forms) (Wales) Regulations 2004

Considered by the Legislation Committee on: 24th February 2004

The Committee identified two points reportable under S.O.11.7 to which it drew special attention of the Assembly. The points were appropriate for correction by means of a Memorandum of Corrections under S.O.24.13: the reference in 3(2)(c) of the Welsh text should be corrected to (d); there was an inconsistency between the English and the Welsh texts in regulation 3(2)(ch), the Welsh text of regulation 6(a) needed clarification; in the Welsh text, the italicised notes in paragraph 4 of the Schedule in the form set out in Schedule 1 needed clarification; in the Welsh text of paragraph 2 of Schedule 2, the reference to "mangre" needed clarification. Under Observations the Committee noted a few other minor points relating to the Explanatory Note and footnotes, and numbering and punctuation, appropriate for correction on publication.

LC840 The Service Charges (Consultation Requirements) (Wales) Regulations 2004

Considered by the Legislation Committee on: 24th February 2004

The Committee identified several points reportable under S.O.11.7 to which it drew special attention of the Assembly. The points were appropriate for correction by means of a Memorandum of Corrections under S.O.24.13: in the Welsh version: regulation 3(1)(b) needed clarification; there was a typographic mistake in paragraph 3 and in paragraph 4(3) of Schedule 1; paragraph 5(11) of Schedule 1 and paragraph 4(3) of Schedule 2 contained some defective drafting; paragraph 5(10)(a)(ii) of Schedule 1 contained an inconsistency between the English and the Welsh texts. Under Observations the Committee noted a number of other points relating to the Explanatory Note and footnotes, punctuation and formatting appropriate for correction on publication.

LC841 The Vehicular Access Across Common and Other Land (Wales) Regulations 2004

Considered by the Legislation Committee on: 9th March 2004

The Committee did not identify any points reportable under S.O.11.7. Under Observations the Committee noted a couple of formatting points appropriate for correction on publication.

LC842 The Water Industry (Prescribed Conditions) (Undertakers Wholly or Mainly in Wales) Regulations 2004

Considered by the Legislation Committee on: 24th February 2004

The Committee did not identify any points reportable under S.O.11.7. Under Observations the Committee noted that these Regulations previously came before the Committee on the 27th January, and matters identified in that earlier version had all been appropriately dealt with in this revised version. Standing Order 23.13 provides that legislation made under that Standing Order (of which this was an example) is to be translated into Welsh and the translation published for public information unless the Minister considers it inappropriate in the circumstances or not reasonably practicable.

LC843	The Education (School Inspection) (Amendment) (Wales) Regulations 2004
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Considered by the Legislation Committee on: 2nd March 2004

The Committee identified one point reportable under S.O.11.7 to which it drew special attention of the Assembly. The point was appropriate for correction by means of a Memorandum of Corrections under S.O.24.13: the Welsh text of article 1(1) had 2003 in the title of the Regulations. Under Observations the Committee noted that these Regulations should more appropriately have been called "The Education (School Inspection) (Wales) (Amendment) Regulations 2004" as they amended existing Wales only legislation, "The Education (School Inspection) (Wales) Regulations 1998".

LC844	The Inspection of Education and Training (Amendment) (Wales) Regulations 2004
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Considered by the Legislation Committee on: 2nd March 2004

The Committee identified one point reportable under S.O.11.7 to which it drew special attention of the Assembly. The point was appropriate for correction by means of a Memorandum of Corrections under S.O.24.13: as the current Regulations amended the Inspection of Education and Training (Wales) Regulations 2001, the powers relied upon should have been included. Under Observations the Committee noted that these Regulations should more appropriately had been called "The Inspection of Education and Training (Wales) (Amendment) Regulations 2004" as they amended existing Wales only legislation.

LC845	The Common Agricultural Policy Non-IACS Support Schemes (Appeals) (Wales) Regulations 2004
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Considered by the Legislation Committee on: 2nd March 2004

The Committee identified several points relating to the Welsh Schedule, which were reportable under S.O.11.7 and to which it drew special attention of the Assembly: reference to Regulation (EC) 2826/2000 of the Welsh description should be standardised; "EC" had been extended to "EEC" which should be corrected; one E had been omitted from the reference to Regulation 1766/92 at the top of the fourth page of the Schedule and in the same paragraph "(Erthyglau 7 ac 8)" had been omitted; on the fifth page an incorrect description of Regulation 1260/2001 had been given; in the Welsh language version of the Regulations, "ei ddiwygiwyd" should be replaced by "y'i diwygiwyd" wherever it occurred. Under observation the Committee noted a number of formatting and punctuation points, and other points relating to the footnotes, appropriate for correction on publication.

LC846	The Inspection of Youth Support Services in Wales Regulations 2004
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Considered by the Legislation Committee on: 2nd March 2004

The Committee did not identify any points reportable under S.O.11.7. Under Observations the Committee noted a small number of other points relating to the Explanatory Note, punctuation and footnotes appropriate for correction on publication.

LC847	The Care Standards Act 2000 (Extension of Meaning of "Social Care Worker") (Wales) Regulations 2004
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Considered by the Legislation Committee on: 2nd March 2004

The Committee did not identify any points reportable under S.O.11.7. Under Observations the Committee noted that these Regulations did not contain an application provision as they simply extended a definition for the purpose of the registration functions of the Care Council for Wales and the application had been dealt with in other legislation. The Committee also noted a couple of formatting points appropriate for correction on publication.

LC848	The Care Council for Wales (Specification of Student Social Workers) (Registration) Order 2004
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Considered by the Legislation Committee on: 2nd March 2004

The Committee did not identify any points reportable under S.O.11.7. Under Observations the Committee noted that this Order did not contain an application provision because it simply extended the scope of the registration functions of the Care Council for Wales, the geographical application of which was dealt with in

other legislation and that it had been necessary to make separate Statutory Instruments as the relevant powers contained in the Care Standards Act provided that they were to be exercised "by order" and that "Regulations may prescribe" respectively. The Committee also noted a couple of formatting points and one relating to a footnote appropriate for correction on publication.

LC849 The Food (Hot Chilli and Hot Chilli Products) (Emergency Control) (Amendment) (Wales) Regulations 2004

Considered by the Legislation Committee on: 9th March 2004

The Committee did not identify any points reportable under S.O.11.7. Under Observations the Committee noted that these Regulations should more appropriately have been called "The Food (Hot Chilli and Hot Chilli Products) (Emergency Control) (Wales) (Amendment) Regulations 2004" as they amended existing Wales only legislation - "The Food (Hot Chilli and Hot Chilli Products) (Emergency Control) (Wales) Regulations 2003". The Committee also noted that the Explanatory Note needed further clarification.

LC850 The Local Authorities (Alteration of Requisite Calculations) (Wales) Regulations 2004

Considered by the Legislation Committee on: 16th March 2004

The Committee did not identify any points reportable under S.O.11.7. Under Observations the Committee noted a small number of formatting points appropriate for correction on publication.

LC851 The Council Tax (Prescribed Classes of Dwellings) (Wales) Regulations 2004

Considered by the Legislation Committee on: 16th March 2004

The Committee did not identify any points reportable under S.O.11.7. Under Observations the Committee noted a couple of typographical errors not relating to the operative part of the Regulations which were appropriate for correction on publication.

LC852 The Library Advisory Council for Wales Abolition and Consequential Amendments Order 2004

Considered by the Legislation Committee on: 9th March 2004

The Committee did not identify any points reportable under S.O.11.7. Under Observations the Committee noted that it would be necessary to remove the reference to the Council from the "The National Assembly for Wales (Disqualification) Order 2003" and that the Welsh text contained superfluous brackets in the title of the Order.

LC853 The Education (Induction Arrangements for School Teachers) (Amendment) (Wales) Regulations 2004

Considered by the Legislation Committee on: 9th March 2004

The Committee did not identify any points reportable under S.O.11.7. Under Observations the Committee noted that these Regulations should more appropriately have been called "The Education (Induction Arrangements for School Teachers) (Wales) (Amendment) Regulations 2004" as they amended existing Wales only legislation - "The Education (Induction Arrangements for School Teachers) (Wales) Regulations 2003". The Committee also noted a few formatting points appropriate for correction on publication.

LC854 The Community Health Councils Regulations 2004

Considered by the Legislation Committee on: 9th March 2004

The Committee identified several points reportable under S.O.11.7 to which it drew special attention of the Assembly. The points were appropriate for correction by means of a Memorandum of Corrections under S.O.24.13:

- the definitions had three inconsistencies between the English and the Welsh texts;
- the Welsh text of the regulation 2(1), regulation 2(2), regulation 14(1) and regulation 27(1) needed further clarification;
- regulation 6(1) needed further clarification;
- the wording of regulation 6(2) should be simplified;
- regulation 7(a), regulation 19(1) and paragraph 5 of the Schedule contained inconsistencies between the English and the Welsh texts;
- regulation 9(1) needed the words "Subject to paragraph (4)" / "Yn ddarostyngedig i baragraff (4)" removed;
- in regulation 9(2) "(4)" should be replaced by "(3)";
- regulation 11(2) should have a reference to giving "hysbysiad ysgrifenedig" rather than "rhybudd ysgrifenedig";
- in the Welsh text of regulation 16(1)(a), the reference to "reoliad 21" should read "reoliad 22";

- in regulation 18(1) the words “a relevant NHS body or bodies” / “corff neu gyrff GIG perthnasol” should be replaced by “a relevant NHS body” / “corff GIG perthnasol”;
- in the Welsh text of regulation 26(2)((a), the reference to “any vehicle” in the English text is missing.

Under Observations the Committee noted that it would be of assistance to those considering legislation, if “(Wales)” were included in the title; regulation 20(1)(f) contained inconsistencies between the English and the Welsh texts, needing the insertion of explanatory footnotes. The Committee also noted a number of punctuation and formatting points appropriate for correction on publication.

LC855 The Welsh Development Agency (Derelict Land) Order 2004

Considered by the Legislation Committee on: 9th March 2004

The Committee did not identify any points reportable under S.O.11.7. Under Observations the Committee noted a couple of minor points relating to the explanatory note and article headings (which do not form part of the substance of the order) appropriate for correction on publication.

LC856 The Council Tax (Demand Notices) (Wales) (Amendment) Regulations 2004

Considered by the Legislation Committee on: 9th March 2004

The Committee did not identify any points reportable under S.O.11.7. Under Observations the Committee noted a small number of very minor points relating to the Explanatory Note appropriate for correction on publication.

LC857 The Health and Social Care (Community Health and Standards) Act 2003 Commencement (No.1)(Wales) Order 2004

Considered by the Legislation Committee on: 30th March 2004

The Committee identified several points reportable under S.O.11.7 to which it drew special attention of the Assembly. The points were appropriate for correction by means of an Amendment Order: article 1(2)(b) needed further clarification; article 3(1)(a) contained a drafting defect; in article 4(2)(b), “paragraphs (c) and (d)” should replace “paragraph (iii) and (iv)”; article 4(2)(l) duplicated provisions referred to in article 4(2)(k) and could be omitted. Under Observations the Committee noted that a second commencement Order had been made on behalf of the National Assembly on the 23rd March, also using the Executive procedure.

Considered by the Legislation Committee on: 27th April 2004

The Committee identified several points reportable under S.O.11.7 to which it drew special attention of the Assembly. The Committee considered that although none of the highlighted matters would, on its own, have required the immediate drafting of correcting legislation, these Regulations formed the basis for the contracts of general practitioners and therefore they should be corrected as soon as possible:

- the paragraph which recites the powers under which the Regulations have been made wrongly referred to section 28D(1)(bc) of the National Health Service Act 1977;
- the definition of “adjudicator” in regulation 2(1) contained an incorrect reference to paragraph 101(5) of Schedule 6 (to these Regulations) - the reference should have been to paragraph 99(5);
- paragraph (a) should be removed from the definition of “GP registrar” in the same regulation;
- in regulation 5(2)(h) the reference to Scottish legislation should be to the Criminal Procedure (Scotland) Act 1995;
- regulation 10 (2) was difficult to follow as it currently drafted as there was an unnecessary “it” and a mis-placed comma;
- paragraphs (2), (3) and (4) of regulation 17 made reference to paragraph 4(8) of Schedule 3 insofar as it related to paragraph 3(12)(2)(14). Paragraph 4(8) did not relate to paragraphs 3(12) to (14), whereas paragraph 4(9) did;
- in regulation 23, the words “payments of” appeared incorrectly in the middle of the reference to section 28T of the Act;
- in the same regulation, the brackets before the word “Assembly’s” should be opened;

- regulation 24(4) wrongly referred to paragraph (e) of Schedule 5;
- paragraph 11, paragraph 36(13), paragraph 89, the final part of paragraph 103(2) of Schedule 6, paragraph 5 of Schedule 7 contained drafting errors and should be revised;
- paragraph 19(5) contained erroneous cross-referencing;
- paragraph 48(6), paragraph 102(1), paragraph 111(2)(e) of the Schedule 6 needed further clarification;
- the heading for Schedule 8 should be cross-referenced to Schedule 6 paragraph 9;
- the heading to Schedule 10 should be cross-referenced to paragraph 75 of Schedule 6 and not paragraph 76.

Under Observations the Committee noted a number of other minor points in relation to footnotes, formatting, spelling, punctuation and capitalisation suitable for correction on publication.

LC859 The General Medical Services Transitional and Consequential Provisions (Order) (Wales) 2004

Considered by the Legislation Committee on: 27th April 2004

The Committee identified several points reportable under S.O.11.7 to which it drew special attention of the Assembly. The points would have been appropriate for correction by means of a Memorandum of Corrections, but as the Order had already been made, consideration would need to be given as to whether amending legislation was necessary: a number of the definitions needed further clarification; article 4(3), article 5(c), article 12(b), article 20(4), article 21(a) and article 22(b)(ii) contained drafting errors. Under Observations the Committee noted a number of other minor points in relation to footnotes, formatting, spelling, punctuation and capitalisation that would have been suitable for correction on publication.

LC860 The Dairy Produce Quotas (Wales) (Amendment) Regulations 2004

Considered by the Legislation Committee on: 16th March 2004

The Committee did not identify any points reportable under S.O.11.7. Under Observations the Committee noted a number of minor formatting and typographical errors appropriate for correction on printing.

LC861 The Water Act 2003 (Commencement) (Wales) Order 2004

Considered by the Legislation Committee on: 16th March 2004

The Committee did not identify any points reportable under S.O.11.7. Under Observations the Committee noted a couple of formatting points appropriate for correction on publication.

LC862 The Litter and Dog Fouling (Fixed Penalty) (Wales) Order 2004

Considered by the Legislation Committee on: 16th March 2004

The Committee did not identify any points reportable under S.O.11.7. Under Observations the Committee noted that two separate draft orders dealing with these issues had been considered by the Committee at its meeting on the 2nd December 2003, when the Committee had indicated a preference for a combined

order and had asked that Parliamentary Counsel's advice be sought regarding the precise wording, having regard to concerns expressed by the legal adviser. This Order was the result of further consideration of those matters.

LC863 The Education (School Organisation Proposals) (Wales)
(Amendment) Regulations 2004

Considered by the Legislation Committee on: 16th March 2004

The Committee identified one point reportable under S.O.11.7 to which it drew special attention of the Assembly. The point was appropriate for correction by means of a Memorandum of Corrections under S.O.24.13: in paragraph 18A(i) there was a typographical error. Under Observations the Committee noted that in the first line of the Explanatory Note, the title of the 1999 Regulations being amended was incorrect in both languages; the correct name appeared in regulation 2.

LC864 The National Health Service (Pharmaceutical Services etc)
(Repeatable Prescriptions) (Amendment)(Wales) Regulations 2004

Considered by the Legislation Committee on: 16th March 2004

The Committee identified several points reportable under S.O.11.7 to which it drew special attention of the Assembly. The points were appropriate for correction by means of a Memorandum of Corrections under S.O.24.13: regulation 6(3)(n) needed further clarification; the second line of the proposed regulation 3A(7) contained an inconsistency between the English and the Welsh texts; regulation 8(6)(b) contained a drafting defect. Under Observations the Committee noted a number of points relating to the Explanatory Note, footnotes and formatting.

LC865 The National Health Service (General Medical Services Contracts)
(Prescription of Drugs etc.) (Wales) Regulations 2004

Considered by the Legislation Committee on: 16th March 2004

The Committee did not identify any points reportable under S.O.11.7. Under Observations the Committee noted that these Regulations had been submitted to the Legislation Committee in English only and followed the Whitehall format.

LC866 The National Health Service (Performers Lists) (Wales) Regulations
2004

Considered by the Legislation Committee on: 16th March 2004

The Committee identified several points reportable under S.O.11.7 to which it drew special attention of the Assembly. The points were appropriate for correction by means of a Memorandum of Corrections under S.O.24.13: a new definition of “Services List Regulations” in regulation 2 was required; regulation 4(1), regulation 4(6), paragraph (a) of regulation 13(7), paragraph (a) of regulation 21, regulation 23(2)(b)(iii)(aa) and 23(3)(c)(i) needed further clarification; regulation 9(2), regulation 17(2), regulation 20(h), regulation 20(i), regulation 24(1)(d), regulation 24(2)(b), regulation 24(2)(c) contained drafting defects; references to a “Fitness to Practise Panel” should read “Fitness to Practise Panel”. Under Observations the Committee noted that regulation 6(2)(b) correctly referred to the knowledge of English, without referring to the knowledge of Welsh: this reflected a provision in the primary legislation. The Committee noted that reference was made to the National Health Service (General Medical Services Contracts) (Wales) Regulations 2004 and therefore those Regulations would need to be made before, or at the same time, as the current Regulations. The Committee noted a number of points relating to the Explanatory Note, footnotes and formatting.

LC867	The Anti-Social Behaviour Act 2003 (Commencement No.1)(Wales) Order 2004
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Considered by the Legislation Committee on: 23rd March 2004

The Committee did not identify any points reportable under S.O.11.7. Under Observations the Committee noted that the C. (Commencement) number should precede the W./Cy (Wales/Cymru) number – paragraph 2.3.3 of the Statutory Instrument Practice.

LC868	The National Assistance (Assessment of Resources) (Amendment) (Wales) Regulations 2004
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Considered by the Legislation Committee on: 23rd March 2004

The Committee did not identify any points reportable under S.O.11.7.

LC869	The National Assistance (Sums for Personal Requirements) (Wales) Regulations 2004
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Considered by the Legislation Committee on: 23rd March 2004

The Committee did not identify any points reportable under S.O.11.7.

LC870 The Pigs (Records, Identification and Movement)(Wales) Order 2004

Considered by the Legislation Committee on: 23rd March 2004

The Committee identified several points reportable under S.O.11.7 to which it drew special attention of the Assembly. The points were appropriate for correction by means of a Memorandum of Corrections under S.O.24.13: in the Welsh text of this Order: “magu” should be changed to “bridio” wherever it occurs; there were drafting defects in article 3, article 4(3), article 21(1)(a) and article 28; in article 4(3) “yn ychwanegol” (in addition) was incorrect - it should be replaced by “neu ychwanegiad” (or addition); article 9(1) contained an inconsistency between the English and the Welsh texts; in article 11(dd) “ynghlwm wrth” should be used to correspond to “attached to”; “ynghlwm wrtho” in the latter article should be replaced by “gydag ef”; in article 15(2)(a) “ynghlwm wrth y” should be replaced by “gyda’r”. Under Observations the Committee noted a small number of minor points relating to formatting and footnotes and appropriate for correction on publication.

LC871 The Education Act 2002 (Commencement No.4 and Transitional Provisions)(Wales) Order 2004

Considered by the Legislation Committee on: 16th March 2004

The Committee did not identify any points reportable under S.O.11.7.

LC872 The Education (Pupil Information) (Wales) Regulations 2004

Considered by the Legislation Committee on: 23rd March 2004

The Committee identified several points reportable under S.O.11.7 to which it drew special attention of the Assembly. The points were appropriate for correction by means of a Memorandum of Corrections under S.O.24.13: the provisions of section 408 of the Education Act 1996 should be excluded from the parts of these Regulations that rely on the power in section 408; amendments would need to be made to regulations 7, 8 and 9, and to the definition of “maintained school” in regulation 2(1); regulation 2(3) and paragraph 5(1) of Schedule 2 contained inconsistencies between the English and the Welsh texts. Under Observations the Committee noted a few points relating to footnotes and formatting which were appropriate for correction on printing.

LC873 The Education (School Performance Information)(Wales) Regulations 2004

Considered by the Legislation Committee on: 23rd March 2004

The Committee identified several points reportable under S.O.11.7 to which it drew special attention of the Assembly. The points were appropriate for correction by means of a Memorandum of Corrections under S.O.24.13: throughout the regulations the inconsistencies between the English and Welsh terminology (e.g., the term "National Assembly", "in accordance with the statutory assessments") needed to be addressed; the Welsh text of regulation 6, regulations 10 and 11, paragraph 4 of Schedule 2, paragraphs 1(2)(b), (2)(c), (2)(ch) and (2)(d); paragraphs 2(2)(a), (2)(b), (2)(c) and (2)(d), paragraphs 3(c) and 4(c) of Schedule 3 contained various drafting errors. Under Observations the Committee noted a number of minor points relating to formatting and typographical errors suitable for correction on printing.

LC874	The Adoption Support Services (Local Authorities) (Wales) Regulations 2004
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Considered by the Legislation Committee on: 23rd March 2004

The Committee identified several points reportable under S.O.11.7 to which it drew special attention of the Assembly. The points were appropriate for correction by means of a Memorandum of Corrections under S.O.24.13: throughout the regulations the Welsh term for "a child who is looked after" should be changed to "plentyn sydd yn derbyn gofal"; there was an inconsistency between the English and Welsh texts in regulation 2(3); the Welsh text of regulation 3(2), regulation 5(3), regulation 9(5) and regulation 13(c)(iii) needed clarification; the Welsh text of regulation 4(1), regulation 5(9) and paragraphs 11(2) (b) (ch) contained drafting defects; regulation 6(4) and regulation 6(6) contained a number of wrong references both in the English and Welsh texts; the English text of regulation 6(5)(b), regulation 7(2)(c) and the third line of 10(2)(e) contained a drafting defects; in the Welsh text, cross references needed to be changed to accommodate the different lettering of paragraphs. Under Observations the Committee noted a number of formatting points and spelling mistakes appropriate for correction on publication.

LC875	The Local Authorities (Capital Finance and Accounting)(Wales) (Amendment) Regulations 2004
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Considered by the Legislation Committee on: 23rd March 2004

The Committee did not identify any points reportable under S.O.11.7. Under Observations the Committee noted two minor points in relation to the Explanatory Note and footnotes appropriate for correction on printing.

LC876 The Non-Domestic Rating (Miscellaneous Provisions) (Amendment) (Wales) Regulations 2004

Considered by the Legislation Committee on: 23rd March 2004

The Committee did not identify any points reportable under S.O.11.7.

LC877 The Council Tax (Administration and Enforcement) (Amendment) (Wales) Regulations 2004

Considered by the Legislation Committee on: 30th March 2004

The Committee did not identify any points reportable under S.O.11.7.

LC878 The Agricultural Holdings (Units of Production) Order 2004

Considered by the Legislation Committee on: 30th March 2004

The Committee identified one point reportable under S.O.11.7 to which it drew special attention of the Assembly. The point was appropriate for correction by means of a Memorandum of Corrections under S.O.24.13: in two places in paragraph 1 of the Schedule to the Order, the title of the Tir Mynydd Regulations should be to the "Tir Mynydd (Wales) Regulations 2001". Under Observations the Committee noted that interpretation of this Order would be assisted by a footnote to the definitions of terms in the appropriate Instruments. The Committee also noted a number of formatting points appropriate for correction on publication.

LC879 The Health and Social Care (Community Health and Standards) Act 2003 Commencement (No.2)(Wales) Order 2004

Considered by the Legislation Committee on: 30th March 2004

The Committee did not identify any points reportable under S.O.11.7. Under Observations the Committee noted that the Order as signed did not have the usual Schedule of provisions previously commenced, as included in the Assembly's earlier Commencement Order in respect of provisions previously commenced by the Secretary of State - these provisions should be added on publication.

LC880 The National Health Service (Travelling Expenses and Remission of Charges) (Amendment) (Wales) Regulations 2004

Considered by the Legislation Committee on: 27th April 2004

The Committee did not identify any points reportable under S.O.11.7. Under Observations the Committee noted three minor points relating to footnotes or of a typographical nature appropriate to be dealt with on publication.

LC881 The Local Authorities (Conduct of Referendums) (Wales) Regulations 2004

Considered by the Legislation Committee on: 27th April 2004

The Committee identified several points reportable under S.O.11.7 to which it drew special attention of the Assembly. The Committee suggested that these points should be addressed when the opportunity arises:

- regulations 7(2), 8(1), 10(1), 12(1), 13(3), 14(1), (2), (3) and (4), 15(1)(d), (8) and (9) and 17(6) and (10); Table 3 of Schedule 3 contained drafting mistakes;
- the Welsh text of the description of Rule 31 in Table 3 needed clarification.

Under Observations the Committee noted that:

- in the Explanatory Note, the Welsh title of the “Petitions and Directions Regulations” was mistyped;
- the paragraph in the Explanatory Note relating to regulation 8 contained inconsistencies between the English and the Welsh texts;
- the Welsh text of Explanatory Note’s reference to regulation 20 and regulation 20 as well as paragraph 1 of Schedule 2; regulation 8; the headings of column 2 of Tables 2 and 3; the modification of section 30 of the 1983 Act contained drafting errors;
- in Table 2, the modification ““Omit “mentioned in subsections (1) or (3)”” should be deleted;
- the translation of “citizen of the Union” and “relevant citizen of the Union” did not appear to be correct in that “dinesydd I’r Undeb” and “dinesydd perthnasol I’r Undeb” implied “to the” rather than “of the Union”.

The Committee also noted a number of formatting points and spelling errors, together with points relating to footnotes, appropriate for correction on publication.

LC882 The Care Homes (Wales) (Amendment) Regulations 2004

Considered by the Legislation Committee on: 27th April 2004

The Committee did not identify any points reportable under S.O.11.7.

LC883 The Valuation Tribunals (Wales) (Amendment) Regulations 2004
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Considered by the Legislation Committee on: 27th April 2004

The Committee did not identify any points reportable under S.O.11.7. Under Observations the Committee noted some minor points relating to the explanatory note, footnotes and formatting suitable for correction on printing.

LC884	The National Health Service (Pharmaceutical Services) (Amendment) (Wales) Regulations 2004
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Considered by the Legislation Committee on: 27th April 2004

The Committee identified several points reportable under S.O.11.7 to which it drew special attention of the Assembly. The Committee suggested that these points should be addressed when the opportunity arises: the term “PMS Regulations” in regulation 2(2); paragraph (16) of regulation 20; regulation 10(2), substitutions in regulations 11(1) and 12(2); regulation 16 needed further clarification; regulation 2(3); regulation 4(3) contained drafting defects. Under Observations the Committee a number of other minor points in relation to footnotes, formatting, spelling, punctuation and capitalisation suitable for correction on publication (but not by a correcting instrument).

LC885	The Care Standards Act 2000 (Commencement No 13) (Wales) order 2004
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Considered by the Legislation Committee on: 27th April 2004

The Committee did not identify any points reportable under S.O.11.7. Under Observations the Committee noted that the identifying letters ascribed to the various Statutory Instruments referred to in Welsh text in the Explanatory Note must be converted to the Welsh alphabet; that could be done on publication.

LC886	The Primary Medical Services (Sale of Goodwill and Restrictions on Sub-contracting) (Wales) Regulations 2004
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Considered by the Legislation Committee on: 27th April 2004

The Committee did not identify any points reportable under S.O.11.7.

LC887	The General Medical Services Transitional and Consequential Provisions (Wales) (No.2) Order 2004
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Considered by the Legislation Committee on: 27th April 2004

The Committee identified several points reportable under S.O.11.7 to which it drew special attention of the Assembly: in a number of the definitions the references should be to " the National Health Service Act 1977 Act" and not to the "1977 Act"; in articles 71 and 73 the references should be to " that Local Health Board" and not to "that Trust"; in respect of regulations 15 to 18, the provisions succeeding article 76 should follow the pattern set in article 76; the reference to regulation 11(5) in article 77(4) should be omitted. Under Observations the Committee noted that paragraph 35 of Schedule 1 made changes to the General Medical Services Transitional and Consequential Provisions (Wales) Order 2004 and some of the amendments dealt with issues referred to in the report on that earlier Order.

LC888 The Council Tax (Administration and Enforcement) and the Non-Domestic Rating (Collection and Enforcement) (Local Lists) (Amendment) (Wales) Regulations 2004

Considered by the Legislation Committee on: 27th April 2004

The Committee did not identify any points reportable under S.O.11.7. Under Observations the Committee noted that the footnotes to the enabling powers would be enhanced by the inclusion of a reference to the substitution and insertion made by the Local Government Act 2003, section 127(1), Schedule 7 paragraphs 40 and 52(1) and (2) in respect of the 1992 Act and by section 127(1), Schedule 7, paragraphs 9(1), and 24(1) and (4) in respect of the 1988 Act.

LC889 The National Health Service (Optical Charges and Payments) and (General Ophthalmic Services) (Amendment) (Wales) Regulations 2004

Considered by the Legislation Committee on: 27th April 2004

The Committee did not identify any points reportable under S.O.11.7. Under Observations the Committee noted that the regulation 2(2) needed clarification (the words "o'r Ddeddf" in the new definition of "Local Health Board" should be corrected).

LC890 The Food for Particular Nutritional Uses (Addition of Substances for Specific Nutritional Purposes) (Wales) (Amendment) Regulations 2004

Considered by the Legislation Committee on: 27th April 2004

The Committee did not identify any points reportable under S.O.11.7.

LC891 The National Health Service (Travelling Expenses and Remission of Charges) and (Optical Charges and Payments) and General Ophthalmic Services) (Amendment) (Wales) Regulations 2004

Considered by the Legislation Committee on: 27th April 2004

The Committee did not identify any points reportable under S.O.11.7.

LC892 The Health and Social Care (Community Health and Standards) Act 2003 Commencement (No.1)(Wales) (Amendment) Order 2004

Considered by the Legislation Committee on: 27th April 2004

The Committee did not identify any points reportable under S.O.11.7. Under Observations the Committee noted that the numbering of paragraphs within article 6 of the principal Order was defective and as the present Order followed the principal Order, it had the same defects in numbering.

LC893 The Registration of Establishments (Laying Hens) (Wales) Regulations 2004

Considered by the Legislation Committee on: 11th May 2004

The Committee did not identify any points reportable under S.O.11.7. Under Observations the Committee noted that the English text of regulation 7(1) contained a gender-specific reference suitable for correction on publication.

LC894 The Products of Animal origin (Third Country Imports) (Wales) Regulations 2004

Considered by the Legislation Committee on: 11th May 2004

The Committee did not identify any points reportable under S.O.11.7. Under Observations the Committee noted that the corresponding Welsh term for the English term “present/ation” used throughout the Regulations was “rhoi”. In regulation 37(5) “rhoi” was used to correspond to “give”. However, this was not considered to be misleading as the meaning was clear when the regulation was considered as a whole.

LC895 The National Health Service Bodies and Local Authority Partnership Arrangements (Wales) (Amendment) Regulations 2004

Considered by the Legislation Committee on: 11th May 2004

The Committee did not identify any points reportable under S.O.11.7.

LC896 The Meat Products (Wales) Regulations 2004

Considered by the Legislation Committee on: 11th May 2004

The Committee identified several points reportable under S.O.11.7 to which it drew special attention of the Assembly. The points were appropriate for correction by means of a Memorandum of Corrections under S.O.24.13: there were inconsistencies between the English and Welsh texts: in respect of the definition of “port health authority”; in regulation 3(2)(b) in respect of “consumption by babies or young children”; in regulation 5(3) in respect of the words “no account shall be taken of”; in regulation 7(1) in respect of the words “contravenes or fails to comply with regulation 4, 5(2) or 6(1) of these Regulations” and the levels of penalties; in regulations 7(2) and 7(3) in respect of the words “each.... authority shall enforce”; also, the Welsh text of regulation 6(1) contained drafting defects. Under Observations the Committee noted that in regulation 8, the paragraphs in the Welsh text followed the English alphabet. The Committee observed that there was also a number of minor typographical and formatting errors were suitable for correction on printing.

LC897 The National Health Service (Charges to Overseas Visitors) (Amendment) (Wales) Regulations 2004

Considered by the Legislation Committee on: 18th May 2004

The Committee identified one point reportable under S.O.11.7 to which it drew special attention of the Assembly. The point was appropriate for correction by means of a Memorandum of Corrections under S.O.24.13: the reference to the regulation in the definition of “the United Kingdom Government” inserted into regulation 1 of the principal Regulations should read 4(1)(a)(iii) rather than 4(a)(iii). Under Observations the Committee noted that instead of amending the existing legislation in regulation 6, the more common approach would have been to insert a different regulation 6A for Wales. The Committee also noted a small number of spelling and formatting points suitable for correction on printing.

LC898 The Food (Jelly Confectionery) (Emergency Control) (Wales) (Amendment) Regulations 2004

Considered by the Legislation Committee on: 18th May 2004

The Committee identified one point reportable under S.O.11.7 to which it drew special attention of the Assembly: it was considered an unusual or unexpected

use of power to use it to amend existing legislation on the same subject which had been made in reliance on a different power. The usual course, unless the earlier power had been revoked or replaced, would be to rely on the same powers, or such of them as were appropriate to the amendments being made, for the purposes of amending regulations. The Committee noted that lawyers on behalf of the Minister had agreed that that would have been the appropriate course.

LC899 The Advocacy Services and Representations Procedure (Children) (Wales) Regulations 2004

Considered by the Legislation Committee on: 18th May 2004

The Committee did not identify any points reportable under S.O.11.7. Under Observations the Committee noted some formatting points appropriate for correction on publication.

LC900 The Waste and Emissions Trading Act 2003 (Commencement) (Wales) Order 2004

Considered by the Legislation Committee on: 18th May 2004

The Committee did not identify any points reportable under S.O.11.7. Under Observations the Committee noted minor points in relation to formatting and the Explanatory Note and footnotes appropriate for correction on publication.

LC901 The Town and Country Planning (General Development Procedure) (Amendment) (Wales) Order 2004

Considered by the Legislation Committee on: 18th May 2004

The Committee did not identify any points reportable under S.O.11.7. Under Observations the Committee noted some formatting points appropriate for correction on publication.

LC902 The Landfill Allowances Scheme (Wales) Regulations 2004

Considered by the Legislation Committee on: 18th May 2004

The Committee did not identify any points reportable under S.O.11.7.

LC903 The Review of Children's Cases (Amendment) (Wales) Regulations 2004

Considered by the Legislation Committee on: 18th May 2004

The Committee identified one point reportable under S.O.11.7 to which it drew special attention of the Assembly: the Assembly had no power to commence section 118. However, during the period between the approval of the above report by the Committee and the consideration of the Regulations in plenary on the 25th May 2004, the necessary Commencement Order was made. The Chair of the Legislation Committee was therefore able to inform plenary that the point reported under Standing Order 11.7 was no longer effective and the Assembly did have the power to make the Regulations.

LC904 The Countryside and Rights of Way Act 2000 (Commencement No.5) (Wales) Order 2004

Considered by the Legislation Committee on: 18th May 2004

The Committee did not identify any points reportable under S.O.11.7. Under Observations the Committee noted minor points in relation to formatting and the Explanatory Note appropriate for correction on publication.

LC905 The Local Elections (Declaration of Acceptance of Office) and Welsh Forms (Wales) Order 2004

Considered by the Legislation Committee on: 8th June 2004

The Committee identified several points reportable under S.O.11.7 to which it drew special attention of the Assembly. The points were appropriate for correction by means of a Memorandum of Corrections under S.O.24.13: as section 47 of the Government of Wales Act requires the National Assembly, in the conduct of its business, to give effect to the principle that the English and Welsh languages should be treated on a basis of equality, so far as is appropriate in the circumstances and reasonably practicable. It was considered that the reference to Welsh forms in the title of the Order and the way in which the Welsh form was treated in the text did not deal with the languages on a basis of equality. Another point was raised in respect of article 5, which contained a reference to the wrong commencement date.

LC906 The Conduct of Members (Model Code of Conduct) (Wales) (Amendment) (No.2) Order 2004

Considered by the Legislation Committee on: 8th June 2004

The Committee did not identify any points reportable under S.O.11.7. Under Observations the Committee noted that the Legal Advisers had seen an earlier draft of the Order and had drawn the attention of the drafting lawyer to minor typographical errors suitable for correction on printing.

LC907 The Local Government (Whole Authority Analyses and Improvement Plans) (Wales) (Amendment) Order 2004

Considered by the Legislation Committee on: 8th June 2004

The Committee did not identify any points reportable under S.O.11.7. Under Observations the Committee noted minor typographical points appropriate for correction on publication.

LC908 The School Organisation Proposals by the National Council for Education and Training for Wales Regulations 2004

Considered by the Legislation Committee on: 8th June 2004

The Committee did not identify any points reportable under S.O.11.7. Under Observations the Committee noted the Legal Advisers had seen an earlier draft of the Order and had drawn the attention of the drafting lawyer to minor drafting and typographical errors. The Committee also noted that it was intended that the Regulations would come into force, and the enabling powers be commenced, at the same time.

LC909 The National Health Service (Charges for Drugs and Appliances) (Wales) (Amendment) Regulations 2004

Considered by the Legislation Committee on: 8th June 2004

The Committee did not identify any points reportable under S.O.11.7. Under Observations the Committee noted a small number of points relating to footnotes and formatting appropriate for correction on printing.

LC910 The Dyfed Powys Health Authority and Gwent Health Authority (Transfer of Trust Property) Order 2004

Considered by the Legislation Committee on: 8th June 2004

The Committee did not identify any points reportable under S.O.11.7. Under Observations the Committee noted a small number of points relating to footnotes and formatting appropriate for correction on printing.

LC911 The Natural Mineral Water, Spring Water and Bottled Drinking Water (Amendment) (Wales) Order 2004

Considered by the Legislation Committee on: 8th June 2004

The Committee identified several points reportable under S.O.11.7 to which it drew special attention of the Assembly. The points were appropriate for correction by means of a Memorandum of Corrections under S.O.24.13: regulation 1(3) provided that regulations 6, 9(2), 12(a) and 13(2) would come into force on 1st July 2004, whilst there was no regulation 9(2) and no regulation 12(a); paragraph (3)(c)(i) inserted by regulation 7 and regulation 11 needed further clarification; regulation 13(1) contained a drafting defect. Under Observations the Committee noted one additional point which would need to be included in a Memorandum of Corrections under S.O.24.13: in the Welsh regulation 13(2) after "mewnosoder y" there should be inserted "geiriau" to correspond to "words" in the English text. The Committee also noted a number of points relating to the Explanatory Note and footnotes, formatting and spelling suitable for correction on printing.

LC912 The Environmental Assessment of Plans and Programmes (Wales) Regulations 2004

Considered by the Legislation Committee on: 15th June 2004

The Committee identified several points reportable under S.O.11.7 to which it drew special attention of the Assembly. The points were appropriate for correction by means of a Memorandum of Corrections under S.O.24.13: the Welsh text of regulation 1 contained a drafting defect; in regulation 2, the definition of "Cadw"; the Welsh text of regulation 11(2)(ii) and reference to the Secretary of State in regulations 14 and 15 needed further clarification. Under Observations the Committee noted minor typographical errors appropriate for correction on publication.

LC913 The Road Traffic (Permitted Parking Area and Special Parking Area) (County of Denbighshire) Order 2004

Considered by the Legislation Committee on: 15th June 2004

The Committee did not identify any points reportable under S.O.11.7. Under Observations the Committee noted that the Legal Advisers had seen an earlier draft of the Order and had drawn the attention of the drafting lawyer to some minor points.

LC914 The Farm Waste Grant (Nitrate Vulnerable Zones) (Wales) Scheme 2004

Considered by the Legislation Committee on: 15th June 2004

The Committee did not identify any points reportable under S.O.11.7. Under Observations the Committee noted that the Legal Advisers had seen an earlier draft of the Order and had drawn the attention of the drafting lawyer to minor drafting and typographical errors which had been corrected with one exception (a reference in the Explanatory Note to 1996 Regulations) which might be corrected on publication.

LC915 The Designation of Schools Having a Religious Character and Amendments (Wales) Order 2004

Considered by the Legislation Committee on: 22nd June 2004

The Committee did not identify any points reportable under S.O.11.7. Under Observations the Committee noted some formatting points appropriate for correction on publication.

LC916 The Adult Placement Schemes (Wales) Regulations Order 2004

Considered by the Legislation Committee on: 22nd June 2004

The Committee identified several points reportable under S.O.11.7 to which it drew special attention of the Assembly. The points were appropriate for correction by means of a Memorandum of Corrections under S.O.24.13: definition of “gwasanaethau gofal” in regulation 2(1) and the subsequent definition of “oedolyn hawdd ei niweidio”; regulation 5(1)(a); the Welsh text of regulation 8(4)(a); regulation 15(2); regulation 30(ch)(i); regulation 33; the second line of paragraph 2 of Schedule 1; the first line of paragraph 4(b) of Schedule 1 contained drafting errors; at the end of regulation 11(2) the words “sichrau y darperir y cynllun â gofal, cymhwysedd a sgil digonol” should have been used instead of the words “sichrau y darperir y cynllun a’r gofal, cymhwysedd a’r sgil digonol”; regulation 23(5)(a) contained an inconsistency between the English and Welsh texts. Under Observations the Committee noted a number of other minor formatting points, or relating to headings, the Explanatory Note or footnotes appropriate for correction on printing.

LC917 The Education (School information) (Wales) (Amendment) Regulations 2004

Considered by the Legislation Committee on: 22nd June 2004

The Committee identified one point reportable under S.O.11.7 to which it drew special attention of the Assembly. The point was appropriate for correction by means of a Memorandum of Corrections under S.O.24.13: in regulation 2(2), the definition of “GCE ‘A’ level examinations” and “GCE AS” contained a minor drafting error. Under Observations the Committee noted whilst it was not strictly a reporting point, the draft would have been enhanced by use of the “in the appropriate alphabetical order” in the opening words of regulation 2(2); in the Welsh text, the closing quotation mark was missing at the end of regulation 2(2).

LC918	The School Governors’ Annual Reports (Wales) (Amendment) Regulations 2004
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Considered by the Legislation Committee on: 22nd June 2004

The Committee identified one point reportable under S.O.11.7 to which it drew special attention of the Assembly. The point was appropriate for correction by means of a Memorandum of Corrections under S.O.24.13: the wording in regulation 2(2) of the definition of “GCE ‘A’ level” and “GCE ‘AS level examinations” needed further clarification. Under Observations the Committee noted whilst it was not strictly a reporting point, the draft would have been enhanced by use of the “in the appropriate alphabetical order” in the opening words of regulation 2(2); in the Welsh text, the closing quotation mark was missing at the end of regulation 2(2).

LC919	The Care Standards Act 2000 (Commencement No.14) (Wales) Order 2004
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Considered by the Legislation Committee on: 22nd June 2004

The Committee identified one point reportable under S.O.11.7 to which it drew special attention of the Assembly. The point was appropriate for correction by means of a Memorandum of Corrections under S.O.24.13: the sections to be commenced by article 2 needed clarification: they had previously been commenced for various purposes, most recently by the Commencement No.13 Order.

LC920	The Children (Leaving Care) (Amendment) (Wales) Regulations 2004
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Considered by the Legislation Committee on: 22nd June 2004

The Committee identified several points reportable under S.O.11.7 to which it drew special attention of the Assembly. The points were appropriate for correction by means of a Memorandum of Corrections under S.O.24.13: the title of these Regulations should be "The Children (Leaving Care) (Wales) (Amendment) Regulations 2004"; in regulation 2, there was incorrect use of "paragraph" and "subparagraph"; the heading should read "Amendment of regulation 4 of the Principal Regulations"; in the final line of regulation 2(1), "paragraph" was correctly used in relation to 2A, but to match the numbering of other paragraphs, the 2A should be in brackets; in regulation 2(2), the inserting expression should read "after paragraph (2)" and the reference in the second line of the insertion should be to "sub-paragraph (2)(b)"; in the standard signature block the words "Date" and "Dyddiad" should be inserted.

LC921	The Wales Centre for Health (Constitution, Membership and Procedures) Regulations 2004
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Considered by the Legislation Committee on: 22nd June 2004

The Committee identified several points reportable under S.O.11.7 to which it drew special attention of the Assembly. The points were appropriate for correction by means of a Memorandum of Corrections under S.O.24.13: in regulation 2(4), regulation 6(6), regulation 10(2) and paragraph 4 of the Schedule there were inconsistencies between the English and Welsh texts; regulation 5, regulation 6 and the Welsh text of regulation 5(a) contained drafting defects. Under Observations the Committee noted a number of minor formatting points appropriate for correction on publication.

LC922	The Animal Gathering (Wales) Order 2004
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Considered by the Legislation Committee on: 22nd June 2004

The Committee identified several points reportable under S.O.11.7 to which it drew special attention of the Assembly. The points were appropriate for correction by means of a Memorandum of Corrections under S.O.24.13: in the Welsh text: the enabling powers should be referred to as "adrannau 1, 7, 8 ac 83"; article 2, article 7(1), article 12, article 2 of the English text contained drafting defects; the paragraph 2(3) of the Schedule, Schedule, sub-paragraphs (a) to (d) contained inconsistencies between the English and Welsh texts. Under Observations the Committee noted that articles 8(1) and 9(1) contained inconsistencies between the English and Welsh texts; the English text of paragraph 2(a) of the Schedule contained some gender-specific language; paragraph 3 of the Schedule contained a grammatical error. The Committee also noted some formatting points appropriate for correction on publication.

LC923 The Education (School Teachers' Qualifications) (Wales) Regulations 2004

Considered by the Legislation Committee on: 29th June 2004

The Committee identified several points reportable under S.O.11.7 to which it drew special attention of the Assembly. The points were appropriate for correction by means of a Memorandum of Corrections under S.O.24.13: paragraph 5 in regulation 6 should be deleted whilst paragraph 8 of Schedule 2 should be included in regulation 6(5). Under Observations the Committee noted that the definition of defines "teaching" and "to teach" in regulation 3 could have no effect until coming into force of the Education (Specified Work and Registration) (Wales) Regulations 2004. The Committee also noted some formatting points appropriate for correction on publication.

LC924 The Education (Specified Work and Registration) (Wales) Regulations 2004

Considered by the Legislation Committee on: 29th June 2004

The Committee identified several points reportable under S.O.11.7 to which it drew special attention of the Assembly. The points were appropriate for correction by means of a Memorandum of Corrections under S.O.24.13: Paragraph 3 of Schedule 2 contained inconsistencies between the English and Welsh texts and needed further clarification. Under Observations the Committee noted that in paragraph 2 of Schedule 2 the use of "were employed" would have been more appropriate. The Committee also noted some formatting points appropriate for correction on publication.

LC925 The School Teachers (Consequential Amendments) (Wales) Regulations 2004

Considered by the Legislation Committee on: 29th June 2004

The Committee did not identify any points reportable under S.O.11.7. Under Observations the Committee noted some formatting points appropriate for correction on publication.

LC926 The Wildlife and Countryside Act 1981 (Amendment) (Wales) Regulations 2004

Considered by the Legislation Committee on: 29th June 2004

The Committee did not identify any points reportable under S.O.11.7.

LC927 The Conservation (Natural Habitats, &c.) (Amendment) (Wales) Regulations 2004

Considered by the Legislation Committee on: 29th June 2004

This Statutory Instrument was withdrawn from the Legislative process.

LC928 The Education Act 2002 (Commencement No. 5) (Wales) Order 2004

Considered by the Legislation Committee on: 29th June 2004

The Committee did not identify any points reportable under S.O.11.7. Under Observations the Committee noted that this Order commenced section 72 and Schedule 9 of the Education Act 2002 which were the enabling powers relevant to The School Organisation Proposals by the National Council for Education and Training for Wales Regulations 2004 considered by the Committee on 8th June 2004 (LC 908) to which section 13 of the Interpretation Act 1978 applied.

LC929 The Education Act 2002 (Transitional Provisions and Consequential Amendments) (Wales) Regulations 2004

Considered by the Legislation Committee on: 29th June 2004

The Committee identified two points reportable under S.O.11.7 to which it drew special attention of the Assembly. The points were appropriate for correction by means of a Memorandum of Corrections under S.O.24.13: the definition of the Education Act 1996 in regulation 2(1) was superfluous and should be deleted; the word "Section" at the start of regulation 6 should be replaced by the word "Regulation".

LC930 The Housing (Right to Buy) (Priority of Charges) (Wales) Order 2004

Considered by the Legislation Committee on: 29th June 2004

The Committee did not identify any points reportable under S.O.11.7.

LC931 The Education (Pupil Exclusions and Appeals) (Miscellaneous Amendments) (Wales) Regulations 2004

Considered by the Legislation Committee on: 29th June 2004

The Committee identified one point reportable under S.O.11.7 to which it drew special attention of the Assembly. The point was appropriate for correction by means of a Memorandum of Corrections under S.O.24.13: it was considered that the Regulations should be entitled "The Education (Pupil Exclusions and Appeals) (Wales) (Miscellaneous Amendments) Regulations 2004" and therefore the title and reference in regulation 1(1) should be changed accordingly.

LC932 The General Teaching Council for Wales (Functions) (Amendment) Regulations 2004

Considered by the Legislation Committee on: 29th June 2004

The Committee did not identify any points reportable under S.O.11.7. Under Observations the Committee noted some formatting points appropriate for correction on publication.

LC933 The Feeding Stuffs, the Feeding Stuffs (Sampling and Analysis) and the Feeding Stuffs (Enforcement) (Amendment) (Wales) Regulations 2004

Considered by the Legislation Committee on: 29th June 2004

The Committee identified several points reportable under S.O.11.7 to which it drew special attention of the Assembly. The points were appropriate for correction by means of a Memorandum of Corrections under S.O.24.13: the introductory paragraph setting out the powers under which the Regulations were made, regulation 5, regulation 6 contained drafting defects. Under Observations the Committee noted a number of minor formatting points appropriate for correction on printing.

LC934 The Bus Service Operators Grant (Amendment) (Wales) Regulations 2004

Considered by the Legislation Committee on: 6th July 2004

The Committee did not identify any points reportable under S.O.11.7. Under Observations the Committee noted that a few minor points identified in relation to an earlier draft were correct in the laid version.

LC935 The Planning and Compulsory Purchase Act 2004 (Commencement No. 2) (Wales) Order 2004

Considered by the Legislation Committee on: 6th July 2004

The Committee did not identify any points reportable under S.O.11.7. Under Observations the Committee noted some minor points in relation to the Explanatory Note and footnotes suitable for correction on publication.

LC936 The Planning and Compulsory Purchase Act 2004 (Commencement No. 1 and Transitional Provision) (Wales) Order 2004

Considered by the Legislation Committee on: 6th July 2004

The Committee did not identify any points reportable under S.O.11.7. Under Observations the Committee noted that the contents of article 3 had the advantage of putting beyond doubt the status of the work already carried out in preparing the Wales Spatial Plan in relation to the provisions of the Strategic Environmental Assessment Directive (2001/42/EC) and therefore served a useful function.

LC937 The Schools Budget Shares (Wales) Regulations 2004

Considered by the Legislation Committee on: 13th July 2004

The Committee did not identify any points reportable under S.O.11.7. Under Observations the Committee noted that some formatting points identified previously to the drafting lawyer had been corrected.

LC938 The Water Act 2003 (Commencement No. 2) (Wales) Order 2004

Considered by the Legislation Committee on: 6th July 2004

The Committee did not identify any points reportable under S.O.11.7. Under Observations the Committee noted that concern had been expressed in earlier reports that the inclusion of commencement details in relation to England in the table of previous commencements might be confusing. However, the Committee considered that in relation to the water industry, where there are many cross-border issues, the inclusion of such information, as in this case, might be of assistance to the user.

LC939 The Food (Emergency Control) (Wales) (Miscellaneous Amendments) (No.2) Regulations 2004

Considered by the Legislation Committee on: 6th July 2004

The Committee did not identify any points reportable under S.O.11.7.

LC940 The Street Works (Inspection Fees) (Amendment) (Wales) Regulations 2004

Considered by the Legislation Committee on: 6th July 2004

The Committee did not identify any points reportable under S.O.11.7. Under Observations the Committee noted that some formatting points that had been identified previously to the drafting lawyer had been corrected.

LC941 The Education (Assisted Places) (Amendment) (Wales) Regulations 2004

Considered by the Legislation Committee on: 6th July 2004

The Committee did not identify any points reportable under S.O.11.7. Under Observations the Committee noted some formatting points appropriate for correction on publication.

LC942 The Education (Assisted Places) (Incidental Expenses) (Amendment) (Wales) Regulations 2004

Considered by the Legislation Committee on: 6th July 2004

The Committee did not identify any points reportable under S.O.11.7.

LC943 The Education (LEA Financial Schemes) (Wales) Regulations 2004

Considered by the Legislation Committee on: 13th July 2004

The Committee did not identify any points reportable under S.O.11.7. Under Observations the Committee noted that some formatting points that had been identified previously to the drafting lawyer had been corrected.

LC944 The Potatoes originating in Egypt (Wales) Regulations 2004

Considered by the Legislation Committee on: 13th July 2004

The Committee identified several points reportable under S.O.11.7 to which it drew special attention of the Assembly. The points were appropriate for correction by means of a Memorandum of Corrections under S.O.24.13: regulation 1, regulation 2 contained inconsistencies between the English and

Welsh texts; regulation 4 contained a drafting defect. Under Observations the Committee noted that these Regulations used the Welsh term “archwilydd” for “inspector” whereas the more commonly used term in these circumstances was “arolygydd”. The Committee was informed that a decision had been taken to use the term “arolygydd” in all future legislation. The Committee also noted some formatting points appropriate for correction on publication.

REPORT TO MEMBERS

SUMMARY OF ISSUES RAISED BY THE COMMITTEE IN THEIR REPORTS

	Executive Procedure S.O.24.28	Report Under S.O.11.7	S.O.11.7 matters amended by Memo of Corrections	Observations						Comments Included in Final Version
				Need for Greater Clarity	Defective drafting	Grammatical Errors	Inconsistency in English & Welsh Texts	Gender Specific	Typographical Errors	
LC682 (e)	*			(1)	(2)	(3)	(4)	(5)	(6)	4
LC683 (s)		*	*							1
LC684 (a)										4
LC685 (e)	*			*	*				*	3
LC686 (e)	*			*						3
LC687 (e)	*									4
LC688 (e)	*			*						3
LC689 (e)	*									4
LC690 (e)	*								*	1
LC691 (e)	*				*				*	3
LC692 (e)	*			*	*					3

LC863 (s)		*	*			*													1
LC864 (s)		*	*			*													1
LC865 (s)													*	not bilingual					4
LC866 (s)		*	*			*							*	not bilingual					1
LC867 (s)																			3
LC868 (s)																			4
LC869 (s)																			4
LC870 (a)		*	*			*													1
LC871 (a)																			4
LC872 (s)		*	*			*													1
LC873 (s)		*	*			*													2
LC874 (a)		*	*			*						*							2
LC875 (a)																			1
LC876 (a)																			4
LC877 (e)																			4
LC878 (a)		*	*			*													2
LC879 (e)		*										*							3

LC880 (e)	*																		*	1
LC881 (e)	*	*							*	*					*				*	3
LC882 (a)																				4
LC883 (a)										*										1
LC884 (e)	*	*							*	*					*				*	2
LC885 (e)	*								*	*										1
LC886 (e)	*								*						*					4
LC887 (e)	*	*							*	*					*				*	3
LC888 (e)	*								*											3
LC889 (e)	*								*	*										1
LC890 (e)	*								*											4
LC891 (e)	*								*											4
LC892 (e)	*								*	*					*				*	1
LC893 (a)															*					3
LC894 (s)																				4
LC895 (a)																				4
LC896 (a)		*							*	*									*	1

LC897 (a)		*	*	*		*	*	*											2
LC898 (e)	*	*	*																3
LC899 (s)																			1
LC900 (s)																			1
LC901 (s)																			1
LC902 (s)																			4
LC903 (s)		*																	1
LC904 (a)																			1
LC905 (s)		*	*	*															1
LC906 (s)																		*	1
LC907 (s)																		*	1
LC908 (s)																		*	1
LC909 (s)																			1
LC910 (a)																			1
LC911 (a)		*	*	*														*	1
LC912 (s)		*	*	*														*	1
LC913 (a)																			1

(5) - points taken into consideration, amendments intended in the new SI

