

Subordinate Legislation Committee

Report (SLC(3) 08-09)

Date: 17 March 2009
Time: 8.30am
Venue: Committee Room 3, Senedd

CONTENTS

The Committee met on 17 March 2009. At the meeting the following Committee Members were present: Janet Ryder AM, Mike German AM, Joyce Watson AM, Alun Davies AM, Mark Isherwood AM. There were no apologies.

The Committee reports to the Assembly as follows:

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

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

SLC255 - The Products of Animal Origin (Third Country Imports) (Wales) (Amendment) Regulations 2009

Negative Procedure. Date made 26 February 2009. Date laid 27 February 2009. Coming into force date 20 March 2009

The Committee noted the Government's response to the reporting point identified in respect of this instrument, i.e. that it intended to correct on publication the inconsistencies between the meaning of the English and Welsh texts. The Committee did not accept this response and considered that this should be formally corrected at the earliest opportunity. The Committee resolved to draw this to the attention of the relevant Minister.

The Committee's Report under S.O.15.2 on this draft Statutory Instrument is attached as Annex 1 to this Report.

Instruments and Draft Instruments in respect of which the Assembly is not invited to pay special attention under Standing Order 15.2

Draft instruments subject to approval pursuant to a resolution of the Assembly (Affirmative Procedure)

SLC252 - The Town and Country Planning (Fees for Applications and Deemed Applications) (Amendment) (Wales) Regulations 2009

Affirmative Procedure. Date made not stated. Date laid not stated. Coming into force date not stated

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

SLC254 - The Animals and Animal Products (Import and Export) (Wales) (Amendment) Regulations 2009

Negative Procedure. Date made 26 February 2009. Date laid 27 February 2009. Coming into force date 20 March 2009

SLC257 – The National Health Service (Dental Charges, General Dental Services Contracts and Personal Dental Services Agreements) (Wales) (Amendment) Regulations 2009

Negative Procedure. Date made 03 March 2009. Date laid 04 March 2009. Coming into force date 26 March 2009

SLC258 – The Non-Domestic Rating (Collection and Enforcement) (Local Lists) (Amendment) (Wales) Regulations 2009

Negative Procedure. Date made 2 March 2009. Date laid 4 March 2009. Coming into force date 31 March 2009

SLC261 - The Learner Travel Information (Wales) Regulations 2009

Negative Procedure. Date made 9 March 2009. Date laid 10 March 2009. Coming into force date 1 April 2009

SLC262 - The Changing of School Session Times (Wales) Regulations 2009

Negative Procedure. Date made 9 March 2009. Date laid 10 March 2009. Coming into force date 1 April 2009

Other Business

Consideration of the Business Rate Supplements Bill: Delegated Powers memorandum

The Members noted the Delegated Powers Memorandum for the Business Rates Supplement Bill sent to the Committee by the Welsh Assembly Government. The Members expressed their regret that they had received the Memorandum after the meeting attended by the Minister for Social Justice and Local Government, Dr Brian Gibbons AM, and the Counsel General and Leader of the House, Carwyn Jones AM, which made it impossible to question them orally about any issues contained in the document. The Members requested that all such memoranda should be available for the Committee in time for their consideration of Bills. In respect of the Business Rate Supplements Bill the Committee agreed that the Minister be asked to clarify the Welsh Assembly Government's position in respect of the rateable value threshold for non-domestic properties, which would not generate any liability to pay the supplement, having regard to the statement that in England the rateable value would be £50,000.

Janet Ryder AM
Chair, Subordinate Legislation Committee

17 March 2009

Annex 1

Subordinate Legislation Committee

(SLC(3)-08-09)

SLC255

Subordinate Legislation Committee Report

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

Title: The Products of Animal Origin (Third Country Imports) (Wales) (Amendment) Regulations 2009

Procedure: Negative

These Regulations replace Schedule 1 to the Products of Animal Origin (Third Country Imports) (Wales) Regulations 2007.

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

There appear to be inconsistencies between the meaning of the English and Welsh texts (SO 15.2 (vii))

In the English text of Schedule 1, Part 10 Fishery Products, paragraph 7 Health Certification refers to Regulation (EC) No 854/2004 of the European Parliament and of the Council.

However, in the Welsh text a reference is made to Regulation (EC) No 854/2005 which is inaccurate and irrelevant to these Regulations.

Janet Ryder AM

Chair, Subordinate Legislation Committee

17 March 2009

The Government has responded as follows:

The Products of Animal Origin (Third Country Imports) (Wales) (Amendment) Regulations 2009

The Government accepts the reporting point and proposes to correct the error identified on publication of the legislation.