

Constitutional Affairs Committee

CA(3)-07-11

CA557: The Recycling, Preparation for Re-use and Composting Targets (Monitoring and Penalties) (Wales) Regulations 2011

Procedure: Affirmative

Section 3 of The Waste (Wales) Measure 2010 ("the Measure") establishes statutory targets for the percentage of a local authority's municipal waste which must be recycled, prepared for re-use and composted ("the targets"). The Measure imposes liability on a local authority to a financial penalty if it fails to meet a target. These Regulations supplement the Measure, by making detailed provision for the monitoring and enforcement of the targets.

Technical Scrutiny

The following point is identified for reporting under S.O. 15.2 in respect of this instrument:-

Regulation 3 (1) deals with provisions in relation to the Monitoring authority. The English text states that "the Environment Agency is the monitoring authority for the purposes of the targets." However the Welsh version states that the Environment Agency is the monitoring authority for the purpose of the recycling, preparation for re-use and composting targets." The "targets" have been clearly defined in both the Welsh and English texts but there is nevertheless a clear material difference between regulation 3(1) of the Welsh and English texts.

Standing Order 15.2 (vii) that there appear to be inconsistencies between the meaning of its English and Welsh texts.

Merits Scrutiny

No points are identified for reporting under Standing Order 15.3 in respect of this instrument at this stage.

Legal Advisers

Constitutional Affairs Committee

March 2011

The Government has responded as follows:

Response to the issues that have been raised by the Legal Advisers to the Constitutional Affairs Committee

There is, as the draft report says, a difference between regulation 3(1) of the Welsh and English texts. However, the meaning of both provisions is the same, on account of the definition of "targets" in regulation 2. The inconsistency is in relation to the words used, as opposed to their effect or actual meaning. Accordingly, the error will be corrected on publication.