



**Cynulliad Cenedlaethol Cymru
The National Assembly for Wales**

ADRODDIAD GAN Y PWYLLGOR DEDDFAU

LEGISLATION COMMITTEE REPORT

DRAFFT

DRAFT

The Organic Farming Scheme (Wales) Regulations 2001

Background

These Regulations provide for the payment of aid to farmers who undertake to introduce organic farming methods and to comply with certain environmental management conditions. They replace the Organic Farming (Wales) Regulations 1999.

Standing Order 11.5

There are two points where it appears that the drafting may be defective.

In compliance with SO 11.4, these potential reporting issues are proposed for notification to the relevant Assembly Minister by means of the following questions.

1. Whilst footnote (a) correctly indicates that the Designation Order allows the Assembly to make regulations covering holdings which include land outside Wales, what provision is there in the Regulations to apply them to such holdings?
2. In common with the preceding Regulations, paragraph 10 of Schedule 2 applies to codes of practice published "from time to time". Does this not contravene the established principle (Statutory Instrument Practice, paragraph 2.48) that a reference to an "outside" document must be to an existing publication "otherwise, if the authors of the publication alter it, the effect of the instrument will be altered, which will constitute unauthorised sub-delegation"? It is noted that the similar Northern Ireland statutory

instrument (1999/237) does not have the words “from time to time” and additionally has a footnote specifying details of the relevant publications.

General Observations

Explanatory Note

In the 7th paragraph of the Welsh text, in sub-paragraph (dd), “yn dod” should be “yn dod i ben”. Otherwise the paragraph fails to make the point that the facility in question is being ended.

The 8th paragraph uses the term “UKROFS standards” without any indication (or any previous indication) of what this refers to.

Regulation 2(1) – “uned organig”

There appears to be a typographical error in the Welsh text in that 2092/92 should be 2092/91.

Regulation 20

This has paragraph numbering (1) but no paragraph (2).

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