



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

ADRODDIAD GAN Y PWYLLGOR DEDDFAU

LEGISLATION COMMITTEE REPORT

**The Environment Act 1995 (Contaminated Land Commencement and Saving
Provision) (Wales) Order 2001**

Background

This Order provides for the commencement, on 1 July 2001, of certain provisions of the Environment Act 1995 relating to contaminated land. The commenced provisions make amendments to the Environmental Protection Act 1990.

A commencement and saving order to the same effect as the present order was made in respect of England on 2 February 2000, with the relevant provisions of the 1995 Act being commenced on 1 April 2000.

Standing Order 11.5

No points have been identified as matters in respect of which the Committee needs to formally invite the Assembly to pay special attention under SO 11.5.

General Observations

Whilst it has been concluded that formal reporting under SO 11.5 is not warranted, attention is drawn to the following matters.

Explanatory Note

The Statutory Instrument Handbook indicates that where an Act is brought into force by more than one commencement order, the second and subsequent orders should have a note, after the Explanatory Note, listing the provisions brought into force by earlier orders.

The Handbook goes on to indicate, however, that where this is impracticable, such as where listing a large number of earlier orders would result in unacceptable delay, a list of the provisions brought into force by earlier orders should be made available to enquirers, and a statement of this included after the Explanatory Note. The Handbook further indicates that where the order brings the last remaining provisions of an Act into force, this should be stated in the Explanatory Note.

Title

Article 1(1) in the English text does not provide for the citation of the Order in the terms of the title set out at the head of pages 1 and 3. The words “Contaminated Land” are omitted from Article 1(1). This is in contrast to the Welsh text of Article 1(1) which accords with the title as appearing at the head of the Order. This may be appropriate for correction in the published Order.

Article 1(3)

This seems to be unnecessary as all references to numbered sections and Schedules of the 1995 Act are preceded by specific references to that Act.

Mick Bates AM
Chair, Legislation Committee

3 July 2001