



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

ADRODDIAD GAN Y PWYLLGOR DEDDFAU LEGISLATION COMMITTEE REPORT

**The Import and Export Restrictions (Foot-and-Mouth Disease) (Wales) (No. 10)
Regulations 2001 (No. 3459 (W.279))**

These regulations contain provisions with regard to the import and export of live animals, and the export of meat and animal products. They implement a Council Decision and replace the restrictions previously in force under the No. 9 regulations.

Standing Order 11.5

The following questions were raised with the Minister for Rural Affairs –

1. Regulation 5(3)(d) refers in its opening wording to “the areas listed in the Schedule” and then refers in sub-paragraph (i) to “the group of counties listed in the Schedule”. Given that the “counties” appear to be the areas named in the left hand column of the Schedule, what constitutes “the group of counties”? If “the group of counties” is intended to refer to the areas named in the left hand column, is the intended effect of Regulation 5(3)(d)(i) to prohibit dispatch only in cases where the outbreak has occurred within the particular left hand column area within which the animal was reared?
2. Regulation 27(2) is drafted on the premise that paragraphs (1A) and (1B) of Regulation 7 of the Minced Meat and Meat Preparations (Hygiene) Regulations 1995 remain in force. Butterworths Direct indicates, however, that those paragraphs were revoked in relation to Wales by SI 2001/1802 with effect from 9 May 2001. Is Regulation 27(2) thus in error in referring to paragraphs (1A) and (1B)?

3. The same point as in 2 above arises in relation to the reference to paragraphs (4A) and (4B) in Regulation 27(4).

The Minister has replied, in a letter dated 5 February 2002, as follows –

- “On point 1 the wording at this stage followed a draft received from DEFRA based on the Commission Decision. Both DEFRA’s draft and ours were prepared at very short notice to come into force as soon as possible. The issue was addressed and the position clarified in the No 11 Regulations.
- “On points 2 and 3 the answer is yes. However, as you indicate in relation to both of them the previous paragraphs had already been revoked and the purported second revocation therefore has no effect that has to be remedied. These Regulations were in any case revoked shortly after by the No 11 Regulations.”

It is implicit from what the Minister says that he accepts that the questions raised by the Committee identify drafting errors. Thus whilst the Committee acknowledges that these points have, effectively, been corrected by the making of the replacement No. 11 regulations the Committee is obliged to formally report to the Assembly that the No. 10 regulations appear to have contained drafting errors as identified in the questions raised by the Committee.

Additionally, a minor typographical point has been noted in that it appears that the side reference in the Schedule heading should be to Regulation 5 rather than Regulation 4.

Mick Bates AM
Chair, Legislation Committee

26 February 2002