



**ADRODDIAD GAN Y
PWYLLGOR DEDDFAU**

**LEGISLATION COMMITTEE
REPORT**

The Transmissible Spongiform Encephalopathies (Wales) Regulations 2006

These Regulations revoke and remake with amendments the Transmissible Spongiform Encephalopathies (Wales) Regulations 2002. They continue to enforce obligations under EC Regulation 999/2001 relating to the prevention, control and eradication of certain transmissible spongiform encephalopathies.

Standing Order 11.7

The following points have been identified for reporting under Standing Order 11.7.

The following points have been identified for reporting under Standing Order 11.7(v);

Regulation 1: The Regulations are intended to apply in relation to Wales; consequently the title set out in regulation 1 is incorrect and "(Wales)" should be inserted between "Encephalopathies " and "Regulations" and the title in English is in the plural but the Welsh is in the singular. Additionally, the Committee has indicated that its preferred drafting approach is to use "title" and not "cited" when setting out how Regulations or Orders are to be referred to.

Schedule 2 to the English text: the numbering of the Contents paragraph has gone awry. The entry

beginning "Consignment and slaughter" should be numbered "2" and the list renumbered accordingly. Similarly in the Contents paragraph of Schedule 4 to the Welsh text, entry 2 should refer to "Cyfyngu ar anifail y gwnaethpwyd hysbysiad yn ei gylch" and the list renumbered accordingly.

Schedule 5 paragraph 2(5): In the Welsh text, the word "gydag" is not required.

Schedule 5 paragraph 3: This paragraph contains a reference to the Animal By-Products Regulations 2005 ("the 2005 Regulations"). The 2005 Regulations apply to England only. The appropriate Welsh Regulations are the Animal By-Products (Wales) Regulations 2003 ("the 2003 Regulations"). The reference to the 2005 Regulations in paragraphs 3(b) and (d) should be amended and the reference to regulation 12(2) of the 2005 Regulations amended to regulation 11 of the 2003 Regulations.

Schedule 5 paragraph 12(2): the Welsh text refers to "Atodiad Vli" where it should refer to "Atodiad VI".

The English text of the Regulations contains many references to "approvals, authorisations, licences and registrations". Legal Advisers have noted that in the past the equivalent Welsh references have been expressed as "cymeradwyo, awdurdodi, trwyddedu a chofrestru" These Regulations use both "caniatâd" and "awdurdodi". It is considered that "caniatâd" more appropriately equates to 'allow' or 'permit' and that the Regulations be amended such that "awdurdod" is used consistently. Amendments are required to the Welsh text of regulations 10(1) and (4), 11(a)(i) and (b), 12(1), and 13.

The following point is identified for reporting under Standing Order 11.7(vi):-

Paragraph 4 of Schedule 2 provides that it an offence to slaughter for human consumption a bovine animal aged over 30 months unless the National Assembly has approved the Required Method of Operation (RMOP). The English text of paragraph 4(3) implies that the Assembly must approve the RMOP if satisfied that all the requirements of the Community TSE Regulation and the Regulations will be complied with. The Welsh text implies that the RMOP, the Community TSE Regulations and the Regulations must be complied with.

The following regulations and paragraphs contain gender specific language and are identified for reporting under Standing Order 11.7(vii):

Regulations 18(1)(h) and 21(b):

Schedule 5, paragraphs 4(c) and 9(2)(b); and

Schedule 6, paragraph 8(2).

All of the points identified under Standing Order 11.7 may be corrected by Memorandum of Correction.

Observations

Formatting points suitable for correction on publication have been identified to the drafting lawyer.

David Melding AM

Chair, Legislation Committee

28 February 2006