



**ADRODDIAD GAN Y
PWYLLGOR DEDDFAU**

**LEGISLATION COMMITTEE
REPORT**

The Enzootic Bovine Leukosis (Wales) Order 2006

This Order revokes and re-enacts the Enzootic Bovine Leukosis Order 1997 (S.I. 1997/757) in relation to Wales.

Standing Order 11.7

The following points have been identified for reporting under SO 11.7.

In the Welsh text of article 1(1), the title of the Order includes 2005 instead of 2006. . [Standing Order 11.7(v)]

Article 2(1) defines "National Assembly" as meaning the National Assembly for Wales. The defined term should therefore be substituted throughout the Order where the full title is used, except in that definition. . Standing Order 11.7(v)]

In article 2(1), the definition of "suspected animal" refers to "swollen, painless lymph nodes or tumorous changes". It is not clear whether the words swollen and painless refer to lymph nodes alone, or to tumorous changes as well. The Welsh text assumes the latter. . Standing Order 11.7(v)]

Article 2(2) extends the definition of disease in section 88(1) of the Animal Health Act 1981. The power to do that is in section 88(2) of the Act, which should therefore be added to the powers cited in the preamble to the Order. Standing Order 11.7(v)]

In article 7(2)(a), gender specific language ("his") is used. . Standing Order 11.7(vii)]

In a number of places in the Order, including articles 7(2) and, the word "will" is used in English, whilst "rhaid" [must] is used in Welsh. "Will" is only appropriate in legislation when describing a consequence. "Must" should be substituted for "will" where "rhaid" has been correctly used in the Welsh text. . Standing Order 11.7(v and vi)]

In regulation 11(1), the expression "such an animal" [anifail o'r fath] is used twice in the English text, whilst the Welsh uses "yr anifail hwnnw [that animal]. [Standing Order 11.7(vi)]

In regulation 11(3), the expression "enter the premises" [mynd i mewn i'r fangre (as in 15(1))] is used twice in the English text, whilst the Welsh uses "mynd i'r fangre [go to the premises]. [Standing Order 11.7(vi)]

These are minor drafting or typographical errors appropriate for correction by Memorandum of Corrections.

Observations

Minor formatting points suitable for correction on publication have been drawn to the attention of the drafting lawyer.

David Melding AM

Chair, Legislation Committee

7 March 2006