



**ADRODDIAD GAN Y
PWYLLGOR DEDDFAU**

**LEGISLATION COMMITTEE
REPORT**

The Brucellosis (Wales) Order 2006

This Order revokes and substantially re-enacts the Brucellosis Order 1997 (S.I. 1997/758) 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)]

At the very end of article 2(1), the Welsh text refers to the Secretary of State, which the English text does not. [Standing Order 11.7(vi)]

In regulation 3, the expression "article 11(5) of that Order" [erthygl 11(5) o'r Gorchymyn hwnnw] is

used in the English text, whilst the Welsh uses "erthygl 11(5) o'r Gorchymyn hwn" [article 11(5) of this Order]. Article 11(5) does deal with the issue of licences, which indicates that the English is correct and the Welsh should be changed. [Standing Order 11.7(vi)]

In a number of places in the Order, including article 4(2), 15 and 16, , the word "will" is used in English, whilst "caiff" [may] " or rhaid" [must] is correctly used in Welsh. Save when making a simple declaration (as in article 18), "will" is only appropriate in legislation when describing a consequence.. [Standing Order 11.7(v and vi)]

In regulation 5, the expression "any premises" [unrhyw fangre] is used twice in the English text, whilst the Welsh does not reflect the "any" element in either case. [Standing Order 11.7(vi)]

In article 7(2)(a), "fastenings" in English corresponds to "caeadau" in Welsh. In the equivalent provision in the Enzootic Bovine Leukosis Order, the Welsh word used is "caewyr". The term should be consistent when used to the same effect. As "caeadau" usually means "lids", "caewyr" is considered preferable in this context. [Standing Order 11.7(v)]

In article 11(3)(d), the English text uses "such slurry", meaning slurry of the description previously referred to. The Welsh, on the other hand refers to slurry generally, without "or fath" that would refer back to the earlier description. [Standing Order 11.7(vi)]

The wording of the Welsh text of article 15(3) means that bovine animals may only be moved in accordance with the paragraphs referred to. It should provide that animals may only be moved in accordance with those paragraphs if the provisions of 15(3) are complied with. Moving the expression "yn unol ...uchod" to the end of the paragraph would make the intention clear. [Standing Order 11.7(v and 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