



**ADRODDIAD GAN Y
PWYLLGOR DEDDFAU**

**LEGISLATION COMMITTEE
REPORT**

The Animal By-Products (Wales) Regulations 2006

These Regulations revoke and re-make with changes the Animal By-Products (Wales) Regulations 2003. They make provision for the administration and enforcement of Regulation (EC) No 1774/2002 of the European Parliament and of the Council laying down health rules concerning animal by-products not intended for human consumption (OJ No. L273, 10.10.2002, p1.) ("the Community Regulation").

Standing Order 11.7

The following point has been identified for reporting under SO 11.7.

Regulation 51(7) contains gender specific language (him). [Standing Order 11.7(vii)]

This is a minor drafting or typographical error that is appropriate for correction by Memorandum of Corrections.

Observations

These Regulations are made under section 2(2) of the European Communities Act 1972, which permits the making of regulations for the purpose of implementing any Community obligation of the United

Kingdom. Regulation 11(1)(a) appears to go beyond what is required for the purpose of implementing Community obligations, since it explicitly applies to catering waste to which the Community Regulation does not apply. However, section 2(2)(b) of the 1972 Act does permit regulations to deal with "matters arising out of or related to any such obligation" and it appears that this has permitted the application of a single regime for all catering waste rather than to have a different system, relying on different powers, for that excluded from the Community Regulation.

The Committee's Legal Advisers were able to consider earlier drafts of these Regulations, which has enabled most of the concerns identified to be addressed. There are a few outstanding formatting matters that can be dealt with on publication.

David Melding AM

Chair, Legislation Committee

2 May 2006