

Subordinate Legislation Committee

Report (SLC(3) 12-09)

Date: 11 May 2009

Time: 16.00

Venue: Committee Room 3, Senedd

Contents

The Committee met on 11 May 2009. At the meeting the following Committee Members were present: Janet Ryder AM, Mike German AM and Joyce Watson AM. Apologies were received from Alun Davies AM and Mark Isherwood AM, for whom David Melding AM substituted.

The Committee reports to the Assembly as follows:

Instruments in respect of which the Assembly is not invited to pay special attention under Standing Order 15.2

Instruments subject to annulment pursuant to a resolution of the Assembly (Negative Procedure)

SLC279 - The Town and Country Planning (General Development Procedure) (Amendment) (Wales) Order 2009

Negative procedure. Date made 18 April 2009. Date laid 21 April 2009. Coming into force date 1 June 2009

SLC280 - The Planning (Listed Buildings and Conservation Areas) (Amendment) (Wales) Regulations 2009

Negative procedure. Date made 18 April 2009. Date laid 21 April 2009. Coming into force date 1 June 2009

SLC281 - The Housing Renewal Grants (Amendment) (Wales) Regulations 2009

Negative procedure. Date made 27 April 2009. Date laid 28 April 2009. Coming into force date 20 May 2009

SLC282 - The Products of Animal Origin (Third Country Imports) (Wales) (Amendment) (No. 2) Regulations 2009

Negative procedure. Date made 27 April 2009. Date laid 28 April 2009. Coming into force date 28 May 2009

Instruments in respect of which the Assembly is invited to pay special attention under Standing Order 15.2

Instruments subject to annulment pursuant to a resolution of the Assembly (Negative Procedure)

SLC283 -The Purity Criteria for Colours, Sweeteners and Miscellaneous Food Additives (Wales) Regulations 2009

Negative procedure. Date made 27 April 2009. Date laid 29 April 2009. Coming into force date 25 May 2009

The Committee's Report under S.O.15.2 on Statutory Instruments subject to annulment pursuant to a resolution of the Assembly (Negative Procedure) is attached as Annex 1 to this Report. The Committee accepted the Government response.

Other Business

Proposed National Assembly for Wales Commissioner for Standards Measure 200-

The Committee considered a paper relating to the proposed Measure and noted that there are no subordinate legislation making powers to arise from it. It was agreed that there was no need for the Committee to consider this Measure further.

Proposed Children and Families (Wales) Measure

As part of scrutiny of the Proposed Children and Families (Wales) Measure

conducted under SO 15.6 (ii) (the Committee may consider and report on "the appropriateness of provisions in Proposed Assembly Measures and in Bills or Acts of the United Kingdom Parliament that grant powers to make subordinate legislation to the Welsh Ministers") the Members heard the evidence of the Minister for Social Justice and Local Government Dr Brian Gibbons AM.

The Committee agreed to consider a draft report in relation to the proposed Measure at its meeting on 1st June.

Agenda Item 5.2 and Item 6 - Consideration of evidence: Proposed Children and Families (Wales) Measure and Apprenticeships, Skills, Children and Learning Bill: consideration of the Draft Report

In accordance with Standing Order 10.37(vi) the Committee resolved to exclude the public from the remainder of the meeting to discuss

the evidence on the Proposed Children and Families (Wales) Measure and to consider the Committee's report on the Apprenticeships, Skills, Children and Learning Bill

Janet Ryder AM
Chair, Subordinate Legislation Committee
27 April 2009

Annex 1

Subordinate Legislation Committee

(SLC(3)-12-09)

SLC283

Subordinate Legislation Committee Report

Under Standing Order 15.2 the Assembly is invited to pay special attention to the following instrument.

Title: The Purity Criteria for Colours, Sweeteners and Miscellaneous Food Additives (Wales) Regulations 2009

These Regulations provide for the implementation of three new commission Directives governing the purity criteria for colours, sweeteners, and other Miscellaneous additives used in food.

These Regulations also amend in relation to Wales the Colours in Food Regulations 1995, the Sweeteners in Food Regulations 1995, and the Miscellaneous Food Additives Regulations 1995.

Procedure: Negative

Under Standing Order 15.2 the Assembly is invited to pay special attention to this instrument on the following grounds:

That its drafting appears to be defective (SO 15.2 (vi))

In the English text Regulation 3(2)(a) refers to omitting the definition of "Directive 95/31/EC" in the Sweeteners in Food Regulations 1995.

However, in the Welsh text Regulation 3(2)(a) refers to omitting "Directive 95/45/EC" which is inaccurate and irrelevant to these Regulations.

The correct reference is "Directive 95/31/EC.

Janet Ryder
Chair, Subordinate Legislation Committee
11 May 2009

The Government has responded as follows:

The Government has indicated that it accepts the reporting point and that it intends to make amending Regulations to correct the error before the Summer Recess."