

Subordinate Legislation Committee

(SLC(3)-13-07)

SLC80

Subordinate Legislation Committee Report

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

Title: The Plant Health (Import Inspection Fees) (Wales) (Amendment) (No. 2) Regulations 2007

These Regulations amend the Plant Health (Import Inspection Fees) (Wales) (No. 2) Regulations 2006 ("the principal Regulations"). The principal Regulations implement Article 13d of Council Directive 2000/29/EC, which requires Member States to charge fees to cover the costs occasioned by the documentary checks, identity checks and plant health checks of certain imports of plants, plant products and other objects from third countries.

Procedure: Negative

1. The principal Regulations were made in reliance on section 29(4) of the Government of Wales Act 1998 as well as section 56(1) of the Finance Act 1973. Section 29 of the 1998 Act has now been replaced by section 59 of the Government of Wales Act 2006, so that section 59(5) of the 2006 Act should have been cited as a power relied upon to make these Regulations. However, as the power exists, even if it has not been recited, remedial action is not required. The footnote assists in directing the reader to the relevant provision. [Standing Order 15.2(v)]

2. The English text of the new regulation 3(a) includes the words "Schedule 1 that are listed in" that do not appear in the Welsh text. The Schedule 1 referred to is that to the principal Regulations, but the absence of the words referred gives the Welsh text the incorrect meaning of the first column of Annex V, Part B of the Directive. The inconsistent cross-reference needs to be resolved at the earliest opportunity. [Standing Order 15.2(vii)]

The Government has indicated that it accepts the above mentioned reporting point and has also indicated that it anticipates the Regulations will be amended early in 2008.

Legal Advisers

Subordinate Legislation Committee

November 2007