

**ADRODDIAD GAN Y
PWYLLGOR DEDDFAU****LEGISLATION COMMITTEE
REPORT****The Animals and Animal Products (Import and Export) (Wales) Regulations
2006**

The purpose of these Regulations is to revoke and remake regulations on this subject that were last brought together in 2005. They implement Community legislation dealing with intra-Community trade in animals and animal products and imports of animals from third countries. The Products of Animal Origin (Third Country Imports) Regulations deal with the importation of animal products from third countries. The Explanatory Note includes an explanation of the changes made by these Regulations, that relate primarily to the importation of captive birds from third countries.

These Regulations were made using a partial Executive procedure, having been approved in Plenary on 13 June, but without prior consideration by either the Business or Legislation Committees.

Standing Order 11.7

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

These Regulations have been made in English only. Because of the need to have these Regulations in place by the end of June, the Minister for Environment, Planning and Countryside decided that it was not possible for them to be translated into Welsh within the timescale. This particularly disappointing as

they replace legislation that had been made bilingually and therefore reduce the proportion of Assembly legislation available in both languages. [Standing Order 11.7(viii)]

The definition of "Council Directive 90/425/EEC" in regulation 1(3) refers to "paragraph (4)(a)". There is no paragraph (4)(a) in regulation 1; the reference should have been to (5)(a). [Standing Order 11.7(v)]

The definition of "Council Directive 91/496/EEC" in regulation 1(3) refers to "paragraph (4)(b)". There is no paragraph (4)(b) in regulation 1; the reference should have been to (5)(b). [Standing Order 11.7(v)]

Regulation 22(6) contains the expression "paragraph 22 or (4)". The intention was to refer to paragraph (4) of regulation 22, but the meaning is not clear. [Standing Order 11.7(v)]

Regulation 28(2) contains the expression "paragraph 28". The intention was to refer to paragraph (1) of regulation 28, but the meaning is not clear. [Standing Order 11.7(v)]

Regulation 35 contains the expression "placed in quarantine, in accordance with Part IV of these Regulations". In these Regulations, Parts are numbered 1,2,3, 4 and 5, but in any case, the quarantine provisions are contained in Part 3 and not Part 4. The intention was to refer to Part IV of Schedule 8. [Standing Order 11.7(v)]

These are all minor drafting or typographical errors that would have been appropriate for correction by a Memorandum of Corrections, but will now require correcting legislation, as it is not clear from the context what would be correct.

Observations

In the version of these Regulations submitted to the Committee, and the signed version, regulation 3(2) ends with an "error" message rather than the paragraph number (1). As the intention is clear from the context, this could be corrected on publication. The same applied to the error message in regulations 9 (2) and 11(3), but these were corrected by hand before the Regulations were signed by the Presiding Officer.

A number of other minor points relating to side notes, formatting, and spelling have been identified and notified to the drafting lawyer for correction on printing.

David Melding AM

Chair, Legislation Committee

4 July 2006