



Cynulliad Cenedlaethol Cymru
The National Assembly for Wales

ADRODDIAD GAN Y PWYLLGOR DEDDFAU

LEGISLATION COMMITTEE REPORT

The Agricultural Holdings (Units of Production) (Wales) (No. 3) Order 2001
No. 3064 (W.253)

This Order prescribes units of production for the assessment of the productive capacity of agricultural land, setting out the amount which is to be regarded as the net annual income from each such unit for the year 12th September 2001 to 11th September 2002. This is for the purpose of the succession provisions in the Agricultural Holdings Act 1986.

Standing Order 11.5

The points set out below were noted by the Committee and referred to the appropriate Assembly Minister in accordance with SO 11.4.

The Minister has responded in letters dated 2 November 2001 and 10 January 2002. Copies of these letters are appended to this report.

Schedule

It was noted that whilst the final entry in section 1 of the Schedule refers in the English text to "Christmas turkeys", the Welsh text refers merely to "Tyrcwn".

The Minister has sought to respond to this point in his letter of 10 January 2002. This letter does not directly address the point in issue, however. The letter explains why the terminology has changed as between successive orders but does not address the discrepancy which exists within the present order between the English and Welsh texts.

Nevertheless it is clear from what the Minister says that there is significance in the particular specification of "Christmas" turkeys.

Accordingly, this is a matter to which the Committee is obliged to invite the Assembly to pay special attention as there is inconsistency between the English and Welsh texts.

Notes to the Schedule

In the final paragraph of note (2) in the Welsh text “anarddwysáu” and “estyniad” are combined as one word. This is in contrast to the earlier paragraphs of note (2), and the Agricultural Holdings (Units of Production) (Wales) Order 2001, which use “anarddwysáu”. It is also in contrast to the English text which uses “extensification” in all cases.

The Minister’s letter of 2 November 2001 confirms that this is an error. The Committee accordingly invites the Assembly to pay special attention to this on the basis that the drafting is defective and there are inconsistencies between the English and Welsh texts.

General Observations

Attention is also drawn to the following matters to which the Minister has responded in the Annex to his letter of 2 November 2001.

Footnote (b) in the preamble should, as explained in Statutory Instrument Practice, indicate that “the Minister” is defined in section 96(1) as the Secretary of State, in relation to Wales.

In Article 2(2) “etc” is used in the Welsh text in place of “or miscellaneous product” in the English text. It appears that the Welsh text has followed the wording used in the Agricultural Holdings (Units of Production) (Wales) Order 2001 whereas the English text is different from the wording used in that Order.

Mick Bates AM
Chair, Legislation Committee

29 January 2002