

Government Response: The Amendments to Subordinate Legislation (Miscellaneous Corrections) (Wales) Regulations 2025

Technical Scrutiny point 1: This reporting point is not accepted. The modifications made to section 37 of the Food Safety Act 1990 by Part 4 of the Schedule to the Nutrition and Health Claims (Wales) Regulations 2007 are successful as they are made to the subsections of section 37 that are applied by Regulation 6. Regulation 6 does not apply the entirety of section 37 of the Food Safety Act 1990, but subsections (1), (3), (5) and (6) only. The references to “subsection (1)(c)” and to the “sheriff” in section 37(2) and (4) respectively are not within the applied provisions for the purposes of the 2007 Regulations.

Technical Scrutiny point 2: The Welsh Government can confirm that this is a policy decision and deliberate. The references to NHS Trust and SHA within paragraph 6 of Schedule 2 are to be limited to Welsh bodies created by the Welsh Ministers whereas those terms used in the context of the defined term “health service body” means those created by the Welsh Ministers or the Secretary of State.

Merits Scrutiny point 3: The point is noted, but to have taken an alternate approach would have resulted in an unwieldy title.

Merits Scrutiny point 4: When the Government agrees that there is an error in legislation that requires action to correct it an assessment is made as to when it would be appropriate to make that change and whether a suitable vehicle to achieve that is likely to be available. This assessment will always give due weight to the fact that the error will remain on the statute book until corrected.

The Government’s intention is to consider lessons to be learned from dealing with corrections to subordinate legislation through an “omnibus” instrument. The Government will then determine whether or not further omnibus instruments should be brought forward.

The Government notes and tracks commitments it has made to correct legislation so that amendments are made at the appropriate time.

Merits Scrutiny point 5: The Government shares the Committee’s view that there are benefits and drawbacks of the approach taken the aim of which was to enable the reader to identify the relevant powers more easily.