

Constitutional and Legislative Affairs Committee Draft Report

CLA433 – The Sulphur Content of Liquid Fuels (England and Wales) (Amendment) Regulations 2014

Procedure: Negative

These regulations implement new EU requirements limiting the content of sulphur in liquid fuels. The regulations amend the current law by providing for specific exceptions to, and prohibitions on, the use of certain fuels containing sulphur. There is also a requirement for the Secretary of State to check the use of such fuels by regular sampling.

These regulations are made on a composite basis, which the UK Government and the Welsh Government feel is appropriate.

1. Technical Scrutiny

One point is identified for reporting under Standing Order 21.2 in respect of this instrument:

- The regulations are drafted in English only. However, the Welsh Government states that its Welsh Language Scheme does not require these regulations to be translated. Therefore, under Standing Order 15.4, the Welsh Government does not consider it appropriate or reasonably practicable to translate the regulations.

Standing Order 21.2(ix) – the instrument is not made in both Welsh and English.

2. Merits Scrutiny

One point is identified for reporting under Standing Order 21.3 in respect of this instrument:

- The Explanatory Note states that a transposition note (i.e. a note explaining how the relevant EU law is being transposed into domestic law) is available from DEFRA, with copies having been placed in each House of Parliament. It would have been useful if the Welsh Government had provided a copy of the transposition note with the instrument, to help the Committee's scrutiny.

Standing Order 21.3(ii) – the instrument gives rise to issues of public policy likely to be of interest to the Assembly.

Legal Advisers

Constitutional and Legislative Affairs Committee

August 2014