

Constitutional and Legislative Affairs Committee Report

CLA38

Title: The Alien and Locally Absent Species in Aquaculture (England and Wales) Regulations 2011

Procedure: Negative

These Regulations provide for the implementation and enforcement of Council Regulation (EC) No 708/2007, concerning use of alien and locally absent species in aquaculture.

Technical Scrutiny

Under Standing Orders 21.2 the Assembly is invited to pay special attention to the following instrument:-

These Regulations have been produced in the English language only. Furthermore, no explanation has been provided as to why these Regulations have not been produced bilingually. This appears to be because “this explanatory memorandum has been prepared by the Department for Environment, Food and Rural Affairs and is laid before Parliament by Command of Her Majesty.” No attempt has therefore been made to have regard to Assembly procedures and practices in the Memorandum.

(Standing Order 21.2 (ix) that it is not made or to be made in both English and Welsh).

Merits Scrutiny

No points are identified for reporting under Standing Order 21.3 in respect of this instrument.

David Melding AM

Chair, Constitutional and Legislative Affairs Committee

3 October 2011

The Government has responded as follows:

The Alien and Locally Absent Species in Aquaculture (England and Wales) Regulations 2011

The Alien and Locally Absent Species in Aquaculture (England and Wales) Regulations 2011 are composite Regulations which will apply to England and Wales and are subject to negative resolution procedure in both the National Assembly for Wales and in Parliament. Accordingly, it is not considered reasonably practicable for this Instrument to be made or laid bilingually. It is

my preference that, in future, a Welsh language translation of such composite instruments should be made available by the Welsh Government after the relevant instrument has been made, balanced against the most efficient use of resources to deliver Welsh Government policy objectives.

The Explanatory Memorandum which has been laid in connection with these Regulations is in the format adopted prior to the recent change in Standing Orders which enables the Constitutional and Legislative Affairs Committee to consider items also subject to a Parliamentary procedure. Under previous Standing Orders, the Welsh Ministers would lay such an Explanatory Memorandum on a voluntary basis to assist Members in considering the subordinate legislation concerned. I accept that this format is no longer appropriate and will ensure that staff are aware that a) either the involvement of the Welsh Government in the production of the Explanatory Memorandum should be made explicit or a separate Explanatory Memorandum relating to Wales should be prepared in relation to such composite instruments; and b) Explanatory Memorandums must be addressed to the relevant Assembly Committee in future.