

Constitutional and Legislative Affairs Committee Draft Report

Title: The Food Hygiene (Wales) (Amendment) Regulations 2016

These Regulations amend the Food Hygiene (Wales) Regulations 2006 to provide for the execution and enforcement of EU Regulation 2015/1375 which lays down specific rules on official controls of *Trichinella* in meat. *Trichinella* is a minute parasitic nematode worm.

Procedure: Negative

Technical Scrutiny

No points are identified for reporting under Standing Order 21.2 in respect of this instrument.

Merits Scrutiny

One point identified is for reporting under Standing Order 21.3(ii) in respect of this instrument, in that it is of political or legal importance or gives rise to issues of public policy likely to be of interest to the Assembly.

The point is neatly summarised in the Explanatory Memorandum to the Regulations:

Matters of Special Interest to the Constitutional Affairs Committee

Paragraph 2 of Schedule 2 of the [European Communities Act 1972] provides a choice whether to use the affirmative or negative procedure. Minister for Social Services and Public Health is of the view that the Regulations should follow the negative procedure as the Welsh Ministers are only providing for the effective enforcement of the EU Regulation, and have no discretion as to the substantive rights and obligations imposed by the new Commission Regulation, which is directly applicable.

Use of the negative procedure seems appropriate for these Regulations.

Legal Advisers

**Constitutional and Legislative Affairs Committee
September 2016**