

Constitutional and Legislative Affairs Committee Draft Report

CLA157

Title: The Plant Health (Fees) (Wales) Regulations 2012

Procedure: Negative

These Regulations, which apply in relation to Wales, specify fees payable to the Welsh Ministers in the field of plant health. The fees are payable in relation to specified inspections/other operations carried out pursuant to Council Directive 2000/29/EC on protective measures against the introduction into the Community of organisms harmful to plants or plant products and against their spread within the Community.

In addition, these Regulations consolidate several previous instruments which dealt separately with particular fees in relation to plant health.

Technical Scrutiny

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

In particular, concerning Regulation 3 (3) there is a discrepancy between the English and Welsh text. The Welsh text has additional wording which is not reflected in the English text.

We believe the English text is the correct version.

[Standing Order 21.2 (vii) that there appear to be inconsistencies between the meaning of its English and Welsh texts] and [Standing Order 21.2 (vi) that its drafting appears to be defective or it fails to fulfil its statutory requirement].

Merits Scrutiny

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

Legal Advisers

Constitutional and Legislative Affairs Committee

June 2012

The Government has responded as follows:

The Plant Health (Fees) (Wales) Regulations 2012

The Government accepts the reported inconsistency between the Welsh and English texts which arose in final amendment of the draft Statutory Instrument prior to making to remove otiose text. The relevant text was removed from the English text of the Statutory Instrument, but inadvertently left in the Welsh text. Given that the relevant text has no impact on the meaning or intended effect of the instrument, the Government proposes to amend the Welsh text upon publication.