

Government Response: The Amendments to Subordinate Legislation (Minimum Landing Size and Miscellaneous Corrections) (Wales) Order 2025

Technical Scrutiny point 1: We acknowledge that the Table of Contents is not correct in relation to Parts 1 to 3. However, the Table of Contents is not an operative part of the Order nor is its inclusion a statutory requirement. On this basis, we do not agree that this reporting point results in a defective draft nor a failure to fulfil statutory requirements. We note that information used for the table of contents tab on the legislation.gov.uk website is automatically generated from the content of the instrument and does not feature the version on the printed page to which this reporting point relates.

Technical Scrutiny point 2 : We note that the description of the location for the insertion of the new paragraph (3) in article 1 of the Cockle Fishing Management and Permitting (Specified Areas) (Wales) Order 2024 ('the 2024 Order') refers to "In article 1 ... after paragraph 1(2)" where, by convention, a reference to "In article 1 ... after paragraph (2)" would be expected. However, we do not agree that this reporting point results in a defective draft nor a failure to fulfil statutory requirements. The provision is clear as to the location for the insertion of the new paragraph (3) in article 1 of the 2024 Order.

Technical Scrutiny point 3: We acknowledge that the numbering of subdivisions within articles 5, 7, 9 and 13 does not follow the conventional scheme of numbering for the subdivisions found in those articles. However, this has not undermined the legal effect of the amendments made by each subdivision. Therefore, we do not agree that the drafting is defective or fails to fulfil statutory requirements.

Technical Scrutiny points 4 and 5: We note the point made that the amendments made to the 2024 Order by Articles 9 and 10 of this Order, in both cases, adopted different structures in the Welsh and English language text to achieve the same legal effect. We also note and agree that it would be advisable and more consistent in future, in similar circumstances, to substitute the whole paragraph in both language texts.

Technical Scrutiny point 6: The Welsh Government accept the Welsh text for substitution in Article 15(2) should note "Gyfoeth Naturiol Cymru". We do not however consider this affects the meaning or clarity of the Order.

Merit Scrutiny point 7: The point is noted, but to have taken an alternate approach would have resulted in an unwieldy title

Merit Scrutiny point 9:

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.