

Constitutional and Legislative Affairs Committee

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Constitutional and Legislative Affairs Committee Draft Report

Title: The Beef and Pig Carcase Classification (Wales) Regulations 2011

Procedure: Negative

These Regulations:-

- revoke and replace the (i) Beef Carcase (Classification) Regulations 1991 (SI 1991 No.2242) and (ii) Pig Carcase (Grading Regulations 1994 (SI 1994 No. 2155 as amended) in relation to Wales; and
- enforce EU provisions on beef and pig carcase classification and associated price reporting where applicable as contained in EU legislation – Council Regulation (EC) No. 1234/2007 establishing a common organisation of agricultural markets and on specific provisions for certain agricultural products and Commission Regulation (EC) No. 1249/2008 laying down detailed rules on the implementation of the Community scales for the classification of beef, pig and sheep carcasses and the reporting of prices thereof.

Technical Scrutiny

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

1. Regulation 4 (c) – the regulation purports to revoke the Beef Carcase (Classification) (Amendment) (Wales) Regulations 1994. The Regulations do not exist. Reference to the footnote suggest that it is the Beef Carcase (Classification) (Amendment) Regulations 1994 that are to be revoked in relation to Wales. **(Standing Order 21.2 (vi) –that its drafting appears to be defective or it fails to fulfil statutory requirements)**
2. Regulation 2 (1) and regulation 26- regulation 26 provides that any person who either fails to comply with any requirement or contravenes any prohibition contained in a European pig provision is guilty of an offence. Whilst “European pig provision” is defined in regulation 2 (1) in the English text of the regulations, there is no definition of “European pig provision” in the Welsh text.**(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 statutory requirements)

Merits Scrutiny

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

Legal Advisers

Constitutional and Legislative Affairs Committee

July 2011

The Government has responded as follows:

The Beef and Pig Carcase Classification (Wales) Regulations 2011

" TECHNICAL REPORTING POINT NO. 1: Regulation 4 (c) - The text "(Wales)" in the title of the regulations is a typographical error. The footnote to the regulations explains that the instrument referred to is the Beef Carcase (Classification) (Amendment) Regulations 1994, S.I. 1994/2853. S.I. 1994/2853 applied in relation to Great Britain. There were never any separate equivalent regulations which applied only to Wales. Regulation 4(c) revokes S.I. 1994/2853 in relation to Wales in line with the Welsh Ministers' powers to do so.

Furthermore, and in so far as its application to Wales, regulation 4(a) revokes the principal Beef Carcase (Classification) Regulations 1991: S.I. 1991/2242. Regulation 4(a) revokes S.I. 1991/2242 as amended. So regulation 4 (c) is arguably unnecessary as there is strictly speaking no need to revoke S.I. 1994/2853.

It is proposed to correct the typographical error upon publication.

Namely to remove the reference to "(Wales)" in regulation 4 (c).

Correction on publication is deemed to suffice for the reasons given.

TECHNICAL REPORTING POINT NO. 2: Regulations 2(1) & 26 - It is accepted that there should be a definition of "European pig provision" in the Welsh text of the regulations. This correction will be made, by way of an amendment to the regulations, as soon as possible.

PUBLICATION POINTS: The points raised as being suitable for correction upon publication will also be actioned."