



Cynulliad National  
Cenedlaethol Assembly for  
Cymru Wales

## ADRODDIAD GAN Y PWYLLGOR DEDDFAU

## LEGISLATION COMMITTEE REPORT

### The Transmissible Spongiform Encephalopathies (Wales) Regulations 2006

These Regulations revoke and re-enact with amendments the TSE (Wales) Regulations 2002. They enforce Regulation (EC) 999/2001 of the European Parliament and of the Council (as amended) laying down rules for the prevention, control and eradication of certain transmissible spongiform encephalopathies.

The Regulations were made on 2 May 2006 under the Executive procedure and came into force on 3 May 2006.

#### Standing Order 11.7

The following points have been identified under Standing Order 11.7.

The definitions contained in regulation 2 require correction as follows:

The English text defines “BSE” as “bovine spongiform encephalopathy” The corresponding Welsh text defines “BSE” as “enseffalopathïau sbyngffurff trosglwyddadwy” (transmissible spongiform encephalopathies). It is suggested that the appropriate translation is “enseffalopathi sbyngffurf buchol” (which is the terminology proposed to be used in the Bovine Spongiform Encephalopathy (BSE) Compensation (Wales) Regulations 2006). [Standing Order 11.7(v)]

The definition of “TSE” in the English text is “transmissible spongiform encephalopathy”; the corresponding Welsh text appears as “enseffalopathïau sbyngffurf trosglwyddadwy” i.e. it is drafted in the plural. [Standing Order 11.7(v) and (vi)]

In Schedule 2 the following require attention:-

Paragraph 5(5) of the English text refers to “any sampled sheep or goat” implying that these nouns are singular nouns. These Welsh text is drafted in the plural referring to “defaid neu eifr” (sheep or goats). [Standing Order 11.7(vi)].

Paragraph 14 contains a cross reference to the provision in Schedule 6 under which cutting plants are authorised for the removal of specified risk material. The provision referred to is paragraph 11 of Schedule 6. However, paragraph 11 deals with young lamb and goat stamps. It is considered that the correct cross reference is to paragraph 13 of Schedule 6 (Authorisation of cutting plants by the food Standards Agency). [Standing Order 11.7(v)].

In Schedule 3 the following requires attention:-

In paragraph 5(4) the reference should be to “this paragraph” rather than to “this regulation”. [Standing Order 11.7(v)]

In Schedule 4 the following require attention:-

In the Welsh text of paragraph 4, the word “Annex” where it appears after “Atodiad” should be deleted. [Standing Order 11.7(v)].

Paragraph 10 of the English text refers to “paragraphs 6(2), 7 or 8”. In the Welsh text the references are to paragraph are to “paragraphs 6(2), 7(1) or 8(1)”. [Standing Order 11.7(v) and (vi)].

In Schedule 6 the following require attention:-

The internal numbering of paragraph 8(2) of the Welsh text requires correction in that what appears as sub-paragraph (a) in the English text is not so identified in the Welsh text. The provision numbered 8(2)(b) in the English text is numbered 8(2)(a) in the Welsh text and that numbered 8(2)(c) of the English text as 8(2)(b) of the Welsh text. [Standing Order 11.7(v)].

Paragraph 8(2)(c) of the English text refers to any sheep or goat “which has a permanent incisor erupted through the gum”. The corresponding Welsh text refers to “un neu fwy o’l dannedd blaen parhaol” (one or more of its permanent front teeth). However, in paragraphs 10 and 11 the Welsh text uses the wording “blaenddant parhaol” Consistency of expression is desirable. [Standing Order 11.7(v)]

Paragraph 10 of the English text refers to “a sheep or goat”; the Welsh text refers to sheep or goats. [Standing order 11.7(v)].

Paragraph 13 and 14 relate to authorisations of cutting plants and butchers shops for certain purposes. The paragraphs are drafted in the imperative. If this is the intention then the use of “must” is appropriate but if the intention of these paragraph is to permit these authorisations to be made, then it is considered that “may” is more appropriate. [Standing Order 11.7(v)].

In the Welsh text of paragraph 19(1),the “p” is missing in “pwynt 11”. [Standing order 11.7(v)].

Paragraph 9(2) deals with the staining and disposal of specified risk material. Specified risk material must be stained with “colouring agent Patent Blue V” or in accordance with sub-paragraph (2)(a)(ii) “such other colouring as may be approved in writing by the National Assembly or the Food Standards Agency”. The English text of sub-paragraph (2)(a)(ii) implies that the Assembly or Food Standard Agency may authorise a colouring agent other than Patent Blue V. However, the Welsh text implies that alternative colouring agent must be one which the Assembly or Food Standard Agency is able/permitted to authorise as alternative. [Standing order 11.7(vi)]

Throughout Schedule 6, “premises” is translated as “safle” and as “Mangre”. Consistency of terminology is desirable. [Standing order 11.7(v)].

In the Welsh text Schedule 8 references are to “regulation 17 of Part IV of Schedule 6A” and “regulations 4 and 8 of Schedule 7” of the TSE (Wales) Regulations 2002. These references should be to “paragraph 17” and “paragraphs 4 and 8” respectively. [Standing Order 11.7(V)].

The above mentioned drafting errors and discrepancies would have suitable for correction by Memorandum of Corrections. As the Regulations were made under the Executive procedure this mechanism is not available and amending legislation will be required.

### **Observations**

At its meeting on 28 February 2006 the Committee considered a report entitled “The Transmissible Spongiform Encephalopathies (Wales) Regulations 2006” (reference LC1238). The Regulations considered on 28 February 2006 were not made by the Assembly.

The Committee also noted that, having regard to the origins of the term, the Welsh terms such as "enceffalopathiau" should be spelt with a c rather than an s.

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Chair, Legislation Committee

**6 June 2006**