

**Subordinate Legislation
Committee
Y Pwyllgor Is-ddeddfwriaeth**



Cynulliad National
Cenedlaethol Assembly for
Cymru Wales
Bae Caerdydd / Cardiff Bay
Caerdydd / Cardiff
CF99 1NA

Edwina Hart MBE AM
Minister for Health and Social Services
The National Assembly for Wales
Cardiff Bay
CF99 1NA

23 September 2009

Dear Edwina

SLC309 - The Food Irradiation (Wales) Regulations 2009

The Subordinate Legislation Committee considered the above mentioned Regulations at the meeting 23 September 2009 and recommended that I bring to your attention the specific reporting point set out below.

The Committee invited the Assembly to pay special attention to this instrument on the grounds set out in Standing Order 15.2 (vii) – that there is inconsistency in the meanings of the English and Welsh texts. The proposed Government response to the draft report informed the Members that it noted the comments but believed that although there was an inconsistency in language, there was no inconsistency in meaning and therefore these Regulations did not require amendment.

Having considered the Government's response, the Committee asked me to convey to you its view that the reporting point is valid: the Members believe that there should be consistency in terminology. Inconsistent terminology in legislation presents significant risk of confusion for the users.

I would be grateful if you could give this recommendation your careful consideration.

I copy this letter to the Counsel General and Leader of the House Carwyn Jones AM.

The Committee's Report on these Regulations is attached.

Yours sincerely,

Janet Ryder AM
Chair, Subordinate Legislation Committee

Subordinate Legislation Committee

(SLC(3)-20-09)

SLC309

Subordinate Legislation Committee Draft Report

Title: The Food Irradiation (Wales) Regulations 2009

These Regulations restrict the treatment of food with ionising radiation (irradiation) and the importation, storage and transport for the purpose of sale, and sale, of irradiated food.

Procedure: Negative

Under Standing Order 15.2 the Assembly is invited to pay special attention to this instrument on the following grounds:

In the Welsh version of the Regulations "significant risk" has been translated variously as "risg o bwys" and "risg sylweddol".

In Schedule 2, paragraph 2(ff) of the Welsh Version the translation states "risg o bwys", but in Schedule 2, paragraph 2(i) the translation states "risg sylweddol".

There is inconsistency in the language and meanings. [Standing Order 15.2(vii)]

Janet Ryder AM

Chair, Subordinate Legislation Committee

23 August 2009

The Government has responded as follows:-

"The Government notes the comments about the inconsistency of language, but both expressions have very similar meanings and are acceptable translations of "significant risk". As such the inconsistency of language does not result in an inconsistency of meaning, and therefore these Regulations do not require amendment."

Y Pwyllgor Is-ddeddfwriaeth

(SLC(3)-20-09)

SLC309

Adroddiad Drafft y Pwyllgor Is-ddeddfwriaeth

Teitl: Rheoliadau Arbelydru Bwyd (Cymru) 2009

Mae'r Rheoliadau hyn yn cyfyngu ar drin bwyd ag ymbelydredd ïoneiddio (arbelydru) ac ar fewnforio, storio a chludo, at ddibenion gwerthu, fwyd sydd wedi'i arbelydru, a gwerthu'r bwyd hwnnw.

Gweithdrefn: Negyddol

O dan Reol Sefydlog 15.2 bydd y Cynulliad yn cael ei wahodd i roi sylw arbennig i'r offeryn hwn ar y seiliau a ganlyn:

Yn y fersiwn Gymraeg o'r Rheoliadau, mae "significant risk" wedi'i gyfieithu fel "risg o bwys" yn ogystal ag fel "risg sylweddol".

Yn Atodlen 2, paragraff 2(ff) o'r fersiwn Gymraeg, mae'r cyfieithiad yn cyfeirio at "risg o bwys", ond yn Atodlen 2, paragraff 2(i), mae'r cyfieithiad yn cyfeirio at "risg sylweddol".

Mae yma anghysondeb yn yr iaith a'r ystyr.

[Rheol Sefydlog 15.2(vii)]

Janet Ryder AC

Cadeirydd y Pwyllgor Is-ddeddfwriaeth

23 Awst 2009

Mae'r Llywodraeth wedi ymateb fel a ganlyn:-

"Mae'r Llywodraeth yn nodi'r sylwadau am yr anghysondeb mewn iaith, ond mae ystyron tebyg iawn i'r naill ymadrodd a'r llall ac maent yn gyfieithiadau derbyniol o "significant risk". Nid yw'r anghysondeb mewn iaith fel y cyfryw yn arwain at anghysondeb mewn ystyr, ac felly nid oes angen diwygio'r Rheoliadau hyn".