

SL(5)446 – The Agriculture (Model Clauses for Fixed Equipment) (Wales) Regulations 2019

Background and Purpose

These Regulations revoke and replace, in relation to Wales, the Agriculture (Maintenance, Repair and Insurance of Fixed Equipment) Regulations 1973 (the “1973 Regulations”).

These Regulations prescribe terms, set out in Schedule 1, as to the maintenance, repair and insurance of fixed equipment. Such terms are deemed to be incorporated in every contract of tenancy of an agricultural holding, except where they would impose on one of the parties to a written agreement a liability which under the agreement is imposed on the other.

Schedule 1 divides between the landlord and the tenant of a holding the responsibility for maintaining, repairing and insuring fixed equipment, and imposes upon each party certain specific liabilities in regard to those matters.

Schedule 2 contains revocations, including the revocation of the 1973 Regulations.

Procedure

Negative.

Technical Scrutiny

The following technical point is identified for reporting under Standing Order 21.2 in respect of this instrument.

Standing Order 21.2 (vii) - that there appear to be inconsistencies between the meaning of the English and Welsh texts

Regulation 7(3) of the Welsh text suggests that the landlord may recover the reasonable cost of the works from the tenant at pace, as it states “wrth y tenant yn ddi-oed”. However, the English text states that “the landlord may recover the cost without delay”. We would suggest that alternative wording is used, such as replacing “yn ddi-oed” with “heb oedi” (without delay).

The same issue occurs again at Regulation 14(3)(a).

Merits Scrutiny

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

Implications arising from exiting the European Union

No implications are identified for reporting under Standing Order 21.3 in respect of this instrument.

Government Response

A government response is required.



Legal Advisers
Constitutional and Legislative Affairs Committee
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National Assembly for Wales
Constitutional and Legislative Affairs Committee