

**MINUTES OF MEETING**

**Date:** 1<sup>st</sup> July 2003  
**Time:** 9 a.m.  
**Venue:** Conference Room E

**Present:** Jenny Randerson (Chair)  
Karen Sinclair, Business Minister  
Jonathan Morgan, Conservative Business Manager  
Kirsty Williams, Liberal Democrat Business Manager  
Jocelyn Davies, Plaid Cymru Business Manager  
John Marek, Deputy Presiding Officer

Paul Silk, Clerk to the Assembly  
Peter Jones, Presiding Office Legal Unit  
Andrew George, Clerk to the Business Committee  
Marion Stapleton, Assembly Business Unit  
Marie Knox, Head of Committee Secretariat (agenda item 6)  
Alun Jenkins, Office of the Counsel General (agenda item 4)  
Marc Wyn Jones, Business Committee Secretariat  
Catherine Morris, PS to Deputy Presiding Officer

**1. Apologies & announcements**

**2. Minutes of the previous meetings**

**(i) BC232-03 (Final) Tuesday 17<sup>th</sup> June 2003**

2.1 The minutes were presented to the Committee in their final format. Since there were no comments they would be translated in readiness for publication.  
**Action: Chamber Secretariat**

**(ii) BC252-03 (Draft) Tuesday 24<sup>th</sup> June 2003**

2.2 The minutes were presented to the Committee in draft. Since there were no comments they would be translated in readiness for publication.

**3. Matters Arising (BC232-03 - Tuesday 17<sup>th</sup> June)**

3.1 **Paragraph 4.2** Marion Stapleton presented a paper on the criteria which Ministers consider when making recommendations about which procedure a draft Order should follow and the criteria for deciding whether a Regulatory Appraisal is appropriate. The Committee agreed that the paper should be included on the agenda for the next meeting.

**4. Subordinate Legislation**

**(a) Orders for consideration**

(i) The Air Quality (Ozone) (Wales) Regulations 2003 (BC254-03) *Recommended*

*Procedure: Accelerated*

(ii) The Plant Health (Amendment) (Wales) Order 2003 (BC255-03)

*Recommended Procedure: Accelerated*

(iii) The Protection of Animals (Anaesthetics) Amendment (Wales) Order 2003 (BC256-03) *Recommended Procedure: Standard*

(iv) The Housing (Right to Buy) (Priority of Charges) (Wales) Order 2003 (BC257-03) *Recommended Procedure: Accelerated*

(v) The Home Loss Payments (Prescribed Amounts) (Wales) Regulations 2003 (BC258-03) *Recommended Procedure: Accelerated*

(vi) The National Health Service (Pharmaceutical Services) (Amendment) (Wales) Regulations 2003 (BC259-03) *Recommended Procedure: Accelerated*

(vii) The Feeding Stuffs, the Feeding Stuffs (Sampling and Analysis) and the Feeding Stuffs (Enforcement) (Amendment) (Wales) Regulations 2003 (BC260-03) *Recommended Procedure: Accelerated*

(viii) The Coast Protection (Notices) (Wales) Regulations 2003 (BC261-03) *Recommended Procedure: Accelerated*

(ix) The Action Programme for Nitrate Vulnerable Zones (Amendment) (Wales) Regulations 2003 (BC262-03) *Recommended Procedure: Standard*

(x) The Prohibition of Fishing with Multiple Trawls (Wales) Order 2003 (BC263-03) *Recommended Procedure: Accelerated*

(xi) The Health (Wales) Act 2003 (Commencement) Order 2003 (BC264-03) *Recommended Procedure: Standard*

(xii) The Care Standards Act 2000 (Commencement No.12) (Wales) Order 2003 (BC265-03) *Recommended Procedure: Accelerated*

(xiii) The Nurses Agencies (Wales) Regulations 2003 (BC266-03) *Recommended Procedure: Accelerated*

(xiv) The National Health Service (General Dental Service) (Amendment) (Wales) Regulations 2003 (BC267-03) *Recommended Procedure: Accelerated*

(xv) The Local Authorities (Allowances for Members of County and County Borough Councils) (Pensions) (Wales) Regulations 2003 (BC268-03) *Recommended Procedure: Accelerated*

(xvi) The Plant Protection Products (Amendment) Regulations 2003 (BC269-03) *Standing Order 23, Section 3*

(xvii) The National Health Service (Amendments concerning supplementary and Independent Nurse Prescribing) (Wales) Regulations 2003 (BC270-03) *Recommended Procedure: Accelerated*

(XVIII) The Education (Assisted Places) (Amendment) (Wales) Regulations 2003 (BC271-03) *Recommended Procedure: Accelerated*

(XIX) The Animal By-Products (Identification) (Amendment) (Wales) Regulations 2003 (BC272-03) *Recommended Procedure: Accelerated*

**BC254-03**

4.1 Members of the Committee said that the references to enabling powers in the Explanatory Memorandum accompanying this draft Order were incorrect. The Deputy Presiding Officer said that this draft Order had been published on the Intranet on 9<sup>th</sup> June. However, a letter from the Minister informing Members of the Environment, Planning and Countryside Committee of the intention to make these regulations had not been sent until 23<sup>rd</sup> June. Jocelyn Davies said that, in the Regulatory Appraisal, it appeared that the word "national" was used to refer to both Wales and the United Kingdom. The Committee asked for clarity on this issue in future.

**BC255-03**

4.2 The Chair said that this draft Order had been considered by the Committee in its last meeting but had been deferred because of a lack of clarity in the Explanatory Memorandum. The Committee was content that this issue had been addressed and clarified in the revised Explanatory Memorandum.

**BC258-03**

4.3 Members of the Committee noted that Paragraph 10 of the Explanatory Memorandum accompanying this draft Order said that "...any additional expenditure that will arise in the future will be accommodated within the respective Policy Divisions' budgets and will not result in a call for extra resources from the Assembly". Members of the Committee said that this statement was inadequate because there would be a cost associated with any financial commitment.

**BC259-03**

4.4 Members of the Committee said that the statement in the Explanatory Memorandum accompanying this Order that a Regulatory Appraisal would not be appropriate was incorrect and that costs arising from the making of the Order could be significant. Jocelyn Davies said that the Explanatory Memorandum contained an error. It said that the draft Order had been included on the list of forthcoming legislation submitted to the Health and Social Services Committee. However, members of the Subject Committee had received a letter from the Minister informing them that this draft Order had not been included on the list. The Chair said that Ministers should also notify the Business Committee when errors such as this occurred. Members of the Committee recommended that this draft Order should be referred to the Health and Social Services Committee and recommended that a Regulatory Appraisal should be prepared.

**BC260-03**

4.5 Members of the Business Committee said that the references in the

Explanatory Memorandum to financial implications arising from the making of the Order were contradictory. Members of the Committee expressed concern that the Explanatory Memorandum said that there were no additional financial implications because it also said that additional funding to meet costs had already been secured in the 2003-2004 Budget Planning Round. Marion Stapleton said she would relay these concerns to senior officials.

### **BC264-03**

4.6 Members of the Committee noted that there was a drafting error in the Statutory Instrument. It was agreed that the draft Order should be resubmitted to the Committee at its next meeting. Members of the Committee asked if the references in the Explanatory Memorandum to the effect of the Order could be made clearer.

### **BC266-03**

4.7 Members of the Committee said that this draft Order had not received full scrutiny by the subject committee. However, there would be wide-ranging implications arising from the making of the Order. The Deputy Presiding Officer said that the Minister for Health and Social Services had concluded that a Regulatory Appraisal would not be appropriate. However, there would be significant financial implications arising from the Order. He asked if the Minister for Health and Social Services could reconsider whether a Regulatory Appraisal was appropriate. Members of the Committee advised the Deputy Presiding Officer that the draft Order should be referred to the Health and Social Services Committee and recommended that a Regulatory Appraisal should be prepared.

### **BC267-03**

4.8 Members of the Committee said that the financial implications arising from the making of this Order could be significant and asked if a Regulatory Appraisal could be prepared. It was agreed that the draft Order would be resubmitted to the Committee at its next meeting.

### **BC268-03**

4.9 Kirsty Williams said that the Explanatory Memorandum accompanying this draft Order contained an error. It said that the Finance, Local Government and Public Services Committee had been consulted on the proposals to introduce pensions for Local Authority Members but that no further scrutiny has been requested. She said that the Finance, Local Government and Public Services Committee had, in its last meeting, identified this draft Order for further scrutiny. Members of the Committee advised the Deputy Presiding Officer that the draft Order should be referred to the Finance, Local Government and Public Services Committee and recommended that a Regulatory Appraisal should accompany the draft Order.

### **BC270-03**

4.10 Jocelyn Davies said that this draft Order had not been included on the list of forthcoming legislation submitted to the Health and Social Services Committee. Members of the Committee advised the Deputy Presiding Officer that the draft Order should be referred to the Health and Social Services Committee and recommended that a Regulatory Appraisal should accompany the draft Order.

4.11 The Business Committee considered papers BC254-03 to BC272-03 which provided advice on the handling of the above Orders and

- agreed the recommended procedure for BC254-03, BC255-03, BC257-03, BC258-03, BC260-03, BC261-03, BC263-03, BC264-03, BC265-03, BC269-03, BC271-03 & BC272-03.
- agreed that BC264-03 & BC267-03 should be resubmitted the following week,
- recommended the accelerated procedure for BC256-03 and BC262-03 and
- advised the Deputy Presiding Officer that BC259-03, BC266-03, BC268-03 and BC270-03 should be referred to the appropriate Subject Committees.

**The Deputy Presiding Officer subsequently determined that, of the above Orders, only BC259-03, BC266-03, BC268-03 and BC270-03 need be referred to a subject committee and prescribed 4 weeks as the time within which the committees shall report to the Assembly.**

4.12 Members of the Committee said that the papers accompanying draft Orders continued to contain numerous drafting errors. The Chair said that she would write to the Counsel General outlining the Committee's concerns. It was suggested that the Counsel General might wish to attend a forthcoming meeting to discuss these matters. Alun Jenkins said he would relay this request.

4.13 Members of the Committee said that there had been two occurrences where a Minister had not notified the Business Committee of an error in the information supplied to the Committee about the level of consultation with the subject committee. The Chair said that she would write to Ministers about this issue and would also refer to the Business Committee's concerns about inconsistencies between Ministers in deciding whether a Regulatory Appraisal is appropriate.

**(b) Orders made under the Executive Procedure; papers to note.**

## **5. Advice to Assembly on procedures**

### **6. Committees**

6.1 The Business Committee agreed the request for additional meetings for the Economic Development and Transport Committee and the Education and Lifelong Learning Committee.

6.2 The Business Committee agreed the draft Committee timetable for Autumn, 2003. Business Managers said that they were still unhappy that

Subject Committees were meeting on a three-week cycle. In response to a query, Marion Stapleton said that a draft Periodic Timetable Statement, which would include Assembly Business and recess dates from September 21<sup>st</sup>, would be submitted to the Committee at its next meeting. The Business Committee agreed to make a recommendation to the Assembly under Standing Order 13.1(iii) that subject committee meetings should revert to a two-weekly cycle.

## **7. Forthcoming Business**

### **(i) This Week's Business**

7.1 The Committee considered paper BC277-03 which detailed the Assembly's agreed business for the week.

7.2 Jocelyn Davies asked if oral statements could be made on the devolution of powers in relation to the Fire Service and the draft Mid-Term Evaluation report on Objective 1. Kirsty Williams asked if an oral statement could be made on free prescriptions.

### **(ii) Draft Business Statement**

7.3 The Committee noted the Business Minister's proposed statement about the organisation of the Assembly's business for the weeks commencing 8<sup>th</sup> July.

7.4 The Business Minister said that a statement by the Minister for Education and Lifelong Learning on Individual Learning Accounts Wales would take place on 9<sup>th</sup> July. A motion to approve the Urban Waste Water Treatment Directive would be scheduled for 15<sup>th</sup> July.

7.5 Jocelyn Davies asked if a debate on the repatriation of Structural Funds would be scheduled. Business Managers said they supported this request.

## **8. Matters referred from plenary**

8.1 The Business Committee noted the extract from the Record of Proceedings for 24<sup>th</sup> June, 2003, which included a point of order from Nick Bourne on whether correspondence to Members which had been initiated by Ministerial replies to Assembly questions should be published as part of the Record of Proceedings. The Chair said that a paper on this issue would be submitted to the Committee at its next meeting.

## **9. Revisions to Standing Orders**

9.1 The Business Committee agreed the proposed amendments to the Annex to Standing Order 35.

**Action: Chamber Secretariat**

## **10. Presiding Officer rulings**

### **11. Any other business.**

11.1 The Business Committee agreed the paper on a proposed amendment

to the National Assembly for Wales Members' Pension Scheme Rules.

**CHAMBER SECRETARIAT**