

MINUTES OF MEETING

Date: 24th June 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) BC222-03 (Final) Tuesday 10th 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) BC232-03 (Draft) Tuesday 17th 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 17th June)

3.1 **Paragraph 4.3** Marion Stapleton confirmed that there would be no additional financial implications arising from the making of The Feeding Stuffs (Sampling and Analysis), The Feeding Stuffs (Enforcement) and The Feeding Stuffs (Establishments and Intermediaries) (Amendment) (Wales) Regulations 2003 (BC227-03). The Deputy Presiding Officer said that the ongoing financial implications could be significant and he intended to speak on the issue in Plenary during the debate on the draft Order.

3.2 **Paragraph 9.1** Marion Stapleton said that a paper proposing amendments to the annex to Standing Order 35 was being prepared and would be

submitted to the Committee at its next meeting.

3.3 Paragraph 7.6 Marion Stapleton explained the reasons why the subject committee had not been notified in the normal way about the Adoption of Children from Overseas (Wales) (Amendment) Regulations 2003. Business Managers said that the Panel of Chairs could consider the procedures for consultation with subject committees. Marion Stapleton said that Cabinet Secretariat were currently undertaking an internal review on this issue.

4. Subordinate Legislation

(a) Orders for consideration

(i) The Common Agricultural Policy (Wine) (Wales) (Amendment) Regulations 2003 (BC234-03) *Recommended Procedure: Accelerated*

(ii) The Contaminants in Food (Wales) Regulations 2003 (BC235-03)
Recommended Procedure: Accelerated

(iii) The Food Safety (Ships and aircraft) (Wales) Order 2003 (BC236-03)
Recommended Procedure: Accelerated

(iv) The Education (School Organisation Plans) (Wales) Regulations 2003 (BC237-03) *Recommended Procedure: Accelerated*

(v) The Special Educational Needs and Disability Act 2001 (Commencement No.2) (Wales) Order 2003 (BC238-03) *Recommended Procedure: Accelerated*

(vi) The Disability Discrimination (Prescribed Periods for Accessibility Strategies and Plans for Schools) (Wales) Regulations 2003 (BC239-03)
Recommended Procedure: Accelerated

(vii) The Welfare of Farmed Animals (Wales) (Amendment) Regulations 2003 (BC240-03) *Recommended Procedure: Standard*

(viii) The Protection of Animals (Anaesthetics) Amendment (Wales) Order 2003 (BC241-03) *Recommended Procedure: Standard*

(ix) The Plant Health (Amendment) (Wales) Order 2003 (BC242-03)
Recommended Procedure: Accelerated

(x) The Education (Assisted Places) (Incidental Expenses) (Amendment) (Wales) Regulations 2003 (BC243-03) *Recommended Procedure: Accelerated*

(xi) The Education (Assisted Places) (Amendment) (Wales) Regulations 2003 (BC244-03) *Recommended Procedure: Accelerated*

(xii) The Education Act 2002 (Commencement No.2) (Wales) Order 2003 (BC245-03) *Recommended Procedure: Standard*

(xiii) The Animal By-Products (Identification) (Amendment) (Wales) Regulations 2003 (BC246-03) *Recommended Procedure: Accelerated*

(xiv) The Education Act 2002 (Transitional Provisions and Consequential Amendments) (Wales) Regulations 2003 (BC247-03) *Recommended Procedure: Standard*

4.1 The Committee noted that the format of the Cover Sheets which accompanied these draft Orders had been amended to clarify the references to the level of consultation with subject committees.

4.2 Kirsty Williams asked if a paper could be prepared outlining the criteria which Ministers consider when making recommendations on which procedure a draft Order should follow. It was agreed that the paper should include the criteria for deciding whether a Regulatory Appraisal is appropriate.

Action: Marion Stapleton

BC235-03

4.3 Members of the Committee said that the Explanatory Memorandum accompanying this draft Order said that there was no requirement for the industry to follow the sampling methods. Alun Jenkins said that the legislation arose from an EU directive, intended to harmonise the approach to sampling across the EU.

BC236-03

4.4 Members of the Committee queried why the Explanatory Memorandum accompanying this draft Order said that no new requirements would be imposed on private businesses or enforcement authorities as a consequence of the legislation. Alun Jenkins said that these arrangements were already taking place on a voluntary basis.

BC237-03

4.5 Members of the Committee noted that this draft Order would relax the requirement to publish school organisation plans in hard copy. Business Managers said that a debate in Plenary would be preferable to the recommended Accelerated procedure.

BC238-03

4.6 Business Managers said that this draft Order could have far-reaching implications for schools and said that a debate in Plenary would be preferable to the recommended Accelerated procedure. Kirsty Williams asked why the Minister had concluded that a Regulatory Appraisal would not be required when it appeared that the financial implications would be significant. Marion Stapleton said that this was a commencement order bringing into force provisions in Primary legislation.

BC239-03

4.7 Business Managers advised the Deputy Presiding Officer that this draft Order should be referred to the Education and Lifelong Learning Committee. Jocelyn Davies said that, in future, draft Orders should be submitted to

Business Committee as early as possible because subject committees would be meeting less frequently and would have fewer opportunities to consider the legislation referred to them. In response to a query, Marion Stapleton said that the financial implications of the Order had been built into the Assembly's 3 year budget. The Deputy Presiding Officer said that it should not be acceptable for a Government to bind successive administrations. Marion Stapleton said that would not be the case as the Assembly's budget was reviewed every year.

BC240-03 & BC241-03

4.8 Members of the Committee said that the Explanatory Memorandums accompanying these draft Orders were very similar and asked if they had been duplicated in error. Alun Jenkins confirmed that there had not been an error. Members of the Committee asked if the Explanatory Memorandums could be made clearer and for the draft Orders to be resubmitted at the next meeting.

Action: Marion Stapleton

BC242-03

4.9 Members of the Committee said that the Explanatory Memorandum which accompanied this draft Order said that there was a total of 20 growers in Wales who are registered to issue plant passports. It also said that this figure was "...not expected to more than double". Members of the Committee sought clarification about this estimated increase and asked if this draft Order could be resubmitted at the next meeting.

Action: Marion Stapleton

BC244-03

4.10 Members of the Committee said that the Cover Sheet and Explanatory Memorandum accompanying this draft Order contained an error and asked if this could be corrected and resubmitted to the Committee at its next meeting.

Action: Marion Stapleton

BC246-03

4.11 The Chair said that there appeared to be an inconsistency in the information provided in the Explanatory Memorandum and Regulatory Appraisal accompanying this order. Members of the Business Committee asked for clarification on the issue and agreed that the Order should be resubmitted to the Business Committee at its next meeting.

Action: Marion Stapleton

4.12 The Business Committee considered papers BC234-03 to BC247-03 which provided advice on the handling of the above Orders and

- agreed the recommended procedure for BC234-03 to BC236-03, BC240-03, BC245-03 and BC247-03.
- agreed that BC241-03, BC242-03, BC244-03 and BC246-03 should be resubmitted the following week,

- recommended the standard procedure for BC237-03 and BC238-03, and
- advised the Deputy Presiding Officer that BC239-03 should be referred to the Education and Lifelong Learning Committee.

The Deputy Presiding Officer subsequently determined that, of the above Orders, only BC239-03 need be referred to a subject committee and prescribed 4 weeks as the time within which the committee shall report to the Assembly.

4.13 Members of the Committee expressed concern that the papers accompanying draft Orders contained numerous drafting errors. Marion Stapleton said she would relay these concerns to the relevant officials.

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

BC248-03

4.14 The Committee noted the Legislation Committee Report and the letter from the Chair of the Legislation Committee about the Housing (Right to Buy) (Limits of Discount) (Amendment) (Wales) Order 2003. The Chair said that the Business Committee had considered a letter from the previous Business Minister about the use of the Executive procedure for this order on 18th March, 2003. She said that the Committee had expressed the same concerns as those contained in the letter from the Chair of Legislation Committee. The Deputy Presiding Officer said that if it was necessary to make an order under the Executive procedure as a matter of urgency, a sunset clause could be included in the Order and a further SI should follow the normal procedures, allowing for proper scrutiny. The Chair said she would outline this suggestion and the Committee's comments in a letter to the Chair of the Legislation Committee and the Minister concerned.

5. Advice to Assembly on procedures

6. Committees

7. Forthcoming Business

(i) This Week's Business

7.1 The Committee considered paper BC250-03 which detailed the Assembly's agreed business for the week.

7.2 Jocelyn Davies asked if oral statements could be made on job losses at Betws Colliery in the Amman Valley and the recent public disturbances in Wrexham. Kirsty Williams and Jonathan Morgan said they supported these requests. The Business Minister said she would relay these requests to the relevant Ministers.

(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 1st July.

7.4 The Business Minister said that a debate on the new Assembly Building would take place on Tuesday 1st July and a Motion to approve the Presiding Office Budget would take place on Tuesday 15th July. She said that a debate on the former Agriculture and Rural Development Committee's report on Agri-Environment would take place on 15th July.

7.5 Jonathan Morgan said that debates on various items of forthcoming Government business, which the Business Minister had listed when introducing a previous Business Statement, were not included in the draft Business Statement. The Business Minister said that statements on various items were being considered. She would welcome members' views about the appropriate time for statements or debates associated with consultation exercises.

8. Matters referred from plenary

9. Revisions to Standing Orders

9.1 The Business Committee noted the letter from the Chair of the Legislation Committee about the recommendation of the Assembly Review of Procedure that the Legislation Committee should report to Plenary if it believes that requirements in Standing Orders have not been complied with. The Chair said that the Business Committee had considered a paper on this issue in its meeting on 4th March 2003. She asked the Secretariat to re-circulate the original paper (BC101-03) to members. It was agreed to return to the issue in the Business Committee meeting on 8th July.

10. Presiding Officer rulings

11. Any other business.

CHAMBER SECRETARIAT