

MINUTES OF MEETING

Date: 30th September 2003

Time: 9 a.m.

Venue: Conference Room E

Present: Jenny Randerson (Chair)
Karen Sinclair, Business Minister
Jonathan Morgan, Conservative Business Manager
Peter Black, Liberal Democrat
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
Alun Jenkins (agenda item 4)
Siwan Davies, Committee Secretariat
Marc Wyn Jones, Business Committee Secretariat
Catherine Morris, PS to Deputy Presiding Officer

1. Apologies & announcements

1.1 Apologies for absence were received from Kirsty Williams. The Chair of the Business Committee welcomed Peter Black, who would be representing her under Standing Order 13.3. The Chair of the Business Committee welcomed Gwen Parry, the Head of Public Information and Education, who was observing the meeting for training purposes.

2. Minutes of the previous meetings

(i) BC301-03 (Final) Tuesday 15th July 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) BC322-03 (Draft) Tuesday 23rd September 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

3.1 **Paragraphs 4.1 and 4.3** The Health (Wales) Act 2003 (Commencement No.1) Order 2003 and The Pig Industry Restructuring Grant (Wales) (Variation) Scheme 2003 were resubmitted to the Committee and allocated new BC numbers (BC324-03 and BC325-03 respectively).

3.2 Paragraph 4.2 The Deputy Presiding Officer asked if DEFRA had prepared a Regulatory Appraisal of The Pesticides (Maximum Residue Levels in Crops, Food and Feeding Stuffs) (England and Wales) (Amendment) (No.2) Regulations 2003 (BC304-03) for consideration in Parliament. Marion Stapleton confirmed that an analysis of the costings had been prepared. The Deputy Presiding Officer reiterated his request that, in future, Assembly Members should have sight of such documents.

3.3 Paragraph 4.5 Marion Stapleton reported back on the use of the Executive procedure for the Oil and Fibre Plant Seeds Amendment (Wales) Regulations 2003 (BC306-03). She said that the Regulations implemented an EC directive in which the Assembly has no discretion. She said that the failure to implement the Regulations quickly could result in infraction proceedings. Members of the Committee said that this was not a sufficient reason. The Executive procedure should be used in cases of urgency and infraction proceedings were a long process.

3.4 Paragraph 4.7 Marion Stapleton said that paragraphs 7.1 and 7.5 of the Guidance had been considered when taking the decision on whether to prepare a Regulatory Appraisal for The NHS Dental Services: Amendment to the Statement of Dental Remuneration, Introduction of Paternal/Adoption payments and Increase in the Prior Approval Limit (BC308-03). The Deputy Presiding Officer requested further clarification. It was agreed that a paper would be submitted to the Committee at its next meeting.

3.5 Paragraph 4.8 Marion Stapleton reported back on the use of the Executive procedure for The Animal and Animal Products (Import and Export) (Wales) Regulations 2003 and the Staging Points (Wales) Regulations 2003 (BC310-03). She said that there had been a delay by DEFRA in the preparation of the Regulations. Consequently, the Minister for Environment, Planning and Countryside was currently of the view that the Regulations should follow the normal procedures.

3.6 Paragraph 8.1 The Chair said that Peter Jones and Marion Stapleton would meet this week to consider a model format for Explanatory Memorandums and other related issues, in consultation with others as necessary.

4. Subordinate Legislation

(a) Orders for consideration

(i) The Health (Wales) Act 2003 (Commencement No.1) Order 2003 (BC324-03) *Recommended Procedure: Standard*

(ii) The Pig Industry Restructuring Grant (Wales) (Variation) Scheme 2003 (BC325-03) *Recommended Procedure: Accelerated*

(iii) The Animal By-Products (Wales) Regulations 2003 (BC326-03)
Recommended Procedure: Standard

(iv) The Animal By-Products (Identification) (Amendment) (No.2) (Wales) Regulations 2003 (BC327-03) *Recommended Procedure: Accelerated*

(v) The Local Authorities (Allowances for Members of County and County Borough Councils) (Past Service Awards) (Wales) Regulations 2003 (BC328-03) *Recommended Procedure: Standard*

(vi) The Smoke Control Areas (Exempted Fireplaces) (Wales) Order 2003 (BC329-03) *Recommended Procedure: Accelerated*

(vii) The National Assembly for Wales (Returning Officers' Charges) (Amendment) Order 2003 (BC330-03) *Recommended Procedure: Accelerated*

BC324-03

4.1 The Committee noted that this draft Order had been considered previously by the Committee. The draft Order had been resubmitted with an amended Explanatory Note. The Committee agreed the recommended procedure.

BC325-03

4.2 The Committee noted that this draft Order had been considered previously by the Committee. The Chair of the Business Committee said that the Regulatory Appraisal accompanying this draft Order said that the scheme would bring Welsh legislation into line with the rest of the UK. However, the Explanatory Memorandum which accompanied the draft Order said that Scotland operated the only comparable scheme in the UK. Members of the Committee sought clarification on this issue. It was agreed that Marion Stapleton would report back at the next meeting. The Committee agreed the recommended procedure.

Action: Marion Stapleton to report back.

BC328-03

4.3 Members noted that the Explanatory Memorandum accompanying this draft Order was incorrect. More than one amendment had been considered in Committee and the Subject Committee would consider the draft Order on 1st October but only as part of the Minister's report. The Committee agreed the recommended procedure.

BC330-03

4.4 Marion Stapleton said that this draft Order had been submitted to the Committee in error. She said that the draft Order would be resubmitted to the Committee at its next meeting.

The Business Committee agreed the recommended procedure for BC324-03 to BC329-03. The Deputy Presiding Officer subsequently determined that none of those draft Orders need be referred to a subject committee.

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

4.5 The Business Committee noted the following letters -

- The Education (Teachers' Qualifications and Health Standards) (Amendment) (No 2) (Wales) Regulations 2003 (BC331-03)
- The Animal Gathering (Wales) Order 2003 (BC332-03)
- The National Assistance (Assessment of Resources) (Amendment No 2) (Wales) Regulations 2003 (BC333-03)
- The Education (Information About Individual Post-16 Pupil) Regulations 2003 (BC334-03)

BC332-03

4.6 Marion Stapleton confirmed that this would be a different Order to the one with the same title which was made on the 29th July. Marion Stapleton said that a debate in Plenary on the draft Order would be scheduled.

BC334-03

4.7 Members of the Committee said that the Government were aware of the need to make these Regulations in December 2002 and asked why the Orders did not follow the normal procedure so that Members could scrutinise them.

5. Advice to Assembly on procedures

6. Committees

BC335-03

6.1 The Committee considered the request from the Chair of the Health and Social Services Committee to hold two additional formal Committee meetings. The Business Committee approved the request in principle subject to the agreement of the Committee membership. The Chair asked Siwan Davies to report back on the Committee's decision.

Action: Siwan Davies

7. Forthcoming Business

(i) This Week's Business

7.1 The Committee considered paper BC339-03 which detailed the Assembly's agreed business for the week.

7.2 The Business Minister said that it was proposed that the motions to approve The Nurses Agencies (Wales) Regulations 2003 and The Nurses Agencies Minimum National Standards would be debated together with separate votes on Wednesday 1st October. It was also proposed to debate the Special Educational Needs and Disability Act 2001 (Commencement

Order No 2)(Wales) Order 2003 and The Disability Discrimination (Prescribed Periods for Accessibility Strategies & Plans for Schools)(Wales) Regulations 2003 together with separate votes on Wednesday 1st October. The Business Minister said that a notifiable transaction on the Bridgend Stock Transfer would be dealt with by way of a written statement.

(ii) Draft Business Statement

7.4 The Committee noted the Business Minister's proposed statement about the organisation of the Assembly's business for the weeks commencing 7th October, 14th October and 21st October.

7.5 Jocelyn Davies asked if a debate on ELWa would be scheduled. Business Managers said that they supported this request. The Business Minister said she would relay the request to the Minister for Education and Lifelong Learning.

7.6 Business Managers asked if a statement on the National Botanic Gardens of Wales would be scheduled. The Business Minister said she would relay this request.

8. Matters referred from plenary

9. Revisions to Standing Orders

BC336-03 & BC337-03

9.1 The Business Committee considered and agreed the papers from the Equality of Opportunity Committee and the European and External Affairs Committee.

10. Presiding Officer rulings

11. Any other business.

11.1 The Clerk said that an IT problem on Thursday 25th September had meant that amendments which had been sent to Table Office had not arrived in time to meet the deadline. He said that the Table Office and the IT department were looking into the problem. It was agreed that a paper on this issue would be submitted to the Committee at its next meeting.

Action: Table Office

11.2 The Deputy Presiding Officer said that the Children's Commissioner for Wales had met the Presiding Officer. He said that the Commissioner had said that he was disappointed that a Plenary debate on his report had not taken place. It was agreed that a paper on this issue would be submitted to the Committee at its next meeting, following preliminary discussions in the Panel of Chairs.

11.3 The Deputy Presiding Officer asked the Business Minister to inform the Committee why it had been necessary for the Minister for Health and Social

Services to disapply Standing Order 27.2 (I) to (iii) for the Directions to Local Health Boards and NHS Trusts

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