

**MINUTES OF MEETING**

**Date:** 9<sup>th</sup> November 2004  
**Time:** 9 a.m.  
**Venue:** Conference Room E

**Present:** Jenny Randerson (Chair)  
Karen Sinclair, Business Minister  
Jocelyn Davies, Plaid Cymru Business Manager  
David Melding, Conservative  
Peter Black, Welsh Liberal Democrats  
John Marek, Deputy Presiding Officer

Paul Silk, Clerk to the Assembly  
Peter Jones, Counsel to the Assembly Parliamentary Service  
Andrew George, Clerk to the Business Committee  
Marion Stapleton, Assembly Business Unit  
Karin Phillips, Members' Research and Committee Services  
Alun Jenkins, OCG (Agenda Items 3 & 4)  
Marc Wyn Jones, Business Committee Secretariat  
Catherine Morris, PS to the Deputy Presiding Officer

**1. Apologies & announcements**

1.1 Apologies for absence were received from Kirsty Williams and Jonathan Morgan. The Chair welcomed Peter Black and David Melding who were representing them respectively in accordance with Standing Order 13.3.

**2. Minutes of the previous meetings**

**(i) BC479-04 (Final) Tuesday 19<sup>th</sup> October 2004**

2.1 The minutes were presented to the Committee in their final format. An amendment was suggested which would be incorporated before the minutes were translated in readiness for publication.

**Action: Chamber Secretariat**

**(ii) BC497-04 (Draft) Tuesday 2<sup>nd</sup> November 2004**

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

**Action: Chamber Secretariat**

**3. Matters Arising (BC497-04 - Tuesday, 2<sup>nd</sup> November)**

3.1 **Paragraph 4.1** Alun Jenkins referred to The Seeds (National Lists of Varieties) (Amendment) Regulations 2004 (BC481-04). He said that there was no provision in the Scotland Act for Scottish Ministers to make legislation jointly with Whitehall Ministers and no provision for the Scottish Parliament to legislate on any devolved matter that would have any effect outside Scotland.

Consequently, it had been agreed that the UK Government would make such Regulations on behalf of the Scottish Executive.

3.2 **Paragraph 4.4** The Chair said that she had written to the Presiding Officer to seek his interpretation of Standing Order 29.3. The Chair referred to the e-mail of notification from the Minister for Education and Lifelong Learning about her intention to approve the Education Maintenance Allowance - Wales Scheme and said that a motion of dissatisfaction had been tabled. The Business Minister said that the Minister for Education and Lifelong Learning would be discussing the Scheme in the Education and Lifelong Learning Committee's meeting on 10 November and that a debate on the motion of dissatisfaction would be scheduled for 16 November. Marion Stapleton said that a Welsh version of the Scheme had been prepared and that the scheme had been amended to be gender-neutral.

#### **4. Subordinate Legislation**

##### **(a) Orders for consideration**

The Higher Education Act 2004 (Commencement No.1 and Transitional Provision) (Wales) Order 2004 (BC499-04) *Recommended Procedure: Standard*

The Local Authorities (Changing Executive Arrangements and Alternative Arrangements) (Wales) Regulations 2004 (BC500-04) *Recommended Procedure: Standard*

The Town and Country Planning (Electronic Communications) (Wales) (No.1) Order 2004 (BC501-04) *Recommended Procedure: Accelerated*

The Town and Country Planning (Electronic Communications) (Wales) (No.2) Order 2004 (BC502-04) *Recommended Procedure: Accelerated*

**The Business Committee recommended the Standard procedure for BC499-04 and BC500-04 and recommended the Accelerated procedure for BC501-04 and BC502-04. The Deputy Presiding Officer subsequently determined that none of these Orders need be referred to Subject Committee.**

##### **BC499-04**

4.1 The Chair noted that the earliest date for the debate on the motion to delegate the functions of the Higher Education Act 2004 to the First Minister was 2 November, even though the Order had received Royal Assent on 1 July. Business Managers noted that this was a Commencement Order and said that though they did not wish to recommend that the draft Order be referred to the Education and Lifelong Learning Committee, it would be desirable for the Committee to consider the associated legislation. The Deputy Presiding Officer noted that this draft Order was a Commencement Order and therefore did not require a Regulatory Appraisal. However, there were also transitional provisions in the Order. He asked if, in future, a Regulatory Appraisal could be prepared for such Orders.

##### **BC500-04**

4.2 The Business Committee noted that the Cover Sheet said that this draft Order came under a new "Generally matching Whitehall but with some distinct Welsh provision" category. The Deputy Presiding Officer asked if a list of all the categories which were being used could be prepared and submitted to the Committee for consideration.

**Action: Marion Stapleton**

#### **BC501-04**

4.3 The Chair noted that there was no Welsh version of this draft Order. Alun Jenkins said that this Order would be made under Standing Order 25, Section 2 and was also considered to be Assembly General Subordinate Legislation. He said that in these circumstances there appeared to be a discrepancy between Section 66 (4) of the Government of Wales Act, which said that "*Assembly general subordinate legislation may be approved by the Assembly only if the draft is in both English and Welsh*" and Standing Order 25.16, which said that legislation made in accordance with Standing Order 25 should be translated into Welsh for Public Information purposes. The Deputy Presiding Officer said that, although Standing Order 25.16 did not require the Government to lay a Welsh and English version simultaneously, there was nothing to prohibit it from doing so. It was agreed that Alun Jenkins would arrange for lawyers from OCG and the APS to discuss how to resolve the apparent discrepancy between the Act and Standing Orders in respect of this draft Order. Jocelyn Davies asked if draft Orders which were being translated for public information purposes were subject to the same quality controls as those for which Welsh and English versions were prepared to be laid simultaneously Alun Jenkins confirmed that this was the case.

**Action: Alun Jenkins**

#### **(b) Standing Order 29 Subordinate Legislation**

#### **(c) Orders made under the Executive Procedure; Papers to note.**

#### **BC503-04**

4.4 The Committee noted the letter about the use of the Executive procedure to make the Food (Pistachios from Iran) (Emergency Control) (Wales) (No.2) (Amendment) Regulations 2004. The Deputy Presiding Officer noted that the Regulations would come into effect on 1 January 2005 and said that there was sufficient time for them to follow the normal procedures. Alun Jenkins said that the drafting of the Regulations was not due to be completed until mid-November. Marion Stapleton said that there had been issues with the EC Decision which had subsequently caused a delay in drafting the Regulations.

#### **(d) Papers for Information**

### **5. Committees**

### **6. Forthcoming Business**

#### **BC472-04**

6.1 The Business Minister responded to various requests from Business

Managers and said that:

- There was no intention to schedule a debate on Paediatric Neurological Services as the matter had been the topic of the short debate on 6 October.
- There was currently no intention to schedule a debate or statement on the Gambling Bill.
- There was no intention to schedule a debate on Post Office closures
- There was currently no intention to schedule a statement on the Local Government Settlement. The Minister for Finance, Local Government and Public Services had issued a written statement on this issue on 2<sup>nd</sup> November and a debate on the settlement would be scheduled later in the term.
- There was no intention to schedule a statement on out-of-hours GP services.

### This Week's Business

6.2 The Committee considered paper BC505-04, which detailed the Assembly's agreed business for the week.

6.3 The Chair referred to the motion to delegate functions of the Public Audit (Wales) Act 2004. Paul Silk said that the briefing note which had been sent to Members in support of the motion did not include all of the functions which were to be delegated. The Business Minister said that the intention was to withdraw the motion and to send an amended briefing note to Members shortly.

6.4 Jocelyn Davies asked if statements could be made on MRSA figures for hospitals in Wales; safety of level crossings following a recent rail crash and on the commemoration of war dead. Business Managers supported these requests.

6.5 David Melding asked if debates could be scheduled on affordable housing and on reconfigurations of the fire service in Wales.

6.6 Peter Black asked if debates could be scheduled on the impact of the recent civil service strike on public services in Wales; rising debt and GP out-of-hours services.

### Draft Business Statement

6.7 The Committee noted the Business Minister's proposed statement about the organisation of the Assembly's business for the weeks commencing 16<sup>th</sup> November, 23<sup>rd</sup> November and 30<sup>th</sup> November.

6.8 Jocelyn Davies referred to the debate on the motion of dissatisfaction with the Minister for Education and Lifelong Learning's intention to make the Education Maintenance Allowance - Wales scheme, which was scheduled to take place on 16<sup>th</sup> November and had been allocated 10 minutes. She said that this would not be a sufficient amount of time to debate the motion.

6.9 Jocelyn Davies noted that a debate on the Queen's speech was scheduled to take place on 1 December. It was agreed that a paper setting out a proposed format for the debate would be submitted to the Committee in its next meeting.

**Action: Chamber Secretariat**

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

### **BC509-04**

7.1 The Business Committee noted the example of a format for the briefing notes which were sent to Members in support of delegation motions. The Chair asked if examples of other formats could be included on the agenda for the Committee's meeting on 23 November.

**Action: Marion Stapleton**

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

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

### **BC507-04**

9.1 The Business Committee considered a paper on proposed amendments to Standing Order 31. Members of the Committee made some suggestions which would be incorporated in a revised paper to be submitted to the Committee in its next meeting.

**Action: Paul Silk**

## **10. Presiding Officer rulings**

10.1 The Business Committee noted the excerpt from the Record of Proceedings from 2 November about debates on delegation motions. The Chair said that this was an important issue and that Members had the right to refer to all aspects of the relevant Act.

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

11.1 The Business Committee noted the excerpt from the Report of the Select Committee on the Constitution entitled Parliament and the Legislative Process, which, looking at what lessons might be learned from the devolved bodies, recommended that consideration be given to the establishment of business committees at Westminster.

11.2 The Business Minister referred to the Plenary meeting of 2 November and said that a Member had experienced a problem with the voting system.

Members of the Committee asked if a form of words could be suggested if Members were in doubt that their vote had registered and had to notify the Presiding Officer.

**CHAMBER SECRETARIAT**