

**LEGISLATION COMMITTEE MEETING****MINUTES:**

**Date:** 27th February 2001  
**Time:** 9:30 a.m.  
**Venue:** Committee Room 1, National Assembly Building

**Attendance:**

Mick Bates (Chair)	(Liberal Democrat)
Rosemary Butler	(Labour)
Glyn Davies	(Conservative)
Ron Davies	(Labour)
Val Feld	(Labour)
Pauline Jarman	(Plaid Cymru)
Owen John Thomas	(Plaid Cymru)

**Officials**

John Turnbull	Legal Adviser
Huw Davies	Assistant Legal Adviser
Adrian Green	Committee Clerk
Julie Owen	Deputy Committee Clerk

**Apologies for absence:** John Griffiths and Dr Dai Lloyd

**Item 1: Minutes of the previous meeting and matters arising: LEG-04-2001(min)**

1.1 The Committee agreed the minutes of the meeting held on 13<sup>th</sup> February 2001.

**Item 2: Chair's Report**

2.1 The Chair reminded members that at the previous meeting they had discussed **The Fresh Meat (Beef controls) (No.2) (Amendment) (Wales) Regulations (LC149)**. The regulations imposed an additional control on animals in the Beef Assurance Scheme, animals of more than 30 months had to undergo an approved rapid test. During discussion the Committee had raised concerns about the means of storage for carcasses awaiting test results. The Legal Advisers had investigated the matter and advised that abattoirs have "detention rooms" or "detention rails" to store the carcasses of slaughtered animals that, for whatever reason, cannot be health marked or released for human consumption pending some question over the

status of the carcass.

2.2 The Chair informed members that the paper finalised at the previous meeting had been submitted to the Assembly Review of Procedure Group. The paper had been discussed at the Group's meeting on 14 February. They had agreed to look at the Committee's recommendations in detail once legal advice had been received from David Lambert (the Presiding Officer's Legal Adviser) and Winston Roddick, the Counsel General. Further consideration of the paper would take place on 7<sup>th</sup> March. Members would be kept informed of any developments.

### **Item 3: Assembly Orders for Consideration**

#### **LC168: The School Governors' Annual Reports (Wales) Regulations 2001**

3.1 Mr Turnbull presented his report to the Committee.

3.2 The Committee agreed that it did not need to invite the Assembly to pay special attention to the regulations on any grounds specified in Standing Order 11.5. The Legal Advisers had the opportunity to see an early draft of the Regulations and had identified a number of points that had been taken into account in the final draft. The version of the regulations sent to Committee members contained the Committee reference LC68 instead of LC168. As this number appeared only on copies sent to Committee members no action was considered necessary.

3.3 The Committee's report to the Assembly on the draft regulations is attached as LC168 (Report).

3.4 During discussion members raised concerns regarding a change from the existing regulations, as explained in the Explanatory Note - that governing bodies "need no longer include in their report information about school security". Although questions were raised on this issue no information was available as to the reason for this change, as this was clearly a policy matter and therefore outside the remit of the committee. It was however suggested by the Chair that the appropriate route for raising concerns on policy issues was by members in their own right when the regulations were scheduled for plenary.

#### **LC169: The Education (School Information) (Wales) (Amendment) Regulations 2001**

3.5 Mr Turnbull presented his report to the Committee.

3.6 The Committee agreed that it did not need to invite the Assembly to pay special attention to the regulations on any grounds specified in Standing Order 11.5 and there were no observations.

3.7 The Committee's report to the Assembly on the draft regulations is attached as LC169

(Report).

**LC170: The Community Charges, Council Tax and Non-Domestic Rating (Enforcement) (Magistrates' Courts) (Wales) Regulations 2001**

3.8 Mr Davies presented his report to the Committee.

3.9 The Committee agreed that it did not need to invite the Assembly to pay special attention to the regulations on any grounds specified in Standing Order 11.5 and there were no observations.

3.10 The Committee's report to the Assembly on the draft regulations is attached as LC170 (Report).

**LC171: The Plastics Materials and Articles in Contact with Food (Amendment) (Wales) Regulations 2001**

3.11 Mr Turnbull presented his report to the Committee.

3.12 Having considered the Legal Adviser's report, Members agreed that there was a matter to raise under Standing Order 11.5. However as the matter was a minor drafting error it was agreed that it should be amended under SO22.13 by a Memorandum of Corrections. The Committee's report would indicate that it was subject to this error being corrected in this way. There were also a number of general observations that the Committee felt should be recorded in their report.

3.13 The Committee's report to the Assembly on the draft regulations is attached as LC171 (Report).

**LC172: The National Health Service Trusts (Cardiff and Vale National Health Service Trust) (Originating Capital) (Wales) Order 2001**

3.14 Mr Davies presented his report to the Committee.

3.15 Having considered the Legal Adviser's report, Members agreed that there was a matter to raise under Standing Order 11.5. The Order had been laid without the "coming into force date" being inserted and the sum to which the order related had been omitted. It was agreed that as these were minor drafting errors that should be amended under SO22.13 by a Memorandum of Corrections. The Committee's report would indicate that it was subject to these errors being corrected in this way.

3.16 The Committee's report to the Assembly on the draft order is attached as LC171(Report).

**LC173: The Slaughter Premium (Wales) Regulations 2001**

3.17 Mr Davies presented his report to the Committee.

3.18 Having considered the Legal Adviser's report, Members agreed that there were matters to raise under Standing Order 11.5. However as these matters were minor drafting errors it was agreed that they should be amended under SO22.13 by a Memorandum of Corrections. The Committee's report would indicate that it was subject to these errors being corrected in this way. There were also a number of general observations that the Committee felt should be recorded in their report.

3.19 The Committee's report to the Assembly on the draft regulations is attached as LC173 (Report).

#### **LC174: The Restriction on Pithing (Wales) Regulations 2001**

3.20 Mr Turnbull presented his report to the Committee.

3.21 The Committee agreed that it did not need to invite the Assembly to pay special attention to the order on any grounds specified in Standing Order 11.5. However, the Committee did make a number of general observations which they felt should be recorded in their report.

3.22 The Committee's report to the Assembly on the regulations is attached as LC174Report).

#### **LC175: The Spreadable Fats (Marketing Standards) (Wales) Regulations 2001**

3.23 Mr Davies presented his report to the Committee.

3.24 Having considered the Legal Adviser's report, Members agreed that there was a matter to raise under Standing Order 11.5. A definition of "food authority" which had no relevance to Wales was included. However as this matter was a minor drafting error it was agreed that it should be amended under SO22.13 by a Memorandum of Corrections. The Committee's report would indicate that it was subject to this error being corrected in this way. There were also a number of general observations that the Committee felt should be recorded in their report.

3.25 The Committee's report to the Assembly on the draft regulations is attached as LC175 (Report).

3.26 In his report the Assistant Legal Adviser had pointed out that regulations to the same effect had been made in England in 1999. Members were concerned at the delay in making these regulations, which implemented EU regulations, in Wales. It was agreed that the Committee would write to the relevant Minister requesting the reason for the delay.

#### **LC176: The Coffee Extracts and Chicory Extracts (Wales) Regulations 2001**

3.27 Mr Davies presented his report to the Committee.

3.28 Having considered the Legal Adviser's report, Members agreed that there were matters to

raise under Standing Order 11.5. A definition of "food authority" which had no relevance to Wales was included and there was an inconsistency between the English and Welsh versions which prescribed the specific terminology for the marking and labelling of products. The English text prescribed English terminology and the Welsh text Welsh terminology. There was no provision to indicate whether bilingual marking/labelling is required or whether labelling in one language only is permissible. It was not considered that this could be regarded as a minor drafting error for the purposes of correction by Memorandum of Corrections.

3.29 Members agreed to invoke the procedure set out in Standing Order 11.4. This provides that before reporting to the Assembly that it should pay special attention to any legislation, the Chair must first notify the relevant Assembly Secretary of the Committee's intention to make such a report and give the Assembly Secretary an opportunity of responding either orally or in writing. **Action: Legal Adviser/Clerk.**

### **LC177: The Food Irradiation Provisions (Wales) Regulations 2001**

3.30 Mr Turnbull presented his report to the Committee.

3.31 Having considered the Legal Adviser's report, Members agreed that there were matters to raise under Standing Order 11.5. Similar regulations had been made in England and when considered by the Parliamentary Joint Committee on Statutory Instruments a number of points had been raised. As only one of these points had been taken into account in the Wales Regulations it was clear that these constituted defective drafting. However as these matters were minor drafting errors it was agreed that they should be amended under SO22.13 by a Memorandum of Corrections. The Committee's report would indicate that it was subject to these errors being corrected in this way. There were also a number of general observations that the Committee felt should be recorded in their report.

3.32 The Committee's report to the Assembly on the draft regulations is attached as LC177 (Report).

3.33 During discussion members raised questions on the implementation of the Regulations, they wished to know what checks were carried out to ensure that food that has been irradiated was not repackaged and labelled as not being irradiated. It was agreed that the Legal Adviser would report back on this matter. **Action: Clerk/Legal Adviser**

### **LC178: The Learning and Skills Act 2000 (Commencement No. 3 and Transitional Provisions) (Wales) Order 2001**

3.34 Mr Turnbull presented the report to the Committee.

3.35 Having considered the Legal Adviser's report, Members agreed that there were matters to raise under Standing Order 11.5. However as these matters were minor drafting errors it was agreed that they should be amended under SO22.13 by a Memorandum of Corrections. The

Committee's report would indicate that it was subject to these errors being corrected in this way. There were also a number of general observations that the Committee felt should be recorded in their report.

3.36 The Committee's report to the Assembly on the draft order is attached as LC178(Report).

#### **Item 4: Any Other Business and Date of next meeting**

4.1 The next meeting would be held on 6<sup>th</sup> March 2001.

#### **Reports Attached**

- LC168 (Report)
- LC169 (Report)
- LC170 (Report)
- LC171 (Report)
- LC172 (Report)
- LC173 (Report)
- LC174 (Report)
- LC175 (Report)
- LC177 (Report)
- LC178 (Report)
- LC149 (Paper to Note)