

LEGISLATION COMMITTEE MEETING

MINUTES (LEG(2)-20-2006):

Meeting Date: 27 June 2006

Meeting Time: 9:30 a.m.

Meeting Venue: Committee Room 1, Senedd

Assembly Members in Attendance:

Assembly Member	Constituency
Eleanor Burnham	North Wales
Rosemary Butler	Newport West
Christine Gwyther	Carmarthen West and South Pembrokeshire
Dai Lloyd	South Wales West
David Melding (Chair)	South Wales Central
Janet Ryder	North Wales
Brynle Williams	North Wales

Officials

Name	Job Title
Gwyn Griffiths	Legal Adviser
Joanest Jackson	Assistant Legal Adviser

Committee Service

Name	Job Title
Olga Lewis	Committee Clerk
Hasera Khan	Committee Deputy Clerk

Item 1: Apologies for absence: Janice Gregory, Jeff Cuthbert, Ann Jones

Item 2: Minutes of the Previous Meeting – LEG(2)-19-2006

2.1 The Committee agreed the minutes of the meeting held on 20 June 2006.

Item 3: Chair's Report

3.1. As there were no items to report the Chair moved directly to discussing legislation.

Item 4: Assembly Orders for Consideration

4.1 LC1308 – The Planning (National Security Directions and Appointed Representatives) (Wales) Regulations 2006

Mr Griffiths presented the report to the Committee. It was noted that there were several minor points reported under Standing Order 11 in respect of these Regulations, but as this Statutory Instrument had been made under the Executive Procedure there was no way to correct them apart from when amending legislation was made. It was noted that it was difficult for the Committee to check when the relevant corrections were made. It was suggested that post-2007 the National Assembly for Wales might want to adopt an approach similar to that of Westminster: they keep a record of all corrections to be made and check their implementation annually before writing to relevant Ministers.

4.2 It was also queried why it was necessary to make these Regulations under the Executive procedure. The Legal Adviser explained that this Statutory Instrument had to be made by the date the related primary legislation came into force. However, the question remained why the drafting of this SI had not been started earlier to make it possible for it to follow the standard procedure.

4.3 It was also noted that the primary legislation to which these Regulations related gave powers to the Assembly's Counsel General. As there was currently no Counsel General, it was queried whether these Regulations would be valid. The Legal Adviser explained that they would, but that the relevant powers could not be exercised until there was a Counsel General. The Members agreed that the report should be made in the form of the draft presented to the Committee by the Legal Advisers.

4.4 LC1310 - The Town and Country Planning (Miscellaneous Amendments and Modifications relating to Crown Land) (Wales) Order 2006

Mr Griffiths presented the report to the Committee. It was noted that this Order applied to the National Assembly as currently constituted, and would continue to apply to the Welsh Assembly Government.

4.5 It was noted that currently the National Assembly was a Crown Body and post 2007 the Welsh Assembly Government would be a Crown Body. The Legal Adviser explained that the post-separation Assembly could be designated a Crown body for certain purposes. That would be done by an order made by the Secretary of State. The matter was currently being considered by the Assembly Parliamentary Service and in due course would be considered by the Shadow Assembly Commission. The Members agreed that the report should be made in the form of the draft presented to the Committee by the Legal Advisers.

4.6 LC1329 – The Assembly Learning Grants (European Institutions) (Wales) Regulations 2006

Ms Jackson presented report to the Committee. It was queried why these Regulations provided for support for students taking designated higher education courses at only three specified institutions. The Assistant Legal Adviser promised to find out. Action: Assistant Legal Adviser/Clerk. The Members agreed that the report should be made in the form of the draft presented to the Committee by the Legal Advisers.

4.7 LC1331 - The Road Traffic (Permitted Parking Area and Special Parking Area)(County Borough of Conwy) Order 2006

It was noted that this Order designated Conwy as both a permitted parking area and a special parking area and it was consequently queried if Denbighshire was also designated as a permitted/special parking area. The Legal Adviser explained that it was a matter for local authorities to make an application; Conwy local authorities made one but he had no information regarding Denbighshire. The Clerk promised to find out. Action: Clerk

The Members agreed that the report should be made in the form of the draft presented to the Committee by the Legal Advisers.

4.8 In relation to the following Statutory Instruments Members agreed that the reports should be made in the form of the drafts presented to the Committee by the Legal Advisers:

LC1309 – The Planning (Listed Buildings, Conservation Areas and Hazardous Substances) (Amendments relating to Crown Land) (Wales) Regulations 2006

LC1323 – The Home Loss Payments (Prescribed Amounts) (Wales) Regulations 2006

LC1324 – The National Health Service (Optical Charges and Payments) (Amendment) (Wales) Regulations 2006

LC1325 – The National Health Service (Charges for Drugs and Appliances) (Wales) (Amendment) (No.2) Regulations 2006

LC1326 – The Local Health Boards (Establishment) (Wales) (Amendment) Order 2006

LC1328 – The Education (Fees and Awards) (Amendment) (Wales) Regulations 2006

Item 5: Standing Order 29 Legislation

5.1 LC1333 - Criteria for Initial Teacher Training Accreditation by the Higher Education Funding Council for Wales 2006

The Assistant Legal Adviser informed the Members that she would like to change her report to allow for a minor drafting error to be corrected by Memorandum of Correction. The Members agreed that with this correction the report should be made in the form of the draft presented to the Committee by the Legal Advisers. Action: Assistant Legal Adviser/Clerk

5.2 In relation to the following legislation Members agreed that the reports should be made in the form of the drafts presented to the Committee by the Legal Advisers:

LC1327 – Directions to Caerphilly Local Health Board and Rhondda Cynon Taff Local Health Board 2006

LC1332 - Qualified Teacher Status Standards 2006

Actions

4.6 The Assistant Legal Adviser was asked to clarify why LC1329 – The Assembly Learning Grants (European Institutions) (Wales) Regulations 2006 related to certain specified institutions.

4.7 The Clerk was asked to find out if Denbighshire, like Conwy, had been designated as both a permitted parking area and a special parking area.

5.1 The Assistant Legal Adviser was to change her report on LC1333 – "Criteria for Initial Teacher Training Accreditation by the Higher Education Funding Council for Wales 2006"

to allow for a minor drafting error to be corrected by Memorandum of Correction.

Item 6: Any Other Business and Date of Next Meeting

6.1 The next meeting of the Committee would be held on 4 July 2006.