

LEGISLATION COMMITTEE MEETING

MINUTES (LEG(2)-22-2006):

Meeting Date: 11 July 2006

Meeting Time: 9:30 a.m.

Meeting Venue: Committee Room 2, Senedd

Assembly Members in Attendance:

Assembly Member	Constituency
Eleanor Burnham	North Wales
Rosemary Butler	Newport West
Jeff Cuthbert	Caerphilly
Janice Gregory	Ogmore
Christine Gwyther	Carmarthen West and South Pembrokeshire
Ann Jones	Vale of Clwyd
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: None received

Item 2: Minutes of the Previous Meeting – LEG(2)-21-2006

2.1 The Committee agreed the minutes of the meeting held on 4 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 LC1339 - The Common Agricultural Policy (Wine) (Wales) (Amendment) Regulations 2006

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

Item 5: Standing Order 29 Legislation

5.1 LC1340 - The Assembly Learning Grant (Further Education) Scheme 2006

LC1341 – The Assembly Learning Grant (Higher Education) Scheme 2006

LC1342 - Education Maintenance Allowance Scheme 2006

Ms Jackson presented the reports to the Committee. The Members agreed that the reports should be made in the form of the drafts presented to the Committee by the Legal Advisers.

Item 6: Committee Correspondence

6.1 The Chair stated that the Legislation Committee had already considered the implications of the Legislative and Regulatory Reform Bill and were aware that following the Government of Wales Bill it was intended that Welsh Ministers (and not the National Assembly) would be required to consent to Orders which affect their functions (Clause 12 (formerly 9) of the LRR Bill) and would be consulted on proposals relating to their functions (now in Clause 14(1)(c)). He went on to say that the

Business Committee Members believed that post-2007 these functions should stay with the National Assembly and had asked the Legislation Committee its opinion.

6.2 The Chair invited the Legal Adviser to comment. The Legal Adviser informed the Members that it was not necessary to change either Bill in order for the National Assembly to consent and to be consulted. He stated that this could be achieved through Orders in Council or consequential amendment orders.

6.3 The Chair expressed an opinion that on this occasion the Government simply wanted to streamline legislation, but it was still a matter of principle, especially if only a limited amount of work was anticipated. He then asked the Members where, in their opinion, these powers should be post-2007 and what the practical implications would be if they stayed with the National Assembly.

6.4 The Legal Adviser commented that it would not greatly increase the workload as it was unlikely that there would be more than one or two such Orders a year.

6.5 There was a question regarding as to what the timescale was for the progress of the Legislative and Regulatory Reform Bill through Parliament. The Legal Adviser replied that both Bills were far advanced and should receive the Royal Consent before the end of the Parliamentary year.

6.6 In discussion, the following points were raised:

It was pointed out that although the principle was important, the Members would need reassurance that even a few Orders would not generate huge amount of work. The Legal Adviser explained that currently the National Assembly has to consent occasionally to secondary legislation made by the Secretary of State and that did not generate much work;

There should be a mechanism to transfer this function if the powers were left with the National Assembly and the task proved to be too onerous;

Democracy required that the powers should be with the National Assembly rather than with Ministers;

It was queried whether the National Assembly would cope if those one or two Orders proved to be very complex. The Legal Adviser explained that, firstly, the power to consent would lie with the National Assembly, while the power to negotiate (which required most of the work) would be still with the Ministers and, secondly, in terms of time consenting would take hours rather than weeks.

6.7 It was decided that the National Assembly functions to consent and be consulted should remain with the Assembly rather than be transferred to Ministers. The Chair was asked to write to the Chair of the Business Committee to inform her of the opinion of the Members of the Legislation

Committee. Action: Chair/ Legal Advisers/Clerk

6.8 The Chair stated that, having received the Committee's Review Report, the First Minister sent his response, which had been circulated to Members. He drew the Members' attention to one point in the First Minister's reply: The First Minister stated that the Assembly's Publications Centre maintained an archive of hard copies of publications produced by the Assembly, including hard copies of material published only in electronic format, whereas the evidence that The Legislation Committee received during the Review pointed to the opposite. The Legal Adviser clarified that only the final copies were kept, whereas the witnesses recommended that all documents such as original drafts and amendments considered by the Assembly needed to be kept on paper, as this would enable the whole process to be traced. Electronic records could be easily changed, deleted or lost.

6.9 The Chair suggested writing to the First Minister to clarify this point. The Members agreed with this suggestion. Action: Chair/Legal Advisers/Clerk

Actions

6.7 The Chair was asked to write to the Chair of the Business Committee to inform her that the Legislation Committee considered that the National Assembly rather than Welsh Ministers should consent to Orders and be consulted. Action: Chair/ Legal Advisers/Clerk

6.9 The Chair was asked to write to the First Minister to clarify the position with records kept on paper. Action: Chair/Legal Advisers/Clerk

Item 7: Any Other Business and Date of Next Meeting

7.1 The Chair reminded the Members that he was giving evidence to the Committee on Standing Orders on Monday, the 17th of July at 11am in Committee Room 3 and that Members should inform the Clerk if they wished to accompany him.

7.2 The next meeting of the Committee would be held on 19 September 2006.