

LEGISLATION COMMITTEE MEETING

MINUTES (LEG(2)-32-2006):

Meeting Date: 28 November 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
Jeff Cuthbert	Caerphilly
Dai Lloyd	South Wales West
David Melding (Chair)	South Wales Central
Janet Ryder	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: Brynle Williams, Janice Gregory, Christine

Item 2: Minutes of the Previous Meeting – LEG(2)-31-2006

2.1 The Committee agreed the minutes of the meeting held on 21 November 2006.

Item 3: Chair's Report

3.1. The Chair noted that the Member of the Legislation Committee Janice Gregory was unwell. The Committee sent her their best wishes.

Item 4: Assembly Orders for Consideration

4.1 LC1394 - The Avian Influenza (Preventive Measures) (Wales) Regulations 2006

Mr Griffiths presented the reports to the Committee. It was brought to the Committee's attention that these regulations were made using a partial Executive procedure, having being approved by Plenary without having been referred to the Legislation Committee first. As a result there was no opportunity for the use of a Memorandum of Corrections. So there are minor errors referred to in the report.

Members asked for clarification on the partial Executive procedure. The Legal Advisor explained that under Standing Orders legislation made using the full executive procedure doesn't go to Business Committee, Legislation Committee or to Plenary. However, to allow Members to consider urgent legislation, it is sometimes taken directly to plenary without prior committee consideration, thus disapplying only parts of the standard legislative procedure. This may well happen in March as time runs out before the Easter recess and the subsequent elections.

The Legal Adviser explained that the first reporting point identified in the draft report had not in fact been an error when the Regulations were made, but was now incorrect due to subsequent legislation. The Members agreed that the report should be amended to refer to it in an observation as a matter requiring future amendment rather than as an error in these Regulations, and that the report should otherwise be made in the form of the draft presented to the Committee by the Legal Advisers.

4.2 LC1402 – The Avian Influenza (Vaccination) (Wales) (No.2) Regulations 2006

The Legal Adviser referred to the minor typographical error referred to in the draft report, and said that he had received representations from the Government's lawyers that this was sufficiently minor to be corrected on publication, particularly as the English text was correct and that the same reference was correctly made in both languages in an earlier paragraph. The Committee agreed, and this matter can therefore be dealt with by an observation rather than a formal reporting point under Standing Order 11.7. The Committee agreed that the report should otherwise be made in the form of the draft presented to the Committee by the Legal Advisers.

4.3 LC1405 – The Meat (Official Controls Charges) (Wales) Regulations 2006

Ms Jackson presented this report to the Committee. She brought to the Members attention the 3rd paragraph under Standing Order 11.7. She had revisited the Welsh text and was now satisfied so that it could be deleted from the report. The Members agreed and that the report should otherwise be made in the form of the draft presented to the Committee by the Legal Advisers

4.4 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:

LC1403 - The Avian Influenza and Influenza of Avian Origin in Mammals (Wales)

(No 2) Order 2006

LC1406 - The Care Standards Act 2000 and the Children Act 1989 (Regulatory Reform and Complaints) (Wales) Regulations 2006

LC1407 - The Countryside and Rights of Way Act 2000 (Commencement No.9 and Saving) (Wales) Order 2006

Actions

There were no action points.

Item 5: Any Other Business and Date of Next Meeting

5.1 The Chair announced that the Annual Report was now available in hard copy. It was a well produced document, and for those who are interested in the Legislative work of the National Assembly it provides a helpful account of the year's activities.

5.2 The next meeting of the Committee would be held on 5 December 2006.