

LEGISLATION COMMITTEE MEETING**MINUTES:**

Date: 23 October 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)
John Griffiths	(Labour)
Owen John Thomas	(Plaid Cymru)

Officials

John Turnbull	Legal Adviser
D Huw Davies	Assistant Legal Adviser
Olga Lewis	Committee Clerk
Julie Owen	Deputy Committee Clerk

Apologies for absence: Pauline Jarman, Dai Lloyd

Item 1: Minutes of the previous meeting and matters arising: LEG-21-2001(min)

1.1 The Committee agreed the minutes of the meeting held on date 16 October 2001.

Item 2: Chair's Report

2.1 The Chair reminded members that on Thursday 25th October a delegation from the Flemish Parliament would be visiting the Assembly to discuss the work of the Committee. The Chair invited

members to attend.

2.2 The Chair reminded members that a report of his attendance at an International Conference on Regulation Reform, Management and Scrutiny of Legislation hosted by the New South Wales Parliament had been copied to members. It was proposed that he deliver a verbal report on the Conference at the next meeting. This was agreed.

Item 3: Assembly Orders for Consideration

LC320: The BSE Monitoring (Wales) Regulations 2001

3.1 Mr Davies presented his report to the Committee. The Regulations had been made under the Executive Procedure.

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. However, the Committee did make some general observations which they felt should be recorded in their report.

3.3 The Committee's report to the Assembly on the Regulations is attached as LC320 (Report).

LC321: The Import and Export Restrictions (Foot-And-Mouth Disease) (Wales) (No. 9) Regulations 2001

3.4 Mr Davies presented his report to the Committee. The Regulations had been made under the Executive Procedure.

3.5 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. However, the Committee did make one observation which they felt should be recorded in their report.

3.6 The Committee's report to the Assembly on the Regulations is attached as LC321 (Report).

LC322: The Agricultural Processing and Marketing Grant (Wales) Regulations 2001

3.7 Mr Davies presented his report to the Committee. The Regulations had been made under the Executive Procedure.

3.8 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. However, the Committee did make a number of general observations which they felt should be recorded in their report.

3.9 The Committee's report to the Assembly on the Regulations is attached as LC322 (Report).

LC326: The Import and Export Restrictions (Foot-and-Mouth Disease) (Wales) (No.9) (Amendment) Regulations 2001

3.10 Mr Davies presented his report to the Committee. The Regulations had been made under the Executive Procedure.

3.11 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. However, the Committee did make one general observation which they felt should be recorded in their report.

3.12 The Committee's report to the Assembly on the Regulations is attached as LC326 (Report).

LC338: The Foot-and-Mouth Disease (Amendment) (Wales) (No. 11) Order 2001

3.13 Mr Turnbull presented his report to the Committee. The Order had been made under the Executive Procedure.

3.14 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.

3.15 The Committee's report to the Assembly on the Order is attached as LC338 (Report).

LC341: The National Health Service (Travelling Expenses and Remission of Charges) (Amendment)(No.2)(Wales) Regulations 2001

3.16 Mr Turnbull presented his report to the Committee. The Regulations had been made under the Executive Procedure.

3.17 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. However, the Committee did observe that due to different amendments having been made for England and Wales the 1988 Regulations had become extremely complicated. The Committee suggested that consideration be given to the making of a consolidated re-enactment of the 1988 Regulations for Wales. It was agreed that the Committee should write to the appropriate minister regarding this point. **ACTION: Clerk/Legal Advisers.**

3.18 The Committee's report to the Assembly on the Regulations is attached as LC341 (Report).

LC342: The Import and Export Restrictions (Foot-and-Mouth Disease) (Wales) (No. 9) (Amendment) (No. 2) Regulations 2001

3.19 Mr Turnbull presented his report to the Committee. The Regulations had been made under the Executive Procedure.

3.20 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. However, the Committee did make one general observation which they felt should be recorded in their report.

3.21 The Committee's report to the Assembly on the Regulations is attached as LC342 (Report).

Item 4. The Mechanics of Drafting Urgent Foot and Mouth Disease Statutory Instruments - Presentation by Mr Gwyn Griffiths, Office of the Counsel General

4.1 The Chair welcomed Mr Gwyn Griffiths who leads a team of lawyers dealing with matters relating to Agriculture and Fisheries. Mr Griffiths had been a member of the Welsh Language Board and often advised on Welsh language issues.

4.2 Mr Griffiths explained that there were two processes under which legislation was made during the Foot-and-Mouth crisis. The first, under Section 2(2) of the European Communities Act 1972 enabled the Assembly to act alone. The other, under the Animal Health Act 1981 required the Assembly to act jointly with the Department for Environment, Food and Rural Affairs (DEFRA).

4.3 Mr Griffiths explained that new Regulations had been made the previous day using the first method and talked through the various stages from first receiving notice of the Commission requirement to make new legislation to the actual signing of the Regulation. He explained how the first draft of the English Regulations had been sent from DEFRA. This was checked to ascertain how the new Legislation was being implemented in England and the Wales legislation was drafted accordingly. Meanwhile, the Minister was briefed on the need to make such legislation and permission was sought to make the Regulation under the executive procedure; for it to be made in English only and to forgo the need for a regulatory appraisal. The draft Regulation was then sent to the policy division and the Minister to ensure that both were content. The Regulation was signed late that evening. It was explained that had a translation been required the Regulation could not have been signed for another three days. Every effort is made to sign Wales regulations as near as possible to the England ones in order that there is as little confusion as possible.

4.4 The second process follows the same procedures but instead of the need for an Assembly signature alone, there is also a need for a signatory from DEFRA, which can prove problematic.

4.5 Translations of legislation were, prepared subsequently. But as much of the Foot-and-Mouth legislation was in place for such a short time that this was not thought to be a priority.

4.6 Members raised a number of points, such as the time that Ministers have to consider the political implications of legislation made in such a way and the means of prioritising translation resources. Mr Griffiths explained that Ministers are briefed on the consequences of legislation and that translation of legislation was regarded a specialised area, consistency is an important consideration and that translators are therefore rarely moved around.

4.7 The Chair thanked Mr Griffiths for his very informative talk and expressed the Committees understanding and gratitude for the work that his Department did under such restraints.

Item 5: Any Other Business and Date of next meeting

5.1 The next meeting would be held on 30 October 2001.