

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

**Date:** 11<sup>th</sup> July 2000  
**Time:** 10.30 am  
**Venue:** Committee Room 1, National Assembly Building

**Attendance**

Michael German, Chair	(Liberal Democrat)
Dai Lloyd	(Plaid Cymru)
Lynne Neagle	(Labour)
Owen John Thomas	(Plaid Cymru)
John Marek	(Labour)
Karen Sinclair	(Labour)

**Officials**

John Turnbull	Legal Adviser
Dylan Hughes	Assistant Legal Adviser
Adrian Green	Committee Clerk
Julie Owen	Deputy Clerk

**Speaker**

Elisabeth Jones	Office of the Counsel General
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**Apologies for absence:**

Jocelyn Davies and Huw Lewis.

**Item 1: Minutes of the previous meeting and matters arising: LEG-18-2000 (min)**

1.1 The Committee agreed the minutes of the meeting held on 4 July 2000.

**Item 2: Chair's Report**

2.1 The Chair reminded members that when they had considered "The Non Domestic Rating (Chargeable Amounts) (Amendment) (Wales) Regulations (LC115)" at the previous meeting it had been noted that earlier amending regulations which had been considered at the meeting on 28<sup>th</sup> March, had not yet been published. It was agreed that the Chair would write separately to the Presiding Officer and the First Secretary expressing the Committee's concerns that the

Assembly was not fulfilling its statutory obligations to publish legislation. Copies of the letters had been circulated to members.

2.2 The Chair reminded members that the New South Wales Regulation Review Committee would be visiting the Assembly on Thursday 13<sup>th</sup> July and urged members to attend either the briefing session or the lunch. He expressed his thanks to the Law Society for hosting the lunch at the St David's Hotel.

2.3 The Chair stated that those members who were accompanying him to the Scottish Parliament on 5<sup>th</sup> September for a return visit to the Subordinate Legislation Committee would receive their tickets on Thursday (13<sup>th</sup> July).

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

#### **LC96: The Disabled Persons (Badges for Motor Vehicles) (Wales) Regulations 2000**

3.1 Mr Hughes presented his report to the Committee. The Regulations had been made under the urgency procedure. However he reminded the Committee that an earlier version of the Regulations had been discussed at a Committee meeting on 6 June.

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 these Regulations is attached as LC96 (Report).

#### **LC97: The Local Authorities' Traffic Orders (Exemptions for Disabled Persons) (Wales) Regulations 2000**

3.4 Mr Hughes presented his report to the Committee. The Regulations had been made under the urgency procedure. Again he reminded the Committee that an earlier version of the Regulations had been discussed at a Committee meeting on 6 June.

3.5 Having considered the Legal Adviser's report, members agreed that there was a matter for raising under Standing Order 11.5. The Regulations had been signed the same day that they came into force. This means that technically they were retrospective. 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 proposed 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.

### **Item 4 - Presentation on the Convention on Human Rights and the Human Rights Act 1998.**

4.1 Elisabeth Jones from the Office of the Counsel General, formerly a lawyer at the European Court of Human Rights, gave a presentation on the Human Rights Act 1998 with special reference to its effects on the National Assembly. Copies of the slides used together with a copy of the Guidance document recently issued by the Assembly are attached.

4.2 Copies of the slides used are attached The Chair pointed out that the National Assembly for Wales was not referred to in paragraph (h) of the definition of "subordinate legislation" in section 21(1) of the Human Rights Act. It was explained that this is because that paragraph only applies to instruments under which prerogative functions are exercised by or on behalf of the Queen. The Assembly does not have such functions. However, the omission of any reference to the Assembly from section 5(2) (right of intervention in legal proceedings) had been identified during the enactment of the Human Rights Bill but the Home Office had been reluctant to put down an amendment to the Bill. Proposals were now in hand for the powers to be conferred on the Assembly by a transfer of functions order.

### **Item 5 - Any Other Business and Date of next meeting**

5.1 The next meeting would be held on 12<sup>th</sup> September 2000. It is thought that some of the orders to be discussed at that meeting will have been made under the urgency procedure during the summer..

### **Associated Papers**

- LC96 (Report)