

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

**Date:** 22 January 2002  
**Time:** 9:30 a.m.  
**Venue:** Committee Room 1, National Assembly Building

**Attendance:**

|                    |                    |
|--------------------|--------------------|
| Mick Bates (Chair) | (Liberal Democrat) |
| Glyn Davies        | (Conservative)     |
| Ron Davies         | (Labour)           |
| Brian Gibbons      | (Labour)           |
| Pauline Jarman     | (Plaid Cymru)      |
| Peter Law          | (Labour)           |
| Dr Dai Lloyd       | (Plaid Cymru)      |
| Alun Pugh          | (Labour)           |
| Owen John Thomas   | (Plaid Cymru)      |

**Officials**

|               |                         |
|---------------|-------------------------|
| John Turnbull | Legal Adviser           |
| D Huw Davies  | Assistant Legal Adviser |
| Olga Lewis    | Committee Clerk         |
| Simon Thwaite | Deputy Committee Clerk  |

**Apologies for absence:** None

**Item 1: Minutes of the previous meeting and matters arising: LEG-02-2002(min)**

1.1 The Committee agreed the minutes of the meeting held on 15 January 2002.

**Item 2: Chair's Report**

2.1 The Chair reminded members to inform the Committee Clerk if they, or their researchers, would be attending the lunchtime seminar on the drafting and processing of legislation which would be held on 27<sup>th</sup> February.

**Item 3: Assembly Orders for Consideration****LC391: The BSE Monitoring (Wales) (Amendment) Regulations 2001**

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

3.2 Having considered the Legal Adviser's report, Members concluded that there were matters to raise under Standing Order 11.5.

- **Regulation 2(3)**

It is queried why the words "in which they appear" are included given that, as defined, there is only one "Commission Regulation".

- **Regulation 2(4)(c)**

It is queried why the substituted wording requires notification within 24 hours of death or examination/inspection. Given that the definition of "notifiable bovine animal" only covers an animal which has died, examination/inspection will always be of a dead animal. It thus appears that the requirement should be simply to notify within 24 hours of the examination/inspection.

3.3 Members also concluded that general observations should be made in relation to the following two points.

- **Regulation 3(1)**

It would have been helpful to the user to identify the regulation in which the definition is to be found.

- **Regulation 3(2)**

It would have been helpful to the user to identify the regulation in which the definition is to be found.

- **Title**

The title as printed at the head of page 3 gives the year as 2002 rather than 2001.

3.4 The Committee therefore 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 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. **Action: Legal Adviser/Clerk.**

3.5 The Committee's preliminary draft report on the Regulations is available as LC391 (Draft Report).

3.6 During discussion members raised the issue as to whether in regulation 2 (4) (c) the definition of "other person" in the phrase "Any veterinary surgeon or other person, who in the course of his or her duties examines or inspects any notifiable bovine animal" was clear enough. A discussion by the committee members ensued. The Legal Advisor reported he was satisfied that the wording was clear in that the examination or inspection had to form part of the formal duties of the person in question. It was, however, felt that as a matter of information members would like to know what persons could constitute an "other person" for the purposes of the provision in question.

### **LC392: The Preserved Rights (Transfer of Responsibilities to Local Authorities) (Wales) Regulations 2001.**

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

3.8 Having considered the Legal Adviser's report, Members concluded that there were matters to raise under Standing Order 11.5.

- **Regulation 1(2)(a)** There appeared to be a drafting defect as the term 'The Act' did not appear to be used in the regulations.
- **Preamble** No reference was made either in the preamble or in footnote (a) to section 66.

3.9 The Committee therefore 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 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. **Action: Legal Adviser/Clerk.**

3.10 The Committee's preliminary draft report on the Regulations is available as LC392 (Draft Report).

**LC399: The Miscellaneous Food Additives (Amendment) (Wales) Regulations 2002**

3.11 Mr Davies presented the report to the Committee. The Regulations will be made under the Accelerated Procedure.

3.12 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 note that some minor typographical points had been drawn to the attention of the drafting lawyer.

3.13 The Committee's report to the Assembly on the Regulations is available as LC399 (Report).

**LC401: The Education Development Plans (Wales) Regulations 2002.**

3.14 Mr Davies presented the report to the Committee. The Regulations will be made under the Standard Procedure.

3.15 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. The Legal Advisors had the opportunity to see an early draft and identified a number of points which had been taken into account in the final draft. However, the Committee did identify a number of typographical points which would need to be corrected before the regulations were made.

3.16 The Committee's report to the Assembly on the Regulations is available as LC401 (Report).

**Item 4. Any Other Business and Date of next meeting**

4.1 The next meeting would be held on 29 January 2002.