

LEGISLATION COMMITTEE MEETING**MINUTES:****Date:** 28 May 2002**Time:** 9:30 a.m.**Venue:** Committee Room 1, National Assembly Building**Attendance:**

Mick Bates (Chair)	(Liberal Democrat)
Lorraine Barrett	(Labour)
Glyn Davies	(Conservative)
Ron Davies	(Labour)
Delyth Evans	(Labour)
John Griffiths	(Labour)
Pauline Jarman	(Plaid Cymru)
Dr Dai Lloyd	(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-13-2002(min)**

1.1 The Committee agreed the minutes of the meeting held on 21 May 2002.

Item 2: Chair's Report

2.1 The Chair reminded Members that on the 5 March 2002 a delegation from the Standing Committee on the Ontario Legislative Assembly visited the Committee. The Chair further informed Members that the Committee had now received a letter from the Chairman of the visiting Committee Ms MARGARET MARLAND thanking the members and officials of the Legislation Committee for arranging a discussion with them.

Item 3: Assembly Orders for Consideration**LC482 - The Education (School Day and School Year) (Amendment) (No. 2) (Wales) Regulations 2002**

3.1 Mr Davies presented the report to the Committee. The Regulations will be made under the Accelerated 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 nor did they have any general observations.

3.3 The Committee's report to the Assembly on the Regulations is attached as LC482 (Report).

LC491 - The Town and Country Planning (Fees for Applications and Deemed Applications) (Amendment) (Wales) Regulations 2002

3.4 Mr Turnbull presented the report to the Committee. The Regulations will be made under the Standard 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. The Legal Advisers had the opportunity to see an early draft and identified a number of points which had been taken into account in the final draft.

3.6 The Committee's report to the Assembly on the Regulations is attached as LC491 (Report).

LC492 - The Town and Country Planning (General Development Procedure) (Amendment) (Wales) Order 2002

3.7 Mr Turnbull presented the report to the Committee. The Order will be made under the Standard Procedure.

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

- As there appeared to be doubt with regard to the intended effect of the guidelines and that the Minister had failed to specifically address this issue, the Committee agreed to write a letter seeking clarity. **Action: Legal Adviser/Clerk.**
- Section 59(2)(b) needed further explanation. Accordingly the Committee invited the Assembly to pay special attention to Section 59(2)(b).
- Section 62 needed further explanation. It is queried whether the Assembly has the powers to enact this proposal. Accordingly the Committee invited the Assembly to pay special attention to Section 62.
- Section 65(3) contained a drafting defect which could be corrected in the printed version. Accordingly the Committee invited the Assembly to pay special attention to Section 65(3).
- Section 74(1) needed further explanation. Accordingly the Committee invited the Assembly to pay special attention to Section 74(1).

3.9 The Committee therefore invoked 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 Minister of the Committee's intention to make such a report and give the Assembly Minister an opportunity of responding either orally or in writing.

LC493 - The Town and Country Planning (General Permitted Development) (Amendment) (Wales) Order 2002

3.10 Mr Turnbull presented the report to the Committee. The Order will be made under the Standard Procedure.

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

- A.3(4)(b) needed further explanation. Accordingly the Committee invited the Assembly to pay special attention to A.3(4)(b).
- A.2(4) needed further explanation. Accordingly the Committee invited the Assembly to pay special attention to A.2(4).

3.12 The Committee's report to the Assembly on the Order is attached as LC493 (Report).

LC486 - The Plant Health (*Phytophthora ramorum*) (Wales) Order 2002

3.13 Mr Davies presented the 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 nor did they have any general observations.

3.15 The Committee's report to the Assembly on the Order is attached as LC486 (Report).

LC487 - The Animal Gatherings (Interim Measures) (Wales) (Amendment) Order 2002

3.16 Mr Davies presented the report to the Committee. The Order had been made under the Executive Procedure.

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

- Article 2(1)(b) appears to be defective in that the definition of "equipment" should have been an inserted amendment in the principal Order.

3.18 The Committee invites the Assembly to pay special attention so that the necessary correction can be effected in the published version of the Order.

3.19 The Committee's report to the Assembly on the Order is attached as LC487 (Report).

LC488 - The Disease Control (Interim Measures) (Wales) (Amendment No. 2) Order 2002

3.20 Mr Davies presented the report to the Committee. The Order had been made under the Executive Procedure.

3.21 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 nor did they have any general observations.

3.22 The Committee's report to the Assembly on the Order is attached as LC488 (Report).

LC489 - The Sheep and Goats Identification and Movement (Interim Measures) (Wales) Order 2002

3.23 Mr Davies presented the report to the Committee. The Order had been made under the Executive Procedure.

3.24 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.

3.25 The Committee's report to the Assembly on the Regulations is attached as LC489 (Report).

LC490 - The Sheep and Goat Identification and Movement (Interim Measures) (Revocation) (Wales) Regulations 2002

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

3.27 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 general observation which they felt should be recorded in their report.

3.28 The Committee's report to the Assembly on the Regulations is attached as LC490 (Report).

Item 4: Committee Correspondence

Letter from Jane Hutt AM, Minister for Health and Social Services, dated 8 May 2002 LC466 - The National Health Service (General Medical Services) (Amendment) (Wales) Regulations 2002

4.1 The Chair stated that he had received a response to the letter of 9 May 2002 to Jane Hutt AM, Minister for Health and Social Services on **The National Health Service (General Medical Services) (Amendment) (Wales) Regulations 2002**. The Committee had considered the Regulations to be reportable under Standing Order 11.5 as

- The term "area" needed further explanation. Accordingly, the Committee invited the Assembly to pay special attention to this.
- Regulation 19(3) contained a drafting defect. Accordingly the Committee invited the Assembly to pay special attention to Regulation 19(3).
- Regulation 27(3)(b) contained a drafting defect which could be corrected when the Regulations are next amended. Accordingly the Committee invited the Assembly to pay special attention to Regulation 27(3)(b).
- Regulation 31 needed further explanation. This has been received from the Minister. Accordingly, it is accepted that no reporting point arises in relation to regulation 31.

4.2 The Committee did make 2 general observations which they felt should be recorded in the report.

Item 5: Any Other Business and Date of Next Meeting

5.1 The Chair reminded the Committee about the discussion with the representatives of Theatr Fforwm Cymru that was held at the Committee meeting 21.05.02. The Chair informed the members about the Theatr Fforwm Cymru's proposal that a group of AMs would be invited to participate in the AGORA project that was to be conducted over three days from 26th to 28th June 2002.

5.2 Lorraine Barrett informed the Committee that the Labour membership was likely to change and that new members would be attending the next meeting instead of herself, Delyth Evans and John Griffiths.

5.2 The next meeting would be held on 11 June 2002.