

Legislation Committee Meeting

Minutes:

Date: 25 March 2003

Time: 9:30 a.m.

Venue: Committee Room 1, National Assembly Building

Attendance:

Rosemary Butler (Labour)

Pauline Jarman (Plaid Cymru)

Owen John Thomas (Plaid Cymru)

Officials

John Turnbull Legal Adviser

Huw Rowlands Legal Adviser

Olga Lewis Committee Clerk

Simon Thwaite Deputy Committee Clerk

Apologies for absence: Mick Bates, Ron Davies, Dr Dai Lloyd, Tom Middlehurst and Huw Lewis.

Item 1: Election of Temporary Chair

1.1 In the absence of Mr Bates the Clerk invited Members to elect a temporary Chair. Ms Jarman was nominated and elected.

Item 2: Minutes of the previous meeting and matters arising: LEG-08-2003(min)

2.1 The Committee agreed the minutes of the meeting held on 18 March 2003.

Item 3: Chair's Report

3.1 The Chair informed the Committee that today's meeting was the last one before the elections. The

Chair further stated that the Committee would be discussing the summary of Committee's work as Item 6 of the Agenda, after consideration of Statutory Instruments.

Item 4: Assembly Orders for Consideration

LC678 - The Zoo Licensing Act 1981 (Amendment) (Wales) Regulations 2003

3.1 Mr Turnbull presented the report to the Committee. The Regulations will be made under the Standard 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 observations.

3.3 The Committee's report to the Assembly on the Regulations is attached as LC678 (Report).

LC679 - The Commission for Health Improvement (Functions) (Wales) Regulations 2003

3.4 Mr Turnbull presented the report to the Committee. The Regulations will be made under the Standard Procedure.

3.5 Having considered the Legal Adviser's report Members concluded that there were matters to raise under Standing Order 11.5. The Committee invites the Assembly to pay special attention to apparent drafting defects in Regulation 1(1), Regulation 2(4), Regulation 7(3)(c), Regulation 8(1), Regulation 9(1) and Regulation 21(1), (2). These would be capable of correction by means of a Memorandum of Corrections.

3.6 The Committee also made five observations which they felt should be recorded in their report and which also would be capable of correction by means of a memorandum of corrections.

3.7 The Committee's report to the Assembly on the Regulations is attached as LC679 (Report).

LC680 - The Leasehold Reform (Notices) (Amendment) (Wales) Regulations 2003

3.8 Mr Turnbull presented the report to the Committee. The Regulations will be made under the Accelerated Procedure.

3.9 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 observations.

3.10 The Committee's report to the Assembly on the Regulations is attached as LC680 (Report).

LC681 - The Leasehold Reform (Collective Enfranchisement) (Counter-notices) (Wales) Regulations 2003

3.11 Mr Rowlands 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 nor did they have any observations.

3.13 The Committee's report to the Assembly on the Regulations is attached as LC681 (Report).

LC676 - The Sea Fishing (Enforcement of Community Control Measures) (Wales) (Amendment) Order 2003

3.14 Mr Rowlands presented the report to the Committee. The Order had been made under the Executive Procedure.

3.15 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 observations.

3.16 The Committee's report to the Assembly on the Order is attached as LC676 (Report).

LC677 - The Shellfish (Specified Sea Area) (Prohibition of Fishing Methods) (Wales) Order 2003

3.17 Mr Rowlands presented the report to the Committee. The Order had been made under the Executive Procedure.

3.18 Having considered the Legal Adviser's report Members concluded that there was a matter to raise under Standing Order 11.5. The Committee invites the Assembly to pay special attention to an apparent drafting defect in Article 4(1). The Committee expressed a view that this drafting defect be corrected by an amending Order.

3.19 The Committee's report to the Assembly on the Regulations is attached as LC677 (Report).

Item 5: LC659 - The Care Homes (Wales) (Amendment) Regulations 2003

5.1 The Chair invited Mr Turnbull to explain the need for authorisation of a Memorandum of Corrections regarding these Regulations.

5.2 Mr Turnbull explained that there is another set of amending Regulations which is currently proceeding under the executive procedure. It was thought that the LC659 Regulations would come into force first, however, this was not now the case. Therefore the LC659 Regulations will need to become **The Care Homes (Wales) (Amendment) (No.2) Regulations 2003**.

5.3 It was agreed that the minutes would show authorisation for a Memorandum of Corrections regarding this change.

Item 6: Consideration of report summarising the activities of the Legislation Committee within four year period: "Legislation Committee. Summary of Activity 1999 – 2003"

6.1 The Chair informed the Committee that as the present meeting was the last one before the elections, the paper summarising the activities of the Legislation Committee during the four year period had been circulated to Members for their information.

6.2 The Chair stated that the report summarised the Committee's activities from the first meeting on 29th June 1999 up to the meeting on the 11th of March 2003. The Chair further pointed out that in all, during this period the Committee had met 108 times. The Chair further mentioned that the Committee issued three Annual Reports; the last Annual Report was laid before the Assembly and that the Committee considered 659 pieces of legislation.

6.3 The Chair reported that representatives of the Committee visited the Scottish Parliament's Subordinate Legislation Committee. The Chair further stated that Mick Bates the Chair of the Committee participated in an International Conference in Australia and the Committee several times visited the Office of Counsel General.

6.4 The Chair reported that among others, the Committee received delegations from Uganda, the Flemish Parliament, Ontario Legislative Assembly, Westminster Parliament and other British devolved administrations. The Chair further stated that the Committee helped to organise three seminars on secondary legislation and one seminar on primary legislation. The Committee also made submissions to the Assembly Review of Procedure and Lord Richard Commission.

6.5 The Chair stated that the report listed all those and other activities of the Committee as well as relevant statistical information. The Chair proposed to endorse the report.

6.6 Members agreed to endorse the report.

Item 7: Any Other Business and Date of Next Meeting

7.1 The Chair thanked the Members of the Committee, Clerk to the Committee Olga Lewis, Deputy Clerk to the Committee Simon Thwaite, the Legal Adviser to the Committee John Turnbull and the Deputy Legal Adviser to the Committee Huw Rowlands, as well as their predecessors for their excellent and fully comprehensive work for the Committee. The Chair also thanked the translation service and support services for their help.

7.2 Mr Turnbull took the opportunity to thank the Chair and Members of the Committee for their contributions and support throughout the whole period of Committee's work.