

LEGISLATION COMMITTEE

MINUTES

Date: 7 March 2000

Time: 10.30am

Venue: Committee Room 1 , National Assembly Building

Attendance:

Michael German, Chair (Liberal Democrat)

Nick Bourne (Conservative)

Jocelyn Davies (Plaid Cymru)

Huw Lewis (Labour)

Dai Lloyd (Plaid Cymru)

John Marek (Labour)

Lynne Neagle (Labour)

Owen John Thomas (Plaid Cymru)

Officials

John Turnbull Legal Adviser

Dylan Hughes Legal Adviser

Adrian Green

Committee Clerk

Gareth Brydon

Deputy Clerk

Apologies:

Carwyn Jones

Item 1: Minutes of previous meetings

LEG-5-2000 (min)

1. The Committee agreed the minutes of the meeting held on 15 February 2000. It was noted that there had not been a meeting on 29 February.

Item 2: Chair's Report

1. The Chair reported that he had written to the First Secretary setting out the Committee's concerns that they should be notified of Assembly Secretaries decisions under Part 5 of Standing Order 22 that material was deemed to be legislation but not to refer it to the Committee.
2. The Chair reminded Members that they had received copies of draft proposals from Dylan Hughes on changes to Standing Order 22. He advised that these were not now the latest proposals and nothing had yet gone to the Business Committee. He asked that the Committee be kept informed of developments and that it be given sight of the firm proposals once they were available.

Action : Dylan Hughes

3. The Chair reported that the Clerk had been in discussion with the Clerk of the Scottish Parliament Legislation Committee. Members of that Committee had expressed an interest in coming to Cardiff and meeting their Welsh counterparts. They were looking at a Tuesday in late March, possibly the 21st or the 28th, when they could witness the Legislation Committee in action and later meet Members. They might also wish to witness a session of plenary. He asked the Clerk to keep the Committee informed of developments.

Action : Clerk

4. The Chair reported that he had received a letter from David Lambert advising that the Cardiff Law School had set up a Welsh Legal Digest web site. The site set out the Assembly's functions and subordinate legislation , which was an important step in ensuring that the Assembly's legislation was available to all. Mr Hughes pointed out that he had read a newspaper article stating that access was free to Assembly Members and officials but he said that he had not yet been able to gain access The Chair asked for this to be looked into and asked the Clerk to provide Members with the internet address. He reminded Members that Mr Lambert had also been appointed as Legal Adviser to the Presiding Officer and Deputy Presiding Officer and wished him well in that appointment.

Action : Dylan Hughes

5. The Chair reported that he had received an encouraging letter from Butterworths stating that they had no intention of reducing the value of Welsh legislation for their practitioners and that they were looking carefully at the issue. Mr Hughes added that the OCG had access to the Butterworths web site which contained updated legislation made by the Assembly. Unfortunately this was a subscriber service which was not freely available to the public. There had been however developments in publication upon the Assembly's own web site. Mr Hughes reported that the Assembly's Internet Manager had the previous day met with a company offering the tools required to update legislation as a free pilot. It was hoped that this would mean that the Assembly would soon be able to publish its legislation in updated form free of charge and freely available to the public.

Action : Dylan Hughes

6. In referring to the availability of hard copies of primary and secondary legislation, members felt strongly that, in order to carry out their responsibilities effectively, all Assembly Members should have a right to receive individual copies of published legislation on request rather than borrow them from the Library The Chair asked the Clerk to draft a letter for him to send to the Presiding Officer on this matter.

Action : Clerk

Item 3 : Assembly Orders for Consideration by the Legislation Committee

LC52 The Potatoes Originating in Egypt (Amendment) (Wales) Regulations 2000

1. Mr Turnbull presented his report to the Committee.
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. although it identified some general observations to which attention should be drawn, and these were recorded in the Report. The Chair noted that the 'date of making' should be included in all legislation made under the urgency procedure. He asked the Clerk to ensure that this was done in future.
3. The Committee's report to the Assembly on the regulations is attached

as LC52(Report).

LC53 The Non-domestic Rating (Miscellaneous Provisions) (No.2) (Amendment) (Wales) Regulations 2000

4. Mr Hughes presented his report to the Committee.
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, although it identified some general observations to which attention should be drawn, and these were recorded in the Report. The Chair raised a general point about the clarity of 'definitions'. Members felt that there was a case for reprinting regulations to assist the lay reader without having to read back through earlier S.I.'s. The Legal Advisers noted the comments and stressed that this was one of the reasons why it was so important for the legislation to be published in an updated form.
6. The Committee's report to the Assembly on the regulations is attached

as LC53(Report).

LC54 The Financing of Maintained Schools (Amendment) (Wales) Regulations 2000

7. Mr Hughes presented his report to the Committee. He advised that the Regulations had been referred to the Pre Sixteen, Schools and Early Learning Committee.
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, although it identified some general observations to which attention should be drawn, and these were recorded in the Report.
9. The Committee's report to the Assembly on the regulations is attached

as LC54(Report).

LC55 The Council Tax (Exempt Dwellings) (Amendment) (Wales) Order 2000

10. Mr Turnbull presented his report to the Committee.

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, although it identified some general observations to which attention should be drawn, and these were recorded in the Report.

3.12 The Committee's report to the Assembly on the regulations is attached as LC55(Report).

LC56 The Local Authorities (Discretionary Expenditure Limits) (Amendment) (Wales) Order 2000

13. Mr Turnbull presented his report to the Committee.

14. 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, although it identified some general observations to which attention should be drawn, and these were recorded in the Report.

15. The Committee's report to the Assembly on the regulations is attached as LC56(Report).

LC57 The National Health Service Trusts (Originating Capital) (Wales) Order 2000

16. Mr Turnbull presented his report to the Committee. He advised that the Order that was before the Committee was not the same as the one which had been laid. The Committee expressed their concern at this error. Upon the Committee's request, the Chair asked the Clerk to draft a letter for him to send to the First Secretary on this matter, copied to the Presiding Officer.

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, although it identified some general observations to which attention should be drawn, and these were recorded in the Report.

18. The Committee's report to the Assembly on the regulations is attached as

LC57(Report).

Action : Clerk

Item 4: Any Other Business and date of next meeting

1. The Chair reported that he understood that a report was being submitted to the Business Committee that day on a blockage of subordinate legislation. He advised the Committee that he was aware that there were a substantial number of pieces of legislation that needed to be dealt with urgently to be in force by 1st April. It was hoped that the report would indicate actions which would prevent such a blockage occurring again.
2. The Chair reminded Members that they had been sent copies of the Clerk's First Report to the Committee which summarised the Committee's views about the first twenty pieces of legislation they had considered and the impact of their recommendations on the final versions.

4.3 The next meeting would be held on 14 March 2000.

Associated Papers

LC52(Report)

LC53(Report)

LC54(Report)

LC55(Report)

LC56(Report)

