

LEGISLATION COMMITTEE MEETING**MINUTES:**

Date: 16th May 2000
Time: 10.30 am
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)
Karen Sinclair	(Labour)
Owen John Thomas	(Plaid Cymru)

Officials

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

Apologies for absence:

None received.

Item 1: Minutes of the previous meeting and matters arising: LEG-12-2000 (min)

1.1 The Committee agreed the minutes of the meeting held on 9 May 2000.

2: Chair's Report

2.1 In the previous meeting the Chair reported that he had received a letter from Jane Davidson (dated 13th April) in response to his letter about the apparent misunderstanding over the need for a regulatory appraisal. In her response Ms Davidson stated that she had referred the matter to the Executive to raise with officials responsible for providing advice on these matters. The Committee had asked the Clerk to advise when officials had been instructed on this matter. The Chair said advised that the Clerk hadcan reported that advice had now been

issued to Senior Officials.

2.2 The Chair stated that he had received a response from Peter Law (dated 26th April) to his letter (of 3rd April) concerning two sets of regulations that the Committee had raised concerns about when they had considered them in on 14th March. These were "The Non Domestic Rating (Chargeable Amounts) Regulations" (LC62 number) and "The Non Domestic Rating Contributions Regulations" (LC63 number). The Committee had raised two points. Firstly, that there was a breach of SO 22.26 as both sets of regulations made under the urgency procedure were submitted to the Committee nearly three months after they were made. In his letter, Mr Law apologised for the delay, stating that this was due to an administrative oversight but that systems were now in place to ensure that such delays would not occur again. On the second point, the Committee had found there to be a misuse of the powers under SO 11.5. in "The Non Domestic Rating (Chargeable Amounts) Regulations". This was where the enabling Act provided for regulations to be made in relation to a "relevant period" which is defined as being 5 years. The regulations as drafted however stated 3 years. ThisA discrepancy which made the regulationsamounted to a defective.

2.1 In view of the Committee's observations, Mr Law has had stated in his response, that he intended to bring forward amending regulations as soon as possible. Mr Turnbull said that he had already received a copy of the draft amending regulations. The Committee agreed to and would lay prepare a draft revised report before for laying before the Assembly if the Committee was content, simply stating that the Assembly Secretary would be bringing forward amending regulations. The Committee agreed.the next meeting of the Legislation Committee.
Action: Mr Turnbull.

2.2 2.2 The Chair reported stated that the Clerk had registered with the Executive the Committee's concerns expressed by members at during the last previous meeting at having to consider a piece of draft legislation that was made with substantial references to the equivalent English regulations, but without having sight of the English regulations. This practice would also have has plenary implications for the consideration of such orders by Plenary when the standard procedure was used; and for anyone those purchasing the Welsh regulations. The Clerk and legal advisers will be monitoring this practice. **Action: Clerk and Legal Advisors**

2.3 The Chair noted stated that the Legal Advisors had provided the Committee with copies of the equivalent English regulations for the two of the items under discussion today (LC 84 and LC 92), which had been drafted with reference to the English regulations.

Item 3 : Assembly Legislation for Consideration

LC84: The National Health Service (Choice of Medical Practitioner) Amendment (Wales) Regulations 2000

3.1 Mr Turnbull presented his report to the Committee.

3.2 The Committee agreed that it did not need to invite the Assembly to pay special attention to the draft 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. A point was made that it was in particular members were concerned about the delay of six months since the corresponding regulations had been made in England. Constituents who were aware that regulations had been made in England had been writing to members requesting information on when these regulations would be made in Wales. It was agreed felt thought that the Legal Advisors' reports might include information on a system of checking comparing on when any corresponding regulations had been made in England and which might be against those made in Wales would be useful.

3.3 The Committee's report to the Assembly on these draft Regulations is attached as LC84 (Report).

LC86: Home Energy Efficiency Amendment Regulations 2000

3.4 Mr Hughes presented his report to the Committee. The Regulations had been made under the urgency 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. However, the Committee did make some general observations which they felt should be recorded in their Report.

3.6 The Committee's report to the Assembly on these Regulations is attached as LC86 (Report).

LC87: The Sea Fishing (Enforcement of Community Quota and Third Country Fishing Measures) (Wales) Order 2000; and

LC88: The Sea Fishing (Enforcement of Community Satellite Monitoring Measures) (Wales) Order 2000

3.7 Mr Turnbull presented his reports to the Committee on these. The Orders/regulations which had been made under the urgency procedure.

3.10 Mr Turnbull presented his report to the Committee. The regulations had been made under the urgency procedure.

3.11 Having considered The Committee considered the Legal Adviser's reports, members. They 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 Regulations, 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 to the points either orally or in writing. The Committee would decide the way forward in the light

of Ms Gwyther's response. **Action: Clerk.**

3.12 The Committee's report to the Assembly on these Regulations is attached as LC88 (Report).

LC89: The Education (Outturn Statements)(Wales) Regulations 2000

3.13 Mr Turnbull presented his report to the Committee.

3.14 The Committee agreed that it did not need to invite the Assembly to pay special attention to the draft 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. The Chair commented that this was the first piece of Assembly legislation to come before the Committee which had not given rise to any observations about the drafting.

3.15 The Committee's report to the Assembly on these draft Regulations is attached as LC89 (Report).

LC90: The Relocation Grants (Form of Application) (Amendment) (Wales) Regulations 2000

3.16 Mr Hughes presented his report to the Committee.

3.17 The Committee agreed that it did not need to invite the Assembly to pay special attention to the draft 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.

3.18 The Committee's report to the Assembly on these draft Regulations is attached as LC90 (Report).

LC91: The Housing Renewal Grants (Prescribed Forms and Particulars) and (Welsh Forms and Particulars)(Amendment)(Wales) Regulations 2000

3.19 Mr Hughes presented his report to the Committee.

3.20 The Committee agreed that it did not need to invite the Assembly to pay special attention to the draft 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.

3.21 The Committee's report to the Assembly on these draft Regulations is attached as LC91 (Report).

LC92: The National Health Service (General Medical Services) Amendment (Wales)

Regulations 2000

3.22 Mr Hughes presented his report to the Committee.

3.23 The Committee agreed that it did not need to invite the Assembly to pay special attention to the draft 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. In particular, gender specific language had been used and it was unclear from the regulations whether "spent" convictions needed to be declared. Mr Turnbull to include these items in his revised report. which will be forwarded to members for their approval [I think that these points were to be addressed in the Committee's report- but John Turnbull had me totally confused by now]

Item 4: Any Other Business and date of next meeting

4.1 As there were only two items for discussion at the next meeting and both of these were made under the Urgency procedure it was decided to cancel the meeting planned for 23 May 2000. The next meeting would be held on 6th June 2000.

Associated Papers

- **LC84 (Report)**
- **LC86 (Report)**
- **LC87 (Report)**
- **LC88 (Report)**
- **LC89 (Report)**
- **LC90 (Report)**
- **LC91 (Report)**
- **LC92 (Report)**