

LEGISLATION COMMITTEE MEETING**MINUTES:****Date:** 28th November 2000**Time:** 9:30 a.m.**Venue:** Committee Room 1, National Assembly Building**Attendance:**

Mick Bates (Chair)	(Liberal Democrat)
Rosemary Butler	(Labour)
Glyn Davies	(Conservative)
Ron Davies	(Labour)
Val Feld	(Labour)
John Griffiths	(Labour)
Pauline Jarman	(Plaid Cymru)
Dr Dai Lloyd	(Plaid Cymru)
Owen John Thomas	(Plaid Cymru)

Officials

John Turnbull	Legal Adviser
Dylan Hughes	Assistant Legal Adviser
Huw Davies	Assistant Legal Adviser
Adrian Green	Committee Clerk

Apologies for absence: None**Item 1: Minutes of the previous meeting and matters arising: LEG-27-2000 (min)**

1.1 The Committee agreed the minutes of the meeting held on 21st November subject to an

amendment reflecting the fact that there appeared to be an error in the version of The Specified Risk (Amendment) (Wales) Regulations 2000. The second paragraph of Item 4 of the minutes has therefore been amended to include the following:

"It was pointed out that in the instrument submitted to the Committee, the Explanatory Note contained an incorrect SI number for the regulations being amended. It appeared that there was a later version of the instrument which had

the correct number in the Explanatory Note. This indicated that the version which had been submitted to the Committee was not exactly in the form of the version which was to be published."

1.2 In response to a query raised at the last meeting when the Committee considered the Smoke Control Areas (Authorised Fuels) (Amendment) (Wales) Regulations 2000, Mr Turnbull reported that it has been confirmed to him that there are smoke control areas in Wales. However, he stated that since such orders are made by local authorities, the Assembly's Environment Division do not maintain a register of the designated areas.

Item 2: Chair's Report

2.1 The Chair reminded members that last week they considered a piece of legislation made under the urgency procedure namely, **The Specified Risk Material (Amendment) (Wales) Regulations 2000** and it was agreed that these regulations were reportable under SO 11.5(v). This was due to the failure to formally submit the regulations to the Committee within a reasonable time-scale. This constituted a breach of Standing Order 22.26. He also explained that the Regulations had not been published before they came into force – a breach of Section 2(1) of the Statutory Instruments Act 1946. The Chair advised that he had written to the Assembly Minister responsible (Carwyn Jones), in accordance with Standing Order 11.4, inviting him to give evidence to the Committee either orally or in writing before the Committee reported this matter to the Assembly. Members had been sent a copy of that letter.

2.2 The Chair also reminded members of a letter dated 14 November that he had received from the Deputy Presiding Officer headed "Legislation Made Under the Urgency Procedure That Is Found To Be Reportable Under Standing Order 11.5". That letter which had been circulated to members. It addressed the real concerns that the Committee had expressed for some time namely, that no adequate procedure existed to invite the "special attention" of the Assembly to legislation made under the urgency procedure which is found to be reportable under Standing Order 11.5. The DPO's letter puts in place 3 key improvements to alert the Assembly to these matters. These are:

- that the Presiding Officer or Deputy Presiding Officer will make a statement in plenary when the Committee considers that urgency legislation is reportable under SO 11.5.
- the Committee Clerk will also e-mail all Assembly members advising them of the reportable issue.
- in the case of draft (standard) procedure orders, the motion tabled for consideration in Plenary, will indicate if the Legislation Committee's report contains a reference to a reportable issue under SO 11.5.

2.3 The Clerk advised that these changes would not require a change to Standing Orders. Members asked that the DPO's letter be put in the public domain and on the internet as this was a fundamental acknowledgement of the need to change existing practices. **ACTION: Clerk**

2.4 The Chair advised members that following a question last week as to whether there would be an opportunity to ask questions in plenary following the P.O.'s statement that the P.O. would not expect to field questions as the responsibility for legislation of course, lies with the Cabinet. In any case, he stated that the Committee would have written to the Assembly Minister under SO 11.4- inviting comments on the issue.

2.5 The Chair reported that the Clerk had arranged for Committee members to be given a briefing from officials on the procedures and the administrative arrangements involved in the Assembly's legislative processes. The Clerk had arranged this briefing subject to agreement by members to take place next week in Committee Room 1 at 9 a.m. immediately prior to the formal meeting of the Committee at 9.30. Members agreed that this would be helpful.

2.6 It was also reported that as requested last week, the Legal Advisers would produce a paper setting out their position and how they interact with the rest of the Office of the Counsel General. It was proposed that this paper would be available next week. **ACTION: Mr Turnbull**

2.7 Finally, the Chair advised members that although there is no formal work programme for the Committee (it's work being largely dependent upon legislation put before it), it had been suggested in earlier meetings that the Committee might visit the House of Commons to meet members of the Joint Committee on Statutory Instruments (the Westminster Committee which performs a similar function). He reminded those members who had had an opportunity to read the Committee's Annual Report, that the Committee visited the Scottish Parliament in September to witness their Subordinate Legislation Committee in operation and found that to be a useful educational visit. He suggested that if members wish to witness the Joint Committee on Statutory Instruments in action and meet members of that committee, then it might be appropriate to visit sometime in the spring. It was also suggested that it would be useful if the Clerk to the Joint Committee could come and address the Committee. **ACTION : Clerk**

Item 3: Committee Correspondence

3.1 It was agreed that the item scheduled for discussion at this meeting – a letter from the Presiding Officer dated 14th November to Dai Lloyd (Acting Chair) on the issue of publication of Assembly legislation should simple be a paper to note. It was agreed that the issue of publication should be addressed at the briefing session next week. **ACTION: Clerk**

Item 4: Assembly Orders for Consideration

LC139: The Non-Domestic Rating Contributions (Wales)(Amendment) Regulations 2000

4.1 Mr Hughes presented his report to the Committee.

4.2 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. However, the Committee did make some general observations which they felt should be recorded in their Report.

4.3 The Committee's report to the Assembly on this draft regulation is attached as LC139 (Report).

LC140: The Non-domestic rating (Telecommunications Apparatus) (Wales) Regulations 2000

4.4 Mr Turnbull presented his report to the Committee.

4.5 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. Legal Advisers had been given an early opportunity to consider the draft regulations and as a consequence there were no matters to raise.

4.6 The Committee's report to the Assembly on this draft regulation is attached as LC140 (Report).

LC141: The Individual Learning Accounts (Wales) Regulations 2000

4.7 Mr Hughes presented his report to the Committee.

4.8 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. However, the Committee did make some general observations which they felt should be recorded in their Report.

4.9 The Committee's report to the Assembly on this draft regulation is attached as LC141 (Report).

Item 5 Any Other Business and Date of next meeting

5.1 The next meeting would be held on 5th December 2000 when there would be two pieces of draft legislation for consideration along with any urgency orders that are made.

Reports Attached

- LC139
- LC140
- LC141