

LEGISLATION COMMITTEE MEETING**MINUTES:**

Date: 19th December 2000
Time: 9:30 a.m.
Venue: Committee Room 1, National Assembly Building

Attendance:

Mick Bates (Chair)	(Liberal Democrat)
Glyn Davies	(Conservative)
Ron Davies	(Labour)
Val Feld	(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
Julie Owen	Deputy Committee Clerk

Apologies for absence: Rosemary Butler & John Griffiths

Item 1: Minutes of the previous meeting and matters arising: LEG-29-2000 (min)

1.1 The Committee agreed the minutes of the meeting held on 5th December 2000.

Item 2: Chair's Report

2.1 The Chair stated that he had written to the Presiding Officer regarding problems which had been experienced in the previous meeting with translation equipment. He hoped that the problems had now been resolved.

Item 3: Assembly Orders for Consideration

LC146: The Care Standards Act 2000 (Commencement No.2 and Transitional

Provisions) (Wales) Order 2001

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 Order on any grounds specified in Standing Order 11.5. The Legal Advisers had the opportunity to see an early draft of the Regulations and identified a number of points which had been taken into account in the final draft.

3.3 The Committee's report to the Assembly on this draft order is attached as LC146 (Report).

LC147: The Children's Homes Amendment (Wales) Regulations 2001

3.4 Mr Turnbull presented his report to the Committee.

3.5 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. 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 this draft regulation is attached as LC147 (Report).

LC148: The Feeding Stuffs (Wales) Regulations 2001

3.7 Mr Turnbull presented his report to the Committee.

3.8 Having considered the Legal Adviser's report, Members agreed that there were matters to raise under Standing Order 11.5. However as these matters were typographical errors they could be amended under SO22.12A by a Memorandum of Corrections. The Committee agreed accordingly to indicate in their Report that it was subject to these particular errors being corrected by means of a Memorandum of Corrections. There were a number of general observations that the Committee also felt should be recorded in their Report.

3.9 The Committee's report to the Assembly on this regulation is attached as LC148 (Report).

Item 4: Committee Correspondence

The Specified Risk Material (Amendment)(Wales) Regulations 2000 (LC135).

4.1 The Chair had received a response (dated 5 December) from Carwyn Jones, Minister for Rural Affairs, to his letter of 22 November regarding the "The Specified Risk Material (Amendment)(Wales) Regulations 2000" (LC135). The Committee had written to Mr Jones because the Regulations had not been submitted to the committee "as soon as possible" after being made and that was considered reportable under Standing Order 11:5(v). The regulations had been made on 28 September 2000 but not submitted to the Legislation committee until 15 November 2000. Also the regulations had not been published before they came into force and

had not been published at the time of writing. This constituted a breach of the Section 2(1) of the Statutory Instruments Act 1946.

4.2 In his response Mr Jones stated that the failure to submit the regulations "as soon as possible" after making does not relate to the Committee's power to scrutinise legislation although it was understandable that the Committee should seek to establish why it had not been submitted promptly. He also stated that as a new unit had been set up within the Office of the Counsel General, the Counsel General had now taken over responsibility for orders made under the urgency procedure to ensure that they are submitted to the Legislation Committee promptly.

4.3 The Committee disagreed with the view that the failure to submit the regulations as soon as possible after making was outside the Committee's remit and agreed that breaches of Standing Orders should continue to be reportable.

4.4 The Committee's report to the Assembly on this regulation is attached as LC148 (Report).

The National Council for Education and Training for Wales (Interim Functions) Order 2000 (LC134).

4.5 The Chair stated that he had received a response dated 6 December from Jane Davidson, Minister for Education and Life Long Learning, to his letter of 16 November regarding The National Council for Education and Training for Wales (Interim Functions) Order 2000 (LC134). The Committee had agreed to write because there were matters to raise under Standing Order 11.5. The Order had been made on 15 September 2000 but had not been submitted to the Committee "as soon as possible" as required by Standing Order 22.26. As the Order had not been submitted within a reasonable timescale it was considered that this matter was reportable under Standing Order 11.5(v). Also the late referral to the Committee meant that the 40 day period (allowed for in SO22.27) whereby members are able to table a motion to revoke an Order was restricted due to the fact that Members did not have an opportunity to view the Committee's report during that period.

4.6 In her response Ms Davidson stated that it was regrettable that the requirements of Standing Orders had not been met in this instance and that the establishment of the Legislation Management Unit would now take on the responsibility of forwarding orders made under the Executive procedure.

Item 5 Any Other Business and Date of next meeting

5.1 The next meeting would be held on 16 January 2001.

5.2 The meeting was followed by an informal briefing session given by Mr Bryan Mitchell, Director of the Cabinet Executive and Marion Stapleton, Head of the Business Unit to inform members of their role in the process of identifying and bringing forward Assembly Legislation.

Reports Attached

- LC134
- LC135
- LC146
- LC147
- LC148