

**LEGISLATION COMMITTEE MEETING****MINUTES:**

**Date:** 6th March 2001  
**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
Huw Davies	Assistant Legal Adviser
Adrian Green	Committee Clerk
Julie Owen	Deputy Committee Clerk

**Apologies for absence:** None

**Item 1: Minutes of the previous meeting and matters arising: LEG-05-2001(min)**

1.1 The Committee agreed the minutes of the meeting held on 27<sup>th</sup> February 2001.

**Item 2: Chair's Report**

2.1 The Chair reminded members that at the previous meeting they had considered **The Coffee Extracts & Chicory Extracts (Wales) Regulations 2001 (LC176)**. A definition of "food authority" which had no relevance to Wales had been included and there was an inconsistency between the English and Welsh versions which prescribed the specific terminology for the marking and labelling of products. Members had considered there were matters to raise under Standing Order 11.5 and had agreed to write to the appropriate Assembly Minister. A copy of the letter sent to Jane Hutt had been circulated to members.

### **Item 3: Assembly Orders for Consideration**

#### **LC179: The Tir Gofal (Amendment) (Wales) Regulations 2001.**

3.1 Mr Davies presented his report to the Committee. The Regulations had been made under the Executive 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. The Legal Advisers had the opportunity to see an early draft of the Regulations and had identified a number of points that had been taken into account in the final draft.

3.3 The Committee's report to the Assembly on the Regulations is attached as LC179 (Report).

#### **LC180: The Organic Farming Scheme (Wales) Regulations 2001.**

3.4 Mr Turnbull presented his report to the Committee. The Regulations had been made under the Executive Procedure.

3.5 Having considered the Legal Adviser's report, Members agreed that there were matters to raise under Standing Order 11.5. The Regulations allowed the Assembly to make designations which covered cross border holdings but there did not appear to be provision applying to such holdings. Also these Regulations apply to codes of practice published "from time to time". However this appears to contravene the established principle (Statutory Instrument Practice, paragraph 2.48) that a reference to an "outside" document must be to an existing publication "otherwise, if the authors of the publication alter it, the effect of the instrument will be altered, which will of course, constitute unauthorised sub-delegation".

3.6 Members 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 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 either orally or in writing. **Action: Legal Adviser/ Clerk.**

#### **LC181: The National Park Authorities Levies (Wales) (Amendment) Regulations 2001.**

3.7 Mr Davies presented his report to the Committee. The Regulations had been made under the Executive Procedure.

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

3.9 The Committee's report to the Assembly on the Regulations is attached as LC181 (Report).

### **LC182: The National Health Service (Penalty Charge)(Wales) Regulations 2001**

3.10 Mr Davies 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. However, the Committee did make one general observation which they felt should be recorded in their report.

3.12 The Committee's report to the Assembly on the draft Regulations is attached as LC182 (Report).

### **LC183: The National Health Service (Payments by Local Authorities to Health Authorities) (Prescribed Functions) (Wales) Regulations 2001**

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

3.15 The Committee's report to the Assembly on the draft Regulations is attached as LC183 (Report).

### **LC184: The Beef Labelling (Enforcement) (Wales) Regulations 2001**

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

3.18 The Committee's report to the Assembly on the draft Regulations is attached as LC184 (Report).

### **LC185: The Housing (Preservation of Right to Buy) (Amendment) (Wales) Regulations 2001**

3.19 Mr Davies 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 regulations on any grounds specified in Standing Order 11.5 and there were no general observations.

3.21 The Committee's report to the Assembly on the draft Regulations is attached as LC185 (Report).

### **LC186: The Local Authorities (Alteration of Requisite Calculations) (Wales) Regulations 2001**

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

3.18 The Committee's report to the Assembly on the draft Regulations is attached as LC184 (Report).

#### **Item 4: Any Other Business and Date of next meeting**

4.1 The next meeting would be held on 13<sup>th</sup> March 2001.

#### **Reports Attached**

- LC170 (Report)
- LC181 (Report)
- LC182 (Report)
- LC183 (Report)
- LC184 (Report)
- LC185 (Report)
- LC186 (Report)