

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

**Date:** 13th March 2001  
**Time:** 9:30 a.m.  
**Venue:** Committee Room 1, National Assembly Building

**Attendance:**

Mick Bates (Chair)	(Liberal Democrat)
Rosemary Butler	(Labour)
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:** Glyn Davies

**Item 1: Minutes of the previous meeting and matters arising: [LEG-06-2001\(min\)](#)**

1.1 The Committee agreed the minutes of the meeting held on 6<sup>th</sup> March 2001.

**Item 2: Chair's Report**

2.1 The Chair reminded members that at the previous meeting they had considered **The Organic Farming Scheme (Wales) Regulations 2001 (LC180)**. The Designation allowed the Assembly to make regulations which covered cross border holdings but there did not appear to be provision applying to such holdings. Also these Regulations applied to codes of practice published "from time to time". However this appeared to contravene the established principle. 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 Carwyn Jones had been circulated to members.

2.2 The Chair reminded the Committee that at the meeting on 27 February he had informed members that the paper submitted by the Committee would be considered by the Assembly Review of Procedure Group on 7<sup>th</sup> March, following joint legal advice from the Counsel General and the Presiding Officer's Legal Adviser. The Chair advised that the joint legal advice had not been received by the Review Group but was now expected to be considered at the Group's meeting on 21<sup>st</sup> March. The Chair would report the outcome to the Committee

3.2 The Chair reminded members that at the meeting on 27<sup>th</sup> February the Committee had considered **The Restriction on Pithing (Wales) Regulations 2001 (LC174)**. At the time no reportable issues were raised although there had been two minor general observations. Drafting lawyers had now identified minor errors which required correction by means of a Memorandum of Corrections. Members agreed the draft Memorandum of Correction put before them.

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

#### **[LC187](#): The Foot-and-Mouth Disease (Amendment) (Wales) Order 2001**

3.1 Mr Turnbull presented his report to the Committee. The Order 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 order on any grounds specified in Standing Order 11.5 and there were no general observations. Members noted that although the amending Order only applied to Wales it had been made by the Assembly jointly with the Minister of Agriculture because the transfer of functions to the Assembly preserved the joint action requirement in the Animal Health Act 1981.

3.3 The Committee's report to the Assembly on the Order is attached as LC187 (Report).

3.4 During discussion members raised concerns regarding the absence of a Welsh text which they pointed out had been raised on a previous occasion. Members fully recognised the importance of issuing these regulations as quickly as possible. However they believed that the National Assembly should be able to demonstrate a greater commitment to bilingual legislation by putting in place procedures to allow translation of regulations as quickly as is necessary. It was felt that effective prioritising of the translation services for legislation would allow for immediate work to commence as regulations were drafted, thereby avoiding delays. It was agreed that the Chair would write to the Assembly Minister on this matter. **Action: Clerk/Legal Adviser.**

#### **LC188: The Foot-and-Mouth Disease (Amendment) (Wales) (No.2) Order 2001**

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

3.6 Having considered the Legal Adviser's report, Members agreed that there were matters to raise under Standing Order 11.5. Paragraphs (1)(b) and (2)(b) of the inserted Article 35B referred to "any footpath or right of way". This contrasted with Articles 27(1) and 35A(1) which referred to a "public footpath or right of way". It was not clear whether any difference was intended between these two terms.

3.7 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 to 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.**

### **LC189: The Diseases of Animals (Approved Disinfectants) (Amendment) (Wales) Order 2001**

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

3.9 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 and there were no general observations.

3.10 The Committee's report to the Assembly on the Order is attached as LC189 (Report).

### **LC190: The Import and Export Restrictions (Foot-And-Mouth Disease) (Wales) Regulations 2001**

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

3.12 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 requested further clarification regarding Regulation 17 which provided for the Regulations to be enforced only by the Minister of Agriculture and local authorities. It was agreed that the Chair would write on this matter. **Action: Clerk/Legal Adviser.**

### **LC191: The Smoke Control Areas (Exempted Fireplaces) (Wales) Order 2001**

3.13 Mr Turnbull presented his report to the Committee.

3.14 . Having considered the Legal Adviser's report, Members agreed that there was a matter to raise under Standing Order 11.5. The Order had been laid without the "coming into force date" being inserted. It was agreed that this could be amended under SO22.13 by a Memorandum of Corrections. The Committee's report would indicate that it was subject to the

error being corrected in this way. There were also two general observations that the Committee felt should be recorded in their Report.

3.15 The Committee's report to the Assembly on the Regulation is attached as LC191 (Report).

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

4.1 The next meeting would be held on 20<sup>th</sup> March 2001.

#### **Reports Attached**

- [LC187 \(Report\)](#)
- [LC189 \(Report\)](#)
- [LC191 \(Report\)](#)