

LEGISLATION COMMITTEE MEETING**MINUTES:**

Date: 27th 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)
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: Val Feld

Item 1: Minutes of the previous meeting and matters arising: LEG-08-2001(min)

1.1 The Committee agreed the minutes of the meeting held on 20th March 2001.

Item 2: Chair's Report

The Chair drew the Committee's attention to the joint legal advice paper submitted to the Assembly Review of Procedure Group by the Counsel General and the Presiding Officer's Legal Adviser in response to the Committee's paper. This had been circulated as a paper to note. The paper was due to be discussed by the Review Group at their meeting on 9th May. The Committee's Legal Adviser had prepared a paper in response. Members were asked to submit any comments on the joint paper to the Clerk by the end of April if they were in addition to or differed from the Legal Adviser's observations. In response to a general expression of

disappointment at the joint legal opinion paper, the Chair stated that the Committee would discuss the matter at a future meeting.

The Chair drew the members attention to a letter he had sent to the Presiding Officer regarding attendance at the International Conference on Regulation Reform and Scrutiny of Legislation to be held in Sydney between 9th and 13th of July. The Presiding Officer had approved attendance at the conference subject to a final evaluation of the full programme.

Item 3: Assembly Orders for Consideration

LC207 - The Import and Export Restrictions (Foot-And-Mouth Disease) (No. 2) (Wales) Regulations 2001

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

3.3 The Committee's report to the Assembly on the Regulations is attached as LC207 (Report).

LC208 - The Import and Export Restrictions (Foot-And-Mouth Disease) (No. 3) (Wales) Regulations 2001

3.4 Mr Turnbull presented his report to the Committee. The Regulations had been made under the Executive 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 the Regulations is attached as LC208 (Report).

LC209 - The Foot-and-Mouth Disease (Amendment) (Wales) (No. 3) Order 2001

3.7 Mr Davies presented his report to the Committee. The Order 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 order 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. The Committee noted that a Welsh translation would not be provided for this Order as it is understood the 1983 Order is to be amended shortly. However, concern was expressed that the failure to make the current amending orders in bilingual form was at variance with the

Assembly's policy with regard to bilingual legislation. The present instance was a further example of not complying with this commitment.

3.9 The Committee's report to the Assembly on the Order is attached as LC209 (Report).

LC210 - The Foot-and-Mouth Disease (Amendment) (Wales) (No. 4) Order 2001

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

3.11 Having considered the Legal Adviser's report, Members agreed that there were matters to raise under Standing Order 11.5. The Order provides for the insertion of an additional paragraph (5) after paragraph (4) in Article 3 of the 1983 Order. However it is not apparent that there is an existing paragraph (4). This appeared to be an instance of defective drafting.

3.12 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.**

LC176 - The Coffee Extracts and Chicory Extracts (Wales) Regulations 2001

3.13 Mr Turnbull presented his report to the Committee. The Regulations had been discussed at the Committee's meeting on 27th February, when the Committee had identified two points as constituting defective drafting. The first concerned the inclusion of a definition of "food authority" which had no relevance to Wales, whilst the second related to an inconsistency between the English and Welsh text. The Regulations had been redrafted taking into account the points raised by the Committee.

3.14 The Committee noted that the Welsh text Schedule had been omitted from the laid copy of the Regulations in error. It was understood that this was to be corrected and therefore, subject to the necessary correction being made, whether by Memorandum of Corrections or otherwise, the Committee was able to report 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.

3.15 The Committee's report to the Assembly on the Order is attached as LC176 (Report).

LC211 - The Pig Industry Restructuring Grant (Wales) Scheme 2001

LC3.16 Mr Turnbull presented his report to the Committee. The order had been made under the Executive Procedure.

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 Regulations is attached as LC211 (Report).

Item 4: Any Other Business and Date of next meeting

5.1 The next meeting would be held on 3rd April 2001.

Reports Attached

- LC207 (Report)
- LC208 (Report)
- LC209 (Report)
- LC211 (Report)
- LC176 (Report)