

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

**Date:** 1<sup>st</sup> May 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
D 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-10-2001(min)**

1.1 The Committee agreed the minutes of the meeting held on 3<sup>rd</sup> April 2001.

**Item 2: Chair's Report**

2.1 The Chair reminded members that at the last meeting they had considered a response from Carwyn Jones AM, Assembly Secretary for Rural Affairs, to a letter about **The Organic Farming Scheme (Wales) Regulations 2001** (LC180). The Regulations were intended to allow the Assembly to provide aid covering certain cross border holdings but there did not appear to be provision applying to such holdings. Also the Regulations applied to codes of practice published "from time to time". However this appeared to contravene the established principle (Statutory Instrument Practice, paragraph 2.48) that references to "outside"

documents must be to actual existing documents, not documents as existing "from time to time". Whilst the Committee were clear on the need to report in relation to the latter point, the Minister's response in relation to the first point raised further questions which it was agreed should be referred to the Minister under S.O. 11.4 for further clarification. A copy of the letter sent to Mr Jones had been circulated to members.

2.2 The Chair reported that he still awaited a response to his letter sent to Mr Jones on The Foot and Mouth Disease (Amendment) (Wales) (No4) Order 2001(LC210) which the Committee had considered to be reportable under Standing Order 11.5 due to a drafting defect. The Order provided for the insertion of an additional paragraph (5) after paragraph (4) in Article 3 of the 1983 Order. However it was not apparent that there was an existing paragraph (4). It was hoped that response to both these letters would be available for discussion at the next meeting.

2.3 The Chair informed members that the Counsel General, Winston Roddick QC, had recently visited the Canadian Federal Government and had offered to deliver a report to the Committee on information he had gathered on "co-drafting" techniques for bilingual legislation. It was agreed that this would be useful and that Mr Roddick should be invited to give his talk as soon as was practicable. **Action: Clerk.**

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

#### **LC220:The Foot–And–Mouth Disease (Ascertainment of Value) (Wales) (No. 4) Order 2001**

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

3.2 Having considered the Legal Adviser's report, Members agreed that there was a matter to raise under Standing Order 11.5. A reference in the Schedule to "breeding cows" including "calves one month old or younger" was thought to be confusing.

3.3 The Committee 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.**

#### **LC221:The Foot-and-Mouth Disease (Amendment) (Wales) (No. 4) (Amendment) Order 2001**

3.4 Mr Turnbull presented his report to the Committee. The Order 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 order on any grounds specified in Standing Order 11.5. However, the Committee did make one general observations which they felt should be recorded in their report.

3.6 The Committee's report to the Assembly on the Order is attached as LC221 (Report).

#### **LC222:The Foot-and-Mouth Disease (Amendment) (Wales) (No. 5) Order 2001**

3.7 Mr Turnbull 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 observations which they felt should be recorded in their report.

3.9 The Committee's report to the Assembly on the Order is attached as LC222 (Report).

#### **LC223:The Import and Export Restrictions (Foot-And-Mouth Disease) (No. 3) (Wales) (Amendment) Regulations 2001**

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

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 observations which they felt should be recorded in their report.

3.12 The Committee's report to the Assembly on the Regulations is attached as LC223 (Report).

#### **LC224:The Import and Export Restrictions (Foot-And-Mouth Disease) (Wales) (No. 4) Regulations 2001**

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

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. However, the Committee did make a number of general observations which they felt should be recorded in their report.

3.15 The Committee's report to the Assembly on the Regulations is attached as LC224 (Report).

#### **LC225:The Undersized Whiting (Revocation) (Wales) Order 2001**

3.16 Mr Davies presented his report to the Committee.

3.17 Having considered the Legal Adviser's report, Members agreed that there was a matter to raise under Standing Order 11.5. "(Wales)" had been included in the title as set out in the headings but had been omitted from the citation in Article 1. It was agreed that as this was a minor drafting error it should 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.

3.18 The Committee's report to the Assembly on the draft Order is attached as LC225 (Report).

**LC226: The Crab Claws (Prohibition of Landing) (Revocation) (Wales) Order 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 Order on any grounds specified in Standing Order 11.5, nor did they have any general observations which they felt should be recorded in their report.

3.21 The Committee's report to the Assembly on the draft Order is attached as LC226 (Report).

**LC227: The Disabled Facilities Grants and Home Repair Assistance (Maximum Amounts) (Amendment) (Wales) Order 2001**

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

3.23 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, nor did they have any general observations which they felt should be recorded in their report.

3.24 The Committee's report to the Assembly on the Order is attached as LC227 (Report).

**LC228: The Non-Domestic Rating (Alteration of Lists and Appeals) (Amendment) (Wales) Regulations 2001**

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

3.26 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 a general observation which they felt should be recorded in their report.

3.27 The Committee's report to the Assembly on the Regulations is attached as LC228 (Report).

### **LC229: The National Assistance (Assessment of Resources) (Amendment No.2) (Wales) Regulations 2001**

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

3.29 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 a general observation which they felt should be recorded in their report.

3.30 The Committee's report to the Assembly on the Regulations is attached as LC229 (Report).

### **LC230: The National Assistance (Sums for Personal Requirements) (Wales) Regulations 2001**

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

3.32 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 a general observation which they felt should be recorded in their report.

3.33 The Committee's report to the Assembly on the Regulations is attached as LC230 (Report).

### **LC231: The Local Government Act 2000 (Commencement) (No. 2) (Wales) Order 2001**

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

3.35 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.

3.36 The Committee's report to the Assembly on the Regulations is attached as LC231 (Report).

### **LC232: The Education (Extension of Careers Education) (Wales) Regulations 2001**

3.37 Mr Davies presented his report to the Committee.

3.38 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.

3.39 The Committee's report to the Assembly on the draft Regulations is attached as LC232 (Report).

### **LC233: The Adoption of Children from Overseas (Wales) Regulations 2001**

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

3.42 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 a general observation which they felt should be recorded in their report.

3.43 The Committee's report to the Assembly on the Regulations is attached as LC233 (Report).

### **Item 4:: Legislation Committee Submission to Assembly Review of Procedure**

Response to Joint Paper by Winston Roddick QC/David Lambert

4.1 The Chair reminded members that they had received a copy of the joint legal "Opinion" paper produced by Winston Roddick QC and David Lambert which commented on the Committee's submission to the Assembly Review of Procedure group. The Committee's Legal Adviser had prepared a paper in response which had been forwarded to members as a "paper to note" prior to Easter. The Chair sought the views of members on the paper with a view to submitting it to the Assembly Review of Procedure as reflecting the opinion of the Committee.

4.2 The Committee noted that the joint legal opinion addressed questions regarding the powers of the Committee while the Committee's recommendations were primarily concerned with better informing the Assembly of the progression of subordinate legislation. The Committee was therefore concerned that the joint legal opinion failed to address the main recommendations of the paper and raised issues not directly pertinent to it. The Committee wholeheartedly adopted the opinions in John Turnbull's paper and agreed to submit that paper to the Assembly Review of Procedure as expressing the Committee's view.

4.3 The Committee also passed the following motion:

*That having considered the joint legal "Opinion" paper (ARP-03-01) from the Counsel General and the Presiding Officer's Legal Adviser, the Legislation Committee are of the view that their paper to the Assembly Review of Procedure Group dated February 2001 should stand for the reasons outlined in the Committee's response to the joint legal Opinion which should accordingly now be submitted to the Review group.*

### **Item 5: Any Other Business and Date of next meeting**

5.1 The next meeting would be held on 8<sup>th</sup> May 2001.

#### Reports Attached

- LC221 (Report)
- LC222 (Report)
- LC223 (Report)
- LC224 (Report)
- LC225 (Report)
- LC226 (Report)
- LC227 (Report)
- LC228 (Report)
- LC229 (Report)
- LC230 (Report)
- LC231 (Report)
- LC232 (Report)
- LC233 (Report)