

LEGISLATION COMMITTEE MEETING**MINUTES:**

Date: 19 June 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)
Pauline Jarman	(Plaid Cymru)
Dr Dai Lloyd	(Plaid Cymru)
Owen John Thomas	(Plaid Cymru)

Officials

John Turnbull	Legal Adviser
Olga Lewis	Committee Clerk
Julie Owen	Deputy Committee Clerk

Apologies for absence: John Griffiths & Val Feld

Item 1: Minutes of the previous meeting and matters arising: LEG-17-2001(min)

1.1 The Committee agreed the minutes of the meeting held on date 19 June 2001.

Item 2: Chair's Report

2.1 The Chair reminded Members that he and Mr Turnbull had attended the meeting of the Assembly Review of Procedure Group on 13th June in order to give evidence on the two papers submitted by the Committee. Mr Turnbull reported that the Review Group had not taken them through the papers systematically but had questioned them on various aspects of the suggestions. The principle of providing a programme of Legislation to members of the Assembly was welcomed although it was commented that the production of a "flow chart" showing the progress of Legislation would be problematic. Discussion on experiences of draft Statutory Instruments sent to subject committees was held. Also opinions were sought on whether the Deputy Presiding Officer was the correct person to rule on regulatory appraisals.

2.2 The Review Group asked on how many occasions an Assembly Minister had appeared before the Committee to give evidence as provided for under Standing Order 11.4. They were informed that this had not yet happened. Following discussion Legislation Committee members agreed that a supplementary submission should be made to the Review Group emphasising the Committee's commitment to its suggestion that powers be granted to the Committee allowing them to summon Ministers before the Legislation Committee. **ACTION: CLERK and LEGAL ADVISERS.**

Item 3: Assembly Orders for Consideration

LC288: The General Teaching Council for Wales (Functions) (Amendment) Regulations 2001

3.1 Mr Turnbull presented the report to the Committee. The Regulations will be made under the Accelerated 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. The Legal Advisers had the opportunity to see an early draft 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 the draft Regulations is attached as LC288 (Report).

LC289: The General Teaching Council for Wales (Additional Functions) (Amendment) Order 2001

3.4 Mr Turnbull presented the report to the Committee. The Order will be made under the Accelerated 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 nor did they have any general observations.

3.6 The Committee's report to the Assembly on the draft Order is attached as LC289 (Report).

LC290: The Education (School Day and School Year) (Amendment) (Wales) Regulations 2001

3.7 Mr Turnbull presented the report to the Committee. The Regulations will be made under the Accelerated 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 nor did they have any

general observations.

3.9 The Committee's report to the Assembly on the draft Regulations is attached as LC290 (Report).

LC291: The Teacher Training Incentive (Further Education) (Wales) Regulations 2001

3.10 Mr Turnbull presented the report to the Committee. The Regulations will be made under the Standard 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. The Legal Advisers had the opportunity to see an early draft and identified a number of points which had been taken into account in the final draft.

3.12 The Committee's report to the Assembly on the draft Regulations is attached as LC291 (Report).

LC292: The Inspection of Education and Training (Wales) Regulations 2001

3.13 Mr Turnbull presented the report to the Committee. The Regulations will be made under the Extended 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 nor did they have any general observations.

3.15 The Committee's report to the Assembly on the draft Regulations is attached as LC292 (Report).

Item 4. Committee Correspondence

4.1 The Chair stated that he had received a response to his letter of 10 May to Carwyn Jones, Minister for Rural Affairs on **The Foot-and-Mouth Disease (Marking of Meat and Meat Products) (Wales) Regulations 2001(LC235)**. The Committee had considered the Regulations to be reportable under Standing Order 11.5 as they contained matters which required further clarification. These were:-

- In Regulation 2(2) paragraph 4 reference was made to "that Part" but "Part" was not referred to previously in the paragraph.
- Regulation 2(3) referred to "meat products" but did not make clear which definition should be used.
- Regulation 3(4). In the inserted paragraph (3) it was not immediately clear whether the double marking in paragraph (b) is optional or whether there are other criteria which require that marking be used instead of that require in paragraph (a).

4.2 In his response Mr Jones stated that:

- Regulation 2(2) - the inserted paragraph (4) did not itself specify the "Part" referred to. However the inserted paragraph (3) did specify Part VI of Schedule 2, as did the existing paragraph (1). Accordingly, in the absence of any indication to the contrary, the reference to "that Part" must refer to the only Part previously referred to in that regulation.
- In the absence of any qualifying wording, the definition used in regulation 2 should be used.
- He considered that the provision of the new paragraph 3(b) would apply in at least two circumstances. The first would be meat that had already been stamped in accordance with paragraph 1 schedule 12 and would also need stamping in accordance with the new paragraph 9. Whilst the second would be the additional requirement in paragraph 1 in relation to fresh meat from boars and male swine used for breeding or cryptorchid or hermaphrodite swine.

4.3 Following discussion the committee agreed that they were satisfied with the explanations given by Mr Jones. However members queried the reference in Regulation 2(3) to "mechanically recovered meat" as members believed that this substance was no longer legally permissible. It was agreed that further enquires would be made on this matter. **Action: Legal Adviser.**

4.4 The Chair had also received a response to his letter of 3 May to Carwyn Jones. Minister for Rural Affairs on **The Foot–And–Mouth Disease (Ascertainment of Value) (Wales) (No. 4) Order 2001 (LC220)**. The Committee had considered the Order to be reportable under Standing Order 11.5 as a reference in the Schedule to "breeding cows" including "calves one month old or younger" was thought to be confusing.

4.5 In his response Mr Jones stated that "Calves up to one month old are included in the compensation paid in respect of the mother and do not qualify for separate payment. Once they pass the age of one month they qualify for a separate payment under the following items until they reach seven months.

4.6 The Committee's report to the Assembly on the Order is attached as LC220 (Report). The Assembly is invited to pay special attention to this report on the ground that the provision in question has needed the further explanation which has now been given

Item 5: Presentation by Winston Roddick QC, Counsel General - Co-drafting techniques for bilingual legislation used by the Canadian Federal Government

5.1 Mr Roddick had accepted an invitation from the Canadian High Commission to visit Canada to view their way of preparing bilingual legislation. The Canadian legislation system is

based upon that used in Britain. Mr Roddick explained that at present the National Assembly drafted legislation in English and it was then translated into Welsh. However, in Canada the English and French versions are drafted simultaneously by two lawyers working together, each in his/her first language. Exchange visits have been undertaken between staff of the Canadian government and those of the National Assembly. Further visits are planned. A copy of Mr Roddick's report on his visit detailing his findings and recommendations is attached.

5.2 It was agreed that Mr Roddick would again attend the Committee before the summer constituency weeks commenced. Before then Committee members would pass any questions to the Committee Clerk in order that Mr Roddick could prepare his response. **Action: Members and Clerk.**

Item 6: Any Other Business and Date of next meeting

6.1 The next meeting would be held on 26 June 2001.

Reports Attached

- LC288 (Report)
- LC289 (Report)
- LC290 (Report)
- LC291 (Report)
- LC292 (Report)
- "Bilingual Lawmaking and Justice" - Report by Mr Winston Roddick