

LEGISLATION COMMITTEE MEETING**MINUTES:**

Date: 3 July 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
Olga Lewis	Committee Clerk
Julie Owen	Deputy Committee Clerk

Apologies for absence: None.

Item 1: Minutes of the previous meeting and matters arising: LEG-18-2001(min)

1.1 The Committee agreed the minutes of the meeting held on date 26 June 2001.

Item 2: Chair's Report

2.1 The Chair informed members that later that week he would be flying out to Sydney in order to attend the International Conference on Regulation Reform, Management and Scrutiny of Legislation hosted by the New South Wales State Parliament. As part of the programme the Chair would be giving a presentation on "Regulatory Reform - A Welsh Perspective" on the Friday of the conference.

2.2 The Chair also informed members that at the previous meeting it had been agreed to write

and thank Val Feld for her work on the Committee. This had been done.

2.3 The Chair reminded members that Mr Winston Roddick, the Counsel General, would be attending the Committee Meeting on 17th July in order to answer any questions that Members had on his earlier talk on "Bilingual Lawmaking and Justice", the co-drafting techniques for bilingual legislation used by the Canadian Federal Government. Members had been asked to send their questions for Mr Roddick to the Committee Clerk, as yet none had been received. The Chair requested that members supply some questions to the Clerk for onward transmission. **Action: Members and Clerk.**

Item 3: Assembly Orders for Consideration

LC299: The Environment Act 1995 (Contaminated Land Commencement and Saving Provision) (Wales) Order 2001

3.1 Mr Turnbull presented his report to the Committee. The Order was 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. However, the Committee did make a number of general observations which they felt should be recorded in their report.

3.3 The Committee's report to the Assembly on the Order is attached as LC299 (Report).

LC300: The Children's Commissioner for Wales Regulations 2001

3.4 Mr Turnbull presented his report to the Committee. The Regulations would be made under the Standard 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 a number of general observations which they felt should be recorded in their report. Should the Minister want to amend the Regulations in order to take account of these points they would be appropriate for inclusion in a Memorandum of Correction.

3.6 The Committee's report to the Assembly on the Regulations is attached as LC300 (Report).

LC301: The Children's Commissioner for Wales Act 2001 (Commencement) Order 2001

3.7 Mr Turnbull presented his report to the Committee. The Order will be made under the Standard Procedure.

3.8 Having considered the Legal Adviser's report, Members agreed that there was a matter to raise under Standing Order 11.5. There were a number of minor errors in Article 2(2) including the omission of a reference to Section 8. It was agreed that as these were minor drafting errors

they 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.

3.9 The Committee's report to the Assembly on the Order is attached as LC301 (Report).

LC302: The Care Standards Act 2000 (Commencement No. 7) (Wales) Order 2001

3.10 Mr Turnbull presented his report to the Committee. The Order will be made under the Standard Procedure.

3.11 Having considered the Legal Adviser's report, Members agreed that there was a matter to raise under Standing Order 11.5. Whereas the Order provides for the commencement of paragraph 3 of Schedule 5 to the 2000 Act it did not provide for the commencement of section 117(1) which introduces Schedule 5. 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.

3.12 The Committee's report to the Assembly on the Order is attached as LC302 (Report).

LC303: The Education (Assisted Places) (Amendment) (Wales) Regulations 2001

3.13 Mr Davies presented his report to the Committee. The Regulations will be made under the Standard 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 Regulations is attached as LC303 (Report).

LC304: The Education (Assisted Places) (Incidental Expenses) (Amendment) (Wales) Regulations 2001

3.13 Mr Davies presented his report to the Committee. The Regulations will be made under the Standard 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 Regulations is attached as LC304 (Report).

LC305: The Sweeteners in Food (Amendment) (Wales) Regulations 2001

3.16 Mr Turnbull presented his report to the Committee. The Regulations will be made under the Accelerated 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. However, the Committee did make a number of general observations which they felt should be recorded in their report. Should the Minister want to amend the Regulations in order to take account of these points they would be appropriate for inclusion in a Memorandum of Correction.

3.18 The Committee's report to the Assembly on the Regulations is attached as LC305 (Report).

LC306: The Transport Act 2000 (Commencement No.1) (Wales) Order 2001

3.19 Mr Turnbull presented his report to the Committee. The Order will be made under the Extended Procedure.

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

3.21 The Committee's report to the Assembly on the Order is attached as LC306 (Report).

LC307: The Local Authorities (Members' Allowances) (Amendment) (Wales) Regulations 2001

3.1 Mr Davies presented his report to the Committee. The Regulations will be made under the Standard 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 nor did they have any general observations.

3.21 The Committee's report to the Assembly on the Regulations is attached as LC307 (Report).

LC308: The Street Works (Inspection Fees) (Amendment) (Wales) Regulations 2001

3.1 Mr Davies presented his 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 regulations on any grounds specified in Standing Order 11.5 nor did they have any general observations.

3.21 The Committee's report to the Assembly on the Regulations is attached as LC308 (Report).

LC309: The National Health Service (General Dental Services) (Amendment) (No.2) (Wales) Regulations 2001

3.22 Mr Turnbull presented his report to the Committee. The Regulations will be made under the Accelerated Procedure.

3.23 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. Should the Minister want to amend the Regulations in order to take account of these points they would be appropriate for inclusion in a Memorandum of Correction.

3.24 The Committee's report to the Assembly on the Regulations is attached as LC309 (Report).

LC310: The Local Government Elections (Wales) Order 2001

3.25 Mr Davies presented his report to the Committee. The Order will be made under the Standard Procedure.

3.26 Having considered the Legal Adviser's report, Members agreed that there was a matter to raise under Standing Order 11.5. The Welsh text title differs from that on the English Text. 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.

3.27 The Committee's report to the Assembly on the Order is attached as LC310 (Report).

LC311: The Import and Export Restrictions (Foot-And-Mouth Disease) (Wales) (No. 8) Regulations 2001

3.28 Mr Davies presented his report to the Committee. The Regulations was 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 number of general observations which they felt should be recorded in their report.

3.30 The Committee's report to the Assembly on the Regulations is attached as LC311 (Report).

LC312: The Foot-and-Mouth Disease (Amendment) (Wales) (No. 8) Order 2001

3.31 Mr Davies presented his report to the Committee. The Order was made under the Executive Procedure.

3.32 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 a number of general observations which they felt should be recorded in their report.

3.33 The Committee's report to the Assembly on the Order is attached as LC312 (Report).

LC313: The Children (Protection from Offenders) (Amendment) (Wales) Regulations 2001

3.34 Mr Turnbull presented his report to the Committee. The Regulations will be made under the Standard Procedure.

3.35 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.

3.36 The Committee's report to the Assembly on the Regulations is attached as LC310 (Report).

Item 4: Any Other Business and Date of next meeting

5.1 The Chair reminded members that at the meeting on 19 June the Committee had considered a response from the Minister for Rural Affairs' regarding **The Foot-and-Mouth Disease (Marking of Meat and Meat Products) (Wales) Regulations 2001(LC235)**.

Members were content with the explanation of the original points raised. However, members noted that in Mr Jones' letter a definition of "meat products" included "mechanically recovered meat". Members believed that this substance was no longer legally permissible and questioned its inclusion. It had been agreed that further enquires would be made on this matter.

5.2 The response from the drafting lawyer stated that there has simply been no proposal to remove the exclusion. It was stated that it should remain explicit that mechanically recovered meat should not be capable of marked with an official stamp notwithstanding that, in practice, there should not be any mechanically recovered meat. If the exclusion had been specifically removed as being unnecessary it might have sent out the wrong message about the status of mechanically recovered meat and imply that it would now fall within the definition of meat products. It was not thought appropriate to risk such confusion in the middle of the foot and mouth disease crisis.

5.3 A member raised a matter relating to The Prescribed Waste (Wales) Regulations 2001 about which members had raised concerns when the Regulations had been discussed at previous meetings. It was now understood that these Regulations had been revoked. The

order to revoke them would be discussed at the next meeting.

5.2 The next meeting would be held on 17 July 2001.

Reports Attached.

- LC299 (Report)
- LC300 (Report)
- LC301 (Report)
- LC302 (Report)
- LC303 (Report)
- LC304 (Report)
- LC305 (Report)
- LC306 (Report)
- LC307 (Report)
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- LC312 (Report)
- LC313 (Report)