

LEGISLATION COMMITTEE MEETING**MINUTES:**

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

Attendance:

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

Item 1: Minutes of the previous meeting and matters arising: LEG-24-2001(min)

1.1 The Committee agreed the minutes of the meeting held on date 6 November 2001.

Item 2: Chair's Report

2.1 The Chair reminded members that at the previous meeting concerns had been raised regarding the need to declare any interests when the Committee discussed issues in which they might have a concern. A note had been circulated to members outlining the position. The position is that the Legislation Committee does not discuss the policy element of subordinate legislation, being solely concerned with matters such as vires and appropriateness of drafting. Thus, it is not necessary for members to declare any interests.

2.2 The Chair reminded members that four Constitutional Commissioners from Uganda would be visiting the Assembly on Thursday 15th November in order to discuss secondary legislation.

Members were invited to attend the meeting.

Item 3: Assembly Orders for Consideration

LC360: The Potatoes Originating in Germany, Notification (Wales) Order 2001

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

3.3 The Committee's report to the Assembly on the Order is attached as LC360 (Report).

LC361: The Import and Export Restrictions (Foot-And-Mouth Disease) (Wales) (No. 10) (Fees) Regulations 2001

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

3.5 Having considered the Legal Adviser's report, Members concluded that there could be matters to raise under Standing Order 11.5, as there were potential concerns with the drafting of the regulations.

- Regulation 2 referred to dispatch of "products" under the No. 10 Regulations. It was unclear whether it was intended that charging be confined to supervision and inspection in relation to items which were identified in the No. 10 Regulations as "products" or whether charging was intended to be available on a wider basis.
- The regulations state that charging is empowered where - "supervision or inspection is carried out for the purposes of establishing the eligibility for dispatch". It was unclear whether it was intended to mean that charging would only be permissible where the person proposing to dispatch a product had arranged for any necessary supervision or inspection, or whether charging was also to be available where inspection was carried out on the initiative of the inspecting authority for the purpose of ascertaining whether any breach of regulations had taken place.

3.6 The Committee therefore 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.**

Item 4: Second Report from Winston Roddick QC :-"The Operation Of A System Of

Lawmaking And Justice That In Practice Treats English And Welsh On A Basis Of Equality. A Further Report On The Lessons From The Canadian Experience."

4.1 Members were reminded that The Counsel General, Mr Winston Roddick QC, had attended Committee meetings on 19 June and 17 July 2001 when he had presented a report and answered questions on a visit he had undertaken to view the way that Canada prepared its bilingual legislation. The Counsel General had undertaken a second visit to Canada and had prepared a second report entitled :-"The Operation Of A System Of Lawmaking And Justice That In Practice Treats English And Welsh On A Basis, a copy of which had been circulated to members.

4.2 The Counsel General had indicated that if Members so wished he would attend the Committee to discuss the draft report and its recommendations. It was agreed that Mr Roddick be invited to attend a future meeting to discuss, in particular, the recommendations of his report and how they could be progressed. **Action: Clerk.**

Item 5: Any Other Business and Date of next meeting

5.1 The next meeting would be held on 20 November 2001.