

LEGISLATION COMMITTEE MEETING

MINUTES (LEG(2)-14-2006):

Meeting Date: 9 May 2006

Meeting Time: 9:30 a.m.

Meeting Venue: Committee Room 1, Senedd

Assembly Members in Attendance:

Assembly Member	Constituency
Eleanor Burnham	North Wales
Rosemary Butler	Newport West
Jeff Cuthbert	Caerphilly
Christine Gwyther	Carmarthen West and South Pembrokeshire
Dai Lloyd	South Wales West
David Melding (Chair)	South Wales Central

Officials

Name	Job Title
Gwyn Griffiths	Legal Adviser
Joanest Jackson	Assistant Legal Adviser

Committee Service

Name	Job Title
Olga Lewis	Committee Clerk
Hasera Khan	Committee Deputy Clerk

Item 1: Apologies for absence: Brynle Williams, Janice Gregory, Janet Ryder

Item 2: Minutes of the Previous Meeting – LEG(2)-13-2006

2.1 The Committee agreed that the minutes of the meeting held on the 2nd of May 2006 should be re-circulated next week to allow for the two amendments made by the Chair to be incorporated.

Item 3: Chair’s Report

3.1. The Chair welcomed the new Deputy Clerk.

3.2 It was noted that the Member of the Legislation Committee Brynle Williams AM was unwell and it was agreed that the Chair should write to him on behalf of the Committee wishing him a speedy recovery. Action: Chair/Clerk

Item 4: Assembly Orders for Consideration

4.1 LC1234 - The Foot-and-Mouth Disease (Wales) Order 2006

LC1235 - The Foot-and-Mouth Disease (Control of Vaccination) (Wales) Regulations 2006

Mr Griffiths presented the reports to the Committee. He reminded the Members that LC1234 and LC1235 were originally considered at the meeting on 14 March 2006. They followed the Executive procedure and thus the corrections under the Memorandum of Corrections could not be made. It had been agreed to write to the Minister seeking his observations under Standing Order 11.6 before finalising the draft reports. The Minister replied and the reports had been re-drafted in the light of his replies.

4.2 LC1234 - The Foot-and-Mouth Disease (Wales) Order 2006

Mr Griffiths drew the Members’ attention to the explanation given by the Minister in respect of the 3rd reporting point under 11.7, which included the fact that some of the problems were caused by the use of the services of external translators, as the in-house translators of the Directorate of Legal Services did not have enough time to do the necessary work due to the shortage of resources.

4.3 Mr Griffiths suggested that the Members might wish to consider whether this Order should be re-made bilingually, as from the Minister's reply it was evident that there was a Welsh text which was almost ready. The Members agreed to ask the Chair to write to the Minister for Environment, Planning and Countryside Carwyn Jones AM to this effect. Action: Chair/Clerk

4.4 LC1235 - The Foot-and-Mouth Disease (Control of Vaccination) (Wales) Regulations 2006

Mr Griffiths noted that in his Welsh report the sentence "Mae'r Gweinidog wedi cadarnhau y bydd hyn yn cael ei wneud pan fydd cyfle priodol yn codi" was in the wrong place and should be placed before "Sylwadau". The Members agreed with this. Action: Clerk

4.5 It was also noted that it was absolutely crucial to put right the point on the discrepancy between the English and Welsh texts highlighted in the third paragraph of the report under the Standing Order 11.7 ("In the definition of "minced meat" in regulation 2, the English text provides that it must contain "less than 1% salt". The Welsh text refers to "llai nag 1% o fraster" [fat]. [Standing Order 11.7(vi)]). It was agreed that the Chair should write to the Minister for Environment, Planning and Countryside Carwyn Jones AM to draw his attention to this matter. Action: Chair/Clerk

4.6 The Members agreed that in respect of both LC1234 and LC1235 the reports should be made in the form of the drafts presented to the Committee by the Legal Advisers.

4.7 LC1275 – The Fish Labelling (Wales) (Amendment) Regulations 2006

Mr Griffiths presented the report to the Committee. The Members agreed that the report should be made in the form of the drafts presented to the Committee by the Legal Advisers.

4.8 In relation to the following Statutory Instruments Members agreed that the reports should be made in the form of the drafts presented to the Committee by the Legal Advisers:

LC1274 – The National Health Service (General Dental Services Contracts and Personal Dental Services Agreements) (Amendment) (Wales) Regulations 2006

LC1281 – The Education Act 2002 (Commencement No. 10 and Transitional Provisions) (Wales) Order 2006

LC1282 – The General Teaching Council for Wales (Additional Functions) (Amendment) Order 2006

LC1283 - The General Teaching Council for Wales (Functions) (Amendment) Regulations 2006

Actions

3.2 It was agreed that the Chair should write to Brynle Williams AM on behalf of the Committee wishing him a speedy recovery. Action: Chair/Clerk

4.3 The Members asked the Chair to write to the Minister for Environment, Planning and Countryside Carwyn Jones AM to ask him to consider whether LC1234 - The Foot-and-Mouth Disease (Wales) Order 2006 should be re-made bilingually. Action: Chair/Clerk

4.4 LC1235 - The Foot-and-Mouth Disease (Control of Vaccination) (Wales) Regulations 2006. The Clerk was asked to put the sentence "Mae'r Gweinidog wedi cadarnhau y bydd hyn yn cael ei wneud pan fydd cyfle priodol yn codi" in the Welsh report before "Sylwadau". Action: Clerk

4.5 It was agreed that the Chair should write to the Minister for Environment, Planning and Countryside to draw his attention to the discrepancy between the English and Welsh texts highlighted in the third paragraph of the report under the Standing Order 11.7 ("In the definition of "minced meat" in regulation 2, the English text provides that it must contain "less than 1% salt") Action: Chair/Clerk

Item 5: The Scrutiny of Legislation Following the 2007 Elections to the National Assembly

5.1 The Chair thanked Nicholas Bourne AM for his reply to the letter asking the Assembly Members to express their opinion on the possible role of the Legislation Committee post 2007. He stated that the Members would consider his opinion during the discussion of the evidence received by the Committee in the course of the Inquiry.

5.2 The Chair stated that by now the Committee has gathered enough evidence to produce a scoping paper, which, followed by the discussion, would form the basis for a focused, concise report, summarising the evidence received by the Committee and the Members' recommendations, while the Committee's website should contain the links to all the detailed received evidence.

5.3 It was proposed that this scoping paper should be based on the initial paper written by the Legal Adviser, which outlined the framework of the Inquiry.

5.4 It was further proposed that the Committee's report should be fairly flexible – it should be a document which could be reviewed after one year of operation, because at this stage it was still unclear how much legislation would be involved after 2007.

5.5 It was proposed that the scoping paper should concentrate on the following points:

that it would be necessary to have a Legislation Committee: it became evident (particularly from the information provided by the Members of the Scottish Subordinate Legislation

Committee) that post 2007 a lot of work would be generated both in the field of secondary legislation and by the new Assembly Measures (equivalent to the Primary Acts in Scotland);

When necessary, the Legislation Committee might comment on the choice of the negative/affirmative procedures

if a statutory instrument does not get enough scrutiny, the Legislation Committee might recommend that there is a need to scrutinise it further, although the scrutiny as such should be conducted by a relevant subject committee (this function is particularly well illustrated by the work of the House of Lords "Merits of Statutory Instruments" Committee);

Another area of work for the future Legislation Committee became clear from the evidence given by Mr Lambert, who said that there might be an increase of work as a result of the Legislative and Regulatory Reform Bill;

The future Legislation Committee should perform the technical scrutiny of Measures and any amendments to them (as highlighted by the evidence of the Members of the Scottish Subordinate Legislation Committee);

Last but not least, the future Legislation Committee should play an effective role in ensuring that the Assembly legislation is issued bilingually and in clear easy to understand language - both in English and Welsh.

5.6 It was also noted that post 2007 the subject committees would face a hugely increased work pressure, scrutinising the legislation from a policy point of view.

Item 6: Any Other Business and Date of Next Meeting

6.1 The Education (Parenting Orders) (Wales) Regulations 2006 (LC1268)

The Anti-social Behaviour Act 2003 (Commencement No.5) (Wales) Order 2006 (LC1269)

The Countryside and Rights of Way Act 2000 (Commencement No.8 and Transitional Provisions) (Wales) Order 2006 (LC1270)

The Committee formally agreed that there would be no changes to the Legislation Committee's reports as a result of the changes in the coming into force dates to 11 May 2006 in respect of the above mentioned Statutory Instruments.

6.2 The next meeting of the Committee would be held on 16 May 2006.