

**MINUTES OF MEETING**

**Date:** Tuesday 6<sup>th</sup> March 2001  
**Time:** 9.00am  
**Venue:** Presiding Officer's room (A3.13)

**Present:** John Marek, Deputy Presiding Officer (Chair)  
Andrew Davies, Minister for Assembly Business  
Jocelyn Davies, Plaid Cymru Party Business Manager  
William Graham, Conservative Party Business Manager  
Kirsty Williams, Liberal Democrat Party Business Manager

Paul Silk, Clerk to the Assembly  
John Lloyd, former Clerk to the Assembly  
David Lambert, OPO Legal Adviser  
Andrew George, Clerk to the Business Committee  
Marion Stapleton, PS/Minister for Assembly Business  
Craig Stephenson, Chamber Secretariat  
Alun Gruffudd, PS/Deputy Presiding Officer  
Marie Knox, Head of Committee Secretariat  
Nerys Arch, Office of the Counsel General (via video-link)

**1. Apologies & announcements**

1.1 The Deputy Presiding Officer welcomed Paul Silk to his first official meeting of the Business Committee.

**2. Minutes of the previous meeting****BC55-01 (final)**

2.1 The minutes were presented to the Committee in their final format. Since there were no further comments they would be translated in readiness for publication. **Action: Chamber Secretariat**

**BC63-01 (draft)**

2.2 The minutes were presented to the Committee in draft. Some minor amendments were suggested which would be incorporated into the final version and presented to the Committee at its next meeting. **Action: Chamber Secretariat**

**3. Matters arising (BC63-01)**

3.1 **Paragraph 3.1** - Jocelyn Davies said that her group were content with the proposal to move Plenary business on the forthcoming General Election polling day to another day, providing it was not moved to a Constituency Business day. Marie Knox said it would be helpful if the proposed move did

not disrupt scheduled committee meetings. It was agreed that options would be provided for the Committee at its next meeting. **Action: Marie Knox**

**3.2 Paragraph 3.2** - Members agreed to meet the Presiding Officer immediately after next week's Business Committee meeting to discuss practice and procedures following Cabinet statements. The paper containing information about past practice would be circulated. It was agreed that the agenda should include procedures for adjourned debates in the light of concerns about the handling of the adjourned NHS Strategy debate on Thursday 1 March. The Secretariat was asked to provide information about procedures in the Scottish Parliament. **Action: Chamber Secretariat to circulate paper and contact Scottish Parliament**

**3.3 Paragraph 3.4** - The Minister for Assembly Business said that he would discuss making available details of the proposed handling arrangements for orders on the forward legislative programme with his Cabinet colleagues and report back in the next few weeks. Marion Stapleton confirmed that she had distributed the list of subordinate legislation read out at last week's meeting to Business Managers. **Action: Minister for Assembly Business to report back**

**3.4 Paragraph 7.2** - Marion Stapleton confirmed that she had circulated a briefing note on the Extensification Payment Regulations to Business Managers prior to last week's debate.

**3.5 Paragraph 7.7** - The Minister for Assembly Business confirmed that, at present, the 20<sup>th</sup> March was the earliest date on which Janice Gregory's postponed short debate could be taken. However, he agreed to move this forward if at all possible.

**3.6 Paragraph 8.1** - The Minister for Assembly Business said that he intended to meet the Presiding Officer to discuss the possibility of answering oral questions on his responsibilities for E commerce. **Action: Minister to meet the Presiding Officer; Chamber Secretariat to finalise paper commissioned at last meeting**

**3.7 Paragraph 8.2** - Jocelyn Davies had reviewed the record of Plenary business on 15<sup>th</sup> February. She reminded members that the Minister for Assembly Business had complained that the Tir Mynydd debate had run for 30 minutes instead of the scheduled 15 minutes. However, she noted that the Minister for Rural Affairs had spoken for a total of 14 minutes.

**3.8 Paragraph 8.6** - William Graham also stated that David Melding had introduced the debate on public appointments at the request of Edwina Hart and David Davies had been the group's main speaker.

**3.9** It was agreed, following William Graham's request, that Winston Roddick's paper on the publication of subordinate legislation should remain on the agenda. David Lambert said that Nerys Arch had been asked to collate the information.

#### **4. Subordinate legislation**

##### **The Countryside and Right of Way (Commencement No2)(Wales) Order 2001**

4.1 The Business Committee noted paper BC65-01 that provided advice from Sue Essex, Assembly Minister for the Environment on the handling of the above Order. Members of the Business Committee advised the Deputy Presiding Officer that they were content with the proposal not to send the draft Order to subject committee and agreed that it should follow the Accelerated procedure.

**The Deputy Presiding Officer subsequently determined that the Order need not be referred to a subject committee.**

##### **The Smoke Control Areas (Exempted Fireplaces)(Wales) Order 2001**

4.2 The Business Committee noted paper BC66-01 that provided advice from Sue Essex, Assembly Minister for the Environment on the handling of the above Order. Members of the Business Committee advised the Deputy Presiding Officer that they were content with the proposal not to send the draft Order to subject committee and agreed that it should follow the Accelerated procedure.

**The Deputy Presiding Officer subsequently determined that the Order need not be referred to a subject committee.**

##### **The Valuation Tribunals (Amendment)(Wales) Regulations 2001**

4.3 The Business Committee noted paper BC67-01 that provided advice from Edwina Hart, Assembly Minister for the Finance, Local Government & Communities on the handling of the above Order. Members of the Business Committee advised the Deputy Presiding Officer that they were content with the proposal not to send the draft Order to subject committee and agreed that it should follow the Accelerated procedure.

**The Deputy Presiding Officer subsequently determined that the Order need not be referred to a subject committee.**

##### **The Education (Nutritional Standards for School Lunches)(Wales) Regulations 2001**

4.4 The Business Committee noted paper BC69-01 that provided advice from Jane Davidson, Assembly Minister for Education and Lifelong Learning on the handling of the above Order. Members of the Business Committee advised the Deputy Presiding Officer that they were content with the proposal not to send the draft Order to subject committee and agreed that it should follow the Accelerated procedure.

**The Deputy Presiding Officer subsequently determined that the Order need not be referred to a subject committee.**

### **The Pesticides (Maximum Residue Levels in Crops, Foods & Feeding Stuff)(England & Wales) Regulations 2001**

4.5 The Business Committee noted paper BC68-01 that provided advice from Carwyn Jones, Assembly Minister for Rural Affairs on the handling of the above Order which was being made jointly with England under Standing Order 23. It was noted that the order could follow either the Standard or Accelerated procedure but it could not be amended. The Committee agreed that it should follow the Standard procedure and noted that the Deputy Presiding Officer was not required to make a determination on whether it should be referred to a subject committee or not.

### **The Plant Protection Products (Amendment) Wales Regulations 2001**

4.6 The Business Committee noted paper BC70-01 that provided advice from Carwyn Jones, Assembly Minister for Rural Affairs on the handling of the above Order which was being made jointly with England and Scotland under Standing Order 23. It was noted that the order could follow either the Standard or Accelerated procedure but it could not be amended. The Committee agreed that it should follow the Accelerated procedure and noted that the Deputy Presiding Officer was not required to make a determination on whether it should be referred to a subject committee or not.

## **5. Advice to Assembly on procedures**

5.1 None.

## **6. Committees**

6.1 None.

## **7. Forthcoming business**

### **This week's business**

7.1 The Minister for Assembly Business said that there was the possibility of the Presiding Officer accepting an urgent question on the Foot and Mouth outbreak. If this did not take place, then it was thought that Carwyn Jones would make either an oral or written statement later in the week.

7.2 The Committee considered the draft business statement (BC71-01). The Minister for Assembly Business listed a number of orders which should have been included for the 27<sup>th</sup> March.

### **Proposed business for the weeks commencing 12<sup>th</sup>, 19<sup>th</sup> and 26<sup>th</sup> March 2001**

7.3 The Committee's advice to the Minister for Assembly Business on his proposed statement about the organisation of the Assembly's business for the

weeks commencing 12<sup>th</sup>, 19<sup>th</sup> and 26<sup>th</sup> March was that it should proceed as outlined in the revised draft business statement.

7.4 The Minister said that the moratorium between the trade unions and Corus had been extended from the 15<sup>th</sup> March to 27<sup>th</sup> March. As a result, any Cabinet statement would be delayed.

7.5 The Minister had noted that the Conservative group had tabled a No Named-Day Motion to initiate a poll on the new building. The Minister and Business Managers from the other parties felt that neither a poll nor a debate in Government time was necessary. It was suggested that the Conservative group could use one of their minority party debates if they felt it was necessary to discuss the issue further.

7.6 The Deputy Presiding Officer asked the Minister for Assembly Business whether he could move the debate on Assembly Members' & Officials (Salaries and Allowances) Determination 2001, scheduled for 13<sup>th</sup> March, further up the agenda to where such business is normally taken. This was agreed. **Action: Minister for Assembly Business**

7.7 The Deputy Presiding Officer asked the Minister for Assembly Business to consider providing Members with an explanation of the functions it was proposed to transfer to the First Minister in the Transport Act and European Social Fund which the Assembly was considering on the 20<sup>th</sup> and 27<sup>th</sup> March and on any future transfer of functions orders. He felt that Members should be fully informed of the details and implications of the transfer. Marion Stapleton agreed to speak to the Environment Minister's office to see if this could be arranged. **Action: Marion Stapleton**

## **8. Matters referred from plenary**

8.1 None.

## **9. Revisions to Standing Orders**

9.1 None.

## **10. Presiding Officer rulings**

10.1 None.

## **11. Any other business**

11.1 Marion Stapleton circulated a paper from the Office of the Counsel General which proposed an urgent motion to delegate temporarily functions under section 2(2) of the European Communities Act 1972 to the First Minister. This would enable urgent orders to be made during the Foot and Mouth outbreak without the need to await the Assembly's approval in Plenary. Business Managers agreed that the situation was serious enough to support the proposed measures. The Deputy Presiding Officer and William Graham

felt that the wording of the draft motion should state that the delegated functions would expire on a particular date. Marion Stapleton agreed to circulate the revised motion to Business Managers and, once agreed, table it as a No Named-Day Motion and copy it to all Members. This would enable the motion to be moved in Plenary that afternoon. **Action: Marion Stapleton**

11.2 Marion Stapleton also detailed proposals to amend section 3 of Standing Order 23 to provide for the use of the Executive procedure for orders being made together with a Minister or Department in the UK Government, Scottish Executive or Northern Ireland Executive. This amendment would also make it easier for urgent subordinate legislation to be made during the current Foot and Mouth outbreak.

11.3 Business Managers acknowledged the reasons for this proposal and noted the Deputy Presiding Officer's concerns that there was a need to balance it against Members' rights to scrutinise subordinate legislation. In response to a query, David Lambert said that it would not be possible to make a temporary amendment to Standing Orders as currently drafted. Alternatively a motion bringing a proposed amendment before Plenary could commit the Assembly to reviewing the need for the amendment by a specified date. It was agreed that appropriate changes should be formulated to allow the Administration to use the Executive procedure for a limited period. The Deputy Presiding Officer asked the Minister to circulate any proposed amendments to Business Managers so that they could consider it with their groups. The Committee noted the intention to table the motion as a No Named-Day Motion for debate on Thursday and the need for a report of the Business Committee to be laid beforehand. **Action: Marion Stapleton to distribute the proposed amendment to Business Managers; and once agreed, Chamber Secretariat to prepare the report of the Business Committee.**

**CHAMBER SECRETARIAT**