

**MINUTES OF MEETING**

**Date:** 13<sup>th</sup> November 2001

**Time:** 9 a.m.

**Venue:** Room A3.13

**Present:** John Marek, Deputy Presiding Officer (Chair)  
Andrew Davies, Minister for Assembly Business  
Jocelyn Davies, Plaid Cymru Business Manager  
William Graham, Conservative Business Manager  
Peter Black, Liberal Democrats

Paul Silk, Clerk to the Assembly  
David Lambert, Presiding Office Legal Adviser  
Marie Knox, Head of Committee Secretariat (agenda item 6)  
Andrew George, Clerk to the Business Committee  
Marion Stapleton, PS/Minister for Assembly Business  
Adrian Green, Chamber Secretariat  
Alun Gruffudd, PS/Deputy Presiding Officer  
Nerys Arch, Office of the Counsel General (agenda item 4)

**1. Apologies & announcements**

None

**2. Minutes of the previous meetings**

**(i) 30th October 2001 - BC314-01 (Final)**

2.1 The minutes were presented to the Committee in their final format and it was agreed that they should be translated in readiness for publication.

**Action: Secretariat**

**(ii) 6<sup>th</sup> November 2001 - BC318-01 (Draft)**

2.2 The minutes were presented to the Committee in draft. A minor amendment was suggested which would be incorporated into the final version and presented to the Committee at its next meeting.

**Action: Secretariat**

**3. Matters Arising (6<sup>th</sup> November 2001 - BC318-01)**

3.1 **Paragraph 3.1** The Minister for Assembly Business said that the Cabinet would normally respond to committee reports by means of a statement in Plenary. Jocelyn Davies and William Graham noted the Minister's words with regret.

3.2 **Paragraph 4.8** Nerys Arch said that the Special (Waste) (Amendment) Regulations had not been posted to the internet on time because of an

administrative oversight. Expedited proof printing, which would have avoided any timing difficulties, had not been requested. However, reasonable steps had been taken to alert all those who might have been affected by the instrument. The Deputy Presiding Officer asked why it was necessary to use the Executive Procedure for these regulations and also The Import and Export Restrictions (Foot-And-Mouth) Regulations which had been made recently. The Minister for Assembly Business assured the Committee that the Cabinet were aware that the Executive Procedure should be used only as a last resort. Nerys Arch agreed to provide a note on the use of the Executive Procedure in both cases. **Action: Nerys Arch.**

**3.3 Paragraph 7.6** The Minister for Assembly Business circulated a note at the meeting which outlined the reasons why Jane Davidson, the Minister for Education and Lifelong Learning wished to be absent on 29<sup>th</sup> November, a day when she was scheduled to answer oral questions. She would be the UK representative at a Council of Ministers meeting on Youth Issues in Brussels. The Minister for Assembly Business said that it was a privilege for an Assembly Minister to be invited to lead a delegation of UK Ministers and the request to reschedule her question time was due solely to these exceptional circumstances. Jocelyn Davies recognised the importance of the visit but noted that Standing Order 6.3A had been created to provide for the unavoidable absence of a Minister. The proposal to suspend Standing Order 6.3A on this occasion had been agreed in her absence but she said that in future another Assembly Minister should stand in. William Graham said that the Draft Business Statement implied that the day scheduled for Education questions had already been re-arranged but this was subject to approval by the Assembly. The Deputy Presiding Officer said this particular instance should not be regarded as setting a precedent.

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

4.1 The Business Committee considered papers BC320-01 to BC323-01 that provided advice on the handling of the following four items of draft subordinate legislation:

- ❑ The Countryside (Local Access Forums) (Wales) Regulations 2001 (BC320-01)
- ❑ The Countryside (Draft Maps) (Wales) Regulations 2001 (BC321-01)
- ❑ The Sheep and Goats Spongiform Encephalopathy (Compensation) (Amendment) (England and Wales) Order 2001 (BC322-01)
- ❑ The Environment Protection (Restriction on Use of Lead Shot) (Wales) Regulations 2001 (BC323-01)

#### **4.2 BC320-01 and BC321-01**

The Committee considered the recommendation that these two items of draft legislation need not be referred to a subject committee and that they should follow the standard procedure.

4.3 The Deputy Presiding Officer expressed concern that the reasons given in the Explanatory Memorandums for not carrying out regulatory appraisals were inadequate. He also said that the comment that there were no financial implications for the National Assembly implied that no consideration had been given to the financial implications for businesses and others. David Lambert said that the implication that the making of the regulations was a statutory requirement under the Countryside and Rights of Way Act 2000 and that therefore a regulatory appraisal was not required was insufficient within the meaning of Section 65 of the Government of Wales Act 1998. The Committee agreed to defer both draft regulations for further consideration until the next meeting so that Ministers could clarify the reasons for not carrying out regulatory appraisals. **Action: Secretariat**

#### 4.4 BC322-01

The Committee considered the recommendation that this draft order should follow the accelerated procedure.

4.5 David Lambert said that orders made under Standing Order 23 Section 3 do not require regulatory appraisals to be carried out so there was no need for the explanation in the Explanatory Memorandum for a regulatory appraisal not being required. He also suggested that the cover sheet might make clear under what section of Standing Order 23 the order was being made. Not all Standing Order 23 orders were eligible to be referred to a subject committee. The Minister for Assembly Business noted Jocelyn Davies' view that her party would like to debate the order.

#### 4.6 BC323-01

The Committee considered the recommendation that these draft regulations need not be referred to a subject committee and that they should follow the standard procedure.

4.7 The Deputy Presiding Officer said that the Explanatory Memorandum stated that a regulatory appraisal had been carried out and was attached but it hadn't been. The Committee agreed to defer consideration of the draft regulations until the next meeting when the regulatory appraisal would be available. **Action: Secretariat**

### 5. Advice to Assembly on Procedures

#### ❑ **Recess Arrangements 2002 (BC306-01)**

5.1 The Committee discussed the recess options for 2002.

The Minister for Assembly Business, William Graham and Peter Black all expressed their preference for Option 1 but Jocelyn Davies said that her party's preference was for Option 3. The Minister for Assembly Business proposed that the Business Managers should meet separately to attempt to

reach agreement. It was agreed to defer the decision on the recess arrangements for 2002 until next week's meeting.

5.2 The Deputy Presiding Officer said that if possible there should be a four-week break at Christmas to give all staff adequate opportunity to take leave. Marie Knox noted that the need for a four-week Christmas break to allow staff to take leave would be even more important if it was decided to take a shorter summer recess.

## **6. Committees**

None.

## **7. Forthcoming Business**

### **□ This Week's Business (BC324-01)**

7.1 The Committee considered paper BC324-01 which detailed the Assembly's agreed business for the week.

7.2 The Minister for Assembly Business said that the only addition to the agreed business for Tuesday would be a statement from the First Minister on the explosion at the Corus plant in Port Talbot. On Thursday there would be an additional statement from Jane Hutt, the Minister for Health & Social Services on the Children's Society in Wales. Jocelyn Davies noted that there would be no debates at all on Thursday.

### **Draft Business Statement (BC325-01)**

7.3 The Committee considered the draft business statement (BC325-01).

7.4 The Minister for Assembly Business said that the motion to approve The Special Education Needs and Disability Act 2001 (Commencement No.2) (Wales) Order 2001 under Standing Order 24 had been withdrawn. However, the motion to approve the draft revised SEN Code of Practice in Wales would remain. In addition to the business scheduled for Thursday 6<sup>th</sup> December, there would be a motion to approve Special Grant Report No.9 on Unaccompanied Asylum Seeking Children.

7.5 Jocelyn Davies asked about the debate on Communities First which had appeared on an earlier Forward Look. Marion Stapleton said that the debate had been withdrawn in last week's Business Statement.

7.6 The Committee's advice to the Minister for Assembly Business about the organisation of the Assembly's business for the weeks commencing Tuesday 20<sup>th</sup> November, Tuesday 27<sup>th</sup> November and Tuesday 6<sup>th</sup> December 2001, was that it should proceed as outlined.

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

None

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

None

## **10. Presiding Officer rulings**

None

## **11. Any other business**

11.1 William Graham said that he was concerned that questions tabled to the Minister for Finance had been transferred to the Minister for Local Government and Communities by the Table Office. The Deputy Presiding Officer asked him to provide further details so that officials could look into the matter. **Action: Secretariat to report back.**

**CHAMBER SECRETARIAT**