

MINUTES OF MEETING

Date: 18th June 2002

Time: 9 a.m.

Venue: Room A3.13

Present: John Marek, Deputy Presiding Officer (Chair)
Carwyn Jones, Minister for Rural Affairs and Assembly Business
Jocelyn Davies, Plaid Cymru Business Manager
Jonathan Morgan, Conservative Business Manager
Kirsty Williams, Liberal Democrats Business Manager

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, Assembly Business Unit
Alun Jenkins, Office of the Counsel General (agenda item 4)
Marc Wyn Jones, Chamber Secretariat/PS to Deputy Presiding Officer

1. Apologies & announcements

2. Minutes of the previous meetings

(i) BC183-02 (Final) Tuesday 11th June 2002

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

Action: Chamber Secretariat

(ii) BC192-02 (Draft) Tuesday 28th May 2002

2.2 The minutes were presented to the Committee in draft. Since there were no comments they would be translated in readiness for publication.

Action: Chamber Secretariat

3. Matters Arising (BC192-02 Tuesday 11th June 2002)

4. Subordinate Legislation

(a) Orders for consideration

The Plant Breeders' Rights (Fees) (Amendment) Regulations 2002 (BC194-02) *Standing Order 23, Section 3*

The Contaminants in Food (Wales) Regulations 2002 (BC195-02)

Recommended Procedure: Accelerated The Local Authorities (Companies)

(Amendment) (Wales) Order 2002 (BC196-02) *Recommended Procedure:*

Accelerated

The National Health Service (General Medical Services) (Amendment) (No.3) (Wales) Regulations 2002 (BC197-02) *Recommended Procedure: Standard*

The Welfare of Farmed Animals (Wales) (Amendment) Regulations 2002 (BC198-02) *Recommended Procedure: Standard*

The Control of Noise (Codes of Practice for Construction and Open Sites) (Wales) Order 2002 (BC199-02) *Recommended Procedure: Accelerated*

The Homelessness Act (Commencement) (Wales) Order 2002 (BC200-02) *Recommended Procedure: Accelerated*

The Feeding Stuffs (Amendment) (Wales) Regulations 2002 (BC201-02) *Recommended Procedure: Accelerated*

The Countryside Access (Provisional and Conclusive Maps) (Wales) Regulations 2002 (BC202-02) *Recommended Procedure: Standard*

The Countryside Access (Appeals Procedures) (Wales) Regulations 2002 (BC203-02) *Recommended Procedure: Standard*

The Local Authorities (Capital Finance and Approved Investments) (Amendment) (No.2) (Wales) Regulations 2002 (BC204-02) *Recommended Procedure: Accelerated*

Local Education Authority (Post-Compulsory Education Awards)(Wales) Regulations 2002 (BC205-02) *Recommended Procedure: Accelerated*

The Education (Assembly Learning Grant Scheme)(Wales) Regulations 2002 (BC206-02) *Recommended Procedure: Accelerated*

4.1 The Business Committee considered papers BC194-02 to BC206-02 which provided advice on the handling of these orders. The Deputy Presiding Officer noted that BC195-02, BC205-02 and BC206-02 had been posted late to the Intranet, although the period for which they had been posted included two weekends.

4.2 The Deputy Presiding Officer said that BC194-02 had not been posted to the Intranet over two weekends. Alun Jenkins said that there was no requirement in Standing Orders for orders made under Standing Order 23, Section 3 to be posted to the Intranet. However, the previous Minister for Assembly Business had said that he would endeavour to post such orders to the Intranet 5 working days prior to being considered by Business Committee. The Deputy Presiding Officer said that in the interest of full scrutiny and accountability the orders should be available over two weekends wherever possible. He asked the Minister for Assembly Business to impress on UK Government Departments that draft orders were available in good time for Assembly Members to give them due consideration. The Minister for Assembly Business asked the Deputy Presiding Officer to outline his concerns in a letter which he would bring to the attention of his Cabinet colleagues.

4.3 The Deputy Presiding Officer said that paragraphs 5 and 6 of the Explanatory Memorandum of BC200-02 had referred to additional costs to local authorities arising from the order. However, the Minister had concluded that a Regulatory Appraisal was inappropriate as the Instrument was bringing primary legislation into force. The Deputy Presiding Officer said that this did not seem to be an appropriate reason not to have a regulatory appraisal and could lead to the National Assembly for Wales facing legal action. Jocelyn Davies said that the issue needed clarification. The Minister for Assembly Business said he would prepare a paper on the subject.

Action: Minister for Assembly Business to prepare paper.

4.4 The Deputy Presiding Officer said that the Explanatory Memorandums accompanying a number of the draft orders could be construed as being dismissive of the role of committees. The Minister for Assembly Business asked the Deputy Presiding Officer to write to him about his concerns.

4.5 Jocelyn Davies asked for a debate in Plenary on BC200-02 and BC205-02. The Minister for Assembly Business said that he would consider this request. The Committee agreed the recommended procedure for the remaining draft orders.

The Presiding Officer subsequently determined that these Orders need not be referred to a subject committee.

(b) Orders made under the Executive Procedure; papers to note.

BC207-02

4.6 The Committee noted the letter from the Minister for Assembly Business on the use of the Executive procedure for the General Ophthalmic Services: Increase in the NHS Sight Test Fee and Consequential Amendment to the National Health Service Optical Charges and Payment Regulations. The Deputy Presiding Officer noted the reference in the letter to the determination being delegated to staff. However, Ministers were not notifying the Presiding Office of these determinations so that they could be published under Standing Order 30.1. The Minister agreed to investigate the situation and report back to the Committee.

Action: Minister for Assembly Business to report back.

BC208-02

4.7 The Committee noted the e-mail from Cabinet Secretariat to Members on the use of the Executive Procedure to make The National Health Service (Optical Charges and Payments) (Amendment) (No.2) (Wales) Regulations 2002.

(c) Letters from Committees; papers to note.

4.8 The Committee noted the letter from the Agriculture & Rural Development Committee on a list of forthcoming subordinate legislation presented to the

Committee. It was agreed that the Panel of Chairs should consider whether this should become the practice for all subject committees.

Action: Secretariat to write to Panel of Chairs.

5. Advice to Assembly on procedures

BC180-02

5.1 The Deputy Presiding Officer said that this paper set out a proposal to change the procedure for First Minister's Questions arising from the Assembly Review of Procedures. The Minister for Assembly Business said that the Government were content with the recommendation that any question "would be allowed to the First Minister on any subject within the Assembly's remit." The Committee agreed that the amendments to the Guidance should be made and publicised so that the new arrangements could take effect from Tuesday 25 June.

6. Committees

7. Forthcoming Business

(i) This Week's Business

7.1 The Committee considered paper BC212-02 which detailed the Assembly's agreed business for the week.

7.2 The Minister for Assembly Business said that the statement on the visit by Jenny Randerson to the British-Irish Council which had been scheduled for Tuesday 18th June had been moved to Thursday 20th June. He said that the debate on the Agriculture and Rural Affairs Committee's report on ICT in Rural Wales, which had been scheduled for Tuesday 18th June, would be moved to either Thursday 11th July or Thursday 18th July. In their place there would be a statement by Edwina Hart on Consignia and a statement by the First Minister on the Cabinet reshuffle.

7.3 The Minister for Assembly Business also said that the following motions, which had been scheduled for Thursday 20th June, had been postponed until the 18th July -

- Motion to approve the Town and Country Planning (Fees and Applications & Deemed Applications) (Amendment) (Wales) Regulations 2002
- Motion to approve the Town and Country Planning (General Development Procedure) (Amendment) (Wales) Order 2002
- The Town and Country Planning (General Permitted Development) (Amendment) (Wales) Order 2002

7.4 Jocelyn Davies said that the Human Rights Commission for Wales had recently met with the UK Parliament's Joint Committee on Human Rights. She asked if the Minister for Assembly Business would make a statement on this in his capacity as Minister for Human Rights. The Minister for Assembly Business agreed this request.

(ii) Draft Business Statement

7.5 The Committee noted the Minister for Assembly Business and Rural Affairs' proposed statement about the organisation of the Assembly's business for the weeks commencing Tuesday 25th June, Tuesday 2nd July and Tuesday 9th July.

7.6 The Minister for Assembly Business and Rural Affairs said that there was one change to the business outlined in the Draft Business Statement. A debate on the Wye Navigation Order had been scheduled for Thursday 27th June.

8. Matters referred from plenary

9. Revisions to Standing Orders

BC210-02

9.1 The Committee considered the paper on the second tranche of Standing Order changes arising from the Assembly Review of Procedure. Members of the Committee said that the proposal to amend Standing Order 6.3 in order to protect the short debate should not encroach on the time available for minority party debates. The Committee agreed to consult their groups and to return to the subject at the next Business Committee meeting.

BC211-02

9.2 The Committee considered the paper on proposals for dealing with petitions addressed to the Assembly and agreed to consult their groups and return to the subject at the next Business Committee meeting.

10. Presiding Officer rulings

11. Any other business

11.1 The Deputy Presiding Officer asked if the Minister for Assembly Business would supply the Secretariat with details of Ministers' revised portfolios following the Cabinet reshuffle. The Minister for Assembly Business agreed this request.

Action: Minister for Assembly Business to supply Secretariat with information.

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