

Committee on the Government of Wales Bill

Minutes GWB(2)-02-06 (mins)

Date: Wednesday 25 January 2006
Time: 15 minutes after the end of plenary
Venue: Committee Room 3, National Assembly for Wales

Assembly Members in Attendance

Assembly Member	Constituency
Nick Bourne	Mid and West Wales
Jocelyn Davies	South Wales East
Lord Dafydd Elis-Thomas (Chair)	Meirionnydd Nant Conwy
Mike German	South Wales East
Christine Gwyther	Carmarthen West and South Pembrokeshire
Jane Hutt	Vale of Glamorgan
Ann Jones	Vale of Clwyd
Ieuan Wyn Jones	Ynys Mon
Val Lloyd	Swansea East
David Melding	South Wales Central
Gwenda Thomas	Neath

Officials

Name	Representing
Paul Silk	Clerk to the Assembly
Peter Jones	Counsel to the Assembly Parliamentary Service
Hugh Rawlings	Constitutional Affairs Unit, Welsh Assembly Government

Committee Service

Name	Job title
Siân Wilkins	Committee Clerk
Sarah Beasley	Deputy Committee Clerk

Item 1: Introduction, Apologies, Substitutions and Declarations of Interest

1.1 Apologies were received from Leighton Andrews. Christine Gwyther attended the committee as his substitute.

1.2 The Chair welcomed Hugh Rawlings from the Constitutional Affairs Unit of the Welsh Assembly Government.

Item 2: Government of Wales Bill

- Paper: GWB(2)-02-06 (p1)
- Paper: GWB(2)-02-06 (p2)[amended]
- Paper: GWB(2)-02-06 (p2A) – this paper was tabled at the meeting.

2.1 The committee agreed the revised order of consideration of clauses as detailed in the paper.

2.2 The Committee considered Part 3 of the Bill and amendments tabled in relation to it.

2.3 Amendment 1: proposed by the Welsh Conservative Group

Clause 92 - It is noted that Assembly measures will have the same effect as an Act of Parliament.

Delete Part 3 of the Bill entirely (i.e. Clauses 92-101)

Following discussion, the amendment was voted on as follows:

For: Nick Bourne, David Melding, Mike German, Ieuan Wyn Jones, Jocelyn Davies (5)

Against: Jane Hutt, Christine Gwyther, Ann Jones, Val Lloyd, Gwenda Thomas (5)

Abstention: (0)

Casting Vote: (1) Lord Dafydd Elis-Thomas voted against the amendment, in accordance with Standing Order 8.14

Amendment defeated.

2.4 Amendment 2: proposed by leuan Wyn Jones and Jocelyn Davies

Clause 93 - Insert new clause 93A:

"Scheme for parliamentary legislative provisions.

1. The Secretary of State shall draw up and publish a scheme setting out the arrangements Her Majesty's Government proposes to make in order to provide definitions of the scope within the provisions of government bills introduced into Parliament for Assembly Measures to be introduced in accordance with sections 92 and 93.
2. The scheme referred to in (1) shall include guidance given to ministers regarding:
 - (a) the scope within legislation for matters to be determined by the Assembly or Welsh Ministers;
 - (b) arrangements for making it readily apparent within legislation or any explanatory notes published by ministers what the scope is for matters to be determined by the Assembly or Welsh Ministers.
3. The Secretary of State shall amend or revise the scheme referred to in (1) from time to time as he considers appropriate.
4. The Secretary of State shall lay before the Assembly any scheme, or amendments to a scheme, made under this section.
5. No scheme shall be made, amended or revised under this section unless the Assembly has first been consulted on such a scheme or amendments."

The Business Minister agreed to consider this matter further and report back to the committee.
[Action]

On this basis, the amendment was withdrawn.

2.5 Amendment 3: proposed by leuan Wyn Jones and Jocelyn Davies

Schedule 5, page 109, line 46 at end insert:

"Field 21: police, probation, and prison service."

Following discussion, the amendment was withdrawn.

2.5 Amendment 4: proposed by leuan Wyn Jones and Jocelyn Davies

Schedule 5, page 109, line 46 at end insert:

"Field 22: energy."

Following discussion, the amendment was voted on as follows:

For: Nick Bourne, David Melding, Mike German, Ieuan Wyn Jones, Jocelyn Davies (5)

Against: Jane Hutt, Christine Gwyther, Ann Jones, Val Lloyd, Gwenda Thomas (5)

Abstention: (0)

Casting Vote: (1) Lord Dafydd Elis-Thomas voted against the amendment, in accordance with Standing Order 8.14

Amendment defeated.

2.6 Amendment 4A: proposed by the Welsh Liberal Democrats

Schedule 5: Leave out.

Insert: [FOR TEXT: SEE ANNEX]

Following discussion, the Business Minister agreed to consider the matter further and report back to the committee. [Action]

On this basis, the amendment was withdrawn.

2.7 Amendment 5: proposed by Ieuan Wyn Jones and Jocelyn Davies

Clause 94, page 51, line 29 at end insert:

"(5A) In the event of approval of a draft statutory instrument by the Assembly, as specified in (5) (a), but there not being within 60 days of that approval, an approval by a resolution of each House of Parliament as specified in (5) (b), subsection (5) shall cease to have effect in the case of that draft statutory instrument, and the procedure specified in (5B) will then apply to that draft statutory instrument.

(5B) The procedure which will apply in cases specified in (5A) will be –

No recommendation is to be made to Her Majesty in Council to make an Order in Council under this section unless a draft of the statutory instrument containing the Order in Council –

(a) has been laid before, and approved by a resolution of, the Assembly, and

(b) the resolution of the Assembly is passed on a vote in which the number of Assembly members voting in favour of it is not less than two-thirds of the total number of Assembly seats."

Following discussion, the amendment was voted on as follows:

For: Ieuan Wyn Jones, Jocelyn Davies, Mike German (3)

Against: Jane Hutt, Christine Gwyther, Ann Jones, Val Lloyd, Gwenda Thomas, Nick Bourne, David Melding (7)

Abstention: (0)

Amendment defeated

2.8 Amendment 5A: proposed by the Welsh Liberal Democrats

Clause 94(7) Page 51 Line 36 – Insert at end of (b) "Reasons for the refusal must fall within (8)."

Following discussion, the amendment was voted on as follows:

For: Nick Bourne, David Melding, Mike German, Ieuan Wyn Jones, Jocelyn Davies (5)

Against: Jane Hutt, Christine Gwyther, Ann Jones, Val Lloyd, Gwenda Thomas (5)

Abstention: (0)

Casting Vote: (1) Lord Dafydd Elis-Thomas voted against the amendment, in accordance with Standing Order 8.14

Amendment defeated.

2.9 Amendment 5B: proposed by the Welsh Liberal Democrats

Clause 94(7) Page 51 Line 36 – Insert new subsection after (b):

"(8) A refusal that falls within (7)(b) only applies if the Secretary of State has reason to believe that the Assembly Measure -

- (a) would have an adverse effect on any matter which is not specified in Part 1 of Schedule 5
- (b) might have a serious adverse impact on water resources in England, water supply in England or the quality of water in England,
- (c) would have adverse impact on the law as it applies in England, or
- (d) would be incompatible with any international obligation or the interests of defence or national Security."

Following discussion, the Member proposing the amendment suggested that the vote should be on the principle of a test of reasonableness being included in this Clause.

The amendment was moved and voted on as follows:

For: Nick Bourne, David Melding, Mike German, Ieuan Wyn Jones, Jocelyn Davies (5)

Against: Jane Hutt, Christine Gwyther, Ann Jones, Val Lloyd, Gwenda Thomas (5)

Abstention: (0)

Casting Vote: (1) Lord Dafydd Elis-Thomas voted against the amendment, in accordance with Standing Order 8.14

Amendment defeated.

2.10 Amendment 6: proposed by the Welsh Conservative Group

Add new para (8) and renumber subsequent para's:

"(8) The Secretary of State may not refuse to lay the draft on the grounds of a policy disagreement with the resolution of the Assembly."

Amendment withdrawn

2.11 Amendment 7: proposed by Ieuan Wyn Jones and Jocelyn Davies

Clause 95, page 52, line 11:

After "Counsel General", insert "or the Assembly".

Following discussion, the amendment was voted on as follows:

For: Nick Bourne, David Melding, Mike German, Ieuan Wyn Jones, Jocelyn Davies (5)

Against: Jane Hutt, Christine Gwyther, Ann Jones, Val Lloyd, Gwenda Thomas (5)

Abstention: (0)

Casting Vote: (1) Lord Dafydd Elis-Thomas voted against the amendment, in accordance with Standing Order 8.14

Amendment defeated.

2.12 Amendment 8: proposed by Ieuan Wyn Jones and Jocelyn Davies

Clause 96, page 52, line 21:

At end insert ", or (c) by any committee of the Assembly established under section 28 or section 30."

Following discussion, this amendment was withdrawn.

A recommendation was made that this matter be considered by the forthcoming Committee on Standing Orders. [Action]

2.13 Amendment 9: proposed by the Welsh Conservative Group

Recommendation: Standing Orders should protect a set amount of time for AMs not in the Welsh Assembly Government to introduce Assembly Measures.

The Business Minister believed this to be a matter for future standing orders, and agreed to report back to the committee with clarification of this. She agreed however that the principle was one she would support.. [Action]

On this basis, the amendment was withdrawn.

2.14 Amendment 10: proposed by Ieuan Wyn Jones and Jocelyn Davies

Clause 98, page 53, line 44:

After "Counsel General", insert "or the Assembly".

Following discussion, the amendment was withdrawn for revision and re-submission at a later date.

Committee Service