

**MINUTES OF MEETING**

**Date:** 8<sup>th</sup> January 2002

**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  
Jonathan Morgan, 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, Assembly Business Unit  
Adrian Green, Chamber Secretariat  
Alun Gruffudd, PS/Deputy Presiding Officer  
Alan Jenkins, Office of the Counsel General (agenda item 4)

**1. Apologies & announcements**

1.1 Peter Black said that Kirsty Williams sent her apologies for absence. However, she planned to return as a member of the Committee after the February half term. In the meantime he would continue to represent her in accordance with Standing Order 13.3.

**2. Minutes of the previous meetings****(i) 4<sup>th</sup> December 2001 - BC355-01 (Final)**

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) 11<sup>th</sup> December 2001 - BC361-01 (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: Chamber Secretariat**

**3. Matters Arising (11<sup>th</sup> December 2001 - BC361-01)**

3.1 **Paragraph 3.2** The Minister for Assembly Business said that no discussion had taken place with colleagues about recess arrangements for Easter 2003 and the period leading up to the Assembly elections. However he said that the First Minister felt that party groups should consider the matter

before a decision was reached. Business Managers agreed to take the matter forward with party leaders and consider within party groups.

**3.2 Paragraph 3.4** The Minister for Assembly Business said that he was content to copy all letters issued to Business Managers about orders made under executive procedure to the Deputy Presiding Officer. However, he reiterated the view that the Business Committee did not have a role in scrutinising the Cabinet's use of the executive procedure.

3.3 The Deputy Presiding Officer said that under Standing Order 13.1 (iii) the Committee's remit included making recommendations as appropriate on the general practice and procedures of the Assembly. Section 67(1) of the Government of Wales Act provides for the usual subordinate legislation procedural requirements "*in particular circumstances when it is not reasonably practicable*" to be disapplied. This provision is replicated in S.O. 22.27. The Deputy Presiding Officer said that the Cabinet should supply the Committee with the reasons for the use of the executive procedure and be prepared to justify circumstances when it was not reasonably practicable to follow the usual procedure. Jocelyn Davies said that she believed this was a convincing argument; otherwise there would be no scrutiny of the use of the executive procedure. The Minister for Assembly Business said that he had emphasised to colleagues that the executive procedure should only be used when it was necessary to do so but that it was open to members to seek to revoke an instrument made under this procedure. He undertook to seek further advice on the matter. **Action: Minister for Assembly Business**

3.4 The Deputy Presiding Officer said that he had still not received a letter about the use of the executive procedure in the case of the Farm Enterprise Grant and Farm Improvement Grant (Wales) Regulations 2001 which came into force on 30<sup>th</sup> November 2001. The Cabinet had agreed to use the executive procedure in respect of these regulations back in April. Marion Stapleton said that she would look into the matter. **Action: Marion Stapleton**

**3.5 Paragraph 4.2** The Deputy Presiding Officer said that the cover sheets relating to draft subordinate legislation were still not fully reflecting information on subject committee consideration. The information requested was any initial consultation with subject committees as well as a recommendation as to whether or not consideration by subject committees following the Business Committee was desirable. Marion Stapleton said that some draft orders are issued to members of subject committees at the consultation stage but this is not done formally. She said that Ministers were now providing committee chairs with a programme of forthcoming subordinate legislation. The Deputy Presiding Officer said that this was useful but suggested that the Panel of Chairs might wish to consider the issue further. The Committee agreed that the matter should be referred to the Panel of Chairs. **Action: Secretariat**

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

4.1 The Business Committee considered papers BC2-02 to BC4-02 that provided advice on the handling of the following three items of draft subordinate legislation.

- The Miscellaneous Food Additives (Amendment) (Wales) Regulations 2002 (BC2-02)
- The Potatoes Originating in Egypt (Amendment) (Wales) Regulations 2002 (BC3-02)
- The Milk Marketing Board (Dissolution) Order 2002 (BC4-02)

4.2 Members of the Business Committee advised the Deputy Presiding Officer that they were content with the proposals not to send the draft orders to subject committees and agreed that they should follow the accelerated procedure. **The Deputy Presiding Officer subsequently determined that the Orders need not be referred to subject committees.**

4.3 Alun Jenkins said that he wished to advise the Committee of a significant procedural error that had occurred in the Office of the Counsel General's Legislation Management Unit. The problem arose over the Specified Risk Material (Amendment) (Wales) (No.2) Regulations 2001 that were made under the executive procedure on 31<sup>st</sup> October 2001 and came into force on 1<sup>st</sup> November 2001. The Business Unit was not informed when the regulations were made and this meant that Members had also not been notified. The Legislation Committee had alerted the Legislation Unit to the problem. Alun Jenkins apologised for the oversight and said that new procedures were now in place to prevent a re-occurrence of the problem. The Committee thanked him for informing them of the error.

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

None

## **6. Committees**

- Request from the Culture Committee (BC7-02)

6.1 The Committee considered and agreed a request from the Culture Committee to use its timetabled informal activities slot on the afternoons of 17<sup>th</sup> January 2002 and 14<sup>th</sup> February 2002 for formal evidence gathering sessions as part of its review of the Welsh language.

## **7. Forthcoming business**

### **This Week's Business (BC5-02)**

7.1 The Committee considered paper BC5-02 which detailed the Assembly's agreed business for the week. The Minister for Assembly Business said that in addition to three statements scheduled that day, there would be a statement from Edwina Hart on proposed budget changes. The Special Grant Report No.9 on Unaccompanied Asylum Seeking Children had also been moved to 15<sup>th</sup> January.

7.2 The Deputy Presiding Officer said that business for the week would be extremely tight and asked if it was possible to re-schedule one of the statements. In discussion, concerns were expressed about the time allocated for statements and the Minister for Assembly Business agreed to look at the possibility of re-scheduling the Education Bill statement.

### **Draft Business Statement (BC6-02)**

7.3 The Committee considered the Draft Business Statement (BC6-02).

7.4 The Minister for Assembly Business said that the only change to the Draft Business Statement was the re-scheduling of the debate on the Assembly Review of Procedure which had been allocated a slot on Thursday 31<sup>st</sup> January. Pauline Jarman's S.O. 29 debate would take place on this date instead.

7.5 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 Tuesday 15<sup>th</sup> January, Tuesday 22<sup>nd</sup> January and Tuesday 29<sup>th</sup> January 2002 was that it should proceed as outlined.

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

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

### **10. Presiding Officer rulings**

### **11. Any other business**

11.1 The Deputy Presiding Officer said that he would like to inform the Committee as to why he had not recently called certain Members to speak in debates. It is courteous to be present for opening speeches if a Member wishes to contribute to the debate. The Protocol on Code of Conduct in the Chamber makes this clear. He said that he would be writing to members.

**Action: Deputy Presiding Officer**

**CHAMBER SECRETARIAT**