

LEGISLATION COMMITTEE MEETING

MINUTES:

Date: 2 July 2002
Time: 9:30 a.m.
Venue: Committee Room 1, National Assembly Building

Attendance:

Mick Bates	(Liberal Democrat)
Glyn Davies	(Conservative)
Ron Davies	(Labour)
Janice Gregory	(Labour)
Pauline Jarman	(Plaid Cymru)
Dr Dai Lloyd	(Plaid Cymru)
Val Lloyd	(Labour)
Owen John Thomas	(Plaid Cymru)

Officials

John Turnbull	Legal Adviser
Huw Davies	Legal Adviser
Olga Lewis	Committee Clerk
Simon Thwaite	Deputy Committee Clerk

Apologies for absence: Gwenda Thomas

Item 1: Minutes of the previous meeting and matters arising: LEG-16-2002(min)

1.1 The Committee agreed the minutes of the meeting held on 25 June 2002.

Item 2: Chair's Report

2.1 The Chair reported that the project of the Theatr Fforwm Cymru entitled "The AGORA" had been held in the Oval Basin, Cardiff Bay between June 26-28 2002.

Item 3: Assembly Orders for Consideration

LC502 - The Countryside Access (Provisional and Conclusive Maps) (Wales) Regulations 2002

3.1 Mr Turnbull presented the report to the Committee. The Regulations will be made under the Standard Procedure.

3.2 The Committee agreed that it did not need to invite the Assembly to pay special attention to the Regulations on any grounds specified in Standing Order 11.5. However, the Committee did make four general observations which they felt should be recorded in their report.

3.3 The Committee's report to the Assembly on the Regulations is attached as LC502 (Report).

LC503 - The Countryside Access (Appeals Procedures) (Wales) Regulations 2002

3.4 Mr Turnbull presented the report to the Committee. The Regulations will be made under the Standard Procedure.

3.5 In Regulation 5(2)(a) it is queried whether this paragraph can ever apply. It appears that the date under paragraph (b) will, in all cases, be later than the date under paragraph (a).

3.6 In Regulation 16(1)(c) under regulation 13 the only persons "entitled" to take part in a hearing are the appellant and the respondent. Thus it does not seem that there can be any persons falling within paragraph (c).

3.7 In Regulations 18(6) and 22(6) Regulation 18(6) states that the Assembly "may require the respondent to take ... one or more of the steps as it may under regulation 22(6) require the respondent to take". However Regulation 22(6) does not, however, provide for the Assembly to require the respondent to take any steps. It thus appears that either -

- (a) the wording in 18(6) is incorrect, or
- (b) 22(6) was intended to empower the Assembly to require the respondent to take the steps referred to.

3.8 In Regulation 24(4) It does not seem that the words "if any" are relevant. Paragraph (3) appears to specify a "relevant period" which is applicable in all cases.

3.9 In Regulation 27(4)(b) the reference to "regulation 22(3) to (8)" cannot be correct.

3.10 It was agreed that as these were minor drafting errors they should be amended under SO22.13 by a Memorandum of Corrections. The Committee's report would indicate that unless an appropriate memorandum of corrections is laid, the Assembly is invited to pay special attention to these drafting points. Referral under SO 11.4 had been affected by the Legal Adviser to the Committee.

3.11 The Committee made a number of general observations which they felt should be recorded in the report.

3.12 The Committee's report to the Assembly on the Regulations is attached as LC503 (Report).

LC504 - The National Health Service (General Medical Services) (Amendment) (No.3) (Wales) Regulations 2002

3.13 Mr Turnbull presented the report to the Committee. The Regulations will be made under the Standard Procedure.

3.14 The Committee agreed that it did not need to invite the Assembly to pay special attention to the regulations on any grounds specified in Standing Order 11.5 nor did they have any general observations.

3.15 The Committee's report to the Assembly on the Regulations is attached as LC504 (Report).

LC505 - The Welfare of Farmed Animals (Wales) (Amendment) Regulations 2002

3.16 Mr Turnbull presented the report to the Committee. The Regulations will be made under the Standard Procedure.

3.17 The Committee agreed that it did not need to invite the Assembly to pay special attention to the Regulations on any grounds specified in Standing Order 11.5. However,

the Committee did make three general observations which they felt should be recorded in their report.

3.18 The Committee noted that the Draft Statutory Instrument did not reflect the recommendation of the subject committee to bring forward the date by which the battery cages were to be phased out from 2012 to 2006. The Committee decided to seek the Minister's opinion on the matter. Action: **Clerk/Legal Adviser**

3.19 The Committee's report to the Assembly on the Regulations is attached as LC505 (Report).

LC506 - The Local Education Authority (Post-Compulsory Education Awards) (Wales) Regulations 2002

3.20 Mr Turnbull presented the report to the Committee. The Regulations will be made under the Standard Procedure.

3.21 The Committee agreed that it did not need to invite the Assembly to pay special attention to the Regulations on any grounds specified in Standing Order 11.5. The Legal Advisers had the opportunity to see an early draft and identified a number of points which had been taken into account in the final draft.

3.22 The Committee's report to the Assembly on the Regulations is attached as LC506 (Report).

LC507 - The Education (Assembly Learning Grant Scheme)(Wales) Regulations 2002

3.23 Mr Turnbull presented the report to the Committee. The Regulations will be made under the Accelerated Procedure.

3.24 The Committee agreed that it did not need to invite the Assembly to pay special attention to the Regulations on any grounds specified in Standing Order 11.5. The Legal Advisers had the opportunity to see an early draft and identified a number of points which had been taken into account in the final draft.

3.25 The Committee's report to the Assembly on the Regulations is attached as LC507 (Report).

LC508 - The Local Authorities (Capital Finance) (Approved Investments) (Amendment) (No. 2) (Wales) Regulations 2002

3.26 Mr Turnbull presented the report to the Committee. The Regulations will be made under the Accelerated Procedure.

3.27 The Committee agreed that it did not need to invite the Assembly to pay special attention to the Regulations on any grounds specified in Standing Order 11.5. The Legal Advisers had the opportunity to see an early draft and identified a number of points which had been taken into account in the final draft.

3.28 The Committee's report to the Assembly on the Regulations is attached as LC508 (Report).

LC509 - The Local Authorities (Companies) (Amendment) (Wales) Order 2002

3.29 Mr Turnbull presented the report to the Committee. The Order will be made under the Accelerated Procedure.

3.30 The Committee agreed that it did not need to invite the Assembly to pay special attention to the Order on any grounds specified in Standing Order 11.5. The Legal Advisers had the opportunity to see an early draft and identified a number of points which had been taken into account in the final draft.

3.31 The Committee's report to the Assembly on the Order is attached as LC509 (Report).

LC510 - The Contaminants in Food (Wales) Regulations 2002

3.32 Mr Davies presented the report to the Committee. The Regulations will be made under the Accelerated Procedure.

3.33 The Committee agreed that it did not need to invite the Assembly to pay special attention to the Regulations on any grounds specified in Standing Order 11.5. However, the Committee did make a number of general observations which they felt should be recorded in their report.

3.34 The Committee's report to the Assembly on the Regulations is attached as LC510 (Report).

LC511 - The Control of Noise (Codes of Practice for Construction and Open Sites) (Wales) Order 2002

3.35 Mr Davies presented the report to the Committee. The Order will be made under the Accelerated Procedure.

3.36 The Committee agreed that it did not need to invite the Assembly to pay special attention to the Order on any grounds specified in Standing Order 11.5. However, the Committee did make two number general observations which they felt should be recorded in their report.

3.37 The Committee's report to the Assembly on the Order is attached as LC511 (Report).

LC512 - The Children (Leaving Care) (Amendment) (Wales) Regulations 2002

3.38 Mr Davies presented the report to the Committee. The Regulations will be made under the Accelerated Procedure.

3.39 The Committee agreed that it did not need to invite the Assembly to pay special attention to the regulations on any grounds specified in Standing Order 11.5 nor did they have any general observations.

3.40 The Committee's report to the Assembly on the Regulations is attached as LC512 (Report).

LC513 - The Undersized Spider Crabs (Wales) Order 2002

3.41 Mr Davies presented the report to the Committee. The Order will be made under the Accelerated Procedure.

3.42 The Committee agreed that it did not need to invite the Assembly to pay special attention to the Order on any grounds specified in Standing Order 11.5. The Legal Advisers had the opportunity to see an early draft and identified a number of points which had been taken into account in the final draft.

3.43 The Committee's report to the Assembly on the Order is attached as LC513 (Report).

LC514 - The Shellfish (Specification of Crustaceans) (Wales) Regulations 2002

3.44 Mr Davies presented the report to the Committee. The Regulations will be made under the Accelerated Procedure.

3.45 The Committee agreed that it did not need to invite the Assembly to pay special attention to the Regulations on any grounds specified in Standing Order 11.5. The Legal Advisers had the opportunity to see an early draft and identified a number of points which had been taken into account in the final draft.

3.46 The Committee's report to the Assembly on the Regulations is attached as LC514 (Report).

Item 4: Any Other Business and Date of Next Meeting

4.1 The next meeting would be held on 9 July 2002.