

**LEGISLATION COMMITTEE MEETING****MINUTES:**

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

**Attendance:**

Mick Bates	(Liberal Democrat)
Glyn Davies	(Conservative)
Janice Gregory	(Labour)
Dr Dai Lloyd	(Plaid Cymru)
Val Lloyd	(Labour)
Gwenda Thomas	(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:** Ron Davies, Pauline Jarman

**Item 1: Minutes of the previous meeting and matters arising: LEG-17-2002(min)**

1.1 The Committee agreed the minutes of the meeting held on 2 July 2002.

**Item 2: Chair's Report**

2.1 There were no matters to report.

**Item 3: Assembly Orders for Consideration****LC515 - National Health Service (General Ophthalmic Services) (Amendment) (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 drafting has taken account of points reported by the Joint Committee on Statutory Instruments on the equivalent England regulations (SI 2001/3739). The Legal Advisers had had the opportunity to see an early draft and identified a number of points which had been taken into account in the final draft.

3.3 Regulation 4 7A(3)(h) contained one drafting mistake. Regulation 7D(15)(b) needed further clarification.

3.4 It was agreed that as these were minor drafting errors they could be amended under SO22.13 by a Memorandum of Corrections. The Committee's report would invite the Assembly to pay special attention to these drafting points.

3.5 The Committee also made a number of observations which they felt should be recorded in their report.

3.6 The Committee's report to the Assembly on the Regulations is attached as LC515 (Report).

**LC516 - The National Health Service (General Medical Services) (Amendment) (Wales) (No 2) Regulations 2002**

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

3.8 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 drafting has taken account of points reported by the Joint Committee on Statutory Instruments on the equivalent England regulations (SI 2001/3742). The Legal Advisers had also had the opportunity to see an early draft and identified a number of points which had been taken into account in the final draft.

3.9 The Committee did make an observation which they felt should be recorded in their report.

3.10 The Committee's report to the Assembly on the Regulations is attached as LC516 (Report).

**LC517 - The National Health Service (General Medical Services Supplementary List) (Wales) Regulations 2002**

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

3.12 The drafting has taken account of points reported by the Joint Committee on Statutory Instruments on the equivalent England regulations (SI 2001/3740). The Legal Advisers had also had the opportunity to see an early draft and identified a number of points which had been taken into account in the final draft.

3.13 It was necessary to report to the Assembly that scrutiny of the Welsh text had shown it to contain typographical and minor drafting errors. There were also two minor corrections needed to the English text and the coming into force date would have to be changed both in the English and Welsh texts.

3.14 It was agreed that these were minor drafting errors which could be amended under SO22.13 by a Memorandum of Corrections.

3.15 It was noted that while the Regulations would still be applicable in England they would have to be revised again for Wales due to the abolition of Health Authorities in Wales next year.

3.16 A general question was raised regarding the procedure of drafting statutory instruments, given the fact that laid orders still seemed to contain typographical errors. Committee representatives already once visited the Office of the Counsel General and found the visit very useful. The Chair proposed to organise another visit to the OCG to understand the process of the legislative drafting, in the light of this concern. **Action: Clerk**

3.17 The Committee's report to the Assembly on the Regulations is attached as LC517 (Report).

**LC518 - The National Health Service (General Dental Services) (Amendment) (Wales) (No 2) Regulations 2002**

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

3.19 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 drafting has taken account of points reported by the Joint Committee on Statutory Instruments on the equivalent England regulations (SI 2001/3741). The Legal Advisers had had the opportunity to see an early draft and identified a number of points which had been taken into account in the final draft.

3.20 The Committee did make an observation which they felt should be recorded in their report.

3.21 The Committee's report to the Assembly on the Regulations is attached as LC518 (Report).

**LC519 - The Education (Assisted Places) (Amendment) (Wales) Regulations 2002**

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

3.23 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 observations.

3.24 The Committee's report to the Assembly on the Regulations is attached as LC519 (Report).

**LC520 - The Education (Assisted Places) (Incidental Expenses) (Amendment) (Wales) Regulations 2002**

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

3.26 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 observations.

3.27 The Committee's report to the Assembly on the Regulations is attached as LC520 (Report).

**LC521 - The Seeds (Fees) (Amendment) (Wales) (No. 2) Regulations 2002**

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

3.29 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 observations.

3.30 The Committee's report to the Assembly on the Regulations is attached as LC521 (Report).

### **LC522 - The Town and Country Planning (Use Classes) (Amendment) (Wales) Order 2002**

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

3.32 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 nor did they have any observations.

3.33 The Committee's report to the Assembly on the Order is attached as LC522 (Report).

### **LC523 - The Local Authorities (Allowances for Members of County and County Borough Councils and National Park Authorities) (Wales) Regulations 2002**

3.34 Mrs Val Lloyd removed herself from discussion of these regulations due to a conflict of interest.

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

3.36 Regulation 6(2), Regulation 9(4)(a) and Regulation 10(2)b contained drafting defects which the Committee would report. One minor observation was made in respect of Regulation 8(2).

3.37 It was agreed that as these were minor drafting errors they could be amended under SO22.13 by a Memorandum of Corrections.

### **Item 4: Committee Correspondence**

#### **Letter from Edwina Hart AM, Minister for Finance, Local Government and Communities dated 28 June 2002**

#### **LC494 - The Local Authorities (Executive Arrangements) (Decisions, Documents and Meetings) (Wales) (Amendment) Regulations 2002**

4.1 The Chair reminded the members that they had expressed concern that there might be a case of an unusual or unexpected use of enabling powers in respect of these Regulations. The Legal Adviser had agreed to place the Members views into the Committee's draft report so that they could be referred to the appropriate Minister under Standing Order 11.4. The Minister had replied indicating, amongst other points, that she had written to the Chair of the Local Government and Housing Committee a letter explaining the need to introduce these Regulations by executive procedure and that the Minister for Assembly Business wrote in similar terms to party business managers.

4.2 The Members were satisfied with the Minister's reply and accordingly there were no points to raise.

### **Item 5: Any Other Business and Date of Next Meeting**

5.1 The Chair reminded the Members that they received letters explaining the need to introduce **The Food (Figs, Hazelnuts and Pistachios from Turkey) (Emergency Control) (Amendment) (Wales) Regulations 2002** and **The Food (Peanuts from China) (Emergency Control) (Amendment) (Wales) Regulations 2002** by emergency procedure and said that these Regulations would be considered by the Legislation Committee next week.

5.2 Mr Turnbull informed the Committee that a memorandum of corrections had been prepared recently for **LC510 - The Contaminants in Food (Wales) Regulations 2002** in respect of the points raised in the Committee's report.

5.3 Several other issues had now been identified by the drafting lawyer as needing correction. However, Mr Turnbull outlined these matters and invited Members to record that they would be appropriate for inclusion in a memorandum of corrections. The Members agreed to that suggestion.

5.4 The next meeting would be held on 16 July 2002.