

LEGISLATION COMMITTEE MEETING**MINUTES:**

Date: 29 October 2002
Time: 9:30 a.m.
Venue: Committee Room 1, National Assembly Building

Attendance:

Mick Bates	(Liberal Democrat)
Rosemary Butler	(Labour)
Ron Davies	(Labour)
Pauline Jarman	(Plaid Cymru)
Ann Jones	(Labour)
Dr Dai Lloyd	(Plaid Cymru)
Karen Sinclair	(Labour)
Owen John Thomas	(Plaid Cymru)

Officials

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

Apologies for absence: Glyn Davies

Item 1: Minutes of the previous meeting and matters arising: LEG-20-2002(min)

1.1 The Committee agreed to change the word 'removed' from paragraph 2.7 to 'moved'.

Item 2: Chair's Report

2.1 The Chair reminded Members that at the meeting of the Legislation Committee on the 16th of July it was suggested that Committee Members might benefit from another visit to the Office of the Counsel General to appreciate the process of legislation drafting. This visit has been arranged and will take place on the 5th of November 2002. The Itinerary of the visit had been circulated to Members.

2.2 Members expressed concern about the timing of the visit to OCG. The Committee agreed to start next week's meeting at 9am to enable Members to return to the Assembly building in Cardiff Bay earlier so that they would not be late for their other appointments.

2.3 The Chair reminded Members that the Presiding Officer received an invitation from the Tasmanian Parliamentary Standing Committee on Subordinate Legislation to the Eighth Australian and Pacific Conference on Deregulated Legislation and Fifth Australian and Pacific Conference on the Scrutiny of Bills, which is to be held in Hobart, Tasmania on the 4th, 5th and 6th of February 2003. The conference will be devoted to the problems of scrutiny of all types of subordinate legislation and Bills. Information about the conference had been circulated to Members.

2.4 The Chair stated The Presiding Officer directed the invitation to him so that the Legislation Committee could make a decision as to whether a member of the Committee should attend the Conference. Before making this decision the Committee agreed to find out if the representatives of other devolved administrations were going to attend the conference.

2.5 The inquiries of the Clerk of the Committee gave the following information:

- All the corresponding bodies of devolved administrations had received invitations to attend the conference, as yet none of them have made a final decision on this matter.
- At the moment it seemed unlikely that either Joint Committee on Statutory Instruments or Deregulation and Regulatory Reform Committee would send any representatives;
- The Scottish Subordinate Legislation Committee was still assessing the matter and would make a decision once the agenda of the Conference was clarified. They had delayed making a decision because they had reservations about the attendance which were similar to the ones of the Legislation Committee.
- The Assembly in Northern Ireland was currently suspended and although the Secretariat was in place it seemed very unlikely that their representatives would attend the conference.

2.6 The Committee agreed to decline the invitation to the Conference in Tasmania.

Item 3: Assembly Orders for Consideration

LC549 - The Town and Country Planning (Costs of Inquiries etc.) (Standard Daily Amount) (Wales) Regulations 2002

3.1 Mr Turnbull presented the report to the Committee. The Regulations will be made under the Accelerated 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 nor did they have any general observations.

3.3 The Committee's report to the Assembly on the Regulations is attached as LC549 (Report).

LC550 - The Fees for Inquiries (Standard Daily Amount) (Wales) Regulations 2002

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

3.5 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.

3.6 The Committee's report to the Assembly on the Regulations is attached as LC550 (Report).

LC551 - The Plastic Materials and Articles in Contact with Food (Amendment) (Wales) Regulations 2002

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

3.8 Section 31 of the 1990 Act is to be added to the enabling powers.

3.9 The preamble is to include a recital that consultation has taken place in compliance with Regulation (EC) No. 178/2002.

3.10 The provision which regulation 11 inserts as regulation 8B(3) is to be omitted.

3.11 It was agreed that these matters were appropriate for amendment under SO22.13 by a memorandum of corrections. The Committee's report would indicate that subject to an appropriate Memorandum of Corrections being laid, there were no points to which the Assembly would need to be invited to pay special attention.

3.12 The Committee's report to the Assembly on the Regulations is attached as LC551 (Report).

LC552 - The Children Act 1989 and the Care Standards Act 2000 (Miscellaneous Regulations) (Amendment) (Wales) Regulations 2002

3.3 Mr Turnbull presented the report to the Committee. The Regulations had been made under the Executive 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. 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.

3.15 The Committee's report to the Assembly on the Regulations is attached as LC552 (Report).

LC537 - The Environmental Impact Assessment (Uncultivated Land and Semi-Natural Areas) (Wales) Regulations 2002

3.16 Mr Rowlands presented the report to the Committee. The Regulations had been made under the Executive Procedure.

3.17 At the meeting of the Legislation Committee on 15/10/02 a question was raised concerning the observation re regulation 15(12) ie.

'If the Welsh text is that difficult, should not the Committee report formally on this?'

3.18 Subsequently the translators have explained that the Welsh word order needed to be as it was to reflect the passive English format. Given this constraint the Welsh could not have been in any substantially different form. Members agreed to removing this observation from the report.

3.19 The Committee's report to the Assembly on the Regulations is attached as LC537 (Report).

LC543 - The Sheep and Goats Identification and Movement (Interim Measures) (Wales) (No. 2) Order 2002

3.20 Mr Turnbull presented the report to the Committee. The Order had been made under the Executive Procedure.

3.21 Having considered the Legal Adviser's report, Members concluded that there were matters to raise under Standing Order 11.5. There appeared to be an inconsistency between the English and Welsh Texts in Regulation 5(2)(f)/(dd). The Committee felt that notwithstanding the end of the show season and the limited duration of the Order, an amending Order should be made.

3.22 The Committee therefore agreed to invoke the procedure set out in Standing Order 11.4. This provides that before reporting to the Assembly that it should pay special attention to any legislation, the Chair must first notify the relevant Assembly Secretary of

the Committee's intention to make such a report and give the Assembly Secretary an opportunity of responding either orally or in writing. **Action: Legal Adviser/Clerk.**

Item 4: Legislation Committee Annual Report

4.1 Members endorsed the report subject to some minor changes being introduced, i.e., a typographical error on page 7 having been corrected and the graphs having been moved from the final page to the beginning of the Report.

Item 5: Any Other Business and Date of Next Meeting

5.1 The next meeting would be held on 5 November 2002.