

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

**Date:** 12 November 2002  
**Time:** 9:30 a.m.  
**Venue:** Committee Room 1, National Assembly Building

**Attendance:**

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

**Officials**

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

**Apologies for absence:** None

**Item 1: Minutes of the previous meeting and matters arising: LEG-22-2002(min)**

1.1 The Committee agreed the minutes of the meeting held on 5 November 2002.

**Item 2: Chair's Report**

2.1 The Chair reminded Members that after the last meeting the Chair, Rosemary Butler, Ann Jones, Dai Lloyd and Owen John Thomas visited Office of the Counsel General. They were accompanied by the Legal Adviser to the Committee John Turnbull, Assistant Legal Adviser Huw Rowlands, the Clerk Olga Lewis and the Deputy Clerk Simon Thwaite. The Committee was met by the Assistant Counsel General Angela Parkes, Senior Assembly Counsel Gwyn Griffiths and Assembly Counsel Catrin Huws.

2.2 The Chair stated that the Committee was greeted by Angela Parkes who thanked the Legislation Committee for constructive criticism and pointed out that the process of legislation drafting was a team work. The Legislation Committee was part of this team. Ms Parkes gave an overview of work of the Office of Counsel General and explained the role of the Legislation Management Unit.

2.3 The Chair further stated that Gwyn Griffiths had talked to the Committee about the drafting process itself and difficulties faced by the lawyers. One specific difficulty is the combination of speed with which the lawyers have to create legislation in order to meet tight deadlines and thoroughness of the preparation of the Statutory Instruments. Sometimes there is no time to show draft legislation to the Legal Adviser to the Legislation Committee for checking beforehand. Thus typographical and similar errors may slip in unnoticed.

2.4 The Chair further stated that Catrin Huws spoke about the process of co-drafting of legislation simultaneously both in English and Welsh, which includes two original texts

rather than the translation of text into another language. This process involves two lawyers' working time and it is longer.

2.5 The Chair reminded Members that Ms Huws had stated that the resulting legislation was prepared extremely thoroughly and potentially had fewer errors. Difficulties in co-drafting legislation include:

- the necessity to employ bilingual lawyers;
- these lawyers must be accustomed to this particular way of preparation of statutory instruments;
- they should be familiar with the approved terminology and set expressions;
- there must be enough working space for them to co-operate side by side.

2.6 The Chair stated that the Committees' visit was very informative and useful. The National Assembly for Wales is committed to the idea of eventually having all its legislation co-drafted. Bearing this mind, the Chair proposed to thank the Office of the Counsel General for receiving the Members of the Legislation Committee and commend the work on co-drafting of Statutory Instruments. The Chair proposed to send a letter to the Counsel General to this effect. A draft letter had been prepared and circulated to Members.

2.7 The Chair stressed that Members could benefit from receiving a copy of 'Life of an SI (Key Stages)'. It was decided to circulate it to Members. **(Action: Clerk/Deputy Clerk)**

### **Item 3: Assembly Orders for Consideration**

#### **LC555 - The General Teaching Council for Wales (Amendment) Order 2002**

3.1 Mr Turnbull presented the report to the Committee. The Order 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 Order 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 Order is attached as LC555 (Report).

#### **LC559 - The General Teaching Council for Wales (Disciplinary Functions) (Amendment) Regulations 2003**

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 LC559 (Report).

#### **LC556 - The Local Authorities (Executive Arrangements) (Discharge of Functions) (Amendment) (Wales) 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 Legal

Advisers had had the opportunity to see an early draft and had been able to suggest a drafting modification which had been taken into account in the final draft.

3.9 The Committee's report to the Assembly on the Regulations is attached as LC556 (Report).

**LC557 - The Children Act 1989 and the Care Standards Act 2000 (Miscellaneous Regulations) (Amendment) (Wales) (No.2) Regulations 2002**

3.10 Mr Rowlands presented the report to the Committee. The Regulations will be made under the Accelerated Procedure.

3.11 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 an observation which they felt should be recorded in their report.

3.12 The Committee's report to the Assembly on the Regulations is attached as LC557 (Report).

**LC558 - The Education (Teachers' Qualifications and Health Standards) (Wales) (Amendment) Regulations 2002**

3.13 Mr Rowlands presented the report to the Committee. The Regulations will be made under the Accelerated 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 LC558 (Report).

**Item 4: Any Other Business and Date of Next Meeting**

4.1 The next meeting would be held on 19 November 2002.