

LEGISLATION COMMITTEE MEETING

MINUTES:

Date: 11th April 2000
Time: 10.30am
Venue: Committee Room 1, National Assembly Building

Attendance

Michael German, Chair	(Liberal Democrat)
Jocelyn Davies	(Plaid Cymru)
Dai Lloyd	(Plaid Cymru)
Owen John Thomas	(Plaid Cymru)
Huw Lewis	(Labour)
Karen Sinclair	(Labour)

Officials

John Turnbull	Legal Adviser
Dylan Hughes	Legal Adviser
Adrian Green	Committee Clerk

Apologies for absence:

Nick Bourne, John Marek, Lynne Neagle

The Chair warmly welcomed Karen Sinclair to her first meeting of the Legislation Committee and thanked Carwyn Jones who has ceased to be a member for his contribution to the work of the Committee.

Item 1: Minutes of the previous meeting and matters arising: LEG-10-2000 (min)

1.1 The Committee agreed the minutes of the meeting held on 4th April 2000.

1.2 The Chair advised the Committee that there was an action point arising from paragraph 1.2 of the minutes. He asked Mr Turnbull whether he was now in a position to respond to Jocelyn Davies' query as to whether Article 5 of The Council Tax (Reduction Scheme) and (Demand Notices Transitional Provisions) (Wales) Regulations 2000 provided for those affected to be formally notified of their right to appeal.

1.3 Mr Turnbull explained that despite pressing the drafters of the instrument for a more considered response, he had not received any further information. In the circumstances, he

stated that he was not convinced that the statutory instrument provisions that had been quoted to him had the effect of requiring notification to be given of the right of appeal under regulation 5 of the Reduction Scheme Regulations. As this was a matter of policy rather than defective drafting matter, he suggested that an appropriate way forward now might be for Jocelyn Davies to table an Assembly Question to pursue her query.

2: Chair's Report

The Chair reported that following last week's meeting, he had written to Christine Gwyther on 7th April, in accordance with SO 11.4 stating that the Committee were minded to invite the Assembly to pay special attention to The Sea Fishing (Enforcement of Measures for the Recovery of the Stock of Cod) (Irish Sea) (Wales) Order 2000 on the grounds of defective drafting. The text of that letter had been circulated to all members. This was the second instrument made under the urgency procedure considered in consecutive weeks, that the Committee believed to be defective under SO 11.5.

2.2 The Chair reminded the Committee that they had previously considered the Business

Committee's proposed revision to Standing Order 22 which sought to provide for corrections to be made to draft orders after they were laid. However, members had felt that it did not go far enough and had expressed a wish to see a revised amendment which took into consideration drafting errors or general observations set out in the Committee's reports. A new amendment had now been prepared and sent to all members for consideration which provided for the correction of "typographical, grammatical **or minor drafting errors identified by the Legislation Committee**".

2.3 Mr Turnbull explained that he was keen to avoid the Committee having to consider a piece of legislation twice. It was also necessary for the Table Office to be able to identify what was a drafting error. It had been agreed therefore that in their reports, the Legal Advisers would note whether any additional drafting errors which they had identified could be rectified by using the new SO 22.12A procedure. If the Committee agreed to these additional corrections, the Assembly Secretary would then be invited to consider whether to include them in a Memorandum of Corrections for approval alongside the draft instrument when it is considered in Plenary. He stated that in some cases, these additional corrections might cover issues under SO 11.5 but that these would need to be considered on a case by case basis. The Committee agreed that this revised amendment was a sensible way forward.

Item 3 : Assembly Legislation for Consideration by the Committee

LC 75 The Housing Renewal Grants (Amendment) (Wales) Regulations 2000

3.1 Mr Hughes presented his report to the Committee. The regulations had been made under the urgency 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 some minor general observations which they felt should be recorded in the Report.

3.3 The Committee's report to the Assembly on these Regulations is attached as LC75 (Report).

LC 76 The Persons Subject to immigration Control (Housing Authority Accommodation) (Wales) Order 2000

3.4 Mr Turnbull presented his report to the Committee. The Order had been made under the Urgency procedure.

3.5 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 some minor general observations which they felt should be recorded in the Report.

LC 77 The Local Government (Best Value) (Performance Indicators) (Wales) Order 2000

3.6 Mr Turnbull presented his report to the Committee. The Order had been made under the urgency procedure.

3.7 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, although it did identify a number of general observations to which attention should be drawn. These were recorded in the Report.

3.8 The Committee's report to the Assembly on this Order is attached as LC 77 (Report).

LC 78 The Valuation for Rating (Plant and Machinery) (Wales) Regulations 2000

3.9 Mr Turnbull presented his report to the Committee. The regulations had been made under the urgency procedure.

3.10 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 some general observations which they felt should be recorded in the Report.

3.11 The Committee's report to the Assembly on this Order is attached as LC 78 (Report).

Item 4: Any Other Business and date of next meeting

4.1 The Chair reminded Members that he had received a letter from the Convenor of the Scottish Parliament Subordinate Legislation Committee inviting the Committee to visit them in Edinburgh. The Chair stated that the Clerk had looked into the cost of such a trip and if the Committee decided to travel as a party consisting of a similar number of members to the visit of the Scots (one member from each political party) plus the Clerk and Legal Advisers, then a

day trip to Edinburgh would cost around £2,350.

4.2 In discussion, it was agreed that such a group would be appropriate. However, the Scottish Committee also met on a Tuesday and it was important to try to avoid missing a plenary session. As the Scottish school holidays were different to ours, it was agreed that the Clerk should investigate the possibility of finding a Tuesday in our recess when the Scottish Committee were sitting. **ACTION: Clerk**

4.3 The next meeting would be held on 9th May 2000. There were expected to be 4 or possibly 5 pieces of legislation to consider.

Associated Papers

- **LC 75 (Report)**
- **LC 76 (Report)**
- **LC 77 (Report)**
- **LC 78 (Report)**