

## Business Committee BC(2)28-05 (Final minutes)

### MINUTES OF MEETING

**Date:** 1<sup>st</sup> November 2005

**Time:** 9.30 a.m.

**Venue:** Conference Room C

**Present:** Jenny Randerson (Chair)  
Jane Hutt, Business Minister

Jocelyn Davies, Plaid Cymru Business  
Manager

David Melding, Welsh Conservatives  
Business Manager

Kirsty Williams, Welsh Liberal  
Democrats Business Manager

John Marek, Deputy Presiding Officer

Paul Silk, Clerk to the Assembly

Andrew George, Clerk to the Business  
Committee

Marion Stapleton, Assembly Business  
Unit

Adrian Crompton, Head of Members'  
Research Service

Peter Jones, Counsel to the Assembly  
Parliamentary Service

Alun Jenkins, DLS (Agenda Item 4)

Marc Wyn Jones, Business Committee  
Secretariat

Catherine Morris, PS to the Deputy  
Presiding Officer

### Apologies & announcements

1.1 Apologies for absence were received from Karin Phillips. The Chair welcomed Adrian

Crompton who was deputising for her.

## **2. Minutes of the previous meetings**

### **(i) BC(2)25-05 (Final minutes) - Tuesday 4<sup>th</sup> October 2005**

2.1 The minutes were presented to the Committee in their final format. As there were no comments, they would be translated in readiness for publication.

**Action: Chamber Secretariat**

### **(ii) BC(2)26-05 (draft minutes) - Tuesday 11<sup>th</sup> October 2005**

2.2 The minutes were presented to the Committee in draft. As there were no comments, they would be translated and submitted to the Committee in final draft.

**Action: Chamber Secretariat**

## **3. Matters Arising**

### **4. Subordinate Legislation**

#### **Orders for consideration**

Education (Recognised Bodies) (Wales) Order 2005 - **BC(2)28-05(p1)**

The Qualifications, Curriculum and Assessment Authority for Wales (Transfer of Functions to the National Assembly for Wales and Abolition) Order 2005 - **BC(2)28-05(p2)**

The National Council for Education and Training for Wales (Transfer of Functions to the National Assembly for Wales and Abolition) Order 2005 - **BC(2)28-05(p3)**

The Removal and Disposal of Vehicles (Amendment) (Wales) Regulations 2005 - **BC(2)28-05(p4)**

*& Report by the Environment, Planning and Countryside Committee* - **BC(2)28-05(p18)**

School Councils (Wales) Regulations 2005 - **BC(2)28-05(p5)**

The Feed (Hygiene and Enforcement) (Wales) Regulations 2005 - **BC(2)28-05(p6)**

The Meat (Official Controls) (Charges) (Wales) Regulations 2005 - **BC(2)28-05(p7)**

The Welsh Development Agency (Transfer of Functions to the National Assembly for Wales and Abolition) Order 2005 - **BC(2)28-05(p8)**

*& Report of the Economic Development and Transport Committee - **BC(2)28-05(p19)***

The Wales Tourist Board (Transfer of Functions to the National Assembly for Wales and Abolition) Order 2005- **BC(2)28-05(p9)**

*& Report of the Economic Development and Transport Committee - **BC(2)28-05(p20)***

**The Business Committee recommended the Accelerated procedure for BC(2)28-05 (p1). The Committee recommended the Standard procedure for BC(2)28-05(p2) - BC(2)28-05(p5) and BC(2)28-05(p8) - BC(2)28-05(p9). The Deputy Presiding Officer subsequently determined that none of the draft Orders need be referred to Subject Committee, with the exception of BC(2)28-05(p6) and BC(2)28-05(p7). He determined that BC(2)28-05(p6) should be referred to the Environment, Planning and Countryside Committee and the Local Government and Public Services Committee, with the remit to report back to the Assembly within 4 weeks. He also determined that BC(2)28-05 (p7) should be referred to the Environment, Planning and Countryside Committee with the remit to report back to the Assembly within 4 weeks.**

**BC(2)28-05(p2), BC(2)28-05(p3), BC(2)28-05(p8) & BC(2)28-05(p9),**

4.1 The Chair said that these draft Orders referred to the transfer of functions and abolition of various Assembly Sponsored Public Bodies (ASPBs). She referred to the paragraphs on costs in the Regulatory Appraisals accompanying the draft Orders which gave a global figure for the merger of the ASPBs with the Welsh Assembly Government. She said that the Regulatory Appraisals should refer to the costs arising from the specific items of legislation. Marion Stapleton said she had sought more detailed costs from Government officials but that the information was currently unavailable. The Business Minister said that she would circulate the information in advance of the debate on the legislation. The Chair asked for the Regulatory Appraisals to be amended.

**BC(2)28-05(p2)**

4.2 The Committee noted the Report of the Education and Lifelong Learning Committee accompanying this draft Order. The Chair referred to the Explanatory Memorandum, which said that the Education and Lifelong Learning Committee had suggested "*that it would be helpful for the Plenary debate if Assembly Members were provided with a list of functions to be transferred in advance of the debate*". Marion Stapleton said she would report back on when it was intended to circulate the list of functions to Members.

**BC(2)28-05(p4)**

4.3 The Committee noted the Report of the Environment, Planning and Countryside

Committee accompanying this draft Order. The Chair referred to paragraph 8 of the Explanatory Memorandum, which said that "*similar legislation came into force in England on 10 April 2002.*" It was noted that a Transfer of Functions Order had been required to devolve the Police powers arising from the legislation and that "*because of the timetabling difficulties of the legislation in Westminster the Transfer of Functions Order did not come into force until 31 December 2004.*" In response to a query, Peter Jones confirmed that the order in question was an Order in Council. Jocelyn Davies expressed concern that it had taken two and a half years for an Order in Council to be made. Marion Stapleton said she would report back on why there had been a delay. Business Managers said they would like a debate to be scheduled on this draft Order.

#### **BC(2)28-05(p6)**

4.4 The Chair noted that these Regulations had been notified to the Health and Social Services Committee via the list of forthcoming legislation. Business Managers said that the Regulations were also relevant to the Environment, Planning and Countryside Committee and the Local Government and Public Services Committee and advised the Deputy Presiding Officer that the Regulations should be referred to those Committees to give them the opportunity to scrutinise them.

#### **BC(2)28-05(p7)**

4.5 The Chair noted that these Regulations had been notified to the Health and Social Services Committee via the list of forthcoming legislation. Business Managers said that the Regulations were also relevant to the Environment, Planning and Countryside Committee and advised the Deputy Presiding Officer that the Regulations should be referred to the Committee to give them the opportunity to scrutinise them.

#### **BC(2)28-05(p8)**

4.6 The Committee noted the Report of the Economic Development and Transport Committee accompanying this draft Order. The Chair said that the Committee had suggested an amendment to the legislation. It was noted that the amendment had been incorporated in the latest version of the draft Order.

#### **(b) Standing Order 29 Subordinate Legislation**

#### **(c) Orders made under the Executive Procedure; Papers to note.**

#### **(d) Papers for Information**

#### **BC(2)28-05(p9)**

4.7 The Business Committee noted a letter from the Chief Executive of the North Western and North Wales Sea Fisheries Committee about the translation of Byelaws. The Chair

noted that the letter said that byelaws were normally translated by the Committee after they were approved. The Deputy Presiding Officer said that it was preferable if byelaws were prepared bilingually. The Chair said she would write to the Committee on this issue.

**Action: Secretariat**

## **5. Committees**

5.1 In response to a query, the Business Minister said that she hoped to submit a draft committee timetable to the Committee for consideration on or before 15 November. She said she had consulted Business Managers on the proposals and had notified Karin Phillips of the latest position.

### **BC(2)28-05(p11)**

5.2 The Committee noted the letter from the Chair of Economic Development and Transport Committee about consideration of forthcoming legislation.

### **BC(2)28-05(p12)**

5.3 The Committee approved the request from the Committee on the Inquiry into the E.Coli outbreak in Wales to hold additional formal meetings on 7 and 17 November.

## **6. Forthcoming Business**

### **BC(2)28-05(p13)**

6.1 The Business Minister responded to requests from Business Managers and said that -

There was no intention of scheduling a statement by the First Minister on the Memorandum of Understanding between himself and the Secretary of State for Wales. However, time would be made available as soon as the Bill was published to fully explain how Orders in Council would operate under the new arrangements. She would provide comprehensive guidance to Members at the earliest opportunity and would consider in due course how the Government could best communicate that information to the Assembly.

A statement on Pandemic Flu would be made in Plenary on 1 November. In the meantime, the Minister for Health and Social Services would issue a Written Statement.

There was currently no intention of making a statement on the Financial position of NHS Trusts. There would be opportunities for Members to raise the issue during First Minister's questions later that day. In addition, the Health and Social Services Committee would be considering the draft budget on 2nd November and the Minister for Health Minister would clarify the overall picture of NHS Trust Finances.

There was no intention of making a statement on the threat of the withdrawal of all-night ambulance cover by Ambulance crews in Powys. However, a written statement would be issued shortly.

An oral statement on nutrition and healthy eating in schools had been scheduled for 9 November.

There was no intention of scheduling a debate on the Electoral Commission's comments on the White Paper. However, a full debate on the Bill would be scheduled when it was published.

## This Week's Business

### **BC(2)28-05(p14)**

6.2 The Committee considered this paper, which detailed the Assembly's agreed business for the week.

6.3 The Business Minister said that the First Minister was attending a memorial service for the victims of the London bombings of 7 July 2005. She said that the Presiding Officer had given his consent for her to answer Oral Questions on behalf of the First Minister, in accordance with Standing Order 6.4. She said that the Minister for Health and Social Services would be making a statement on Pandemic Flu later that day. David Melding and Kirsty Williams welcomed this.

### **Business Manager's Requests**

6.4 David Melding asked if a statement could be made on England's Education White Paper and its implications for Wales. Jocelyn Davies and Kirsty Williams supported this request. He also asked if a statement could be made on binge drinking and asked if a debate could be scheduled on the proposed changes to the Electoral system in Wales arising from the Better Governance for Wales White Paper.

### **Draft Business Statement - BC(2)28-05(p15)**

6.5 The Committee noted the Business Minister's proposed statement about the organisation of the Assembly's business for the weeks commencing 8 November, 15 November and 22 November.

## **7. Advice to Assembly on procedures**

### **BC(2)28-05(p16)**

7.1 Paul Silk introduced a paper on guidelines for expressions of condolence in Plenary

meetings. In response to a query, he said that the interpretation of the guidelines was a matter for the Presiding Officer. The Committee endorsed the guidelines.

## **BC(2)28-05(p17)**

7.2 Adrian Crompton introduced a paper outlining procedures for the Business Committee to monitor the implementation and scrutiny of subordinate legislation made under framework powers. The Chair referred to paragraph 8 of the paper, which said that *"the Members' Research Service and the APS Legal Division could provide a brief overview of the content of each (bill) and advice on whether any potential for framework powers exists."* Members of the Committee said that this was an important issue. It was agreed that the Business Committee should be provided with a briefing every 4 weeks. The Chair said she would be attending a Panel of Chairs meeting to discuss in further detail with Committee Chairs how the procedures could work in practice.

## **8. Matters referred from plenary**

## **9. Revisions to Standing Orders**

## **10. Presiding Officer rulings**

## **11. Any other business.**

11.1 The Chair said she had visited parliaments in Canada over the half-term recess to look at issues relating to bilingual legislation and legislatures. She said she would present a report of her visit to the Committee in due course.

## **CHAMBER SECRETARIAT**