

**Second Assembly Plenary Meeting (123)  
Votes and Proceedings for Tuesday, 8th March 2005**

**The meeting commenced at 2.00pm**

**First Minister's Question Time**

The first 12 questions were answered. Question 9 was withdrawn.

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**2.51pm**

**Business Statement**

More than 10 Members objected to the business statement.

A vote was taken on the business statement:

For 29; Abstain 0; Against 25; Total 54

The business statement was agreed

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**3.02pm**

*This item was not subject to debate and proceeded to a vote immediately*

**Motion to approve under Standing Order 24.25**

NDM2335 Jane Hutt (Vale of Glamorgan)

To propose that the National Assembly for Wales, acting under Standing Order 24.25:

1. a) Considers the report of the Legislation Committee laid in the Table Office, and emailed to Assembly Members on 1 March 2005 on the draft Order The Public Audit (Wales) Act 2004 (Commencement No. 2 and Transitional Provisions and Savings) Order 2005; and

b) Approves The Public Audit (Wales) Act 2004 (Commencement No. 2 and Transitional Provisions and Savings) Order 2005 is made in accordance with:

i) the draft Order laid in the Table Office on 23 February 2005

ii) Regulatory Appraisal laid in the Table Office and emailed to Assembly Members on 1 March 2005

2. a) Considers the report of the Legislation Committee laid in the Table Office, and emailed to Assembly Members on 1 March 2005 on the draft Regulations The Products of Animal Origin (Third Country Imports) (Wales) Regulations 2005; and

b) Approves The Products of Animal Origin (Third Country Imports) (Wales) Regulations 2005 is made in accordance with:

i) the draft Regulations laid in the Table Office on 22 February 2005

ii) Regulatory Appraisal laid in the Table Office and emailed to Assembly Members on 1 March 2005

3. a) Considers the report of the Legislation Committee laid in the Table Office, on 8 February 2005 on the draft Order The Diseases of Animals (Approved Disinfectants) (Amendment) (Wales) Order 2005; and

b) Approves The Diseases of Animals (Approved Disinfectants) (Amendment) (Wales) Order 2005 is made in accordance with:

i) the draft Order laid in the Table Office on 26 January 2005

ii) Regulatory Appraisal laid in the Table Office on 2 February 2005

iii) the Memorandum of Correction laid in the Table Office on 14 February 2005

4. a) Considers the report of the Legislation Committee laid in the Table Office, on 8 February 2005 on the draft Regulations The Salmonella in Laying Flocks (Survey Powers) (Wales) Regulations 2005; and

b) Approves The Salmonella in Laying Flocks (Survey Powers) (Wales) Regulations 2005 is made in accordance with:

i) the draft Regulations laid in the Table Office on 26 January 2005

ii) Regulatory Appraisal laid in the Table Office on 2 February 2005

iii) the Memorandum of Correction laid in the Table Office on 14 February 2005

5. a) Considers the report of the Legislation Committee laid in the Table Office, on 22 February 2005 on the draft Regulations Community Health Councils (Amendment) Regulations 2005; and

b) Approves Community Health Councils (Amendment) Regulations 2005 is made in accordance with:

i) the draft Regulations laid in the Table Office on 2 February 2005

ii) Regulatory Appraisal laid in the Table Office on 2 February 2005

iii) the Memorandum of Correction laid in the Table Office on 22 February 2005

6. a) Considers the report of the Legislation Committee laid in the Table Office, on 22 February 2005 on the draft Regulations The Dairy Produce Quotas (Wales) Regulations 2005; and

b) Approves The Dairy Produce Quotas (Wales) Regulations 2005 is made in accordance with:

- i) the draft Regulations laid in the Table Office on 2 February 2005
- ii) Regulatory Appraisal laid in the Table Office on 2 February 2005
- iii) the Memorandum of Correction laid in the Table Office and emailed to Assembly Members on 1 March 2005

**A vote was taken on the motion:**

For 48; Abstain 0; Against 0; Total 48

**The motion was carried**

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**3.03pm**

*Proposal to debate the following 2 items together with separate votes*

**Motion to approve the National Assistance (Assessment of Resources) (Amendment) (Wales) Regulations 2005**

NDM2336 Jane Hutt (Vale of Glamorgan)

To propose that the National Assembly for Wales:

Considers the principle of The National Assistance (Assessment of Resources) (Amendment) (Wales) Regulations 2005 a copy of which was laid in Table on 10 February 2005.

**The following amendment was tabled:**

**Amendment 1 - Jocelyn Davies (South Wales East)**

Believes that making provision for free personal care for the elderly would ensure their dignity and avoid the humiliation of means testing.

NDM2326 Jane Hutt (Vale of Glamorgan)

To propose that the National Assembly for Wales:

1. Considers the report of the Legislation Committee laid in the Table Office on 22 February, 2005 in relation to the draft Regulations The National Assistance (Assessment of Resources) (Amendment) (Wales) Regulations 2005; and
2. Approves that, The National Assistance (Assessment of Resources) (Amendment) (Wales) Regulations 2005 is made in accordance with:
  - a) The draft Regulations laid in the Table Office on 10 February 2005
  - b) Regulatory Appraisal laid in the Table Office on 10 February 2005

**3.27pm**

In accordance with Standing Order 6.24 more than 3 Members requested the bell be rung

**A vote was taken on Amendment 1 to the principle of the Regulations**

For 14; Abstain 11; Against 29; Total 54

**Amendment 1 to the principle of the regulations fell**

**A vote was taken on the principle of the Regulations**

For 54; Abstain 0; Against 0; Total 54

**The principle of the regulations was approved**

**The following amendment was tabled:**

**Amendment 1 - Kirsty Williams (Brecon and Radnorshire), Mike German (South Wales East), Mick Bates (Montgomeryshire)**

To propose that the National Assembly for Wales resolves to make the following amendments to The National Assistance (Assessment of Resources) (Amendment) (Wales) Regulations 2005 laid in the Table Office on 10 February 2005:

In regulation '20A Capital limit - Wales' delete '£21,000' and replace with '£60,000' and in regulation '28A Calculation of tariff income from capital - Wales' delete '£21,000' and replace with '£60,000'.

**Statement of Purpose and Costs**

**Purpose**

The purpose of the amendment is to further extend free personal care to those who need it by raising the upper capital limit before which councils can compel someone to sell their home to pay for care.

**Costs**

The cost of the proposed amendment is £23.4 million. This is based on the premise that every £1,000 increase to the upper capital limit costs the Welsh Assembly Government £600,000. These figures have been calculated based upon costing work already undertaken by the Welsh Assembly Government.

**A vote was taken on Amendment 1 to the Regulations**

For 14; Abstain 11; Against 29; Total 54

**Amendment 1 to the Regulations fell**

**A vote was taken on the Regulations**

For 54; Abstain 0; Against 0; Total 54

**The Regulations were approved**

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**Motion to approve the National Assistance (Sums for Personal Requirement) (Wales) Regulations 2005**

NDM2327 Jane Hutt (Vale of Glamorgan)

To propose that the National Assembly for Wales:

Considers the principle of The National Assistance (Sums for Personal Requirements) (Wales) Regulations 2005 a copy of which was laid in Table on 10 February 2005.

**A vote was taken on the principle of the Regulations**

For 54; Abstain 0; Against 0; Total 54

**The principle of the regulations was approved**

NDM2328 Jane Hutt (Vale of Glamorgan)

To propose that the National Assembly for Wales:

1. Considers the report of the Legislation Committee laid in the Table on 22 February, 2005 in relation to the draft Regulations The National Assistance (Sums for Personal Requirements) (Wales) Regulations 2005; and
2. Approves that, The National Assistance (Sums for Personal Requirements) (Wales) Regulations 2005 is made in accordance with:
  - a) The draft Regulations laid in the Table Office on 10 February 2005
  - b) Regulatory Appraisal laid in the Table Office on 10 February 2005

**A vote was taken on the Regulations**

For 54; Abstain 0; Against 0; Total 54

**The Regulations were approved**

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*Proposal to debate the following 2 items together with separate votes*

3.35pm

**Motion to approve The Local Government Best Value Performance Indicators) (Wales) Order 2005**

NDM2329 Jane Hutt (Vale of Glamorgan)

To propose that the National Assembly for Wales:

Considers the principle of The Local Government (Best Value Performance Indicators) (Wales) Order 2005 a copy of which was laid in Table on 16 February 2005

**A vote was taken on the principle of the Order**

For 52; Abstain 0; Against 0; Total 52

**The principle of the order was approved**

NDM2330 Jane Hutt (Vale of Glamorgan)

To propose that the National Assembly for Wales:

1. Considers the report of the Legislation Committee laid in the Table on 22 February, 2005 in relation to the draft

Order The Local Government (Best Value Performance Indicators) (Wales) Order 2005; and

2. Approves that, The Local Government (Best Value Performance Indicators) (Wales) Order 2005 is made in accordance with:

- a) The draft Order laid in the Table Office on 16 February 2005
- b) Regulatory Appraisal laid in the Table Office on 10 February 2005

**A vote was taken on the Order**

For 53; Abstain 0; Against 0; Total 53

**The Order was approved**

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**Motion to approve The Local Government Best Value Performance Indicators) (Wales) Order 2002 (Revocation) Order 2005**

NDM2331 Jane Hutt (Vale of Glamorgan)

To propose that the National Assembly for Wales:

Considers the principle of The Local Government (Best Value Performance Indicators) (Wales) (Revocation) Order 2005 a copy of which was laid in Table on 11 February 2005

**A vote was taken on the principle of the Order**

For 53; Abstain 0; Against 0; Total 53

**The principle of the order was approved**

NDM2332 Jane Hutt (Vale of Glamorgan)

To propose that the National Assembly for Wales:

1. Considers the report of the Legislation Committee laid in the Table on 22 February, 2005 in relation to the draft Order The Local Government (Best Value Performance Indicators) (Wales) (Revocation) Order 2005; and

2. Approves that, The Local Government (Best Value Performance Indicators) (Wales) (Revocation) Order 2005 is made in accordance with:

- a) The draft Order laid in the Table Office on 11 February 2005
- b) Regulatory Appraisal laid in the Table Office on 10 February 2005

**A vote was taken on the Order**

For 53; Abstain 0; Against 0; Total 53

**The Order was approved**

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**3.52pm**

**Motion to approve The Radioactive Substances (National Security) (Wales) Directions 2005 under Standing Order 29**

NDM2333 Jane Hutt (Vale of Glamorgan)

To propose that the National Assembly for Wales acting under Standing Order 29.3 (iii):

Considers the principle of The Radioactive Substances (National Security)(Wales) Directions 2005 a copy of which was laid in Table Office and emailed to Assembly Member on 1 March 2005.

**A vote was taken on the principle of the Directions**

For 30; Abstain 0; Against 24; Total 54

**The principle of the Directions was approved**

NDM2334 Jane Hutt (Vale of Glamorgan)

To propose that the National Assembly for Wales acting under Standing Order 29.3(iii):

Approves that The Radioactive Substances (National Security)(Wales) Directions 2005 is made in accordance with the draft Directions laid in the Table Office and emailed to Assembly Members on 1 March 2005.

**A vote was taken on the Directions**

For 28; Abstain 0; Against 25; Total 53

**The Directions were approved**

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**4.14pm**

**Motion to approve the Supplementary Budget**

NDM2325 Sue Essex (Cardiff North)

To propose that the National Assembly, in accordance with Standing Order 21.5, adopts the supplementary budget for the financial years 2005-2006, 2006-2007 and 2007-2008, laid in the Table Office and e-mailed to Assembly Members on 1 March.

**A vote was taken on the motion:**

For 29; Abstain 9; Against 9; Total 47

**The motion was carried**

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**4.34pm**

**Motion to approve end year Main Expenditure Group to Main Expenditure Group under Standing Order 21.6**

NDM2324 Sue Essex (Cardiff North)

That the National Assembly, in accordance with Standing Order 21.6, approves the changes to Main Expenditure Groups for the financial year 2004-05

**A vote was taken on the motion:**  
For 39; Abstain 7; Against 6; Total 52  
**The motion was carried**

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**4.45pm**

**Motion to approve a Special Grant Report No 6 (Wales) 2004 : Additional School Revenue**

NDM2323 Jane Hutt (Vale of Glamorgan)

To propose that the National Assembly:

Under Section 88B of the Local Government Finance Act, 1988, and in accordance with Standing Order 21.11, approves the Local Government Finance (Wales) Special Grant Report No 6 (Wales) 2004 which was laid in the Table Office on 28 February 2005.

**A vote was taken on the motion:**  
For 53; Abstain 0; Against 0; Total 53  
**The motion was carried**

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**The meeting concluded at 5.13pm**

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**The Assembly will sit again in Plenary at 2.00pm on Wednesday, 9th March 2005**



**DOCUMENTS LAID SINCE THE ASSEMBLY LAST MET**

**Documents Laid on 2 March 2005**

- Income Generation Powers of Special Health Authorities Directions 2005 - LD3554
- Income Generation Powers of Special Health Authorities Directions 2005 - Explanatory Memorandum - LD3555
- The Animals and Animal Products (Import and Export) (Wales) Regulations 2005 - LD3556
- The Animals and Animal Products (Import and Export) (Wales) Regulations 2005 - Regulatory Appraisal - LD3557
- The Marketing of Fruit Plant Material (Amendment) (Wales) Regulations 2005 - LD3558
- The Air Quality Limit Values (Wales) (Amendment) Regulations 2005 - LD3559
- The Fire and Rescue Services (National Framework) (Wales) Order 2005 - LD3560
- The Carers (Equal Opportunities) Act 2004 (Commencement) (Wales) Order 2005 - LD3561
- The Sweeteners in Food (Amendment) (Wales) Regulations 2005 - LD3562
- The Public Audit (Wales) Act 2004 (Consequential Amendments) Regulations 2005 - LD3563
- The Public Audit (Wales) Act 2004 (Consequential Amendments) Order 2005 - LD3564
- The Children Act 2004 (Amendment of Miscellaneous Regulations) (Wales) Regulations 2005 - LD3565
- The Children Act 2004 (Commencement No. 2) Order 2005 - LD3566
- The CAF/CASS (Staff, Property, Rights and Liabilities Transfer Scheme) Order 2005 - LD3567
- The CAF/CASS (Staff, Property, Rights and Liabilities Transfer Scheme) Order 2005 - Explanatory Memorandum - LD3568
- Report by Education and Lifelong Learning Committee on the Education Bill considered by Committee on 19 January 2005 - LD3569
- Report of the Business Committee Under Standing Order 13.1(iii) - LD3570

**Documents Laid on 1 March 2005**

- The Radioactive Substances (National Security)(Wales) Direction 2005 - LD3543
- The Dairy Produce Quotas (Wales) Regulations 2005-Memorandum of Corrections - LD3544
- The Public Audit (Wales) Act 2004 (Commencement No. 2 and Transitional Provisions and Savings) Order 2005-Regulatory Appraisal - LD3545
- The Products of Animal Origin (Third Country Imports) (Wales) Regulations 2005-Regulatory Appraisal - LD3546
- Supplementary budget for the financial years 2005-2006, 2006-2007 and 2007-2008 - LD3547
- Health and Social Services Committee Report of Review of The Interface Between Health and Social Care - LD3548

## Committee Reports Laid on 1 March 2005

- LC996 - The Products of Animal Origin (Third Country Imports) (Wales) Regulations 2005 - LD3549
- LC1026 - The Council Tax (Alteration of Lists and Appeals) (Amendment) (Wales) Regulations 2005 - LD3550
- LC1027 - The Food (Pistachios from Iran) (Emergency Control) (Wales) (No.2) (Amendment) Regulations 2005 - LD3551
- LC1028 - The Non-Domestic Rating (Demand Notices) (Wales) (Amendment) Regulations 2005 - LD3552
- LC1043 - The Public Audit (Wales) Act 2004 (Commencement No. 2 and Transitional Provisions and Savings) Order 2005 - LD3553