

## Subordinate Legislation Committee

### Report (SLC(3) 03-09)

**Date:** 3 February 2009  
**Time:** 8.15am  
**Venue:** Committee Room 3, Senedd

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The Committee met on 3 February 2009. At the meeting the following Committee Members were present: Mark Isherwood AM, Alun Davies AM, Janet Ryder AM. Apologies were received from Joyce Watson AM and Mike German AM. The meeting was attended by the former Chair of the Committee Dr Dai Lloyd AM and former Clerk of the Committee Anna Daniel, for item 4 on the agenda: Enhancing the Scrutiny of Subordinate Legislation: Inquiry into the scrutiny of subordinate legislation and delegated powers – consideration of key issues.

The Committee reports to the Assembly as follows:

**Instruments and draft instruments in respect of which the Assembly is not invited to pay special attention under Standing Order 15.2**

**Draft instruments subject to approval pursuant to a resolution of the Assembly (Affirmative Procedure)**

**SLC239 - The Local Authorities (Charges for Property Searches)(Wales) Regulations 2009**

Affirmative Procedure. Date made ... Coming into force in accordance with regulation 1(2)

**Instruments subject to annulment pursuant to a resolution of the Assembly (Negative Procedure)**

**SLC235 - The Local Government (Assistants for Political Groups) (Remuneration) (Wales) Order 2009**

Negative Procedure. Date made 14 January 2009. Date laid 19 January 2009. Coming into force date 1 April 2009

**SLC236 - The Environmental Noise (Wales) (Amendment) Regulations 2009**

Negative Procedure. Date made 15 January 2009. Date laid 19 January 2008. Coming into force date 9 February 2009.

**SLC237 - The National Health Service (Travelling Expenses and Remission of Charges) (Wales) (Amendment) Regulations 2009**

Negative Procedure. Date made 19 January 2009. Date laid 20 January 2009. Coming into force date 10 February 2009

**SLC238 - The Local Authorities (Charges for Property Searches) (Disapplication) Wales) Order 2009**

Negative Procedure. Date made 19 January 2009. Date laid 21 January 2009. Coming into force in accordance with regulation 1(2)

**SLC241 - The Education (Maintained Special Schools) (Wales) (Amendment) Regulations 2009**

Negative Procedure. Date made 16 January 2009. Date laid 19 January 2009. Coming into force date 9 February 2009

**Other Business**

**Proposed Playing Fields (Community Involvement in Disposal Decisions) (Wales) Measure**

In accordance with its remit under SO 15.6 (ii), the Subordinate Legislation Committee considered the appropriateness of provisions in Proposed Playing Fields (Community Involvement in Disposal Decisions) (Wales) Measure that grant powers to make subordinate legislation to the Welsh Ministers.

The Members decided that as the proposed Measure contained only one substantive provision which conferred powers on the Welsh Minister (section 4(2) of the proposed Measure) that it did not require Dr Dai Lloyd, the Member in charge of the proposed Measure, to attend to give evidence before the Committee. However, the Committee considered the written evidence of the Minister for Social Justice and Local Government, Dr. Brian Gibbons AM submitted to Legislation Committee 1 and his view on section 4(2). The Committee decided to write to Dr Lloyd to invite him to clarify his position in respect for the choice of procedure for Orders made under section 4(2). In principle, the Members agreed that the legal advisers' report could form the basis of its report on the proposed Measure.

**Enhancing the Scrutiny of Subordinate Legislation: Inquiry into the scrutiny of subordinate legislation and delegated powers – consideration of key issues**

In accordance with Standing Order 10.37(vi) the Committee resolved to exclude the public from the remainder of the meeting to deliberate on the conclusions and recommendations of the Inquiry report.

**Janet Ryder AM**

Chair, Subordinate Legislation Committee

**3 February 2009**