

Votes and Proceedings for Tuesday, 9th March 2004

The meeting commenced at 2.00pm

Motion to Suspend Standing Orders

NDM1864 Karen Sinclair (Clwyd South)

To propose that the National Assembly for Wales, acting in accordance with Standing Order 34.4, resolves to suspend Standing Order 6.12 to enable the No Named Day Motion (NNDM1865) tabled on 9 March 2004 in the name of Karen Sinclair to be debated by the Assembly in Plenary on Tuesday 9 March 2004.

A vote was taken on the motion:

For 46; Abstain 0; Against 0; Total 46

The motion was carried by the required 2/3rds majority

2.02pm

Motion to appoint an Independent Adviser

NNDM1865 Karen Sinclair (Clwyd South)

To propose that the National Assembly for Wales, acting under Standing Order 16.3 resolves:

1. to appoint Mr Tom Frawley, the Northern Ireland Commissioner for Complaints and Assembly Ombudsman, to provide advice and assistance to the Presiding Officer on a matter concerning the conduct of a Member (reference C036-04);
2. that Mr Frawley should provide such support to the Committee on Standards of Conduct on the matter as the Committee may specify within the framework of the "Complaint Procedure for Dealing with Complaints Against Assembly Members" adopted by the Committee on Standards of Conduct on 6 July 2000.
3. that Mr Frawley's appointment should cease once consideration of the matter has concluded.

The "Complaint Procedure for Dealing with Complaints Against Assembly Members" can be located on the Intranet using the hyperlink: <http://assembly/committees/Standards%20Committee/Publications%20and%20Guidance/Approved%20Complaints%20Procedure%20-%206.7.00.doc>

A vote was taken on the motion:

For 46; Abstain 0; Against 0; Total 46

The motion was carried

2.03pm

First Minister's Question Time

The first 10 questions were answered.

2.50pm

Urgent Question

Sandy Mewies (Delyn); Will the First Minister make a statement in response to the decision made yesterday on the dredging and disposal of material in the port of Mostyn.

2.59pm

Business Statement

More than 10 Members objected to the business statement.

A vote was taken on the business statement:

For 30; Abstain 0; Against 28; Total 58

The business statement was agreed

3.08pm

Point of Order

Jeff Cuthbert and Leighton Andrews raised a point of order under SO 1.10 questioning the DPO's suitability to chair the next item of business.

3.10pm

Suspension of Proceedings

The Deputy Presiding Officer suspended the proceedings under Standing Order 7.12 for 25 minutes.

3.35pm

Point of Order

Jeff Cuthbert raised a further point of order under SO 1.10 questioning the DPO's suitability to chair the next item of business.

3.35pm

Deputy Presiding Officer Statement

The Deputy Presiding Officer referred to Standing Order 1.10 and ruled that, as he did not have any direct or indirect personal or financial interest in the next item, he would remain in the chair.

3.37pm

Statement by the First Minister: Appointment of a new Counsel General

4:22pm

Statement by the Minister for Environment, Planning and Countryside: GM Crop Commercialisation

Procedural Motion

The Business Minister moved a procedural motion under Standing Order 6.10 to postpone the following two motions to approve Special Grant Reports until tomorrow.

A vote was taken on the motion:

For 40; Abstain 0; Against 15; Total 46

The motion was defeated as more than 10 Members voted against.

5.01pm

Motion to approve Special Grant Report: Social Services Performance Management

NDM1850 Karen Sinclair (Clwyd South)

Under Section 88B of the Local Government Finance Act, 1988, and in accordance with Standing Order 19.8, approves the Local Government Finance (Wales) Special Grant Report (No 3) (Wales) 2004 which was laid in the Table Office and e-mailed to Assembly Members on 2 March 2004.

A vote was taken on the motion:

For 55; Abstain 0; Against 0; Total 55

The motion was carried

5.11pm

Motion to approve Special Grant Report: Additional Revenue Funding (Class Sizes and School Improvement)

NDM1851 Karen Sinclair (Clwyd South)

Under Section 88B of the Local Government Finance Act, 1988, and in accordance with Standing Order 19.8, approves the Local Government Finance (Wales) Special Grant Report (No 9) (Wales) 2003 which was laid in the Table Office on 24 February 2004.

A vote was taken on the motion:

For 54; Abstain 0; Against 0; Total 54

The motion was carried

5.24pm

Motion to approve under Standing Orders 22.25,23.10 and 23.11 The Pesticides (Maximum Residue Levels in Crops, Food and Feeding Stuff)(England and Wales) (Amendment) Regulations 2003

NDM1852 Karen Sinclair (Clwyd South)

To propose that the National Assembly for Wales, acting under Standing Order 22.25, 23.10 & 23.11:

1. Approves the draft The Pesticides (Maximum Residue Levels in Crops, Food and Feeding Stuff)(England and Wales) (Amendment) Regulations 2004 and associated schedule, copies of which were laid in Table Office and e-mailed to Assembly Members on 2 March 2004; and
2. Notes the Explanatory Memorandum for this Order laid in Table Office and e-mailed to Assembly Members on 2 March 2004.

A vote was taken on the motion:
For 55; Abstain 0; Against 0; Total 55
The motion was carried

5.25pm

Motion to approve under Standing Orders 22.25, 23.10 and 23.11 The NHS Pensions Agency (Asiantaeth Pensiynau`r GIG) (Establishment and Constitution) Order 2004

NDM1853 Karen Sinclair (Clwyd South)

To propose that the National Assembly for Wales, acting under Standing Order 22.25, 23.10 & 23.11:

1. Approves the draft The NHS Pensions Agency (Asiantaeth Pensiynau`r GIG) (Establishment and Constitution) Order 2004 a copy of which was laid in Table Office and e-mailed to Assembly Members on 2 March 2004; and
2. Notes the Explanatory Memorandum for this Order laid in Table Office and e-mailed to Assembly Members on 2 March 2004.

A vote was taken on the motion:
For 55; Abstain 0; Against 0; Total 55
The motion was carried
The motion was defeated

5.26pm

Motion to approve under Standing Orders 22.25,23.10 and 23.11 The NHS Pensions Agency (Asiantaeth Pensiynau`r GIG) Regulations 2003

NDM1854 Karen Sinclair (Clwyd South)

To propose that the National Assembly for Wales, acting under Standing Order 22.25, 23.10 & 23.11:

1. Approves the draft The NHS Pensions Agency (Asiantaeth Pensiynau`r GIG) Regulations 2004 a copy of which was laid in Table Office and e-mailed to Assembly Members on 2 March 2004; and
2. Notes the Explanatory Memorandum for this Order laid in Table Office and e-mailed to Assembly Members on 2 March 2004.

A vote was taken on the motion:
For 55; Abstain 0; Against 0; Total 55
The motion was carried

5.27pm

Motion to approve under Standing Order 22.25

NDM1855 Karen Sinclair (Clwyd South)

1. a) Considers the report of the Legislation Committee laid in the Table Office and emailed to Assembly Members on 2 March 2004 on the draft Regulations **The Common Agricultural Policy**

Non-IACS Support Schemes (Appeals) (Wales) Regulations 2004 and

b) Approves that The Common Agricultural Policy Non-IACS Support Schemes (Appeals) (Wales) Regulations 2004 is made in accordance with:

- i) the draft Regulations laid in the Table Office on 19 February 2004;
- ii) Regulatory Appraisal laid in the Table Office on 10 February 2004;
- iii) Memorandum of Correction laid in the Table Office and emailed to Assembly Members on 2 March 2004.

2. a) Considers the report of the Legislation Committee laid in the Table Office and emailed to Assembly Members on 2 March 2004 on the draft Regulations **The Inspection of Youth Support Services in Wales Regulations 2004** and

b) Approves that The Inspection of Youth Support Services in Wales Regulations 2004 is made in accordance with

- i) the draft Regulations laid in the Table Office on 25 February 2004;
- ii) Regulatory Appraisal laid in the Table Office on 10 February 2004.

3. a) Considers the report of the Legislation Committee laid in the Table Office on 24 February 2004 on the draft Regulations **The Right to Manage (Prescribed Particulars and Forms) (Wales) Regulations 2004** and

b) Approves that The Right to Manage (Prescribed Particulars and Forms) (Wales) Regulations 2004 is made in accordance with:

- i) the draft Regulations laid in the Table Office on 5 February 2004;
- ii) Regulatory Appraisal laid in the Table Office on 5 February 2004;
- iii) Memorandum of Correction laid in the Table Office on 1 March 2004.

4. a) Considers the report of the Legislation Committee laid in the Table Office on 24 February 2004 on the draft Regulations **Leasehold Reform (Collective Enfranchisement and Lease Renewal) (Amendment) (Wales) Regulations 2004**; and

b) Approves that Leasehold Reform (Collective Enfranchisement and Lease Renewal) (Amendment) (Wales) Regulations 2004 is made in accordance with:

- i) the draft Regulations laid in the Table Office on 5 February 2004;
- ii) Regulatory Appraisal laid in the Table Office on 5 February 2004;
- iii) Memorandum of Correction laid in the Table Office on 1 March 2004.

5. a) Considers the report of the Legislation Committee laid in the Table Office on 24 February 2004 on the draft Regulations **Leasehold Reform (Enfranchisement and Extension) (Amendment) (Wales) Regulations 2004**; and

b) Approves that Leasehold Reform (Enfranchisement and Extension) (Amendment) (Wales) Regulations 2004 is made in accordance with:

- i) the draft Regulations laid in the Table Office on 5 February 2004;
- ii) Regulatory Appraisal laid in the Table Office on 5 February 2004.

6. a) Considers the report of the Legislation Committee laid in the Table Office on 24 February 2004 on the draft Regulations **The Leasehold Valuation Tribunals (Procedure) (Wales) Regulations 2004** and

b) Approves that The Leasehold Valuation Tribunals (Procedure) (Wales) Regulations 2004 is made in accordance with:

- i) the draft Regulations laid in the Table Office on 5 February 2004;
- ii) Regulatory Appraisal laid in the Table Office on 5 February 2004;
- iii) Memorandum of Correction laid in the Table Office on 1 March 2004.

7. a) Considers the report of the Legislation Committee laid in the Table Office on 24 February 2004 on the draft Regulations **The Leasehold Valuation Tribunals (Fees) (Wales) Regulations 2004** and

b) Approves that The Leasehold Valuation Tribunals (Fees) (Wales) Regulations 2004 is made in accordance with:

- i) the draft Regulations laid in the Table Office on 5 February 2004;
- ii) Regulatory Appraisal laid in the Table Office on 10 February 2004.

8. a) Considers the report of the Legislation Committee laid in the Table Office on 24 February 2004 on the draft Regulations **The RTM Companies (Memorandum and Articles of Association) (Wales) Regulations 2004** and

b) Approves that The RTM Companies (Memorandum and Articles of Association) (Wales) Regulations 2004 is made in accordance with:

- i) the draft Regulations laid in the Table Office on 5 February 2004;
- ii) Regulatory Appraisal laid in the Table Office on 5 February 2004;
- iii) Memorandum of Correction laid in the Table Office on 1 March 2004.

9. a) Considers the report of the Legislation Committee laid in the Table Office on 24 February 2004 on the draft Order **The Commonhold and Leasehold Reform Act 2002 (Commencement No. 2 and Savings) (Wales) Order 2004**; and

b) Approves that The Commonhold and Leasehold Reform Act 2002 (Commencement No. 2 and Savings) (Wales) Order 2004 is made in accordance with:

- i) the draft Order laid in the Table Office on 5 February 2004

10. a) Considers the report of the Legislation Committee laid in the Table Office on 24 February 2004 on the draft Order **The Leasehold Valuation Tribunals (Service Charges, Insurance or Appointment of Managers Applications) (Revocation and Saving) (Wales) Order 2004** and

b) Approves that The Leasehold Valuation Tribunals (Service Charges, Insurance or Appointment of Managers Applications) (Revocation and Saving) (Wales) Order 2004 is made in accordance with:

- i) the draft Order laid in the Table Office on 5 February 2004;
- ii) Regulatory Appraisal laid in the Table Office on 5 February 2004.

11. a) Considers the report of the Legislation Committee laid in the Table Office on 24 February

2004 on the draft Order **The Leasehold Valuation Tribunals (Fees) (Revocation and Saving) (Wales) Order 2004** and

b) Approves that The Leasehold Valuation Tribunals (Fees) (Revocation and Saving) (Wales) Order 2004 is made in accordance with:

- i) the draft Order laid in the Table Office on 5 February 2004;
- ii) Regulatory Appraisal laid in the Table Office on 5 February 2004.

12. a) Considers the report of the Legislation Committee laid in the Table Office on 24 February 2004 on the draft Regulations **The Service Charges (Consultation Requirements) (Wales) Regulations 2004** and

b) Approves that The Service Charges (Consultation Requirements) (Wales) Regulations 2004 is made in accordance with:

- i) the draft Regulations laid in the Table Office on 5 February 2004;
- ii) Regulatory Appraisal laid in the Table Office on 5 February 2004;
- iii) Memorandum of Correction laid in the Table Office on 1 March 2004.

A vote was taken on the motion:

For 54; Abstain 0; Against 0; Total 54

The motion was carried

Debate on EC 3rd Cohesion Report - WITHDRAWN

NDM1849 Karen Sinclair (Clwyd South)

To propose that the National Assembly for Wales:

1. Welcomes the European Commission's Third Report on Economic and Social Cohesion published on 18 February 2004;

2. Recognises the Report as an important milestone in the development of the European Union's 2007-2013 programme for economic and social cohesion; and

3. Notes that the Welsh Assembly Government will continue to seek to maximise the resources available for and benefits of regional development in Wales.

The following amendments were tabled:

Amendment 1 - Jocelyn Davies (South Wales East)

In point 1 delete ' Welcomes' and replace with 'Endorses'.

Amendment 2 - Jocelyn Davies (South Wales East)

Insert as new point 3 and renumber accordingly:

'Notes that the interests of West Wales and the Valleys are best served by the fact that the EU Structural Fund Programme operates on a seven year guarantee of funding.'

Amendment 3 - Kirsty Williams (Brecon and Radnorshire)

Delete point (3) and insert in its place:

'Is concerned that UK government proposals to limit the size of EU structural budgets will result in Wales losing hundreds of millions of pounds over the period 2007-2013.'

Amendment 4 - Jonathan Morgan (South Wales Central)

Delete point 3 and replace with:

'Regrets the failure of the Welsh Assembly Government to maximise the potential of the structural funds programmes for the benefit of Wales.'

Amendment 5 - Jocelyn Davies (South Wales East)

Add at the end of point 3:

' and calls on the Labour Assembly Government to support proposals contained on the report since it offers the best deal for Wales.'

Amendment 6 - Jocelyn Davies (South Wales East)

Add as new point at end of motion:

'Notes that the UK Government's position on the future of Structural Funds is detrimental to the interests of Wales.'

Amendment 7 - Kirsty Williams (Brecon and Radnorshire)

Add new point at end of motion:

'Calls on the Labour Assembly Government to press the UK government to ensure that it does not pursue EU contribution cuts that will be detrimental to Wales.'

Amendment 8 - Kirsty Williams (Brecon and Radnorshire)

Add new point at end of motion:

'Believes that the widening of the economic and wealth divide over the last quarter century between the nations and regions of the UK underlines the regional economic development record of successive UK governments and is concerned that proposals by the present UK government to withdraw from European structural programmes would further widen the divide across the UK.'

Amendment 9 - Kirsty Williams (Brecon and Radnorshire)

Add new point at end of motion:

'Believes that successful projects to strengthen Wales' economic development require long term secure funding and notes that financial guarantees from the European Union have a longer lifespan and are more secure than those from UK governments.'

The hyper-link will take you to the EC Third Report on Economic and Social Cohesion:

http://europa.eu.int/comm/regional_policy/sources/docoffic/official/reports/cohesion3/cohesion3_en.htm

The meeting concluded at 5.27pm

**The Assembly will sit again in Plenary at
2.00pm on Wednesday, 10th March 2004**

E P Silk

Clerk to the Assembly

DOCUMENTS LAID SINCE THE ASSEMBLY LAST MET

Documents Laid on 08 March 2004

- NHS Wales Summarised Accounts 2002-03 - LD2758

Documents Laid on 05 March 2004

- "Cyllid Gig Cymru 2003" Ymateb Llywodraeth Cynulliad Cymru i Adroddiad y Pwyllgor Archwilio - LD2752 *No English Version available*
- The National Health Service (Pharmaceutical Services) (Repeatable Prescriptions) (Amendment) (Wales) Regulations 2004 - Regulatory Appraisal - LD2753
- The National Health Service (Pharmaceutical Services) (Repeatable Prescriptions) (Amendment) (Wales) Regulations 2004 - LD2754
- Report by the Economic Development and Transport Committee on the Welsh Development Agency (Derelict Land) Order 2004 considered by the Committee on 28 January 2004 - LD2755
- National Health Service (General Medical Services Contracts) (Prescription of Drugs Etc) (Wales) Regulations 2004 - LD2756
- The National Health Service (Performers Lists) (Wales) Regulations 2004 - LD2757

Documents Laid on 04 March 2004

- The Water Act 2003 (Commencement) (Wales) Order 2004 - LD2745
- The Litter and Dog Fouling (Fixed Penalty) (Wales) Order 2004 - LD2746

- The Litter and Dog Fouling (Fixed Penalty) (Wales) Order 2004 - Regulatory Appraisal - LD2747
- The Education (School Organisation Proposals)(Wales) (Amendment) Regulations 2004 - LD2748
- The Education (School Organisation Proposals)(Wales) (Amendment) Regulations 2004 - Regulatory Appraisal - LD2749
- The Dairy Produce Quotas (Wales) (Amendment) Regulations 2004 - LD2750
- The Dairy Produce Quotas (Wales) (Amendment) Regulations 2004 - Regulatory Appraisal - LD2751

Documents Laid on 03 March 2004

- Local Government Partnership Scheme Report 2002-03 - LD2742
- Revision to Local Government Partnership Scheme - LD2743
- Special Grant Report (No.2)(Wales) 2004 on Road Safety - LD2744