

Subordinate Legislation Committee

Report (SLC(3) 07-09)

Date: 10 March 2009
Time: 8.15am
Venue: Committee Room 3, Senedd

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The Committee met on 10 March 2009. At the meeting the following Committee Members were present: Janet Ryder AM, Mike German AM, Joyce Watson AM, Alun Davies AM, Mark Isherwood AM. There were no apologies. The meeting was attended by Minister for Social Justice and Local Government Dr Brian Gibbons AM and Counsel General and Leader of the House Carwyn Jones AM, for item 5 on the agenda: Enhancing the Scrutiny of Subordinate Legislation: Consideration of the Business Rate Supplements Bill.

The Committee reports to the Assembly as follows:

Draft Instruments in respect of which the Assembly is invited to pay special attention under Standing Order 15.2

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

SLC252 - The Town and Country Planning (Fees for Applications and Deemed Applications) (Amendment) (Wales) Regulations 2009
Affirmative Procedure. Date made not stated. Date laid not stated. Coming into force date not stated.

The Committee postponed consideration of these draft Regulations till next week to allow the government to carry out the corrections recommended by the legal advisers. The legal advisers recommended that the draft Regulations should be withdrawn and the replacement laid as soon as possible as the error in the original draft regulations was more than a typographical mistake which could be corrected on publication, as the resulting misunderstanding could have cast doubt regarding the amendment of the 1989 Regulations.

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

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

SLC251 - The European Fisheries Fund (Grants) (Wales) Regulations 2009

Negative Procedure. Date made 23 February 2009. Date laid 25 February 2009. Coming into force date 18 March 2009

SLC253 - The Allocation of Housing and Homelessness (Eligibility) (Wales) Regulations 2009

Negative Procedure. Date made 26 February 2009. Date laid 27 February 2009. Coming into force date 20 March 2009

SLC254 - The Animals and Animal Products (Import and Export) (Wales) (Amendment) Regulations 2009

Negative Procedure. Date made 26 February 2009. Date laid 27 February 2009. Coming into force date 20 March 2009

The Committee postponed consideration of these Regulations until next week pending further enquiries on the correspondence regarding the original legislation.

SLC256 - The Plant Health (Import Inspection Fees) (Wales) (Amendment) Regulations 2009

Negative Procedure. Date made 26 February 2009. Date laid 2 March 2009. Coming into force date 23 March 2009

Other Business

Consideration of the Business Rate Supplements Bill

In accordance with its remit under Standing Order 15.6 (ii) the Committee scrutinised the Business Rate Supplements Bill, taking oral evidence from the Minister for Social Justice and Local Government Dr Brian Gibbons AM and Counsel General and Leader of the House Carwyn Jones AM. The Members paid particular attention to the issues connected with the delegation of powers to the Welsh Ministers and the processes by which decisions are taken. The Counsel General agreed to provide the Committee with information on Devolution Guidance Note 9, relating to Post-devolution primary legislation affecting Wales. A draft report will be considered at a future meeting. The full transcript of the proceedings is available on the Committee's website.

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

The Committee had considered the Proposed Playing Fields (Community Involvement in Disposal Decisions) (Wales) Measure at its meeting on 3 February 2009. The Members had decided that as the proposed Measure contained only one substantive provision which conferred delegated powers on Welsh Ministers (section 4(2) of the proposed Measure), they did not require Dr Dai Lloyd, the Member in charge of the proposed Measure, to attend to give evidence before the Committee, but requested clarification of his position in respect of the choice of procedure for Orders made under section 4(2). Dr Lloyd wrote to the Chair informing Members that he did not object to the Assembly Government's view that the power in section 4(2) for

Welsh Ministers to amend the Schedule to the Measure should more appropriately be subject to negative resolution procedure. The Committee agreed the Draft report. The Committee Report will be laid before the Assembly and sent to the Measure Committee.

Janet Ryder AM

Chair, Subordinate Legislation Committee

10 March 2009