

Votes and Proceedings for Tuesday, 6th July 2004

The meeting commenced at 2.00pm

First Minister's Question Time

The first 10 questions were answered.

2.48pm

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

2.59pm

Statement by the Minister for Education and Lifelong Learning: Clywch - Examination of the Children's Commissioner for Wales into allegations of child sexual abuse in a school setting

3.41pm

Statement by the Minister for Health and Social Services: Blaenau Gwent Social Services Department

4.15pm

Motion to delegate the functions contained in or under regulations made under the European Communities (Designation) Order 2004 to the First Minister

NDM2023 Karen Sinclair (Clwyd South)

To propose that the National Assembly, acting under section 62(1)(b) of the Government of Wales Act 1998, resolves to delegate to the First Minister all the functions of the National Assembly (save those which by law cannot be so delegated) contained in or under regulations made by:

(a) the National Assembly (whether made by the National Assembly alone or together with a UK Minister, UK Government Department or the Scottish or Northern Irish Executives) under section 2(2) of the European Communities Act 1972 pursuant to the functions conferred on the

Assembly by the European Communities (Designation) Order 2004 (S.I. 2004/706), ("the Designation Order); or

(b) a UK Minister under his or her concurrent powers, under the said section 2(2), in relation to any of the measures in respect of which functions were conferred upon the National Assembly in the Designation Order.

Nothing in this motion will have the effect of reducing the pre-eminence of the authority of the full Assembly or of reducing the role of the Assembly Committees in the exercise of the above functions.

This delegation will be made in the knowledge that those functions will, as appropriate, be further delegated to the appropriate Assembly Minister and to staff.

Copies of the Government of Wales Act 1998 and the European Communities Act 1972 are available in the Assembly Library.

The European Communities (Designation) Order 2004 (S.I. 2004/706 can be accessed using the hyperlink.

A vote was taken on the motion:

For 42; Abstain 0; Against 0; Total 42

The motion was carried

4.16pm

Motion to approve The Wales Centre for Health (Constitution, Membership and Procedures) Regulations 2004

NDM2035 Karen Sinclair (Clwyd South)

To propose that the National Assembly for Wales:

Considers the principle of The Wales Centre for Health (Constitution, Membership and Procedures) Regulations 2004 a copy of which was laid in Table Office on 11 June 2004.

A vote was taken on the principle of the Regulations

For 44; Abstain 0; Against 8; Total 52

The principle of the regulations was approved

NDM2036 Karen Sinclair (Clwyd South)

To propose that the National Assembly for Wales:

1. Considers the report of the Legislation Committee laid in the Table Office and emailed to Assembly Members on 22 June 2004 in relation to the draft regulations The Wales Centre for Health (Constitution, Membership and Procedures) Regulations 2004, and

2. Approves that, The Wales Centre for Health (Constitution, Membership and Procedures)

Regulations 2004 is made in accordance with:

- a) the draft Regulations laid in the Table Office on 11 June 2004
- b) the Regulatory Appraisal laid in the Table Office and emailed to Assembly Members on 22 June 2004
- c) the Memorandum of Correction laid in the Table Office and emailed to Assembly Members on 22 June 2004.

A vote was taken on the Regulations

For 43; Abstain 0; Against 8; Total 1

The Regulations were approved

4.33pm

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

Motion to approve under Standing Order 25.10 ; 25.11 & 24.25 The Care Standards Act 2000 (Commencement no20) Order 2004

NDM2037 Karen Sinclair (Clwyd South)

To propose that the National Assembly for Wales, acting under Standing Order 24.25, 25.13 & 25.14

Approves the draft The Care Standards Act 2000 (Commencement No. 20) Order 2004, a copy of which was laid in Table Office and emailed to Assembly Members on 29th June 2004, and notes the Explanatory Memorandum for this Order laid in Table Office and emailed to assembly Members on 29th June 2004.

A vote was taken on the motion:

For 51; Abstain 0; Against 0; Total 51

The motion was carried

4.34pm

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

Motion to approve under Standing Order 24.25

NDM2024 Karen Sinclair (Clwyd South)

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 29 June 2004 on the draft Regulations The Feeding Stuffs, the Feeding Stuffs (Sampling and Analysis) and the Feeding Stuffs (Enforcement) (Amendment) (Wales) Regulations 2004, and

b) Approves The Feeding Stuffs, the Feeding Stuffs (Sampling and Analysis) and the Feeding Stuffs (Enforcement) (Amendment) (Wales) Regulations 2004 is made in accordance with:

- i) the draft Regulations laid in the Table Office on 16 June 2004
- ii) Regulatory Appraisal laid in the Table Office on 16 June 2004
- iii) the Memorandum of Correction laid in the Table Office and emailed to Assembly Members

on 29 June 2004.

2. a) Considers the report of the Legislation Committee laid in the Table Office on 22 June 2004 on the draft Order The Care Standards Act 2000 (Commencement No. 14) (Wales) Order 2004, and

b) Approves The Care Standards Act 2000 (Commencement No. 14) (Wales) Order 2004 is made in accordance with:

- i) the draft Order laid in the Table Office on 9 June 2004
- ii) the Memorandum of Correction laid in the Table Office on 23 June 2004.

3 a) Considers the report of the Legislation Committee laid in the Table Office on 22 June 2004 on the draft Regulations The Children (Leaving Care) (Amendment) (Wales) Regulations 2004, and

b) Approves The Children (Leaving Care) (Amendment) (Wales) Regulations 2004 is made in accordance with:

- i) the draft Regulations laid in the Table Office on 9 June 2004
- ii) the Regulatory Appraisal laid in the Table Office on 9 June 2004
- iii) the Memorandum of Correction laid in the Table Office on 23 June 2004.

4. a) Considers the report of the Legislation Committee laid in the Table Office on 22 June 2004 on the draft Order The Animal Gatherings (Wales) Order 2004, and

b) Approves The Animal Gatherings (Wales) Order 2004 is made in accordance with:

- i) the draft Order laid in the Table Office on 15 June 2004
- ii) Regulatory Appraisal laid in the Table Office on 15 June 2004
- iii) the Memorandum of Correction laid in the Table Office on 23 June 2004.

5. a) Considers the report of the Legislation Committee laid in the Table Office and emailed to Assembly Members on 29 June 2004 on the draft Regulations The Wildlife and Countryside Act 1981 (Amendment) (Wales) Regulations 2004, and

b) Approves The Wildlife and Countryside Act 1981 (Amendment) (Wales) Regulations 2004 is made in accordance with:

- i) the draft Regulations laid in the Table Office on 15 June 2004
- ii) Regulatory Appraisal laid in the Table Office on 15 June 2004.

NDM2042 - Notice under Standing Order 24.25(ii) Tabled on 30 June 2004.

In accordance with Standing Order 24.25 (ii), 3 Members require that the draft Order, The Education Act 2002 (Commencement No. 5) (Wales) Order 2004, proposed in the motion NDM2024 is considered separately by the Assembly. Therefore this draft order was not moved today.

6. a) Considers the report of the Legislation Committee laid in the Table Office and emailed to Assembly Members on 29 June 2004 on the draft Regulations The Education Act 2002 (Commencement No. 5) (Wales) Order 2004, and

b) Approves The Education Act 2002 (Commencement No. 5) (Wales) Order 2004 is made in accordance with the draft Regulations laid in the Table Office on 15 June 2004.

7. a) Considers the report of the Legislation Committee laid in the Table Office and emailed to Assembly Members on 29 June 2004 on the draft Regulations The Education Act 2002 (Transitional Provisions and Consequential Amendments) (Wales) Regulations 2004, and

b) Approves The Education Act 2002 (Transitional Provisions and Consequential Amendments) (Wales) Regulations 2004 is made in accordance with:

i) the draft Regulations laid in the Table Office on 15 June 2004

ii) Regulatory Appraisal laid in the Table Office on 15 June 2004

iii) the Memorandum of Correction laid in the Table Office and emailed to Assembly Members on 29 June 2004.

8. a) Considers the report of the Legislation Committee laid in the Table Office and emailed to Assembly Members on 29 June 2004 on the draft Regulations The Housing (Right to Buy) (Priority of Charges) (Wales) Order 2004, and

b) Approves The Housing (Right to Buy) (Priority of Charges) (Wales) Order 2004 is made in accordance with:

i) the draft Order laid in the Table Office on 15 June 2004

ii) Regulatory Appraisal laid in the Table Office on 15 June 2004.

9. a) Considers the report of the Legislation Committee laid in the Table Office and emailed to Assembly Members on 29 June 2004 on the draft Regulations The General Teaching Council for Wales (Functions) (Amendment) Regulations 2004, and

b) Approves The General Teaching Council for Wales (Functions) (Amendment) Regulations 2004 is made in accordance with:

i) the draft Regulations laid in the Table Office on 15 June 2004

ii) Regulatory Appraisal laid in the Table Office on 15 June 2004.

A vote was taken on the motion:

For 51; Abstain 0; Against 0; Total 51

The motion was carried

4.34pm

Proposal to debate the following 3 items together but with separate votes

Motion to approve The Education (Specified Work and Registration)(Wales) Regulations 2004

NDM2025 Karen Sinclair (Clwyd South)

To propose that the National Assembly for Wales:

Considers the principle of The Education (Specified Work and Registration) (Wales) Regulations 2004, a copy of which was laid in Table Office on 15 June 2004.

A vote was taken on the principle of the Regulations

For 29; Abstain 0; Against 24; Total 53

The principle of the regulations was approved

NDM2026 Karen Sinclair (Clwyd South)

To propose that the National Assembly for Wales:

1. Considers the report of the Legislation Committee laid in the Table Office and emailed to Assembly Members on 29 June 2004 in relation to the draft regulations The Education (Specified Work and Registration) (Wales) Regulations 2004, and

2. Approves that, The Education (Specified Work and Registration) (Wales) Regulations 2004 is made in accordance with:

- a) the draft Regulations laid in the Table Office on 15 June 2004
- b) the Regulatory Appraisal laid in the Table Office on 15 June 2004
- c) the Memorandum of Correction laid in the Table Office and emailed to Assembly Members on 29 June 2004.

The following amendment was tabled:

Amendment 1 - Jocelyn Davies (South Wales East); Janet Ryder (North Wales); Owen John Thomas (South Wales Central)

To propose that the National Assembly for Wales resolves to make the following amendments to 'The Education (Specified Work and Registration) (Wales) Regulations 2004' a draft of which was laid in the table office on 15 June 2004.

Delete paragraph 8 of schedule 2.

Statement made in accordance with Standing Order 24.16 (ii)

Purpose of amendment

To ensure that only teachers and those persons set out in paragraphs 2 to 7 of schedule 2 are able to perform specified tasks set out for teachers.

Costs

Accepting the regulation without the amendment may result in costs borne by pupils in the form of poorer educational attainment.

A vote was taken on the amendment to the Regulations

For 20; Abstain 0; Against 34; Total 54

The amendment to the Regulations fell

A vote was taken on the Regulations

For 29; Abstain 0; Against 20; Total 49

The Regulations were approved

Motion to approve The Education (School Teachers` Qualifications)(Wales) Regulations

2004

NDM2027 Karen Sinclair (Clwyd South)

To propose that the National Assembly for Wales:

Considers the principle of The Education (School Teachers' Qualifications) (Wales) Regulations 2004, a copy of which was laid in Table Office on 15 June 2004.

A vote was taken on the principle of the Regulations

For 37; Abstain 0; Against 14; Total 51

The principle of the regulations was approved

NDM2028 Karen Sinclair (Clwyd South)

To propose that the National Assembly for Wales:

1. Considers the report of the Legislation Committee laid in the Table Office and emailed to Assembly Members on 29 June 2004 in relation to the draft regulations The Education (School Teachers' Qualifications) (Wales) Regulations 2004, and

2. Approves that, The Education (School Teachers' Qualifications) (Wales) Regulations 2004 is made in accordance with:

a) the draft Regulations laid in the Table Office on 15 June 2004

b) the Regulatory Appraisal laid in the Table Office on 15 June 2004

c) the Memorandum of Correction laid in the Table Office and emailed to Assembly Members on 29 June 2004.

A vote was taken on the Regulations

For 37; Abstain 0; Against 16; Total 53

The Regulations were approved

Motion to approve The School Teachers (Consequential Amendments) (Wales) Regulations 2004

NDM2029 Karen Sinclair (Clwyd South)

To propose that the National Assembly for Wales:

Considers the principle of The School Teachers (Consequential Amendments) (Wales) Regulations 2004, a copy of which was laid in Table Office on 15 June 2004

A vote was taken on the principle of the Regulations

For 29; Abstain 0; Against 23; Total 52

The principle of the regulations was approved

NDM2030 Karen Sinclair (Clwyd South)

To propose that the National Assembly for Wales:

1. Considers the report of the Legislation Committee laid in the Table Office and emailed to Assembly Members on 29 June 2004 in relation to the draft regulations The School Teachers

(Consequential Amendments) (Wales) Regulations 2004, and

2. Approves that, The School Teachers (Consequential Amendments) (Wales) Regulations 2004 is made in accordance with:

- a) the draft Regulations laid in the Table Office on 15 June 2004
- b) the Regulatory Appraisal laid in the Table Office on 15 June 2004.

A vote was taken on the Regulations

For 30; Abstain 1; Against 22; Total 53

The Regulations were approved

5.00pm

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

The Adult Placement Schemes (Wales) Regulations 2004

NDM2031 Karen Sinclair (Clwyd South)

To propose that the National Assembly for Wales:

Considers the principle of The Adult Placement Schemes (Wales) Regulations 2004 a copy of which was laid in Table Office on 9 June 2004.

A vote was taken on the principle of the Regulations

For 53; Abstain 0; Against 0; Total 53

The principle of the regulations was approved

NDM2032 Karen Sinclair (Clwyd South)

To propose that the National Assembly for Wales:

1. Considers the report of the Legislation Committee laid in the Table Office on 22 June 2004 in relation to the draft regulations The Adult Placement Schemes (Wales) Regulations 2004, and

2. Approves that, The Adult Placement Schemes (Wales) Regulations 2004 is made in accordance with:

- a) the draft Regulations laid in the Table Office on 9 June 2004
- b) the Regulatory Appraisal laid in the Table Office on 9 June 2004
- c) the Memorandum of Correction laid in the Table Office on 23 June 2004.

A vote was taken on the Regulations

For 51; Abstain 0; Against 0; Total 51

The Regulations were approved

National Minimum Standards Section 23 of The Care Standards Act 2000 under Standing Order 29

NDM2033 Karen Sinclair (Clwyd South)

To propose that the National Assembly for Wales acting under Standing Order 29.3 (iii):
Considers the principle of The National Minimum Standards under Section 23 of the Care Standards Act 2000 a draft of which was laid in Table Office on 10 June 2004.

A vote was taken on the principle of the Regulations

For 53; Abstain 0; Against 0; Total 53

The principle of the regulations was approved

NDM2034 Karen Sinclair (Clwyd South)

To propose that the National Assembly for Wales acting under Standing Order 29.3 (iii) approves National Minimum Standards under Section 23 of the Care Standards Act 2000 which was laid in Table Office on 10 June 2004.

A vote was taken on the Regulations

For 53; Abstain 0; Against 0; Total 53

The Regulations were approved

5.12pm

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

The Education (School Information) (Wales) (Amendment) Regulations

NDM2038 Karen Sinclair (Clwyd South)

To propose that the National Assembly for Wales:

Considers the principle of The Education (School Information) (Wales) (Amendment) Regulations 2004 a copy of which was laid in Table Office on 9 June 2004.

A vote was taken on the principle of the Regulations

For 42; Abstain 0; Against 10; Total 52

The principle of the regulations was approved

NDM2039 Karen Sinclair (Clwyd South)

To propose that the National Assembly for Wales:

1. Considers the report of the Legislation Committee laid in the Table Office on 22 June 2004 in relation to the draft regulations The Education (School Information) (Wales) (Amendment) Regulations 2004, and

2. Approves that, The Education (School Information) (Wales) (Amendment) Regulations 2004 is made in accordance with:

- a) the draft Regulations laid in the Table Office on 9 June 2004
- b) the Regulatory Appraisal laid in the Table Office on 9 June 2004
- c) the Memorandum of Correction laid in the Table Office on 22 June 2004.

A vote was taken on the Regulations

For 43; Abstain 0; Against 10; Total 53

The Regulations were approved

The School Governors` Annual Reports (Wales) (Amendment) Regulations 2004

NDM2040 Karen Sinclair (Clwyd South)

To propose that the National Assembly for Wales:

Considers the principle of the School Governors' Annual Reports (Wales) (Amendment) Regulations 2004 a copy of which was laid in Table Office on 9 June 2004.

A vote was taken on the principle of the Regulations

For 42; Abstain 0; Against 10; Total 52

The principle of the regulations was approved

NDM2041 Karen Sinclair (Clwyd South)

To propose that the National Assembly for Wales:

1. Considers the report of the Legislation Committee laid in the Table Office on 22 June 2004 in relation to the draft regulations the School Governors' Annual Reports (Wales) (Amendment) Regulations 2004, and

2. Approves that, the School Governors' Annual Reports (Wales) (Amendment) Regulations 2004 is made in accordance with:

- a) the draft Regulations laid in the Table Office on 9 June 2004
- b) the Regulatory Appraisal laid in the Table Office on 9 June 2004
- c) the Memorandum of Correction laid in the Table Office on 22 June 2004.

A vote was taken on the Regulations

For 42; Abstain 0; Against 10; Total 52

The Regulations were approved

The meeting concluded at 5.18pm

The Assembly will sit again in Plenary at

2.00pm on Wednesday, 7th July 2004

E P Silk

DOCUMENTS LAID SINCE THE ASSEMBLY LAST MET

Documents Laid on 02 July 2004

Social Justice and Regeneration Committee Housing for Older People - July 2004 - LD3087