

Votes and Proceedings for Wednesday, 18th December 2002

The Session commenced at 2.00pm

2.00pm

Questions to Andrew Davies, Minister for Economic Development

The first 6 questions were answered.

2.23pm

Finance Questions to Edwina Hart, Minister for Finance, Local Government and Communities

The first 7 questions were answered.

2.40pm

Urgent Question: To ask if the Minister for Economic Development will make a statement on the 223 job losses at Cleddau Bridge Call Centre, which were announced by Vertex last Thursday, 12 December 2002

2.47pm

Request for an urgent debate under Standing Order 6.9

David Melding requested an urgent debate on the review of the transitional and running cost budgets of the new structures of the NHS Wales Structural Change Programme.

A vote was taken on the motion:

For 22; Abstain 0; Against 32; Total 54

The motion was not carried

3.12pm

The Minister for Environment made a statement on Sand and gravel supply in South East Wales

3.51pm

Motion to approve The Leasehold Reform (Notices) (Amendment) (Wales) Regulations 2002

NDM1271 Carwyn Jones (Bridgend)

To propose that the National Assembly for Wales:

Considers the principle of The Leasehold Reform (Notices)(Amendment) (Wales) Order 2002, laid in the Table Office on 3 December 2002.

NDM1272 Carwyn Jones (Bridgend)

To propose that the National Assembly:

1. Considers the report of the Legislation Committee which does not draw the special attention of the Assembly to any matter under Standing Order 11.5, in relation to the draft order, The Leasehold Reform (Notices)(Amendment) (Wales) Order 2002, laid in the Table Office on 10 December 2002;
2. Approves that the Order is made in accordance with the draft laid in the Table Office on 3 December 2002.

A vote was taken on the principle of the order

For 45; Abstain 0; Against 0; Total 45

The motion was carried

A vote was taken on the motion to approve the order:

For 45; Abstain 0; Against 0; Total 45

The motion was carried

Motion to delegate the functions of the Commonhold and Leasehold Reform Act 2002**NDM1279 Carwyn Jones (Bridgend)**

To propose that the National Assembly, acting under section 62 (1) (b) of the Government of Wales Act 1998, resolves to delegate all the functions of the National Assembly contained in or under the Commonhold and Leasehold Reform Act 2002 to the Assembly First Minister, save those which by law cannot be so delegated.

Nothing in the 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.

A vote was taken on the motion:

For 44; Abstain 0; Against 0; Total 44

The motion was carried

4.00pm

Motion to approve The Rating Lists (Valuation Date) (Wales) Order 2002

NDM1273 Carwyn Jones (Bridgend)

To propose that the National Assembly:

Considers the principle of The Rating Lists (Valuation Date)(Wales) Order 2002, laid in the Table Office on 3 December 2002.

NDM1274 Carwyn Jones (Bridgend)

To propose that the National Assembly:

1. considers the report of the Legislation Committee which does not draw the special attention of the Assembly to any matter under Standing Order 11.5, in relation to the draft order, The Rating Lists (Valuation Date)(Wales) Order 2002, laid in the Table Office on 10 December 2002.

2. Approves that the Order is made in accordance with the draft laid in the Table Office on 3 December 2002.

A vote was taken on the principle of the order

For 42; Abstain 0; Against 0; Total 42

The motion was carried

A vote was taken on the motion to approve the order:

For 42; Abstain 0; Against 0; Total 42

The motion was carried

4.04pm

Motion to approve The National Health Service (Pharmaceutical Services) and (General Medical Services) (Amendment) (Wales) Regulations 2002**NDM1275 Carwyn Jones (Bridgend)**

To propose that the National Assembly:

Considers the principle of The National Health Service (Pharmaceutical Services) and (General Medical Services)(Amendment)(Wales) Regulations 2002, laid in the Table Office on 2 December 2002.

NDM1276 Carwyn Jones (Bridgend)

To propose that the National Assembly:

1. considers the report of the Legislation Committee which does not draw the special attention of the Assembly to any matter under Standing Order 11.5, in relation to the draft order, The National Health Service (Pharmaceutical Services) and (General Medical Services) (Amendment)(Wales) Regulations 2002, laid in the Table Office on 10 December 2002.

2. Approves that the Order is made in accordance with the draft laid in the Table Office on 2 December 2002.

A vote was taken on the principle of the order

For 44; Abstain 0; Against 0; Total 44

The motion was carried

A vote was taken on the motion to approve the order:

For 44; Abstain 0; Against 0; Total 44

The motion was carried

4.10pm

Motion to approve The Genetically Modified Organisms (Deliberate Release)(Wales) Regulations 2002

NDM1277 Carwyn Jones (Bridgend)

To propose that the National Assembly:

Considers the principle of The Genetically Modified Organisms (Deliberate Release) (Wales) Regulations 2002, including Schedule 5, both laid in the Table Office on 2 December 2002.

NDM1278 Carwyn Jones (Bridgend)

To propose that the National Assembly:

1. considers the report of the Legislation Committee which does not draw the special attention of the Assembly to any matter under Standing Order 11.5, in relation to the draft order, The Genetically Modified Organisms (Deliberate Release) (Wales) Regulations 2002, laid in the Table Office on 3 December 2002.

2. Approves that the Order is made in accordance with the draft and the Regulatory Appraisal laid in the Table Office on 2 December 2002.

A vote was taken on the motion to approve the order:

For 31; Abstain 0; Against 19; Total 50

The motion was carried

4.42pm

Motion to delegate the functions of the Homelessness Act 2002

NDM1280 Carwyn Jones (Bridgend)

To propose that the National Assembly for Wales, 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 The Homelessness Act 2002.

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.

A vote was taken on the principle of the order

For 31; Abstain 0; Against 19; Total 50

The motion was carried

A vote was taken on the motion to approve the order:

For 40; Abstain 0; Against 7; Total 47

The motion was carried

4.45pm

Motion to delegate functions to the House Committee

NDM1258 John Marek (Wrexham);

In exercise of its powers under section 62 of the Government of Wales Act 1998, and of all other powers enabling it in that behalf the National Assembly for Wales:-

(1) delegates to the House Committee established under Standing Order 36 its functions:-

(a) under sections 33, 34(1), 40, and 85 of that Act; and

(b) in respect of the civil service management functions within the meaning of section 1 of the Civil Service (Management Functions) Act 1992,

but subject to the following limitations:-

(i) the said functions are only delegated so far as applicable to the Committee's Terms of Reference under Standing Order 36.2 ; and

(ii) the House Committee shall delegate to staff of the Assembly the above functions delegated to it

(2) revokes any existing delegation by it of the above functions to the First Minister but only so far as those functions are now delegated to the House Committee.

A vote was taken on the motion

For 42; Abstain 0; Against 0; Total 42

The motion was carried

Motions to approve changes to Standing Orders

NDM1257 John Marek (Wrexham);

To propose that the National Assembly acting under section 46(6) of the Government of Wales Act and Standing Order 34 :

(i) consider the report of the Business Committee laid in the Table Office on 9 December 2002;

and

(ii) approve the following revision of standing orders

For standing order 36 substitute-

"Standing Order 36 - House Committee

Title

There shall be a House Committee.

Terms of Reference

36.2 Subject to the following provisions of this standing order, the Committee is responsible for :

(a) the provision to and for Members (including when acting in proceedings of the Assembly) of facilities, accommodation, staff and such other support services as are reasonably necessary for the better performance by Members of their position as Members of the Assembly, including in its capacity as a legislative body ;

(b) the provision of translation services between English and Welsh for proceedings of the Assembly;

(c) the preparation of guidance to Members on matters within the Committee's responsibilities;

(d) the provision of advice to the Assembly on matters relating to its terms of reference and to Members' salaries, allowances and pensions ;

(e) the preparation of a draft budget for the expenditure to be incurred by it and for the administration of the approved budget; and

(f) the provision of such other services to and for Members of a similar nature to those described above including responsibility for any extension to the building where the Assembly normally meets in plenary session, as the Assembly may from time to time authorise by resolution in plenary.

36.3 Nothing in paragraph 36.2 shall make it part of the Committee's terms of reference to have responsibility:-

(a) in any field in which the Assembly has functions (within the meaning of section 57 of the Act); or

(b) in respect of proceedings of the Assembly Cabinet

Membership

36.4 Subject to the requirement of section 54(2)(b) of the Act and paragraph 8.3 that, as far as is practicable, the balance of the political groups in the Assembly is reflected in the membership of the Committee, the House Committee shall consist of at least 7 and not more than 11 members including the chair.

36.5 If elected to be members of the Committee, the Presiding Officer, the Deputy Presiding Officer and the Business Minister shall cease to be members of the committee once they cease to hold those offices.

36.6 In the event of the Presiding Officer or the Deputy Presiding Officer or the Business Minister not being members of the Committee they shall be entitled to attend meetings of the Committee and may participate in meetings, with the consent of the Chair, but may not vote.

36.7 A Committee member ("the member"), who has given advance notice to the chair, may be represented at a meeting of the committee by another Member nominated from the same political group who has been identified in advance. In giving such notice, the member shall indicate the reason for the need for substitution. The nominated representative may participate in the meeting of the Committee in all respects as if he or she were a member of it. No Member may represent more than one Committee member at a meeting.

36.8 The Committee shall elect one of its members to chair it.

36.9 Another member of the Committee may chair a meeting of the Committee in the absence of the chair of the Committee or if the chair is disqualified from participating in the Committee's consideration of any matter or otherwise voluntarily withdraws from such participation. Such member shall be appointed at the meeting concerned or at a previous meeting.

Meetings

36.10 The Committee shall meet not less than once in every 4 weeks that the Assembly meets in plenary, unless the Committee decides otherwise.

36.11 The Committee may, as it considers appropriate, meet in public or in private, but the minutes of its meetings shall be published not later than 6 weeks after the meeting to which the minutes relate.

36.12 The Committee may report to the Assembly from time to time and shall submit an annual report.

The Presiding Office

36.13 The staff support services that the Committee is responsible for providing under its terms of reference shall be provided through the unit of Assembly staff known as the Presiding Office and headed by the Clerk and which is established and maintained under arrangements put in place by the Permanent Secretary.

Code of Conduct

36.14 The chair of the Committee shall prepare and submit to the Assembly for its approval guidance ("the Code") to:-

- (a) the Committee on its terms of reference; and
- (b) the members of the Committee on their responsibilities as members of the Committee.

The Code shall include guidance on the relationship of the Committee and its members with the Permanent Secretary and with the Clerk and the other staff in the Presiding Office.

The chair of the Committee shall issue a copy of the Code to each member of the Committee and shall seek to ensure that each member of the Committee complies with it.

Assembly Ministers and Other Assembly Staff

36.17 Subject to para 36.18, nothing in this Standing Order shall make it part of the Committee's terms of reference to provide facilities, accommodation, staff or other support services or guidance to or for any Member when acting as an Assembly Minister or Assembly staff who are not part of the Presiding Office.

36.18 Paragraph 36.17 shall not apply to the advice that the Committee may give under paragraph 36.2(d) in so far as it relates to advice on Members' salaries, allowances and pensions.

Transitional Provisions

36.19 The first members of the Committee as reconstituted by the preceding paragraphs of this Standing Order shall be elected as soon as possible, whereupon the members of the House Committee as constituted under the provisions replaced by this Standing Order shall cease to hold office in that capacity and to that extent paragraph 8.3 shall not apply. This paragraph shall cease to have effect on the members of the House Committee as previously constituted ceasing to hold office. "

A 2/3rds majority was required to carry the motion to amend standing orders

A vote was taken on the motion

For 42; Abstain 0; Against 0; Total 42

The motion was carried

NDM1259 John Marek (Wrexham);

That the National Assembly for Wales, acting under section 46(6) of the Government of Wales Act 1998, and Standing Order No.34:

(i) considers the report of the Business Committee laid in the Table Office on 9 December 2002;

(ii) approves the following revisions to Standing Orders

(a) Interpretation para

Definition of Clerk: Replace "Office of Presiding Officer" with "Presiding Office"

(b) SO 4

4.3 and 4.4 replace "Office of the Presiding Officer" by "Table Office"

(c) SO 5

5.1 at the end add "and a Member of the House Committee answering on behalf of that Committee"

(d) SO 6

6.3 insert new (vi) as follows:

"(vi) a Member of the House Committee to answer questions for oral answer at least once, and for at least 5 minutes, in every four weeks that the Assembly meets in plenary."

6.5 insert new subparagraph as follows:

"(va) debate on annual report of the House Committee)"

6.9. at end add:

"If the matter is within the responsibilities of the House Committee, then for "Minister" in this paragraph, there shall be substituted "a Member of the House Committee answering on behalf of that Committee."

6.11 after entry "Statements by Ministers"" insert:

"Statements by a member of the House Committee about any matter coming within the responsibilities of that Committee"

New 6.26A as follows:

"Members may table questions for oral answer by a member of the House Committee about any matter coming within the responsibilities of that Committee."

6.28

(i) after "two questions" insert "to a particular Minister"

(ii) after words "paragraph 6.3 (i)" insert "or to a member of the House Committee under paragraph 6.3 (vi)"

(iii) leave out "by a particular Minister"

6.30 after "Ministers" insert:

"and the member of the House Committee"

6.31 at end add:

"This paragraph shall not apply to questions for oral answer by a member of the House Committee."

6.34(A): omit

6.37 (ii) after "Officer," insert:

"(or, if the matter is within the responsibilities of the House Committee, a member of that committee)".

6.37 (iii) leave out "Minister" and insert "Member"

(e) SO 12

12.5 Omit present para 12.5 and insert:

"12.5 . Whenever the Committee submits a report to the Assembly under paragraph 12.3(i) it shall send a copy to the First Minister. If the report relates to any matter coming within the responsibilities of the House Committee, it shall at the same time also send a copy to the chair of that Committee. Within 30 working days of the First Minister receiving the report a Minister shall, if the report relates to a matter for which a Minister is accountable or responsible to the Assembly, lay before the Assembly a response to the Audit Committee's report on behalf of the Assembly Cabinet and, if that response is of an interim character, the Minister shall lay a final response before the Assembly within a further two months. In so far as the Audit Committee's report relates to matters coming within the responsibilities of the House Committee, then within 30 working days of the chair receiving a copy of that report, a member of the House Committee shall, on behalf of that Committee, lay before the Assembly a response to the Audit Committee's report; and if that response is of an interim character a member of the House Committee shall lay a final response before the Assembly within a further two months".

12.7 at end add:

"(or if the matter is within the responsibility of the House Committee, if he or she was at the relevant time a member of the House Committee as reconstituted after [date])".

(f) SO 16

16.1 (ii) at end insert "or the Code of Conduct under Standing Order 36.14".

(g) SO 17

17.5 (iii) at end insert:

"or, as the case may be, members of the House Committee"

(h) SO 19

Replace references to "Office of Presiding Officer" by "Presiding Office" in paras 00, 5A and 7A each time it occurs

19.00 omit "between the Presiding Officer, the Clerk and" and insert "with"

19.5A after first "House Committee" insert "following discussion by the Committee with the Finance Minister"

19.5A omit "Clerk may, subject to paragraph 19.5B," and insert "House Committee may, following discussion with the Finance Minister,"

Omit paragraph 19.5B

19.7A omit "the Presiding Officer and"

19.22 omit "Presiding Officer" and insert "House Committee"

(i) SO 20

20.3 after "Minister" insert "or the chair of the House Committee"

(j) SO 21

Insert new para 21.10, as follows:

"21.10 Where a report or further report relates to a matter within the responsibility of the House Committee, the provisions in this Standing Order which relate to the involvement of Ministers (other than the First Minister) and of subject committees shall, so far as appropriate, not apply,

but the chair of the House Committee shall make appropriate arrangements with the First Minister for the report to be considered by that committee and for its response to be sent to the First Minister."

(k) SO 33

SO 33.1 omit "Office of the Presiding Officer" and insert "Table Office".

A 2/3rds majority was required to carry the motion to amend standing orders

A vote was taken on the motion

For 42; Abstain 0; Against 0; Total 42

The motion was carried

4.53pm

Short debate - NDM1281- Cynog Dafis (Mid and West Wales); Motor Neuron Disease: Providing Services

The session concluded at 5.21pm

The Assembly will sit again in Plenary at

2.00pm on Tuesday, 14th January 2003

E P Silk

Clerk to the Assembly

DOCUMENTS LAID SINCE THE ASSEMBLY LAST MET

Memorandum of Corrections Pursuant to Standing Order 22.13 - The Local Health Boards (Functions) Regulations 2003 - LD1772

Legislation Committee reports since the Assembly last met

LC588 - The Local Health Boards (Establishment) (Wales) Order 2003 - LD1774

LC589 - The Local Health Boards (Functions) Regulations 2003 - LD1775

LC589 - The Local Health Boards (Functions) Regulations 2003 - LD1775

LC590 - The Health, Social Care and Well-being Strategies (Wales) Regulations 2003 - LD1776

LC591 - The Countryside Access (Dedication of Land as Access Land) (Wales) Regulations 2003 - LD1777

LC592 - The Countryside Access (Exclusion or Restriction of Access) (Wales) Regulations 2003 - LD1778

LC593 - The Products of Animal Origin (Third Country Imports) (Wales) (Amendment) Regulations 2002 - LD1779