

Legislation Committee

Date: 21 March 2006
Time: 9.30am
Venue: National Assembly for Wales, Cardiff Bay
Title: Scrutiny of Legislation in the Assembly

Scrutiny by the Oireachtas (Irish Parliament)

The Oireachtas is composed of 166 Members of the Dail and 60 Members of the Seanad. It operates largely through a system of joint sectoral committees dealing with particular subject areas. There are no committees that deal solely with the technical scrutiny of legislation.

The terms of reference of sectoral parliamentary committees were expanded in 2002 to include the scrutiny of relevant statutory instruments. However, such scrutiny is of the sort currently carried out by the National Assembly's subject committees, rather than technical scrutiny following detailed legal checking. Similarly, legal advice is not generally provided in relation to the compatibility of Bills with constitutional, European or Human Rights requirements.

Arrangements for the scrutiny of European legislation developed markedly following the passing of the European Union (Scrutiny) Act in 2002. There is a Joint Committee on European Affairs which exercises a general overview of European developments, in a manner not dissimilar to the Assembly's European and External Affairs Committee, though its importance is increased because it scrutinises directly the Government of a Member State and seeks to influence its role at Council level.

More detailed scrutiny of legislative proposals is carried out through a Sub-committee on European Scrutiny, which receives detailed reports on proposals for European legislation, largely provided by the Government. It then selects those that deserve further scrutiny and refers them to the relevant sectoral committee, which would also carry out any subsequent scrutiny of implementing legislation. Legal advice is provided to the Sub-committee if requested, though at the higher level of constitutionality and competence rather than technical drafting.

Conclusion

There is no technical scrutiny in Dublin of domestic legislation in the way that is done at Westminster and Edinburgh. The scrutiny of European legislative proposals is further advanced, and may provide a useful comparison when more detailed work is required as to the selection of European legislation for detailed scrutiny.

Gwyn Griffiths
APS Legal
March 2006.