



**Cynulliad Cenedlaethol Cymru
The National Assembly for Wales**

**Y Pwyllgor Is-ddeddfwriaeth
The Subordinate Legislation Committee**

**Dydd Mawrth, 15 Ionawr 2008
Tuesday, 15 January 2008**

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Cofnodir y trafodion hyn yn yr iaith y llefarwyd hwy ynndi yn y pwyllgor. Yn ogystal, cynhwysir cyfieithiad Saesneg o gyfraniadau yn y Gymraeg.

These proceedings are reported in the language in which they were spoken in the committee. In addition, an English translation of Welsh speeches is included.

Aelodau'r pwyllgor yn bresennol
Committee members in attendance

Eleanor Burnham	Democratiaid Rhyddfrydol Cymru Welsh Liberal Democrats
Andrew R.T. Davies	Ceidwadwyr Cymreig Welsh Conservatives
Paul Davies	Ceidwadwyr Cymreig Welsh Conservatives
Irene James	Llafur Labour
David Lloyd	Plaid Cymru (Cadeirydd y Pwyllgor) The Party of Wales (Committee Chair)
Sandy Mewies	Llafur Labour
Janet Ryder	Plaid Cymru The Party of Wales

Swyddogion Gwasanaeth Seneddol y Cynulliad yn bresennol
Assembly Parliamentary Service officials in attendance

Anna Daniel	Clerc Clerk
Gwyn Griffiths	Cynghorydd Cyfreithiol Legal Adviser
Joanest Jackson	Cynghorydd Cyfreithiol Cynorthwyol Assistant Legal Adviser
Olga Lewis	Dirprwy Glerc Deputy Clerk

Dechreuodd y cyfarfod am 8.15 a.m.
The meeting began at 8.15 a.m.

Cyflwyniad, Ymddiheuriadau, Dirprwyon a Datgan Buddiannau
Introduction, Apologies, Substitutions and Declarations of Interest

David Lloyd: Bore da, a chroeso i gyfarfod cyntaf y Pwyllgor Is-ddeddfwriaeth yn y flwyddyn newydd. Er ei bod ychydig yn hwyr, dymunaf flwyddyn newydd dda i Aelodau, i swyddogion ac i'r cyhoedd.

David Lloyd: Good morning, and welcome to the first meeting of the new year of the Subordinate Legislation Committee. Although it is a little late, I wish a happy new year to all Members, officials and the public.

Os bydd argyfwng, bydd y tywyswyr yn eich arwain at yr allanfa agosaf. Gallwch ddefnyddio'r clustffonau i gael cyfieithiad ar y pryd ac i addasu lefel y sain. Gall y tywyswyr ddangos i'r cyhoedd sut i ddefnyddio'r clustffonau. Rhaid diffodd unrhyw ffonau symudol yn llwyr. Mae'r cyfieithiad ar y pryd o Gymraeg i Saesneg ar gael ar sianel 1, a gellir clywed cyfraniadau yn yr iaith wreiddiol ar sianel 0.

In the event of an emergency, the ushers will guide you to the nearest exit. Headsets are available for simultaneous translation and amplification. Ushers can show members of the public how to operate the headsets. All mobile phones must be switched off completely. The simultaneous translation from Welsh to English is available on channel 1, and contributions in the original language are available on channel 0.

Yr wyf wedi derbyn ymddiheuriad gan Karen

I have received an apology from Karen

Sinclair. A oes unrhyw ymddiheuriadau eraill? Gwelaf nad oes.

Sinclair. Are there any other apologies? I see that there are none.

Mae'n bleser gennyf gyflwyno ein cler newydd, sef Anna Daniel. Mae hi wedi bod yn rhedeg Ewrop ers rhai blynyddoedd. [*Chwerthin.*] Mae wedi gweld y goleuni ac mae'n awr yn glerc i'r pwyllgor hwn. Mae'n olynu Chris, sydd yn bresennol. Yr ydym yn diolch i Chris am y ffordd y bu iddo glercio'r pwyllgor dros y tymor diwethaf.

It is my pleasure to introduce our new clerk, Anna Daniel. She has been running Europe for a few years. [*Laughter.*] She has seen the light and is now the clerk to this committee. She succeeds Chris, who is present. We are grateful to Chris for the way in which he clerked this committee over the last term.

8.16 a.m.

Offerynnau ac Offerynnau Drafft na fydd y Cynulliad yn cael ei Wahodd i Roi Sylw Arbennig Iddynt o dan Reol Sefydlog Rhif 15.2. ac Offerynnau Drafft sy'n Agored i gael eu Cymeradwyo yn Unol â Phenderfyniad gan y Cynulliad (Gweithdrefn Gadarnhaol)
Instruments and Draft Instruments in Respect of which the Assembly is not Invited to Pay Special Attention under Standing Order No. 15.2. and Draft Instruments Subject to Approval Pursuant to a Resolution of the Assembly (Affirmative Procedure)

David Lloyd: Mae Gwyn wedi bod yn craffu ar SLC90, Gorchymyn Bwrdd Ardollau Cymru 2008.

David Lloyd: Gwyn has scrutinised SLC90, the Welsh Levy Board Order 2008.

Mr Griffiths: Nid oes gennyf unrhyw beth i'w ychwanegu.

Mr Griffiths: I have nothing to add.

David Lloyd: A oes unrhyw sylwadau?

David Lloyd: Are there any comments?

Eleanor Burnham: Hoffwn eglurhad byr ynglŷn â'r hyn y bydd y bwrdd yn ei wneud, er budd y bobl sy'n gwyllo neu sy'n gwrando arnom.

Eleanor Burnham: I would like a short explanation regarding what the board will do, for the benefit of those people who are watching us or who are listening to us.

Mr Griffiths: Mae'r swyddogaethau wedi eu gosod yn y Ddeddf ac yn y Gorchymyn hwn. Mae'r Gorchymyn yn sefydlu'r corff. Mae cwmpas gwaith y bwrdd wedi ei nodi yn rheoliad 2, yn ymwneud â'r diwydiant cig eidion a defaid a'r diwydiant moch. Gall wella safon y marchnata, cynyddu effeithlonrwydd, gwella neu ddatblygu gwasanaethau a gwella sut mae'r diwydiant yn cyfrannu at ddatblygu cynaliadwy. Mae hynny wedi ei nodi yn rheoliad 3.

Mr Griffiths: The functions have been set out in the Act and in this Order. This Order establishes the body. The board's remit has been set out in regulation 2 and relates to the beef, lamb and pork industry. It can improve the standard of the marketing, increase efficiency, improve or develop services, and improve the ways in which the industry contributes to sustainable development. That is noted in regulation 3.

David Lloyd: Diolch yn fawr, Gwyn. Yr ydym lawer callach yn awr. Diolch yn fawr, Eleanor.

David Lloyd: Thank you, Gwyn. We are far more aware now. Thank you, Eleanor.

8.18 a.m.

**Offerynnau sy'n Agored i Gael eu Diddymu yn Unol â Phenderfyniad gan y
Cynulliad (Gweithdrefn Negyddol)
Instruments Subject to Annulment Pursuant to a Resolution of the Assembly
(Negative Procedure)**

David Lloyd: Mae Joanest Jackson wedi bod yn craffu ar SLC85, Rheoliadau Ardrethu Annomestig (Hysbysiadau Galw am Dalu) (Cymru) (Diwygio) 2007, ac SLC98, Rheoliadau Ardrethu Annomestig (Hysbysiadau Galw am Dalu) (Cymru) (Diwygio) 2008.

David Lloyd: Joanest Jackson has scrutinised SLC85, the Non-Domestic Rating (Demand Notices) (Wales) (Amendment) Regulations 2007, and SLC98, the Non-Domestic Rating (Demand Notices) (Wales) (Amendment) Regulations 2008.

Ms Jackson: I have nothing to add to the reports, but I would like to add a point of clarification, as you may think that it is odd that two sets of regulations are being made in such a short period of time. SLC 85 amended the Non-Domestic Rating (Demand Notices) (Wales) Regulations 1993, and replaced Schedule 2 to the 1993 regulations, which sets out the information to be supplied when rate demand notices are sent by billing authorities. SLC98 corrects a small error in the new Schedule to reflect changes made to the Local Government Finance Act 1998 by the Rating (Empty Properties) Act 2007. Unless specified by Welsh Ministers in regulations, the normal liability from an unoccupied hereditament would be the same as that for an occupied hereditament. The new Schedule 2 specifies the rate to be 50 per cent. These regulations correct this and specify the rate to be 100 per cent.

8.20 a.m.

David Lloyd: A oes unrhyw sylwadau? Gwelaf nad oes. A ydym yn cytuno i'w derbyn? Gwelaf ein bod.

David Lloyd: Are there any comments? I see that there are not. Are we agreed that they should be passed? I see that we are.

Mae Gwyn bod wedi bod yn craffu ar SLC86, Gorchymyn Awdurdodau Parciau Cenedlaethol (Cymru) (Diwygio) 2007. A oes gennych unrhyw sylwadau i'w gwneud, Gwyn?

Gwyn has been scrutinising SLC86, the National Park Authorities (Wales) (Amendment) Order 2007. Do you have any comments to make, Gwyn?

Mr Griffiths: Na, nid oes unrhyw sylwadau i'w nodi. Mae'r cynnydd yn aelodaeth Awdurdod Parc Cenedlaethol Arfordir Penfro yn dilyn ymgynghoriad gan y Llywodraeth ar nifer aelodau y tri pharc cenedlaethol.

Mr Griffiths: No, there are no comments to note. The increase in the membership of the Pembrokeshire Coast National Park Authority follows a Government consultation on member number in the three national parks.

David Lloyd: A oes unrhyw gwestiynau neu sylwadau? Gwelaf nad oes.

David Lloyd: Are there any questions or comments? I see not.

Mae Joanest wedi bod yn craffu ar SLC88, Rheoliadau Cig (Ffioedd Rheolaethau Swyddogol) (Cymru) (Rhif 2) 2007, SLC89, Rheoliadau Cynhyrchion Pysgodfeydd (Taliadau Rheolaethau Swyddogol) (Cymru) 2007 ac SLC91, Rheoliadau Addysg (Benthyciadau i Fyfyrrwyr) (Ad-dalu) (Diwygio) (Cymru) 2007.

Joanest has been scrutinising SLC88, the Meat (Official Controls Charges) (Wales) (No. 2) Regulations 2007, SLC89, the Fishery Products (Official Controls Charges) (Wales) Regulations 2007 and SLC91, the Education (Student Loans) (Repayment) (Amendment) (Wales) Regulations 2007.

Ms Jackson: Nid oes unrhyw beth ychwanegol i'w adrodd.

Ms Jackson: There is nothing additional to report.

David Lloyd: A oes gan unrhyw un sylwadau i'w gwneud? Gwelaf fod pawb yn hapus inni dderbyn y rheoliadau hynny.

David Lloyd: Are there any comments? I see that everyone is happy for us to pass those regulations.

Bu Gwyn yn craffu ar SLC96, Rheoliadau Addysg (Gwybodaeth am Berfformiad Ysgolion) (Cymru) (Diwygio) 2007. Gwyn, a oes unrhyw beth i'w adrodd?

Gwyn has been scrutinising SLC96, the Education (School Performance Information) (Wales) (Amendment) Regulations 2007. Gwyn, is there anything to report?

Mr Griffiths: Nac oes.

Mr Griffiths: No.

David Lloyd: A oes unrhyw sylwadau? Gwelaf nad oes. Symudwn ymlaen at Joanest, a fu'n craffu ar SLC97, Rheoliadau Fformiwla Fabanod a Fformiwla Ddilynol (Cymru) 2007. A oes unrhyw beth ychwanegol i'w adrodd, Joanest?

David Lloyd: Are there any comments? I see that there are not. We will move on to Joanest, who has been scrutinising SLC97, the Infant Formula and Follow-on Formula (Wales) Regulations 2007. Is there anything additional to report, Joanest?

Ms Jackson: Nac oes.

Ms Jackson: No.

David Lloyd: A oes unrhyw sylwadau? Gwelaf fod pawb yn hapus.

David Lloyd: Are there any comments? I see that everyone is content.

8.21 a.m.

**Offerynnau sy'n Agored i gael eu Dirymu yn Unol â Phenderfyniad gan y
Cynulliad (Gweithdrefn Negyddol)
Instruments Subject to Annulment Pursuant to a Resolution of the Assembly
(Negative Procedure)**

David Lloyd: Mae Joanest wedi bod yn craffu ar SLC87, the Export and Movement Restrictions (Foot-and-Mouth Disease) (No.2) (Wales) Regulations 2007, ac SLC92, the Export Restrictions (Foot-and-Mouth Disease) (Wales) Regulations 2007. A oes unrhyw beth i'w adrodd, Joanest?

David Lloyd: Joanest has been scrutinising SLC87, the Export and Movement Restrictions (Foot-and-Mouth Disease) (No.2) (Wales) Regulations 2007, and SLC92, the Export Restrictions (Foot-and-Mouth Disease) (Wales) Regulations 2007. Is there anything to report, Joanest?

Ms Jackson: Dim byd, ar wahân i'r pwynt arferol eu bod wedi eu gwneud yn yr iaith Saesneg. Byddwn yn cadw golwg am y cyfieithiad ac yn rhoi gwybod ichi pan ddaw. Y newyddion da am SLC92 yw eu bod yn codi'r cyfyngiadau ar allforio creaduriaid y mae'n bosibl iddynt gael clwy'r traed a'r genau.

Ms Jackson: There is nothing, apart from the usual point that they have been made in English. We will keep a look out for the translation and let you know when it is available. The good news about SLC92 is that they lift the restrictions on exporting animals that are vulnerable to foot and mouth disease.

David Lloyd: A oes unrhyw sylwadau neu gwestiwn? Gwelaf nad oes.

David Lloyd: Are there any comments or questions? I see not.

Mae Gwyn wedi bod yn craffu ar SLC94, y Rheoliadau Addysg (Gwybodaeth am Ddisgyblion Unigol) (Cymru) 2007, ac SLC95, y Rheoliadau Addysg (Gwybodaeth am Ddisgyblion) (Cymru) (Diwygio) 2007. A oes unrhyw beth ychwanegol i'w adrodd, Gwyn?

Gwyn has been scrutinising SLC94, the Education (Information About Individual Pupils) (Wales) Regulations 2007, and SLC95, the Education (Pupil Information) (Wales) (Amendment) Regulations 2007. Is there any additional information to report, Gwyn?

Mr Griffiths: Nac oes. Yn yr un modd ag SLC96, mae'r rheoliadau hyn yn gwneud mân ddiwygiadau i ddeddfwriaeth ynglŷn â'r wybodaeth ar ddisgyblion sy'n cael ei throsglwyddo rhwng ysgolion.

Mr Griffiths: No. Like SLC96, these regulations make minor amendments to the legislation regarding the information that is transferred between schools about pupils.

Sandy Mewies: Minor amendments are made to SLC94 and SLC95 because the regulations were not done properly in the first case; that is certainly the case with SLC94. Will there be a discussion about that so that it does not keep happening? Although you say that it does not matter with SLC94, it is still important that you use the right regulations. Do not get me wrong—I am surprised that the people who do this work do not make many more errors—but is it an issue that is flagged up in a strong way?

Mr Griffiths: Yes, the drafting lawyers are notified of the points that we take up, whether they are reporting points or not. As those of you who have been on the committee for some time will know, things like spelling mistakes, which they can correct on publication, are not drawn to the attention of the committee.

Sandy Mewies: Are we happy that it is robust, despite the fact that it was the wrong—

Mr Griffiths: Yes, and they are copied to Professor Thomas Watkin, the chief legislative counsel, so that he is aware of the patterns that emerge in relation to minor defects of this sort.

David Lloyd: A oes unrhyw sylwadau eraill? Gwelaf nad oes. Felly, yr ydym yn pasio'r ddeddfwriaeth honno hefyd.

David Lloyd: Are there any other comments? I see that there are not. Therefore, we will also pass that legislation.

8.25 a.m.

Unrhyw Fusnes Arall Any Other Business

David Lloyd: A oes gennych unrhyw faterion i'w codi? Mae gennyf un mater i'w godi. Hoffwn awgrymu y dylai'r pwyllgor ymweld â Senedd yr Alban i gymharu ein harferion a'n profiadau gyda rhai'r pwyllgor is-ddeddfwriaeth yno. Yn sylfaenol, yr wyf yn ceisio eich cytundeb, o ran y syniad ac amseriad yr ymweliad.

David Lloyd: Do you have any matters to raise? I have one matter that I wish to raise. I wish to suggest that the committee should visit the Scottish Parliament to compare our practices and experiences with those of the subordinate legislation committee there.

Yr ydych yn ymwybodol mai prif waith pwyllgor y Cynulliad hyd yn hyn fu canolbwyntio ar graffu ar offerynnau statudol mewn ffordd dechnegol, fel y buom yn ei wneud y bore yma. Fodd bynnag, o dan Reol

Fundamentally, I am seeking your agreement on the idea and the timing of the visit. You will be aware that the main work of the Assembly committee so far has been to focus on the technical scrutiny of statutory

Sefydlog Rhif 15.3, gall y pwyllgor hwn drafod a chyflwyno adroddiadau am resymau eraill, er enghraifft i weld a yw offeryn statudol yn rhoi deddfwriaeth yr Undeb Ewropeaidd ar waith mewn ffordd amhriodol neu'n cyflawni amcanion polisi mewn ffordd amherffaith. Er nad yw'r pwyllgor hwn wedi cyflwyno adroddiad ar unrhyw offeryn am y rhesymau hynny hyd yn hyn, mae'n bosibl y bydd un offeryn statudol a drafodir yn y cyfarfod nesaf yn cynnwys problemau o'r fath. Gall y pwyllgor hwn drafod materion eraill hefyd o dan Reol Sefydlog Rhif 15.6, megis agweddau ar Fesurau'r Cynulliad sy'n ymwneud â phwerau i wneud is-ddeddfwriaeth. Yr ydych yn ymwybodol iawn o'r gwaith a wnaethom fel pwyllgor ar y Mesur arfaethedig ynghylch Gwneud Iawn am Gamweddau'r GIG (Cymru) 2007, ac mae mesurau eraill ar y ffordd hefyd. Felly, bydd y pwyllgor hwn yn gwneud mwy o waith craffu yn y maes hwn o reidrwydd.

Fodd bynnag, mae nifer o'r materion hyn yn newydd i'r holl Aelodau. Mae cylch gorchwyl y pwyllgor hwn yn llawer ehangach na chylch gorchwyl yr hen bwyllgor deddfwriaeth y bu rhai ohonom yn aelodau ohono yn y gorffennol. Mae'n angenrheidiol i ni ddysgu sut y mae pawb arall yn gwneud y pethau hyn ac, felly, yr awgrym yw y gallem fanteisio ar y cyfle i rannu profiadau a chael barn aelodau o bwyllgorau seneddau a chynulliadau eraill sydd â chylch gorchwyl tebyg. Mae'r clerc a'r dirprwy glerc wedi gwneud ymholiadau eisoes. I ddechrau, awgrymir y byddai'r Aelodau'n ymweld â phwyllgor is-ddeddfwriaeth Senedd yr Alban yng nghanol mis Mai, wedi'r etholiadau i awdurdodau lleol, ond cyn yr hanner tymor, ar ddydd Iau. Felly, byddem yn mynd ar ddydd Iau ynghanol mis Mai—mae cynghanedd yno'n rhywle.

Er gwybodaeth, mae pwyllgor is-ddeddfwriaeth yr Alban yn casglu tystiolaeth ar argymhellion y pwyllgor a'i rhagflaenodd ar hyn o bryd, er mwyn creu system newydd, symlach yn lle'r system bresennol o graffu ar is-ddeddfwriaeth. Ei nod yw penderfynu ar sut y bydd y pwyllgor yn gweithredu yn ystod y tymor hwn. Byddai'n amser da i ymweld â'r pwyllgor hwnnw ym mis Mai, i drafod canlyniad yr adolygiad hwnnw a byddai'n falch iawn o'n croesawu ni bryd

instruments, which is what we have been doing this morning. However, under Standing Order No. 15.3, this committee may discuss and present reports for other reasons, for example to see whether any statutory instruments inappropriately implement European Union legislation or imperfectly achieve its policy objectives. Although this committee has not reported on any instruments on those grounds thus far, one statutory instrument to be discussed at the next meeting may pose such problems. This committee may also consider other matters under Standing Order No. 15.6, such as aspects of Assembly Measures that relate to powers to make subordinate legislation. You are well aware of the work that the committee did on the proposed NHS Redress (Wales) Measure 2007, and there are other measures in the pipeline. Therefore, it is necessary for this committee to do an increasing amount of scrutiny work in this area.

However, many of these issues are new to all Members. The remit of this committee is much wider than that of the previous legislation committee of which some of us were previously members. It is crucial that we learn how others deal with these issues and, therefore, the suggestion is that we should take advantage of the opportunity to share experiences and hear the opinions of members of committees that have a similar remit in other parliaments and assemblies. The clerk and deputy clerk have already looked into this. The initial suggestion is that Members would visit the legislation committee at the Scottish Parliament on a Thursday in mid May, following the local government elections, but before half term. Therefore, we would go on a Thursday in mid June.

For your information, the Scottish subordinate legislation committee is currently gathering evidence on the recommendations of its predecessor committee, in order to create a new, simpler system to replace the current system of scrutinising subordinate legislation. Its aim is to decide how the committee will operate during this term. It would be timely to visit the committee in May to discuss the conclusions of that review and it will be pleased to welcome us then, if

hynny, os yw pawb yn cytuno. A oes unrhyw sylw neu gwestiwn? Gwelaf fod pawb yn cytuno'n sylfaenol â mynd ar ymweliad swyddogol â Senedd yr Alban. Bydd yr ymweliad wedi ei baratoi, yn naturiol, yn drylwyr ymlaen llaw er mwyn caniatáu inni rannu profiadau ag aelodau'r pwyllgor is-ddeddfwriaeth yno.

everyone is in agreement. Are there any comments or questions? I see that everyone fundamentally agrees with having an official visit to the Scottish Parliament. The visit will, of course, be organised in detail beforehand, to allow us to exchange experiences with the members of the Scottish subordinate legislation committee.

8.29 a.m.

Dyddiad y Cyfarfod Nesaf Date of the Next Meeting

David Lloyd: Ni fydd cyfarfod yr wythnos nesaf. Dyddiad y cyfarfod nesaf yw 29 Ionawr. Os bydd unrhyw un yn ymddangos am 8 a.m. ddydd Mawrth nesaf, bydd ar ei ben ei hun. Diolch am eich presenoldeb a diolch am y cyfieithu.

David Lloyd: There will not be a meeting next week. The date of the next meeting is 29 January. If anyone turns up at 8 a.m. next Tuesday, they will be on their own. Thank you for your attendance and thank you for the translation.

*Daeth y cyfarfod i ben am 8.29 a.m.
The meeting ended at 8.29 a.m.*