



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

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

**Dydd Mawrth, 3 Chwefror 2009
Tuesday, 3 February 2009**

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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

Alun Davies	Llafur Labour
Mark Isherwood	Ceidwadwyr Cymreig Welsh Conservatives
Janet Ryder	Plaid Cymru (Cadeirydd y Pwyllgor) The Party of Wales (Committee Chair)

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

Bethan Davies	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 8.17 a.m.
The meeting began at 8.17 a.m.

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

[1] **Janet Ryder:** I welcome everybody to the committee this morning. In case of an emergency, the ushers will show us the way out. Headsets are available for translation and amplification. The interpretation is on channel 1, and proceedings can be amplified on channel 0. Please switch off all mobile devices.

[2] We have had apologies from Mike German and Joyce Watson, which means that we are just quorate, so we can start this meeting. Some Members have to leave early, unfortunately, so let us see how far we can get.

8.18 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
Instruments and Draft Instruments in Respect of which the Assembly is not
Invited to Pay Special Attention under Standing Order No. 15.2

[3] **Janet Ryder:** We will first look at draft instruments subject to approval pursuant to a resolution of the Assembly under the affirmative procedure. Joanest has been scrutinising SLC239, the Local Authorities (Charges for Property Searches) (Wales) Regulations 2009.

[4] **Ms Jackson:** I have nothing to add.

[5] **Janet Ryder:** Are Members happy with that? I see that you are, so we will move on to look at instruments subject to annulment pursuant to a resolution of the Assembly under the negative procedure. Joanest has been looking at SLC235, the Local Government (Assistants

for Political Groups) (Remuneration) (Wales) Order 2009, at SLC236, the Environmental Noise (Wales) (Amendment) Regulations 2009, at SLC237, the National Health Service (Travelling Expenses and Remission of Charges) (Wales) (Amendment) Regulations 2009, and at SLC238, the Local Authorities (Charges for Property Searches) (Disapplication) (Wales) Order 2009.

[6] **Ms Jackson:** There is nothing to add to any of the reports, save to say that SLC238 is a partner to SLC239.

[7] **Janet Ryder:** Are Members content with those? I see that you are. Let us move on to SLC241, the Education (Maintained Special Schools) (Wales) (Amendment) Regulations 2009. Gwyn?

[8] **Mr Griffiths:** Nid oes gennyf ddim **Mr Griffiths:** I have nothing to add. i'w ychwanegu.

[9] **Janet Ryder:** Os felly, a yw pawb yn **Janet Ryder:** In that case, is everybody fodlon? Gwelaif eich bod. content? I see that you are.

8.20 a.m.

**Mesur Arfaethedig Caeau Chwarae (Ymgysylltiad Cymunedau â
Phenderfyniadau Gwaredu) (Cymru)
Proposed Playing Fields (Community Involvement in Disposal Decisions)
(Wales) Measure**

[10] **Janet Ryder:** This item deals with a proposed Measure from the backbenches. Gwyn, do you have anything to say on this matter?

[11] **Mr Griffiths:** Oes, Gadeirydd. Yr **Mr Griffiths:** Yes, Chair. The only issue to unig fater i'w ystyried y bore yma yw a yw'r consider this morning is whether the pwyllgor am graffu ar y Mesur arfaethedig. committee wishes to scrutinise the proposed Dim ond un pŵer dirprwyedig sydd yn y Measure. There is only one delegated power in the proposed Measure: section 4(2) gives Mesur arfaethedig, yn adran 4(2), lle rhoddir hawl i Weinidogion Cymru wneud is-ddeddfwriaeth i ddiwygio'r rhestr o gyrff yr subordinate legislation to amend the list of ymgynghorir â hwy. Dywed y Mesur bodies that are consulted. The proposed arfaethedig y dylid gwneud rheoliadau felly Measure states that such regulations should drwy gyfrwng y broses gadarnhaol, ond be made by affirmative procedure, but the dywed ymateb y Llywodraeth ei bod yn Government's response states that it ystyried mai mater gweinyddol yw hwn, er considers this to be an administrative issue— enghraifft, os bydd enwau cyrff yn newid, ac for example, if the names of organisations felly byddai'r broses negyddol yn ddigonol. change—so the negative procedure would be Dyna'r unig ddadl. Mater i'r pwyllgor yw adequate. That is the only question for ystyried a yw am glywed tystiolaeth Dai debate. It is for the committee to consider Lloyd, fel cyflwynydd y Mesur arfaethedig, whether it wishes to take evidence from Dai a'r Llywodraeth i drafod y pwynt hwnnw. Lloyd, as the Member who proposed this Measure, and from the Government to discuss that point.

[12] **Alun Davies:** Yr wyf yn credu bod **Alun Davies:** I think that this is quite hyn yn eithaf syml. Yr wyf yn hapus i nodi'r straightforward. I am content to note what hyn a ddywedodd Gwyn yn ei adroddiad ac i Gwyn said in his report and to write to the ysgrifennu at y pwyllgor deddfwriaeth ar the legislation committee on that issue.

hynny.

[13] **Mark Isherwood:** I endorse that. The negative procedure seems sufficient; although it is Dr Lloyd's proposed Measure, and he may have particular reasons that we need to hear to justify his position.

[14] **Janet Ryder:** So, would you like to invite Dai Lloyd to the committee?

[15] **Mark Isherwood:** He should have an opportunity to explain why he feels that the affirmative procedure is needed.

[16] **Janet Ryder:** We could do that through correspondence or we can invite him to a meeting.

[17] **Alun Davies:** I am happy with doing it through correspondence.

[18] **Mark Isherwood:** I am happy with doing it through correspondence, unless he feels strongly about it; in which case, perhaps you could report back to us.

[19] **Janet Ryder:** We will try to sort it out through a letter first, then. Hopefully, we will bring that back to the next meeting.

8.22 a.m.

Cynnig Trefniadol Procedural Motion

[20] **Janet Ryder:** That brings us to the second part of the meeting, for which we will have to go into private session to discuss the committee report. I invite a Member to propose the appropriate motion.

[21] **Alun Davies:** I propose that

the committee resolves to exclude the public from the remainder of the meeting in accordance with Standing Order No. 10.37(vi).

[22] **Janet Ryder:** Thank you. I see that the committee is in agreement.

*Derbyniwyd y cynnig.
Motion carried.*

*Daeth rhan gyhoeddus y cyfarfod i ben am 8.22 a.m.
The public part of the meeting ended at 8.22 a.m.*