



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

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

**Tuesday, 13 Mai 2008
Tuesday, 13 May 2008**

Cynnwys
Contents

- 3 Cyflwyniad, Ymddiheuriadau, Dirprwyon a Datgan Buddiannau
Introduction, Apologies, Substitutions and Declarations of Interest
- 3 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
- 4 Offerynnau ac Offerynnau Drafft y Bydd 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 Invited to Pay
Special Attention under Standing Order No. 15.2
- 5 Unrhyw Fater Arall
Any Other Business
- 7 Dyddiad y Cyfarfod Nesaf
Date of the Next Meeting

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
Alun Davies	Llafur Labour
Andrew R.T. Davies	Ceidwadwyr Cymreig Welsh Conservatives
Irene James	Llafur Labour
David Lloyd	Plaid Cymru (Cadeirydd y Pwyllgor) The Party of Wales (Committee Chair)

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 8.46 a.m.
The meeting began at 8.46 a.m.

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

[1] **David Lloyd:** Bore da, a chroeso i gyfarfod diweddaraf Pwyllgor Is-ddeddfwriaeth y Cynulliad. Os bydd argyfwng, bydd y tywyswyr yn eich arwain at yr allanfa agosaf. Rhaid diffodd ffonau symudol yn llwyr. Gellir defnyddio'r clustffonau i glywed y cyfieithiad ar y pryd ac i addasu lefel y sain. Mae cyfieithiad ar y pryd o'r Gymraeg i'r Saesneg ar gael ar sianel 1 a gellir clywed cyfraniadau yn yr iaith wreiddiol ar sianel 0. Ni chafwyd unrhyw ymddiheuriadau oherwydd absenoldeb.

David Lloyd: Good morning, and welcome to the latest meeting of the Assembly's Subordinate Legislation Committee. In case of emergency, the ushers will lead you to the nearest exit. Mobile phones must be completely switched off. The headsets can be used to hear the simultaneous translation and to adjust the volume of the audio. A simultaneous translation is available from Welsh to English on channel 1 and contributions in the original language are on channel 0. No apologies for absence have been received.

8.47 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

- [2] **David Lloyd:** Bu Joanest yn craffu ar SLC153, Rheoliadau Comisiynydd Pobl Hŷn Cymru (Diwygio) 2008. **David Lloyd:** Joanest has been scrutinising SLC153, Commissioner for Older People in Wales (Amendment) Regulations 2008.
- [3] **Ms Jackson:** Nid oes gennyf ddim i'w ychwanegu at yr adroddiad. **Ms Jackson:** I do not have anything to add to the report.
- [4] **David Lloyd:** A yw pawb yn hapus gyda hynny? **David Lloyd:** Is everyone content with that?
- [5] **Alun Davies:** Beth mae hyn yn ei feddwl? Mae'r paragraff hwn yn gwbl annealladwy i mi. **Alun Davies:** What does this mean? This paragraph is completely incomprehensible to me.
- [6] **Ms Jackson:** Originally, all functions under these regulations would have been granted to the National Assembly for Wales; that is, the Assembly as constituted under the Government of Wales Act 1998. The Government of Wales Act 2006 distributes all the functions that were conferred on the Assembly to the Welsh Ministers primarily, but also to the Counsel General and to the First Minister. Very few have remained with the Assembly. This is a tidying-up exercise. It substitutes the words 'National Assembly for Wales' in the regulations with various references to the National Assembly under the 2006 Act, the First Minister, the Welsh Ministers or the Counsel General. It is a technical tidying-up exercise to reflect where the functions now sit in practice.
- [7] **Alun Davies:** Diolch. **Alun Davies:** Thank you.
- [8] **David Lloyd:** Bu Gwyn yn craffu ar SLC150, Rheoliadau Gwaith Stryd (Ffioedd Arolygu) (Cymru) (Diwygio) (Rhif 2) 2008, SLC151, Gorchymyn Gorfodi Sifil ar Dramgwyddau Parcio (Dyfeisiadau a Gymeradwyir) (Cymru) (Rhif 2) 2008, ac SLC152, Rheoliadau Gorfodi Sifil ar Dramgwyddau Parcio (Darpariaethau Cyffredinol) (Cymru) (Rhif 2) 2008. A oes unrhyw beth i'w adrodd ymhellach i'r hyn sydd o'n blaenau, Gwyn? **David Lloyd:** Gwyn has been scrutinising SLC150, the Street Works (Inspection Fees) (Wales) (Amendment) (No. 2) Regulations 2008, SLC151, the Civil Enforcement of Parking Contraventions (Approved Devices) (Wales) (No. 2) Order 2008, and SLC152, the Civil Enforcement of Parking Contraventions (General Provisions) (Wales) (No. 2) Regulations 2008. Is there anything to report further to what is before us, Gwyn?
- [9] **Mr Griffiths:** Mae'r tri offeryn hwn yn cywiro gwelliannau a nodwyd gan y pwyllgor, ac felly yn dangos bod y drefn yn gweithio. **Mr Griffiths:** These three instruments correct the amendments identified by the committee, so it shows that the system is working.
- [10] **David Lloyd:** A bod pobl yn gwranddo ar y pwyllgor hwn. Diolch yn fawr, Gwyn. **David Lloyd:** And that people listen to this committee. Thank you, Gwyn.

8.50 a.m.

**Offerynnau ac Offerynnau Drafft y Bydd 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 Invited
to Pay Special Attention under Standing Order No. 15.2**

[11] **David Lloyd:** Mae Joanest wedi bod yn craffu ar SLC149, Rheoliadau Enceffalopathïau Sbyngffurf Trosglwyddadwy (Cymru) (Diwygio) 2008, ac ar SLC154, Rheoliadau Deunyddiau ac Eitemau Plastig mewn Cysylltiad â Bwyd (Cymru) 2008.

David Lloyd: Joanest has been scrutinising SLC149, the Transmissible Spongiform Encephalopathies (Wales) (Amendment) Regulations 2008 and SLC154, the Plastic Materials and Articles in Contact with Food (Wales) Regulations 2008

[12] **Ms Jackson:** Mae gennyf ddau bwynt i'w codi. O ran SLC149, fel y dywed yn yr adroddiad, mae'r Llywodraeth yn derbyn y pwyntiau sydd wedi codi. Nid yw'n bwriadu gwneud dim nes i'r rheoliadau hyn gael eu dirymu a'u hail-wneud. Gwneir hyn y flwyddyn nesaf. Bydd SLC154 hefyd yn cael eu hail-wneud yn Saesneg ac yn y Gymraeg. Dylai hyn gael ei wneud cyn diwedd mis Gorffennaf.

Ms Jackson: I have two points to raise. With regard to SLC149, as stated in the report, the Government accepts the points that have been raised. It does not intend to do anything until these regulations have been annulled and redrafted. This will be done next year. SLC154 will also be redrafted in English and Welsh. This should be completed by the end of July.

[13] **David Lloyd:** Yr ydych wedi gweld yr adroddiadau sydd gerbron. A yw pawb yn cytuno â'r adroddiadau ynglŷn â gwahodd y Cynulliad i roi sylw arbennig, yn dilyn yr hyn y dywedodd Joanest? Mae mân gywiriadau wedi eu gwneud mewn ymateb i'n hadroddiadau. A yw pawb yn hapus? Gwelaf eich bod.

David Lloyd: You have seen the reports that are before us. Does everyone agree with the reports with regard to inviting the Assembly to pay special attention, following what Joanest has said? A few small corrections have been done in response to our reports. Is everyone happy? I see that you are.

8.51 a.m.

Unrhyw Fater Arall Any Other Business

[14] **David Lloyd:** Bydd aelodau'r pwyllgor yn ymweld â Senedd yr Alban ddydd Iau. Byddwn yn cwrdd yn yr hen dderbynfa am 3.30 p.m. brynhawn yfory. Byddwch yn barod i fynd, neu byddwch yn cael eich gadael ar ôl. Ar hyn o bryd, nid oes unrhyw fater arall, os nad oes mater arall gan Aelodau.

David Lloyd: Members of the committee will be visiting the Scottish Parliament on Thursday. We will meet in the old reception at 3.30 p.m. tomorrow afternoon. Be ready to go, otherwise you will be left behind. At the moment, there is no other business, unless Members have anything to raise.

[15] **Alun Davies:** O ran y ddau set o reoliadau yr ydym wedi eu trafod heddiw, mae problem naill ai gyda'r cyfieithiad Cymraeg—anghysonderau, felly—neu bod dim fersiwn Cymraeg ar gael o gwbl. Yr wyf yn awyddus i sicrhau bod y system deddfwriaethol yng Nghymru yn gweithredu drwy'r Gymraeg a'r Saesneg. Golyga hynny fod angen y deddfwriaeth yn y Gymraeg a Saesneg. Bu ichi ddweud bod y Llywodraeth yn derbyn hwn ac y bydd rheoliadau yn cael eu gwneud yn y Gymraeg nes ymlaen. Sut allwn sicrhau bod hynny yn digwydd a bod deddfwriaeth yn cael ei wneud yn y ddwy

Alun Davies: With regard to both sets of regulations that we have discussed today, there is a problem either with the Welsh translation—inconsistencies—or there is no Welsh version available. I am keen to ensure that the legislative system in Wales operates in Welsh and English. This means that the legislation needs to be available in Welsh and English. You said that the Government accepts this and accepts that the regulations will be available in Welsh in future. How can we ensure that that happens and that legislation is always prepared in both languages?

iaith bob tro?

[16] **David Lloyd:** Yr ydych yn craffu i wneud yn siŵr bod y Llywodraeth yn gwranddo.

David Lloyd: You scrutinise to make sure that the Government listens.

[17] **Mr Griffiths:** Gallwn gadw cofnod o'r ddeddfwriaeth sy'n cael ei wneud yn Saesneg yn unig ac adrodd yn achlysurol i'r pwyllgor ar hynny. Mae'r niferoedd wedi mynd i lawr yn ddiweddar. Fel arfer, y rheoliadau brys sy'n ymwneud ag anifeiliaid neu blanhigion sydd fel arfer yn cael eu gwneud yn Saesneg yn unig. Maent yn parhau am gyfnod ac yna yn diflannu. Fel arfer, maent yn parhau am gyfnod arbennig ac nid ydynt ar gael yn ddwyieithog. Fodd bynnag, gallwn gadw llygad ar hynny.

Mr Griffiths: We can keep a record of the legislation that is being prepared in English only and report occasionally on that to the committee. The numbers have reduced recently. Usually, the urgent regulations relating to animals and plants are the regulations that are usually drafted only in English. They last for a certain period and then disappear. Usually, they last for a specific period and are not available bilingually. However, we can keep an eye on that.

[18] **Alun Davies:** A fyddai'n bosibl i ni gadw cofnod o hynny ac yna, ar ôl chwe mis neu flwyddyn, ystyried y sefyllfa dros gyfnod fel ein bod yn gallu gweld faint o ddeddfwriaeth sy'n cael eu paratoi yn Saesneg yn unig neu sydd â diffygion yn y Gymraeg? A yw hynny'n bosibl?

Alun Davies: Would it be possible for us to keep a record of that and then, after six months or a year, consider the situation over time so that we can see how much legislation is being prepared only in English or that has deficiencies in the Welsh? Is that possible?

[19] **Mr Griffiths:** Yn sicr, gallwn wneud hynny. I fod yn deg, nid yn y Gymraeg mae'r diffygion bob amser, weithiau y drafftio yn Saesneg sy'n amwys, sy'n arwain at gamdehongli gan y cyfieithwyr. Mae'r pwynt yn un da.

Mr Griffiths: We could certainly do that. To be fair, the deficiencies are not always in the Welsh, it is sometimes that the drafting in English is ambiguous, which leads to a misunderstanding on the part of the translators. It is a good point.

[20] **Eleanor Burnham:** Yr wyf yn cofio, ar y cychwyn, inni gael cyflwyniad gan y cyn cwnsler cyffredinol, sef yr un cyntaf, Winston Roddick, ar faterion iaith a datblygiad Cymraeg deddfwriaethol. Yr oeddwn yn meddwl fod 'ceph' yn dod o'r Groeg, felly pam mai 'seff' yw yn y Gymraeg?

Eleanor Burnham: I remember, at the beginning, that we were given a presentation by the then counsel general, the first one, Winston Roddick, about language issues and the development of legal Welsh. I thought that 'ceph' comes from the Greek, so why is it 'seff' in Welsh?

[21] **David Lloyd:** 'Ceff' yw yn y Gymraeg hefyd.

David Lloyd: It is 'ceff' in Welsh as well.

[22] **Eleanor Burnham:** Iawn.

Eleanor Burnham: Right.

[23] **David Lloyd:** Pe baet wedi gwranddo yn astud—

David Lloyd: If you had been listening intently—

[24] **Eleanor Burnham:** Yr oeddwn yn ceisio gwranddo, ond yr oeddwn yn edrych ar fy mhapurau hefyd. Yr wyf yn gwranddo'n astud iawn.

Eleanor Burnham: I was trying to listen, but I was also looking at my papers. I do listen very carefully.

- [25] **David Lloyd:** Enceffalopathïau yw'r gair. **David Lloyd:** The word is *enceffalopathïau*.
- [26] **Eleanor Burnham:** Yr oeddwn yn deall hynny, felly gwall oedd hynny. **Eleanor Burnham:** I understood that, therefore that was an error.
- [27] **David Lloyd:** Ie. **David Lloyd:** Yes.
- [28] **Eleanor Burnham:** Yr oedd yn dda o beth inni gael y cyflwyniad hwnnw gan Winston Roddick. Yr oedd yn ddiddorol dros ben ac yr wyf yn siŵr bod Gwyn yn ei gofio'n dda. **Eleanor Burnham:** It was good to have that presentation from Winston Roddick. It was exceptionally interesting and I am sure that Gwyn remembers it well.
- [29] **Mr Griffiths:** [*Anghlywadwy.*] **Mr Griffiths:** [*Inaudible.*]
- [30] **David Lloyd:** Ydy, mae'n flynyddoedd. Enceffalopathïau ydyw, ac mae'n dod o'r Lladin, fel nifer o eiriau yn y Gymraeg, Saesneg ac mewn ieithoedd eraill. **David Lloyd:** Yes, it was years ago. The word is *enceffalopathïau*, and it comes from the Latin, as do many words in Welsh, English and in other languages.
- [31] A oes unrhyw fater arall? Gwelaf fod pawb yn hapus. Is there any other business? I see that everyone is content.

8.55 a.m.

Dyddiad y Cyfarfod Nesaf **Date of the Next Meeting**

- [32] **David Lloyd:** Dyddiad y cyfarfod nesaf, ar ôl inni gyfarfod yn yr Alban, yw dydd Mawrth nesaf, eto am 8.45 a.m.. Na, mae newid trefniant wedi bod, bydd am 8.15 a.m.. **David Lloyd:** The date of the next meeting, after our meeting in Scotland, is next Tuesday, again, that will be at 8.45 a.m.. No, I understand that there has been a change in plans, it will be at 8.15 a.m..

Daeth y cyfarfod i ben am 8.56 a.m.
The meeting ended at 8.56 a.m.