



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

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

**Dydd Mawrth, 4 Rhagfyr 2007
Tuesday, 4 December 2007**

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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
Alun Davies	Llafur Labour
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
Karen Sinclair	Llafur Labour

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

Gwyn Griffiths	Cynghorydd Cyfreithiol Legal Adviser
Joanest Jackson	Cynghorydd Cyfreithiol Cynorthwyol Assistant Legal Adviser
Olga Lewis	Dirprwy Glerc Deputy Clerk
Chris Reading	Clerc Clerk
Helen Roberts	Cynghorydd Cyfreithiol Cynorthwyol Assistant Legal Adviser

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

[1] **David Lloyd:** Mae'r awr benodedig wedi cyrraedd a galwaf gyfarfod y Pwyllgor Is-ddeddfwriaeth i drefn. Croesawaf fy nghyd-Aelodau, a chroesawaf aelodau'r cyhoedd, sydd newydd lifo i mewn i'r oriel gyhoeddus. 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

David Lloyd: The appointed hour is upon us and I call this meeting of the Subordinate Legislation Committee to order. I welcome my fellow Members, and welcome members of the public, who have just flooded the public gallery. In the event of an emergency, the ushers will guide you to the nearest exit. Headsets are available for simultaneous translation and amplification. The ushers can show members of the public how to operate the headsets. All mobile phones must be switched off completely. That instruction is

cyfarwyddid hwnnw gymaint i fy nghyd-Aelodau ag i unrhyw un arall. 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.

as much to my fellow Members as to anyone else. The simultaneous translation from Welsh to English is available on channel 1, and contributions in the floor language are available on channel 0.

[2] Nid oes unrhyw ymddiheuriadau heddiw.

There are no apologies today.

8.16 a.m.

Offerynnau na Chafodd y Cynulliad ei Wahodd i Roi Sylw Arbennig Iddynt o dan Reol Sefydlog Rhif 15.2. ac Offerynnau sy'n Agored i Gael eu Dirymu yn Unol â Phenderfyniad gan y Cynulliad (y Weithdrefn Negyddol)
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[3] **David Lloyd:** Mae Joanest wedi bod yn craffu ar y canlynol i gyd: SLC79, sef Gorchymyn Iechyd Planhigion (Cymru) (Diwygio) (Rhif 2) 2007; SLC81, sef Rheoliadau Cyfraniadau Ardrethu Annomestig (Cymru) (Diwygio) 2007; SLC82, sef Rheoliadau Ardrethu Annomestig (Eiddo Heb ei Feddiannu) (Diwygio) (Cymru) 2007; SLC83, sef Rheoliadau Halogion mewn Bwyd (Cymru) (Diwygio) 2007; ac SLC84, sef Rheoliadau Labelu Bwyd (Datgan Alergenau) (Cymru) 2007.

David Lloyd: Joanest has been looking at all of these instruments, which are: SLC79, the Plant Health (Wales) (Amendment) (No. 2) Order 2007; SLC81, the Non-Domestic Rating Contributions (Wales) (Amendment) Regulations 2007; SLC82, the Non-Domestic Rating (Unoccupied Property) (Amendment) (Wales) Regulations 2007; SLC83, the Contaminants in Food (Wales) (Amendment) Regulations 2007; and SLC84, the Food Labelling (Declaration of Allergens) (Wales) Regulations 2007.

[4] Mae'n amlwg bod Joanest wedi bod yn brysur iawn. A oes gennych unrhyw beth i'w ychwanegu?

Joanest has clearly been very busy. Do you have anything to add?

[5] **Ms Jackson:** Nid wyf wedi bod mor brysur â hynny. Edrychais ar SLC79 yn unig yn y grŵp dan sylw. Bu i fy nghyfaill, Helen, graffu ar y gweddill. Nid oes dim i'w ychwanegu ynghylch SLC79.

Ms Jackson: I have not been that busy. I have only looked at SLC79 in this group. My colleague, Helen, has looked at the rest. There is nothing to add on SLC79.

[6] **David Lloyd:** Rhannaf y clod, felly, a diolch i Helen am graffu ar SLC81, SLC82, SLC83 ac SLC84. A oes gennych rywbeth i'w ychwanegu, Helen?

[7] **David Lloyd:** I will share the praise, therefore, and thank Helen for scrutinising SLC81, SLC82, SLC83 and SLC84. Do you have anything to add, Helen?

[8] **Ms Roberts:** Nac oes.

Ms Roberts: No, I do not.

[9] **David Lloyd:** A oes unrhyw sylwadau ar y rhestr honno? Gwelaf nad oes, felly yr ydym yn hapus i basio'r offerynnau fel ag y maent.

David Lloyd: Are there any comments on this list? I see that there are none, therefore I take it that we are happy to pass the instruments as they are.

8.18 a.m.

Offerynnau y Cafodd y Cynulliad ei Wahodd i Dalu Sylw Arbennig Iddynt o dan Reol Sefydlog Rhif 15.2 ac Offerynnau sy'n Agored i Gael eu Dirymu yn Unol â Phenderfyniad gan y Cynulliad (y Weithdrefn Negyddol)

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[10] **David Lloyd:** Mae Gwyn wedi bod yn craffu ar SLC75, sef Rheoliadau Deunyddiau ac Eitemau mewn Cysylltiad â Bwyd (Cymru) 2007. A oes gennych unrhyw sylw i'w wneud, Gwyn?

David Lloyd: Gwyn has been looking at SLC75, which is the Materials and Articles in Contact with Food (Wales) Regulations 2007. Do you have any comment to make, Gwyn?

[11] **Mr Griffiths:** Mae dau bwynt wedi eu nodi. Mae gan un effaith gyfreithiol sylweddol, sy'n golygu bod angen eu cywiro ar frys, ac mae un frawddeg sy'n ymddangos yn yr adroddiad Saesneg nad sydd wedi ei chynnwys yn y fersiwn Gymraeg sydd gen i. Mae'r frawddeg honno'n dweud bod y Llywodraeth wedi nodi ei bod yn derbyn y pwyntiau a nodwyd a'i bod yn bwriadu eu cywiro y tro nesaf y bydd y rheoliadau yn cael eu gwneud.

Mr Griffiths: Two points have been noted. One has a significant legal impact, which means that it will need to be corrected as soon as possible, and there is one sentence that appears in the English report that is not included in the Welsh report that I have. That sentence states that the Government has indicated that it accepts the points that were noted and that it intends to incorporate the amendments the next time the regulations are made.

[12] **David Lloyd:** Diolch, Gwyn. A yw pawb yn hapus gyda hynny? Gwelaf eich bod.

David Lloyd: Thank you, Gwyn. Is everyone content with that? I see that you are.

[13] Felly, symudwn ymlaen. Mae Joanest wedi bod yn craffu ar SLC77, sef Rheoliadau Rheolaethau Swyddogol ar Fwyd Anifeiliaid a Bwyd (Cymru) 2007. A oes rhywbeth i'w adrodd ar y rhain?

Therefore, we will move on. Joanest has been looking at SLC77, which is the Official Feed and Food Controls (Wales) Regulations 2007. Is there anything to report on these regulations?

[14] **Ms Jackson:** In this case, unusually, we have recommended that the regulations be revoked and remade given the number and nature of the identified drafting errors. Olga has kindly put before you a revised report that incorporates the Government's response. It was e-mailed yesterday, but copies have been provided in case Members had not had the opportunity to catch up on e-mails. The Government accepts the points raised in the report and will take steps to issue new regulations early in 2008 to replace these particular regulations.

8.20 a.m.

[15] **Eleanor Burnham:** Bu problem ddoe gydag un o'r rhaglenni cyfrifiadurol yn ein swyddfa etholaethol ac yr oedd y staff i gyd yn y gogledd gyda mi. Mae problemau ar hyn o bryd—nad ydynt yn ymwneud â'r pwyllgor hwn—gyda'r drefn gyfrifiadurol;

Eleanor Burnham: There was a problem yesterday with one of the computer programmes in our constituency office and the staff were all in the north with me. There are problems at the moment—that are nothing to do with this committee—with the

nid yw pethau yn rhwydd ar hyn o bryd. Hoffwn nodi hynny. Efallai nad oes problemau yn swyddfeydd etholaethol Aelodau eraill, ond mae hwn yn bwynt pwysig dros ben oherwydd nid ydym bob amser yn derbyn y wybodaeth mewn da bryd.

computer system; things are not easy at the moment. I would like to note that. Perhaps there are no problems in other Members' constituency offices, but it is an extremely important point, because we do not always receive the information far enough in advance.

[16] **David Lloyd:** Diolch, Eleanor. Nodwn hynny.

David Lloyd: Thank you, Eleanor. We will note that.

[17] **Karen Sinclair:** I was surprised by the number of errors in these regulations. It is probably the highest number of errors that I have come across, certainly in this Assembly. How robust do we need to be with the drafting officers? I know that that is your job and that that is what you are doing. I can understand that there would be arguments about what a word means or does not mean, but this is to do with cross-referencing in a way that could have a real impact. I am delighted that the Government has agreed to redraft this.

[18] **David Lloyd:** Diolch, Karen. A oes unrhyw sylwadau eraill?

David Lloyd: Thank you, Karen. Are there any other comments?

[19] **Mr Griffiths:** Gan fod Karen wedi codi'r pwynt mai dyma'r nifer fwyaf o gangymeriadau sydd wedi dod gerbron y pwyllgor hwn, efallai y dylwn nodi, o dan yr hen drefn, petawn wedi gweld rhai gyda chymaint o gangymeriadau, byddent wedi cael eu tynnu yn ôl gan y Llywodraeth cyn iddynt gael eu cyflwyno i'r pwyllgor ac i'r Cyfarfod Llawn. Felly, ni fuasech wedi eu gweld o dan y drefn flaenorol.

Mr Griffiths: As Karen has raised the point that this is the greatest number of errors that have come before the committee, perhaps I should note that, under the old system, if we had seen regulations with as many mistakes, they would have been retracted by the Government before they were presented to the committee and to Plenary. Therefore, you would not have seen them under the previous system.

[20] **David Lloyd:** Diolch, Gwyn, am yr eglurhad. Nid hwn yw'r esiampl waethaf, felly; ai dyna yr oeddech yn ceisio ei ddweud?

David Lloyd: Thank you, Gwyn, for that explanation. This is not the worst example that you have seen; is that what you were trying to say?

[21] **Janet Ryder:** On that point, how many do you usually have to return because of a large number of drafting errors?

[22] **Mr Griffiths:** Not many; perhaps one or two each year.

[23] **David Lloyd:** A yw pawb yn hapus gyda'r ffordd ymlaen? Yr ydych wedi clywed gan Joanest y caiff y rhain eu tynnu yn ôl ac y bydd rheoliadau newydd yn cael eu cyflwyno yn y flwyddyn newydd. Gwelaf fod pawb yn hapus â hynny.

David Lloyd: Is everyone content with the way forward? You have heard from Joanest that these will be taken back and that new regulations will be presented in the new year. I see that everyone is content with that.

[24] Symudwn ymlaen at SLC78, sef 'the Export and Movement Restrictions (Foot-and-Mouth Disease) (Wales) Regulations 2007'.

We will move on to SLC78, which is the Export and Movement Restrictions (Foot-and-Mouth Disease) (Wales) Regulations 2007.

[25] **Ms Jackson:** I have nothing to add to the report. This is the latest in the set of

instruments relating to the recent outbreak of foot and mouth disease. This reflects a further relaxation in the control regime. The only reporting point is the usual point that it has been made in English only. We will keep a weather eye out for the Welsh translation and let you know when it is available.

[26] **David Lloyd:** Diolch, Joanest. A oes unrhyw sylwadau? Gwelaf nad oes.

David Lloyd: Thank you, Joanest. Are there any comments? I see that there are none.

[27] Mae Gwyn wedi bod yn craffu ar SLC80, sef Rheoliadau Iechyd Planhigion (Ffioedd Arolygu Mewnforio) (Cymru) (Diwygio) (Rhif 2) 2007. A oes gennych unrhyw sylwadau, Gwyn?

Gwyn has looked at SLC80, which is the Plant Health (Import Inspection Fees) (Wales) (Amendment) (No.2) Regulations 2007. Do you have any comments, Gwyn?

[28] **Mr Griffiths:** Efallai y dylwn esbonio ychydig am y pwynt cyntaf. Gwelwch fy mod wedi awgrymu y dylai adran 59(5) yn Neddf Llywodraeth Cymru 2006 fod wedi ei dyfynnu fel y pŵer i wneud y rheoliadau hyn. Mae hynny yn beth anarferol i'w gwneud mewn is-ddeddfwriaeth ond, yn yr achos hwn, mae paragraff 59(5) o Ddeddf Llywodraeth Cymru 2006 yn rhoi'r pŵer i Weinidogion wneud rheoliadau i godi tâl am wasanaethau sy'n ymwneud â chyflawni swyddogaethau sy'n dod o dan y drefn Ewropeaidd. Yr wyf felly wedi awgrymu y dylid dyfynnu hynny'n benodol wrth wneud deddfwriaeth o'r fath.

Mr Griffiths: Perhaps I should explain a little on the first point. You will see that I have suggested that section 59(5) in the Government of Wales Act 2006 should have been cited as a power relied upon to make the regulations. That is unusual for subordinate legislation, but, in this case, paragraph 59(5) of the Government of Wales Act 2006 gives powers to Ministers to make regulations to charge for services that involve exercising functions that come under the European system. Therefore, I have suggested that this should be cited specifically in making legislation of this kind.

[29] **David Lloyd:** Diolch, Gwyn, am yr eglurhad a'r cymorth i'r sawl sy'n drafftio'r rheoliadau. A oes unrhyw sylwadau? A yw pawb yn hapus i basio'r rheoliadau? Gwelaf eich bod. Dyna ddiwedd yr eitemau'n ymwneud â rheoliadau.

David Lloyd: Thank you, Gwyn, for that explanation and that assistance to those drafting the regulations. Are there any comments? Is everyone happy to pass the regulations? I see that you are. We have reached the end of the items on regulations.

8.24 a.m.

Unrhyw Fater Arall Any Other Business

[30] **David Lloyd:** Dim ond un mater sydd gennyf i'w drafod, sef i ddiolch i Chris, ein clerc. Dyma lythyr swyddogol i ddiolch i chi am eich cyfraniad. Mae Chris yn gadael y pwyllgor hwn, ond byddwn yn ei weld o gwmpas y Cynulliad gan ei fod yn clercio i nifer sylweddol o bwyllgorau eraill. Yr ydym yn ddiolchgar iawn am eich cyfraniad i'r pwyllgor hwn, yn enwedig eich holl waith caled ar y Mesur Arfaethedig ynghylch Gwneud Iawn am Gamweddau'r GIG. Diolch yn fawr iawn i chi a phob dymuniad da yn y dyfodol gyda pha bynnag bwyllgor y byddwch yn glerc iddo.

David Lloyd: I have only one item to discuss, namely to thank Chris, our clerk. Here is an official letter to thank you for your contribution. Chris is leaving this committee, but we will see him around the Assembly as he acts as clerk to a substantial number of other committees. We are very grateful for your contribution to this committee, particularly for all of your hard work on the Proposed NHS Redress (Wales) Measure. Thank you very much and best wishes for the future, whatever committee you clerk.

[31] **Mr Reading:** Diolch yn fawr.

Mr Reading: Thank you.

[32] **David Lloyd:** A oes unrhyw fater arall? Gwelaf nad oes.

David Lloyd: Is there any other business? I see that there is none.

8.25 a.m.

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

[33] **David Lloyd:** Hwn yw'r cyfarfod olaf cyn y Nadolig, felly dymunaf Nadolig llawen i chi i gyd. Dyddiad y cyfarfod nesaf yw 15 Ionawr 2008. Diolch i'r cyfieithwyr.

David Lloyd: This is the last meeting before Christmas, so I wish you all a merry Christmas. The date of the next meeting will be 15 January 2008. I thank the translators.

*Daeth y cyfarfod i ben am 8.25 a.m.
The meeting ended at 8.25 a.m.*