Y Pwyllgor Is-ddeddfwriaeth

SLC(3)-13-09 - Papur 5: 18 Mai 2009

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Adolygu Mesurau sydd gerbron Senedd y Deyrnas Unedig ar gyfer craffu arnynt o bosibl o dan Reol Sefydlog 15.6(ii)

Paratowyd y ddogfen hon gan gyfreithwyr Cynulliad Cenedlaethol Cymru er mwyn rhoi gwybodaeth a chyngor i Aelodau Cynulliad a'u cynorthwywyr ynghylch materion dan ystyriaeth gan y Cynulliad a'i bwyllgorau ac nid at unrhyw ddiben arall. Gwnaed pob ymdrech i sicrhau bod y wybodaeth a'r cyngor a gynhwysir ynddi yn gywir, ond ni dderbynnir cyfrifoldeb am unrhyw ddibyniaeth a roddir arnynt gan drydydd partïon.

Diben

1.Diben y nodyn hwn yw ystyried a oes Mesurau pellach gerbron Senedd y DU yn ystod y sesiwn gyfredol a fyddai'n addas i'r Pwyllgor eu hystyried mewn cysylltiad â dirprwyo pwerau i wneud is-ddeddfwriaeth i Weinidogion Cymru.

Cefndir

2.Mae'r Pwyllgor eisoes wedi ystyried y Mesur Atodiadau Ardrethi Busnes, ac ar hyn o bryd mae ei ystyriaeth ar y Mesur Prentisiaethau, Sgiliau, Plant a Dysgu yn dod i ben.

3.Wrth adolygu Mesurau sydd gerbron Senedd y Deyrnas Unedig, dim ond mesurau'r llywodraeth a gaiff eu hystyried gan mai ychydig o obaith o lwyddiant sydd i nifer o fesurau aelodau preifat o amrywiol fathau ac maent yn llawer mwy cyfyngedig eu cwmpas hefyd. Mae'r Atodiad i'r nodyn hwn yn nodi'r mesurau llywodraeth y DU sydd wedi'u cyflwyno yn ystod y sesiwn bresennol.

4.Gwelir bod nifer o'r Mesurau eisoes wedi cael Cydsyniad Brenhinol, ac mae eraill mor bell ymlaen yn y broses fel ei bod yn rhy hwyr i'r Cynulliad wneud cyfraniad ystyrlon. Mae eraill yn cyfeirio at faterion rhyngwladol neu ariannol ac yn berthnasol trwy'r Deyrnas Unedig a heb unrhyw agweddau dirprwyedig ac eithrio'r rhai sy'n ofynnol i adlewyrchu'r gwahanol systemau cyfreithiol mewn gwahanol rannau o'r DU.

5.Mae'r Mesur Crwneriaid a Chyfiawnder yn cynnwys nifer fach o bwerau a ddirprwywyd i Weinidogion Cymru ac mae yn ei gamau cynnar yn Nhy'r Arglwyddi.

Mae'r Mesur Cydraddoldeb mewn cyfnod cynnar iawn ac mae'n cynnwys pwerau ar gyfer Gweinidogion Cymru, ond y bwriad yw bod y Pwyllgor Cyfle Cyfartal yn craffu arno.

Mae'r Mesur Iechyd yn cynnwys nifer o ddarpariaethau sy'n addas i graffu arnynt ac mae'n aros i gael ei ystyried yn Nhy'r Cyffredin.

Mae'r Mesur Democratiaeth Leol, Datblygu Economaidd ac Adeiladu yn cynnwys nifer o ddarpariaethau i Gymru ac mae'n aros i gael ei ystyried yn Nhy'r Cyffredin

Mae'r Mesur Morol a Mynediad i'r Arfordir hefyd yn aros i gael ei ystyried yn Nhy'r Cyffredin ac mae'n cynnwys darpariaethau arwyddocaol i Gymru.

Pwerau cyfyngedig iawn sydd yn y Mesur Plismona a Throseddu ar gyfer Gweinidogion Cymru a rhaid aros i Dy'r Arglwyddi graffu arno).

Pwerau cyfyngedig iawn sydd yn y Mesur Diwygio Lles ar gyfer Gweinidogion Cymru ac mae eisoes yn y cyfnod pwyllgor yn yr ail Dy (Ty'r Arglwyddi).

6.Fel y gwyr y Pwyllgor, mae'n fwyfwy cyffredin erbyn hyn i Fesurau gael eu cyhoeddi ar ffurf drafft cyn eu hystyried yn ffurfiol. Mae'r mesurau drafft canlynol ar gael ar hyn o bryd ar y pynciau a ganlyn: Antarctica, Llwgrwobrwyaeth, Diwygio Cyfraith Sifil, Data Cyfathrebu, Grymuso Cymunedau yn Lloegr, Llifogydd a Dwr, a Symleiddio Mewnfudo. O'r rhain, Llifogydd a Dwr yw'r mwyaf addas i'w ystyried gan y Cynulliad

Casgliadau

7.Oni bai bod y Pwyllgor am wneud gwaith craffu cyflym ar un o'r Mesurau cyfredol y cyfeirir atynt ym mharagraff 6 uchod, awgrymir gwneud gwaith rhagbaratoadol i alluogi'r Pwyllgor i ystyried y Mesur drafft Llifogydd a Dwr ar ôl cael cytundeb ar yr argymhellion yn ei adroddiad.

Y Gwasanaethau Cyfreithiol
Cynulliad Cenedlaethol Cymru
Mai 2009

Annex

Apprenticeships, Skills, Children and Learning Bill

Currently being considered by the Subordinate Legislation Committee.

Banking Bill

This Bill has already received Royal Assent.

Borders, Citizenship And Immigration Bill

This Bill applies to the whole of the UK. Different provisions are made only where required by the separate legal systems of Scotland and Northern Ireland. There are no powers for Welsh Ministers.

This Bill has completed its passage through the Lords and is awaiting consideration in the Commons.

Business Rate Supplements Bill

This Bill has already been scrutinised by the Subordinate Legislation Committee.

Consolidated Fund Bill

This Bill has already received Royal Assent.

Consolidated Fund (Appropriation) Bill

This Bill has already received Royal Assent.

Coroners And Justice Bill

In relation to Wales, the Bill does not relate to devolved matters or confer functions on the Welsh Ministers, except for the following:

Coroners - functions relating to the investigation of deaths by coroners are not devolved, but coroners are appointed and funded by local authorities. Under Schedule 2 to the Bill, the Lord Chancellor will be required to consult the Welsh Ministers before making an order to specify the coroners areas for England and Wales or subsequently alter coroner area boundaries in Wales, and before he determines which one of a group of local authorities - which form a coroner area - should act as the lead authority to liaise with coroners for various administrative purposes;

Death certification - the Bill places a duty on Local Health Boards (LHBs) to appoint medical examiners and clause 19 gives the Welsh Ministers the power to make regulations about various matters relating to medical examiners;

Sentencing - clause 118 places a duty on the Sentencing Council to assess the impact on prison and probation resources of policy and legislative proposals, including proposals put forward by the Welsh Assembly Government, referred to the Council by the Lord Chancellor. Where an assessment relates to a proposal of the Welsh Ministers, the Bill requires them to lay a copy of the Council's report of the assessment before the National Assembly for Wales;

This Bill has completed its passage through the Commons and is awaiting second reading in the Lords.

Corporation Tax Bill

This Bill has already received Royal Assent.

Equality Bill

The Bill forms part of the law of England and Wales. It also, with the exception of one clause, forms part of the law of Scotland. There are also a few provisions which form part of the law of Northern Ireland. It is intended that it be scrutinised by the Equality of Opportunity Committee.

It was only introduced at the end of April and second reading in the Commons is scheduled for the 11th May.

Finance Bill

This Bill applies to the United Kingdom.

It is currently at its committee stage in the Commons.

Geneva Conventions And United Nations Personnel (Protocols) Bill

This Bill applies to the United Kingdom.

This Bill has completed its passage through the Lords and is awaiting committee stage in the Commons.

Health Bill

The Bill confers a number of new or expanded powers on the Welsh Ministers.

This Bill has completed its passage through the Lords and is awaiting consideration in the Commons.

Industry And Exports (Financial Support) Bill

This Bill applies to the United Kingdom. There are no powers for Welsh Ministers.

This Bill has completed its passage through the Commons and is awaiting second reading in the Lords.

Local Democracy, Economic Development And Construction Bill

In Part 1, Chapters 1 and 2 apply to Wales as they apply to England and, where functions are conferred on the Secretary of State in relation to England, they are conferred on the Welsh Ministers in relation to Wales. Chapters 3 and 4 apply to England only and Chapters 5 and 6 apply to England and Wales.

In Part 2, clauses 30 and 31 do not apply to Wales. Section 32 applies only to Wales and confers measure-making powers on the National Assembly for Wales in relation to governance and overview and scrutiny arrangements of local authorities (see the commentary on that clause). Chapter 2 of Part 2 applies equally to England and Wales and confers functions on the Welsh Ministers in relation to Wales.

Part 3, which relates to local government boundary and electoral change, applies on the whole only to England, but there are some repeals to uncommenced provisions of the Political Parties, Elections and Referendums Act 2000 ("PPERA") which apply to Wales.

Parts 4, 5, 6 and 7 do not apply to Wales.

Part 8 (construction contracts) applies to Wales as it applies to England.

This Bill has completed its passage through the Lords and is awaiting consideration in the Commons.

Marine And Coastal Access Bill

The Bill confers some new functions on Welsh Ministers. The National Assembly for Wales is given the ability to make provision for establishment and maintenance of a route (or routes) for the coast and to secure public access for purpose of open air recreation to land either at the coast, used in association with land at the coast or used in association with the route (or routes) under Part 9.

The Bill is currently at report stage in the Lords prior to consideration in the Commons.

Northern Ireland Bill

This Bill has already received Royal Assent.

Perpetuities and Accumulations Bill

The Bill extends to England and Wales and implements a Law Commission report. It does not affect the functions of the National Assembly for Wales.

The Bill is currently at second reading in the Lords prior to consideration in the Commons.

Policing And Crime Bill

"The Bill applies to Wales in the same way as to England; however the provision and schedule on lap dancing (clause 25 and schedule 3) will be commenced by order of the Welsh Ministers as it is a devolved matter. These provisions on lap dancing also give powers to make secondary legislation on certain matters to the Welsh Ministers."

The Bill is currently at report stage in the Commons prior to consideration in the Lords.

Political Parties And Elections Bill

The Bill extends to the whole of the United Kingdom. The Bill does not have any special effect on Wales and does not affect the National Assembly for Wales.

The Bill is currently at report stage in the Lords having been considered in the Commons.

Postal Services Bill

The Bill extends to the United Kingdom.

This Bill has completed its passage through the Lords and is awaiting consideration in the Commons.

Saving Gateway Accounts Bill

The provisions of the Bill extend to the whole of the United Kingdom.

The Bill is currently at report stage in the Lords having been considered in the Commons.

Welfare Reform Bil

In general, the provisions of the Bill apply to Wales in the same way as they apply to England. The exception is that clause 37 enables regulations under clause 33 to be made by the Welsh ministers in certain cases.

The Bill is currently at committee stage in the Lords having been considered in the Commons.