



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

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

**Dydd Mawrth, 3 Mehefin 2008
Tuesday, 3 June 2008**

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Cofnodir y trafodion hyn yn yr iaith y llefarwyd hwy ynnddi 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
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 8.47a.m.
The meeting began at 8.47 a.m.

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

[1] **David Lloyd:** Croeso i gyfarfod diweddaraf Pwyllgor Is-ddeddfwriaeth y Cynulliad. Croesawaf fy nghyd-Aelodau, y swyddogion a'r cyhoedd sy'n tyrru i'r oriel gyhoeddus wrth imi siarad. **David Lloyd:** Welcome to the latest meeting of the Subordinate Legislation Committee in the Assembly. I welcome my fellow Members, officials and the public, who are streaming into the public gallery as I speak.

[2] Os cyfyd argyfwng, bydd y tywyswyr yn eich arwain at yr allanfa agosaf. In the case of emergency, the ushers will lead you to the nearest exit.

[3] Gellir defnyddio'r clustffonau i glywed y cyfieithiad ar y pryd ac i addasu lefel y sain, a gall y tywyswyr ddangos ichi sut i'w defnyddio. Mae'r 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. The headsets can be used to hear the interpretation and to adjust the sound level, and the ushers can explain to you how to use them. The simultaneous interpretation from Welsh to English is available on channel 1, and contributions in the original language can be heard on channel 0.

[4] Rhaid diffodd ffonau symudol yn llwyr. Mobile phones must be switched off completely.

[5] Nid ydym wedi cael unrhyw ymddiheuriadau. We have not received any apologies.

8.48 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 sy'n Agored i gael eu Dirymu yn unol â Phenderfyniad gan y Cynulliad (y Weithdrefn Negyddol)

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[6] **David Lloyd:** Bu Gwyn yn craffu ar SLC160, sef Gorchymyn Cynllunio Trafnidiaeth Rhanbarthol (Cymru) (Diwygio) 2008. Gwyn, a oes rhywbeth i'w adrodd ymhellach i'r adroddiad sydd gerbron?

David Lloyd: Gwyn has been scrutinising SLC160, which is The Regional Transport Planning (Wales) (Amendment) Order 2008. Gwyn, is there anything to report on this, further to what is contained in the report?

[7] **Mr Griffiths:** Nac oes, ond dylem nodi bod y Gorchymyn hwn yn gohirio disodli cynlluniau trafndiaeth lleol gan rai rhanbarthol, a hynny oherwydd yr oedi wrth baratoi fersiwn derfynol strategaeth drafnidiaeth Cymru gyfan. Felly, cafodd hynny effaith ar y drefn.

Mr Griffiths: No, just to note that this Order defers the superseding of local transport plans with regional transport plans, and that is because of the delay in the preparation of the final version of the all-Wales transport strategy. So, that had an impact on the arrangements.

[8] **Eleanor Burnham:** Pam y bu oedi a phwy fu yn oedi?

Eleanor Burnham: Why has there been a delay and who has caused it?

[9] **Mr Griffiths:** Mater o bolisi yw hynny. Efallai ei bod wedi cymryd mwy o amser i ymgynghori ynglŷn â datblygu'r polisi.

Mr Griffiths: That is a matter of policy. It may have taken more time to consult on the development of the policy.

[10] **Eleanor Burnham:** Deallaf na fedrwn ddadlau am y polisi, ond yr oeddwn am gael eglurhad. Felly, y Llywodraeth sydd wedi oedi—

Eleanor Burnham: I understand that we cannot take issue with the policy, but I just wanted an explanation. So, it is the Government that has delayed—

[11] **Mr Griffiths:** Mae oedi wedi bod ond ni allaf ddweud ai'r Llywodraeth sy'n gyfrifol amdano.

Mr Griffiths: There has been a delay, but I cannot say whether it is the Government that is responsible for that.

8.50 a.m.

[12] **David Lloyd:** Mae materion polisi ac achosion oedi y tu hwnt i furiau'r pwyllgor hwn.

David Lloyd: Policy matters and the causes of delay are beyond the remit of this committee.

[13] **Eleanor Burnham:** Yr oeddwn eisiau eglurhad oherwydd os yw pobl yn ein cwestiynu ni, rhaid inni wybod yn union beth sy'n digwydd.

Eleanor Burnham: I just wanted an explanation because if people question us on this, we need to know exactly what is going on.

[14] **David Lloyd:** Doeth iawn, Eleanor—fel arfer. Symudwn ymlaen at Joanest, sydd wedi bod yn craffu ar SLC163,

David Lloyd: Very wise, Eleanor—as usual. We will move on to Joanest, who has been looking at SLC163, the National Health

sef Rheoliadau'r Gwasanaeth Iechyd Gwladol (Contractau Gwasanaethau Meddygol Cyffredinol) (Cymru) (Diwygio) 2008, ar SLC164, Rheoliadau Erthylu (Diwygio) (Cymru) 2008, ac SLC165, Rheoliadau Brasterau Taenadwy (Safonau Marchnata) a Llaeth a Chynhyrchion Llaeth (Diogelu Dynodiadau) (Cymru) 2008. Bu Joanest yn hynod brysur. A oes rhywbeth i'w ychwanegu at yr adroddiadau sydd gerbron?

Service (General Medical Services Contracts) (Wales) (Amendment) Regulations 2008, at SLC164, the Abortion (Amendment) (Wales) Regulations 2008, and SLC165, the Spreadable Fats (Marketing Standards) and the Milk and Milk Products (Protection of Designations) (Wales) Regulations 2008. Joanest has been extremely busy. Is there anything to add to the reports that we have before us?

[15] **Ms Jackson:** There is nothing specific to add. SLC163 is a change—whether it is a simplification, I could not say—to the way in which home oxygen therapy is ordered. SLC164 is an amendment to the principal regulations to reflect the new structure of Government in Wales. You may recall that we had similar regulations relating to the older people's commissioner, two meetings ago. SLC165 implements European legislation in Wales.

[16] **Eleanor Burnham:** Beth yn union yw'r newidiadau? Mae gennyf reswm personol am ofyn: cafodd fy mam therapi ocsigen cyn iddi farw, a hoffwn wybod beth yn union yw'r newidiadau. Yr oedd trafferthion pan ddaeth y newidiadau cyntaf, ddwy flynedd yn ôl, os cofiaf yn iawn. A allwch roi unrhyw eglurhad, os gwelwch yn dda?

Eleanor Burnham: What exactly are the amendments? I have a personal reason for asking: my mother had oxygen therapy before she died, and I would like to know exactly what the changes are. There were difficulties when the first changes took place, about two years ago, if I remember rightly. Can you give me any explanation, please?

[17] **David Lloyd:** Yr ydym yn sôn am SLC163. Mae newidiadau i'r ffurflenni sy'n cael eu defnyddio. Yn lle'r ffurflenni presgripsiwn arferol, bydd ffurflen arbennig.

David Lloyd: We are talking about SLC163. There are changes to the forms being used. Rather than the usual prescription form, there will be a special form.

[18] **Eleanor Burnham:** A yw hynny'n golygu ei fod yn haws?

Eleanor Burnham: Does this mean that it will be easier?

[19] **David Lloyd:** Dyna'r gobaith. Wrth breifateiddio unrhyw wasanaeth, mae anawsterau yn codi, a dyna ddigwyddodd gyda'r system ocsigen. Yn naturiol, mater o bolisi yw hwnnw.

David Lloyd: That is the intention. When privatising any service, there are difficulties that arise, and that is what occurred with the oxygen system. However, naturally, that is a policy issue.

8.52 a.m.

Offerynnau y bydd y Cynulliad yn cael 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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[20] **David Lloyd:** Bu Joanest yn craffu ar SLC157, sef Rheoliadau Labelu Bwyd (Datgan Alergenau) (Cymru) 2008.

David Lloyd: Joanest has been scrutinising SLC157, the Food Labelling (Declaration of Allergens) (Wales) Regulations 2008.

[21] **Ms Jackson:** There are a few reporting points identified in the draft report before you. You will also note that the Government has accepted the reporting points and will make any necessary amendments to rectify the defective drafting when the regulations are next amended. In case anyone is interested in this, I am afraid that I do not have information as to when the possible amending regulations or the regulations will next be made.

[22] **David Lloyd:** Yr ydych wedi clywed yr adroddiad. A yw pawb yn hapus i'w gymeradwyo, fel ag y mae? Gwelaf eich bod. Symudwn ymlaen at Gwyn, sydd wedi bod yn craffu ar SLC158 sef y Rheoliadau Grantiau a Benthyciadau Dysgu y Cynulliad (Addysg Uwch) (Cymru) 2008.

David Lloyd: You have heard the report. Is everyone happy to approve it, as it stands? I see that everyone is. We will move on to Gwyn, who has been looking at SLC158, namely the Assembly Learning Grants and Loans (Higher Education) (Wales) Regulations 2008.

[23] **Mr Griffiths:** Fel y gwelwch, mae amryw bwyntiau yn cyfeirio at groesgyfeiriadau. Mae'r rhain yn rheoliadau maith—180 o dudalennau—ac, yn anffodus, maent yn cael eu hail-wneud yn flynyddol. Fel arfer, mae'n dderbyniol, yn wir, i'w groesawu bod rheoliadau yn cael eu hail-wneud yn hytrach na chael rheoliadau diwygio maith, ond y canlyniad yw bod angen gwirio Gorchmynion neu rheoliadau mor hir â'r rhain bob tro y mae rhywbeth yn codi, yn hytrach na rhai sy'n 10 neu 12 tudalen o hyd. Mae hynny'n gamp i'r cyfreithiwr sy'n drafftio ac i ni wrth gwrs, ac yr ydym wedi nodi pwyntiau yma.

Mr Griffiths: As you can see, there are a variety of points referring to cross-references. These are substantial regulations—180 pages—and, unfortunately, they are redrafted annually. Usually, it is acceptable, indeed, to be welcomed, that regulations are redone rather than have reams of amending regulations, but the result is that we need to check Orders or regulations that can be as long as these ones every time something arises, rather than ones that are just 10 or 12 pages long, perhaps. That is a real feat for the drafting lawyer and for us, of course, and we have noted some points here.

[24] Mae gennyf nodyn oddi wrth y Llywodraeth yn dweud ei bod yn derbyn y pwyntiau sydd wedi codi. Yn anffodus, nid yw'r mater yn gyson yn y Gymraeg a'r Saesneg, ac felly bydd rhaid inni ddod yn ôl atoch yr wythnos nesaf gydag adroddiad pellach. Mae'n derbyn y pwyntiau, felly gallwn osod adroddiad y pwyllgor. Fodd bynnag, o ran ymateb y Llywodraeth, mae'r Saesneg yn dweud,

I have a note from the Government saying that it accepts the points that have been raised. Unfortunately, the matter is not consistent in Welsh and English, and so we will have to come back to you next week with a further report. It accepts the points that are made, so we can lay the committee report. However, as regards the Government's response, the English says,

[25] 'does not propose any action at this time as the Regulations are due to be amended in the next 6 months'.

[26] Mae'r Gymraeg yn dweud,

The Welsh says,

[27] 'Nid yw'n bwriadu gwneud unrhyw beth ar hyn o bryd gan bod y Rheoliadau yn mynd i gael eu dirymu a'u hail-wneud o fewn y 6 mis nesaf'.

'It does not intend to do anything at present as the Regulations will be revoked and remade during the next 6 months'.

[28] Mae gwahaniaeth sylweddol rhwng 'diwygio' a 'dirymu ac ail-wneud', felly mae'n bwysig bod y pwyllgor yn cael y

There is a substantial difference between 'amended' and 'revoked and remade', so it is important that the committee gets the full

wybodaeth lawn. Wedi dweud hynny, ni welaf ddim reswm pam na allwn osod yr adroddiad fel ag y mae, gan sicrhau ein bod yn cael ymateb cyson gan y Llywodraeth cyn gwneud hynny.

[29] **Eleanor Burnham:** A yw'n addas i chi, Gadeirydd, ysgrifennu ar ein rhan i ddweud ein bod yn siomedig ein bod wedi gorfod craffu ar bethau sydd ddim yn hollol iawn oherwydd bod diffyg rhwng y Gymraeg a'r Saesneg? Dylem gael gwasanaeth gwell, a chael cysondeb rhwng y Gymraeg a'r Saesneg, neu mae'n gwneud ein gwaith ni braidd yn—nid wyf yn siŵr pa air i'w ddefnyddio heb fod yn ddigywilydd.

[30] **David Lloyd:** Mae hwnnw'n un safbwynt. A oes rhywun arall eisiau mynegi barn? Yr wyf yn tueddu tuag at ddilyn trywydd Gwyn—bu pobl yn craffu ar 180 o dudalennau, ac yn gwneud sylwadau i newid pethau. Credaf y gallwn basio'r adroddiad fel ag y mae, a disgwyl am adroddiad pellach gan y Llywodraeth. Os nad yw hynny'n dod o fewn yr wythnos nesaf, anfonwn lythyr ati yn mynegi ein siom, ac yn y blaen. A yw pawb yn gytûn â hynny? Gwelaf fod cytundeb unfrydol. Diolch, bawb, a diolch, Gwyn.

8.57 a.m.

Unrhyw Fater Arall Any Other Business

[31] **David Lloyd:** Nid oes gennyf ddim i'w godi. A oes gan unrhyw un arall rywbeth i'w godi? Gwelaf nad oes.

picture. Having said that, I see no reason why we cannot lay the report as it stands, ensuring that we receive a consistent response from the Government before doing so.

Eleanor Burnham: Would it be appropriate, Chair, for you to write on our behalf to say that we are disappointed that we have been asked to scrutinise things that are not quite right because there of a discrepancy between the Welsh and the English? We should receive a better service, and there should be consistency between the Welsh and English; otherwise it makes our job rather—I am not sure which word to use without being rude.

David Lloyd: That is one standpoint. Does anyone else wish to express a view? I tend towards following Gwyn's line—people have been scrutinising 180 pages, and have come up with comments to change things. I believe that we could pass the report as it stands, and await a further report from the Government. If that is not forthcoming within the next week, we will send a letter expressing our disappointment, and so on. Is everyone agreed? I see that we are unanimous. Thank you, all, and thank you, Gwyn.

David Lloyd: I do not have anything to raise. Does anyone else have anything to raise? I see that you do not.

Dyddiad y Cyfarfod Nesaf Date of the Next Meeting

[32] **David Lloyd:** Cynhelir y cyfarfod nesaf ar 10 Mehefin, am 8.15 a.m., felly rhaid gosod y clociau larwm hanner awr yn gynharach fore Mawrth nesaf. Diolch yn fawr am eich presenoldeb y bore yma, a diolch yn fawr am y cyfieithu.

David Lloyd: The next meeting will be on 10 June, at 8.15 a.m., so we will have to set our alarm clocks half an hour earlier next Tuesday morning. Thank you for your attendance this morning, and thank you for the interpretation.

*Daeth y cyfarfod i ben am 8.57 a.m.
The meeting ended at 8.57 a.m.*