



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

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

**Dydd Mawrth, 17 Mehefin 2008
Tuesday, 17 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
Alun Davies	Llafur Labour
Andrew R.T. Davies	Ceidwadwyr Cymreig Welsh Conservatives
David Lloyd	Plaid Cymru (Cadeirydd y Pwyllgor) The Party of Wales (Committee Chair)
Sandy Mewies	Llafur (yn dirprwyo ar ran Irene James) Labour (substituting for Irene James)

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 8.45 a.m.
The meeting began at 8.45 a.m.

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

[1] **David Lloyd:** Croeso i gyfarfod diweddaraf y Pwyllgor Is-ddeddfwriaeth—mae'r awr benodedig wedi cyrraedd. **David Lloyd:** Welcome to the latest meeting of the Subordinate Legislation Committee—the appointed hour is upon us.

[2] Os bydd argyfwng, bydd y tywyswyr yn ein harwain at yr allanfa agosaf. Gellir defnyddio'r clustffonau i glywed y cyfieithiad ar y pryd ar sianel 1 ac i addasu lefel sain y cyfraniadau yn yr iaith wreiddiol ar sianel 0. Rhaid diffodd ffonau symudol yn llwyr. In case of an emergency, the ushers will guide us to the nearest exit. Headphones can be used to listen to the simultaneous interpretation on channel 1 and to adjust the volume of contributions in their original language on channel 0. Mobile phones must be switched off completely.

[3] Bydd Sandy Mewies yn dirprwyo ar ran Irene James tan ddiwedd y tymor. Croeso, Sandy, yn blygeiniol bob bore Mawrth. A oes ymddiheuriad arall? Gwelaf nad oes. Sandy Mewies will be substituting for Irene James until the end of the term. Welcome, Sandy, to some early starts every Tuesday morning. Are there any other apologies? I see that there are not.

8.46 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 Drafft sy'n

Agored i Gael eu Cymeradwyo yn unol â Phenderfyniad gan y Cynulliad (y Weithdrefn Gadarnhaol)
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[4] **David Lloyd:** Bu Gwyn yn craffu ar SLC169, sef Gorchymyn y Cwricwlwm Ysgol yng Nghymru (Diwygiadau Amrywiol) 2008. Gwyn, a oes gennych rywbeth i'w adrodd yn ychwanegol at yr hyn sydd gerbron?

David Lloyd: Gwyn has been scrutinising SLC169, the School Curriculum in Wales (Miscellaneous Amendments) Order 2008. Gwyn, do you have anything to report in addition to what is before us?

[5] **Mr Griffiths:** Nac oes.

Mr Griffiths: No.

[6] **David Lloyd:** A oes sylwadau? Gwela'f nad oes. Da iawn. Mae pawb yn fodlon ei basio felly.

David Lloyd: Are there any comments? I see that there are not. Very good. Everyone is content to pass it, therefore.

8.47 a.m.

Offerynnau sy'n Agored i Gael eu Dirymu yn unol â Phenderfyniad gan y Cynulliad (y Weithdrefn Negyddol)
Instruments Subject to Annulment Pursuant to a Resolution of the Assembly (the Negative Procedure)

[7] **David Lloyd:** Bu Gwyn yn craffu hefyd ar SLC167, sef Gorchymyn Addysg (y Cwricwlwm Cenedlaethol) (Ieithoedd Tramor Modern) (Cymru) 2008.

David Lloyd: Gwyn has also been scrutinising SLC167, the Education (National Curriculum) (Modern Foreign Languages) (Wales) Order 2008.

[8] **Mr Griffiths:** Nid oes gennyf ddim i'w ychwanegu.

Mr Griffiths: I have nothing to add.

[9] **David Lloyd:** Iawn. Gwela'f fod pawb yn fodlon.

David Lloyd: Good. I see that everyone is content with that.

[10] Bu Joanest yn craffu ar SLC168, sef Rheoliadau'r Gwasanaeth Iechyd Gwladol (Gwasanaethau Meddygol Sylfaenol) a (Rhestr Cyflawnwyr) (Diwygiadau Amrywiol) (Cymru) 2008, ar SLC171, Gorchymyn Cŵn Gleision (Gwahardd eu Pysgota) (Cymru) 2008, ac ar SLC172, Rheoliadau'r Gwasanaeth Iechyd Gwladol (Treuliau Teithio a Pheidio â Chodi Tâl) (Cymru) (Diwygio) 2008. Joanest, a oes gennych rywbeth i'w ychwanegu at yr adroddiadau sydd gerbron?

Joanest has been scrutinising SLC168, the National Health Service (Primary Medical Services) and (Performers Lists) (Miscellaneous Amendments) (Wales) Regulations 2008, SLC171, the Tope (Prohibition of Fishing) (Wales) Order 2008, and SLC172, and the National Health Service (Travelling Expenses and Remission of Charges) (Wales) (Amendment) Regulations 2008. Joanest, do you have anything to add to the reports that are before us?

[11] **Ms Jackson:** Nac oes.

Ms Jackson: No.

[12] **David Lloyd:** Diolch. A oes

David Lloyd: Thank you. Are there any

sylwadau? Gwelaf fod pawb yn fodlon eu pasio. comments? I see that we are content to pass them.

8.48 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 Drafft sy'n Agored i Gael eu Cymeradwyo yn unol â Phenderfyniad gan y Cynulliad (y Weithdrefn Gadarnhaol)

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[13] **David Lloyd:** Bu Joanest yn craffu ar SLC170, sef Rheoliadau Awdurdodau Lleol (Cynnal Refferenda) (Cymru) 2008. **David Lloyd:** Joanest has been scrutinising SLC170, the Local Authorities (Conduct of Referendums) (Wales) Regulations 2008.

[14] **Ms Jackson:** Nid oes dim gennyf i'w ychwanegu at yr adroddiad. Mae ymateb y Llywodraeth yn foddhaol. **Ms Jackson:** I do not have anything to add to the report. The Government's response has been satisfactory.

[15] **David Lloyd:** Diolch. A oes sylwadau? Gwelaf nad oes, ac felly mae'n pasio yn ôl awgrym Joanest. **David Lloyd:** Thank you. Are there any comments? I see that there are none, and so it is passed as suggested by Joanest.

8.49 a.m.

Offerynnau sy'n Agored i Gael eu Dirymu yn unol â Phenderfyniad gan y Cynulliad (y Weithdrefn Negyddol)
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[16] **David Lloyd:** Bu Gwyn yn craffu ar SLC166, sef Gorchymyn Addysg (Cwricwlwm Cenedlaethol) (Targedau Cyrhaeddiad a Rhaglenni Astudio) (Cymru) 2008. Mae angen penderfyniad ynghylch y mater hwn, dîm, felly, gwell inni wrando ar farn Gwyn. **David Lloyd:** Gwyn has been scrutinising SLC166, the Education (National Curriculum) (Attainment Targets and Programmes of Study) (Wales) Order 2008. We need to make a decision on this matter, team, so, we had better listen to what Gwyn has to say.

[17] **Mr Griffiths:** Mae tri phwynt yn yr adroddiad sydd o'ch blaenau. Mae'r cyntaf yn ymwneud â chychwyn darpariaethau'r Gorchymyn, lle mae gwahaniaeth rhwng y Gymraeg a'r Saesneg. Mae'r Llywodraeth yn derbyn bod gwahaniaeth, ond mae'n dweud nad yw'n fater o bwys mawr oherwydd darpariaethau paragraff 15(2), sy'n cynnwys darpariaethau sy'n ymwneud â'r Gymraeg. **Mr Griffiths:** There are three points in the report before you. The first deals with the commencement of the Order's provisions, where there is a difference between the Welsh and the English. The Government accepts that there is a difference, but says that it is of no great consequence because of the provisions of paragraph 15(2), which include provisions relating to the Welsh language.

8.50 a.m.

[18] Fodd bynnag, gan nad oes cyfeiriad However, as there is nothing in section 1(1)

yn adran 1(1) at adran 15(2), ni fyddai neb sy'n darllen y Gorchymyn hwn o reidrwydd yn edrych ar yr adran honno i weld. Felly, mae'r adroddiad drafft yn argymhell y dylid cywiro'r diffyg cyn gynted â phosibl. Mae'r Llywodraeth yn dweud nad yw'n meddwl bod angen gwneud hynny nes bod y Gorchymyn yn cael ei ddiwygio y tro nesaf. Mater i'r pwyllgor yw penderfynu a yw hynny'n dderbyniol ai peidio.

that refers to section 15(2), anyone reading this Order would not necessarily go to look at that particular section. So, the draft report recommends that the weakness be corrected as soon as possible. The Government says that it does not believe that this is necessary until the Order is amended the next time around. So, it is a matter for the committee to decide whether or not that is acceptable.

[19] Nid oes dim yn codi o ail bwynt yr adroddiad.

Nothing arises from the second point of the report.

[20] Mae'r Llywodraeth yn anghytuno â'r trydydd pwynt yn yr adroddiad, sy'n ymwneud â geiriad sy'n ymddangos mewn amryw leoedd yn y Gorchymyn. Geiriau mewn cromfachau ydynt. Mae'r Gymraeg yn darllen '(...sy'n egluro'r rhaglenni astudio a ddisgrifir ynddi)' ond mae'r Saesneg yn darllen '(...serve to illustrate the programmes of study described therein)'. Y pwynt a wneir yn yr adroddiad yw bod 'illustrate' yn cyfateb i 'dangos' tra bod 'egluro' yn cyfateb i 'explain', ac felly mae lle i gamddechongli'r ddeddfwriaeth.

The Government disagrees with the third point in the report, which relates to the wording that appears in various places in the Order. They are words in brackets. The Welsh reads '(...sy'n egluro'r rhaglenni astudio a ddisgrifir ynddi)', while the English reads '(...serve to illustrate the programmes of study described therein)'. The point made in the report is that 'illustrate' corresponds to 'dangos' while 'egluro' corresponds to 'explain', and so it could be possible to misinterpret the legislation.

[21] 'Nid yw'r Llywodraeth yn cytuno. Un o'r ystyron a restrir yn y *New Shorter Oxford Dictionary* ar gyfer 'illustrate' yw "Make clear, elucidate, explain" a gellir gwneud hynny gydag enghreifftiau neu hebddynt, neu gallai gynnwys adroddiad disgrifiadol neu ddefnyddio darluniau a ffotograffau. Mae'r gair 'egluro' yn gweddu'n berffaith iawn i'r cysyniad hwn.'

'The Government does not agree. One of the meanings listed in the *New Shorter Oxford Dictionary* for 'illustrate' is "Make clear, elucidate, explain" and this can be done with or without examples, or it could include a descriptive account or use drawings and photographs. The Word 'egluro' fits this concept perfectly well.'

[22] Eto, mater i'r pwyllgor benderfynu arno yw hwnnw. Yr unig beth y byddwn i'n ei ddweud yw bod y Llywodraeth yn dweud mai dim ond un o'r ystyron a restrir yn y *New Shorter Oxford English Dictionary* ar gyfer 'illustrate' yw hynny. Gallai'r drafft wedi bod yn fwy eglur pe bai'r Llywodraeth wedi defnyddio term a oedd yn cyfateb yn fwy manwl.

Again, that is a matter for the committee to decide upon. The only thing that I would say is that the Government says that it is only one of the meanings listed for 'illustrate' in the *New Shorter Oxford English Dictionary*. The draft could have been clearer if the Government had used a term that corresponded more closely to the Welsh term.

[23] **Sandy Mewies:** Looking through this, I think that the thrust of what you are saying is that the most urgent point is point 1, which should be remedied as soon as possible. The Government says that when it is next amended will do for the other points. As far as you are concerned, will that cause confusion?

[24] **Mr Griffiths:** Yes.

[25] **Sandy Mewies:** In that case, Chair, I think that we should take that advice and ask for it to be amended as soon as possible.

[26] **Eleanor Burnham:** Yr wyf yn cyd-fynd â hynny, oherwydd mae angen yr eglurhad mwyaf clir posibl o rywbeth mor fanwl â hyn. **Eleanor Burnham:** I agree with that, because the clearest possible explanation is required of something as detailed as this.

[27] **David Lloyd:** A oes unrhyw sylwadau am bwynt 3? Oni ddylai'r cyfieithiad ddweud 'egluro' neu 'dangos'? **David Lloyd:** Are there any comments on point 3? Should the translation not read 'egluro' or 'dangos'?

[28] **Alun Davies:** Nid wyf yn credu y byddai neb yn gofyn i mi gyfieithu dim, ond yr wyf yn tueddu i gytuno â'r dadansoddiad yr ydych wedi ei roi i ni, Gwyn, ac yr wyf yn tueddu i anghytuno â phwynt y Llywodraeth. **Alun Davies:** I do not think that anyone would ask me to translate anything, but I am inclined to agree with the analysis that you have given us, Gwyn, and I am inclined to disagree with the Government's point.

[29] **David Lloyd:** Yr wyf yn cytuno â Gwyn ac Alun, ac yr wyf yn credu mai dyna farn y pwyllgor. Felly, byddwn yn mynd gyda'r adroddiad gwreiddiol, gan ddweud bod y pwyllgor yn cytuno â'r adroddiad hwn ac yn anghytuno â'r Llywodraeth. **David Lloyd:** I agree with Gwyn and Alun, and I believe that that is the committee's view. Therefore, we will run with the original report, saying that the committee agrees with this report and disagrees with the Government.

8.53 a.m.

Unrhyw Fater Arall Any Other Business

[30] **David Lloyd:** Mae un papur i'w nodi, sef yr adroddiad am ein hymweliad â Senedd yr Alban. Bu inni ei drafod yn gyflym yr wythnos diwethaf. Nid oedd newidiadau i'r papur, felly mae'r adroddiad wedi ei gyhoeddi ar y rhyngwrdd a chaiff ei ddosbarthu i Aelodau fel papur i'w nodi, er gwybodaeth. A oes unrhyw fater arall i'w godi? Gwelaf nad oes. **David Lloyd:** There is one paper to note, namely the report of our visit to the Scottish Parliament, which we discussed briefly last week. There were no changes to the paper, and so it has been published on the internet and will be circulated to Members as a paper to note, for your information. Are there any other matters to be raised? I see that there are not.

8.54 a.m.

Dyddiad y Cyfarfod Nesaf Date of the Next Meeting

[31] **David Lloyd:** Dyddiad y cyfarfod nesaf yw 24 Mehefin am 8.45 a.m.. Diolch am eich presenoldeb, a diolch am y cyfieithu. **David Lloyd:** The date of the next meeting is 24 June at 8.45 a.m.. Thank you for your attendance, and thank you for the translation.

*Daeth y cyfarfod i ben am 8.54 a.m.
The meeting ended at 8.54 a.m.*