



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

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

**Dydd Mawrth, 1 Gorffennaf 2008
Tuesday, 1 July 2008**

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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. Mae hon yn fersiwn ddrafft o'r
cofnod. Cyhoeddir fersiwn derfynol ymhen pum diwrnod gwaith.

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. This is a draft version of the
record. The final version will be published within five working days.

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)
Joyce Watson	Llafur Labour

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:** Mae'r awr benodedig wedi cyrraedd, felly croesawaf bawb i gyfarfod diweddaraf y Pwyllgor Is-ddeddfwriaeth yn y Cynulliad. Os bydd argyfwng, bydd y tywyswyr yn ein harwain at yr allanfa agosaf. Gellir defnyddio'r clustffonau i glywed y cyfieithiad ar y pryd ac i addasu lefel y sain. 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. Rhaid diffodd ffonau symudol yn llwyr.

David Lloyd: The appointed hour is upon us, so I welcome everyone to the latest meeting of the Subordinate Legislation Committee in the Assembly. If there is an emergency, ushers will lead us to the nearest safe exit. The headsets can be used to receive interpretation and for amplification. The interpretation from Welsh into English is available on channel 1, and contributions in the floor language can be heard on channel 0. Mobile phones must be switched off completely.

[2] Ni dderbyniwyd unrhyw ymddiheuriadau; yr wyf yn falch o weld bod pawb yn bresennol. Hoffwn gofnodi ein diolch i Irene James a Sandy Mewies, a oedd yn dirprwyo yn aml ar ran Irene James, am eu cyfraniad i waith y pwyllgor. Croesawn aelod newydd, sef Joyce Watson, i'r pwyllgor am y tro cyntaf y bore yma. Felly, croeso Joyce.

No apologies have been received; I am pleased to see that everyone is present. I would like to thank Irene James, and Sandy Mewies, who frequently substituted for Irene James, for their contribution to the committee's work. We welcome a new member, Joyce Watson, to the committee for the first time this morning. So, welcome Joyce.

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, ac Offerynnau sy'n Agored i Gael eu Dirymu yn Unol â Phenderfyniad gan y Cynulliad (y Weithdrefn Negyddol)

Instruments and Draft instruments in respect of which the Assembly is not Invited to Pay Special attention under Standing Order No. 15.2, and Instruments Subject to Annulment Pursuant to a Resolution of the Assembly (Negative Procedure)

[3] **David Lloyd:** Bu Joanest yn craffu ar SLC173, Rheoliadau'r Tafod Glas (Cymru) (Diwygio) 2008, ac SLC174, Rheoliadau Cynhyrchion Reis o Unol Daleithiau America (Cyfyngiad ar eu Rhoi Gyntaf ar y Farchnad) (Cymru) (Diwygio) 2008. Joanest, a oes gennych rywbeth i'w ychwanegu at yr adroddiad sydd gerbron?

David Lloyd: Joanest has been looking at SLC173, the Bluetongue (Wales) (Amendment) Regulations 2008, and SLC174, the Rice Products from the United States of America (Restriction on First Placing on the Market) (Wales) (Amendment) Regulations 2008. Joanest, do you have anything to add to the report before us?

[4] **Ms Jackson:** Nac oes, nid oes gennyf ddim i'w ychwanegu.

Ms Jackson: No, I do not have anything to add.

[5] **David Lloyd:** A oes unrhyw sylwadau? Gwelaf nad oes a'ch bod yn hapus i basio'r rheiny.

David Lloyd: Are there any comments? I see that there are not and that you are content to pass those.

8.48 a.m.

Is-ddeddfwriaeth Arall a Osodir gerbron y Cynulliad y Caiff y Pwyllgor Gyflwyno Adroddiad arni—Rheol Sefydlog Rhif 15.6(i) a Rheol Sefydlog Rhif 25: Gweithdrefn Cynulliad Arbennig—Gorchymyn Prynu Gorfodol Gweinidogion Cymru (Ochr Ddeheuol Basn y Rhath, Caerdydd) 200- Other Subordinate Legislation Laid before the Assembly on which the Committee May Report—Standing Order No. 15.6(i) and Standing Order No. 25 Special Assembly Procedure Order: the Welsh Ministers (South Side Of Roath Basin, Cardiff) Compulsory Purchase Order 200-

[6] **David Lloyd:** Gwyn, a hoffech gyflwyno'r eitem nesaf?

David Lloyd: Gwyn, would you like to introduce the next item?

[7] **Mr Griffiths:** Dyma'r Gorchymyn cyntaf o'r fath i ddod gerbron y pwyllgor hwn, a dyna pam yr wyf wedi cyflwyno adroddiad drafft i'r pwyllgor. Mae'r Rheol Sefydlog yn nodi y caiff y pwyllgor ystyried unrhyw is-ddeddfwriaeth arall a osodir gerbron y Cynulliad, hynny yw Gorchymyn nad yw'n offeryn statudol. Mae hwn yn Orchymyn prynu gorfodol drafft. Nid yw'r rheiny fel arfer yn cael eu gosod gerbron y

Mr Griffiths: This is the first Order of its kind to come before this committee, and that is why I have presented a draft report to the committee. The Standing Order states that the committee may consider any other subordinate legislation that is laid before the Assembly, namely an Order that is not a statutory instrument. This is a draft compulsory purchase Order. Those are not usually laid before the Assembly, but this has

Cynulliad, ond mae hwn wedi digwydd gan fod y Gorchymyn hwn yn ddarostyngedig i broses arbennig y Cynulliad, lle mae gan bobl o'r tu allan yr hawl i wrthwynebu gwneud y Gorchymyn. Gwnaed y Gorchymyn hwn yn hysbys i'r cyhoedd, ac nid oedd gwrthwynebiad i'w wneud. Fodd bynnag, gan mai dyma'r cyntaf o'r fath, yr wyf wedi dod ag ef gerbron y pwyllgor er mwyn i chi ystyried a ydych am weld Gorchymynion o'r math hwn.

[8] Yr oeddwn hefyd am nodi bod gwall yn y drafft a gyhoeddwyd ac a osodwyd gerbron y Cynulliad. Nid oedd y Saesneg yn gwneud synnwyr. Camddehonglwyd y Saesneg gan y cyfieithwyr. Yr oedd y Gymraeg yn gwneud synnwyr, ond yr oedd yr ystyr yn wahanol i'r hyn a fwriadwyd gan y person a oedd wedi ei ddrafftio. Wedi dweud hynny, mae'r Gorchymyn hwn wedi bod o gwmpas ers blynyddoedd lawer—mae'r papurau cefnogol yn mynd yn ôl i gyfnod Awdurdod Datblygu Cymru cyn iddo gael ei uno gyda Llywodraeth y Cynulliad—felly, credaf mai rhywbeth sydd wedi digwydd dros yr holl flynyddoedd y mae'r Gorchymyn hwn wedi bod yn y ffeil yw hwn. Fodd bynnag, maent yn derbyn bod angen gwneud cywiriadau, ac maent yn gwneud y cywiriadau wrth wneud y Gorchymyn ac, felly, bydd y Gorchymyn ar ffurf dderbyniol.

8.50 a.m.

[9] **David Lloyd:** Felly, a gytunwch fod y math hwn o ddeddfwriaeth yn briodol i ddod gerbron y pwyllgor, ac a ydych yn cytuno â'r adroddiad ar y darn hwn o ddeddfwriaeth?

[10] **Eleanor Burnham:** A minnau'n rhywun nad oes ganddi syniad lle mae 'ochr ddeheuol basn y Rhath', oni fyddai'n well pe bai gennym fanylion am y lleoliad, er mwyn i ni allu gweld yn union ble y mae? Mae'n bwysig bod yn gyfarwydd â'r lleoliad yr ydym yn ei drafod os ydym am basio'r ddeddfwriaeth hon.

[11] **Mr Griffiths:** Mae map wedi'i gynnwys gyda'r papurau sydd gerbron. Lleolir yr ardal dan sylw rhwng yr adeilad hwn a'r dociau, neu'r morglawdd.

occurred because this Order is dependent on the special Assembly procedure, where people outside of the Assembly have a right to oppose the making of the Order. This Order was made public, but there was no opposition to it. However, as this is the first of its kind, I have brought it before the committee so that you can consider whether you want to see such Orders.

I also wanted to note that there is an error in the draft that was published and laid before the Assembly. The English did not make sense. The English was misinterpreted by the translators. The Welsh made sense, but the meaning was different from that intended by the drafter. Having said that, this Order has been around for many years—the supporting documents go back to the days of the Welsh Development Agency before it was merged with the Assembly Government—so, I think that this is something that has happened over the many years in which this Order has been on file. However, they accept that corrections are required, and they are making the corrections as they make the Order and, therefore, the Order will be in an acceptable form.

David Lloyd: Therefore, do you agree that this type of legislation is appropriate to be brought before the committee, and do you agree with the report on this piece of legislation?

Eleanor Burnham: As someone who has no idea where the 'south side of Roath basin' is, would it be better if we had details of the location so that we could see exactly where it is? It is important to be familiar with the location that we are discussing if we are to pass this legislation.

Mr Griffiths: A map has been included with the papers before you. The area in question lies between this building and the docks, or the barrage.

[12] **Eleanor Burnham:** Deallaf hynny, ond, o ran egwyddor, ni chredaf y dylem basio unrhyw beth heb gael y manylion. Dyna fy marn bersonol, ond efallai fy mod yn anghywir.

Eleanor Burnham: I understand that, but, as a matter of principle I do not think that we should pass anything without having the details. That is my personal opinion, but I might be incorrect.

[13] **David Lloyd:** Mae hwnnw'n ddigon teg, ond deallaf fod mapiau yn y papurau cefndirol.

David Lloyd: That is fair enough, but I understand that there are maps in the supporting documents.

[14] Y ddau gwestiwn penodol yw: a ydych yn hapus i ystyried deddfwriaeth o'r math hwn, ac a ydych yn hapus gyda'r adroddiad? Gwelaf eich bod.

The two specific questions are: are you happy to consider legislation of this kind, and are you happy with the report? I see that you are.

8.52 a.m.

Unrhyw Fater Arall Any Other Business

[15] **David Lloyd:** Yn ein cyfarfod ar 10 Mehefin, bu i ni graffu ar bapur a oedd yn edrych ar gylch gorchwyl yr ymchwiliad i'r hyn y bydd y pwyllgor hwn yn ei wneud. Er gwybodaeth, mae'r alwad am dystiolaeth a'r cylch gorchwyl wedi mynd allan, ac yr ydym yn aros am ymatebion. Byddwn yn ystyried unrhyw ymatebion ac yn casglu'r dystiolaeth lafar yn ystod tymor yr hydref. A oes unrhyw fater arall? Gwelaf nad oes. Mae mater ynghylch amseru'r cyfarfodydd hyn, a thrafodwn hynny yn fyr mewn sesiwn breifat ar y diwedd.

David Lloyd: In our meeting on 10 June, we scrutinised the paper that looked at the remit for an inquiry into exactly what this committee is to do. For your information, the call for evidence and terms of reference has been issued, and we are awaiting responses. We will consider any responses and gather oral evidence during the autumn term. Is there any other business? I see that there is not. There is an issue about the timing of these meetings, and we will discuss that briefly in a private session at the end.

8.53 a.m.

Dyddiad y Cyfarfod Nesaf Date of the Next Meeting

[16] **David Lloyd:** Dyddiad y cyfarfod nesaf yw 15 Gorffennaf, felly nid wythnos nesaf, ond yr wythnos ar ôl hynny. Diolch am eich presenoldeb a diolch am y cyfieithu. Dyna ddiwedd y cyfarfod.

David Lloyd: The date of the next meeting is 15 July, so not next week, but the week after. Thank you for your attendance and thank you for the translation. That is the end of the meeting.

*Daeth y cyfarfod i ben am 8.53 a.m.
The meeting ended at 8.53 a.m.*