



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

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

**Dydd Mawrth, 15 Ebrill 2008  
Tuesday, 15 April 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 (substitute 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 8.15 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:** Croeso i chi i gyd i'r cyfarfod hwn o Bwyllgor Is-ddeddfwriaeth y Cynulliad. Croeso hefyd i'r swyddogion ac i'r cyhoedd yn yr oriel gyhoeddus. Os bydd argyfwng, bydd y tywyswyr yn eich arwain at yr allanfa agosaf. Gellir defnyddio'r clustffonau i glywed y cyfieithiad ar y pryd ac i addasu lefel y sain. Eto, gall y tywyswyr ddangos i'r cyhoedd sut i'w defnyddio os bydd angen. Rhaid diffodd ffonau symudol yn llwyr. Mae cyfieithiad ar y pryd o'r Gymraeg i'r Saesneg ar gael ar sianel 1 a gellir clywed y cyfraniadau yn yr iaith wreiddiol ar sianel 0.

**David Lloyd:** Welcome to you all to this meeting of the Assembly's Subordinate Legislation Committee. I also welcome officials and members of the public who are in the public gallery. If there is an emergency, the ushers will lead you to the nearest exit. The headsets may be used for the simultaneous translation and to amplify proceedings. Again, the ushers can show members of the public how to use them, if necessary. Mobile phones must be completely switched off. A simultaneous translation from Welsh into English is available on channel 1 and the verbatim contributions may be heard on channel 0.

[2] Yr ydym wedi derbyn ymddiheuriadau gan Irene James ac mae Sandy Mewies yn dirprwyo ar ei rhan. Croeso, eto, i Sandy i'r cyfarfod hwn.

We have received apologies from Irene James and Sandy Mewies is substituting on her behalf. Welcome, again, Sandy, to this meeting.

8.16 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:** Mae Gwyn wedi bod yn craffu ar SLC131, Rheoliadau Gorfodi Sifil ar Dramgwyddau Parcio (Sylwadau ac Apelau) Cerbydau a Symudwyd Ymaith (Cymru) 2008. Mae hefyd wedi bod yn craffu ar SLC132, Gorchymyn Gorfodi Sifil ar Dramgwyddau Parcio (Canllawiau ar Lefelau Taliadau) (Cymru) 2008, ac SLC134, Rheoliadau Swyddogion Gorfodi Sifil (Gwisgo Lifrai) (Cymru) 2008. Mae'r adroddiadau ger eich bron. Gwyn, a oes gennych unrhyw beth i'w ychwanegu?

**David Lloyd:** Gwyn has been scrutinising SLC131, the Civil Enforcement of Parking Contraventions (Representations and Appeals) Removed Vehicles (Wales) Regulations 2008. He has also been scrutinising SLC132, the Civil Enforcement of Parking Contraventions (Guidelines on Levels of Charges) (Wales) Order 2008, and SLC134, the Civil Enforcement Officers (Wearing of Uniforms) (Wales) Regulations 2008. The reports are before you. Gwyn, do you have anything to add?

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

**Mr Griffiths:** No.

[5] **David Lloyd:** A oes unrhyw sylwadau? Gwelaf nad oes, felly mae pawb yn hapus i ni eu derbyn.

**David Lloyd:** Are there any comments? I see that there are not, so everyone is happy that they are carried.

[6] Mae Joanest wedi bod yn craffu ar SLC138, Rheoliadau Cwotâu Cynnyrch Llaeth (Cymru) (Diwygio) 2008. Mae adroddiad llawn ger eich bron. Joanest, a ydych am ychwanegu unrhyw beth?

Joanest has been scrutinising SLC138, the Dairy Produce Quotas (Wales) (Amendment) Regulations 2008. You have the full report. Joanest, do you want to add anything?

[7] **Ms Jackson:** Nid oes dim yr wyf am ei ychwanegu.

**Ms Jackson:** I do not wish to add anything.

[8] **David Lloyd:** A yw pawb yn hapus? Gwelaf eich bod, felly mae'r rheoliadau hynny wedi eu derbyn hefyd.

**David Lloyd:** Is everyone happy? I see that you are, so those regulations are also carried.

8.17 a.m.

**Offerynnau y bydd y Cynulliad yn cael 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)**  
**Instruments in Respect of which the Assembly is 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)**

[9] **David Lloyd:** Mae Joanest wedi bod yn craffu ar SLC128, Rheoliadau Cig (Ffioedd Rheolaethau Swyddogol) (Cymru)

**David Lloyd:** Joanest has been scrutinising SLC128, the Meat (Official Controls Charges) (Wales) Regulations 2008. The

2008. Mae'r adroddiad ger eich bron. Joanest, a ydych am ychwanegu unrhyw beth?

[10] **Ms Jackson:** Mae'r Llywodraeth yn derbyn y pwyntiau ac mae wedi penderfynu gwneud rheoliadau i gywiro'r gwall erbyn y gwanwyn.

**Ms Jackson:** The Government has accepted the points and has decided to make regulations to correct this mistake by the spring.

[11] **David Lloyd:** Yr ydych wedi clywed hynny. A ydych yn hapus? Mae'r Llywodraeth wedi ymateb ac felly yr ydym yn cytuno ar yr adroddiad fel ag y mae, yn sylfaenol. Gwelaf fod pawb yn gytûn.

**David Lloyd:** You have all heard that. Are you content? The Government has responded and, therefore, we are basically agreeing the report as it stands. I see that you are all in agreement.

[12] Mae Gwyn wedi bod yn craffu ar SLC129, Rheoliadau Gwaith Stryd (Ffioedd Arolygu) (Cymru) (Diwygio) 2008, SLC133, Gorchymyn Gorfodi Sifil ar Dramgwyddau Parcio (Dyfeisiadau a Gymeradwyr) (Cymru) 2008, ac SLC135, Rheoliadau Gorfodi Sifil ar Dramgwyddau Parcio (Darpariaethau Cyffredinol) (Cymru) 2008. Gwyn, a oes gennych unrhyw beth i'w ychwanegu?

Gwyn has been scrutinising SLC129, the Street Works (Inspection Fees) (Wales) (Amendment) Regulations 2008, SLC133, the Civil Enforcement of Parking Contraventions (Approved Devices) (Wales) Order 2008, and SLC135, the Civil Enforcement of Parking Contraventions (General Provisions) (Wales) Regulations 2008. Gwyn, do you have anything to add?

[13] **Mr Griffiths:** Mae gennyf ryw fymryn i'w ychwanegu. Ar y rhai cyntaf, y rheoliadau gwaith stryd a'r ffioedd arolygu, dim ond un paragraff gweithredol oedd ac yr oedd y camgymeriad yn y paragraff hwnnw, felly mae'r Llywodraeth wedi nodi ei bod am ail-wneud y rhain cyn diwedd y mis. Nid wyf yn gweld unrhyw drafferth o ran hynny.

**Mr Griffiths:** I have a little to add. On the first ones, the street works regulations and the inspection fees, there was only one operational paragraph in that case and the mistake was in that paragraph. Therefore, the Government has noted that it wants to remake those regulations before the end of the month. I do not see a problem with that.

[14] **David Lloyd:** A ydym yn hapus â hynny, fel pwyllgor?

**David Lloyd:** Are we happy with that, as a committee?

[15] **Eleanor Burnham:** A yw hwn yn ymwneud â gwaith sy'n digwydd i dyllu strydoedd sydd wedyn yn cael ei arolygu?

**Eleanor Burnham:** Is this to do with work that is undertaken on digging holes in streets, which is then inspected?

[16] **Mr Griffiths:** Ydyw. Y drefn yn awr yw bod ceisiadau'n gorfod cael eu gwneud cyn gwneud gwaith stryd, fel bod gwaith yn cael ei gyd-amseru ac yn y blaen, ac mae'r ffi yn daladwy i'r cyngor lleol.

**Mr Griffiths:** Yes. The system now is that applications must be made before street works are undertaken, so that all works are co-ordinated and so on, and the fee is payable to the local council.

[17] **Eleanor Burnham:** Diolch am yr eglurhad hwnnw.

**Eleanor Burnham:** Thank you for that explanation.

[18] **David Lloyd:** Yr ydym yn hapus â'r adroddiad, felly symudwn ymlaen at y nesaf. A oes gennych unrhyw sylw arall?

**David Lloyd:** We are happy with the report, so we will move on to the next one. Do you have any further comments?

[19] **Mr Griffiths:** Unwaith eto, mae'r Llywodraeth wedi derbyn y pwynt ac mae'n bwriadu eu hailwneud cyn diwedd y mis. O ran y drydedd elfen, sef y darpariaethau cyffredinol, mae'r Llywodraeth yn derbyn y pwyntiau, ac mae am eu hailwneud.

**Mr Griffiths:** Once again, the Government has accepted the point and it intends to re-make them before the end of the month. In terms of the third aspect, namely the general provisions, the Government accepts the points, and it will remake them.

[20] **David Lloyd:** Gan fod y Llywodraeth wedi ymateb a derbyn y pwyntiau, a yw pawb yn hapus gyda'r atodiadau fel ag y maent? Gwelaf eich bod.

**David Lloyd:** As the Government has responded and accepted the points, is everyone content with the annexes as they stand? I see that you are.

8.20 a.m.

### **Mesur Arfaethedig ynghylch Bwyta'n Iach mewn Ysgolion (Cymru) 2008 Proposed Healthy Eating in Schools (Wales) Measure 2008**

[21] **David Lloyd:** Mesur arfaethedig Jenny Randerson yw hwn, a bu Gwyn yn gweithio arno. Felly, er mwyn cynnal annibyniaeth y broses, mae Gwyn yn gadael y bwrdd. Mae Joanest wedi paratoi papur ar y mater hwn. Ym mis Mehefin 2007, enillodd Jenny Randerson y balot gyda'r Mesur arfaethedig ynghylch bwyta'n iach mewn ysgolion. Mae bellach yn amser i ni sefydlu proses fel bod y pwyllgor hwn yn rhan o'r broses graffu, a byddwn yn edrych ar sut i symud ymlaen â hyn. Awgrymaf ein bod yn craffu ar Fesur Jenny. Gosodwyd y Mesur hwn ar 14 Mawrth, ac mae pwyllgor Cyfnod 1 wrthi'n cael ei sefydlu, a bydd yn ystyried egwyddorion cyffredinol y Mesur. Bydd hynny yn digwydd cyn bo hir, a bydd yn cyflwyno adroddiad erbyn canol mis Gorffennaf.

**David Lloyd:** This is Jenny Randerson's proposed Measure, which Gwyn has been working on. So, in order to maintain the independence of the process, Gwyn will leave the table. Joanest has prepared a paper on this item. In June 2007, Jenny Randerson won the ballot with her proposed Measure on healthy eating in schools. It is now time for us to establish the process so that this committee playd its part in the scrutiny process, and we will look at how to progress this. I suggest that we scrutinise Jenny's Measure. The Measure was laid on 14 March, and a Stage 1 committee is being established, which will consider the Measure's general principles. That will happen soon, and it will submit a report by mid-July.

[22] O dan Reol Sefydlog Rhif 15.6(ii), gall y pwyllgor hwn yn ystyried pa mor briodol yw darpariaethau Mesurau Cynulliad arfaethedig sy'n rhoi pwerau i wneud is-ddeddfwriaeth i Weinidogion Cymru. Felly, o dan y rheol honno, mae'n bosibl i'r pwyllgor hwn graffu ar y Mesur hwn ac unrhyw Fesur arall a ddaw gerbron. Felly, dim ond trafodaeth weddol gyffredinol a byr a fydd y bore yma ynglŷn â'r ffordd ymlaen. A ydym fel pwyllgor yn hapus i ystyried darpariaethau is-ddeddfwriaeth y Mesur Arfaethedig ynghylch Bwyta'n Iach mewn Ysgolion (Cymru) 2008 ymhellach? Gwelaf ein bod.

Under Standing Order No. 15.6(ii), this committee can consider the appropriateness of provisions in proposed Assembly Measures that grant powers to make subordinate legislation to Welsh Ministers. Therefore, under that order, it is possible for this committee to scrutinise this Measure or any other Measure that is submitted. Therefore, there will only be a relatively brief and general discussion this morning on the way forward. As a committee, are we content to further consider the subordinate legislation provisions of the Proposed Healthy Eating in Schools (Wales) Measure 2008? I see that we are.

[23] Mae angen i ni gytuno ar y ffordd

We need to agree the way forward, as will

ymlaen, a bydd hyn yn digwydd gyda phob Mesur a baratoir gan Aelodau Cynulliad. Fel lleiafswm, dylem wahodd Jenny Randerson i'r pwyllgor hwn i roi tystiolaeth am ei Mesur, a dylem hefyd wahodd Llywodraeth Cynulliad Cymru i'r pwyllgor i roi rhagor o wybodaeth am ddarpariaethau is-ddeddfwriaeth y Mesur hwn ynghylch bwyta'n iach mewn ysgolion. O gasglu'r ddau ddarn hynny o dystiolaeth, gallwn fel pwyllgor ystyried a oes angen casglu rhagor o dystiolaeth gan gyrrff allanol gwahanol, fel y gwnaethom o ran y Mesur gwneud iawn am gamweddau'r GIG cyn y Nadolig.

[24] O ran amseru, bydd yn rhaid i'r pwyllgor hwn gyflwyno adroddiad mewn da bryd er mwyn i bwyllgor Cyfnod 1 y Mesur ei ystyried cyn ei fod yn cytuno ar ei adroddiad tua diwedd mis Mehefin. Felly, mae'n rhaid i ni feddwl am yr amser, ond, yn sylfaenol, yr wyf yn eich gwahodd i gytuno y dylem wahodd Jenny Randerson i'r pwyllgor hwn i drafod ei Mesur, a rhywun o Lywodraeth Cynulliad Cymru i drafod y Mesur. O gymryd y dystiolaeth honno, byddwn yn ystyried fel pwyllgor a oes angen gwahodd unrhyw un arall. A ydych yn cytuno â hynny fel lleiafswm y dylem ei wneud fel pwyllgor er mwyn craffu ar y Mesur hwn, neu a oes gennych unrhyw sylw? Gwelaf eich bod yn gytûn.

8.24 a.m.

### **Unrhyw Fater Arall Any Other Business**

[25] **David Lloyd:** Mae Mesurau eraill yn dod gerbron, wrth gwrs, ac mae Mesur arfaethedig Teithio gan Ddysgwyr (Cymru) yn cael ei osod heddiw gerbron y Cynulliad, fel y byddwch wedi clywed ar y cyfryngau. Bydd dadl Cyfnod 1 ar ystyried egwyddorion cyffredinol y Mesur hwn yn cael ei chynnal ymhen pythefnos, ar 29 Ebrill.

[26] Ni fydd pwyllgor Cyfnod 1 yn cael ei sefydlu felly, gan fod y Pwyllgor Menter a Dysgu wedi ymdrin â'r pwnc hwn eisoes. Yn naturiol, bydd ein cynghorwyr cyfreithiol yn paratoi papur ar y Mesur arfaethedig hwn ar gyfer ein cyfarfod yr wythnos nesaf, fel y gallwn ystyried a ydym eisiau craffu ar y

happen with every Measure that Assembly Members prepare. As a minimum, we should invite Jenny Randerson to this committee to give evidence on her Measure, and we will also invite the Welsh Assembly Government to the committee to provide further information on the subordinate legislation provisions of this Measure on healthy eating in schools. In gathering those two pieces of evidence, we can consider as a committee whether we need to gather further evidence from different external bodies, as we did with the NHS redress Measure before Christmas.

In terms of timing, this committee will have to submit its report in good time for the Stage 1 committee on the Measure to consider before it agrees on its report by about the end of June. So, we have to be mindful of the timing, but, basically, I am asking you to agree to invite Jenny Randerson to this committee to discuss her Measure, and someone from the Welsh Assembly Government to discuss the Measure. In taking that evidence, we can consider as a committee whether we need to invite anyone else. Are you agreed on that as a minimum that we should do as a committee to scrutinise this Measure, or are there any comments? I see that we are in agreement.

**David Lloyd:** There are other Measures coming before us, of course, and the proposed Learner Travel (Wales) Measure is being laid today before the Assembly, as you may have heard on the media. The Stage 1 debate on the consideration of the Measure's general principles will be held in a fortnight, on 29 April.

A Stage 1 committee will not be established, as the Enterprise and Learning Committee has already dealt with this issue. Naturally, our legal advisers will prepare a paper on this proposed Measure for our meeting next week, so that we can consider whether we wish to undertake scrutiny of this Measure

Mesur hwn hefyd. Felly, mae'r Mesur arfaethedig Teithio gan Blant (Cymru) yn cael ei osod heddiw a bydd papur i ni ei ystyried yr wythnos nesaf, er mwyn inni drafod sut yr ydym am fynd ati i graffu ar hwnnw.

also. Therefore, the proposed Learner Travel (Wales) Measure is being laid today and there will be a paper for us to discuss next week so that we can consider how we are to scrutinise the Measure.

[27] Mae'r ail ddarn o wybodaeth yn ymwneud ag amseru'r cyfarfodydd hyn. Yr ydym wedi cael trafodaethau ar y mater, a diolchaf i'r clerc am geisio ymateb i sensitifrwydd Aelodau ynghylch codi yn oriau mân y bore i deithio yma. Bu'n anodd newid pethau'n sylfaenol, felly yr awgrym yw y dylai'r pwyllgor hwn gyfarfod am 8.45 a.m. ar fore Mawrth os yw'n gyfarfod arferol a bod dim byd mawr i'w drafod. Ond os bydd materion sydd angen eu trafod yn hwy, bydd y cyfarfod yn cychwyn am 8.15 a.m..

The second piece of information is on the timing of these meetings. We have discussed this issue, and I thank the clerk for endeavouring to respond to Members' sensitivity about getting up in the small hours of the morning to travel here. It has been difficult to change things fundamentally, so the suggestion is that this committee should meet at 8.45 a.m. on Tuesday mornings if it is a routine meeting and that there are no major items to discuss. However, if there are items that we need to discuss at length, the meeting will start at 8.15 a.m..

[28] **Eleanor Burnham:** A yw'n bosibl dechrau am 8.30 a.m. yn hytrach nag am 8.15 a.m., fel bod gennym ddigon o amser i ddarllen y papurau cyn dod yma?

**Eleanor Burnham:** Is it possible to start at 8.30 a.m. rather than at 8.15 a.m., so that we have ample time in which to read these papers before coming here?

[29] **David Lloyd:** Ni chredaf fod hynny'n ennyn brwdfrydedd.

**David Lloyd:** I do not think that there is much enthusiasm for that.

[30] **Sandy Mewies:** I do not want to make too many observations, because I am not sure that I will be attending future meetings, but I want to make it clear that I have never had any objections to the meeting starting at 8.15 a.m., or indeed at 8 a.m.. The only thing that I think might concern the committee is the fact that so many Measures are coming forward now. I have a pre-meeting for my next committee meeting at 9.15 a.m., which does not give me much time if one is delayed. You have to attend these meetings to do it properly, and that might be difficult on some occasions.

[31] **David Lloyd:** Pan ddaeth Mesurau ger ein bron i graffu arnynt mewn manylder, bu o gymorth i ni ddechrau am 8.15 a.m.. Yr wythnos diwethaf, er enghraifft, ni ddaeth y cyfarfod i ben tan 9.15 a.m., felly credaf fod angen inni ddechrau am 8.15 a.m. os ydym yn trafod rhywbeth mewn dyfnder. Cawn ddechrau am 8.45 a.m. pan nad ydym ond yn trafod pethau arferol. A ydym yn cytuno ar hynny?

**David Lloyd:** When we have had Measures before us to scrutinise in detail, it has been helpful to start at 8.15 a.m.. Last week, for example, we did not finish until 9.15 a.m., so I think that we need to start at 8.15 a.m. if we are going to be discussing something in depth. We will start at 8.45 a.m. when we are only discussing routine matters. Do we agree on that?

[32] **Andrew R.T. Davies:** I think that we were looking more for an afternoon slot perhaps. I appreciate the fact that the clerk has looked in depth at this, but I think that, for most Members, it was not so much the start time that was the issue but the fact that the meeting would only last for five to seven minutes and whether it was worthwhile for us to come in at that time of the morning. I take it that this has been considered and that we cannot fit in the meetings in the afternoon.



[33] **David Lloyd:** Yes; we have to be fair to all concerned, both Members and staff, and to this committee, because it is supposed to be one of the more important committees in that it is the only one that deals with legislation. It does not seem right for it to be kicked about on an ad-hoc basis, for want of a better phrase, from week to week.

[34] Diolch am eich sylwadau. Cynhelir y Thank you for your comments. The next  
cyfarfod nesaf ddydd Mawrth nesaf, sef 22 meeting will be held next Tuesday, which is  
Ebrill. 22 April.

*Daeth y cyfarfod i ben am 8.29 a.m.*  
*The meeting ended at 8.29 a.m.*