



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

**Y Pwyllgor Materion Cyfansoddiadol
The Constitutional Affairs Committee**

**Dydd Iau, 10 Mawrth 2011
Thursday, 10 March 2011**

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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.

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

Alun Davies	Llafur Labour
William Graham	Ceidwadwyr Cymreig Welsh Conservatives
Janet Ryder	Plaid Cymru (Cadeirydd y Pwyllgor) The Party of Wales (Committee Chair)

Swyddogion Cynulliad Cenedlaethol Cymru yn bresennol
National Assembly for Wales officials in attendance

Stephen George	Clerc Clerk
Gwyn Griffiths	Uwch-gynghorydd Cyfreithiol Senior Legal Adviser
Gareth Howells	Cyfreithiwr dan hyfforddiant Trainee Solicitor
Olga Lewis	Dirprwy Glerc Deputy Clerk

Dechreuodd y cyfarfod am 9.34 a.m.
The meeting began at 9.34 a.m.

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

[1] **Janet Ryder:** Welcome, everyone, to this meeting of the Constitutional Affairs Committee. We have received apologies from Rhodri Morgan and from Kirsty Williams; there are no substitutions. I remind Members that, in an emergency, the ushers will indicate the nearest safe exit. Headsets are available for translation and amplification. I also remind Members and officials to switch off mobile devices completely as they interfere with the broadcasting equipment.

9.34 a.m.

Offerynnau ac Offerynnau Drafft na fydd y Cynulliad yn cael ei Wahodd i Roi Sylw Arbennig iddynt o dan Reolau Sefydlog Rhifau 15.2 a 15.3 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 not Invited to Pay Special Attention under Standing Order Nos. 15.2 and 15.3 and Instruments Subject to Annulment Pursuant to a Resolution of the Assembly (Negative Procedure)

[2] **Janet Ryder:** Gwyn, do you have any comments on CA538, the Healthy Start Scheme (Description of Healthy Start Food) (Wales) (Amendment) Regulations 2011?

[3] **Mr Griffiths:** Mae'r rheoliadau hyn yn ymwneud â gwneud yn glir bod y diffiniad o ffrwythau a llysiau ar gyfer y cynllun Cychwyn Iach yn cynnwys ffrwythau a llysiau wedi'u rhewi. Credaf fod rhyw amheuaeth a oedd hynny'n gywir cyn y

Mr Griffiths: These regulations relate to clarifying that the definition of fruits and vegetables for the Healthy Start scheme does include frozen fruit and vegetables. I believe that there was some uncertainty as to whether that was correct before these regulations, and

rheoliadau hyn, a dyna paham y maent wedi cael eu gwneud. Nid oes pwynt technegol yn codi. that is why they have been made. There are no technical points arising.

[4] **Janet Ryder:** A yw pawb yn hapus â hynny? Gwelaf eich bod. **Janet Ryder:** Is everyone happy with that? I see that you are.

[5] We shall move on to CA539, the Civil Enforcement of Parking Contraventions (County of Powys) Designation Order 2011.

[6] **Mr Griffiths:** Mae'r Gorchymyn yn ymestyn unwaith eto yr arfer sydd wedi datblygu o drosglwyddo cyfrifoldeb am dramgwyddau parcio i'r cyngor sir—i Bowys, yn yr achos hwn. Nid oes dim byd penodol yn codi. **Mr Griffiths:** The Order once again extends the practice that has developed of transferring responsibility for parking offences to the county council—to Powys, in this instance. There are no specific points to raise.

[7] **Janet Ryder:** The next instrument is CA540, the Town and Country Planning (Blight Provisions) (Wales) Order 2011.

[8] **Mr Griffiths:** Mae'r Gorchymyn hwn yn cynyddu'r uchafswm ar gyfer y gwerth ar drethiant, yn dilyn diwygiadau yn y ddeddfwriaeth. Diwygiad canlyniadol ydyw, ac nid oes dim byd technegol yn codi. **Mr Griffiths:** The Order increases the rateable value limit, following amendments to the legislation. It is a consequential amendment, and there is no technical point to raise.

[9] **Janet Ryder:** The next instrument is CA541, the Local Authorities (Alteration of Requisite Calculations) (Wales) Regulations 2011.

[10] **Mr Griffiths:** Mae'r rhain yn rheoliadau blynyddol sy'n ymwneud â grant i'r heddlu. Nid oes modd gwneud y rheoliadau hyn nes bod y Senedd wedi pleidleisio ar y grant, sy'n dod yn uniongyrchol. Nid oes pwynt technegol yn codi. **Mr Griffiths:** These are annual regulations relating to a police grant. The regulations cannot be made until Parliament has voted on the grant, which is given directly. There are no technical points arising.

[11] **Mr George:** I would just note that they do break the 21-day rule, for the reasons that Gwyn has outlined.

[12] **Janet Ryder:** Is everyone content with those? I see that you are.

[13] We shall move on to CA542, the Food Labelling (Declaration of Allergens) (Wales) Regulations 2011.

[14] **Mr Griffiths:** Mae'r rhain yn rheoliadau eithaf bychain, eto. Y cyfan y maent yn ei wneud yw ymestyn y cyfnod eithriad o dan ddeddfwriaeth Ewrop ynglŷn â labelu gwin. Mae'r Comisiwn wedi penderfynu bod angen mwy o amser i wneud newid, ac, felly, mae'r cyfnod wedi cael ei ymestyn am 18 mis. **Mr Griffiths:** Again, these are not substantial regulations. All they do is extend the exemption period under European legislation for the labelling of wine. The Commission has decided that more time is required to make a change, and so the period has been extended by 18 months.

[15] **Janet Ryder:** We shall move on to CA543, the Council Tax and Non-Domestic

Rating (Amendment) (Wales) Regulations 2011.

[16] **Mr Griffiths:** Mae'r rhain yn ymwneud â'r costau y gall awdurdod lleol eu hawlio os yw'n gorfod mynd â threthdalwr i'r llys. Maent yn pennu uchafswm, ac mae'r memorandwm esboniadol yn esbonio'r peth yn eithaf manwl; mae'n sôn am ffioedd y llys ac yn y blaen. Nid oes dim byd technegol yn codi yn yr achos hwn ychwaith.

Mr Griffiths: These relate to the costs that a local authority could claim if it has to take a taxpayer to court. They set a maximum amount, and the explanatory memorandum explains things in some detail; it talks about court fees and so on. There are no technical points arising in this instance either.

[17] **Janet Ryder:** Are Members content? I see that you are.

[18] That brings us to CA551, the Fire and Rescue Authorities (Performance Indicators) (Wales) Order 2011.

[19] **Mr Griffiths:** Mae'r Gorchymyn hwn yn pennu'r targedau a'r dangosyddion perfformiad ar gyfer awdurdodau tân ac achub yn Nghymru. Maent yn cynnwys pethau fel nifer y bobl sy'n cael anafiadau neu sy'n cael eu lladd, fesul 100,000 y boblogaeth neu 10,000 o dai, ac yn y blaen. Nid oes dim yn arbennig i'w adrodd yn yr achos hwn.

Mr Griffiths: This Order sets the targets and performance indicators for fire and rescue authorities in Wales. They include things such as the number of people who are injured or killed, per 100,000 of the population or 10,000 properties, and so on. There is nothing in particular to report in this instance.

9.38 a.m.

**Offerynnau ac Offerynnau Drafft y Caiff y Cynulliad ei Wahodd i Roi Sylw
Arbennig iddynt o dan Reolau Sefydlog Rhifau 15.2 a/neu 15.3, Offerynnau sy'n
Agored i Gael eu Dirymu yn Unol â Phenderfyniad gan y Cynulliad (y Weithdrefn
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of the Assembly (Affirmative Procedure)**

[20] **Janet Ryder:** We shall move on to the Natural Mineral Water, Spring Water and Bottled Drinking Water (Wales) (Amendment) Regulations 2011. Previous regulations of this nature have come with quite a history.

[21] **Mr Griffiths:** Mater o ddatliad sydd yn yr achos hwn. Yr ydym wedi adrodd deirgwaith am ddiffygion sy'n ymwneud â'r rheoliadau labelu dŵr, oherwydd nad oedd modd labelu yn y Gymraeg. Cawsom dystiolaeth gan y Dirprwy Weinidog y llynedd ynglŷn â hynny, ac yr oedd pobl yn mynnu y byddai'r peth yn cael ei ddatrys. Mae'r peth bellach wedi'i ddatrys, ac mae'r rheoliadau hyn yn caniatáu labelu mewn ieithoedd eraill yn ogystal â'r Saesneg.

Mr Griffiths: There is cause for celebration in this instance. We have reported three times on deficiencies with regard to the regulations for the labelling of water, because it was not possible to include Welsh on the label. We received evidence from the Deputy Minister last year in this regard, and people were insisting that the matter would be resolved. The matter has now been resolved, and the regulations allow for labelling in English and other languages. Furthermore, the Deputy

Ymhellach i hynny, mae swyddogion y Minister's officials have also persuaded Dirprwy Weinidog hefyd wedi darbwyllo officials in Scotland and England to make swyddogion yn yr Alban ac yn Lloegr i equivalent regulations. Therefore, bilingual wneud rheoliadau cyfatebol. Felly, bydd labelling will be legal throughout Great labelu dwyieithog yn gyfreithlon ledled Britain. Prydain Fawr.

[22] **Janet Ryder:** Excellent. That is good news. I am really satisfied with that one.

[23] That brings us to CA535, the Student Fees (Approved Plans) (Wales) Regulations 2011, and CA536, the Student Fees (Amounts) (Wales) Regulations 2011. Would you like to deal with both of these together?

[24] **Mr Howells:** Mae'r rheoliadau hyn yn rhagnodi cynnwys cynulluniau wedi'u cymeradwyo cyn y gall sefydliad addysg godi ffioedd dros y swm sylfaenol o £4,000 y flwyddyn. Mae'n rhaid cael cynllun sydd yn hybu cyfle cyfartal, yn hybu addysg uwch, ac yn denu myfyrwyr o grwpiau nad ydynt bob amser yn derbyn addysg uwch. Os yw cynllun y sefydliad yn bodloni'r gofynion hyn, gall y sefydliad godi ffioedd o hyd at £9,000 y flwyddyn. Mae'n rhaid dilyn y weithdrefn gadarnhaol yn y rheoliadau hyn.

Mr Howells: These regulations prescribe the contents of approved plans before an institute of education may charge fees above the base rate of £4,000 per annum. There is a requirement to have a plan that promotes equal opportunities and higher education, and attracts students from groups that do not always receive higher education. If an approved plan fulfils these requirements, the institution may then charge fees of up to £9,000 per annum. The affirmative procedure must be followed in these regulations.

[25] **Janet Ryder:** There is nothing technical in these, but in terms of the regulations that go through regarding the new fees regulations, it is a matter for Members to decide whether they think that that would merit a short merits report or not.

[26] **Alun Davies:** I am content as they are.

[27] **William Graham:** So am I.

[28] **Janet Ryder:** Okay; we will leave it as it is.

[29] You will notice in your papers that the Members' research service has done some background work regarding that instrument. If Members are content, we will publish that so that other Members can see it before the regulations go through. Are Members content with that? I see that you are.

9.41 a.m.

Unrhyw Fusnes Arall a Dyddiad y Cyfarfod Nesaf Any Other Business and Date of the Next Meeting

[30] **Janet Ryder:** There is no other business. However, I remind Members that, next week, we will have the Counsel General and Leader of the Legislative Programme here to discuss his review and other issues that have arisen in recent months regarding points that might be of concern to him. There is nothing else; therefore, we will draw this meeting to a conclusion. Thank you very much for attending.

*Daeth y cyfarfod i ben am 9.42 a.m.
The meeting ended at 9.42 a.m.*