



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

**Pwyllgor Deddfwriaeth Rhif 2
Legislation Committee No. 2**

**Dydd Iau, 21 Hydref 2010
Thursday, 21 October 2010**

Cynnwys
Contents

- 4 Cyflwyniad, Ymddiheuriadau a Dirprwyon
Introduction, Apologies and Substitutions
- 5 Mesur Arfaethedig y Gymraeg (Cymru)—Cyfnod 2: Ystyried y Gwelliannau
The Proposed Welsh Language (Wales) Measure—Stage 2: Consideration of
Amendments
- 5 Grŵp 1: Safonau—Personau Eraill sy'n Agored i Orfod Cydymffurfio â Safonau
(Gwelliannau 123, 124 a 125)
Group 1: Standards—Other Persons Liable to Comply with Standards (Amendments
123, 124 and 125)
- 9 Grŵp 2: Safonau—Pennu (Gwelliannau 184, 26 a 42)
Group 2: Standards—Specification (Amendments 184, 26 and 42)
- 14 Grŵp 3: Safonau—Cais ar gyfer Hawl i Herio (Gwelliannau 187 a 188)
Group 3: Standards—Application for a Right of Challenge (Amendments 187 and
188)
- 15 Grŵp 4: Apelau yn erbyn Gosod Safonau (Gwelliannau 37, 40 a 38)
Group 4: Appeals against the Imposition of Standards (Amendments 37, 40 and 38)
- 22 Grŵp 6: Gorfodi—Ymchwilio i Fethiant i Gydymffurfio â Safonau (Gwelliannau
157, 48 a 52)
Group 6: Enforcement—Investigating Failure to Comply with Standards
(Amendments 157, 48 and 52)
- 26 Grŵp 7: Gorfodi—Cosbau Sifil (Gwelliant 180)
Group 7: Enforcement—Civil Penalties (Amendment 180)
- 27 Grŵp 6: Gorfodi—Ymchwilio i Fethiant i Gydymffurfio â Safonau (Gwelliannau
157, 48 a 52): Parhad
Group 6: Enforcement—Investigating Failure to Comply with Standards
(Amendments 157, 48 and 52): Continued
- 28 Grŵp 7: Gorfodi—Cosbau Sifil (Gwelliant 180): Parhad
Group 7: Enforcement—Civil Penalties (Amendment 180): Continued
- 29 Grŵp 8: Gorfodi mewn perthynas ag Apelau ynghylch Safonau (Gwelliannau 164,
165, 166, 167, 168, 169, 50, 170 a 51)
Group 8: Enforcement relating to Standards Appeals (Amendments 164, 165, 166,
167, 168, 169, 50, 170 and 51)
- 33 Grŵp 9: Rhyddid i Ddefnyddio'r Gymraeg—Apelau i Dribiwnlys y Gymraeg
(Gwelliannau 190, 191 a 189)
Group 9: Freedom to Use Welsh—Appeals to the Welsh Language Tribunal
(Amendments 190, 191 and 189)
- 35 Grŵp 10: Tribiwnlys y Gymraeg (Gwelliannau 171, 172, 137, 140, 56, 57 a 58)
Group 10: Welsh Language Tribunal (Amendments 171, 172, 137, 140, 56, 57 and
58)

- 43 Grŵp 11: Swyddogaethau Bwrdd yr Iaith Gymraeg o dan Ddeddf yr Iaith Gymraeg 1993 (Gwelliant 173)
Group 11: Welsh Language Board Functions under the Welsh Language Act 1993 (Amendment 173)
- 46 Grŵp 12: Cyfnodau Trosiannol (Gwelliant 174)
Group 12: Transitional Stages (Amendment 174)
- 48 Grŵp 13: Is-ddeddfwriaeth (Gwelliant 62)
Group 13: Subordinate Legislation (Amendment 62)
- 51 Grŵp 14: Cynllun Gweithredu Strategaeth Iaith Gymraeg a Chyngor Partneriaeth y Gymraeg (Gwelliannau 60, 61 a 2)
Group 14: Welsh Language Strategy Action Plan and Welsh Language Partnership Council (Amendments 60, 61 and 2)
- 53 Grŵp 15: Hawliau Mewn Perthynas â Safonau (Gwelliannau 177 a 192)
Group 15: Rights in Relation to Standards (Amendments 177 and 192)
- 57 Grŵp 16: Rhwymedi'r Unigolion (Gwelliant 179)
Group 16: Individual Remedy (Amendment 179)

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

Lorraine Barrett	Llafur (yn dirprwyo ar ran Lynne Neagle) Labour (substitute for Lynne Neagle)
Paul Davies	Ceidwadwyr Cymreig (yn dirprwyo ar ran Brynle Williams) Welsh Conservatives (substitute for Brynle Williams)
Gareth Jones	Plaid Cymru The Party of Wales
Val Lloyd	Llafur (Cadeirydd y Pwyllgor) Labour (Chair of the Committee)
Rhodri Morgan	Llafur Labour
Jenny Randerson	Democratiaid Rhyddfrydol Cymru Welsh Liberal Democrats

Eraill yn bresennol
Others in attendance

Nerys Arch	Gwasanaethau Cyfreithiol, Llywodraeth Cynulliad Cymru Legal Services, Welsh Assembly Government
Alun Ffred Jones	Aelod Cynulliad, Plaid Cymru (y Gweinidog dros Dreftadaeth) Assembly Members, The Party of Wales (the Minister for Heritage)
Dr Huw Onllwyn Jones	Pennaeth Uned Bolisi'r Iaith Gymraeg a'r Cyfryngau, Llywodraeth Cynulliad Cymru Head of Welsh Language and Media Policy Unit, Welsh Assembly Government
Leanne Wood	Aelod Cynulliad, Plaid Cymru Assembly Member, The Party of Wales

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

Karl Gomila	Dirprwy Glerc Deputy Clerk
Claire Griffiths	Dirprwy Glerc Deputy Clerk
Gwyn Griffiths	Uwch-gynghorydd Cyfreithiol Senior Legal Adviser
Gareth Williams	Clerc Clerk

Dechreuodd y cyfarfod am 1.29 p.m.
The meeting began at 1.29 p.m.

Cyflwyniad, Ymddiheuriadau a Dirprwyon
Introduction, Apologies and Substitutions

[1] **Val Lloyd:** Good afternoon, everyone, and welcome to this afternoon's meeting of Legislation Committee No. 2 at which we are considering the Proposed Welsh Language (Wales) Measure. Paul Davies is substituting for Brynle Williams, and Lorraine Barrett is substituting for Lynne Neagle. I have agreed that Leanne Wood may participate in the committee today in accordance with Standing Order No. 10.43. Welcome, Leanne.

[2] In the event of the fire alarm sounding, Members should please leave via the marked fire exits, one of which is in the left-hand corner of the room. No test is expected, so it will be for real if it sounds. Please turn off all mobile phones and similar devices as they interfere with the broadcasting equipment. As you know, the National Assembly for Wales operates through the media of both the Welsh and English languages. Headphones will provide the simultaneous translation on channel 1 and amplification of the sound on channel 0. Please do not touch any of the buttons on your microphones, as they come on automatically.

1.30 p.m.

**Mesur Arfaethedig y Gymraeg (Cymru)—Cyfnod 2: Ystyried y Gwelliannau
The Proposed Welsh Language (Wales) Measure—Stage 2: Consideration of
Amendments**

[3] **Val Lloyd:** Members should have before them three items: a copy of the proposed Measure, the marshalled list of amendments, and the groupings of the amendments for debate. The marshalled list of amendments is a list of all the amendments tabled marshalled into the order in which the sections to which they relate appear in the proposed Measure. Schedules will be considered with the relevant sections that introduce them. You will see from the groupings list that amendments have been grouped to facilitate the debate, but the order in which they are called and moved for a decision is dictated by the marshalled list. The groups for debate are different from those that we used at last week's meeting. I will inform you when we come to an amendment that was debated last week and indicate in which group it was debated, to refresh our memories.

[4] The meeting will follow the same format as last week. For the record, only committee members may move amendments. I will move amendments for the Minister and for Leanne Wood, if desired. Does anyone want anything to be clarified? I see that you do not.

[5] Before we move to the substantive business, I remind Members that, at the last meeting on Thursday, 14 October, the committee deemed agreed sections 1 to 32(1)(a), including Schedules 1 to 7. We will therefore start today's business with section 32(1)(b).

**Grŵp 1: Safonau—Personau Eraill sy'n Agored i Orfod Cydymffurfio â Safonau
(Gwelliannau 123, 124 a 125)**

**Group 1: Standards—Other Persons Liable to Comply with Standards (Amendments
123, 124 and 125)**

[6] **Val Lloyd:** In this group, the lead amendment is amendment 123. Minister, do you wish amendment 123 in your name to be moved?

[7] **The Minister for Heritage (Alun Ffred Jones):** Yes.

[8] **Val Lloyd:** I move amendment 123 in the name of Alun Ffred Jones. I call on the Minister to speak to amendment 123 and the other amendments in the group.

[9] **Alun Ffred Jones:** I will speak to amendments 123, 124 and 125 together. These amendments were tabled as a direct response to the concerns expressed by stakeholders and the recommendation of this committee's Stage 1 report that

[10] 'Schedule 8 be amended to clarify that the standards will not apply to LPG providers'.

[11] Unless Members wish me to give further information, I trust that the members of the

committee will support these amendments.

[12] **Val Lloyd:** I see that there are no further speakers. Minister, do you wish to proceed directly to a vote on amendment 123?

[13] **Alun Ffred Jones:** Yes, please.

[14] **Val Lloyd:** The question is that amendment 123 be agreed to. I call for a vote.

*Gwelliant 123: O blaid 5, Ymatal 0, Yn erbyn 0.
Amendment 123: For 5, Abstain 0, Against 0.*

Pleidleisiodd yr Aelodau canlynol o blaid:
The following Members voted for:

Barrett, Lorraine
Davies, Paul
Jones, Gareth
Morgan, Rhodri
Randerson, Jenny

*Derbyniwyd gwelliant 123.
Amendment 123 agreed.*

[15] **Val Lloyd:** Minister, do you want to amendment 124 in your name to be moved?

[16] **Alun Ffred Jones:** Yes, please.

[17] **Val Lloyd:** I move amendment 124 in the name of the Minister. The question is that amendment 124 be agreed to. I call for a vote.

*Gwelliant 124: O blaid 5, Ymatal 0, Yn erbyn 0.
Amendment 124: For 5, Abstain 0, Against 0.*

Pleidleisiodd yr Aelodau canlynol o blaid:
The following Members voted for:

Barrett, Lorraine
Davies, Paul
Jones, Gareth
Morgan, Rhodri
Randerson, Jenny

*Derbyniwyd gwelliant 124.
Amendment 124 agreed.*

[18] **Val Lloyd:** Minister, do you want to amendment 125 in your name to be moved?

[19] **Alun Ffred Jones:** Yes.

[20] **Val Lloyd:** I move amendment 125 in the name of the Minister. The question is that amendment 125 be agreed to. I call for a vote.

*Gwelliant 125: O blaid 5, Ymatal 0, Yn erbyn 0.
Amendment 125: For 5, Abstain 0, Against 0.*

Pleidleisiodd yr Aelodau canlynol o blaid:
The following Members voted for:

Barrett, Lorraine
Davies, Paul
Jones, Gareth
Morgan, Rhodri
Randerson, Jenny

*Derbyniwyd gwelliant 125.
Amendment 125 agreed.*

[21] **Val Lloyd:** In accordance with the marshalled list, we now come to dispose of amendment 155 in the name of Jenny Randerson, which was discussed at our meeting last week. It relates to standards and bodies subject to standards—consultation. I invite Jenny Randerson to move amendment 155.

[22] **Jenny Randerson:** I move amendment 155 in my name.

[23] **Val Lloyd:** Is it your wish to proceed to a vote?

[24] **Jenny Randerson:** Yes, please.

[25] **Val Lloyd:** The question is that amendment 155 be agreed to. I call for a vote.

*Gwelliant 155: O blaid 2, Ymatal 0, Yn erbyn 3.
Amendment 155: For 2, Abstain 0, Against 3.*

Pleidleisiodd yr Aelodau canlynol o blaid:
The following Members voted for:

Davies, Paul
Randerson, Jenny

Pleidleisiodd yr Aelodau canlynol yn erbyn:
The following Members voted against:

Barrett, Lorraine
Jones, Gareth
Morgan, Rhodri

*Gwrthodwyd gwelliant 155.
Amendment 155 not agreed.*

[26] **Val Lloyd:** Minister, do you wish amendment 22 in your name to be moved?

[27] **Alun Ffred Jones:** Yes.

[28] **Val Lloyd:** I move amendment 22 in the name of Alun Ffred Jones. We discussed this at our meeting on 14 October. The question is that amendment 22 be agreed to. I call for a vote.

*Gwelliant 22: O blaid 5, Ymatal 0, Yn erbyn 0.
Amendment 22: For 5, Abstain 0, Against 0.*

Pleidleisiodd yr Aelodau canlynol o blaid:
The following Members voted for:

Barrett, Lorraine
Davies, Paul
Jones, Gareth
Morgan, Rhodri
Randerson, Jenny

*Derbyniwyd gwelliant 22.
Amendment 22 agreed.*

[29] **Val Lloyd:** We now come to consider amendment 154, tabled in the name of Jenny

Randerson. I invite you to move the amendment.

[30] **Jenny Randerson:** I move amendment 154 in my name.

[31] **Val Lloyd:** This was also discussed at last week's meeting. Jenny, do you wish to move to a vote?

[32] **Jenny Randerson:** Yes, please.

[33] **Val Lloyd:** The question is that amendment 154 be agreed to. I call for a vote.

Gwelliant 154: O blaid 2, Ymatal 0, Yn erbyn 3.

Amendment 154: For 2, Abstain 0, Against 3.

Pleidleisiodd yr Aelodau canlynol o blaid:
The following Members voted for:

Davies, Paul
Randerson, Jenny

Pleidleisiodd yr Aelodau canlynol yn erbyn:
The following Members voted against:

Barrett, Lorraine
Jones, Gareth
Morgan, Rhodri

Gwrthodwyd gwelliant 154.

Amendment 154 not agreed.

[34] **Val Lloyd:** According to the marshalled list, the next amendment to be considered is amendment 23, tabled in the name of the Minister and discussed at last week's meeting. Minister, would you like the amendment moved and put to a vote?

[35] **Alun Ffred Jones:** Yes, please.

[36] **Val Lloyd:** I move amendment 23 in the name of the Minister. The question is that amendment 23 be agreed to. I call for a vote.

Gwelliant 23: O blaid 5, Ymatal 0, Yn erbyn 0.

Amendment 23: For 5, Abstain 0, Against 0.

Pleidleisiodd yr Aelodau canlynol o blaid:
The following Members voted for:

Barrett, Lorraine
Davies, Paul
Jones, Gareth
Morgan, Rhodri
Randerson, Jenny

Derbyniwyd gwelliant 23.

Amendment 23 agreed.

[37] **Val Lloyd:** The next amendment is amendment 24. Minister, would you like it moved and put to a vote?

[38] **Alun Ffred Jones:** Yes.

[39] **Val Lloyd:** I move amendment 24 in the name of Alun Ffred Jones. The question is that amendment 24 be agreed to. I call for a vote.

Gwelliant 24: O blaid 5, Ymatal 0, Yn erbyn 0.

Amendment 24: For 5, Abstain 0, Against 0.

Pleidleisiodd yr Aelodau canlynol o blaid:
The following Members voted for:

Barrett, Lorraine
Davies, Paul
Jones, Gareth
Morgan, Rhodri
Randerson, Jenny

*Derbyniwyd gwelliant 24.
Amendment 24 agreed.*

[40] **Val Lloyd:** The final amendment in this section is amendment 25. Minister do you wish me to move that amendment in your name?

[41] **Alun Ffred Jones:** Yes, please.

[42] **Val Lloyd:** I move amendment 25 in the name of Alun Ffred Jones. The question is that the amendment 25 be agreed to. I call for a vote.

*Gwelliant 25: O blaid 5, Ymatal 0, Yn erbyn 0.
Amendment 25: For 5, Abstain 0, Against 0.*

Pleidleisiodd yr Aelodau canlynol o blaid:
The following Members voted for:

Barrett, Lorraine
Davies, Paul
Jones, Gareth
Morgan, Rhodri
Randerson, Jenny

*Derbyniwyd gwelliant 25.
Amendment 25 agreed.*

**Grŵp 2: Safonau—Pennu (Gwelliannau 184, 26 a 42)
Group 2: Standards—Specification (Amendments 184, 26 and 42)**

[43] **Val Lloyd:** We now move to amendment 184, tabled in the name of Leanne Wood. Leanne, do you wish to have the amendment moved?

[44] **Leanne Wood:** I do not wish to have this amendment moved, thanks.

[45] **Val Lloyd:** The Member does not wish to move this amendment. Does any Member wish to move amendment 184 in the name of Leanne Wood? I see that you do not. The amendment is therefore not moved.

*Ni chynigiwyd gwelliant 184.
Amendment 184 not moved.*

[46] **Val Lloyd:** Amendment 26 becomes the lead amendment in group 2, which deals with the specification of standards. Minister, would you like me to move amendment 26 in your name?

[47] **Alun Ffred Jones:** Yes, please.

[48] **Val Lloyd:** I move amendment 26 in the name of Alun Ffred Jones. Minister, I invite

you to speak to the amendment and the other amendment in the group.

[49] **Alun Ffred Jones:** Amendment 26 should be read alongside amendment 42, so I will discuss both together.

[50] Amendment 26 provides that, in certain circumstances, the Welsh Ministers need not secure that regulations under section 38 provide for service delivery standards to be specifically applicable to a person in relation to an activity specified in Schedule 9, which is carried out by that person. The exception applies if making service delivery standards specifically applicable in relation to a particular activity specified in Schedule 9 would, in the view of either the commissioner or the Welsh Ministers, be unreasonable or disproportionate.

[51] Amendment 26 allows the Welsh Ministers not to make service delivery standards specifically applicable to a person in relation to a particular Schedule 9 activity either where the commissioner's standards report reaches the conclusion that it would be unreasonable or disproportionate to do so, or where the Welsh Ministers think that it would be unreasonable or disproportionate to do so.

[52] Amendment 42 provides that, where the commissioner decides, or is directed, that a standards investigation is to consider whether service delivery standards should be specifically applicable to a person, the standards investigation must consider in relation to each of the Schedule 9 activities carried out by the person being investigated whether it would be reasonable and proportionate for service delivery standards to apply specifically to that person. Where the commissioner is of the view that it is reasonable and proportionate for service delivery standards to be made specifically applicable to a person in relation to a given activity, the standards investigation must conclude that service delivery standards should apply to that person in relation to that activity.

1.40 a.m.

[53] In effect, amendment 42 means that the standards investigation carried out by the commissioner must conclude that a service delivery standard should be made specifically applicable to a particular person in relation to a particular Schedule 9 activity carried out by that person, if the commissioner is of the view that it is reasonable and proportionate to impose a service delivery standard on that person in relation to that activity. The standards report must set out that conclusion and give reasons for reaching it. If service delivery standards have not been specified in regulations by the Welsh Ministers in relation to the particular Schedule 9 activity, the report must set out one or more service delivery standards in relation to that activity. However, amendment 42 will allow the commissioner to conclude in the standards report that, in relation to a particular Schedule 9 activity carried out by a person, it would be unreasonable and/or disproportionate to make a service delivery standard applicable to that person.

[54] Without amendments 26 and 42, under section 41 of the proposed Measure as introduced, and to the extent that service delivery standards have been specified in regulations, the Welsh Ministers have to make service delivery standards specifically applicable in relation to all Schedule 9 activities carried out by a person. Therefore, it is implicit that the commissioner, in turn, is charged with recommending a service delivery standard that is reasonable and proportionate in relation to each Schedule 9 activity carried out by a person. That could create difficulties where the commissioner is of the view that, in relation to a particular Schedule 9 activity carried out by a person, no standard can be concluded to be reasonable and proportionate.

[55] Therefore, amendments 26 and 42 will ensure that the commissioner has a discretion to conclude that in relation to a particular Schedule 9 activity carried out by a person, it would

be unreasonable and/or disproportionate to make a service delivery standard applicable to that person, and that the Ministers, in turn, have the discretion not to make service delivery standards specifically applicable to a person in relation to a particular Schedule 9 activity.

[56] I would therefore urge the committee to support amendments 26 and 42.

[57] **Val Lloyd:** I see that no-one else wishes to speak to the amendments. Minister, do you wish to proceed to a vote on amendment 26?

[58] **Alun Ffred Jones:** Yes.

[59] **Val Lloyd:** The question is that amendment 26 be agreed to. I call for a vote.

*Gwelliant 26: O blaid 5, Ymatal 0, Yn erbyn 0.
Amendment 26: For 5, Abstain 0, Against 0.*

Pleidleisiodd yr Aelodau canlynol o blaid:
The following Members voted for:

Barrett, Lorraine
Davies, Paul
Jones, Gareth
Morgan, Rhodri
Randerson, Jenny

*Derbyniwyd gwelliant 26.
Amendment 26 agreed.*

[60] **Val Lloyd:** According to the marshalled list, we now come to dispose of amendment 27, which was discussed at the meeting on 14 October. Minister, would you like amendment 27 in your name to be moved?

[61] **Alun Ffred Jones:** Yes.

[62] **Val Lloyd:** I move amendment 27 in the name of Alun Fred Jones. The question is that amendment 27 be agreed to. I call for a vote.

*Gwelliant 27: O blaid 5, Ymatal 0, Yn erbyn 0.
Amendment 27: For 5, Abstain 0, Against 0.*

Pleidleisiodd yr Aelodau canlynol o blaid:
The following Members voted for:

Barrett, Lorraine
Davies, Paul
Jones, Gareth
Morgan, Rhodri
Randerson, Jenny

*Derbyniwyd gwelliant 27.
Amendment 27 agreed.*

[63] **Val Lloyd:** The next amendment is amendment 28. Minister, would you like amendment 28 in your name to be moved?

[64] **Alun Ffred Jones:** Yes.

[65] **Val Lloyd:** I move amendment 28 in the name of Alun Ffred Jones. The question is

that amendment 28 be agreed to. I call for a vote.

Gwelliant 28: O blaid 5, Ymatal 0, Yn erbyn 0.
Amendment 28: For 5, Abstain 0, Against 0.

Pleidleisiodd yr Aelodau canlynol o blaid:
The following Members voted for:

Barrett, Lorraine
Davies, Paul
Jones, Gareth
Morgan, Rhodri
Randerson, Jenny

Derbyniwyd gwelliant 28.
Amendment 28 agreed.

[66] **Val Lloyd:** We now come to dispose of amendment 29. Minister, would you like amendment 29 in your name to be moved?

[67] **Alun Ffred Jones:** Yes.

[68] **Val Lloyd:** I move amendment 29 in the name of Alun Ffred Jones. The question is that amendment 29 be agreed to. I call for a vote.

Gwelliant 29: O blaid 5, Ymatal 0, Yn erbyn 0.
Amendment 29: For 5, Abstain 0, Against 0.

Pleidleisiodd yr Aelodau canlynol o blaid:
The following Members voted for:

Barrett, Lorraine
Davies, Paul
Jones, Gareth
Morgan, Rhodri
Randerson, Jenny

Derbyniwyd gwelliant 29.
Amendment 29 agreed.

[69] **Val Lloyd:** We now come to dispose of amendment 30. Minister, would you like amendment 30 in your name to be moved?

[70] **Alun Ffred Jones:** Yes.

[71] **Val Lloyd:** I move amendment 30 in the name of Alun Ffred Jones. The question is that amendment 30 be agreed to. I call for a vote.

Gwelliant 30: O blaid 5, Ymatal 0, Yn erbyn 0.
Amendment 30: For 5, Abstain 0, Against 0.

Pleidleisiodd yr Aelodau canlynol o blaid:
The following Members voted for:

Barrett, Lorraine
Davies, Paul
Jones, Gareth
Morgan, Rhodri
Randerson, Jenny

*Derbyniwyd gwelliant 30.
Amendment 30 agreed.*

[72] **Val Lloyd:** The next is amendment is amendment 31. Minister, would you like amendment 31 in your name to be moved?

[73] **Alun Ffred Jones:** Yes.

[74] **Val Lloyd:** I move amendment 31 in the name of Alun Ffred Jones. The question is that amendment 31 be agreed to. I call for a vote.

*Gwelliant 31: O blaid 5, Ymatal 0, Yn erbyn 0.
Amendment 31: For 5, Abstain 0, Against 0.*

Pleidleisiodd yr Aelodau canlynol o blaid:
The following Members voted for:

Barrett, Lorraine
Davies, Paul
Jones, Gareth
Morgan, Rhodri
Randerson, Jenny

*Derbyniwyd gwelliant 31.
Amendment 31 agreed.*

[75] **Val Lloyd:** We now come to dispose of amendment 32. Minister, would you like amendment 32 in your name to be moved?

[76] **Alun Ffred Jones:** Yes.

[77] **Val Lloyd:** I move amendment 32 in the name of Alun Ffred Jones. The question is that amendment 32 be agreed to. I call for a vote.

*Gwelliant 32: O blaid 5, Ymatal 0, Yn erbyn 0.
Amendment 32: For 5, Abstain 0, Against 0.*

Pleidleisiodd yr Aelodau canlynol o blaid:
The following Members voted for:

Barrett, Lorraine
Davies, Paul
Jones, Gareth
Morgan, Rhodri
Randerson, Jenny

*Derbyniwyd gwelliant 32.
Amendment 32 agreed.*

[78] **Val Lloyd:** We now come to dispose of amendment 33. Minister, would you like amendment 33 in your name to be moved?

[79] **Alun Ffred Jones:** Yes.

[80] **Val Lloyd:** I move amendment 33 in the name of Alun Ffred Jones. The question is that amendment 33 be agreed to. I call for a vote.

Gwelliant 33: O blaid 5, Ymatal 0, Yn erbyn 0.

Amendment 33: For 5, Abstain 0, Against 0.

Pleidleisiodd yr Aelodau canlynol o blaid:
The following Members voted for:

Barrett, Lorraine
Davies, Paul
Jones, Gareth
Morgan, Rhodri
Randerson, Jenny

*Derbyniwyd gwelliant 33.
Amendment 33 agreed.*

Grŵp 3: Safonau—Cais ar gyfer Hawl i Herio (Gwelliannau 187 a 188)
Group 3: Standards—Application for a Right of Challenge (Amendments 187 and 188)

[81] **Val Lloyd:** In this group, the first amendment to be considered is amendment 187. Leanne, do you wish for amendment 187 in your name to be moved?

[82] **Leanne Wood:** No, thank you.

*Ni symudwyd gwelliant 187.
Amendment 187 not moved.*

[83] We now come to dispose of amendment 188. Leanne, would you like amendment 188 in your name to be moved?

[84] **Leanne Wood:** No, thank you.

*Ni symudwyd gwelliant 188.
Amendment 188 not moved.*

[85] **Val Lloyd:** In accordance with the marshalled list, we come to dispose of amendment 34, which we discussed at our meeting on 14 October. Minister, would you like amendment 34 in your name to be moved?

[86] **Alun Ffred Jones:** Yes.

[87] **Val Lloyd:** I move amendment 34 in the name of Alun Ffred Jones. I call for a vote. The question is that amendment 34 be agreed to. I call for a vote.

*Gwelliant 34: O blaid 5, Ymatal 0, Yn erbyn 0.
Amendment 34: For 5, Abstain 0, Against 0.*

Pleidleisiodd yr Aelodau canlynol o blaid:
The following Members voted for:

Barrett, Lorraine
Davies, Paul
Jones, Gareth
Morgan, Rhodri
Randerson, Jenny

*Derbyniwyd gwelliant 34.
Amendment 34 agreed.*

[88] **Val Lloyd:** We now come to dispose of amendment 35. Minister, would you like

amendment 35 in your name to be moved?

[89] **Alun Ffred Jones:** Yes.

[90] **Val Lloyd:** I move amendment 35 in the name of Alun Ffred Jones. The question is that amendment 35 be agreed to. I call for a vote.

*Gwelliant 35: O blaid 5, Ymatal 0, Yn erbyn 0.
Amendment 35: For 5, Abstain 0, Against 0.*

Pleidleisiodd yr Aelodau canlynol o blaid:
The following Members voted for:

Barrett, Lorraine
Davies, Paul
Jones, Gareth
Morgan, Rhodri
Randerson, Jenny

*Derbyniwyd gwelliant 35.
Amendment 35 agreed.*

[91] **Val Lloyd:** We now come to dispose of amendment 36. Minister, would you like amendment 36 in your name to be moved?

[92] **Alun Ffred Jones:** Yes.

[93] **Val Lloyd:** I move amendment 36 in the name of Alun Ffred Jones. The question is that amendment 36 be agreed to. I call for a vote.

*Gwelliant 36: O blaid 5, Ymatal 0, Yn erbyn 0.
Amendment 36: For 5, Abstain 0, Against 0.*

Pleidleisiodd yr Aelodau canlynol o blaid:
The following Members voted for:

Barrett, Lorraine
Davies, Paul
Jones, Gareth
Morgan, Rhodri
Randerson, Jenny

*Derbyniwyd gwelliant 36.
Amendment 36 agreed.*

Grŵp 4: Apelau yn erbyn Gosod Safonau (Gwelliannau 37, 40 a 38)
Group 4: Appeals against the Imposition of Standards (Amendments 37, 40 and 38)

[94] **Val Lloyd:** The first amendment in this group to be considered is amendment 37. Minister, do you wish for amendment 37 in your name to be moved?

[95] **Alun Ffred Jones:** Yes.

[96] **Val Lloyd:** I move amendment 37 in the name of Alun Ffred Jones. I call on the Minister to speak to his amendments and the other amendments in the group.

[97] **Alun Ffred Jones:** Mae gwelliant 37 **Alun Ffred Jones:** Amendment 37 improves yn welliant i'r drafftio mewn perthynas â'r the drafting in relation to the right of appeal

hawl i apelio o dan adran 57. O dan yr adran hwnnw, caiff person apelio i'r tribiwnlys yn erbyn penderfyniad y comisiynydd nad yw gofyniad i gydymffurfio â safon, neu i gydymffurfio â safon mewn modd penodol, yn afresymol neu'n anghymesur. Mae'r gwelliant hwn yn egluro bod adran 57 yn rhwym wrth reolau'r tribiwnlys, sef rheolau sydd, ymysg pethau eraill, yn cael gwneud darpariaeth ynghylch y dull y caiff apelau o dan adran 57 eu cyflwyno. Bydd y gwelliant yn sicrhau cysondeb ag adran 91, sy'n gwneud darpariaeth ynghylch apelau i'r tribiwnlys mewn perthynas â phenderfyniadau'r comisiynydd a chamau gorfodi a gymerir ganddo ynghylch torri gofyniad perthnasol, er enghraifft os oes honiad bod person wedi torri safon. Felly, fe'ch anogaf i gefnogi gwelliant 37.

[98] Mae gwelliant 38 yn darparu modd i apelio yn erbyn penderfyniadau'r tribiwnlys o dan adran 57 y Mesur arfaethedig. Mewn sefyllfa lle mae'r tribiwnlys wedi dod i benderfyniad ynghylch apêl o dan adran 57, byddai gwelliant 38 yn caniatáu i berson wneud apêl yn erbyn y penderfyniad hwnnw i'r Uchel Lys ar bwynt cyfreithiol. Bydd yn rhaid cael caniatâd y tribiwnlys a'r Uchel Lys cyn y gellir apelio i'r Uchel Lys. Mae'r gwelliant yn sicrhau cysondeb ag adran 93, sy'n gwneud darpariaeth ynghylch apelau i'r Uchel Lys ar bwyntiau cyfreithiol mewn perthynas â phenderfyniadau'r comisiynydd a chamau gorfodi a gymerir ganddo ynghylch torri gofyniad perthnasol, fel honiad bod person wedi torri safon.

[99] Mae gwelliant 40 yn welliant i'r drafftio yn sgîl gwelliant 38. Felly, am rhesymau yr wyf wedi'u rhoi fe'ch anogaf i gefnogi gwelliannau 38 a 40.

[100] **Val Lloyd:** I see that there are no other speakers. Minister, do you wish to proceed to a vote on amendment 37?

[101] **Alun Ffred Jones:** Yes.

[102] **Val Lloyd:** The question is that amendment 37 be agreed to. I call for a vote.

*Gwelliant 37: O blaid 5, Ymatal 0, Yn erbyn 0.
Amendment 37: For 5, Abstain 0, Against 0.*

Pleidleisiodd yr Aelodau canlynol o blaid:

under section 57. Under that section a person may make an appeal to the against the commissioner's decision that to comply with a standard, or to comply with a standard in a particular way, is not unreasonable or disproportionate. The amendment clarifies that section 57 is subject to the rules of the tribunal, which, among other things, can make provision in relation to the way in which appeals under section 57 may be brought forward. The amendment will ensure consistency with section 91, which makes provision about appeals to the tribunal regarding the commissioner's decisions and enforcement actions taken by him in relation to a breach of a relevant requirement, such as an alleged breach of a standard. Therefore, I urge you to support amendment 37.

Amendment 38 provides a route by which to appeal against the decisions of the tribunal under section 57 of the proposed Measure. In a situation where the tribunal has come to a decision on an appeal under section 57, amendment 38 would enable a person to appeal to the High Court against that decision on a point of law. The permission of the tribunal and the High Court would be required before an appeal could be made to the High Court. The amendment ensures consistency with section 93, which makes provision for bringing an appeal to the High Court on points of law in relation to the commissioner's decisions and enforcement action taken by the commissioner regarding a breach of a relevant requirement, such as alleged breach of a standard.

Amendment 40 is an improvement to the drafting consequential upon amendment 38. Therefore, for the reasons that I have given, I urge you to support amendments 38 and 40.

The following Members voted for:

Barrett, Lorraine
Davies, Paul
Jones, Gareth
Morgan, Rhodri
Randerson, Jenny

*Derbyniwyd gwelliant 37.
Amendment 37 agreed.*

[103] **Val Lloyd:** We now come to dispose of amendment 39, which was discussed at last week's meeting. Minister, would you like amendment 39 in your name to be moved?

[104] **Alun Ffred Jones:** Yes.

[105] **Val Lloyd:** I move amendment 39 in the name of Alun Ffred Jones. The question is that amendment 39 be agreed to. I call for a vote.

*Gwelliant 39: O blaid 5, Ymatal 0, Yn erbyn 0.
Amendment 39: For 5, Abstain 0, Against 0.*

Pleidleisiodd yr Aelodau canlynol o blaid:
The following Members voted for:

Barrett, Lorraine
Davies, Paul
Jones, Gareth
Morgan, Rhodri
Randerson, Jenny

*Derbyniwyd gwelliant 39.
Amendment 39 agreed.*

[106] **Val Lloyd:** We now come to dispose of amendment 40. Minister, would you like amendment 40 in your name to be moved?

[107] **Alun Ffred Jones:** Yes.

[108] **Val Lloyd:** I move amendment 40 in the name of Alun Ffred Jones. The question is that amendment 40 be agreed to. I call for a vote.

*Gwelliant 40: O blaid 5, Ymatal 0, Yn erbyn 0.
Amendment 40: For 5, Abstain 0, Against 0.*

Pleidleisiodd yr Aelodau canlynol o blaid:
The following Members voted for:

Barrett, Lorraine
Davies, Paul
Jones, Gareth
Morgan, Rhodri
Randerson, Jenny

*Derbyniwyd gwelliant 40.
Amendment 40 agreed.*

1.50 p.m.

[109] **Val Lloyd:** We now come to dispose of amendment 41. Minister, do you wish

amendment 41 in your name to be moved?

[110] **Alun Ffred Jones:** Yes, please.

[111] **Val Lloyd:** I move amendment 41 in the name of Alun Ffred Jones. The question is that amendment 41 be agreed to. I call for a vote.

*Gwelliant 41: O blaid 5, Ymatal 0, Yn erbyn 0.
Amendment 41: For 5, Abstain 0, Against 0.*

Pleidleisiodd yr Aelodau canlynol o blaid:
The following Members voted for:

Barrett, Lorraine
Davies, Paul
Jones, Gareth
Morgan, Rhodri
Randerson, Jenny

*Derbyniwyd gwelliant 41.
Amendment 41 agreed.*

[112] **Val Lloyd:** We now come to dispose of amendment 42. Minister, would you like amendment 42 in your name to be moved?

[113] **Alun Ffred Jones:** Yes, please.

[114] **Val Lloyd:** I move amendment 42 in the name of Alun Ffred Jones. The question is that amendment 42 be agreed to. I call for a vote.

*Gwelliant 42: O blaid 5, Ymatal 0, Yn erbyn 0.
Amendment 42: For 5, Abstain 0, Against 0.*

Pleidleisiodd yr Aelodau canlynol o blaid:
The following Members voted for:

Barrett, Lorraine
Davies, Paul
Jones, Gareth
Morgan, Rhodri
Randerson, Jenny

*Derbyniwyd gwelliant 42.
Amendment 42 agreed.*

**Grŵp 5: Ymchwiliadau Safonau (Gwelliannau 43, 44, 163 a 45)
Group 5: Standards Investigations (Amendments 43, 44, 163 and 45)**

[115] **Val Lloyd:** The lead amendment is amendment 43 in the name of the Minister. Minister, do you wish amendment 43 to be moved?

[116] **Alun Ffred Jones:** Yes, please.

[117] **Val Lloyd:** I move amendment 43 in the name of Alun Ffred Jones. I call on the Minister to speak to this amendment and the other amendments in the group.

[118] **Alun Ffred Jones:** Amendments 43 and 44 respond directly to the recommendation in this committee's Stage 1 report that section 61(2) be amended to provide that, in carrying

out a standards investigation, the commissioner must also consult the public. Amendments 43 and 44 will ensure that the commissioner must consult each relevant person as defined in section 61(4), the advisory panel and the public. However, the commissioner will not be required to consult the public if, or to the extent that, the commissioner considers it to be inappropriate to do so. For these reasons, I urge you to support amendments 43 and 44.

[119] With regard to non-Government amendment 163, I am not minded to single out specific additional categories of persons whom the commissioner must consult beyond each relevant person, the advisory panel and the public. There is a risk that, by imposing amendment 163 as a duty on the commissioner, we would place an onerous administrative burden on the commissioner. If we were to single out specific categories of persons, why stop at relevant regulatory or professional bodies? Once we start down this road, we could conclude that we should add further specific categories. For example, we might conclude that we should add organisations that fund the relevant persons or organisations that are regulated by the relevant person and so on.

[120] The commissioner would be placed under a duty to identify and contact all compulsory consultees individually in order to discharge his or her duty. That would be the case even if the standards related only to the internal activities of the body subject to investigation. Such consultation could be onerous for both the commissioner and the regulatory bodies consulted. There is nothing in the proposed Measure to prevent a professional or regulatory body from participating in a public consultation. Participants in a consultation will be sent a copy of the commissioner's standards report as a result of the amendments to section 62 of the proposed Measure. I am content that there will be sufficient opportunities for professional or regulatory bodies to participate in the development of standards without having to include specific provision in the proposed Measure that would place such onerous duties on the commissioner. Therefore, I urge you to resist amendment 163, tabled by Paul Davies.

[121] Amendment 45 removes the provision requiring the commissioner, after preparing a standards report following a standards investigation, to send a copy of the report to Welsh Ministers as well as to each person he or she consulted in carrying out a standards investigation under section 61. It replaces this with a provision that will require the commissioner, after preparing a standards report following a standards investigation, to send a copy of the report to each person who participated in the commissioner's consultation, each relevant person, defined, in the case of standards investigations relating to a particular person, as that person; and, in the case of standards investigations relating to a group of persons, those persons who appear to the commissioner to be members of the group and those whom the commissioner considers it appropriate to give a copy of the report; the advisory panel; and the Welsh Ministers. The amendment also provides that the commissioner may send a copy of the report to any other person he or she considers to have an interest in the report.

[122] This amendment deals with my concern that, if, in accordance with amendments 43 and 44, the commissioner were to consult the public, the proposed Measure as drafted would place a duty on him or her to send a copy of the standards report to every member of the public consulted. That would clearly be impractical and a waste of public money. In any case, it would be undesirable for the commissioner to be under a duty to send a copy of the report to persons with no interest in the outcome of an investigation. However, these amendments will ensure that any person who responds to a consultation undertaken by the commissioner will receive a copy of the standards report. I therefore urge the committee to support amendment 45.

[123] **Val Lloyd:** I call on Paul Davies to speak.

[124] **Paul Davies:** Yr wyf am siarad o **Paul Davies:** I wish to speak in support of

blaid gwelliant 163 yn fy enw i. Pwrpas y gwelliant hwn yw sicrhau bod y comisiynydd yn ymgynghori ag unrhyw gorff proffesiynol neu statudol sydd â diddordeb yn ymchwiliad y comisiynydd. Mae'n hanfodol bod ymchwiliadau'r comisiynydd yn agored ac yn dryloyw, felly mae'n hollbwysig fod sefydliadau statudol a chyrrff proffesiynol yn cael yr hawl i ddweud eu dweud mewn ymchwiliad i mewn i ddiffyg cydymffurfio â safonau a bod y comisiynydd yn ymgynghori â hwy. Er na fydd gan rai sefydliadau ddim diddordeb uniongyrchol mewn ymchwiliad, mae'n bwysig fod y comisiynydd yn ymgynghori mor eang ag sy'n bosibl. Drwy wneud hyn, bydd y comisiynydd yn sicrhau bod yr ymchwiliad yn un trwyadl, a bydd hyn hefyd yn rhoi hyder i bobl yn y system drwy sicrhau bod cyrrff yn cael yr hawl i'r comisiynydd ymgynghori â hwy. Er bod y Gweinidog yn dadlau bod y Mesur arfaethedig yn cynnwys pawb drwy gynnwys y gair 'cyhoedd', bydd fy ngwelliant yn sicrhau y bydd yn rhaid i'r comisiynydd ymgynghori â chyrrff proffesiynol a statudol sy'n berthnasol i'r ymchwiliad. Nid yw gwelliannau'r Llywodraeth yn dweud hynny ar hyn o bryd. Nid wyf yn cefnogi gwelliannau'r Llywodraeth, gan eu bod yn diddymu'r angen i'r comisiynydd ymgynghori ag unrhyw un y mae'n credu sydd â diddordeb yng nghanlyniad yr ymchwiliad. Mae'n bwysig fod gan y comisiynydd yr hyblygrwydd i ymgynghori ag unrhyw un sy'n berthnasol i'r ymchwiliad i ddiffyg cydymffurfio â safonau. Yr wyf yn erfyn ar y pwyllgor i gefnogi gwelliant 163.

amendment 163 in my name. The purpose of this amendment is to ensure that the commissioner consults any professional or statutory body that has an interest in an investigation by the commissioner. It is essential that the commissioner's investigations are open and transparent, so it is vital that statutory and professional bodies have the right to have their say in an investigation into non-compliance with standards and that the commissioner consults them. Although some organisations will not have a direct interest in an investigation, it is important that the commissioner consults as widely as possible. In doing this, the commissioner will ensure that the investigation is thorough, and this will also give people confidence in the system by ensuring that organisations have the right to be consulted. Although the Minister argues that the proposed Measure will include everyone by including the word 'public', my amendment will ensure that the commissioner must consult with professional and statutory bodies that are relevant to the investigation. The Government's amendments do not state this at the moment. I will not be supporting the Government amendments, because they eliminate the need for the commissioner to consult anyone who he considers has an interest in the result of the investigation. It is important that the commissioner has the flexibility to consult anyone who is relevant to an inquiry into non-compliance with standards. I urge the committee to support amendment 163.

[125] **Alun Ffred Jones:** I have made the point that if the commissioner undertakes a public consultation, there is nothing that could prevent any person from sending in their views to the commissioner. The commissioner is placed under a duty to consult the public, to the extent that the commissioner thinks it appropriate to do so. Therefore, there is nothing to stop anyone from taking part in such a consultation.

[126] **Val Lloyd:** Would you like to proceed to a vote on amendment 43, Minister?

[127] **Alun Ffred Jones:** Yes, please.

[128] **Val Lloyd:** The question is that amendment 43 be agreed to. I call for a vote.

Gwelliant 43: O blaid 3, Ymatal 0, Yn erbyn 2.

Amendment 43: For 3, Abstain 0, Against 2.

Pleidleisiodd yr Aelodau canlynol o blaid:
The following Members voted for:

Pleidleisiodd yr Aelodau canlynol yn erbyn:
The following Members voted against:

Barrett, Lorraine
Jones, Gareth
Morgan, Rhodri

Davies, Paul
Randerson, Jenny

*Derbyniwyd gwelliant 43.
Amendment 43 agreed.*

[129] **Val Lloyd:** Minister, would you like amendment 44 in your name to be moved?

[130] **Alun Ffred Jones:** Yes.

[131] **Val Lloyd:** I move amendment 44 in the name of the Minister. The question is that amendment 44 be agreed to. I call for a vote.

*Gwelliant 44: O blaid 3, Ymatal 0, Yn erbyn 2.
Amendment 44: For 3, Abstain 0, Against 2.*

Pleidleisiodd yr Aelodau canlynol o blaid:
The following Members voted for:

Barrett, Lorraine
Jones, Gareth
Morgan, Rhodri

Pleidleisiodd yr Aelodau canlynol yn erbyn:
The following Members voted against:

Davies, Paul
Randerson, Jenny

*Derbyniwyd gwelliant 44.
Amendment 44 agreed.*

[132] **Val Lloyd:** I invite Paul Davies to move amendment 163 in his name.

[133] **Paul Davies:** I move amendment 163 in my name.

[134] **Val Lloyd:** The question is that amendment 163 be agreed to. I call for a vote.

*Gwelliant 163: O blaid 2, Ymatal 0, Yn erbyn 3.
Amendment 163: For 2, Abstain 0, Against 3.*

Pleidleisiodd yr Aelodau canlynol o blaid:
The following Members voted for:

Davies, Paul
Randerson, Jenny

Pleidleisiodd yr Aelodau canlynol yn erbyn:
The following Members voted against:

Barrett, Lorraine
Jones, Gareth
Morgan, Rhodri

*Gwrthodwyd gwelliant 163.
Amendment 163 not agreed.*

[135] **Val Lloyd:** Minister, would you like amendment 45 in your name be moved?

[136] **Alun Ffred Jones:** Yes.

[137] **Val Lloyd:** I move amendment 45 in the name of the Minister. The question is that amendment 45 be agreed to. I call for a vote.

*Gwelliant 45: O blaid 3, Ymatal 0, Yn erbyn 2.
Amendment 45: For 3, Abstain 0, Against 2.*

Pleidleisiodd yr Aelodau canlynol o blaid:

Pleidleisiodd yr Aelodau canlynol yn erbyn:

The following Members voted for:

Barrett, Lorraine
Jones, Gareth
Morgan, Rhodri

The following Members voted against:

Davies, Paul
Randerson, Jenny

*Derbyniwyd gwelliant 45.
Amendment 45 agreed.*

Grŵp 6: Gorfodi—Ymchwilio i Fethiant i Gydymffurfio â Safonau (Gwelliannau 157, 48 a 52)

Group 6: Enforcement—Investigating Failure to Comply with Standards (Amendments 157, 48 and 52)

[138] **Val Lloyd:** We now come to group 6. The lead amendment is 157, and I call on Jenny Randerson to move and speak to the lead amendment and the other amendments in the group.

[139] **Jenny Randerson:** I move amendment 157 in my name.

[140] This amendment simply links section 70 with section 94. The purpose of this is to ensure that the commissioner may investigate without having received a complaint. It may be that the commissioner may have other evidence that leads him or her to feel that an investigation is necessary.

2.00 p.m.

[141] **Val Lloyd:** I see that no-one else wishes to speak. Minister, do you wish to reply to the debate?

[142] **Alun Ffred Jones:** The effect of amendment 157 would be to insert additional wording in section 70 to explain that the commissioner may investigate, as a result of a complaint made under section 94 or otherwise, whether or not a person has failed to comply with the relevant requirements. This amendment is unnecessary; the commissioner's power to investigate under section 70 is not restricted, either expressly or implicitly, to cases where a valid complaint has been made under section 94. Section 70 provides that the commissioner is given the power to investigate a failure to comply with the relevant requirement as defined in the section. The only limitation placed on the commissioner's power to investigate by section 70 is that contained in sub-section 70(3). This sub-section provides that:

[143] 'If the relevant requirement is a duty to comply with a standard, the Commissioner may undertake an investigation under this section only if he or she suspects that D has failed to comply with the relevant requirement.'

[144] Sub-section 70(3) does not state that the suspicion may be based only on a complaint made under section 94. For these reasons, I urge you not to support the amendment.

[145] **Val Lloyd:** Jenny, do you wish to reply?

[146] **Jenny Randerson:** I want to press ahead with this amendment for the purpose of clarity, because it is about the read-across from one bit of a complex piece of legislation to another. I did not understand the legislation in the way that the Minister has described, which means that it will be very complex for other people to understand it, too. The legislation implies that one has to have a complaint; it could be interpreted in that way, so I wish to put the amendment to a vote.

[147] **Val Lloyd:** The question is that amendment 157 be agreed to. I call for a vote.

*Gwelliant 157: O blaid 2, Ymatal 0, Yn erbyn 3.
Amendment 157: For 2, Abstain 0, Against 3.*

Pleidleisiodd yr Aelodau canlynol o blaid:
The following Members voted for:

Davies, Paul
Randerson, Jenny

Pleidleisiodd yr Aelodau canlynol yn erbyn:
The following Members voted against:

Barrett, Lorraine
Jones, Gareth
Morgan, Rhodri

*Gwrthodwyd gwelliant 157.
Amendment 157 not agreed.*

[148] **Val Lloyd:** Minister, do you wish amendment 126 in your name, which was discussed at our meeting last week, to be moved?

[149] **Alun Ffred Jones:** Yes.

[150] **Val Lloyd:** I move amendment 126 in the name of the Minister. The question is that amendment 126 be agreed to. I call for a vote.

*Gwelliant 126: O blaid 5, Ymatal 0, Yn erbyn 0.
Amendment 126: For 5, Abstain 0, Against 0.*

Pleidleisiodd yr Aelodau canlynol o blaid:
The following Members voted for:

Barrett, Lorraine
Davies, Paul
Jones, Gareth
Morgan, Rhodri
Randerson, Jenny

*Derbyniwyd gwelliant 126.
Amendment 126 agreed.*

[151] **Val Lloyd:** Minister, do you wish amendment 127 in your name to be moved?

[152] **Alun Ffred Jones:** Yes.

[153] **Val Lloyd:** I move amendment 127 in the name of the Minister. The question is that amendment 127 be agreed to. I call for a vote.

*Gwelliant 127: O blaid 5, Ymatal 0, Yn erbyn 0.
Amendment 127: For 5, Abstain 0, Against 0.*

Pleidleisiodd yr Aelodau canlynol o blaid:
The following Members voted for:

Barrett, Lorraine
Davies, Paul
Jones, Gareth
Morgan, Rhodri
Randerson, Jenny

*Derbyniwyd gwelliant 127.
Amendment 127 agreed.*

[154] **Val Lloyd:** Minister, do you wish amendment 128 in your name to be moved?

[155] **Alun Ffred Jones:** Yes.

[156] **Val Lloyd:** I move amendment 128 in the name of the Minister. The question is that amendment 128 be agreed to. I call for a vote.

*Gwelliant 128: O blaid 5, Ymatal 0, Yn erbyn 0.
Amendment 128: For 5, Abstain 0, Against 0.*

Pleidleisiodd yr Aelodau canlynol o blaid:
The following Members voted for:

Barrett, Lorraine
Davies, Paul
Jones, Gareth
Morgan, Rhodri
Randerson, Jenny

*Derbyniwyd gwelliant 128.
Amendment 128 agreed.*

[157] **Val Lloyd:** Minister, do you wish amendment 129 in your name to be moved?

[158] **Alun Ffred Jones:** Yes.

[159] **Val Lloyd:** I move amendment 129 in the name of the Minister. The question is that amendment 129 be agreed to. I call for a vote.

*Gwelliant 129: O blaid 5, Ymatal 0, Yn erbyn 0.
Amendment 129: For 5, Abstain 0, Against 0.*

Pleidleisiodd yr Aelodau canlynol o blaid:
The following Members voted for:

Barrett, Lorraine
Davies, Paul
Jones, Gareth
Morgan, Rhodri
Randerson, Jenny

*Derbyniwyd gwelliant 129.
Amendment 129 agreed.*

[160] **Val Lloyd:** Minister, do you wish amendment 130 in your name to be moved?

[161] **Alun Ffred Jones:** Yes.

[162] **Val Lloyd:** I move amendment 130 in the name of the Minister. The question is that amendment 130 be agreed to. I call for a vote.

*Gwelliant 130: O blaid 5, Ymatal 0, Yn erbyn 0.
Amendment 130: For 5, Abstain 0, Against 0.*

Pleidleisiodd yr Aelodau canlynol o blaid:
The following Members voted for:

Barrett, Lorraine

Davies, Paul
Jones, Gareth
Morgan, Rhodri
Randerson, Jenny

*Derbyniwyd gwelliant 130.
Amendment 130 agreed.*

[163] **Val Lloyd:** Minister, do you wish amendment 131 in your name to be moved?

[164] **Alun Ffred Jones:** Yes.

[165] **Val Lloyd:** I move amendment 131 in the name of the Minister. The question is that amendment 131 be agreed to. I call for a vote.

*Gwelliant 131: O blaid 5, Ymatal 0, Yn erbyn 0.
Amendment 131: For 5, Abstain 0, Against 0.*

Pleidleisiodd yr Aelodau canlynol o blaid:
The following Members voted for:

Barrett, Lorraine
Davies, Paul
Jones, Gareth
Morgan, Rhodri
Randerson, Jenny

*Derbyniwyd gwelliant 131.
Amendment 131 agreed.*

[166] **Val Lloyd:** Minister, do you wish amendment 132 in your name to be moved?

[167] **Alun Ffred Jones:** Yes.

[168] **Val Lloyd:** I move amendment 132 in the name of the Minister. The question is that amendment 132 be agreed to. I call for a vote.

*Gwelliant 132: O blaid 5, Ymatal 0, Yn erbyn 0.
Amendment 132: For 5, Abstain 0, Against 0.*

Pleidleisiodd yr Aelodau canlynol o blaid:
The following Members voted for:

Barrett, Lorraine
Davies, Paul
Jones, Gareth
Morgan, Rhodri
Randerson, Jenny

*Derbyniwyd gwelliant 132.
Amendment 132 agreed.*

[169] **Val Lloyd:** Minister, do you wish amendment 46 in your name to be moved?

[170] **Alun Ffred Jones:** Yes.

[171] **Val Lloyd:** I move amendment 46 in the name of the Minister. The question is that amendment 46 be agreed to. I call for a vote.

Gwelliant 46: O blaid 5, Ymatal 0, Yn erbyn 0.
Amendment 46: For 5, Abstain 0, Against 0.

Pleidleisiodd yr Aelodau canlynol o blaid:
The following Members voted for:

Barrett, Lorraine
Davies, Paul
Jones, Gareth
Morgan, Rhodri
Randerson, Jenny

Derbyniwyd gwelliant 46.
Amendment 46 agreed.

[172] **Val Lloyd:** Minister, do you wish amendment 47 in your name to be moved?

[173] **Alun Ffred Jones:** Yes.

[174] **Val Lloyd:** I move amendment 47 in the name of the Minister. The question is that amendment 47 be agreed to. I call for a vote.

Gwelliant 47: O blaid 5, Ymatal 0, Yn erbyn 0.
Amendment 47: For 5, Abstain 0, Against 0.

Pleidleisiodd yr Aelodau canlynol o blaid:
The following Members voted for:

Barrett, Lorraine
Davies, Paul
Jones, Gareth
Morgan, Rhodri
Randerson, Jenny

Derbyniwyd gwelliant 47.
Amendment 47 agreed.

Grŵp 7: Gorfodi—Cosbau Sifil (Gwelliant 180)
Group 7: Enforcement—Civil Penalties (Amendment 180)

[175] **Val Lloyd:** We now move on to group 7.

[176] **Alun Ffred Jones:** What about amendments 48 and 52? Are these amendments not in group 6? I did not speak to them.

[177] **Val Lloyd:** I have moved to group 7, Minister.

[178] **Alun Ffred Jones:** In group 6 there are another two amendments: 48 and 52.

[179] **Val Lloyd:** They should have been spoken to in the debate on group 6.

[180] **Alun Ffred Jones:** I see.

[181] **Val Lloyd:** That is according to the marshalled list.

[182] **Alun Ffred Jones:** Can we go back and do them?

[183] **Val Lloyd:** I will just take advice on that.

[184] The advice is ‘no’; we have moved on. Would you like to take a short break while we consider this?

[185] **Alun Ffred Jones:** Yes.

[186] **Val Lloyd:** I see that Members are in agreement, so we will take a short break.

*Gohiriwyd y cyfarfod rhwng 2.06 p.m. a 2.12 p.m.
The meeting adjourned between 2.06 p.m. and 2.12 p.m.*

Grŵp 6: Gorfodi—Ymchwilio i Fethiant i Gydymffurfio â Safonau (Gwelliannau 157, 48 a 52): Parhad

Group 6: Enforcement—Investigating Failure to Comply with Standards (Amendments 157, 48 and 52): Continued

[187] **Val Lloyd:** Good afternoon and welcome back. Under Standing Order No. 10.20, I propose, on this occasion, and with the committee’s agreement, in view of the misunderstanding, that we agree to debate amendments 48 and 52, as they have not been debated. Does the committee agree to that? I see that it does. Thank you.

[188] Minister, this group of amendments is in relation to enforcement in investigating failure to comply with standards. Do you wish to speak to amendments 48 and 52?

[189] **Alun Ffred Jones:** Yes. Amendment 48 will amend the duty placed upon the commissioner under section 84(6) of the proposed Measure. Under section 84, where the commissioner undertakes a section 70 investigation to, for example, breach of a standard, before the commissioner makes a final determination, or settles the investigation through his report, he or she must give the person being investigated, as well as the person who made the complaint that led to the investigation, the opportunity to make representations about the proposals. The commissioner must also give the person being investigated the opportunity to make representations about the further action, if any, that the commissioner proposes taking. Rather than having to consider any representations made by the person being investigated and the person whose complaint led to the investigation, the commissioner will have due regard to those representations before the commissioner does anything to which the representations relate. This is in keeping with the committee’s recommendation that we should consider other ways that highlight the role of the members of the public in achieving the aims of the proposed Measure. I urge the committee to support this amendment.

[190] With regard to amendment 52, which imposes a new duty on the commissioner, this amendment applies where the commissioner has carried out an investigation under section 70 following a complaint that a person who is required to comply with standards has failed to comply with a standard, and the commissioner’s determination following the investigation has been appealed under section 91 or 93. This amendment requires the commissioner to inform the person whose complaint led to the investigation about the lodging of the appeal and its outcome, in both cases, as soon as is reasonably practicable after the commissioner becomes aware of the appeal and its outcome. This will have the effect of ensuring that the person who made the initial complaint is kept informed of any developments following a section 70 investigation. I urge the committee to support this amendment.

[191] **Val Lloyd:** Would any committee member like to comment on these two amendments? I see that you would not.

Grŵp 7: Gorfodi—Cosbau Sifil (Gwelliant 180): Parhad
Group 7: Enforcement—Civil Penalties (Amendment 180): Continued

[192] **Val Lloyd:** We now move to group 7. The lead amendment is amendment 180, which is the only amendment to be considered in this group. Leanne, do you wish amendment 180 in your name to be moved?

[193] **Leanne Wood:** No, thank you.

Ni symudwyd gwelliant 180.
Amendment 180 not moved.

[194] **Val Lloyd:** We now come to dispose of amendment 48, which has been discussed. Minister, do you want me to move amendment 48?

[195] **Alun Ffred Jones:** Yes, please.

[196] **Val Lloyd:** I move amendment 48 in the name of the Minister. The question is that amendment 48 be agreed to.

Gwelliant 48: O blaid 5, Ymatal 0, Yn erbyn 0.
Amendment 48: For 5, Abstain 0, Against 0.

Pleidleisiodd yr Aelodau canlynol o blaid:
The following Members voted for:

Barrett, Lorraine
Davies, Paul
Jones, Gareth
Morgan, Rhodri
Randerson, Jenny

Derbyniwyd gwelliant 48.
Amendment 48 agreed.

[197] **Val Lloyd:** We now come to dispose of amendment 49. Minister, do you want me to move amendment 49?

[198] **Alun Ffred Jones:** Yes, please.

[199] **Val Lloyd:** I move amendment 49 in the name of the Minister. The question is that amendment 49 be agreed to.

Gwelliant 49: O blaid 5, Ymatal 0, Yn erbyn 0.
Amendment 49: For 5, Abstain 0, Against 0.

Pleidleisiodd yr Aelodau canlynol o blaid:
The following Members voted for:

Barrett, Lorraine
Davies, Paul
Jones, Gareth
Morgan, Rhodri
Randerson, Jenny

Derbyniwyd gwelliant 49.
Amendment 49 agreed.

Grŵp 8: Gorfodi mewn perthynas ag Apelau ynghylch Safonau (Gwelliannau 164, 165, 166, 167, 168, 169, 50, 170 a 51)

Group 8: Enforcement relating to Standards Appeals (Amendments 164, 165, 166, 167, 168, 169, 50, 170 and 51)

[200] **Val Lloyd:** We now come to group 8, which deals with enforcement relation to the standards appeal. In this group of amendments, the first amendment to be considered is amendment 164. I call on Paul Davies to move and speak to the lead amendment and the other amendments in the group.

[201] **Paul Davies:** Cynigiau welliant 164 yn fy enw i.

Paul Davies: I move amendment 164 in my name.

[202] Pwrpas y gwelliannau yn y grŵp hwn yw rhoi rôl ganolog i'r unigolyn yn y Mesur arfaethedig hwn. Mae'n hollbwysig fod rôl yr unigolyn yn ganolog i Fesur o'r fath, ac nid yw hynny'n bodoli ar hyn bryd. Mae rôl y dinesydd, ar hyn o bryd, yn gorffen ar ôl cwyno i'r comisiynydd. Mae fy ngwelliannau i yn rhoi'r un hawliau apêl i unigolion ag sydd gan fudiadau a sefydliadau yn y Mesur arfaethedig. Ar hyn o bryd, mae gan y mudiadau a sefydliadau sydd â chwyn yn eu herbyn yr hawl i apelio ond nid oes gan yr unigolyn sydd wedi cwyno yr un hawl. Mae'n bwysig ein bod yn creu tegwch yn y Mesur arfaethedig ac mae'n hanfodol ein bod yn creu cydraddoldeb i bawb. Ar hyn o bryd, mae'r Mesur arfaethedig yn anghyson, oherwydd mae'n amlwg ei fod yn rhoi mwy o hawliau i fudiadau a sefydliadau sydd â chwyn yn eu herbyn. Yr wyf wedi derbyn sawl cynrychiolaeth oddi wrth unigolion a sefydliadau sy'n dweud bod y Mesur arfaethedig yn annheg ar hyn o bryd. Yn wir, mae'r pwyllgor hwn wedi mynegi pryder ynglŷn â hyn yn ystod Cyfnod 1 y Mesur arfaethedig, ac mae'r adroddiad yn dweud yn glir bod diffyg rôl i'r dinesydd yn y Mesur arfaethedig a bod yn rhaid i'r Llywodraeth gryfhau'r rôl hon. Mae'r pwyllgor hefyd yn dweud yn yr adroddiad bod gan yr unigolyn bwerau cyfyng iawn yn y Mesur arfaethedig, felly mae fy ngwelliannau yn ceisio rhoi mwy o bwyslais ar yr unigolyn a sicrhau bod gan y dinesydd yr un hawl â mudiadau a sefydliadau. Yr wyf yn erfyn arnoch i gefnogi'r gwelliannau hyn.

The purpose of the amendments in this group is to give the individual a central role in this proposed Measure. It is vital that the role of the individual is central to such a Measure, and that is not the case at present. Currently, the role of the citizen ends after complaining to the commissioner. My amendments give the same rights of appeal to individuals as organisations and institutions in the proposed Measure. At present, organisations and institutions that have a complaint made against them have the right to appeal but the individual complainant does not have the same right. It is important that we ensure fairness in the proposed Measure and it is essential that we have equality for all. Currently, the proposed Measure is inconsistent, because it is obvious that it gives more rights to organisations and institutions that have a complaint made against them. I have received several representations from individuals and organisations saying that the proposed Measure is currently unfair. Indeed, this committee expressed concern about this at Stage 1 of the proposed Measure, and the report clearly states that there is a lack of a role for the citizen in the proposed Measure and that the Government must strengthen that role. The committee also stated in the report that the individual has very limited powers in the proposed Measure, so my amendments seek to place more emphasis on the individual and ensure that the citizens have the same rights as organisations and institutions. I urge you to support these amendments.

[203] **Val Lloyd:** Minister, would you like to reply to the debate and speak to the amendments?

[204] **Alun Ffred Jones:** Fel ymateb i **Alun Ffred Jones:** In response to Paul

sylwadau Paul Davies, yr wyf yn gwrandao ar yr hyn yr ydych yn ei ddweud, ond, yn anffodus, ni allaf dderbyn y gwelliannau hyn fel ag y maent. Mae dau bwynt technegol ynglŷn a hynny. Er enghraifft, gall gwelliant 168 greu ansicrwydd lle nad oes mecanwaith arfaethedig i ddatrys unrhyw anhawster.

Davies's comments, I do hear what you are saying, but, unfortunately, I cannot accept these amendments as they stand. There are two technical points regarding that. For example, amendment 168 could create uncertainty for which no mechanism is proposed to resolve any difficulty.

2.20 p.m.

[205] Ymddengys bod gwelliant 168 yn awgrymu mai'r dyddiad ar gyfer dechrau cyfrif y 28 diwrnod mewn achos lle gall P apelio yw'r diwrnod pan fydd y comisiynydd yn hysbysebu P a D ill dau o'i benderfyniad. Os cyflwynir yr hysbysiad, am unrhyw reswm, ar ddyddiau gwahanol, mae'n annhebygol y byddai P neu D yn ymwybodol o'r dyddiad pan dderbyniodd y llall yr hysbysiad, er mwyn gwybod pa bryd y dechreuodd y cyfnod o 28 diwrnod. Hefyd, nid oes mecanwaith ar gyfer datrys pa un yw'r dyddiad cywir. Ymddengys y pwyntiau hyn yn bitw a thechnegol iawn, ond dyma'r union fath o beth sy'n gallu creu anhawster mewn deddfwriaeth.

Amendment 168 would appear to suggest that the date for beginning to calculate the 28 days in a case where P may appeal is the date upon which the commissioner gives both P and D a decision notice. If the decision notice is, for any reason, given on different days, D or P are unlikely to become aware of the date upon which the other was given the notice in order to calculate the 28-day period. Furthermore, there is no mechanism for resolving which day is the correct date. These points seem very minor and technical, but this is exactly the kind of thing that can create difficulty in legislation.

[206] Tynnaf eich sylw at welliant 169, lle ceir gwall technegol arall. Mae gwelliant 169 yn cyfeirio at apêl gan P, ond mae wedi'i osod mewn is-adran sy'n delio gyda D, sef y corff sydd wedi tramgwyddo. Felly, yn dechnegol, mae gwelliant 169 yn anghywir. Yr wedi gwrandao ar sylwadau'r pwyllgor, ac felly gofynnaf, Paul, ichi beidio â symud i bleidlais ar y gwelliannau hyn. Gobeithiaf ystyried yn ofalus yr hyn yr ydych chi a'r pwyllgor wedi'i ddweud yn nes ymlaen.

I draw your attention to amendment 169, where there is another technical error. Amendment 169 refers to an appeal by P, but it is set in a sub-section that deals with D, which is the body that has caused the offence. Therefore, technically, amendment 169 is inaccurate. I have listened to the committee's comments, and therefore I ask you, Paul, not to proceed to a vote on these amendments. I hope to consider carefully your comments and the committee's discussion at a later date.

[207] Nid wyf am wneud yr un camgymeriad eto, felly symudaf i drafod gwelliant 50. Effaith gwelliant 50 fydd sicrhau bod rhaid i'r tribiwnlys roi hysbysiad o'i benderfyniad, i berson sydd wedi apelio o dan adran 91 yn erbyn penderfyniad gan y comisiynydd sy'n ymwneud â gorfodi safonau. Bydd dyletswydd hefyd ar y tribiwnlys i hysbysu'r comisiynydd o'r penderfyniad. Anogaf y pwyllgor i gefnogi'r gwelliant hwn.

I do not want to make the same mistake again, so I will proceed to discuss amendment 50. Amendment 50 will have the effect of ensuring that the tribunal must notify a person who has appealed under section 91 against a decision by the commissioner relating to the enforcement of standards of its decision. The tribunal will also have to notify the commissioner of its decision. I urge the committee to support this amendment.

[208] Mae gwelliant 51 yn gwneud yn eglur y cyfnod ar gyfer gwneud cais i'r tribiwnlys neu'r Uchel Lys am hawl i apelio i'r Uchel Lys, ar bwynt o'r gyfraith, yn erbyn

Amendment 51 clarifies the period of time within which an application may be made to the tribunal or the High Court for permission to appeal to the High Court, on a question of

penderyniad a wnaed gan y tribiwnlys wedi apêl o dan adran 91. Anogaf y pwyllgor i gefnogi'r gwelliant.

law, against a decision made by the tribunal on an appeal under section 91. I urge the committee to support the amendment.

[209] **Val Lloyd:** I now call on Paul Davies to reply to the debate.

[210] **Paul Davies:** Yr wyf yn siomedig bod y Llywodraeth yn gwrthod y gwelliannau yn fy enw i ar fanylyn technegol. Nid wyf yn glir, o glywed sylwadau'r Gweindiog, a yw'r Llywodraeth mynd i gynnig gwelliannau eraill yng Nghyfnod 3 yn y maes hwn. Felly, gan nad yw'r Gweinidog wedi gwneud y mater yn glir, hoffwn symud i bleidlais.

Paul Davies: I am disappointed that the Government is resisting the amendments in my name on a technicality. I am not clear, having heard the Minister's response, whether the Government intends to propose other amendments at Stage 3 in this particular area. Therefore, given that the Minister has not clarified this issue, I wish to proceed to a vote.

[211] **Val Lloyd:** You have indicated that you wish to proceed to a vote. The question is that amendment 164 be agreed to. I call for a vote.

Gwelliant 164: O blaid 2, Ymatal 0, Yn erbyn 3.

Amendment 164: For 2, Abstain 0, Against 3.

Pleidleisiodd yr Aelodau canlynol o blaid:
The following Members voted for:

Davies, Paul
Randerson, Jenny

Pleidleisiodd yr Aelodau canlynol yn erbyn:
The following Members voted against:

Barrett, Lorraine
Jones, Gareth
Morgan, Rhodri

*Gwrthodwyd gwelliant 164.
Amendment 164 not agreed.*

[212] **Val Lloyd:** We now come to dispose of amendment 165 in the name of Paul Davies. I invite Paul to move amendment 165.

[213] **Paul Davies:** I move amendment 165 in my name.

[214] **Val Lloyd:** The question is that amendment 165 be agreed to. I call for a vote.

Gwelliant 165: O blaid 2, Ymatal 0, Yn erbyn 3.

Amendment 165: For 2, Abstain 0, Against 3.

Pleidleisiodd yr Aelodau canlynol o blaid:
The following Members voted for:

Davies, Paul
Randerson, Jenny

Pleidleisiodd yr Aelodau canlynol yn erbyn:
The following Members voted against:

Barrett, Lorraine
Jones, Gareth
Morgan, Rhodri

*Gwrthodwyd gwelliant 165.
Amendment 165 not agreed.*

[215] **Val Lloyd:** We now come to dispose of amendment 166 in the name of Paul Davies. I invite Paul to move amendment 166.

[216] **Paul Davies:** I move amendment 166 in my name.

[217] **Val Lloyd:** The question is that amendment 166 be agreed to. I call for a vote.

*Gwelliant 166: O blaid 2, Ymatal 0, Yn erbyn 3.
Amendment 166: For 2, Abstain 0, Against 3.*

Pleidleisiodd yr Aelodau canlynol o blaid:
The following Members voted for:

Davies, Paul
Randerson, Jenny

Pleidleisiodd yr Aelodau canlynol yn erbyn:
The following Members voted against:

Barrett, Lorraine
Jones, Gareth
Morgan, Rhodri

*Gwrthodwyd gwelliant 166.
Amendment 166 not agreed.*

[218] **Val Lloyd:** As amendment 166 has not been agreed, amendments 167, 168 and 169 fall.

*Methodd gwelliannau 167, 168 a 169.
Amendments 167, 168 and 169.*

[219] **Val Lloyd:** We now come to dispose of amendment 50 in the name of the Minister. Minister, would you like amendment 50 in your name to be moved?

[220] **Alun Ffred Jones:** Yes, Chair.

[221] **Val Lloyd:** I move amendment 50 in the name of the Minister. The question is that amendment 50 be agreed to. I call for a vote.

*Gwelliant 50: O blaid 5, Ymatal 0, Yn erbyn 0.
Amendment 50: For 5, Abstain 0, Against 0.*

Pleidleisiodd yr Aelodau canlynol o blaid:
The following Members voted for:

Barrett, Lorraine
Davies, Paul
Jones, Gareth
Morgan, Rhodri
Randerson, Jenny

*Derbyniwyd gwelliant 50.
Amendment 50 agreed.*

*Methodd gwelliant 170.
Amendment 170 fell.*

[222] **Val Lloyd:** We now come to dispose of amendment 51. Minister, would you like amendment 51 in your name to be moved?

[223] **Alun Ffred Jones:** Yes, please.

[224] **Val Lloyd:** I move amendment 51 in the name of Alun Ffred Jones. The question is that amendment 51 be agreed to. I call for a vote.

*Gwelliant 51: O blaid 5, Ymatal 0, Yn erbyn 0.
Amendment 51: For 5, Abstain 0, Against 0.*

Pleidleisiodd yr Aelodau canlynol o blaid:
The following Members voted for:

Barrett, Lorraine
Davies, Paul
Jones, Gareth
Morgan, Rhodri
Randerson, Jenny

*Derbyniwyd gwelliant 51.
Amendment 51 agreed.*

[225] **Val Lloyd:** We now come to dispose of amendment 53. Minister, would you like amendment 53 in your name to be moved?

[226] **Alun Ffred Jones:** Yes, please.

[227] **Val Lloyd:** I move amendment 53 in the name of the Minister. The question is that amendment 53 be agreed to. I call for a vote.

*Gwelliant 53: O blaid 5, Ymatal 0, Yn erbyn 0.
Amendment 53: For 5, Abstain 0, Against 0.*

Pleidleisiodd yr Aelodau canlynol o blaid:
The following Members voted for:

Barrett, Lorraine
Davies, Paul
Jones, Gareth
Morgan, Rhodri
Randerson, Jenny

*Derbyniwyd gwelliant 53.
Amendment 53 agreed.*

**Grŵp 9: Rhyddid i Ddefnyddio'r Gymraeg—Apelau i Dribiwnlys y Gymraeg
(Gwelliannau 190, 191 a 189)
Group 9: Freedom to Use Welsh—Appeals to the Welsh Language Tribunal
(Amendments 190, 191 and 189)**

[228] **Val Lloyd:** The lead amendment in this group is amendment 190 in the name of Jenny Randerson. I call on Jenny to move that amendment and to speak to it and the other amendments in the group.

[229] **Jenny Randerson:** I move amendment 190 in my name.

[230] This set of amendments is based very closely on the recommendations of the committee, which stated that provision could also be made for the complainant to appeal to the tribunal against decisions by the commissioner. It is all part of empowering ordinary people through the whole of this process. Amendment 189 would insert a new section giving the public the right to appeal to the Welsh language tribunal against the commissioner's decision not to investigate or not to continue with an investigation. It gives the tribunal the power to direct the commissioner to investigate or to continue to investigate, and hence it gives more strength to ordinary people as complainants.

[231] **Val Lloyd:** Thank you. Minister, do you wish to reply?

[232] **Alun Ffred Jones:** Yes. I will take all three amendments together as 191 and 189 are

consequential on 190. Part 6 of the proposed Measure provides an individual who feels that his or her freedom to use Welsh has been subject to interference with a route to complain to the commissioner, who may investigate the matter. The approach proposed in the proposed Measure is for the commissioner to be given the power to investigate and report on alleged interferences with the freedom to speak Welsh. In addition, the proposed Measure imposes a requirement on the commissioner to include within each annual report to the Welsh Ministers the commissioner's view of the adequacy and effectiveness of the law in protecting the freedom of persons to speak Welsh with one another. The commissioner's report will enable the Welsh Ministers to consider the extent of interferences with the freedom to speak Welsh as well as to consider whether changes to the law in respect of the freedom to speak Welsh are necessary.

[233] With regard to investigating alleged interferences with the freedom to speak Welsh, the proposed Measure ensures that the commissioner has the discretion to decide whether to pursue the matter. It is a case of finding a proportionate approach to what can be a very sensitive matter. For example, the commissioner may receive an approach from someone complaining that a family member has tried to interfere with other family members' freedom to speak Welsh. I would not want the commissioner to be required to delve into family affairs as a result of being under a duty to investigate a situation where, for example, great aunt Elsie demanded that her nephews refrain from speaking Welsh with each other. Removing the commissioner's discretion in such a case would be highly undesirable, since such situations would be expected to be resolved within families.

[234] As drafted, the proposed Measure places a duty upon the commissioner to inform the person who has complained of an alleged interference of a decision not to investigate or to discontinue an investigation. The commissioner must also give reasons for that decision. The approach set out in Part 6 is for the commissioner to make recommendations and, as I mentioned earlier, to report annually to Ministers with regard to the adequacy and effectiveness of the law in protecting the freedom of persons to speak Welsh with one another. We are not dealing with rights and duties here; we are dealing with a freedom to speak Welsh and enabling the commissioner to investigate and make recommendations. This is a light-touch approach and, as such, it is not necessary or appropriate to involve a tribunal in the process. Let us not forget that this committee has described the provision in Part 6 as being 'too complex and cumbersome.' I do not agree with that view, but I would suggest that adding an appeals mechanism would make this part of the proposed Measure more complex. As amendments 190 and 191 are consequential upon 189, I urge the committee to resist all three amendments.

2.30 p.m.

[235] **Val Lloyd:** Thank you, Minister. I call on Jenny Randerson to reply to the debate.

[236] **Jenny Randerson:** I remind the Minister and the committee that an appeals mechanism is a perfectly normal mechanism in issues such as these. The Minister chooses an example of a family situation. That would be catered for by this proposal, because the appeal to the tribunal could fail. The tribunal could take exactly the same view as the commissioner and say that it is not appropriate to be dealing with internal family affairs. However, if a large organisation interferes to prevent someone from speaking Welsh, there needs to be an appeal process to reassure complainants that they have had a full and fair hearing and that they are not reliant on the view of one person, which is, as I read it, the situation as it stands at the moment. The commissioner makes the decision and there is no backstop position and no appeal process.

[237] **Val Lloyd:** Do you wish to proceed to a vote on amendment 190?

[238] **Jenny Randerson:** Yes.

[239] **Val Lloyd:** The question is that amendment 190 be agreed to. I call for a vote.

*Gwelliant 190: O blaid 2, Ymatal 0, Yn erbyn 3.
Amendment 190: For 2, Abstain 0, Against 3.*

Pleidleisiodd yr Aelodau canlynol o blaid:
The following Members voted for:

Davies, Paul
Randerson, Jenny

Pleidleisiodd yr Aelodau canlynol yn erbyn:
The following Members voted against:

Barrett, Lorraine
Jones, Gareth
Morgan, Rhodri

*Gwrthodwyd gwelliant 190.
Amendment 190 not agreed.*

[240] **Val Lloyd:** We now come to dispose of amendment 191. I invite Jenny to move amendment 191.

[241] **Jenny Randerson:** I move amendment 191 in my name.

[242] **Val Lloyd:** The question is that amendment 191 be agreed to. I call for a vote.

*Gwelliant 191: O blaid 2, Ymatal 0, Yn erbyn 3.
Amendment 191: For 2, Abstain 0, Against 3.*

Pleidleisiodd yr Aelodau canlynol o blaid:
The following Members voted for:

Davies, Paul
Randerson, Jenny

Pleidleisiodd yr Aelodau canlynol yn erbyn:
The following Members voted against:

Barrett, Lorraine
Jones, Gareth
Morgan, Rhodri

*Gwrthodwyd gwelliant 191.
Amendment 191 not agreed.*

**Grŵp 10: Tribiwnlys y Gymraeg (Gwelliannau 171, 172, 137, 140, 56, 57 a 58)
Group 10: Welsh Language Tribunal (Amendments 171, 172, 137, 140, 56, 57 and 58)**

[243] **Val Lloyd:** We now come to group 10, which relates to the Welsh language tribunal. The lead amendment is amendment 171. I call on Paul Davies to move the lead amendment and speak to it and to the other amendments in the group.

[244] **Paul Davies:** Cynigiaf welliant 171 yn fy enw i. **Paul Davies:** I move amendment 171 in my name.

[245] Pwrpas y gwelliannau hyn yw sicrhau annibyniaeth y tribiwnlys. Mae hynny'n hollbwysig i'r broses. Mae'r gwelliannau'n cynnig yr un peth â'm gwelliannau ynghylch penodi'r comisiynydd a'r panel ymgynghori, sef sicrhau bod y broses yn agored a thryloyw. Nid wyf yn credu mai Gweinidogion ddylai benodi'r tribiwnlys oherwydd ei bod yn hollbwysig bod hyd braich rhwng Gweinidogion a'r The purpose of these amendments is to ensure the independence of the tribunal. That is crucial to the process. The amendments propose the same thing as my amendments relating to the appointment of the commissioner and the advisory panel, which is to ensure that the process is open and transparent. I do not believe that Ministers should appoint a tribunal, because it is vital that the tribunal is at arm's length from

tribiwnlys. Bydd y gwelliannau hyn yn diogelu'r Llywodraeth hon a Llywodraethau'r dyfodol rhag unrhyw bosibilrwydd o gyhuddiadau eu bod yn dylanwadu ar y broses. Drwy dderbyn y gwelliannau hyn, byddem yn sicrhau y bydd gan bawb hyder yn y system a bod y broses yn wirioneddol annibynnol, tryloyw a chlr. Mae'r gwelliannau hyn hefyd yn adlewyrchu'n union argymhelliad y pwyllgor hwn yn ystod cyfnod 1 o'r Mesur arfaethedig. Yr wyf yn erfyn ar y pwyllgor i gefnogi'r gwelliannau hyn. Byddaf hefyd yn cefnogi'r gwelliannau eraill yn y grŵp hwn.

Ministers. These amendments will protect this Government, and future Governments, from any possibility of accusations that they influence the process. By accepting these amendments, we will ensure that everyone has confidence in the system and that the process is truly independent, transparent and clear. These amendments also reflect the exact recommendation of this committee during stage 1 of the proposed Measure. I urge the committee to support these amendments. I also support the other amendments in this group.

[246] **Val Lloyd:** I call on the Minister to reply to the debate and to speak to the amendments in the group.

[247] **Alun Ffred Jones:** Nid wyf yn cefnogi gwelliant 171. Yr wyf wedi gwrandao'n ofalus ar y dystiolaeth a gyflwynwyd ynghylch rhoi rôl i'r Cynulliad Cenedlaethol yn y broses o benodi aelodau'r tribiwnlys. Fy marn bendant i yw nad wyf yn credu ei bod yn briodol i ddeddfwrfa benodi aelodau o'r tribiwnlys. Nid yw ymwneud y Weinyddiaeth wrth benodi aelodau o'r tribiwnlys yn ddatblygiad newydd. Nid yw'n atal tribiwnlys rhag gweithredu'n annibynnol wrth wneud penderfyniadau.

Alun Ffred Jones: I do not support amendment 171. I have listened carefully to the evidence presented about giving the National Assembly a role in the process of appointing members of the tribunal. I firmly believe that it is not appropriate for the legislature to appoint members of the tribunal. The involvement of the Executive in appointing members of the tribunal is not a new development. It does not prevent the tribunal from acting independently in making decisions.

[248] Byddai gwelliant 172 yn ei gwneud yn ofynnol i Weinidogion Cymru gael cytundeb y Cynulliad Cenedlaethol cyn diswyddo aelod o'r tribiwnlys. Nid wyf yn cefnogi gwelliant 171, sy'n ceisio newid y modd y penodir aelodau o'r tribiwnlys. Yr wyf yn gryf o'r farn y dylai'r darpariaethau hynny sy'n ymwneud â diswyddo barhau i fod yn gyson â'r trefniadau sy'n ymwneud â phenodi. Yr wyf felly yn eich annog yn gryf i bleidleisio yn erbyn gwelliannau 171 a 172.

Amendment 172 would require the Welsh Ministers to seek the agreement of the National Assembly before dismissing a member of the tribunal. I do not support amendment 171, which seeks to change the way that members of the tribunal are appointed. I am firmly of the view that those provisions addressing dismissal should remain consistent with the arrangements for appointment. I therefore strongly urge you to vote against amendments 171 and 172.

[249] Amendment 137 extends the grounds for disqualification from membership of the tribunal contained in paragraph 14 of Schedule 11 to include situations where a person has been granted a debt relief Order and the moratorium period under that Order is continuing. Having reviewed Schedule 11 to the proposed Measure, I have concluded that it is appropriate to include the granting of debt relief Orders to a person among the grounds for disqualification. This amendment maintains public confidence in the tribunal's work by ensuring that persons who are subject to a moratorium under a debt relief Order are disqualified from membership of the tribunal. I urge the committee to support this amendment.

[250] Amendment 140 is a drafting improvement to ensure consistency between sub-paragraphs (1)(b) and (3)(b) of paragraph 14 of Schedule 11 to the proposed Measure. I ask

the committee to support this amendment.

[251] Amendments 56, 57 and 58 relate to the impartiality of the tribunal and its independence or remove provision-placing duties upon the tribunal president. Amendment 56 removes the Welsh Ministers' power to require tribunal rules to be made. As introduced, the proposed Measure would confer power upon Welsh Ministers to give the president written notice that they consider it expedient for tribunal rules to include provision that would achieve a specified purpose. The president would then have to make such tribunal rules as he or she thinks necessary to achieve that purpose.

[252] Amendment 57 removes the requirement for the president of the tribunal to give his or her annual report on the tribunal's exercise of its functions in that financial year to Welsh Ministers. Instead, this amendment requires the president of the tribunal to lay a copy of the report before the National Assembly for Wales. The amendment also removes the duty on the Welsh Ministers to send a copy of the tribunal's annual report to the House of Commons and the House of Lords. You may recall that a similar amendment, amendment 13, was accepted by the committee last week, removing the requirement on the commissioner to send copies of the annual report to the House of Commons and the House of Lords.

[253] Amendment 58 removes the requirement for the president of the tribunal to undertake annual assessments of the performance of the other members of the tribunal. I urge the committee to support amendments 56, 57 and 58.

[254] **Val Lloyd:** Thank you. I invite Paul Davies to reply.

[255] **Paul Davies:** Yr wyf yn siomedig bod y Gweinidog a'r Llywodraeth yn gwrthod derbyn y gwelliannau yn fy enw. Eu pwrpas yw sicrhau annibyniaeth y tribiwnlys a bod y broses yn hollol agored a thryloyw. Er mwyn i'r cyhoedd gael hyder yn y system, mae'n bwysig eu bod yn gweld bod penodi i'r tribiwnlys yn cael ei wneud yn annibynnol, a'r ffordd orau o wneud hynny yw sicrhau bod y penodiadau'n cael eu gwneud gan y Cynulliad Cenedlaethol. Felly, yr wyf yn erfyn ar y pwyllgor i gefnogi'r gwelliannau hyn. Gyda hynny, Gadeirydd, hoffwn symud i bleidlais.

Paul Davies: I am disappointed that the Minister and the Government have rejected the amendments in my name. They were intended to ensure the tribunal's independence and that the process would be completely open and transparent. For the public to have confidence in the system, it is important that they can see that appointments to the tribunal are made independently, and the best way to achieve that is to ensure that appointments are made by the National Assembly. I therefore urge the committee to support these amendments. With that, Chair, I ask that we move to a vote.

[256] **Val Lloyd:** The question is that amendment 171 be agreed to. I call for a vote.

*Gwelliant 171: O blaid 2, Ymatal 0, Yn erbyn 3.
Amendment 171: For 2, Abstain 0, Against 3.*

Pleidleisiodd yr Aelodau canlynol o blaid:
The following Members voted for:

Davies, Paul
Randerson, Jenny

Pleidleisiodd yr Aelodau canlynol yn erbyn:
The following Members voted against:

Barrett, Lorraine
Jones, Gareth
Morgan, Rhodri

*Gwrthodwyd gwelliant 171.
Amendment 171 not agreed.*

[257] **Val Lloyd:** In accordance with the marshalled list, we now come to dispose of a

number of amendments that have been discussed previously. The first to be disposed of is amendment 133. Minister, do you wish amendment 133 in your name to be moved?

[258] **Alun Ffred Jones:** Yes.

[259] **Val Lloyd:** I move amendment 133 in the name of Alun Ffred Jones. The question is that amendment 133 be agreed to. I call for a vote.

*Gwelliant 133: O blaid 5, Ymatal 0, Yn erbyn 0.
Amendment 133: For 5, Abstain 0, Against 0.*

Pleidleisiodd yr Aelodau canlynol o blaid:
The following Members voted for:

Barrett, Lorraine
Davies, Paul
Jones, Gareth
Morgan, Rhodri
Randerson, Jenny

*Derbyniwyd gwelliant 133.
Amendment 133 agreed.*

[260] **Val Lloyd:** We now come to dispose of amendment 134. Minister, would you like amendment 134 in your name to be moved?

[261] **Alun Ffred Jones:** Yes.

[262] **Val Lloyd:** I move amendment 134 in the name of the Alun Ffred Jones. The question is that amendment 134 be agreed to. I call for a vote.

*Gwelliant 134: O blaid 5, Ymatal 0, Yn erbyn 0.
Amendment 134: For 5, Abstain 0, Against 0.*

Pleidleisiodd yr Aelodau canlynol o blaid:
The following Members voted for:

Barrett, Lorraine
Davies, Paul
Jones, Gareth
Morgan, Rhodri
Randerson, Jenny

*Derbyniwyd gwelliant 134.
Amendment 134 agreed.*

[263] **Val Lloyd:** We now come to dispose of amendment 135. Minister, do you want amendment 135 in your name to be moved?

[264] **Alun Ffred Jones:** Yes.

[265] **Val Lloyd:** I move amendment 135 in the name of Alun Ffred Jones. The question is that amendment 135 be agreed to. I call for a vote.

*Gwelliant 135: O blaid 5, Ymatal 0, Yn erbyn 0.
Amendment 135: For 5, Abstain 0, Against 0.*

Pleidleisiodd yr Aelodau canlynol o blaid:
The following Members voted for:

Barrett, Lorraine
Davies, Paul
Jones, Gareth
Morgan, Rhodri
Randerson, Jenny

*Derbyniwyd gwelliant 135.
Amendment 135 agreed.*

[266] **Val Lloyd:** We now come to dispose of amendment 136. Minister, would you like amendment 136 in your name to be moved?

[267] **Alun Ffred Jones:** Yes.

[268] **Val Lloyd:** I move amendment 136 in the name of Alun Ffred Jones. The question is that amendment 136 be agreed to.

2.40 p.m.

*Gwelliant 136: O blaid 5, Ymatal 0, Yn erbyn 0.
Amendment 136: For 5, Abstain 0, Against 0.*

Pleidleisiodd yr Aelodau canlynol o blaid:
The following Members voted for:

Barrett, Lorraine
Davies, Paul
Jones, Gareth
Morgan, Rhodri
Randerson, Jenny

*Derbyniwyd gwelliant 136.
Amendment 136 agreed.*

[269] **Val Lloyd:** We now come to dispose of amendment 172. I invite Paul Davies to move amendment 172 in his name.

[270] **Paul Davies:** I move amendment 172 in my name.

[271] **Val Lloyd:** The question is that amendment 172 be agreed to. I call for a vote.

*Gwelliant 172: O blaid 2, Ymatal 0, Yn erbyn 3.
Amendment 172: For 2, Abstain 0, Against 3.*

Pleidleisiodd yr Aelodau canlynol o blaid:
The following Members voted for:

Davies, Paul
Randerson, Jenny

Pleidleisiodd yr Aelodau canlynol yn erbyn:
The following Members voted against:

Barrett, Lorraine
Jones, Gareth
Morgan, Rhodri

*Gwrthodwyd gwelliant 172.
Amendment 172 not agreed.*

[272] **Val Lloyd:** We now come to dispose of amendment 137. Minister, would you like amendment 137 in your name to be moved?

[273] **Alun Ffred Jones:** Yes.

[274] **Val Lloyd:** I move amendment 137 in the name of Alun Ffred Jones. The question is that amendment 137 be agreed to. I call for a vote.

*Gwelliant 137: O blaid 5, Ymatal 0, Yn erbyn 0.
Amendment 137: For 5, Abstain 0, Against 0.*

Pleidleisiodd yr Aelodau canlynol o blaid:
The following Members voted for:

Barrett, Lorraine
Davies, Paul
Jones, Gareth
Morgan, Rhodri
Randerson, Jenny

*Derbyniwyd gwelliant 137.
Amendment 137 agreed.*

[275] **Val Lloyd:** We now come to dispose of amendment 138. Minister, would you like amendment 138 in your name to be moved?

[276] **Alun Ffred Jones:** Yes.

[277] **Val Lloyd:** I move amendment 138 in the name of Alun Ffred Jones. The question is that amendment 138 be agreed to. I call for a vote.

*Gwelliant 138: O blaid 5, Ymatal 0, Yn erbyn 0.
Amendment 138: For 5, Abstain 0, Against 0.*

Pleidleisiodd yr Aelodau canlynol o blaid:
The following Members voted for:

Barrett, Lorraine
Davies, Paul
Jones, Gareth
Morgan, Rhodri
Randerson, Jenny

*Derbyniwyd gwelliant 138.
Amendment 138 agreed.*

[278] **Val Lloyd:** We now come to dispose of amendment 139. Minister, would you like amendment 139 in your name to be moved?

[279] **Alun Ffred Jones:** Yes.

[280] **Val Lloyd:** I move amendment 139 in the name of Alun Ffred Jones. The question is that amendment 139 be agreed to. I call for a vote.

*Gwelliant 139: O blaid 5, Ymatal 0, Yn erbyn 0.
Amendment 139: For 5, Abstain 0, Against 0.*

Pleidleisiodd yr Aelodau canlynol o blaid:
The following Members voted for:

Barrett, Lorraine
Davies, Paul
Jones, Gareth

Morgan, Rhodri
Randerson, Jenny

*Derbyniwyd gwelliant 139.
Amendment 139 agreed.*

[281] **Val Lloyd:** We now come to dispose of amendment 140. Minister, would you like amendment 140 in your name to be moved?

[282] **Alun Ffred Jones:** Yes.

[283] **Val Lloyd:** I move amendment 140 in the name of Alun Ffred Jones. The question is that amendment 140 be agreed to. I call for a vote.

*Gwelliant 140: O blaid 5, Ymatal 0, Yn erbyn 0.
Amendment 140: For 5, Abstain 0, Against 0.*

Pleidleisiodd yr Aelodau canlynol o blaid:
The following Members voted for:

Barrett, Lorraine
Davies, Paul
Jones, Gareth
Morgan, Rhodri
Randerson, Jenny

*Derbyniwyd gwelliant 140.
Amendment 140 agreed.*

[284] **Val Lloyd:** We now come to dispose of amendment 54. Minister, would you like amendment 54 in your name to be moved?

[285] **Alun Ffred Jones:** Yes.

[286] **Val Lloyd:** I move amendment 54 in the name of Alun Ffred Jones. The question is that amendment 54 be agreed to. I call for a vote.

*Gwelliant 54: O blaid 5, Ymatal 0, Yn erbyn 0.
Amendment 54: For 5, Abstain 0, Against 0.*

Pleidleisiodd yr Aelodau canlynol o blaid:
The following Members voted for:

Barrett, Lorraine
Davies, Paul
Jones, Gareth
Morgan, Rhodri
Randerson, Jenny

*Derbyniwyd gwelliant 54.
Amendment 54 agreed.*

[287] **Val Lloyd:** We now come to dispose of amendment 55. Minister, would you like amendment 55 in your name to be moved?

[288] **Alun Ffred Jones:** Yes.

[289] **Val Lloyd:** I move amendment 55 in the name of Alun Ffred Jones. The question is that amendment 55 be agreed to. I call for a vote.

*Gwelliant 55: O blaid 5, Ymatal 0, Yn erbyn 0.
Amendment 55: For 5, Abstain 0, Against 0.*

Pleidleisiodd yr Aelodau canlynol o blaid:
The following Members voted for:

Barrett, Lorraine
Davies, Paul
Jones, Gareth
Morgan, Rhodri
Randerson, Jenny

*Derbyniwyd gwelliant 55.
Amendment 55 agreed.*

[290] **Val Lloyd:** We now come to dispose of amendment 56. Minister, would you like amendment 56 in your name to be moved?

[291] **Alun Ffred Jones:** Yes.

[292] **Val Lloyd:** I move amendment 56 in the name of Alun Ffred Jones. The question is that amendment 56 be agreed to. I call for a vote.

*Gwelliant 56: O blaid 5, Ymatal 0, Yn erbyn 0.
Amendment 56: For 5, Abstain 0, Against 0.*

Pleidleisiodd yr Aelodau canlynol o blaid:
The following Members voted for:

Barrett, Lorraine
Davies, Paul
Jones, Gareth
Morgan, Rhodri
Randerson, Jenny

*Derbyniwyd gwelliant 56.
Amendment 56 agreed.*

[293] **Val Lloyd:** We now come to dispose of amendment 57. Minister, would you like amendment 57 in your name to be moved?

[294] **Alun Ffred Jones:** Yes.

[295] **Val Lloyd:** I move amendment 57 in the name of Alun Ffred Jones. The question is that amendment 57 be agreed to. I call for a vote.

*Gwelliant 57: O blaid 5, Ymatal 0, Yn erbyn 0.
Amendment 57: For 5, Abstain 0, Against 0.*

Pleidleisiodd yr Aelodau canlynol o blaid:
The following Members voted for:

Barrett, Lorraine
Davies, Paul
Jones, Gareth
Morgan, Rhodri
Randerson, Jenny

*Derbyniwyd gwelliant 57.
Amendment 57 agreed.*

[296] **Val Lloyd:** We now come to dispose of amendment 58. Minister, would you like amendment 58 in your name to be moved?

[297] **Alun Ffred Jones:** Yes.

[298] **Val Lloyd:** I move amendment 58 in the name of Alun Ffred Jones. The question is that amendment 58 be agreed to. I call for a vote.

*Gwelliant 58: O blaid 5, Ymatal 0, Yn erbyn 0.
Amendment 58: For 5, Abstain 0, Against 0.*

Pleidleisiodd yr Aelodau canlynol o blaid:
The following Members voted for:

Barrett, Lorraine
Davies, Paul
Jones, Gareth
Morgan, Rhodri
Randerson, Jenny

*Derbyniwyd gwelliant 58.
Amendment 58 agreed.*

**Grŵp 11: Swyddogaethau Bwrdd yr Iaith Gymraeg o dan Ddeddf yr Iaith Gymraeg
1993 (Gwelliant 173)
Group 11: Welsh Language Board Functions under the Welsh Language Act 1993
(Amendment 173)**

[299] **Val Lloyd:** I call on Paul Davies to move the lead amendment and speak to it.

[300] **Paul Davies:** Cynigiaf welliant 173 yn fy enw i. **Paul Davies:** I move amendment 173 in my name.

[301] Mae'r gwelliant hwn yn gyson â gwelliannau blaenorol yr wyf wedi eu cynnig ynghylch annibyniaeth y broses. Pwrpas y gwelliant hwn yw sicrhau na fydd y Llywodraeth yn gallu cymryd cyfrifoldeb yn uniongyrchol dros hyrwyddo'r iaith Gymraeg. Mae'n hollbwysig bod hyd braich rhwng y Llywodraeth a hyrwyddo'r iaith. Byddai'r gwelliant hwn yn sicrhau, fel mater o egwyddor, fod y Gymraeg yn gwbl annibynnol ar y Llywodraeth a gwleidyddion. Byddai'n sicrhau na fyddai'r Gymraeg yn cael ei defnyddio fel pêl wleidyddol. Nid wyf am un funud yn awgrymu y byddai'r Gweinidog hwn na'r Llywodraeth bresennol yn gwneud hynny, ond byddai'r gwelliant yn sicrhau na fyddai Llywodraethau yn y dyfodol yn gallu defnyddio'r iaith mewn ffordd wleidyddol. Yr wyf yn erfyn ar y pwyllgor i gefnogi'r gwelliant hwn.

This amendment is consistent with previous amendments that I have proposed about the independence of the process. The purpose of this amendment is to ensure that the Government cannot take direct responsibility for promoting the Welsh language. It is imperative that there is arm's length between the Government and promotion of the language. This amendment would ensure, as a matter of principle, that the Welsh language is totally independent of Government and politicians. It would ensure that the Welsh language would not be used as a political football. I do not for one moment suggest that this Minister or this Government would do that, but the amendment would ensure that future Governments cannot use the language in a political way. I urge the committee to support this amendment.

[302] **Val Lloyd:** I call on the Minister to respond.

[303] **Alun Ffred Jones:** Mae hwn yn fater pwysig iawn a chamgymeriad mawr iawn fyddai cytuno'r gwelliant, oherwydd y byddai gwelliant 173 yn atal trosglwyddo swyddogaethau'r bwrdd i hybu a hwyluso'r defnydd o'r Gymraeg i Weinidogion Cymru. Mae llawer o'r dystiolaeth wedi dweud na ddylai rheoleiddio fod ynghlwm â hybu a hyrwyddo. Felly, mae hi'n anodd dychmygu lle byddai'r hyrwyddo'n digwydd os nag ydyw'n gorwedd gyda'r Gweinidogion. Credaf fod angen i'r Mesur arfaethedig gadw'r hyblygrwydd i alluogi i swyddogaethau'r bwrdd, neu rai o swyddogaethau'r bwrdd, mewn perthynas â hybu a hwyluso'r defnydd o'r Gymraeg, gael eu rhoi i Weinidogion Cymru ar ôl i'r bwrdd gael ei ddiddymu. Yr wyf wedi nodi'r argymhelliad yn adroddiad y pwyllgor y dylwn, cyn cychwyn trafodion Cam 2, gyhoeddi fy mhenderfyniad ynghylch a ddylai'r gwaith hyrwyddo fod yn nwylo'r comisiynydd neu ddwylo Gweinidogion Cymru neu a ddylid ei rannu rhwng y ddau. Mae'r rhain yn faterion y mae angen i mi eu trafod ymhellach gyda Bwrdd yr Iaith, gyda golwg ar ei wneud yn glir yn y strategaeth iaith ddrafft sut y dylid delio gyda'r cyfrifoldeb o hyrwyddo'r defnydd o'r Gymraeg. Gadewch i mi fod yn berffaith glir, fodd bynnag, fy mod yn credu bod yna fanteision clir o gadw corff cryf ac annibynnol y tu allan i Lywodraeth gyda'r gallu i ddelio gydag ystod eang o faterion ac i gynghori'r Llywodraeth, ac eraill, ynghylch polisi iaith.

[304] Fodd bynnag, mae'r ffaith y bydd gan y comisiynydd bwerau gorfodi cryfach, o'i gymharu â'r bwrdd, wedi arwain at drafodaeth ynghylch pa agweddau o weithgareddau hyrwyddo'r bwrdd ddylai gael eu trosglwyddo i'r comisiynydd. Nododd adroddiad y pwyllgor hwn fod y rhan fwyaf o'r dystiolaeth â dderbynioc—gan gynnwys gan y bwrdd—yn cefnogi gwahanu'r swyddogaethau rheoleiddiol a'r swyddogaethau hyrwyddo.

[305] Wedi dweud hynny, mae gwaith y comisiynydd yn sicr o gynnwys elfen o hyrwyddo; er enghraifft, bydd modd iddo ef

Alun Ffred Jones: This is a very important issue and it would be a big mistake to agree amendment 173, because it would prevent the functions of the board to promote and facilitate the use of Welsh from being transferred to Welsh Ministers. Much of the evidence has indicated that regulation should not be tied to promoting the language. Therefore, it is difficult to imagine where promotion would take place if it did not lie with the Ministers. I believe that the proposed Measure needs to retain the flexibility to enable the board's functions, or some of the board's functions, in relation to promoting and facilitating the use of Welsh, to be given to Welsh Ministers after the board is abolished. I have noted the recommendation in the committee's report that, before the commencement of Stage 2 proceedings, I should announce my decision as to whether promotion of the language should be in the hands of the commissioner or of Welsh Ministers, or whether it should be shared between them. These are issues that I need to discuss further with the Welsh Language Board, with a view to making it clear in the draft Welsh-language strategy how the responsibility for promoting the use of Welsh should be dealt with. Let me be quite clear, however, that I believe that there are clear advantages in retaining a strong and independent body outside of Government with the ability to deal with a wide range of issues and to advise the Government, and others, with regard to language policy.

However, the stronger enforcement powers to be given to the commissioner, compared to the board, has led to some debate as to what aspects of the board's language promotion activities should be transferred to the commissioner. This committee's report noted that the majority of evidence submitted to it—including that from the board—supported the separation of regulatory and promotional functions.

Having said that, the commissioner's work is bound to include a promotional element; for example, he or she will be able to advise

neu hi gynghori Gweinidogion Cymru ar ystod eang o feysydd polisi, a allai gynnwys cyfleoedd i hybu'r defnydd o'r Gymraeg. Fodd bynnag, mae'r cyfrifoldeb am fathau eraill o waith hyrwyddo, fel dyrannu grantiau ac ariannu prosiectau er mwyn cynyddu'r defnydd o'r Gymraeg, yn haeddu ystyriaeth bellach. Mae'r rhain yn weithgareddau lle byddai budd mewn gweithio mewn partneriaeth gyda chyrrff eraill, ond lle y gallai rôl reoleiddiol y comisiynydd dorri ar draws y gallu i weithio mewn partneriaeth.

Welsh Ministers on a wide range of policy areas, which could involve opportunities to promote the use of Welsh. However, the responsibility for other types of promotional work, such as awarding grants and funding projects aimed at increasing the use of Welsh, deserve further consideration. These are activities where working in partnership with other organisations is of value, but where the commissioner's regulatory role could cut across partnership working.

[306] Mae angen hyblygrwydd yn y Mesur arfaethedig, felly, i roi disgresiwn i Weinidogion Cymru i rannu'r cyfrifoldeb ar gyfer hybu'r defnydd o'r Gymraeg rhwng y comisiynydd a Gweinidogion Cymru, fel y bo'n briodol. Gan hynny, mae angen inni gadw'r ddarpariaeth yn is-adran 134(3), felly yr wyf yn gofyn i chi bleidleisio yn erbyn gwelliant 173, er mwyn cadw'r hyblygrwydd hwn.

There is, therefore, a need for flexibility within the proposed Measure to give Welsh Ministers the discretion to divide the responsibility for promoting the use of Welsh between the commissioner and Welsh Ministers, as appropriate. In that regard, we need to retain the provision in subsection 134(3), therefore, I ask you to vote against amendment 173, in order to keep that flexibility.

[307] **Val Lloyd:** I call on Paul Davies to reply.

[308] **Paul Davies:** Yr wyf yn siomedig bod y Gweinidog a'r Llywodraeth yn gwrthod y gwelliant hwn. Credaf ei fod yn werth ailadrodd mai diben y gwelliant yw sicrhau annibyniaeth yr iaith Gymraeg ar unrhyw ddylanwad gwleidyddol. Er mwyn i'r cyhoedd gael hyder yn y system, mae'n bwysig bod pobl yn gweld bod y Gymraeg yn hollol annibynnol o ddylanwad unrhyw wleidyddion. Gwneud yn siŵr bod y Gymraeg yn cael ei hyrwyddo'n annibynnol yw'r ffordd i sicrhau hynny. Mae hyn yn fater o egwyddor, felly yr wyf yn erfyn ar y pwyllgor i gefnogi'r gwelliant hwn. Hoffwn symud i bleidlais, Gadeirydd.

Paul Davies: I am disappointed that the Minister and the Government reject this amendment. I believe that it is worth repeating that the aim of the amendment is to ensure the independence of the Welsh language from any political influence. In order for the public to have confidence in the system, it is important that the Welsh language is seen to be independent of any politicians. Ensuring that the Welsh language is promoted independently is the way to ensure that that is the case. This is a matter of principle, therefore, I urge the committee to support this amendment. I would like to move to a vote, Chair.

[309] **Val Lloyd:** The question is that amendment 173 be agreed to. I call for a vote.

*Gwelliant 173: O blaid 2, Ymatal 0, Yn erbyn 3.
Amendment 173: For 2, Abstain 0, Against 3.*

Pleidleisiodd yr Aelodau canlynol o blaid:
The following Members voted for:

Davies, Paul
Randerson, Jenny

Pleidleisiodd yr Aelodau canlynol yn erbyn:
The following Members voted against:

Barrett, Lorraine
Jones, Gareth
Morgan, Rhodri

*Gwrthodwyd gwelliant 173.
Amendment 173 not agreed.*

Grŵp 12: Cyfnodau Trosiannol (Gwelliant 174)
Group 12: Transitional Stages (Amendment 174)

[310] **Val Lloyd:** The lead and only amendment in this group is amendment 174, and I call on Paul Davies to move the amendment and speak to it.

[311] **Paul Davies:** Cynigiau welliant 174 yn fy enw i. **Paul Davies:** I move amendment 174 in my name.

[312] Diben y gwelliant hwn yw sicrhau trosiad effeithiol o Fwrdd yr Iaith Gymraeg i'r gyfundrefn newydd. Mae nifer o bobl wedi mynegi pryderon ynglŷn â sut y bydd y trosiad o'r system bresennol i'r un newydd yn gweithio. Yn y dystiolaeth a dderbyniwyd gennych fel pwyllgor yn ystod trafodion Cyfnod 1 y Mesur arfaethedig, yr oedd cefnogaeth fawr i waith Bwrdd yr Iaith Gymraeg, a chanmolwyd y bwrdd gan y sefydliadau a fu'n delio gydag ef. Mae'n amlwg bod perthynas waith arbennig o dda rhwng mudiadau a sefydliadau a bwrdd yr iaith, sydd wedi cael effaith gadarnhaol ar y Gymraeg, ac y mae'n hanfodol nad ydym yn colli'r profiad ac arbenigedd y bwrdd yn ystod yr ad-drefnu a'r cyfnod trosiannol hwn.

The aim of this amendment is to ensure an effective transition from the Welsh Language Board to the new arrangement. Many people have expressed concerns about how the transition from the current system to the new one will work. In the evidence received by the committee during Stage 1 discussions of the proposed Measure, there was great support for the work of the Welsh Language Board, and the board was praised by the organisations that had dealt with it. It is clear that there was a particularly good working relationship between organisations and bodies and the language board, which has had a positive effect on the language, and it is crucial that we do not lose the board's experience and expertise in this period of transition and reorganisation.

[313] Mae hefyd yn bwysig inni beidio â cholli'r ewyllys da sydd wedi'i adeiladu drwy ddatblygu'r cynlluniau gwirfoddol presennol. Dyna yn union oedd yr hyn a ddywedodd y pwyllgor hwn yn ei adroddiad ar drafodion Cyfnod 1 y Mesur arfaethedig. Nid yw'n glir yn y Mesur arfaethedig fel y mae ar hyn o bryd sut bydd y system newydd yn cael ei chyflwyno a sut bydd yr hen system yn cael ei diddymu. Mae angen eglurder yn y Mesur arfaethedig er mwyn rhoi hyder i bobl bydd y trosiad yn effeithiol. Diben y gwelliant hwn yw sicrhau bod y system bresennol yn parhau nes bod y safonau newydd yn barod i gymryd ei lle. Bydd y gwelliant yn sicrhau trosiad effeithiol a chlir, yn union fel yr awgrymwyd gan y pwyllgor hwn yn ei adroddiad. Yr wyf yn erfyn arnoch chi, fel pwyllgor, i gefnogi'r gwelliant.

It is also important that we do not lose the goodwill that has been built up in developing the current voluntary arrangements. That is exactly what was stated in the committee's report on the Stage 1 discussions of the proposed Measure. It is not clear in the proposed Measure as it stands how the new system will be introduced and how the old system will be abolished. We need clarity in the proposed Measure in order to give people confidence that the transition will be effective. The aim of this amendment is to ensure that the current system continues until the new standards are ready to take its place. The amendment will ensure a clear and effective transition, exactly as the committee suggested in its report. I urge you, as a committee, to support the amendment.

2.50 p.m.

[314] **Jenny Randerson:** I support Paul's comments. The key is to ensure that there is not a vacuum. So much momentum could be lost in the transition from schemes to standards. We see that with other initiatives of all kinds throughout Government, and so it is really important

to have provisions so that we know how it will go forward.

[315] **Alun Ffred Jones:** Nid wyf yn anghytuno â dim a ddywedodd Paul am bwysigrwydd cynnal yr ewylllys da a'r berthynas y mae bwrdd yr iaith wedi'u sefydlu gyda'r cyrff gwahanol hyn. Fodd bynnag, nid oes angen y gwelliant hwn o gwbl gan ei bod yn berffaith glir yn y Mesur arfaethedig fod y cynlluniau iaith yn parhau hyd nes bod y safonau yn dod i fodolaeth. Effaith gwelliant 174 yw ychwanegu is-adran newydd i adran 136 a fyddai'n atal diddymu Rhan II Deddf yr Iaith Gymraeg 1993 yn ei chyfanrwydd hyd nes y byddai cynlluniau iaith pob corff cyhoeddus wedi'u disodli gan y safonau. Nid oes angen hynny gan fod y Mesur arfaethedig yn darparu ar gyfer proses drosiannol dri cham, sydd wedi'i hamlinellu yn ei adrannau 134 i 136. Mae adran 135 yn dynodi dechrau'r ail gyfnod trosiannol. Mae'n darparu ar gyfer symud o gynlluniau iaith i safonau, ac mae adran 135(2) yn berthnasol yng nghyd-destun y gwelliant hwn. Yn sgîl adran 135(2), bydd 'corff cyhoeddus' o dan Ran II Deddf 1993 yn dod yn ddarostyngedig i safonau ac ni fydd Rhan II yn gymwys bellach. Felly, gofynnaf i'r Aelodau bleidleisio yn erbyn y gwelliant a gyflwynwyd gan Paul Davies gan ei fod yn gwbl ddiangen.

Alun Ffred Jones: I do not disagree with anything that Paul said about the importance of maintaining the goodwill and the relationships that the language board has built up with these various organisations. However, there is no need for this amendment as it is perfectly clear in the proposed Measure that language schemes will continue until the standards come into being. The effect of amendment 174 will be to add a new sub-section to section 136 that would prevent the revocation of Part II of the Welsh Language Act 1993 in its entirety until the language schemes of every public sector organisation have been superseded by the standards. That is not needed because the proposed Measure provides for a three-step transitional process, as outlined in its sections 134 to 136. Section 135 notes the beginning of the second transitional stage. It provides for the move from language schemes to standards, and section 135(2) is relevant in the context of this amendment. As a result of section 135(2), a 'public body' under Part II of the 1993 Act will become subject to standards and Part II will no longer apply. So, I ask Members to vote against this amendment tabled by Paul Davies as it is wholly unnecessary.

[316] **Val Lloyd:** I call on Paul Davies to reply to the debate.

[317] **Paul Davies:** Yr wyf yn anghytuno â'r Gweinidog pan ddywed nad oes angen y gwelliant hwn. Credaf ei bod yn werth ailadrodd yr hyn y mae'r gwelliant yn ceisio ei gyflawni, sef cyflwyno'r system newydd yn effeithiol a sicrhau nad ydym yn colli'r arbenigedd a'r profiad sy'n bodoli o fewn y system ar hyn o bryd. Nid yw'r hyn yr wyf wedi'i glywed gan y Gweinidog y prynhawn yma yn fy llenwi â hyder. Nid yw wedi esbonio sut y bydd y trosiad yn gweithio, a phwrpas fy ngwelliant yw sicrhau bod trosiad effeithiol, i'r graddau y mae hynny'n bosibl, a sicrhau nad ydym yn colli'r profiad a'r arbenigedd sy'n bodoli eisoes. O dan y cynnig hwn, bydd y Mesur arfaethedig yn sicrhau bod y system bresennol yn parhau hyd nes bod y safonau newydd yn barod. Argymhellodd y pwyllgor hynny yn ei adroddiad Cyfnod 1, a byddwn yn erfyn ar y pwyllgor i gefnogi'r gwelliant hwn. Felly,

Paul Davies: I disagree with the Minister when he says that there is no need for this amendment. I believe that it is worth reiterating what the amendment seeks to achieve, namely the efficient introduction of the new system and ensuring that we do not lose the expertise and experience that currently exists in the system. What I have heard from the Minister this afternoon does not fill me with confidence. He has not explained how the transition will work, and the purpose of my amendment is to ensure that there is an efficient transition, as far as that is possible, and to ensure that we do not lose the expertise and experience that already exists. Under this proposal, the proposed Measure will ensure that the current system continues until the new standards are in place. This committee recommended that in its Stage 1 report, and I therefore urge the committee to support this amendment.

Gadeirydd, hoffwn symud i bleidlais.

Therefore, Chair, I wish to move to a vote.

[318] **Val Lloyd:** The question is that amendment 174 be agreed to. I call for a vote.

*Gwelliant 174: O blaid 2, Ymatal 0, Yn erbyn 3.
Amendment 174: For 2, Abstain 0, Against 3.*

Pleidleisiodd yr Aelodau canlynol o blaid:
The following Members voted for:

Davies, Paul
Randerson, Jenny

Pleidleisiodd yr Aelodau canlynol yn erbyn:
The following Members voted against:

Barrett, Lorraine
Jones, Gareth
Morgan, Rhodri

*Gwrthodwyd gwelliant 174.
Amendment 174 not agreed.*

[319] **Val Lloyd:** We now come to dispose of amendment 59. Would you like amendment 59 in your name to be moved, Minister?

[320] **Alun Ffred Jones:** Yes.

[321] **Val Lloyd:** I move amendment 59 in the name of Alun Ffred Jones. The question is that amendment 59 be agreed to. I call for a vote.

*Gwelliant 59: O blaid 5, Ymatal 0, Yn erbyn 0.
Amendment 59: For 5, Abstain 0, Against 0.*

Pleidleisiodd yr Aelodau canlynol o blaid:
The following Members voted for:

Barrett, Lorraine
Davies, Paul
Jones, Gareth
Morgan, Rhodri
Randerson, Jenny

*Derbyniwyd gwelliant 59.
Amendment 59 agreed.*

Grŵp 13: Is-ddeddfwriaeth (Gwelliant 62) Group 13: Subordinate Legislation (Amendment 62)

[322] **Val Lloyd:** In this group, the first and only amendment to be considered is amendment 62. Minister, do you wish that amendment in your name to be moved?

[323] **Alun Ffred Jones:** Yes, please.

[324] **Val Lloyd:** I move amendment 62 in the name of the Minister, and I call on him to speak to his amendment.

[325] **Alun Ffred Jones:** Amendment 62 changes the procedure attached to two statutory-instrument-making powers in the proposed Measure. Both powers are currently subject to the negative resolution procedure. The first power is contained in section 143 and is the power to make an Order to make transitional and consequential provisions in respect of the proposed Measure. This amendment proposes to change the procedure attached to this Order-making power to the affirmative resolution procedure if the Order contains provision that makes a change to an Act of Parliament or an Assembly Measure, for example. The second power is

contained in paragraph 7(1) of Schedule 1, and gives the Welsh Ministers the power to make regulations about the appointment of the commissioner. This amendment proposes to change the procedure attached to this Order-making power to the affirmative resolution procedure.

[326] In coming to the decision to table amendments in this respect, we gave careful consideration to the arguments and recommendations of the Constitutional Affairs Committee in its report. We agree that the procedures for making statutory instruments under the powers contained in section 143 and paragraph 7(1) of Schedule 1 should be amended, and I ask Members to support this amendment.

[327] **Val Lloyd:** I see that no-one wishes to speak. Minister, do you wish to proceed to a vote?

[328] **Alun Ffred Jones:** Yes, please.

[329] **Val Lloyd:** The question is that amendment 62 be agreed to. I call for a vote.

*Gwelliant 62: O blaid 5, Ymatal 0, Yn erbyn 0.
Amendment 62: For 5, Abstain 0, Against 0.*

Pleidleisiodd yr Aelodau canlynol o blaid:
The following Members voted for:

Barrett, Lorraine
Davies, Paul
Jones, Gareth
Morgan, Rhodri
Randerson, Jenny

*Derbyniwyd gwelliant 62.
Amendment 62 agreed.*

[330] **Val Lloyd:** We have a number of amendments to vote on next, the first of which is amendment 63. Minister, do you want me to move amendment 63?

[331] **Alun Ffred Jones:** Yes.

[332] **Val Lloyd:** I move amendment 63 in the name of Alun Ffred Jones. The question is that amendment 63 be agreed to. I call for a vote.

*Gwelliant 63: O blaid 5, Ymatal 0, Yn erbyn 0.
Amendment 63: For 5, Abstain 0, Against 0.*

Pleidleisiodd yr Aelodau canlynol o blaid:
The following Members voted for:

Barrett, Lorraine
Davies, Paul
Jones, Gareth
Morgan, Rhodri
Randerson, Jenny

*Derbyniwyd gwelliant 63.
Amendment 63 agreed.*

[333] **Val Lloyd:** Minister, do you want me to move amendment 6?

[334] **Alun Ffred Jones:** Yes, please.

[335] **Val Lloyd:** I move amendment 6 in the name of Alun Ffred Jones. The question is that amendment 6 be agreed to. I call for a vote.

*Gwelliant 6: O blaid 4, Ymatal 0, Yn erbyn 1.
Amendment 6: For 4, Abstain 0, Against 1.*

Pleidleisiodd yr Aelodau canlynol o blaid:
The following Members voted for:

Barrett, Lorraine
Jones, Gareth
Morgan, Rhodri
Randerson, Jenny

Pleidleisiodd yr Aelod canlynol yn erbyn:
The following Member voted against:

Davies, Paul

*Derbyniwyd gwelliant 6.
Amendment 6 agreed.*

[336] **Val Lloyd:** Minister, do you want me to move amendment 38?

[337] **Alun Ffred Jones:** Yes, please.

[338] **Val Lloyd:** I move amendment 38 in the name of Alun Ffred Jones. The question is that amendment 38 be agreed. I call for a vote.

*Gwelliant 38: O blaid 5, Ymatal 0, Yn erbyn 0.
Amendment 38: For 5, Abstain 0, Against 0.*

Pleidleisiodd yr Aelodau canlynol o blaid:
The following Members voted for:

Barrett, Lorraine
Davies, Paul
Jones, Gareth
Morgan, Rhodri
Randerson, Jenny

*Derbyniwyd gwelliant 38.
Amendment 38 agreed.*

[339] **Val Lloyd:** Minister, do you want me to move amendment 52?

[340] **Alun Ffred Jones:** Yes, please.

[341] **Val Lloyd:** I move amendment 52 in the name of Alun Ffred Jones. The question is that amendment 52 be agreed. I call for a vote.

*Gwelliant 52: O blaid 5, Ymatal 0, Yn erbyn 0.
Amendment 52: For 5, Abstain 0, Against 0.*

Pleidleisiodd yr Aelodau canlynol o blaid:
The following Members voted for:

Barrett, Lorraine
Davies, Paul
Jones, Gareth
Morgan, Rhodri
Randerson, Jenny

Derbyniwyd gwelliant 52.

Amendment 52 agreed.

Grŵp 14: Cynllun Gweithredu Strategaeth Iaith Gymraeg a Chyngor Partneriaeth y Gymraeg (Gwelliannau 60, 61 a 2)
Group 14: Welsh Language Strategy Action Plan and Welsh Language Partnership Council (Amendments 60, 61 and 2)

[342] **Val Lloyd:** The lead amendment in this group is 60. Minister, do you wish amendment 60 in your name to be moved?

[343] **Alun Ffred Jones:** Yes.

[344] **Val Lloyd:** I move amendment 60 in the name of Alun Ffred Jones. I call on the Minister to speak to this and the other amendments in the group.

[345] **Alun Ffred Jones:** Mae gwelliant 60, drwy ddiwygio adran 78 Deddf Llywodraeth Cymru 2006, yn gosod dyletswydd newydd ar Weinidogion Cymru i gyhoeddi cynllun blynyddol parthed y strategaeth iaith Gymraeg sy'n ofynnol arnynt ei fabwysiadu o dan yr adran honno. Pwrpas y cynllun yw nodi sut y bydd Gweinidogion Cymru yn gweithredu'r cynigion a amlinellwyd yn y strategaeth iaith Gymraeg yn ystod y flwyddyn. Mae hefyd yn gwneud darpariaeth ynghylch amseru cyhoeddi'r cynllun. Mae'r strategaeth iaith Gymraeg yn ddogfen allweddol sy'n nodi polisiau'r Llywodraeth ar gyfer hybu a hwyluso'r defnydd a wneir o'r Gymraeg. Bydd ganddi oes gymharol hir, a bydd yn bwysig felly sicrhau y caiff cynllun ei ddatblygu bob blwyddyn i amlinellu'r camau sydd i'w cymryd i gyflawni'r ymrwymadau sydd wedi'u cynnwys yn y strategaeth.

Alun Ffred Jones: By amending section 78 of the Government of Wales Act 2006, amendment 60 would place a new duty on the Welsh Ministers to publish an annual plan in relation to the Welsh language strategy that they are required to adopt under that same section. The purpose of the plan is to set out how the Welsh Ministers will implement the proposals set out in the Welsh language strategy during the year. It also makes provision in relation to the timing of the publication of the plan. The Welsh language strategy is a key document that sets out the Government's policies for promoting and facilitating the use of the Welsh language. The strategy will have a relatively long shelf life and it will be important therefore to ensure that a plan is developed each year to set out the actions to be taken to deliver on the commitments contained in the strategy.

[346] Dylid darllen y gwelliant hwn ochr yn ochr â gwelliant 61, sy'n cynnig sefydlu cyngor partneriaeth y Gymraeg. Mae is-adran (6) yr adran newydd a gynigir gan welliant 61 yn darparu y caiff y cyngor partneriaeth roi cyngor neu gyflwyno sylwadau i Weinidogion Cymru ynghylch eu strategaeth a'r cynllun. Mae gwelliant 61 yn gwneud darpariaeth ynghylch sefydlu cyngor partneriaeth y Gymraeg, gan gynnwys darpariaeth ynghylch ei aelodaeth a'i swyddogaethau. Bydd rhaid i Weinidogion Cymru sefydlu a chynnal y cyngor, a gaiff ei gadeirio gan ba un bynnag o Weinidogion Cymru sydd â chyfrifoldeb dros y Gymraeg.

This amendment should be read alongside amendment 61, which proposes the establishment of a Welsh language partnership council. Sub-section (6) of the new section proposed by amendment 61 provides that the council may give advice or make representations to the Welsh Ministers in relation to their strategy and the plan. Amendment 61 makes provision for the establishment of a Welsh language partnership council, including provision about its membership and functions. The Welsh Ministers will have to establish and maintain the council, which will be chaired by whichever of the Welsh Ministers has responsibility for the Welsh language.

[347] Swyddogaeth y cyngor partneriaeth The partnership council's function will be to

fydd rhoi cyngor a chyflwyno sylwadau i Weinidogion Cymru ynghylch strategaeth iaith Gymraeg y Llywodraeth ac, yn ychwanegol, roi cyngor neu gyflwyno syniadau ynghylch cynllun gweithredu Gweinidogion Cymru i gyflawni'r cynigion a nodwyd yn y strategaeth.

give advice and make representations to the Welsh Ministers in relation to the Government's Welsh language strategy and, in addition, to give advice or make representations about the Welsh Ministers' action plan to implement the proposals set out in the strategy.

[348] Thema allweddol yn natblygiad a chyflawniad polisi'r Llywodraeth yw gweithio mewn partneriaeth. Bydd y gwelliant hwn yn sicrhau bod gofyniad statudol parhaol ar y Llywodraeth i weithio mewn partneriaeth gyda'r sawl sydd â diddordeb yn y Gymraeg ac yn strategaeth iaith y Llywodraeth.

Working in partnership is a key theme in the development and delivery of the Government's policy for the language. This amendment will ensure that there is an enduring statutory requirement for the Government to work in partnership with those who have an interest in the Welsh language and in the Government's Welsh language strategy.

3.00 p.m.

[349] Mae is-adrannau (2) a (3) yr adran newydd yn gwneud darpariaeth ynghylch aelodaeth y cyngor. Mae'r darpariaethau hyn yn adlewyrchu bwriad y Llywodraeth i sicrhau y gall weithio mewn partneriaeth â phersonau y mae'n ymddangos i Weinidogion fod ganddynt brofiad perthnasol. Wrth apwyntio aelodau'r cyngor, rhaid i Weinidogion Cymru hefyd sicrhau eu bod yn ystyried y ffaith ei bod yn ddymunol i aelodau'r cyngor adlewyrchu'r graddau amrywiol y mae'r Gymraeg yn cael ei defnyddio gan drigolion Cymru.

Sub-sections (2) and (3) of the new section make provision for the council's membership. These provisions reflect the Government's aim to ensure that it can work in partnership with persons who appear to the Ministers to have relevant experience. In appointing the members of the council, the Welsh Ministers will also need to ensure that they have regard to the fact that it is desirable that its members reflect the varying extent to which the Welsh language is used by those living in Wales.

[350] Mae'r gwelliant hwn hefyd yn gosod gofyniad ar Weinidogion Cymru i wneud rheolau sefydlog i reoleiddio trefniadaeth y cyngor. Bydd hynny'n sicrhau bod ei drefniadaeth wedi'i rheoleiddio mewn modd priodol. Cyn gwneud rheolau sefydlog, bydd Gweinidogion o dan ddyletswydd i ymgynghori â'r cyngor.

This amendment also places a requirement on the Welsh Ministers to make standing orders to regulate the arrangements of the council. That will ensure that its arrangements are regulated in an appropriate manner. Prior to the making of standing orders, the Ministers will have a duty to consult with the council.

[351] Mae'n bwysig ein bod yn gwneud y mwyaf o'r ystod eang o brofiad ynghylch y Gymraeg sydd ar gael inni, a hynny er mwyn sicrhau ein bod yn cyflawni ein polisiau yn effeithiol. Credwn y bydd y gwelliant hwn, ynghyd â gwelliant 60, yn ein galluogi i wneud hynny.

It is important that we make the most of the wide range of experience that is available to us in relation to the Welsh language, to ensure that we deliver our policies effectively. We believe that this amendment, along with amendment 60, will enable us to do so.

[352] Dylid darllen gwelliant 2 ochr yn ochr â gwelliant 61, sy'n sefydlu cyngor partneriaeth y Gymraeg. Gofynnaf ichi gefnogi'r gwelliannau hyn.

Amendment 2 should be read alongside amendment 61, which establishes the Welsh language partnership council. I ask you to support the amendments.

[353] **Val Lloyd:** I see that there are no speakers. Minister, do you wish to proceed to a vote on amendment 60?

[354] **Alun Ffred Jones:** Hoffwn, os **Alun Ffred Jones:** Yes, please. gwelwch yn dda.

[355] **Val Lloyd:** The question is that amendment 60 be agreed to. I call for a vote.

*Gwelliant 60: O blaid 5, Ymatal 0, Yn erbyn 0.
Amendment 60: For 5, Abstain 0, Against 0.*

Pleidleisiodd yr Aelodau canlynol o blaid:
The following Members voted for:

Barrett, Lorraine
Davies, Paul
Jones, Gareth
Morgan, Rhodri
Randerson, Jenny

*Derbyniwyd gwelliant 60.
Amendment 60 agreed.*

[356] **Val Lloyd:** We shall now dispose of amendment 61. Minister, do you wish for amendment 61 in your name to be moved?

[357] **Alun Ffred Jones:** Yes.

[358] **Val Lloyd:** I move amendment 61 in the name of Alun Ffred Jones. The question is that amendment 61 be agreed to. I call for a vote.

*Gwelliant 61: O blaid 5, Ymatal 0, Yn erbyn 0.
Amendment 61: For 5, Abstain 0, Against 0.*

Pleidleisiodd yr Aelodau canlynol o blaid:
The following Members voted for:

Barrett, Lorraine
Davies, Paul
Jones, Gareth
Morgan, Rhodri
Randerson, Jenny

*Derbyniwyd gwelliant 61.
Amendment 61 agreed.*

**Grŵp 15: Hawliau Mewn Perthynas â Safonau (Gwelliannau 177 a 192)
Group 15: Rights in Relation to Standards (Amendments 177 and 192)**

[359] **Val Lloyd:** The first amendment to be considered in this group is amendment 177. Leanne, do you wish for amendment 177 in your name to be moved?

[360] **Leanne Wood:** Yes, please, Chair.

[361] **Val Lloyd:** I move amendment 177 in the name of Leanne Wood. I call on Leanne to speak to the amendment and the other amendments in the group.

[362] **Leanne Wood:** This is a probing amendment, and it is supported by the barrister Gwion Lewis, who is the author of *Hawl i'r Gymraeg*, which means the right to the Welsh language. It seeks to put a guiding principle at the heart of the proposed Measure that explains to all, the public, the commissioner and the Government, the reason for setting standards for bodies to provide Welsh-language services. Establishing that general right would raise the expectations of people in Wales with regard to their relationship with the Welsh language, which is one problem that undermines its use. It would put flexibility in the proposed Measure and would mean that standards would automatically develop to reflect technological developments and substantial changes to the way in which services are provided to the public.

[363] The committee's report at Stage 1 agreed that stronger principles needed to be at the heart of the proposed Measure. The report said that this committee was worried that citizens are not included as much as is possible, and believed that that should be improved on. You also said that, in your opinion, the proposed Measure did not include a clear declaration of principle.

[364] A number of organisations have made representations to me to ask for such a general principle of rights to be inserted into the proposed Measure. In evidence, Mudiadau Dathlu'r Gymraeg said:

[365] 'As far as we can see, the only right that is given in the proposed Measure in its present form is the right for companies to challenge decisions by the commissioner if they are of the view that they are unreasonable.'

[366] That point was made by other Members earlier. Some 80 per cent of those who were surveyed by Consumer Focus Wales wanted there to be rights, agreeing or strongly agreeing that Welsh speakers should have the right to receive every service in Welsh.

[367] On the practical benefits, in the case of swimming lessons or out-of-school activities for children in an area where one could reasonably expect those activities to be provided through the medium of Welsh, at the moment, the concern is that, although it would be reasonable to request such services to be provided in Welsh, a future commissioner or Government could take a decision not to include such services in a standard. The amendment would ensure that standards would have to deliver what it is reasonable to request.

[368] I also ask you to imagine a service that changes its nature, for example if it is privatised or is moved online from being paper-based. That principle would ensure that the standards were kept up-to-date. The amendment also combines the concept of a right with two principles that are already central to the proposed Measure, namely reasonableness and proportionality, and the trinity of principles that are so familiar in human rights, for example, in article 10 of the European convention on human rights.

[369] Another advantage of this amendment is its simplicity. It answers the legislation committee's call for a need for clear principles in the legislation. The principle would also be a counterweight to the number of rights of appeal guaranteed by the legislative competence Order to large companies. The commissioner and the tribunal would have to consider the general principle when considering setting standards, which is a counterbalance to the fear of legal challenge to the standards.

[370] Finally, the ability of bodies to appeal to the tribunal with no corresponding rights for individuals is an imbalance, and I welcome the Minister's earlier comments indicating that he is prepared to reflect further up on that.

[371] **Gareth Jones:** Yr wyf yn falch bod **Gareth Jones:** I am pleased that Leanne has Leanne wedi codi'r pwynt hwn ac felly wedi raised this point thereby reminding us of it.

ein hatgoffa ohono. Yr ydym wedi cael trafodaeth helaeth am y Mesur arfaethedig hwn ac wedi gwrando ar bob math o dystiolaeth. Yr wyf felly'n hapus gyda sut y mae'r Mesur arfaethedig yn symud yn ei flaen. Fodd bynnag, teimlaf fod rhywfaint o ddadl ynghylch y statws, a rhaid imi ddweud fy mod yn cytuno bod elfen o ddiffyg cydbwysedd yn y Mesur arfaethedig fel y mae.

[372] Mae'r diffyg cydbwysedd yn ymwneud â hawliau. Derbyniaf yn llwyr yr hyn y mae'r Gweinidog wedi'i egluro inni droeon, sef bod y comisiynydd yn cymryd arno neu arni hawliau'r unigolyn fel bod yr hawliau yn rhai torfol. Fodd bynnag, ni allwn osgoi'r ffaith ychwaith fod hawl gan gyrrff a mudiadau grymus i apelio, ac i wneud hynny â phob math o gefnogaeth a sicrwydd ariannol. Fodd bynnag, hyd y gwelaf, nid yw'r un hawl yn bodoli o ran yr unigolyn, ac mae'r ymddiriedaeth i gyd yn nwylo'r comisiynydd. Mae'n bosibl i'r gorau fethu weithiau, a gallai'r comisiynydd gael pethau yn anghywir. Er tegwch â hawliau dynol, dylid cael rhyw fath o system wrth gefn sy'n caniatáu i'r unigolyn wneud apêl bellach.

[373] Bydd aelodau'r pwyllgor yn gwybod fy mod wedi gofyn i'r Mesur arfaethedig olrhain hawliau'r unigolyn drwyddo draw, fel bod unigolion yn hyderus bod popeth yn ei le. Mae diffyg yn y rhan hon o'r Mesur arfaethedig, o'm rhan i. Yr oeddwn yn gwrando'n ofalus ar y Gweinidog yn gynharach pan ddywedodd, yn ei ymateb i welliant Paul Davies ar elfennau technegol, y byddai'n edrych eto ar y rhan hon. Apeliaf yn daer arno, felly, i ystyried yr hyn a ddywedais i, Leanne a Paul. Gwn fod Leanne a Paul yn siarad ar ran cannoedd o bobl sy'n edrych ymlaen at weld hwn yn gweithio'n effeithiol ar ran unigolion a'r Gymraeg.

[374] **Jenny Randerson:** If the committee had accepted the simple version of the statement of the equal validity of, and equality for, the Welsh and English languages, I do not believe that this amendment would have been necessary. However, the committee went for a much more complex statement, which, although is better than where we started on this proposed Measure, to me, is not good enough. I think that Leanne's amendment goes some way towards strengthening that situation. The Minister has unfortunately rejected, and therefore the committee has rejected, amendments from Paul and I that were designed to strengthen individual rights in various detailed ways. Those detailed ways have been rejected, but a fundamental statement of rights would do a lot to strengthen the proposed Measure, given the

We have had an extensive discussion on this proposed Measure, and we have listened to all manner of evidence. I am therefore very happy with the way in which the proposed Measure is progressing. However, I feel that there is some degree of debate about the status issue, and I must say that I agree that there is an element of a lack of balance in the proposed Measure as it is currently drafted.

That lack of balance is to do with rights. I fully accept what the Minister has explained to us several times, namely that the commissioner takes on the rights of the individual, so that they are collective rights. However, we cannot avoid the fact that powerful bodies and organisations have the right to appeal, and they could do so with all manner of support and financial backing. However, as far as I can see, the same right is not extended to individuals, and the trust is all placed in the hands of the commissioner. It is possible for even the best people to fail sometimes, and the commissioner could get things wrong. In fairness to human rights, there should be some fall-back system to enable individuals to make a further appeal.

Members of the committee will know that I have asked for this proposed Measure to trace the rights of the individual throughout, so that individuals can feel confident that everything is in place. There is a weakness in this part of the proposed Measure, as far as I am concerned. I listened carefully to the Minister earlier when he said, in response to Paul Davies's amendment on technicalities, that he would look again at this part. I therefore implore him to consider what Leanne, Paul and I have said. I know that Leanne and Paul were speaking on behalf of hundreds of people who are looking forward to seeing this working effectively on behalf of individuals and the Welsh language.

rejection of those other amendments. So, I will be supporting this amendment.

3.10 p.m.

[375] **Alun Ffred Jones:** Mae'n bwysig inni atgoffa ein hunain fod gwelliant 6, a dderbyniwyd gan y pwyllgor, yn datgan fod egwyddor yn seiliedig i'r Mesur arfaethedig gyda'r bwriad o alluogi pobl yng Nghymru i fyw eu bywydau drwy gyfrwng yr iaith Gymraeg. Dyna yw'r egwyddor sy'n sylfaen i'r Mesur arfaethedig. Nid yw'n wir dweud nad oes cyfeiriad at hawliau, gan ei fod yn y disgrifiad hir o'r Mesur arfaethedig. Yn Rhan 1(2) o'r Mesur arfaethedig yr ydym yn cyfeirio at y dyletswyddau ar y cyrff, sydd wedyn yn troi'n hawliau i'r unigolyn, a'r hawliau hynny yn cael eu cefnogi gan y comisiynydd a drwy ddeddfwriaeth. Felly, yr ydym wedi symud yn eithaf pell i ddatgan fod hawliau defnyddwyr yn dod yn rhan o ddeddfwriaeth Cymru.

[376] Ar ôl dweud hynny, nid wyf am fynd dros yr un tir yr aethom drosto o'r blaen ynglŷn â hyn. Fodd bynnag, mae'n bwysig atgoffa ein hunain o un rheswm pam nad ydym wedi symud i gyfeiriad yr hyn y mae Leanne wedi ei gynnig a'r datganiad y cyfeiriodd Jenny Randerson ato, sef dilysrwydd cyfartal, a hynny yw oherwydd ei fod yn cyflwyno elfen o ansicrwydd i'r Mesur arfaethedig. Bydd yr ansicrwydd hwnnw yn anochel wedyn yn cael ei ddehongli gan y llysoedd. Yr wyf wedi dweud drosodd a throsodd nad wyf yn barod i weld ein diffiniad o'r hyn sy'n gymwys i ddefnyddwyr Cymraeg gael ei benderfynu gan lys barn ac ar fympwy barnwyr. Dyna yw'r man gwan yn y ddatl a gynigir ynglŷn â rhyw fath o gymal eang: mae'n agor y drws i weithredoedd yn y llysoedd. Dylem atgoffa ein hunain na fyddai'r rhan fwyaf o ddefnyddwyr Cymraeg yn breuddwydio am fynd i lys er mwyn ceisio cael eu hawliau. Byddent yn wirion iawn i wneud hynny ac i daflu arian i ffwrdd. Credaf fydd y Mesur arfaethedig, yn y ffordd y cafodd ei lunio, yn creu hawliau ac yn ehangu'r ddarpariaeth i ddefnyddwyr Cymraeg.

[377] Ceisiaf fod yn fwy eglur. Fel y dywedais wrth geisio ymateb i Paul, mae'r pwynt sydd wedi cael ei wneud ynglŷn â hawl yr unigolyn i apelio yn fater yr wyf

Alun Ffred Jones: It is important for us to remind ourselves that amendment 6, which was agreed by the committee, states that there is a principle at the heart of the proposed Measure that aims to enable people in Wales to live their lives through the medium of Welsh. That is the underlying principle of the proposed Measure. It is not true to say that there is no reference to rights, as it is in the long title of the proposed Measure. In Part 1(2) of the proposed Measure we refer to the duties on bodies, which then become rights for individuals, and those rights are supported by the commissioner and through legislation. Therefore, we have moved a relatively long way in stating that the rights of users will be enshrined in Welsh legislation.

Having said that, I do not wish to go over the same ground as we have gone over before in this regard. However, it is important to remind ourselves of one reason why we have not moved in the direction of what Leanne has proposed and the statement to which Jenny Randerson referred, namely equal validity, and that is because it introduces an element of uncertainty into the proposed Measure. That uncertainty would inevitably be interpreted by the courts. I have said time and again that I am not willing to see our definition of what is appropriate for Welsh speakers being decided by a court of law and at the whim of judges. That is the weak point in the argument proposed about some kind of broad clause: it opens the door to interpretation by the courts. We should remind ourselves that most Welsh speakers would not dream of going to court to try to secure their rights. They would be very foolish to do so and to throw money away. I believe that the proposed Measure, in the way in which it has been drawn up, will create rights and expand the provision for Welsh speakers.

I will try to be clearer. As I said in trying to respond to Paul, I have considered the point made about the right of the individual to appeal very carefully. If I was not clear

wedi bod yn ystyried yn ofalus iawn. Os nad oeddwn yn ddigon clir o'r blaen, yr wyf am ei wneud yn gliriach y tro hwn. Yr ydym yn gobethio dod â chynnig gerbron a fydd yn ymateb i sylwadau Gareth Jones yn gynharach yn y Cyfnod nesaf. Mae hwn yn fater sydd angen triniaeth ofalus iawn. Y peth olaf yr ydym eisiau ei wneud yw creu system lle bydd y comisiynydd wedi ei glymu i brosesau a fydd yn llyncu amser, adnoddau ac arian. Felly, wrth ddod â chynigion gerbron, bydd yn rhaid inni ofalu nad yw hynny'n ganlyniad anochel i'r cynigion hynny. Gobeithiaf y byddant yn ymateb i'r hyn yr oedd Paul yn ei ddweud yn gynharach, gan dderbyn y dadleuon a gyflwynwyd gan Leanne a Gareth yn y drafodaeth hon.

enough previously, I will make it clearer this time. We hope to bring forward a proposal that will respond to the comments that Gareth Jones made earlier in the next Stage. This issue merits very careful treatment. The last thing that we want to do is to create a system that ties the commissioner into processes that take up a great deal of time, resources and money. Therefore, in bringing proposals forward, we must be careful that that is not the inevitable outcome of those proposals. I hope that they will respond to what Paul said earlier, while also accepting the arguments presented by Leanne and Gareth in this debate.

[378] **Val Lloyd:** Leanne, do you wish to reply to the debate?

[379] **Leanne Wood:** Yes, Chair. I thank everyone for their comments. Minister, you have expressed concern about interpretation by the courts, and I accept your argument. However, that is how human rights and equalities legislation works, and it is in the spirit of that tradition of UK legislation and international conventions. Daily, people are denied the right to receive services in Welsh, even from public bodies. So, by bestowing rights on the individual we could ensure that public bodies, private bodies and the Government do not ignore the wishes of people—especially people who do not have a strong voice, such as children and older people—to receive services through the medium of Welsh. I welcome your comments regarding the individual right to appeal, Minister, and, as this was a probing amendment, as I set out at the beginning, I do not wish to move this to a vote, Chair.

[380] **Val Lloyd:** Leanne does not wish to proceed with this amendment. Does any Member object to its being withdrawn?

[381] **Jenny Randerson:** I would like us to proceed to a vote on the amendment.

[382] **Val Lloyd:** The question is that amendment 177 be agreed to. I call for a vote.

*Gwelliant 177: O blaid 2, Ymatal 0, Yn erbyn 3.
Amendment 177: For 2, Abstain 0, Against 3.*

Pleidleisiodd yr Aelodau canlynol o blaid:
The following Members voted for:

Davies, Paul
Randerson, Jenny

Pleidleisiodd yr Aelodau canlynol yn erbyn:
The following Members voted against:

Barrett, Lorraine
Jones, Gareth
Morgan, Rhodri

*Gwrthodwyd gwelliant 177.
Amendment 177 not agreed.*

**Grŵp 16: Rhwymedi'r Unigolion (Gwelliant 179)
Group 16: Individual Remedy (Amendment 179)**

[383] **Val Lloyd:** We move on to our final group this afternoon. The lead and only amendment to be considered is amendment 179 in the name of Leanne Wood. Do you wish it

to be moved, Leanne?

[384] **Leanne Wood:** No, thank you, Chair.

*Ni symudwyd gwelliant 179.
Amendment 179 not moved.*

[385] **Val Lloyd:** We now come to dispose of amendment 189. I invite Jenny Randerson to move the amendment.

[386] **Jenny Randerson:** I move amendment 189 in my name.

[387] **Val Lloyd:** The question is that amendment 189 be agreed to. I call for a vote.

*Gwelliant 189: O blaid 2, Ymatal 0, Yn erbyn 3.
Amendment 189: For 2, Abstain 0, Against 3.*

Pleidleisiodd yr Aelodau canlynol o blaid:
The following Members voted for:

Davies, Paul
Randerson, Jenny

Pleidleisiodd yr Aelodau canlynol yn erbyn:
The following Members voted against:

Barrett, Lorraine
Jones, Gareth
Morgan, Rhodri

*Gwrthodwyd gwelliant 189.
Amendment 189 not agreed.*

[388] **Val Lloyd:** We now come to dispose of amendment 192. Leanne, do you wish this amendment to be moved?

[389] **Leanne Wood:** No, thank you, Chair.

[390] **Val Lloyd:** Does any other Member wish to move this amendment? I see that no-one does.

*Ni symudwyd gwelliant 192.
Amendment 192 not moved.*

[391] We now come to dispose of amendment 1, in the name of the Minister. Minister, do you wish the amendment in your name to be moved?

[392] **Alun Ffred Jones:** Please.

[393] **Val Lloyd:** I move amendment 1 in the name of Alun Ffred Jones. The question is that amendment 1 be agreed to. I call for a vote.

*Gwelliant 1: O blaid 5, Ymatal 0, Yn erbyn 0.
Amendment 1: For 5, Abstain 0, Against 0.*

Pleidleisiodd yr Aelodau canlynol o blaid:
The following Members voted for:

Barrett, Lorraine
Davies, Paul
Jones, Gareth
Morgan, Rhodri
Randerson, Jenny

*Derbyniwyd gwelliant 1.
Amendment 1 agreed.*

[394] **Val Lloyd:** We now come to dispose of amendment 2. Minister, do you wish amendment 2 in your name to be moved?

[395] **Alun Ffred Jones:** Yes, please.

[396] **Val Lloyd:** I move amendment 2 in the name of Alun Ffred Jones. The question is that amendment 2 be agreed to. I call for a vote.

*Gwelliant 2: O blaid 5, Ymatal 0, Yn erbyn 0.
Amendment 2: For 5, Abstain 0, Against 0.*

Pleidleisiodd yr Aelodau canlynol o blaid:
The following Members voted for:

Barrett, Lorraine
Davies, Paul
Jones, Gareth
Morgan, Rhodri
Randerson, Jenny

*Derbyniwyd gwelliant 2.
Amendment 2 agreed.*

[397] **Val Lloyd:** We now come to dispose of amendment 3. Minister, do you wish amendment 3 in your name to be moved?

[398] **Alun Ffred Jones:** Yes, please.

[399] **Val Lloyd:** I move amendment 3 in the name of Alun Ffred Jones. The question is that amendment 3 be agreed to. I call for a vote.

*Gwelliant 3: O blaid 4, Ymatal 1, Yn erbyn 0.
Amendment 3: For 4, Abstain 1, Against 0.*

Pleidleisiodd yr Aelodau canlynol o blaid:
The following Members voted for:

Barrett, Lorraine
Davies, Paul
Jones, Gareth
Morgan, Rhodri

Ymataliodd yr Aelod canlynol:
The following Member abstained:

Davies, Paul

*Derbyniwyd gwelliant 3.
Amendment 3 agreed.*

[400] **Val Lloyd:** We now come to dispose of amendment 4. Minister, do you wish amendment 4 in your name to be moved?

[401] **Alun Ffred Jones:** Yes, please.

[402] **Val Lloyd:** I move amendment 4 in the name of Alun Ffred Jones. The question is that amendment 4 be agreed to. I call for a vote.

*Gwelliant 4: O blaid 5, Ymatal 0, Yn erbyn 0.
Amendment 4: For 5, Abstain 0, Against 0.*

Pleidleisiodd yr Aelodau canlynol o blaid:
The following Members voted for:

Barrett, Lorraine
Davies, Paul
Jones, Gareth
Morgan, Rhodri
Randerson, Jenny

*Derbyniwyd gwelliant 4.
Amendment 4 agreed.*

[403] **Val Lloyd:** All the amendments have now been disposed of, and that brings us to the end of our consideration of amendments at Stage 2. For the record, all sections have been agreed by the committee. Under Standing Order No. 23.40, if a proposed Measure is amended at Stage 2 proceedings so as to insert a section or Schedule or substantially alter any existing provision, the committee considering Stage 2 proceedings may request that the Member in charge prepare a revised explanatory memorandum. I consider that amendments agreed by this committee have substantially altered some existing provisions; as such, do Members agree that the Assembly Government should prepare a revised explanatory memorandum? I see that that is agreed.

[404] That brings Stage 2 proceedings to a close. Stage 3 begins tomorrow. The deadline for tabling amendments will be notified to Members in due course, and will also be published in the business notice. Thank you for your attendance. I declare the meeting closed.

*Daeth y cyfarfod i ben am 3.20 p.m.
The meeting ended at 3.20 p.m.*