



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

**Y Pwyllgor Busnes
The Business Committee**

**Dydd Mawrth, 7 Rhagfyr 2010
Tuesday, 7 December 2010**

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Cofnodir y trafodion hyn yn yr iaith y llefarwyd hwy ynndi yn y pwyllgor. Yn ogystal,
cynhwysir cyfieithiad Saesneg o gyfraniadau yn y Gymraeg.

These proceedings are reported in the language in which they were spoken in the committee.
In addition, an English translation of Welsh speeches is included.

Aelodau'r pwyllgor yn bresennol
Committee members in attendance

Peter Black	Democratiaid Rhyddfrydol Cymru Welsh Liberal Democrats
Jocelyn Davies	Plaid Cymru The Party of Wales
Dafydd Elis-Thomas (Y Llywydd/The Presiding Officer)	Plaid Cymru (Cadeirydd y Pwyllgor) The Party of Wales (Committee Chair)
Jane Hutt	Llafur (Y Gweinidog dros Fusnes a Chyllideb) Labour (The Minister for Business and Budget)
Nick Ramsay	Ceidwadwyr Cymreig Welsh Conservatives

Eraill yn bresennol
Others in attendance

Aled Eurig	Cynghorydd y Pwyllgor Committee Adviser
Marion Stapleton	Pennaeth yr Is-adran Busnes y Cynulliad a Rheoli Deddfwriaeth, Llywodraeth Cynulliad Cymru Head of the Assembly Business and Legislation Management Division, Welsh Assembly Government

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

Adrian Crompton	Cyfarwyddwr Busnes y Cynulliad Director of Assembly Business
Anna Daniel	Clerc Clerk
Sulafa Halstead	Pennaeth Pwyllgorau'r Cynulliad Head of Assembly Committees
Llinos Madeley	Dirprwy Glerc Deputy Clerk
Siân Wilkins	Pennaeth Deddfwriaeth a Gwasanaethau'r Siambr Head of Legislation and Chamber Services

Dechreuodd y cyfarfod am 8.45 a.m.

The meeting began at 8.45 a.m.

Cyflwyniad, Ymddiheuriadau a Dirprwyon
Introduction, Apologies and Substitutions

[1] **Y Llywydd (Dafydd Elis-Thomas): The Presiding Officer (Dafydd Elis-Thomas):** [*Nid oes recordiad ar gael o ddechrau'r cyfarfod.*] Os bydd y larwm tân yn seinio, bydd angen gadael yr ystafell drwy'r allanfeydd tân penodol a dilyn cyfarwyddiadau'r tywyswyr. Mae angen diffodd ffonau symudol ac unrhyw offer cyfathrebu arall. Hoffwn dynnu sylw at y ffaith bod y lladmeru, y cyfieithu ar y pryd, [*No recording is available of the beginning of the meeting.*] If the fire alarm sounds, we will need to leave the room via the marked fire exits and follow the ushers' instructions. Please switch off all mobile phones and any other communication devices. I would like to draw your attention to the fact that the interpretation is available

i'w glywed ar sianel 1 a'r darllediad gair am air ar sianel 0. Nid oes angen i ni gyffwrdd â'r botymau ar y meicroffonau, dim ond sicrhau bod y golau yn disgleirio.

on channel 1 and the verbatim broadcast on channel 0. We do not need to touch the buttons on the microphones, just ensure that the light is showing.

[2] Dyma'r pumed cyfarfod cyhoeddus. Ymddiheuraf am y toriad mewn gwasanaeth a'n gorfododd i ohirio'r cyfarfod cyhoeddus blaenorol bythefnos yn ôl, o ganlyniad i anawsterau cyfathrebu yn yr adeilad ac oherwydd bod offer arall yn cael ei ddefnyddio yn agos at yr offer hwn. Yr wyf wedi cael sicrwydd gan swyddogion na fydd hyn yn gallu digwydd eto. Hyderaf na fydd offer symudol Llywodraeth Cymru yn effeithio ar weithgareddau pwyllgorau'r Cynulliad yn y dyfodol. Ni awn ar ôl hynny ymhellach.

This is the fifth public meeting. I apologise for the cut in service that forced us to postpone the previous public meeting a fortnight ago, as a result of communication difficulties within the building and because other equipment was being used nearby. I have been given an assurance by officials that this will not happen again. I am confident that the mobile equipment of the Welsh Government will not impact upon the activities of Assembly committees in the future. We will not go after that particular point.

[3] **The Deputy Minister for Housing (Jocelyn Davies):** *[Inaudible.] [Laughter.]*

[4] **The Presiding Officer:** I would say that, would I not, Deputy Minister?

[5] **Jocelyn Davies:** Yes, you would.

[6] **The Presiding Officer:** Thank you, Deputy Minister.

[7] **Y Llywydd:** Fe fyddwn yn ymwneud heddiw â'r Rheolau Sefydlog sy'n ymwneud â swyddi a phenodiadau'r Cynulliad, Rheol Sefydlog Rhif 27 ar weithdrefnau cyllid, y newidiadau arfaethedig sy'n ymwneud â chofnodi amser y bydd Aelodau yn ei dreulio yn gwneud gwaith cofrestradwy, y newidiadau arfaethedig sy'n ymwneud â Rheolau Sefydlog Rhif 22 i 26 ynghylch deddfwriaeth, a Rheol Sefydlog Rhif 30 ar adroddiadau ar y trafodion.

The Presiding Officer: Today we will be dealing with Standing Orders relating to offices and appointments, Standing Order No. 27 on finance procedures, the proposed changes relating to the recording of Members' time involved in registrable activities, the proposed changes relating to Standing Order Nos. 22 to 26 on legislation, and Standing Order No. 30 on reports of proceedings.

8.47 a.m.

Cofnodion y Cyfarfod Blaenorol (23 Tachwedd 2010) Minutes of Previous Meeting (23 November 2010)

[8] **Y Llywydd:** A ydym yn fodlon â chofnodion y cyfarfod cyhoeddus diwethaf? Gwelaf eich bod.

The Presiding Officer: Are we content with the minutes of the previous public meeting? I see that you are.

8.48 a.m.

Rheolau Sefydlog sy'n Ymwneud â Swyddi a Phenodiadau Standing Orders Relating to Offices and Appointments

Rheol Sefydlog Rhif 2: Y Llywydd a'r Dirprwy
Standing Order No. 2: Presiding Officer and Deputy

[9] **Y Llywydd:** Mae'r Rheol Sefydlog hwn yn ymwneud â'r Llywydd a'r Dirprwy Lywydd. A oes unrhyw sylwadau ar y newidiadau i'r Rheol Sefydlog a welir ym mharagraff 7 o'r papur?

The Presiding Officer: This Standing Order relates to the Presiding Officer and the Deputy Presiding Officer. Are there any comments on the changes to the Standing Order as they appear in paragraph 7 of the paper?

[10] **Jocelyn Davies:** Dafydd, we started to discuss this at our last meeting and I asked you for clarification on the functions of the Presiding Officer, and I think that you gave us two instances that reflect current practice. Would you mind repeating them at this meeting? I know that one of them related to the Commonwealth Parliamentary Association, but I did not make a note of the second one that you mentioned.

[11] **The Presiding Officer:** The second one was CALRE, which is the standing Conference of European Regional Legislative Assemblies. The Deputy Presiding Officer has regularly represented me at those meetings, supported by Aled Eurig, our constitutional adviser. Those meetings are really a sharing of good practice; for example, we have taken a lead on the working party involving e-democracy.

[12] Aled, wyt ti eisiau dweud rhywbeth cyffredinol ar hyn?

Aled, do you want to make a general comment on that?

[13] **Mr Eurig:** Mae pedwar is-bwyllgor i'r prif gorff, ac yr ydym wedi ceisio cymryd rhan yng ngwaith yr is-bwyllgorau lle mae gennym yr arbenigedd. Er enghraifft, mae gennym arbenigedd penodol o ran defnyddio technoleg, felly yr ydym wedi cymryd rhan flaenllaw yn y grŵp ar e-ddemocratiaeth.

Mr Eurig: There are four sub-committees to the main organisation, and we have endeavoured to participate in the work of the sub-committees where we have particular expertise. For example, we have a particular expertise in the use of technology, so we have been playing a prominent role in the group on e-democracy.

8.50 a.m.

[14] Yr ydym hefyd wedi bod yn rhan o'r grŵp sy'n edrych ar sybsidiaredd a datblygiad y sefydliadau Ewropeaidd. Bu hynny'n ddefnyddiol iawn, ond hanfod y corff yw ei fod yn cynnwys llywyddion bob cynulliad a senedd ranbarthol drwy Ewrop. Felly, mae statws penodol iawn iddo sy'n unigryw, a byddai'r gwelliant i'r Rheolau Sefydlog yn help i ni sefydlu rôl a galluogi'r Llywydd i wneud yr hyn mae'n ei wneud beth bynnag, ond ei ffurfioli am y tro cyntaf.

We have also been part of the group looking at subsidiarity and the development of the European institutions. That has been extremely useful, but the nub of the organisation's activity is that it should include the presiding officers or presidents of all regional assemblies and parliaments throughout Europe. So, there is a specific status to it that is unique, and this amendment to Standing Orders would assist us in establishing a role and enabling the Presiding Officer to do what he does in any case, but to formalise it for the first time.

[15] **The Presiding Officer:** The other section refers to voting in the unusual event specified by our constitutional Government of Wales Acts of requiring 40 Members out of 60 to vote. Are we all agreed on the proposals in paragraph 7? I see that we are.

Rheol Sefydlog Rhif 3: Comisiwn y Cynulliad
Standing Order No 3: The Assembly Commission

[16] **Y Llywydd:** Yr eitem nesaf yw papur 1, atodiad A, tudalennau 8 i 10, sef Rheol Sefydlog Rhif 3 ynglŷn â Chomisiwn y Cynulliad. Nid yw'r rhain yn newidiadau sylweddol, ond cyfeiraf at ddileu'r cyfeiriad at arweinwyr grwpiau gwleidyddol er mwyn rhoi rhyddid i grwpiau bennu sut i drefnu eu hunain yn fewnol. Mae hyn yn deillio o'r drafodaeth a gawsom.

The Presiding Officer: The next item is paper 1, annex A, pages 8 to 10, on Standing Order No. 3 relating to the Assembly Commission. These are only minor amendments, but I will refer to the deletion of the reference to political group leaders in order to give groups the freedom to make their own internal arrangements. This arises from the discussion that we had.

[17] Are you happy with these recommendations as they have returned? I see that you are.

Rheol Sefydlog Rhif 4: Gweinidogion Cymru a Dirprwy Weinidogion
Standing Order No. 4: Welsh Ministers and Deputy Ministers

[18] **Y Llywydd:** Yr eitem nesaf yw Rheol Sefydlog Rhif 4, sy'n ymwneud â Gweinidogion Cymru a Dirprwy Weinidogion. Yr ydym wedi cael trafodaeth ar y materion hyn hefyd. Tynnaf eich sylw yn benodol at baragraffau 8 i 12 o'r papur sy'n ymwneud â'r modd yr enwebir Prif Weinidog Cymru.

The Presiding Officer: The next item is Standing Order No 4, relating to Welsh Ministers and Deputy Ministers. We have also had a discussion on these matters. I draw your attention specifically to paragraphs 8 to 12 of the paper regarding the nomination of the First Minister of Wales.

[19] I do not anticipate any change of position on this from our previous discussions.

[20] **Jane Hutt:** We do not see the need for any changes to the Standing Order.

[21] **The Presiding Officer:** Because we are pressed for time, I will not deploy the democratic arguments, or what I or we consider to be the democratic arguments. So, we will not pursue that one.

Rheol Sefydlog Rhif 33A: Penodiadau
Standing Order No. 33A: Appointments

[22] **Y Llywydd:** Yr eitem nesaf yw Rheol Sefydlog Rhif 33A sy'n ymwneud â phenodiadau. Mae hwn i'w weld ym mhapur 1, atodiad A, tudalennau 13 i 15. Mae hwn ynglŷn â phenodiadau mae'n ofynnol i'r Cynulliad Cenedlaethol eu gwneud o dan Fesur Cynulliad neu Ddeddf Seneddol. Mae'n ein galluogi i gynnal gwrandawiaidau. Mae hwn yn cadarnhau'r arfer da yr ydym yn ei ddilyn ar hyn o bryd.

The Presiding Officer: The next item is Standing Order No. 33A relating to appointments. This is to be seen in paper 1, annex A, pages 13 to 15. These deal with appointments that the National Assembly is required to make under any Assembly Measure or Act of Parliament. It enables us to convene hearings. It confirms the good practice that we currently employ.

[23] Are there any issues there? Are we content with that? I see that we are.

8.54 a.m.

**Rheol Sefydlog Rhif 27: Gweithdrefnau Cyllid
Standing Order No. 27: Finance Procedures**

**Cyllideb Llywodraeth Cynulliad Cymru: Rheolau Sefydlog Rhif 27.0A-27.6
The Welsh Assembly Government's budget: Standing Order Nos. 27.0A-27.6**

[24] **Y Llywydd:** Mae'r eitem hon i'w gweld ym mhapur 2, atodiad A, tudalennau 1 i 7. Mae cynigion i fabwysiadu ffordd newydd o drefnu amser ar gyfer ystyried cyllideb flynyddol Llywodraeth Cymru. Mae'r rhain yn cael eu nodi ym mharagraffau 9 i 12 o'r papur eglurhaol.

The Presiding Officer: This item can be seen in paper 2, annex A, pages 1 to 7. There are proposals to adopt a new way of timetabling consideration of the Welsh Government's annual budget. These are noted in paragraphs 9 to 12 of the covering paper.

[25] **Peter Black:** My group has had some discussions on this and, although we do not want to change the timetable of the budget or the proposals for that, we felt that it would be useful to give more prominence to the laying of the budget. One way of doing that would be to start the budget process off with an oral statement as it is laid, and that you then proceed with the timetable as laid out here. That would give more prominence and importance to the budget. This year, for example, the budget was laid by the Minister, who then went away to give a press conference, but there was no time for us to debate the budget or even ask questions on it. It seems to me that that would be a more dignified way of dealing with the budget. It would also put us on a par with other parliaments in the way that the budget is handled. I wanted to put that forward as a proposed amendment.

[26] **Jane Hutt:** Peter has alerted me to this proposal, but I have not had an opportunity to consider it fully. It is something that is worth considering, but I would not like to make a decision about it today. There are complexities, in terms of its political and wider transparency, but I need to take advice on this. Therefore, I will come back on it in the new year, if I may.

[27] **The Presiding Officer:** Nothing prevents you, or whoever is the Minister for finance or the Minister for business—or, indeed, when they are both the same person, as we have now—from making a statement, in any event. There is nothing in the Standing Orders to prevent that from happening, but for procedural purposes, it is worth considering. That may be a matter of convention, and not necessarily having to change the Standing Orders. There is nothing here that prevents that from happening. In a sense, your proposal can be considered.

[28] **Jane Hutt:** I would like to consider it.

[29] **Peter Black:** Could we come back to this in the new year, then?

[30] **The Presiding Officer:** Yes.

[31] **Jocelyn Davies:** Could we have some idea of what the change to the Standing Order would look like?

[32] **The Presiding Officer:** Yes. Are we all happy with that? I see that we are.

**Rheolau Sefydlog Rhif 27.7-27.12A: Cyllideb Comisiwn y Cynulliad
Standing Order Nos. 27.7-27.12A: The Assembly Commission's Budget**

[33] **Y Llywydd:** Mae manylion ar y **The Presiding Officer:** The details on these

rhain i'w gweld ym mhapur 2, atodiad A ar dudalennau 7 i 9. Maent yn ymwneud â sicrhau rhagor o hyblygrwydd o ran amseriad fel ym mharagraff 13 o'r papur eglurhaol. A oes sylwadau ar hyn?

can be found in paper 2, annex A on pages 7 to 9. They relate to ensuring greater flexibility with regard to timing, as set out in paragraph 13 of the covering paper. Are there any comments on this?

[34] **Peter Black:** I have a question. In the previous Standing Order that we discussed, we have effectively taken all the dates out for the Government's budget and allowed a more flexible timetable. Yet, the Commission budget's is still tied down to specific dates, as opposed to being related to the timetable that has been set out for the Government's budget. Is there a reason for that, or could the Commission's budget be more flexible in relation to the Government's budget, because they are, of course, inter-related?

[35] **The Presiding Officer:** Yes, or you could put in some stipulation about what would happen in the event of a UK Government comprehensive spending review. [*Laughter.*]

[36] **Peter Black:** That is the whole point of the previous Standing Order that we discussed, of course.

[37] **The Presiding Officer:** Yes, exactly.

[38] **Jane Hutt:** We have had this discussion and, as I said, it would be very difficult for us to agree to the six-week period. I think that we could come to a compromise.

[39] **Peter Black:** I am okay with the Government's budget. I am talking about the timing of the laying of the Commission's budget. It has been moved from 24 September to 1 October. There is a specific date there, but there is no specific date for the Government's budget. I am wondering why we are tying the Commission down to a date, but not the Government, when a comprehensive spending review would, effectively, throw that into chaos, as it has this year.

[40] **Jane Hutt:** That is true. It does not reflect across at all.

[41] **The Presiding Officer:** We have agreed this already in the previous item. We are now discussing the way in which the timing of the Assembly Commission's budget is set. Your argument, Peter, is that we do not need dates here.

9.00 a.m.

[42] **Peter Black:** I am saying that we could relate it to the Government budget timetable. However, it seems to me that if you are saying that the Commission budget will be done by 1 October and you have another situation like that this year, you will have to put in temporary Standing Orders.

[43] **The Presiding Officer:** We are not expecting this until 2014, now are we?

[44] **Peter Black:** No, but I am trying to think ahead here.

[45] **The Presiding Officer:** It is your Government after all, is it not? I mean the other Government, of course. Can we do that?

[46] **Mr Crompton:** Absolutely. In practice, the Commission's finance officials were comfortable with this. The exercise itself is a smaller one and it will be constrained at one end by the Government's tabling the requirement for the annual budget motion and, at the other, by the summer recess, the Finance Committee, and the autumn recess. In principle, there is no

reason why we could not look at a similar formula for the Commission's budget.

[47] **Peter Black:** Item 4.1 is there to avoid our having to table temporary Standing Orders, but item 4.2 would still require that in a similar situation. So, it does not seem to be a consistent approach.

[48] **The Presiding Officer:** We have done so three times this year, have we not?

[49] **Peter Black:** Yes, I think that we have done it three times.

[50] **The Presiding Officer:** So, we will look for a form of words on that.

[51] **Jane Hutt:** Could we come back to clarify that point because it is critical in terms of the Government's circumstances for the budget?

[52] **Peter Black:** Yes.

[53] **The Presiding Officer:** Clearly, that is possible if officials and both sides can agree on a form of words, as we have done previously.

Darpariaethau Eraill gan gynnwys Cynigion Cyllideb Atodol: Rheolau Sefydlog Rhif 27.13-27.31

Other Provisions including Supplementary Budget Motions: Standing Order Nos. 27.13-27.31

[54] Eitem 4.3 sydd nesaf ynghylch darpariaethau eraill, gan gynnwys cynigion cyllideb atodol. Byddwn yn ystyried Rheolau Sefydlog Rhif 27.13 i 27.31, ym mhapur 2, atodiad A, tudalennau 10 i 16. Mae hyn ynglŷn â chyflwyno gofyniadau o'r ombwdsmon, y Comisiwn, yr archwilydd cyffredinol ac yn y blaen. A oes materion? We will now move on to item 4.3 on other provisions including supplementary budget motions. We will look at Standing Order Nos. 27.13 to 27.31, in paper 2, annex A, pages 10 to 16. This relates to the introduction of the requirements of the ombudsman, the Commission, the auditor general and so forth. Are there any issues?

[55] I see that there are none. Therefore that is agreed.

9.02 a.m.

**Y Newidiadau Arfaethedig sy'n Ymwneud â Chofnodi'r Amser y Bydd Aelodau'n ei Dreulio yn Gwneud Gweithgarwch Cofrestradwy
Proposed Changes Relating to the Recording of Members' Time Involved in Registrable Activities**

**Rheol Sefydlog Rhif 31B Newydd
New Standing Order No. 31B**

[56] **Y Llywydd:** Byddwn yn edrych ar Reol Sefydlog Rhif 31B newydd, papur 3, atodiad A. Mae hwn yn un o'r materion olynol sy'n dilyn argymelliad y panel annibynnol ar waith arall gan Aelodau'r Cynulliad. A oes sylwadau ar hyn? **The Presiding Officer:** We will look at the new Standing Order No. 31B, paper 3, annex A. This is one of the consequential matters following the recommendation of the independent panel on other work by Assembly Members. Are there any comments on this?

[57] We are looking at paper 3, annex A.

[58] **Peter Black:** I am happy with this.

[59] **The Presiding Officer:** So, are we all content?

[60] **Nick Ramsay:** We had a fair bit of discussion about the way the balance worked, so, I am happy with that.

[61] **The Presiding Officer:** This is another example of our transparency as Members in relation to our work and our responsibilities to the electorate.

Comisiynydd Safonau: Dileu Rheol Sefydlog Rhif 33
Commissioner for Standards: Deletion of Standing Order No. 33

[62] Mae eitem 5.2 ar yr agenda ynghylch y Comisiynydd Safonau a dileu Rheol Sefydlog Rhif 33. Nid yw hon bellach yn gymwys gan fod gennym Fesur Comisiynydd Safonau Cynulliad Cenedlaethol Cymru 2009, gan fod y comisiynydd wedi cael ei benodi o dan yr amodau newydd.

Item 5.2 on the agenda is on the Commissioner for Standards and the deletion of Standing Order No. 33. This no longer applies as we now have the National Assembly for Wales Commissioner for Standards Measure 2009, as the commissioner has been appointed under the new conditions.

[63] Mae'r rheol sefydlog newydd yn dilyn hynny. A oes unrhyw gwestiynau?

The new Standing Order is consequential to that. Are there any questions?

[64] Are we agreed on that? I see that we are.

9.05 a.m.

Y Newidiadau Arfaethedig sy'n ymwneud â Rheolau Sefydlog Rhif 22-26
ynghylch Deddfwriaeth
Proposed Changes relating to Legislation Standing Order Nos. 22-26

[65] **Y Llywydd:** Nid oes newidiadau sylweddol. Fel y nodir yn y papur, mae un newid canlyniadol yn dilyn y newid a wnaethom ynglŷn â phwyllgorau: Rheol Sefydlog Rhif 25.19. A yw pawb yn hapus?

The Presiding Officer: There are no significant changes. As noted in the paper, there is one consequential change following the change that we made regarding committees: Standing Order No. 25.19. Is everyone content?

[66] **Jocelyn Davies:** I notice that you are skilfully avoiding saying that these are technical changes.

[67] **The Presiding Officer:** Yes. Everything is technical, because even principle is achieved by technical means. It is very difficult being a philosophical pragmatist.

[68] **Jocelyn Davies:** Practise makes perfect.

[69] **The Presiding Officer:** These are consequential on the changes to committee Standing Orders that we have agreed.

[70] **Peter Black:** I do not seem to have a copy of Standing Order No. 25, just a line in

which it is referred to.

[71] **Ms Daniel:** We have not shown Standing Order No. 25 in the annex, because it is a very long Standing Order and there is only a very minor change to it. There is just one change to Standing Order No. 25.19 as a result of the agreement to make changes to the committee structure. So, it changes the reference to which committee would be responsible for looking at special Assembly procedure Orders in future. To save you a bit of paper, we did not show it in the annex, but we will obviously bring it back to you when we bring the final set to you.

[72] **Peter Black:** So, it is up to the Business Committee to decide on the change.

[73] **Ms Daniel:** Yes.

[74] **Peter Black:** Okay.

**Y Diffiniad o Aelod sy'n Gyfrifol am Ddeddfwriaeth: Rheol Sefydlog Rhif 21A Newydd
(yn cymryd lle Rheolau Sefydlog Rhif 22.4-22.12, 22.22-22.30, 23.1-23.12)**

**Definition of Member in Charge of Legislation: New Standing Order No. 21A
(Replacing Standing Order Nos. 22.4-22.12, 22.22-22.30, 23.1-23.12)**

[75] **Y Llywydd:** Eitem 6.1 sydd nesaf, sef y diffiniad o 'Aelod sy'n gyfrifol' am ddeddfwriaeth: Rheol Sefydlog Rhif 21A newydd, sy'n cymryd lle Rheolau Sefydlog Rhif 22.4 i 22.12, 22.22 i 22.30, a 23.1 i 23.12. Ymgais yw'r rhain i gysoni beth sydd ar hyd ac ar led, braidd, yn y Rheolau Sefydlog presennol fel ein bod yn dod a'r diffiniad o Aelod sy'n gyfrifol am Fesur o dan un pennawd, fel petai.

The Presiding Officer: Item 6.1 is next, which is the definition of a 'Member in charge' of legislation: the new Standing Order No. 21A, which replaces Standing Order Nos. 22.4 to 22.12, 22.22 to 22.30, and 23.1 to 23.12. These are attempts to reconcile what is somewhat scattered throughout the current Standing Orders so that we bring the definition of a Member who is responsible for a Measure under one heading, so to speak.

[76] So, that is consolidation, rather than a technical change. Is that agreed? I see that it is.

**Gorchmynion Arfaethedig: Rheolau Sefydlog Rhif 22.1-22.21B
Proposed Orders: Standing Order Nos. 22.1-22.21B**

[77] **Y Llywydd:** O dan eitem 6.2, mae Rheol Sefydlog Rhif 22, sy'n ymwneud â Gorchmynion cymhwysedd deddfwriaethol. Gan ein bod wedi cytuno ar Reol Sefydlog Rhif 21A newydd, mae'r Rheolau Sefydlog Rhif 22.4 i 22.12 yn cael ei dileu. A oes unrhyw faterion pellach ar hynny? Gwelaf nad oes. Mae Rheol Sefydlog Rhif 22.21 yn datgan y dylai pwyllgorau sy'n paratoi adroddiadau ar Orchmynion arfaethedig ystyried adroddiadau unrhyw bwyllgor arall o'r Cynulliad ar y Gorchmynyn ac adroddiadau o Senedd y Deyrnas Unedig. Yr ydym yn awgrymu bod y Rheol Sefydlog hon yn ddianghenraid gan nad oes unrhyw bwyllgor arall o'r Cynulliad erioed wedi cyflwyno adroddiad ar Orchmynyn arfaethedig. Mae'n amlwg bod y Gorchmynion arfaethedig yn boblogaidd

The Presiding Officer: Under item 6.2, we have Standing Order No. 22, which relates to legislative competence Orders. As we have agreed the new Standing Order No. 21A, Standing Order Nos. 22.4 to 22.12 will be deleted. Are there any further comments on that? I see not. Standing Order No. 22.21 states that committees preparing reports on the proposed Orders should consider the reports of any other committee of the Assembly on the Order as well as any reports from the United Kingdom Parliament. We suggest that this Standing Order is redundant as no other committee of the Assembly has ever submitted a report on a proposed Order. It is clear that these proposed Orders are very popular. Besides, a committee of the United Kingdom will hardly be able to present a report before a committee of the Assembly.

iawn. Prin iawn y bydd pwyllgorau'r Deyrnas Unedig yn gallu cyflwyno adroddiad cyn pwyllgor o'r Cynulliad. Felly, nid yw'r Rheol Sefydlog hwn wedi bod yn weithredadwy, mewn gwirionedd. Gwelaf eich bod yn gytûn.

Therefore, this Standing Order has not been implementable, in reality. I see that you are in agreement.

9.10 a.m.

Gorchmynion Drafft: Rheolau Sefydlog Rhif 22.22-22.37
Draft Orders: Standing Order Nos. 22.22-22.37

[78] **Y Llywydd:** Rheol Sefydlog Rhif 22, sef eitem 6.2 ar yr agenda, sy'n ymwneud eto â Gorchmynion cymhwysedd deddfwriaethol. Mae'r cynigion hyn yn atgyfnerthu'r gofyniad ar Aelod sy'n gyfrifol i ymateb i argymhellion y pwyllgor perthnasol yn y memorandwm esboniadol. Mae hyn yn diwygio Rheol Sefydlog Rhif 22.33. Mae cyfnod o bythefnos rhwng gosod Gorchymyn drafft a chynnal trafodaethau yn y Cyfarfod Llawn er mwyn caniatáu i bwyllgor ei ystyried. A oes unrhyw sylwadau ar hyn? Gwelaf nad oes.

The Presiding Officer: Standing Order No. 22, which is item 6.2 on the agenda, again relates to the legislative competence Orders. These proposals strengthen the requirement placed on a Member in charge to respond to recommendations made by the relative committee in the explanatory memorandum. This amends Standing Order No. 22.33. There is a period of two weeks between the laying of a draft Order and the Plenary debate in order to allow a committee to consider it. Are there any comments on this? I see that there are not.

[79] Okay. That is agreed.

Darpariaethau Eraill sy'n ymwneud â Gorchmynion Drafft neu Orchmynion
Arfaethedig: Rheolau Sefydlog Rhif 22.38-22.47
Other Provisions relating to Proposed or Draft Orders: Standing Order Nos. 22.38-22.47

[80] Trown yn awr at ddarpariaethau eraill yn ymwneud â Gorchmynion drafft yn Rheolau Sefydlog Rhif 22.38 i 22.47, papur 4, atodiad A, tudalennau 17 i 21. Mae'r rhain ynglŷn â chynigion balot yn peidio â bod pan gaiff y Cynulliad ei ddiddymu. Maent yn cael gwared ar y cyfyngiadau o ran nifer y Gorchmynion y gellir eu hystyried ar unrhyw un adeg, a'r cyfyngiadau ar Aelodau sydd wedi llwyddo i gael caniatâd i barhau â'r Gorchymyn rhag cael ail gyfle mewn balot arall. Mae'r rhain i gyd yn dilyn yr arfer da a'r newidiadau canlyniadol yr ydym wedi'u sefydlu yn ystod y Cynulliad hwn.

We turn now to other provisions relating to draft Orders in Standing Order No. 22.38 to 22.47, paper 4, annex A, pages 17 to 21. These relate to ballot proposals, which cease to exist when the Assembly is dissolved. They remove the limit on the number of draft Orders that can be considered at any one time, and the limitations on Members who have had agreement to proceed with the proposed Order from re-entering the ballot. These all follow the good practice and the subsequent changes that we have established during this Assembly.

[81] Are we happy with those? I see that we are. Thank you.

Rheol Sefydlog Rhif 23: Mesurau Cynulliad
Standing Order No. 23: Assembly Measures

[82] **Y Llywydd:** Nesaf y mae Rheol Sefydlog Rhif 23, sy'n ymwneud â Mesurau'r Cynulliad. Gan ein bod ni wedi

The Presiding Officer: Next is Standing Order No. 23 relating to Assembly Measures. As we have agreed the new Standing Order

cytuno ar y Rheol Sefydlog Rhif 21A newydd, mae Rheolau Sefydlog Rhif 23.1 hyd at 23.12 yn cael eu dileu. Mae hyn yn gosod cynnig i wella'r memorandwm esboniadol—mae gwelliannau sylwedol wedi digwydd, os caf ddweud, o du'r Llywodraeth ac o du Aelodau. Mae cryfhau wedi bod ar yr wybodaeth ariannol, ac mae newidiadau canlyniadol. Mae hyn yn adlewyrchu arfer da sydd wedi datblygu.

No. 21A, Standing Order Nos. 23.1 to 23.12 are to be deleted. This makes a proposal to improve the explanatory memoranda—major improvements, if I may say so, have been made by Government and by Members. There has been a strengthening of the financial information available, and there are consequential changes. This is an example of the good practice that has developed.

[83] Are you happy with this?

[84] **Jane Hutt:** I just wanted to make a comment on 23.18. Is that okay at this point?

[85] **The Presiding Officer:** Yes.

[86] **Jane Hutt:** We are concerned about whether this amendment addresses the issue raised, because it could still be interpreted as the gross cost caused by a Measure. If you want something to spell out the total cost of a particular service, irrespective of changes that would be brought about as a result of a Measure, then we probably need something further in Standing Orders. This relates to the Counsel General's review; he is to make recommendations to the Cabinet following his review, including recommendations for strengthening our explanatory memoranda. This came up in the Finance Committee yesterday afternoon in scrutiny—Nick was there. We would resist making the Standing Order more detailed at this stage and await the outcome of the Counsel General's review.

[87] **The Presiding Officer:** I am very happy with that, because we have discussed this before and it is important that these two reviews of the legislative process, ours on behalf of the National Assembly, and the Government's through the Counsel General, dovetail together. That is fine. We will continue discussion between officials as to making this Standing Order perhaps even more specific, if that is your wish.

[88] **Nick Ramsay:** The Minister is quite right; this has been a longstanding contention. We are constantly saying that it is not to do with any individual Measure, but the overriding Order. It is important that we get this part right, so we are quite happy to look at this and see how it can be done.

[89] **Peter Black:** What is the timetable for the Counsel General's review? Would any consequential amendments that emerged from that review be in time for this review, or would that have to be done in the next Assembly?

[90] **Jane Hutt:** I believe that we will be considering it in the first Cabinet meeting in the new year. So, I would have thought that we could come back and report on that. It will be in the public domain quite quickly.

[91] **Ms Stapleton:** We would need to consult with officials regarding any outcome. I am not sure when the Standing Order would then kick in.

[92] **Jane Hutt:** It might be in the next Assembly.

[93] **Ms Stapleton:** It would probably be in the next Assembly.

[94] **Peter Black:** These are two small amendments to Standing Order No. 23.18, which maybe provide some clarity. I do not see the harm in those going forward, subject to that

further amendment. We are just changing ‘where’ to ‘on whom’, and ‘any’ to ‘the gross’. We may want to drop ‘the gross’, because changing it to ‘on whom the costs would fall’ seems to be a perfectly reasonable drafting amendment.

[95] **The Presiding Officer:** So, you are saying that they are amendments that we could agree now, but that—

[96] **Peter Black:** It seems that the amendments in front of us are fairly minor and are just drafting amendments, and we could look at more detailed amendments at a later stage.

[97] **Jane Hutt:** It is about expanding, not—

[98] **Peter Black:** This does not expand it at all; it just clarifies it.

[99] **The Presiding Officer:** That does not prevent us from taking on board what the Government—

[100] **Peter Black:** We can revisit that when the Government’s and the Counsel General’s review has been completed and we have received recommendations from the Government.

[101] **Jane Hutt:** As you say, Peter, I think that ‘on whom’ is fine, but I am not sure about ‘the gross’.

[102] **Peter Black:** I am happy just to go with ‘on whom’, then.

[103] **Jane Hutt:** I think that, at this stage, ‘on whom’ is fine, but we are concerned about the interpretation of ‘the gross’.

[104] **The Presiding Officer:** Can we have ongoing discussions between officials and then return to this when it is timely? If it does not appear to be timely in our process, it is still open to the fourth Assembly to take it further. At least we are all going in the same direction. You did hear me being fulsome in my praise of the quality of the explanatory memoranda earlier on—consistency and clarity everywhere.

Mesurau Cynulliad—Cyfnod 2: Rheolau Sefydlog Rhif 23.29 i 23.41
Assembly Measures—Stage 2: Standing Order Nos. 23.29 to 23.41

<p>[105] Y Llywydd: Mae'r wybodaeth berthnasol ar dudalennau 29 i 32 ym mhapur 4, yn atodiad A. Mae hwn yn gynnig i gael gwared ar gyfyngiadau sy'n atal pwyllgor sy'n ystyried trafodion Cyfnod 2 rhag cyfarfod nes bydd y 15 diwrnod wedi mynd heibio, a newidiadau dilynol. Mae'n adlewyrchu arfer gwell, byddwn yn tybio.</p>	<p>The Presiding Officer: The relevant information is on pages 29 to 32 of paper 4, in annex A. This is a proposal to do away with restrictions that prevent a committee that is considering Stage 2 proceedings from meeting until the 15 days have passed, and subsequent changes. I would assume that that reflects better practice.</p>
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[106] Are Members happy with that? I see that you are.

Mesurau Cynulliad—Cyfnod 3, Cyfnod 4 a'r Cyfnod Ailystyried: Rheolau Sefydlog Rhif 23.68 i 23.89
Assembly Measures—Stage 3, Stage 4 and Reconsideration: Standing Order Nos. 23.68 to 23.89

<p>[107] Y Llywydd: Byddai'r newid hwn yn caniatáu cyfnod diwygio pellach ar ôl</p>	<p>The Presiding Officer: This change would allow for further amendment following Stage</p>
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trafodion Cyfnod 3, pan fydd hynny'n 3 proceedings, when appropriate. It is a
briodol. Mae hyn yn ymateb i'r response to the consultation and the clear
ymgyngoriad a sylwadau clir Cadeiryddion remarks of legislation committee Chairs. Are
y pwyllgorau deddfwriaeth. A oes sylwadau? there any comments?

[108] Yr ydym wedi cytuno ar yr We have agreed on the principle, so if there is
egwyddor, felly, os oes cwestiwn ynglŷn â'r a question on the wording, officials can
geiriad, gall y swyddogion ei drafod. discuss it.

9.20 a.m.

[109] They can discuss it greater detail, can they not?

[110] **Jane Hutt:** I think that that would be useful, because it will be a question of whether
or not an additional stage would be used; we just need to look at proposals in terms of the
wording.

[111] **The Presiding Officer:** We will do that.

**Darpariaethau Cyffredinol sy'n Ymwneud â Gwelliannau i Fesurau Arfaethedig a
Materion Eraill: Rheolau Sefydlog Rhif 23.68 i 23.89
General Provisions in Relation to Amendments to Proposed Measures and Other
Matters: Standing Order Nos. 23.68 to 23.89**

[112] **Y Llywydd:** Mae'r newidiadau hyn **The Presiding Officer:** These changes
yn adlewyrchu arfer da presennol ynglŷn â reflect current good practice in relation to
chyflwyno. A oes sylwadau? tabling. Are there any comments?

[113] **Jane Hutt:** We have had quite a lot of debate about interpretation of the Standing
Orders relating to financial resolutions. I do not know whether now is an opportunity to seek
amendments, when perhaps it is not clear that that is required. Perhaps we just need to
consider whether we do need to seek amendments on this issue.

[114] **Peter Black:** As I read it, the discretion is with the Presiding Officer. I think that that
is as loose a provision as you can get in Standing Orders. You cannot make a case for every
exception, but the Presiding Officer has that discretion. When the Government makes a case
to the Presiding Officer, that will be the deciding factor.

[115] **Jane Hutt:** Yes, it is at the Presiding Officer's discretion.

[116] **The Presiding Officer:** The present Presiding Officer tends to enjoy financial
resolutions. [*Laughter.*] You might be relieved of that in the future.

[117] **Peter Black:** It seems to me that if you were to try to put something in here that is
more specific, you would take away that discretion.

[118] **The Presiding Officer:** We have discussed a number of times, where there is an
issue of discretion, whether there might be a gloss on the Standing Orders, or guidance, or a
statement of what is usually regarded as the requirement.

[119] **Peter Black:** That would be helpful.

[120] **The Presiding Officer:** We will note that.

[121] **Peter Black:** Yes, a note on what you would take into consideration in deciding

whether or not a financial resolution is required.

[122] **The Presiding Officer:** Yes. We can do that.

[123] **Jane Hutt:** That would be helpful.

[124] **Peter Black:** Is this also part of the Counsel General's review?

[125] **Ms Stapleton:** No.

[126] **Jane Hutt:** No, he has not mentioned it.

[127] **Peter Black:** Okay, I just thought that I would mention it.

[128] **The Presiding Officer:** We will respond in a sensible manner, as we always try to do on these matters. That is the collective 'we'—we on this side of the table.

**Mesurau Arfaethedig Pwyllgor, Comisiwn ac Aelod; a Mesurau Arfaethedig Brys
Llywodraeth: Rheolau Sefydlog Rhif 23.90 i 23.116
Committee, Commission and Member Proposed Measures; and Government Proposed
Emergency Measures: Standing Order Nos. 23.90 to 23.116**

[129] **Y Llywydd:** Mae'r manylion yn papur 4, atodiad A, tudalennau 45 i 51. Mae'r rhain ynglŷn â chael gwared ar y cyfyngiad ar nifer y Mesurau arfaethedig pwyllgor a'r terfyn amser o chwe mis ar gyfer cyflwyno Mesur arfaethedig. Mae'r rhain yn codi o'n profiad yn ystod y Cynulliad hwn o weithredu'r Rheolau Sefydlog presennol a Deddf Llywodraeth Cymru 2006. Mae hyn yn adlewyrchu arfer da.

The Presiding Officer: The details are in paper 4, annex A, pages 45 to 51. These relate to removing the limit on the number of committee proposed Measures and the six-month deadline for the introduction of a proposed Measure. These arise from our experiences during this Assembly of implementing the current Standing Orders and the Government of Wales Act 2006. This reflects good practice.

[130] Are there any issues? Are we agreed?

[131] **Jane Hutt:** With regard to Standing Order No. 23.98, we would resist removing the deadline of six months. The proposal removes the limit of six months for a Member to bring forward a proposed Measure if he or she successfully takes through an LCO. The rationale is to allow a Member time to consider the scope of the proposed Measure and gain support for it, but we would argue that support could be gained during the progress of the LCO. If you want to take through an LCO, it is with a proposed Measure in mind, so, without any limit, there is a real danger of stacking up the number of proposed Measures that Members are entitled to bring forward in an Assembly. There are resource implications and so we wondered whether a compromise would be nine months.

[132] **Jocelyn Davies:** If you remember, I did raise this before. Perhaps the six-month deadline has proved too tight for Members, but my concern is that if there is no limit at all the proposed Measures might all come in during the last six months of an administration. We are finding it difficult now to timetable everything. Of course, the thing that would go would be the minority party debates, or we would have to decide which Member's legislation would not be given any time. I do not think that anyone on the Business Committee would want to be in that position, particularly if something had involved an awful lot of work over many months. As I have said before, perhaps the six-month deadline is not right, but having no time limit at all could lead to problems and we would be amending the Standing Order again in the future.

[133] **Peter Black:** Are we just talking about Standing Order No. 23.98, or are we also talking about Standing Order No. 23.105?

[134] **The Presiding Officer:** We are talking about the whole group.

[135] **Peter Black:** You could not amend one without the other.

[136] **The Presiding Officer:** There is a consequential, yes.

[137] **Jocelyn Davies:** My concern was about having no time limit.

[138] **Mr Crompton:** Should we change it from six to nine months, then?

[139] **Jocelyn Davies:** I do not know whether nine is the best number.

[140] **The Presiding Officer:** As a mere male, it seems to me to be a very appropriate gestation period. Is that what you would expect me to say?

[141] **Jocelyn Davies:** I never know what to expect you to say. [*Laughter.*] Shall we go for nine months? At least Members could be sure then that their legislation would be found time, we would be in a better decision to schedule legislation, and we would not be in the position of having to choose which legislation had time and perhaps leave someone very disappointed after having put in a lot of work.

[142] **Jane Hutt:** Obviously, that would then be reflected in Standing Order No. 23.105.

[143] **The Presiding Officer:** Yes, that is right.

Rheol Sefydlog Rhif 24—Is-ddeddfwriaeth (ar wahân i Is-ddeddfwriaeth sy'n Destun y Weithdrefn Cynulliad Arbennig)
Standing Order No. 24—Subordinate Legislation (other than Subordinate Legislation Subject to Special Assembly Procedure)

[144] **Y Llywydd:** Mae'r manylion yn papur 4, atodiad A, tudalennau 52 i 58. Mae'r cynigion hyn yn ymwneud ag offerynnau statudol draft a osodir gerbron y Cynulliad, yn cynnwys rhai sy'n destun gweithdrefnau seneddol y Deyrnas Unedig.

The Presiding Officer: The details are in paper 4, annex A, pages 52 to 58. These proposals relate to the draft statutory instruments laid before the Assembly, including those subject to UK parliamentary procedure.

[145] **Peter Black:** I understand the reason for this change, because, clearly, these Standing Orders are not compliant with the law. It is 40 days to annul. There is no guidance here on what the deadline would then be to table. If you tabled something on day 39, could that be taken the next day? There needs to be some guidance on the latest time that you can table a motion to annul.

[146] **Ms Wilkins:** We anticipated that that would go into the procedures and practice for Members, because it is very complicated. So, there is a danger that if you put it in Standing Orders it will not fit every situation, and it is difficult to fit every situation, because the Act is quite specific. The other thing is that we would give advice to Members on the most appropriate time to table a motion, but, obviously, the Business Committee would then decide when that motion is taken. So, that would need to be factored in as well.

9.30 a.m.

[147] **Peter Black:** I understand that.

[148] **Ms Wilkins:** It would be possible to table it and take it straight away, but there would be other considerations.

[149] **Peter Black:** When these instruments are laid, you do not tend to get an e-mail saying ‘such and such has been laid, do you want to annul it?’ You tend to have to find it and table the motion yourself. So, you do not automatically issue that advice for every instrument that is laid.

[150] **Ms Wilkins:** No, but we would issue general advice about trying to annul motions, so that Members would know, when they see something, what the procedure is to table a motion and aim to get that motion debated.

[151] **Peter Black:** I am speaking as one of the few Members to have tried to annul an Order. *[Laughter.]*

[152] **Jane Hutt:** From a Government perspective, we accept the principle of the change, but the practical issues need to be clarified and resolved before we can sign up to the change. That is important, because it is about whether there should be a separate Assembly-specific memorandum, as well as a parliamentary one, as far as timetabling is concerned—

[153] **Peter Black:** You also need assurances.

[154] **Jane Hutt:** Yes, and if there is a conflict between the reports. So, we need to come back on that to deal with the issue of a separate memorandum or the practicalities before we can be content.

[155] **The Presiding Officer:** Would you like officials to do some more work on this Standing Order, with a possible option of some more guidance?

[156] **Jane Hutt:** Yes, please. We would like some clarification on the timetabling arrangements.

[157] **The Presiding Officer:** I am conscious that the head of legislation and Chamber services has to have the assurance that this is something that we can deliver. Are you happy with that? I see that you are.

Rheol Sefydlog Rhif 26—Cydsyniad i Fesurau Seneddol y DU Standing Order No. 26—Consent in Relation to UK Parliament Bills

[158] **Y Llywydd:** Mae tudalennau 59 i 68, papur 4, atodiad A, yn ymwneud â'r eitem hon. Mae'r cynigion hyn yn cynnig ehangu cwmpas Rheol Sefydlog Rhif 26, yn dilyn ymateb i argymhellion y Pwyllgor Materion Cyfansoddiadol a sylwadau a dderbyniwyd yn ystod yr ymgynghoriad. Mae'r cynnig hefyd yn galw am hysbysu'r Cynulliad am unrhyw Fesur yn Senedd y Deyrnas Unedig sy'n diwygio cymhwysedd deddfwriaethol y Cynulliad ac unrhyw Fesurau eraill yn Senedd y Deyrnas Unedig sy'n diwygio swyddogaethau Gweinidogion Cymru. Mewn

The Presiding Officer: Pages 59 to 68, paper 4, annex A, relate to this item. These proposals propose broadening the scope of Standing Order No. 26, in response to recommendations made by the Constitutional Affairs Committee and comments made during the consultation. The proposal also calls for the Assembly to be notified of any UK Parliament Bill that alters the Assembly's legislative competence and any other UK Parliament Bills that alter the functions of Welsh Ministers. In a way, this has been the most productive way of providing legislative

ffordd, dyma'r modd mwyaf cynhyrchiol o roi pwerau deddfwriaethol i Gymru dros y blynyddoedd diwethaf—drwy roi pwerau i Weinidogion Cymru. Mae hyn felly yn delio a'r gwahanol ffyrdd o roi pwerau i'n cyfansoddiad ni. A oes unrhyw sylwadau ar hyn?

powers to Wales over the past few years—by conferring powers on Welsh Ministers. This, therefore, deals with the different ways of providing powers to our constitution. Are there any comments on this?

[159] **Jane Hutt:** I am concerned about Standing Order No. 26 on consent in relation to UK Parliament Bills and would like it to have more consideration at official level. I recognise that an attempt is being made to replicate equivalent procedures in the Scottish Parliament, but we have a different settlement here, and I think that the Standing Order is out of step with devolution guidance note 9. We could agree the specific provision for legislative consent motions being referred to committees, but that should be discretionary, rather than automatic. The last two LCMs were not debated. So, this needs a bit more thought and clarification, and I would like it to be taken back at official level for consideration.

[160] **The Presiding Officer:** You mentioned devolution guidance notes; that is precisely what they are. They are inter-departmental. You know what I am going to say.

[161] **Jane Hutt:** I know.

[162] **The Presiding Officer:** These are matters that we can look at, but the general thrust of the view expressed strongly by our own Constitutional Affairs Committee and by people in evidence to us is that the Assembly should be able to discuss the increasing powers of the Welsh Executive—not that we are asking for the National Assembly to consent in situations where the powers of Ministers are being increased; that would not be appropriate, because that is a matter for the United Kingdom Parliament. However, there is a lacuna here in accountability.

[163] **Jocelyn Davies:** It refers to modification of the executive functions of Welsh Ministers, and no doubt there will be quite a lot of legislation that goes through Westminster that could make a modification. It will not always be framework powers—there could also be consequential changes to executive functions, and I am not sure that we are in a position at this committee to know exactly what the extent of that change to the word 'modifies' means, how often Ministers would have to inform the Assembly, or whether it would be of any use. I can see that there is merit in the Assembly being able to scrutinise framework powers, but this does not just relate to framework powers, does it? With a complicated Bill there could be quite a lot of modification. However, it is not just about framework powers.

[164] **The Presiding Officer:** Constitutionalists might argue that it would be a good idea for people to know what the powers of Welsh Ministers actually are, even when they have only been modified in a small way.

[165] **Jocelyn Davies:** Yes—I am not arguing with that. It is just that I think that this change is being suggested because of comments from outside that really relate to framework powers within Bills, and not to small modifications to executive functions as a consequence of Westminster legislation. That is what I am saying. Could we get caught up in minute detail when the real purpose was, actually, to scrutinise the working of the framework powers?

[166] **The Presiding Officer:** So, the distinction that you are making is on the consequential of giving powers to Welsh Ministers because a Secretary of State in England is given certain new powers, and that that is not really like transferring substantial new powers to Welsh Ministers; that is the argument. Maybe we could look at the wording.

[167] **Peter Black:** There seem to be two issues here, Chair. First there is the issue of whether a legislative consent memorandum should be tabled in the circumstances set out, and we have added the bit about the executive functions being modified. It seems to me perfectly reasonable to lodge a memorandum in those circumstances, so that people are aware of those changes. Then the second issue is the new Standing Order No. 26.3A and what comes after it, as to whether or not that memorandum needs to be debated. That is not automatic. From the way that the Standing Order is written, it is up to the Business Committee to refer it or not. So, the Business Committee would then be able to weigh up the consequences of any change and the content of any memorandum and decide the relative importance. I assume that the Business Committee would then take the decision whether it wanted to refer it to committee or not. That is also perfectly reasonable; it is not an automatic referral. In that sense, I do not see the problem with the way that this is set out.

[168] **Jane Hutt:** I can see what you are seeking, and I agree in principle, but I would like, from the Government's perspective, to have more work done on consideration of this, just in relation to Standing Order No. 26.1, just to clarify the point. I appreciate that it is guidance—it is a note—but we need to consider it so that we are within our competence.

9.40 a.m.

[169] **The Presiding Officer:** I warmly welcome the work of the Constitutional Affairs Committee, but there has been a tendency, particularly when we have new committees, to think that whatever a committee produces by way of a view has to be debated independently. That is not what happens in other places and it puts pressure on Plenary time. So, you could have an annual debate on ways in which modifications that have taken place over the year are presented, or an annual report could be compiled by the Constitutional Affairs Committee if people wanted to catch up with that. If there was a principle that too much power was being moved in that way, through modification, there could be a debate. However, generally speaking, the fact that a committee has produced a report does not necessarily mean that it has to be debated. As you said, that is a matter for this committee.

[170] **Peter Black:** We used to divvy the Queen's Speech between the committees at one stage and UK Government Ministers would come down to present information to subject committees. In a sense, this is a much more refined way of dealing with these issues.

[171] **The Presiding Officer:** That is what this exercise is all about, that is why we are doing it. Our practices have changed, circumstances have changed and they may change again—will change again, without a doubt. Shall we have a further look at the wording? I see that you agree.

9.42 a.m.

Rheol Sefydlog Rhif 30: Adroddiadau ar y Trafodion Standing Order No. 30: Reports of Proceedings

Y Trefniadau ar gyfer Adrodd ar Benderfyniadau a Chofnodi Trafodion mewn perthynas â Phwyllgorau a'r Cyfarfod Llawn Arrangements for Reporting and Recording Decisions relating to Committee and Plenary Proceedings

[172] **Y Llywydd:** Mae hwn yn ymwneud â threfniadau cadw cofnod o benderfyniadau a chofnodi trafodion pwyllgorau a Chyfarfodydd Llawn. A oes unrhyw sylwadau ar hyn? Gwelaf nad oes.

The Presiding Officer: This relates to the arrangements for keeping a record of decisions and recording the proceedings of committees and Plenary. Are there any comments on this? I see that there are none.

[173] This emphasises the responsibility of the Commission in providing the appropriate resource. I note that, the Commission agreed at a meeting that I was unable to attend that we will consult at some stage on a proposed Measure that will outline a set of principles and a bilingual scheme for the Commission. So, in a sense, the Commission has responded to this situation. Are you happy with that? I see that you are. Diolch yn fawr.

[174] Yr ydym wedi dod drwy'r gwaith yn hwylus iawn. Diolch yn fawr am eich cydweithrediad. Byddwn yn cyfarfod eto yn gyhoeddus yn y flwyddyn newydd; mae amser a dyddiad y cyfarfod nesaf i'w cadarnhau. Dyna ddiwedd ein trafodion am heddiw.

We have completed the work very smoothly. Thank you for your co-operation. We will meet again in public in the new year; the time and date of the next meeting are to be confirmed. That concludes our proceedings today.

Daeth y cyfarfod i ben am 9.43 a.m.
The meeting ended at 9.43 a.m.