Cynulliad Cenedlaethol Cymru
The National Assembly for Wales

Y Pwyllgor Is-ddeddfwriaeth
The Subordinate Legislation Committee

Dydd Mawrth, 26 Mehefin 2007
Tuesday, 26 June 2007

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

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

Aelodau'r pwyllgor yn bresennol
Committee members in attendance

Eleanor Burnham	Democratiaid Rhyddfrydol Cymru Welsh Liberal Democrats
Alun Davies	Llafur Labour
Andrew R.T. Davies	Ceidwadwyr Cymru Welsh Conservatives
Paul Davies	Ceidwadwyr Cymru Welsh Conservatives
Irene James	Llafur Labour
David Lloyd	Plaid Cymru (Cadeirydd y Pwyllgor) The Party of Wales (Committee Chair)
Sandy Mewies	Llafur Labour
Janet Ryder	Plaid Cymru The Party of Wales
Karen Sinclair	Llafur Labour

Swyddogion Gwasanaeth Seneddol y Cynulliad yn bresennol
Assembly Parliamentary Service Officials in attendance

Gwyn Griffiths	Cynghorydd Cyfreithiol Legal Adviser
Joanest Jackson	Cynghorydd Cyfreithiol Cynorthwyol Assistant Legal Adviser
Olga Lewis	Dirprwy Glerc Deputy Clerk
Chris Reading	Clerc Clerk

Dechreuodd y cyfarfod am 9.29 a.m.
The meeting began at 9.29 a.m.

Ethol Cadeirydd
Election of the Chair

[1] **Mr Reading:** Good morning everyone, and welcome to the first meeting of the Subordinate Legislation Committee. For those who do not know me, my name is Chris Reading and I am the clerk of this committee. I would like to introduce Olga Lewis on my left, the deputy clerk; and Gwyn Griffiths and Joanest Jackson, who are legal advisers to the committee. The reason that I am taking charge is that we need to formally elect a Chair, and then I will hand over to the new Chair. So I ask for nominations for a Chair under Standing Order No. 10.18.

[2] **Sandy Mewies:** I nominate Dai Lloyd.

[3] **Mr Reading:** Dai Lloyd has been nominated. Are there any other nominations? I see that there are not, and so there is no need for a vote. I declare that Dai Lloyd is elected as Chair, and I hand over to him.

[4] **David Lloyd:** Diolch yn fawr i chi i gyd am ddangos hyder ynof fel Cadeirydd. Gobeithio y gallaf wireddu'r hyder hwnnw.

David Lloyd: Thank you all for placing your trust in me as Chair. I hope that I can live up to that trust.

9.30 a.m.

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

[5] **David Lloyd:** Croeso i chi gyd. Dyma bwyllgor cyntaf y Trydydd Cynulliad—mae'n bryd i ni ddechrau ar y gwaith sydd i'w wneud yma. Croeso i aelodau newydd a hen—bu rhai yn aelodau o'r Pwyllgor Deddfau, fel y'i gelwid am wyth mlynedd. Croesawaf y swyddogion, sydd eisoes wedi eu henwi'n unigol gan Chris, a chroesawaf y cyhoedd hefyd i'r cyfarfod.

David Lloyd: Welcome to you all. This is the first committee of the Third Assembly—it is high time that we started on the work that is to be done here. I welcome new and former members—some of you were members of the Legislation Committee, as it was called for eight years. I welcome the officials, who have already been introduced individually by Chris, and also welcome the public to the meeting.

[6] Mae rhai materion cadw tŷ yr hoffwn gyfeirio atynt. Os bydd argyfwng—nid wyf yn rhagweld y bydd—bydd y tywyswyr yn eich arwain at yr allanfa agosaf. Gellir defnyddio'r clustffonau i wrando ar y cyfieithiad ar y pryd ac i addasu lefel y sain. Os oes unrhyw broblemau, gall y tywyswyr ddangos i chi sut i'w defnyddio. Rhaid i bawb ddiffodd eu ffonau symudol yn llwyr oherwydd maent yn amharu ar y system sain—nid yw'n ddigonol eu gosod i fod yn dawel. Mae'r cyfieithiad o'r Gymraeg i'r Saesneg i'w gael ar sianel 1, a gellir clywed cyflwyniadau yn yr iaith wreiddiol ar sianel 0.

There are a few housekeeping issues that I wish to refer to. In the event of an emergency—I do not foresee one—the ushers will lead you to the nearest exit. Headsets can be used to listen to the simultaneous translation and for amplification. If there are any problems, the ushers can show you how to use them. Everyone must switch off their mobile phones completely because they interfere with the sound system—they should not be left in silent mode. The translation from Welsh to English is available on channel 1, and verbatim contributions can be heard on channel 0.

[7] A oes unrhyw ymddiheuriadau? Gwelaf nad oes.

Are there any apologies? I see that there are none.

9.32 a.m.

Deddfwriaeth y mae Gorchymyn Deddf Llywodraeth Cymru 2006 (Darpariaethau Trosiannol) (Is-ddeddfwriaeth Gyffredinol y Cynulliad) 2007 yn Berthnasol iddi
Legislation to which the Government of Wales Act 2006 (Transitional Provisions) (Assembly General Subordinate Legislation) Order 2007 Applies

[8] **David Lloyd:** Mae pedwar offeryn dros ben o'r Ail Gynulliad. Trof at Gwyn yn gyntaf i sôn am LC1514.

David Lloyd: There are four instruments that are outstanding from the Second Assembly. I will hand over to Gwyn first to talk about LC1514.

[9] **Mr Griffiths:** Mae'r pedwar offeryn

Mr Griffiths: The four instruments that are

sydd o'n blaenau o dan eitem 3 yn rhai a wnaed cyn toriad y Pasg a'r etholiad o dan yr hen Reolau Sefydlog a'r hen weithdrefn. Maent yn dod i'r pwyllgor hwn yn sgîl yr offeryn statudol a gopïwyd i chi gyda'r papurau pwyllgor, sy'n nodi bod angen i'r clerc osod gerbron y Cynulliad unrhyw offerynnau a wnaethpwyd yn y ffordd honno. Oherwydd hynny, gallwn edrych arnynt i gloi pen y mwdwl ar waith yr Ail Gynulliad. Fel y gwelwch, gwnaethpwyd offeryn LC1514 ar 21 Mawrth, ond nid ystyriwyd ef gan y pwyllgor hwn. Wedi imi graffu arno, gallaf ddweud nad oes dim i dynnu sylw'r Cynulliad ato.

before us under item 3 were made prior to the Easter recess and the election under the old Standing Orders and the old procedures. They come before this committee under the statutory instrument that was copied to you along with the committee papers, which notes that the clerk needs to lay before the Assembly any instruments made in that way. For that reason, we are able to consider them to finalise the work of the Second Assembly. As you can see, instrument LC1514 was made on 21 March, but it was not considered by this committee. Having scrutinised it, I can say that there is nothing to draw to the Assembly's attention.

[10] **David Lloyd:** Diolch, Gwyn. I'r rhai ohonoch sydd newydd gyrraedd, yr ydym yn ystyried y darn cyntaf o is-ddeddfwriaeth ar y rhestr, sef LC1514, Gorchymyn Cynllunio Gwlad a Thref (Datblygu Cyffredinol a Ganiateir) (Diwygio) (Cymru) 2007. Yr ydych wedi clywed barn ein cyfreithwyr doeth. A oes unrhyw gwestiynau?

David Lloyd: Thank you, Gwyn. For those of you who have just arrived, we are considering the first piece of subordinate legislation on the list, namely LC1514, the Town and Country Planning (General Permitted Development) (Amendment) (Wales) Order 2007. You have heard the view of our wise lawyers. Are there any questions?

[11] **Janet Ryder:** These are going through on Executive procedure. In terms of the new remit of this committee, and the way in which we will be able to work, the covering letter states that no evidence has been provided in relation to the requirement to consult employee representatives. The final letter states that a consultation on the proposed revision of the framework was undertaken between 2 February and 2 March, but, in terms of the bodies cited, there is no reference to employee representatives. Will we be allowed, under the new workings of this committee, to look at such issues?

[12] **David Lloyd:** Yr wyf wedi drysu yn awr.

David Lloyd: I am confused.

[13] Are you talking about the—

[14] **Janet Ryder:** It is the Fire and Rescue National Framework (Wales) 2005 (Revisions) Order 2007, LC1516.

[15] **David Lloyd:** We are on LC1514.

[16] **Janet Ryder:** I thought we were dealing with everything under this item as a block.

[17] **David Lloyd:** Sorry. We will take that question, which is pertinent for when we get to our next block, when Gwyn comes back.

[18] A oes sylwadau ar LC1514? Gwelaf nad oes. Symudwn ymlaen felly at LC1515.

Are there any comments on LC1514? I see that there are none. We will therefore move on to LC1515.

[19] **Ms Jackson:** These regulations amend the National Health Service (General Ophthalmic Services) Regulations 1986. Their purpose is to allow determinations to be made

to allow for retrospective payments for education and training for ophthalmologists. This allows for them to be payable from 1 January 2005. They were made under the executive procedure on 27 March, and they came into force on 28 March.

[20] **David Lloyd:** Diolch, Joanest. Rheoliadau'r Gwasanaeth Iechyd Gwladol (Gwasanaethau Offthalmig Cyffredinol) (Diwygio) (Cymru) (Rhif 2) 2007 yw'r rheini. Wedi clywed y farn gyfreithiol, a oes sylwadau? Gwelaf nad oes. Symudwn felly ymlaen at Gwyn, a'r ddau offeryn nesaf: LC1516, y Gorchymyn Fframwaith Cenedlaethol Tân ac Achub (Cymru) 2005 (Adolygiadau) 2007, y cyfeiriodd Janet Ryder ato, ac LC1517, y Rheoliadau Anifeiliaid a Chynhyrchion Anifeiliaid (Mewnforio ac Allforio) (Cymru) (Mewnforio Adar Caeth) 2007.

David Lloyd: Thank you, Joanest. These are the National Health Service (General Ophthalmic Services) (Amendment) (Wales) (No. 2) Regulations 2007. Having heard the legal view, are there any comments? I see that there are none. We therefore move on to Gwyn, and the next two instruments: LC1516, the Fire and Rescue National Framework (Wales) 2005 (Revisions) Order 2007, which Janet referred to earlier, and LC1517, the Animals and Animal Products (Import and Export) (Wales) (Imports of Captive Birds) Regulations 2007

[21] **Mr Griffiths:** Mae'r Gorchymyn fframwaith yn diwygio'r fframwaith cenedlaethol. Fel y gwelwch, mae nifer o bwyntiau wedi'u nodi i fod yn destun adroddiad. Mae bellach yn rhy hwyr, wrth gwrs, i wneud y diwygiadau hyn, am fod hwn wedi mynd drwy'r broses yn yr ail Gynulliad. Fodd bynnag, fel y nodais yn y paragraff olaf, maent yn fân ddiwygiadau o'r math fyddai wedi bod yn briodol eu cywiro drwy'r drefn memorandwm cywiriadau oedd yn bodoli ar y pryd. Gwelwch fod rhai ohonynt yn gywiriadau mân iawn.

Mr Griffiths: The framework Order amends the national framework. As you can see, several minor points have been noted to be subject to a report. It is now too late, of course, to make these amendments, since this has gone through the process in the second Assembly. However, as I noted in the final paragraph, they are minor amendments of the type that would have been appropriate to correct under the memorandum of corrections system that existed at the time. You will see that some of the corrections are very minor.

[22] Tynnaf eich sylw at baragraff 5 o dan Reol Sefydlog Rhif 15.2, sydd yn dechrau

I draw your attention to paragraph 5 under Standing Order No. 15.2, which begins

[23] 'Mae Erthygl 2 yn cyfeirio at... [yr] "Atodlen"'.

Article 2 refers to... "the Schedule"'.

[24] Gwelwch mai gwall mân iawn ydyw, yn cyfeirio at 'Atodlen' yn y naill le, ac 'Atodlen 1' rhywle arall. Gan na fydd gennym femoranda cywiriadau o dan y drefn newydd, dyma'r math o gywiriad y byddwn yn awgrymu i'r pwyllgor y byddai'n briodol iddo ei gywiro wrth argraffu, yn hytrach na bod y camgymeriad yn parhau drwy fodolaeth yr is-ddeddfwriaeth. Mae amryw o fân bethau, ond nid yw'r un ohonynt yn ddigon difrifol fel bod angen cywiro'r ddeddfwriaeth.

You will note that this is a very minor mistake, referring to 'Schedule' in one place, and 'Schedule 1' elsewhere. As we no longer have memoranda of corrections under the new system, this is the kind of correction that we would suggest to the committee it would be appropriate to correct during printing, rather than allowing the mistake to stand for as long as the secondary legislation exists. There is a variety of minor things, but none of them are serious enough to warrant correcting the legislation.

[25] Gan droi at y pwynt a gododd Janet, bydd y rhain yn parhau i ddod ger ein bron oherwydd, er mai fframwaith ydyw, mae

Turning to the point that Janet raised, these will continue to come before us because, despite its being a framework, it has been

wedi dod ar ffurf Gorchymyn. Felly, bydd cyfle inni ystyried cynnwys Gorchymyn o'r math hwn yn y dyfodol. Fel y byddwn yn trafod nes ymlaen, mae'r materion y mae'r pwyllgor hwn yn gallu eu hystyried dipyn ehangach na'r materion a oedd gan y pwyllgor blaenorol gyfle i'w codi, gan gynnwys materion cyffredinol yn ymwneud â deddfwriaeth. Gallwn drafod y rheini nes ymlaen, ond ni fydd lleihad yng ngallu'r pwyllgor i drafod materion o'r math hwn.

made in the form of an Order. So, there will an opportunity for us to consider the contents of an Order of this type in the future. As we shall discuss later on, the matters that this committee can consider are somewhat wider than those that the previous committee had the opportunity to raise, including general matters concerning legislation. We can discuss those later on, but there will be no reduction in the committee's ability to discuss matters of this type.

[26] **David Lloyd:** Diolch, Gwyn. A oes sylwadau, neu a yw pawb yn gytûn inni basio'r Gorchmynion hynny? Gwelaf ein bod yn gytûn.

David Lloyd: Thank you, Gwyn. Are there any comments, or is everybody happy to pass the Orders? I see that we are happy to do so.

[27] Gan symud ymlaen at yr eitem nesaf—mae'n ddrwg gennyf, nid yw Gwyn wedi sôn am LC1517 eto. Chi gewch siarad, Gwyn.

Moving on to the next item—sorry, Gwyn has not yet discussed LC1517. You have the floor, Gwyn.

[28] **Mr Griffiths:** Unwaith eto, fe welwch nad oes pwynt i'w adrodd—mân sylw sydd ynglŷn â sillafu 'Ewropeaidd'. Eto, dyma'r math o beth y byddwn yn awgrymu iddo gael ei gywiro wrth argraffu yn hytrach na'i fod yn wall parhaol. O dan yr hen drefn, nid oedd dim pellach y gellid ei wneud ynglŷn â hyn, heblaw cyflwyno'r adroddiad.

Mr Griffiths: You will once again see that there are no points to report—there is just a small observation with regard to the spelling of 'Ewropeaidd' in the Welsh text. Again, this is the sort of thing that we suggest is corrected during printing rather than the mistake being allowed to stand. Under the old system, there was nothing further to be done about it, except present the report.

9.40 a.m.

[29] **David Lloyd:** Diolch, Gwyn. Fel y bu i Gwyn grybwyll, mae newidiadau yn y pwyllgor hwn a fydd efallai yn drysu'r sawl a fu ar y pwyllgor hwn yn yr hen ddyddiau, os caf eu galw'n hynny. Fodd bynnag, ni fydd yn drysu'r sawl sydd yn newydd i'r pwyllgor.

David Lloyd: Thank you, Gwyn. As Gwyn mentioned, there are changes to this committee that might confuse those of us who were on this committee in the old days, if I can call refer to them in that way. However, it will not confuse the new members of this committee.

[30] **Alun Davies:** Fe fydd. [*Chwerthin.*]

Alun Davies: It will. [*Laughter.*]

[31] **David Lloyd:** Wel, efallai. Efallai fod anwybodaeth yn rhemp; byddwn yn gwneud rhywbeth ynglŷn â hynny dros y dyddiau nesaf gan nad yw'n arwydd o gryfder.

David Lloyd: Well, it might. Ignorance might be endemic; we will do something about that over the coming days, because it is not an indication of strength.

[32] Cyn i ni symud i eitem 4, sef yr is-ddeddfwriaeth newydd i'w ystyried, fe welwch mai Gorchymyn LC 1517, y bu i Gwyn sôn amdano, yw'r olaf o dan y gyfundrefn honno, sydd llawn cystal gan ei

Before we move to item 4, namely the new subordinate legislation to be considered, you will see that Order LC 1517, which Gwyn mentioned, is the final one under that procedure, which is just as well, as it

fod yn lledu fy ymreolaeth fathemategol i'r pen draw. Felly, byddwn yn dechrau ar SLC 1 ac SLC 2, system rifo newydd sydd yn dod â'r system newydd i rym.

stretches my arithmetical ability to its limit. So, we will start on SLC 1 and SLC 2, which is the numbering system that brings the new system into being.

9.41 a.m.

Is-ddeddfwriaeth i'w Hystyried: Offerynnau Statudol ac Offerynnau Statudol Drafft— Offerynnau na chyflwynir adroddiad arnynt o dan Reol Sefydlog Rhif 15.2
Subordinate Legislation For Consideration: Statutory Instruments and Draft Statutory Instruments—Instruments not reported under Standing Order No. 15.2

[33] **David Lloyd:** Fel y bu i Gwyn grybwyll, mae newidiadau, gan fod y pwyllgor hwn yn gallu gwneud mwy nag yr oedd yr hen bwyllgor yn gallu ei wneud, ac mae newidiadau hefyd yn y gyfundrefn o ran sut yr ydym yn edrych ar is-ddeddfwriaeth dan weithdrefn negyddol a chadaranhaol—ansoddeiriau newydd i bob un ohonom, yn Aelodau hen a newydd. Mae Gwyn yn gwybod llawer mwy na mi am y pethau hyn, felly bydd yn rhoi cyflwyniad byr ar weithdrefn negyddol a gweithdrefn gadarnhaol.

David Lloyd: As Gwyn mentioned, there are changes, as this committee has the ability to do more than the previous committee could do, and there are also changes to the system in terms of the way in which we look at subordinate legislation under negative and postive resolution—adjectives that are new to all of us, new and old Members alike. Gwyn knows far more than me about these issues, so he will give a brief introduction on negative and positive resolutions.

[34] **Mr Griffiths:** Yn syml iawn, y weithdrefn negyddol yw pan fo Llywodraeth y Cynulliad yn gwneud yr is-ddeddfwriaeth ac mae'n dod gerbron y pwyllgor hwn ar ôl i'r ddeddfwriaeth gael ei gwneud. Mae cyfle i Aelodau wneud cais i'r Cynulliad ddiddymu'r offeryn o fewn 40 diwrnod iddo gael ei wneud. Yn draddodiadol, nid yw hynny wedi digwydd yn aml yn San Steffan na Senedd yr Alban, ond dyna yw'r unig ffordd y gall y Cynulliad leisio barn ar offerynnau dan y broses negyddol. Fel y gwelwch, dyna yw bob un o'r offerynnau sydd ger ein bron heddiw.

Mr Griffiths: Very simply, the negative resolution is when the Assembly Government makes the subordinate legislation and it comes before this committee after it has been made. There is an opportunity for Members to request that the instrument be repealed within 40 days. Traditionally, that has not happened often in Westminster or the Scottish Parliament, but that is the only way in which the Assembly can voice its opinion on instruments under the negative resolution process. As you can see, all the instruments before us today fall into that category.

[35] Y drefn arall yw'r offerynnau cadarnhaol. Yn yr achosion hynny, mae angen i'r Cynulliad bleidleisio ar yr offeryn, fel mae'r hen Aelodau—os caf eich galw yn hynny—wedi arfer ei wneud yn y Cyfarfod Llawn, cyn ei fod yn gallu dod i rym. Weithiau, maent yn cael eu cyflwyno fel drafft, ac, yn llai aml, mae'r Llywodraeth yn gallu gwneud yr offeryn ond mae angen pleidlais gadarnhaol cyn y gall yr offeryn ddod i rym. Byddwn yn trafod hynny yn

The other system is that of positive resolution. In those cases, the Assembly has to vote on the instrument, as the old Members—if I can call you that—are used to doing in Plenary, before it comes into force. They are sometimes introduced as draft legislation, and, less frequently, the Government can make the instrument but a positive resolution is needed before it can come into force. We will discuss that in more detail in due course, especially when we have

fanylach yn y man, yn enwedig pan fydd gennym esiampl o'r math hwnnw o offeryn. Ond, offerynnau negyddol yw'r cyfan sydd gennym y bore yma.

an example of such an instrument. However, we only have negative resolution instruments before us this morning.

[36] **Eleanor Burnham:** A fydd atodlen lawn o'r ddeddfwriaeth gadarnhaol yn cael ei rhoi ger ein bron fel pwyllgor?

Eleanor Burnham: Will a full schedule of the positive resolution legislation be placed before us as a committee?

[37] **Mr Griffiths:** Bydd pob offeryn yn dod gerbron y pwyllgor, ond byddant yn cael eu grwpio. Fel y gwelwch, y bore yma mae gennym rai negyddol heb bwyntiau i'w hadrodd a rhai negyddol gyda phwyntiau i'w hadrodd. Bydd rhai cadarnhaol heb bwyntiau i'w hadrodd a rhai cadarnhaol â phwyntiau i'w hadrodd.

Mr Griffiths: Every instrument will come before the committee, but they will be grouped. As you can see, this morning we have some negative resolutions without points to report and also some negative resolutions with points to report. There will be positive resolutions without points to report and positive resolutions with points to report.

[38] **Eleanor Burnham:** Gwaith pwy fydd penderfynu os mai cadarnhaol neu negyddol fydd yr is-ddeddfwriaeth?

Eleanor Burnham: Whose function will it be to decide if subordinate legislation will have a positive or negative resolution?

[39] **Mr Griffiths:** Mae wedi ei osod yn y Ddeddf seneddol sydd yn rhoi'r hawl i wneud yr is-ddeddfwriaeth. Felly, nid oes dadlau ynglŷn â hynny—mae yn y Ddeddf. Yn y man, bydd hynny hefyd yn ymddangos ym Mesurau'r Cynulliad a fydd yn rhoi pwerau i'r Gweinidogion wneud is-ddeddfwriaeth. Fel y gwelwch o'r Rheol Sefydlog, bydd y pwyllgor hwn wedyn yn gallu adrodd ar yr awgrymiadau yn y Mesurau ynglŷn â'r ffordd o wneud yr is-ddeddfwriaeth honno.

Mr Griffiths: It is set out in the parliamentary Act allowing the making of the subordinate legislation. So, there is no debate about it—it is in the Act. In due course, that will also appear in Assembly Measures that give powers to Ministers to make subordinate legislation. As you can see from the Standing Order, this committee will then be able to report on the recommendations in the Measures with regard to the way in which that subordinate legislation is made.

[40] **David Lloyd:** Er gwybodaeth, cyn y cwestiwn olaf, bydd cyflwyniad anffurfiol i aelodau'r pwyllgor ar y gweithdrefnau hyn, gan fod hyn yn newydd i bob un ohonom.

David Lloyd: For your information, before the final question, we will have an informal presentation to committee members on these procedures, as this is new to all of us.

[41] **Eleanor Burnham:** A oes mwy o is-ddeddfwriaeth yn disgwyl amdanom neu a ydym wedi clirio'r cyfan y bore yma?

Eleanor Burnham: Is there more subordinate legislation awaiting us, or have we cleared it all this morning?

[42] **Mr Griffiths:** Yr ydym yn aros i'r Llywodraeth wneud mwy o is-ddeddfwriaeth.

Mr Griffiths: We are waiting for the Government to make more subordinate legislation.

[43] **David Lloyd:** Yr ydym wedi dal lan gyda'r Llywodraeth ar hynny.

David Lloyd: We have caught up with the Government on that.

9.45 a.m.

Offerynnau sy’n Agored i gael eu Dirymu yn unol â Phenderfyniad gan y Cynulliad (Y Weithdrefn Negyddol)
Instruments Subject to Annulment Pursuant to a Resolution of the Assembly (Negative Procedure)

[44] **David Lloyd:** Gallwch weld fod nifer o offerynnau sy’n agored i gael eu dirymu yn unol â phenderfyniad gan y Cynulliad, sef y weithdrefn negyddol. Bydd Gwyn yn dechrau gyda’r tri chyntaf, sef SLC1, SLC2 a SLC3. A ydych yn bwriadu eu cymryd gyda’i gilydd neu ar wahân?

David Lloyd: You can see that there are several instruments that are subject to annulment, pursuant to a resolution of the Assembly—the negative procedure. Gwyn will start with the first three: SLC1, SLC2 and SLC3. Are you taking those together?

[45] **Mr Griffiths:** Fe’u cymeraf ar wahân, yn arbennig y cyntaf, er mwyn i ni weld sut mae’r peth yn gweithio. Dechreuaf gyda’r cyntaf, sef y Rheoliadau Anifeiliaid a Chynhyrchion Anifeiliaid (Mewnforio ac Allforio) (Cymru) (Labordai, Syrcasau a Chwarantîn Adarol) 2007. Nid oes adroddiad ffurfiol ger eich bron yn y modd y byddai’r rhai ohonoch sy’n gyfarwydd â’r hen drefn yn ei ddisgwyl. Y rheswm am hynny yw nad oes adroddiad ffurfiol yn cael ei wneud i’r Cynulliad ar bob offeryn ar wahân, gan nad oes angen pleidlais gan y Cynulliad yn achos yr offerynnau sy’n mynd o dan y weithdrefn negyddol. Felly, ein hawgrym ni i’r pwyllgor—wrth gwrs, mater i’r aelodau yw hyn—yw na fyddwn ond yn rhestru’r offerynnau lle nad oes dim i’w adrodd yn hytrach na pharatoi adroddiad unigol ar gyfer y ffeil.

Mr Griffiths: I will take them separately, especially the first one, so that we can see how this procedure works. I will start with the first of these, that is, the Animals and Animal Products (Import and Export) (Wales) (Laboratories, Circuses and Avian Quarantine) Regulations 2007. There is no formal report before you in the way that those who are familiar with the previous system would have expected. The reason for that is that a formal report is not made to the Assembly on every instrument separately, because no vote is required by the Assembly in the case of those instruments that are subject to the negative procedure. Therefore, our suggestion to the committee—and it is a matter for members to decide—is that we will just list those instruments on which there is nothing to report, rather than prepare individual reports to put on file.

[46] Yn yr achos hwn, nid wyf wedi nodi unrhyw bwynt i’w adrodd, ond er gwybodaeth y pwyllgor, ac er mwyn datblygu dealltwriaeth, gallaf ddweud fy mod wedi awgrymu cywiro dau beth wrth argraffu. Yn gyntaf, nodwyd y gair ‘ddynnwyd’ gyda dwy ‘d’ ar y dechrau, ac yr wyf wedi awgrymu y dylid gwneud y cywiriad sillafu hwnnw wrth argraffu.

In this case, I have not identified any points to report, but for the committee’s information, and to develop understanding, I can say that I have suggested two corrections on publication. First, the word ‘ddynnwyd’ is included with two ‘d’s at the beginning, and I have suggested that that spelling mistake is corrected on publication.

[47] Mae’r ail bwynt a nodais yn fwy sylweddol ac, o dan yr hen drefn, byddwn wedi dod ag ef at y pwyllgor yn sail i adroddiad er mwyn ei gywiro drwy femorandwm cywiriadau. Nid oes gennym y dewis canol ffordd hwnnw bellach gan eu bod naill ai yn faterion i’w cywiro wrth argraffu, neu bydd angen ailddeddfu ar y pwnc. Felly, efallai fod angen ystyried lle yn union dylid tynnu’r llinell. Yr ail bwynt a

The second point that I noted is more significant. Under the old system, I would have brought it to committee as the basis of a report in order to correct it by a memorandum of corrections. We no longer have that third way as on option, as they are either matters to be corrected on publication or they will need correcting legislation. Therefore, we should, perhaps, consider where we draw the line on this. The second point that I noted is that

nodais oedd bod croesgyfeiriad anghywir yn rheoliad 5.11, oedd yn cael ei fewnosod yn y brif ddeddfwriaeth. Nid oes gennych y dogfennau hyn, felly nid wyf yn argymell eich bod yn chwilio amdanynt. Mae'r croesgyfeiriad yn anghywir, ond dim ond un rhif allai fod yn gywir i'w fewnosod, felly yr wyf wedi awgrymu bod y cywiriad yn cael ei wneud wrth argraffu, gan nad oes amheuaeth am y rhif cywir. Pe bai amheuaeth, byddai'n rhaid gwneud deddfwriaeth i gywiro hynny, ond yn yr achos hwn, yr wyf wedi awgrymu cywiro wrth argraffu.

there was an incorrect cross-reference in regulation 5.11, which was inserted in the principal regulations. You do not have these documents, so I do not suggest that you look for them. The cross-reference is incorrect, but there could have been only one correct figure to insert, so I have suggested that the correction is made on publication, because there is no doubt as to what the correct figure should be. Had there been doubt, correcting legislation would have been required. However, in this case, I have suggested that it is corrected on publication.

[48] **David Lloyd:** A oes unrhyw gwestiynau neu sylwadau? Gwelaf fod pawb yn cytuno ein bod yn eu cymeradwyo. Symudwn ymlaen i SLC2, sef y Rheoliadau Cynhyrchion sy'n Dod o Anifeiliaid (Mewnforion Trydydd Gwledydd) (Cymru) (Diwygio) 2007.

David Lloyd: Are there any comments or questions or are we all agreed that we should pass these regulations? I see that we are all agreed. We move on to SLC2, the Products of Animal Origin (Third Country Imports) (Wales) (Amendment) Regulations 2007.

[49] **Mr Griffiths:** Dyma'r un math o beth eto, sef dau bwynt yr wyf wedi awgrymu y dylid eu cywiro wrth argraffu. Yn gyntaf, dylai'r gair Saesneg—sydd yn y testun Cymraeg i helpu wrth gyfeirio o un iaith i'r llall—fod mewn llythrennau italig. Mewn llinell arall, mae angen mewnosod ôl-slaes. Dyna'r math o beth y byddaf yn awgrymu y dylid ei gywiro wrth argraffu.

Mr Griffiths: As before, I have suggested two points to be corrected on publication. First, the English word that is in the Welsh text in order to assist with reference from one language to the other should be in italics. In another line, a backslash should be inserted. Those are the sort of things that I will suggest should be corrected on publication.

[50] Mae pwynt pellach, fodd bynnag, ynglŷn â'r offeryn hwn y dylwn dynnu eich sylw ato. Anfonodd y Gweinidog dros y Gyllideb a Rheoli Busnes lythyr at y Llywydd yn esbonio bod yr offeryn hwn wedi torri'r rheol 21 diwrnod, sef na ddylai fod llai na tair wythnos rhwng gwneud offeryn a bod yr offeryn yn dod i rym. Ei diben yw sicrhau bod y rhai yr effeithir arnynt gan y ddeddfwriaeth yn gwybod amdani cyn iddi ddod i rym. Yn yr achos hwn, mae'r Gweinidog, fel sy'n ofynnol, wedi ysgrifennu at y Llywydd yn esbonio'r rhesymeg. Mae copi o'r llythyr wedi'i gylchredeg gyda phapurau'r pwyllgor. Nid oes amheuaeth fod cyfiawnhad dros wneud hynny yn yr achos hwn, gan ei fod yn ymwneud ag iechyd anifeiliaid a sicrhau nad oes pethau yn dod i mewn i'r wlad a fyddai'n cynyddu'r pryderon yn y maes hwnnw.

There is one further point regarding this instrument to which I should draw your attention. A letter has been sent by the Minister for Budget and Business Management to the Presiding Officer to explain that this instrument breached the 21-day rule, which states that there should be no less than three weeks between the date of making an instrument and its coming into force. The reason for that is that the people who are affected by the legislation should know about it before it comes into force. In this case, the Minister, as is required, has written to the Presiding Officer explaining the rationale. A copy of the letter has been circulated with the committee papers. There is no doubt that there is justification for doing so in this case, because it is to do with animal health and ensuring that things are not imported into this country that would increase concerns in that area.

9.50 a.m.

[51] Yr wyf eisiau gofyn eich barn ynghylch beth y dylai'r Llywydd ei wneud gyda'r llythyr hwn. Mae'r Rheolau Sefydlog yn nodi fod angen i'r Gweinidog ysgrifennu at y Llywydd yn esbonio unrhyw achos lle mae'r rheol 21 diwrnod wedi ei thorri. Nid oes dim yn y Rheolau Sefydlog yn dweud beth y dylai'r Llywydd ei wneud â'r llythyr. Yr awgrym, felly, yw fod y pwyllgor hwn yn cynnig fod y Rheolau Sefydlog yn cael eu diwygio fel bod y Llywydd yn gallu gosod y llythyr hwn gerbron y Cynulliad. Mae'r Rheolau Sefydlog yn nodi pa ddogfennau y gellir eu cyflwyno, ac un o'r rheini yw papurau mae'r Cynulliad wedi cytuno y dylid eu gosod ger ei fron. Felly, dyna'r awgrym i'w ystyried. Nid oes rhaid inni wneud penderfyniad heddiw, ond yr awgrym yw y dylai llythyrau o'r fath gael eu gosod, fel bod holl Aelodau'r Cynulliad yn gwybod amdanynt, yn hytrach na'u bod yn mynd at y Llywydd ac yn eistedd yn y ffeil.

I wish to ask your opinion regarding what the Presiding Officer should do with this letter. Standing Orders state that the Minister must write to the Presiding Officer explaining any case where the 21 day rule has been breached. There is nothing in the Standing Orders stating what the Presiding Officer should do with the letter. The suggestion, therefore, is that this committee proposes that Standing Orders be amended so that the Presiding Officer is able to lay this letter before the Assembly. Standing Orders list the documents that can be laid, and they include papers that the Assembly has agreed should be laid before it. Therefore, that is the suggestion to be considered. We do not have to make a decision today, but the suggestion is that letters of this type should be laid, so that all Assembly Members know of them, rather than have a situation where they go to the Presiding Officer and sit on file.

[52] **David Lloyd:** Mae hynny'n awgrym synhwyrol ond, fel y dywedaist, nid oes angen penderfyniad heddiw.

David Lloyd: That is a sensible suggestion but, as you said, there is no need to make a decision today.

[53] **Karen Sinclair:** These kinds of things will be on computer, as legislation records, so what difference will there be if they are laid before the Assembly? One question occurred to me. On implementation, you have said that it is intended that the statutory instrument comes into force, in line with England and Scotland, 'very soon'. That seems a bit general to me. What does 'very soon' mean? Was it written before the dates were known?

[54] **Mr Griffiths:** Yes; I do not think that the Minister was aware of when the Scottish legislation was going to come into force when it was written.

[55] It will be on the record, and it will be available to the public in the way that all documentation is available under the Freedom of Information Act 2000, but it will not be immediately apparent. If it is a laid document, Members of the Assembly will know about it immediately, in the way that they are aware of other laid documents. It is a matter of openness.

[56] **Karen Sinclair:** I want it to be as open and transparent as possible—I just did not want to make it onerous. What does it mean once it is laid? Does it have to come to Plenary?

[57] **Mr Griffiths:** No, it is just there for the information of Members.

[58] **Sandy Mewies:** It is important that it is laid, because, presumably, that would guide you on whether there was an issue over the timescale not being adopted. It is probably a good idea that we look at these matters again. This is the first time that this committee has met, and it is probably a good idea to look at these matters again soon, just so that we can think through how we are handling things. That probably is the best way forward at this stage.

[59] **Eleanor Burnham:** Yr wyf yn cyd-

Eleanor Burnham: I agree; if it is not

fynd; os nad yw'n cael ei osod, ni fydd neb sy'n edrych ar y ddeddfwriaeth yn deall beth sydd wedi digwydd. Mae'n bwysig fod pobl yn deall, gan fod y drefn yn hollol newydd, a bydd hyn yn dangos ein bod yn cyd-fynd a'n bod yn diwygio os oes gwallau.

tabled, people looking at the legislation will not understand what has happened. It is important that people understand, as this system is new, and this will show that we are in agreement and that we are amending any errors.

[60] **David Lloyd:** Credaf, Gwyn, y gallwch gymryd bod pawb yn cytuno'n sylfaenol â hynny. Gwelaf fod cytundeb ein bod yn ei osod gerbron y Cynulliad.

David Lloyd: I believe, Gwyn, that you can take it that there is general agreement on that. I see that there is agreement that it should be laid before the Assembly.

[61] **Gwyn Griffiths:** Os felly, down yn ôl gydag awgrym mwy pendant i'r pwyllgor.

Gwyn Griffiths: If so, we will come back with a more definite suggestion for committee.

David Lloyd: Felly, cytunwn i basio offeryn SLC2. Symudwn ymlaen at SLC3, sef Rheoliadau Gwaith Stryd (Ffioedd Arolygu) (Cymru) (Diwygio) 2007.

David Lloyd: Therefore, we agree to let instrument SLC2 pass. We will now move on to SLC3, the Street Works (Inspection Fees) (Wales) (Amendment) Regulations 2007.

[62] **Gwyn Griffiths:** Nid oes dim penodol yn yr achos hwn. Y cyfan y mae'n ei wneud yw cynyddu'r ffi o £21 i £24. Offeryn syml iawn ydyw o'r fath na fydd o lawer o ddiddordeb i Aelodau, felly nid oes dim i'w adrodd.

Gwyn Griffiths: There is nothing specific in this case. All it does is increase the fee from £21 to £24. It is a very simple instrument of the type that will not be of much interest to Members, so there is nothing to report.

[63] **David Lloyd:** Awn ymlaen at SLC5 ac SLC6.

David Lloyd: We will move on to SLC5 and SLC6.

[64] **Ms Jackson:** SLC5 and SLC6 are matters that arise from the plant health directive on protective measures against the introduction into the community of organisms harmful to plants or plant products and against their spread within the community. The directive also establishes the community plant health regime.

[65] SLC5 amends fees to be charged for plant health inspections on certain imported material, and amends the list of trades eligible for reduced rate inspections. SLC6 extends charging to inspections carried out for the purpose of conferring authority to issue plant passports under the Plant Health—and the next part is in Latin, which I will not attempt to pronounce, in case I make a mess of it—(Wales) Order 2006. The level of fees there remains unchanged. They are both straightforward and so there are no points to draw to the attention of the drafting lawyers.

[66] **David Lloyd:** Diolch, Joanest. Felly, yr ydym am basio SLC5, Rheoliadau Iechyd Planhigion (Ffioedd Arolygu Mewnforio) (Cymru) (Diwygio) 2007, ac SLC6, Rheoliadau Iechyd Planhigion (Ffioedd Pasportau Planhigion) (Cymru) 2007. Yr ydych wedi clywed y sylwadau ac y mae popeth yn saff i'w basio. A yw pawb yn hapus gyda hwnnw? Gwelaf eich bod.

David Lloyd: Thank you, Joanest. Therefore, we want to pass SLC5, the Plant Health (Import Inspection Fees) (Wales) (Amendment) Regulations 2007, and SLC6, the Plant Health (Plant Passport Fees) (Wales) Regulations 2007. You have heard the comments, and everything is safe for us to pass. Is everyone happy with that? I see that you are.

9.57 a.m.

Is-ddeddfwriaeth i’w Hystyried: Offerynnau Statudol ac Offerynnau Statudol Drafft—Offerynnau y Cyflwynir Adroddiad Arnynt o dan Reol Sefydlog Rhif 15.2 ac Offerynnau sy’n Agored i gael eu Dirymu yn unol â Phenderfyniad gan y Cynulliad (Y Weithdrefn Negyddol)
Subordinate Legislation for Consideration: Statutory Instruments And Draft Statutory Instruments—Instruments Reported under Standing Order No. 15.2 and Instruments Subject to Annulment Pursuant to a Resolution of the Assembly (Negative Procedure)

[67] **David Lloyd:** Edrychwn ar offeryn SLC4, Gorchymyn Rheoli Traffig (Canllawiau ar Feini Prawf Ymyrryd) (Cymru) 2007, sydd o dan y weithdrefn negyddol. Gwyn, mae gennych rai pwyntiau i’w nodi.

David Lloyd: We will look at instrument SLC4, the Traffic Management (Guidance on Intervention Criteria) (Wales) Order 2007, which comes under the negative procedure. Gwyn, you have some points to note.

[68] **Mr Griffiths:** Oes. Mae adroddiad drafft ger eich bron i’w gymeradwyo. Fel y gwelwch, nodwyd amryw o bwyntiau fel materion sydd angen eu cywiro, ond, fel yr wyf wedi’i nodi, nid oes angen deddfwriaeth frys arnynt er mwyn gwneud y cywiriadau. Mae hwn yn offeryn rhyfedd iawn. Mae’n cynnwys canllawiau a phenderfynodd y Senedd pan wnaed Deddf Rheoli Traffig 2004 fod y canllawiau hyn i’w gweithredu drwy Orchymyn. Felly, o ganlyniad, mae gennym offeryn sydd yn fyr iawn, ac Atodlen iddo sy’n cynnwys canllawiau, a llawer ohonynt heb fod ar ffurf ddeddfwriaethol. Maent yn esbonio hanes a chynnwys y Ddeddf ond nid yw’r cynnwys ei hun yn ddeddfwriaeth—y Ddeddf yw’r ddeddfwriaeth, ac nid y memorandwm esboniadol. Dyna pam yr wyf wedi gwneud sylw. Er bod camgymeriadau, nid ydynt yn rhai difrifol oherwydd natur y canllawiau a atodwyd i’r Gorchymyn. Nid yw hon yn esiampl dda o’r math o offerynnau y byddwn yn eu hystyried yn y ffordd hon, ond dyma’r cyntaf sydd wedi dod ger ein bron gan y Llywodraeth, ac felly yr wyf yn ei gyflwyno i chi fel ag y mae. Yr oedd rhai mân bwyntiau eraill i’w cywiro wrth argraffu, ac fe dynnais y rheiny at sylw’r cyfreithwyr.

Mr Griffiths: I do. There is a draft report before you to be approved. As you can see, several points have been noted as matters that require correction, but, as I have noted, they do not need any emergency legislation in order to make the corrections. This is a very strange instrument. It includes guidelines, and, when the Traffic Management Act 2004 was made, Parliament decided that these guidelines should be implemented by Order. Therefore, as a result, we have a very short instrument, with a Schedule to it that includes the guidelines, but many of which are not in a legislative format. They explain the history and content of the Act, but the content itself is not legislation—the Act itself, and not the explanatory memorandum, is the legislation. That is why I have commented. Although there are errors, they are not serious errors because of the nature of the guidelines appended to the Order. This is not a good example of the type of instrument that we will consider in this manner, but this is the first that has come before us from the Government, and so I have presented it to you as it stands. There were some other minor points to be corrected on publication, but I have drawn those to the attention of the lawyers.

[69] **David Lloyd:** Diolch, Gwyn. A oes gan Aelodau unrhyw sylwadau neu gwestiynau? Gwelaf nad oes, felly cytunwn fel pwyllgor i basio’r ddeddfwriaeth hon.

David Lloyd: Thank you, Gwyn. Do Members have any comments or questions? I see that you do not, and so we will agree as a committee to pass this legislation.

10.00 a.m.

Ystyried Cylch Gwaith a Rôl y Pwyllgor
Consideration of the Committee's Remit and Role

[70] **David Lloyd:** Fel sydd wedi ei nodi eisoes, mae'r pwyllgor hwn yn wahanol i'r hen Bwyllgor Deddfwriaeth, ac nid yn unig mewn enw; Pwyllgor Is-ddeddfwriaeth yw hwn a Phwyllgor Deddfwriaeth oedd y pwyllgor yn y Cynulliad blaenorol. Mae'r cylch gwaith hefyd wedi newid.

David Lloyd: As has already been noted, this committee differs from the old Legislation Committee, and not only in terms of its name; this is the Subordinate Legislation Committee, while it was the Legislation Committee in the previous Assembly. The remit has also changed.

[71] Yn yr adroddiadau yn eich ffeiliau, mae gennych ddisgrifiad o'r disgwyliadau a'r hyn y gall y pwyllgor ei wneud. Ym mis Mai 2006, cynhaliodd y Pwyllgor Deddfwriaeth adolygiad o'r broses o graffu ar ddeddfwriaeth—yr hyn yr ydym wedi bod yn ei wneud y bore yma—a beth fyddai'n digwydd i'r gwaith ar ôl yr etholiad. Bu i'r hen bwyllgor argymell bod y Pwyllgor Is-ddeddfwriaeth newydd yn ysgwyddo swyddogaethau a chyfrifoldebau llawer mwy eang na'r rheini a gymerwyd yn y gorffennol. Felly, yr ydym yn torri cwys newydd o hyn ymlaen.

In the reports in your files, you will find a description of the expectations and what the committee can achieve. In May 2006, the Legislation Committee reviewed the process of scrutinising legislation—what we have been doing this morning—and what would happen to the work after the election. The former committee recommended that the new Subordinate Legislation Committee adopted wider functions and responsibilities than those taken on previously. Therefore, our work from now on will be pioneering.

[72] Gan fod cylch gwaith y pwyllgor bellach wedi ehangu, mae angen i'r aelodau benderfynu sut bydd y pwyllgor yn ymdrin â'i waith. Cyn ichi fynd i banig, awgrymir bod y cynghorwyr cyfreithiol yn rhoi cyflwyniad byr i egluro'r cylch gwaith, y swyddogaethau a bennwyd eisoes, a swyddogaethau posibl y Pwyllgor Is-ddeddfwriaeth. Ar ôl y cyflwyniad, bydd cyfle ichi i drafod—wythnos nesaf ar yr adeg hwn—fel bod gennych ddigon o amser i feddwl am yr awgrymiadau. A yw'r slot hwn, Chris a Gwyn, yn rhydd i'r pwyllgor gynnal trafodaeth? Nid wyf yn meddwl bod deddfwriaeth wedi eu hanfon i'r pwyllgor i'w hystyried.

As the remit of this committee has been extended, its members need to decide how the committee will deal with the work. Before you all panic, it is suggested that the legal advisers should give a brief presentation to outline the remit, the functions that have already been given to us, and the possible functions of the Subordinate Legislation Committee. After the presentation, there will be an opportunity for discussion—possibly next week at this time—so that you have sufficient time to consider the suggestions. Is this slot free, Chris and Gwyn, for the committee to meet to hold that discussion? I understand that no pieces of legislation have been sent to this committee for consideration.

[73] **Mr Griffiths:** Nid oes deddfwriaeth wedi'i chyflwyno hyd yn hyn. Petawn yn derbyn deddfwriaeth yn ystod yr wythnos hon—rhwng nawr a Dydd Iau—byddai modd i ni ddod ag ef gerbron y pwyllgor yr wythnos nesaf. Serch hynny, nid oes brys am fod gennym 20 diwrnod i baratoi adroddiad. Felly, gellid delio ag unrhyw ddeddfwriaeth

Mr Griffiths: No legislation has been presented to the committee as yet. If we received legislation this week—between now and Thursday—it would be possible to bring it before the committee next week. However, there is no hurry as we have 20 days to prepare a report. Therefore, any legislation could be dealt with in a fortnight.

mewn pythefnos.

[74] **David Lloyd:** Felly, yr awgrym, gyda'ch cytundeb, yw y gwneir cyflwyniad byr ar rôl newydd y pwyllgor, a'r hyn a ddisgwylir ganddo, gan ein cyfeillion cyfreithiol, a bydd hynny'n amlinellu'r hyn y gallwn ei wneud sy'n newydd a beth sy'n rhaid i ni ei wneud yn gyfreithiol, sef y craffu. Ni fydd hynny'n mynd, yn naturiol. Fodd bynnag, mae gennym gylch eang. Er enghraifft, bydd gwaith craffu cyfyngedig ar rai o Fesurau a pholisïau'r Cynulliad yn dasg bosibl. Mae hynny'n beth hollol newydd i'r pwyllgor hwn, a byrdwn y neges fydd yr hyn y gallwn ei wneud a phryd ac ati.

David Lloyd: Therefore, the suggestion is, with your agreement, that there will be a short presentation by our legal colleagues on the committee's role and what is expected of it, which will outline what we can do that is new and also what we are legally required to do, namely the scrutiny. That will not be disappearing of course. However, there is a wider remit. For example, limited scrutiny work on some Assembly Measures and policy will be a function of the committee. That is something new for this committee, and the message will be what we can do and when and so on.

[75] **Sandy Mewies:** That particular point relates to paragraph 6 of the document outlining the role of the committee, which notes that the committee:

'may also undertake limited policy scrutiny of Assembly Measures'.

[76] Is that a matter of process? We cannot alter the policies or make any decisions or comments on the policies. So, is that matter of process?

[77] **Mr Griffiths:** There is a limited extent to which this committee can consider policies. For example, under Standing Order No. 15.34, there is the question of whether the legislation inappropriately implements European Union legislation.

[78] **Sandy Mewies:** So it is a matter of process and not about the policy itself. That is what I was seeking clarification on.

[79] **Mr Griffiths:** It is to do with whether the policy achieves what European legislation requires the Assembly to do. So, it would be possible for this committee to question the policies introduced by the Assembly Government on the basis that they did not comply with European requirements.

[80] **Sandy Mewies:** I think that I am right in thinking that it is process and procedure.

[81] **David Lloyd:** Yes.

[82] I gadarnhau, mae'r pwyllgor hwn yn y gorffennol wedi craffu ar y ddeddfwriaeth sydd o'n blaenau i sicrhau ei bod yn gyfreithiol i'r Cynulliad ei gweithredu. Nid yw'r pwyllgor yn craffu ar y polisïau unigol, ond yn hytrach ar y ddeddfwriaeth sy'n dod â'r polisi i rym. Y pwyllgorau pwnc fydd yn craffu ar bolisïau, boed hynny'n bwyllgor iechyd neu beth bynnag. Dyna pam mae gwaith y pwyllgor hwn oedd edrych yn unig ar y manion deddfwriaethol, nid ar y polisi ei hun.

To confirm, this committee has only ever scrutinised legislation to ensure that it is legal for the Assembly to proceed. The committee does not scrutinise individual policies, but the legislation that brings the policy into effect. The subject committees scrutinise policies, whether that is the health committee or whatever. That is why the work of this committee has been to look only at the legislative details, not at the policy itself.

[83] **Karen Sinclair:** I was particularly interested in exploring the merits with you this

morning. It is probably going to take quite a long time for us to evolve a way of working, and jumping in with two feet into water of which you do not know the depth is perhaps not a sensible thing for us to do at this point. However, we could ask Ministers to come and talk to us about the merits, according to these papers. Does 'merits' mean the same as benefits? Forgive me if I am asking simple questions, but this will be a totally different legislation committee and it is probably harder for us to learn the new way of working, as you said earlier, than it is for people who are coming in for the first time. When we have option 1, option 2, option 3, and so on, that is where we are looking at benefits, presumably. We could say 'merits' instead there. Or am I looking at the wrong picture?

[84] **Mr Griffiths:** It is very difficult to talk in the abstract about issues like this until we have a real example that we can look at. If you look at Standing Order No. 15.3, you will see that there is a whole range of things. The first point is fairly technical, but (ii) is about political or legal importance, (iii) is about changed circumstances, (iv) is about European legislation, (v) is about policy objectives being imperfectly achieved. There is a lot that can be brought into that. Those are clearly matters for Members rather than lawyers to consider. We had an example in the last Assembly that is probably the closest that we can get to this, namely the issue in relation to horse passports. There was a great deal of discussion, if you remember, as to whether the legislation that had been drafted to comply with European legislation would work in practice. That is the sort of issue that this committee could address.

[85] **David Lloyd:** Bydd rhagor o wybodaeth yr wythnos nesaf, fel yr wyf yn dweud.

David Lloyd: There will be further information next week, as I said.

10.07 a.m.

Unrhyw Fater Arall
Any Other Business

[86] **David Lloyd:** A oes rhywun am godi unrhyw fater arall? Gwelaf nad oes.

David Lloyd: Does anyone want to raise any other matter? I see that they do not.

10.07 a.m.

Dyddiad y Cyfarfod Nesaf
Date of the Next Meeting

[87] **David Lloyd:** Fel yr wyf wedi crybwyll eisoes, yr ydym yn awgrymu ein bod yn cyfarfod yn anffurfiol fore dydd Mawrth nesaf—ar yr un amser ac yn yr un lle—i gael y drafodaeth ragarweiniol hon ynghylch cylch gwaith a swyddogaethau posibl y pwyllgor hwn. Bydd cyflwyniadau gan Gwyn a Joanest ar cyd, neu ar wahân. Bydd yn gyfarfod anffurfiol er mwyn inni gael mwy o wybodaeth am y materion yr ydym wedi bod yn holi amdanynt y bore yma.

David Lloyd: As I have already mentioned, we suggest that we meet informally next Tuesday morning—at the same time, in the same place—to have a preliminary discussion about this committee's remit and possible functions. Gwyn and Joanest will give presentations, either jointly or separately. The meeting will be informal in order for us to glean more information on what we have been asking about this morning.

[88] Bydd cyfarfod ffurfiol nesaf y pwyllgor hwn mewn pythefnos felly, ar 10 Gorffennaf. Bydd y pwyllgor yn cyfarfod bob dydd Mawrth ar yr adeg hwn. O brofiad y blynyddoedd diwethaf, gwyddom fod digon o

The next formal meeting of this committee will be in a fortnight, on 10 July. The committee will meet every Tuesday at this time. From the experience of previous years, we know that there is plenty of work to

waith i'r pwyllgor hwn gyfarfod am 9.30 a.m. bob bore Mawrth. Felly, byddwch yn dechrau wythnos y Cynulliad ar nodyn cadarnhaol. Fel Cadeirydd, yr wyf yn edrych ymlaen i weithio'n agos gyda chi dros y pedair blynedd nesaf. Fe'ch gwelwn ddydd Mawrth nesaf, os nad cyn hynny. Diolch yn fawr i chi ac i'r cyfieithwyr.

require this committee to meet at 9.30 a.m. every Tuesday morning. Therefore, you will be starting the Assembly week on a positive note. As Chair, I am looking forward to working closely with you over the next four years. We will see you next Tuesday, if not before. Thank you all and thank you to the translators.

Daeth y cyfarfod i ben am 10.09 a.m.
The meeting ended at 10.09 a.m.