



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

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

**Dydd Mawrth, 23 Hydref 2007
Tuesday, 23 October 2007**

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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

Eleanor Burnham	Democratiaid Rhyddfrydol Cymru Welsh Liberal Democrats
Alun Davies	Llafur Labour
Paul Davies	Ceidwadwyr Cymreig Welsh Conservatives
Irene James	Llafur Labour
David Lloyd	Plaid Cymru (Cadeirydd y Pwyllgor) The Party of Wales (Committee Chair)
Jonathan Morgan	Ceidwadwyr Cymreig (yn dirprwyo ar ran Andrew R.T. Davies) Welsh Conservatives (substitute for Andrew R.T. Davies)
Sandy Mewies	Llafur Labour
Janet Ryder	Plaid Cymru The Party of Wales

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

Keith Bush	Prif Gyngorydd Cyfreithiol a Chyfarwyddwr Gwasanaethau Cyfreithiol Chief Legal Adviser and Director of Legal Services
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 8.15 a.m.
The meeting began at 8.15 a.m.

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

[1] **David Lloyd:** Croeso i gyfarfod diweddaraf y Pwyllgor Is-ddeddfwriaeth. Mae'r awr benodedig wedi cyrraedd. Croesawaf fy nghyd-Aelodau, swyddogion a'r cyhoedd i'r cyfarfod. Os bydd argyfwng, bydd y tywyswyr yn eich arwain at yr allanfa agosaf. Gellir defnyddio'r clustffonau i glywed y cyfieithiad ar y pryd ac i addasu lefel y sain. Gall y tywyswyr ddangos ichi hefyd sut mae defnyddio'r clustffonau os nad ydych wedi'u defnyddio o'r blaen. Rhaid diffodd ffonau symudol yn llwyr. Mae'r

David Lloyd: Welcome to the latest meeting of the Subordinate Legislation Committee. The appointed hour is upon us. I welcome my fellow Members, officials and members of the public to the meeting. In case of an emergency, the ushers will guide you to the nearest exit. Headphones can be used to hear the simultaneous translation and to adjust the volume. The ushers can also show you how to use the headphones if you have not used them before. All mobile phones must be fully switched off. That advice is geared more

cyngor hwnnw yn fwy penodol i'r Aelodau nag ydyw i eraill. Mae'r cyfieithiad ar y pryd o'r Gymraeg i'r Saesneg ar sianel 1, a gellir clywed cyfraniadau yn yr iaith wreiddiol ar sianel 0.

towards Members than others. The simultaneous translation from Welsh to English is on channel 1, and you can hear the proceedings in the original language on channel 0.

[2] Cafwyd ymddiheuriad oddi wrth Andrew R.T. Davies, ac mae Jonathan Morgan yn dirprwyo yn ei le. Croeso i Jonathan. A oes ymddiheuriadau eraill? Deallaf fod Karen Sinclair wedi ymddiheuro hefyd.

We have received apologies from Andrew R.T. Davies, and Jonathan Morgan will be substituting for him. Welcome, Jonathan. Are there any other apologies? I understand that Karen Sinclair sends her apologies as well.

8.16 a.m.

Offerynnau y Gwahoddir y Cynulliad i Dalu Sylw Arbennig iddynt o dan Reol Sefydlog Rhif 15.2

Instruments in Respect of which the Assembly is Invited to Pay Special Attention under Standing Order No. 15.2

[3] **David Lloyd:** O dan yr eitem hon, mae eitem 2.1: offerynnau sy'n agored i gael eu dirymu yn unol â phenderfyniad gan y Cynulliad o dan y weithdrefn negyddol. Mae Gwyn wedi bod yn edrych ar SLC52, sef Rheoliadau Asesu'r Effeithiau Amgylcheddol (Amaethyddiaeth) (Cymru) 2007. A oes gennych rywbeth i'w ddatgan, Gwyn?

David Lloyd: Under this item, we have item 2.1: instruments subject to annulment pursuant to a resolution of the Assembly under the negative procedure. Gwyn has been looking at SLC52, the Environmental Impact Assessment (Agriculture) (Wales) Regulations 2007. Do you have anything to report, Gwyn?

[4] **Mr Griffiths:** Hoffwn ddweud gair byr. Fel y gwelwch, mae nifer o fân wallau yma, ond hoffwn dynnu eich sylw at y paragraff cyntaf un. Bydd yn haws i'r Aelodau dwyieithog ddeall cyd-destun y peth, ond dyma enghraifft ddiddorol o sut y gall diffyg eglurder yn y Saesneg arwain at gamgymeriad yn y Gymraeg. Felly, mae'n dangos pwysigrwydd bod yn gwbl glir wrth ddrafftio'r fersiwn Saesneg. Mae hynny'n fater diddorol.

Mr Griffiths: I wish to say a word or two. As you can see, there are several minor mistakes here, but I would like to draw your attention to the very first paragraph. It will be easier for bilingual Members to understand the context of this, but here is an interesting example of how a lack of clarity in the English can lead to a mistake in the Welsh. Therefore, this illustrates the importance of total clarity when drafting the English version. That is a point of interest.

[5] **David Lloyd:** Diolch yn fawr, Gwyn, am geisio ein diddori ni. [*Torri ar draws.*] O, mae Eleanor eisiau ein diddori ymhellach.

David Lloyd: Thank you very much, Gwyn, for trying to interest us. [*Interruption.*] Oh, Eleanor wishes to interest us further.

[6] **Eleanor Burnham:** Sut gallwn sicrhau nad yw hyn yn digwydd o hyd, a beth all Gwyn ei wneud i sicrhau bod gwelliannau yn digwydd, a hynny mewn lleoedd eraill, o bosibl?

Eleanor Burnham: How can we ensure that this does not keep happening, and what can Gwyn do to ensure that improvements are made—in other places, perhaps?

[7] **David Lloyd:** Diolch, Eleanor. Gwyn, a ydych eisiau ymateb i hynny?

David Lloyd: Thank you, Eleanor. Gwyn, do you wish to respond to that?

[8] **Mr Griffiths:** Mae'n anorfod y bydd gwallau fel hyn yn codi o dro i dro. Mae'n dal i ddigwydd yn Llundain lle buont yn gwneud hyn ers canrifoedd. Er hynny, y peth pwysig yw bod y bobl ym mharc Cathays sy'n drafftio'r offerynnau hyn yn ymwybodol o'r gwallau, a bod arweiniad clir i sicrhau y cânt eu cadw i'r lefel isaf bosibl.

Mr Griffiths: It is inevitable that mistakes will happen from time to time. It still happens in London where they have been doing this for centuries. However, the important thing is that the people in Cathays park who draft these instruments are aware of the errors, and that there is clear guidance to ensure that they are kept to the lowest level possible.

[9] **David Lloyd:** Diolch, Gwyn. Symudwn ymlaen, felly. Mae Joanest wedi bod yn ystyried SLC53, sef 'the Import and Export Restrictions (Foot-and-Mouth Disease) (No.4) (Wales) Regulations 2007'. Gwnaed y rheoliadau yn Saesneg yn unig, fel sy'n digwydd fel rheol ar fater o frys. Joanest, a ydych eisiau datgan rhywbeth?

David Lloyd: Thank you, Gwyn. We will now move on. Joanest has been looking at SLC53, the Import and Export Restrictions (Foot-and-Mouth Disease) (No. 4) (Wales) Regulations 2007, which have been made in English only, as is the case when an instrument relates to an urgent matter. Joanest, do you have anything to report?

[10] **Ms Jackson:** Mae pwynt bach o ddi-ddordeb. Mae'r rheoliadau hyn eisoes wedi eu dirymu, a bydd rheoliadau rhif 5 yn dod ger eich bron yn y cyfarfod nesaf.

Ms Jackson: There is one small matter of interest. These regulations have already been revoked. The No. 5 regulations will come before you at the next meeting.

[11] **David Lloyd:** Diolch yn fawr, Joanest. Yr oedd hynny'n werthfawr iawn.

David Lloyd: Thank you, Joanest. That was most valuable.

[12] Mae Gwyn wedi bod yn edrych ar SLC54, Gorchymyn Deddf Llywodraeth Cymru 2006 (Corff Cyfrifwyr Ewropeaidd Cymeradwy) 2007, sydd hefyd o dan y weithdrefn negyddol. Gwyn, a oes rhywbeth i'w ddweud?

Gwyn has been looking at SLC54, the Government of Wales Act 2006 (Approved European Body of Accountants) Order 2007, which also comes under the negative procedure. Gwyn, do you have anything to say?

[13] **Mr Griffiths:** Nac oes, diolch.

Mr Griffiths: No, thank you.

[14] **David Lloyd:** A yw pawb yn fodlon i'w pasio? Gwelaf eich bod.

David Lloyd: Is everyone content to pass them? I see that you are.

8.20 a.m.

**Mesur Arfaethedig ynghylch Gwneud Iawn am Gamweddau'r GIG (Cymru)
2007—Trafod y Dystiolaeth a Gwneud Argymhellion
Proposed NHS Redress (Wales) Measure 2007—Discussion of Evidence and
Recommendations**

[15] **David Lloyd:** Byddwn yn trafod y dystiolaeth ymhellach ac yn gwneud argymhellion heddiw. Byddwch yn cofio inni gael adroddiad drafft y cynghorydd cyfreithiol ar y Mesur yn wreiddiol rai wythnosau yn ôl, ac yr ydym wedi cael tystiolaeth gan gynrychiolwyr Cymru Yfory. Yr wythnos ar ôl hynny, daeth Cymdeithas y

David Lloyd: We shall discuss the evidence further and make recommendations today. You will recall that we received the draft report of the legal adviser on the original Measure some weeks ago, and we have also taken evidence from representatives of Tomorrow's Wales. The following week, the Law Society appeared before us and, at the

Cyfreithwyr yma ac, yn y cyfarfod diwethaf, cafwyd trafodaeth gydag Edwina Hart, y Gweinidog dros Iechyd a Gwasanaethau Cymdeithasol. Mae'r clerc wedi dosbarthu crynodeb byr o'r prif faterion a godwyd yn y trafodaethau blaenorol, ac, yn naturiol, byddwch wedi darllen bob gair ohono.

last meeting, a discussion was held with Edwina Hart, the Minister for Health and Social Services. The clerk has distributed a brief summary of the main issues that have been raised in previous discussions, and, naturally, you will have read each and every word of it.

[16] Pwrpas cyfarfod heddiw yw nodi eich barn am briodoldeb y pwerau i wneud Gorchymnion a rheoliadau a roddir gan y Mesur Arfaethedig ynghylch Gwneud Iawn am Gamweddau'r GIG (Cymru) 2007. Ar ôl cyfarfod heddiw, byddwn yn crynhoi'r sylwadau yn brif themâu, ac yn cyflwyno adroddiad i'r Gweinidog ar y materion yr ydym wedi eu codi fel prif themâu. Byddwn yn edrych ar yr adroddiad sy'n deillio o drafodaethau heddiw yng nghyfarfod nesaf y pwyllgor, bythefnos i heddiw; bydd pobl yn cofio am doriad hanner tymor yr wythnos nesaf.

The purpose of today's meeting is to get your opinion on the appropriateness of the powers to make Orders and regulations conferred by the Proposed NHS Redress (Wales) Measure 2007. After today's meeting, we will sum up the comments into main themes, and we will then present a report to the Minister on the issues that we have highlighted as the main themes. We will consider the report arising from today's discussions in the next meeting of the committee, which will be held a fortnight today; you will recall that the half term recess is next week.

[17] Felly, dyna lle yr ydym. Yr ydym wedi cael sawl trafodaeth bellach a bydd pawb yn ymwybodol o'r cefndir a'r hyn y mae angen ei wneud. Er mwyn helpu i lywio'r drafodaeth, cafodd y papur hwn ei gylchredeg ymlaen llaw, ac mae'n nodi wyth prif thema. Yr ydym am geisio crynhoi'r prif themâu yn adroddiad i fynd gerbron y Gweinidog maes o law. A oes unrhyw sylwadau?

So, that is where we are. We have held a number of discussions by now, and everyone will be aware of the background and of what needs to be done. To help to steer the discussion, this paper was circulated to you in advance, and it identifies eight main themes. We will try to summarise the main themes into a report to be submitted to the Minister in due course. Are there any comments?

[18] **Ms Jackson:** Gadeirydd, mae gen i bwynt bach i'w godi cyn bod y drafodaeth yn dechrau.

Ms Jackson: Chair, I wish to raise a small point before the discussion begins.

[19] Paragraph 4 of the summary paper makes reference to the procedures under which regulations are made. Just to clarify and correct that, on the reference to regulations made under section 12 being made under the affirmative procedure, that applies only when the regulations amend or revoke Acts of Parliament or provisions in Assembly Measures, and not when section 12 is relied upon to amend subordinate legislation.

[20] **Alun Davies:** Could you please repeat that?

[21] **Ms Jackson:** Yes. As you will recall, we have discussed the procedures used to make regulations subsequent to the first regulations. The first main regulations under section 1(1) will be made under the affirmative procedure, and the Measure as drafted provides subsequent regulations to be made under the negative procedure. There is a provision in section 11(6) of the Measure that regulations made by the Welsh Ministers under section 12, as mentioned in paragraph 4, and which amend or repeal any part of the text of an Act of Parliament or an Assembly Measure should be made under the affirmative procedure. From reading paragraph 4 of this paper, you could think that all section 12 regulations are to be made under the affirmative procedure. Regulations that amend other subordinate legislation

are to be made using the negative procedure. I hope that that is clear.

[22] **Sandy Mewies:** Am I right in thinking that that is the part that the Minister clarified for us after concerns were raised about things going through only under the negative procedure? She offered to make a Government amendment at Stage 2.

[23] **Ms Jackson:** Yes, in respect of regulations made under section 1(1), which is the main power to make regulations. The Measure as drafted provides that the first set of regulations be made under the affirmative procedure. Amendments thereafter under the Measure as drafted would be made using the negative procedure. The Minister offered to introduce an amendment at Stage 2 to apply the affirmative procedure to regulations made under section 1(1), which contained provisions authorised by section 1(5), namely the qualifying services element of the regulations.

[24] **Irene James:** Are we setting a precedent for all future Measures?

[25] **Ms Jackson:** That is a matter of opinion for you.

[26] **David Lloyd:** As you will recall, the Minister said in her evidence last week that she felt strongly that no precedent was being set with this Measure; we must take that evidence on board as well. However, as Joanest says, that is a matter of opinion and political judgment at the end of the day.

[27] **Jonathan Morgan:** I have one point of clarification, wearing a slightly different hat, as the Chair of the committee that is examining the Measure. You said in your report that the first draft regulations should be available for scrutiny at an early stage—and I agree with that—before the Measure completes its progress through the Assembly. The Minister has written to me indicating that it probably would not be possible to have the draft regulations when we consider the Stage 2 process in the new year. Therefore, the issue there, particularly for the Measure committee, is whether we are comfortable doing the line-by-line scrutiny without having the detail of the regulations in front of us. There is a timing issue there, which is causing some concern, as you might appreciate.

[28] **David Lloyd:** Thank you for that, Jonathan. We have taken some evidence to that effect in this committee, which I am sure you will be aware of. I believe that that concern is shared and has been transmitted to the Minister.

[29] **Eleanor Burnham:** I would like Joanest to clarify some points for me regarding the evidence that we have had from various people who are opposed to giving more leeway to Ministers, that is, the Executive. Have they been concerned with the points that we have just mentioned about sections 1(1) and 12(1) about affirmative and negative procedures, or have they been opposed to the totality? If this is the first Measure, will that not set a precedent—is that not what legal precedents are: if something is the first, surely it is a precedent?

[30] **David Lloyd:** Joanest, do you want to kick off with the legal point, and then I will answer the second point?

[31] **Ms Jackson:** The bulk of the evidence has been concerned about the ability of the Assembly to scrutinise the draft Measure, and therefore the procedures have been of concern. I will not go over what we have just said. If you look back at Alan Trench's evidence from Cymru Yfory, I believe that it was concerned about how powers had been transferred from the framework power in the Act, and how it came through the conversion Order to be exercised predominantly via regulations in this Measure.

[32] **David Lloyd:** On affirmative versus negative, I think that the issue is that regulations

subject to the affirmative procedure can be debated in Plenary, and that is a concession readily agreed to by the Minister to try to enable the passage of this Measure, to be fair to the Minister. That was the concession that Joanest detailed at the start of this discussion.

[33] Just to concentrate minds, in the report circulated by the clerk beforehand, there are eight points, which seem to be a summary of our debates up until now. Do Members agree with those eight points? We are trying to formulate a report by the next meeting, based on the main thrusts of the argument.

8.30 a.m.

[34] **Janet Ryder:** Could you clarify point 3? The bulk of the evidence that we had from Cymru Yfory was that the original power was vested in the body of the National Assembly, and that it was never envisaged that that would be handed over to the Minister. If it was the Assembly's will that NHS redress regulations were brought forward, is it the case that the only way that those regulations could be brought forward would be if the Measure went forward and that power was handed over to the Minister, or could it be achieved another way?

[35] **Mr Bush:** I will deal with that. The answer is 'yes'. Now that these powers have been transferred to the Assembly for the provision to be made by Measure, it is no longer possible for provision to be made any other way. The point that is made in point 3 is that, when the NHS Redress Bill was being considered by Parliament, the proposal was that the old Assembly would have the power to make the necessary legislation by regulations. They would be made by the Assembly, not the Welsh Ministers, because the Executive and legislature were not separate bodies at that time. A feature of the way that the Assembly used to make regulations was that those regulations were subject to consideration before they were voted on in Plenary and could be amended in principle in Plenary. So, the point that is being made in point 3 is that the ability to scrutinise the detail of what will be in the scheme in due course is different from what it would have been had the regulations been made prior to May this year.

[36] **Janet Ryder:** Therefore, there is no recommendation that we can put forward that would enable that further scrutiny, is there? Is there a recommendation that this committee can make to ensure that that legislation receives proper scrutiny?

[37] **Mr Bush:** There are ways in which a higher level of scrutiny than what is in the Measure at the moment could be required. As Joanest has explained, and as expanded upon by the offer made by the Minister, some things would have to be the subject of an affirmative vote. One issue is whether other provisions that could be made by regulations ought also to be subject to an affirmative vote, and the other issue is whether, in relation to some of the provisions, something more than a simple affirmative vote would be required. To use the legal jargon, Parliament nowadays sometimes resorts to what is known as the super-affirmative procedure, which means that, for example, you can have a provision that says that, before Ministers can make regulations, they must lay them before the legislature—in this case, the Assembly—for a certain period to allow them to be considered by a committee, which could make recommendations. The Minister can either accept those recommendations and amend the draft or reject them and proceed with the original draft. However, the super-affirmative procedure permits a more detailed level of scrutiny than a simple hour and a half debate and a 'yes' or 'no' vote on the regulations, which is what affirmative procedures involve.

[38] **Janet Ryder:** Would we be able to put that into the recommendations from this committee?

[39] **Mr Bush:** All that you can do is to make recommendations, but, at Stage 2, either the

Minister could accept the recommendation and make that kind of amendment, or Members could propose that kind of amendment, and the Assembly could approve that amendment in committee or Plenary.

[40] **Alun Davies:** It appears that there are two fundamental issues that we need to address in this debate. First of all is the nature of the Measure that we are debating and discussing: are we content and happy that the Measure that is being put forward is a skeleton Measure, as noted in point 1? Are we content with that as a principle? Are we content with that as a means of legislating?

[41] The second issue is somewhat related, namely, are we content with the level of scrutiny that, assuming we agree with a skeleton Measure, making regulations subject to affirmative procedure provides? Is that a good substitute for line-by-line scrutiny in a more traditional, if you like, legislative fashion? If we look at the Westminster position, I think that there would be general agreement that line-by-line scrutiny is a more robust form of legislative scrutiny than affirmative, or even super-affirmative, procedures. So, we need to discuss whether we are content with this way of operating and with this means of legislating. Any report that we produce needs to address those issues more directly than it does at present.

[42] **Eleanor Burnham:** After we discuss this here, we have committees to scrutinise Measures. It is part of their duty to scrutinise, so we are not completely without scrutiny. Mr Bush mentioned super-affirmative procedures, but surely that would not be applicable to us. Could we achieve that or are we restricted on it, because of the swimming-in-custard situation that I keep referring to in terms of the Government of Wales Act 2006? We are in this muddle because we do not have proper primary powers. We are going through a whole minefield of diversionary tactics to achieve something that, if we had primary powers, would be much clearer.

[43] **David Lloyd:** Can we do super-affirmative procedures here?

[44] **Mr Bush:** When you ask if 'we' can do it, all that this committee can do is make a recommendation; but if you are asking whether the Assembly can do it, then the answer is 'yes'.

[45] **Jonathan Morgan:** Following on from Alun's point, an issue that the Assembly will have to deal with over the next period, where we are using the Measures process, is at what point do we get the detail. There is an issue about having the skeleton of the legislation, but not having the detail of the legislation itself. That has been a huge criticism of this process. I do not know whether it is appropriate, but perhaps this committee could recommend that, for example, with future Measures, we would expect the draft regulations to accompany the draft Measure. There is a problem with the timing.

[46] This fits in with what Eleanor referred to earlier. When the Proposed NHS Redress (Wales) Measure Committee completes its evidence-taking exercise this term, we have to report back to Plenary in a debate and say whether we think it is appropriate to move to Stage 2, consideration of the detail. The difficulty is that, during Stage 2, we will not necessarily have the draft regulations with the detail. At that time, the project boards will not have completed their work, so the policy work is still ongoing; some of those project boards are not completing their work until either May 2008 or, in one or two cases, November 2008. So, there is an issue about timing and where all this fits in. It is like putting a jigsaw together in a back-to-front way. A useful recommendation would be that, in the future, Measures are accompanied by draft regulations, because, otherwise, it makes it difficult for the Assembly to scrutinise.

[47] **Sandy Mewies:** My understanding of this is that it has been called a skeletal

Measure; it is an enabling Measure and not a precedent, because other Measures will be different and fit for purpose, but not in this way. The regulations will put the meat on the bone. I accept Jonathan's point entirely. I think that the Minister agreed that it was unfortunate that the regulations are being dealt with by three groups that are doing a lot of work on them; their results will start to come in in January. I recall that she assured us that that there would be full consultation with stakeholders on those regulations and, from my perspective, I was reassured by what the Minister told us last week.

8.40 a.m.

[48] I wish that the super-affirmative procedure had been mentioned at the last meeting, rather than today, when it could have been dealt with while the Minister was present. Furthermore, I do not think that tabling a report from some days ago just before the meeting is a useful exercise for us. If we need documents to be made available, they should be made available at once to Members, and not just before the meeting. The issue is far too important for us to be just glancing through bits of paper before a meeting. I know that we are all on a learning curve here, but I have made the point before that the information that we need should be tabled or put before us as early as possible and at an appropriate time. I have not heard of super-affirmative procedures before now, and I feel that it should have been mentioned last week.

[49] **David Lloyd:** That is fair enough, Sandy.

[50] **Mr Griffiths:** To reply to Jonathan's point about general recommendations, Standing Order No. 15.6 permits this committee not only to report on the appropriateness of provisions in a proposed Assembly Measure to grant powers to make subordinate legislation, but also to report on

[51] 'any legislative matter of a general nature within or relating to the competence of the Assembly or Welsh Ministers'.

[52] So, it would enable a more general recommendation to be made.

[53] **David Lloyd:** I can only apologise for the late arrival of the report, which is from the Finance Committee, on which at least one member of this committee sits—not that I am looking in any particular direction.

[54] We are discussing this today, under this agenda item, in order to try to flesh out our final report, based on the eight points that you have seen in the report previously circulated by the clerk. The clerk has been taking notes on amending those points, based on our discussion, but does anyone want to add anything or suggest an amendment? Or are we content?

[55] **Janet Ryder:** [*Inaudible.*]—recommendations in here.

[56] **David Lloyd:** They will be fleshed out, and they will come before the committee again in a fortnight's time.

[57] **Janet Ryder:** Will we then be able to amend them further, if we still are not happy with them?

[58] **David Lloyd:** Yes, I imagine so.

[59] **Alun Davies:** We need to be clear about process issues in this. I agree with Sandy about the level of assurance that we received from the Minister last week on the nature of consultation on different regulations, but we need to be clear about the importance of

effective legislative scrutiny at the same time. Consultation, on a body of legislation, on a policy or on a procedure, is different to legislative scrutiny. The Assembly, as a whole, has to assert its right to legislative scrutiny of all legislation that is made in its name.

[60] **David Lloyd:** That is a point well made, and a point that we need to incorporate, or at least flesh out strongly, here. We will make that a stronger point. It is covered in point 6, but we can certainly flesh it out.

[61] **Alun Davies:** Simply noting that they both exist concerns me.

[62] **David Lloyd:** That is fair enough.

[63] **A oes unrhyw bwyntiau eraill?** Are there any other points? We will summarise the discussion and prepare a report that will come before the next committee in a fortnight's time.
Byddwn yn llunio crynodeb o'r drafodaeth ac yn paratoi adroddiad a fydd yn dod gerbron y pwyllgor nesaf ymhen pythefnos.

[64] **Eleanor Burnham:** A yw'n bosibl sicrhau ein bod yn derbyn hwnnw mewn digon o bryd, fel y dywedodd Sandy, fel ein bod yn cael amser i'w ystyried?
Eleanor Burnham: Is it possible to ensure that we receive that in good time, as Sandy said, so that we have enough time to consider it?

[65] **David Lloyd:** Yn naturiol, bydd yn cael ei gylchredeg ynghyd â phapurau'r pwyllgor rai dyddiau ymlaen llaw. Mae hwnnw'n bwynt digon teg, yn dilyn y pwynt a wnaeth Sandy. Byddwn yn trafod y mater hwn ymhellach yn ein cyfarfod nesaf, ymhen pythefnos, ar sail trafodaethau heddiw a'r nodiadau ychwanegol yr ydym wedi eu gwneud ar y gwahaniaethau a'r cryfderau sydd angen eu hychwanegu. A oes unrhyw sylwadau eraill? Gwelaf nad oes.
David Lloyd: Naturally, it will be circulated along with the committee papers some days beforehand. That is a fair enough point, following the point that Sandy made. We will be discussing this issue further in the next meeting in a fortnight's time, on the basis of today's discussions and the additional notes that we have made on the differences and strengths that need to be added. Are there any further comments? I see that there are none.

8.44 a.m.

Unrhyw Fater Arall Any Other Business

[66] **David Lloyd:** Dylech nodi bod adroddiad gan y Pwyllgor Cyllid ger ein bron, er gwybodaeth, sydd, wrth gwrs, yn rhan o dystiolaeth y pwyllgor hwnnw. Diben y pwyllgor hwn yw edrych ar y dystiolaeth o ran deddfwriaeth, ac felly papur er gwybodaeth yw hwnnw.
David Lloyd: You should note that we have a report from the Finance Committee before us, for information, which, of course, is part of that committee's evidence. This committee's role is to examine evidence on legislation, so that paper is for information.

8.45 a.m.

Dyddiad y Cyfarfod Nesaf Date of the Next Meeting

[67] **David Lloyd:** Gallaf gyhoeddi mai dyddiad y cyfarfod nesaf yw 6 Tachwedd,
David Lloyd: I can announce that the date of the next meeting is 6 November, in a

bythefnos i heddiw.

fortnight's time.

[68] Diolch yn fawr am eich presenoldeb Thank you for your attendance, and I thank
a diolch hefyd i'r cyfieithwyr am gyfieithu. the translators for the translation.

Daeth y cyfarfod i ben am 8.45 a.m.
The meeting ended at 8.45 a.m.