



Cynulliad Cenedlaethol Cymru
The National Assembly for Wales

Y Pwyllgor Is-ddeddfwriaeth
The Subordinate Legislation Committee

Dydd Mawrth, 20 Tachwedd 2007

Tuesday, 20 November 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 Cymreig Welsh Conservatives
Paul Davies	Ceidwadwyr Cymreig 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

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 8.45 a.m.
The meeting began at 8.45 a.m.

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

[1] **David Lloyd:** Croeso i chi gyd i gyfarfod diweddaraf y Pwyllgor Is-ddeddfwriaeth. Os bydd argyfwng, bydd y tywyswyr yn eich arwain at yr allanfa agosaf. Gallwch ddefnyddio'r clustffonau i gael cyfieithiad ar y pryd ac i addasu lefel y sain. Mae'r cyfieithiad ar y pryd o Gymraeg i Saesneg ar gael ar sianel 1, a gellir clywed cyfraniadau yn yr iaith wreiddiol ar sianel 0. Gall y tywyswyr ddangos i'r cyhoedd sut i ddefnyddio'r clustffonau, os bydd raid. Rhaid diffodd unrhyw ffonau symudol yn llwyr.

David Lloyd: I welcome you all to the latest meeting of the Subordinate Legislation Committee. In the event of an emergency, the ushers will guide you to the nearest exit. Headsets are available for simultaneous translation and amplification. The simultaneous translation from Welsh to English is available on channel 1, and contributions in the floor language are available on channel 0. The ushers can show members of the public how to operate the headsets, if necessary. All mobile phones must be switched off completely.

[2] Yr wyf wedi cael ymddiheuriad gan I have received apologies from Karen

Karen Sinclair. A oes unrhyw Sinclair. Are there any other apologies? I see ymddiheuriadau eraill? Gwelaf nad oes. that there are none.

8.46 a.m.

Offerynnau na Chafodd y Cynulliad ei Wahodd i roi Sylw Arbennig Iddynt 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)

Instruments in Respect of which the Assembly is not Invited to Pay Special Attention under Standing Order No. 15.2 and Instruments Subject to Annulment Pursuant to a Resolution of the Assembly (Negative Procedure)

[3] **David Lloyd:** Mae Joanest Jackson wedi bod yn craffu ar yr offerynnau hyn i gyd: SLC63, Rheoliadau Taliadau Gweinyddol (Crynodeb o Hawliau a Rhwymedigaethau) (Cymru) 2007; SLC64, Gorchymyn Deddf Safleoedd Carafanau 1968 (Diwygio) (Cymru) 2007; SLC65, Rheoliadau Taliadau Gwasanaeth (Crynodeb o Hawliau a Rhwymedigaethau, a Darpariaethau Trosiannol) (Cymru) 2007; SLC66, Rheoliadau Cartrefi Symudol (Datganiad Ysgrifenedig) (Cymru) 2007; SLC68, Rheoliadau Bwyd Anifeiliaid (Glwtlen ŷd a Grawn Bragu) (Rheolaeth Frys) (Cymru) (Dirymu) 2007; SLC69, Rheoliadau Bwyd Anifeiliaid (Sylweddau Annymunol Penodedig) (Cymru) 2007; ac SLC70, Gorchymyn Gwasanaethau Tân ac Achub (Argyfyngau) (Cymru) 2007. Mae Joanest wedi bod yn brysur iawn. A oes gennych unrhyw beth i'w ychwanegu, Joanest?

David Lloyd: Joanest Jackson has scrutinised all these instruments: SLC63, the Administration Charges (Summary of Rights and Obligations) (Wales) Regulations 2007; SLC64, the Caravan Sites Act 1968 (Amendment) (Wales) Order 2007; SLC65, the Service Charges (Summary of Rights and Obligations, and Transitional Provisions) (Wales) Regulations 2007; SLC66, the Mobile Homes (Written Statement) (Wales) Regulations 2007; SLC68, the Feed (Corn Gluten Feed and Brewers Grains) (Emergency Control) (Wales) (Revocation) Regulations 2007; SLC69, the Feed (Specified Undesirable Substances) (Wales) Regulations 2007; and SLC70, the Fire and Rescue Services (Emergencies) (Wales) Order 2007. Joanest has been very busy. Do you have anything to add, Joanest?

[4] **Ms Jackson:** Nid wyf yn credu bod angen ychwanegu unrhyw beth at yr adroddiadau a anfonwyd gyda'r papurau, os nad oes cwestiynau.

Ms Jackson: I do not think that there is anything to add to the reports that were provided with the papers, unless there are questions.

[5] **David Lloyd:** A oes unrhyw sylwadau ar yr offerynnau hyn? Gwelaf nad oes. Yr ydym yn hapus i'w pasio fel ag y maent.

David Lloyd: Are there any comments on these instruments? I see that there are none. We are happy to pass them as they are.

8.47 a.m.

**Cyfarfodydd yn y Dyfodol
Future Meetings**

[6] **David Lloyd:** Yr wyf wedi cael sylwadau gan fwy nag un aelod o'r pwyllgor ynghylch priodoldeb dechrau ein cyfarfodydd am 8.15 a.m. pan nad oes Mesur gerbron i ni ei drafod mewn manylder. Pan mai dim ond

David Lloyd: I have received representations from more than one committee member regarding the appropriateness of starting our meetings at 8.15 a.m. when we do not have a Measure before us to discuss in detail. When

deddfwriaeth i'w basio sydd gennym ac nid oes angen trafodaeth sylweddol, sef yr hyn sydd gennym heddiw, mae cais i symud cyfarfodydd y pwyllgor hwn i 2.15 p.m. ar ddydd Mercher, yn ystod y Cyfarfod Llawn. Bydd angen i'r Pwyllgor Busnes gytuno i'r newid hwn, a'r aelodau, oherwydd nid ydym wedi cael trafodaeth, a dyna yw bwriad yr eitem hon. Yn naturiol, pan fydd Mesur arfaethedig gerbron—credaf y bydd y Mesur nesaf yn dod gerbron yn y flwyddyn newydd—bydd angen cyfarfod am 8.15 a.m. ar fore dydd Mawrth. Fodd bynnag, os nad oes Mesur gerbron, y cynnig yw ein bod yn symud y cyfarfodydd i ddydd Mercher. A oes unrhyw sylwadau?

we only have legislation to pass and there is no need for an in-depth discussion, which is what we have today, it is proposed that the meetings of this committee be moved to 2.15 p.m. on Wednesdays, during Plenary. The Business Committee will need to agree to this change, as will members, because we have not discussed the issue, and that is why we have this item. Naturally, when a proposed Measure is before us—I believe that the next Measure will come before us in the new year—we will need to meet at 8.15 a.m. on Tuesdays. However, if there is no Measure before us, it is proposed that we move the meetings to Wednesdays. Are there any comments?

[7] **Janet Ryder:** I would like to know the reasoning behind moving the meetings to Wednesdays. I have attended several meetings that have been held during Plenary on Wednesdays, and not one of them has started on time, because business on a Wednesday does not always run according to plan. Sometimes there is a statement that throws the timetable. To be fair to everyone, given the heavy involvement of opposition party Members on Wednesday afternoons, it is a big ask for them. As this committee has to be publicised, the public needs to know that it will start on time and that it will be held when it is said that it will be held. I cannot see any reason why 8.45 a.m. should be a problem with anybody.

8.50 a.m.

[8] **Eleanor Burnham:** Yr wyf yn cydfynd â Janet. Teimlaf yn gryf am hyn. Mae busnes pwysig yn digwydd ar brynhawn dydd Mercher, ac yr ydym am gwestiynu a chraffu ar y Gweinidogion. Pe byddem yn cyfarfod am 2.15 p.m., a fyddai hynny dal yn bosibl? Yr wyf yn cytuno bod 8.15 a.m. yn anodd ond teimlaf yn gryf y dylem gynnal y cyfarfod am 8.45 a.m. neu 9.15 a.m. ar ddydd Mawrth ac nid am 2.15 p.m. yn ystod y Cyfarfod Llawn.

Eleanor Burnham: I agree with Janet. I feel strongly about this. Important business takes place on a Wednesday afternoon, and we want to question and scrutinise Ministers. If we were to meet at 2.15 p.m., would that still be possible? I agree that 8.15 a.m. is difficult but I feel strongly that we should hold the meeting at 8.45 a.m. or 9.15 a.m. on a Tuesday and not at 2.15 p.m. during Plenary.

[9] **Andrew R.T. Davies:** I am a new Member and, since I have been here, we have never exactly run to time on a Wednesday. I am an opposition AM and Wednesday afternoon is one of our key times for questioning Ministers. If I recall correctly, last week, we had three Ministers to question and question time finished at about 2.30 p.m. or 2.40 p.m.. So, I would be reluctant to see this committee moved to Wednesday afternoon, given that that is my opportunity, as an opposition AM, to question Ministers. If it could be agreed that we were going to stick to half an hour to question each Minister, it would be a degree easier, but I think that the Presiding Officer is of a mind to let things flow on.

[10] **Alun Davies:** I have no objection in principle to our meeting during Plenary meetings. I think that it is a fair point. Any other parliamentary body that you can think of meets in committee during plenaries, so I do not believe that there is a point of principle there. However, I have sympathy with some of the points that have been raised about the issue of scrutinising Government and holding Ministers to account. That is a fair point to make. It is also fair to say that sometimes timings are not precise. I think that we all understand that and,

because we understand that, we have a consistency there and we can plan—because we know that the timings are not always precise. I suggest that committee meets on a Wednesday afternoon at the end of Government business, which is usually at 2.30 p.m.. That is when it is timetabled to finish. That would enable us to fulfil our scrutiny roles but it would also enable us to hold meetings during Plenary.

[11] **David Lloyd:** Is there anybody who has not spoken? Sandy, do you want to come in?

[12] **Sandy Mewies:** I do not have any strong feelings one way or the other on this, except that I would not want to go along with an 8.45 a.m. start. I for one have committees following on from this, so 8.15 a.m. is fine. I am able to come in for 8.15 a.m. or 8.45 a.m., so it makes no difference to me in that respect, but I would not like the meeting to be held at 8.45 a.m. because that would present me, and I am sure, others, with problems in terms of other committees held later in the morning.

[13] **Janet Ryder:** I am not sure whether you can publicise the start time of a public committee as when Government business finishes. That is grossly unfair to the public who may want to come in and watch proceedings, and there are one or two people who come to watch this committee because they are interested in the subject of legislation in the Assembly. We have to have a rigid start time, because it has to be publicised. Wednesday afternoon is used for meetings, particularly by the Enterprise and Learning Committee. We regularly have meetings on a Wednesday afternoon, and not one of them has been able to start on time. Quite often we have invited people to give evidence during that slot and they have been waiting up to half an hour or more. That is not necessarily down to what happens in Government time; other things happen on a Wednesday afternoon too. Plenary time is used for other meetings, and it is used very heavily at the moment, and I cannot see any reason why this meeting cannot continue to be held at 8.15 a.m.. Almost everybody is in the building by that time. Everybody has problems with traffic in getting to work, but you know what time you start and you make arrangements for it.

[14] **Eleanor Burnham:** Yr wyf yn teimlo'n gryf am hyn am y rhesymau y mae Janet wedi cyfeirio atynt, sef bod pethau eraill yn digwydd. Mae'n rhaid inni gofio hefyd, yn ystod y prynhawn, ar ôl materion y Llywodraeth, y cynhelir dadleuon y gwrthbleidiau—y Ceidwadwyr a ni, y Democratiaid Rhyddfrydol, yw'r gwrthbleidiau ar hyn o bryd—a byddai hyn yn ein rhoi dan anfantais. Os ydych yn cofio, os nad ydym yn y Siambr pan fo'r ddadl yn cychwyn, nid yw'r Llywydd wastad yn gadael inni gymryd rhan. Felly, byddai hynny'n anfantais fawr. Mae Alun yn edrych fel nad yw'n deall, ond mae'n hollol wir.

Eleanor Burnham: I feel strongly about this for the reasons that Janet referred to, that is, that other things are happening. We must also remember that, during that afternoon, after Government business, come the opposition debates—the Conservatives and ourselves, the Liberal Democrats, are currently the opposition parties—and this would put us at a disadvantage. If you recall, if we are not in the Chamber when a debate commences, the Presiding Officer does not always call on us to speak. Therefore, that would be a great disadvantage. It looks as if Alun does not understand, but that is the truth of the matter.

[15] Fodd bynnag, yr wyf yn cytuno gyda Janet ei bod yn afresymol nad yw pobl yn gwybod a gynhelir pwyllgor ai peidio. Os oes problem, pam na allwn ddechrau am 8.30 a.m.? Yr wyf yn deall ei bod yn anodd i bobl gyrraedd erbyn 8.15 a.m.—yr wyf i'n gorfod dod o'r gogledd y diwrnod cynt, sy'n fy rhoi i dan anfantais.

However, I agree with Janet that it is unreasonable that people do not know whether or not there will be a committee. If there is a problem, why can we not begin at 8.30 a.m.? I understand that it is difficult for people to arrive by 8.15 a.m.—I have to come down from north Wales the previous day, which puts me at a disadvantage.

[16] **David Lloyd:** Nid wyf eisiau **David Lloyd:** I do not want a drawn-out discussion, because we will have to come to a decision.

[17] **Andrew R.T. Davies:** To come in on Alun's point, Wednesday is also opposition day, and it is a particularly heavy workload for the opposition parties to form debates while some Members are in committee. I am sympathetic to finding a meaningful time, because coming here for five minutes at 8.15 a.m. on a Tuesday morning is not very productive. The work must be done, but to eat into Wednesday afternoon, when it is also opposition time in Plenary, is untenable.

[18] **David Lloyd:** We will have to come to some measure of agreement, although it does not seem as though we have any at the moment. I will give you some proposals. Who is in favour of keeping it as it is, at 8.15 a.m.? Three Members are in favour of 8.15 a.m.. What about 8.30 a.m.? No-one is in favour of 8.30 a.m.. What about 8.45 a.m.? I see that that has no support. What about any other time on Tuesday? I see that that has no support.

[19] **Eleanor Burnham:** We have not had a discussion about that.

[20] **David Lloyd:** We are not about to. What about Wednesday, at the end of Government time, at 2.30 p.m.? One Member is in favour of that. Therefore, 8.15 a.m. takes it; we will stay as we are.

[21] **Irene James:** In the papers, it says that it was to start at 1 p.m.—[*Inaudible.*]

[22] **David Lloyd:** The advice given was that it had to be in non-Government time; so, 1 p.m. is not allowed.

[23] **Andrew R.T. Davies:** We cannot meet fortnightly, can we? Must it be a weekly meeting?

[24] **David Lloyd:** Yes, it must be a weekly meeting. So, it will be at 8.15 a.m. every Tuesday. We can always return to this at some stage, but not today.

8.58 a.m.

Unrhyw Fater Arall Any Other Business

[25] **David Lloyd:** O dan yr eitem hon, mae adroddiad y pwyllgor ar y Mesur arfaethedig ynghylch Gwneud Iawn am Gamweddau'r GIG (Cymru) 2007, sydd wedi ei osod gerbron y Cynulliad Cenedlaethol a'i gyhoeddi ar wefan y Cynulliad erbyn hyn. Yr ydym wedi anfon copi o'r adroddiad at Jonathan Morgan, Cadeirydd y Pwyllgor ar y Mesur Arfaethedig ynghylch Gwneud Iawn am Gamweddau'r GIG, ac mae copi wedi cael ei anfon at Edwina Hart, y Gweinidog.

David Lloyd: Under this item, you have the committee's report into the proposed NHS Redress (Wales) Measure 2007, which has been laid before the National Assembly and which has now been published on the Assembly website. We have sent a copy of the report to Jonathan Morgan, Chair of the Proposed NHS Redress (Wales) Measure Committee, and a copy has been sent to Edwina Hart, the Minister.

[26] Yr unig fater arall sydd gennyf yw bod Aelodau wedi gofyn yn y cyfarfod diwethaf pryd y byddai'r cyfieithiad ar gael ar gyfer The Import and Export Restrictions

The only other business that I have is that, at the last meeting, Members asked when the translation of The Import and Export Restrictions (Foot-and-Mouth Disease) (No

(Foot-and-Mouth Disease) (No 6) (Wales) Regulations 2007. Yr wyf yn deall beth oedd sail y cwestiwn. A oes rhagor o fanylion?

6) (Wales) Regulations 2007 would be available. I understand what was behind that question. Do we have any further details?

[27] **Ms Jackson:** Yes, we have some more information. You will recall that the particular regulations that prompted the query were No. 6 of a series of regulations made to deal with the recent foot and mouth disease outbreak. The information that we have received is that courtesy translations of instruments No. 1 and No. 3 have been posted on the Government's website, courtesy translations of Nos. 2, 4 and 5 have been completed, and are awaiting a quality check before being returned to the relevant policy official and, thereafter, posted on the Government's website.

9.00 a.m.

[28] The translation of instrument No. 6 is due by the end of November. That will then be subjected to a quality check and, eventually, it will be posted on the Government's website. I refer to them as 'courtesy translations' because that is what they are—they have no legal effect, because they were not made at the same time as the English version that you considered.

[29] **David Lloyd:** Eleanor?

[30] **Eleanor Burnham:** I was going to ask what a courtesy translation is in legal law, technical law or whatever the parlance is?

[31] **David Lloyd:** It has been brilliantly answered.

[32] **Eleanor Burnham:** What is it in Welsh, then?

[33] **David Lloyd:** It is 'cyfieithiad o ran cwrteisi'.

[34] **David Lloyd:** A oes unrhyw fater arall? Gwelaf nad oes. Diolch ichi am eich presenoldeb.

David Lloyd: Is there any other business? I see that there is not. I thank everyone for attending.

9.01 a.m.

Dyddiad y Cyfarfod Nesaf Date of the Next Meeting

[35] **David Lloyd:** Bydd y cyfarfod nesaf ar 27 Tachwedd am 8.15 a.m..

David Lloyd: The next meeting will be on 27 November at 8.15 a.m..

*Daeth y cyfarfod i ben am 9.01 a.m.
The meeting ended at 9.01 a.m.*