



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

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

**Dydd Mawrth, 19 Chwefror 2008  
Tuesday, 19 February 2008**

**Cynnwys**  
**Contents**

- 3 Cyflwyniad, Ymddiheuriadau, Dirprwyon a Datgan Buddiannau  
Introduction, Apologies, Substitutions and Declarations of Interest
- 4 Offerynnau ac Offerynnau Drafft Na Fydd y Cynulliad yn Cael ei Wahodd i Roi Sylw  
Arbennig iddynt o dan Reol Sefydlog Rhif 15.2  
Instruments and Draft Instruments in Respect of which the Assembly is not Invited to  
Pay Special Attention under Standing Order No. 15.2
- 4 Offerynnau y Bydd y Cynulliad yn Cael ei Wahodd 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
- 6 Unrhyw Fater Arall  
Any Other Business
- 6 Dyddiad y Cyfarfod Nesaf  
Date of the Next Meeting

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**

Alun Davies	Llafur Labour
Andrew R.T. Davies	Ceidwadwyr Cymreig Welsh Conservatives
Michael German	Democratiaid Rhyddfrydol Cymru (yn dirprwyo ar ran Eleanor Burnham) Welsh Liberal Democrats (Substitute for Eleanor Burnham)
David Lloyd	Plaid Cymru (Cadeirydd y Pwyllgor) The Party of Wales (Committee Chair)

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

Anna Daniel	Clerc Clerk
Gwyn Griffiths	Cynghorydd Cyfreithiol Legal Adviser
Olga Lewis	Dirprwy Glerc Deputy Clerk
Helen Roberts	Cynghorydd Cyfreithiol Legal Adviser

*Dechreuodd y cyfarfod am 8.16 a.m.*  
*The meeting began at 8.16 a.m.*

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

[1] **David Lloyd:** Bore da, a chroeso i gyfarfod y Pwyllgor Is-deddfwriaeth ar ei newydd wedd, gan ein bod i lawr i bum Aelod. Croeso hefyd i'r sawl sydd yn yr oriel gyhoeddus—mae'n amlwg y bydd y cyhoedd yn llifo i mewn yn y man.

**David Lloyd:** Good morning, and welcome to the meeting of the new-look Subordinate Legislation Committee, given that the membership has been reduced to five. Welcome also to those in the public gallery—clearly, the public will shortly flood in.

[2] Os bydd argyfwng, bydd y tywyswyr yn eich arwain i'r allanfa agosaf. Gellir defnyddio clustffonau i glywed cyfieithiad ar y pryd ac i chwyddleisio'r sain—gall y tywyswyr ddangos i'r cyhoedd sut i'w defnyddio. Rhaid diffodd ffonau symudol yn llwyr. Mae'r cyfieithiad ar y pryd o'r Gymraeg i Saesneg ar gael ar sianel 1, a gellir clywed cyfraniadau yn yr iaith wreiddiol ar sianel 0.

In the case of an emergency, ushers will direct you to the nearest exit. Headsets can be used to listen to the simultaneous interpretation and to amplify the volume—the ushers can demonstrate to the public how to use them. Mobile phones must be switched off completely. The simultaneous interpretation is available on channel 1, and contributions can be heard in the original language on channel 0.

[3] Ni chawsom ymddiheuriadau. Mae Mike yn eilydd i Eleanor Burnham—croeso, Mike, i'r cyfarfod.

We have received no apologies. Mike is substituting for Eleanor Burnham—welcome to the meeting, Mike.

[4] Ar 6 Chwefror, cytunodd y Cynulliad

On 6 February, the Assembly agreed to

i leihau aelodaeth y pwyllgor hwn i bump. Mae'n bwysig cydnabod hynny, a diolch i'r cyn-aelodau Paul Davies, Sandy Mewies, Janet Ryder a Karen Sinclair am eu cyfraniadau. Cofnodwn ein diolch iddynt am eu cyfraniadau dros y misoedd, yn enwedig am y gwaith craffu ar y Mesur Arfaethedig ynghylch Gwneud Iawn am Gamweddau'r GIG (Cymru) 2007. Gweithiodd pawb yn hynod o galed yn hynny o beth.

reduce this committee's membership to five. It is important to acknowledge that and to thank former members Paul Davies, Sandy Mewies, Janet Ryder and Karen Sinclair for their contribution. We record our gratitude to them for their contributions over the months, especially during the period when we scrutinised the Proposed NHS Redress (Wales) Measure 2007. Everybody worked incredibly hard on that.

8.18 a.m.

**Offerynnau ac Offerynnau Drafft Na Fydd y Cynulliad yn Cael ei Wahodd i Roi Sylw Arbennig iddynt o dan Reol Sefydlog Rhif 15.2**  
**Instruments and Draft Instruments in Respect of which the Assembly is not Invited to Pay Special Attention under Standing Order No. 15.2**

[5] **David Lloyd:** Mae Gwyn wedi bod yn craffu ar SLC106 ac SLC112. Gwyn, a oes gennych unrhyw beth i'w ychwanegu?

**David Lloyd:** Gwyn has been scrutinising SLC106 and SLC112. Do you have anything to add, Gwyn?

[6] **Mr Griffiths:** Nid oes dim i'w ychwanegu ar 106, 109, 110 na 112.

**Mr Griffiths:** There is nothing to add on 106, 109, 110 nor 112.

[7] **David Lloyd:** Iawn. Unrhyw sylwadau? Gwelaf nad oes.

**David Lloyd:** Right. Are there any comments? I see that there are not.

[8] Mae Helen wedi bod yn craffu ar SLC107, sef Rheoliadau Deddf Gofal Plant 2006 (Asesiadau Awdurdodau Lleol) (Cymru) 2008, ac ar SLC111, Rheoliadau Llywodraeth Leol (Swyddi dan Gyfyngiadau Gwleidyddol) (Cymru) 2008. Helen, a oes gennych unrhyw beth i'w ychwanegu?

Helen has been scrutinising SLC107, the Childcare Act 2006 (Local Authority Assessment) (Wales) Regulations 2008, and SLC111, the Local Government (Politically Restricted Posts) (Wales) Regulations 2008. Helen, do you have anything to add?

[9] **Ms Roberts:** Nac oes.

**Ms Roberts:** No.

[10] **David Lloyd:** Diolch. A oes sylwadau? Gwelaf nad oes, felly fe'u derbyniwn fel ag y maent.

**David Lloyd:** Thank you. Are there any comments? I see that there are not, so they are carried as they stand.

8.20 a.m.

**Offerynnau y Bydd y Cynulliad yn Cael ei Wahodd 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**

[11] **David Lloyd:** Mae Gwyn wedi bod yn craffu ar SLC105, sef Rheoliadau Rheoli Mangreoedd Ysgol (Cymru) 2008.

**David Lloyd:** Gwyn has been scrutinising SLC105, the Control of School Premises (Wales) Regulations 2008.

[12] **Mr Griffiths:** Mae dau bwynt yn yr achos hwn. Mae'r Llywodraeth wedi derbyn y sylw cyntaf a wnaed ond nid yw'n cytuno â'r ail, ac fe welwch, ym mharagraff 2 yr adroddiad ac yn ail baragraff ymateb y Llywodraeth, y ddwy ffordd o edrych ar y cwestiwn ynglŷn â sut y dylid cyfieithu *desirability*. Nid yw'n fater yr wyf yn teimlo'n gryf yn ei gylch ond yr oeddwn yn meddwl y byddai'n ddefnyddiol i ddod â'r mater i sylw'r pwyllgor, er mwyn adlewyrchu'r anawsterau y mae cyfieithwyr a chyfreithwyr yn eu cael wrth geisio dehongli mater fel hwn yn y ddwy iaith. Mae i fyny i'r pwyllgor a yw am adrodd ar y pwynt hwnnw neu barhau â'r pwynt cyntaf yn unig a derbyn ymateb y Llywodraeth ar yr ail.

**Mr Griffiths:** There are two points in this case. The Government has accepted the first point, but it does not agree with the second, and you will see, in paragraph 2 of the report and in the second paragraph of the Government's response, the two ways of looking at the issue of how 'desirability' should be translated. I do not feel strongly on the issue, but I thought that it would be useful to bring the matter to the committee's attention, to reflect the difficulties faced by translators and solicitors in trying to interpret such an issue in two languages. It is up to the committee whether it wants to report on that point or continue with the first point only and accept the Government's response on the second.

[13] **David Lloyd:** A oes unrhyw farn gref i'w mynegi ar hyn?

**David Lloyd:** Does anyone have a strong opinion on this point?

[14] **Michael German:** May I ask about the final sentence of the Assembly Government's response? It says:

[15] 'this phrase has been used previously in the subordinate legislation without comment'.

[16] Does that mean subordinate legislation in general or in these particular regulations in previous years?

[17] **Mr Griffiths:** I think that it means 'in subordinate legislation in general'.

[18] **Michael German:** So, this is the first time that we are hearing about a problem of this sort.

[19] **Mr Griffiths:** This is the first time that it has been picked up.

[20] **David Lloyd:** There is an efficient legal service attached to this committee, you see, Mike.

[21] A oes unrhyw sylwadau ar hyn? Gan fod y pwynt wedi ei godi, credaf ei fod yn ddigon teg i'w nodi. A oes unrhyw un yn anghytuno? Gwelaf nad oes. Symudwn ymlaen at SLC108. Mae Helen wedi bod yn craffu ar y rhain, sef y Rheoliadau Deddf Gofal Plant 2006 (Darparu Gwybodaeth) (Cymru) 2008. Helen, oes gennych unrhyw beth i'w ychwanegu?

Are there any comments on this? As the point has been picked up, I think that it would be fair enough to note it. Does anyone disagree? I see that no-one does. We will now move on to SLC108. Helen has been scrutinising these, the Childcare Act 2006 (Provision of Information) (Wales) Regulations 2008. Helen, do you have anything to add?

[22] **Ms Roberts:** Na, nid oes gennyf unrhyw beth i'w ychwanegu. Mae'r adroddiad wedi cael ei osod yn cynnwys pedwar pwynt. Mae'r Llywodraeth yn derbyn y pwyntiau ac mae rheoliadau diwygio yn

**Ms Roberts:** No, there is nothing to add. The report has been laid containing four points. The Government accepts the points and amending regulations are currently being drafted.

cael eu drafftio ar hyn o bryd.

[23] **David Lloyd:** Maent yn cael eu drafftio fel yr ydym yn siarad. A oes unrhyw sylwadau ar hynny?  
**David Lloyd:** They are being drafted as we speak. Are there any comments on that?

[24] **Michael German:** I have another question about the Government's response. Is it normal for these points to be picked up in the next regulations, which are presumably annual, or would you have expected the Government to have made the changes in these regulations?

[25] **Ms Roberts:** Unfortunately, these regulations have been made and they were not sent to us in advance—sometimes, they are sent to us in advance to consider and we try to accommodate that sort of procedure. The regulations have been made and the only option now is to proceed with amending regulations. That is what the Government has confirmed that it intends to do. It is hoping to put those in place as soon as possible, to coincide with when the regulations should come into force, in April.

[26] **David Lloyd:** A oes unrhyw sylwadau eraill? Gwelaf nad oes, felly fe dderbyniwn y rhai hyn hefyd.  
**David Lloyd:** Are there any further comments? I see that there are not, so these are also carried.

8.23 a.m.

### **Unrhyw Fater Arall Any Other Business**

[27] **David Lloyd:** Byddwch yn gwybod ein bod wedi bod yn craffu ar Fesur eisoes, sef y Mesur Arfaethedig ynghylch Gwneud Iawn am Gamweddau'r GIG (Cymru) 2007. Mae gennym awgrym y dylem ni, fel pwyllgor, fod yn craffu ar Fesur arall, yn unol â'r hyn a ganiateir o dan Rheol Sefydlog Rhif 15.6, sef y Mesur Dysgu a Sgiliau (Cymru) 2008. Cyhoeddodd Llywodraeth Cynulliad Cymru ymgynghoriad cyhoeddus ar y Mesur hwn ar 15 Ionawr. Y dyddiad cau ar gyfer ymatebion yw 29 Ebrill. Yn naturiol, gall y pwyllgor ystyried ymatebion a chraffu ar y Mesur, gan ddechrau yn y cyfarfod ym mis Mawrth, os ydych yn cytuno. Bydd y cyfarfod hwnnw'n hwy na'n cyfarfodydd arferol, yn union fel y cyfarfodydd hir pan oeddem yn craffu ar y Mesur diwethaf. A yw pawb yn gytûn ar hynny fel y ffordd ymlaen, o ran craffu ar Fesur arall? Gwelaf eich bod.  
**David Lloyd:** You will know that we have already scrutinised a Measure, the Proposed NHS Redress (Wales) Measure 2007. We have a proposal that we, as a committee, should scrutinise another Measure, subject to Standing Order No. 15.6, namely the Learning and Skills (Wales) Measure 2008. The Welsh Assembly Government announced a public consultation on this Measure on 15 January. The closing date for responses is 29 April. Naturally, the committee can consider responses and scrutinise the Measure, beginning in our meeting in March, if you are agreeable. That meeting will be longer than our usual meetings, in the same way that the meetings when we were scrutinising the last Measure were longer. Is everyone in agreement on that as the way forward, in terms of scrutinising another Measure? I see that you are.

8.24 a.m.

### **Dyddiad y Cyfarfod Nesaf Date of the Next Meeting**

[28] **David Lloyd:** Dyddiad y cyfarfod nesaf yw 26 Chwefror, sef dydd Mawrth  
**David Lloyd:** The date of our next meeting is 26 February, which is next Tuesday. Thank

nesaf. Diolch yn fawr am eich presenoldeb a you for your attendance and thank you for the  
diolch yn fawr am y cyfieithu. translation.

*Daeth y cyfarfod i ben am 8.25 a.m.*  
*The meeting ended at 8.25 a.m.*