



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

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

**Dydd Mawrth, 8 Ebrill 2008  
Tuesday, 8 April 2008**

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Cofnodir y trafodion hyn yn yr iaith y llefarwyd hwy ynnddi 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
David Lloyd	Plaid Cymru (Cadeirydd y Pwyllgor) The Party of Wales (Committee Chair)
Sandy Mewies	Llafur (yn dirprwyo ar ran Irene James) Labour (substitute for Irene James)

**Eraill yn bresennol**  
**Others in attendance**

John Griffiths	Aelod Cynulliad, Llafur, (y Dirprwy Weinidog dros Sgiliau) Assembly Member, Labour, (the Deputy Minister for Skills)
Mark Leighfield	Arweinydd y Prosiect, Prosiect Llwybrau Dysgu, Yr Is-adran Cyfleoedd Dysgu Ieuenctid ac Oedolion Project Leader, Learning Pathways Project, Youth and Adult Learning Opportunities Division
Grace Martins	Uwch Gyfreithiwr, y Tîm Addysg (Pellach ac Uwch) Senior Lawyer, Education Team (Further and Higher)
Zenny Saunders	Pennaeth y Tîm Deddfwriaethol, Uned Strategol yr Adran Plant, Addysg, Dysgu Gydol Oes a Sgiliau Head of Legislation Team, Department for Children, Education, Lifelong Learning and Skills Strategy Unit

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

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

*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:** Mae'r awr benodedig wedi cyrraedd. Croeso i gyfarfod diweddaraf y Pwyllgor Is-ddeddfwriaeth. Croeso hefyd i John Griffiths, y Dirprwy Weinidog dros Sgiliau, ond byddaf yn ei groesawu'n ffurfiol yn nes ymlaen o dan yr eitem benodol.

**David Lloyd:** The appointed hour has arrived. Welcome to the latest meeting of the Subordinate Legislation Committee. I also welcome John Griffiths, the Deputy Minister for Skills, but I will welcome him formally later, under the pertinent item.

[2] Os cyfyd argyfwng, bydd y tywyswyr yn eich arwain at yr allanfa agosaf. Gellid defnyddio clustffonau i glywed y cyfieithiad ar y pryd ac i addasu lefel y sain, a gall y tywyswyr ddangos sut i'w defnyddio i'r sawl sydd yn yr oriel gyhoeddus, os bydd angen. Rhaid diffodd ffonau symudol yn llwyr, ac mae hynny'n gyfarwyddyd i'm cyd-Aelodau gymaint ag ydyw i aelodau'r cyhoedd. Mae'r cyfieithiad ar y pryd o'r Gymraeg i'r Saesneg ar gael ar sianel 1, a gellid clywed cyfraniadau yn yr iaith wreiddiol ar sianel 0.

Should an emergency arise, the ushers will guide you to the nearest exit. The headsets are available to hear the interpretation and for amplification, and the ushers can show those in the public gallery how to use them, if necessary. Mobile phones must be switched off completely, and that instruction is as much to my fellow Members as it is to members of the public. The simultaneous interpretation from Welsh to English is available on channel 1, and contributions can be heard in the language of the floor on channel 0.

[3] Mae Irene James yn ymddiheuro, ac mae Sandy Mewies yma i ddirprwyo ar ei rhan, felly croeso i Sandy, a hithau'n gyn-aelod o'r pwyllgor hwn.

We have received apologies from Irene James, and Sandy Mewies is here as her substitute. Welcome to Sandy, a former member of this committee.

8.17 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, ac Offerynnau sy'n Agored i gael eu Dirymu yn unol â Phenderfyniad gan y Cynulliad (y Weithdrefn Negyddol)**

**Instruments and Draft 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 (the Negative Procedure)**

[4] **David Lloyd:** Mae Joanest wedi bod yn craffu ar SLC126, sef Rheoliadau'r Gwasanaeth Iechyd Gwladol (Ffioedd a Thaliadau Optegol) a (Gwasanaethau Offthalmig Cyffredinol) (Diwygio) (Cymru) 2008. Joanest, a oes rhywbeth i'w ychwanegu at yr adroddiad sydd ger ein bron?

**David Lloyd:** Joanest has been scrutinising SLC126, namely the National Health Service (Optical Charges and Payments) and (General Ophthalmic Services) (Amendment) (Wales) Regulations 2008. Joanest, is there anything to add to the report that is before us?

[5] **Ms Jackson:** Na, nid oes gennyf ddim i'w ychwanegu.

**Ms Jackson:** No, I have nothing to add.

[6] **David Lloyd:** A oes unrhyw sylwadau? Gwelaf nad oes, a bod pawb yn hapus.

**David Lloyd:** Are there any comments? I see not, and that everyone is happy.

[7] Bu Gwyn yn craffu ar SLC130, sef Rheoliadau Symud Ymaith a Gwaredu Cerbydau (Diwygio) (Cymru) 2008. Gwyn, a oes gennych unrhyw sylw?

Gwyn has been scrutinising SLC130, namely the Removal and Disposal of Vehicles (Amendment) (Wales) Regulations 2008. Gwyn, do you have any comment?

[8] **Mr Griffiths:** Mae gennyf un sylw byr i'w wneud. Mae'r offeryn hwn yn un o gyfres o chwech o reoliadau sy'n ymwneud â

**Mr Griffiths:** I have a brief comment to make. This instrument is one of a series of six regulations relating to parking. Points have

pharcio. Mae pwyntiau wedi codi ynglŷn â rhai o'r lleill, ac felly yr ydym wedi gwneud cais am ymateb gan y Llywodraeth arnynt. Felly, bydd y pum offeryn arall yn dod gerbron y pwyllgor yr wythnos nesaf.

[9] **David Lloyd:** Diolch, Gwyn. A oes unrhyw sylw cyn i ni dderbyn y rheoliadau hyn? Gwelaf nad oes.

[10] Bu Joanest yn craffu ar y pum rheoliad nesaf, sef SLC136, sef Rheoliadau Tramgwyddau Amgylcheddol (Cosbau Penodedig) (Darpariaethau Amrywiol) (Cymru) 2008, SLC137, sef Rheoliadau'r Gwasanaeth Iechyd Gwladol (Ffioedd a Thaliadau Optegol) (Diwygio) (Cymru) 2008, SLC139, sef Rheoliadau Cynhyrchion Cig (Cymru) (Diwygio) 2008, SLC140, sef Rheoliadau Cymorth Gwladol (Aseu Adnoddau a Symiau at Anghenion Personol) (Diwygio) (Cymru) 2008, ac SLC142, sef Gorchymyn Awdurdodau Lleol (Cod Ymddygiad Enghreifftiol) (Cymru) 2008. Yng nghanol yr holl brysurdeb hwnnw, Joanest, a oes gennych unrhyw sylwadau ychwanegol i'w gwneud?

[11] **Ms Jackson:** Dim o gwbl.

[12] **David Lloyd:** Diolch yn fawr. A oes unrhyw sylwadau gan Aelodau cyn i ni dderbyn y rheoliadau? Gwelaf nad oes.

8.19 a.m.

**Offerynnau y bydd y Cynulliad yn cael ei Wahodd i Dalu Sylw Arbennig iddynt o dan Reol Sefydlog 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 Invited to Pay Special Attention under Standing Order 15.2, and Instruments Subject to Annulment Pursuant to a Resolution of the Assembly (the Negative Procedure)**

[13] **David Lloyd:** Bu Gwyn yn craffu ar SLC122, sef Rheoliadau Grant Dysgu'r Cynulliad (Addysg Bellach) 2008. Gwyn, a oes gennych unrhyw sylw?

8.20 a.m.

[14] **Mr Griffiths:** Nodwyd dau bwynt yn yr adroddiad drafft am y rheoliadau hyn. Fel y gwelwch, yn yr achos hwn, yr ydym wedi cael ymateb llawn gan y Llywodraeth, yn

been raised on some of the others, and so we have requested a response from the Government on them. So, the other five instruments will come before the committee next week.

**David Lloyd:** Thank you, Gwyn. Are there any comments before we pass these regulations? I see not.

Joanest has been scrutinising the next five regulations, namely SLC136, the Environmental Offences (Fixed Penalties) (Miscellaneous Provisions) (Wales) Regulations 2008, SLC137, the National Health Service (Optical Charges and Payments) (Amendment) (Wales) Regulations 2008, SLC139, the Meat Products (Wales) (Amendment) Regulations 2008, SLC140, the National Assistance (Assessment of Resources and Sums for Personal Requirements) (Amendment) (Wales) Regulations 2008, and SLC142, the Local Authorities (Model Code of Conduct) (Wales) Order 2008. Amid all that activity, Joanest, do you have any additional comments to make?

**Ms Jackson:** None at all.

**David Lloyd:** Thank you. Are there any other comments from Members before we pass the regulations? I see not.

**David Lloyd:** Gwyn has been scrutinising SLC122, namely the Assembly Learning Grant (Further Education) Regulations 2008. Gwyn, do you have any comment?

**Mr Griffiths:** The draft report notes two points about these regulations. As you can see, in this instance, we have received a full response from the Government rather than

hytrach na'r e-bost arferol sy'n cyfeirio at baragraff yn fy adroddiad. Yr ydym wedi atodi ymateb y Llywodraeth, sy'n derbyn bod camgymeriadau, ac sy'n dweud y bydd yn cywiro'r peth cyn creu rheoliadau pellach ar gyfer y flwyddyn nesaf.

[15] **David Lloyd:** A oes unrhyw sylw? Gwela'n nad oes, a chymryd ein bod yn fodlon eu derbyn, felly.

[16] Bu Joanest yn craffu ar SLC127, sef Rheoliadau Awdurdodau Lleol (Cyllid Cyfalaf a Chyfrifyddu) (Cymru) (Diwygio) 2008. Joanest, a oes gennych unrhyw sylwadau?

[17] **Ms Jackson:** Mae'r adroddiad sydd ger eich bron yn codi'r pwynt y ceir yma gyfeiriad at bŵer ond nad yw'r pŵer hwnnw'n cael ei ddefnyddio i wneud yr offeryn. Mae ymateb y Llywodraeth hefyd ger eich bron, a gwelwch nad yw'n derbyn bod angen adrodd hwnnw fel '*an unusual use of power*', er iddi dderbyn bod angen cywiro'r pwynt. Mae'n bwriadu gwneud hynny drwy'r '*correction slips*' y mae'r Llyfrfa yn eu hanfon. Mae angen i chi benderfynu a ydych eisiau anfon yr adroddiad ymlaen at y Cynulliad ai peidio.

[18] **David Lloyd:** A oes unrhyw sylwadau?

[19] **Eleanor Burnham:** Yn ôl fy arfer, yr wyf am wybod pam bod hyn yn fater i'r weithdrefn negyddol.

[20] **Ms Jackson:** Mae'r Ddeddf Llywodraeth Leol yn nodi mai drwy'r weithdrefn negyddol y dylid gwneud y rheoliadau oddi tani.

[21] **David Lloyd:** Fodd bynnag, yn y bôn, bu ichi grybwyll fod y Llywodraeth wedi cytuno â'r argymhellion a'r newidiadau hyn.

[22] **Ms Jackson:** Wel, hanner a hanner.

[23] **David Lloyd:** Iawn. Bydd y newidiadau yn gwneud y rheoliadau hyn yn ddiogel ac yn gyfreithlon, oni fyddant?

[24] **Ms Jackson:** Mae'r rheoliadau yn

the usual e-mail referring to a paragraph in my report. We have attached the Government's full response, which acknowledges the errors, and which further states that the matter will be corrected before further regulations are made for next year.

**David Lloyd:** Are there any comments? I see that there not and therefore take it that we are content to pass them.

Joanest has been scrutinising SLC127, namely the Local Authorities (Capital Finance and Accounting) (Wales) (Amendment) Regulations 2008. Do you have any comments, Joanest?

**Ms Jackson:** The report before you raises the point that a power is referred to here, but that power is not used to make the instrument. The Government's response is also before you, and you will see that it does not accept the need to report that as '*an unusual use of power*', although it does acknowledge the need to correct the point. It intends to do that by use of the correction slips that are sent out by the Stationery Office. It is up to you to decide whether you wish to refer the report on to the Assembly or not.

**David Lloyd:** Are there any comments?

**Eleanor Burnham:** As usual, I wish to know why this is a matter for the negative procedure.

**Ms Jackson:** The Local Government Act specifies that the regulations made under it should follow the negative procedure.

**David Lloyd:** However, in essence, you say that the Government has agreed with the recommendations and these changes.

**Ms Jackson:** Well, half and half.

**David Lloyd:** Right. The changes will make these regulations safe and lawful, will they not?

**Ms Jackson:** The regulations are sufficiently

ddigon cyfreithlon fel ag y maent. Nid oes angen y pŵer hwn, ac, o gael rhywbeth wedi'i ddrafftio'n lân ac yn gywir, dywedwn y dylid gofalu rhag cyfeirio at bwerau nad oes mo'u hangen, ond ni fydd cynnwys y pŵer yn effeithio ar effaith y rheoliadau.

lawful as they stand. This power is not required, and, if something were to be drafted afresh and correctly, I would say that care should be taken to avoid referring to a power that is not required, but the inclusion of it does not have a bearing on the effect of the regulations.

[25] **David Lloyd:** Iawn. Felly, bydd yn iawn inni basio'r rhain fel ag y maent. A oes sylwadau? Gwelaf fod pawb yn cytuno. Diolch yn fawr, Joanest.

**David Lloyd:** Right. So, it will be fine for us to pass these as they stand. Are there any comments? I see that everyone is in agreement. Thank you, Joanest.

8.22 a.m.

### **Craffu ar y Cynnig ar gyfer Mesur Dysgu a Sgiliau (Cymru) 2008 Scrutiny of Proposal for a Learning and Skills (Wales) Measure 2008**

[26] **David Lloyd:** Croesawn John Griffiths, y Dirprwy Weinidog dros Sgiliau, i'n plith. I roi'r cefndir, bydd aelodau'r pwyllgor hwn yn cofio o'n cyfarfod ar 19 Chwefror inni gytuno ystyried darpariaethau is-ddeddfwriaeth y cynnig ar gyfer Mesur Dysgu a Sgiliau (Cymru) 2008. Mae Llywodraeth Cynulliad Cymru eisoes wedi cyhoeddi ymgynghoriad cyhoeddus arno, a'r dyddiad cau ar gyfer ymatebion yw 29 Ebrill 2008. Bu inni wahodd John Griffiths yma i roi rhagor o wybodaeth inni am ddarpariaethau'r Mesur o ran is-ddeddfwriaeth, a'r rhesymeg y tu ôl i ddewis y weithdrefn sy'n gymwys i'r darpariaethau hyn. Yn amlwg, yr ydym yn ddiolchgar i John am anfon papur, ac mae copi ohono wedi'i ddosbarthu i'r Aelodau, ac, yn naturiol, yr ydym wedi ei ddarllen yn drwyadl. Yr ydym hefyd yn ddiolchgar ichi am ddod yma i ateb cwestiynau, John. Mae cwestiynau penodedig wedi'u gosod inni eu gofyn yn ein tro.

**David Lloyd:** We welcome John Griffiths, the Deputy Minister for Skills, to our midst. To give some background, committee members will recall from our meeting on 19 February that we agreed to consider the subordinate legislation provisions of the proposal for a Learning and Skills (Wales) Measure 2008. The Welsh Assembly Government has already published a public consultation on the matter, and the closing date for responses is 29 April 2008. We have invited John Griffiths here to provide more information on the provisions in the Measure that relate to subordinate legislation, and on the reasoning behind the choice of procedure that applies to these provisions. Obviously, we are grateful to John for sending the paper, a copy of which has been circulated to the Members, and we have all read it thoroughly, of course. We are also grateful to you, John, for appearing here to answer questions. Specific questions have been set for us to ask you in turn.

[27] Yn ogystal â chroesawu John i'r cyfarfod hwn, mae hefyd yn bleser croesawu ei gydweithwyr, sydd yma i'w gefnogi. Mark Leighfield yw'r arweinydd prosiect ar gyfer y Mesur. Mae Grace Martins yn gyfreithiwr, a phennaeth y tîm deddfwriaeth yw Zenny Saunders. Felly, gyda chymaint â hynny o ragymadrodd, mae gennym restr o gwestiynau i'w gofyn. Ciciaf y gic gyntaf, megis.

As well as welcoming John to this meeting, it is also our pleasure to welcome his colleagues who are here to support him. Mark Leighfield is the project leader for the Measure. Grace Martins is a lawyer, and Zenny Saunders is the head of the legislation team. So, with that much of an introduction, we have a list of questions to be asked. I will kick off, as it were.

[28] Ddirprwy Weinidog, yr ydych yn egluro yn eich papur fod nodweddion y

Deputy Minister, you explain in your paper that the features of this Measure are

Mesur hwn yn cael eu dyblygu am fod dwy Ddeddf benodedig yn cael eu crisialu ac yn dod at ei gilydd. A fyddai wedi bod yn bosibl gwneud y gwelliannau drwy ddefnyddio un set o adrannau yn lle dyblygu'r darpariaethau? Mae'n gwestiwn technegol, John.

duplicated because two specific Acts are crystallised and are brought together. Would it have been possible to make amendments by means of one set of sections instead of duplicating the provisions? It is a technical question, John.

[29] **Y Dirprwy Weinidog dros Sgiliau (John Griffiths):** Diolch yn fawr am y gwahoddiad i ddod i'r pwyllgor y bore yma.

**The Deputy Minister for Skills (John Griffiths):** Thank you very much for the invitation to come to committee this morning.

[30] It is very kind of you to invite us here to share your early start to the Assembly's working day.

[31] **David Lloyd:** It is mid morning, John. *[Laughter.]*

[32] **John Griffiths:** We are very pleased to be here. As you said in your introduction, Grace Martins is our lawyer today, so I ask Grace to answer that question for the committee.

[33] **Ms Martins:** Thank you, Minister. As there are two different relevant pieces of primary legislation, one of which deals with schools and the other with the post compulsory school-age sector, we needed to amend both and that is why you need to make similar amendments to both Acts. They seem to be quite repetitive, but the work needed to be done.

[34] **David Lloyd:** The question asked why you could not do it under one set, but I suppose that there was no way of avoiding that duplication, given that there are two primary Acts.

[35] **Ms Martins:** It is the clearest way to address the different stages separately, and also to address the two Acts separately.

[36] **David Lloyd:** Fine, thank you. Sandy will ask question 2.

[37] **Sandy Mewies:** Deputy Minister, why was it thought appropriate to deal with these issues by way of regulation-making powers rather than on the face of the Measure?

[38] **John Griffiths:** It always a balancing act, is it not? We try to deal with the main principles on the face of legislation and then to deal with the more complex details by way of regulations. That is an accepted way to make legislation more user-friendly, as it were, so that it can be readily and easily understood—as it should be. In addition, where particular provisions are likely to be subject to fairly frequent change, it is far better practice to deal with them by way of regulations, because it would be unwieldy to amend what is, in effect, primary legislation every time it was necessary to change the local curriculum, for example, by adding new subjects, as educational provision develops and changes. That is the sort of balance that we have tried to strike in this Measure. It is always possible to argue on the margins, as it were, that it would have been better to include some provisions on the face of the Measure rather than in regulations, but we have tried to strike a reasonable balance, and we will be interested in the responses that we receive from the consultation, and, indeed, in what this committee has to say this morning.

[39] **Sandy Mewies:** Thank you.

[40] **David Lloyd:** Diolch, John. Daw'r cwestiwn nesaf oddi wrth Eleanor.

**David Lloyd:** Thank you, John. Eleanor has the next question.



[41] **Eleanor Burnham:** If it were considered appropriate to apply regulation-making powers, why was it appropriate to apply the negative procedure rather than the affirmative procedure, particularly in relation to powers mentioned in sections 1 to 5 and 7 to 8?

[42] **John Griffiths:** Again, I think that it is a question of balance. When regulations seek to change important aspects on the face of the Measure, they are more rightly dealt with by way of the affirmative procedure, which offers a greater degree of scrutiny. However, where that is not the case, the most efficient and effective way of dealing with such matters is by way of the negative procedure. I think that that is fairly well established at the Assembly. For example, if we were talking about suspending the local curriculum, which would be a major change affecting an important aspect on the face of the Measure, the regulations that would do that should be dealt with by the affirmative procedure. However, where regulations relate to a more routine matter that does not affect a major aspect on the face of the Measure, it is better practice to deal with them by way of the negative procedure. So, it is about striking a balance. I accept, Cadeirydd, that others might strike the balance differently, and would use the affirmative procedure to deal with some of the matters that we propose to deal with by way of the negative procedure. However, we are open to ideas, which may come through the consultation responses or the committee's views this morning.

8.30 a.m.

[43] **Alun Davies:** Thank you very much, Minister. You have pre-empted my question in many ways. You are using both the negative and affirmative procedures in this document and I wanted to explore the reasons why you have made those choices. You have, in many ways, answered that in response to a previous question. However, in terms of amending the learning domains and suspending the local curriculum, could you talk us through the implications of those decisions, why you would see those decisions being taken and the impact of those decisions?

[44] **John Griffiths:** Suspension of the local curriculum would only happen in extremis, really. An example would be where 14-19 provision in a particular area was provided in large part by a further education college that was damaged by fire and was unable to continue operating. In those circumstances it would be necessary to suspend the local curriculum because delivery would not be possible for a time. That is an extreme circumstance. Hopefully, it would be a rare occurrence, or would never happen. It is necessary to make provision, although we would not expect it to happen very often and we would hope that it would not happen at all. In terms of dealing with that by way of the affirmative procedure, it is a matter of balance. As I said earlier, we feel that that matter is being dealt with on the face of the Measure, and allowing for the suspension of that important part of the Measure is a serious issue that warrants the affirmative procedure. That is a very good example of where that should be used.

[45] **Eleanor Burnham:** I think that you have answered my question, but I will ask it.

[46] **David Lloyd:** And press the Minister further.

[47] **Eleanor Burnham:** That is correct. If it is so important to have an affirmative procedure, why could this not have been dealt with on the face of the Measure?

[48] **John Griffiths:** I think that I have pre-empted your question. As I say, it is about where you strike the balance, and we feel that we have struck a reasonable balance, although we are open to views.

[49] **David Lloyd:** I think that there is a certain amount of pre-empting going on. Sandy

has the next question.

[50] **Sandy Mewies:** You have talked about how suspension of the curriculum would only be done in extremis, but there is no such qualification in the Measure. Do you think that that is appropriate? You have said that it will happen so rarely that, presumably, you do not think that it is appropriate.

[51] **John Griffiths:** That is right, Sandy. That is again about a striking the balance and we think that it is reasonable to proceed in this way.

[52] **Sandy Mewies:** I will move onto my next question, which is about commencement Orders, because these things can be brought in at different times in different education authorities and they cannot do a thing. This is the section under heading 9. Why has it not been considered appropriate to apply any Assembly procedure to commencement Orders made under heading 9?

[53] **John Griffiths:** Given that the Measure will be subject to proper scrutiny and debate through the Assembly proceedings, we feel that, once that has taken place, it is really an Executive decision as to when commencement should occur. Grace, is there anything that you would like to add to that in terms of the technicalities of the issue?

[54] **Ms Martins:** I have very little to add. It is the constitutional legislative principle that commencement Orders are not subject to procedures—and this is the same as elsewhere—because they change nothing that the legislation does; they just decide the timing. The legislature has made some law and it has given the job of putting that law into practice to the Executive, so it is proper that the timing is a decision of the Executive. That is why there is normally no scrutiny.

[55] **David Lloyd:** We will move on to the questions about section 15, the powers to alter or remove requirements for a fourth key stage. Eleanor has a question on this.

[56] **Eleanor Burnham:** Why has this power been included in the paper, and what procedure will apply to such an Order and why?

[57] **John Griffiths:** I will call on Grace to answer this. It is an amendment to the Education Act, is it not, Grace?

[58] **Ms Martins:** Yes.

[59] **Eleanor Burnham:** Which Education Act?

[60] **Ms Martins:** The 2002 Act.

[61] It is not directly related to the 14 to 19 policy, it was just seen as a good opportunity to cover a little lacuna. A review of the curriculum is currently going on, and it was realised that some changes that may need to be made cannot be reflected throughout that Act just in terms of tidying up. If you change something somewhere, you cannot tidy it up and make the Act read properly. This is not a new legislation-making power: it is a current Order-making power to alter the requirements for key stage 4. So, the power by Order to either change the requirements for key stage 4 that were set in the 2002 Act or to suspend them has been there all of the time. We are just adding a power to make necessary provision as a consequence of any changes that we may make by using the current power.

[62] **Eleanor Burnham:** I would like to ask a supplementary question, Chair. Is this review of the curriculum being done only in Wales, or is it also being done in the rest of the

UK?

[63] **Ms Martins:** I do not know what England is doing.

[64] **David Lloyd:** We are in danger of straying into policy areas, when we are meant to be concentrating on the legal effects.

[65] **Eleanor Burnham:** It is a factual question.

[66] **David Lloyd:** It may be a factual question, but we are a legal lot here as opposed to a policy lot.

[67] **Eleanor Burnham:** Well, they are factual people.

[68] **David Lloyd:** We will move on. Andrew has the next few questions.

[69] **Andrew R.T. Davies:** I thank the Minister and his officials for coming along this morning. I also sit on the Petitions Committee, and one of the things that petitioners say time and again when they come before us is that there is a lack of consultation or that they feel that they have not been asked anything by the Government about implementation. However, we, sitting in this institution, feel that consultation is going on all of the time. In the papers that you have provided, the regulations in the Measure would be subject to the 14-19 learning networks. Will all of the regulations be subject to that network scrutiny? For the uninitiated, like me, could you explain what the 14-19 learning networks are?

[70] **John Griffiths:** Yes. Since around 2002, we have been developing the 14-19 learning pathways as an important set of policies in the Welsh Assembly Government. As part of that, we built up 14-19 learning networks in each of the 22 local authority areas in Wales, which bring together the providers. So, the schools and colleges would be represented, as would the voluntary sector, the private training providers and other private companies, the local education authorities, the co-ordinators for the 14-19 learning networks, other aspects of the statutory sector, and, crucially, learners. It is the networks that have, in many ways, taken forward the 14-19 learning pathways policy in Wales. As a result of that, they have the experience and the knowledge to be an important sounding board for this Measure and the regulations. That is the rationale for using those 14-19 learning networks for the consultation exercise. However, we are happy to hear the views of as many people and organisations as possible.

[71] **Andrew R.T. Davies:** For clarity, are you happy that the networks will provide good, effective consultation?

[72] **John Griffiths:** Yes, absolutely, because they have been key to the development of 14-19 learning pathways policy. This Measure seeks to build on that policy and further develop it and take it forward. They have the experience and the knowledge to be very effective consultees.

[73] **Andrew R.T. Davies:** One of the things with consultation is that people slot in the word 'periodic', which can be interpreted in many ways. What is your interpretation of 'periodic'? How often do you envisage revision and consultation taking place?

8.40 a.m.

[74] **John Griffiths:** That has not yet been decided. The current consultation on the Measure ends on 29 April; thereafter, we will be sailing in uncharted waters. What we will want to do, and we have never gone against this, is to provide full opportunity for

consultation, using the established 14-19 learning pathways networks. We will certainly not move away from that. If we tried to, there would be quite an outcry, which would certainly reach Assembly Members and, I think, this committee.

[75] **Andrew R.T. Davies:** Thank you, Minister.

[76] **David Lloyd:** Alun has the next question.

[77] **Alun Davies:** In reply to earlier questions, Minister, you discussed the balance that you seek to achieve between primary legislation, regulation and other elements of the Measure. At the same time, you appear to be taking substantial powers to issue guidance, which is not subject to any form of review—

[78] **John Griffiths:** Sorry, I did not catch that.

[79] **Alun Davies:** To issue guidance—in terms of planning the local curriculum, joint working and directions to headteachers and others, such as governing bodies. Guidance is not subject to any review or analysis here or anywhere else. We understand that a lot of the work in terms of the implementation of the Measure will be done through regulations, but what do you think that you can achieve through regulations, and what will you seek to achieve through the issuing of guidance?

[80] **John Griffiths:** It is a fairly well-established principle that regulations deal with the detail and impose legal requirements, whereas guidance sets the context for the use of the powers involved in the legal requirements that are enacted. Guidance has to be borne in mind and referred to, but it does not lay down things that must be done. However, it has substantial weight, including in legal proceedings. Guidance can be valuable in setting context and in fleshing out what is expected of providers, but it gives them some flexibility and freedom, which is valuable in terms of keeping the local approach that we have tried to establish through 14-19 learning pathways.

[81] I know that the committee will be interested in the provision through the medium of Welsh, for example. We propose to deal with that through guidance. It is again a balance as to what is on the face of the Measure, what is in regulations and what is in guidance, but we are conscious that, in many ways, we are not in as strong a position as we would like to be in terms of being able to deliver through the medium of Welsh in further education, for reasons with which I am sure that we are all familiar. Nonetheless, through guidance, we would want to point providers and those with statutory duties in the direction of developing provision through the medium of Welsh, and that is a good example of where guidance is important and valuable.

[82] **David Lloyd:** Eleanor has the next two questions.

[83] **Eleanor Burnham:** You mentioned that you would be able to set, for example, the minimum number of courses in the curriculum and the minimum proportion of vocational courses of study. Do you envisage that the regulations will specify the subjects to be included in the local curriculum? Is this not far too prescriptive and inflexible in relation to what you said earlier about being responsive to differing local needs?

[84] **John Griffiths:** As I said earlier, the reason why we propose to deal with some matters in the regulations rather than on the face of the Measure is to provide that flexibility. So, where new subjects, qualifications and courses are developed, we will be able to adapt to those changes by means of regulation rather than having to amend the Measure, because there are big differences between those two things, in terms of Assembly time, efficiency, effectiveness and cost. That is the rationale, and we believe that we can properly deal with

those changes, and have the necessary flexibility, through the use of regulations, as we propose.

[85] **Eleanor Burnham:** Will the regulations made under this Measure cover provisions regarding the entitlement of students to study through the Welsh language? You have just mentioned that, but—I do not know whether I can stray into this—it is a matter of finance as much as anything, is it not, so will you be making extra financial provision?

[86] **John Griffiths:** I will be guided by the Cadeirydd, but I am not sure that that is properly a legal consideration.

[87] **David Lloyd:** No, we will stick to the legal provisions, rather than general policy considerations.

[88] **Eleanor Burnham:** Fine. Therefore, will students be entitled to study in English or Welsh? That is a huge issue.

[89] **John Griffiths:** No, there will be an entitlement to—

[90] **Eleanor Burnham:** Will they be able to study through the medium of their choice?

[91] **John Griffiths:** This Measure, and the regulations, will not deal with the entitlement to study through the medium of Welsh. As I said, we propose to deal with this matter by guidance. The entitlement will be to a choice from a wide menu of subjects—both academic and vocational—but will not deal with the medium of delivery in terms of language.

[92] **David Lloyd:** Alun has the penultimate question.

[93] **Alun Davies:** This is very much in the same vein. I believe that it is fair to say that we had a bit of a tussle with the Minister for Health and Social Services at this committee—

[94] **John Griffiths:** You are brave people. [*Laughter.*]

[95] **Alun Davies:** It remains a real memory. [*Laughter.*]

[96] That was in regard to the balance between regulation and legislation—what is written on the face of the Measure, and what is not. It is right and proper that the Government, and Ministers, take sufficient powers to enable them to implement legislation without having to go back time and again for additional powers; I believe that we all appreciate and understand that. However—and I am thinking in particular of students' entitlement to follow courses—do you not agree that it would be appropriate to put the general basic principles regarding students' entitlement to follow courses on the face of a Measure, rather than to deal with much of that through regulation? Regulations are there to implement legislation, but surely some of the basic principles by which Ministers will take decisions, and will seek further regulations, should be written on the face of the legislation rather than simply dealt with by regulation?

[97] **John Griffiths:** I accept what you say that it is very much about balance. I suppose that there would be times when the Executive, as opposed to the legislature, would strike the balance in different ways; that is the nature of government, I guess. However, as I said earlier, we believe that what we propose strikes the right balance, inasmuch as it sets out the main principles on the face of the Measure in terms of the entitlement. Therefore, there will be an entitlement to a wide choice—much wider than is currently the case in many parts of Wales—and it will address academic and vocational educational options, addressing the parity of esteem principles that we seek to adhere to.

[98] Therefore, we believe that that is the right way: that the broad, general principle should be dealt with on the face of the Measure, establishing the legal entitlement that then has to be delivered. It creates those duties. However, as I say, the content might well change fairly regularly, because, as we all know, educational provision develops and changes at quite a pace today. It is right in those circumstances that that sort of detail is dealt with through the regulations, for the reasons that you mentioned; otherwise, it would be unwieldy to continually seek to amend the Measure, rather than deal with it through regulation.

8.50 a.m.

[99] **Sandy Mewies:** Still on the scope of the regulation-making powers, under heading 4, 'The headteachers or principals' decision to remove entitlement', you state that the grounds for removing that entitlement will be specified in regulations, but I think that that is a bit vague. Can you elaborate on the circumstances under which a headteacher or a principal may wish to remove students' entitlement? In particular, you use the phrase 'on the grounds of the general welfare of a learner or a group of learners'. I am not clear what that means, or what it is meant to mean.

[100] **John Griffiths:** The first thing to say is that these types of decisions are routinely made every day, in practice, and, under the Measure, that type of disentitlement will be for the same types of reasons as happens today. For example, if a learner's behaviour was such that he or she was not learning properly and was disrupting learning for other members of the class, it would be reasonable to disentitle that learner. There would also be possible reasons for not allowing entitlement originally, such as very few learners wanting to pursue a particular course, making it uneconomic, or travelling arrangements being of such a nature that it made it impractical to entitle the learner in the way that the learner had requested. So, it is about the practicalities with which we would all be familiar.

[101] **Sandy Mewies:** It is hinted at here, and you are right to say that we all know—or at least think we know—what we mean, but is it being deliberately kept as a more general statement because of the wide range of disentitlement that it could cover?

[102] **John Griffiths:** Yes, I think so—there must be that flexibility. As I said, that is the way that things are on a daily basis in the sector, and that is very much the way in which it will continue. So, there needs to be that flexibility.

[103] **David Lloyd:** Mae gan Eleanor **David Lloyd:** Eleanor has a supplementary gwestiwn atodol at y mater hwn. question to this issue.

[104] **Eleanor Burnham:** Those of us who have been involved with young people who have not taken up their learning provisions as expected could be quite worried about exclusions, because this is an euphemism for exclusions. Do you have adequate provisions for excluded young people? Are you dealing with that? As you said, it is happening already, so there must be provisions. Have you given any thought to that?

[105] **John Griffiths:** Much thought has been given to that, but that would be a matter of policy outside of the provisions of this Measure.

[106] **Eleanor Burnham:** My final question is about travelling. Travelling provisions were discussed in the Proposed Additional Learning Needs LCO Committee, which I chaired; that legislation is now moving forward. You talk about travelling provisions, but what do you mean by that?

[107] **John Griffiths:** Again, if I was to answer that, we would be entering policy areas

which are outside the scope of this Measure.

[108] **David Lloyd:** Diolch, Weinidog. **David Lloyd:** Thank you, Minister.

[109] Wrong committee, Eleanor, but a nice try.

[110] Daw hynny â ni at ddiwedd y cwestiynau. Diolch i'r Dirprwy Weinidog, John Griffiths, am ei atebion. A oes gennynt unrhyw sylwadau i gloi ar hyn, John, neu a wyt yn hapus i adael pethau fel ag y maent? That brings us to the end of the questions. I thank the Deputy Minister, John Griffiths, for his answers. Do you have any closing comments, John, or are you content to leave things as they are?

[111] **John Griffiths:** That is fine, thank you, Cadeirydd.

[112] **David Lloyd:** Felly, yr wyf yn diolch yn ffurfiol i ti, John, am dy bresenoldeb ac am ateb y cwestiynau. Yr wyf hefyd yn diolch i Mark Leighfield, Zenny Saunders a Grace Martins am ateb cwestiynau mewn ffordd glir. **David Lloyd:** Therefore, I formally thank you, John, for your attendance and for answering the questions. I also thank Mark Leighfield, Zenny Saunders and Grace Martins for answering questions in a clear manner.

[113] Fel yr ydym wedi cyhoeddi eisoes, mae'r Mesur hwn yn destun ymgynghoriad swyddogol tan 29 Ebrill. Bydd wedyn yn dychwelyd i'r Cynulliad, ac, fel rhan o'r broses graffu, mae'r pwyllgor hwn wedi cyflawni ei graffu ar y Mesur hwn, ac, yn naturiol, bydd adroddiad y pwyllgor hwn ar gael i'r pwyllgor Mesur penodedig ar y pryd, ac i'r cyhoedd—mae'n gweithgareddau yn hollol agored a thryloyw. As we have already announced, this Measure is out for official consultation until 29 April. It will then return to the Assembly, and, as part of the scrutiny process, this committee has completed its scrutiny of this Measure, and, naturally, this committee's report will be made available to the specific Measure committee at that time, as well as to members of the public—our actions here are completely open and transparent.

[114] A oes gan Aelodau sylwadau i'w hychwanegu cyn inni adael y pwynt hwn? Do any Members have anything to add before we leave this point?

[115] **Eleanor Burnham:** Pryd bydd hwn yn mynd i'r pwyllgor Mesur? **Eleanor Burnham:** When will it go to the Measure committee?

[116] **David Lloyd:** Ni wn am yr amserlen. A yw'r clerc yn gwybod? Gwelaf nad yw. Mae amserlen ar gael, Eleanor, ond nid yw'r dyddiadau gennym heddiw. Mae'r broses wedi cychwyn, a'r ymgynghoriad yw'r rhan gyntaf cyn y bydd yn dod yn ôl i'r Cynulliad i fynd gerbron y gwahanol bwyllgorau. **David Lloyd:** I do not know the timetable. Does the clerk know? I see that she does not. There is a timetable somewhere, Eleanor, but we do not have the dates with us today. The process has commenced, the consultation being the first part before it returns to the Assembly to go before the various committees.

[117] Diolch am eich cydweithrediad. Dyna ddiwedd yr eitem, felly mae'r Dirprwy Weinidog yn rhydd i adael cyn yr eitem nesaf; bydd yn falch o glywed nad oes a wnelo'r Mesur arfaethedig ynghylch Gwneud Iawn am Gamweddau'r GIG (Cymru) 2007 ag ef. Diolch, John. Thank you for your co-operation. That is the end of that item, so the Deputy Minister is free to leave; he will be pleased to hear that the Proposed NHS Redress (Wales) Measure 2007 is nothing to do with him. Thank you, John.

[118] **John Griffiths:** Diolch yn fawr.

**John Griffiths:** Thank you.

8.56 a.m.

**Mesur Arfaethedig ynghylch Gwneud Iawn am Gamweddau'r GIG (Cymru)  
2007: Y Wybodaeth Ddiweddaraf ynghylch y Gwelliannau a Wnaed i'r Mesur  
yn Ystod Cyfnod 2  
Proposed NHS Redress (Wales) Measure 2007: Update on Outcome of Stage 2  
Amendments**

[119] **David Lloyd:** Yr hyn sydd gerbron yw'r wybodaeth ddiweddaraf ynghylch y gwelliannau a wnaed i'r Mesur arfaethedig. Fe gofiwch i ni, fel pwyllgor, ystyried y Mesur arfaethedig hwn ynghylch Gwneud Iawn am Gamweddau'r GIG (Cymru) 2007 yn ystod hydref 2007. Un o argymhellion yr adroddiad oedd bod y pwyllgor yn cadw'r hawl i edrych ar y Mesur eto yn ystod Cyfnod 2. Erbyn hyn, mae'r Mesur wedi cyrraedd Cyfnod 3, a chaiff ei drafod yn y Cyfarfod Llawn ar 6 Mai 2008.

**David Lloyd:** We have before us an update on the amendments made to the proposed Measure. You will recall that, during the autumn of 2007, we as a committee considered this proposed NHS Redress (Wales) Measure 2007. One of the report's recommendations was that the committee retained the right to look at the Measure again during Stage 2. The Measure has now reached Stage 3, and it will be discussed in Plenary on 6 May 2008.

[120] Mae papur wedi'i baratoi ar ganlyniad Cyfnod 2, ac fe'i dosbarthwyd ichi. Yn naturiol, byddwch wedi'i ddarllen yn drwyadl, bob gair. Bydd Joanest yn gwneud cyflwyniad ar y papur hwn ac yn ateb unrhyw gwestiynau gan Aelodau.

A paper has been prepared on the outcome of Stage 2, and that has been sent to you. Naturally, you will all have read it thoroughly, every word. Joanest will give a presentation on this paper and will answer any questions that Members may have.

[121] **Ms Jackson:** I do not think that I need to add an awful lot to the paper. As you will see, I have noted what is probably the most significant recommendation for us today, recommendation 3, in which you recommended that the very first set of regulations be considered under the superaffirmative procedure. In annex G of the report that was presented to the Assembly—it has been appended to the paper—there was a set of recommendations about procedures for subsequent regulations. During the consideration of the Measure at Stage 2, various amendments were tabled and agreed, primarily to section 11 of the Measure, which I have extracted for you, and sub-section 6, which I have set out as amended. The amendments are underlined to make it easy for you to spot them.

[122] The amendments go a long way towards satisfying the recommendations in that, in virtually all instances in which the affirmative procedure was recommended, it is now to be the procedure adopted. What has not been taken forward was your recommendation concerning the very first set of regulations being made under the superaffirmative procedure. I thought that you would like the update and to be aware of the position as it now is.

[123] The Stage 3 debate will take place in May. Standing Orders provide for amendments to be tabled and considered if they are selected by the Presiding Officer at the Stage 3 debate. Today, it is up to you to decide whether you are satisfied with what has been done as regards your recommendations and how far forward they have been taken, and whether anybody wishes to consider pursuing the matter further. Maybe we could have a brief discussion as to how that might be taken forward.

9.00 a.m.



[124] **David Lloyd:** Diolch yn fawr, Joanest. A oes unrhyw gwestiynau neu sylwadau? A yw pawb yn hapus? Gwelaf eich bod.

**David Lloyd:** Thank you, Joanest. Are there any questions or comments? Is everyone happy? I see that you are.

[125] I grynhoi, yr oedd yn un o'n hargymhellion inni drafod y Mesur hwn eto ar ddiwedd Cyfnod 2 i weld beth yn union oedd wedi digwydd ers i ni graffu ar y Mesur yn ystod Cyfnod 1, yn ôl yn yr hydref. Mae'n amlwg fod pethau wedi symud ymlaen cryn dipyn a dweud y gwir, gan y bydd y rhan fwyaf o'r rheoliadau yn awr yn cael eu gwneud o dan y weithdrefn gadarnhaol.

To sum up, it was one of our recommendations that we discuss this Measure again at the end of Stage 2 to see what exactly had happened changed since we scrutinised the Measure during Stage 1, back in the autumn. It is clear that things have moved on quite substantially, in all honesty, as the majority of the regulations will now be made under the affirmative procedure.

[126] Derbyniaf y pwynt nad yw'r weithdrefn uwch-gadarnhaol wedi'i chydnabod, a bu pwyllgorau eraill yn craffu ar y mater hwn heb i un ohonynt ddod i'r un penderfyniad â ni, sef bod angen gweithdrefn uwch-gadarnhaol. Yn ei elfen, mae pawb sydd wedi bod yn craffu ar hwn, gan gynnwys aelodau'r pwyllgorau eraill, yn hapus y byddai ystyried y rheoliadau o dan y weithdrefn gadarnhaol yn lle'r weithdrefn negyddol yn golygu y byddai digon o graffu arnynt.

I accept the point that the superaffirmative procedure has not been recognised, and that other committees have scrutinised the matter with not one of them reaching the same conclusion as we did, namely that we need a superaffirmative procedure. In essence, everyone who has been examining this, including members of other committees, is happy that considering the regulations under the affirmative procedure rather than the negative procedure will mean that they are adequately scrutinised.

[127] Yr wyf yn cofio cyflwyniad gwreiddiol Joanest, yn ôl yn yr hydref, pan oedd hi'n rhannu'r sinigiaeth, efallai, ynglŷn â'r diffyg pwerau i graffu yn iawn. Yn naturiol, yn awr, y mae hi hefyd wedi'i bodloni gan y cryfhau a fu wrth graffu'r materion sydd ger ein bron. O ystyried y darlun ehangach, argymhellwn y dylwn, fel pwyllgor, fod yn fodlon o ran sut y mae'r pwyllgor Mesur wedi symud yn ei flaen. Mae wedi derbyn bron bob un o'n hargymhellion, oni bai am yr un am y weithdrefn uwch-gadarnhaol. Bu eraill yn trin a thrafod y pwynt penodol hwnnw, ac nid ydynt hwythau wedi ei dderbyn ychwaith. Wedi dweud hynny, mae'n rhydd i unrhyw Aelod gyflwyno gwelliannau, a hynny erbyn y drafodaeth ar 6 Mai yn y Cyfarfod Llawn. Dyna yr wyf yn ei argymhell ar gyfer barn y pwyllgor.

I remember Joanest's original presentation in the autumn, when she shared the cynicism, perhaps, about the lack of powers to undertake proper scrutiny. Naturally, she is also now satisfied with the strengthening seen in the scrutiny of the matters that come before us. Given the bigger picture, I recommend that we, as a committee, be satisfied with the way in which the Measure committee has moved forward. It has accepted almost all of our recommendations, apart from the one on the superaffirmative procedure. Others have discussed that particular point, and they have not accepted the need for it either. Having said that, it is open to any Member to table amendments before the debate takes place in Plenary on 6 May. That is what I recommend as regards the committee's position.

[128] **Eleanor Burnham:** Yr wyf eisiau gwybod pam y gwrthodwyd yr argymhelliad o ran y weithdrefn uwch-gadarnhaol.

**Eleanor Burnham:** I want to know why the recommendation of a superaffirmative procedure was rejected.

[129] **Ms Jackson:** Yr oedd y pwyllgor a

**Ms Jackson:** The committee that was

oedd yn craffu ar y Mesur yn ei fanylder yn ystyried y darlun ehangach na'r hyn yr oeddem ni'n ei ystyried, a daeth i'r casgliad, ar ôl iddo glywed tystiolaeth, nad oedd ei angen. Mae adroddiad y pwyllgor Mesur wedi bod gerbron y Cynulliad ac mae ar gael.

scrutinising the Measure in detail was considering a bigger picture than that which we were considering, and it came to the conclusion, after hearing evidence, that it was not needed. The report of the Measure committee has been before the Assembly and is available.

[130] **Eleanor Burnham:** Y cwestiwn olaf yw—

**Eleanor Burnham:** The last question is—

[131] **David Lloyd:** Nid hwn yw'r cwestiwn olaf un, ond parhewch am y tro.

**David Lloyd:** This is not quite the last question, but you may continue.

[132] **Eleanor Burnham:** Mae'n flin gennyf. Dyma'r cwestiwn olaf y byddaf i yn ei ofyn.

**Eleanor Burnham:** I am sorry. This is the last question that I will ask.

[133] Gwn ein bod yn mynd i'r Alban yn fuan i weld sut y maent yn delio â'r materion hyn yno, a gwn fod y sefyllfa yn wahanol yno, am fod ganddynt bwerau cryfach na ni, ond a ddefnyddir gweithdrefn uwch-gadarnhaol yn yr Alban?

I know that we are going to Scotland soon to see how such matters are dealt with there, and I know that the situation is different there, because they have stronger powers than we do, but is a superaffirmative procedure used in Scotland?

[134] **Ms Jackson:** Credaf fod rhywbeth tebyg yno, ond ni wn a ydyw, yn ei fanylder, yn union yr un peth â'r hyn yr oeddem ni yn ei ystyried yma.

**Ms Jackson:** I think that there is something similar there, but I do not know whether the detail is exactly the same as the procedure that we were considering here.

[135] **David Lloyd:** Rhan o'r broblem oedd diffinio'r weithdrefn uwch-gadarnhaol. Credaf ei bod yn golygu pethau gwahanol i bobl gwahanol.

**David Lloyd:** Part of the problem was to do with defining the superaffirmative procedure. I think that it means different things to different people.

[136] **Alun Davies:** Efallai un peth a ddaeth allan o'r drafodaeth yr ydym wedi ei chael am y Mesur hwn yw'r ffaith y dylem ddatblygu'r syniad hwnnw ar gyfer y dyfodol, ar gyfer y Mesurau gwahanol a fydd yn dod ger ein bron. Cytunaf, Gadeirydd, â'r dadansoddiad yr ydych wedi ei rannu â ni y bore yma, sef fod y Llywodraeth wedi derbyn y rhan helaeth o'n hawgrymiadau. Ar y sail honno, yr wyf yn hapus iawn i symud ymlaen, ac yr wyf yn fodlon gydag ymateb y Llywodraeth.

**Alun Davies:** Perhaps one thing that has come out of the discussion that we have had on this Measure is the fact that we should develop that idea for the future, for the different Measures that will come before us. I agree, Chair, with the analysis that you have shared with us this morning, namely that the Government has accepted the majority of our recommendations. On that basis, I am happy to move forward, and I am happy with the Government's response.

[137] **David Lloyd:** A oes unrhyw sylw arall?

**David Lloyd:** Are there any further comments?

[138] **Sandy Mewies:** May I say, Chair, that I was consistently not happy about the superaffirmative procedure in the first place? I felt that the way that it was presented was ill thought through. The position in Scotland is not quite the same as it is here. I am pleased—indeed, gratified in many ways—to see how the work has moved forward on this. It has been

interesting to get to this stage, and to see that so much of what we suggested for the affirmative procedure has been accepted. Of course, as you stated, any Member can table an amendment for 6 May, should they so wish. Therefore, I am quite content with this going forward in this way.

[139] **David Lloyd:** Diolch yn fawr i Joanest am graffu eto ar y Mesur Arfaethedig ynghylch Gwneud Iawn am Gamweddau'r GIG (Cymru) 2007. Bydd trafodaethau heddiw ar gael i weddill Aelodau'r Cynulliad ac yn rhan o'r papurau cefndirol ar gyfer y ddadl yn y Cyfarfod Llawn ar 6 Mai, gobeithio.

**David Lloyd:** Thank you to Joanest for once again scrutinising the Proposed NHS Redress (Wales) Measure 2007. This morning's discussions will be available to other Assembly Members and will be included in the background papers for the debate in Plenary on 6 May, I hope.

9.05 a.m.

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

[140] **David Lloyd:** A oes unrhyw fater arall? Nid oes gennyf unrhyw fater arall i'w drafod, a gwelaf fod pawb yn hapus.

**David Lloyd:** Is there any other business? I have no other business to discuss, and I see that everyone is content.

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

[141] **David Lloyd:** Dyddiad y cyfarfod nesaf yw 15 Ebrill, sef dydd Mawrth nesaf. Diolch yn fawr am eich presenoldeb a diolch yn fawr am y cyfieithu.

**David Lloyd:** The date of the next meeting is 15 April, which is next Tuesday. Thank you for your attendance and thank you for the translation.

*Daeth y cyfarfod i ben am 9.05 a.m.  
The meeting ended at 9.05 a.m.*