



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

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

**Dydd Mercher, 18 Tachwedd 2009
Wednesday, 18 November 2009**

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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
Michael German	Democratiaid Rhyddfrydol Cymru Welsh Liberal Democrats
William Graham	Ceidwadwyr Cymreig Welsh Conservatives
Janet Ryder	Plaid Cymru (Cadeirydd y Pwyllgor) The Party of Wales (Committee Chair)
Joyce Watson	Llafur Labour

Swyddogion Cynulliad Cenedlaethol Cymru yn bresennol
National Assembly for Wales officials in attendance

Stephen George	Clerc Clerk
Gwyn Griffiths	Uwch-gynghorydd Cyfreithiol Senior Legal Adviser
Olga Lewis	Dirprwy Glerc Deputy Clerk

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

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

[1] **Janet Ryder:** I welcome Members, officials, and members of the public to this meeting. In an emergency, ushers will indicate the nearest safe exit. Headsets are available for translation and amplification. I remind all Members and officials to switch off mobile devices completely.

[2] There are no apologies; everybody is here this morning, so we will move straight on to item 2.

9.29 a.m.

Offerynnau na Fydd y Cynulliad yn Cael ei Wahodd i Roi Sylw Arbennig iddynt o dan Reol Sefydlog Rhif 15.2; 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; Instruments Subject to Annulment Pursuant to a Resolution of the Assembly (Negative Procedure)

[3] **Janet Ryder:** In this item, we have SLC348, the Food Labelling (Declaration of Allergens) (Wales) Regulations 2009; and SLC351, the Seed Potatoes (Wales) (Amendment) Regulations 2009. Gwyn, is there anything on either of them?

[4] **Mr Griffiths:** No.

[5] **Janet Ryder:** Are Members content? I see that you are.

9.30 a.m.

Offerynnau y Bydd y Cynulliad yn Cael ei Wahodd i Roi Sylw Arbennig iddynt o dan Reol Sefydlog Rhif 15.2; 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 No. 15.3; Instruments Subject to Annulment Pursuant to a Resolution of the Assembly (Negative Procedure)

[6] **Janet Ryder:** Under this item, we have SLC350, and Members will remember that we looked at this last week. Gwyn, would you like to refresh our memory on this?

[7] **Mr Griffiths:** Fel y crybwyllais yn y cyfarfod anffurfiol yr wythnos diwethaf, mae'r rheoliadau hyn yn cywiro'r prif reoliadau, ond, yn anffodus, mae'r cywiriad yn anghywir oherwydd gwall teipograffyddol. Felly, er ein bod yn tynnu sylw ato fel gwall, argymhellaf ei bod yn briodol i'w gywiro wrth gyhoeddi.

Mr Griffiths: As I mentioned in the informal meeting last week, these regulations correct the main regulations, but, unfortunately, the correction is incorrect because of a typographical error. Therefore, although we are drawing attention to this error, I recommend that it is appropriate to correct it as it is published.

[8] **Janet Ryder:** Members were content with that last week. Are Members still content with that? I see that they are. That completes the pieces of legislation.

9.30 a.m.

Gohebiaeth y Pwyllgor—Llythyr gan Gadeirydd Pwyllgor Deddfwriaeth Rhif 5 ynglŷn â'r Broses o Graffu ar y Gorchymyn Cymhwysedd Deddfwriaethol
Committee Correspondence—Letter from the Chair of Legislation Committee No. 5 regarding the Process of the LCO Scrutiny

[9] **Janet Ryder:** Members will see that we have a number of responses from various Ministers to deal with. First of all, we have a letter from the Chair of Legislation Committee No. 5 about the process of legislative competence Order scrutiny. You will remember that the Chair of the legislation committee brought this to our attention via the debate on the draft Welsh language LCO and asked this committee to look at it. Since then, we have received this letter, in which he raises two issues. One is to do with the draft Order on the Welsh language and concern relating to the inclusion of the provision that

[10] 'qualifies the legislative competence of the Assembly'

[11] and sets a

[12] 'constitutional precedent for the drafting of Orders, where the Assembly is only granted powers on condition that a future Measure includes certain specified provisions.'

[13] Legislation Committee No. 5 believes that

[14] 'it may set a significant precedent to the Governments' approach to the drafting of Matters in Schedule 5 and therefore warrants further consideration.'

[15] Can we take these two items separately and deal with this one first? Do Members have any observations on this?

[16] **Michael German:** May I ask a question? We have two, maybe three, ongoing reviews of the legislative process. This is an issue of precedent and it strikes me that it may fit into one of our reviews.

[17] **Janet Ryder:** I have looked at this and discussed it with Gwyn and the clerk, and it seems to fit into our review of Schedule 5, because this seems to be a different way of placing a restriction. It is not telling the Assembly what powers it can have, but telling the Assembly how it can use those powers, which is a different avenue altogether. We would be able to review this along with the review of exceptions and look at the whole gambit of options, if Members are satisfied with that.

[18] **Alun Davies:** I very much agree with and support that. It is a terrible precedent to set and runs entirely contrary to the reassurances that the Secretary of State gave to Parliament in 2005 when this legislation was being framed. So, we should investigate this as a matter of some urgency.

[19] **Janet Ryder:** Yes. It mentions in the letter that there is a concern that things would be ultra vires if legislation were formed in this way. I see that you are content, therefore we will include that in our review, which will probably start in the new year, given that we have asked for evidence by 30 December. We will then be able to call witnesses forward and be ready to start taking evidence in the new term. Olga has reminded me that, as part of that review, we will invite Mark Isherwood to come and give evidence on this, if Members are satisfied with that.

[20] **Alun Davies:** I look forward to cross-examining Mark Isherwood.

[21] **Janet Ryder:** We will leave him to the kind and tender mercies of the committee when he comes to give evidence.

[22] This letter raises another issue that is also concerning, which is to do with the Proposed Social Care Charges (Wales) Measure and legislative competence. It is an issue that this committee has picked up on a number of occasions, and it would seem to indicate two things. It highlights the need for co-ordination between work that is done here and work that is done in Westminster, and for communication. It also underlines the importance of timetabling, which will be a very difficult issue to deal with. Do Members have any thoughts on that aspect?

[23] **Michael German:** On the last sentence of paragraph 4.9 of that committee's report, the Welsh Affairs Committee, as I understand it, is now doing a review of the relationship between civil servants. I am not sure whether it is looking at the relationship between civil servants in the Welsh Government and Whitehall or between civil servants across the board. It strikes me that there is a very big issue here. Most of the problems that we are identifying come from the issue raised in that sentence. So, perhaps it would be worth exploring whether there is any role that we could play in that investigation. The advantage that the Welsh Affairs Committee has is that it can call Whitehall civil servants to committee, while we can only ask. Some form of exploration that puts us both together on this matter might be helpful.

[24] **Janet Ryder:** When we talked about this initially, you may remember that we said that I should seek a meeting with the Chair of that committee about this review to discuss how it was approaching it, to ask whether it would allow us to see the evidence that it was gathering, and to inform it of our review because it might have an impact on what it is doing, and the evidence that we gather may be of use to it as well. We have made inquiries as to whether we could invite people from Westminster to give us evidence. Gwyn, do you wish to add anything on that?

[25] **Mr Griffiths:** Yes. The First Parliamentary Counsel has agreed to come to give evidence to the committee, and we are in the process of finalising arrangements for that. That will give us an opportunity to address these issues, at least from a drafting perspective, although not in relation to the policy issues behind this.

[26] **Janet Ryder:** So, we can push ahead with a meeting between the Chair of that committee and me.

[27] **Michael German:** In an ideal world, we would hold a joint evidence session. I do not know whether that is possible technically within the timeframe. We have tried it before, but it just does not seem to work out.

[28] **Janet Ryder:** If I have a meeting with the Chair of the committee to discuss how it is approaching matters, we can see what is possible.

[29] **Alun Davies:** I think that you are right to follow that course of action, Chair. I also want to support the proposal that Mike made. In many ways, this issue goes right to the heart of all the issues arising from the current devolution settlement. I was a member of both these committees, and so I lived through these particular nightmares. We have all experienced and seen these difficulties, and the Permanent Secretary, Dame Gill Morgan, referred to them yesterday as well. It is an important subject for us to redress. Clearly, the Welsh Affairs Select Committee has precedence in addressing UK departments, but it would be useful if we could talk to it formally as a committee. It would be very useful for us all if we were able to hold at least one joint session.

[30] **Janet Ryder:** We will certainly put that to the committee. We will see how we go on that.

[31] **Michael German:** It is very brave of Gill Morgan to say that on the record—and it is now in a published document. It would be useful from our end to be able to offer the view of the most senior civil servant in Wales, from the Welsh Assembly Government. Although it cannot compel her to appear before them, we can compel her to appear before us.

[32] **Janet Ryder:** We will certainly explore every avenue on this one. [*Laughter.*]

[33] **Mr George:** I do not think that we can compel her, but we can certainly ask her.

[34] **Michael German:** You know what I mean. Well, we could actually.

[35] **Janet Ryder:** Are there any other points that Members want to raise arising from the letter from the Chair of Legislation Committee No. 5? I see that there are none.

9.40 a.m.

**Ymateb Dr Brian Gibbons AC, y Gweinidog dros Gyfiawnder Cymdeithasol a
Llywodraeth Leol, i Adroddiad y Pwyllgor Is-ddeddfwriaeth ar y Mesur
Cydraddoldeb
Response of the Minister for Social Justice and Local Government, Dr Brian
Gibbons AM, to the Subordinate Legislation Committee Report on the Equality
Bill**

[36] **Janet Ryder:** We now come to the response of the Minister for Social Justice and Local Government, Dr Brian Gibbons, to our report on the Equality Bill. This was another

Bill that overlapped a number of areas going on here. We took evidence from the Minister, we have drawn up our report, and we now have the Minister's response. Do Members have any thoughts on this? Gwyn, could you bring us up to date on the current status of this Bill?

[37] **Mr Griffiths:** Nid oes symudiad wedi bod ar y Mesur hwn ers mis Gorffennaf, ond derbyniwyd cynnig ym mis Mai a oedd yn caniatáu i'r Llywodraeth gario'r Mesur Seneddol hwn ymlaen i'r sesiwn seneddol newydd, fel bod modd parhau â'r drafodaeth am y Mesur yn ystod y cyfnod tan yr etholiad cyffredinol.

Mr Griffiths: There has been no movement on this Bill since July, but a motion was carried in May permitting the Government to carry the Bill forward to the new parliamentary session, so that the discussion on the Bill could continue between now and the general election.

[38] **Michael German:** I am very disappointed with the Minister's response. In essence, he says 'No, no, no' to each of our recommendations. I think that our recommendations were measured and sought to improve both the quality of Welsh legislation and the way in which Bills are dealt with. However, there does not appear to be any willingness from the Minister to engage in the crucial issues that ensure that we get appropriate powers in the most appropriate manner through Government Bills. We do not have the ability to take it to Plenary to discuss it, so I do not know where we can take it now. Is there any avenue open to us?

[39] **Janet Ryder:** I can suggest that we write back to the Minister. I agree that some of his responses are rather disappointing, and I do not feel that we have had a clear explanation of why he is taking this stance. So, I suggest that we write back to him, particularly with reference to his response to recommendation 3 on the clauses about who should make the decisions—Ministers of the Assembly or Ministers of the Crown. I feel that he has not quite understood the gist of our recommendation.

[40] **Michael German:** He has not answered the questions. The recommendations are quite clear and specific, but we have not received answers to the questions about the Ministers of the Crown being consulted, rather than consenting, or on the superaffirmative procedure in recommendation 2.

[41] **Janet Ryder:** His response also states that

[42] 'At such time as those regulations are made, we will consider what further amendments may be appropriate under clause 2(7) to ensure that the duty is complied with appropriately by such authorities in Wales'.

[43] As an initial response, we need to write to him and ask him to clarify his intention on that. That is a very ambiguous and open-ended statement, so, for clarity, we need to write back to ask him to provide us with further detail and clarification on how he intends to use that power.

[44] **Michael German:** Could we also ask him to respond to recommendation 2 on the superaffirmative procedure, which he has not responded to?

[45] **Janet Ryder:** Yes, we certainly can.

[46] **Alun Davies:** I do not have a problem with us writing back to the Minister, as that is perfectly reasonable, to ask him for further explanations of his and the Government's position on this Bill. I agree that some of his responses to the recommendations are written in such a way that they do not answer the issues raised in the recommendations. They simply restate the Government's approach, which is a different issue. I am content for us to write to him to ask him to clarify those issues. At the end of the day, the Government has a right to its business.

We have the right to comment, report and influence, but we cannot compel, and while it is a disappointing response, our powers are somewhat limited here. At the end of the day, the Government has been working on this piece of legislation for some time, and if it reaches conclusions that are different to ours, that is its right and we must accept that, frustrating though it may be.

[47] **Janet Ryder:** I do not think that anyone is saying anything to the contrary, as everyone accepts that the Government has the right to get its business through. However, it also has a duty to be open with the people of Wales, to whom it is responsible and accountable. It is the duty of this committee to inquire further about how the Government intends to use those powers. Given the response that we have had to this, I think that there are legitimate grounds for us to respond. Nothing that we ask will prevent the Government from having its will and getting this piece of legislation through. However, with this piece of work, we could push the Government further towards being accountable to the people who elected it, and that is a valid role for this committee to play.

[48] **Alun Davies:** That also happens at Westminster, and this is UK legislation after all, so our abilities to influence it are more limited than they would be in normal circumstances. I accept that, and I do not disagree with you, Janet, but I just want to register a note of realism, possibly, rather than caution, from my perspective about our ability to prosecute our case in this instance. That is simply because our place in the legislative process would not enable us to assist or block the legislation even when we believe that it is weak.

[49] **Janet Ryder:** Has this Bill been to Plenary for debate? I am not sure whether it has been through a Plenary debate. The Minister's response to it has certainly been through the Committee on Equality of Opportunity for scrutiny.

[50] **Michael German:** Does it have to go to Plenary?

[51] **Mr Griffiths:** There is no requirement for it to go to Plenary, no.

[52] **Janet Ryder:** I presume that the Committee on Equality of Opportunity will lay a committee report in response, and so there may be an opportunity to question the Minister as a part of that. The issue is the nature of the responses. If you bear in mind the nature of the response in that letter and those in the next series of letters, you can see that there is a trend and a pattern developing, which warrants further investigation.

9.47 a.m.

Ymateb Jane Davidson AC, y Gweinidog dros yr Amgylchedd, Cynaliadwyedd a Thai, i Adroddiad y Pwyllgor Is-ddeddfwriaeth ar y Mesur Morol a Mynediad i'r Arfordir
Response of the Minister for Environment, Sustainability and Housing, Jane Davidson AM, to the Subordinate Legislation Committee Report on the Marine and Coastal Access Bill

[53] **Janet Ryder:** If you remember, we invited Jane Davidson and Elin Jones to give evidence on this report. We laid the report on 30 September. This is the Minister for environment's response. Do Members have any comments to make on the response that we have had from the Minister on this?

[54] **Michael German:** On recommendation 1, the letter from Jane Davidson on 9 November makes much more explicit what is becoming clear about the current Government's policy, namely that it asks for framework powers only for those areas in which it intends to

seek Measures. In other words, it takes the powers when it thinks it appropriate. That is a policy decision with which I do not agree, but it is one that the Government is perfectly able to take, to follow Alun's pattern. I do not think that it is appropriate but there we are.

[55] There are also issues in the further recommendations that we need to follow up. On the recommendation about the definition of the boundaries of Wales, which has always been very confusing, I read into the response to that that the Government is considering what emerged from the legislative scrutiny. As you know, I chaired the committee that considered the proposed LCO on the environment, and the issue was raised by this committee. I know that it was raised by the Welsh Affairs Committee, and I suspect that the Assembly Government is now considering what to do. That is a matter that we can follow through because there has been concern at various different levels.

9.50 a.m.

[56] The response to recommendation 4 is the one that worries me, because it does not answer our recommendation. It does not give us the scrutiny levels that we were expecting of a piece of legislation. Given that we are the legislature, we want to have some procedure, which is what the committee recommended, so that, if Members wanted, we could have a debate on a piece of legislation that is being done in our name. That was more worrying. I am glad that you have accepted that clear language will be possible, but recommendation 4 is of immediate concern. Recommendation 2 can be followed up and we may see something with regard to recommendation 3 at some stage in the future.

[57] **Janet Ryder:** Gwyn has been looking at recommendation 4, particularly in relation to the Harbours Act 1964, so he may have something further that he would like to add at this point.

[58] **Mr Griffiths:** Mae dau beth yn codi. Yn gyntaf, cafodd y Mesur seneddol hwn Gydsyniad Brenhinol yr wythnos diwethaf, felly nid oes cyfle pellach i'w ddiwygio. Wedi dweud hynny, yr wyf wedi edrych ar bapurau Pwyllgor Pwerau Dirprwyedig a Diwygio Rheoleiddio Tŷ'r Arglwyddi i weld a oedd wedi rhoi ystyriaeth i'r materion yn argymhelliaid 4; nid yw wedi talu unrhyw sylw iddynt. Dywedodd y Llywodraeth ei fod yn gynsail, ond cynsail San Steffan yw hwn, a mater i'r lle hwn yw ei ddefnyddio i ddibenion y Cynulliad ai peidio.

Mr Griffiths: Two issues arise. First, this Bill received Royal Assent last week, so there are no further opportunities to amend it. Having said that, I have looked at the papers of the House of Lords Delegated Powers and Regulatory Reform Committee to see whether it gave consideration to the issues in recommendation 4; it has not considered them. The Government said that it is a precedent, but it is a Westminster precedent, and it is a matter for this place whether or not to use it for the purposes of the Assembly.

[59] **Janet Ryder:** That brings that issue to a close. One thing that I was concerned about was the response to recommendation 3, where it says that the committee recommended that a duty to consult such persons as a Welsh Minister considered appropriate is added to section 63. Gwyn, you were going to look at the Minister's response in committee to recommendation 3.

[60] **Mr Griffiths:** Yn ôl cofnod y pwyllgor ar 13 Gorffennaf, wrth ymateb i'r union bwynt hwn, dywedodd y Gweinidog:

Mr Griffiths: According to the committee transcript from 13 July, in response to that exact point, the Minister said:

[61] 'This is a very good point; we also think that this may have been an oversight, so it is very helpful that it has been identified. It would always be our intention to consult, but it is important in this context that the duty is reflected in the same way.'

[62] **Janet Ryder:** That does not seem to be in line with the response that we have had. What concerns me about this response, and we have seen this a number of times, is that it says that the Government would, in the spirit of open Government, seek to consult those affected. No-one questions that this Government would seek to consult, but the point that this committee has made on a number of occasions is that this Government may not always be the Government, and the legislation will stand much longer than the Government. Therefore, there is a sense sometimes that the Government is forming legislation for itself and not for the body as a whole, if you like. It must form legislation that it feels comfortable working with, but it must accept that it may not always be working that piece of legislation. On that point in particular, and on a couple of other occasions, we have had a similar response, where we have asked for things to be added in and the response has been 'Well, that is actually what we mean and we will always do that, so we do not need to write it into the legislation'. That is fine as long as that Minister is there, but we need to draw those issues out and write to the Counsel General and ask for his considered views on this matter.

[63] **Joyce Watson:** I agree that, while it is the good faith of this Government that we rely on—it demonstrates in this particular case that it will see that through—there is a danger around this recommendation 3 that, if the Government of the day changes, or even in some cases, the person changes, and he or she are not so agreed to consult, they could do anything without anyone knowing. It would be done and dusted and we would have to live with it. On this particular recommendation, I support the suggestion that you pursue other avenues, Chair.

[64] **Janet Ryder:** Thank you. Would any other Members like to comment on that?

[65] **Michael German:** We ought to write to Jane Davidson to point out the variation between this response and the response that she gave the committee.

[66] **Janet Ryder:** We could write to her to ask for clarification.

[67] **Alun Davies:** We should do that. We should also write to the Counsel General to point this out to him, because it is bad legislation.

[68] **Janet Ryder:** It is; there is concern. If there is nothing else to be considered with regard to that piece of legislation, we will move on.

9.55 a.m.

**Ymateb y Gweinidog dros Iechyd a Gwasanaethau Cymdeithasol i Lythyr y
Cadeirydd ynglŷn â SLC312—Rheoliadau'r Gwasanaeth Iechyd Gwladol
(Contractau Gwasanaethau Meddygol Cyffredinol) (Rhagnodi Cyffuriau Etc.)
(Cymru) (Diwygio) 2009**

**Response from the Minister for Health and Social Services to the Chair's Letter
regarding SLC312—The National Health Service (General Medical Services
Contracts) (Prescription of Drugs Etc) (Wales) (Amendment) Regulations 2009**

[69] **Janet Ryder:** This legislation was done very quickly to meet the demand for the swine flu vaccine. No-one quibbled that this had to be put through as an emergency procedure. However, a point has been raised regarding the way in which we treat the translation of emergency regulations. If the regulations are lengthy, people would appreciate that there would be a delay in the translation coming forward. These regulations were extremely brief; I think that they were around 50 words. Is that right, Gwyn?

[70] **Mr Griffiths:** They were around 550 words long.

[71] **Janet Ryder:** That is not a great deal to be translated. The Minister has responded by saying that the Government needs to get emergency regulations like this through—and no-one is quibbling with that—and that, because of the timescale, it had to go quickly. Therefore, its response is that the regulations would remain in English only. It is an issue that is worthy of further consideration, perhaps not at this point, but we have said that we will look at the way in which Welsh is dealt with in legislation: how Welsh is dealt with as a legal language and how Welsh is dealt with in translations. If Members are content, we will return to this issue when we look at all of those matters together. I see that you are content to do so.

9.56 a.m.

Ymateb Dr Brian Gibbons AC, y Gweinidog dros Gyfiawnder Cymdeithasol a Llywodraeth Leol i Adroddiad y Pwyllgor Is-ddeddfwriaeth ar Fesur Seneddol Llywodraeth y DU ynghylch Tlodi Plant
Response of the Minister for Social Justice and Local Government Dr Brian Gibbons AM to the Subordinate Legislation Committee Report on the UK Government Child Poverty Bill

[72] **Janet Ryder:** We will now discuss the response provided by Dr Brian Gibbons to our report on the UK Child Poverty Bill.

[73] **Michael German:** Is this the new Child Poverty Bill that will be announced today, or the old one that will be stored in a cupboard somewhere?

[74] **Janet Ryder:** It was whichever Child Poverty Bill that we saw. Gwyn, do you have anything to add on this?

<p>[75] Mr Griffiths: Gallaf gadarnhau bod y Mesur seneddol hwn newydd gwblhau Cam Pwyllgor yn Nhŷ'r Cyffredin, sef y tŷ cyntaf i ystyried hwn. Unwaith eto, mae cynnig wedi'i basio i gario'r Mesur ymlaen i dymor newydd y Senedd. Felly, bydd hwn yn cael ei drafod rhwng hyn a'r etholiad cyffredinol.</p>	<p>Mr Griffiths: I can confirm that this parliamentary Bill has just completed its Committee Stage in the House of Commons, which is the first house to consider it. Once again, a motion has been passed to carry the Bill forward into the new term of Parliament. Therefore, this will be discussed between now and the general election.</p>
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[76] **Janet Ryder:** The point that we raised related to the age definition of a child. It is a short response and it is possibly one of the most positive responses that we have had to the recommendations that we have made. If Members are content to accept that, we will move on to the next item.

9.58 a.m.

Côd Asesiad Effaith Rheoleiddiol ar gyfer Is-ddeddfwriaeth—Cymhariaeth â Gweinyddiaethau Eraill
Regulatory Impact Assessment Code for Subordinate Legislation—Comparison with Other Administrations

[77] **Janet Ryder:** This is something that Members asked for. You will remember that, last week, we looked at the regulatory impact assessment code for subordinate legislation. The Government has brought forward guidelines on this. It is not compelled to bring forward these guidelines, but it has done so. We gave them some initial consideration and we asked for comparisons to be drawn between the guidelines that our Government has brought

forward and the guidelines in Scotland and Northern Ireland. Gwyn, are you going to comment on this?

[78] **Mr Griffiths:** Yr wyf wedi paratoi nodyn cymharol fyr ynglŷn â'r materion hyn. Fel y gwelwch, mae sefydliadau datganoledig wedi delio â'r mater hwn mewn tair ffordd wahanol. Mae amrywiaeth sylweddol. Mae'r Alban yn cyfeirio at gyngor Swyddfa'r Cabinet yn Llundain. Yng Ngogledd Iwerddon, maent wedi cynnwys popeth mewn canllawiau maith.

Mr Griffiths: I have prepared a relatively short note on these matters. As you will see, the devolved institutions have dealt with this matter in three different ways. There is considerable variation. Scotland refers to the advice of the Cabinet Office in London. In Northern Ireland, they have included everything in comprehensive guidelines.

10.00 a.m.

[79] Yma, mae gennym gyngor mwy cryno. Mae'n ymddangos fod y cyngor hwnnw yn delio â phob mater y mae angen delio ag ef yn yr asesiad hwn, felly awgrymaf i'r pwyllgor gadw hwn dan sylw yn hytrach na chymryd cam pellach ar hyn o bryd.

Here, we have more succinct advice. That advice seems to deal with every matter that needs to be dealt with in this assessment, so I suggest that the committee keeps this under observation rather than take further action at this time.

[80] **Janet Ryder:** There seems to be quite a wide spectrum here. You have the Scottish system, which seems extremely short and perhaps a little difficult to locate and follow; you have the Northern Ireland system, which is very complex and wordy; and then you have our system. It is like the three bears' porridge, really—perhaps we have something that is just about on the mark. We may want to write back to say that we have looked at the other two legislatures and we think that, by comparison, we may have got the balance right, but that we will observe it to see how it works out in the future. Do Members have any further or other comments to make? I see that you do not. Are Members content with that? I see that you are.

[81] That brings us to the end of today's business. The date of the next meeting is 25 November. We do not yet know where that meeting will be held. I thank Members for attending and declare the meeting officially closed.

*Daeth y cyfarfod i ben am 10.01 a.m.
The meeting ended at 10.01 a.m.*