



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

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

**Dydd Mercher, 9 Rhagfyr 2009
Wednesday, 9 December 2009**

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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

Alun Davies	Llafur Labour
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
Lisa Salkeld	Cynghorydd Cyfreithiol Cynorthwyol Assistant Legal Adviser

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 the meeting. In an emergency, the ushers will indicate the nearest safe exit. We are not expecting a fire alarm drill, so if something happens, please follow the instructions of the ushers. Headsets are available. I remind Members to switch off all mobile devices completely. We have received apologies from Mike German this morning; unfortunately, he is not well.

9.30 a.m.

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

[2] **Janet Ryder:** The first instrument to be considered is SLC356, the Welsh Health Specialised Services Committee (Wales) Regulations 2009. There is one thing to note on these. Steve, are you going to comment on that?

[3] **Mr George:** In Part 2, 'Membership of the joint committee', paragraph 3(1) says:

[4] 'The members of the joint committee consist of the chief executives'

[5] and various other things. In the explanatory memorandum, it says that consultees also wanted deputies to chief executives to be members of the joint committee. The explanatory memorandum says that that can be dealt with through some sort of agreement. However, the legislation as drafted does not seem to allow for that. So, there seems to be a contradiction between the explanatory memorandum and the regulations as drafted. Perhaps we should query that with the Minister.

[6] **Janet Ryder:** If Members are content, and unless there is anything else on that instrument, we will write to the Minister asking for clarification on that. We will pass that piece.

[7] We will now move on to SLC357, the Materials and Articles in Contact with Food (Wales) (Amendment) Regulations 2009. Again, there is a point to raise on this, Steve.

[8] **Mr George:** In the explanatory note to the instrument, it says:

[9] ‘A regulatory impact assessment has been prepared as to the likely costs and benefits of complying with these Regulations. A copy can be obtained from the Food Standards Agency’.

[10] However, the explanatory memorandum says:

[11] ‘The Agency has not produced a Regulatory Impact Assessment (RIA) as the proposed legislation imposes no significant impact on Wales’.

[12] Clearly, both statements cannot be true. That does not affect the legislation, but it is something that we should, perhaps, query with the Minister in correspondence.

[13] **Janet Ryder:** Again, if Members are content, we will write to the Minister and seek clarification on that. I take it that, apart from that, Members are content with that piece of legislation. What about SLC359, the Plant Health (Import Inspection Fees) (Wales) (Amendment) (No.2) Regulations 2009?

[14] **Mr Griffiths:** Does dim byd i’w **Mr Griffiths:** There is nothing to add. ychwanegu.

[15] **Janet Ryder:** Dim byd. A yw pawb **Janet Ryder:** Nothing. Is everyone content? yn hapus?

[16] I see that they are. Is there anything on SLC360, the Non-Domestic Rating Contributions (Wales) (Amendment) Regulations 2009?

[17] **Mr Griffiths:** Nac oes. **Mr Griffiths:** No.

[18] **Janet Ryder:** Mae pawb yn hapus. **Janet Ryder:** Everyone is content.

[19] Is there anything on SLC361, the Staffing of Maintained Schools (Wales) (Amendment No. 2) Regulations 2009?

[20] **Mr Griffiths:** Nac oes. **Mr Griffiths:** No.

[21] **Janet Ryder:** Mae pawb yn hapus. **Janet Ryder:** Everyone is content.

9.32 a.m.

Offerynnau y Bydd 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 in Respect of which the Assembly is Invited to Pay Special Attention under Standing Order No. 15.2 and Instruments Subject to Annulment Pursuant to a Resolution of the Assembly (Negative Procedure)

[22] **Janet Ryder:** We have SLC358, the Common Agricultural Policy Single Payment and Support Schemes (Wales) (Amendment) Regulations 2009.

[23] **Mr Griffiths:** Mae'r rheoliadau hyn wedi cael eu gwneud yn Saesneg yn unig am y rhesymau a nodwyd gan y Gweinidog: mae'r rhain yn diwygio rheoliadau a wnaed yn Saesneg yn unig beth bynnag. Felly, pe bai'r rhain wedi eu gwneud yn ddwyieithog, byddai sylwedd y ddeddfwriaeth yn parhau i fod yn Saesneg a'r Gymraeg yn gwneud dim ond dweud, 'Ym mharagraff x, mewnosoder' ac yn y blaen. Fel y gwelwch o ymateb y Llywodraeth, mae'n bwriadu ail-wneud y prif reoliadau'n ddwyieithog yn ystod y flwyddyn nesaf. Credaf mai dyna'r ateb gorau y gallem fod wedi ei gael i'r cwestiwn.

Mr Griffiths: These regulations have been made in English only for the reasons noted by the Minister: these are to amend regulations that were made in English only anyway. So, if these were made bilingually, the substance of the legislation would continue to be in English and the Welsh would just say, 'In paragraph x, insert' and so on. As you see from the Government's response, it intends to remake the main regulations bilingually during the coming year. I think that that is the best answer that we could have received to that question.

[24] **Janet Ryder:** Is everyone content with that? I think that the translation of pieces of legislation might be an issue that we will pick up in the review that we will start in the new year. As Members are content, we will move on.

9.33 a.m.

Mesur Seneddol ynghylch Rheoli Llifogydd a Dŵr
Flood and Water Management Bill

[25] **Janet Ryder:** The Bill was published in April 2009 and in November 2009 the Bill was introduced to the House of Commons. There have been significant changes to it. You have had a briefing on the Bill. Do Members have anything that they would like to raise on this issue? William, is there something that you would like to ask?

[26] **William Graham:** I just wondered if we might have clarification on some of the points. It might be helpful if the Minister attended committee. It is a very complicated Bill and it has major implications for Wales in many ways.

[27] **Janet Ryder:** If Members are content, we could do two things: we could write to the Minister to ask for a briefing on this and, because this will have implications for Wales, we could invite the Minister in to answer our questions on this in the new year. Are Members content with that way forward? I see that they are.

9.34 a.m.

Gohebiaeth Pwyllgor
Committee Correspondence

[28] **Janet Ryder:** If you remember, we wrote about the hazardous waste regulations

regarding the Environment Agency using the regulations set in England, because the regulations had not been set in Wales. The Minister's response is before you. Do Members have any comments? I see that no-one does. Gwyn, is there anything to add on this?

[29] **Mr Griffiths:** Mae'r ymateb yn ddiddorol. Mae'r paragraff olaf yn awgrymu bod Asiantaeth yr Amgylchedd wedi penderfynu delio gyda'r mater yn y ffordd hwn wedi i swyddogion y Gweinidog ddweud mai diwygiadau arfaethedig oeddynt mewn perthynas â Chymru, yn hytrach na rhywbeth pendant. Nid yw'n glir os dywedodd y swyddogion wrth yr asiantaeth na ddylai wneud hynny, neu eu bod yn fodlon fod yr asiantaeth yn dilyn y broses hon. Byddai'n ddiddorol i'r pwyllgor gael sgwrs rhywbryd ynglŷn â rôl asiantaethau o'r fath. Yr ydym wedi gweld rôl yr Asiantaeth Safonau Bwyd mewn perthynas â rheoliadau eraill o ran cyfieithu labeli, er enghraifft. Mae'n amlwg bod pwynt diddorol am y berthynas rhwng yr asiantaethau hyn â Gweinidogion a'u hatebolrwydd i'r Cynulliad.

Mr Griffiths: The response is interesting. The final paragraph suggests that the Environment Agency decided to deal with the issue in this way after the Minister's officials said that they were proposed revisions in relation to Wales, rather than something concrete. It is not clear as to whether officials told the agency that it should not do that, or that they were content that the agency was following that process. It would be interesting for the committee to have a discussion sometime about the role of such agencies. We have seen the role that the Food Standards Agency played in relation to other regulations with regard to the translation of labels, for example. There is obviously an interesting point about the relationship between these agencies and Ministers and their accountability to the Assembly.

[30] **Janet Ryder:** Unless Members have anything further to add, I do not think that there is much more that we can say about this particular piece of legislation. The role of agencies such as the Environment Agency and the Food Standards Agency, as we saw with the issues around bottled mineral water, is something that we may be able to pick up on in the review. If not, we can look at the role that they play in setting regulations and how that relates to ministerial jurisdiction.

[31] **Joyce Watson:** We need to be clear about what this means for the handling of hazardous waste in Wales. It is an issue that would exercise most people, especially if they had to receive or had to deal with hazardous waste that they did not want. We need to look at this in the way that you described.

[32] **Janet Ryder:** There does seem to be an issue here. I think that the explanatory memorandum highlighted the fact that there may be implications for business from a delay in regulations coming forward. The Environment Agency adopted the stance taken in England while the regulations were still being developed in Wales. That is an interesting situation, given that we have a devolved Government. It is an issue that we need to look at very carefully, so we will return to it in the new year. If Members are content, we will accept the Minister's response as it is. I see that you are.

9.38 a.m.

Unrhyw Fater Arall Any Other Business

[33] **Janet Ryder:** At our meeting on 25 November, we discussed the regulations resulting from Measures. One of the action points was to clarify the timescale for the publication of the travel behaviour code that Ministers are required to make under section 12 of the Learner Travel (Wales) Measure 2008. We were going to write to the Minister about it, but the travel behaviour code was published on 3 December. We sought clarification on that,

and it has been published, although it did not appear in the list that we had. Are Members content, therefore? I see that you are.

9.39 a.m.

Dyddiad y Cyfarfod Nesaf
Date of the Next Meeting

[34] That brings us to the end of today's business. That just leaves me to say, *Nadolig Llawen a blwyddyn newydd dda i chi gyd*—a Happy Christmas and new year to you all. We will see you all again on 14 January 2010. Thank you very much for attending.

Daeth y cyfarfod i ben am 9.39 a.m.
The meeting ended at 9.39 a.m.