



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

**Y Pwyllgor Materion Cyfansoddiadol  
The Constitutional Affairs Committee**

**Dydd Iau, 27 Ionawr 2010  
Thursday, 27 January 2010**

## Cynnwys Contents

- 3 Cyflwyniad, Ymddiheuriadau, Dirprwyon a Datgan Buddiannau  
Introduction, Apologies, Substitutions and Declarations of Interest
- 3 Offerynnau na fydd y Cynulliad yn cael ei wahodd i roi sylw arbennig iddynt o dan Reolau Sefydlog 15.2 a 15.3 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 15.2 and 15.3 and Instruments subject to annulment pursuant to a resolution of the Assembly (Negative Procedure)
- 4 Offerynnau y caiff y Cynulliad ei wahodd i roi sylw arbennig iddynt o dan Reolau Sefydlog 15.2 a/neu 15.3, 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 Orders 15.2 and/or 15.3, Instruments subject to annulment pursuant to a resolution of the Assembly (Negative Procedure)
- 5 Unrhyw Fusnes Arall  
Any Other Business
- 5 Dyddiad y Cyfarfod Nesaf  
Date of the Next Meeting
- 5 Cynnig Trefniadol  
Procedural Motion

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
Rhodri Morgan	Llafur Labour
Janet Ryder	Plaid Cymru (Cadeirydd y Pwyllgor) The Party of Wales (Committee Chair)

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

Stephen George	Clerc Clerk
Gareth Howells	Cynghorydd Cyfreithiol Legal Adviser
Olga Lewis	Dirprwy Glerc Deputy Clerk
Bethan Roberts	Cynghorydd Cyfreithiol Legal Adviser

*Dechreuodd y cyfarfod am 9.30 a.m.*  
*The meeting began at 9.30 a.m.*

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

[1] **Janet Ryder:** Good morning and welcome, everyone, including Members and members of the public, to the committee. In an emergency, ushers will indicate the nearest safe exit. Headsets are available for translation and amplification. I remind Members to switch off their mobiles completely. For interpretation, please use channel 1 on the headsets and channel 0 for amplification. We have received no apologies, so we will start.

9.31 a.m.

**Offerynnau na fydd y Cynulliad yn cael ei wahodd i roi sylw arbennig iddynt o dan Reolau Sefydlog 15.2 a 15.3 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 15.2 and 15.3 and Instruments subject to annulment pursuant to a resolution of the Assembly (Negative Procedure)**

[2] **Janet Ryder:** We have some pieces of legislation to deal with. We will start with CA520, the M4 Motorway (West of Junction 23A (Magor) to East of Junction 29 (Castleton)) (Variable Speed Limits) Regulations 2011. Gareth, would you care to comment?

[3] **Mr Howells:** Diolch, Gadeirydd. Mae'r rheoliadau hyn yn gosod terfynau cyflymder amrywiadwy ar yr M4 rhwng cyffordd 23 a 29. Bydd y rhain yn disodli'r terfyn dros dro o 50 milltir yr awr, ac nid oes  
**Mr Howells:** Thank you, Chair. These regulations place variable speed limits on the M4 between junctions 23 and 29. These will replace the temporary speed limit of 50 mph, and there are no reporting points.

pwyntiau i'w hadrodd.

[4] **Janet Ryder:** Diolch. A oes unrhyw gwestiynau? **Janet Ryder:** Thank you. Are there any questions?

[5] I see that everyone is content with that. In that case, we will move on to CA521, the Education (Local Curriculum for Students Aged 16 to 18) (Wales) Regulations 2011. Bethan, would you care to comment?

[6] **Ms Roberts:** Diolch, Gadeirydd. Mae'r Ddeddf Dysgu a Sgiliau 2000, fel y'i diwygiwyd gan Fesur Dysgu a Sgiliau (Cymru) 2009, yn galluogi Gweinidogion i wneud rheoliadau er mwyn gwneud darpariaeth, yn gyntaf, ynglŷn â'r dewisiadau y caiff myfyrwyr eu gwneud o ran cyrsiau sy'n dod o dan y cwricwlwm lleol; yn ail, ynglŷn â phenderfyniad pennaeth yr ysgol neu'r sefydliad o ran hawlogaeth; yn drydydd, ynglŷn â dyfarniad yr ysgol neu sefydliad sy'n berthnasol i'r disgybl; ac, yn olaf, ynglŷn â phenderfyniad pennaeth yr ysgol neu'r sefydliad i ddileu hawlogaeth. Nid oes pwyntiau i'w hadrodd. **Ms Roberts:** Thank you, Chair. The Learning and Skills Act 2000, as amended by the Learning and Skills (Wales) Measure 2009, enables Ministers to make regulations in order to make provisions, firstly in relation to pupils' choices of courses that fall within the local curriculum; secondly, on the decision of the principal of the school or the establishment on entitlement; thirdly, on the ruling of the relevant school or establishment to the pupil; and, finally, on the decision of the principal of the school or establishment to remove entitlement. There are no reporting points.

[7] **Janet Ryder:** Gwelaf fod pawb yn hapus. **Janet Ryder:** I see that everyone is happy.

9.32 a.m.

**Offerynnau y caiff y Cynulliad ei wahodd i roi sylw arbennig iddynt o dan Reolau Sefydlog 15.2 a/neu 15.3, 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 Orders 15.2 and/or 15.3, Instruments subject to annulment pursuant to a resolution of the Assembly (Negative Procedure)**

[8] **Janet Ryder:** There is only one piece of business under this heading, which is CA514 on Smoke Control Areas (Exempted Fireplaces) (Wales) Order 2011.

[9] **Mr Howells:** Mae gwaharddiad cyffredinol ar ollwng mwg mewn rhai ardaloedd. Mae'r Gorchymyn hwn yn eithrio rhai lleoedd tân rhag y gwaharddiad hwnnw. Mae un pwynt yn codi, sef bod y gofynion yn y fersiwn Saesneg yn sôn am werthu lle tân i mewn i ardaloedd rheoli mwg, ond, yn y Gymraeg, mae'r gofynion yn sôn am werthu lle tân mewn ardaloedd rheoli mwg. Felly, y pwynt i'w nodi yw'r gwahaniaeth rhwng 'sold into smoke control areas' a 'sold in smoke control areas'. Mae'r Llywodraeth wedi cytuno i newid hwn pan gyhoeddir y Gorchymyn. **Mr Howells:** There is a general prohibition on the emission of smoke in some areas. This Order exempts some fireplaces from that prohibition. One point arises, in that the requirements in the English version relate to selling fireplaces into smoke control areas, but, in Welsh, the requirements relate to selling fireplaces in smoke control areas. Therefore, the point to note is the difference between 'sold into smoke control areas' and 'sold in smoke control areas'. The Government has agreed to change this on publication of the Order.

[10] **Alun Davies:** Yr wyf yn derbyn **Alun Davies:** I accept the Government's ymateb y Llywodraeth. response.

[11] **Janet Ryder:** Gwelaf fod pawb yn **Janet Ryder:** I see that everyone is happy. hapus. Diolch, Gareth. Thank you, Gareth.

9.33 a.m.

### **Unrhyw Fusnes Arall Any Other Business**

[12] **Janet Ryder:** That brings us to any other points of business, of which there are none today.

9.33 a.m.

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

[13] **Janet Ryder:** The date of the next meeting will be 3 February.

9.33 a.m.

### **Cynnig Trefniadol Procedural Motion**

[14] **Janet Ryder:** I ask Members to resolve to meet in private for the remainder of the meeting to consider the draft report that we have before us.

[15] **William Graham:** I move that

*the committee resolves to exclude the public from the remainder of the meeting in accordance with Standing Order No. 10.37(vi).*

[16] **Janet Ryder:** I see that the committee is in agreement.

*Derbyniwyd y cynnig.  
Motion agreed.*

*Daeth rhan gyhoeddus y cyfarfod i ben am 9.33 a.m.  
The public part of the meeting ended at 9.33 a.m.*