

Y Pwyllgor Materion Cyfansoddiadol a Deddfwriaethol

Lleoliad:

Ystafell Bwyllgora 2 – y Senedd

Dyddiad:

Dydd Llun, 9 Chwefror 2015

Amser:

14.30

Cynulliad
Cenedlaethol
Cymru

National
Assembly for
Wales



I gael rhagor o wybodaeth, cysylltwch a:

Gareth Williams

Clerc y Pwyllgor

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Agenda

MeetingTitle

- 1 Cyflwyniad, ymddiheuriadau, dirprwyon a datgan buddiannau**
- 2 Tystiolaeth mewn perthynas â'r ymchwiliad i Ddeddfu yn y Pedwerydd Cynulliad** (Tudalennau 1 – 17)
(Amser dangosol: 14.30 – 15.15)

Argraffydd y Frenhines

Carol Tullo, Cyfarwyddwr, Polisi a Gwasanaethau Gwybodaeth

John Sheridan, Pennaeth Gwasanaethau Deddfwriaeth

Malcolm Todd, Pennaeth Polisi Gwybodaeth

CLA(4)–05–15 – Papur 1 – Tystiolaeth Ysgrifenedig

CLA(4)–05–15 – Papur briffio gan y Gwasanaeth Ymchwil

3 Offerynnau nad ydynt yn cynnwys materion i gyflwyno adroddiad arnynt o dan Reol Sefydlog 21.2 na 21.3 (Tudalennau 18 – 19)

CLA(4)–05–15 – Papur 2 – Offerynnau statudol sydd ag adroddiadau clir

Offerynnau'r Penderfyniad Negyddol

CLA488 – Rheoliadau Addysg (Cymorth i Fyfyrrwyr) (Cymru) 2015

Y weithdrefn negyddol; Fe'u gwnaed ar: 27 Ionawr 2015; Fe'u gosodwyd ar 28 Ionawr 2015; Dyddiad dod i rym: 19 Chwefror 2015

CLA489 – Gorchymyn Gwahardd Cadw neu Ollwng Pysgod Byw (Rhywogaethau Penodedig) (Cymru) 2015

Y weithdrefn negyddol; Fe'u gwnaed ar: 28 Ionawr 2015; Fe'u gosodwyd ar: 2 Chwefror 2015; Yn dod i rym ar: 27 Chwefror 2015

4 Tystiolaeth mewn perthynas â'r ymchwiliad i Ddeddfu yn y Pedwerydd Cynulliad (Tudalennau 20 – 27)

(Amser dangosol: 15.30 – 16.00)

Comisiynydd y Gymraeg

Meri Huws, Comisiynydd y Gymraeg

Dyfan Sion, Cyfarwyddwr Polisi ac Ymchwil

CLA(4)–05–15 – Papur 3 – Tystiolaeth Ysgrifenedig

CLA(4)–05–15 – Papur briffio gan y Gwasanaeth Ymchwil

5 Cynnig o dan Reol Sefydlog 17.42 i benderfynu gwahardd y cyhoedd o'r cyfarfod ar gyfer y busnes canlynol:

(vi) lle mae'r pwyllgor yn cyd-drafod cynnwys, casgliadau neu argymhellion adroddiad y mae'n bwriadu ei gyhoeddi; neu'n ymbaratoi i gael tystiolaeth gan unrhyw berson.

Constitutional and Legislative Affairs Committee Inquiry into Making Laws in the Fourth Assembly ML19 – The Queen’s Printer - The National Archives



Making Laws in the Fourth Assembly - Evidence from The National Archives

Role of the National Archives

We provide public access to legislation to the people of Wales. As part of the official responsibilities for legislation that sit within The National Archives, we publish all Acts of the National Assembly for Wales and Wales Statutory Instruments, in print and online at www.legislation.gov.uk. To do this we work closely and collaboratively with the Welsh Government, to ensure high quality public access to all legislation that extends or applies to Wales. This collaboration includes continuous service improvements for users.



Figure 1, the legislation.gov.uk homepage for Wales

Official publishing

We manage the process for publishing new Acts of the National Assembly for Wales, new Wales Statutory Instruments (WSIs) and associated documents that we receive from the National Assembly and the Welsh Government. We provide tools for drafting lawyers of WSIs, with associated training, support and typesetting service to achieve the two column layout of the instruments in paginated form. We manage the registration of all Wales Statutory Instruments and the conversion of legislation documents to re-usable open data. The processes for handling legislation documents are highly controlled and auditable. This ensures the accuracy and integrity of the documents published on the legislation.gov.uk website, as open data for other legal publishers to use, or the printed version.

Revising legislation

We also have an editorial role. For primary legislation we produce revised versions, showing how one piece of legislation is amended by another, from what date, and where the change is applicable. We know from our research that it is very important to users of

legislation.gov.uk that they can see a current view of the legislation that is relevant to where they are. This is especially important in Wales, where legislation that formerly applied to both England and Wales has been amended, in one way for Wales, in another for England. Textbooks and some other online services may provide only an England only view, with footnotes for Wales. By contrast legislation.gov.uk gives complete parity to all parts of the UK, retaining the whole picture. This means that, for any Act, users can read a specific version of the text that is the law in Wales. Over the last two years we have worked collaboratively with the Welsh Government, to bring the revised legislation on legislation.gov.uk up to date, working on its priorities.

What is the legal basis for publishing legislation for Wales?

Acts of the National Assembly for Wales

The Queen’s Printer of Acts of Parliament is responsible, on behalf of the Crown, for superintending the publication of Acts of the National Assembly for Wales. The current post holder, Carol Tullo, was appointed by Her Majesty The Queen in 1997, under Letters Patent, by virtue of royal prerogative powers. She is a civil servant at The National Archives. The Queen’s Printer also holds the positions of Controller of Her Majesty’s Stationery Office, Queen’s Printer for Scotland and Government Printer for Northern Ireland.

Browse Legislation: Wales

Legislation.gov.uk carries most types of UK Legislation including Welsh Legislation. The list below is a breakdown of the types of legislation held on this site that are either exclusively applicable to Wales or contain legislation that may pertain to Wales. From this page you can select any legislation type to continue browsing.

Exclusively or primarily applies to Wales	May contain legislation that applies to Wales
▶ Acts of the National Assembly for Wales	▶ UK Public General Acts
▶ Measures of the National Assembly for Wales	▶ UK Local Acts
▶ Wales Statutory Instruments	▶ Acts of the English Parliament 1267-1706
▶ Wales Draft Statutory Instruments	▶ Acts of the Parliament of Great Britain 1707-1800
	▶ UK Statutory Instruments
	▶ UK Statutory Rules and Orders 1900-1948
	▶ UK Draft Statutory Instruments

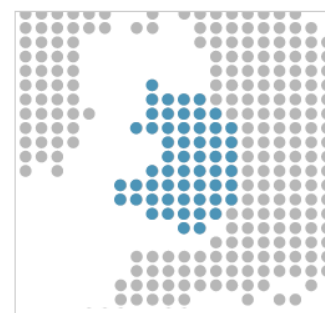


Figure 2, Browsing Wales legislation on legislation.gov.uk

Welsh Statutory Instruments

The Queen’s Printer has statutory responsibility for superintending the publication of Wales Statutory Instruments. The Government of Wales Act 2006 amended section 1 of the Statutory Instruments Act 1946. This states that any orders, rules, regulations or other subordinate legislation made under powers granted to Welsh Ministers by any Act, must be exercised by way of statutory instrument, and that the other provisions of the Act, including regarding publication, must also apply. The 1946 Act and the Statutory Instrument Regulations 1947 (S.I. 1948 No. 1) set out the various powers and duties on the Queen’s Printer for the numbering, printing and publication of statutory instruments, including Wales Statutory Instruments. This includes the publication of various issue lists, as well as an Annual Edition, with tables of effect and indexes.

Wales Statutory Instruments

Your search for Wales Statutory Instruments has returned more than 200 results.

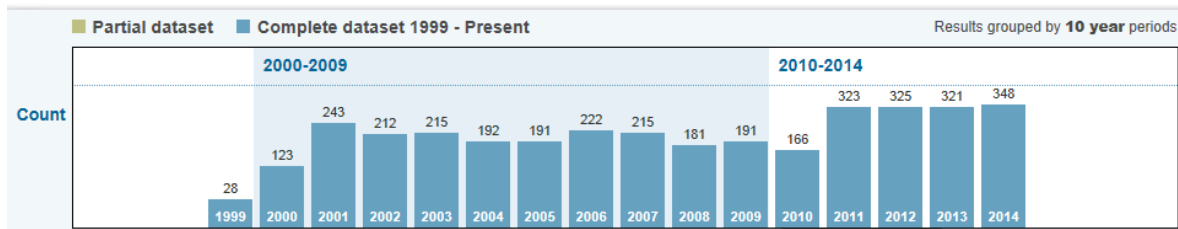


Figure 3, All Wales Statutory Instruments are available from legislation.gov.uk

The various functions of the Queen's Printer and Her Majesty's Stationery Office are carried out from within The National Archives. The Queen's Printer for Scotland, who is required to be the Queens Printer of Acts of Parliament by virtue of section 92 of the Scotland Act 1998, has a separate reporting line to Scottish Ministers.

The Documentary Evidence Act 1882 provides special legal protection and status for all our publications, including Welsh Acts and WSIs.

Contractual arrangements

Day to day, the services for legislation publishing, including the hosting and operation of legislation.gov.uk, are provided under contract. The current contractor, The Stationery Office Ltd, delivers various services to The National Archives under three interlocking contracts superintended by the Queens Printer, Her Majesty's Stationery Office (HMSO) and the Office of the Queen's Printer for Scotland (OQPS). These were tendered in 2010 and came into operation on the 1st February 2011. The three contracts have been published and are publicly available. They include (not redacted) full details of the commercial arrangements with the contractor (the fees charged etc.) as well as the various service specifications.

When was this decided?

Government of Wales Act 2006

The constitutional arrangements for publishing legislation for Wales were last reviewed during the passage of the Government of Wales Act 2006. The options were debated in Parliament. Speaking for the government at that time, Lord Davies of Oldham said,

"...ultimate responsibility for the publication of legislation in the UK rests with the Queen's Printer, acting under Royal Letters Patent on behalf of the Crown. The Controller of Her Majesty's Stationery Office is designated as Queen's Printer of Acts of the UK Parliament, Queen's Printer for Scotland and Government Printer for Northern Ireland, and has responsibility for the arrangements under which all UK legislation is published.

Resting that responsibility in one body ensures coherence in that all UK legislation is available to all in a consistent form and from a single location. [This amendment] would cut straight across that arrangement. Under the arrangement, the Queen's Printer will continue to have responsibility for the publication of statutory instruments made by the Welsh Ministers, as existing statutory arrangements relating to the publication of subordinate legislation made as statutory instruments will continue.

The Crown will have a general obligation to ensure publication of Assembly measures and Acts, and it is intended that administrative arrangements will be made with the Queen's Printer regarding their numbering, printing and publication. It is expected that the Queen's Printer will adopt a similar approach to the publication of measures and Acts of the Assembly as currently occurs for all other UK legislation; namely, publication in print and on the internet via the official legislation website, followed by production of a printed annual volume. The Queen's Printer will also ensure that users such as commercial legal publishers are able to access the legislation in appropriate formats.”¹

How long have these responsibilities been with The National Archives?

Legislation Services department

The current Legislation Services department at The National Archives was created in 2011. It is a multidisciplinary, product orientated team of 23 people, with a wide range of specialist legal, technical, digital, publishing, project management, contract management and procurement expertise. Responsibilities for legislation publishing moved to The National Archives in 2006, when the Office of Public Sector Information, which included Her Majesty's Stationery Office (HMSO) and the legislation team, was transferred from the Cabinet Office. In 2009, the Statutory Publications Office, which operated the Statute Law Database transferred to The National Archives, from the Ministry of Justice. This database was an early attempt to capture an up to date statute book. It is only comparatively recently that all the responsibilities for managing and publishing both updated legislation and legislation as enacted have been together in one department and operated by one product orientated team. Prior to its transfer to The National Archives, HMSO was a management unit of the Cabinet Office. It was established after the privatisation of the trading operations of the then Her Majesty's Stationery Office in 1996.

What is the background to the development of legislation.gov.uk?

Previous services

Legislation.gov.uk was launched in July 2010, replacing three predecessor services which had developed early online legislation services, www.opsi.gov.uk, www.statutelaw.gov.uk and www.oqps.gov.uk. The intention was to bring together, for the first time, legislation as it was enacted and made, with revised versions of the legislation, showing changes to the law over time, including the territorial extent of different amended versions.

legislation.gov.uk

Legislation.gov.uk consists of more than 6.5 million web pages, from over one hundred and fifty thousand documents - the official versions of legislation as it is originally enacted or made, revised versions of primary legislation and associated documents such as Explanatory Notes, Explanatory Memoranda and Impact Assessments. It is one of the largest government websites in Europe. The oldest piece of legislation available on the website is The Statute of Marlborough, dating from 1267.

¹ Hansard 6 June 2006 : Columns 1220 and 1221

We had three aims in the development of the new service:

1. to deliver a high quality public service for people who need to consult, cite, and use legislation on the web;
2. to make the statute book available as open data, for people to take, use, and re-use for whatever purpose or application they wish. Re-users of legislation data include commercial legal publishers as well as start-up entrepreneurs developing iPad and iPhone applications;
3. to enable and accelerate the introduction of a new, collaborative operating model for creating and maintaining revised versions of legislation, called Expert Participation.

Legislation as open data

Underneath the website is one of the world's most sophisticated platforms for managing legislation documents and data. The website provides a window to the government's legislation database, and is supported by publishing and editorial systems to maintain the content. There is an open Application Programming Interface, or API, that makes legislation available in many different data formats. These include HTML for the web, PDF for print, and various data formats, including the Crown Legislation Markup Language and also Akoma Ntoso, an emerging international standard format for legislation documents. We have recently completed a project to make all the legislation available in HTML5, the latest version of HTML, designed for the era of tablets, phones and richer, more interactive websites. This means that the underlying content is freely available for all to re-use, for example commercial publishers can develop tailored services and people can comment on the law and copy the data into social media and blogs.

Who uses legislation on the web?

User surveys and user satisfaction levels

To understand how best to provide the legislation.gov.uk service, we conduct regular research into who is using legislation online and why. We first surveyed users of legislation in 2008 and have done so regularly since. We also conduct regular in depth interviews, with small selections of users. The most recent survey, run in November and December 2014, showed 73% of users were either very satisfied or satisfied with legislation.gov.uk, with over 1,200 survey respondents. The main criticism is that the legislation is not fully up to date. This determines why an up to date statute book is the main goal, for both The National Archives and the Welsh Government.

User personas

We have developed a set of personas, or fictional characters, to represent the needs and interests of the typical users of legislation online. These encapsulate users' motivations and tasks. The personas have been used to inform all website design and development decisions.

From our research we know that most people using legislation.gov.uk are at work and using it for a work purpose. The level of usage during working days is an order of magnitude greater (20 times) than at weekends or public holidays. The majority of users are not lawyers and therefore lack access to one of the commercial services. In studies, the parity given to

legislation made by the devolved administrations on legislation.gov.uk, has been particularly valued by users from Wales, Scotland and Northern Ireland, where the commercial services can be less comprehensive.

Meeting the needs of the layperson

Rather than just meeting the needs of the trained lawyer, we aim to serve a much wider group of people who need to know, cite, or use legislation. This ranges from, perhaps the HR professional, to public servants such as police officers or head teachers, to citizens defending their rights. Typically, users are people who just need to know what a piece of legislation says and so search for it through a search engine, such as Google. Our primary persona for legislation.gov.uk, we call Mark Green. He is an Environmental Health Officer, who is using the service because he is giving evidence as an expert witness in court. He wants to cite and quote specific sections and regulations, as part of presenting himself as a credible witness to the court. He uses legislation.gov.uk because it is easy to find the legislation he needs. Mark is not a lawyer, but is familiar with the law in his professional area.

How easy is it to access legislation for Wales?

Easy access to Welsh legislation on the web

It is very easy to find and access legislation for Wales using Google, Bing or another search engine. The legislation sought may be provisions in a Welsh Act, Measure or Statutory Instrument. For many users in Wales, they may also need to consult UK legislation that extends or applies to Wales. There is no difference for users, in terms of ease of search from a search engine, between these legislation types.



Figure 4, Searching for the Government of Wales Act on Google. legislation.gov.uk is often the first result, by design.

People typically find legislation on legislation.gov.uk from a general web search (on average about 60% of visits to legislation.gov.uk). [Legislation.gov.uk](http://legislation.gov.uk) has been optimised for this pattern of search. For example we make extensive use of the sitemaps protocol, to aid both indexing and prioritisation of similar pages from the website by the search engine. [Legislation.gov.uk](http://legislation.gov.uk) benefits from being operated as a free public service. As the main open and free source of UK legislation on the web it is widely cited from many other places, such as other government websites, community resources such as Wikipedia or blogs, as well as news websites. Thanks to a very high number of external links, a page on legislation.gov.uk will generally be returned in the first one or two results when searching for any piece of legislation on one of the major search engines. Users typically arrive at the item of legislation they were searching for, rather than to the home page, deep linked in to the document

directly by the search engine. The user interface design supports this, with the table of contents for each document becoming a mini home page for that piece of legislation.

Users lack knowledge about how legislation works

In our research with users, we have found that most of the people accessing legislation on the web, including a surprising number of lawyers, lack knowledge about how legislation works. People reading legislation online assume the document they are looking at is current, in force and applies to where they live. Often that is not the case. This is a particular challenge for people in Wales, where UK Acts that apply to England and Wales, may have been amended in different ways. One of the benefits of the legislation.gov.uk platform is that it provides a comprehensive solution to these challenges. Any piece of primary legislation can be searched and viewed so the user can see how the law stands in Wales and how it compares to other parts of the UK.

An important part of our role is to present legislation on the web in a way that makes the context and status of each document clear and accessible. Legislation is complicated to understand; for example, an Act may have multiple sections, each with different amendments that apply to different places, with different commencement dates, or the Act may have prospective provisions.

With legislation.gov.uk we have tried to develop a user interface that makes the status of each piece of legislation apparent, so people know whether the document they are viewing is current and in force, and where it applies.

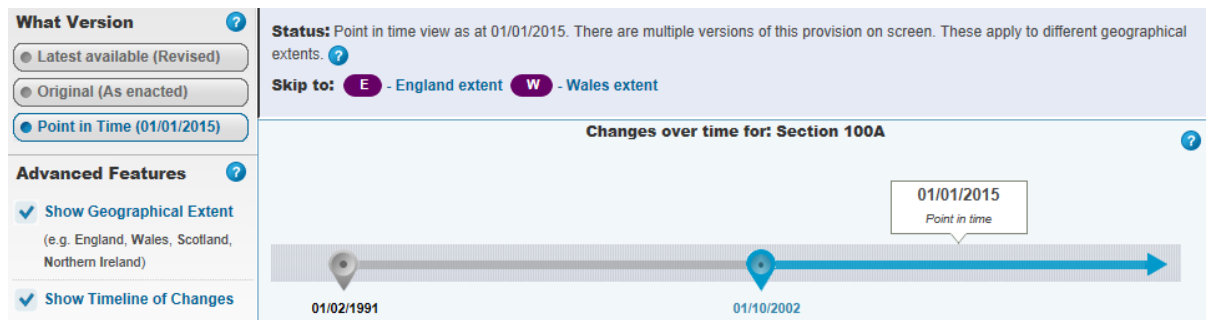


Figure 5, indicating to the user where there are different versions of a UK Act for England and Wales, with the timeline on. The example is from the Local Government Act 1972. Unlike some other services we give parity to the Wales extent.

For advanced users there is a timeline which can be turned on to see how the legislation has changed and to navigate through an Act at particular points in time.

What have we done to support access to legislation in the Welsh language?

We recognise the importance of Welsh as a language of law in Wales. Legislation is made and published in English and Welsh. There is also an option to use the whole of legislation.gov.uk in English or Welsh. To make it clear to users where there is and is not Welsh language legislation, the English only content has not been translated into Welsh, unless it has been made as law.

Deddfwriaeth Newydd

Man cyhoeddi swyddogol deddfwriaeth newydd ei deddfu

Mynnwch y wybodaeth ddiweddaraf am ddeddfwriaeth newydd ei deddfu ar gyfer y Deyrnas Unedig, yr Alban (hefyd, a ddylai'r drefn gael ei newid?), Cymru a Gogledd Iwerddon fel maent yn cael eu cyhoeddi ar y safle hwn, trwy ddewis dyddiad isod neu ddefnyddio'r porthiant tanysgrifio rhad ac am ddim.

Y nod yw cyhoeddi deddfwriaeth ar y safle hwn ar yr un pryd neu o leiaf cyn pen 24 awr, o'i chyhoeddi ar ffurf brintiedig.

Gall unrhyw ddogfen sy'n arbennig o gymhleth o ran ei maint neu ei hargraffwaith gymryd mwy o amser i'w pharatoi.

Rhestrir deddfwriaeth newydd felly yn ôl dyddiad cyhoeddi yn hytrach na'r dyddiad y cafodd ei deddfu.

Heddiw	26 Ion	23 Ion	22 Ion	21 Ion	20 Ion	19 Ion	16 Ion	15 Ion	14 Ion
Pob Deddfwriaeth Newydd ATOM FEED ?									
Y Deyrnas Unedig		Yr Alban			Cymru		Gogledd Iwerddon		
Dim wedi ei gyhoeddi		2 Offerynnau Statudol yr Alban			Dim wedi ei gyhoeddi		Dim wedi ei gyhoeddi		

Figure 6, the new legislation page on the Welsh language version of legislation.gov.uk

User testing Welsh language options

We have conducted in depth user testing into the needs and expectations of Welsh language users of legislation.gov.uk, in co-operation with the Welsh Government. This guided us with the implementation of the Welsh language version of legislation.gov.uk. We tested an interactive dual language view, for legislation that is in English and Welsh, with an option to see both texts side by side, or to bring one or other to the fore. This is something we would like to develop as it was popular with users

Why is legislation.gov.uk not up to date?

Background

The task of comprehensively revising legislation for the whole of the UK is complicated and has been a long standing problem. Previous attempts (the Statutes in Force initiative starting in 1967, the Statute Law Database starting in 1990) have struggled and failed to keep up with the pace of change. In recent times, complex amendments, with variations in extent and commencement, some Acts having dozens of commencement orders, sometimes amending previous commencements, have increased the difficulty of the task. In 2009, when the responsibilities transferred, The National Archives inherited both a large debt of unapplied amendments and an operating "deficit", with more amendments being made each year than could be processed by the in-house editorial team.

What are we doing to bring legislation.gov.uk up to date?

We are aiming to bring the primary legislation up to date by the end of 2015. Commitment 10, of the UK National Action Plan for the Open Government Partnership reiterates this target.

Expert Participation

Over the last three and a half years we have operated an Programme that enables us to , bring expert additional external resources to bear to help with, and accelerate the editorial work for revising legislation. Even if the scope of interest is only a portion of the entire statute book (as in the case of the Welsh Government, with legislation that extends to Wales), the editorial team needs to read and process legislation from across the whole of the UK, in case, say a UK Act has been amended for England, leaving the previous version still in force for Wales.

Collaboration with the Office of the Legislative Counsel

This has strongly motivated the Welsh Government's collaboration with The National Archives, and others, through the Expert Participation Programme to meet our target of a completely up to date legislation.gov.uk . The programme has been successful. All the complicated background research has been done. We have radically changed our processes and tools to optimise efficiency. In particular we have separated tasks which require a high level of knowledge, experience and training (understanding and recording that one piece of legislation changes another, and figuring out when that change comes into effect and for which parts of the UK), from easier to do tasks (copying and pasting the amending words into a new version of the legislation document). Our new processes and tools also enable the final stage of update to be done between 5 and 10 times faster than in the old way. Since 2012 two officials in the Legislative Counsel's Office have been working on this programme. For example, they have applied over 1,400 amendments or effects to Welsh legislation since the beginning of December 2014, as well as undertaking several other editorial tasks. Together we are bringing the revised Wales legislation up to date on the website.

Red Meat Industry (Wales) Measure 2010

2010 nawm 3 ▶ SCHEDULE 2 ▶ PART 1 ▶ Maximum rate of production component

Table of Contents
Content
Explanatory Notes ?
More Resources ?

◀ Previous: Paragraph
Next: Crossheading ▶
Plain View
Print Options

What Version ?

- Latest available (Revised)
- Original (As enacted) - English
- Original (As enacted) - Welsh

Advanced Features ?

- Show Geographical Extent
(e.g. England, Wales, Scotland, Northern Ireland)
- Show Timeline of Changes

Opening Options ?

- Open whole Measure
- Open Measure without schedules
- Open Schedules only

More Resources ?

- [Original Print PDF - English](#)
- [Original Print PDF - Welsh](#)
- [Original Print PDF - Mixed Language](#)

[View more >](#)

Changes over time for: Cross Heading: Maximum rate of production component ?

01/04/2012

Changes to legislation: There are currently no known outstanding effects for the Red Meat Industry (Wales) Measure 2010, Cross Heading: Maximum rate of production component. ?

Maximum rate of production component W

5 The production component in respect of each animal cannot exceed the maximum rates set out in the following table— W

[F1 Animal	Maximum rate of production component per animal
Cattle	£ 6.91
Calves	£ 0.50
Sheep	£ 1.00
Pigs	£ 1.67]

Annotations: ?

Amendments (Textual)

F1 Sch. 2 para. 5 Table substituted (1.4.2012) by The Red Meat Industry (Wales) Measure 2010 (Amendment) Order 2011 (No. 2946), arts. 1, 2(1)

Commencement Information

I1 Sch. 2 para. 5 in force at 1.4.2012 by S.I. 2011/2802, art. 2(2) (with arts. 3, 4)

Figure 7, The Red Meat Industry (Wales) Measure 2010, updated on legislation.gov.uk by editors from the Office of the Legislative Counsel in December 2014, as part of The National Archives' Expert Participation Programme

Statistics

Visits to legislation.gov.uk for Wales legislation over the last quarter

	Oct	Nov	Dec
Acts of the National Assembly for Wales	60,584	73,256	251,162
Measures of the National Assembly	76,447	87,462	268,650
Wales Statutory Instruments	513,998	448,130	666,851
Total	651,029	608,848	1,186,663

Table 1, visits to Wales legislation on legislation.gov.uk for the period October 2014 to December 2014.

Top ten

Rank	Legislation	Visits per month (peaks)
1	Welsh Language (Wales) Measure 2011	54,945
2	Local Government (Wales) Measure 2011	46,990
3	Social Services and Well-being (Wales) Act 2014	46,436
4	Housing (Wales) Act 2014	38,974
5	School Standards and Organisation (Wales) Act 2013	35,701
6	Housing (Wales) Measure 2011	24,248
7	Public Audit (Wales) Act 2013	24,103
8	Mobile Homes (Wales) Act 2013	23,785
9	Children and Families (Wales) Measure 2010	20,723
10	Local Government (Democracy) (Wales) Act 2013	19,063

Table 2, top ten most visited pieces of Wales legislation on legislation.gov.uk for the period October 2014 to December 2014.

Usage of the English and Welsh language versions of legislation.gov.uk

English version	Welsh version
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Acts of the National Assembly for Wales	312,825	81%	72,177	19%
Measures of the National Assembly	350,502	81%	82,057	19%
Wales Statutory Instruments	1,487,340	91%	141,639	9%

Table 3, visits to Wales legislation on legislation.gov.uk by the language version of the website for the period October 2014 to December 2014.

Carol Tullo

Controller of Her Majesty's Stationery Office and Queen's Printer
Director, Information Policy & Services

John Sheridan

Head of Legislation Services

29th January 2015

Yn rhinwedd paragraff(au) vi o Reol Sefydlog 17.42

Mae cyfyngiadau ar y ddogfen hon

**Y Pwyllgor Materion Cyfansoddiadol a Deddfwriaethol
Offerynnau Statudol Gydag Adroddiadau Clir
9 Chwefror 2015**

CLA488 – Rheoliadau Addysg (Cymorth i Fyfyrwyr) (Cymru) 2015

Gweithdrefn: Negyddol

Mae'r Rheoliadau hyn yn ofynnol er mwyn bod yn sail i'r system cymorth i fyfyrwyr addysg uwch (grantiau at ffioedd, benthyciadau at ffioedd, grantiau cynhaliaeth a benthyciadau cynhaliaeth) sydd fel arfer yn byw yng Nghymru ac sy'n dilyn cyrsiau addysg uwch dynodedig mewn perthynas â blynyddoedd academiaidd sy'n dechrau ar neu ar ôl 1 Medi 2015. Mae'r Rheoliadau hyn yn disodli Rheoliadau Addysg (Cymorth i Fyfyrwyr) (Cymru) 2013, fel y'i iwygiwyd.

CLA489 Gorchymyn Gwahardd Cadw neu Ollwng Pysgod Byw (Rhywogaethau Penodedig) (Cymru) 2015

Gweithdrefn: Negyddol

Mae erthygl 3(1) yn gwahardd cadw neu ollwng yng Nghymru, heb drwydded a ddyroddwyd o dan Ddeddf Mewnforio Pysgod Byw (Cymru a Lloegr) 1980, unrhyw rywogaethau o bysgod dŵr croyw anfrodorol byw, neu wyau byw pysgod o'r fath, sy'n perthyn i'r urddau tacsonomaidd a restrir yn y tabl yn Rhan 1 o'r Atodlen.

Nid yw'r Gorchymyn hwn yn gymwys i ddyfroedd mewndirol, er y bu darpariaethau cyfatebol ar gyfer y dyfroedd hynny yn y Rheoliadau Cadw a Chyflwyno Pysgod (Cymru) 2014. Ni fu'n bosib cynnwys yr holl ddarpariaethau yn yr un offeryn oherwydd bod y Deddfau sy'n galluogi gwneud yr offerynnau wedi pennu'r defnydd o reoliadau a gorchymyn yn eu tro.

[Type here]



Comisiynydd y
Gymraeg
Welsh Language
Commissioner

Gareth Williams
Clerc
Y Pwyllgor Materion Cyfansoddiadol a Deddfwriaethol
Cynulliad Cenedlaethol Cymru
Bae Caerdydd
CF99 1NA

27/06/2014

Annwyl Mr Williams

Ymchwiliad y Pwyllgor: Deddfu yn y Pedwerydd Cynulliad

Mae Comisiynydd y Gymraeg yn croesawu'r cyfle i gyfrannu sylwadau at yr ymchwiliad.

Prif nod y Comisiynydd yw hybu a hwyluso defnyddio'r Gymraeg. Gwneir hyn drwy ddwyn sylw at y ffaith bod statws swyddogol i'r Gymraeg yng Nghymru a thrwy osod safonau ar sefydliadau. Bydd hyn, yn ei dro, yn arwain at sefydlu hawliau i siaradwyr Cymraeg. Mae dwy egwyddor yn sail i waith y Comisiynydd:

- Ni ddylid trin y Gymraeg yn llai ffafriol na'r Saesneg
- Dylai personau yng Nghymru allu byw eu bywydau drwy gyfrwng y Gymraeg os dynt yn dymuno gwneud hynny.

Dros amser fe fydd pwerau newydd i osod a gorfodi safonau ar sefydliadau yn dod i rym trwy is-ddeddfwriaeth. Hyd nes y bydd hynny'n digwydd bydd y Comisiynydd yn parhau i arolygu cynlluniau iaith statudol trwy bwerau y mae wedi eu hetifeddu o dan Ddeddf yr Iaith Gymraeg 1993.

Crëwyd swydd y Comisiynydd gan Fesur y Gymraeg (Cymru) 2011. Caiff y Comisiynydd ymchwilio i fethiant i weithredu cynllun iaith, ymyrraeth â'r rhyddid i ddefnyddio'r Gymraeg yng Nghymru ac, yn y dyfodol, i gwynion ynghylch methiant sefydliadau i gydymffurfio â safonau.

Un o flaenoriaethau'r Comisiynydd yw craffu ar ddatblygiadau polisi o ran y Gymraeg. Felly, prif rôl y Comisiynydd yw darparu sylwadau yn unol â'r cylch gorchwyl hwn gan weithredu fel eiriolwr annibynnol ar ran siaradwyr Cymraeg yng Nghymru y gallai'r

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diwygiadau arfaethedig effeithio arnyn nhw. Mae'r ymagwedd hon yn cael ei harddel er mwyn osgoi unrhyw gyfaddawd posibl ar swyddogaethau'r Comisiynydd ym maes rheoleiddio, a phe bai'r Comisiynydd yn dymuno adolygu'n ffurfiol berfformiad y sefydliad yn unol â darpariaethau'r Mesur.

Yn ddiweddar bu Comisiynydd y Gymraeg mewn trafodaethau gyda Carwyn Jones, Prif Weinidog Cymru, am y broses ddeddfu, a'r ystyriaeth sydd yn cael ei roi i'r Gymraeg yn ystod y broses honno.

Deilliodd y trafodaethau o'r pryder nad yw'r Gymraeg yn ymddangos yn ganolog mewn deddfwriaeth a bod cynifer o filiau yn cael eu cyhoeddi heb unrhyw gyfeiriad at yr iaith. Trafodwyd y farn na ddylid dibynnu ar Mesur y Gymraeg (Cymru) 2011 yn unig i ateb holl ofynion cyfreithiol y Gymraeg.

Cyflwynwyd papur yn cynnwys dadansoddiad o'r sefyllfa bresennol ynghyd ag argymhellion ar sut i gryfhau a chysoni'r drefn o ystyried y Gymraeg mewn deddfwriaeth. Mae'r argymhellion a gyflwynwyd i'r Prif Weinidog yn sail i gynnwys yr ymateb hwn. Mewn ymateb i'r adroddiad, esboniodd y Prif Weinidog fod Llywodraeth Cymru yn datblygu fframwaith i sicrhau bod y Gymraeg yn cael ei hystyried yn gynnar yn y broses o greu polisiau newydd ac y bydd biliau newydd ac ymgynghoriadau cyhoeddus yn dod o fewn cwmpas y drefn honno.

Datblygu ac esbonio polisiau

Cyhoeddodd Comisiynydd y Gymraeg Adroddiad Safonau mewn perthynas â Gweinidogion Cymru yn ddiweddar, a daw i'r casgliad y dylai Gweinidogion Cymru sicrhau bod rheoliadau yn gwneud darpariaeth i safonau llunio polisi fod yn benodol gymwys i Weinidogion Cymru.¹

Mae Gweinidogion Cymru eisoes wedi ymrwmo i sicrhau eu bod yn manteisio ar bob cyfle i sicrhau bod deddfwriaeth ac is ddeddfwriaeth newydd Llywodraeth Cymru yn cefnogi'r Gymraeg.² Yn dilyn o hyn, adroddodd Comisiynydd y Gymraeg y dylai Gweinidogion Cymru bennu safon neilltuol drwy reoliadau ar gyfer ei swyddogaethau sy'n ymwneud â deddfwriaeth ac is ddeddfwriaeth a wneir yng Nghymru ac ystyried hefyd unrhyw ddeddfu sy'n digwydd ar y cyd gyda'r DU.³

Wrth ddatblygu polisi a deddfwriaeth newydd awgrymwyn dylid dilyn yr egwyddorion sydd ym Mesur y Gymraeg (Cymru) 2011; sef:

- Ystyried pa effeithiau, os o gwbl, y byddai'r ddeddfwriaeth yn ei gael ar gyfleoedd i bersonau eraill ddefnyddio'r Gymraeg, neu ar beidio â thrin y Gymraeg yn llai ffafriol na'r Saesneg.

¹ Adroddiad Safonau Comisiynydd y Gymraeg – Adran 64 Mesur y Gymraeg (Cymru) 2011, Gweinidogion Cymru, Tudalen 30.

² Adran 4.1, Cynllun iaith Gymraeg, Llywodraeth Cymru 2011-2016

³ Adroddiad Safonau Comisiynydd y Gymraeg – Adran 64 Mesur y Gymraeg (Cymru) 2011, Gweinidogion Cymru, Tudalen 42.



- Ystyried sut y gellid datblygu'r ddeddfwriaeth fel ei fod yn cael effaith positif, neu fwy positif ar gyfleoedd i bersonau eraill ddefnyddio'r Gymraeg, neu ar beidio â thrin y Gymraeg yn llai ffafriol na'r Saesneg.
- Ystyried sut y gellid datblygu'r ddeddfwriaeth fel nad yw'n cael effeithiau andwyol, neu fel ei fod yn cael effeithiau llai andwyol ar gyfleoedd i bersonau eraill ddefnyddio'r Gymraeg, neu ar beidio â thrin y Gymraeg yn llai ffafriol na'r Saesneg.

Pan ddaw at ymgynghori gyda'r cyhoedd, nid yw'r dulliau presennol yn annog ymatebion i ystyried materion ehangach, megis y Gymraeg. Mae hyn yn arwain at sefyllfa lle dim ond sefydliadau ac unigolion sydd â diddordeb uniongyrchol yn y Gymraeg sy'n cyfeirio at yr iaith. Wrth ymgynghori, dylid annog ymatebion i ystyried yr egwyddorion uchod er mwyn sicrhau fod ymrwymadau'r cynllun iaith Gymraeg, a safonau mewn perthynas â'r Gymraeg maes o law, yn cael eu gweithredu yn llawn.

Gwaith craffu'r Cynulliad

Ar hyn o bryd; nid yw'r broses graffu yn effeithiol pan ddaw at ystyried y Gymraeg mewn deddfwriaeth. Mae gan bwyllgorau Cynulliad Cenedlaethol Cymru eu meysydd pwnc penodol. Mae natur pynciol y craffu yn culhau gallu'r pwyllgorau i ystyried materion trawsbynciol, megis y Gymraeg.

Mae'r Comisiynydd wedi gwneud cais i'r Pwyllgor Materion Cymreig a'r Cydbwyllgor Hawliau Dynol Yn San Steffan i ystyried gofynion Deddf yr iaith Gymraeg 1993 a Mesur y Gymraeg (Cymru) 2011 wrth graffu ar ddeddfwriaeth Brydeinig. Yn yr un modd, un o argymhellion y papur a cyflwynwyd i'r Prif Weinidog oedd bod angen ffurfioli trefniadau mewnol ar gyfer ystyried i ba raddau dylid cynnwys y Gymraeg mewn deddfwriaeth ddrafft. Hynny yw, er mai'r Pwyllgor Cymunedau, Cydraddoldeb a Llywodraeth Leol sydd yn gyfrifol am graffu ar y Gymraeg, caiff deddfwriaeth ei ystyried gan wahanol bwyllgorau craffu. Mae angen trefn ar gyfer sicrhau fod pob pwyllgor yn rhoi ystyriaeth lawn i'r Gymraeg wrth graffu ar ddeddfwriaeth.

Gan ddefnyddio'r Cydbwyllgor ar Hawliau Dynol fel enghraifft; cyflogir Ymgynghorydd Cyfreithiol gan y Cydbwyllgor i ystyried pob un Bil Llywodraeth y DU i weld os yw'n croesi'r trothwy arwyddocâd er mwyn cael ei ystyried gan aelodau'r Cydbwyllgor. Mae'r meini prawf y mae'n rhaid i'r Bil fodloni er mwyn croesi'r trothwy arwyddocâd yn cynnwys materion megis faint o bobol sydd yn cael eu heffeithio gan y Bil ac os yw'r pobl hynny yn agored i niwed. Ystyrir hefyd effaith wleidyddol a chyhoeddus y Bil, y sylw mae wedi denu yn y wasg, a'r graddau y mae'r Bil yn hyrwyddo ac yn gwarchod hawliau dynol, neu os yw â photensial i wneud hynny ond nid yw'n gwneud. Mae'r cydbwyllgor hefyd yn adrodd os yw'n fater mae wedi rhoi sylwi iddo yn flaenorol, ond bod Llywodraeth y DU wedi methu ag ymgorffori unrhyw argymhellion â wnaed.

Mae'r ffordd yma o sifftio a chraffu yn golygu bod modd adrodd yn gynharach yn ystod taith y Bil drwy'r Senedd a chryfhau effaith unrhyw adroddiad gan y Cydbwyllgor. Gofynnwn oes gan y Cynulliad yr adnodd cyfreithiol i weithio mewn modd tebyg i'r uchod gan ystyried yn benodol yr **Arddal Gymraeg**



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Technegau Drafftio

Wrth ystyried technegau drafftio, ac yn benodol, drafftio dwyieithog a chyfieithu, bydd gofyn i Lywodraeth Cymru roi sylw gofalus i'w chapasiti i ddrafftio deddfwriaeth ddwyieithog at y dyfodol a buddsoddi'n strategol er mwyn ymateb i'r galw hwn.

Amlygodd Proses Dendro Fframwaith Cyfieithu a Chyfieithu ar y Pryd Llywodraeth Cymru mai prin iawn oedd y cyfieithwyr llawrydd a ymgeisiodd oedd â'r sgiliau a'r profiad angenrheidiol i ddiwallu anghenion y Llywodraeth a gweddill y sector cyhoeddus. Dylid sicrhau nad oes gorddibyniaeth ar y proffesiwn cyfieithu er mwyn diwallu'r angen am ddrafftio deddfwriaethol dwyieithog. Yn hytrach, dylai Llywodraeth Cymru arloesi yn y maes hwn gan sicrhau bod swyddogion yn cael eu hyfforddi a'u harfogi â'r sgiliau cyfreithiol ac ieithyddol angenrheidiol er mwyn sicrhau drafftio o'r radd flaenaf yn y ddwy iaith. Dylid ystyried hefyd sut y gellid defnyddio technoleg er mwyn hwyluso'r gwaith hwn ymhellach gan sicrhau cysondeb a safon yn ogystal ag arbedion ariannol.

Noda *laith fyw: laith byw* mai Comisiynydd y Gymraeg sy'n gyfrifol am 'gydgysylltu datblygiadau ym maes terminoleg'. Yn sgil y cyfrifoldeb hwn mae'r Comisiynydd wedi cynnal arolwg o'r gweithgareddau presennol yn y maes gan graffu ar y bylchau yn y ddarpariaeth. Un mater a amlygwyd wrth gynnal yr ymchwil hwn oedd pwysigrwydd pennu terminoleg safonol ar gyfer y Gymraeg a'r Saesneg ar ddechrau taith Bil er mwyn hwyluso'r broses ddrafftio. Mae sicrhau bod terminoleg Cymraeg a Saesneg cywir a safonol ar gael yn hanfodol er mwyn hwyluso trin a thrafod unrhyw faes pwnc wrth gwrs. Mae hyn yn arbennig o wir mewn cyd-destun deddfwriaethol. Dylid sicrhau bod amser yn cael ei neilltuo ar ddechrau'r broses o ddrafftio Biliau er mwyn pennu neu fathu terminoleg safonol drwy ymgymryd â phrosiectau safoni a fydd yn tynnu ar arbenigedd ieithyddol a phynciol adrannau perthnasol.

Ymhellach, mae'n bwysig sicrhau dull effeithiol o rannu'r wybodaeth hon â'r cyfryngau a rhanddeiliaid eraill a fydd yn dymuno trafod y Bil. Bydd hyn, yn y pen draw, yn sicrhau cysondeb ac yn osgoi amlhau ffurfiau gan beri dryswch i'r cyhoedd ac eraill. Dylai Llywodraeth Cymru arwain y ffordd yn hyn a sicrhau bod terminoleg safonol – ac unrhyw adnoddau ieithyddol eraill a ddatblygir – yn cael eu rhannu â rhanddeiliaid mewnol ac allanol yn y dull mwyaf hygyrch posibl er mwyn hybu a hwyluso defnyddio'r Gymraeg yn y maes hwn.

Diolch am y cyfle i gynnig sylwadau ar yr ymchwiliad ar ddeddfu yn y Pedwerydd Cynulliad.

Yr eiddoch yn gywir,

Meri Huws

Comisiynydd y Gymraeg

Tudalen y pecyn 23

Mae cyfyngiadau ar y ddogfen hon