



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

Y Pwyllgor Materion Cyfansoddiadol a Deddfwriaethol **The Constitutional and Legislative Affairs Committee**

Dydd Llun, 3 Mawrth 2014
Monday, 3 March 2014

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Cofnodir y trafodion yn yr iaith y llefarwyd hwy ynddi yn y pwyllgor. Yn ogystal, cynhwysir
trawsgrifiad o'r cyfieithu ar y pryd.

The proceedings are reported in the language in which they were spoken in the committee. In
addition, a transcription of the simultaneous interpretation is included.

Aelodau'r pwyllgor yn bresennol
Committee members in attendance

Mick Antoniw	Llafur (yn dirprwyo ar ran Julie James) Labour (substitute for Julie James)
Suzy Davies	Ceidwadwyr Cymreig Welsh Conservatives
David Melding	Y Dirprwy Lywydd a Chadeirydd y Pwyllgor The Deputy Presiding Officer and Committee Chair
Eluned Parrott	Democratiaid Rhyddfrydol Cymru Welsh Liberal Democrats
Simon Thomas	Plaid Cymru The Party of Wales

Eraill yn bresennol
Others in attendance

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

Stephen Boyce	Y Gwasanaeth Ymchwil Research Service
Gwyn Griffiths	Uwch-gynghorydd Cyfreithiol Senior Legal Adviser
Ruth Hatton	Dirprwy Glerc Deputy Clerk
Alys Thomas	Y Gwasanaeth Ymchwil Research Service
Gareth Williams	Clerc Clerk

Dechreuodd y cyfarfod am 14:30.
The meeting began at 14:30.

Cyflwyniad, Ymddiheuriadau, Dirprwyon a Datganiadau o Fuddiant
Introduction, Apologies, Substitutions and Declarations of Interest

[1] **David Melding:** Good afternoon everyone and welcome to this meeting of the Constitutional and Legislative Affairs Committee. I will just run through the usual housekeeping announcements. We do not expect a routine fire drill, so if you hear the alarm, please follow the instructions of the ushers, who will help us to leave the building safely. Please switch off all mobile phones and other electronic equipment as they will interfere with our broadcasting equipment. These proceedings will be conducted in Welsh and English. When Welsh is spoken, there is a translation on channel 1, and channel 0 will amplify proceedings should you need that. Apologies have been received from Julie James, and I am very pleased that Mick Antoniw has been able to substitute; welcome, Mick.

[2] Before I move to the substantive items on the agenda, I am delighted to inform Members that we are now on Twitter. The work of the committee can be followed using @seneddCLA, or @seneddMCD, which is the Welsh version. So, I am sure that we will all want to avail ourselves of this wonder of new technology, and Twitter will, no doubt, allow many people out there who are interested in our work to respond and influence it.

[3] With that in mind, I would like to mention to Members that Silk part 2 is published today, and there are several references to the committee. In some of the recommendations, you will see the work that this committee has clearly informed, if not directly influenced. So,

I am sure we all appreciate the seriousness with which the commission has evidently taken some of the work that we have done.

14:32

Offerynnau nad ydynt yn Cynnwys Materion i Gyflwyno Adroddiad arnynt o dan Reol Sefydlog 21.2 na 21.3
Instruments that Raise no Reporting Issues under Standing Order 21.2 or 21.3

[4] **David Melding:** Item 2 concerns instruments that raise no reporting issues. These instruments are listed. Are Members content? I see that you are.

14:32

Offerynnau sy'n Cynnwys Materion i Gyflwyno Adroddiad arnynt i'r Cynulliad o dan Reol Sefydlog 21.2 neu 21.3
Instruments that Raise Issues to be Reported to the Assembly under Standing Order 21.2 or 21.3

[5] **David Melding:** These instruments are fairly minor, but do Members have any queries? If not, I will move the relevant—. Sorry, Gwyn, you nearly missed your chance to shine there.

[6] **Mr Griffiths:** Mae gen i un pwynt bychan. Er bod y newidiadau sy'n cael eu gwneud yn yr achos hwn yn rhai cymharol fychan, maent yn dangos bod mwy na phum mlynedd wedi mynd heibio pan mae'r ddeddfwriaeth wedi bod yn wahanol yn Gymraeg ac yn Saesneg. I unrhyw un a fyddai yn cael ei effeithio gan y gwahaniaeth hwnnw, mae'n beth arwyddocaol dros ben. Gwnaeth y rheoliadau canlyniadol hyn yn 2008 ddiwygiadau i naw darn o ddeddfwriaeth y Cynulliad, a'r rheini, byddwn yn tybio, i gyd wedi eu gwneud yn ddwyieithog. Gwnaed y diwygiadau i'r testun Saesneg yn unig, felly wn i ddim a ydynt bellach i gyd wedi eu cywiro ai peidio. Felly, efallai y byddai'n briodol ysgrifennu at y Llywodraeth i ofyn iddi gadarnhau bod hynny wedi digwydd.

Mr Griffiths: I have just one minor point. Although the changes made in this case are relatively minor, they demonstrate that more than five years have passed during which legislation has been different in the Welsh and English versions. For anyone who may be impacted by that difference, it is extremely significant indeed. These consequential regulations that were made in 2008 amended nine pieces of Assembly legislation, and I would suppose that all of those pieces of legislation would have been made bilingually. The amendments were made to the English text only, and I do not know whether they have all now been corrected or not. Therefore, it may be appropriate to write to the Government to ask it to confirm that that has happened.

[7] **David Melding:** We will certainly write. I am minded, because we are going to review the legislative process that has affected this, as the new powers have influenced the work of the fourth Assembly, to undertake a short piece of work to establish the position in general on bilingualism in Welsh law. We have returned to this sort of question quite a few times with regulations that have principally emanated from Whitehall. We have had the occasional problem with our own Government, but obviously its record is a lot better. So, with your permission, I am going to ask the secretariat to prepare a note on where we are. It might be time for us to growl a little bit on the whole matter, because where there is an obligation to issue bilingually, it does not matter what part of Government it is—whether it is here or in Whitehall—these things should be followed. They are not there just permissively; they are there to require that legislation is promulgated properly in both languages.

[8] Is there anything else? I see that there is not.

14:35

**Cynnig o dan Reol Sefydlog 17.42 i Benderfynu Gwahardd y Cyhoedd o'r
Cyfarfod**
**Motion under Standing Order 17.42 to Resolve to Exclude the Public from the
Meeting**

[9] **David Melding:** I move that

the committee resolves to exclude the public from the remainder of the meeting in accordance with Standing Order 17.42(ix).

[10] I do not see any Member objecting, so please switch off the broadcasting equipment and clear the public gallery.

*Derbyniwyd y cynnig.
Motion agreed.*

*Daeth rhan gyhoeddus y cyfarfod i ben am 14:35.
The public part of the meeting ended at 14:35.*