



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

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

**Dydd Llun, 21 Hydref 2008
Monday, 21 October 2008**

Cynnwys
Contents

- 3 Ethol Cadeirydd Dros Dro
Election of a Temporary Chair
- 3 Cyflwyniad, Ymddiheuriadau, Dirprwyon a Datgan Buddiannau
Introduction, Apologies, Substitutions and Declarations of Interest
- 4 Offerynnau ac Offerynnau Drafft 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 and Draft 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 (the Negative Procedure)
- 5 Offerynnau y Bydd y Cynulliad yn Cael ei Wahodd i Dalu 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 Orders No. 15.2, and Instruments Subject to Annulment Pursuant to a Resolution of the Assembly (Negative Procedure)
- 6 Unrhyw Fater Arall
Any Other Business
- 6 Dyddiad y Cyfarfod Nesaf
Date of Next Meeting

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

Eleanor Burnham	Democratiaid Rhyddfrydol Cymru Welsh Liberal Democrats
Alun Davies	Llafur (Cadeirydd Dros Dro) Labour (Temporary Chair)
Chris Franks	Plaid Cymru The Party of Wales

Swyddogion Gwasanaeth Seneddol y Cynulliad yn bresennol
Assembly Parliamentary Service officials in attendance

Anna Daniel	Clerc Clerk
Joanest Jackson	Cynghorydd Cyfreithiol Legal Adviser
Olga Lewis	Dirprwy Glerc Deputy Clerk

Dechreuodd y cyfarfod am 8.45 a.m.
The meeting began at 8.45 a.m.

Ethol Cadeirydd Dros Dro
Election of a Temporary Chair

[1] **Ms Daniel:** Bore da. Croeso i gyfarfod y Pwyllgor Is-ddeddfwriaeth. Yn absenoldeb y Cadeirydd hoffwn alw am enwebiad am Gadeirydd dros dro yn unol â Rheol Sefydlog Rhif 10.19. A oes unrhyw enwebiad?

Ms Daniel: Good morning. Welcome to this meeting of the Subordinate Legislation Committee. In the absence of the Chair, I call for nominations for a temporary Chair in accordance with Standing Order No. 10.19. Are there any nominations?

[2] **Chris Franks:** I nominate Alun Davies.

[3] **Ms Daniel:** Diolch yn fawr. A oes unrhyw enwebiad arall? Gwelaf nad oes. Alun Davies, felly, fydd yn cadeirio'r pwyllgor yn ystod y cyfarfod hwn.

Ms Daniel: Thank you. Are there any other nominations? I see that there are none. Alun Davies will therefore chair this morning's committee meeting.

Penodwyd Alun Davies yn Gadeirydd dros dro.
Alun Davies was appointed temporary Chair.

8.46 a.m.

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

[4] **Alun Davies:** Yr ydym wedi cael ymddiheuriadau oddi wrth Dai Lloyd, Mark Isherwood a Joyce Watson am eu habsenoldeb. Gwelaf fod Chris Franks yn cymryd lle Dai Lloyd.

Alun Davies: Apologies for absence have been received from Dai Lloyd, Mark Isherwood and Joyce Watson. I see that Chris Franks is substituting for Dai Lloyd.

Offerynnau ac Offerynnau Drafft 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 and Draft 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 (the Negative Procedure)

[5] **Alun Davies:** Credaf mai chi, Joanest, sy'n ein harwain drwy'r cyfan y bore yma. Dechreuwn gyda SLC206, Gorchymyn Addysg (y Cwricwlwm Cenedlaethol) (y Cyfnod Sylfaen) (Cymru) (Diwygio) 2008.

Alun Davies: I believe that it is you, Joanest, who will be leading us through all of the items this morning. We begin with SLC206, the Education (National Curriculum) (Foundation Stage) (Wales) (Amendment) Order 2008.

[6] **Ms Jackson:** Nid oes dim i'w ychwanegu at yr adroddiad. Mae hwn er mwyn cywiro gwall y bu i'r pwyllgor ei nodi mewn cyfarfod blaenorol.

Ms Jackson: There is nothing to add to the report. This is to correct a defect noted by the committee in a previous meeting.

[7] **Alun Davies:** A oes unrhyw sylwadau gan yr Aelodau? Gwelaf nad oes. Symudwn ymlaen felly at SLC207, Rheoliadau Rhestr Ardrethu Canolog (Cymru) (Diwygio) 2008.

Alun Davies: Do Members have any comments to make? I see that you do not. We will therefore move on to SLC207, the Central Rating List (Wales) (Amendment) Regulations 2008.

[8] **Ms Jackson:** SLC207 and SLC208, the Non-Domestic Rating (Communications Hereditaments) (Valuation, Alteration of Lists and Appeals and Material Day) (Wales) Regulations 2008, are complementary. They allow BT to benefit under the rating system in respect of—and this is very unusual—fully unbundled local loops, which allow telephone services to be provided by providers other than BT. There is nothing to report in respect of these instruments.

[9] **Alun Davies:** A oes unrhyw sylwadau?

Alun Davies: Are there any comments?

[10] **Eleanor Burnham:** Hoffwn wybod a oes unrhyw nodiadau am amseriad y mater hwn. A fydd hwn yn rhywbeth a ddaw gerbron, neu a fydd yn cael ei weithredu, yn fuan?

Eleanor Burnham: I want to know whether there is any information on the timing of this matter. Will this be something that is brought forward or implemented soon?

[11] **Ms Jackson:** Daw'r ddau offeryn i rym cyn diwedd y mis hwn.

Ms Jackson: Both instruments will come into force before the end of this month.

[12] **Alun Davies:** Os ydych yn hapus, awn ymlaen at SLC209, Rheoliadau Datgymhwyso rhag Gofalu am Blant (Cymru) (Diwygio) 2008.

Alun Davies: If you are content, we will move on to SLC209, the Disqualification from Caring for Children (Wales) (Amendment) Regulations 2008.

[13] **Ms Jackson:** I can take you through SLC209, SLC210, the Suspension of Day Care Providers and Child Minders (Wales) (Amendment) Regulations 2008, and SLC211, the Tax Credits (Approval of Child Care Providers) (Wales) (Amendment) Scheme 2008, because

these instruments, essentially, do the same. They are technical amending instruments to take account of amendments to the tribunals system brought about by the Tribunals, Courts and Enforcement Act 2007. They make changes to the names of the tribunal to which people can appeal under the three sets of instruments before you.

[14] **Alun Davies:** A oes unrhyw sylwadau ar unrhyw un o'r rhain? Gwelaf felly.
Alun Davies: Are there any comments on any of these? I see that there are none. We will therefore move on to the next item.

8.49 a.m.

Offerynnau y Bydd y Cynulliad yn Cael ei Wahodd i Dalu 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 Orders No. 15.2, and Instruments Subject to Annulment Pursuant to a Resolution of the Assembly (Negative Procedure)

[15] **Alun Davies:** Galwaf ar Joanest i siarad am SLC205, Rheoliadau Fformiwla Fabanod a Fformiwla Ddilynol (Diwygio) (Cymru) 2008.
Alun Davies: I call on Joanest to speak on SLC205, the Infant Formula and Follow-on Formula (Amendment) (Wales) Regulations 2008.

[16] **Ms Jackson:** These regulations are reported for failure to comply with a statutory requirement. It is somewhat unusual in that the Act of Parliament not complied with is actually the Government of Wales Act 2006. It requires that community obligations are obligations of the Welsh Ministers when they concern the exercise of the Welsh Ministers' functions. As you will know, one of the functions of the Welsh Ministers is to make subordinate legislation.

8.50 a.m.

[17] The European directive concerned here requires full and transparent consultation, but the information received by us when these regulations came for scrutiny was that no consultation had been undertaken. We have the Government's response, in which it says that four weeks' consultation was undertaken on the grounds that these regulations correct previous regulations as a result of a High Court decision, which stated that the regulations being amended were not in compliance with the European directive. The Government felt that, as no new obligations were being placed on the persons whom these regulations affect, and that it had no option in any event but to make the amendments as required by a court decision, the consultation that it undertook originally was sufficient. It also states that the Food Standards Agency will notify all affected persons. I felt that this was something that I should bring before you as, technically, the consultation was not, as stated to be, open and transparent, in my opinion.

[18] **Alun Davies:** Diolch, Joanest. Yr ydym yn gwerthfawrogi hynny. A oes unrhyw sylwadau?
Alun Davies: Thank you, Joanest. We appreciate that. Are there any comments?

[19] **Eleanor Burnham:** Gan ei bod yn fater o ddiddordeb personol, a ydyw hwn yn ymwneud â'r hyn sydd wedi digwydd i fwyd babanod yn China, o bosibl?
Eleanor Burnham: As it is a matter of personal interest, is this related to what has happened with infant formula in China, possibly?

- [20] **Ms Jackson:** Nag ydyw. **Ms Jackson:** No.
- [21] **Alun Davies:** Nid yw'n ymwneud â'r mater hwnnw. Chris, a oes gennych chi unrhyw sylwadau i'w gwneud ar hwn? **Alun Davies:** It has nothing to do with that. Chris, do you have any comments to make on this matter?
- [22] **Chris Franks:** No, thank you. However, I am impressed with the breadth of this committee.
- [23] **Eleanor Burnham:** It has been an extremely big issue across Asia, and I just wondered whether it had anything to do with this.
- [24] **Alun Davies:** Byddai'n well inni ganolbwyntio ar yr hyn sydd o'n blaenau y bore yma. **Alun Davies:** We had better concentrate on what we have before us this morning.
- [25] Diolch yn fawr i chi, Joanest. Gwelaf nad oes gan yr Aelodau unrhyw sylwadau penodol i'w gwneud ar y mater o dan sylw. Credaf fod y pwyllgor yn cytuno ar yr adroddiad. Byddwn yn gwahodd y Cynulliad i roi sylw arbennig i hyn os ydych yn hapus gyda hynny. Thank you, Joanest. I see that Members have no specific comments to make on this particular issue. I think that the committee has agreed on the report. We will ask the Assembly to pay special attention to these regulations, if you are content with that.

8.52 a.m.

Unrhyw Fater Arall Any Other Business

- [26] **Alun Davies:** Nid oes unrhyw fater arall wedi'i nodi. **Alun Davies:** No other business has been noted.

Dyddiad y Cyfarfod Nesaf Date of Next Meeting

- [27] **Alun Davies:** Cynhelir y cyfarfod nesaf ar 4 Tachwedd 2008. **Alun Davies:** The next meeting will be held on 4 November 2008.

*Daeth y cyfarfod i ben am 8.52 a.m.
The meeting ended at 8.52 a.m.*