



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

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

**Dydd Mawrth, 18 November 2008
Tuesday, 18 November 2008**

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 Reol Sefydlog Rhif 15.2
Instruments in Respect of which the Assembly is not Invited to Pay Special Attention under Standing Order No. 15.2
- 4 Offerynnau y Bydd y Cynulliad yn Cael ei Wahodd i Roi Sylw Arbennig iddynt o dan Reol Sefydlog Rhif 15.2
Instruments in Respect of which the Assembly is Invited to Pay Special Attention under Standing Order No. 15.2
- 4 Unrhyw Fater Arall
Any Other Business
- 5 Dyddiad y Cyfarfod Nesaf
Date of the 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
Mark Isherwood	Ceidwadwyr Cymreig Welsh Conservatives
David Lloyd	Plaid Cymru (Cadeirydd y Pwyllgor) The Party of Wales (Committee Chair)
Joyce Watson	Llafur Labour

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

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

Dechreuodd y cyfarfod am 8.46 a.m.
The meeting began at 8.46 a.m.

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

[1] **David Lloyd:** Croeso i gyfarfod diweddaraf y Pwyllgor Is-ddeddfwriaeth. Ehangwn y croeso—mae Mark newydd gyrraedd—i Aelodau, swyddogion ac aelodau'r cyhoedd sy'n llifo i mewn i'r oriel. Os bydd argyfwng, bydd y tywyswyr yn ein harwain i'r allanfa agosaf. Gellir defnyddio'r clustffonau i glywed cyfieithiad ar y pryd o Gymraeg i Saesneg ar sianel 1 ac i addasu lefel y sain ar sianel 0—gall y tywyswyr ddangos i'r cyhoedd sut i'w defnyddio. Rhaid diffodd ffonau symudol yn llwyr. Nid oes ymddiheuriadau.

David Lloyd: Welcome to the latest meeting of the Subordinate Legislation Committee. We extend a welcome—Mark has just arrived—to Members, officials and the members of the public who are streaming into the gallery. In the event of an emergency, the ushers will guide us to the nearest exit. The headphones provided can be used to get simultaneous interpretation from Welsh to English on channel 1 and to adjust the volume on channel 0—the ushers will show members of the public how to use them. All mobile phones must be switched off completely. There are no apologies.

8.47 a.m.

Offerynnau na Fydd y Cynulliad yn Cael ei Wahodd i Roi Sylw Arbennig iddynt o dan Reol Sefydlog Rhif 15.2
Instruments in Respect of which the Assembly is not Invited to Pay Special Attention under Standing Order No. 15.2

[2] **David Lloyd:** Trown at eitem 2.1, offerynnau sy'n agored i gael eu dirymu yn unol â phenderfyniad gan y Cynulliad, sef y

David Lloyd: We turn to item 2.1, instruments subject to annulment pursuant to a resolution of the Assembly, that is, the

weithdrefn negyddol. Mae Joanest wedi bod yn craffu ar SLC217, Rheoliadau Taliadau Colli Cartref (Symiau Rhagnodedig) (Cymru) 2008. A oes unrhyw beth i'w adrodd, Joanest?

negative procedure. Joanest has been scrutinising SLC217, the Home Loss Payments (Prescribed Amounts) (Wales) Regulations 2008. Is there anything to report, Joanest?

[3] **Ms Jackson:** Nid oes dim i'w ychwanegu i'r adroddiad.

Ms Jackson: There is nothing to add to the report.

[4] **David Lloyd:** Diolch. A yw pawb yn fodlon? Gwelaif eich bod.

David Lloyd: Thank you. Is everyone content? I see that you are.

8.48 a.m.

Offerynnau y Bydd y Cynulliad yn Cael ei Wahodd i Roi Sylw Arbennig iddynt o dan Reol Sefydlog Rhif 15.2

Instruments in Respect of which the Assembly is Invited to Pay Special Attention under Standing Order No. 15.2

[5] **David Lloyd:** O dan yr eitem hon, ystyriwn eitem 3.1, offerynnau sy'n agored i gael eu dirymu yn unol â phenderfyniad gan y Cynulliad, sef y weithdrefn negyddol. Mae Joanest wedi bod yn craffu ar SLC216, Rheoliadau Cyfraniadau Ardrethu Annomestig (Cymru) (Diwygio) 2008. A oes gennych rywbeth i'w adrodd, Joanest?

David Lloyd: Under this item, we now consider item 3.1, instruments subject to annulment pursuant to a resolution of the Assembly, that is, the negative procedure. Joanest has been scrutinising SLC216, the Non-Domestic Rating Contributions (Wales) (Amendment) Regulations 2008. Do you have anything to report, Joanest?

[6] **Ms Jackson:** I have nothing to add to the report. I will just comment that it is reported under the provision of Standing Order No. 15.2(i), which we do not bring to you very often. There is doubt as to the vires. You will see that the Government has accepted the reporting point and that it intends to revoke and remake these regulations before the end of the month.

[7] **David Lloyd:** Diolch, Joanest. A yw pawb yn fodlon gyda'r adroddiad? Gwelaif eich bod.

David Lloyd: Thank you, Joanest. Is everyone content with the report? I see that you are.

8.49 a.m.

Unrhyw Fater Arall Any Other Business

[8] **David Lloyd:** Cymeraf y cyfle hwn i sôn am ein hymchwiliad i'r gwaith craffu ar is-ddeddfwriaeth a phwerau dirprwyedig. Fel y gwyddoch, mae'r pwyllgor hwn yn anelu at ystyried y materion allweddol sydd wedi codi o'r ymgynghoriad a'r sesiynau tystiolaeth cyn diwedd y tymor hwn. Mae'r pwyllgor wedi gwrandao ar gryn dipyn o dystiolaeth ynghylch rôl pwyllgorau eraill y Cynulliad mewn perthynas â chraffu ar Fesurau seneddol a rheoliadau. Hefyd, cafwyd

David Lloyd: I will take this opportunity to mention our inquiry into the scrutiny of subordinate legislation and devolved powers. As you know, this committee aims to consider the key issues that have arisen from the consultation and the evidence sessions before the end of this term. The committee has heard a considerable amount of evidence with regard to the role of other Assembly committees in relation to scrutinising parliamentary Bills and regulations. Also,

awgrymiadau ynglŷn â sefydliadau eraill yn y dystiolaeth, megis rôl y Pwyllgor Materion Cymreig, Comisiwn y Gyfraith, a Swyddfa Cymru.

suggestions have been received with regard to other institutions in the evidence, such as the role of the Welsh Affairs Committee, the Law Commission, and the Wales Office.

[9] Felly, yn sgîl y dystiolaeth ynglŷn â'r sefydliadau eraill hynny a phwyllgorau eraill y Cynulliad, cynigïaf fy mod i fel Cadeirydd yn ysgrifennu ar ran y pwyllgor i'r cyrff eraill hyn—pwyllgorau eraill y Cynulliad, Pwyllgor Materion Cymreig San Steffan, Comisiwn y Gyfraith a Swyddfa Cymru—i'w holi am eu hymateb i'n hymchwiliad. Bydd yn rhaid i'r pwyllgor hwn ystyried eu hymateb hwy hefyd. O ystyried hynny, credaf y bydd y pwyllgor yn gohirio trafod yr adroddiad drafft tan yn gynnar yn y flwyddyn newydd, i roi amser teg i'r cyrff eraill hyn ymateb i'n llythyr ni. A yw pawb yn fodlon â hynny? Gwelaf eich bod.

So, in the light of the evidence about the other institutions and the other Assembly committees, I propose that I as Chair write on behalf of the committee to these other bodies—the other Assembly committees, the Welsh Affairs Committee in Westminster, the Law Commission, and the Wales Office—to ask them for their response to our inquiry. This committee will have to consider their response too. Bearing that in mind, I believe that the committee will defer discussion of the draft report until early in the new year, in order to give adequate time for these other organisations to respond to our letter. Is everyone content with that? I see that you are.

8.50 a.m.

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

[10] **David Lloyd:** Cofiwch yng nghyfarfod y Pwyllgor Is-ddeddfwriaeth ar 4 Tachwedd inni drafod y Mesur Arfaethedig ynghylch Llywodraeth Leol (Cymru). Penderfynodd y pwyllgor graffu ar y Mesur drafft hwn, yn unol â'i gylch gorchwyl dan Reol Sefydlog Rhif 15.6(ii). Fel rhan o'r gwaith craffu, penderfynwyd gwahodd Dr Brian Gibbons, y Gweinidog dros Gyfiawnder Cymdeithasol a Llywodraeth Leol, i roi tystiolaeth ar y Mesur hwn i'r pwyllgor. Felly, bydd Dr Gibbons yn bresennol yn ein cyfarfod yr wythnos nesaf, ar 25 Tachwedd.

David Lloyd: You will recall that, in the Subordinate Legislation Committee meeting on 4 November, we discussed the Proposed Local Government (Wales) Measure. The committee decided to scrutinise this draft Measure, in accordance with its remit under Standing Order No. 15.6(ii). As part of the scrutiny, it was decided that we should invite Dr Brian Gibbons, the Minister for Social Justice and Local Government, to give evidence on this Measure to the committee. Therefore, Dr Gibbons will be present at next week's meeting, on 25 November.

[11] **Eleanor Burnham:** Am faint o'r gloch y bydd y cyfarfod yn dechrau yr wythnos nesaf?

Eleanor Burnham: What time will the meeting start next week?

[12] **David Lloyd:** Am 8.15 a.m. yn brydlon.

David Lloyd: At 8.15 a.m. promptly.

[13] **Eleanor Burnham:** Mae hynny cyn Tŷ'r Arglwyddi, felly, fel y gwelsom pan oeddem yn San Steffan.

Eleanor Burnham: That is before the House of Lords, then, as we saw when we visited Westminster.

[14] **David Lloyd:** Ydyw. A oes unrhyw

David Lloyd: Yes. Are there any other

sylwadau eraill? Gwelaf nad oes. Diolch am comments? I see that there are none. Thank
eich presenoldeb y bore yma, a diolch i'r you for your attendance this morning, and I
cyfieithwyr. thank the interpreters.

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