

# Cofnod y Trafodion The Record of Proceedings

## Y Pwyllgor Materion Cyfansoddiadol a Deddfwriaethol

## The Constitutional and Legislative Affairs Committee

11/01/2016

### Trawsgrifiadau'r Pwyllgor Committee Transcripts



Cynulliad  
Cenedlaethol  
Cymru

National  
Assembly for  
Wales

## Cynnwys Contents

- 3 Cyflwyniad, Ymddiheuriadau, Dirprwyon a Datgan Buddiannau  
Introduction, Apologies, Substitutions and Declarations of Interest
- 4 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 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
- 7 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

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**

Alun Davies	Llafur Labour
Suzy Davies	Ceidwadwyr Cymreig Welsh Conservatives
Dafydd Elis-Thomas	Plaid Cymru The Party of Wales
David Melding	Y Dirprwy Lywydd a Chadeirydd y Pwyllgor The Deputy Presiding Officer and Committee Chair
William Powell	Democratiaid Rhyddfrydol Cymru Welsh Liberal Democrats

**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 Clerc Deputy Clerk
Dr Alys Thomas	Y Gwasanaeth Ymchwil Research Service
Gareth Williams	Clerc Clerk
Katie Wyatt	Cynghorydd Cyfreithiol Legal Adviser

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

**Cyflwyniad, Ymddiheuriadau, Dirprwyon a Datgan Buddiannau**  
**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. Just briefly, the usual housekeeping arrangements: we do not expect a routine fire drill, so if we hear the alarm please follow the instructions of the ushers. Could

you switch off all electronic equipment, or at least put it onto silent? And these proceedings will be conducted in Welsh and English, and when Welsh is spoken there's a translation on channel 1; channel 0 will amplify the proceedings.

**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**

[2] **David Melding:** Item 2, then: instruments that no raise no reporting issues. There are a lot of them, and they are listed there. Are Members content? We are content, then.

**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**

[3] **David Melding:** Item 3, then, is instruments that do raise reporting issues. Do Members want to add anything or clarify?

[4] **Suzy Davies:** I was just going to ask, on the first one, which is the fire regulations one, there was reference to a non-existent document. Does that happen very often? I mean, it's almost a typo, but I'm just wondering, do you see it often?

[5] **Mr Griffiths:** It could happen more often than it does. And so, on this occasion, I did warn the Government beforehand to beware not to make this mistake, and then they did, so then they had to remake the statutory instrument.

[6] **Suzy Davies:** Oh, right. That's just useful to know. Thank you.

[7] **David Melding:** Anything else? Can I just mark up, then, the Welsh Language (Wales) Measure 2011 (Amendment of Schedule 6) Order 2016? I do note the merits scrutiny there. It raises some very significant issues, and I think it's appropriate that our report does reflect that in that sort of serious tone, because I do think the need to consult and to be very clear on why organisations qualify—. I mean, this is important law and it should be clearly

understood, and its use should be clear on all sides. And I think, you know, best practice has not quite been reached yet in this area in this particular case.

[8] **Suzy Davies:** And perhaps it was a bit disappointing as well that the explanatory memorandum, as it was, was signed off as being more than adequate, which it obviously wasn't.

[9] **Yr Arglwydd Elis-Thomas:** Perhaps I should declare an historic interest as a former chair of the Welsh Language Board, and there are some former members of the board also in attendance advising us today.

[10] Mae'n rhaid i mi ddweud fy mod i yn ystyried y ddeddfwriaeth yma yn ei bwriadau gwreiddiol, er eu bod nhw wedi cael eu pasio, wrth gwrs, gan y Cynulliad, ond yn eu gweithrediad yn ddiffygiol iawn. Ac felly, fe garwn i, ar ryw bwynt, pe byddai modd, nid i'r pwyllgor yma efallai, ond y pwyllgor a fydd yn dilyn ym mha ffurf bynnag yn y Cynulliad newydd, i gynnal adolygiad o'r graddau y mae deddfwriaeth ddwyieithog yn effeithlon o fewn y Cynulliad Cenedlaethol ei hun, lle mae gyda ni ein Deddf Cynulliad Cenedlaethol Cymru (leithoedd Swyddogol) 2012, o'i gymharu â'r hyn sydd yn digwydd yn Llywodraeth Cymru. Rwy'n dweud hynny yn gyhoeddus ac yn glir er mwyn gosod y safbwynt ger bron y pwyllgor yma, ac unrhyw un arall sydd yn gwrando, megis rhybudd fy mod i yn teimlo bod yr amser yn dod i ni gael adolygiad ystyrlon a gwrthrychol, gan bwyllgor gyda'r gallu i wneud hynny, I have to say that I do consider this legislation in its original intentions, although they were passed, of course, by the Assembly, as being very deficient indeed in the implementation of the intention. And therefore, at some point, I would like a committee—not this committee perhaps, but the successor committee in whatever form it takes in the next Assembly—to hold a review of the extent to which bilingual legislation is effective within the National Assembly itself, where we have our National Assembly for Wales (Official Languages) Act 2012, as compared to what happens within the Welsh Government. I say that publicly and clearly in order to set my stall out before this committee, and before anyone else who may be listening, as a warning perhaps that I do feel that the time is approaching where we will need a considered and objective review by a competent committee of bilingual legislation.

o ddeddfwriaeth ddwyieithog. Mae hynny yn bennaf gan fy mod i yn ofni bod y modd y mae'r ddeddfwriaeth bresennol yn cael ei gweithredu yn gallu bod yn andwyol yn y tymor byr ac yn y tymor hir i ewyllys da ynglŷn â dwyieithrwydd. Ond ddywedaf i ddim rhagor na hynny heddiw.

This is mainly because I fear that the way in which the current legislation is being implemented can be detrimental in the short term and in the long term in terms of goodwill towards bilingualism. But I'll say no more for today.

[11] **David Melding:** Thank you, Dafydd, and I think that's an appropriate issue to discuss in relation to our legacy report, I think. You know, I'm sure we would all agree you've identified an important matter there.

[12] If there's nothing else, then, on item 3, we have papers to note. The first one is the Government's response to our 'Making Laws in Wales' report, and the debate is next week. I think it's there to be noted at this stage. Obviously, I'm pleased with the recommendations that are being followed. I'm slightly surprised by some of the ones that they're either only accepting in part or in tepid fashion and those that have been rejected, but perhaps it's for the debate to draw out some of those points. I thought it was curious what they said in response to our recommendation on publishing Bills as drafts as a matter of routine if at all possible. It didn't seem a particularly contentious recommendation. And on the point of bilingualism, I thought that was a slightly less than fulsome response and perhaps a little disappointing, but we'll have a chance in the debate to examine these matters further.

[13] Then, there are a couple of responses from the Secretary of State to Chairs of the committees that submitted evidence on the draft Wales Bill. Rather than discuss any views on those letters, I think that you should note at least that the Secretary of State is responding individually to those committees, which is to be welcomed. Obviously, we have our own debate on Wednesday on our report, attached to a wider discussion really about the whole draft Wales Bill.

[14] Then there's a piece of supplementary evidence in relation to the draft Wales Bill, which I think deals with compulsory purchases. This is from Huw Williams, who's actually contributed quite a lot to our inquiry, so I'm sure we're very grateful to him for further material evidence.

[15] We've also received a copy of Cytûn's response, I think, to the UK

Government on the draft Wales Bill, which, just for interest, is there for you. It has been circulated as a paper today.

[16] There's a letter from Philip Rycroft, head of UK Governance Group, which relates to this issue of getting evidence from a senior member of the civil service. It's there to be noted. Then, there's a paper from Lord Boswell on the House of Lords' response to President Juncker's work programme for the EU.

[17] Finally—no, not finally—there's a letter from the House of Commons Public Administration and Constitutional Affairs Committee on their consultation on inter-governmental relations in the UK. I did meet with the committee when they were down gathering evidence. Dafydd, as well, you were at the same meeting, weren't you, I recall, at the St David's hotel. So, I'm just glad they're interested in getting a good Welsh dimension and have taken evidence down here.

[18] Then, there's a copy of the letter I sent back to David Davies, chair of the Welsh Affairs Select Committee, about further possibilities of joint work where that would be relevant and in the public interest. Are we happy to note all those?

14:38

**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**

*Cynnig:*

*Motion:*

*bod y pwyllgor yn penderfynu that the committee resolves to gwahardd y cyhoedd o weddill y exclude the public from the cyfarfod yn unol â Rheol Sefydlog remainder of the meeting in 17.42(ix).*

*accordance with Standing Order 17.42(ix).*

*Cynigiwyd y cynnig.*

*Motion moved.*

[19] **David Melding:** I'd like to move the relevant standing order that we

conduct the rest of the meeting in private, unless any Member objects. I don't see any Member objecting. So, would you please clear the public gallery and switch off the broadcasting equipment?

*Derbyniwyd y cynnig.*

*Motion agreed.*

*Daeth rhan gyhoeddus y cyfarfod i ben am 14:39.*

*The public part of the meeting ended at 14:39.*