



Cynulliad
Cenedlaethol
Cymru

National
Assembly for
Wales

Cofnod y Trafodion The Record of Proceedings

Y Pwyllgor Materion Cyfansoddiadol a Deddfwriaethol Dros Dro

Interim Committee on Constitutional and Legislative Affairs

16/06/2016

Hyrwyddwyd gan Gomisiwn Cynulliad Cenedlaethol Cymru, Bae Caerdydd, Caerdydd, CF99 1NA.

Promoted by the National Assembly for Wales Commission, Cardiff Bay, Cardiff CF99 1NA

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Cofnodir y trafodion yn yr iaith y llofarwyd hwy ynnddi yn y pwyllgor. Yn ogystal, cynhwysir trawsgrifiad o'r cyfieithu ar y pryd. Lle y mae cyfranwyr wedi darparu cywiriadau i'w tystiolaeth, nodir y rheini yn y trawsgrifiad.

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. Where contributors have supplied corrections to their evidence, these are noted in the transcript.

Aelodau'r pwyllgor yn bresennol
Committee members in attendance

Michelle Brown Bywgraffiad Biography	UKIP Cymru UKIP Wales
Yr Arglwydd / Lord Dafydd Elis-Thomas Bywgraffiad Biography	Plaid Cymru The Party of Wales
Huw Irranca-Davies Bywgraffiad Biography	Llafur Labour
David Melding Bywgraffiad Biography	Ceidwadwyr Cymreig (Cadeirydd y Pwyllgor) Welsh Conservatives (Committee Chair)

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

Ruth Hatton	Dirprwy Clerc Deputy Clerk
Gwyn Griffiths	Cynghorydd Cyfreithiol Legal Adviser
Dr Alys Thomas	Y Gwasanaeth Ymchwil Research Service
Gareth Williams	Clerc Clerk

Dechreuodd y cyfarfod am 10:00.
The meeting began at 10:00.

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

[1] **David Melding:** Good morning, bore da. Welcome to this first interim committee meeting on constitutional and legislative affairs. I have no apologies and I welcome the Members to this meeting and look forward to your contributions and ask that any declarations of interest that are relevant

are made now if any Member has them. There are none, okay.

[2] I'll just go through the usual housekeeping rules. We do not expect a routine fire drill, so if you hear the alarm, please follow the instructions of the ushers. Put all mobile and electronic devices onto silent or switch them off. These proceedings will be conducted in Welsh and English, and, when Welsh is spoken, there is a translation on channel 1. Should you need to amplify our proceedings, then you can do that on channel 0.

10:01

**Offerynnau nad ydynt yn Cynnwys Unrhyw Faterion i'w Codi o dan Reol
Sefydlog 21.2 neu 21.3
Instruments that Raise no Reporting Issues under Standing Order 21.2
or 21.3**

[3] **David Melding:** Item 2, then, is instruments that raise no reporting issues. There is one there and it has a clear report. Are Members content? I see that Members are, so we agree that.

**Papurau i'w Nodi
Papers to Note**

[4] **David Melding:** There are papers to note. There is a list of instruments that were too late to be laid in the fourth Assembly for scrutiny, and then there's a letter from the Secretary of State for Wales to the Chair of the Welsh Affairs Committee on the UK Government's response to the Welsh Affairs Committee's report on the draft Wales Bill, which may be relevant for our consideration later. Gwyn.

[5] **Mr Griffiths:** Perhaps I can just confirm to the committee that the committee's legal advisers did have a look at these statutory instruments as if they were going to come before a committee formally, and they would all have been clear reports apart from the water quality regulations, which are made for England and Wales, and, therefore, in English only, and that would have been the only reporting point that we would have brought to the committee.

[6] **David Melding:** So, we would have observed that they were not also in Welsh.

[7] **Huw Irranca-Davies:** Chair, could I just ask for a point of clarity as it's been a while since I sat on an SI committee? Joint negative procedure—what is that? That's CLA705, the water supply one that you referred to.

[8] **David Melding:** It's because it's a joint instrument.

[9] **Mr Griffiths:** Yes. So, if there's a negative resolution either here or at Westminster, then the SI falls.

[10] **Huw Irranca-Davies:** Great. Okay, thanks.

[11] **David Melding:** Okay?

[12] **Huw Irranca-Davies:** Sorry, just one other brief observation, on CLA706, the Disabled Persons (Badges for Motor Vehicles) (Wales) (Amendment) Regulations 2016. It was subject to some debate on the floor of the Senedd this week. Even though it's a negative procedure, is this a pure technical issue? As has been described in terms of all of these SIs, there is no great controversy over this issue that need detain this committee.

[13] **David Melding:** Well, as it was a negative, it was still subject to recall by a Member, and a debate, which is what happened, so that, in effect, makes it more like an affirmative procedure where there's a decision and a debate in Plenary. But it's for a Member to actively do that, rather than if it was affirmative it would happen automatically that there'd be a debate and a resolution. So, it was for the Member concerned; you know, he made the argument about the issues around it and that the issuing of temporary badges could have been better achieved. I'm not sure we would have said anything about that, because that's like a policy matter rather than—

[14] **Mr Griffiths:** We do bring to the attention of the committee any merits issues that we think are of particular significance. So, if, for example, 'temporary' had been defined as something lasting at least 10 years, we would have said, 'This doesn't sound quite right' and would have brought it to the committee. But, if it looks right, it becomes a judgment then for Members whether the policy is right.

[15] **David Melding:** It's a fine line. Or, another typical thing we would say is that this seems to be an important area of public policy, but we wouldn't go further than that. But that would hint to Members that they might want to

have a good look at it, and then possibly call it in or whatever.

10:04

**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(vi).*

*accordance with Standing Order
17.42(vi).*

Cynigiwyd y cynnig.

Motion moved.

[16] **David Melding:** Okay. We'll move, then, to item 4 and I move Standing Order 17.42 that we conduct the rest of this meeting in private and exclude any members of the public from the gallery unless any Member objects. I don't see a 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 10:05.

The public part of the meeting ended at 10:05.