



Cynulliad
Cenedlaethol
Cymru

National
Assembly for
Wales

Cofnod y Trafodion The Record of Proceedings

Y Pwyllgor Materion Cyfansoddiadol a Deddfwriaethol

The Constitutional and Legislative Affairs Committee

9/10/2017

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

Nathan Gill Bywgraffiad Biography	Annibynnol Independent
Huw Irranca-Davies Bywgraffiad Biography	Llafur (Cadeirydd y Pwyllgor) Labour (Committee Chair)
Dai Lloyd Bywgraffiad Biography	Plaid Cymru The Party of Wales
David Melding Bywgraffiad Biography	Ceidwadwyr Cymreig Welsh Conservatives

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

Gareth Howells	Cynghorydd Cyfreithiol Legal Adviser
Tanwen Summers	Ail Glerc Second Clerk
Dr 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 Datgan Buddiannau
Introduction, Apologies, Substitutions and Declarations of Interest

[1] **Huw Irranca-Davies:** Prynhawn da and welcome to this afternoon's session of the Constitutional and Legislative Affairs Committee. We move into item No. 1 of this afternoon's session. At the moment, we have no apologies, although we're just checking and verifying that, so we are expecting to have a full house, but we are just checking, and I will give an

update to the committee as and when needed. We are not expecting any fire alarms today, so if there is a fire alarm, as per normal, follow the ushers and staff. If you can make sure that all your mobile devices are switched to silent mode, which has just been a very good reminder for me, and, of course, we have simultaneous translation on channel 1 through both the Welsh and English languages. With those housekeeping announcements, as per normal, we can move to item No. 2.

14:31

**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] **Huw Irranca-Davies:** Under item No. 2, we have instruments that raise no reporting issues under Standing Order 21.2 or 21.3. We have, under paper No. 1, several statutory instruments with clear reports that raise no issues, two of them being negative resolution instruments and five being affirmative resolution instruments. I wonder if Members have any comments or observations, or are we happy to note them?

[3] **Dai Lloyd:** Bodlon. **Dai Lloyd:** Content.

[4] **Huw Irranca-Davies:** Bodlon. **Huw Irranca-Davies:** Content. Thank Diolch yn fawr iawn. you very much.

[5] Okay. We're happy to note those.

**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**

[6] **Huw Irranca-Davies:** We move on to item No. 3, which is instruments that raise issues to be reported to the Assembly under Standing Order 21.2 or 21.3. We have one instrument here, it's a negative instrument: SL(5)127, the Well-being of Future Generations (Wales) Act 2015 (Assessments of Local Well-being) Regulations 2017. We have the regulations, the explanatory memorandum and the report. Now, I'm going to turn to Gareth, who is going

to take us through his observations on this with a merits point, I understand.

[7] **Mr Howells:** Diolch, yes. The query raised in the draft report wasn't directly about these regulations; it was more of a side issue around the making, adoption and publication of noise maps for Wales. The legislation says that the Welsh Ministers must make and adopt noise maps for Wales, and the legislation says that the Welsh Ministers should've made and adopted the latest noise map by 30 June this year. While the Welsh Government has provided a response around the reasoning for the delay in the publication of the noise map and how it relies on UK Department for Transport, there's no express statement saying that the Welsh Ministers did actually make and adopt a noise map for Wales by the end of June this year. So, the committee may wish to get some clarification as to whether that is the case.

[8] **Huw Irranca-Davies:** Very good. Are we content to follow this up and seek that clarification? Thank you very much.

[9] **Nathan Gill:** Absolutely.

[10] **Huw Irranca-Davies:** Diolch yn fawr. Thank you, Gareth.

14:33

**Offerynnau nad ydynt yn cynnwys Materion i Gyflwyno Adroddiad
arnynt o dan Reol Sefydlog 21.2 na 21.3 ond sydd â Goblygiadau o
ganlyniad i'r DU yn Gadael yr UE**
**Instruments that Raise No Reporting Issues under Standing Order 21.2
or 21.3 but have Implications as a result of the UK Exiting the EU**

[11] **Huw Irranca-Davies:** We move on to item No. 4: instruments that raise no reporting issues under Standing Order 21.2 or 21.3, but have implications as a result of the UK exiting the EU. As committee members and observers will recall, we instituted this process to flag up those that would cause issues as a result of the UK exiting the EU. We have one negative instrument here, SL(5)126, the Natural Mineral Water, Spring Water and Bottled Drinking Water (Wales) (Amendment) Regulations 2017, and, on paper 5, the accompanying report. Gareth, did you want to say anything on this?

[12] **Mr Howells:** Just that it's another example of an EU-related

instrument, which we're bringing to the attention of the committee.

[13] **Huw Irranca-Davies:** Fantastic. Thank you very much. Do Members require any further explanation or are we happy to note? There we are. Thank you. Good.

14:34

Papurau i'w Nodi Papers to Note

[14] **Huw Irranca-Davies:** We move to item No. 5, papers to note, and they're in your packs. We have paper 6, which is the letter from the Llywydd on the European Union (Withdrawal) Bill of 2 October 2017, and if I could suggest to Members that we come back and discuss that in private session later this afternoon. At paper 7, we have the letter from the chair of the Public Administration and Constitutional Affairs Select Committee on the EU withdrawal Bill. And, again, if I could suggest to Members that this letter from the chair of PACAC, we put to our private business afterwards. Thank you.

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.

[15] **Huw Irranca-Davies:** Then, we can move to item No. 6, the motion under Standing Order 17.42 to resolve to meet in private. Are Members content?

[16] **David Melding:** Agreed.

[17] **Dai Lloyd:** Bodlon.

Dai Lloyd: Content.

[18] **Huw Irranca-Davies:** Diolch. Okay, we move to meet in private.

Derbyniwyd y cynnig.

Motion agreed.

Daeth rhan gyhoeddus y cyfarfod i ben am 14:34.

The public part of the meeting ended at 14:34.