

Lesley Griffiths AM
Cabinet Secretary for Environment and Rural Affairs

4 December 2017

Dear Lesley

Agricultural Wages (Wales) Order 2017


The Committee considered the government response to the technical reporting points made in respect of the above order at its meeting on 27 November 2017.

With regard to point 3 of your response, we would welcome a fuller analysis of the Welsh Government's justification for the retrospective effect of the order. In particular, the Committee would welcome analysis based on the well-established test for justification set out by the Supreme Court, i.e. the fourfold test comprising the following questions:

- Does the measure have a legitimate aim sufficient to justify the limitation of a fundamental right?
- Is the measure rationally connected to that aim?
- Could a less intrusive measure have been used?
- Has a fair balance been struck between the rights of the individual and the interests of the community?

I look forward to hearing from you soon,

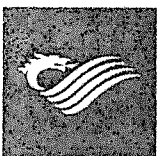
Yours sincerely



David Melding AM

Temporary Chair

Croesewir gohebiaeth yn Gymraeg neu Saesneg.
We welcome correspondence in Welsh or English.



Lesley Griffiths AC
Ysgrifennydd y Cabinet dros yr Amgylchedd a Materion
Gwledig

4 Rhagfyr 2017

Annwyl Lesley

Gorchymyn Cyflogau Amaethyddol (Cymru) 2017

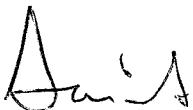
Ystyriodd y Pwyllgor ymateb y llywodraeth i'r pwyntiau adrodd technegol a wnaed mewn perthynas â'r gorchymyn uchod yn ei gyfarfod ar 27 Tachwedd 2017.

O ran pwynt 3 eich ymateb, byddem yn croesawu dadansoddiad llawnach o gyfiawnhad Llywodraeth Cymru dros effaith ôl-weithredol y gorchymyn. Yn benodol, byddai'r Pwyllgor yn croesawu dadansoddiad yn seiliedig ar y prawf sefydledig ar gyfer cyfiawnhad a bennwyd gan y Goruchaf Lys, hy y prawf pedwar pwynt sy'n cynnwys y cwestiynau canlynol:

- A oes gan y mesur nod cyfreithlon sy'n ddigonol i gyfiawnhau cyfyngiad hawl sylfaenol?
- A yw'r mesur wedi'i gysylltu yn rhesymegol â'r nod hwnnw?
- A ellid defnyddio mesur llai ymwthiol?
- A oes cydbwysedd teg wedi cael ei daro rhwng hawliau'r unigolyn a buddiannau'r gymuned?

Edrychaf ymlaen at glywed gennych yn fuan,

Yn gywir



David Melding AC
Cadeirydd Dros Dro

Croesewir gohebiaeth yn Gymraeg neu'n Saesneg.
We welcome correspondence in Welsh or English.

