Cynulliad Cenedlaethol Cymru
The National Assembly for Wales

Y Pwyllgor Materion Cyfansoddiadol a Deddfwriaethol
The Constitutional and Legislative Affairs Committee

Dydd Llun, 31 Mawrth 2014
Monday, 31 March 2014

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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

Mick Antoniw	Llafur (yn dirprwyo ar ran Julie James) Labour (substitute for Julie James)
Suzy Davies	Ceidwadwyr Cymreig Welsh Conservatives
Eluned Parrott	Democratiaid Rhyddfrydol Cymru Welsh Liberal Democrats
Simon Thomas	Plaid Cymru The Party of Wales

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 Glerc Deputy 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.

Ethol Cadeirydd Dros Dro
Election of a Temporary Chair

[1] **Mr Williams:** Good afternoon and welcome to this meeting of the Constitutional and Legislative Affairs Committee. The committee Chair, David Melding AM, has submitted his apologies for today's meeting. Therefore, the first item of business is the election of a temporary Chair. I invite nominations from committee members for a temporary Chair to be elected under Standing Order 17.22.

[2] **Mick Antoniw:** I nominate Simon Thomas.

[3] **Suzy Davies:** I second that nomination.

[4] **Mr Williams:** I see that there are no other nominations and I declare Simon Thomas elected and invite him to take the chair.

Penodwyd Simon Thomas yn Gadeirydd dros dro.
Simon Thomas was appointed temporary Chair.

14:31

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

[5] **Simon Thomas:** Diolch yn fawr. Croeso i'r Pwyllgor Materion Cyfansoddiadol a Deddfwriaethol. Fel y dywedwyd, rydym wedi derbyn ymddiheuriadau gan y Cadeirydd, David Melding, a gan Julie James. Rydym yn croesawu Mick Antoniw yn lle Julie James. Deallaf y bydd Eluned Parrott dipyn bach yn hwyr, ond rydym yn disgwyl iddi ymuno â ni. Nid ydym yn disgwyl larwm tân. Rydym yn gweithredu drwy gyfrwng y Gymraeg a Saesneg, ac atgoffaf bawb fod cyfieithu ar y pryd ar gael ar sianel 1 a'i bod hi'n bosibl clywed yr iaith sy'n cael ei siarad ar sianel 0. A oes unrhyw ddatganiad o fuddiant? Gwelaf nad oes. Symudwn felly at yr eitem nesaf.

Simon Thomas: Thank you very much. Welcome to the Constitutional and Legislative Affairs Committee. As has been said, we have received apologies from the Chair, David Melding, and from Julie James. We welcome Mick Antoniw as a substitute for Julie James. I understand that Eluned Parrott is running a little late, but we are expecting her to join us. We do not expect a fire alarm. We operate through the medium of Welsh and English, and I remind everyone that interpretation is available on channel 1 and the verbatim feed is available on channel 0. Are there any declarations of interest? I see that there are not. We will move on therefore to the next item.

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

[6] **Simon Thomas:** Mae pedwar offeryn wedi eu rhestru. A oes gan unrhyw un sylwadau neu gwestiynau? Gwelaf nad oes. Mae pawb yn hapus felly i nodi'r offerynnau fel y maent.

Simon Thomas: There are four instruments listed. Are there any comments or questions? I see that there are not. Everyone is content to note the instruments as they are.

14:32

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] **Simon Thomas:** Mae dau offeryn wedi eu rhestru, ac mae rheoliadau, memorandwm esboniadol ac adroddiad i'r naill a'r llall. Y rheoliadau cyntaf yw CLA388, Rheoliadau Gwastraff (Cymru a Lloegr) (Diwygio) 2014, a'r ail yw CLA389, Rheoliadau Addysg (Benthyciadau Myfyrwyr) (Ad-daliad) (Diwygio) 2014. A oes unrhyw sylwadau neu gwestiynau ar y rheini?

Simon Thomas: There are two instruments listed, and there are regulations, an explanatory memorandum and a report for both of them. The first regulations are CLA388, the Waste (England and Wales) (Amendment) Regulations 2014, and the second are CLA389, the Education (Student Loans) (Repayment) (Amendment) Regulations 2014. Are there any comments or questions on those?

[8] **Suzy Davies:** Mae'r un pwynt yn codi unwaith eto ynglŷn â'r iaith.

Suzy Davies: The same point arises once again about the language.

[9] **Simon Thomas:** Yn union. Diolch, Suzy. Roeddwn hefyd am godi'r pwynt hwnnw. Mae'r pwynt wedi cael ei wneud bod

Simon Thomas: Yes, exactly. Thank you, Suzy. I also wanted to raise that point. The point has been made that the education

y rheoliadau addysg ar fenthyciadau myfyrwyr wedi eu cyflwyno yn uniaith Saesneg oherwydd nad yw Tŷ'r Cyffredin yn gweithredu drwy gyfrwng y Gymraeg, yn y bôn. Mae'r pwyllgor hwn wedi penderfynu edrych ar hwn o safbwynt deddfu'n ddwyieithog yn y dyfodol. Fodd bynnag, o leiaf rydym wedi derbyn esgus gwahanol y tro hwn am beidio â'u cyflwyno yn ddwyieithog.

regulations on student loans have been presented in English only because the House of Commons does not operate through the medium of Welsh, essentially. This committee has decided to look at this from the point of view of legislating bilingually in the future. However, at least we have received a different excuse this time for failing to present them bilingually.

[10] **Mr Griffiths:** Mae mwy o gyfiawnhad y tro hwn, oherwydd nid mater ydy hwn o'r Ysgrifennydd Gwladol yn gwneud rheoliadau ar gyfer Lloegr, a Gweinidogion Cymru yn gwneud hynny ar gyfer Cymru, ond bod rhai o'r rheoliadau y mae'r Ysgrifennydd Gwladol yn eu gwneud hefyd yn gymwys i Gymru oherwydd y ffordd y mae'r pwerau wedi eu datganoli. Felly, mae mwy o gyfiawnhad yn yr achos hwn.

Mr Griffiths: There is greater justification this time because this is not a matter of the Secretary of State making regulations for England, and Welsh Ministers making similar regulations for Wales, but that some of the regulations made by the Secretary of State also apply to Wales because of the way in which the powers are devolved. Therefore, there is greater justification on this occasion.

[11] **Simon Thomas:** Felly, mae'r rhan sy'n gymwys i Gymru yn rhan fach o rywbeth llawer mwy. Ydy hynny'n gywir?

Simon Thomas: Therefore, the part that relates to Wales is a small part of something much bigger. Is that correct?

[12] **Mr Griffiths:**Ydy. Mae'n gwneud yr un peth â Gweinidogion Cymru, ond mae'n gwneud rhywbeth ychwanegol ar gyfer Cymru a Lloegr hefyd.

Mr Griffiths: Yes, it is. He does the same as Welsh Ministers, but also has different provisions for England and Wales.

[13] **Simon Thomas:** Diolch yn fawr. Nodwn hynny, felly.

Simon Thomas: Thank you very much. We will note that, therefore.

[14] Croeso, Eluned.

Welcome, Eluned.

14:34

Memorandwm Cydsyniad Deddfwriaethol: Y Bil Dadreoleiddio
Legislative Consent Memorandum: Deregulation Bill

[15] **Simon Thomas:** Rydym wedi edrych ar y Bil hwn o'r blaen. Mae'r Cadeirydd eisoes wedi anfon llythyr at y pwyllgor yn Nhŷ'r Cyffredin, os cofiaf yn iawn. Mae'r Bil yn awr yn mynd drwy San Steffan, a bydd yn rhaid i ni fel pwyllgor osod adroddiad er mwyn i'r peth gael ei drafod mewn Cyfarfod Llawn, a gwneud penderfyniad ar yr adroddiad hwnnw toc ar ôl inni ddod yn ôl ar ôl y Pasg. Efallai y gallwn drafod hynny yn nes ymlaen, ond mae cyfle gennym i edrych ar y memorandwm yn awr. Credaf fod gan Gwyn wybodaeth i'w hychwanegu at yr hyn

Simon Thomas: We have looked at this Bill previously. The Chair has already sent a letter to the committee in the House of Commons, if I remember correctly. The Bill is now going through Westminster and, as a committee, we will have to table a report in order for this to be discussed in Plenary, and a decision will have to be made on that report as soon as possible when we return after Easter recess. Perhaps we could discuss that later on, but we have an opportunity to look at the memorandum now. I believe that Gwyn has some information to add to what you

sydd gennych.

already have.

[16] **Mr Griffiths:** Nid oes llawer i'w ychwanegu yn sgîl yr hyn sydd yn y papur hwn. Mae'n amlwg bod angen i'r Llywodraeth ystyried cyflwyno memorandwm pellach. Efallai mai'r peth mwyaf priodol fyddai i'r pwyllgor ysgrifennu at y Llywodraeth i geisio cael mwy o esboniad ynglŷn ag ychydig o bethau. O ran y pethau sydd yma, nid wyf yn gweld bod unrhyw broblem sylweddol gyda nhw. Fodd bynnag, rwy'n credu bod angen memorandwm pellach, yn enwedig os edrychwch chi ar y paragraff olaf ond un, sydd yn cyfeirio at y newidiadau a wnaed yn y cyfnod pwyllgor. Mae rhan o hwnnw yn ymwneud â daliadau amaethyddol y byddwn yn disgwyl i fod o fewn cymhwysedd deddfwriaethol y Cynulliad. Felly, bydd angen memorandwm ynglŷn â hynny. Mae rhyw bethau eraill mwy cyffredinol y mae angen esboniad pellach arnynt.

Mr Griffiths: There is not much to add to what is in this paper. Clearly, the Government needs to consider bringing forward a further memorandum. Perhaps the most appropriate thing would be for the committee to write to the Government seeking greater clarity on a few issues. In terms of the issues set out here, I do not see that there is any significant problem with them. However, I think that we need a further memorandum, particularly if you look at the penultimate paragraph, which relates to changes made at committee stage. That partly relates to agricultural holdings that I would expect to be within the legislative competence of the Assembly. Therefore, a memorandum will be required on that issue. There are also more general issues on which we need greater clarity.

[17] **Simon Thomas:** Diolch yn fawr. A oes unrhyw sylwadau neu gwestiynau? A ydych chi'n hapus i dderbyn yr adroddiad fel y mae felly? Gwelaf eich bod. Down yn ôl ar ôl y Pasg i edrych ar y memorandwm ei hun. Diolch am hynny.

Simon Thomas: Thank you very much. Are there any comments or questions? Are you content to accept the report as it stands? I see that you are. So, we will return to the memorandum itself after the Easter recess. Thank you for that.

14:36

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

[18] **Simon Thomas:** Cynigiaf fod

y pwyllgor yn penderfynu gwahardd y cyhoedd o weddill y cyfarfod yn unol â Rheol Sefydlog 17.42(vi).

SimonThomas: I move that

the committee resolves to exclude the public from the remainder of the meeting in accordance with Standing Order 17.42(vi).

[19] A yw'r pwyllgor yn cytuno? Gwelaf fod y pwyllgor yn gytûn.

Is the committee in agreement? I see that the committee is in agreement.

Derbyniwyd y cynnig.
Motion agreed.

Daeth rhan gyhoeddus y cyfarfod i ben am 14:36.
The public part of the meeting ended at 14:36.