



# **Cynulliad Cenedlaethol Cymru** **The National Assembly for Wales**

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

**Dydd Llun 15 Mehefin 2015**  
**Monday 15 June 2015**

### **Cynnwys** **Contents**

[Cyflwyniad, Ymddiheuriadau, Dirprwyon a Datganiadau o Fuddiant](#)  
[Introduction, Apologies, Substitutions and Declarations of Interest](#)

[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](#)

[Adroddiad Monitro Sybsidiaredd mis Ionawr i fis Mai 2015](#)  
[Subsidiarity Monitoring Report January to May 2015](#)

[Papurau i'w Nodi](#)  
[Papers to Note](#)

[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 ynnddi 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

**Eraill yn bresennol  
Others in attendance**

Daniel Greenberg	Cynghorydd Arbenigol Special Adviser
------------------	---

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

Gwyn Griffiths	Uwch-gynghorydd Cyfreithiol Senior Legal Adviser
Naomi Stocks	Dirprwy Glerc Deputy Clerk
Dr Alys Thomas	Y Gwasanaeth Ymchwil Research Service
Gareth Williams	Clerc Clerk

*Dechreuodd y cyfarfod am 14:00.  
The meeting began at 14:00.*

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

[1] **David Melding:** Good afternoon, and welcome to this meeting of the Constitutional and Legislative Affairs Committee. Can I first start by welcoming Dafydd Elis-Thomas as a new Member of this assembly? I'm delighted you're now a member of our committee, Dafydd. I look forward to your contributions. We have already recoded our thanks to Simon.

[2] Can I just make the usual housekeeping announcements? We don't expect a routine fire drill, so, if we hear the alarm, please follow the instructions of the ushers. Switch any mobile or electronic device to 'silent', at least, please. These proceedings, both in public and private session, will be conducted in Welsh and English. When Welsh is spoken, there's a translation on channel 1, and channel 0 will amplify our proceedings, should you require that.

**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 is instruments that raise no reporting issues, but they are listed there: one negative and one affirmative resolution. Are we content? We are.

14:01

## Adroddiad Monitro Sybsidiaredd mis Ionawr i fis Mai 2015 Subsidiarity Monitoring Report January to May 2015

[4] **David Melding:** Then, item 3 is the subsidiarity monitoring report. So, this is the report that takes us from January to May. You may recall that we are the principal committee that's charged with looking at draft EU legislation that may relate to matters within our legislative competence. You'll see the research note indicates the areas that were identified and then followed up. As it transpires, there's nothing that seems to have a subsidiarity issue for us. They did look in detail at the EU legislative proposals for regulation of the—sorry, the European fund for strategic investments. So, I think it does indicate how thorough the whole process is. If anyone has comments, I'll take them now. We're on item 3, Suzy, which is the EU monitoring report. If not, then I'll take it that we're content and we'll note the paper.

14:02

### Papurau i'w Nodi Papers to Note

[5] **David Melding:** Item 4, then, is a paper to note, but I suspect we'll want to discuss this. I'm not quite sure if it's a letter or—. Anyway, it's a notice from the Electoral Commission on the draft wording, at the moment, of the European Union Referendum Bill. So, if you actually look at the paper, which is at item 4.1, it does spell out the options in English and in Welsh. I'm happy for us to make a response, if we wish, to the suggestion, or suggestions. I'll be guided by Members. Dafydd.

[6] **Yr Arglwydd Elis-Thomas:** Wel, nid oeddwn i wedi bwriadu siarad yn fy nghyfarfod cyntaf mor fuan, ond rwy'n meddwl y byddai hi'n briodol iawn inni ymateb, yn y lle cyntaf, buaswn i'n awgrymu, i'r Comisiwn Etholiadol. Mae swyddogaeth y comisiwn yn allweddol, ac wedi dod yn fwy a mwy allweddol—nid yn unig mewn rheoleiddio etholiadau ond hefyd mewn delio â'r refferenda—rwy'n meddwl mai dyna'r lluosog Lladin y gwnaf i ei ddefnyddio heddiw yn y Gymraeg, yn hytrach na '*referendums*' neu '*refferendymau*'. Ond rwy'n meddwl ei bod hi'n briodol inni ymateb, ac, yn bersonol, rwy'n meddwl bod y cyfieithiad a'r geiriad yn briodol, ond fe wnaif i adael y drafodaeth i'r Aelodau eraill. Diolch yn fawr, Gadeirydd.

**Lord Elis-Thomas:** Well, I hadn't intended to speak this early on in my first meeting, but I do think it would be most appropriate for us to respond, initially, I would suggest, to the Electoral Commission. The function of the commission is crucial, and has become more and more important—not only in terms of regulating elections, but also in terms of dealing with referenda—and I think that's the correct Latin plural that I'll be using today, rather than '*referundums*', or '*refferendymau*' in Welsh. But I do think that it would be appropriate for us to respond, and, personally, I feel that both the translation and the wording are appropriate, but I will leave it to other Members to discuss. Thank you very much, Chair.

[7] **David Melding:** As I understand it, there are two issues, aren't there? 'Should the United Kingdom remain a member of the European Union?', and then that in Welsh, and then, whether they would tweak it so that they could avoid a 'yes' or 'no' answer being required to that question. So, I think, should they tweak it to 'Should the United Kingdom remain a member of the European Union or leave the European Union?', then the response would be, 'Remain in' or 'Leave', I guess. So, I don't know whether that adds any nuance to what we want to consider. Any other Members? Bill?

[8] **William Powell:** Chair, thank you. I, like Dafydd, am content with what's in front of

us, but I just wanted to ask whether it's likely that any other issues referencing the referendum will come before us regarding the breadth of those eligible to vote, or age issues, or whether that will be for decision entirely elsewhere.

[9] **David Melding:** We could inquire in our response. An issue that's been discussed extensively and reported at the moment extensively is whether the referendum date will coincide with the Assembly election.

[10] **William Powell:** Indeed. That I also intended to raise as well.

[11] **David Melding:** There are different opinions on the merits of that, but I suspect it's best to concentrate on the wording here and then to invite further consultation, or at least to ask for it.

[12] **William Powell:** Absolutely. I'm happy with that.

[13] **David Melding:** We could say that either option, as far as we can see, works well bilingually for us, and just leave it at that. We're happy for them to determine whether they want to avoid a yes/no response, for whatever reason that might be seen as appropriate.

[14] **Suzy Davies:** Was the essential concern in this that the shorter version, the simpler version, is just something of a leading question?

[15] **David Melding:** In referendums, it's tougher if you're on the 'no' side. I think that's what they're trying to avoid: putting one side at an advantage.

[16] **Alun Davies:** That hasn't been my experience on every occasion.

[17] **Lord Elis-Thomas:** And it is, Chair, probably easier in Welsh, in that the response is usually more grammatical than with the English language one.

[18] **Alun Davies:** Can I just say I think the first version that's been presented to us is a far better version? It's more straightforward and simple.

[19] **David Melding:** Okay. I think we'll do a narrative that captures that we thought both options were acceptable, and some Members felt the simpler one was the best, while others could see why perhaps further consideration of avoiding yes/no responses was thought appropriate as well. We don't need to come to a view, I don't think, other than that, in essence, the question would work bilingually. Okay?

[20] Right. I think that's the final item before we go into private session. Am I right?

[21] **Mr Williams:** Yes.

14:07

**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 gwahardd y that the committee resolves to exclude the*

*cyhoedd o weddill y cyfarfod yn unol â Rheol Sefydlog 17.42(vi).*      *public from the remainder of the meeting in accordance with Standing Order 17.42(vi).*

*Cynigiwyd y cynnig.  
Motion moved.*

[22]      **David Melding:** I now move the relevant Standing Order that we conduct the rest of our meeting in private, unless any Member objects. I do not see a Member objecting, so we will clear the public gallery and switch off the broadcasting equipment.

*Derbyniwyd y cynnig.  
Motion agreed.*

*Daeth rhan gyhoeddus y cyfarfod i ben am 14:07.  
The public part of the meeting ended at 14:07.*