

Y Pwyllgor Materion Cyfansoddiadol a Deddfwriaethol

Lleoliad:
Ystafell Bwyllgora 2 – y Senedd

Dyddiad:
Dydd Llun, 20 Ebrill 2015

Amser:
14.30

Cynulliad
Cenedlaethol
Cymru

National
Assembly for
Wales



I gael rhagor o wybodaeth, cysylltwch a:

Naomi Stocks

Clerc y Pwyllgor

0300 200 6222

SeneddMCD@Cynulliad.Cymru

Agenda

MeetingTitle

1 Cyflwyniad, ymddiheuriadau, dirprwyon a datgan buddiannau

2 Offerynnau nad ydynt yn cynnwys materion i gyflwyno adroddiad arnynt o dan Reol Sefydlog 21.2 na 21.3 (Tudalennau 1 – 4)

CLA(4)–10–15 – Papur 1 – Offerynnau statudol sydd ag adroddiadau clir

Offerynnau'r Penderfyniad Negyddol

CLA512 – Rheoliadau Rasio Beiciau ar Briffyrdd (Diwygio) (Cymru) 2015

Y weithdrefn negyddol; Fe'u gwnaed ar: 10 Mawrth 2015; Fe'u gosodwyd ar: 16 Mawrth 2015; Yn dod i rym ar: 7 Ebrill 2015.

CLA514 – Rheoliadau Deddf Tai (Cymru) 2014 (Diwygiadau Canlyniadol) 2015

Y weithdrefn negyddol; Fe'u gwnaed ar: 16 Mawrth 2015; Fe'u gosodwyd ar: 18 Mawrth 2015; Yn dod i rym ar: 27 Ebrill 2015.

CLA515 – Rheoliadau Iechyd Planhigion (Ffioedd) (Cymru) (Diwygio) 2015

Y weithdrefn negyddol; Fe'u gwnaed ar: 17 Mawrth 2015; Fe'u gosodwyd ar: 19 Mawrth 2015; Yn dod i rym ar: 9 Ebrill 2015.

CLA516 – Rheoliadau Defnyddio Cerbydau Pobl Anabl ar Briffyrdd (Diwygio) (Cymru) 2015

Y weithdrefn negyddol; Fe'u gwnaed ar: 18 Mawrth 2015; Fe'u gosodwyd ar: 19 Mawrth 2015; Yn dod i rym ar: 9 Ebrill 2015.

CLA520 – Gorchymyn Daliadau Amaethyddol (Unedau Cynhyrchu) (Cymru) 2015

Y weithdrefn negyddol; Fe'i gwnaed ar: 27 Mawrth 2015; Fe'i gosodwyd ar: 31 Mawrth 2015; Yn dod i rym ar: 21 Ebrill 2015.

CLA521 – Rheoliadau Traffordd yr M4 (Man i'r Gorllewin o Gyffordd 23A (Magwyr) i Fan i'r Dwyrain o Gyffordd 29 (Cas-bach)) (Terfynau Cyflymder Amrywiadwy) 2015

Y weithdrefn negyddol; Fe'u gwnaed ar: 30 Mawrth 2015; Fe'u gosodwyd ar: 31 Mawrth 2015; Yn dod i rym ar: 21 Ebrill 2015.

Offerynnau'r Weithdrefn Penderfyniad Cadarnhaol

CLA517 – Gorchymyn Deddf Ymddygiad Gwrthgymdeithasol, Troseddu a Phlisma 2014 (Diwygiadau Canlyniadol) (Cymru) 2015

Y weithdrefn gadarnhaol; Fe'i gwnaed ar: dyddiad heb ei nodi; Fe'i gosodwyd ar: dyddiad heb ei nodi; Yn dod i rym ar: 19 Mai 2015.

3 Offerynnau sy'n cynnwys materion i gyflwyno adroddiad arnynt i'r Cynulliad o dan Reol Sefydlog 21.2 neu 21.3

Offerynnau Cyfansawdd y Weithdrefn Penderfyniad Negyddol

CLA518 – Rheoliadau'r Bwrdd Marchnata Llaeth (Cymru a Lloegr) (Dirymu) 2015 (Tudalennau 5 – 11)

Y weithdrefn negyddol cyfansawdd; Fe'u gwnaed ar: 26 Mawrth 2015; Fe'u gosodwyd ar: 27 Mawrth 2015; Yn dod i rym ar: 1 Gorffennaf 2015

CLA(4)-10-15 – Papur 2 – Adroddiad

CLA(4)-10-15 – Papur 3 – Rheoliadau

CLA(4)-10-15 – Papur 4 – Memorandwm Esboniadol

4 Papurau i'w nodi (Tudalennau 12 – 22)

CLA(4)-10-15 – Papur 5 – Llythyr gan Gadeirydd y Pwyllgor Iechyd a Gofal Cymdeithasol ynghylch y Bil Busnesau Bach, Menter a Chyflogaeth

CLA(4)-10-15 – Papur 6 – Llythyr gan Is-lywydd Cyntaf y Comisiwn Ewropeaidd, Mr Frans Timmermans

CLA(4)-10-15 – Papur 7 – Datganiad ysgrifenedig: Ymateb gan Lywodraeth y DU i bleidlais y Cynnig Cydsyniad Deddfwriaethol ar y Bil Arloesi Meddygol

CLA(4)-10-15 – Papur 8 ac atodiad – Llythyr gan Archwilydd Cyffredinol Cymru, Deddfu yn y Pedwerydd Cynulliad

5 Cynnig o dan Reol Sefydlog 17.42 i benderfynu gwahardd y cyhoedd o'r cyfarfod ar gyfer y busnes canlynol:

(vi) lle mae'r pwyllgor yn cyd-drafod cynnwys, casgliadau neu argymhellion adroddiad y mae'n bwriadu ei gyhoeddi; neu'n ymbaratoi i gael tystiolaeth gan unrhyw berson;

Adroddiad drafft ar y Bil Llywodraeth Leol (Cymru) (Tudalennau 23 – 44)

CLA(4)-10-15 – Papur 9 – Adroddiad Drafft

Adroddiad drafft ar y Bil Lefelau Diogel Staff Nyrsio (Cymru) (Tudalennau 45 – 58)

CLA(4)-10-15 – Papur 10 – Adroddiad drafft

Blaenraglen Waith (Tudalennau 59 – 61)

CLA(4)-10-15 – Papur 11 – Blaenraglen waith

**Y Pwyllgor Materion Cyfansoddiadol a Deddfwriaethol
Offerynnau statudol gydag adroddiadau clir
20 Ebrill 2015**

CLA512 – Rheoliadau Rasio Beiciau ar Briffyrdd (Diwygio) (Cymru) 2015

Gweithdrefn: Negyddol

Mae'r Rheoliadau hyn yn diwygio ac yn diweddarau Rheoliadau Rasio Beiciau ar Briffyrdd 1960 i adlewyrchu cyflwr presennol y ffyrdd ac agweddau modern tuag at ddiogelwch y cyhoedd a chystadleuwyr.

CLA514 – Rheoliadau Deddf Tai (Cymru) (Diwygiadau Canlyniadol) 2015

Gweithdrefn: Negyddol

Mae'r Rheoliadau hyn yn gwneud diwygiadau canlyniadol i Orchymyn Awdurdodau Lleol (Contractio Allan o Swyddogaethau Dyrannu Tai a Digartrefedd) 1996 o ganlyniad i Ddeddf Tai (Cymru) 2015.

Defnyddir rheoliadau i ddiwygio Gorchymyn. Ni chaniateir hyn fel arfer, ond mae'n briodol mewn perthynas â Diwygiadau Canlyniadol.

CLA515 – Rheoliadau Iechyd Planhigion (Ffioedd) (Cymru) (Diwygio) 2015

Gweithdrefn: Negyddol

Mae'r Rheoliadau hyn yn diwygio Rheoliadau Iechyd Planhigion (Ffioedd) (Cymru) 2014 (O.S. 2014/1792 (Cy. 185)) ("y prif Reoliadau").

Mae'r prif Reoliadau yn gweithredu Erthygl 13d o Gyfarwyddeb y Cyngor 2000/29/EC ar fesurau i amddiffyn rhag dwyn i mewn i'r Gymuned organebau sy'n niweidiol i blanhigion neu gynhyrchion planhigion a rhag i'r organebau hynny ymledu o fewn y Gymuned (OJ Rhif L 169, 10.7.2000, t. 1) ("y Gyfarwyddeb"). Mae Erthygl 13d o'r Gyfarwyddeb yn ei gwneud yn ofynnol bod Aelod Wladwriaethau yn codi ffioedd i dalu am gostau'r gwiriadau dogfennol, gwiriadau adnabod a gwiriadau iechyd planhigion mewn

perthynas â mewnfurion penodol o blanhigion, cynhyrchion planhigion a gwrthrychau eraill o drydydd gwledydd a nodir yn Atodiad V, Rhan B o'r Gyfarwyddeb.

Mae rheoliad 3 yn diwygio rheoliad 2(3) o'r prif Reoliadau er mwyn egluro'r ffioedd sy'n daladwy mewn perthynas â gwiriadau iechyd planhigion a wneir ar lwythi (neu rannau o lwythi) y tu allan i oriau gwaith yn ystod y dydd.

Mae Atodlen 2 i'r prif Reoliadau yn nodi'r ffioedd cyfradd ostyngol ar gyfer planhigion a chynhyrchion planhigion penodol sy'n ddarostyngedig i wiriadau iechyd planhigion lefel is a gytunwyd o dan y weithdrefn y darperir ar ei chyfer yn Erthyglau 13a(2) a 18(2) o'r Gyfarwyddeb. Mae rheoliad 4 o'r Rheoliadau hyn yn diwygio Atodlen 2 er mwyn rhoi effaith i'r hysbysiad a gyhoeddwyd gan y Comisiwn Ewropeaidd ar 30 Medi 2014 am y gwiriadau iechyd planhigion lefel is sy'n gymwys i blanhigion a chynhyrchion planhigion penodol.

Mae'r Memorandwm Esboniadol yn cadarnhau na fu unrhyw fewnforion uniongyrchol o'r cynhyrchion hyn i Gymru ers dyddiad hysbysiad y Comisiwn. Yn unol â hynny, nid oes unrhyw fewnforwyr wedi bod o dan anfantais oherwydd yr amser sydd wedi mynd heibio ers caniatáu cyflwyno'r gwiriadau is.

CLA516 – Rheoliadau Defnyddio Cerbydau Pobl Anabl ar Briffyrdd (Diwygio) (Cymru) 2015

Gweithdrefn: Negyddol

Mae Rheoliadau Defnyddio Cerbydau Pobl Anabl ar Briffyrdd 1988 ("Rheoliadau 1988") yn gwneud darpariaeth ynghylch y gofynion y mae'n rhaid i gerbydau pobl anabl gydymffurfio â hwy, a'r amodau y mae'n rhaid defnyddio cerbydau pobl anabl yn unol â hwy, er mwyn manteisio ar esemptiadau penodol rhag deddfwriaeth traffig ffyrdd a nodir yn adran 20 o Ddeddf Cleifion Cronig a Phersonau Anabl 1970.

Mae'r Rheoliadau hyn yn rhoi rheoliad newydd yn lle rheoliad 7 o Reoliadau 1988 er mwyn cyflwyno gofyniad newydd sy'n ymwneud â cherbydau pobl anabl sy'n cynnwys cyfarpar defnyddiwr angenrheidiol.

CLA520 – Gorchymyn Daliadau Amaethyddol (Unedau Cynhyrchu) (Cymru) 2015

Gweithdrefn: Negyddol

Mae'r Gorchymyn hwn yn rhagnodi unedau cynhyrchu ar gyfer asesu gallu cynhyrchiol tir amaethyddol a leolir yng Nghymru. Mae hefyd yn pennu'r swm sydd i'w ystyried yn incwm blynyddol net o bob uned o'r fath am y flwyddyn o 12 Medi 2014 i 11 Medi 2015, at ddibenion penodol yn Neddf Daliadau Amaethyddol 1986 ("Deddf 1986"). Mae'r Gorchymyn hwn yn dirymu Gorchymyn Daliadau Amaethyddol (Unedau Cynhyrchu) (Cymru) 2014 (O.S. 2014/41 (Cy.3)).

CLA521 – Rheoliadau Traffordd yr M4 (Man i'r Gorllewin o Gyffordd 23A (Magwyr) i'r Dwyrain o Gyffordd 29 (Cas-bach) (Terfynau Cyflymder Amrywiadwy) 2015

Gweithdrefn: Negyddol

Mae'r rheoliadau hyn yn darparu ar gyfer cyfyngiadau cyflymder amrywiol ar hyd darn o'r M4 o amgylch Casnewydd. Mae'r rheoliadau hyn yn dirymu rheoliadau cyfatebol 2011 oherwydd bod rhai rhannau o ffyrdd ymuno / ymadael yr M4 yn cael eu cwmpasu gan reoliadau 2011 a gorchmynion traffig ffordd eraill. Mae'r rheoliadau hyn yn cael gwared ar y gorgyffwrdd hwnnw ac yn sicrhau bod pob darn o'r rhan hon o'r M4 yn cael ei reoleiddio gan un offeryn yn unig.

CLA517 – Gorchymyn Deddf Ymddygiad Gwrthgymdeithasol, Troseddu a Phlisma 2014 (Diwygiadau Canlyniadol) (Cymru) 2015

Gweithdrefn: Cadarnhaol

Mae'r Gorchymyn hwn yn gwneud diwygiadau canlyniadol i Ddeddf Tai 1996 ('Deddf 1996') sy'n codi o ganlyniad i Ddeddf Ymddygiad Gwrthgymdeithasol, Troseddu a Phlisma 2014 ("Deddf 2014").

Mae adran 160A o Ddeddf 1996 yn darparu na chaiff awdurdod lleol ddyrannu llety tai i bersonau anghymwys. Mae adran 160A(8) yn darparu bod ymddygiad a fyddai'n rhoi hawl i'r awdurdod lleol orchymyn ildio meddiant o dan Ddeddf Tai 1985 ('Deddf 1985') yn anghymhwyso person sy'n cymryd rhan mewn ymddygiad o'r fath.

Diwygiodd Ddeddf 2014 Ddeddf 1985 i ychwanegu tir newydd dros feddiannu. Mae'r Gorchymyn hwn yn gwneud diwygiadau canlyniadol i Ddeddf 1996 fel ei fod bellach yn cyfeirio'n ychwanegol at y tir newydd dros feddiannu.

Adroddiad drafft y Pwyllgor Materion Cyfansoddiadol a Deddfwriaethol

CLA518 - Rheoliadau'r Bwrdd Marchnata Llaeth (Cymru a Lloegr) (Dirymu) 2015

Mae'r Rheoliadau hyn yn dirymu tri darn o is-ddeddfwriaeth 'darfodedig' o ganlyniad i'r Her Biwrocratiaeth. Mae'r offerynnau dan sylw yn ymwneud â'r Bwrdd Marchnata Llaeth gyfer Cymru a Lloegr - yn arbennig ag anghydfodau sy'n codi o ganlyniad i'w ad-drefnu a dirwyn ei faterion i ben. Mae'r rhain yn offerynnau diangen, gan fod y Bwrdd wedi'i ddiddymu ar 31 Ionawr 2002 (gan OS 2002/128).

Gweithdrefn: Negyddol

Materion technegol: craffu

Bydd y Rheoliadau hyn yn berthnasol i Gymru a Lloegr ac maent yn ddarostyngedig i'w cymeradwyo gan Gynulliad Cenedlaethol Cymru a dau dŷ Senedd y DU. Maent felly yn cael eu gwneud yn Saesneg yn unig.

Rheol Sefydlog 21.2(ix): nad yw'r offeryn wedi'i wneud neu i'w wneud yn Gymraeg ac yn Saesneg;

Rhinweddau: craffu

Ni nodir unrhyw bwyntiau i gyflwyno adroddiad arnynt o dan Reol Sefydlog 21.3 mewn perthynas â'r offeryn hwn.

Cynghorwyr Cyfreithiol

Y Pwyllgor Materion Cyfansoddiadol a Deddfwriaethol
Ebrill 2015

2015 No. 955

AGRICULTURE, ENGLAND AND WALES

**The Milk Marketing Board (England and Wales) (Revocations)
Regulations 2015**

<i>Made</i>	- - - -	26th March 2015
<i>Laid before Parliament</i>		27th March 2015
<i>Laid before the National Assembly for Wales</i>		27th March 2015
<i>Coming into force</i>		1st July 2015

The Secretary of State and the Welsh Ministers make the following Regulations in exercise of the powers conferred by sections 14(2) and (3) and 62(1) and (2) of, and paragraphs 42(3)(a), 43(3) and 44(2)(a) of Schedule 2 to, the Agriculture Act 1993⁽¹⁾, and now vested in them⁽²⁾:

Citation and commencement

These Regulations may be referred to as the Milk Marketing Board (England and Wales) (Revocations) Regulations 2015 and come into force on 1st July 2015.

Revocations

The following Regulations are revoked—

- the Milk Marketing Board Scheme of Reorganisation (Third Party Rights) Regulations 1994⁽³⁾;
- the Milk Marketing Board (Residuary Functions) Regulations 1994⁽⁴⁾; and
- the Milk Marketing Board (Residuary Functions) (Amendment) Regulations 2001⁽⁵⁾.

⁽¹⁾ 1993 c. 37.

⁽²⁾ The functions of the Minister of Agriculture, Fisheries and Food were transferred to the Secretary of State by article 2 of the Ministry of Agriculture, Fisheries and Food (Dissolution) Order 2002 (S.I. 2002/794); under the Government of Wales Act 1998 (c. 38), sections 22 and 24, and the National Assembly for Wales (Transfer of Functions) Order 1999 (S.I. 1999/672), article 2 and Schedule 1, the functions of the Secretary of State under the Agriculture Act 1993 in relation to Wales were transferred to National Assembly for Wales and subsequently, by the Government of Wales Act 2006 (c.32), section 162, and paragraph 30 to Schedule 11, to the Welsh Ministers.

⁽³⁾ S.I. 1994/2460.

⁽⁴⁾ S.I. 1994/2759.

⁽⁵⁾ S.I. 2001/3507.

25th March 2015

George Eustice
Parliamentary Under Secretary of State
Department for Environment, Food and Rural Affairs

26th March 2015

Rebecca Evans
Deputy Minister for Farming and Food,
under authority of the Minister for Natural Resources, one of the Welsh Ministers

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations revoke three statutory instruments in relation to the Milk Marketing Board that are now spent or redundant.

No impact assessment has been produced for this instrument as no impact on the private or voluntary sector is foreseen. An Explanatory Memorandum is available alongside the instrument at www.legislation.gov.uk

EXPLANATORY MEMORANDUM TO THE MILK MARKETING BOARD (ENGLAND AND WALES) (REVOCATIONS) REGULATIONS 2015

This Explanatory Memorandum has been prepared by Agriculture and Rural Affairs Department and is laid before the National Assembly for Wales in conjunction with the above subordinate legislation and in accordance with Standing Order 27.1.

Minister's Declaration

In my view, this Explanatory Memorandum gives a fair and reasonable view of the expected impact of the Milk Marketing Board (England and Wales) (Revocations) Regulations 2015.

Rebecca Evans
Deputy Minister for Farming and Food

26 March 2015

1. Description

This instrument revokes three Regulations:

- The Milk Marketing Board Scheme of Reorganisation (Third Party Rights) Regulations 1994;
- The Milk Marketing Board (Residuary Functions) Regulations 1994; and
- The Milk Marketing Board (Residuary Functions) (Amendment) Regulations 2001.

The Regulations being revoked are no longer relevant as the Milk Marketing Board was dissolved in 2002.

2. Matters of special interest to the Constitutional and Legislative Affairs Committee

As part of the UK Government's Red Tape Challenge initiative a number of regulations were identified as redundant and suitable for revoking. These Regulations are being made to revoke three Regulations relating to the Milk Marketing Board.

The three Regulations, which apply to England and Wales, could be revoked in England only but this would leave the redundant legislation in place in Wales. The Welsh Ministers' powers to make these Regulations must in any event be exercised jointly with the Secretary of State.

These Regulations will apply to England and Wales and are subject to negative resolution procedure in the National Assembly for Wales and in the UK Parliament. Because the Regulations will be subject to UK Parliamentary scrutiny, it is not considered reasonably practicable for this instrument to be made or laid bilingually.

3. Legislative Background

These Regulations are made under sections 14(2) and (3), 62(1) and (2) and paragraphs 42(3)(a), 43(3) and 442(2)(a) of Schedule 2 to the Agriculture Act 1993.

Sections 14(2) and (3), 62(1) and (2) and paragraph 43(3) of Schedule 2 to the Agriculture Act 1993 confer powers to make the Regulations on 'the appropriate authority'. Section 24(2) specifies that references to the appropriate authority, in the case of a milk marketing board whose area is England and Wales, are references to the Minister of Agriculture, Fisheries and Food and the Secretary of State, acting jointly. By Article 2 of, and Schedule 1 to, the National Assembly for Wales (Transfer of Functions) Order 1999 (S.I. 1999/672), the Secretary of State's functions under the Agriculture Act 1993 were transferred to the National Assembly for Wales. These functions were later transferred to the Welsh Ministers by operation of section 162 of and paragraph 30 of Schedule 11 to the Government of Wales Act

2006.

Paragraphs 42(3)(a) and 44(2)(a) of Schedule 2 to the Agriculture Act 1993, confer a power on the Minister for Agriculture Fisheries and Food and the Secretary of State acting jointly to make Regulations. By Article 2 of, and Schedule 1 to, the National Assembly for Wales (Transfer of Functions) Order 1999 (S.I. 1999/672), the Secretary of State's functions under the Agriculture Act 1993 were transferred to the National Assembly for Wales. These functions were later transferred to the Welsh Ministers by operation of section 162 of and paragraph 30 of Schedule 11 to the Government of Wales Act 2006.

The Regulations are subject to annulment (the negative procedure).

4. Purpose and intended effect of the legislation

These Regulations will revoke the following Regulations:

- The Milk Marketing Board Scheme of Reorganisation (Third Party Rights) Regulations 1994;
- The Milk Marketing Board (Residuary Functions) Regulations 1994; and
- The Milk Marketing Board (Residuary Functions) (Amendment) Regulations 2001.

The Milk Marketing Board Scheme of Reorganisation (Third Party Rights) Regulations 1994 provide for the appointment of arbitrators should disputes arise under paragraphs 42 and 44 of Schedule 2 to the Agriculture Act 1993 (1993 Act). Further, the Regulations provide for the giving of notices to qualifying parties following an approved scheme of reorganisation under paragraph 43 of Schedule 2 to the 1993 Act, the provision of certificates of compliance in relation to certain types of contracts and their service.

The Milk Marketing Board (Residuary Functions) Regulations 1994 make provision for the purpose of giving effect to an approved scheme of reorganisation, providing that the Milk Marketing Board will not be dissolved, but shall continue to exist in a residuary form to enable the Milk Marketing Board to wind up its affairs. The Milk Marketing Board's functions are set out in Regulations 4(1) and 21, and the methods of winding up are specifically set out in Regulation 27.

The Milk Marketing Board (Residuary Functions) (Amendment) Regulations 2001 amend the 1994 Regulations and facilitate the winding up of the affairs of the Milk Marketing Board. Specifically, the Regulations deal with the transfer of property, rights and liabilities, and the holding of assets following the winding up of the Milk Marketing Board.

The Milk Marketing Board was dissolved in 2002.

5. Consultation

The revocation of the Regulations is not contentious and no consultation has been undertaken.

6. Regulatory Impact Assessment (RIA)

Having considered the Welsh Ministers' code of practice, a Regulatory Impact Assessment has not been prepared for these Regulations. These Regulations have no impact on business, charities or voluntary bodies as these Regulations revoke obsolete legislation.

There is no impact on the public sector as these Regulations revoke obsolete legislation.

Eitem 4

Y Pwyllgor Iechyd a Gofal Cymdeithasol
Health and Social Care Committee

Cynulliad
Cenedlaethol
Cymru
National
Assembly for
Wales

Y Fonesig Rosemary Butler AC
Cadeirydd y Pwyllgor Busnes



26 Mawrth 2015

Annwyl Rosemary,

Memorandwm Cydsyniad Deddfwriaethol Atodol ar y Bil Busnesau Bach, Menter a Chyflogaeth

Diolch am eich llythyr dyddiedig 11 Mawrth ynghylch y Memorandwm Cydsyniad Deddfwriaethol Atodol (SLCM) ar y Bil Busnesau Bach, Menter a Chyflogaeth.

Mae gwaith craffu ar Gynigion Cydsyniad Deddfwriaethol yn rhan annatod o waith craffu'r Cynulliad ar ddeddfwriaeth sy'n effeithio ar Gymru. Mae'n bwysig, felly, lle bynnag y bo modd, bod gan y pwyllgor perthnasol ddigon o amser i gyflawni gwaith craffu priodol, er mwyn llywio ystyriaeth y Cynulliad o'r Cynnig Cydsyniad Deddfwriaethol.

Mae'r Pwyllgor yn cydnabod bod y Bil hwn ar gyfnod hwyr yn ystod ei daith drwy Senedd y DU. Derbyniwn fod cyfyngiadau amser yn golygu na fu'n bosibl i'r Memorandwm Cydsyniad Deddfwriaethol Atodol gael ei gyfeirio atom ar gyfer craffu arno y tro hwn.

Yn gywir

David Rees AC
Cadeirydd y Pwyllgor Iechyd a Gofal Cymdeithasol

cc David Melding AC, Cadeirydd y Pwyllgor Materion Cyfansoddiadol a Deddfwriaethol.

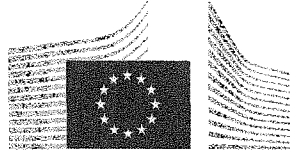
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Twitter / Trydar: @iechydseidd / @seneddhealth

Croesewir gohebiaeth yn y Gymraeg a'r Saesneg / We welcome correspondence in both English and Welsh



EUROPEAN COMMISSION
Office of the First Vice-President Mr Frans Timmermans
Head of Cabinet

Brussels, **23 MARS 2015**
Ares (2015) 868420

Dear Mr Melding,

The First Vice-President of the European Commission, Mr Frans Timmermans, has asked me to thank you for your letter of 27 February 2015 on EU governance.

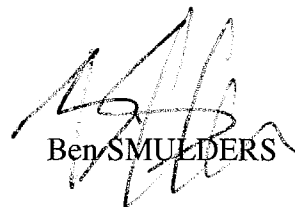
The Commission welcomes the interest of the National Assembly for Wales in EU affairs and has taken note of your committee's March 2014 report on Wales' role in the EU decision-making process.

As you have recognised, strengthening the democratic legitimacy of the EU is one of this Commission's key priorities and the Commission acknowledges the important role that both national and regional Parliaments have to play in this regard by engaging with their electorates and feeding views into the EU policy cycle.

The Commission attaches high importance to engaging with stakeholders at an early stage in the policy-formation phase, and interested parties, including regional Parliaments, are invited to make contributions to public consultations. The Commission and its services also remain at the disposal of regional bodies to discuss constructive proposals in the framework of their respective competences.

Finally, the Commission would like to recall that the provisions of Protocol 2 on the application of the principles of subsidiarity and proportionality provide for regional Parliaments with legislative powers, such as the National Assembly for Wales, to be consulted where appropriate by their respective national Parliaments.

Yours sincerely,



Ben SMULDERS

Mr David MELDING AM
Chair, Constitutional and Legislative Affairs Committee
National Assembly for Wales

E-mail: Ruth.Hatton@assembly.wales

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Tudalen y pecyn 13



Llywodraeth Cymru
Welsh Government

DATGANIAD YSGRIFENEDIG GAN LYWODRAETH CYMRU

TEITL	Ymateb Llywodraeth y DU i bleidlais Cynnig Cydsyniad Deddfwriaethol ar y Bil Arloesi Meddygol
DYDDIAD	31 Mawrth 2015
GAN	Mark Drakeford AC, Gweinidog Iechyd a Gwasanaethau Cymdeithasol

Byddwch yn gwybod bod Bil Arloesi Meddygol yr Arglwydd Saatchi wedi bod yn mynd trwy'r Senedd. Mae gan Lywodraeth Cymru bryderon dwys am y Bil hwn ac mae wedi gofyn i'r darpariaethau o fewn y Bil beidio â bod yn gymwys i Gymru.

Gosodais femorandwm cydsyniad deddfwriaethol ar 10 Rhagfyr 2014, a chafwyd dadl ar y cynnig perthnasol yn y Siambr ar 3 Chwefror 2015. Roedd consensws trawsbleidiol yn y Cynulliad na ddylem gydsynio i'r Bil fod yn gymwys i Gymru, gyda 54 pleidlais i 0 yn pleidleisio gyda'r Llywodraeth, yn erbyn y cynnig.

O ganlyniad i'r bleidlais honno, ysgrifennais at yr Is-ysgrifennydd Gwladol Seneddol dros Ansawdd (yr Arglwyddi), Iarll Howe, i gofnodi unwaith eto bryderon Llywodraeth Cymru, ac i gyfleu canlyniad pleidlais y Cynulliad ar y Cynnig Cydsyniad Deddfwriaethol sy'n ymwneud â'r Bil hwn. Hefyd fe wnes i gadarnhau y byddwn yn rhannu'r ymateb oddi wrth Iarll Howe unwaith imi ei dderbyn.

Rwy'n siomedig i gyfleu bod Llywodraeth y DU wedi cadw at ei safbwynt, sef bod y darpariaethau o fewn y Bil yn ymwneud â materion annatganoledig, 'esgeuluster clinigol a chyfraith camwedd', yn hytrach na phynciau dan bennawd 'iechyd a gwasanaethau iechyd' yn Atodlen 7 i Ddeddf Llywodraeth Cymru. Mae Llywodraeth Cymru yn parhau yn gryf o'r farn bod y darpariaethau yn y Bil yn gymwys i'r ail. Fodd bynnag, mae hyn bellach yn amherthnasol yng nghyd-destun y Bil hwn gan ei fod wedi rhedeg allan o amser seneddol a gau fod y senedd wedi'i diddymu.

Mae Llywodraeth y DU wedi cadarnhau y bydd yn parhau i archwilio'r ffordd orau o annog arloesi meddygol ac mae wedi addo y bydd yn ymrwymo i weithio gyda Llywodraeth Cymru i sicrhau safonau uchel o ofal i gleifion ar ddwy ochr y ffin.

Caiff y datganiad ei gyhoeddi yn ystod y toriad er mwyn rhoi'r wybodaeth ddiweddaraf i aelodau. Os bydd aelodau eisiau i mi wneud datganiad pellach neu ateb cwestiynau ynglŷn â hyn pan fydd y Cynulliad yn dychwelyd, byddwn yn hapus i wneud hynny.

Mr David Melding AM
Chair, Constitutional & Legislative Affairs Committee
National Assembly for Wales
Cardiff Bay
CF99 1NA

Date: 13 April 2015
Our ref: HVT/2310/fgb
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Dear David

COMMITTEE INQUIRY: MAKING LAWS IN THE FOURTH ASSEMBLY

Following my recent study on the regulatory impact assessment of the Well-being of Future Generations (Wales) Bill, and given the relevance of cost estimates to informed law making, I thought it might be helpful to your Committee if I shared some reflections on the financial content of the Explanatory Memoranda for Assembly Bills. I enclose a short paper that summarises a review of the Explanatory Memoranda. As you will see, the paper identifies two main issues: lack of clarity in the presentation of cost estimates and variations in the completeness of estimates. It also suggests some potential solutions.

I should be happy to provide further explanation if the Committee would find that helpful.

Yours sincerely



HUW VAUGHAN THOMAS
AUDITOR GENERAL FOR WALES

Enc: The Financial Content of Explanatory Memoranda for Assembly Bills

THE FINANCIAL CONTENT OF EXPLANATORY MEMORANDA FOR ASSEMBLY BILLS

1. In order to support wider work on contributing to National Assembly consultations on Assembly Bills, the WAO's Compliance Section has undertaken a brief review of the financial content of the Explanatory Memoranda that have accompanied Assembly Bills since November 2011.
2. Two main findings arise from the review:
 - a. a general lack of clarity in the presentation of estimates of costs and timescales within Explanatory Memoranda regarding the proposed legislation;
 - b. variations in the completeness of estimates of costs, leading to a lack of an overall view of the cost of the legislation
3. This paper explains these findings and suggests some potential means of addressing them.

Lack of clarity of estimates of costs and timescales within Explanatory Memoranda

4. Standing Order 26.6 requires the Member in charge of a Bill to lay an Explanatory Memorandum to accompany the Bill. Standing Order 26.6 (vi) requires the Explanatory Memorandum to set out:

...best estimates of:

 - (a) *the gross administrative, compliance and other costs to which the provisions of the Bill would give rise;*
 - (b) *the timescales over which such costs would be expected to arise; and*
 - (c) *on whom the costs would fall...*
5. This requirement is entirely appropriate, given that the Assembly does not just make laws but also determines overall how much money the Welsh Government and other relevant bodies can spend on particular purposes. Clearly, the Assembly needs information on the expected costs that arise from its legislation if it is to legislate responsibly and for the overall benefit of the people of Wales.
6. The Explanatory Memoranda are all quite extensive documents containing sections labelled "Costs and Benefits". In most cases, those sections together with supporting annexes run to some 30 pages. Yet the information required by Standing Order 26.6(vi) is usually not readily apparent. Much relevant information is provided, but even for a Bill of limited scope, the reader has to do a fair amount of work to arrive at an overall understanding of the estimates of (a) the costs, (b) the timescales and (c) on whom the costs would fall.

7. Examples of this include:
- a. **The Qualifications Wales Bill Explanatory Memorandum**—this provides a table that, at first reading, could be taken to summarise the costs of the Bill (Table 4 on page 56). However, in order to identify the real cost of the Bill, the totals in Table 1 (on page 52) must be subtracted from the totals in Table 4. The need for this is only evident from a careful reading of para 228, which says, “the highest costs shown relate to staffing costs which, for functional staff, are largely already met from Welsh Government budgets”. Table 4 also does not have a title to make clear what it is setting out, although its position in the text indicates that it is the costs of “option 3”, which is elsewhere indicated as the option pursued by the Bill. And to find the table requires the reader to consider most of the Costs and Benefits section of the Memorandum. The five year period for costs is also not explained, which could lead to an inference that costs will only be incurred for five years, unlikely though that may seem.
 - b. **The Renting Homes (Wales) Bill Explanatory Memorandum**—this identifies costs for 2015-16 to 2019-20 for the Welsh Government, private landlords, community landlords, third sector organisations and legal professionals. It considers these costs in some detail not just in terms of the option represented by the Bill but also in terms of an alternative option, as well giving some cost consideration to the “do nothing option”. Consequently, the cost information covers 27 pages, and unfortunately there is no summary table to encapsulate the estimated cost of the Bill. Again, a five year costing is given without explanation.
 - c. **The Higher Education (Wales) Bill Explanatory Memorandum**—this provides extensive cost analysis for three options. The 36 page “Costs and benefits” section provides 22 tables, and, as a result, table 8, which provides an estimate of the cost of the Bill from 2015-16 to 2019-20, is rather lost in the detail.
8. As indicated by these examples, the cost information provided in Explanatory Memoranda is in practice set out as part of an analysis of options, with such options generally including “do nothing”, “introduce legislation” (ie introduce legislation as per the Bill) and often a mid-way or enhanced variation on this. The complex and inconsistent layout means that the reader needs to exercise considerable care to avoid confusing costs that are attributable to other options with those attributable to the Bill as introduced.
9. Such detailed option analysis is not strictly required by Standing Order 26.6, though it is relevant to Standing Order 26.6(iii), which requires the Explanatory Memoranda to:
- ...set out whether alternative ways of achieving the policy objectives were considered and, if so, why the approach taken in the Bill was adopted...*

10. It therefore appears that, as the detail of the option analysis that meets Standing Order 26.6(iii) provides material that is relevant to requirements of Standing Order 26.6(iv), those who draft Explanatory Memoranda consider that Standing Order 26.6(iv) is adequately met by such option analysis. However, it is arguable that even where such option analysis does contain all the relevant estimates, this is not a satisfactory approach because of the considerable burden it places on the reader, as explained above. It risks creating confusion amongst AMs when considering Bills and hampers effective scrutiny.
11. Given the importance of Assembly Members being informed of the cost of legislation, it is a matter of some concern that identifying the estimates of costs, timescales and those on whom costs fall in respect of individual Assembly Acts and Bills from looking at the Explanatory Memoranda laid before the Assembly is not straightforward. One solution to this problem would be amendment of Standing Order 26.6(iv) so as to provide greater clarity. Such an amendment could specifically require the completion of a table summarising the estimates of (a) the costs of the legislation, (b) the timescales for those costs and (c) on whom the costs would fall. Such a table, in a standard format, should enable all AMs to be clear about the main cost implications of each Bill that they vote on. A potential template is set out in the Annex to this paper.
12. As indicated in the Annex, given the recent passage of the Well-being of Future Generations (Wales) Bill, it might also be appropriate for there to be an additional cell to summarise the environmental and social dis-benefits that cannot be quantified financially. However, this would require an addition to the list of items currently contained in Standing Order 26.6(iv).
13. Though in some cases it might be appropriate to include a summary table for each main policy/Part of a Bill, in any event it would be helpful to have one overall summarising table for each Bill as a whole.

Variations in the completeness of estimates of costs

14. Explanatory Memoranda frequently say that estimates cannot be made for some effects of the legislation, and, as a consequence, no figures are given for those effects. It is certainly the case that it can be difficult to provide estimates when, for example, the level of take-up of a new programme is not known. However, the complete omission of any costing for some effects alongside the provision of detailed figures for other aspects (those that can be relatively easily estimated) can lead to a rather misleading picture of the overall costs of the legislation.
15. For example, the costing set out in the **Explanatory Memorandum for the Local Government (Wales) Bill** of January 2015 does not give a full overview of the likely gross or net costs of the Bill. This is not because of the understandable uncertainty about the future shape of local government in Wales, but because rather than clearly allowing for that uncertainty the Memorandum gives partial and not well-signposted information:

- a. Appendix A on page 104 of the Memorandum has the title “Costing the Options” but appears to be confined solely to the (relatively modest) cost of transition committees;
 - b. Tables 17 and 18 on pages 96 and 97 could be taken to summarise Welsh Government and local government costs, but para 208 on page 95 says “there are a few areas (notably policy intention 4) where it has not been possible to produce an estimate at this stage”;
 - c. The tables give the total additional costs for the Welsh Government and Local Government for the period 2015-16 to 2020-21 as £1.1 million and £1.2 million respectively (i.e. £2.3 million in total) on the basis of one voluntary merger. However, the Bill appears to provide complete primary legislative provision for voluntary mergers, and it would therefore be appropriate for the Explanatory Memorandum to give broad cost estimates for one or more such voluntary mergers (with the uncertainty noted);
 - d. The Memorandum provides no figures for an estimate of ongoing savings.
16. It is worth noting that, in contrast, the Assembly’s Research Service paper on the Local Government (Wales) Bill includes far more comprehensive cost estimates for local government restructuring overall. The Research Service paper refers to Chartered Institute of Public Finance & Accountancy (CIPFA) estimates for the transition costs of local government mergers (in terms of people, property, systems and programme costs) that range between £159.7 million and £267.9 million for nine mergers involving 19 authorities (and annual savings of £64.7 million a year after two or three years).
17. While not included in either CIPFA’s report or the Research Service paper, this would indicate broad brush costs of some £20 million for one merger (and annual savings of some £6 million). This indicates that the Explanatory Memorandum probably rather understates the likely initial cost, while also omitting to provide a figure for ongoing savings.
18. The Auditor General’s *Review of the Regulatory Impact Assessment of the Well-being of Future Generations (Wales) Bill* (4 December 2014), concluded that there was likely cost understatement within the Explanatory Memorandum, and that it did not present the estimates clearly enough. Furthermore, the Welsh Government’s view that the additional costs of the bill may need to be absorbed within existing resources, as expressed during the Environment and Sustainability Committee’s evidence session on 29 September 2014, was not made clear in the Explanatory Memorandum.
19. As the examples above show, there is a tendency for Explanatory Memoranda to provide an incomplete view of overall costs. To be fit for purpose, i.e. so that Assembly Members have an overall idea of the cost of the legislation, Explanatory Memoranda should give overall estimates of the costs. Clearly, this can be difficult for some effects, but it would also be more meaningful and useful for Explanatory Memoranda to give an overall broad brush estimate of a Bill’s gross cost (while acknowledging areas of

considerable uncertainty) than to provide very detailed figures on certain aspects but no overall estimate.

20. The current formulation of Standing Order 26.6 (vi) perhaps does not help ensure that an overall view of costs is given. The Standing Order requires the Explanatory Memorandum to set out "...best estimates of...the gross administrative, compliance and other costs to which the provisions of the Bill would give rise", but it does not specifically require the identification of such costs overall. It would seem relatively straightforward to include such a requirement in the Standing Order.
21. In order to improve the reasonableness of overall cost estimation it may be helpful for the Assembly to undertake or obtain some retrospective reviews of the actual costs arising against the estimates given in the relevant Explanatory Memorandum. Such reviews might well help identify some means of improving the cost estimation processes and presentation used. Another approach that might help ensure that Explanatory Memoranda include appropriate cost information would be for Standing Order 26.6 to require the inclusion of some form of certification that this is the case, as this would help AMs better understand the overall costs of the legislation they are being asked to vote on.

STANDING ORDER 26.6(IV) COST ESTIMATE SUMMARY TABLE TEMPLATE

	One-off amounts (eg initial set up costs, disposal proceeds and decommissioning costs) £M	Average annual recurring amounts £M	Number of years applying to annual recurring amounts	Total lifetime amount (lifetime of the legislation) (at Net Present Value) £M
A. Gross administrative cost of the Bill's provisions (ie the additional public expenditure arising as a consequence of the Bill before any financial savings): i) WG and related bodies, including NHS ii) Welsh local government iii) Other public bodies Total of i), ii) and iii)				
B. Estimate of administrative savings arising from the Bill: i) WG and related bodies, including NHS ii) Welsh local government iii) Other public bodies (specify) Total of i), ii) and iii)				
C. Net administrative cost of the Bill's provisions (i.e. the net additional public expenditure that will arise as a consequence of the Bill): i) WG and related bodies, including NHS ii) Welsh local government iii) Other public bodies Total of i), ii) and iii)				
D. Compliance costs (i.e. costs arising to members of public etc from complying with the Bill's requirements): i) general public; ii) businesses; iii) other non-public sector bodies (eg voluntary organisations) Total of i), ii) and iii)				
E. Any other financial costs (include brief description here)				
F. Brief description of environmental and social dis-benefits arising from the Bill that cannot be quantified financially: i) one-off ii) ongoing (Include estimates of tonnes of CO2)				

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