

SR1 Individual 1

Senedd Cymru | Welsh Parliament

Y Pwyllgor Busnes | Business Committee

Galw am dystiolaeth ar argymhellion a wnaed gan y Pwyllgor Diben Arbennig ar Ddiwygio'r Senedd | Call for evidence on recommendations made by the Special Purpose Committee on Senedd Reform

Ymateb gan Unigol 1 | Evidence from Individual 1

The Senedd's Business Committee is inviting views to inform its consideration of four recommendations made by the Special Purpose Committee on Senedd Reform:

1. The size of the Welsh Government in a larger Senedd

This should not proceed as the increased cost far outweighs the benefits and the money can be far better spent in the current financial climate

2. The number of Deputy Presiding Officers in a larger Senedd

This should not proceed as the increased cost far outweighs the benefits and the money can be far better spent in the current financial climate

3. The number of Senedd Commissioners in a larger Senedd

This should not proceed as the increased cost far outweighs the benefits and the money can be far better spent in the current financial climate

4. The consequences of a Member changing their political party if elected through a closed proportional list system

This should trigger an automatic By Election

Senedd Cymru | Welsh Parliament

[Y Pwyllgor Busnes](#) | [Business Committee](#)

[Galw am dystiolaeth ar argymhellion a wnaed gan y Pwyllgor Diben Arbennig ar Ddiwygio'r Senedd](#) | [Call for evidence on recommendations made by the Special Purpose Committee on Senedd Reform](#)

Ymateb gan Lee Waters AS, Senedd Cymru | Evidence from Lee Waters MS, Senedd Cymru

The Senedd's Business Committee is inviting views to inform its consideration of four recommendations made by the Special Purpose Committee on Senedd Reform:

1. The size of the Welsh Government in a larger Senedd

If constrained capacity is an issue for the Senedd it follows that it is also a challenge for the Government. There should be flexibility in the number of Ministers, as there is in the UK Government.

2. The number of Deputy Presiding Officers in a larger Senedd

This should be a matter for the Senedd through its Standing Orders

3. The number of Senedd Commissioners in a larger Senedd

I don't support an increase in the number of Commissioners. I am unconvinced they would add value.

4. The consequences of a Member changing their political party if elected through a closed proportional list system

This is a balanced judgement. Allowing members elected on a platform to act in a different capacity is uncomfortable. But even under a closed system the Senedd remains within the UK Parliamentary tradition, and it is for a Government to command a majority, or build a coalition, to get its business through - and that includes its own backbenchers. If candidates are listed on the ballot paper as well as their party they can still claim a personal mandate and in our tradition as Parliamentarians can vote according to their conscience and not just the party whip.

SR3 Individual 2

Senedd Cymru | Welsh Parliament

Y Pwyllgor Busnes | Business Committee

Galw am dystiolaeth ar argymhellion a wnaed gan y Pwyllgor Diben Arbennig ar Ddiwygio'r Senedd | Call for evidence on recommendations made by the Special Purpose Committee on Senedd Reform

Ymateb gan Unigol 2 | Evidence from Individual 2

The Senedd's Business Committee is inviting views to inform its consideration of four recommendations made by the Special Purpose Committee on Senedd Reform:

1. The size of the Welsh Government in a larger Senedd

Not needed. We have MP's, enough AM's and look what a mess the current assembly have got us into. No more jobs for the boys. Rather than having more AM's, why doesn't the assembly introduce SMART ways of working. Use the money elsewhere not to pay even more for people who don't do a lot. Does Vaughan Getting ever go to work in the senedd to do his proper job what we the public pay home to do. He seems to be on jollies everyday for publicity

2. The number of Deputy Presiding Officers in a larger Senedd

Again why, no doubt this post would get extra remuneration, you need to spend this money on actual things that matter, like looking after our OAPS.

3. The number of Senedd Commissioners in a larger Senedd

4. The consequences of a Member changing their political party if elected through a closed proportional list system

If they change parties they should not be able to continue in post as they were elected on the party they belonged to and any promises that said party campaigned on.

SR4 Individual 3

Senedd Cymru | Welsh Parliament

Y Pwyllgor Busnes | Business Committee

Galw am dystiolaeth ar argymhellion a wnaed gan y Pwyllgor Diben Arbennig ar Ddiwygio'r Senedd | Call for evidence on recommendations made by the Special Purpose Committee on Senedd Reform

Ymateb gan Unigol 3 | Evidence from Individual 3

The Senedd's Business Committee is inviting views to inform its consideration of four recommendations made by the Special Purpose Committee on Senedd Reform:

1. The size of the Welsh Government in a larger Senedd

The case for more members is not convincing. We're in tough economic times and this will be an expensive move. It can't be justified on costs at present.

We have County Borough Councils/Town Councils already. People see little value in so many layers of government and you're planning to increase the Senedd level.

Perhaps a reduction in the number of County Borough councils should be considered as some are too small to be really viable or effective in providing cost effective local services.

There are moves to reduce the number of MPs. WAG is proposing to increase the size of the Senedd!

The WAG hasn't managed to become highly regarded by many people in Wales. An expansion in membership isn't a popular move. It's seen as creations for the boys (& girls).

2. The number of Deputy Presiding Officers in a larger Senedd

With no expansion they wouldn't be needed.

3. The number of Senedd Commissioners in a larger Senedd

No expansion would not necessitate more commissioners being paid well above average salaries.

4. The consequences of a Member changing their political party if elected through a closed proportional list system

A closed list system should lead to a by election if a member changes party. They would be elected on a party basis and not the FPTP individual system used for Constituency members.

SR5 Association of Electoral Administrators (AEA)

Senedd Cymru | Welsh Parliament

Y Pwyllgor Busnes | Business Committee

Galw am dystiolaeth ar argymhellion a wnaed gan y Pwyllgor Diben Arbennig ar Ddiwygio'r Senedd | Call for evidence on recommendations made by the Special Purpose Committee on Senedd Reform

Tystiolaeth gan Gymdeithas y Gweinyddwyr Etholiadol | Evidence from the Association of Electoral Administrators (AEA)

The Senedd's Business Committee is inviting views to inform its consideration of four recommendations made by the Special Purpose Committee on Senedd Reform:

1. The size of the Welsh Government in a larger Senedd

We consider this a matter for the Welsh Government to determine. The recommendation will not affect the mechanics of election delivery.

2. The number of Deputy Presiding Officers in a larger Senedd

We consider this a matter for the Welsh Government to determine. The recommendation will not affect the mechanics of election delivery.

3. The number of Senedd Commissioners in a larger Senedd

We consider this a matter for the Welsh Government to determine. The recommendation will not affect the mechanics of election delivery.

4. The consequences of a Member changing their political party if elected through a closed proportional list system

Although primarily a governance matter, there are electoral administration implications to consider.

At present there are no procedures set out in legislation should this situation arise. The same applies for London members of the London Assembly and regional members of the Scottish Parliament elected via a comparable party list system.

In all instances in the UK where the election is via a party list system, changing political party is not a consideration. An individual remains a regional member in the same way a constituency member 'crossing the floor' does not automatically vacate their seat.

We make this distinction notwithstanding the proposal that all Senedd members are elected via a party list system from 2026 onwards.

We offer three potential options:

1. The member is deemed no longer eligible to hold their seat. This would create a vacancy to be filled by the next eligible person on the party list at the time the original election was contested.

This is similar to the existing system for vacancies caused by resignation, death, etc. It is the simplest system to administer, with a by-election only required where the party list is exhausted.

2. The member is deemed no longer eligible to hold their seat and the vacancy is filled via a by-election.

It could be argued this is the most democratic way in which to fill the vacancy as the by-election would be fought based on the prevailing political climate. There would be resource implications through the need to administer an election.

3. No change is made and the member continues to serve.

It could be argued this is the least democratic option in that the member was elected by reference to their political party at the time of the election, not as an individual.

Regardless of the solution, we consider the legislation should clearly set out the procedures to be followed in such circumstances.

Senedd Cymru | Welsh Parliament

Y Pwyllgor Busnes | Business Committee

Galw am dystiolaeth ar argymhellion a wnaed gan y Pwyllgor Diben Arbennig ar Ddiwygio'r Senedd | Call for evidence on recommendations made by the Special Purpose Committee on Senedd Reform

Tystiolaeth gan y Comisiwn Etholiadol | Evidence from The Electoral Commission

The Senedd's Business Committee is inviting views to inform its consideration of four recommendations made by the Special Purpose Committee on Senedd Reform:

1. The size of the Welsh Government in a larger Senedd

n/a

2. The number of Deputy Presiding Officers in a larger Senedd

Since the passage of the Senedd and Elections (Wales) Act 2020, the Electoral Commission has been formally accountable to the Senedd for our work in Wales. This oversight of our work as it relates to devolved elections and referendums in Wales is carried out by the Llywydd's Committee. The functions and membership of the Llywydd's Committee are set out under Standing Order 18B.

Standing Order 18B states the Llywydd's Committee must be chaired by the Presiding Officer or Deputy Presiding Officer. Any move to allow more Deputy Presiding Officers to be elected would require consideration from the Business Committee as to how the membership and chairing arrangements for the Llywydd's Committee may need to change as a result.

-

Ers pasio Deddf Senedd ac Etholiadau (Cymru) 2020, mae'r Comisiwn Etholiadol wedi bod yn atebol yn ffurfiol i'r Senedd am ein gwaith yng Nghymru. Caiff y trosolwg hwn o'n gwaith fel y mae'n ymwneud ag etholiadau a refferenda datganoledig yng Nghymru ei gyflawni gan Bwyllgor y Llywydd. Mae swyddogaethau ac aelodaeth Pwyllgor y Llywydd wedi'u nodi o dan Reol Sefydlog 18B.

Mae Rheol Sefydlog 18B yn nodi bod yn rhaid i Bwyllgor y Llywydd gael ei gadeirio gan y Swyddog Llywyddu neu'r Dirprwy Swyddog Llywyddu. Byddai unrhyw symudiad i ganiatáu i fwy o Ddirprwy Swyddogion Llywyddu gael eu hethol angen ystyriaeth gan y Pwyllgor Busnes ynghylch sut y byddai angen i'r aelodaeth a'r trefniadau cadeirio ar gyfer Pwyllgor y Llywydd newid o ganlyniad.

3. The number of Senedd Commissioners in a larger Senedd

n/a

4. The consequences of a Member changing their political party if elected through a closed proportional list system

n/a

SR7 Jane Dodds MS, Senedd Member for Mid and West Wales and Leader of Welsh Liberal Democrats, Member of the Senedd

Senedd Cymru | Welsh Parliament

[Y Pwyllgor Busnes | Business Committee](#)

[Galw am dystiolaeth ar argymhellion a wnaed gan y Pwyllgor Diben Arbennig ar Ddiwygio'r Senedd | Call for evidence on recommendations made by the Special Purpose Committee on Senedd Reform](#)

Ymateb gan Jane Dodds AS, Aelod o'r Senedd dros Ganolbarth a Gorllewin Cymru ac arweinydd Democratiaid Rhyddfrydol Cymru | Evidence from Jane Dodds MS, Senedd Member for Mid and West Wales and Leader of Welsh Liberal Democrats, Member of the Senedd

The Senedd's Business Committee is inviting views to inform its consideration of four recommendations made by the Special Purpose Committee on Senedd Reform:

1. The size of the Welsh Government in a larger Senedd

The Welsh Liberal Democrats believe that there should be greater flexibility in the number of Welsh Government Ministers, in order to meet changing circumstances and political priorities.

The proposed increase in the size of the Senedd does not of itself lead to a change in the Welsh Government's responsibilities. But a central purpose of Senedd reform is to ensure better scrutiny of the Welsh Government, which is likely to lead to greater calls on Ministers' collective time and resources.

We therefore believe that it would be right to use the Bill to remove the cap on the number of Welsh Government Ministers.

Mae Democratiaid Rhyddfrydol Cymru yn credu y dylai fod mwy o hyblygrwydd ynghylch nifer y Gweinidogion yn Llywodraeth Cymru, er mwyn mynd i'r afael ag amgylchiadau a blaenoriaethau gwleidyddol sy'n newid.

Ynndo'i hun, nid yw'r cynnydd arfaethedig ym maint y Senedd yn arwain at newid yng nghyfrifoldebau Llywodraeth Cymru. Ond, un o ddibenion canolog diwygio'r Senedd yw sicrhau gwell craffu ar waith Llywodraeth Cymru, ac mae hynny'n debygol o arwain at fwy o alwadau ar amser ac adnoddau Gweinidogion yn gyffredinol.

Rydym o'r farn, felly, y byddai'n iawn defnyddio'r Bil i ddileu'r cap ar nifer y Gweinidogion yn Llywodraeth Cymru.

2. The number of Deputy Presiding Officers in a larger Senedd

3. The number of Senedd Commissioners in a larger Senedd

4. The consequences of a Member changing their political party if elected through a closed proportional list system

We note that the effect of the Special Purpose Committee's recommendation is to change the nature of the Senedd's election system from one that is a hybrid of voting for parties and constituency representatives into one that is wholly based on party.

We believe that Parliamentary accountability is vested in both parties and individuals. Our principled position is to support voting by the Single Transferrable Vote (STV), which allows voters to choose between candidates on a party list and to express preferences across party lists. Our views on this have not changed since our evidence to the Special Committee on Senedd Reform.

We also note that Senedd groups and political parties are different – though clearly closely-linked – entities.

Under the existing electoral system, Senedd members elected on regional lists changing their party or group affiliation have retained their seats in the Senedd.

However, the clear logic of the closed list system is that voters express a choice for a party. On the basis of that logic, we believe it would be illogical for Members who change parties to retain their seats, and that in those circumstances they have lost their mandate and should be replaced by the next-placed candidate on the Party list. Under our preferred system, with elected Members accountable to the electorate as individuals as well as Party nominees, members who changed their affiliation would retain their seats, and remain accountable as individuals to their electors at future elections.

We note however that this represents a clear shift of power in favour of Party managers, especially in relation to managing political dissent.

Additionally, we understand that this approach has the potential to lead to difficult legal issues in relation to the rights of the individuals concerned. Those questions include the right to freedom of political expression, and questions arising from the fact that political groups in the Senedd are different entities from political parties. We therefore believe that the Government must give careful consideration to the legal questions that these issues raise, so that when it considers the Bill, the Senedd will understand the risk – including reputational risk to the Senedd as an institution - that a person's right to sit in the Senedd might in some circumstances be determined in Court following litigation rather than by the electorate.

A further question arises in the event that legislation is enacted to ensure gender balance on party lists, whose logic would suggest that the replacement for a Member who leaves the Senedd after leaving a group must be of the same gender. We strongly support measures to promote gender balance, but it is also essential to understand whether this approach gives rise to any conflicts with existing rights legislation. Along with the need to ensure that there is a sufficient number of list candidates willing to serve in the event of a vacancy, one consequence could be that parties submit lists at elections that are significantly longer than the number of seats in each constituency.

There is a further question of what happens if a Senedd member is suspended from a group. A member might be suspended from a Group pending disciplinary action arising either from their personal conduct or from a political disagreement. We believe it would be wrong for suspension from a Group to trigger

removal from the Senedd without due process. Further thought must be given to how these circumstances would be managed.

Nodwn mai effaith argymhelliad y Pwyllgor Diben Arbennig fyddai newid natur system etholiadol y Senedd, o system sy'n cyfuno pleidleisio dros bleidiau a chynrychiolwyr etholaethau i system a fyddai'n seiliedig yn llwyr ar bleidiau.

Credwn fod atebolrwydd seneddol wedi'i freinio yn y pleidiau a'r unigolion. Ein safbwynt egwyddorol yw cefnogi defnydd o'r Bleidlais Sengl Dros-glwyddadwy (STV) ar gyfer pleidleisio, gan ei bod yn caniatáu i bleidleiswyr ddewis o blith ymgeiswyr ar restr plaid a mynegi dewis ar draws rhestrau pleidiau. Nid yw ein barn ar hyn wedi newid ers ein tystiolaeth i'r Pwyllgor Diben Arbennig ar Ddiwygio'r Senedd.

Nodwn hefyd fod grwpiau'r Senedd a phleidiau gwleidyddol – er y cysylltiadau agos rhyngddynt – yn endidau gwahanol.

O dan y system etholiadol bresennol, mae Aelodau o'r Senedd a etholwyd ar restrau rhanbarthol wedi cadw eu seddau yn y Senedd ar ôl iddynt newid plaid neu grŵp.

Fodd bynnag, rhesymeg glir y system rhestr gaeedig yw bod pleidleiswyr yn dewis plaid. Ar sail y rhesymeg honno, credwn y byddai'n afresymegol i Aelodau sy'n newid plaid gadw eu seddau, a chredwn, o dan yr amgylchiadau hynny, y byddant wedi colli eu mandad ac y dylent gael eu disodli gan yr ymgeisydd sydd nesaf ar restr y plaid. O dan ein dewis system, gydag Aelodau etholedig yn atebol i'r etholwyr fel unigolion ac fel enwebeion eu plaid, byddai Aelodau sy'n newid eu plaid neu grŵp yn cadw eu seddau, a byddant yn parhau i fod yn atebol fel unigolion i'w hetholwyr mewn etholiadau yn y dyfodol.

Fodd bynnag, nodwn fod hyn yn newid clir mewn grym sy'n ffafrio rheolwyr y Pleidiau, yn enwedig mewn perthynas â rheoli anghytundeb gwleidyddol.

Yn ogystal, deallwn fod gan y dull hwn y potensial i arwain at faterion cyfreithiol anodd mewn perthynas â hawliau'r unigolion dan sylw. Mae'r cwestiynau hynny'n cynnwys yr hawl i ryddid mynegiant gwleidyddol, a chwestiynau sy'n codi o'r ffaith bod grwpiau gwleidyddol yn y Senedd yn endidau gwahanol i bleidiau gwleidyddol. Credwn, felly, fod rhaid i'r Llywodraeth ystyried yn ofalus y cwestiynau cyfreithiol sy'n codi o'r materion hyn, fel y bydd y Senedd, pan fydd yn ystyried y Bil, yn deall y risg – gan gynnwys y risg i enw da'r Senedd fel sefydliad – y gallai hawl person i fod yn Aelod o'r Senedd, o dan rai amgylchiadau, gael ei phenderfynu yn y Llys yn dilyn achos cyfreithiol, yn hytrach na chan yr etholwyr.

Mae cwestiwn arall yn codi os caiff deddfwriaeth ei deddfu i sicrhau cydbwysedd rhwng y rhywiau ar restrau pleidiau, gan y byddai rhesymeg yn awgrymu y byddai'n rhaid i rywun o'r un rhyw gymryd lle'r Aelod sy'n gadael y Senedd ar ôl gadael grŵp. Rydym yn cefnogi'n gryf fesurau i hybu cydbwysedd rhwng y rhywiau, ond mae hefyd yn hanfodol deall a fyddai'r dull hwn yn arwain at unrhyw beth a fyddai'n gwrthdaro â deddfwriaeth hawliau presennol. Ynghyd â'r angen i sicrhau nifer ddigonol o ymgeiswyr rhestr a fyddai'n fodlon gwasanaethu pe bai sedd yn dod yn wag, un canlyniad posibl yw y byddai'r rhestrau y mae pleidiau'n eu cyflwyno mewn etholiadau yn sylweddol hwy na nifer y seddi sydd ar gael ym mhob etholaeth.

Mae cwestiwn pellach yn codi ynghylch beth fydd yn digwydd os caiff Aelod o'r Senedd ei wahardd o grŵp. Gallai Aelod gael ei wahardd o grŵp tra'n aros am broses ddisgyblu sy'n codi o'i ymddygiad personol neu o anghytundeb gwleidyddol. Credwn y byddai'n gamwedd pe bai atal o grŵp yn arwain at ddiarddel o'r Senedd heb fynd drwy'r drefn briodol. Rhaid ystyried ymhellach sut y byddai'r amgylchiadau hyn yn cael eu rheoli.

Business Committee consultation on Senedd Reform – Senedd Labour Party response

The Senedd Labour Party (SLP) welcomes the opportunity to respond to the Business Committee's consultation on these important issues.

The size of the Welsh Government in a larger Senedd (recommendation 4)

As was made clear in the report of the Special Purpose Committee on Senedd Reform, the primary purpose of Senedd enlargement is to better enable the institution to carry out its functions as a legislature – making laws, scrutinising the government, and working in committees. As such, the increase in members of the Senedd should lead primarily to an increase in backbench members who will be able to carry out these important functions.

However, we also recognise that there is a clear case for raising the limit on the number of government ministers. This is necessary in order to reflect the significant increase in the powers of the Senedd and the Welsh Government that has occurred since the current limit was introduced in 2006, as well as the likelihood of additional powers being devolved in future.

A range of views has been expressed within the SLP on the proposed number of ministers; there are some who wish the figure to rise in proportion to the increase in Senedd Members – this would mean a limit of 19 (+ FM & CG,) whereas others support a smaller increase.

On balance, and reflecting the points made above on the role of the Senedd as a whole, we propose an increase to 16 (+FM & CG.) In doing so, we recognise that the Business Committee will need to reach agreement across more than one party before making its recommendations to government. As such, we would be willing to support an increase to more than 16 if the Committee judges that this is necessary having considered all the evidence.

The number of Deputy Presiding Officers in a larger Senedd (recommendation 5)

In principle, we not object to an increase in the number of Deputy Presiding Officers, however we also recognise that the Senedd already has the ability to elect acting chairs of plenary meetings and that this question is related to the nature of plenary meetings in the next, enlarged Senedd. We would ask that the Business Committee reflects further on this point and bears in mind the relationship between the number of Deputy Presiding Officers and the number of available backbenchers in the next Senedd.

The number of Senedd Commissioners in a larger Senedd (recommendation 6)

Members of the SLP expressed a range of views on the question of whether more Senedd Commissioners would be required in an enlarged Senedd. As such, we do not have a specific proposal to make. As on the preceding question, we would ask that the Business

Committee reflects the interrelationship between the number of Commissioners and the number of backbenchers who are available to carry out the Senedd's legislative functions.

The consequences of a Member changing their political party if elected through a closed proportional list system (recommendation 10).

This is a challenging and complex question; any proposals in this area would need to reflect the autonomy of political parties and political groups to conduct their own affairs, including in respect of party membership and the party whip.

We recognise that when voters cast their ballots for the candidate of a particular political party, they are voting both for an individual member as well as for the policy and political platform of that party. The mandate that these MSs receive is therefore different to that of an independent member. As such, when an MS chooses to leave the political group to which they were elected in order to join another political group, there are valid questions about the democratic legitimacy of this. This is the case under the current system, and it will arguably be greater under the new system.

However, members of the SLP expressed significant reservations about any system in which MSs would be prevented from leaving a political group, or where leaving a political group would result in them losing their seat in the Senedd. It was felt that this could negatively affect the link between voters and elected members, and unduly constrain individual MSs in instances where a party stance is felt to conflict with a constituency matter or an issue of conscience.

As such, we believe that a reasonable proposal would for MSs to be able to leave their political groups without losing their seats, but face restrictions on joining a different political group from that to which they were elected. In effect, this would allow members to sit as independents. We believe that this strikes a balance between the considerations outlined above. We note that this could be achieved through changes to standing orders, and would not necessarily require legislation. Making changes through standing orders also limits the risk of legislation leading to unintended consequences.

Members felt that this question requires careful consideration, particularly on what happens when a member leaves a group involuntarily and/or for a limited period of time. We therefore call on the Business Committee to consider the full range of circumstances in which any new rule would apply.

Senedd Cymru | Welsh Parliament

[Y Pwyllgor Busnes](#) | [Business Committee](#)

[Galw am dystiolaeth ar argymhellion a wnaed gan y Pwyllgor Diben Arbennig ar Ddiwygio'r Senedd](#) | [Call for evidence on recommendations made by the Special Purpose Committee on Senedd Reform](#)

Tystiolaeth gan yr Athro Laura McAllister, Prifysgol Caerdydd, a Paul Silk, yr Athro Anrhydeddus, Prifysgol Caerdydd | Evidence from Laura McAllister, Professor, and Paul Silk, Honorary Professor, Cardiff University

The Senedd's Business Committee is inviting views to inform its consideration of four recommendations made by the Special Purpose Committee on Senedd Reform:

1. The size of the Welsh Government in a larger Senedd

We were members of the National Assembly Expert Panel on Electoral Reform in 2017 which recommended an enlargement of the Assembly (now Senedd) and a change in its electoral system. In response to this consultation on the recommendations of the special purposes Committee, we would wish to reiterate the principles underpinning our report's recommendation for a larger Senedd, namely to strengthen the capacity to scrutinise more effectively the executive, public money and how it is spent within Welsh governance. It is our view that the powerful and well evidenced case for enlarging the Senedd and making the institution fit for purpose to discharge its parliamentary functions rests squarely on these arguments. We did not consider during our Expert Panel investigations - and are unaware of any new evidence to change our position - that there was a corresponding rationale for increasing the size of the executive arm, namely the Welsh Government. Neither do we believe that additional DPOs or Commissioners are required to fulfil the genuine and evidenced objectives of enlargement. Moreover, to increase the size of the WG or the Commission might be interpreted as nest-feathering and would run counter to the fundamental aim of enhanced numbers - that is, to improve scrutiny. It would also jeopardise public support for the wider enlargement and reform project.

2. The number of Deputy Presiding Officers in a larger Senedd

3. The number of Senedd Commissioners in a larger Senedd

4. The consequences of a Member changing their political party if elected through a closed proportional list system

There are different practices across the world for dealing with elected members who switch parties following an election. Some countries provide that an MP who crosses the floor loses his/her seat, while others nuance this so that an MP who joins another party loses the seat but does not if s/he becomes an independent.

We believe that there should be a clear disincentive built in to standing orders to discourage floor-crossing. A member elected under one party banner - especially in a strong party-based system such as ours - should ideally remain within that party or relinquish her/his seat. Floor crossing (without good reason) further undermines public trust and conviction in elected members.

Business Committee Senedd Reform Consultation: Plaid Cymru Senedd Group Response

October 2022

1. The Plaid Cymru Senedd Group (the Group) welcomes the opportunity to feed into the Business Committee's consultation on specific aspects of Senedd Reform, specifically in relation to the 4 recommendations relating to their work made by the Special Purpose Committee on Senedd Reform.
2. This paper reflects the direction of travel the Group believes discussions regarding specific aspects of Senedd Reform proposals should be heading in. The Group are nevertheless mindful that the eventual agreed outcome in relation to all 4 matters will need to be capable of commanding the support of the two thirds of the Senedd's Members voting for the legislation.

The size of the Welsh Government in a larger Senedd

3. The Group understands that given the basis for Senedd Reform in part is due to the unrecognisable change in the nature and extent of the Senedd's powers compared to the institution created in 1999 and the necessity for the Senedd to take on further powers in the future. This in turn means the size of Government may need to also increase to reflect increased executive and portfolio responsibilities required of Government.
4. This should not, however, override the other important driver behind reform, scrutiny, and ensuring there are more backbench Members available to scrutinise Government work in Plenary and in Committee meetings.
5. Therefore, the number of Government Ministers should not increase by a greater rate than the increase of Senedd Members. This would mean the

threshold for the number of Government Ministers – in addition to the First Minister and Counsel General – would be 19.

6. The legislation could also provide, as an additional safeguard, for Standing Orders to contain provision that a move to depart from the current number of 12 Government Ministers towards the higher threshold of 19, should be approved by a vote in the Senedd, subject to a simple majority.

The number of Deputy Presiding Officers in a larger Senedd

7. The Group believes that one Deputy Presiding Officer, alongside the Llywydd would be sufficient.
8. Should it become clearer that additional capacity is needed, an additional Deputy Presiding Officer, or an Acting Chair for Plenary Meetings could be elected through procedures laid out within the Standing Orders provided that this would not effect the political balance of the Senedd in a situation whereby the political balance of power in the institution is split equally between the government and opposition as is currently the case.
9. Having additional Deputy Presiding Officers may help ensure that the expectations on them won't be too strenuous and impactful on family and care responsibilities, should Senedd Plenary meetings be conducted on additional days to Tuesdays and Wednesdays.
10. This matter does not necessarily have to be determined at this point on the face of the forthcoming Bill, and could instead be decided through changes to Standing Orders, at a later date.

The number of Senedd Commissioners in a larger Senedd

11. The number of Commissioners does not need to be increased, as the volume of work should remain manageable. However, in line with the point above in regard to political balance in relation to Deputy Presiding Officers, there should be at least one Commissioner from each party Group represented in the Senedd following the next election.

12. This matter could also be decided through changes to Standing Orders, at a later date.

The consequences of a Member changing their political party if elected through a closed proportional list system

13. The Group understands the importance of striking a balance between ensuring the public get the Senedd and Parties they voted for, as well as ensuring those parties are not too powerful and restrictive on individuals Members to be independently minded in a reformed Senedd.

14. If a Member ceases to be a member of the party they were originally elected to, they should continue as an independent Member without joining another Group, but they should not cease to be a Member of the Senedd. This would ensure that parties do not have complete control over Members, and would also allow Members to continue to fulfil their duties if, for example, a Member was suspended from their group on a temporary basis as a result of any disciplinary process.

15. Therefore, should there be change affecting a Member's party group affiliation, this would not impact on matters such as the allocation of resources, Senedd opposition time, and committee proportionality and chairing arrangements

provided to Senedd Groups on the basis of the election result at the start of the Senedd term.

16. Mechanisms and provisions should be in place to ensure that if a Member ceases to be a Member of the Senedd, through the creation of a casual vacancy, they should be replaced by the next candidate on the party list, unless that individual may have ceased to be a member of said party for any reason. This could have implications for gender balance of the Senedd, and consideration should be given to maintaining at least 50/50 representation.

SR11 Individual 4

Senedd Cymru | Welsh Parliament

Y Pwyllgor Busnes | Business Committee

Galw am dystiolaeth ar argymhellion a wnaed gan y Pwyllgor Diben Arbennig ar Ddiwygio'r Senedd | Call for evidence on recommendations made by the Special Purpose Committee on Senedd Reform

Ymateb gan Unigol 4 | Evidence from Individual 4

The Senedd's Business Committee is inviting views to inform its consideration of four recommendations made by the Special Purpose Committee on Senedd Reform:

I have read the original Report with very great interest and have the following general observations:

- 1) May I compliment the Committee on the thorough nature and clarity of its Report? It serves as an exemplar and I can only express regret that the Westminster Parliament does not use its time and considerable resources to conduct such valuable work in such a painstaking manner. The people of Wales are well served by this attempt to broaden and deepen democratic practice.
- 2) I cannot dissent from any of the Committee's recommendations- whether substantive or procedural. I do hope that the Senedd will proceed with some version of 'job-sharing'.
- 3) I commend both the discussion of alternative forms of closed list proportional representation and the decision to choose the D'Hondt method. I think that 'pure' D'Hondt rather than the system adopted in Northern Ireland - for wholly understandable, pragmatically justifiable, and morally and politically good reasons-, will well serve the people of Wales. It is, again, to be regretted that such a (if I may) mature discussion has not taken place in Westminster.
- 4) I cannot comment on the 'four recommendations' - these are properly for the Senedd and the people of Wales.



Y Gwir Anrhydeddus Elin Jones AS

Llywydd, Senedd Cymru

Right Honourable Elin Jones MS

Llywydd, Welsh Parliament

Senedd Cymru

Bae Caerdydd, Caerdydd, CF99 1SN

Llywydd@senedd.cymru

0300 200 6565

Welsh Parliament

Cardiff Bay, Cardiff, CF99 1SN

Llywydd@senedd.wales

0300 200 6565

At: Y Pwyllgor Busnes

3 Tachwedd 2022

Annwyl Pwyllgor Busnes,

Nifer o Dirprwy Lywyddion o dan Ddiwygiad y Senedd

Diolch am y cyfle i roi sylwadau ar argymhellion y Pwyllgor Diben Arbennig ar Ddiwygio'r Senedd mewn perthynas â nifer y Dirprwy Lywyddion ar gyfer y Seithfed Senedd.

Byddem yn annog Llywodraeth Cymru i gynnig cymaint o hyblygrwydd â phosibl i'r Senedd wrth ystyried y nifer priodol o Ddirprwy Lywyddion yn neddfwriaeth Diwygio'r Senedd.

Mae'r Senedd wedi bod yn destun newid sylweddol ers ei chreu ym 1999. Mae mwy o bwerau deddfu, pwerau dros drethiant a newid sylweddol yn y model pwerau yn golygu bod busnes yn fwy cymhleth i'w lywio. Wrth i statws y Senedd aeddfedu, mae'r galwadau ar amser y Llywydd fel Cadeirydd y Comisiwn a'r Pwyllgor Busnes – yn ogystal â chynrychioli'r Senedd mewn ymweliadau a digwyddiadau mewnol ac allanol – wedi cynyddu, ochr yn ochr â dyletswyddau cadeirio'r Cyfarfod Llawn.

Hyd yn hyn, galwyd ar Gomisiynwyr i gadeirio cyfarfodydd llawn ar adegau pan nad yw'r Llywydd na'r Dirprwy Lywydd ar gael, gan ddangos yr angen am hyblygrwydd yn y darpariaethau ar gyfer cefnogi busnes y Senedd. At hynny, mae'r sefyllfa hon wedi'i hategu gan gytundeb diweddar y Senedd i ethol Cadeirydd Dros Dro yn y Cyfarfod Llawn sydd â phwerau llawn dros gynnal trefn a phleidleisio, ond nad yw'n gallu cyflawni unrhyw un o swyddogaethau eraill y Llywydd.

Mae'n bosibl y bydd Senedd fwy o faint yn cyfarfod yn amlach ac/neu am sesiynau hirach o'r Cyfarfod Llawn, ac felly rhagwelir y bydd hyd yn oed mwy o alw ar amser y Llywydd a'r Dirprwy Lywydd.

Wrth ystyried yr angen am ddeiliaid swyddi ychwanegol roedd y Panel Arbenigol yn pryderu bod y "*manteision posibl ar gyfer ansawdd a swm y gwaith craffu yn cael eu gwireddu*" ac rydym yn ymwybodol o'r angen i beidio â chynyddu nifer y deiliaid swyddi y tu hwnt i'r hyn sy'n angenrheidiol.

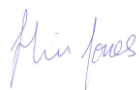
Argymhellodd y Pwyllgor Diben Arbennig "*y dylid ystyried y cwestiwn ynghylch a ddylai'r Senedd gael hyblygrwydd drwy ei Rheolau Sefydlog i ethol mwy o Ddirprwy Lywyddion pe bai am wneud hynny*". At hynny, fe wnaethon nhw argymhell fel a ganlyn: "*Gellid dadlau y dylai'r Senedd fod â hyblygrwydd drwy ei Rheolau Sefydlog i ethol mwy o Ddirprwy Lywyddion os yw am wneud hynny (ac unrhyw feini prawf sy'n ymwneud â'r blaid y gallai ddod ohoni)*".

Ar y lleiaf, felly, dyma annog Llywodraeth Cymru i ddiwygio'r ddeddfwriaeth bresennol er mwyn cael gwared ar y cyfyngiad sy'n caniatáu dim ond un Dirprwy Lywydd. Er mwyn cynnal yr egwyddor o hyblygrwydd, ein hawgrym yw bod y ddeddfwriaeth ddiwygiedig yn caniatáu 'o leiaf un' Dirprwy Lywydd. Byddai angen adolygu Adranau 25(7-9) Deddf Llywodraeth Cymru 2006 i sicrhau nad yw'r Llywydd a'r Dirprwyon oll yn perthyn i'r un grŵp gwleidyddol, na chwaith oll yn perthyn i'r Llywodraeth neu peidio.

Yn ogystal â nifer y Dirprwy Lywyddion, mae'n bosibl y bydd Llywodraeth Cymru eisiau ystyried a ddylid pennu teitl arall i Presiding Officer yn Neddf Llywodraeth Cymru. Ein dewis ni fyddai '*Speaker*' a '*Deputy Speaker*'. Yn yr un modd, hoffem pe baech yn ystyried y posibilrwydd o'r teitlau Cymraeg '*Llywydd*' a '*Dirprwy Lywydd*' ymddangos ar wyneb y Bil, gyda'r holl gyfeiriadau yn Neddf Llywodraeth Cymru yn dod yn gyfeiriadau at '*the Llywydd*' yn hytrach na '*Presiding Officer*' neu '*Speaker*' drwy welliant i a. 25(1)(a).

Hyderwn y bydd y sylwadau hyn yn ddefnyddiol ichi ac edrychwn ymlaen at ymgysylltu ymhellach â'r Pwyllgor a'r Llywodraeth wrth i raglen Diwygio'r Senedd fynd rhagddi.

Yn gywir,



Y Gwir Anrh. Elin Jones AS

Llywydd



David Rees AS

Dirprwy Lywydd

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

Y Pwyllgor Busnes
Dros ebost

8 Tachwedd 2022

Annwyl Bwyllgor Busnes,

Diolch am y cyfle i rannu barn y Comisiwn ar nifer y Comisiynwyr sydd eu hangen o ganlyniad i ddiwygio'r Senedd.

Mae'r Comisiwn yn nodi'r argymhelliad a ganlyn (Argymhelliad 6) a wnaed gan y Pwyllgor Diben Arbennig ar Ddiwygio'r Senedd:

"Rydym yn argymhell y dylid ystyried y cwestiwn ynghylch a ddylai'r Senedd gael hyblygrwydd drwy ei Rheolau Sefydlog i ethol mwy na phedwar Aelod o Gomisiwn y Senedd pe bai am wneud hynny. Yna dylai'r ystyriaeth lywio'r gwaith o ddatblygu deddfwriaeth i ddarparu ar gyfer Senedd â 96 o Aelodau."

Gwnaethom ystyried yr argymhelliad hwn yn ystod ein cyfarfod ar 7 Tachwedd. Gwnaethom nodi na ragwelir y bydd diwygio'r Senedd yn newid swyddogaethau statudol Comisiwn y Senedd (Adran 27(5) o Ddeddf Llywodraeth Cymru). O'r herwydd, nid ydym wedi'n hargyhoeddi bod angen capasiti ychwanegol er mwyn i'r Comisiwn allu cyflawni ei swyddogaethau'n effeithiol ar hyn o bryd.

Wrth i waith y Senedd barhau i esblygu mewn blynyddoedd i ddod, efallai y bydd themâu sy'n dod i'r amlwg a fydd yn gofyn am sylw'r Comisiwn ac efallai y bydd angen ailedrych ar y mater o gapasiti. Pe bai mwy o angen yn dod i'r amlwg, ni fyddem yn rhagweld y byddai hynny y tu hwnt i un aelod ychwanegol, i wneud Comisiwn o chwech, gan gynnwys y Llywydd. Gan nodi bod nifer y Comisiynwyr wedi'u pennu mewn statud (Adran 27(2) o Ddeddf Llywodraeth Cymru), efallai y byddai'n fuddiol rhoi'r hyblygrwydd i'r Senedd drwy ei Rheolau Sefydlog i benderfynu ar y nifer priodol o Gomisiynwyr. Efallai y bydd y Pwyllgor Busnes am ystyried hyn fel rhan o'i ystyriaeth i ddeiliaid swyddi eraill y mae eu niferoedd wedi'u pennu ar hyn o bryd drwy statud.



Senedd Cymru
Bae Caerdydd, Caerdydd, CF99 1SN

✉ Sulafa.Thomas@senedd.cymru
☎ 0300 200 6227

Welsh Parliament
Cardiff Bay, Cardiff, CF99 1SN

✉ Sulafa.Thomas@senedd.wales
☎ 0300 200 6227

Mae adran 27(4) o Ddeddf Llywodraeth Cymru 2006 fel y mae eisoes yn caniatáu rhywfaint o hyblygrwydd drwy nodi bod yn rhaid i'r Comisiwn gynnwys un aelod o bob grŵp gwleidyddol (yn ogystal â'r Llywydd) cyn belled ag sy'n "rhesymol ymarferol". Roedd yr hyblygrwydd hwn yn galluogi'r Senedd i ethol dau Gomisiynydd o'r un grŵp gwleidyddol (h.y. y grŵp mwyaf) ar ddechrau'r Chweched Senedd er mwyn bodloni'r meini prawf sy'n ei gwneud yn ofynnol i gael pedwar Comisiynydd (yn ogystal â'r Llywydd) oherwydd dim ond tri grŵp gwleidyddol sy'n bodoli. Fel y cyfryw, nid ydym yn rhagweld y bydd angen newid y ddarpariaeth hon.

Cofion gorau,



Gwir Anrh. Elin Jones AS

Llywydd a Chadeirydd Comisiwn y Senedd

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





Y Gwir Anrh. Elin Jones AS
Y Llywydd a Chadeirydd y Pwyllgor Busnes

9 Tachwedd 2022

Annwyl Elin

Diolch am eich llythyr dyddiedig 17 Hydref, sy'n gwahodd safbwyntiau er mwyn llywio gwaith y Pwyllgor Busnes o ystyried pedwar argymhelliad a wnaed gan y Pwyllgor Diben Arbennig (PDA) ar Ddiwygio'r Senedd. Mae'r ymateb hwn yn canolbwyntio ar yr hyn a ganlyn yn benodol:

- maint Llywodraeth Cymru mewn Senedd fwy (argymhelliad 4)
- y canlyniadau pe bai Aelod yn newid plaid wleidyddol os yw wedi cael ei ethol drwy system rhestr gyfrannol gaeedig (argymhelliad 10)

Nid yw Llywodraeth Cymru wedi ceisio rhoi barn benodol ar nifer y Dirprwy Lywyddion mewn Senedd fwy (argymhelliad 5) nac ar nifer Comisiynwyr y Senedd mewn Senedd fwy (argymhelliad 6) ond mae'n cydnabod y datganiadau gan y PDA mai diben cynyddu capasiti'r Senedd ddylai fod galluogi gwaith craffu ar bolisiau a deddfwriaeth, a dwyn y Llywodraeth i gyfrif.

Mae ystyriaeth Llywodraeth Cymru o argymhellion 4 a 10 i'w chael yn yr atodiadau i'r llythyr hwn.

Cofion

Lesley Griffiths AS/MS
Y Gweinidog Materion Gwledig a Gogledd Cymru, a'r Trefnydd
Minister for Rural Affairs and North Wales, and Trefnydd

Bae Caerdydd • Cardiff Bay
Caerdydd • Cardiff
CF99 1SN

Canolfan Cyswllt Cyntaf / First Point of Contact Centre:
0300 0604400

Gohebiaeth.Lesley.Griffiths@llyw.cymru
Correspondence.Lesley.Griffiths@gov.wales

Rydym yn croesawu derbyn gohebiaeth yn Gymraeg. Byddwn yn ateb gohebiaeth a dderbynnir yn Gymraeg yn Gymraeg ac ni fydd gohebu yn Gymraeg yn arwain at oedi.

We welcome receiving correspondence in Welsh. Any correspondence received in Welsh will be answered in Welsh and corresponding in Welsh will not lead to a delay in responding.

Atodiad 1: Maint Llywodraeth Cymru mewn Senedd fwy

Wrth ystyried y mater hwn, mae Llywodraeth Cymru wedi cadw mewn cof fod adran 51(1) o Ddeddf Llywodraeth Cymru 2006 (Deddf 2006) yn cyfyngu ar nifer y personau sy'n dal swydd fel un o Weinidogion Cymru i 12. Mae hyn yn cynnwys Gweinidogion (a benodir o dan adran 48) a Dirprwy Weinidogion (a benodir o dan adran 50), ond nid yw'n cynnwys swyddi'r Prif Weinidog a'r Cwnsler Cyffredinol, gan olygu felly mai'r terfyn o ran maint Llywodraeth Cymru yw 14, i bob pwrpas. Roedd y terfyn presennol ei hun yn gynydd, a wnaed yn 2006, o'r terfyn blaenorol o 9.¹ Ni chafwyd unrhyw gynydd yn y blynyddoedd dilynol, er i'r Senedd ennill pwerau deddfu sylfaenol a chymhwysedd ehangach.

Wrth argymhell cynnydd yn nifer Aelodau'r Senedd, dywedodd y Pwyllgor Diben Arbennig ar Ddiwygio'r Senedd ei fod yn rhagweld y byddai ei argymhellion ynghylch cael Senedd fwy yn arwain at ystyried a ddylai fod newid cysylltiedig i'r cyfyngiad hwn. Serch hynny, nododd fod "[r]haid i brif ddiben cynnydd mewn maint ymwneud â galluogi lefel well o gynrychiolaeth seneddol, deddfwriaeth a chraffu ar waith llywodraeth".² Nododd hefyd y byddai unrhyw gynydd ym maint Llywodraeth Cymru "yn golygu gostyngiad cyfatebol yng nghapasiti'r Senedd ar gyfer gwaith craffu".³

Mae pwerau a chyfrifoldebau gweithredol Gweinidogion Cymru wedi cynyddu'n sylweddol ers pasio Deddf Llywodraeth Cymru 2006. Er enghraifft, ers pasio Deddf Cymru 2017, mae Gweinidogion Cymru wedi gallu arfer swyddogaethau gweinidogol gweithredol yn sgil trosglwyddo swyddogaethau o dan adran 58A o Ddeddf Llywodraeth Cymru 2006. Mae pwerau a chyfrifoldebau gweithredol Gweinidogion Cymru hefyd wedi cynyddu o ganlyniad i ymadawiad y DU â'r UE (yn enwedig ym meysydd yr amgylchedd a materion gwledig a materion economaidd).

Mae gan Weinidogion Cymru rôl sydd wedi cynyddu'n sylweddol hefyd ym maes cysylltiadau rhynglywodraethol, sy'n cynnwys cyfarfodydd rhyngweinidogol i gydlynu polisïau, rhaglenni, a gweithrediad y fframweithiau rhynglywodraethol.

O ganlyniad, mae portffolios rhai Gweinidogion yn eang iawn erbyn hyn, gan olygu bod rhaid i rai Gweinidogion fod yn atebol am benderfyniadau ar amrywiaeth arbennig o eang o feysydd polisi. Wrth edrych ymlaen, er y bydd angen trafodaethau pellach ynghylch goblygiadau gweithredol Senedd fwy, mae'n ddisgwyliad naturiol y bydd cynnydd, yn ôl pob tebyg, yn y galwadau cronus ar Weinidogion Cymru oherwydd gwaith craffu.

¹ Yn setliad datganoli Cymru ar ei wedd gyntaf, nid oedd unrhyw gyfyngiadau ar faint Cabinet y Cynulliad, fel y'i nodwyd yn y ddeddfwriaeth sylfaenol. Yn hytrach, roedd adran 53(3) o Ddeddf Llywodraeth Cymru 1998 (Deddf 1998) yn darparu bod rhaid i Reolau Sefydlog y Cynulliad bennu'r uchafswm o "Ysgrifenyddion y Cynulliad" (h.y. Gweinidogion) y gellid eu penodi. Gwnaed y Rheolau Sefydlog cychwynnol gan yr Ysgrifennydd Gwladol o dan adran 50 o Ddeddf 1998 ac roeddent yn darparu: "Ni fydd mwy na naw aelod yng Nghabinet y Cynulliad, gan gynnwys y Prif Ysgrifennydd". Ni wnaed unrhyw ddiwygiadau wedyn i'r terfyn hwn yn y Rheolau Sefydlog, nes iddo gael ei ddisodli gan y terfyn yn Neddf Llywodraeth Cymru 2006.

² Y Pwyllgor Diben Arbennig ar Ddiwygio'r Senedd (PDA), Mai 2022, Diwygio ein Senedd: Llais cryfach i bobl Cymru, Para 42.

³ Ibid, Para 43.

Mae pryderon wedi'u mynegi yn y gorffennol am y posibilrwydd y gallai'r terfyn presennol amharu ar hyblygrwydd Llywodraeth Cymru i ymateb i ddiwyddiadau. Ym mis Chwefror 2020, gwnaeth y Gweinidog Cyllid a'r Trefnydd ar y pryd y sylwadau a ganlyn mewn gohebiaeth i'r Pwyllgor ar Ddiwygio Etholiadol y Senedd:

“Roedd modd i Lywodraeth yr Alban benodi Gweinidog Cabinet ychwanegol i fod yn gyfrifol am reoli'r materion polisi a rhynglywodraethol newydd helaeth iawn a oedd yn codi [o Brexit]. Ar y llaw arall, gan fod ganddi set lawn o Weinidogion eisoes yn ei lle yn unol â'r terfyn statudol, yr unig ffordd y mae Llywodraeth Cymru wedi gallu rheoli'r cyfrifoldebau ychwanegol hyn yw drwy ofyn i'r Cwnsler Cyffredinol eu hysgwyddo, ar ben ei gyfrifoldebau eraill fel Swyddog y Gyfraith y Llywodraeth.”⁴

Nododd y Pwyllgor Diben Arbennig hefyd mai rhan o'i resymeg dros gynyddu maint y Senedd oedd “[d]iogelu capasiti'r Senedd ar gyfer y dyfodol er mwyn gallu craffu ar bwerau a chyfrifoldebau cynyddol Llywodraeth Cymru”.⁵ Yn yr un modd, gellid ystyried y byddai cynyddu'r cyfyngiad presennol ar nifer Gweinidogion Cymru yn ddull o ddiogelu ar gyfer y dyfodol yn achos datganoli pwerau pellach.⁶ Er enghraifft, nododd y Comisiwn ar Gyfiawnder yng Nghymru, wrth argymhell y dylid datganoli swyddogaethau cyfiawnder yn sylweddol, fod rhaid, yn sgil datganoli o'r fath, “sefydlu Adran Gyfiawnder newydd yn Llywodraeth Cymru a arweinir gan un o Weinidogion y Cabinet”.⁷

Wrth ystyried y mater hwn, mae Llywodraeth Cymru hefyd wedi nodi nad oes terfyn cyfreithiol ar faint Llywodraeth yr Alban. Er y byddai dileu'r terfyn ar nifer Gweinidogion Cymru yn gyfan gwbl yn fanteisiol ar gyfer sicrhau hyblygrwydd, gallai hefyd beryglu argymhelliad y Pwyllgor Diben Arbennig mai prif ddiben cynyddu maint y Senedd ddylai fod galluogi lefel well o gynrychiolaeth seneddol, deddfwriaeth a chraffu ar waith llywodraeth.

Barn Llywodraeth Cymru felly yw y dylid cynyddu nifer Gweinidogion Cymru o 12, ond y dylai fod terfyn cyfreithiol ar y nifer hwn o hyd. Ym marn Llywodraeth Cymru, dylid cynyddu'r terfyn hwn i nifer penodol, sydd wedi'i ddatgan mewn deddfwriaeth sylfaenol.

Er mwyn cyfrannu at drafodaethau'r Pwyllgor Busnes ynghylch y mater hwn, a chan ystyried y pwyntiau a amlinellir uchod, mae Llywodraeth Cymru o'r farn y byddai'n briodol i'r nifer penodol hwn fod yn yr ystod o 16 i 19 (yn ychwanegol at y Prif Weinidog a'r Cwnsler Cyffredinol).

⁴ Y Pwyllgor ar Ddiwygio Etholiadol y Cynulliad: ymchwiliad i gapasiti'r Cynulliad, y Gweinidog Cyllid a'r Trefnydd, 10 Chwefror 2020, <https://busnes.senedd.cymru/documents/s98990/CAER5-5-20%20Papur%20iw%20nodi%205.pdf>

⁵ Ibid, Para 26.

⁶ Mae hyn er gwaethaf y ffaith y gellid ystyried bod datganoli cyfrifoldebau Gweinidogol a phwerau ymhellach ers 2006 eisoes yn rheswm dros gynyddu'r cyfyngiad.

⁷ Y Comisiwn ar Gyfiawnder yng Nghymru, Cyfiawnder yng Nghymru dros Bobl Cymru, Hydref 2019, Para 68.

Atodiad 2: Y canlyniadau pe bai Aelod yn newid plaid wleidyddol os yw wedi cael ei ethol drwy system rhestr gyfrannol gaeedig

Mae Llywodraeth Cymru yn nodi bod newid system etholiadol y Senedd i un sy'n seiliedig ar restrau cyfrannol caeedig yn creu cwestiwn ynghylch a ddylai fod canlyniadau i aelod sy'n newid ei blaid wleidyddol, o gofio bod pleidleiswyr wedi pleidleisio dros blaid yn hytrach nag unigolyn. Gellid dadlau, drwy beidio â chyflwyno rheolaethau, y byddai argraff fod democratiaeth yn cael ei thanseilio pan fydd cynrychiolydd etholedig yn gadael plaid o dan system rhestr gyfrannol gaeedig.

Fodd bynnag, mae Llywodraeth Cymru yn cofio hefyd am y cyswllt rhwng aelodau etholedig a'r etholaeth a bleidleisiodd drostynt, a bod angen ystyried y mater hwn gan gydnabod y gallai sancsiynau yn erbyn symud rhwng pleidiau gynyddu grym mewnol grwpiau gwleidyddol a'u rheolaeth dros aelodau etholedig. Mae amgylchiadau lle y gall aelod ystyried mai peidio â chydymffurfio â safbwynt grŵp ei blaid yw'r dull mwyaf priodol o gynrychioli buddiannau ei etholwyr, fod hynny'n adlewyrchu'r mandad y cafodd ei ethol arno, neu ei fod yn bwynt tyngedfennol o egwyddor bersonol.

Ar hyn o bryd, nid oes unrhyw fesurau deddfwriaethol yn y Senedd, nac yn wir mewn unrhyw ddeddfwrfa yn y DU, a fyddai'n arwain at gynrychiolydd etholedig yn gorfod ildio'i sedd os yw'n gadael ei blaid yn wirfoddol neu'n anwirfoddol. Gall cynrychiolwyr etholedig newid grŵp gwleidyddol o fewn tymor seneddol ym mhob un o seneddau'r DU, yn amodol ar unrhyw gyfyngiadau mewn Rheolau Sefydlog.

Mae papur Kenneth Janda, *Laws Against Party Switching, Defecting, or Floor-crossing in National Parliaments*, yn amcangyfrif, ar lefel ryngwladol, fod 14% (5 o 36) o ddemocratiaethau sefydledig yn ei gwneud yn ofynnol i aelodau seneddol ildio'u seddi os ydynt yn newid plaid wleidyddol. Mae gan y mwyafrif o'r deddfwrfeydd hyn fesurau a fyddai'n arwain at gynrychiolydd etholedig yn cael ei ddiarddel o'r ddeddfwrfa am newid plaid wleidyddol, ac mewn saith mae rheolau sy'n pennu bod rhaid i gynrychiolydd ildio'i sedd os nad yw'n pleidleisio yn unol â'i blaid ar faterion strategol.

Nid yw hynny'n golygu mai cael ei ddiarddel o ddeddfwrfa yw'r unig ganlyniad posibl i aelod sy'n gadael y blaid neu'r grŵp gwleidyddol y cafodd ei ethol ar ei gyfer. Mae wedi'i ymgorffori yng nghyfansoddiad Portiwgal nad yw aelod o'r senedd yn gallu newid plaid wleidyddol, ond gall ymddiswyddo i eistedd fel aelod annibynnol. Fel aelod annibynnol, bydd yn cadw ei sedd a'r hawliau sydd gan aelodau eraill, gan gynnwys y gallu i gynnig Biliau ac awgrymu gwelliannau. Yn yr un modd, os caiff aelod o senedd Portiwgal ei ddiarddel o'r blaid, bydd yn cadw ei sedd ond yn colli rhai hawliau, a hynny gan ei fod yn cael ei ystyried yn aelod nad yw'n gysylltiedig ag unrhyw blaid benodol yn hytrach nag yn aelod annibynnol. Mae'r dull a ddilynir yn Sbaen yn rhannu rhai nodweddion tebyg (er bod nifer o wahaniaethau hefyd) ac yn cael ei weithredu drwy reolau sefydlog, yn hytrach na thrwy ddeddfwriaeth yn uniongyrchol.

Mae Llywodraeth Cymru hefyd yn sylweddoli, pe bai aelod yn colli ei sedd yn y Senedd yn sgil newid ei grŵp gwleidyddol, y byddai hyn yn creu goblygiadau ar gyfer nifer y seddi y gellid disgwyl iddynt ddigwydd dod yn wag rhwng unrhyw ddau etholiad cyffredinol. Ar hyn o bryd, pe bai un o seddi rhanbarthol y Senedd yn digwydd dod yn wag, byddai'n cael ei llenwi gan ymgeisydd nesaf y blaid a enillodd y sedd honno (yn hytrach na thrwy is-etholiad). Pe na bai neb ar ôl ar restr plaid, byddai'r sedd yn aros yn wag. Ar sail y rhagdybiaeth y bydd yr un dull yn cael ei fabwysiadu, mae'n fwy tebygol y bydd seddi'n parhau'n wag oherwydd bod neb ar ôl ar restr plaid.

Pe bai mesurau'n cael eu hystyried sy'n cynnig bod aelod yn colli ei sedd yn awtomatig yn sgil newid grŵp gwleidyddol, byddai angen ystyried y Confensiwn Ewropeaidd ar Hawliau Dynol hefyd, a'r rhyddid i fynegi barn wleidyddol sydd wedi'i gynnwys ynddo.

Mae Llywodraeth Cymru yn nodi bod rhai canlyniadau i aelodau sy'n gadael pleidiau gwleidyddol i'w cael eisoes yn Rheolau Sefydlog y Senedd. Er enghraifft, mae Rheol Sefydlog 1.3(ii) yn gosod cyfyngiadau ar ffurfio grŵp gwleidyddol newydd. Yn yr un modd, mae Rheol Sefydlog 17.12 yn nodi bod aelod yn peidio â bod yn aelod o bwllgor os yw'n ymuno â grŵp gwleidyddol neu'n ymadael ag ef. Nid yw hyn yn golygu bod hyblygrwydd diderfyn gan y Rheolau Sefydlog yn hyn o beth, gan fod Deddf Llywodraeth Cymru 2006 yn cyfyngu ar yr hyn y gall y Rheolau Sefydlog ei wneud.

O ystyried y materion amrywiol hyn ac er mwyn cyfrannu at ystyriaeth y Pwyllgor Busnes o'r mater, mae Llywodraeth Cymru o'r farn, er y dylai aelodau'r Senedd allu ymddiswyddo o'u grŵp gwleidyddol ac eistedd fel aelodau annibynnol heb golli eu sedd, fod dadl dros gyfyngu ar eu gallu i ymuno â grŵp gwleidyddol gwahanol neu i greu grŵp o'r fath. Mae'n credu ymhellach y dylid ystyried ai'r Rheolau Sefydlog ddylai fod y cyfrwng ar gyfer cyflawni unrhyw gyfyngiadau o'r fath.