

HYSBYSIAD YNGHYLCH GWELLIANNAU

NOTICE OF AMENDMENTS

Cyflwynwyd ar 14 Mawrth 2023
Tabled on 14 March 2023

Bil Amaethyddiaeth (Cymru) Agriculture (Wales) Bill

- Samuel Kurtz** 43
Section 1, page 1, line 30, after ‘countryside’, insert ‘, its landscape’.
Adran 1, tudalen 1, llinell 31, ar ôl ‘gwlad’, mewnosoder ‘, ei dirwedd’.
- Samuel Kurtz** 44
Section 4, page 4, line 1, leave out ‘31 December 2025’ and insert ‘one month of the coming into force of this section’.
Adran 4, tudalen 4, llinell 1, hepgorer ‘na 31 Rhagfyr 2025’ a mewnosoder ‘nag un mis i’r adran hon ddod i rym’.
- Samuel Kurtz** 45
Section 6, page 5, line 31, leave out ‘five’ and insert ‘three’.
Adran 6, tudalen 5, llinell 37, hepgorer ‘bum mlynedd’ a mewnosoder ‘dair blynedd’.
- Samuel Kurtz** 46
Page 6, after line 10, insert a new section –
- [] **National Minimum Standards**
The Welsh Ministers must by regulations make provision for, or in connection with, national minimum standards.’.
Tudalen 6, ar ôl llinell 12, mewnosoder adran newydd –
- [] **Safonau Gofynnol Cenedlaethol**
Rhaid i Weinidogion Cymru, drwy reoliadau, wneud darpariaeth ar gyfer safonau gofynnol cenedlaethol neu mewn cysylltiad â hwy.’.

Samuel Kurtz

47

Section 9, page 7, after line 13, insert –

- ‘() Financial support may only be provided to –
- (a) a person or persons operating land where the predominant use is for agriculture; and
 - (b) a person or persons who are –
 - (i) in occupation of the land for which the financial support is being claimed; and
 - (ii) taking the entrepreneurial risk for the decisions made in relation to the management of the land for which the financial support is being claimed; and
 - (iii) in day-to-day management control of the land for which the financial support is being claimed.’.

Adran 9, tudalen 7, ar ôl llinell 14, mewnosoder –

- ‘() Caniateir darparu cymorth ariannol dim ond –
- (a) i berson neu bersonau sy’n gweithredu tir a ddefnyddir yn bennaf ar gyfer amaethyddiaeth; a
 - (b) i berson neu bersonau sydd –
 - (i) yn meddiannu’r tir y mae’r cymorth ariannol yn cael ei hawlio ar ei gyfer; a
 - (ii) yn ymgymryd â’r risg entrepreneuriaidd ar gyfer y penderfyniadau a wneir mewn perthynas â rheoli’r tir y mae’r cymorth ariannol yn cael ei hawlio ar ei gyfer; a
 - (iii) yn rheoli o ddydd i ddydd y tir y mae’r cymorth ariannol yn cael ei hawlio ar ei gyfer.’.

Samuel Kurtz

48

Section 20, page 12, line 31, after ‘markets’, insert ‘or the sudden or unexpected increase in input costs affecting the agricultural sector’.

Adran 20, tudalen 12, llinell 37, ar ôl ‘amaethyddol’, mewnosoder ‘neu’r cynnydd sydyn neu annisgwyl mewn costau mewnbwn sy’n effeithio ar y sector amaethyddol’.

Samuel Kurtz

49

Section 20, page 12, line 33, after ‘disturbance’, insert ‘or that the input costs affecting the agricultural sector have suddenly or unexpectedly increased’.

Adran 20, tudalen 12, llinell 39, ar ôl ‘dwys’, mewnosoder ‘neu fod y costau mewnbwn sy’n effeithio ar y sector amaethyddol wedi cynyddu’n sydyn neu’n annisgwyl’.

Samuel Kurtz 50

Section 20, page 13, line 2, leave out ‘or threatened disturbance’ and insert ‘, threatened disturbance or sudden or unexpected increase in input costs’.

Adran 20, tudalen 13, llinell 1, hepgorer ‘neu’r bygythiad o aflonyddwch’ a mewnosoder ‘, y bygythiad o aflonyddwchneu’r cynnydd sydyn neu annisgwyl mewn costau mewnbwn’.

Samuel Kurtz 51

Section 20, page 13, line 3, leave out ‘or threatened disturbance’ and insert ‘, threatened disturbance or input costs increases’.

Adran 20, tudalen 13, llinell 3, hepgorer ‘neu’r bygythiad o aflonyddwch’ a mewnosoder ‘, y bygythiad o aflonyddwchneu’r cynnydd mewn costau mewnbwn’.

Samuel Kurtz 52

Section 20, page 13, line 5, leave out ‘the agricultural product’ and insert ‘or costs of producing one or more of the agricultural products’.

Adran 20, tudalen 13, llinell 5, hepgorer ‘y cynnyrch amaethyddol o dan sylw’ a mewnosoder ‘un neu ragor o’r cynhyrchion amaethyddol o dan sylw neu o ran costau cynhyrchu un neu ragor o’r cynhyrchion amaethyddol hyn’.

Samuel Kurtz 53

Gyda chefnogaeth / Supported by: Luke Fletcher

Section 23, page 15, after line 9, insert –

‘() In section 19A (disputes relating to requests for landlord’s consent or variation of terms), in subsection (3) –

(a) omit the “or” after paragraph (a)(i);

(b) after paragraph (a)(ii) insert “or”;

(c) after paragraph (a)(ii) insert –

“(iii) the landlord’s consent to a matter which otherwise requires such consent in Wales”;

(d) omit the “or” after paragraph (b)(i);

(e) omit the “and” after paragraph (b)(ii);

(f) after paragraph (b)(ii) insert –

“(iii) in Wales to secure the full and efficient farming of the holding and or an environmental improvement, and”.’.

Adran 23, tudalen 15, ar ôl llinell 9, mewnosoder –

‘() Yn adran 19A (anghydfodau sy’n ymwneud â cheisiadau am gydsyniad y landlord neu amrywio telerau), yn is-adran (3) –

(a) hepgorer yr “or” ar ôl paragraff (a)(i);

- (b) ar ôl paragraff (a)(ii) mewnosoder “or”;
- (c) ar ôl paragraff (a)(ii) mewnosoder –
 - “(iii) the landlord’s consent to a matter which otherwise requires such consent in Wales”;
- (d) hepgorer yr “or” ar ôl paragraff (b)(i);
- (e) hepgorer yr “and” ar ôl paragraff (b)(ii);
- (f) ar ôl paragraff (b)(ii) mewnosoder –
 - “(iii) in Wales to secure the full and efficient farming of the holding and or an environmental improvement, and”’.

Samuel Kurtz

54

Gyda chefnogaeth / Supported by: Luke Fletcher

Page 15, after line 36, insert a new section –

[] Requests for landlord’s consent or variation of terms in farm business tenancies

After section 30 of the Agricultural Tenancies Act 1995 (c. 8) insert –

“[30A] Disputes relating to requests for landlord’s consent or variation of terms in Wales

- (1) The Welsh Ministers must make provision in regulations to enable a tenant of an agricultural holding in Wales to refer a request for arbitration where –
 - (a) the request falls within subsection (3), and
 - (b) no agreement has been reached with the landlord within two months of submitting the request.
- (2) The regulations may also provide that, where the tenant is given the right to refer a request to arbitration, the landlord and tenant may instead refer the request for third party determination under this Act.
- (3) A request falls within this subsection if –
 - (a) it is a request for –
 - (i) the landlord’s consent to a matter which under the terms of the tenancy requires such consent,
 - (ii) a variation to the terms of the tenancy, or
 - (iii) the landlord’s consent to a matter which otherwise requires such consent,
 - (b) it is made for the purposes of –
 - (i) enabling the tenant to request or apply for relevant financial support or relevant financial support of a description specified in the regulations,
 - (ii) complying with a statutory duty, or a statutory duty of a description specified in the regulations, applicable to the tenant, or

- (iii) to secure either or both of the full and efficient farming of the holding or an environmental improvement, and
 - (c) it meets such other conditions as may be specified in the regulations.
- (4) The regulations may provide for the arbitrator on a reference made under the regulations, where the arbitrator or third party considers it reasonable to do so –
 - (a) to require the landlord to comply with the request (either in full or in part as specified in the determination);
 - (b) to make any other award or determination permitted by the regulations.
- (5) The regulations may (among other things) make provision –
 - (a) about the conditions to be complied with before a reference can be made;
 - (b) about the matters which an arbitrator or third party is to take into account when considering a reference;
 - (c) for regulating the conduct of arbitrations or third party determinations;
 - (d) about the awards or determinations which may be made by the arbitrator or third party, which may include making an order for a variation in the rent of the holding or for the payment of compensation or costs;
 - (e) about the time period after which, or the conditions subject to which, an award or determination takes effect;
 - (f) for restricting a tenant’s ability to make subsequent references to arbitration where a reference to arbitration or third party determination has already been made under the regulations in relation to the same tenancy.
- (6) The provision covered by subsection (5)(e) includes, in the case of a request made for the purpose described in subsection (3)(b)(i)), conditions relating to the making of a successful application for assistance.
- (7) In this section –
 - “relevant financial support” means financial assistance under –
 - (a) the Agriculture (Wales) Act 2023; or
 - (b) any other financial support scheme introduced by the Welsh Ministers;
 - “statutory duty” means a duty imposed by or under –
 - (a) an Act of the UK Parliament;
 - (b) an Act or Measure of Senedd Cymru;
 - (c) retained direct EU legislation.”’.

Tudalen 15, ar ôl llinell 37, mewnosoder adran newydd –

[] Ceisiadau am gydsyniad y landlord neu amrywio telerau mewn tenantiaethau busnes fferm

Ar ôl adran 30 o Ddeddf Tenantiaethau Amaethyddol 1995 (p. 8) mewnosoder –

“[30A] Disputes relating to requests for landlord’s consent or variation of terms in Wales

- (1) The Welsh Ministers must make provision in regulations to enable a tenant of an agricultural holding in Wales to refer a request for arbitration where –
 - (a) the request falls within subsection (3), and
 - (b) no agreement has been reached with the landlord within two months of submitting the request.
- (2) The regulations may also provide that, where the tenant is given the right to refer a request to arbitration, the landlord and tenant may instead refer the request for third party determination under this Act.
- (3) A request falls within this subsection if –
 - (a) it is a request for –
 - (i) the landlord’s consent to a matter which under the terms of the tenancy requires such consent,
 - (ii) a variation to the terms of the tenancy, or
 - (iii) the landlord’s consent to a matter which otherwise requires such consent,
 - (b) it is made for the purposes of –
 - (i) enabling the tenant to request or apply for relevant financial support or relevant financial support of a description specified in the regulations,
 - (ii) complying with a statutory duty, or a statutory duty of a description specified in the regulations, applicable to the tenant, or
 - (iii) to secure either or both of the full and efficient farming of the holding or an environmental improvement, and
 - (c) it meets such other conditions as may be specified in the regulations.
- (4) The regulations may provide for the arbitrator on a reference made under the regulations, where the arbitrator or third party considers it reasonable to do so –
 - (a) to require the landlord to comply with the request (either in full or in part as specified in the determination);
 - (b) to make any other award or determination permitted by the regulations.
- (5) The regulations may (among other things) make provision –

- (a) about the conditions to be complied with before a reference can be made;
 - (b) about the matters which an arbitrator or third party is to take into account when considering a reference;
 - (c) for regulating the conduct of arbitrations or third party determinations;
 - (d) about the awards or determinations which may be made by the arbitrator or third party, which may include making an order for a variation in the rent of the holding or for the payment of compensation or costs;
 - (e) about the time period after which, or the conditions subject to which, an award or determination takes effect;
 - (f) for restricting a tenant’s ability to make subsequent references to arbitration where a reference to arbitration or third party determination has already been made under the regulations in relation to the same tenancy.
- (6) The provision covered by subsection (5)(e) includes, in the case of a request made for the purpose described in subsection (3)(b)(i), conditions relating to the making of a successful application for assistance.
- (7) In this section –
- “relevant financial support” means financial assistance under –
 - (a) the Agriculture (Wales) Act 2023; or
 - (b) any other financial support scheme introduced by the Welsh Ministers;
 - “statutory duty” means a duty imposed by or under –
 - (a) an Act of the UK Parliament;
 - (b) an Act or Measure of Senedd Cymru;
 - (c) retained direct EU legislation.”’.

Samuel Kurtz

55

Page 15, after line 36, insert a new section –

[] Good Husbandry

After section 11 of the Agriculture Act 1947 (c. 48) insert –

“11A Good Husbandry (Wales)

- (1) For the purposes of this Act, the occupier of an agricultural unit in Wales fulfils his responsibilities to farm it in accordance with the rules of good husbandry if the manner in which the unit is being farmed (as respects both the kind of operations carried out and the way in which they are carried out) is such that, having regard to the character and situation of the unit, the standard of management thereof by the occupier, the requirement to farm in accordance with the sustainable land management objectives in section 1 of the Agriculture (Wales) Act 2023 and other relevant circumstances, the occupier is maintaining a reasonable standard of efficient production, as respects both the kind of produce and the quality and quantity of it, while keeping the unit in a condition to enable such a standard to be maintained in the future.
- (2) In determining whether the manner in which a unit is being farmed is as described in subsection (1), regard is to be had to the extent to which—
 - (a) permanent pasture is being properly mown or grazed and maintained in a good state of cultivation and fertility and in good agricultural and environmental condition;
 - (b) the manner in which arable land is being cropped maintains that land clean, in a good state of cultivation and fertility and in good agricultural and environmental condition;
 - (c) the unit is properly stocked where the system of farming practised requires the keeping of livestock, and an efficient standard of management of livestock is maintained where livestock are kept and of breeding where the breeding of livestock is carried out;
 - (d) the necessary steps are being taken to secure and maintain crops and livestock free from disease and from infestation by insects and other pests;
 - (e) the necessary steps are being taken for the protection and preservation of crops harvested or lifted, or in course of being harvested or lifted;
 - (f) the necessary work of maintenance and repair is being carried out.
- (3) The responsibilities under the rules of good husbandry of an occupier of an agricultural unit which is not owned by him does not include an obligation to carry out any maintenance or repair work which the owner of the unit or any part of it is under an obligation to carry out in order to fulfil his responsibilities to manage in accordance with the rules of good estate management.”’.

Tudalen 15, ar ôl llinell 37, mewnosoder adran newydd –

[] **Hwsmonaeth Dda**

Ar ôl adran 11 o Ddeddf Amaethyddiaeth 1947 (p. 48) mewnosoder –

“11A Good Husbandry (Wales)



- (1) For the purposes of this Act, the occupier of an agricultural unit in Wales fulfils his responsibilities to farm it in accordance with the rules of good husbandry if the manner in which the unit is being farmed (as respects both the kind of operations carried out and the way in which they are carried out) is such that, having regard to the character and situation of the unit, the standard of management thereof by the occupier, the requirement to farm in accordance with the sustainable land management objectives in section 1 of the Agriculture (Wales) Act 2023 and other relevant circumstances, the occupier is maintaining a reasonable standard of efficient production, as respects both the kind of produce and the quality and quantity of it, while keeping the unit in a condition to enable such a standard to be maintained in the future.
- (2) In determining whether the manner in which a unit is being farmed is as described in subsection (1), regard is to be had to the extent to which—
 - (a) permanent pasture is being properly mown or grazed and maintained in a good state of cultivation and fertility and in good agricultural and environmental condition;
 - (b) the manner in which arable land is being cropped maintains that land clean, in a good state of cultivation and fertility and in good agricultural and environmental condition;
 - (c) the unit is properly stocked where the system of farming practised requires the keeping of livestock, and an efficient standard of management of livestock is maintained where livestock are kept and of breeding where the breeding of livestock is carried out;
 - (d) the necessary steps are being taken to secure and maintain crops and livestock free from disease and from infestation by insects and other pests;
 - (e) the necessary steps are being taken for the protection and preservation of crops harvested or lifted, or in course of being harvested or lifted;
 - (f) the necessary work of maintenance and repair is being carried out.
- (3) The responsibilities under the rules of good husbandry of an occupier of an agricultural unit which is not owned by him does not include an obligation to carry out any maintenance or repair work which the owner of the unit or any part of it is under an obligation to carry out in order to fulfil his responsibilities to manage in accordance with the rules of good estate management."'. .