

HYSBYSIAD YNGHYLCH GWELLIANNAU

NOTICE OF AMENDMENTS

Cyflwynwyd ar 4 Mai 2023
Tabled on 4 May 2023

Bil Amaethyddiaeth (Cymru) Agriculture (Wales) Bill

Lesley Griffiths

1

Long title, page 1, line 2, after ‘agriculture;’, insert ‘to amend the Agricultural Holdings Act 1986 and the Agricultural Tenancies Act 1995 in connection with resolution of disputes about agricultural tenancies;’.

Teitl hir, tudalen 1, llinell 2, ar ôl ‘hynny;’, mewnosoder ‘i ddiwygio Deddf Daliadau Amaethyddol 1986 a Deddf Tenantiaethau Amaethyddol 1995 mewn cysylltiad â datrys anghydfodau ynghylch tenantiaethau amaethyddol;’.

Lesley Griffiths

2

Section 2, page 2, line 24, after ‘agriculture’ at the first place where it occurs on a line, insert ‘(see section 48)’.

Adran 2, tudalen 2, llinell 26, ar ôl ‘amaethyddiaeth’, mewnosoder ‘(gweler adran 48)’.

Lesley Griffiths

3

Section 2, page 2, line 25, after ‘activities’, insert ‘(see section 49)’.

Adran 2, tudalen 2, llinell 28, ar ôl ‘ategol’, mewnosoder ‘(gweler adran 49)’.

Lesley Griffiths

4

Section 2, page 2, after line 29, insert –

- ‘() Subsection (1) applies to the functions referred to in subsections (2)(b) and (2)(c) only to the extent that those functions are exercised to provide support for or to regulate –
 - (a) agriculture, or other activities carried out on land used for agriculture, or
 - (b) ancillary activities.’.

Adran 2, tudalen 2, ar ôl llinell 33, mewnosoder –

- ‘() Nid yw is-adran (1) ond yn gymwys i’r swyddogaethau y cyfeirir atynt yn is-adrannau (2)(b) a (2)(c) i’r graddau y caiff y swyddogaethau hynny eu harfer i ddarparu cymorth ar gyfer neu i reoleiddio –
- (a) amaethyddiaeth, neu weithgareddau eraill a gynhelir ar dir a ddefnyddir ar gyfer amaethyddiaeth, neu
 - (b) gweithgareddau ategol.’.

Lesley Griffiths

5

Section 23, page 16, after line 3, insert –

- ‘(3) The Agricultural Tenancies Act 1995 (c. 8) is amended as follows.
(4) After section 8 insert –

“8A Reference of certain requests for consent or variation to arbitration: Wales

- (1) This section applies to a farm business tenancy where the land comprised in the tenancy is in Wales.
- (2) A tenant may, by notice in writing given to the landlord, refer to arbitration under this Act a request made by the tenant to the landlord where –
 - (a) the request falls within subsection (3), and
 - (b) no agreement has been reached with the landlord on the request.
- (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, or
 - (ii) a variation of the terms of the tenancy, and
 - (b) it is made for the purposes of –
 - (i) enabling the tenant to request or apply for relevant financial support, or
 - (ii) complying with a statutory duty applicable to the tenant.
- (4) Subsection (5) applies where the tenant has given notice under subsection (2) but an arbitrator has not been appointed by agreement before the end of the period of two months beginning with the day on which the notice was given.
- (5) The tenant or the landlord may apply to a professional authority for the appointment of an arbitrator by that authority, but once either party has made such an application the other may no longer do so.
- (6) An arbitrator, on a reference made under subsection (2), may –
 - (a) determine that the landlord must comply with the request (either in full or in part),

- (b) determine that the landlord may refuse to comply with the request, or
 - (c) make any other award or determination permitted by regulations.
- (7) The Welsh Ministers may by regulations make provision –
- (a) about conditions to be met before a reference may be made under subsection (2);
 - (b) about the awards or determinations that may be made by an arbitrator, which may include making an order for a variation in the rent payable under the tenancy or for the payment of compensation or costs;
 - (c) about the time at which, or the conditions subject to which, an award or determination may be expressed to take effect;
 - (d) restricting a tenant’s ability to make subsequent references to arbitration where a reference to arbitration has already been made under subsection (2) in relation to the same tenancy.
- (8) In this section –
- “relevant financial support” means financial support under –
- (a) section 8 of the Agriculture (Wales) Act 2023 (“the 2023 Act”) (Welsh Ministers’ power to provide support),
 - (b) a scheme of the sort mentioned in section 9(6) of the 2023 Act (meaning of “third party scheme” for purposes of power to provide support),
 - (c) the basic payment scheme, as defined in section 15 of the 2023 Act (power to modify legislation governing the basic payment scheme),
 - (d) legislation relating to the financing, management and monitoring of the common agricultural policy, as defined in section 16 of the 2023 Act (power to modify legislation relating to the common agricultural policy),
 - (e) legislation relating to support for apiculture, as defined in section 17 of the 2023 Act (power to modify legislation relating to support for apiculture),
 - (f) legislation relating to support for rural development, as defined in section 18 of the 2023 Act (support for rural development), or
 - (g) section 21 of the 2023 Act (powers of Welsh Ministers to give financial assistance in exceptional market conditions);
- “statutory duty” means a duty imposed by or under –
- (a) an Act of Parliament;
 - (b) an Act of Senedd Cymru or an Assembly Measure;
 - (c) retained direct EU legislation.”

(5) In section 28(5), before paragraph (a), insert –

“(za) a request made under section 8A(2) of this Act,”.

(6) After section 36, insert –

“36A Regulations

- (1) A power to make regulations under this Act is exercisable by statutory instrument.
- (2) The Welsh Ministers’ power to make regulations under section 8A(7) includes power to make different provision for different purposes.
- (3) A statutory instrument containing regulations made under section 8A(7) is subject to annulment in pursuance of a resolution of Senedd Cymru.”.

Adran 23, tudalen 16, ar ôl llinell 3, mewnosoder –

(3) Mae Deddf Tenantiaethau Amaethyddol 1995 (p. 8) wedi ei diwygio fel a ganlyn.

(4) Ar ôl adran 8 mewnosoder –

**“8A Reference of certain requests for consent or variation to arbitration:
Wales**

- (1) This section applies to a farm business tenancy where the land comprised in the tenancy is in Wales.
- (2) A tenant may, by notice in writing given to the landlord, refer to arbitration under this Act a request made by the tenant to the landlord where –
 - (a) the request falls within subsection (3), and
 - (b) no agreement has been reached with the landlord on the request.
- (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, or
 - (ii) a variation of the terms of the tenancy, and
 - (b) it is made for the purposes of –
 - (i) enabling the tenant to request or apply for relevant financial support, or
 - (ii) complying with a statutory duty applicable to the tenant.
- (4) Subsection (5) applies where the tenant has given notice under subsection (2) but an arbitrator has not been appointed by agreement before the end of the period of two months beginning with the day on which the notice was given.
- (5) The tenant or the landlord may apply to a professional authority for the appointment of an arbitrator by that authority, but once either party has made such an application the other may no longer do so.

- (6) An arbitrator, on a reference made under this subsection (2), may –
- (a) determine that the landlord must comply with the request (either in full or in part),
 - (b) determine that the landlord may refuse to comply with the request, or
 - (c) make any other award or determination permitted by regulations.
- (7) The Welsh Ministers may by regulations make provision –
- (a) about conditions to be met before a reference may be made under subsection (2);
 - (b) about the awards or determinations that may be made by an arbitrator, which may include making an order for a variation in the rent payable under the tenancy or for the payment of compensation or costs;
 - (c) about the time at which, or the conditions subject to which, an award or determination may be expressed to take effect;
 - (d) restricting a tenant’s ability to make subsequent references to arbitration where a reference to arbitration has already been made under subsection (2) in relation to the same tenancy.
- (8) In this section –
- “relevant financial support” means financial support under –
- (a) section 8 of the Agriculture (Wales) Act 2023 (“the 2023 Act”) (Welsh Ministers’ power to provide support),
 - (b) a scheme of the sort mentioned in section 9(6) of the 2023 Act (meaning of “third party scheme” for purposes of power to provide support),
 - (c) the basic payment scheme, as defined in section 15 of the 2023 Act (power to modify legislation governing the basic payment scheme),
 - (d) legislation relating to the financing, management and monitoring of the common agricultural policy, as defined in section 16 of the 2023 Act (power to modify legislation relating to the common agricultural policy),
 - (e) legislation relating to support for apiculture, as defined in section 17 of the 2023 Act (power to modify legislation relating to support for apiculture),
 - (f) legislation relating to support for rural development, as defined in section 18 of the 2023 Act (support for rural development), or
 - (g) section 21 of the 2023 Act (powers of Welsh Ministers to give financial assistance in exceptional market conditions);
- “statutory duty” means a duty imposed by or under –
- (a) an Act of Parliament;

- (b) an Act of Senedd Cymru or an Assembly Measure;
 - (c) retained direct EU legislation.”
- (5) Yn adran 28(5), cyn paragraff (a), mewnosoder –
- “(za) a request made under section 8A(2) of this Act,”.
- (6) Ar ôl adran 36, mewnosoder –

“36A Regulations

- (1) A power to make regulations under this Act is exercisable by statutory instrument.
- (2) The Welsh Ministers’ power to make regulations under section 8A(7) includes power to make different provision for different purposes.
- (3) A statutory instrument containing regulations made under section 8A(7) is subject to annulment in pursuance of a resolution of Senedd Cymru.”.

Lesley Griffiths

6

Page 21, after line 15, insert a new section –

‘[] Review of operation and effect of sections 24 to 30

- (1) The Welsh Ministers must prepare a report under this section, in relation to each reporting period, on the operation and effect of sections 24 to 30 during the period.
- (2) In preparing the report, the Welsh Ministers must consult any persons they consider appropriate.
- (3) The Welsh Ministers must, no later than 12 months after the end of each reporting period –
 - (a) publish the report that relates to the reporting period, and
 - (b) lay it before Senedd Cymru.
- (4) In this section, the “reporting period” means –
 - (a) in the case of the first report, the period of five years beginning with the day on which section 24 comes into force;
 - (b) in the case of subsequent reports, successive periods of five years.’.

WITHDRAWN - Please note Amendment 6 in the notice of amendments for 4 May 2023 has been withdrawn, and replaced by Amendment 47 in the notice of amendments for 9 May 2023

Tudalen 21, ar ôl llinell 16, mewnosoder adran newydd –

‘[] Adolygu gweithrediad ac effaith adrannau 24 i 30

- (1) Rhaid i Weinidogion Cymru lunio adroddiad o dan yr adran hon, mewn perthynas â phob cyfnod adrodd, ar weithrediad ac effaith adrannau 24 i 30 yn ystod y cyfnod.
- (2) Wrth lunio’r adroddiad, rhaid i Weinidogion Cymru ymgynghori ag unrhyw bersonau y maent yn ystyried eu bod yn briodol.
- (3) Rhaid i Weinidogion Cymru, yn ddim hwyrach na 12 mis ar ôl diwedd pob cyfnod adrodd –

- (a) cyhoeddi'r adroddiad sy'n ymwneud â'r cyfnod adrodd, a
 - (b) ei osod gerbron Senedd Cymru.
- (4) Yn yr adran hon, ystyr y "cyfnod adrodd" yw –
- (a) yn achos yr adroddiad cyntaf, y cyfnod o bum mlynedd sy'n dechrau â'r diwrnod y mae adran 24 yn dod i rym;
 - (b) yn achos adroddiadau dilynol, gyfnodau olynol o bum mlynedd'.

TYNNWYD YN ÔL – Sylwter, mae gwelliant 6 yn yr hysbysiad o welliannau ar gyfer 4 Mai 2023 wedi'i dynnu'n ôl, a'i ddisodli gan welliant 47 yn yr hysbysiad o welliannau ar gyfer 9 Mai 2023

Lesley Griffiths

7

Section 36, page 24, line 14, leave out 'appropriate forestry authority in relation to Wales, and a person granted a felling licence by that authority under subsection (2), may agree to amend the licence at any time' and insert 'Natural Resources Body for Wales, and the person responsible, may agree to amend the licence at any time (but see section 10A, which imposes further requirements in relation to amendments in respect of trees to which a tree preservation order relates).

- (3B) For the purposes of subsection (3A) of this section, and section 10A, the person responsible is –
- (a) the applicant for the licence, if the applicant has such estate or interest in the land as is referred to in subsection (1), or
 - (b) if the applicant no longer has such estate or interest, a person who has such estate or interest'.

Adran 36, tudalen 24, llinell 15, hepgorer 'appropriate forestry authority in relation to Wales, and a person granted a felling licence by that authority under subsection (2), may agree to amend the licence at any time' a mewnosoder 'Natural Resources Body for Wales, and the person responsible, may agree to amend the licence at any time (but see section 10A, which imposes further requirements in relation to amendments in respect of trees to which a tree preservation order relates).

- (3B) For the purposes of subsection (3A) of this section, and section 10A, the person responsible is –
- (a) the applicant for the licence, if the applicant has such estate or interest in the land as is referred to in subsection (1), or
 - (b) if the applicant no longer has such estate or interest, a person who has such estate or interest'.

Lesley Griffiths

8

Section 36, page 24, after line 16, insert –

'() After section 10 of the Forestry Act 1967, insert –

"10A Amendments made under section 10(3A) that affect tree preservation orders

- (1) The provisions of this section apply if –

- (a) an amendment to a licence under section 10(3A) is proposed in respect of any trees to which a tree preservation order relates, and
 - (b) the Natural Resources Body for Wales does not consider that the amendment is necessary to respond to an imminent and serious risk of harm to –
 - (i) natural beauty, or
 - (ii) flora, fauna, geological or physiographical features, or natural habitats.
- (2) Before amending the licence, the Natural Resources Body for Wales must give notice in writing of the proposal to the authority by whom the tree preservation order was made.
- (3) If, within the prescribed period, the authority by whom the tree preservation order was made objects to the amendment in so far as it affects trees to which the tree preservation order relates, and does not withdraw its objection, the Natural Resources Body for Wales must refer the matter to the Welsh Ministers.
- (4) If a matter is referred to the Welsh Ministers under subsection (3), the Welsh Ministers may decide to –
- (a) grant consent to the amendment, or
 - (b) refuse to grant consent (in which case the amendment cannot be made).
- (5) Where the Natural Resources Body for Wales has given notice in writing under subsection (1) to an authority in respect of a proposed amendment, the proposed amendment cannot be made until –
- (a) the period prescribed under subsection (3) has ended without the authority having objected (or, if the authority has objected, that objection has been withdrawn), or
 - (b) if the Natural Resources Body for Wales has referred the matter to the Welsh Ministers, the Welsh Ministers have given their decision on the matter.
- (6) Before deciding whether to grant or refuse consent under subsection (4), the Welsh Ministers must consult –
- (a) the person responsible (see section 10(3B));
 - (b) the Natural Resources Body for Wales;
 - (c) the authority by whom the tree preservation order was made.”.

Adran 36, tudalen 24, ar ôl llinell 17, mewnosoder –

‘() Ar ôl adran 10 o Ddeddf Coedwigaeth 1967, mewnosoder –

“10A Amendments made under section 10(3A) that affect tree preservation orders

- (1) The provisions of this section apply if –

- (a) an amendment to a licence under section 10(3A) is proposed in respect of any trees to which a tree preservation order relates, and
 - (b) the Natural Resources Body for Wales does not consider that the amendment is necessary to respond to an imminent and serious risk of harm to—
 - (i) natural beauty, or
 - (ii) flora, fauna, geological or physiographical features, or natural habitats.
- (2) Before amending the licence, the Natural Resources Body for Wales must give notice in writing of the proposal to the authority by whom the tree preservation order was made.
- (3) If, within the prescribed period, the authority by whom the tree preservation order was made objects to the amendment in so far as it affects trees to which the tree preservation order relates, and does not withdraw its objection, the Natural Resources Body for Wales must refer the matter to the Welsh Ministers.
- (4) If a matter is referred to the Welsh Ministers under subsection (3), the Welsh Ministers may decide to—
 - (a) grant consent to the amendment, or
 - (b) refuse to grant consent (in which case the amendment cannot be made).
- (5) Where the Natural Resources Body for Wales has given notice in writing under subsection (1) to an authority in respect of a proposed amendment, the proposed amendment cannot be made until—
 - (a) the period prescribed under subsection (3) has ended without the authority having objected (or, if the authority has objected, that objection has been withdrawn), or
 - (b) if the Natural Resources Body for Wales has referred the matter to the Welsh Ministers, the Welsh Ministers have given their decision on the matter.
- (6) Before deciding whether to grant or refuse consent under subsection (4), the Welsh Ministers must consult—
 - (a) the person responsible (see section 10(3B));
 - (b) the Natural Resources Body for Wales;
 - (c) authority by whom the tree preservation order was made.”’.

Lesley Griffiths

9

Section 37, page 25, line 5, leave out ‘responsible’ and insert ‘to whom the notice was given’.

Adran 37, tudalen 25, llinell 5, hepgorer ‘responsible’ a mewnosoder ‘to whom the notice was given’.

Lesley Griffiths

10

Section 37, page 25, line 9, leave out ‘completed’ and insert ‘taken’.

Adran 37, tudalen 25, llinell 9, hepgorer ‘completed’ a mewnosoder ‘taken’.

Lesley Griffiths

11

Section 37, page 25, line 23, leave out ‘under’ and insert ‘in accordance with’.

Adran 37, tudalen 25, llinell 23, hepgorer ‘under’ a mewnosoder ‘in accordance with’.

Lesley Griffiths

12

Section 37, page 25, line 30, leave out ‘date’ and insert ‘end of the period’.

Adran 37, tudalen 25, llinell 30, hepgorer ‘date’ a mewnosoder ‘end of the period’.

Lesley Griffiths

13

Section 37, page 25, line 31, leave out ‘(7)(b)’ and insert ‘(3)’.

Adran 37, tudalen 25, llinell 31, hepgorer ‘(7)(b)’ a mewnosoder ‘(3)’.

Lesley Griffiths

14

Section 37, page 25, line 35, leave out ‘completed’ and insert ‘taken’.

Adran 37, tudalen 25, llinell 35, hepgorer ‘completed’ a mewnosoder ‘taken’.

Lesley Griffiths

15

Section 37, page 26, line 10, leave out ‘and section 24D’.

Adran 37, tudalen 26, llinell 10, hepgorer ‘and section 24D’.

Lesley Griffiths

16

Section 37, page 26, line 15, leave out ‘the owner of the land’ and insert ‘a person who has such estate or interest in the land as is referred to in section 10(1) on that date’.

Adran 37, tudalen 26, llinell 15, hepgorer ‘the owner of the land’ a mewnosoder ‘a person who has such estate or interest in the land as is referred to in section 10(1) on that date’.

Lesley Griffiths

17

Section 37, page 26, after line 15, insert—

‘24D Notice to subsequent estate or interest holder requiring steps to be taken

- (1) Subsection (2) applies where –
 - (a) a notice has been given to a person under section 24C(3) requiring the person to take steps,
 - (b) steps required by the notice have not been taken, and
 - (c) before the time specified in the notice (within which those steps must be taken) has expired, the person ceases to have the estate or interest in the land by reference to which the notice was given.
- (2) The Natural Resources Body for Wales may give to a person who has such estate or interest in the land as is referred to in section 10(1) a notice –
 - (a) requiring the steps that were not taken under the notice described in subsection (1) to be taken, and
 - (b) specifying the period (not being less than the prescribed period after the notice has become operative) within which those steps must be taken.
- (3) A notice given under subsection (2) must set out the reasons for giving the notice.
- (4) If steps required by a notice under subsection (2) have not been taken before the end of the period specified in the notice, the Natural Resources Body for Wales may enter on the land and take those steps.
- (5) A person who, without reasonable excuse, fails to take any steps required by a notice under subsection (2) commits an offence and is liable on summary conviction to a fine (but this does not affect the powers of the Natural Resources Body for Wales under subsection (4)).
- (6) Proceedings in respect of an offence under subsection (5) –
 - (a) must be commenced within the period of six months starting on the day the person commencing the proceedings becomes aware of the offence;
 - (b) may not be commenced more than two years after the date of the offence.
- (7) A person who is required by a notice under subsection (2) to take steps may take the steps notwithstanding any lease, covenant or contract relating to the trees or land affected by the notice.
- (8) The reference in subsection (1) to a notice under section 24C(3) includes a notice given under this section.’.

Adran 37, tudalen 26, ar ôl llinell 15, mewnosoder –

‘24D Notice to subsequent estate or interest holder requiring steps to be taken

- (1) Subsection (2) applies where –
 - (a) a notice has been given to a person under section 24C(3) requiring the person to take steps,
 - (b) steps required by the notice have not been taken, and

- (c) before the time specified in the notice (within which those steps must be taken) has expired, the person ceases to have the estate or interest in the land by reference to which the notice was given.
- (2) The Natural Resources Body for Wales may give to a person who has such estate or interest in the land as is referred to in section 10(1) a notice –
 - (a) requiring the steps that were not taken under the notice described in subsection (1) to be taken, and
 - (b) specifying the period (not being less than the prescribed period after the notice has become operative) within which those steps must be taken.
- (3) A notice given under subsection (2) must set out the reasons for giving the notice.
- (4) If steps required by a notice under subsection (2) have not been taken before the end of the period specified in the notice, the Natural Resources Body for Wales may enter on the land and take those steps.
- (5) A person who, without reasonable excuse, fails to take any steps required by a notice under subsection (2) commits an offence and is liable on summary conviction to a fine (but this does not affect the powers of the Natural Resources Body for Wales under subsection (4)).
- (6) Proceedings in respect of an offence under subsection (5) –
 - (a) must be commenced within the period of six months starting on the day the person commencing the proceedings becomes aware of the offence;
 - (b) may not be commenced more than two years after the date of the offence.
- (7) A person who is required by a notice under subsection (2) to take steps may take the steps notwithstanding any lease, covenant or contract relating to the trees or land affected by the notice.
- (8) The reference in subsection (1) to a notice under section 24C(3) includes a notice given under this section.’.

Lesley Griffiths

18

Section 37, page 26, line 16, leave out ‘24D’ and insert ‘24E’.

Adran 37, tudalen 26, llinell 16, hepgorer ‘24D’ a mewnosoder ‘24E’.

Lesley Griffiths

19

Section 37, page 27, line 5, leave out ‘under’ and insert ‘in accordance with’.

Adran 37, tudalen 27, llinell 5, hepgorer ‘under’ a mewnosoder ‘in accordance with’.

Lesley Griffiths **20**

Section 37, page 27, line 11, after ‘(4)(b)’, insert ‘(to bring the suspension to an end)’.

Adran 37, tudalen 27, llinell 11, ar ôl ‘(4)(b)’, mewnosoder ‘(to bring the suspension to an end)’.

Lesley Griffiths **21**

Section 37, page 27, after line 14, insert –

‘(6) For the purposes of this section, “the person responsible” is –

- (a) the applicant for the licence, if on the date the notice is given the applicant has such estate or interest in the land as is referred to in section 10(1);
- (b) in any other case, a person who has such estate or interest in the land as is referred to in section 10(1) on that date.’.

Adran 37, tudalen 27, ar ôl llinell 14, mewnosoder –

‘(6) For the purposes of this section, “the person responsible” is –

- (a) the applicant for the licence, if on the date the notice is given the applicant has such estate or interest in the land as is referred to in section 10(1);
- (b) in any other case, a person who has such estate or interest in the land as is referred to in section 10(1) on that date.’.

Lesley Griffiths **22**

Page 27, after line 14, insert a new section –

[] Tree Preservation Orders

After new section 24E of the Forestry Act 1967 (c. 10) (inserted by section 37), insert –

“24F Notices under section 24C(3) or 24E(2) that affect tree preservation orders

- (1) The provisions of this section apply if –
 - (a) the Natural Resources Body for Wales proposes to give a notice under section 24C(3) or 24E(2) in respect of any trees to which a tree preservation order relates, and
 - (b) the proposed notice does not meet the emergency criteria.
- (2) The emergency criteria are met if the proposed notice makes no provision other than –
 - (a) provision that the Natural Resources Body for Wales considers is necessary to respond to an imminent and serious risk of harm to –
 - (i) natural beauty, or

- (ii) flora, fauna, geological or physiographical features, or natural habitats, or
- (b) provision that suspends a felling licence.
- (3) Before the Natural Resources Body for Wales gives the proposed notice it must give notice in writing of the proposal to the authority by whom the tree preservation order was made.
- (4) If, within the prescribed period, the authority by whom the tree preservation order was made objects to the notice in so far as it affects trees to which the tree preservation order relates, and does not withdraw its objection, the Natural Resources Body for Wales must refer the matter to the Welsh Ministers.
- (5) If a matter is referred to the Welsh Ministers under subsection (4), the Welsh Ministers may decide to –
 - (a) grant consent to the giving of the notice, or
 - (b) refuse to grant consent (in which case the notice cannot be given).
- (6) Where the Natural Resources Body for Wales has given notice in writing under subsection (3) to an authority in respect of a proposed notice, the proposed notice cannot be given until –
 - (a) the period prescribed under subsection (4) has ended without the authority having objected (or, if the authority has objected, that objection has been withdrawn), or
 - (b) if the Natural Resources for Wales has referred the matter to the Welsh Ministers, the Welsh Ministers have given their decision on the matter.
- (7) Before deciding whether to grant or refuse consent under subsection (5), the Welsh Ministers must consult –
 - (a) the Natural Resources Body for Wales;
 - (b) the authority by whom the tree preservation order was made;
 - (c) the applicant for the licence if the applicant has such estate or interest in the land as is referred to in section 10(1) or, in any other case, a person who has such estate or interest in the land.”.

Tudalen 27, ar ôl llinell 14, mewnosoder adran newydd –

[] Gorchmynion Cadw Coed

Ar ôl adran newydd 24E o Ddeddf Coedwigaeth 1967 (p. 10) (a fewnosodir gan adran 37), mewnosoder –

“24F Notices under section 24C(3) or 24E(2) that affect tree preservation orders

- (1) The provisions of this section apply if –
 - (a) the Natural Resources Body for Wales proposes to give a notice under section 24C(3) or 24E(2) in respect of any trees to which a tree preservation order relates, and

- (b) the proposed notice does not meet the emergency criteria.
- (2) The emergency criteria are met if the proposed notice makes no provision other than –
 - (a) provision that the Natural Resources Body for Wales considers is necessary to respond to an imminent and serious risk of harm to –
 - (i) natural beauty, or
 - (ii) flora, fauna, geological or physiographical features, or natural habitats, or
 - (b) provision that suspends a felling licence.
- (3) Before the Natural Resources Body for Wales gives the proposed notice it must give notice in writing of the proposal to the authority by whom the tree preservation order was made.
- (4) If, within the prescribed period, the authority by whom the tree preservation order was made objects to the notice in so far as it affects trees to which the tree preservation order relates, and does not withdraw its objection, the Natural Resources Body for Wales must refer the matter to the Welsh Ministers.
- (5) If a matter is referred to the Welsh Ministers under subsection (4), the Welsh Ministers may decide to –
 - (a) grant consent to the giving of the notice, or
 - (b) refuse to grant consent (in which case the notice cannot be given).
- (6) Where the Natural Resources Body for Wales has given notice in writing under subsection (3) to an authority in respect of a proposed notice, the proposed notice cannot be given until –
 - (a) the period prescribed under subsection (4) has ended without the authority having objected (or, if the authority has objected, that objection has been withdrawn), or
 - (b) if the Natural Resources for Wales has referred the matter to the Welsh Ministers, the Welsh Ministers have given their decision on the matter.
- (7) Before deciding whether to grant or refuse consent under subsection (5), the Welsh Ministers must consult –
 - (a) the Natural Resources Body for Wales;
 - (b) the authority by whom the tree preservation order was made;
 - (c) the applicant for the licence if the applicant has such estate or interest in the land as is referred to in section 10(1) or, in any other case, a person who has such estate or interest in the land.”.

Lesley Griffiths

23

Page 27, line 16, leave out section 38.

Tudalen 27, llinell 16, hepgorer adran 38.

Lesley Griffiths

24

Page 29, line 1, leave out section 39 and insert –

[] Appeals and compensation

After section 26 of the Forestry Act 1967 (c. 10), insert –

“26A Appeals against notices given under section 24C(3) and 24D(2)

- (1) The following persons have a right to bring an appeal against a notice given under section 24C(3) if the person thinks that any of the grounds set out in subsection (2) applies –
 - (a) the person to whom the notice was given;
 - (b) a person who has such estate or interest in the land as is referred to in section 10(1);
 - (c) the owner of the trees.
- (2) The grounds are –
 - (a) a condition referred to in the notice has been complied with or is being complied with;
 - (b) suspending or revoking the felling licence is unreasonable or disproportionate;
 - (c) the variation of a condition of the felling licence, or the imposition of a new condition, is unreasonable or disproportionate;
 - (d) a step specified in the notice is unreasonable or disproportionate;
 - (e) where the notice has suspended the felling licence, the suspension should have been brought to an end by a notice given under section 24C(7)(b).
- (3) A person to whom a notice has been given under section 24D(2) has a right to bring an appeal against the notice if the person thinks that a step specified in the notice is unreasonable or disproportionate.
- (4) An appeal under this section is brought by serving a notice on the Welsh Ministers requesting that they refer the matter to a committee appointed in accordance with section 27 (and see section 26C for further provision about such requests).

26B Appeals against notice given under section 24E(2)

- (1) The following persons have a right to bring an appeal against a notice given under section 24E(2) if the person thinks that any of the grounds set out in subsection (2) applies –
 - (a) the person to whom the notice was given;
 - (b) a person who has such estate or interest in the land as is referred to in section 10(1);
 - (c) the owner of the trees.
- (2) The grounds are –
 - (a) the felling is not causing the harm specified in the notice or is not likely to cause the harm;
 - (b) suspending or revoking the felling licence is unreasonable or disproportionate;
 - (c) an amendment to the felling licence is unreasonable or disproportionate;
 - (d) where the notice has suspended the felling licence, the suspension should have been brought to an end by a notice given under section 24E(4)(b).
- (3) An appeal under this section is brought by serving a notice on the Welsh Ministers requesting that they refer the matter to a committee appointed in accordance with section 27 (and see section 26C for further provision about such requests).

26C Further provision about appeals brought under sections 26A and 26B

- (1) A request made to the Welsh Ministers under section 26A or 26B must be made in the prescribed manner and within the prescribed period.
- (2) A notice given under section 24C(3), 24D(2) or 24E(2) does not take effect until the expiration of the prescribed period and, where a request is made to the Welsh Ministers under section 26A or 26B (as the case may be), until the conclusion of any proceedings in pursuance of the request.
- (3) But subsection (2) does not apply (and the notice may take effect immediately) to the extent that –
 - (a) the notice makes provision that the Natural Resources Body for Wales considers is necessary to respond to an imminent and serious risk of harm to –
 - (i) natural beauty, or
 - (ii) flora, fauna, geological or physiographical features, or natural habitats, or
 - (b) the notice makes provision that suspends a felling licence.
- (4) Where a request is made to the Welsh Ministers under section 26A or 26B, the Welsh Ministers must, unless they are of the opinion that the grounds for the request are frivolous, refer the matter to the committee appointed in accordance with section 27.

- (5) The committee to whom a matter is referred under this section must, after complying with section 27(3), provide the Welsh Ministers with a report in relation to the reference.
- (6) After considering the report, the Welsh Ministers must –
 - (a) in the case of a request made on the ground in subsection 26A(2)(e) or 26B(2)(d) (suspension should have been ended) –
 - (i) direct the Natural Resources Body for Wales to give a notice under section 24C(7)(b) or 24E(4)(b) (as the case may be) ending the suspension, or
 - (ii) give the person who made the request a notice setting out the reasons why a direction under sub-paragraph (i) is not being given;
 - (b) in the case of any other request, confirm or cancel the notice to which the reference relates.

26D Compensation following receipt of a notice given under section 24C(3)

- (1) If in the case of any trees, the Natural Resources Body for Wales gives a person a notice under section 24C(3), the relevant person is entitled to compensation in accordance with this section and section 26G.
- (2) If the notice given under section 24C(3) is cancelled under section 26C(6)(b), compensation is payable –
 - (a) for any expenses reasonably incurred in connection with the giving of the notice;
 - (b) for any depreciation in the value of the trees that is attributable to deterioration in the quality of the timber comprised in the trees as a result of the giving of the notice.
- (3) If a direction is given to the Natural Resources Body for Wales under section 26C(6)(a)(i) to give a notice ending a suspension imposed by the notice given under section 24C(3), compensation is payable –
 - (a) for any expenses reasonably incurred in connection with the suspension;
 - (b) for any depreciation in the value of the trees that is attributable to deterioration in the quality of the timber comprised in the trees as a result of the suspension.
- (4) For the purposes of this section “the relevant person” is –
 - (a) where compensation is payable for expenses reasonably incurred, and those expenses have been incurred in connection with a requirement to take steps, the person to whom the notice was given;
 - (b) where compensation is payable for expenses reasonably incurred, and those expenses have been incurred otherwise than in connection with a requirement to take steps, a person who had such estate or interest in the land as is referred to in section 10(1) at the time the expenses were incurred;

- (c) in the case of compensation for depreciation in the value of the trees, the owner of the trees.

26E Compensation following receipt of a notice given under section 24D(2)

- (1) If in the case of any trees, the Natural Resources Body for Wales gives a person a notice under section 24D(2), the person to whom the notice was given is entitled to compensation in accordance with this section and section 26G.
- (2) If the notice given under section 24D(2) is cancelled under section 26C(6)(b), compensation is payable for any expenses reasonably incurred in connection with the giving of the notice.

26F Compensation following receipt of a notice given under section 24E(2)

- (1) If in the case of any trees, the Natural Resources Body for Wales gives a person a notice under section 24E(2), the relevant person is entitled to compensation in accordance with this section and section 26G.
- (2) Compensation is payable for any depreciation in the value of the trees that is attributable to deterioration in the quality of the timber comprised in the trees as a result of the giving of the notice under section 24E(2) (regardless of whether an appeal has been brought under section 26B).
- (3) If the notice given under section 24E(2) is cancelled under section 26C(6)(b), compensation is payable for any expenses reasonably incurred in connection with the giving of the notice.
- (4) If a direction is given to the Natural Resources Body for Wales under section 26C(6)(a)(i) to give a notice ending a suspension imposed by the notice given under section 24E(2), compensation is payable for any expenses reasonably incurred in connection with the suspension.
- (5) For the purposes of this section “the relevant person” is –
 - (a) where compensation is payable for expenses reasonably incurred, a person who had such estate or interest in the land as is referred to in section 10(1) at the time the expenses were incurred;
 - (b) in the case of compensation for depreciation in the value of the trees, the owner of the trees.

26G Compensation under section 26D, 26E and 26F – further provision

- (1) Compensation under sections 26D, 26E and 26F is recoverable from the Natural Resources Body for Wales.
- (2) A claim for compensation under section 26D, 26E or 26F must be made in the prescribed manner and within the prescribed period.
- (3) Where a claim for compensation is made under section 26D or 26F for deterioration in the quality of the timber –

- (a) if the trees have been felled, no claim may be made after the expiration of one year from the date of the felling;
 - (b) where a claim is made in reliance on section 26F(2) (depreciation in the value of the trees as a result of the giving of a notice under section 24E(2)), no claim may be made in respect of deterioration occurring more than ten years after the notice was given.
- (4) In calculating compensation that is payable under section 26D or 26F –
- (a) no account is to be taken of deterioration in the quality of the timber that is attributable to neglect of the trees;
 - (b) the value of the trees at any time is to be ascertained on the basis of prices current at the date of the claim.
- (5) If –
- (a) after giving notice under section 24E(2) that amends a felling licence, the Natural Resources Body for Wales notifies the person specified in subsection (6) that it is prepared to further amend the licence under section 10(3A) so that it has the same effect as it had immediately before the licence was amended by the notice given under section 24E(2), or
 - (b) after giving notice under section 24E(2) that revokes a felling licence, the Natural Resources Body for Wales notifies the person mentioned in subsection (7) that it is prepared to grant a new licence that has the same effect as the licence that was revoked,
- then in calculating the compensation that is payable under section 26F(2), no account is to be taken of deterioration occurring after the Natural Resources Body for Wales has notified the relevant person in accordance with this subsection.
- (6) For the purposes of subsection (5)(a), the relevant person is –
- (a) the applicant for the licence, if the applicant has such estate or interest in the land as is referred to in section 10(1), or
 - (b) if the applicant no longer has such estate or interest, a person who has such estate or interest.
- (7) For the purposes of subsection (5)(b), the relevant person is the person who has such estate or interest in the land as is referred to in section 10(1).
- (8) Any question of disputed compensation arising from a claim made under section 26D, 26E or 26F is to be determined in accordance with section 31.”.

Tudalen 29, llinell 1, hepgorer adran 39 a mewnosoder –

[] **Apelau a digollediad**

Ar ôl adran 26 o Ddeddf Coedwigaeth 1967 (p. 10), mewnosoder –

“26A Appeals against notices given under section 24C(3) and 24D(2)

- (1) The following persons have a right to bring an appeal against a notice given under section 24C(3) if the person thinks that any of the grounds set out in subsection (2) applies –
 - (a) the person to whom the notice was given;
 - (b) a person who has such estate or interest in the land as is referred to in section 10(1);
 - (c) the owner of the trees.
- (2) The grounds are –
 - (a) a condition referred to in the notice has been complied with or is being complied with;
 - (b) suspending or revoking the felling licence is unreasonable or disproportionate;
 - (c) the variation of a condition of the felling licence, or the imposition of a new condition, is unreasonable or disproportionate;
 - (d) a step specified in the notice is unreasonable or disproportionate;
 - (e) where the notice has suspended the felling licence, the suspension should have been brought to an end by a notice given under section 24C(7)(b).
- (3) A person to whom a notice has been given under section 24D(2) has a right to bring an appeal against the notice if the person thinks that a step specified in the notice is unreasonable or disproportionate.
- (4) An appeal under this section is brought by serving a notice on the Welsh Ministers requesting that they refer the matter to a committee appointed in accordance with section 27 (and see section 26C for further provision about such requests).

26B Appeals against notice given under section 24E(2)

- (1) The following persons have a right to bring an appeal against a notice given under section 24E(2) if the person thinks that any of the grounds set out in subsection (2) applies –
 - (a) the person to whom the notice was given;
 - (b) a person who has such estate or interest in the land as is referred to in section 10(1);
 - (c) the owner of the trees.
- (2) The grounds are –
 - (a) the felling is not causing the harm specified in the notice or is not likely to cause the harm;
 - (b) suspending or revoking the felling licence is unreasonable or disproportionate;
 - (c) an amendment to the felling licence is unreasonable or disproportionate;

- (d) where the notice has suspended the felling licence, the suspension should have been brought to an end by a notice given under section 24E(4)(b).
- (3) An appeal under this section is brought by serving a notice on the Welsh Ministers requesting that they refer the matter to a committee appointed in accordance with section 27 (and see section 26C for further provision about such requests).

26C Further provision about appeals brought under sections 26A and 26B

- (1) A request made to the Welsh Ministers under section 26A or 26B must be made in the prescribed manner and within the prescribed period.
- (2) A notice given under section 24C(3), 24D(2) or 24E(2) does not take effect until the expiration of the prescribed period and, where a request is made to the Welsh Ministers under section 26A or 26B (as the case may be), until the conclusion of any proceedings in pursuance of the request.
- (3) But subsection (2) does not apply (and the notice may take effect immediately) to the extent that –
 - (a) the notice makes provision that the Natural Resources Body for Wales considers is necessary to respond to an imminent and serious risk of harm to –
 - (i) natural beauty, or
 - (ii) flora, fauna, geological or physiographical features, or natural habitats, or
 - (b) the notice makes provision that suspends a felling licence.
- (4) Where a request is made to the Welsh Ministers under section 26A or 26B, the Welsh Ministers must, unless they are of the opinion that the grounds for the request are frivolous, refer the matter to the committee appointed in accordance with section 27.
- (5) The committee to whom a matter is referred under this section must, after complying with section 27(3), provide the Welsh Ministers with a report in relation to the reference.
- (6) After considering the report, the Welsh Ministers must –
 - (a) in the case of a request made on the ground in subsection 26A(2)(e) or 26B(2)(d) (suspension should have been ended) –
 - (i) direct the Natural Resources Body for Wales to give a notice under section 24C(7)(b) or 24E(4)(b) (as the case may be) ending the suspension, or
 - (ii) give the person who made the request a notice setting out the reasons why a direction under sub-paragraph (i) is not being given;
 - (b) in the case of any other request, confirm or cancel the notice to which the reference relates.

26D Compensation following receipt of a notice given under section

24C(3)

- (1) If in the case of any trees, the Natural Resources Body for Wales gives a person a notice under section 24C(3), the relevant person is entitled to compensation in accordance with this section and section 26G.
- (2) If the notice given under section 24C(3) is cancelled under section 26C(6)(b), compensation is payable –
 - (a) for any expenses reasonably incurred in connection with the giving of the notice;
 - (b) for any depreciation in the value of the trees that is attributable to deterioration in the quality of the timber comprised in the trees as a result of the giving of the notice.
- (3) If a direction is given to the Natural Resources Body for Wales under section 26C(6)(a)(i) to give a notice ending a suspension imposed by the notice given under section 24C(3), compensation is payable –
 - (a) for any expenses reasonably incurred in connection with the suspension;
 - (b) for any depreciation in the value of the trees that is attributable to deterioration in the quality of the timber comprised in the trees as a result of the suspension.
- (4) For the purposes of this section “the relevant person” is –
 - (a) where compensation is payable for expenses reasonably incurred, and those expenses have been incurred in connection with a requirement to take steps, the person to whom the notice was given;
 - (b) where compensation is payable for expenses reasonably incurred, and those expenses have been incurred otherwise than in connection with a requirement to take steps, a person who had such estate or interest in the land as is referred to in section 10(1) at the time the expenses were incurred;
 - (c) in the case of compensation for depreciation in the value of the trees, the owner of the trees.

26E Compensation following receipt of a notice given under section 24D(2)

- (1) If in the case of any trees, the Natural Resources Body for Wales gives a person a notice under section 24D(2), the person to whom the notice was given is entitled to compensation in accordance with this section and section 26G.
- (2) If the notice given under section 24D(2) is cancelled under section 26C(6)(b), compensation is payable for any expenses reasonably incurred in connection with the giving of the notice.

26F Compensation following receipt of a notice given under section 24E(2)

- (1) If in the case of any trees, the Natural Resources Body for Wales gives a person a notice under section 24E(2), the relevant person is entitled to compensation in accordance with this section and section 26G.
- (2) Compensation is payable for any depreciation in the value of the trees that is attributable to deterioration in the quality of the timber comprised in the trees as a result of the giving of the notice under section 24E(2) (regardless of whether an appeal has been brought under section 26B).
- (3) If the notice given under section 24E(2) is cancelled under section 26C(6)(b), compensation is payable for any expenses reasonably incurred in connection with the giving of the notice.
- (4) If a direction is given to the Natural Resources Body for Wales under section 26C(6)(a)(i) to give a notice ending a suspension imposed by the notice given under section 24E(2), compensation is payable for any expenses reasonably incurred in connection with the suspension.
- (5) For the purposes of this section “the relevant person” is –
 - (a) where compensation is payable for expenses reasonably incurred, a person who had such estate or interest in the land as is referred to in section 10(1) at the time the expenses were incurred;
 - (b) in the case of compensation for depreciation in the value of the trees, the owner of the trees.

26G Compensation under section 26D, 26E and 26F – further provision

- (1) Compensation under sections 26D, 26E and 26F is recoverable from the Natural Resources Body for Wales.
- (2) A claim for compensation under section 26D, 26E or 26F must be made in the prescribed manner and within the prescribed period.
- (3) Where a claim for compensation is made under section 26D or 26F for deterioration in the quality of the timber –
 - (a) if the trees have been felled, no claim may be made after the expiration of one year from the date of the felling;
 - (b) where a claim is made in reliance on section 26F(2) (depreciation in the value of the trees as a result of the giving of a notice under section 24E(2)), no claim may be made in respect of deterioration occurring more than ten years after the notice was given.
- (4) In calculating compensation that is payable under section 26D or 26F –
 - (a) no account is to be taken of deterioration in the quality of the timber that is attributable to neglect of the trees;
 - (b) the value of the trees at any time is to be ascertained on the basis of prices current at the date of the claim.
- (5) If –

- (a) after giving notice under section 24E(2) that amends a felling licence, the Natural Resources Body for Wales notifies the person specified in subsection (6) that it is prepared to further amend the licence under section 10(3A) so that it has the same effect as it had immediately before the licence was amended by the notice given under section 24E(2), or
- (b) after giving notice under section 24E(2) that revokes a felling licence, the Natural Resources Body for Wales notifies the person mentioned in subsection (7) that it is prepared to grant a new licence that has the same effect as the licence that was revoked,

then in calculating the compensation that is payable under section 26F(2), no account is to be taken of deterioration occurring after the Natural Resources Body for Wales has notified the relevant person in accordance with this subsection.

- (6) For the purposes of subsection (5)(a), the relevant person is –
 - (a) the applicant for the licence, if the applicant has such estate or interest in the land as is referred to in section 10(1), or
 - (b) if the applicant no longer has such estate or interest, a person who has such estate or interest.
- (7) For the purposes of subsection (5)(b), the relevant person is the person who has such estate or interest in the land as is referred to in section 10(1).
- (8) Any question of disputed compensation arising from a claim made under section 26D, 26E or 26F is to be determined in accordance with section 31.””.

Lesley Griffiths

25

Section 40, page 30, line 31, leave out subsection (1).

Adran 40, tudalen 30, llinell 31, hepgorer is-adran (1).

Lesley Griffiths

26

Section 40, page 30, line 35, after ‘1967’, insert ‘(c. 10)’.

Adran 40, tudalen 30, llinell 35, ar ôl ‘1967’, mewnosoder ‘(p. 10)’.

Lesley Griffiths

27

Section 40, page 30, line 37, leave out subsections (3) to (5).

Adran 40, tudalen 30, llinell 37, hepgorer is-adrannau (3) hyd at (5).

Lesley Griffiths

28

Page 31, after line 7, insert a new section –

[] Service of documents

- (1) Section 30 (service of documents) of the Forestry Act 1967 (c.10) is amended as follows.
- (2) After subsection (5), insert –

“(6) For the purposes of this section, any reference in this Part to the giving of a notice or document by the Natural Resources Body for Wales is to be treated as if it were a reference to the serving of a document.”.

Tudalen 31, ar ôl llinell 7, mewnosoder adran newydd –

[] Cyflwyno dogfennau

- (1) Mae adran 30 (cyflwyno dogfennau) o Deddf Coedwigaeth 1967 (p. 10) wedi ei diwygio fel a ganlyn.
- (2) Ar ôl is-adran (5), mewnosoder –

“(6) For the purposes of this section, any reference in this Part to the giving of a notice or document by the Natural Resources Body for Wales is to be treated as if it were a reference to the serving of a document.”.

Lesley Griffiths

29

Section 41, page 31, line 14, leave out ‘or s. 24C’ and insert ‘, s. 24C(3) or s. 24D(2)’.

Adran 41, tudalen 31, llinell 15, hepgorer ‘or s. 24C’ a mewnosoder ‘, s. 24C(3) or s. 24D(2)’.

Lesley Griffiths

30

Section 41, page 31, line 15, leave out ‘, after “under section 24”, insert “or section 24C”’; and insert ‘ –

- (i) after “under section 24”, insert “, section 24C(9) or section 24D(4)”;
- (ii) for “under that section” substitute “under either of those sections”’.

Adran 41, tudalen 31, llinell 16, hepgorer ‘, ar ôl “under section 24”, mewnosoder “or section 24C”’; a mewnosoder ‘ –

- (i) ar ôl “under section 24”, mewnosoder “, section 24C(9) or section 24D(4)”;
- (ii) yn lle “under that section” rhodder “under either of those sections”’.

Lesley Griffiths

31

Section 41, page 31, leave out lines 16 to 23 and insert –

- () In section 27 (Committees of reference) –
 - (a) in the heading, for “and 25” substitute “, 25, 26A, 26B and 26C”;
 - (b) in subsection (1), for “and 25” substitute “, 25, 26A, 26B and 26C”’.

Adran 41, tudalen 31, hepgorer llinellau 17 hyd at 24 a mewnosoder –

‘() Yn adran 27 (Pwyllgorau cyfeirio) –

- (a) yn y pennawd, yn lle “and 25” rhodder “, 25, 26A, 26B and 26C”;
- (b) yn is-adran (1), yn lle “and 25” rhodder “, 25, 26A, 26B and 26C”.

Lesley Griffiths

32

Section 41, page 31, line 25, leave out ‘after “section 11”, insert “, section 24E”’ and insert ‘for “or section 26” substitute “, 26, 26D, 26E or 26F”’.

Adran 41, tudalen 31, llinell 26, hepgorer ‘ar ôl “section 11”, mewnosoder “, section 24E”’ a mewnosoder ‘yn lle “or section 26” rhodder “, 26, 26D, 26E or 26F”’.

Lesley Griffiths

33

Section 41, page 31, line 26, leave out ‘after “section 11”, insert “, section 24E”’ and insert ‘for “or section 26” substitute “, 26, 26D, 26E or 26F”’.

Adran 41, tudalen 31, llinell 27, hepgorer ‘ar ôl “section 11”, mewnosoder “, section 24E”’ a mewnosoder ‘yn lle “or section 26” rhodder “, 26, 26D, 26E or 26F”’.

Lesley Griffiths

34

Section 41, page 31, line 28, leave out ‘and 24E’ and insert ‘, 26D, 26E and 26F’.

Adran 41, tudalen 31, llinell 29, hepgorer ‘and 24E’ a mewnosoder ‘, 26D, 26E and 26F’.

Lesley Griffiths

35

Section 47, page 35, line 5, after ‘49’, insert ‘; but see subsections (*first subsection to be inserted by amendment 36*) to (*sixth subsection to be inserted by amendment 36*) of section 50 for further requirements in relation to a statutory instrument containing regulations under that section’.

Adran 47, tudalen 35, llinell 5, ar ôl ‘49’, mewnosoder ‘; ond gweler is-adrannau (*yr is-adran gyntaf sy’n cael ei mewnosod gan welliant 36*) i (*y chwechedd is-adran sy’n cael ei mewnosod gan welliant 36*) o adran 50 am ofynion pellach mewn perthynas ag offeryn statudol sy’n cynnwys rheoliadau o dan yr adran honno’.

Lesley Griffiths

36

Section 50, page 36, after line 5, insert –

‘() Before laying a draft statutory instrument containing regulations under this section before Senedd Cymru (for the purposes of section 47(6)), the Welsh Ministers must carry out the steps specified in subsections (*second subsection to be inserted by this amendment*) and (*third subsection to be inserted by this amendment*).

() The Welsh Ministers must consult any persons appearing to them to be likely to be affected by the regulations on a proposed draft of the regulations.

- () The Welsh Ministers must –
 - (a) allow those persons a period of at least 12 weeks to submit comments on the proposed draft regulations,
 - (b) consider any comments submitted within that period, and
 - (c) publish a summary of those comments.
- () Where the Welsh Ministers lay a draft statutory instrument containing regulations under this section before Senedd Cymru for the purposes of section 47(6), they must include with the draft a statement that–
 - (a) specifies whether there are differences between the draft regulations that were consulted on under subsection (*second subsection to be inserted by this amendment*) and regulations under this section that are contained in the draft statutory instrument being laid, and
 - (b) if there are differences between the draft regulations that were consulted on and the regulations that are contained in the draft statutory instrument being laid, gives details of those differences.
- () A draft statutory instrument containing regulations under this section may not be approved by a resolution of Senedd Cymru in accordance with section 47(6) until after the expiry of the period of 40 days beginning with the day on which the draft statutory instrument is laid.
- () In calculating whether a period of 40 days has expired for the purposes of subsection (*fifth subsection to be inserted by this amendment*), no account is to be taken of any time during which Senedd Cymru is dissolved or is in recess for more than four days.’.

Adran 50, tudalen 36, ar ôl llinell 5, mewnosoder –

- ‘() Cyn gosod offeryn statudol drafft sy’n cynnwys rheoliadau o dan yr adran hon gerbron Senedd Cymru (at ddibenion adran 47(6)), rhaid i Weinidogion Cymru gymryd y camau a bennir yn is-adrannau (*yr ail is-adran sy’n cael ei mewnosod gan y gwelliant hwn*) a (*y drydedd is-adran sy’n cael ei mewnosod gan y gwelliant hwn*).
- () Rhaid i Weinidogion Cymru ymgynghori ar ddrafft arfaethedig o’r rheoliadau ag unrhyw bersonau y mae’n ymddangos yn debygol i Weinidogion Cymru y bydd y rheoliadau yn effeithio arnynt.
- () Rhaid i Weinidogion Cymru –
 - (a) rhoi cyfnod o 12 wythnos o leiaf i’r personau hynny i gyflwyno sylwadau ar y rheoliadau drafft arfaethedig,
 - (b) ystyried unrhyw sylwadau a gyflwynir o fewn y cyfnod hwnnw, ac
 - (c) cyhoeddi crynodeb o’r sylwadau hynny.
- () Pan fo Gweinidogion Cymru yn gosod offeryn statudol drafft sy’n cynnwys rheoliadau o dan yr adran hon gerbron Senedd Cymru at ddibenion adran 47(6), rhaid iddynt gynnwys gyda’r drafft ddatganiad sydd –
 - (a) yn pennu a oes gwahaniaethau rhwng y rheoliadau drafft yr ymgynghorwyd arnynt o dan is-adran (*yr ail is-adran sy’n cael ei mewnosod gan y gwelliant hwn*) a rheoliadau o dan yr adran hon a gynhwysir yn yr offeryn statudol drafft sy’n cael ei osod, a

- (b) os oes gwahaniaethau rhwng y rheoliadau drafft yr ymgynghorwyd arnynt a'r rheoliadau a gynhwysir yn yr offeryn statudol drafft sy'n cael ei osod, yn rhoi manylion ynghylch y gwahaniaethau hynny.
- () Ni chaniateir i offeryn statudol drafft sy'n cynnwys rheoliadau o dan yr adran hon gael ei gymeradwyo drwy benderfyniad gan Senedd Cymru yn unol ag adran 47(6) tan ar ôl i'r cyfnod o 40 niwrnod, gan ddechrau â'r diwrnod y gosodir yr offeryn statudol drafft, ddod i ben.
- () Wrth gyfrifo a yw cyfnod o 40 niwrnod wedi dod i ben at ddibenion is-adran (*y bumed is-adran sy'n cael ei mewnosod gan y gwelliant hwn*), rhaid diystyru unrhyw adeg pan fo Senedd Cymru wedi ei diddymu neu'n cymryd toriad am fwy na phedwar diwrnod.'

Lesley Griffiths

37

Section 53, page 37, leave out line 6.

Adran 53, tudalen 37, hepgorer llinell 6.

Jane Dodds

38

Section 8, page 7, after line 1, insert –

- '(o) encouraging agricultural businesses to manage energy effectively (including by adopting energy efficiency and energy saving practices, and generating renewable energy on their land).'

Adran 8, tudalen 7, ar ôl llinell 1, mewnosoder –

- '(o) annog busnesau amaethyddol i reoli ynni yn effeithiol (gan gynnwys drwy fabwysiadu arferion effeithlonrwydd ynni ac arbed ynni, a chynhyrchu ynni adnewyddadwy ar eu tir).'