

## ENVIRONMENT (WALES) BILL – STAGE 3 GOVERNMENT AMENDMENTS

This table provides information about the amendments tabled in the name of the Minister for Natural Resources on 15 January 2016.

No.	GOVERNMENT AMENDMENT	GWELLIANT Y LLYWODRAETH	PURPOSE AND EFFECT
5	Section 4, page 2, line 19, leave out 'serious or irreversible' and insert 'significant'.	Adran 4, tudalen 2, llinell 19, hepgorer 'difrifol neu ddi-droi'n-ôl' a mewnosoder 'arwyddocaol'.	<p>The purpose of this amendment is to amend this principle under section 4 of the Bill to read as 'significant' damage to ecosystems.</p> <p>The effect of this amendment is to provide consistency of language with other environmental legislation.</p>
6	Section 4, page 2, line 24, after 'ecosystems', insert '(including their structure and functioning)'.	Adran 4, tudalen 2, llinell 24, ar ôl 'ecosystemau', mewnosoder '(gan gynnwys eu strwythur a'u gweithrediad)'.	<p>The purpose of this amendment is to amend the principle in section 4(i)(iv) to clarify that 'the condition of ecosystems' includes their structure and functioning.</p> <p>The effect of this amendment is to ensure a closer link with the ecosystem approach as defined by the UN's Convention on Biological Diversity.</p>
7	Section 6, page 3, line 25, after 'ecosystems', insert '(including their structure and functioning)'.	Adran 6, tudalen 3, llinell 27, ar ôl 'ecosystemau', mewnosoder '(gan gynnwys eu strwythur a'u gweithrediad)'.	This amendment is consequential to amendment 6 to ensure that 'the condition of ecosystems' in section 6(2)(e) is consistent with the wording under section 4(i)(iv).
8	Section 6, page 3, line 27, after 'to', insert— (a) the exercise of a function by Her Majesty's Revenue and Customs, or'.	Adran 6, tudalen 3, llinell 29, ar ôl 'i', mewnosoder— (a) arfer swyddogaeth gan Gyllid a Thollau Ei Mawrhydi, neu'.	<p>The purpose of this amendment is to exclude Her Majesty's Revenue and Customs (HMRC) from the duty under section 6(1).</p> <p>The effect of this amendment is that HMRC is not required to comply with the biodiversity and</p>

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			resilience of ecosystems duty when exercising its functions.
9	Section 8, page 5, line 32, leave out 'send a draft of each report required by subsection (3) to the Welsh Ministers before the end of the calendar year preceding the year in which it' and insert 'publish a draft of each report required by subsection (3) before the end of the calendar year preceding the year in which the report'.	Adran 8, tudalen 5, llinell 33, hepgorer 'anfon drafft o bob adroddiad sy'n ofynnol gan is-adran (3) at Weinidogion Cymru cyn diwedd y flwyddyn galendr sy'n dod cyn y flwyddyn y mae'n rhaid iddo' a mewnosoder 'gyhoeddi drafft o bob adroddiad sy'n ofynnol gan is-adran (3) cyn diwedd y flwyddyn galendr sy'n dod cyn y flwyddyn y mae'n rhaid i'r adroddiad'.	The purpose of this amendment is to amend section 8(4) in relation to the publication of a draft of SoNaRR.  The effect of this amendment is to clarify that NRW must publish a draft of each report rather than send a draft to the Welsh Ministers.
10	Section 9, page 6, after line 27, insert—  ( ) When the Welsh Ministers publish the national natural resources policy (or a revised policy), they must also publish a report summarising—  (a) any consultation that was carried out in preparing the policy, and  (b) any representations that were received as a result of the consultation.'.	Adran 9, tudalen 6, ar ôl llinell 29, mewnosoder—  ( ) Pan fydd Gweinidogion Cymru yn cyhoeddi'r polisi adnoddau naturiol cenedlaethol (neu bolisi diwygiedig), rhaid iddynt hefyd gyhoeddi adroddiad sy'n crynhoi—  (a) unrhyw ymgynghori a gynhaliwyd wrth baratoi'r polisi, a  (b) unrhyw sylwadau a gafwyd o ganlyniad i'r ymgynghori.'.	The purpose of this amendment is to insert a new subsection within section 9 in relation to the National Natural Resources Policy (NNRP).  The effect of this amendment is to require the Welsh Ministers to publish a report, which summarises any consultation that was carried out in relation to the preparation of the NNRP and any representations that were received as part of that consultation.
11	Section 11, page 8, after line 10, insert—  ( ) NRW must ensure that every part of Wales is included in at least one of the areas for which it prepares an area statement.'.	Adran 11, tudalen 8, ar ôl llinell 10, mewnosoder—  ( ) Rhaid i CNC sicrhau bod pob rhan o Gymru yn cael ei chynnwys yn o leiaf un o'r ardaloedd y mae'n paratoi datganiad ardal ar eu cyfer.'.	The purpose of this amendment is to insert a new subsection in section 11 in relation to area statements.  The effect of this amendment is to ensure the coverage of area statements is applied to the whole of Wales.
12	Section 16, page 10, line 8, leave out -	Adran 16, tudalen 10, llinell 9, hepgorer—	The purpose of this amendment is to provide

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	<p>‘, a person has an interest in land if the person has an estate in land or a right over land, whether the right is exercisable by virtue of ownership of an interest in land or by virtue of a licence or agreement, and in particular includes sporting rights;’.</p> <p>(4) In this section —’</p> <p>and insert—</p> <p>“‘interest in land” (“<i>buddiant mewn tir</i>”) means an estate in land or a right over land, whether the right is exercisable by virtue of ownership of an interest in land or by virtue of a licence or agreement, and in particular includes sporting rights;’.</p>	<p>‘gan berson fuddiant mewn tir os oes gan y person ystad mewn tir neu hawl dros dir, pa un a yw'r hawl yn arferadwy yn rhinwedd perchenogaeth o fuddiant mewn tir neu yn rhinwedd trwydded neu gytundeb, ac mae'n cynnwys yn benodol hawliau helwriaeth.</p> <p>(4) Yn yr adran hon—’</p> <p>a mewnosoder—</p> <p>“‘buddiant mewn tir” (“<i>interest in land</i>”) yn cynnwys unrhyw ystad mewn tir ac unrhyw hawl dros dir, pa un a yw'r hawl yn arferadwy yn rhinwedd perchenogaeth o fuddiant mewn tir neu yn rhinwedd trwydded neu gytundeb, ac mae'n cynnwys yn benodol hawliau helwriaeth;’.</p>	<p>clarity on the meaning of ‘interest in land’ in relation to land management agreements.</p> <p>The effect of this amendment is technical and seeks to provide greater clarity as regards the meaning of the term ‘interest in land’.</p>
13	<p>Section 24, page 14, line 31, after ‘report’, insert ‘or a draft of such a report’.</p>	<p>Adran 24, tudalen 14, llinell 33, ar ôl ‘naturiol’, mewnosoder ‘neu ddrafft o adroddiad o'r fath’.</p>	<p>This amendment is consequential to amendment 8. The purpose of this amendment is to amend section 24 in relation to amending the timing of the preparation of SoNaRR.</p> <p>The effect of the amendment is that it would enable the Welsh Ministers by regulations to change the time when the draft SoNaRR must be published.</p>
14	<p>Section 26, page 15, after line 13, insert—</p> <p>“‘biodiversity” (“<i>bioamrywiaeth</i>”) means the diversity of living organisms, whether at the genetic,</p>	<p>Adran 26, tudalen 15, ar ôl llinell 16, mewnosoder—</p> <p>‘ystyr “bioamrywiaeth” (“<i>biodiversity</i>”) yw amrywiaeth organeddau byw, boed ar lefel geneteg, rhywogaeth</p>	<p>The purpose of this amendment is to provide a definition for ‘biodiversity’ within the general interpretation of Part 1 of the Bill.</p> <p>The effect of this amendment is to provide clarity as regards the meaning of the term and</p>

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	species or ecosystem level;	neu ecosystem;’.	to assist in the interpretation of this Part of the Bill.
15	Section 26, page 15, after line 13, insert— “ecosystem” (“ecosystem”) means a system consisting of living organisms interacting with one another and with their non-living environment;’.	Adran 26, tudalen 15, ar ôl llinell 19, mewnosoder— ‘ystyr “ecosystem” (“ecosystem”) yw system sy’n cynnwys organeddau byw sy’n rhyngweithio â’i gilydd a chyda’u hamgylchedd anfyw;’.	The purpose of this amendment is to provide a definition for ‘ecosystems’ within the general interpretation of Part 1 of the Bill.  The effect of this amendment is to provide clarity as regards the meaning of the term and to assist in the interpretation of this Part of the Bill.
16	Section 30, page 16, line 22, after ‘are’, insert ‘2020,’.	Adran 30, tudalen 16, llinell 23, ar ol ‘yw’, mewnosoder ‘2020,’.	The purpose of this amendment is to specify a further interim target year.  The effect of this amendment is to specify 2020 as a new interim target year. The Welsh Ministers will be under a duty to set an interim emissions target for this interim target year.
17	Section 32, page 17, line 31, after ‘change’, insert ‘(including international agreements on measures designed to limit increases in global average temperatures)’.	Adran 32, tudalen 17, llinell 33, ar ôl ‘hinsawdd’, mewnosoder ‘(gan gynnwys cytundebau rhyngwladol ar fesurau a gynlluniwyd i gyfyngu ar gynnydd mewn tymheredd cyfartalog bydeang)’.	The purpose of this amendment is to amend 32(3)(f) to insert a further requirement.  The effect of this amendment is to ensure both the Welsh Ministers when making regulations under section 32(2), and the advisory body in providing advice, must consider international agreements which include measures designed to limit increases in global average temperatures.

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18	Section 41, page 22, after line 14, insert—  (10) The assessment must cover the areas of responsibility of each of the Welsh Ministers.’.	Adran 41, tudalen 22, ar ôl llinell 16, mewnosoder—  (10) Rhaid i'r asesiad ymdrin a meysydd cyfrifoldeb pob un o Weinidogion Cymru.’.	The purpose of this amendment is to insert a new subsection in section 41 in relation to final statements for carbon budgets.  The effect of this amendment is to require the Welsh Ministers to include in the final statement for each carbon budgetary period an analysis according to the areas of responsibility of each of the Welsh Ministers. This provides a connection to the requirements under section 39(2).
19	Section 42, page 22, line 19, leave out ‘Within 3’ and insert ‘No later than three’.	Adran 42, tudalen 22, llinell 21, hepgorer ‘O fewn 3 mis i osod’ a mewnosoder ‘Yn ddim hwyrach na thri mis ar ôl gosod’.	The purpose of this amendment is to ensure the language of the provision is consistent with the rest of Part 2.
20	Section 48, page 25, line 8, leave out ‘, repealing or revoking’ and insert ‘or repealing’.	Adran 48, tudalen 25, llinell 8, hepgorer ‘, yn diddymu neu'n dirymu’ a mewnosoder ‘neu'n diddymu’.	The purpose of this amendment is to correct a drafting error and remove the reference to revoking.
21	Section 50, page 25, line 36, leave out ‘interim emissions’.	Adran 50, tudalen 25, llinell 37, hepgorer ‘allyriadau interim’.	The purpose of this amendment is to correct a drafting error and remove the reference to interim emissions.
22	Section 50, page 26, line 1, leave out ‘interim emissions’.	Adran 50, tudalen 26, llinell 1, hepgorer ‘allyriadau interim’.	The purpose of this amendment is to correct a drafting error and remove the reference to interim emissions.
23	Section 55, page 28, line 9, leave out ‘may by regulations’ and insert—  ‘must make regulations under this section	Adran 55, tudalen 28, llinell 9, hepgorer ‘Caiff Gweinidogion Cymru ei gwneud yn ofynnol drwy reoliadau’ a mewnosoder—	The purpose of this amendment is to replace the power with a duty in relation to making regulations for charges for carrier bags.

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	<p>("carrier bag regulations").</p> <p>(2) Carrier bag regulations may'.</p>	<p>'Rhaid i Weinidogion Cymru wneud rheoliadau o dan yr adran hon ("rheoliadau bagiau siopa").</p> <p>(2) Caiff rheoliadau bagiau siopa ei gwneud yn ofynnol'.</p>	<p>The effect of this amendment is to place a duty on the Welsh Ministers to make carrier bag regulations.</p>
24	<p>Section 55, page 28, line 10, leave out 'any of'.</p>	<p>Adran 55, tudalen 28, llinell 11, hepgorer 'unrhyw un neu ragor o'r' a mewnosoder 'yr'.</p>	<p>This amendment is consequential to amendment 23 and places a duty on the Welsh Ministers to make carrier bag regulations.</p>
25	<p>Section 55, page 28, leave out lines 25 to 26.</p>	<p>Adran 55, tudalen 28, hepgorer llinellau 26 hyd at 27.</p>	<p>This amendment is consequential to amendment 23 and places a duty on Welsh Ministers to make carrier bag regulations.</p>
26	<p>Section 57, page 29, line 19, after 'purposes', insert—</p> <p>'which—</p> <p>(a) relate to environmental protection or improvement, and</p> <p>(b) directly or indirectly benefit the whole or any part of Wales (whether or not they also benefit any other area).</p> <p>(2) But the regulations must provide for an exception enabling a seller of goods to apply the net proceeds of the charge to other charitable purposes where -</p> <p>(a) the seller has, within a specified period occurring before provision made under subsection (1) comes into force, applied amounts received</p>	<p>Adran 57, tudalen 29, llinell 22, ar ôl 'elusennol', mewnosoder—</p> <p>'sydd—</p> <p>(a) yn ymwneud a diogelu neu wella'r amgylchedd, a</p> <p>(b) o fudd uniongyrchol neu anuniongyrchol i Gymru gyfan neu unrhyw ran ohoni (pa un a ydynt o fudd hefyd i unrhyw ardal arall ai peidio).</p> <p>(2) Ond rhaid i'r rheoliadau ddarparu ar gyfer eithriad sy'n galluogi gwerthwr nwyddau i gymhwysu'r enillion net o'r tâl at ddibenion elusennol eraill pan fo'r gwerthwr—</p> <p>(a) o fewn cyfnod penodedig cyn i'r ddarpariaeth a wneir o dan is-adran (1)</p>	<p>The purpose of this amendment is to insert new requirements in section 57(1) in relation to application of proceeds.</p> <p>The effect of this amendment is to require retailers to give the net proceeds of the carrier bag charge to environmental good causes in Wales. However, an exception has been included to allow retailers who have existing 'arrangements' in place with non-environmental good causes to continue to donate to these causes unless this 'arrangement' is changed.</p>

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	<p>by way of charges for carrier bags to those purposes, and</p> <p>(b) the seller has given notice of having applied amounts to those purposes as mentioned in paragraph (a) and of the seller's wish to be able to apply some or all of the net proceeds of the charge to those purposes.</p> <p>(3) The regulations may make provision -</p> <p>(a) about how, when and to whom notice must be given;</p> <p>(b) about information that must be provided when giving notice;</p> <p>(c) for the exception to apply subject to conditions.</p>	<p>ddod i rym am y tro cyntaf, wedi cymhwyso symiau a dderbyniwyd ar ffurf taliadau am fagiau siopa at y dibenion hynny, a</p> <p>(b) wedi rhoi hysbysiad ei fod wedi cymhwyso symiau at y dibenion hynny fel y crybwyllir ym mharagraff (a) ac am ddymuniad y gwerthwr i allu cymhwyso'r holl enillion net o'r tal, neu ran ohonynt, at y dibenion hynny.</p> <p>(3) Caiff y rheoliadau wneud darpariaeth—</p> <p>(a) ynghylch sut, pa bryd ac i bwy y mae'n rhaid rhoi hysbysiad;</p> <p>(b) ynghylch gwybodaeth y mae'n rhaid ei darparu wrth roi hysbysiad;</p> <p>(c) i'r eithriad fod yn gymwys yn ddarostyngedig i amodau'.</p>	
27	<p>Section 57, page 29, line 20, leave out subsection (2) and insert—</p> <p>'( ) The provision made by the regulations under subsection (1) may require a seller of goods to apply the net proceeds of the charge—</p> <p>(a) to such charitable purposes within that subsection as the seller may determine, or</p> <p>(b) where the regulations specify one or more charitable purposes, to those specified purposes or to such of</p>	<p>Adran 57, tudalen 29, llinell 23, hepgorer is-adran (2) a mewnosoder—</p> <p>'( ) Caiff y ddarpariaeth a wneir gan y rheoliadau o dan is-adran (1) ei gwneud yn ofynnol i werthwr nwyddau gymhwyso'r enillion net o'r tâl—</p> <p>(a) at y dibenion elusennol hynny o fewn yr is-adran honno y bydd y gwerthwr yn penderfynu arnynt, neu</p> <p>(b) pan fo'r rheoliadau'n pennu un diben elusennol neu ragor, at y dibenion penodedig hynny neu at y rhai hynny</p>	<p>This amendment is consequential to amendment 26 and requires retailers to give the net proceeds of the carrier bag charge to environmental charities in Wales if they do not have existing agreements in place or change an existing agreement following the implementation of the duty.</p>

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	<p>them as the seller may determine.</p> <p>( ) Carrier bag regulations may (among other things) -</p> <p>(a) provide for the net proceeds of the charge to be treated as having been applied in accordance with provision made under this section if they are accepted by specified persons or persons of a specified description (or both);</p> <p>(b) make provision about the arrangements under which the net proceeds of the charge are to be given by sellers to the persons mentioned in paragraph (a) or any other person;</p> <p>(c) require persons who accept any net proceeds of the charge to apply the proceeds to charitable purposes in accordance with provision made under subsection (1) or (2).’.</p>	<p>o’u plith y bydd y gwerthwr yn penderfynu arnynt.</p> <p>( ) Caiff rheoliadau bagiau siopa (ymhlith pethau eraill)—</p> <p>(a) darparu bod yr enillion net o’r tâl i’w trin fel petaent wedi eu cymhwyso yn unol â darpariaeth a wneir o dan yr adran hon os cant eu derbyn gan bersonau penodedig neu bersonau o ddisgrifiad penodedig (neu’r ddau);</p> <p>(b) gwneud darpariaeth ar gyfer y trefniadau i’r enillion net o’r tâl gael eu rhoi gan werthwyr i’r personau a grybwyllir ym mharagraff (a) neu i unrhyw berson arall;</p> <p>(c) ei gwneud yn ofynnol i bersonau sy’n derbyn unrhyw enillion net o’r tâl gymhwyso’r enillion at ddibenion elusennol yn unol a darpariaeth a wneir o dan is-adran (1) neu (2).’.</p>	
28	Section 57, page 30, line 5, leave out ‘(including such charitable purposes’ and insert ‘within subsection (1) (including such charitable purposes within that subsection’.	Adran 57, tudalen 30, llinell 5, hepgorer ‘(gan gynnwys y dibenion elusennol hynny’ a mewnosoder ‘o fewn is-adran (1) (gan gynnwys y dibenion elusennol hynny o fewn yr is-adran honno’.	This amendment is consequential to amendment 26 and requires retailers to give the net proceeds of the carrier bag charge to environmental charities in Wales if they do not have existing agreements in place or change an existing agreement following the implementation of the duty.
29	Section 65, page 33, line 24, after ‘conviction’, insert ‘, or	Adran 65, tudalen 33, llinell 24, ar ôl ‘conviction’,	The purpose of this amendment is to allow



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	on conviction on indictment,'.	mewnosoder ', or on conviction on indictment,'.	<p>offences committed in relation to the requirements relating to the separate collection of waste to be considered by the Crown Court.</p> <p>The effect of this amendment is to allow offences committed in relation to the requirements relating to the separate collection of waste to be sent to the Crown Court for consideration, therefore creating eitherway offences.</p>
30	Section 66, page 34, line 26, after 'conviction', insert ', or on conviction on indictment,'.	Adran 66, tudalen 34, llinell 26, ar ôl 'conviction', mewnosoder ', or on conviction on indictment,'.	<p>The purpose of this amendment is to allow offences committed in relation to the prohibition of food waste to sewer to be considered by the Crown Court.</p> <p>The effect of this amendment is to allow offences committed in relation to disposal of food waste to sewer to be sent to the Crown Court for consideration, therefore making it an eitherway offence.</p>
31	Section 75, page 41, line 22, leave out 'or the Wild Birds Directive (as applicable)'.	Adran 75, tudalen 41, llinell 23, hepgorer 'or the Wild Birds Directive (as applicable)'.	<p>The purpose of this amendment is to correct the definition of 'harm' to a European marine site in Part 5 of the Bill, by removing the reference to 'the Wild Birds Directive'.</p> <p>The effect of the amendment is that, when determining whether the disturbance of a species constitutes harm to a site, it is always necessary to consider the objectives of the Habitats Directive. This reflects the approach that has been taken in European and domestic</p>

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			court decisions.
32	Section 75, page 41, leave out lines 31 to 33.	Adran 75, tudalen 41, hepgorer llinellau 32 hyd at 34.	This amendment is consequential on amendment 31, which removes the reference to 'the Wild Birds Directive' from the definition of 'harm' in Part 5. This amendment removes the definition of 'the Wild Birds Directive', which is no longer needed as a result of amendment 31.
33	<p>Schedule 2, page 64, leave out line 26 and insert—</p> <p style="padding-left: 40px;">‘(a) before subsection (1) insert—</p> <p style="padding-left: 80px;">“(A1) This section applies where—</p> <p style="padding-left: 120px;">(a) Her Majesty’s Revenue and Customs are exercising their functions;</p> <p style="padding-left: 120px;">(b) any other public authority is exercising its functions in relation to England.”</p> <p style="padding-left: 40px;">(b) in subsection (1), for “Every” substitute “The”.’.</p>	<p>Atodlen 2, tudalen 64, hepgorer llinell 29 a mewnosoder—</p> <p style="padding-left: 40px;">‘(a) cyn is-adran (1) mewnosoder—</p> <p style="padding-left: 80px;">“(A1) This section applies where—</p> <p style="padding-left: 120px;">(a) Her Majesty’s Revenue and Customs are exercising their functions;</p> <p style="padding-left: 120px;">(b) any other public authority is exercising its functions in relation to England.”</p> <p style="padding-left: 40px;">(b) yn is-adran (1), yn lle “Every” rhodder “The”.’.</p>	<p>This amendment is consequential to amendment 8.</p> <p>The effect of this amendment is to clarify that section 40 of the Natural Environment and Rural Communities Act 2006 applies to HMRC when exercising its functions in England and Wales and to any other public authority exercising its duties in England.</p>

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34	Schedule 2, page 64, line 34, leave out 'omit "in relation to' and insert 'for "in relation to England, a county council" substitute "a county council in'.	Atodlen 2, tudalen 64, llinell 37, hepgorer 'hepgorer "in relation to' a mewnosoder 'yn lle "in relation to England, a county council" rhodder "a county council in'.	<p>The purpose of this amendment is to amend the definition of local authority in the Natural Environment and Rural Communities Act 2006.</p> <p>The effect of this amendment is to clarify that in section 40 of the Natural Environment and Rural Communities Act 2006 the definition of local authority is limited to a county council in England.</p>
35	<p>Schedule 2, page 65, line 23, leave out 'In section 38(3) of the Well-being of Future Generations (Wales) Act 2015' and insert—</p> <p>(1) The Well-being of Future Generations (Wales) Act 2015 is amended as follows.</p> <p>(2) In section 11(3), for the words after "means" substitute "the goals set out in "Transforming our world: the 2030 Agenda for Sustainable Development", adopted by the General Assembly of the United Nations by resolution A/Res/70/1 of 25 September 2015".</p> <p>(3) In section 38(3)'.</p>	<p>Atodlen 2, tudalen 65, llinell 23, hepgorer 'Yn adran 38(3) o Ddeddf Llesiant Cenedlaethau'r Dyfodol (Cymru) 2015' a mewnosoder—</p> <p>(1) Mae Deddf Llesiant Cenedlaethau'r Dyfodol (Cymru) 2015 wedi ei diwygio fel a ganlyn.</p> <p>(2) Yn adran 11(3), yn lle'r geiriau ar ol "nodau" rhodder "a bennir yn Trawsnewid ein byd: Agenda 2030 ar gyfer Datblygu Cynaliadwy, a fabwysiadwyd gan Gynulliad Cyffredinol y Cenhedloedd Unedig gan benderfyniad A/Res/70/1 ar 25 Medi 2015".</p> <p>(3) Yn adran 38(3)'.</p>	<p>The purpose of this amendment is to update the reference to the United Nations Sustainable Development Goals in section 11(3) of the Well-Being of Future Generations (Wales) Act 2015, following their agreement by the UN General Assembly on 25 September 2015.</p> <p>The effect of this amendment is that the Welsh Ministers, in preparing a future trends report under section 11 of the Well-being of Future Generations (Wales) Act 2015, must take into account the final adopted UN Sustainable Development Goals.</p>