



HYSBYSIAD YNGHYLCH GWELLIANNAU NOTICE OF AMENDMENTS

Cyflwynwyd ar 12 Gorffennaf 2013
Tabled on 12 July 2013

Bil Sector Amaethyddol (Cymru) Agricultural Sector (Wales) Bill

Simon Thomas

23

Section 14, page 8, after line 6, insert –

‘(d) an order under section [*Duration of Act*] to extend the period during which the provisions of this Act have effect;’.

Adran 14, tudalen 8, ar ôl llinell 7, mewnosoder –

‘(d) gorchymyn o dan adran [*Hyd y Ddeddf*] i ymestyn y cyfnod y mae gan ddarpariaethau’r Ddeddf hon effaith;’.

Simon Thomas

24

To insert a new section –

[] Duration of Act

The provisions of this Bill cease to have effect on 31st March 2017, unless the Welsh Ministers, by order, extend the period during which the provisions are to have effect.’.

I fewnosod adran newydd –

[] Hyd y Ddeddf

Daw effaith darpariaethau'r Bil hwn i ben ar 31 Mawrth 2017, oni bai fod Gweinidogion Cymru, drwy orchymyn, yn ymestyn y cyfnod y mae'r darpariaethau i gael effaith.'

Llyr Huws Gruffydd

25

Section 2, page 1, line 15, leave out 'such' and insert 'those'.

Adran 2, tudalen 1, llinell 15, hepgorer 'unrhyw swyddogaethau' a mewnosoder 'yr swyddogaethau hynny'.

Llyr Huws Gruffydd

26

Section 2, page 1, line 16, after 'Wales', insert 'set out in subsection (2) and such other functions'.

Adran 2, tudalen 1, llinell 16, ar ôl 'Nghymru', mewnosoder 'fel y'u nodir yn is adran (2) ac unrhyw swyddogaethau eraill'.

Llyr Huws Gruffydd

27

Section 2, page 1, leave out line 17 and insert ' –

(2) The functions referred to in subsection (1) are –'.

Adran 2, tudalen 1, hepgorer llinell 18 a mewnosoder ' –

(2) Y swyddogaethau y cyeirir atynt yn is-adran (1) yw –'.

Llyr Huws Gruffydd

28

Section 2, page 1, line 19, leave out 'advising the Welsh Ministers in relation to the exercise of their functions' and insert 'making agricultural wages orders'.

Adran 2, tudalen 1, llinell 20, hepgorer 'cyngori Gweinidogion Cymru mewn perthynas ag arfer eu swyddogaethau' a mewnosoder 'gwneud gorchmynion cyflogau amaethyddol'.

Llyr Huws Gruffydd

29

Section 2, page 1, line 23, leave out 'may' and insert 'must'.

Adran 2, tudalen 1, llinell 24, hepgorer 'Caiff Gweinidogion' a mewnosoder 'Rhaid i Weinidogion'.

Llyr Huws Gruffydd

30

Section 2, page 1, after line 29, insert –

'(5) Any order made under subsection (3) that relates to the constitution and membership of the Panel must comply with the principles of the Equality Act 2010.'

Adran 2, tudalen 1, ar ôl llinell 30, mewnosoder –

‘(5) Rhaid i unrhyw orchymyn a wneir o dan is-adran (3) mewn perthynas â chyfansoddiad ac aelodaeth y Panel gydymffurfio ag egwyddorion Deddf Cydraddoldeb 2010.’.

Llyr Huws Gruffydd 31

Section 3, page 2, line 3, leave out ‘Welsh Ministers’ and insert ‘Panel’.

Adran 3, tudalen 2, llinell 3, hepgorer ‘Gweinidogion Cymru’ a mewnosoder ‘y Panel’.

Llyr Huws Gruffydd 32

Section 3, page 2, line 14, leave out ‘Welsh Ministers’ and insert ‘Panel’.

Adran 3, tudalen 2, llinell 16, hepgorer ‘Gweinidogion Cymru’ a mewnosoder ‘y Panel’.

Llyr Huws Gruffydd 33

Section 3, page 2, line 21, leave out subsection (6) and insert –

‘() The provisions of the schedule apply to orders made by the Panel.’.

Adran 3, tudalen 2, llinell 23, hepgorer is-adran (6) a mewnosoder –

‘() Mae darpariaethau’r Atodlen yn gymwys i orchmynion a wneir gan y Panel.’.

Llyr Huws Gruffydd 34

Section 5, page 4, after line 37, insert –

‘() An employer who refuses to allow the worker to take those holidays at a particular time of year because of the seasonal nature of the agricultural sector is not guilty of an offence under this section.’.

Adran 5, tudalen 4, ar ôl llinell 37, mewnosoder –

‘() Nid yw cyflogwr sy’n gwrthod caniatáu i’r gweithiwr gymryd y gwyliau hynny ar adeg benodol o’r flwyddyn oherwydd natur dymhorol y sector amaethyddol yn euog o drosedd o dan yr adran hon.’.

Llyr Huws Gruffydd 35

Section 11, page 6, line 21, leave out ‘Welsh Ministers make’ and insert ‘Panel makes’.

Adran 11, tudalen 6, llinell 21, hepgorer ‘Gweinidogion Cymru’ a mewnosoder ‘y Panel’.

Llyr Huws Gruffydd 36

Section 11, page 6, leave out lines 24 to 25.

Adran 11, tudalen 6, hepgorer llinellau 24 hyd at 25.

Llyr Huws Gruffydd 37

Page 7, line 25, leave out section 13.

Tudalen 7, llinell 25, hepgorer adran 13.

Llyr Huws Gruffydd 38

Section 14, page 8, leave out lines 4 to 6.

Adran 14, tudalen 8, hepgorer llinellau 5 hyd at 7.

Llyr Huws Gruffydd 39

Section 14, page 8, after line 10, insert—

‘(4) The Welsh Ministers must lay a copy of any order made by the Panel under section 3 before the National Assembly for Wales.’.

Adran 14, tudalen 8, ar ôl llinell 12, mewnosoder—

‘(4) Rhaid i Weinidogion Cymru osod copi o unrhyw orchymyn a wneir gan y Panel o dan adran 3 gerbron Cynulliad Cenedlaethol Cymru.’.

Llyr Huws Gruffydd 40

Section 15, page 8, line 17, after ‘Wales’, insert ‘, whether or not the whole of the work undertaken by virtue of that employment is undertaken in Wales’.

Adran 15, tudalen 8, llinell 35, ar ôl ‘Nghymru’, mewnosoder ‘, p’un a yw’r holl waith a ymgymerir yn rhinwedd y gyflogaeth honno yn cael ei gwneud yng Nghymru ai peidio’.

Llyr Huws Gruffydd 41

To insert a new schedule—

‘SCHEDULE []
(introduced by section [])

ORDERS OF THE AGRICULTURAL ADVISORY PANEL FOR WALES

1 When the Panel proposes to make an order under any provision of this Act, the Panel must—

- (a) give, in such manner as appears to the Panel to be necessary for informing persons concerned, public notice of the proposed order and of the manner in which and the time (not being less than 20 working days from the date of the notice) within which objections to the proposals may be lodged;
- (b) consider any objections to the proposals which may be lodged in accordance with the notice.

- 2 After considering any such objections the Panel may make an order in accordance with its original proposals or with those proposals as modified in such manner as appears to the Panel to be appropriate having regard to any objections lodged.
- Provided that if it appears to the Panel that, having regard to the nature of any modifications which it proposes to make to its original proposals, opportunity should be given for the consideration of them by persons concerned, the Panel may again give notice under paragraph 1, and this paragraph will apply accordingly.
- 3 As soon as may be after the Panel has made an order under any provision of this Act it shall give public notice of the making of the order and of its contents in such manner as appears to the Panel necessary for informing persons concerned.
- 4 An order of the Panel under any provision of this Act may apply either universally to all workers employed in agriculture in Wales or to any special class of workers (as defined in the order) so employed, or to any special area in Wales or to any such special class in such a special area, subject in each case to any exceptions specified in the order; and an order of the Panel fixing or varying a minimum rate of wages so as to secure that workers employed in agriculture receive remuneration calculated by reference to periods during the currency of their employment may make alternative provisions applying according to different circumstances arising during the currency of a worker's employment or in connection with the termination of it.
- 5 An order of the Panel made under any provision of this Act may be varied or revoked by a subsequent order made in the same manner and subject to the same conditions.'

I fewnosod Atodlen newydd—

'ATODLEN []
(cyflwynwyd gan adran [])

GORCHMYNION PANEL CYNGHORI AR AMAETHYDDIAETH CYMRU

- 1 Pan fo'r Panel yn cynnig gwneud gorchymyn o dan unrhyw ddarpariaeth yn y Ddeddf hon, rhaid i'r Panel—
- (a) rhoi, yn y fath fodd ag sy'n angenrheidiol ym marn y Panel er mwyn hysbysu unrhyw bersonau â diddordeb, hysbysiad cyhoeddus
 - (i) o'r gorchymyn arfaethedig;
 - (ii) o'r modd y caniateir cyflwyno gwrthwynebiadau i'r cynigion; a
 - (iii) o fewn pa amser (heb fod yn llai na 20 diwrnod gwaith o ddyddiad yr hysbysiad) y mae'n rhaid gwneud hynny;
 - (b) ystyried unrhyw wrthwynebiadau i'r cynigion y caniateir iddynt gael eu cyflwyno yn unol â'r hysbysiad.
- 2 Ar ôl ystyried unrhyw wrthwynebiadau o'r fath, caiff y Panel wneud gorchymyn yn unol â'i gynigion gwreiddiol neu'n unol â'r cynigion wedi iddynt gael eu diwygio yn y fath fodd ag sy'n briodol ym marn y Panel ar ôl ystyried unrhyw wrthwynebiadau a gyflwynwyd.

Fodd bynnag, os bydd hi'n ymddangos i'r Panel, ar ôl ystyried natur unrhyw addasiadau y mae'n cynnig eu gwneud i'w gynigion gwreiddiol, y dylai'r personau â diddordeb gael cyfle i'w hystyried, caiff y Panel roi hysbysiad eto o dan baragraff 1, a bydd y paragraff hwn yn gymwys yn unol â hynny.

- 3 Er gwaethaf unrhyw beth ym mharagraffau blaenorol yr Atodlen hon, os yw'r Panel yn fodlon ar sail cymhwysiad cyfyngedig gorchymyn arfaethedig nad yw'n angenrheidiol cydymffurfio â darpariaethau'r paragraffau hynny a'i fod yn ardystio'n unol â hynny, caiff y Panel, yn hytrach na chydymffurfio â'r darpariaethau hynny, roi hysbysiad ynghylch y gorchymyn arfaethedig yn y fath fodd ag y mae'n ymddangos i'r Panel yn briodol yn yr amgylchiadau, a chaiff wneud y gorchymyn ar unrhyw adeg ar ôl i'r 14 diwrnod ddod i ben o adeg rhoi'r hysbysiad.
- 4 Cyn gynted ag y gellir ar ôl i'r Panel wneud gorchymyn o dan unrhyw ddarpariaeth o'r Ddeddf hon, rhaid iddo roi hysbysiad cyhoeddus fod y gorchymyn wedi'i wneud a'i gynnwys, yn y fath fodd ag sy'n angenrheidiol ym marn y Panel er mwyn hysbysu'r personau â diddordeb.
- 5 (1) Caiff gorchymyn gan y Panel o dan unrhyw ddarpariaeth yn y Ddeddf hon fod yn gymwys –
- (a) yn gyffredinol i bob gweithiwr a gaiff ei gyflogi mewn amaethyddiaeth yng Nghymru,
 - (b) i ddsbarth arbennig o weithwyr (fel y'i diffinnir yn y gorchymyn) a gyflogir felly, neu
 - (c) i unrhyw ardal benodol yng Nghymru neu unrhyw ddsbarth arbennig mewn ardal arbennig o'r fath,
- yn amodol ym mhob achos ar unrhyw eithriadau a nodir yn y gorchymyn.
- (2) Caiff gorchymyn gan y Panel sy'n gosod neu'n amrywio cyfraddau cyflogau isaf er mwyn sicrhau bod gweithwyr a gyflogir mewn amaethyddiaeth yn cael tâl sydd wedi'i gyfrifo yn ôl cyfnodau yn ystod eu cyflogaeth wneud darpariaethau amgen i fod yn gymwys yn ôl amgylchiadau gwahanol sy'n codi yn ystod cyfnod cyflogaeth gweithiwr neu mewn cysylltiad â therfynu hynny.
- 6 Caiff gorchymyn gan y Panel o dan unrhyw ddarpariaeth yn y Ddeddf hon gael ei amrywio neu ei ddirymu gan orchymyn dilynol a wneir yn yr un modd ac yn amodol ar yr un amodau.'

Suzy Davies

42

Section 1, page 1, leave out lines 9 to 11.

Adran 1, tudalen 1, hepgorer llinellau 9 hyd at 11.

Suzy Davies 43

Section 2, page 1, line 14, leave out 'The Welsh Ministers may, by order, establish' and insert 'There is to be'.

Adran 2, tudalen 1, llinell 14, hepgorer 'Caiff Gweinidogion Cymru, drwy orchymyn, sefydlu panel' a mewnosoder 'Bydd yna banel'.

Suzy Davies 44

Section 2, page 1, line 15, leave out 'to carry out such functions in relation to the agricultural sector in Wales as the Welsh Ministers may specify in the order'.

Adran 2, tudalen 1, llinell 15, hepgorer 'i gyflawni unrhyw swyddogaethau mewn perthynas â'r sector amaethyddol yng Nghymru a bennir gan Weinidogion Cymru yn y gorchymyn'.

Suzy Davies 45

Section 2, page 1, leave out line 17 and insert –

(3) 'The Panel may –'.

Adran 2, tudalen 1, hepgorer llinell 18 a mewnosoder –

'(3) Caiff y Panel –'.

Suzy Davies 46

Section 2, page 1, line 18, leave out 'promoting' and insert 'promote'.

Nid oes angen diwygio'r fersiwn Cymraeg. There is no need to amend the Welsh version.

Suzy Davies 47

Section 2, page 1, leave out lines 19 to 20.

Adran 2, tudalen 1, hepgorer llinellau 20 hyd at 21.

Suzy Davies 48

Section 2, page 1, after line 20, insert –

() provide advice in relation to the education, training and housing of agricultural workers to the Welsh Ministers and to any other person or body who has functions relevant to those matters;'

Adran 2, tudalen 1, ar ôl llinell 21, mewnosoder –

() darparu cyngor mewn perthynas ag addysg, hyfforddiant a thai gweithwyr amaethyddol i Weinidogion Cymru ac i unrhyw berson neu gorff arall sydd â swyddogaethau sy'n ymwneud â'r materion hynny;'

Suzy Davies 59

Section 2, page 1, line 21, leave out 'advising' and insert 'advise'.

Nid oes angen diwygio'r fersiwn Cymraeg. There is no need to amend the Welsh version.

Suzy Davies 50

Section 2, page 1, line 21, leave out 'such'.

Adran 2, tudalen 1, llinell 22, hepgorer 'unrhyw'.

Suzy Davies 51

Section 2, page 1, line 22, leave out 'as the Welsh Ministers may require'.

Adran 2, tudalen 1, llinell 23, hepgorer 'sy'n ofynnol gan Weinidogion Cymru'.

Suzy Davies 52

Section 2, page 1, after line 22, insert—

'() The Panel must provide advice to the Welsh Ministers under subsection (2)(b) and (c) if the Welsh Ministers so require.'

Adran 2, tudalen 1, ar ôl llinell 23, mewnosoder—

'() Rhaid i'r Panel ddarparu cyngor i Weinidogion Cymru o dan is-adran (2)(b) ac (c) yn ôl y gofyn gan Weinidogion Cymru.'

Suzy Davies 53

Section 2, page 1, line 23, leave out subsections (3) to (4).

Adran 2, tudalen 1, llinell 24, hepgorer is-adrannau (3) hyd at (4).

Suzy Davies 54

Section 2, page 1, after line 29, insert—

'(5) The Schedule to this Act sets out provision as to the constitution and proceedings of the Panel.'

Adran 2, tudalen 1, ar ôl llinell 30, mewnosoder—

'(5) Mae'r Atodlen i'r Ddeddf hon yn nodi'r ddarpariaeth o ran cyfansoddiad a thrafodion y Panel.'

Suzy Davies 55

Page 2, line 2, leave out section 3.

Tudalen 2, llinell 2, hepgorer adran 3.

Suzy Davies

56

Page 2, line 26, leave out section 4.

Tudalen 2, llinell 28, hepgorer adran 4.

Suzy Davies

57

Section 4, page 3, leave out line 9.

Adran 4, tudalen 3, hepgorer llinell 9.

Suzy Davies

58

Page 4, line 35, leave out section 5.

Tudalen 4, llinell 35, hepgorer adran 5.

Suzy Davies

59

Page 5, line 5, leave out section 6.

Tudalen 5, llinell 5, hepgorer adran 6.

Suzy Davies

60

Page 5, line 13, leave out section 7.

Tudalen 5, llinell 13, hepgorer adran 7.

Suzy Davies

61

Page 5, line 20, leave out section 8.

Tudalen 5, llinell 21, hepgorer adran 8.

Suzy Davies

62

Page 5, line 30, leave out section 9.

Tudalen 5, llinell 33, hepgorer adran 9.

Suzy Davies

63

Page 6, line 12, leave out section 10.

Tudalen 6, llinell 12, hepgorer adran 10.

- Suzy Davies** 64
Page 6, line 19, leave out section 11.
Tudalen 6, llinell 19, hepgorer adran 11.
- Suzy Davies** 65
Page 7, line 11, leave out section 12.
Tudalen 7, llinell 10, hepgorer adran 12.
- Suzy Davies** 66
Section 14, page 7, line 31, leave out 'Any' and insert 'The'.
Adran 14, tudalen 7, llinell 33, hepgorer 'Mae unrhyw bŵer' a mewnosoder 'Mae'r pŵer'.
- Suzy Davies** 67
Section 14, page 7, line 31, leave out 'or regulations'.
Adran 14, tudalen 7, llinell 33, hepgorer 'neu reoliadau'.
- Suzy Davies** 68
Section 14, page 8, line 1, leave out 'which contains (whether alone or with other provisions)—
(a) an order under section 2,
(b) regulations under section 6, or
(c) an order under section 13 which includes provision which adds to, amends or admits the text of an Act of Parliament or a Measure or Act of the National Assembly for Wales;' and insert 'under this Act'.
Adran 14, tudalen 8, llinell 1, hepgorer 'sy'n cynnwys (ar ei ben ei hun neu ar y cyd â darpariaethau eraill)—
(a) gorchymyn o dan adran 2,
(b) rheoliadau o dan adran 6, neu
(c) gorchymyn o dan adran 13 sy'n cynnwys darpariaeth sy'n ychwanegu at destun Deddf Seneddol neu Fesur neu Ddeddf Cynulliad Cenedlaethol Cymru, yn diwygio'r testun neu yn ei hepgor;' a mewnosoder 'o dan y Ddeddf hon'.
- Suzy Davies** 69
Section 14, page 8, line 9, leave out subsection (3).
Adran 14, tudalen 8, llinell 10, hepgorer is-adran (3).

Suzy Davies

70

Section 15, page 8, leave out lines 13 to 17.

Adran 15, tudalen 8, hepgorer llinellau 30 hyd at 35.

Suzy Davies

71

Section 15, page 8, leave out lines 31 to 32.

Adran 15, tudalen 8, hepgorer llinellau 36 hyd at 37.

Suzy Davies

72

Section 15, page 8, after line 32, insert—

‘(2) In this Act, “agricultural worker” (*“gweithiwr amaethyddol”*) means a person who is employed in agriculture in Wales by a person who does not carry out an agricultural trade, business or undertaking (whether for profit or not) outside Wales.’.

Adran 15, tudalen 8, ar ôl llinell 37, mewnosoder—

‘(2) Yn y Ddeddf hon, ystyr “gweithiwr amaethyddol” (*“agricultural worker”*) yw person a gyflogir mewn amaethyddiaeth yng Nghymru gan berson nad oes ganddo fasnach, busnes neu fenter amaethyddol (p’un a yw hynny i wneud elw ai peidio) y tu allan i Gymru.’.

Suzy Davies

73

To insert a new section—

[] Duration of Act

This Act ceases to have effect at the end of the period of 12 months beginning with the day on which it comes into force.’.

I fewnosod adran newydd—

[] Cyfnod para’r Ddeddf

Daw effaith y Ddeddf hon i ben ar ddiwedd y cyfnod o 12 mis gan gychwyn ar y diwrnod y daw i rym.’.

Suzy Davies

74

To insert a new schedule—

‘SCHEDULE []
(as introduced by section [])

CONSTITUTION AND PROCEEDINGS OF THE AGRICULTURAL SECTOR PANEL
FOR WALES

- 1 (1) The Panel is to consist of—
 - (a) eight persons representing employers of agricultural workers;
 - (b) eight persons representing agricultural workers, of which four must be drawn from one or more trade unions and four must be drawn from other representative bodies or groups or from no body or group;
 - (c) up to five other persons appointed by the National Assembly for Wales.
- (2) At least half of the members of the Panel, and at least two persons in each of the categories described in paragraph 1(1), must be women.
- (3) The Welsh Ministers must make an order specifying the method of nomination or election of Panel members for the categories described in paragraph 1(1)(a) and (b).
- (4) The procedure for appointing the Panel members for the category described in paragraph 1(1)(c) is to be set out in the standing orders of the National Assembly for Wales.
- (5) Before making an order under this paragraph, the Welsh Ministers must consult—
 - (a) any body which appears to them to represent agricultural workers, including bodies which are not trade unions; and
 - (b) any body which appears to them to represent the employers of agricultural workers.
- 2 The Panel must elect one of the members appointed by the National Assembly for Wales as chair of the Panel.
- 3 (1) The chair is to preside at every meeting of the Panel, if present.
 - (2) If the chair is absent, the Panel must choose another of the members appointed by the National Assembly for Wales to preside.
- 4 The Welsh Ministers must provide the Panel, or ensure that the Panel is provided with, the resources (including human resources) necessary for the Panel to carry out its functions effectively.
- 5 (1) The Panel may establish committees and sub-committees.
 - (2) Each committee or sub-committee must consist of members representing employers and members representing agricultural workers in equal proportions, and of at least one member appointed by the National Assembly for Wales.
 - (3) The Panel may refer any matter to a committee or sub-committee for report and recommendations.
 - (4) The Panel may delegate any of its powers and duties under this Act to a committee or sub-committee.

- 6 The proceedings of the Panel or of a committee or sub-committee of the Panel are not invalidated by a vacancy in its membership or by a defect in the nomination, election or appointment of any of its members, including the chair.
- 7 Subject to the provisions of this Schedule, the Panel, committees and sub-committees of the Panel may each regulate their proceedings as they think fit.
- 8 The Welsh Ministers may pay members of the Panel allowances by way of compensation for expenses incurred and time lost by in the performance of their duties.’.

I fewnosod atodlen newydd—

‘ATODLEN []
(as introduced by section [])

CYFANSODDIAD A THRAFODION PANEL SECTOR AMAETHYDDOL CYMRU

- 1 (1) Mae’r Panel i gynnwys—
- (a) wyth person sy’n cynrychioli cyflogwyr gweithwyr amaethyddol;
 - (b) wyth person sy’n cynrychioli gweithwyr amaethyddol, y mae’n rhaid i bedwar ohonynt ddod o un neu ragor o’r undebau llafur a’r pedwar arall fod yn bersonau o gyrrff neu grwpiau cynrychioladol eraill neu fod yn bersonau nad ydynt yn cynrychioli unrhyw gorff neu grŵp;
 - (c) hyd at bum person a benodir gan Gynulliad Cenedlaethol Cymru.
- (2) Rhaid i o leiaf hanner o aelodau’r Panel, ac o leiaf ddau berson ym mhob un o’r categorïau a ddisgrifir ym mharagraff 1(1), fod yn fenywod.
- (3) Rhaid i Weinidogion Cymru wneud gorchymyn sy’n pennu’r dull ar gyfer enwebu neu ethol aelodau’r Panel ar gyfer y categorïau a ddisgrifir ym mharagraff 1(1)(a) a (b).
- (4) Mae’r weithdrefn ar gyfer penodi aelodau’r Panel ar gyfer y categori a ddisgrifir ym mharagraff 1(1)(c) i’w phennu yn rheolau sefydlog Cynulliad Cenedlaethol Cymru.
- (5) Cyn gwneud gorchymyn o dan y paragraff hwn, rhaid i Weinidogion Cymru ymgynghori â—
- (a) unrhyw gorff sy’n ymddangos iddynt hwy ei fod yn cynrychioli gweithwyr amaethyddol, gan gynnwys cyrff nad ydynt yn undebau llafur; a
 - (b) unrhyw gorff sy’n ymddangos iddynt hwy ei fod yn cynrychioli cyflogwyr gweithwyr amaethyddol.
- 2 Rhaid i’r Panel ethol un o’r aelodau a benodir gan Gynulliad Cenedlaethol Cymru yn gadeirydd y Panel.
- 3 (1) Mae’r cadeirydd i gadeirio ym mhob cyfarfod o’r Panel, os yw’n bresennol.
- (2) Os yw’r cadeirydd yn absennol, rhaid i’r Panel ddewis un o’r aelodau eraill a benodir gan Gynulliad Cenedlaethol Cymru i gadeirio.
- 4 Rhaid i Weinidogion ddarparu ar gyfer y Panel, neu sicrhau bod y Panel yn cael yr adnoddau (gan gynnwys yr adnoddau dynol) sy’n angenrheidiol i alluogi’r Panel i gyflawni ei swyddogaethau’n effeithiol.

- 5 (1) Caiff y Panel sefydlu pwyllgorau ac is-bwyllgorau.
- (2) Rhaid i bob pwyllgor neu is-bwyllgor gynnwys cyfran gyfartal o aelodau sy'n cynrychioli cyflogwyr ac aelodau sy'n cynrychioli gweithwyr amaethyddol, ac o leiaf un aelod a benodir gan Gynulliad Cenedlaethol Cymru.
- (3) Caiff y Panel gyfeirio unrhyw fater i bwyllgor neu is-bwyllgor ar gyfer adroddiad ac argymhellion.
- (4) Caiff y Panel ddirprywo unrhyw bwerau a dyletswyddau a roddir iddo o dan y Ddeddf hon i bwyllgor neu is-bwyllgor.
- 6 Nid yw gweithdrefnau'r Panel neu bwyllgor neu is-bwyllgor o'r Panel yn cael eu hannilysu gan swydd wag yn ei aelodaeth neu ddiffyg o ran enwebu, ethol neu benodi unrhyw un o'i aelodau, gan gynnwys y cadeirydd.
- 7 Yn ddarostyngedig i ddarpariaethau'r Atodlen hon, caiff y Panel, pwyllgorau ac is-bwyllgorau'r Panel reoleiddio eu gweithdrefnau fel y gwelant yn dda.
- 8 Caiff Gweinidogion Cymru dalu lwfansau i aelodau'r Panel i'w digolledu am dreuliau ac am amser a gollwyd wrth gyflawni eu dyletswyddau.'.

Antoinette Sandbach

75

Section 1, page 1, line 8, leave out 'Advisory' and insert 'Sector'.

Adran 1, tudalen 1, llinell 8, hepgorer 'Cynghori ar Amaethyddiaeth' a mewnosoder 'Sector Amaethyddol'.

Antoinette Sandbach

76

Page 1, line 13, leave out section 2 and insert –

[] Agricultural Sector Panel for Wales

- (1) There is to be a Panel, to be known as the Agricultural Sector Panel for Wales ("the Panel").
- (2) The Panel is to have the duties and powers imposed or conferred on it by this Act.
- (3) Schedule [] to this Act sets out provision as to the constitution and proceedings of the Panel.'.

Tudalen 1, llinell 13, hepgorer adran 2 a mewnosoder –

[] Panel Sector Amaethyddiaeth Cymru

- (1) Bydd yna Banel, a elwir Panel Sector Amaethyddol Cymru ("y Panel").
- (2) Caiff y Panel y dyletswyddau a'r pwerau a osodir arno neu a roddir iddo gan y Ddeddf hon.
- (3) Mae Atodlen [] i'r Ddeddf hon yn nodi darpariaeth o ran cyfansoddiad a thrafodion y Panel.'.

Antoinette Sandbach

77

Section 3, page 2, after line 12, insert—

- ‘() requiring employers of agricultural workers to allow such workers to take time off from work without loss of pay for up to 16 hours in any calendar year to attend education or training of a kind specified in the order or otherwise approved by the Panel;’.

Adran 3, tudalen 2, ar ôl llinell 14, mewnosoder—

- ‘() sy’n ei gwneud yn ofynnol i gyflogwyr gweithwyr amaethyddol ganiatáu i weithwyr o’r fath gymryd amser i ffwrdd o’r gwaith heb golli tâl am hyd at 16 awr mewn unrhyw flwyddyn galendr i gael addysg neu hyfforddiant o fath a nodir yn y gorchymyn neu a gaiff ei gymeradwyo fel arall gan y Panel.’.

Antoinette Sandbach

78

Section 3, page 2, after line 14, insert—

- ‘() At least once in each calendar year, the Panel must consider whether to make an order under subsection (1) specifying the minimum rate of remuneration to be paid to agricultural workers (including the rate for a period when such workers are absent in consequence of sickness or injury).’.

Adran 3, tudalen 2, ar ôl llinell 16, mewnosoder—

- ‘() O leiaf unwaith ym mhob blwyddyn galendr, rhaid i’r panel ystyried a ddylid gwneud gorchymyn o dan is-adran (1), yn pennu’r gyfradd tâl isaf i’w thalu i weithwyr amaethyddol (gan gynnwys y gyfradd ar gyfer cyfnod pan fydd y gweithwyr hynny’n absenol o ganlyniad i salwch neu anaf).’.

Antoinette Sandbach

79

Section 3, page 2, after line 14, insert—

- ‘() In considering whether to make an order under subsection (1), and what rate to specify in such an order, the Panel must consider whether there are any circumstances which justify a rate higher than the national minimum wage and, if it considers that there are, it must publish the reasons for that conclusion and for the level specified for the rate.’.

Adran 3, tudalen 2, ar ôl llinell 16, mewnosoder—

- ‘() Wrth ystyried a ddylid gwneud gorchymyn o dan is-adran (1), a pha gyfradd i’w phennu mewn gorchymyn o’r fath, rhaid i’r Panel ystyried a oes unrhyw amgylchiadau sy’n cyfiawnhau cyfradd uwch na’r isafswm cyflog cenedlaethol ac, os yw o’r farn bod hynny’n wir, rhaid iddo gyhoeddi’r rhesymau dros y casgliadau hynny a’r lefel a bennir ar gyfer y gyfradd.’.

Antoinette Sandbach 80

Section 3, page 2, after line 14, insert—

‘() In considering whether to make an order under subsection (1), and what rate to specify in such an order, the Welsh Ministers must consider whether there are any circumstances which justify a rate higher than the national minimum wage and, if it considers that there are, it must publish the reasons for that inclusion and for the level specified in the rate.’

Adran 3, tudalen 2, ar ôl llinell 16, mewnosoder—

‘() Wrth ystyried a ddylid gwneud gorchymyn o dan is-adran (1), a pha gyfradd i’w phennu mewn gorchymyn o’r fath, rhaid i Weinidogion Cymru ystyried a oes unrhyw amgylchiadau sy’n cyfiawnhau cyfradd uwch na’r isafswm cyflog cenedlaethol, ac os yw o’r farn bod hynny’n wir, rhaid iddo gyhoeddi’r rhesymau dros y cynnwys hwnnw a’r lefel a bennir ar gyfer y gyfradd.’

Antoinette Sandbach 81

Section 3, page 2, line 16, after ‘workers’, insert ‘and for different circumstances’.

Adran 3, tudalen 2, llinell 18, ar ôl ‘gwahanol’, mewnosoder ‘ac ar gyfer amgylchiadau gwahanol’.

Antoinette Sandbach 82

Section 3, page 2, line 17, after ‘pensions’, insert ‘or hours of work’.

Adran 3, tudalen 2, llinell 20, ar ôl ‘pensiynau’, mewnosoder ‘neu oriau gwaith’.

Antoinette Sandbach 83

Section 3, page 2, after line 18, insert—

‘() An order under subsection (1) must not include any provision entitling agricultural workers to take holiday, other leave or time off from work for education or training at any particular time.’

Adran 3, tudalen 2, ar ôl llinell 20, mewnosoder—

‘() Ni chaniateir i orchymyn o dan is-adran (1) gynnwys unrhyw ddarpariaeth sy’n rhoi’r hawl i weithwyr amaethyddol gymryd gwyliau, cyfnod arall i ffwrdd neu amser i ffwrdd o’r gwaith ar gyfer addysg neu hyfforddiant ar unrhyw adeg arbennig.’

Antoinette Sandbach

84

Section 3, page 2, line 21, leave out ‘Welsh Ministers must consult such persons or bodies as they consider are likely to have an interest in the order.’ and insert –

‘Panel must consult the following persons and categories of person –

- (a) any body which appears to the Panel to represent agricultural workers;
- (b) any body which appears to the Panel to represent the employers of agricultural workers;
- (c) any other person or body that the Panel considers likely to have an interest in the order.’.

Adran 3, tudalen 2, llinell 23, hepgorer ‘i Weinidogion Cymru ymgynghori â’r personau a’r cyrff hynny sy’n debygol o fod â buddiant yn y gorchymyn yn eu barn hwy.’ a mewnosoder –

‘i’r Panel ymgynghori â’r personau a’r categorïau o berson a ganlyn –

- (a) unrhyw gorff sy’n ymddangos i’r Panel ei fod yn cynrychioli gweithwyr amaethyddol;
- (b) unrhyw gorff sy’n ymddangos i’r Panel ei fod yn cynrychioli cyflogwyr gweithwyr amaethyddol;
- (c) unrhyw berson neu gorff arall y mae’r Panel yn ei ystyried a allai fod â buddiant yn y gorchymyn.’.

Antoinette Sandbach

85

Section 3, page 2, after line 22, insert –

- ‘() In addition to the requirements of subsection (), the Panel must publish any consultation under this section on its website and must consider any response received, whether or not it is from a person or body referred to in subsection (6).’.

Adran 3, tudalen 2, ar ôl llinell 24, mewnosoder –

- ‘() Yn ychwanegol at ofynion is-adran (), rhaid i’r Panel gyhoeddi unrhyw ymgynghoriad o dan yr adran hon ar ei wefan a rhaid iddo ystyried unrhyw ymateb a ddaw i law, pa un a yw gan berson neu gorff y cyfeirir ato yn is-adran (6).’.

Antoinette Sandbach

86

Section 3, page 2, after line 22, insert –

- ‘() A consultation under this section must be open for response for at least 12 weeks.’.

Adran 3, tudalen 2, ar ôl llinell 24, mewnosoder –

- ‘() Rhaid i ymgynghoriad o dan yr adran hon fod yn agored ar gyfer ymatebion am o leiaf 12 wythnos.’.

Antoinette Sandbach

87

Section 3, page 2, after line 22, insert—

- ‘() The Panel must not make an order under subsection (1) before—
- (a) the end of the period of four weeks beginning with the day on which the consultation closes, and
 - (b) the Panel has published its response to the consultation, including (subject to any provision of law prohibiting publication) the responses to the consultation.’.

Adran 3, tudalen 2, ar ôl llinell 24, mewnosoder—

- ‘() Rhaid i’r Panel beidio â gwneud gorchymyn o dan is-adran (1) cyn—
- (a) diwedd y cyfnod o bedair wythnos gan gychwyn ar y dyddiad y mae’r ymgynghoriad yn cau, a
 - (b) bod y Panel wedi cyhoeddi ei ymateb i’r ymgynghoriad, gan gynnwys (yn ddarostyngedig i ar unrhyw ddarpariaeth yn y gyfraith yn gwahardd cyhoeddi) yr ymatebion i’r ymgynghoriad.’.

Antoinette Sandbach

88

To insert a new section—

[] Other powers and duties of the Panel

- (1) The Panel may do anything which appears to it appropriate to promote careers in agriculture.
- (2) The Panel may advise the Welsh Ministers on any matter relating to the agricultural sector in Wales, and must do so if the Welsh Ministers so request.
- (3) The Panel may provide advice pursuant to Section 28 of the 1976 Act.’.

I fewnosod adran newydd—

[] Pwerau a dyletswyddau eraill y Panel

- (1) Caiff y Panel wneud unrhyw beth sy’n ymddangos iddo i fod yn briodol i hyrwyddo gyrfaedd mewn amaethyddiaeth.
- (2) Caiff y Panel gynghori Gweinidogion Cymru ar unrhyw fater sy’n gysylltiedig â’r sector amaethyddol yng Nghymru, a rhaid iddo wneud hynny os yw Gweinidogion Cymru yn gofyn am hynny.
- (3) Caiff y Panel dddarparu cyngor yn unol ag Adran 28 o Ddeddf 1976.’.

Antoinette Sandbach

89

Section 4, page 3, line 36, leave out ‘in relation to a dwelling house’.

Adran 4, tudalen 3, llinell 38, hepgorer ‘in relation to a dwelling house’.

Antoinette Sandbach

90

Section 4, page 3, after line 37, insert –

“(2B) For the purposes of subsection (2A), “reasonable notice” means notice that is sufficient to enable the relevant person to arrange for a legal representative, a representative of a body which represents the relevant person’s interests, or another person, to be present.”.

Adran 4, tudalen 3, ar ôl llinell 39, mewnosoder –

‘(2B) For the purposes of subsection (2A), “reasonable notice” means notice that is sufficient to enable the relevant person to arrange for a legal representative, a representative of a body which represents the relevant person’s interests, or another person, to be present.’.

Antoinette Sandbach

91

Section 4, page 3, after line 37, insert –

“(2C) Where the relevant premises are or include a dwelling-house, “reasonable notice” for the purposes of subsection (2A) also means notice that is sufficient to enable the relevant person to make arrangements for the care of any person who would normally be at the premises at the time and who it is reasonable to consider might be alarmed or distressed by the entry.”.

Adran 4, tudalen 3, ar ôl llinell 39, mewnosoder –

‘(2C) Where the relevant premises are or include a dwelling-house, “reasonable notice” for the purposes of subsection (2A) also means notice that is sufficient to enable the relevant person to make arrangements for the care of any person who would normally be at the premises at the time and who it is reasonable to consider might be alarmed or distressed by the entry.’.

Antoinette Sandbach

92

To insert a new section –

[] Requests for holiday

- (1) Any request for an agricultural worker to take holidays to which they are entitled under an agricultural wages order must be in writing.
- (2) The employer must provide a written response to the request.’.

I fewnosod adran newydd –

[] Ceisiadau am wyliau

- (1) Rhaid i unrhyw gais gan weithiwr amaethyddol i gymryd gwyliau y mae ganddo hawl iddo o dan orchymyn cyflogau amaethyddol gael ei wneud yn ysgrifenedig.
- (2) Rhair i'r cyflogwr dddarparu ymateb ysgrifenedig i'r cais.'.

Antoinette Sandbach

93

Section 5, page 4, after line 39, insert –

'() Subsection (1) does not apply to any period of holiday –

- (a) which is in excess of the minimum period prescribed by any other enactment for holidays; and
- (b) in respect of which the agricultural worker has requested and been paid pay in lieu at the rate applicable by virtue of this Act.'.

Adran 5, tudalen 4, ar ôl llinell 39, mewnosoder –

'() Nid yw is-adran (1) yn gymwys i unrhyw gyfnod o wyliau –

- (a) sy'n fwy na'r isafswm cyfnod a ragnodir gan unrhyw ddeddfiad arall ar gyfer gwyliau; a
- (b) y mae'r gweithiwr amaethyddol wedi gwneud cais amdano ac wedi cael tâl yn ei le yn ôl y gyfradd sy'n gymwys drwy'r Ddeddf hon.'.

Antoinette Sandbach

94

Section 5, page 4, after line 39, insert –

'() This section is subject to section (*Criminal proceedings – preconditions*).'

Adran 5, tudalen 4, ar ôl llinell 39, mewnosoder –

'() Mae'r adran hon yn ddarostyngedig i adran (*Achosion troseddol – rhagamodau*).'

Antoinette Sandbach

95

Section 5, page 5, line 1, leave out subsection (3).

Adran 5, tudalen 5, llinell 1, hepgorer is-adran (3).

Antoinette Sandbach

96

To insert a new section –

[] Criminal proceedings – preconditions

No criminal proceedings are to be brought under this Act against an employer of an agricultural worker unless an officer appointed under section 7 has first –

- (a) given the employer a written warning explaining how the conduct in question is capable, in the officer's opinion, of constituting a criminal offence under this Act and could lead to prosecution if repeated or if followed by other conduct capable of constituting such an offence; and
- (b) given the employer a reasonable period within which to attend training specified by the officer, being training of a kind approved by the Panel for the purpose of improving employment practices in the agriculture sector.'

I fewnosod adran newydd –

[] Achosion troseddol - rhagamodau

Ni chaniateir dwyn unrhyw achosion troseddol o dan y Ddeddf hon yn erbyn cyflogwr gweithiwr amaethyddol oni bai fod swyddog a benodir o dan adran 7 yn gyntaf –

- (a) wedi rhoi rhybudd ysgrifenedig i'r cyflogwr yn esbonio sut y mae modd ystyried yr ymddygiad o dan sylw, ym marn y swyddog, yn drosedd o dan y Ddeddf hon ac y gallai arwain at erlyniad pe bai'n cael ei ailadrodd neu ei ddilyn gan ymddygiad arall a allai gael ei ystyried yn drosedd o'r fath; a
- (b) wedi rhoi cyfnod rhesymol o amser i'r cyflogwr fynd ar hyfforddiant a bennir gan y swyddog, sef hyfforddiant o'r math a gaiff ei gymeradwyo gan y Panel at ddibenion gwella arferion cyflogaeth yn y sector amaethyddol.'

Antoinette Sandbach

97

Section 8, page 5, line 22, after 'Ministers', insert 'and the Panel'.

Adran 8, tudalen 5, llinell 24, ar ôl 'Cymru', mewnosoder 'a'r Panel'.

Antoinette Sandbach

98

Section 8, page 5, line 25, after 'Ministers', insert 'and the Panel may supply the information to each other but'.

Adran 8, tudalen 5, llinell 27, hepgorer 'Ni chaniateir i Weinidogion Cymru' a mewnosoder 'Caniateir i Weinidogion Cymru a'r Panel roi'r wybodaeth i'w gilydd ond ni chaniateir iddynt'.

Antoinette Sandbach

99

To insert a new section –

[] Amendments to the Rent (Agriculture) Act 1976

The 1976 Act is amended in accordance with schedule []'.

I fewnosod adran newydd—

[] Diwygiadau i Ddeddf Rhenti (Amaethyddiaeth) 1976

Caiff y Ddeddf ei diwygio yn unol ag atodlen []’.

Antoinette Sandbach

100

Section 13, page 7, line 26, leave out ‘supplemental,’.

Adran 13, tudalen 7, llinell 27, hepgorer ‘ategol,’.

Antoinette Sandbach

101

Section 13, page 7, line 27, leave out ‘appropriate’ and insert ‘necessary’.

Adran 13, tudalen 7, llinell 28, hepgorer ‘briodol’ a mewnosoder ‘angenrheidiol’.

Antoinette Sandbach

102

Section 13, page 7, line 28, leave out ‘, or in connection with’.

Adran 13, tudalen 7, llinell 29, hepgorer ‘, neu mewn cysylltiad â hynny’.

Antoinette Sandbach

103

Section 13, page 7, line 29, after ‘enactment’, insert ‘but, for the avoidance of doubt, may not modify the definitions of “agriculture” or “agricultural worker” in section 15 of this Act.’.

Adran 13, tudalen 7, llinell 31, ar ôl ‘arall’, mewnosoder ‘ond, er mwyn osgoi amheuaeth, ni chaiff addasu’r diffiniadau o “amaethyddiaeth” na “gweithiwr amaethyddol” yn adran 15 o’r Ddeddf hon’.

Antoinette Sandbach

104

Section 14, page 7, after line 30, insert—

‘(1) Any order or regulations made by the Panel under this Act must be published and laid before the National Assembly for Wales as soon as practicable after being made and includes power to make such incidental, consequential, supplemental, transitional, transitory or saving provision as the Panel consider necessary for the purposes of this Act.’.

Adran 14, tudalen 7, ar ôl llinell 32, mewnosoder—

‘(1) Rhaid cyhoeddi a gosod gerbron Cynulliad Cenedlaethol Cymru unrhyw orchymyn neu reoliadau a wneir gan y Panel o dan y Ddeddf hon cyn gynted ag y bo’n ymarferol ar ôl eu gwneud ac mae’n cynnwys pŵer i wneud darpariaeth gysylltiedig, ganlyniadol, ategol, drosiannol, ddarfodol neu ddarparieth arbed o’r fath y mae’r Panel yn ei hystyried yn angenrheidiol at ddibenion y Ddeddf hon.’.

- Antoinette Sandbach** 105
Section 14, page 7, line 34, leave out 'or expedient'.
Adran 14, tudalen 7, llinell 37, hepgorer 'neu'n hwylus'.
- Antoinette Sandbach** 106
Section 14, page 7, line 35, leave out 'or in connection with'.
Adran 14, tudalen 7, llinell 37, hepgorer 'neu mewn cysylltiad â hi'.
- Antoinette Sandbach** 107
Section 14, page 8, leave out line 2.
Adran 14, tudalen 8, hepgorer llinell 3.
- Antoinette Sandbach** 108
Section 14, page 8, after line 6, insert—
 '(d) an order under paragraph 1(3) of Schedule []'.
Adran 14 tudalen 8, ar ôl llinell 7, mewnosoder—
 '(d) gorchymyn o dan baragraff 1 (3) o Atodlen []'.
- Antoinette Sandbach** 109
Section 14, page 8, line 9, after 'order', insert 'or regulations'.
Adran 14, tudalen 8, llinell 10, ar ôl 'gorchymyn', mewnosoder 'neu reoliadau'.
- Antoinette Sandbach** 110
Section 15, page 8, after line 12, insert—
 '"1976 Act" means the Rent (Agriculture) Act 1976;'.
Adran 15, tudalen 8, ar ôl llinell 29, mewnosoder—
 'ystyr "Deddf 1976" yw Deddf Rhenti (Amaethyddiaeth) 1976;'.
Adran 15, tudalen 8, hepgorer llinellau 34 hyd at 35.
- Antoinette Sandbach** 111
Section 15, page 8, leave out lines 16 to 17.
Adran 15, tudalen 8, hepgorer llinellau 34 hyd at 35.

Antoinette Sandbach

112

Section 15, page 8, line 20, leave out 'production' and insert 'growing'.

Adran 15, tudalen 8, llinell 19, hepgorer 'cynhyrchu' a mewnosoder 'tyfu'.

Antoinette Sandbach

113

Section 15, page 8, after line 32, insert—

- '(2) In this Act, "agricultural worker" ("gweithiwr amaethyddol") means a person who is employed in agriculture in Wales by a person who does not carry out an agricultural trade, business or undertaking (whether for profit or not) outside Wales.
- (3) This Act does not apply to an agricultural worker who is employed under a contract of service or apprenticeship which is intended to be permanent or is for a period longer than 12 months, and
- (4) This Act does not apply to an agricultural worker whose remuneration as an agricultural worker includes any element of profit-sharing with his or her employer.'

Adran 15, tudalen 8, ar ôl llinell 37, mewnosoder—

- '(2) Yn y Ddeddf hon, ystyr "gweithiwr amaethyddol" ("agricultural worker") yw person a gyflogir mewn amaethyddiaeth yng Nghymru gan berson nad oes ganddo fasnach, busnes neu fenter amaethyddol (p'un a yw hynny i wneud elw ai peidio) y tu allan i Gymru.
- (3) Nid yw'r Ddeddf hon yn gymwys i weithiwr amaethyddol a gaiff ei gyflogi o dan gontract gwasanaeth neu brentisiaeth a fwriedir i fod yn barhaol neu sydd am gyfnod hwy na 12 mis, a
- (4) Nid yw'r Ddeddf hon yn gymwys i weithiwr amaethyddol y mae ei dâl fel gweithiwr amaethyddol yn cynnwys unrhyw elfen o rannu elw gyda'i gyflogwr.'

Antoinette Sandbach

114

To insert a new section—

[] Restriction on powers of the Panel and the Welsh Ministers

Neither the Panel nor the Welsh Ministers may do any thing under this Act if that thing would be outside the legislative competence of the National Assembly for Wales, as set out in section 108 of, and Schedule 7 to, the Government of Wales Act 2006.'

I fewnosod adran newydd—

[] Cyfyngiad ar bwerau'r Panel a Gweinidogion Cymru

Ni chaniateir i'r Panel na Gweinidogion Cymru wneud unrhyw beth o dan y Ddeddf hon pe bai'r peth hwnnw y tu allan i gymhwysedd deddfwriaethol Cynulliad Cenedlaethol Cymru, fel y nodir yn adran 108 o Ddeddf Llywodraeth Cymru 2006 ac Atodlen 7 iddi.'

Antoinette Sandbach

115

To insert a new section –

[] Duration of Act

This Act ceases to have effect at the end of the period of 18 months beginning with the day on which it comes into force.’

I fewnosod adran newydd –

[] Cyfnod para’r Ddeddf

Daw effaith y Ddeddf hon i ben ar ddiwedd y cyfnod o 18 mis gan gychwyn ar y diwrnod y daw i rym.’

Antoinette Sandbach

116

To insert a new schedule –

‘SCHEDULE []
Introduced by Section []

CONSTITUTION AND PROCEEDINGS OF THE AGRICULTURAL SECTOR PANEL
FOR WALES

- 1 (1) The Panel is to consist of –
 - (a) eight persons representing employers of agricultural workers;
 - (b) eight persons representing agricultural workers, of which six must be drawn from one or more trade unions and two must be drawn from other representative bodies or groups or from no body or group;
 - (c) up to five other persons appointed by the National Assembly for Wales.
- (2) At least 25% of the members of the Panel, and at least two persons in each of the categories described in paragraph 1(1), must be women.
- (3) The Welsh Ministers must make an order specifying the method of nomination or election of Panel members for the categories described in paragraph 1(1)(a) and (b).
- (4) The procedure for appointing the Panel members for the category described in paragraph 1(1)(c) is to be set out in the standing orders of the National Assembly for Wales.
- (5) Before making an order under this paragraph, the Welsh Ministers must consult –
 - (a) any body which appears to them to represent agricultural workers, including bodies which are not trade unions; and
 - (b) any body which appears to them to represent the employers of agricultural workers.
- 2 The Panel must elect one of the members appointed by the National Assembly for Wales as chair of the Panel.
- 3 (1) The chair is to preside at every meeting of the Panel, if present.

- (2) If the chair is absent, the Panel must choose another of the members appointed by the National Assembly for Wales to preside.
- 4 The Welsh Ministers must provide the Panel, or ensure that the Panel is provided with, the resources (including human resources) necessary for the Panel to carry out its functions effectively.
- 5 (1) The Panel may establish committees and sub-committees.
- (2) Each committee or sub-committee must consist of members representing employers and members representing agricultural workers in equal proportions, and of at least one member appointed by the National Assembly for Wales.
- (3) The Panel may refer any matter to a committee or sub-committee for report and recommendations.
- (4) The Panel may delegate any of its powers and duties under this Act to a committee or sub-committee, other than a power or duty to—
- (a) fix or vary minimum rates of wages;
- (b) direct that agricultural workers must be entitled to be allowed holidays or other leave or time off work to attend education or training.
- 6 The proceedings of the Panel or of a committee or sub-committee of the Panel are not invalidated by a vacancy in its membership or by a defect in the nomination, election or appointment of any of its members, including the chair.
- 7 (1) The Welsh Ministers may make regulations with respect to —
- (a) the proceedings and meetings of the Panel and of any committee or sub-committee of the panel;
- (b) the term of office of the chair and other members of the Panel;
- (c) the method of voting;
- (d) the number of members necessary to form a quorum.
- (2) Regulations made under this paragraph regarding committees or sub-committees may make different provision for different committees or sub-committees.
- (3) Subject to the provisions of this Schedule and to any regulations made under this paragraph, the Panel, committees and sub-committees of the Panel may each regulate their proceedings as they think fit.
- 8 The Welsh Ministers may pay members of the Panel allowances by way of compensation for expenses incurred and time lost in the performance of their duties.’.

I fewnosod atodlen newydd —

‘ATODLEN []
Fel y’i cyflwynir gan adran []

CYFANSODDIAD A THRAFODION PANEL SECTOR AMAETHYDDOL CYMRU

- 1 (1) Mae’r Panel i gynnwys —
- (a) wyth person sy’n cynrychioli cyflogwyr gweithwyr amaethyddol;

- (b) wyth person sy'n cynrychioli gweithwyr amaethyddol, y mae'n rhaid i chwech ohonynt ddod o un neu ragor o'r undebau llafur a'r ddau arall fod yn bersonau o gyrrff neu grwpiau cynrychioladol eraill neu fod yn bersonau nad ydynt yn cynrychioli unrhyw gorff neu grŵp;
 - (c) hyd at bum person a benodir gan Gynulliad Cenedlaethol Cymru.
- (2) Rhaid i o leiaf 25% o aelodau'r Panel, ac o leiaf ddau berson ym mhob un o'r categorïau a ddisgrifir ym mharagraff 1(1), fod yn fenywod.
- (3) Rhaid i Weinidogion Cymru wneud gorchymyn sy'n pennu'r dull ar gyfer enwebu neu ethol aelodau'r Panel ar gyfer y categorïau a ddisgrifir ym mharagraff 1(1)(a) a (b).
- (4) Mae'r weithdrefn ar gyfer penodi aelodau'r Panel ar gyfer y categori a ddisgrifir ym mharagraff 1(1)(c) i'w phennu yn rheolau sefydlog Cynulliad Cenedlaethol Cymru.
- (5) Cyn gwneud gorchymyn o dan y paragraff hwn, rhaid i Weinidogion Cymru ymgynghori â—
 - (a) unrhyw gorff sy'n ymddangos iddynt hwy ei fod yn cynrychioli gweithwyr amaethyddol, gan gynnwys cyrrff nad ydynt yn undebau llafur; a
 - (b) unrhyw gorff sy'n ymddangos iddynt hwy ei fod yn cynrychioli cyflogwyr gweithwyr amaethyddol.
- 2 Rhaid i'r Panel ethol un o'r aelodau a benodir gan Gynulliad Cenedlaethol Cymru yn gadeirydd y Panel.
- 3 (1) Mae'r cadeirydd i gadeirio ym mhob cyfarfod o'r Panel, os yw'n bresennol.
- (2) Os yw'r cadeirydd yn absennol, rhaid i'r Panel ddewis un o'r aelodau eraill a benodir gan Gynulliad Cenedlaethol Cymru i gadeirio.
- 4 Rhaid i Weinidogion ddarparu ar gyfer y Panel, neu sicrhau bod y Panel yn cael yr adnoddau (gan gynnwys yr adnoddau dynol) sy'n angenrheidiol i alluogi'r Panel i gyflawni ei swyddogaethau'n effeithiol.
- 5 (1) Caiff y Panel sefydlu pwyllgorau ac is-bwyllgorau.
- (2) Rhaid i bob pwyllgor neu is-bwyllgor gynnwys cyfran gyfartal o aelodau sy'n cynrychioli cyflogwyr ac aelodau sy'n cynrychioli gweithwyr amaethyddol, ac o leiaf un aelod a benodir gan Gynulliad Cenedlaethol Cymru.
- (3) Caiff y Panel gyfeirio unrhyw fater i bwyllgor neu is-bwyllgor ar gyfer adroddiad ac argymhellion.
- (4) Caiff y Panel ddirprywo unrhyw bwerau a dyletswyddau a roddir iddo o dan y Ddeddf hon i bwyllgor neu is-bwyllgor, heblaw am bŵer neu ddyletswydd i—
 - (a) gosod neu amrywio cyfraddau cyflogau isaf;
 - (b) cyfarwyddo bod yn rhaid i weithwyr amaethyddol gael yr hawl i gymryd gwyliau neu gyfnod neu amser arall i ffwrdd o'r gwaith i gael addysg neu hyfforddiant.
- 6 Nid yw gweithdrefnau'r Panel neu bwyllgor neu is-bwyllgor o'r Panel yn cael eu hannylisu gan swydd wag yn ei aelodaeth neu ddiffyg o ran enwebu, ethol neu benodi unrhyw un o'i aelodau, gan gynnwys y cadeirydd.
- 7 (1) Caiff Gweinidogion Cymru wneud rheoliadau mewn perthynas â—
 - (a) trafodion a chyfarfodydd y Panel ac unrhyw bwyllgor neu is-bwyllgor o'r Panel;

- (b) cyfnod y cadeirydd ac aelodau eraill y Panel yn eu swyddi;
 - (c) y dull o bleidleisio;
 - (d) nifer yr aelodau sydd eu hangen i fod yn gworwm.
- (2) Caiff rheoliadau a wneir o dan y paragraff hwn ynghylch pwyllgorau neu is-bwyllgorau wneud darpariaeth wahanol ar gyfer gwahanol bwyllgorau neu is-bwyllgorau.
- (3) Yn ddarostyngedig i ddarpariaethau'r Atodlen hon ac unrhyw reoliadau a wneir o dan y paragraff hwn, caiff y Panel, pwyllgorau ac is-bwyllgorau'r Panel reoleiddio eu gweithdrefnau fel y gwelant yn dda.
- 8 Caiff Gweinidogion Cymru dalu lwfansau i aelodau'r Panel i'w digolledu am dreuliau ac am amser a gollwyd wrth gyflawni eu dyletswyddau.'

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To insert a new schedule—

‘SCHEDULE []
Introduced by section []

AMENDMENTS TO THE RENT (AGRICULTURE) ACT 1976

- 1 (1) Section 28 of the 1976 is amended as follows.
- (2) In subsection (3) for “a committee under section 29 of this act” substitute “the Panel”.
 - (3) In subsection (4) for “committee” substitute “Panel”.
 - (4) In subsection (5) for “committee in accordance with section 29 of this Act” substitute “Panel”.
 - (5) In subsection (6) for “a committee under section 29 of this Act” substitute “the Panel”.
 - (6) In subsection (11) for “committee” substitute “Panel”.
 - (7) After subsection (14A) insert “In this section “the Panel”) means the Agricultural Advisory Panel for Wales established under Section 2 of the Agricultural Sector (Wales) Act 2013.
 - (8) After subsection (14A) insert “The Welsh Ministers must by regulations make provision about the application for and provision of advice under this section”
 - (9) Omit section 29.’.

I fewnosod atodlen newydd—

‘ATODLEN []
(Fel y'i cyflwynir gan adran [])

GWELLIANNAU I DDEDDF RHENTI (AMAETHYDDOL) 1976

- 1 (1) Caiff adran 28 o Ddeddf 1976 ei diwygio fel a ganlyn.
- (2) Yn is-adran (3) yn lle “a committee under section 29 of this Act” rhodder “the Panel”.

- (3) Yn is-adran (4) yn lle "committee" rhodder "Panel".
- (4) Yn is-adran (5) yn lle "committee in accordance with section 29 of this Act" rhodder "Panel".
- (5) Yn is-adran (6) yn lle "a committee under section 29 of this Act" rhodder "the Panel".
- (6) Yn is-adran (11) yn lle "committee" rhodder "Panel".
- (7) Ar ôl is-adran (14A) mewnosoder "In this section "the Panel" means the Agricultural Advisory Panel for Wales established under Section 2 of the Agricultural Sector (Wales) Act 2013."
- (8) Ar ôl is-adran (14A) mewnosoder "The Welsh Ministers must by regulations make provision about the application for and provision of advice under this section"
- (9) Hepgorer adran 29'.

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Section 6, page 5, line 6, leave out 'Welsh Ministers' and insert 'Panel'.

Adran 6, tudalen 5, llinell 6, hepgorer 'Gweinidogion Cymru' a mewnosoder 'y Panel'.