

- '(b) y dyletswyddau neu'r pwerau a osodir arno neu a roddir iddo gan y Ddeddf hon;'.
'

Alun Davies

4

Section 2, page 1, leave out lines 18 to 19 and insert—

- '(b) preparing agricultural wages orders in draft, consulting on such orders and submitting them to the Welsh Ministers for approval;'.
'

Adran 2, tudalen 1, hepgorer llinellau 18 hyd at 19 a mewnosoder—

- '(b) llunio gorchmynion cyflogau amaethyddol ar ffurf ddrafft, ymgynghori ar y gorchmynion hynny a'u cyflwyno i Weinidogion Cymru i'w cymeradwyo;'.
'

Suzy Davies

16

Section 2, page 1, leave out lines 18 to 19.

Adran 2, tudalen 1, hepgorer llinellau 18 hyd at 19.

*** Antoinette Sandbach**

64

Section 2, page 1, leave out lines 18 to 22.

Adran 2, tudalen 1, hepgorer llinellau 18 hyd at 22.

Suzy Davies

17

Section 2, page 1, line 20, leave out 'other'.

Adran 2, tudalen 1, llinell 20, hepgorer 'eraill'.

Suzy Davies

18

Section 2, page 1, line 21, leave out 'Welsh Ministers may require' and insert 'Panel considers appropriate'.

Adran 2, tudalen 1, llinell 21, hepgorer 'sy'n ofynnol gan Weinidogion Cymru' a mewnosoder 'y mae'r Panel yn eu hystyried yn briodol'.

*** Antoinette Sandbach**

65

Section 2, page 1, after line 23, insert—

- '(a) three persons representing employers of agricultural workers;
(b) three persons representing agricultural workers, of which two must be drawn from one or more trade unions and one must be drawn from other representative bodies or groups or from no body or group;
(c) up to four other persons appointed by the National Assembly for Wales.'
'

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

- (a) tri pherson sy'n cynrychioli cyflogwyr gweithwyr amaethyddol;
- (b) tri pherson sy'n cynrychioli gweithwyr amaethyddol, y mae'n rhaid i ddau ohonynt ddod o un neu ragor o'r undebau llafur ac y mae'n rhaid i'r llall fod yn berson o gorff neu grŵp cynrychioladol arall neu'n berson nad yw'n cynrychioli unrhyw gorff neu grŵp;
- (c) hyd at bedwar person arall a benodir gan Gynulliad Cenedlaethol Cymru.'

*** Antoinette Sandbach**

66

Section 2, page 1, leave out lines 24 to 25.

Adran 2, tudalen 1, hepgorer llinellau 24 hyd at 25.

*** Antoinette Sandbach**

67

Section 2, page 1, line 26, leave out subsections (4) to (6).

Adran 2, tudalen 1, llinell 26, hepgorer is-adrannau (4) hyd at (6).

William Powell

27

Section 2, page 1, line 27, leave out 'seek to'.

Adran 2, tudalen 1, llinell 27, hepgorer 'geisio'.

William Powell

28

Section 2, page 1, line 30, after 'sector', insert 'including representatives of welsh farming unions, trade unions and other relevant bodies'.

Adran 2, tudalen 1, llinell 30, ar ôl 'ddigonol', mewnosoder 'gan gynnwys cynrychiolwyr o undebau ffermio Cymru, undebau llafur a chyrff perthnasol eraill'.

*** Antoinette Sandbach**

68

Section 2, page 2, after line 6, insert –

- (7) At least 25% of the members of the Panel, and at least one person in each of the categories described in subsection (3) must be women..
- (8) The Panel must elect one of the members in subsection (3)(c) as Chair of the Panel.
- (9) Schedule [] to this Act sets out further provisions as to the constitution and proceedings of the Panel.'

Adran 2, tudalen 2, ar ôl llinell 6, mewnosoder –

- (7) Rhaid i o leiaf 25% o aelodau'r Panel, ac o leiaf un person ym mhob un o'r categorïau a ddisgrifir yn is-adrannau (3), fod yn fenywod.
- (8) Rhaid i'r Panel benodi un o'r aelodau yn is-adran (3) (c) yn gadeirydd y Panel.
- (9) Mae Atodlen [] i'r Ddeddf hon yn nodi darpariaeth bellach o ran cyfansoddiad a thrafodion y Panel.'

Alun Davies

5

Section 3, page 2, line 9, leave out 'The Welsh Ministers may, by order, make' and insert 'An agricultural wages order is an order making'.

Adran 3, tudalen 2, llinell 9, hepgorer 'Caiff Gweinidogion Cymru, drwy orchymyn, wneud' a mewnosoder 'Mae gorchymyn cyflogau amaethyddol yn orchymyn sy'n gwneud'.

Suzy Davies

19

Section 3, page 2, line 9, leave out 'Welsh Ministers' and insert 'Panel'.

Adran 3, tudalen 2, llinell 9, hepgorer 'Gweinidogion Cymru' a mewnosoder 'y Panel'.

Alun Davies

6

Section 3, page 2, line 11, leave out 'order under subsection (1)' and insert 'agricultural wages order'.

Adran 3, tudalen 2, llinell 12, hepgorer 'o dan is-adran (1)' a mewnosoder 'cyflogau amaethyddol'.

Antoinette Sandbach

50

Section 3, page 2, line 14, after 'injury', insert 'in so far as such rates do not exceed what the worker is entitled to under any other enactment'.

Adran 3, tudalen 2, llinell 15, ar ôl 'anaf', mewnosoder 'i'r graddau nad yw cyfraddau o'r fath yn uwch na'r hyn y mae gan y gweithiwr hawl iddo o dan unrhyw ddeddfiad arall'.

Alun Davies

7

Section 3, page 2, leave out lines 19 to 20.

Adran 3, tudalen 2, hepgorer llinellau 21 hyd at 22.

Suzy Davies

20

Section 3, page 2, line 20, leave out 'Welsh Ministers' and insert 'Panel'.

Adran 3, tudalen 2, llinell 22, hepgorer 'Gweinidogion Cymru' a mewnosoder 'y Panel'.

Alun Davies 8

Section 3, page 2, line 21, leave out 'order under subsection (1)' and insert 'agricultural wages order'.

Adran 3, tudalen 2, llinell 23, hepgorer 'o dan is-adran (1)' a mewnosoder 'cyflogau amaethyddol'.

Alun Davies 9

Section 3, page 2, line 23, leave out 'order under subsection (1)' and insert 'agricultural wages order'.

Adran 3, tudalen 2, llinell 25, hepgorer 'o dan is-adran (1)' a mewnosoder 'cyflogau amaethyddol'.

Antoinette Sandbach 46

Section 3, page 2, after line 24, 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 26, 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. '

Alun Davies 10

Section 3, page 2, line 27, leave out subsections (6) to (8).

Adran 3, tudalen 2, llinell 29, hepgorer is-adrannau (6) hyd at (8).

Suzy Davies 21

Section 3, page 2, line 27, leave out 'Welsh Ministers' and insert 'Panel'.

Adran 3, tudalen 2, llinell 29, hepgorer 'i Weinidogion Cymru' a mewnosoder 'i'r Panel'.

Suzy Davies 22

Section 3, page 2, line 29, leave out subsection (7).

Adran 3, tudalen 2, llinell 31, hepgorer is-adran (7).

Llyr Huws Gruffydd 2

Section 3, page 2, after line 30, insert—

- '() The Welsh Ministers must publish reasons for disregarding any advice given by the Panel under subsection (7).'

Adran 3, tudalen 2, ar ôl llinell 32, mewnosoder –

- '() Rhaid i Weinidogion Cymru gyhoeddi rhesymau dros ddiystyru unrhyw gyngor a roddir gan y Panel o dan is-adran (7).'

Jocelyn Davies

1

Section 3, page 2, after line 32, insert –

- '(9) Agricultural wages orders must prohibit the use of zero hours contracts for agricultural workers.
- (10) Zero hours contracts' mean contracts under which an employee agrees to be available for work but has no guarantee of minimum hours.'

Adran 3, tudalen 2, ar ôl llinell 34, mewnosoder –

- '(9) Rhaid i orchmyinion cyflogau amaethyddol wahardd y defnydd o gontractau dim oriau ar gyfer gweithwyr amaethyddol.
- (10) Ystyr contractau dim oriau yw contractau pan fydd cyflogai yn cytuno i fod ar gael i weithio ond nad oes ganddo sicrwydd o ran isafswm oriau.'

Antoinette Sandbach

11A

As an amendment to amendment 11, leave out lines 6 to 10.

Fel gwelliant i welliant 11, hepgorer llinellau 6 hyd at 10.

Alun Davies

11

To insert a new section –

[] Agricultural wages orders: powers of the Welsh Ministers

- (1) The Welsh Ministers may, after receiving a draft agricultural wages order from the Panel –
- (a) approve and make the order, or
 - (b) refer the order back to the Panel for further consideration and resubmission.
- (2) The Welsh Ministers may, of their own initiative, make agricultural wages orders until such time as the Panel is established.
- (3) Before making an agricultural wages order under subsection (2), the Welsh Ministers must consult such persons or bodies as they consider are likely to have an interest in the order.
- (4) The Welsh Ministers may, by regulations, make further provision about agricultural wages orders including, in particular, provision –
- (a) about the form and content of an order, and

- (b) about the procedure to be followed and consultation to be carried out in relation to an order.’.

I fewnosod adran newydd –

[] Gorchmynion cyflogau amaethyddol: pwerau Gweinidogion Cymru

- (1) Caiff Gweinidogion Cymru, ar ôl cael gorchymyn cyflogau amaethyddol drafft oddi wrth y Panel –
- (a) cymeradwyo a gwneud y gorchymyn, neu
 - (b) cyfeirio’r gorchymyn yn ôl at y Panel i’w ystyried ymhellach a’i ailgyflwyno.
- (2) Caiff Gweinidogion Cymru, o’u pen a’u pastwn eu hunain, wneud gorchmynion cyflogau amaethyddol hyd nes bod y Panel wedi ei sefydlu.
- (3) Cyn gwneud gorchymyn cyflogau amaethyddol o dan is-adran (2), rhaid i Weinidogion Cymru ymgynghori â’r personau neu’r cyrff hynny sy’n debygol o fod â buddiant yn y gorchymyn yn eu barn hwy.
- (4) Caiff Gweinidogion Cymru, drwy reoliadau, wneud darpariaeth bellach ynghylch gorchmynion cyflogau amaethyddol gan gynnwys, yn benodol, ddarpariaeth –
- (a) ynghylch ffurf a chynnwys gorchymyn, a
 - (b) ynghylch y weithdrefn i’w dilyn a’r ymgynghori i’w gynnal mewn perthynas â gorchymyn.’.

Antoinette Sandbach

51

Section 4, page 3, leave out line 22.

Adran 4, tudalen 3, hepgorer llinell 21.

Antoinette Sandbach

52

Section 4, page 4, line 13, leave out ‘in relation to a dwelling house’.

Adran 4, tudalen 4, llinell 14, hepgorer ‘in relation to a dwelling house’.

Antoinette Sandbach

53

Section 4, page 4, after line 14, 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 4, ar ôl llinell 15, 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

54

Section 4, page 4, after line 14, 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 4, ar ôl llinell 15, 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

35

Section 4, page 5, line 1, leave out subsection (7).

Adran 4, tudalen 5, llinell 1, hepgorer is-adran (7).

Antoinette Sandbach

47

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

48

Section 5, page 5, after line 15, 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 5, ar ôl llinell 15, 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

56

Section 5, page 5, after line 15, insert –

- ‘() This section is subject to section []’.

Adran 5, tudalen 5, hepgorer llinell 16 a mewnosoder –

- ‘() Mae’r adran hon yn ddarostyngedig i adran []’.

Antoinette Sandbach

49

Section 5, page 5, line 16, leave out subsection (3).

Adran 5, tudalen 5, llinell 16, hepgorer is-adran (3).

Antoinette Sandbach

57

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

58

Section 6, page 5, line 21, leave out 'Welsh Ministers' and insert 'Panel'.

Adran 6, tudalen 5, llinell 21, hepgorer 'Gweinidogion Cymru' a mewnosoder 'y Panel'.

Antoinette Sandbach

59

Section 8, page 6, line 3, after 'Ministers', insert 'and the Panel'.

Adran 8, tudalen 6, llinell 4, ar ôl 'Cymru', mewnosoder 'a'r Panel'.

Antoinette Sandbach

60

Section 8, page 6, line 6, after 'Ministers', insert 'and the Panel may supply the information to each other but'.

Adran 8, tudalen 6, llinell 7, 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

36

Section 8, page 6, after line 9, insert—

'() Information may only be supplied under this subsection consistently with the Data Protection Act 1998.'

Adran 8, tudalen 6, ar ôl llinell 11, mewnosoder—

'() Caniateir rhoi gwybodaeth o dan yr is-adran hon dim ond os yw'n gyson â Deddf Diogelu Data 1998.'

Alun Davies

12

Section 11, page 6, line 35, after 'workers', insert 'on and from 1 October 2013'.

Adran 11, tudalen 6, llinell 37, ar ôl 'amaethyddol', mewnosoder 'ar 1 Hydref 2013 ac wedi hynny'.

Suzy Davies

23

Section 11, page 6, line 35, leave out 'Welsh Ministers' and insert 'Panel'.

Adran 11, tudalen 6, llinell 37, hepgorer 'Gweinidogion Cymru' a mewnosoder 'y Panel'.

Alun Davies

13

Section 11, page 6, line 36, leave out 'under section 3'.

Adran 11, tudalen 6, llinell 38, hepgorer 'o dan adran 3'.

William Powell

29

To insert a new section –

[] Panel accounting

- (1) The Panel must prepare and keep such accounts in respect of each financial year as the Welsh Ministers may require and such accounts must give a true and fair view of any income and expenditure and cash flows of the Panel.
- (2) The Panel must send a copy of its respective annual accounts for each financial year to the Welsh Ministers as soon as possible after the end of the financial year.
- (3) The Welsh Ministers must lay the accounts before the National Assembly for Wales.
- (4) “Financial year” means the period of 12 months ending on 31 March in any year.’.

I fewnosod adran newydd –

[] Cyfrifon y Panel

- (1) Rhaid i'r Panel baratoi a chadw'r fath gyfrifon sy'n ofynnol gan Weinidogion Cymru ar gyfer pob blwyddyn ariannol a rhaid i'r cyfrifon hynny roi adlewyrchiad cywir a theg o unrhyw incwm a gwariant a llif arian y Panel.
- (2) Rhaid i'r Panel anfon copi o'i gyfrifon blynyddol perthnasol ar gyfer pob blwyddyn ariannol i Weinidogion Cymru cyn gynted â phosibl ar ôl diwedd y flwyddyn ariannol.
- (3) Rhaid i Weinidogion Cymru osod y cyfrifon gerbron Cynulliad Cenedlaethol Cymru.
- (4) Ystyr “blwyddyn ariannol” yw'r cyfnod o 12 mis a ddaw i ben ar 31 Mawrth yn unrhyw flwyddyn.’.

Antoinette Sandbach

37

Section 12, page 7, line 22, leave out ‘as soon as practicable after the end of the review period’ and insert ‘for the period ending on the 31st March 2015 and thereafter annually’.

Adran 12, tudalen 7, llinell 22, hepgorer ‘cyn gynted ag y bo'n ymarferol ar ôl diwedd y cyfnod adolygu’ a mewnosoder ‘ar gyfer y cyfnod sy'n dod i ben ar 31 Mawrth 2015 ac yn flynyddol wedi hynny’.

Antoinette Sandbach

38

Section 12, page 7, line 31, after ‘appropriate’, insert ‘, including drawing the consultation to the attention of all employers and employees affected by the Act’.

Adran 12, tudalen 7, llinell 31, ar ôl ‘hwy’, mewnosoder ‘, gan gynnwys tynnu sylw'r holl gyflogwyr a chyflogaion yr effeithir arnynt gan y Ddeddf at yr ymgynghoriad’.

Antoinette Sandbach

39

Section 12, page 7, line 35, leave out subsection (5).

Adran 12, tudalen 7, llinell 35, hepgorer is-adran (5).

-
- Antoinette Sandbach** 40
Section 13, page 8, line 5, leave out 'after the end of the review period but'.
Adran 13, tudalen 8, llinell 5, hepgorer 'ar ôl diwedd y cyfnod adolygu ond'.
- Suzy Davies** 24
Section 13, page 8, line 8, leave out subsection (3).
Adran 13, tudalen 8, llinell 8, hepgorer is-adran (3).
- Antoinette Sandbach** 41
Section 13, page 8, after line 10, insert –
'() For the purposes of section 16(2)(c) of this Act, the draft of an order under this section is not approved by the National Assembly for Wales unless two thirds of the members of the National Assembly vote in favour of the resolution.'
Adran 13, tudalen 8, ar ôl llinell 10, mewnosoder –
'() At ddibenion adran 16(2)(c) o'r Ddeddf hon, nid yw drafft o orchymyn o dan yr adran hon wedi'i gymeradwyo gan Gynulliad Cenedlaethol Cymru oni bai fod dwy ran o dair o aelodau'r Cynulliad Cenedlaethol yn pleidleisio o blaid y penderfyniad.'
- Antoinette Sandbach** 42
Section 13, page 8, line 12, leave out '4 years' and insert '18 months'.
Adran 13, tudalen 8, llinell 13, hepgorer '4 blynedd' a mewnosoder '18 mis'.
- Antoinette Sandbach** 43
Section 13, page 8 leave out line line 14.
Adran 13, tudalen 8, hepgorer llinell 12.
- William Powell** 30
Section 14, page 8, line 19, after 'any', insert 'wilful'.
Adran 14, tudalen 8, llinell 20, ar ôl 'esgeulustod', mewnosoder 'bwriadus'.
- Llyr Huws Gruffydd** 3
Section 15, page 8, line 34, leave out 'or any other enactment' and insert 'Act'.
Adran 15, tudalen 8, llinell 36, hepgorer 'deddfiad hwn neu unrhyw ddeddfiad arall' a mewnosoder 'Ddeddf hon'.

Suzy Davies

25

Section 16, page 9, leave out line 7.

Adran 16, tudalen 9, hepgorer llinell 7.

William Powell

31

Section 16, page 9, line 9, after '2', insert 'and 3'.

Adran 16, tudalen 9, llinell 10, ar ôl '2', mewnosoder 'a 3'.

Suzy Davies

26

Section 16, page 9, leave out lines 12 to 14.

Adran 16, tudalen 9, hepgorer llinellau 13 hyd at 15.

Alun Davies

14

Section 16, page 9, line 17, after 'order', insert 'or regulations'.

Adran 16, tudalen 9, llinell 18, ar ôl 'gorchymyn', mewnosoder 'neu reoliadau'.

Alun Davies

15

Section 17, page 9, line 22, leave out 'has the meaning given by section 3(8)' and insert 'is to be construed in accordance with section 3'.

Adran 17, tudalen 10, llinell 1, hepgorer 'i "gorchymyn cyflogau amaethyddol" ("*agricultural wages order*") yr ystyr a roddir iddo gan adran 3(8)' a mewnosoder ""gorchymyn cyflogau amaethyddol ("*agricultural wages order*") i'w ddehongli yn unol ag adran 3'.

Antoinette Sandbach

44

Section 17, page 9, leave out lines 29 to 30.

Adran 17, tudalen 9, hepgorer llinellau 27 hyd at 28.

Antoinette Sandbach

45

Section 17, page 9, leave out lines 34 to 35.

Adran 17, tudalen 9, hepgorer llinellau 35 hyd at 37.

William Powell

32

Section 17, page 10, after line 3, insert—

“farming union” (“*undeb ffermio*”) means a representative organisation whose members derive an income from agriculture;’.

Adran 17, tudalen 10, ar ôl llinell 7, mewnosoder—

‘ystyr “undeb ffermio” (“*farming union*”) yw sefydliad cynrychioliadol y mae ei aelodau yn cael incwm o amaethyddiaeth.’.

William Powell

33

Section 17, page 10, after line 6, insert—

“trade union” (“*undeb llafur*”) has the same meaning as in the Trade Union and Labour Relations (Consolidation) Act 1992.’.

Adran 17, tudalen 10, ar ôl llinell 7, mewnosoder—

‘Mae i “undeb llafur” (“*trade union*”) yr un ystyr ag a roddir iddo yn Neddf Undebau Llafur a Chysylltiadau Llafur (Cydgrynhoi) 1992.’.

Antoinette Sandbach

61

Section 17, page 10, after line 6, insert—

- ‘(4) 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.
- (5) 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.
- (6) 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 17, tudalen 10, ar ôl llinell 7, mewnosoder—

- ‘(4) 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.
- (5) 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.
- (6) 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

62

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**

69

To insert a new schedule –

‘SCHEDULE 1
(Introduced by Section 2)

**FURTHER PROVISION AS TO THE CONSTITUTION AND PROCEEDINGS OF THE
AGRICULTURAL SECTOR PANEL FOR WALES**

- 1 (1) The Welsh Ministers must make an order specifying the method of nomination or election of Panel members under Section 2 (3) (a) and (b).
- (2) The procedure for appointing the Panel members for the category described in Section 2 (3)(c) is to be set out in the standing orders of the National Assembly for Wales.
- (3) 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 (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.
- 3 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.
- 4 (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.
- 5 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.
- 6 (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.
- 7 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 1
Fel y’i cyflwynir gan adran (2)

DARPARIAETH BELLACH O RAN CYFANSODDIAD A THRAFODION PANEL
SECTOR AMAETHYDDOL CYMRU

- 1 (1) 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 2(3)(a) a (b).
- (2) Mae’r weithdrefn ar gyfer penodi aelodau’r Panel ar gyfer y categori a ddisgrifir yn Adran 2(3)(c) i’w phennu yn rheolau sefydlog Cynulliad Cenedlaethol Cymru.
- (3) 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 (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.
- 3 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.
- 4 (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.
- 5 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.
- 6 (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.
- 7 Caiff Gweinidogion Cymru dalu lwfansau i aelodau'r Panel i'w digolledu am dreuliau ac am amser a gollwyd wrth gyflawni eu dyletswyddau.'