



RHESTR O WELLIANNAU WEDI'U DIDOLI MARSHALLED LIST OF AMENDMENTS

Bil Sgorio Hylendid Bwyd (Cymru) Food Hygiene Rating (Wales) Bill

Mae'r gwelliannau â * ar eu pwys yn rhai newydd neu'n rhai sydd wedi'u haddasu
Amendments marked * are new or have been altered

Caiff y Bil ei ystyried yn y drefn a ganlyn—
The Bill will be considered in the following order—

Section Nos. English 1-26	Rhifau adrannau Cymraeg 1-26
Schedule	Atodlen

Lesley Griffiths	1
Section 2, page 1, line 28, leave out 'in Wales'. Adran 2, tudalen 1, llinell 28, hepgorer 'yng Nghymru'.	
Lesley Griffiths	2
Section 2, page 2, line 10, after 'area', insert 'in Wales'. Adran 2, tudalen 2, llinell 9, ar ôl 'ardal', mewnosoder 'yng Nghymru'.	
Lesley Griffiths	3
Section 2, page 2, line 14, leave out 'in Wales'. Adran 2, tudalen 2, llinell 14, hepgorer 'yng Nghymru'.	

Darren Millar

28

Gyda chefnogaeth / Supported by: Kirsty Williams

Section 5, page 3, line 21, leave out 'the food authority' and insert 'an appeal panel constituted in accordance with regulations made by the Welsh Ministers'.

Adran 5, tudalen 3, llinell 22, hepgorer 'i'r awdurdod bwyd' a mewnosoder 'i banel apêl a sefydlwyd yn unol â'r rheoliadau a wnaed gan Weinidogion Cymru'.

Darren Millar

29

Gyda chefnogaeth / Supported by: Kirsty Williams

Section 5, page 3, line 28, leave out subsections (3) to (7) and insert –

- '(3) Regulations must make provision about the making of appeals pursuant to such arrangements, including provision –
 - (a) requiring the panel to include an appropriate officer from one or more neighbouring food authority, as a member of the panel;
 - (b) as to the procedure on such appeals;
 - (c) for the payment by the food authority of allowances to members of the appeal panel.
- (4) The decision of an appeal panel on appeal pursuant to arrangements under this section shall be binding on the food authority by whom the decision under appeal was made. '

Adran 5, tudalen 3, llinell 30, hepgorer is-adrannau (3) hyd at (7) a mewnosoder –

- (3) Rhaid i reoliadau wneud darpariaeth ynghylch gwneud apelau yn unol â threfniadau o'r fath, gan gynnwys darpariaeth –
 - (a) sy'n ei gwneud yn ofynnol i'r panel gynnwys swyddog priodol o un neu fwy o awdurdodau bwyd cyfagos yn aelod o'r panel;
 - (b) ynghylch y weithdrefn ar gyfer apelau o'r fath;
 - (c) i'r awdurdod bwyd dalu lwfansau i aelodau'r panel apêl.
- (4) Bydd penderfyniad panel apêl ynghylch apêl a wnaed yn unol â threfniadau'r adran hon yn rhwymo'r awdurdod bwyd a wnaeth y penderfyniad sy'n destun yr apêl.'

Lesley Griffiths

4

Section 5, page 3, line 33, after 'establishment', insert 'and the FSA'.

Adran 5, tudalen 3, llinell 35, ar ôl 'sefydliad', mewnosoder 'a'r ASB'.

Lesley Griffiths

5

Section 5, page 3, line 35, leave out 'determined' and insert 'conducted'.

Adran 5, tudalen 3, llinell 37, hepgorer 'phenderfynu' a mewnosoder 'chynnal'.

Lesley Griffiths

6

Section 5, page 3, after line 36, insert –

- '(8) The Welsh Ministers may, by regulations, provide for an appeal under this section to be determined by a person other than the food authority.
- (9) The power to make regulations includes power to –
 - (a) make provision about the procedure to be followed for appeals;
 - (b) make such amendments to this section in consequence of another person becoming responsible for the determination as the Welsh Ministers consider appropriate.'

Adran 5, tudalen 3, ar ôl llinell 38, mewnosoder –

- '(8) Caiff Gweinidogion Cymru, drwy reoliadau, ddarparu ar gyfer apêl o dan yr adran hon gael ei phenderfynu gan berson ac eithrio'r awdurdod bwyd.
- (9) Mae'r pŵer i wneud rheoliadau yn cynnwys pŵer –
 - (a) i wneud darpariaeth am y weithdrefn i'w dilyn ar gyfer apelau;
 - (b) i wneud unrhyw ddiwygiadau i'r adran hon o ganlyniad i berson arall yn dod yn gyfrifol dros y penderfyniad y gwêl Gweinidogion Cymru yn dda.'

Lesley Griffiths

7

Section 5, page 4, line 1, leave out 'change' and insert 'revise'.

Adran 5, tudalen 4, llinell 1, hepgorer 'newid' a mewnosoder 'diwygio'.

Lesley Griffiths

8

Section 5, page 4, line 3, leave out 'new' and insert 'revised'.

Adran 5, tudalen 4, llinell 3, hepgorer 'newydd' a mewnosoder 'diwygiedig'.

Lesley Griffiths

9

Section 5, page 4, after line 6, insert –

- '(9) Where a food authority decides to revise a food hygiene rating, when notifying the FSA of its decision it must send to the FSA a copy of the notification and statement referred to in subsection (8).'

Adran 5, tudalen 4, ar ôl llinell 6, mewnosoder –

- '(9) Pan fo awdurdod bwyd yn penderfynu diwygio sgôr hylendid bwyd, wrth iddo hysbysu'r ASB am ei benderfyniad rhaid iddo anfon i'r ASB gopi o'r hysbysiad a'r datganiad y cyfeirir ato yn is-adran (8).'

Kirsty Williams

33

Gyda chefnogaeth / Supported by: Darren Millar

Section 6, page 4, line 10, leave out subsection (1)

Adran 6, tudalen 4, llinell 10, hepgorer is-adran (1)

Kirsty Williams

34

Gyda chefnogaeth / Supported by: Darren Millar

Section 6, page 4, line 12, leave out 'also provide the FSA with any further information that may be prescribed.' and insert –

- (a) inform the FSA of the food hygiene rating of a food business establishment within the relevant period;
- (b) provide the FSA with a written statement of the reasons of the rating, and any further information that may be prescribed;
- (c) make available on its website, bilingually through the media of English and Welsh, copies of any inspection reports relating to inspections carried out in accordance with Section 2, within 7 days of notification to the FSA of the food hygiene rating of a food business establishment.'

Adran 6, tudalen 4, llinell 12, hepgorer 'ddarparu i'r ASB hefyd unrhyw wybodaeth bellach a ragnodir.' a mewnosoder –

- (a) hysbysu'r ASB am sgôr hylendid bwyd sefydliad busnes bwyd o fewn y cyfnod perthnasol;
- (b) darparu i'r ASB unrhyw wybodaeth bellach a ragnodir;
- (c) darparu ar ei wefan, yn ddwyieithog drwy gyfrwng y Gymraeg a'r Saesneg, gopiâu o unrhyw adroddiadau arolygu sy'n ymwneud ag arolygiadau a gynhaliwyd yn unol ag Adran 2, o fewn 7 diwrnod i hysbysu'r ASB ynghylch sgôr hylendid bwyd sefydliad busnes bwyd.'

Lesley Griffiths

10

Section 6, page 4, line 14, after 'rating', insert 'and such other information as may be prescribed'.

Adran 6, tudalen 4, llinell 13, ar ôl 'bwyd', mewnosoder 'ac unrhyw wybodaeth arall a ragnodir'.

Kirsty Williams

35

Gyda chefnogaeth / Supported by: Darren Millar

Section 6, page 4, line 14, after 'rating', insert 'and written statement of the reasons for the rating bilingually through the media of English and Welsh'.

Adran 6, tudalen 4, llinell 13, ar ôl 'bwyd', mewnosoder 'a datganiad ysgrifenedig o'r rhesymau dros y sgôr yn ddwyieithog drwy gyfrwng y Gymraeg a'r Saesneg'.

Lesley Griffiths

11

Section 6, page 4, line 14, leave out '28' and insert '7

Adran 6, tudalen 4, llinell 13, hepgorer '28' a mewnosoder '7'.

Elin Jones

23

Gyda chefnogaeth / Supported by: Darren Millar

Section 7, page 4, after line 23, insert –

- '() include a reference in the manner prescribed to the availability of a food hygiene rating on a website maintained by the Food Standards Agency in any website maintained by or on behalf of the food business establishment;'

Adran 7, tudalen 4, ar ôl llinell 24, mewnosoder –

- '() cynnwys cyfeiriad, yn y modd a ragnodir, at argaeledd y sgôr hylendid bwyd ar wefan a gynhelir gan yr Asiantaeth Safonau Bwyd ar unrhyw wefan a gynhelir gan y sefydliad busnes bwyd neu ar ei ran;'

Elin Jones

26

Gyda chefnogaeth / Supported by: Darren Millar and Kirsty Williams

Section 7, page 4, after line 23, insert –

- '() display a valid food hygiene rating in the manner prescribed on any website maintained by or on behalf of the food business establishment.'

Adran 7, tudalen 4, ar ôl llinell 24, mewnosoder –

- '() arddangos sgôr hylendid bwyd dilys yn y modd a ragnodir ar unrhyw wefan a gynhelir gan y sefydliad busnes bwyd neu ar ei ran.'

Darren Millar

30

Gyda chefnogaeth / Supported by: Kirsty Williams

Section 7, page 4, after line 23, insert –

- '() include a reference in the manner prescribed to the availability of a food hygiene rating in any marketing or other promotional material produced by on or behalf of the food business establishment.'

Adran 7, tudalen 4, ar ôl llinell 24, mewnosoder –

- '() cynnwys cyfeiriad, yn y modd a ragnodir, at argaeledd y sgôr hylendid bwyd mewn unrhyw ddeunydd marchnata neu ddeunydd hyrwyddo arall a gynhyrchir gan y sefydliad busnes bwyd neu ar ei ran.'

Elin Jones

24

Gyda chefnogaeth / Supported by: Darren Millar

Section 7, page 4, after line 30, insert—

‘(5) Regulations made under subsection () may make different provision for different types of establishment.’.

Adran 7, tudalen 4, ar ôl llinell 31, mewnosoder—

‘(5) Caiff rheoliadau a wneir o dan is-adran () wneud darpariaeth wahanol ar gyfer gwahanol fathau o sefydliad.’.

Darren Millar

31

Gyda chefnogaeth / Supported by: Kirsty Williams

Section 7, page 4, after line 30, insert—

‘(5) Regulations made under subsection () may make different provision for different types of material or establishment.’.

Adran 7, tudalen 4, ar ôl llinell 31, mewnosoder—

‘(5) Caiff rheoliadau a wneir o dan is-adran () wneud darpariaeth wahanol ar gyfer gwahanol fathau o ddeunydd neu sefydliad.’.

Lesley Griffiths

12

Section 8, page 5, line 2, leave out ‘comply with a request by a person to be informed verbally of the food hygiene rating of the establishment.’ and insert—

‘ensure that each relevant employee is aware of the establishment's food hygiene rating.

- (2) The operator and any relevant employee must comply with a request made by a person to be informed verbally of the establishment's food hygiene rating.
- (3) In this section, “relevant employee” means someone who—
 - (a) is employed at the establishment, and
 - (b) is likely, in the opinion of the operator, to be subject to a request to inform a person verbally of the establishment's food hygiene rating.’.

Adran 8, tudalen 5, llinell 2, hepgorer ‘gydymffurfio â chais gan berson i gael ei hysbysu ar lafar am sgôr hylendid bwyd y sefydliad.’ a mewnosoder—

‘sichrau bod pob cyflogai perthnasol yn ymwybodol o sgôr hylendid bwyd y sefydliad.

- (2) Rhaid i'r gweithredwr ac unrhyw gyflogai perthnasol gydymffurfio â chais a gyfeirir atynt gan berson i gael ei hysbysu ar lafar am sgôr hylendid bwyd y sefydliad.
- (3) Yn yr adran hon, ystyr “cyflogai perthnasol” yw rhywun sydd—
 - (a) yn cael ei gyflogi yn y sefydliad, a
 - (b) yn debygol, ym marn y gweithredwr, o fod yn wrthrych cais i hysbysu person ar lafar am sgôr hylendid bwyd y sefydliad.’.

Elin Jones

25

Gyda chefnogaeth / Supported by: Darren Millar

Section 9, page 5, after line 12, insert—

- ‘() fails to include a reference in the manner prescribed to the availability of a food hygiene rating on a website maintained by the Food Standards Agency in any website maintained by or on behalf of the food business establishment;’.

Adran 9, tudalen 5, ar ôl llinell 12, mewnosoder —

- ‘() yn methu â chynnwys cyfeiriad, yn y modd a ragnodir, at argaeledd y sgôr hylendid bwyd ar wefan a gynhelir gan yr Asiantaeth Safonau Bwyd ar unrhyw wefan a gynhelir gan y sefydliad busnes bwyd neu ar ei ran;’.

Elin Jones

27

Gyda chefnogaeth / Supported by: Darren Millar and Kirsty Williams

Section 9, page 5, after line 12, insert—

- ‘() fails to display a valid food hygiene rating in the manner prescribed on any website maintained by or on behalf of the food business establishment;’.

Adran 9, tudalen 5, ar ôl llinell 12, mewnosoder —

- ‘() yn methu ag arddangos sgôr hylendid bwyd dilys yn y modd a ragnodir ar unrhyw wefan a gynhelir gan y sefydliad busnes bwyd neu ar ei ran;’.

Darren Millar

32

Gyda chefnogaeth / Supported by: Kirsty Williams

Section 9, page 5, after line 12, insert—

- ‘() fails to include a reference in the manner prescribed to the availability of the food hygiene rating in any marketing or other promotional material published by or on behalf of the food business establishment;’.

Adran 9, tudalen 5, ar ôl llinell 12, mewnosoder —

- ‘() yn methu â chynnwys cyfeiriad, yn y modd a ragnodir, at argaeledd y sgôr hylendid bwyd mewn unrhyw ddeunydd marchnata neu ddeunydd hyrwyddo arall a gyhoeddir gan y sefydliad busnes bwyd neu ar ei ran;’.

Lesley Griffiths

13

Section 9, page 5, leave out lines 13 to 14.

Adran 9, tudalen 5, hepgorer llinellau 13 hyd at 14.

Lesley Griffiths

14

Section 9, page 5, after line 14, insert—

- ‘(2) An operator of a food business establishment is also guilty of an offence if, without reasonable excuse—

- (a) a person's request to be informed verbally of the establishment's food hygiene rating is denied; or
- (b) a person making such a request is given false or misleading information about the establishment's food hygiene rating. '.

Adran 9, tudalen 5, ar ôl llinell 14, mewnosoder –

'(2) Mae gweithredwr sefydliad busnes bwyd hefyd yn euog o drosedd, os, heb esgus rhesymol –

- (a) gwrthodir cais person i gael ei hysbysu ar lafar am sgôr hylendid bwyd; neu
- (b) rhoddir gwybodaeth anwir neu gamarweiniol i berson sy'n gwneud cais o'r fath am sgôr hylendid bwyd sefydliad. '.

Lesley Griffiths

15

Section 11, page 6, line 28, leave out 'and section 7 (display of stickers)'.

Adran 11, tudalen 6, llinell 28, hepgorer 'ac adran 7 (arddangos sticeri)'.

Lesley Griffiths

16

Section 11, page 6, line 28, after '(publication)', insert ', section 7 (display of stickers) and section 8 (requests for information)'.

Adran 11, tudalen 6, llinell 28, ar ôl '(cyhoeddi)', mewnosoder ', adran 7 (arddangos sticeri) ac adran 8 (ceisiadau am wybodaeth)'.

Lesley Griffiths

17

Page 7, line 3, leave out section 13 and insert –

'(1) The FSA must –

- (a) in exercising its functions under this Act, have regard to guidance issued by the Welsh Ministers;
- (b) publish the matters to which a food authority must have regard when preparing and keeping under review an inspection programme under section 2 (where those matters have been approved by the Welsh Ministers);
- (c) publish the rating criteria against which a food hygiene rating is scored under section 3;
- (d) at the end of the period of 1 year beginning with the commencement of the scheme, and each subsequent period of 1 year, conduct a review of the operation of the appeals system established under section 5 during that period;
- (e) at the end of the period of 1 year beginning with the commencement of the scheme, and each subsequent period of 3 years, otherwise review the implementation and operation of the food hygiene rating scheme established under this Act during that period;
- (f) make recommendations to food authorities to assist them to comply with their responsibilities under the scheme;

- (g) promote the scheme to food business establishments and consumers in Wales;
 - (h) supply food hygiene rating stickers in the prescribed form to food authorities without charge.
- (2) No later than 3 months after the end of the period to which a review under subsection (1) (d) relates, the FSA must produce a report containing—
- (a) details of the review that was undertaken;
 - (b) the recommendations for change, if any, to the appeals system it considers appropriate and its reasons for reaching that conclusion.
- (3) No later than 3 months after the end of the period to which a review under subsection (1) (e) relates, the FSA must produce a report containing—
- (a) details of the review that was undertaken;
 - (b) the recommendations for change, if any, to the food hygiene rating scheme it considers appropriate and its reasons for reaching that conclusion.
- (4) The FSA must send a copy of each report produced under this section to the Welsh Ministers. '.

Tudalen 7, llinell 3, hepgorer adran 13 a mewnosoder—

- '(1) Rhaid i'r ASB—
- (a) wrth arfer ei swyddogaethau o dan y Ddeddf hon, roi sylw i'r canllawiau a ddyroddir gan Weinidogion Cymru;
 - (b) cyhoeddi'r materion y mae rhaid i awdurdod bwyd roi sylw iddynt wrth lunio ac adolygu rhaglen arolygu o dan adran 2 (pan fo'r materion hynny wedi eu cymeradwyo gan Weinidogion Cymru);
 - (c) cyhoeddi'r meini prawf sgorio a ddefnyddir i roi sgôr hylendid bwyd o dan adran (3);
 - (d) ar ddiwedd cyfnod o 1 flwyddyn sy'n dechrau pan fydd y cynllun yn cychwyn, a phob cyfnod dilynol o 1 flwyddyn, gynnal adolygiad o weithrediad y system apelau a sefydlir o dan adran 5 yn ystod y cyfnod hwnnw;
 - (e) ar ddiwedd cyfnod o 1 flwyddyn sy'n dechrau pan fydd y cynllun yn dechrau, a phob cyfnod dilynol o 3 blynedd, adolygu fel arall sut y rhoddwyd ar waith y cynllun sgorio bwyd a sefydlwyd o dan y Ddeddf hon yn ystod y cyfnod hwnnw a sut y bu iddo gael ei weithredu;
 - (f) gwneud argymhellion i awdurdodau bwyd i'w cynorthwyo i gydymffurfio â'u cyfrifoldebau o dan y cynllun;
 - (g) hybu'r cynllun i sefydliadau busnes bwyd a defnyddwyr yng Nghymru;
 - (h) darparu sticeri sgôr hylendid bwyd ar y ffurf ragnodedig i awdurdodau bwyd yn ddi-dâl.
- (2) Heb fod yn hwyrach na 3 mis ar ôl diwedd y cyfnod y mae adolygiad o dan is-adran (1) (d) yn ymwneud ag ef, rhaid i'r ASB lunio adroddiad sy'n cynnwys—
- (a) manylion am yr adolygiad a ymgymerwyd ag ef;
 - (b) yr argymhellion dros newid, os oes rhai, i'r system apelau y gwêl eu bod yn briodol a'i resymau dros ddod at y casgliad hwnnw.

- (3) Heb fod yn hwyrach na 3 mis ar ôl diwedd y cyfnod y mae adolygiad o dan is-adran (1) (e) yn ymwneud ag ef, rhaid i'r ASB lunio adroddiad sy'n cynnwys—
- (a) manylion am yr adolygiad yr ymgwymerwyd ag ef;
 - (b) yr argymhellion dros newid, os oes rhai, i'r cynllun sgorio hylendid bwyd y gwêl eu bod yn briodol a'i resymau dros ddod at y casgliad hwnnw.
- (4) Rhaid i'r ASB anfon copi o bob adroddiad a lunnir o dan yr adran hon at Weinidogion Cymru.'.

Lesley Griffiths

18

Section 22, page 9, line 25, leave out 'to food authorities in relation to the exercise of their functions under this Act.' and insert—

'—

- (a) to the FSA;
- (b) to a food authority,

in relation to the exercise of their functions under this Act.'.

Adran 22, tudalen 9, llinell 24, hepgorer 'i awdurdodau bwyd mewn perthynas ag arfer eu swyddogaethau o dan y Ddeddf hon.' a mewnosoder—

'—

- (a) i'r ASB;
- (b) i awdurdod bwyd,

mewn perthynas ag arfer eu swyddogaethau o dan y Ddeddf hon.'.

Lesley Griffiths

19

To insert a new section—

'23 Amending periods for complying with duties

The Welsh Ministers may, by regulations, amend any provision of this Act which specifies a period within which something must be done by substituting a different period.'

Mewnosod adran newydd—

'23 Diwygio cyfnodau i gydymffurfio â dyletswyddau

Caiff Gweinidogion Cymru, drwy reoliadau, ddiwygio unrhyw ddarpariaeth yn y Ddeddf hon sy'n pennu cyfnod pryd y mae'n rhaid gwneud rhywbeth drwy roi cyfnod arall yn ei le.'

Lesley Griffiths

20

Section 24, page 10, line 16, leave out 'and 3(5)'.

Adran 24, tudalen 10, llinell 20, hepgorer 'a 3(5)'.

Lesley Griffiths

21

Section 24, page 10, line 16, after '3(2)', insert ', 3(5), 5(8), 6(2), 23 and paragraph 3 of the Schedule'.
Adran 24, tudalen 10, llinell 20, ar ôl '3(2)', mewnosoder ', 3(5), 5(8), 6(2), 23 a pharagraff 3 o'r Atodlen'.

Lesley Griffiths

22

Page 10, line 22, leave out section 25 and insert –

- '(1) This section comes into force at the end of the period of 2 months beginning with the day on which this Act receives Royal Assent.
- (2) The remaining provisions of this Act come into force on a day appointed by order made by the Welsh Ministers.
- (3) An order made under this section –
 - (a) may appoint different days for different purposes (including different days for different categories of food business establishment);
 - (b) may include such transitional, transitory or savings provision as the Welsh Ministers consider necessary or expedient.'

Tudalen 10, llinell 26, hepgorer adran 25 a mewnosoder –

- '(1) Mae'r adran hon yn dod i rym ar ddiwedd y cyfnod o 2 fis sy'n dechrau â'r diwrnod y caiff y Ddeddf hon y Cydsyniad Brenhinol.
- (2) Daw gweddill darpariaethau'r Ddeddf hon i rym ar ddiwrnod a bennir drwy orchymyn i'w wneud gan Weinidogion Cymru.
- (3) Caiff gorchymyn a wneir o dan yr adran hon –
 - (a) bennu diwrnodau gwahanol at ddibenion gwahanol (gan gynnwys diwrnodau gwahanol ar gyfer categorïau gwahanol o sefydliad busnes bwyd);
 - (b) gynnwys unrhyw ddarpariaeth drosiannol, darpariaeth darfodol, neu ddarpariaeth arbed y gwêl Gweinidogion Cymru eu bod yn angenrheidiol neu hwylus.'