

Julie James AS/MS
Y Gweinidog Newid Hinsawdd
Minister for Climate Change



Llywodraeth Cymru
Welsh Government

Ein cyf/Our ref MA/JJ/3015/23

All Members of the Senedd
Senedd Cymru
Cardiff Bay
Cardiff
CF99 1SN

3 January 2024

Dear Member of the Senedd,

Infrastructure (Wales) Bill - Government Amendments

I am enclosing detail of the Government amendments tabled to the Infrastructure (Wales) Bill, together with an explanation of their purpose and effect.

Yours sincerely

A handwritten signature in blue ink that reads "Julie James". The signature is written in a cursive, flowing style.

Julie James AS/MS
Y Gweinidog Newid Hinsawdd
Minister for Climate Change

Canolfan Cyswllt Cyntaf / First Point of Contact Centre:
0300 0604400

Bae Caerdydd • Cardiff Bay
Caerdydd • Cardiff
CF99 1SN

Gohebiaeth.Julie.James@llyw.cymru
Correspondence.Julie.James@gov.Wales

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We welcome receiving correspondence in Welsh. Any correspondence received in Welsh will be answered in Welsh and corresponding in Welsh will not lead to a delay in responding.

INFRASTRUCTURE (WALES) BILL – STAGE 2 GOVERNMENT AMENDMENTS

This table provides information about the amendments tabled in the name of Julie James MS on 2 January 2024. Further amendments for consideration at Stage 2 will be tabled by the Minister for Climate Change in due course.

No.	GOVERNMENT AMENDMENT	GWELLIANT Y LLYWODRAETH	PURPOSE AND EFFECT
1.	Section 26, page 18, line 2, after 'persons', insert 'or persons of a description'.	Adran 26, tudalen 18, llinell 2, ar ôl 'personau', mewnosoder 'neu'r personau o ddisgrifiad'.	<p>The purpose of this amendment is to replace persons (specific person), with persons, or category of persons (specific, or multiple persons of the same description).</p> <p>The effect of this amendment ensures there is clarity the regulations may specify categories of persons as well as specific persons who must be notified by a person proposing to make an application for infrastructure consent and drafting is consistent throughout the bill.</p>
2.	Section 27, page 18, line 8, after 'authority', insert ', Natural Resources Wales'.	Adran 27, tudalen 18, llinell 8, ar ôl 'cynllunio', mewnosoder ', Cyfoeth Naturiol Cymru'.	<p>The purpose of this amendment is to include Natural Resources Wales as a body who will be required to provide pre-application services, specifically for those proposed applications for infrastructure consent which will include a deemed marine licence.</p> <p>The effect of this amendment means prospective applicants for infrastructure consent which will include a deemed marine licence can request pre-application services from the most appropriate authority, who have substantial knowledge and expertise of the marine environment.</p>

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3.	Section 27, page 18, line 15, after 'authority', insert ' , Natural Resources Wales,'.	Adran 27, tudalen 18, llinell 16, ar ôl 'cynllunio', mewnosoder ' , Cyfoeth Naturiol Cymru'.	<p>The purpose of this amendment is to ensure that the range of pre-application services Natural Resources Wales will provide can be included within a published statement.</p> <p>The effect of this amendment will ensure prospective applicants are aware of what pre-application services will be available from Natural Resources Wales.</p>
4.	Section 29, page 20, line 23, after 'area,', insert ' Natural Resources Wales and'.	Adran 29, tudalen 20, llinell 25, hepgorer 'pob' a mewnosoder 'Cyfoeth Naturiol Cymru a phob'.	<p>The purpose of this amendment is to include Natural Resources Wales in the list of those to be notified of a proposed application for infrastructure consent, where a proposed development is in the Welsh marine area.</p> <p>The effect of this amendment will ensure Natural Resources Wales are notified of a proposed application for infrastructure consent at the earliest opportunity, where a proposed development is in the Welsh marine area.</p>
5.	Section 29, page 20, line 25, leave out 'other persons' and insert 'any other person or person of a description'.	Adran 29, tudalen 20, llinell 27, hepgorer 'personau eraill' a mewnosoder 'unrhyw berson arall neu berson arall o ddisgrifiad'.	<p>The purpose of this amendment is to replace persons (specific person), with persons, or category of persons (specific, or multiple persons of the same description).</p> <p>The effect of this amendment ensures there is clarity the regulations may specify categories of</p>

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			<p>persons as well as specific persons who must be notified by a person proposing to make an application for infrastructure consent and drafting is consistent throughout the bill.</p>
6.	<p>Section 30, page 21, line 12, after 'persons', insert 'or persons of a description'.</p>	<p>Adran 30, tudalen 21, llinell 14, ar ôl 'personau', mewnosoder 'neu'r personau o ddisgrifiad'.</p>	<p>The purpose of this amendment is to add persons of a description.</p> <p>The effect of this amendment ensures there is clarity the regulations may specify categories of persons as well as specific persons.</p>
7.	<p>Section 33, page 22, line 31, leave out 'and section 34 apply' and insert 'applies'.</p>	<p>Adran 33, tudalen 22, llinell 33, hepgorer 'ac adran 34'.</p>	<p>The purpose of this amendment is to remove reference to section 34 where Welsh Ministers accept an application as valid.</p> <p>The effect of the amendment provides clarity on which section applies where the Welsh Ministers accept an application for infrastructure consent as a valid application as the reference to section 34 is unnecessary.</p>
8.	<p>Section 33, page 23, line 5, leave out 'persons or descriptions of person' and insert 'person or person of a description'.</p>	<p>Adran 33, tudalen 23, llinell 6, hepgorer 'bersonau neu ddisgrifiadau o bersonau' a mewnosoder 'berson neu berson o ddisgrifiad'.</p>	<p>The purpose of this amendment is to replace the wording on who the Welsh Ministers must give notice of a valid application for infrastructure consent.</p> <p>The effect of this amendment ensures the drafting is consistent throughout the bill.</p>

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9.	Section 33, page 23, line 23, leave out 'description of person' and insert 'person of a description specified in the direction'.	Adran 33, tudalen 23, llinell 26, hepgorer 'ddisgrifiad o berson' a mewnosoder 'berson o ddisgrifiad a bennir yn y cyfarwyddyd'.	<p>The purpose of the amendment is to replace the wording who the Welsh Ministers may direct the applicant to give notice to of an application for infrastructure consent.</p> <p>The effect of this amendment ensures the drafting is consistent throughout the bill.</p>
10.	Section 34, page 24, line 1, leave out 'persons' and insert 'a person or person of a description'.	Adran 34, tudalen 24, llinell 1, hepgorer 'bersonau' a mewnosoder 'berson neu berson o ddisgrifiad'.	<p>The purpose of the amendment is to replace persons (specific person), with persons, or category of persons (specific, or multiple persons of the same description).</p> <p>The effect of this amendment ensures there is clarity the regulations may specify categories of persons as well as specific persons on who the requirements to respond to a notice under section 33(2) are imposed upon and drafting is consistent throughout the bill.</p>
11.	Section 36, page 25, leave out line 9.	Adran 36, tudalen 25, hepgorer llinell 10.	<p>The purpose of the amendment is to remove 'features of archaeological or historic interest in such areas' from the definition of the marine environment.</p> <p>The effect of this amendment removes the requirement for a marine impact report to include information on features of archaeological or historic interest in such areas. This ensures that</p>

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			Natural Resources Wales are not required to refer to features of archaeological or historic interest as this is the responsibility of other bodies who will be consulted as part of the application process.
12.	Section 38, page 25, line 25, leave out 'require an applicant for infrastructure consent to carry out consultation' and insert 'make provision for and in connection with consultation by an applicant for infrastructure consent'.	Adran 38, tudalen 25, llinell 27, hepgorer 'ei gwneud yn ofynnol i geisydd am gydsyniad seilwaith gynnal ymgynghoriad ar gais am gydsyniad seilwaith sy'n cynnwys archiad i awdurdodi caffael yn orfodol dir neu fuddiant mewn tir neu hawl dros dir' a mewnosoder 'wneud darpariaeth i geisydd am gydsyniad seilwaith ymgynghori ar gais am gydsyniad seilwaith sy'n cynnwys archiad i awdurdodi caffael yn orfodol dir neu fuddiant mewn tir neu hawl dros dir, ac mewn cysylltiad â hynny'.	<p>The purpose of amendment 12-17 is to provide clarity on the regulation making powers in respect of consultation post-application for an infrastructure consent.</p> <p>The effect of this amendment, in conjunction with the others in this section, ensures there is clarity on there being one regulation making power in respect of consultation post-application for an infrastructure consent, as confirmed by the revised section 38(1). The detail of what that regulation making power can include is prescribed under the revised section 38(2).</p>
13.	Section 38, page 25, line 28, leave out subsection (2).	Adran 38, tudalen 25, llinell 30, hepgorer is-adran (2).	Please see amendment 12.
14.	Section 38, page 25, line 32, leave out '(2)' and insert '(1)'.	Adran 38, tudalen 25, llinell 34, hepgorer '(2)' a mewnosoder '(1)'.	Please see amendment 12.
15.	Section 38, page 25, line 32, leave out 'about— (a) the persons required to be consulted;' and insert '— (a) requiring specified persons to be	Adran 38, tudalen 25, llinell 35, hepgorer 'ynghylch— (a) y personau y mae'n ofynnol ymgynghori â hwy;' a mewnosoder '—	Please see amendment 12.

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	<p>consulted;</p> <p>(b) about the circumstances in which consultation is required;’.</p>	<p>(a) sy'n ei gwneud yn ofynnol ymgynghori â phersonau penodedig;</p> <p>(b) ynghylch yr amgylchiadau pan fo ymgynghoriad yn ofynnol;’.</p>	
16.	Section 38, page 25, at the beginning of line 34, insert ‘about’.	Adran 38, tudalen 25, ar ddechrau llinell 37, mewnosoder ‘ynghylch’.	Please see amendment 12.
17.	Section 38, page 26, at the beginning of line 1, insert ‘about’.	Adran 38, tudalen 26, ar ddechrau llinell 1, mewnosoder ‘ynghylch’.	Please see amendment 12.
18.	Section 41, page 27, line 11, leave out ‘persons’ and insert ‘any person or person of a description’.	Adran 41, tudalen 27, llinell 10, hepgorer ‘personau’ a mewnosoder ‘unrhyw berson neu berson o ddisgrifiad’.	<p>The purpose of the amendment is to replace persons (specific person), with persons, or category of persons (specific, or multiple persons of the same description in respect of the notification requirements for examination.</p> <p>The effect of this amendment ensures there is clarity regarding who will be notified of the procedure for examination and drafting is consistent throughout the bill.</p>
19.	<p>Section 57, page 34, line 18, leave out ‘the applicant of their decision to either make an infrastructure consent order or refuse infrastructure consent.’ and insert ‘the following of their decision to either make an infrastructure consent order or refuse infrastructure consent—</p> <p>(a) the applicant;</p>	Adran 57, tudalen 34, llinell 20, hepgorer ‘ceisydd am eu penderfyniad i naill ai gwneud gorchymyn cydsyniad seilwaith neu wrthod cydsyniad seilwaith.’ a mewnosoder ‘canlynol am eu penderfyniad i naill ai gwneud gorchymyn cydsyniad seilwaith neu wrthod cydsyniad seilwaith—	<p>The purpose of amendment 19-20 is to replace the applicant as the person notified of a decision with a list of specified bodies and other persons listed in regulations.</p> <p>The effect ensures the applicant and in prescribed circumstances the planning authority, community</p>

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	<p>(b) any planning authority or community council that has submitted a local impact report to the Welsh Ministers in respect of the application;</p> <p>(c) Natural Resources Wales if it has submitted a marine impact report to the Welsh Ministers in respect of the application;</p> <p>(d) any other person or persons of a description specified in regulations.’.</p>	<p>(a) y ceisydd;</p> <p>(b) unrhyw awdurdod cynllunio neu gyngor cymuned sydd wedi cyflwyno adroddiad ar yr effaith leol i Weinidogion Cymru mewn cysylltiad â'r cais;</p> <p>(c) Cyfoeth Naturiol Cymru os yw wedi cyflwyno adroddiad effaith ar y môr i Weinidogion Cymru mewn cysylltiad â'r cais;</p> <p>(d) unrhyw berson arall neu berson arall o ddisgrifiad a bennir mewn rheoliadau.’.</p>	<p>council and Natural Resources Wales are notified about a grant or refusal for infrastructure consent by the Welsh Ministers or the examining authority. It also ensures that regulations can specify any other persons who are to be notified.</p>
20.	<p>Section 57, page 34, line 25, leave out ‘the applicant of its decision either that an infrastructure consent order is to be made or to refuse infrastructure consent.’ and insert ‘the following of its decision either that an infrastructure consent order is to be made or to refuse infrastructure consent—</p> <p>(a) the applicant;</p> <p>(b) any planning authority or community council that has submitted a local impact report to the Welsh Ministers in respect of the application;</p> <p>(c) Natural Resources Wales if it has submitted a marine impact report to the Welsh Ministers in respect of the application;</p> <p>(d) any other person or persons of a description specified in regulations.’.</p>	<p>Adran 57, tudalen 34, llinell 27, hepgorer ‘ceisydd am ei benderfyniad naill ai bod gorchymyn cydsyniad seilwaith i’w wneud neu i wrthod cydsyniad seilwaith.’ a mewnosoder ‘canlynol am ei benderfyniad naill ai bod gorchymyn cydsyniad seilwaith i’w wneud neu i wrthod cydsyniad seilwaith—</p> <p>(a) y ceisydd;</p> <p>(b) unrhyw awdurdod cynllunio neu gyngor cymuned sydd wedi cyflwyno adroddiad ar yr effaith leol i Weinidogion Cymru mewn cysylltiad â'r cais;</p> <p>(c) Cyfoeth Naturiol Cymru os yw wedi cyflwyno adroddiad effaith ar y môr i Weinidogion Cymru mewn cysylltiad â'r cais;</p> <p>(d) unrhyw berson arall neu berson arall o ddisgrifiad a bennir mewn rheoliadau.’.</p>	<p>Please see amendment 19.</p>

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21.	Section 57, page 34, line 28, leave out 'that' and insert 'to which'.	Nid oes angen diwygio'r fersiwn Cymraeg. There is no need to amend the Welsh version.	<p>The purpose of the amendment is to replace 'that' and insert 'to which' to clarify the language on the making of an infrastructure consent order.</p> <p>The effect of the amendment is clarity of law on the making of an infrastructure consent order.</p>
22.	<p>Section 59, page 35, line 23, leave out 'persons' and insert '—</p> <ul style="list-style-type: none"> (a) the applicant; (b) any planning authority or community council that has submitted a local impact report to the Welsh Ministers in respect of the application; (c) Natural Resources Wales if it has submitted a marine impact report to the Welsh Ministers in respect of the application; (d) any person or person of a description'. 	<p>Adran 59, tudalen 35, llinell 23, hepgorer 'bersonau' a mewnosoder '—</p> <ul style="list-style-type: none"> (a) y ceisydd; (b) unrhyw awdurdod cynllunio neu gyngor cymuned sydd wedi cyflwyno adroddiad ar yr effaith leol i Weinidogion Cymru mewn cysylltiad â'r cais; (c) Cyfoeth Naturiol Cymru os yw wedi cyflwyno adroddiad effaith ar y môr i Weinidogion Cymru mewn cysylltiad â'r cais; (d) unrhyw berson neu berson o ddisgrifiad'. 	<p>The purpose of the amendment is to 1) provide a list of specified bodies in the Bill on who are provided with a statement of reasons about a grant or refusal for infrastructure consent. 2) The purpose of the amendment is to replace persons (specific person), with persons, or category of persons (specific, or multiple persons of the same description) to provide clarity on the regulation making powers.</p> <p>The effect of the amendment ensures the applicant and in prescribed circumstances the planning authority and Natural Resources Wales are provided with a statement of reasons about a grant or refusal for infrastructure consent by the Welsh Ministers or examining authority. The effect of this amendment also ensures there is clarity regarding persons specified in regulations.</p>
23.	Section 88, page 52, at the beginning of line 21, insert 'be'.	Nid oes angen diwygio'r fersiwn Cymraeg. There is no need to amend the Welsh version.	The purpose of this amendment is to insert the word 'be' to improve the structure of the sentence under section 88(1)(c).

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			<p>The effect is to achieve consistency in drafting throughout the Bill.</p>
24.	<p>Section 88, page 53, line 6, leave out 'such persons as may be' and insert 'any person or person of a description'.</p>	<p>Adran 88, tudalen 53, llinell 6, hepgorer 'unrhyw bersonau' a mewnosoder 'unrhyw berson neu berson o ddisgrifiad'.</p>	<p>The purpose of this amendment is to replace the wording on the regulation making powers in respect of who the Welsh Ministers may confer a function under section 88.</p> <p>The effect of this amendment ensures there is clarity regarding who may have a function conferred on them under section 88 and achieve consistency in drafting throughout the Bill.</p>
25.	<p>Section 96, page 57, line 15, leave out '24A' and insert '24ZA'.</p>	<p>Adran 96, tudalen 57, llinell 15, hepgorer '24A' a mewnosoder '24ZA'.</p>	<p>The purpose of the amendment is to replace the reference to the Town and Country Planning Act 1990 in terms of Blighted Land.</p> <p>The effect of this amendment ensures the reference to the Town and Country Planning Act 1990 in terms of Blighted Land is correct.</p>
26.	<p>Section 96, page 57, line 16, leave out '24A(c)' and insert '24ZA(c)'.</p>	<p>Adran 96, tudalen 57, llinell 16, hepgorer '24A(c)' a mewnosoder '24ZA(c)'.</p>	<p>The purpose of the amendment is to make the correct reference to the Town and Country Planning Act 1990 in terms of Blighted Land.</p> <p>The effect of this amendment ensures the reference to the Town and Country Planning Act 1990 in terms of Blighted Land.</p>

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27.	Section 96, page 57, line 23, leave out '165A' and insert '165B'.	Adran 96, tudalen 57, llinell 24, hepgorer '165A' a mewnosoder '165B'.	<p>The purpose of the amendment is to replace the reference to the Town and Country Planning Act 1990 in terms of Blighted Land.</p> <p>The effect of this amendment ensures the reference to the Town and Country Planning Act 1990 in terms of Blighted Land is correct.</p>
28.	Section 96, page 58, line 12, leave out '24A(a)' and insert '24ZA(a)'.	Adran 96, tudalen 58, llinell 12, hepgorer '24A(a)' a mewnosoder '24ZA(a)'.	<p>The purpose of the amendment is to replace the reference to the Town and Country Planning Act 1990 in terms of Blighted Land.</p> <p>The effect of this amendment ensures the reference to the Town and Country Planning Act 1990 in terms of Blighted Land is correct.</p>
29.	Section 96, page 58, line 15, leave out '24A(c)' and insert '24ZA(c)'.	Adran 96, tudalen 58, llinell 15, hepgorer '24A(c)' a mewnosoder '24ZA(c)'.	<p>The purpose of the amendment is to replace the correct reference to the Town and Country Planning Act 1990 in terms of Blighted Land.</p> <p>The effect of this amendment ensures the reference to the Town and Country Planning Act 1990 in terms of Blighted Land is correct.</p>
30.	Nid oes angen diwygio'r fersiwn Saesneg. There is no need to amend the English version.	Adran 125, tudalen 73, llinell 21, hepgorer 'ac' a mewnosoder 'neu'.	This is a technical amendment to correct an error.

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31.	<p>Section 125, page 73, after line 26, insert—</p> <p>() Regulations may make provision for or in connection with requiring Natural Resources Wales to maintain a register of—</p> <p>(a) applications received by Natural Resources Wales for pre-application services;</p> <p>(b) pre-application services provided by Natural Resources Wales.’</p>	<p>Adran 125, tudalen 73, ar ôl llinell 27, mewnosoder—</p> <p>() Caiff rheoliadau wneud darpariaeth ar gyfer ei gwneud yn ofynnol, neu mewn cysylltiad â'i gwneud yn ofynnol, i Gyfoeth Naturiol Cymru gynnal cofrestr o—</p> <p>(a) ceisiadau am wasanaethau cyn gwneud cais y mae Cyfoeth Naturiol Cymru wedi eu cael;</p> <p>(b) gwasanaethau cyn gwneud cais a ddarparwyd gan Gyfoeth Naturiol Cymru.’</p>	<p>The purpose of this amendment is to add to Section 125 provision for Natural Resources to maintain a register.</p> <p>The effect of this amendment will require Natural Resources Wales to maintain a register of requests they receive for pre-application services and what services were provided for each request.</p>
32.	<p>Section 140, page 83, after line 36, insert—</p> <p>“special Senedd procedure” (“<i>gweithdrefn arbennig y Senedd</i>”) means the procedure specified in the standing orders of Senedd Cymru for subordinate legislation that is subject to special Senedd procedure;’.</p>	<p>Adran 140, tudalen 83, ar ôl llinell 15, mewnosoder—</p> <p>‘ystyr “<i>gweithdrefn arbennig y Senedd</i>” (“<i>special Senedd procedure</i>”) yw'r weithdrefn a bennir yn rheolau sefydlog Senedd Cymru ar gyfer is-ddeddfwriaeth sy'n ddarostyngedig i weithdrefn arbennig y Senedd;’.</p>	<p>The purpose of this amendment is to provide a definition of ‘special Senedd procedure’.</p> <p>The effect of this amendment ensures there is clarity and consistency with regard to the interpretation and definition of terms in the Bill.</p>
33.	<p>Schedule 2, page 89, line 30, leave out ‘10’ and insert ‘9’.</p>	<p>Atodlen 2, tudalen 89, llinell 31, hepgorer ‘10’ a mewnosoder ‘9’.</p>	<p>The purpose of this amendment is to replace reference in the bill regarding which paragraphs apply where compensation becomes payable by the Welsh Ministers under paragraph 1 of</p>

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			<p>Schedule 2.</p> <p>The effect of this amendment ensures all disputes about compensation that could arise under Schedule 2 are to be referred to the Upper Tribunal.</p>
34.	Schedule 2, page 90, line 21, leave out 'it' and insert 'the apportionment'.	Atodlen 2, tudalen 90, llinell 21, hepgorer 'ei atgyfeirio' a mewnosoder 'atgyfeirio'r dosraniad'.	<p>The purpose of this amendment is to replace the word 'it' with 'the apportionment' in the Bill in relation to the dispute of an apportionment of compensation.</p> <p>The effect of this amendment ensures that it is clear Paragraph 3(3) of Schedule 2 relates to the dispute of an apportionment of compensation.</p>
35.	Schedule 2, page 91, line 3, leave out 'an amount specified in regulations for the purposes of' and insert 'more than the minimum amount specified in regulations under'.	Atodlen 2, tudalen 91, llinell 2, hepgorer 'swm a bennir mewn rheoliadau at ddibenion paragraff' a mewnosoder 'fwy na'r isafswm a bennir mewn rheoliadau o dan baragraff'.	<p>The purpose of this amendment is to replace the wording in relation to where compensation becomes payable which includes compensation for depreciation.</p> <p>The effect of this amendment ensures clarity in that the compensation for depreciation should be more than the minimum amount specified in regulations under for Paragraph 4 to apply.</p>
36.	Schedule 2, page 95, line 8, leave out 'must' and insert 'under this Schedule is to'.	Atodlen 2, tudalen 95, llinell 8, hepgorer 'Rhaid i unrhyw gwestiwn ynghylch digollediad y ceir anghydfod yn ei gylch' a mewnosoder 'Mae unrhyw	The purpose of this amendment is to replace the wording in the Bill in relation to payment of compensation in respect of more than one

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		gwestiwn ynghylch digollediad y ceir anghydfod yn ei gylch i'.	<p>mortgagee.</p> <p>The effect of this amendment ensures clarity in the process involved with the payment of claims for compensation where there is more than one mortgagee.</p>