



## RHESTR O WELLIANNAU WEDI'U DIDOLI MARSHALLED LIST OF AMENDMENTS

### Bil Rheoli Ceffylau (Cymru) Control of Horses (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.

Mae'r testun mewn italig wedi'i ddarparu gan y sawl a gynigiodd y gwelliant perthnasol i esbonio ei ddiben ac i gynorthwyo'r darllenydd. Nid yw'r testun yn rhan o eiriad y gwelliant.

The text in italics has been provided by the proposer of the relevant amendment to explain its purpose and to aid the reader's understanding. The text does not form part of the amendment.

Caiff y Bil ei ystyried yn y drefn a ganlyn—

The Bill will be considered in the following order—

Sections 1-10

Adrannau 1-10

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#### **Alun Davies**

**11**

Section 3, page 2, leave out lines 3 to 5 and insert—

'(a) a constable, and

(b) if any person appears to the local authority to be the owner of the horse or to be acting on behalf of the owner in relation to the horse, that person.'

Adran 3, tudalen 2, hepgorer llinellau 3 hyd at 5 a mewnosoder—

'(a) cwnstabl, a

(b) os ymddengys i'r awdurdod lleol fod person yn berchennog y ceffyl neu'n gweithredu ar ran y perchennog mewn perthynas â'r ceffyl, y person hwnnw.'

**Antoinette Sandbach**

1

Section 3, page 2, line 4, leave out 'and' and insert 'or'.

Adran 3, tudalen 2, llinell 4, hepgorer 'a' a mewnosoder 'neu'.

**Alun Davies**

12

Section 3, page 2, line 8, leave out '(3)(a)' and insert '(3)(b)'.

Adran 3, tudalen 2, llinell 8, hepgorer '(3)(a)' a mewnosoder '(3)(b)'.

**Alun Davies**

13

Section 3, page 2, line 14, leave out '(3)(a)' and insert '(3)(b)'.

Adran 3, tudalen 2, llinell 14, hepgorer '(3)(a)' a mewnosoder '(3)(b)'.

**Alun Davies**

14

Section 3, page 2, line 17, leave out 'the date on which' and insert 'when'.

Adran 3, tudalen 2, llinell 17, hepgorer 'y dyddiad' a mewnosoder 'pryd'.

**Alun Davies**

15

Section 3, page 2, line 20, leave out '(3)(b)' and insert '(3)(a)'.

Adran 3, tudalen 2, llinell 19, hepgorer '(3)(b)' a mewnosoder '(3)(a)'.

**Alun Davies**

16

Section 3, page 2, line 21, leave out '(3)(a)' and insert '(3)(b)'.

Adran 3, tudalen 2, llinell 20, hepgorer '(3)(a)' a mewnosoder '(3)(b)'.

**Alun Davies**

17

Section 4, page 2, after line 27, insert—

- ‘(3) The local authority must give to the owner a notice stating the amount that it considers the owner is liable to pay under subsection (1) and containing an explanation of—
- (a) how that amount was arrived at, and
  - (b) the right to refer a dispute for resolution by the Welsh Ministers and how to exercise it.’.

Adran 4, tudalen 2, ar ôl llinell 26, mewnosoder—

- ‘(3) Rhaid i’r awdurdod lleol roi hysbysiad i’r perchennog sy’n datgan y swm y mae’r awdurdod lleol o’r farn bod y perchennog yn atebol i’w dalu o dan is-adran (1) ac yn cynnwys esboniad o—
- (a) sut y pennwyd y swm hwnnw, a
  - (b) yr hawl i gyfeirio anghydfod i’w ddatrys gan Weinidogion Cymru a sut i arfer yr hawl honno.’.

**William Powell**

25

Section 4, page 2, after line 27, insert—

- ‘(3) The local authority must give to the owner a notice stating the amount that it considers the owner is liable to pay under subsection (1) and containing an explanation of how that amount was arrived at.’.

Adran 4, tudalen 2, ar ôl llinell 26, mewnosoder—

- ‘(3) Rhaid i’r awdurdod lleol roi hysbysiad i’r perchennog sy’n datgan y swm y mae’r awdurdod lleol o’r farn bod y perchennog yn atebol i’w dalu o dan is-adran (1) ac yn cynnwys esboniad o sut y pennwyd y swm hwnnw.’.

**Alun Davies**

**18**

Section 5, page 2, line 29, leave out subsection (1) and insert –

- ‘(1) Subject to section [*Resolution of disputes about amounts payable*], this section applies if –
- (a) neither the owner of the horse nor a person acting on behalf of the owner of the horse has contacted the local authority before the end of the period of 7 days beginning with the relevant day, or
  - (b) the owner of the horse or a person acting on behalf of the owner of the horse has contacted the local authority before the end of that period but, having been given notice under subsection (3) of section 4, has failed to comply with subsection (1) of that section before the end of the period of 7 days beginning with the day on which the notice was received.’.

Adran 5, tudalen 2, llinell 28, hepgorer is-adran (1) a mewnosoder –

- ‘(1) Yn ddarostyngedig i adran [*Datrys anghydfodau am symiau taladwy*], mae’r adran hon yn gymwys –
- (a) os nad yw perchennog y ceffyl na pherson sy’n gweithredu ar ran perchennog y ceffyl wedi cysylltu â’r awdurdod lleol cyn pen y cyfnod o 7 niwrnod gan ddechrau gyda’r diwrnod perthnasol, neu
  - (b) os yw perchennog y ceffyl neu berson sy’n gweithredu ar ran perchennog y ceffyl wedi cysylltu â’r awdurdod lleol cyn pen y cyfnod hwnnw, er iddo gael hysbysiad o dan is-adran (3) o adran 4, wedi methu â chydymffurfio ag is-adran (1) o’r adran honno cyn pen y cyfnod o 7 niwrnod gan ddechrau gyda’r diwrnod pan gafwyd yr hysbysiad.’.

**Alun Davies**

**19**

Section 5, page 2, line 38, leave out ‘gives notice under section 3(3)’ and insert ‘places the notice under section 3(1)’.

Adran 5, tudalen 2, llinell 37, hepgorer ‘rhoi hysbysiad o dan adran 3(3)’ a mewnosoder ‘gosod yr hysbysiad o dan adran 3(1)’.

**\*Llyr Huws Gruffydd**

**Gyda chefnogaeth/ Supported by: William Powell**

**7**

Section 5, page 2, line 38, after ‘3(3)’, insert ‘and, for the purposes of this section, if the local authority has been unable to identify a person to whom notice could be given under section 3(3) (a), notice to a constable alone under section 3(3)(b) is sufficient’.

Adran 5, tudalen 2, llinell 37, ar ôl ‘3(3)’, mewnosoder ‘ac, at ddibenion yr adran hon, os yw’r awdurdod lleol wedi methu ag adnabod person y gellid rhoi hysbysiad iddo o dan adran 3(3)(a), mae hysbysiad i gwnstabl yn unig o dan adran 3(3)(b) yn ddigonol’.

**Alun Davies**

**20**

Section 5, page 3, line 1, leave out ‘, after the end of that period,’.

Adran 5, tudalen 3, llinell 1, hepgorer ‘, ar ôl diwedd y cyfnod hwnnw,’.

**\*Antoinette Sandbach**

**Gyda chefnogaeth / Supported by: William Powell**

**2**

Section 5, page 3, after line 2, insert –

- ‘(4) The local authority may not dispose of the horse (other than by way of destruction) or return it to the owner unless the horse has been microchipped in accordance with Council Directives 90/426/EEC and 90/427/EEC.’.

Adran 5, tudalen 3, ar ôl llinell 2, mewnosoder –

- ‘(4) Ni chaiff awdurdod lleol waredu ceffyl (heblaw am trwy ei ddifa) na'i ddychwelyd i'r perchennog oni bai bod y ceffyl wedi'i ficrosglodynnu yn unol â Chyfarwyddebau'r Cyngor 90/426/EEC a 90/427/EEC.’.

**Alun Davies**

**21**

Section 5, page 3, line 8, leave out ‘must’ and insert ‘is liable to’.

Adran 5, tudalen 3, llinell 8, hepgorer ‘rhaid i’r awdurdod lleol’ a mewnosoder ‘mae’r awdurdod lleol yn atebol i’.

**Antoinette Sandbach**

**3**

Section 5, page 3, line 8, after ‘must’ insert –

- ‘(a) pay any costs reasonably incurred by the occupier of the land upon which the horse was seized.’.

*Data Protection law prevents local authorities from releasing the identity of the seized horse's owner to third parties. This amendment compels local authorities to pay costs reasonably incurred by the occupier of the land, when proceeds from the disposal of a horse exceed the costs incurred by the local authority itself.*

Adran 5, tudalen 3, llinell 8, ar ôl ‘lleol’ mewnosoder –

- ‘(a) talu unrhyw gostau a dynnwyd yn rhesymol gan feddiannydd y tir yr ymafaelwyd y ceffyl arno’.

*Mae cyfraith diogelu data yn atal awdurdodau lleol rhag datgelu enw perchennog y ceffyl yr ymafaelwyd ag ef i drydydd parti. Mae'r gwelliant hwn yn gorfodi awdurdodau lleol i dalu costau a dynnir yn rhesymol gan feddiannydd y tir, pan mae'r enillion o waredu ceffyl yn uwch na'r costau a dynnwyd gan yr awdurdod lleol ei hun.*

**Alun Davies**

**22**

Section 5, page 3, after line 12, insert –

- ‘(7) The local authority must give to the owner notice stating the amount that it considers the owner is liable to pay under subsection (4) or that it is liable to pay under subsection (5) and containing an explanation of –
- (a) how that amount was arrived at, and
  - (b) the right to refer a dispute for resolution by the Welsh Ministers and how to exercise it.’.

Adran 5, tudalen 3, ar ôl llinell 12, mewnosoder –

- ‘(7) Rhaid i’r awdurdod lleol roi hysbysiad i’r perchennog sy’n datgan y swm y mae’r awdurdod lleol o’r farn bod y perchennog yn atebol i’w dalu o dan is-adran (4) neu y mae’r awdurdod lleol yn atebol i’w dalu o dan is-adran (5) ac yn cynnwys esboniad o –
- (a) sut y pennwyd y swm hwnnw, a
  - (b) yr hawl i gyfeirio anghydfod i’w ddatrys gan Weinidogion Cymru a sut i arfer yr hawl honno.’.

**Alun Davies**

**23**

Page 3, line 24, leave out section 7 and insert –

**[ ] Resolution of disputes about amounts payable**

- (1) This section applies where a dispute arises between the owner of a horse and a local authority as to –
  - (a) the amount that the owner of the horse is liable to pay to the local authority under section 4(1) or 5(4), or
  - (b) the amount that the local authority is liable to pay to the owner of the horse under section 5(5).
- (2) The owner of the horse may, within the period of 7 days beginning with that on which the owner receives notice under section 4(3) or 5(7), refer the dispute for resolution by the Welsh Ministers by giving to the Welsh Ministers notice containing a statement of the reasons for disputing the amount.
- (3) Where the Welsh Ministers receive a notice under subsection (2) they must forward the notice to the local authority.
- (4) The local authority may make representations to the Welsh Ministers within the period of 7 days beginning with that on which it receives the notice forwarded under subsection (3).
- (5) The Welsh Ministers may require the local authority to provide any information which they consider may assist them in resolving the dispute.
- (6) The Welsh Ministers must resolve the dispute by determining the amount of the liability as soon as is reasonably practicable in all the circumstances.
- (7) Where the dispute relates to liability under section 4(1), the local authority may not dispose of the horse while the dispute is awaiting resolution by the Welsh Ministers.’.

Tudalen 3, llinell 24, hepgorer adran 7 a mewnosoder –

**[ ] Datrys anghydfodau am symiau taladwy**

- (1) Mae'r adran hon yn gymwys pan fo anghydfod yn codi rhwng perchennog ceffyl ac awdurdod lleol o ran –
  - (a) y swm y mae perchennog y ceffyl yn atebol i'w dalu i'r awdurdod lleol o dan adran 4(1) neu 5(4), neu
  - (b) y swm y mae'r awdurdod lleol yn atebol i'w dalu i berchennog y ceffyl o dan adran 5(5).
- (2) Caiff perchennog y ceffyl, o fewn cyfnod o 7 niwrnod gan ddechrau gyda'r diwrnod y mae'r perchennog yn cael hysbysiad o dan adran 4(3) neu 5(7), gyfeirio'r anghydfod i'w ddatrys gan Weinidogion Cymru drwy roi hysbysiad i Weinidogion Cymru sy'n cynnwys datganiad o'r rhesymau dros godi anghydfod am y swm.
- (3) Pan fo Gweinidogion Cymru yn cael hysbysiad o dan is-adran (2) rhaid iddynt anfon yr hysbysiad ymlaen i'r awdurdod lleol.
- (4) Caiff yr awdurdod lleol gyflwyno sylwadau i Weinidogion Cymru o fewn y cyfnod o 7 niwrnod gan ddechrau gyda'r diwrnod y caiff yr hysbysiad a anfonwyd ymlaen iddo o dan is-adran (3).
- (5) Caniateir i Weinidogion Cymru ei gwneud yn ofynnol i'r awdurdod lleol ddarparu unrhyw wybodaeth a all yn eu barn hwy eu cynorthwyo wrth iddynt ddatrys yr anghydfod.
- (6) Rhaid i Weinidogion Cymru ddatrys yr anghydfod drwy benderfynu ar swm yr atebolrwydd cyn gynted ag y bo'n ymarferol o dan yr holl amgylchiadau.
- (7) Pan fo'r anghydfod yn ymwneud ag atebolrwydd o dan adran 4(1), ni chaiff yr awdurdod waredu'r ceffyl tra bo'r anghydfod yn aros iddo gael ei ddatrys gan Weinidogion Cymru.'.

**\*Antoinette Sandbach**

**Gyda chefnogaeth / Supported by: William Powell**

4

Section 7, page 3, line 25, leave out 'may' and insert 'must'.

Adran 7, tudalen 3, llinell 25, hepgorer 'Caiff Gweinidogion' a mewnosoder 'Rhaid i Weinidogion'.

**\*Antoinette Sandbach**

**Gyda chefnogaeth / Supported by: William Powell**

5

Section 7, page 3, line 27, leave out 'may' and insert 'must'.

Adran 7, tudalen 3, llinell 27, hepgorer 'caniateir' a mewnosoder 'mae'n rhaid'.

**\*Llyr Huws Gruffydd**

**Gyda chefnogaeth / Supported by: William Powell**

8

Section 7, page 4, line 1, leave out subsection (3) and insert –

- ‘(3) A statutory instrument containing regulations made by the Welsh Ministers under this section may not be made unless a draft of the instrument has been laid before, and approved by resolution of, the National Assembly for Wales.’.

Adran 7, tudalen 4, llinell 1, hepgorer is-adran (3) a mewnosoder –

- ‘(3) Ni chaniateir i offeryn statudol sy’n cynnwys rheoliadau a wneir gan Weinidogion Cymru o dan yr adran hon gael ei wneud oni bai bod drafft o’r offeryn wedi ei osod gerbron Cynulliad Cenedlaethol Cymru, a’i gymeradwyo yn unol â phenderfyniad ganddo.’.

**Antoinette Sandbach**

6

To insert a new section –

**[ ] Guidance**

- (1) The Welsh Ministers must issue guidance to local authorities in relation to their functions under this Act within 3 months of the day on which this Act receives Royal Assent.
- (2) In the exercise of its functions under this Act, a local authority must have regard to guidance given by the Welsh Ministers.
- (3) The Welsh Ministers may –
  - (a) give guidance either generally or to specified descriptions of local authorities;
  - (b) revise the guidance by giving further guidance under this section;
  - (c) withdraw the guidance by giving further guidance under this section or by notice.
- (4) The Welsh Ministers must publish any guidance or notice under this section.’.

I fewnosod adran newydd –

**[ ] Canllawiau**

- (1) Rhaid i Weinidogion Cymru ddyroddi canllawiau i awdurdodau lleol mewn perthynas â’u swyddogaethau o dan y Ddeddf hon o fewn 3 mis i’r diwrnod y bydd y Ddeddf hon yn cael Cydsyniad Brenhinol.
- (2) Wrth arfer ei swyddogaethau o dan y Ddeddf hon, rhaid i awdurdod lleol roi sylw i ganllawiau a roddir gan Weinidogion Cymru.
- (3) Caiff Gweinidogion Cymru –
  - (a) rhoi canllawiau yn gyffredinol neu i ddisgrifiadau penodedig o awdurdodau lleol;
  - (b) diwygio’r canllawiau drwy roi canllawiau pellach o dan yr adran hon;
  - (c) tynnu’r canllawiau yn ôl drwy roi canllawiau pellach o dan yr adran hon neu drwy hysbysiad.
- (4) Rhaid i Weinidogion Cymru gyhoeddi unrhyw ganllawiau neu hysbysiad o dan yr adran hon.’.



**\*Llyr Huws Gruffydd**

**Gyda chefnogaeth / Supported by: William Powell**

9

To insert a new section –

**{** **Guidance**

- (1) In the exercise of its functions under this Act, a local authority must have regard to guidance given by the Welsh Ministers.
- (2) The Welsh Ministers may –
  - (a) give guidance either generally or to specified descriptions of local authorities;
  - (b) revise the guidance by giving further guidance under this section;
  - (c) withdraw the guidance by giving further guidance under this section or by notice.
- (3) The Welsh Ministers must publish any guidance or notice under this section.’.

I fewnosod adran newydd –

**{** **Canllawiau**

- (1) Wrth arfer ei swyddogaethau o dan y Ddeddf hon, rhaid i awdurdod lleol roi sylw i ganllawiau a roddir gan Weinidogion Cymru.
- (2) Caiff Gweinidogion Cymru –
  - (a) rhoi canllawiau yn gyffredinol neu i ddisgrifiadau penodedig o awdurdodau lleol;
  - (b) diwygio’r canllawiau drwy roi canllawiau pellach o dan yr adran hon;
  - (c) tynnu’r canllawiau yn ôl drwy roi canllawiau pellach o dan yr adran hon neu drwy hysbysiad.
- (3) Rhaid i Weinidogion Cymru gyhoeddi unrhyw ganllawiau neu hysbysiad o dan yr adran hon.’.

**\*Llyr Huws Gruffydd**

**Gyda chefnogaeth / Supported by: William Powell**

**10**

To insert a new section –

**[ ] Costs incurred by third parties**

The Welsh Ministers must, within twelve months of Royal Assent, lay before the Assembly a report on the recovery of the costs incurred by individuals and organisations, other than local authorities in the implementation of this Act, because of horses which –

- (a) are in public places without lawful authority, or
- (b) are on other land without the consent of the occupier of the land.’.

I fewnosod adran newydd –

**[ ] Costau a dynnir gan drydydd partïon**

Rhaid i Weinidogion Cymru, o fewn deddeung mis i’r Cydsyniad Brenhinol, osod gerbron y Cynulliad adroddiad ar adennill y costau a dynnwyd gan unigolion a sefydliadau, heblaw am awdurdodau lleol, wrth roi’r Ddeddf hon ar waith, oherwydd ceffylau sydd–

- (a) mewn mannau cyhoeddus heb awdurdod cyfreithlon, neu
- (b) ar dir arall heb ganiatâd meddiannydd y tir.’.

**Alun Davies**

**24**

Section 9, page 4, line 11, leave out ‘, mule or hinny’ and insert ‘or mule’.

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