



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

### Bil Adennill Costau Meddygol ar gyfer Clefydau Asbestos (Cymru) Recovery of Medical Costs for Asbestos Diseases (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 darlennydd. 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.

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

Sections 1 -21	Adrannau 1 - 21
Schedule 1	Atodlen 1

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**Mark Drakeford**

11

Section 2, page 1, line 19, after 'person', insert 'who is, or is alleged to be, liable to any extent in respect of the asbestos-related disease and'.

Adran 2, tudalen 1, llinell 22, ar ôl 'person', mewnosoder 'sydd, neu yr honnir ei fod, yn atebol i unrhyw raddau mewn cysylltiad â'r clefyd sy'n ymwneud ag asbestos ac'.

**Darren Millar**

4

Section 3, page 2, line 24, after 'services' at the second place where it appears, insert '(including, for the avoidance of doubt, palliative care)'.

*The purpose of the amendment is to clarify on the face of the Bill that the costs of palliative care can be recovered.*

Adran 3, tudalen 2, llinell 26, ar ôl 'eraill', mewnosoder '(gan gynnwys, er mwyn osgoi unrhyw amheuaeth, gofal lliniarol)'.

*Diben y gwelliant yw esbonio ar wyneb y Bil y gellir adennill costau gofal lliniarol.*

**Darren Millar**

5

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

- '() From the coming into force of this subsection, services provided by virtue of Part 4 of the 2006 Act (primary medical services) are not excluded services for the purposes of subsection 5, and subsection 6(a) is to be interpreted, from that time onwards, as having been amended accordingly.'

*The purpose of the amendment is to remove primary care services as excluded services. The effect of the amendment is that removal of primary care from the list of excluded services will take place at a time to be decided by the Welsh Ministers using the commencement powers in Section 20(2).*

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

- '() Ar ôl i'r is-adran hon ddod i rym, nid yw gwasanaethau a ddarperir yn rhinwedd Rhan 4 o Ddeddf 2006 (gwasanaethau meddygol sylfaenol) yn wasanaethau a eithrir at ddibenion is-adran 5, ac mae is-adran 6(a) i'w dehongli, o'r amser hwnnw ymlaen, fel petai wedi'i diwygio yn unol â hynny.'

*Diben y gwelliant yw cael gwared ar wasanaethau gofal sylfaenol fel gwasanaethau a eithrir. Effaith y gwelliant yw y bydd cael gwared ar ofal sylfaenol o'r rhestr o wasanaethau a eithrir yn digwydd ar adeg i'w phenderfynu arni gan Weinidogion Cymru yn defnyddio'r pwerau cychwyn yn adran 20(2).*

**Darren Millar**

6

Section 3, page 3, line 3, after ‘services’’, insert ‘but regulations under this subsection may not repeal or otherwise undo the effect of subsection ( )’.

*The purpose of the amendment is to ensure that once the Welsh Ministers have commenced the proposed new subsection 3( ) (amendment 5) the effect of the new subsection cannot be undone by the power contained in Section 3(7).*

Adran 3, tudalen 3, llinell 3, ar ôl ‘eithrir’’, mewnosoder ‘ond ni chaniateir i reoliadau a wneir o dan yr is-adran hon ddirymu neu ddad-wneud fel arall effaith is-adran ( )’.

*Diben y gwelliant yw sicrhau, ar ôl i Weinidogion Cymru gychwyn yr is-adran 3( ) newydd (gwelliant 5) a gynigir, na ellir dad-wneud yr is-adran newydd gan y pŵer a nodir yn Adran 3(7).*

**Darren Millar**

7

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

‘( ) Welsh Ministers may, in any event, arrange for an additional certificate to be issued following the death of the victim, to cover the cost of relevant Welsh NHS services up to the date of death.’.

*The purpose of the amendment is to allow Welsh Ministers to recover costs incurred between the date of a compensation payment being made and the date that a victim dies. The effect of this would be that a greater proportion of the costs incurred by the NHS could be recovered.*

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

‘( ) Caiff Gweinidogion Cymru, beth bynnag, drefnu i dystysgrif ychwanegol gael ei ddyroddi yn dilyn marwolaeth y dioddefwr, i dalu costau gwasanaethau perthnasol GIG Cymru hyd at y dyddiad marwolaeth.’.

*Diben y gwelliant yw galluogi Gweinidogion Cymru i adennill y costau sy’n deillio rhwng y dyddiad y caiff y taliad digolledu ei wneud a’r dyddiad y mae’r dioddefwr yn marw. Effaith hyn fyddai y gellid adennill cyfran uwch o’r costau y telir amdanynt gan y GIG.*

**Mark Drakeford**

1

Section 10, page 7, line 34, after ‘appeal’, insert ‘to the Welsh Ministers’.

Adran 10, tudalen 7, llinell 33, ar ôl ‘apêl’, mewnosoder ‘i Weinidogion Cymru’.

**Mark Drakeford**

2

Section 10, page 8, line 1, leave out ‘if an appeal against a certificate or waiver decision is made’ and insert ‘on the making to the Welsh Ministers of an appeal against a certificate or waiver decision’.

Adran 10, tudalen 8, llinell 1, hepgorer ‘os caiff apêl yn erbyn tystysgrif neu benderfyniad hawlildio ei gwneud’ a mewnosoder ‘wrth wneud apêl i Weinidogion Cymru yn erbyn tystysgrif neu benderfyniad hawlildio’.

**Mark Drakeford** **3**

Section 10, page 8, line 3, leave out 'an appeal against a certificate to be treated' and insert 'the Welsh Ministers to treat an appeal to them against a certificate'.

Adran 10, tudalen 8, llinell 3, hepgorer 'apêl yn erbyn tystysgrif i gael ei thrin' a mewnosoder 'Gweinidogion Cymru i drin apêl iddynt yn erbyn tystysgrif'.

**Mark Drakeford** **12**

Page 9, line 15, leave out section 13.

Tudalen 9, llinell 16, hepgorer adran 13.

**Mark Drakeford** **13**

Section 15, page 10, line 17, leave out 'If a compensation payment is made in a case where –

- (a) a person is liable to any extent in respect of an asbestos-related disease, and
- (b) the liability is covered to any extent by a policy of insurance,

the policy is also to be treated as covering any liability of that person'

and insert –

'Where the liability or alleged liability of the person by whom or on whose behalf a compensation payment is made is, or (if established) would be, covered to any extent by a policy of insurance, the policy is to be treated as covering the person's liability'.

Adran 15, tudalen 10, llinell 17, hepgorer 'Os gwneir taliad digolledu mewn achos –

- (a) lle y mae person yn atebol i unrhyw raddau mewn cysylltiad â chlefyd sy'n ymwneud ag asbestos, a
- (b) lle y mae'r atebolrwydd wedi ei gwmpasu i unrhyw raddau gan bolisi yswiriant, mae'r polisi i'w drin hefyd fel ei fod yn cwmpasu unrhyw atebolrwydd gan y person hwnnw'

a mewnosoder –

'Pan fo atebolrwydd neu atebolrwydd honedig y person y mae taliad digolledu'n cael eiwneud ganddo neu ar ei ran yn, (neu os y'i canfyddir) y byddai'n, cael ei gwmpasu i unrhyw raddau gan bolisi yswiriant, mae'r polisi i'w drin fel pe bai'n cwmpasu atebolrwydd y person'.

**Mark Drakeford** **14**

Section 16, page 11, line 2, after 'must', insert ', in the exercise of their functions under the National Health Service (Wales) Act 2006,'.

Adran 16, tudalen 11, llinell 2, ar ôl 'Cymru', mewnosoder ', drwy arfer eu swyddogaethau o dan Ddeddf y Gwasanaeth Iechyd Gwladol (Cymru) 2006,'.

**Mark Drakeford**

**15**

Section 16, page 11, line 3, leave out ‘the National Health Service (Wales) Act 2006’ and insert ‘that Act’.

Adran 16, tudalen 11, llinell 3, hepgorer ‘â Deddf y Gwasanaeth Iechyd Gwladol (Cymru) 2006’ a mewnosoder ‘â’r Ddeddf honno’.

**Darren Millar**

**8**

To insert a new section –

**[ ] Suspension of this Act**

Welsh Ministers may, by order, suspend the operation of this Act.’

*The new section should be inserted immediately before Section 17. The purpose and effect of this amendment is to provide the Welsh Ministers with a new discretionary power to suspend the operation of the Act.*

I fewnosod adran newydd –

**[ ] Atal dros dro y Ddeddf hon**

Caiff Gweinidogion Cymru, drwy orchymyn, atal dros dro weithrediad y Ddeddf hon.’

*Dylid mewnosod yr adran newydd yn syth cyn Adran 17. Diben ac effaith y gwelliant hwn yw rhoi pŵer disgrisiwn newydd i Weinidogion Cymru atal dros dro weithrediad y Ddeddf.*

**Darren Millar**

**9**

Section 18, page 11, line 23, leave out ‘regulations –’ and insert –  
‘ –

( ) orders under section [ ],’.

*The purpose of this amendment is to specify that the affirmative Assembly procedure is used to make any orders under the power proposed in amendment 8.*

Adran 18, tudalen 11, llinell 25, hepgorer ‘rheoliadau canlynol –’ a mewnosoder –  
‘canlynol –

( ) gorchmynion o dan adran [ ],’.

*Diben y gwelliant hwn yw nodi y defnyddir gweithdrefn gadarnhaol y Cynulliad i wneud unrhyw orchmynion o dan y pŵer a gynigir yng ngwelliant 8.*

**Darren Millar**

**10**

Section 20, page 12, after line 23, insert—

- ‘(3) At least once in each calendar year following the year in which this Act receives Royal Assent, the Welsh Ministers must—
- (a) consider whether it is desirable to bring section 3( ) into force under subsection (2), and
  - (b) report their conclusion, and the reasons for it, to the Assembly as soon as practicable.’.

*The purpose of the amendment is to place a duty on Welsh Ministers to consider annually whether proposed new subsection 3( ) should be commenced and to report their conclusions to the National Assembly.*

Adran 20, tudalen 12, ar ôl llinell 25, mewnosoder—

- ‘(3) Rhaid i Weinidogion Cymru, o leiaf unwaith ym mhob blwyddyn galendr yn dilyn y flwyddyn y bydd y Ddeddf hon yn cael Cydsyniad Brenhinol –
- (a) ystyried a yw’n ddymunol i ddod ag adran 3( ) i rym o dan is-adran (2), a
  - (b) adrodd ar eu casgliad, a’r rhesymau drosto, i’r Cynulliad cyn gynted ag y bo’n ymarferol.’.

*Diben y gwelliant yw gosod dyletswydd ar Weinidogion Cymru i ystyried yn flynyddol a ddylid cychwyn yr is-adran 3( ) newydd a gynigir ac i adrodd ar eu casgliadau i’r Cynulliad Cenedlaethol.*