

# HYSBYSIAD YNGHYLCH GWELLIANNAU NOTICE OF AMENDMENTS

Cyflwynwyd ar 16 Ionawr 2019  
Tabled on 16 January 2019

## Bil Ombwdsmon Gwasanaethau Cyhoeddus (Cymru) Public Services Ombudsman (Wales) Bill

**Llyr Gruffydd**

1

Page 1, line 9, leave out section 1 and insert –

### [ ] Overview

- (1) This Part of the Act is an overview of the main provisions of the Act.
- (2) Part 2 provides for the continuation of the role of the Ombudsman.
- (3) Part 3 makes provision for –
  - (a) the Ombudsman to investigate listed authorities;
  - (b) who can make and refer complaints to the Ombudsman;
  - (c) the matters that may be investigated by the Ombudsman;
  - (d) the procedures that apply to the Ombudsman’s investigations;
  - (e) the Ombudsman’s powers to deal with obstruction and contempt;
  - (f) the Ombudsman to prepare reports of investigations;
  - (g) the Ombudsman to issue guidance to listed authorities about good administrative practice;
  - (h) listed authorities to compensate persons aggrieved.
- (4) Part 4 makes provision for –
  - (a) the Ombudsman to publish a statement of principles about the complaints-handling procedures of listed authorities, and the Assembly procedure that applies to the statement of principles;
  - (b) the Ombudsman to publish model complaints-handling procedures for listed authorities;
  - (c) requiring a listed authority to comply with a model complaints-handling procedure that applies to the listed authority;



- (d) the Ombudsman to declare that the complaints-handling procedure of a listed authority does not comply with the model complaints-handling procedure;
  - (e) the Ombudsman to promote best practice in relation to complaints-handling.
- (5) Part 5 makes provision for –
- (a) the Ombudsman to investigate social care providers and palliative care providers;
  - (b) who can make and refer complaints to the Ombudsman about social care and palliative care;
  - (c) the social care and palliative care matters that may be investigated by the Ombudsman;
  - (d) the procedures that apply to the Ombudsman’s investigations into social care and palliative care;
  - (e) the Ombudsman to prepare reports of investigations into social care and palliative care.
- (6) Part 6 makes supplementary provision for –
- (a) the Ombudsman to work with other ombudsmen and commissioners etc. in relation to investigations;
  - (b) the disclosure and protection of information and publications in relation to investigations.
- (7) Part 7 makes miscellaneous provision, including a requirement for the Ombudsman to publish a Welsh language strategy and for the review of the operation of this Act by the Assembly.’.

Tudalen 1, llinell 10, hepgorer adran 1 a mewnosoder –

#### [ ] Trosolwg

- (1) Mae’r Rhan hon o’r Ddeddf yn drosolwg o brif ddarpariaethau’r Ddeddf.
- (2) Mae Rhan 2 yn darparu ar gyfer parhad rôl yr Ombwdsmon.
- (3) Mae Rhan 3 yn gwneud darpariaeth –
  - (a) i’r Ombwdsmon ymchwilio i awdurdodau rhestredig;
  - (b) o ran pwy sy’n cael gwneud cwynion i’r Ombwdsmon ac atgyfeirio cwynion ato;
  - (c) o ran y materion y caiff yr Ombwdsmon ymchwilio iddynt;
  - (d) o ran y gweithdrefnau sy’n gymwys i ymchwiliadau’r Ombwdsmon;
  - (e) o ran pwerau’r Ombwdsmon i ymdrin â rhwystr a dirmyg;
  - (f) i’r Ombwdsmon baratoi adroddiadau ar ymchwiliadau;
  - (g) i’r Ombwdsmon ddyroddi canllawiau i awdurdodau rhestredig ynghylch arferion gweinyddu da;
  - (h) i awdurdodau rhestredig ddigolledu personau a dramgwyddwyd.
- (4) Mae Rhan 4 yn gwneud darpariaeth –



- (a) i'r Ombwdsmon gyhoeddi datganiad o egwyddorion ynghylch gweithdrefnau ymdrin â chwynion awdurdodau rhestredig, a'r weithdrefn Cynulliad sy'n gymwys i'r datganiad o egwyddorion;
  - (b) i'r Ombwdsmon gyhoeddi gweithdrefn enghreifftiol ar gyfer ymdrin â chwynion ar gyfer awdurdodau rhestredig;
  - (c) i'w gwneud yn ofynnol i awdurdod rhestredig gydymffurfio â gweithdrefn enghreifftiol ar gyfer ymdrin â chwynion sy'n gymwys i'r awdurdod rhestredig;
  - (d) i'r Ombwdsmon ddatgan nad yw gweithdrefn ymdrin â chwynion awdurdod rhestredig yn cydymffurfio â'r weithdrefn enghreifftiol ar gyfer ymdrin â chwynion;
  - (e) i'r Ombwdsmon hybu arferion gorau o ran y ffordd yr ymdrinnir â chwynion.
- (5) Mae Rhan 5 yn gwneud darpariaeth—
- (a) i'r Ombwdsmon ymchwilio i ddarparwyr gofal cymdeithasol a darparwyr gofal lliniarol;
  - (b) o ran pwy sy'n cael gwneud cwynion i'r Ombwdsmon a'u hatgyfeirio ato ynghylch gofal cymdeithasol a gofal lliniarol;
  - (c) o ran y materion gofal cymdeithasol a gofal lliniarol y caiff yr Ombwdsmon ymchwilio iddynt;
  - (d) o ran y gweithdrefnau sy'n gymwys i ymchwiliadau'r Ombwdsmon i ofal cymdeithasol a gofal lliniarol;
  - (e) i'r Ombwdsmon baratoi adroddiadau ar ymchwiliadau i ofal cymdeithasol a gofal lliniarol.
- (6) Mae Rhan 6 yn gwneud darpariaeth atodol—
- (a) i'r Ombwdsmon weithio gydag ombwdsmy'n a chomisiynwyr eraill etc. mewn perthynas ag ymchwiliadau;
  - (b) o ran datgelu a diogelu gwybodaeth a chyhoeddiadau mewn perthynas ag ymchwiliadau.
- (7) Mae Rhan 7 yn gwneud darpariaeth amrywiol, gan gynnwys ei gwneud yn ofynnol i'r Ombwdsmon gyhoeddi strategaeth ar gyfer y Gymraeg ac i'r Cynulliad adolygu gweithrediad y Ddeddf hon.'.

## **Llyr Gruffydd**

2

Section 3, page 2, line 15, leave out 'or referred'.

Adran 3, tudalen 2, llinell 15, hepgorer 'neu wedi'i hatgyfeirio'n briodol at yr' a mewnosoder 'i'r'.



**Llyr Gruffydd**

3

Section 3, page 2, line 15, after 'Ombudsman,' insert –

'or

( ) duly referred to the Ombudsman, '.

Adran 3, tudalen 2, llinell 16, ar ôl 'Ombwdsmon,' mewnosoder –

'neu

( ) wedi'i hatgyfeirio'n briodol at yr Ombwdsmon, '.

**Llyr Gruffydd**

4

Section 3, page 2, line 17, leave out '14' and insert '[section to be inserted by Amendment 24]'.  
Adran 3, tudalen 2, llinell 18, hepgorer '14' a mewnosoder '[yr adran sy'n cael ei mewnosod gan Welliant 24]'.

**Llyr Gruffydd**

5

Section 3, page 2, line 29, leave out '14' and insert '[section to be inserted by Amendment 24]'.  
Adran 3, tudalen 2, llinell 30, hepgorer '14' a mewnosoder '[yr adran sy'n cael ei mewnosod gan Welliant 24]'.

**Llyr Gruffydd**

6

Section 3, page 2, line 32, after 'investigation', insert '(but see section 8([first paragraph to be inserted by Amendment 19]) for a restriction on the power to begin an investigation under subsection 1(a))'.  
Adran 3, tudalen 2, llinell 33, ar ôl 'ben', mewnosoder '(ond gweler adran 8([y paragraff sy'n cael ei fewnosod gan Welliant 19]) am gyfyngiad ar y pŵer i gychwyn ymchwiliad o dan is-adran 1(a))'.

**Llyr Gruffydd**

7

Section 3, page 3, line 2, after 'withdrawn', insert '(but see section 8([first paragraph to be inserted by Amendment 19]) for a restriction on the power to begin an investigation under subsection 1(a))'.  
Adran 3, tudalen 3, llinell 3, ar ôl 'ôl', mewnosoder '(ond gweler adran 8([y paragraff sy'n cael ei fewnosod gan Welliant 19]) am gyfyngiad ar y pŵer i gychwyn ymchwiliad o dan is-adran 1(a))'.

**Llyr Gruffydd**

8

Section 3, page 3, line 3, leave out subsection (8).  
Adran 3, tudalen 3, llinell 4, hepgorer is-adran (8).



**Llyr Gruffydd**

**9**

Section 4, page 3, line 5, leave out 'in respect of'.

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

**Llyr Gruffydd**

**10**

Section 4, page 3, line 6, leave out '14' and insert '[section to be inserted by Amendment 24]'.

Adran 4, tudalen 3, llinell 7, hepgorer '14' a mewnosoder '[yr adran sy'n cael ei mewnosod gan Welliant 24]'.

**Llyr Gruffydd**

**11**

Section 4, page 3, line 8, leave out subsections (2) to (4) and insert –

(2) Before the Ombudsman begins an investigation under this section, the Ombudsman must –

- (a) have regard to the public interest in beginning an investigation,
- (b) have a reasonable suspicion –
  - (i) that there is systemic maladministration, or
  - (ii) in a case where the matter is one which may be investigated by virtue of section 15(2), that systemic injustice has been sustained as a result of the exercise of professional judgement,
- (c) consult such persons as the Ombudsman considers appropriate (but see section 64 for further duties around consultation), and
- (d) have regard to the criteria for own initiative investigations published under section 5.

(3) Subject to subsection (2) –

- (a) it is for the Ombudsman to decide whether to begin, continue or discontinue an investigation under this section;
- (b) the Ombudsman may take any action the Ombudsman thinks may assist in making a decision under subsection (3)(a).'

Adran 4, tudalen 3, llinell 9, hepgorer is-adrannau (2) hyd at (4) a mewnosoder –

(2) Cyn i'r Ombwdsmon gychwyn ymchwiliad o dan yr adran hon, rhaid i'r Ombwdsmon –

- (a) rhoi sylw i fudd y cyhoedd wrth gychwyn ymchwiliad,
- (b) amau'n rhesymol –
  - (i) bod camweinyddu systematig, neu
  - (ii) mewn achos pan fo'r mater yn un y caniateir ymchwilio iddo yn rhinwedd adran 15(2), fod anghyfiawnder systematig wedi ei ddioddef o ganlyniad i arfer barn broffesiynol,



- (c) ymgynghori â'r cyfryw bersonau y mae'r Ombwdsmon o'r farn ei bod yn briodol ymgynghori â hwy (ond gweler adran 64 am ddyletswyddau pellach o ran ymgynghori), a
  - (d) rhoi sylw i'r meini prawf ar gyfer ymchwiliadau ar ei liwt ei hun a gyhoeddir o dan adran 5.
- (3) Yn ddarostyngedig i is-adran (2) –
- (a) mater i'r Ombwdsmon yw penderfynu pa un ai i gychwyn ymchwiliad, i barhau ag ymchwiliad neu i roi'r gorau i ymchwiliad o dan yr adran hon;
  - (b) caiff yr Ombwdsmon gymryd unrhyw gamau gweithredu a all, ym marn yr Ombwdsmon, helpu i wneud penderfyniad o dan is-adran (3)(a).'

## **Llyr Gruffydd**

**12**

Section 5, page 3, line 15, leave out –

- '(1) Before the Ombudsman begins an investigation under section 4, the Ombudsman must be satisfied that beginning an investigation is in the public interest and that one or more of the criteria in subsection (2) is met.
- (2) The criteria are –
  - (a) any vulnerable or disadvantaged person (for example, a person who would have particular difficulty in making a complaint to the Ombudsman or a listed authority) is likely to sustain injustice or hardship in consequence of the matter that is being considered for investigation;
  - (b) having regard to complaints received by the Ombudsman, the matter being considered for investigation is likely to amount to a systemic failure that may cause any person to sustain injustice or hardship.
- (3) The Welsh Ministers may by regulations amend the criteria in subsection (2) by adding criteria, removing criteria or changing the criteria.
- (4) Before making regulations under subsection (3), the Welsh Ministers must consult the Ombudsman and any other persons they think appropriate.
- (5) No regulations are to be made under subsection (3).'

and insert –

- '( ) The Ombudsman must publish criteria to be used in determining whether to begin an investigation under section 4.
- ( ) The Ombudsman must lay a draft of the first criteria before the Assembly.
- ( ) If, before the end of the 40 day period, the Assembly resolves not to approve the draft criteria, the Ombudsman must not publish the criteria in the form of the draft.
- ( ) If no such resolution is made before the end of that period, the Ombudsman must publish the criteria in the form of the draft.
- ( ) The 40 day period –
  - (a) begins on the day on which the draft is laid before the Assembly, and



- (b) does not include any time during which the Assembly is dissolved or is in recess for more than four days.
- ( ) Subsection (3) does not prevent new draft criteria from being laid before the Assembly.
- ( ) Before laying the draft criteria before the Assembly, the Ombudsman must consult –
  - (a) the Welsh Ministers,
  - (b) the listed authorities in Schedule 3, and
  - (c) such other persons as the Ombudsman thinks appropriate.
- ( ) The Ombudsman must, in preparing the draft criteria to be laid before the Assembly, have regard to any representations made during the consultation mentioned in subsection (7).
- ( ) The criteria come into force when they are published by the Ombudsman.
- ( ) The Ombudsman may from time to time revise and re-publish the criteria.
- ( ) Where the Ombudsman considers that any revision of the criteria under subsection (10) is material, subsections (2) to (8) apply to the criteria as they do to the first criteria.
- ( ) The Welsh Ministers may by regulations amend the criteria published by the Ombudsman under this section by adding criteria, removing criteria or changing the criteria.
- ( ) Where the Welsh Ministers make regulations under subsection (12), the Ombudsman must publish the criteria, as amended by the regulations, on the day the regulations come into force.
- ( ) Before making regulations under subsection (12), the Welsh Ministers must consult –
  - (a) the Ombudsman,
  - (b) the listed authorities in Schedule 3, and
  - (c) such other persons as the Welsh Ministers think appropriate.
- ( ) No regulations are to be made under subsection (12)ʹ.

Adran 5, tudalen 3, llinell 18, hepgorer –

- (1) Cyn i'r Ombwdsmon gychwyn ymchwiliad o dan adran 4, rhaid i'r Ombwdsmon fod yn fodlon bod cychwyn ymchwiliad er budd y cyhoedd a bod un neu ragor o'r meini prawf yn is-adran (2) wedi'u bodloni.
- (2) Y meini prawf yw –
  - (a) bod unrhyw berson hyglwyf neu dan anfantais (er enghraifft, person a fyddai'n cael anhawster penodol i wneud cwyn i'r Ombwdsmon neu awdurdod rhestredig) yn debygol o ddioddef anghyfiawnder neu galedi o ganlyniad i'r mater yr ystyrir ymchwilio iddo;
  - (b) gan roi sylw i gwynion a gafodd yr Ombwdsmon, fod y mater yr ystyrir ymchwilio iddo yn debygol o fod yn fethiant systemig a all achosi i unrhyw berson ddioddef anghyfiawnder neu galedi.
- (3) Caiff Gweinidogion Cymru, drwy reoliadau, ddiwygio'r meini prawf yn is-adran (2) drwy ychwanegu meini prawf, dileu meini prawf neu newid y meini prawf.





- (4) Cyn gwneud rheoliadau o dan is-adran (3), rhaid i Weinidogion Cymru ymgynghori a'r Ombwdsmon ac unrhyw bersonau eraill sy'n briodol, yn eu barn hwy.
- (5) Ni chaniateir gwneud rheoliadau o dan is-adran (3)

a mewnosoder –

- ( ) Rhaid i'r Ombwdsmon gyhoeddi meini prawf i'w defnyddio i benderfynu pa un ai i gychwyn ymchwiliad o dan adran 4.
- ( ) Rhaid i'r Ombwdsmon osod drafft o'r meini prawf cyntaf gerbron y Cynulliad.
- ( ) Os yw'r Cynulliad yn penderfynu peidio â chymeradwyo'r meini prawf drafft cyn diwedd y cyfnod o 40 diwrnod, ni chaiff yr Ombwdsmon gyhoeddi'r meini prawf ar eu ffurf drafft.
- ( ) Os na wneir y cyfryw benderfyniad cyn diwedd y cyfnod hwnnw, rhaid i'r Ombwdsmon gyhoeddi'r meini prawf ar eu ffurf drafft.
- ( ) O ran y cyfnod o 40 diwrnod –
  - (a) mae'n dechrau ar y diwrnod pryd y gosodir y drafft gerbron y Cynulliad, a
  - (b) nid yw'n cynnwys unrhyw amser pryd y bydd y Cynulliad wedi ei ddiddymu neu ar doriad am fwy na phedwar diwrnod.
- ( ) Nid yw is-adran (3) yn atal meini prawf drafft newydd rhag cael eu gosod gerbron y Cynulliad.
- ( ) Cyn gosod y meini prawf drafft gerbron y Cynulliad, rhaid i'r Ombwdsmon ymgynghori â'r canlynol –
  - (a) Gweinidogion Cymru,
  - (b) yr awdurdodau rhestredig yn Atodlen 3 , ac
  - (c) y cyfryw bersonau eraill sy'n briodol ym marn yr Ombwdsmon.
- ( ) Rhaid i'r Ombwdsmon, wrth baratoir meini prawf drafft i'w gosod gerbron y Cynulliad, roi sylw i unrhyw sylwadau a wnaed yn ystod yr ymgynghoriad a grybwyllir yn is-adran (7).
- ( ) Daw'r meini prawf i rym pan gânt eu cyhoeddi gan yr Ombwdsmon.
- ( ) O dro i dro, caiff yr Ombwdsmon adolygu ac ailgyhoeddi'r meini prawf.
- ( ) Pan fo'r Ombwdsmon o'r farn bod unrhyw adolygiad o'r meini prawf o dan is-adran (10) yn berthnasol, mae is-adrannau (2) i (8) yn gymwys i'r meini prawf hynny fel y maent yn gymwys i'r meini prawf cyntaf.
- ( ) Caiff Gweinidogion Cymru drwy reoliadau ddiwygio'r meini prawf a gyhoeddir gan yr Ombwdsmon o dan yr adran hon drwy ychwanegu meini prawf, dileu meini prawf neu newid y meini prawf.
- ( ) Pan fo Gweinidogion Cymru yn gwneud rheoliadau o dan is-adran (12), rhaid i'r Ombwdsmon gyhoeddi'r meini prawf, fel y'u diwygiwyd gan y rheoliadau, ar y diwrnod y daw'r rheoliadau i rym.
- ( ) Cyn gwneud rheoliadau o dan is-adran (12), rhaid i Weinidogion Cymru ymgynghori â'r canlynol –





- (a) yr Ombwdsmon,
  - (b) yr awdurdodau rhestredig yn Atodlen 3 , ac
  - (c) y cyfryw bersonau eraill sy'n briodol ym marn Gweinidogion Cymru.
- ( ) Ni chaniateir gwneud rheoliadau o dan is-adran (12) '.

**Llyr Gruffydd** **13**

Section 7, page 4, line 9, leave out '14' and insert '[section to be inserted by Amendment 24]'

Adran 7, tudalen 4, llinell 10, hepgorer '14' a mewnosoder '[yr adran sy'n cael ei mewnosod gan Welliant 24]'

**Llyr Gruffydd** **14**

Section 7, page 4, line 10, leave out 'by the person aggrieved to act on his or her behalf;' and insert 'in writing by the person aggrieved to act on that person's behalf, or'.

Adran 7, tudalen 4, llinell 11, hepgorer 'gan y person a dramgwyddwyd i weithredu ar ei ran' a mewnosoder 'yn ysgrifenedig gan y person a dramgwyddwyd i weithredu ar ran y person hwnnw'.

**Llyr Gruffydd** **15**

Section 7, page 4, line 11, leave out 'a person to act on his or her behalf' and insert 'such a person'.

Adran 7, tudalen 4, llinell 12, hepgorer 'awdurdodi person i weithredu ar ei ran' a mewnosoder 'awdurdodi'r cyfryw berson'.

**Llyr Gruffydd** **16**

Section 8, page 4, line 23, after 'matter', insert 'alleged in the complaint'.

Adran 8, tudalen 4, llinell 25, ar ôl 'mater', mewnosoder 'a honnir yn y gŵyn'.

**Llyr Gruffydd** **17**

Section 8, page 4, line 29, leave out 'aggrieved' and insert 'who made the complaint'.

Adran 8, tudalen 4, llinell 31, hepgorer 'dramgwyddwyd' a mewnosoder 'wnaeth y gŵyn'.

**Llyr Gruffydd** **18**

Section 8, page 4, line 31, leave out 'aggrieved whether he or she' and insert 'whether the person'.

Adran 8, tudalen 4, llinell 33, hepgorer 'a dramgwyddwyd'.



**Llyr Gruffydd**

19

Section 8, page 4, line 34, leave out '3 to investigate the matter' and insert –

'3(1)(a) to begin an investigation into the matter alleged in the complaint;

(b) may use the power in section 4 to investigate the matter alleged in the complaint'.

Adran 8, tudalen 4, llinell 37, hepgorer '3 i ymchwilio i'r mater' a mewnosoder –

'3(1)(a) i ddechrau ymchwiliad i'r mater a honnir yn y gŵyn;

(b) caiff yr Ombwdsmon ddefnyddio'r pŵer yn adran 4 i ymchwilio i'r mater a honnir yn y gŵyn'.

**Llyr Gruffydd**

20

Section 8, page 4, line 36, leave out 'he or she' and insert 'the person'.

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

**Llyr Gruffydd**

21

Section 8, page 5, line 3, leave out subsections (8) to (10).

Adran 8, tudalen 5, llinell 3, hepgorer is-adrannau (8) hyd at (10).

**Llyr Gruffydd**

22

Page 5, after line 20, insert a new section –

**[ ] Records of complaints**

The Ombudsman must maintain a register of every complaint made or referred to the Ombudsman in respect of a matter which the Ombudsman is entitled to investigate under this Part.'

Tudalen 5, ar ôl llinell 21, mewnosoder adran newydd –

**[ ] Cofnodion o gwynion**

Rhaid i'r Ombwdsmon gadw cofrestr o bob cwyn a wnaed i'r Ombwdsmon neu a atgyfeiriwyd at yr Ombwdsmon mewn perthynas â mater y mae gan yr Ombwdsmon hawl i ymchwilio iddo o dan y Rhan hon.'

**Llyr Gruffydd**

23

Section 10, page 5, line 24, leave out –

'other than a private health services provider in connection with relevant action;

(b) an alleged failure in a relevant service provided by a listed authority other than a private health services provider;



- (c) an alleged failure by a listed authority other than a private health services provider to provide a relevant service;
- (d) where subsection (2) applies, matters relating to private health services.

(2) This subsection applies where in the Ombudsman's opinion –

- (a) a person has received medical treatment by way of relevant action taken by a listed authority other than a private health services provider,
- (b) the person has also received private health services from a private health services provider, and
- (c) matters relating to the relevant action cannot be investigated effectively or completely without also investigating matters relating to the private health services.

(3) Subsection (1) is subject to sections 11 to 14.'

and insert –

'in connection with relevant action;

- (b) an alleged failure in a relevant service provided by a listed authority;
- (c) an alleged failure by a listed authority to provide a relevant service.

( ) The matters may relate to action taken before or after this Act receives Royal Assent.

( ) Subsection (1) is subject to sections 12 to 15.'

Adran 10, tudalen 5, llinell 25, hepgorer –

'heblaw darparwr gwasanaethau iechyd preifat mewn cysylltiad â chamau gweithredu perthnasol;

- (b) methiant honedig mewn gwasanaeth perthnasol a ddarperir gan awdurdod rhestredig heblaw darparwr gwasanaethau iechyd preifat;
- (c) methiant honedig gan awdurdod rhestredig heblaw darparwr gwasanaethau iechyd preifat i ddarparu gwasanaeth perthnasol;
- (d) pan fo is-adran (2) yn gymwys, materion sy'n ymwneud â gwasanaethau iechyd preifat.

(2) Mae'r is-adran hon yn gymwys pan fo'r Ombwdsmon o'r farn –

- (a) bod person wedi cael triniaeth feddygol yn sgil camau gweithredu perthnasol a gymerwyd gan awdurdod rhestredig heblaw darparwr gwasanaethau iechyd preifat,
- (b) bod y person hefyd wedi cael gwasanaethau iechyd preifat gan ddarparwr gwasanaethau iechyd preifat, ac
- (c) na ellir ymchwilio'n effeithiol nac yn gyflawn i faterion sy'n ymwneud â'r camau gweithredu perthnasol heb hefyd ymchwilio i faterion sy'n ymwneud â'r gwasanaethau iechyd preifat.

(3) Mae is-adran (1) yn ddarostyngedig i adrannau 11 i 14.'

a mewnosoder –

'mewn cysylltiad â chamau gweithredu perthnasol;



- (b) methiant honedig mewn gwasanaeth perthnasol a ddarperir gan awdurdod rhestredig;
- (c) methiant honedig gan awdurdod rhestredig i ddarparu gwasanaeth perthnasol.
- ( ) Caiff y materion ymwneud â chamau gweithredu a gymerwyd cyn i'r Ddeddf hon gael y Cydsyniad Brenhinol neu wedi hynny.
- ( ) Mae is-adran (1) yn ddarostyngedig i adrannau 12 i 15. '.

## Llyr Gruffydd

24

Page 8, after line 17, insert a new section –

### *'Ancillary investigations*

#### [ ] **Power to investigate other health-related services**

- (1) This section applies where –
  - (a) the Ombudsman has power under this Part to investigate –
    - (i) alleged maladministration by a relevant listed authority in connection with relevant action taken by the authority in relation to a person,
    - (ii) an alleged failure in a relevant service provided to a person by a relevant listed authority, or
    - (iii) an alleged failure by a relevant listed authority to provide a relevant service to a person, and
  - (b) a health-related service which is not a relevant service has also been provided to the person.
- (2) If the Ombudsman considers that the alleged maladministration or failure cannot be investigated effectively or completely without also investigating the health-related service mentioned in subsection (1)(b), the Ombudsman may investigate that service as part of the investigation in respect of the relevant listed authority.
- (3) If the Ombudsman does so, any reference to a listed authority in section 15, 16, 20(2)(b) or (7)(a), 27(9)(b)(ii) or 28(4)(a) includes, in addition, a reference to the person who provided the health-related service mentioned in subsection (1)(b).
- (4) In this section –
  - “health-related service” (“*gwasanaeth sy'n gysylltiedig ag iechyd*”) includes –
    - (a) any medical, dental, ophthalmic, nursing, midwifery or pharmaceutical service, and
    - (b) any other service which is provided in connection with a person's physical or mental health,other than a special procedure performed under the authority of a special procedure licence (within the meaning of Part 4 of the Public Health (Wales) Act 2017 (anaw 2);



“relevant action” (“*camau gweithredu perthnasol*”) has the meaning given in section 11(4);

“relevant listed authority” (“*awdurdod rhestredig perthnasol*”) means –

- (a) the Board of Community Health Councils in Wales;
- (b) a Local Health Board;
- (c) an NHS Trust managing a hospital or other establishment or facility in Wales;
- (d) a Special Health Authority not discharging functions only or mainly in England;
- (e) a Community Health Council;
- (f) an independent provider in Wales;
- (g) a family health service provider in Wales;
- (h) a person with functions conferred by regulations made under section 113(2) of the Health and Social Care (Community Health Standards) Act 2003 (c.43);
- (i) the Welsh Health Specialised Services Committee;

“relevant service” (“*gwasanaeth perthnasol*”) has the meaning in section 11(5).

(5) This section does not affect the Ombudsman’s power under section 19.’.

Tudalen 8, ar ôl llinell 17, mewnosoder adran newydd –

*‘Ymchwiliadau ategol*

## [ ] **Pŵer i ymchwilio i wasanaethau eraill sy’n gysylltiedig ag iechyd**

(1) Mae’r adran hon yn gymwys fel a ganlyn –

(a) pan fo gan yr Ombwdsmon bŵer o dan y Rhan hon i ymchwilio –

- (i) i gamweinyddu honedig gan awdurdod rhestredig perthnasol mewn cysylltiad â chamau gweithredu perthnasol a gymerwyd gan yr awdurdod mewn perthynas â pherson,
- (ii) i fethiant honedig mewn gwasanaeth perthnasol a ddarperir i berson gan awdurdod rhestredig perthnasol, neu
- (iii) i fethiant honedig gan awdurdod rhestredig perthnasol i ddarparu gwasanaeth perthnasol i berson, a

(b) pan fo gwasanaeth sy’n gysylltiedig ag iechyd nad yw’n wasanaeth perthnasol hefyd wedi’i ddarparu i’r person.

(2) Os yw’r Ombwdsmon o’r farn na ellir ymchwilio’n effeithiol nac yn gyflawn i’r camweinyddu honedig neu’r methiant honedig heb hefyd ymchwilio i’r gwasanaeth sy’n gysylltiedig ag iechyd a grybwyllir yn is-adran (1)(b), caiff yr Ombwdsmon ymchwilio i’r gwasanaeth hwnnw fel rhan o’r ymchwiliad mewn perthynas â’r awdurdod rhestredig perthnasol.



- (3) Os gwnaiff yr Ombwdsmon hynny, mae unrhyw gyfeiriad at awdurdod rhestredig yn adran 15, 186, 20(2)(b) neu (7)(a), 27(5)(b)(ii) neu (9)(a), 28(9)(b)(ii) neu 28(4)(a) yn cynnwys hefyd gyfeiriad at y person a ddarparodd y gwasanaeth sy'n gysylltiedig ag iechyd a grybwyllir yn is-adran (1)(b).
- (4) Yn yr adran hon –
- ystyr “awdurdod rhestredig perthnasol” (“*relevant listed authority*”) yw –
- (a) Bwrdd Cyngorau Iechyd Cymuned yng Nghymru;
  - (b) Bwrdd Iechyd Lleol;
  - (c) Ymddiriedolaeth GIG sy'n rheoli ysbyty neu sefydliad neu gyfleuster arall yng Nghymru;
  - (d) Awdurdod Iechyd Arbennig nad yw'n cyflawni swyddogaethau yn Lloegr yn unig neu'n bennaf;
  - (e) Cyngor Iechyd Cymuned;
  - (f) darparwr annibynnol yng Nghymru;
  - (g) darparwr gwasanaeth iechyd teulu yng Nghymru;
  - (h) person â swyddogaethau a roddir gan reoliadau a wneir o dan adran 113(2) o Ddeddf Iechyd a Gofal Cymdeithasol (Iechyd Cymunedol a Safonau) 2003 (p.43);
  - (i) Pwyllgor Gwasanaethau Iechyd Arbenigol Cymru;
- mae i “camau gweithredu perthnasol” (“*relevant action*”) yr ystyr a roddir yn adran 11(4);
- mae i “gwasanaeth perthnasol” (“*relevant service*”) yr ystyr a roddir yn adran 11(5);
- mae “gwasanaeth sy'n gysylltiedig ag iechyd” (“*health-related service*”) yn cynnwys –
- (a) unrhyw wasanaeth meddygol, deintyddol, offthalmig, nyrsio, bydwreigiaeth neu fferyllol, a
  - (b) unrhyw wasanaeth arall a ddarperir mewn cysylltiad ag iechyd corfforol neu feddyliol person,
- heblaw triniaeth arbennig a gyflawnir o dan awdurdod trwydded triniaeth arbennig (o fewn ystyr Rhan 4 o Ddeddf Iechyd y Cyhoedd (Cymru) 2017 (dccc2);
- (5) Nid yw'r adran hon yn effeithio ar bŵer yr Ombwdsmon o dan adran 19'.

## Llyr Gruffydd

25

Section 15, page 8, line 20, leave out ‘decides under section 3(5) or section 4(3)’.

Adran 15, tudalen 8, llinell 20, hepgorer ‘yn penderfynu o dan adran 3(5) neu adran 4(3)’.



**Llyr Gruffydd** 26

Section 15, page 8, line 21, leave out 'not to begin an investigation' and insert 'decides not to begin an investigation, or to discontinue an investigation, into a matter under section 3(5)'.

Adran 15, tudalen 8, llinell 21, hepgorer 'i beidio â chychwyn ymchwiliad' a mewnosoder 'yn penderfynu peidio â chychwyn ymchwiliad neu roi'r gorau i ymchwiliad, i fater o dan adran 3(5)'.

**Llyr Gruffydd** 27

Section 15, page 8, line 22, leave out 'to discontinue an investigation' and insert 'where the Ombudsman has consulted a person under section [*third paragraph of first subsection to be inserted by Amendment 11*], decides not to begin an investigation, or to discontinue an investigation, into a matter under section [*first paragraph of second subsection to be inserted by Amendment 11*]'.

Adran 15, tudalen 8, llinell 22, hepgorer 'i ddod ag ymchwiliad i ben' a mewnosoder 'pan fo'r Ombwdsmon wedi ymgynghori â pherson o dan adran [*trydydd paragraff yr is-adran gyntaf sy'n cael ei mewnosod gan Welliant 11*], yn penderfynu peidio â chychwyn ymchwiliad, neu roi'r gorau i ymchwiliad, i fater o dan adran [*paragraff cyntaf yr ail is-adran sy'n cael ei mewnosod gan Welliant 11*]'.

**Llyr Gruffydd** 28

Section 15, page 8, line 25, leave out 'the person aggrieved (if any)' and insert 'any person who made a complaint to the Ombudsman in respect of the matter'.

Adran 15, tudalen 8, llinell 25, hepgorer 'y person a dramgwyddwyd (os oes un)' a mewnosoder 'unrhyw berson a wnaeth gŵyn i'r Ombwdsmon mewn perthynas â'r mater'.

**Llyr Gruffydd** 29

Section 16, page 9, line 15, after 'authority', insert 'to which the investigation relates'.

Adran 16, tudalen 9, llinell 16, ar ôl 'rhestredig', mewnosoder 'y mae'r ymchwiliad yn ymwneud ag ef'.

**Llyr Gruffydd** 30

Section 16, page 9, line 22, after 'investigated', insert –

' , and

- (ii) any person, other than the listed authority, who is identified in the investigation proposal in a negative way'.

Adran 16, tudalen 9, llinell 24, ar ôl 'iddo', mewnosoder –

' , a

- (ii) i unrhyw berson, heblaw'r awdurdod rhestredig, y'i hadwaenir mewn modd negyddol yn y cynnig ymchwilio'.





**Llyr Gruffydd**

**31**

Section 16, page 9, line 24, leave out 'has prepared an investigation proposal in respect of an investigation under section'.

Adran 16, tudalen 9, llinell 26, hepgorer 'wedi paratoi cynnig ymchwiliad sy'n ymwneud ag ymchwiliad o dan adran'.

**Llyr Gruffydd**

**32**

Section 16, page 9, line 27, leave out 'is conducting another investigation' and insert 'has begun another investigation into a matter'.

Adran 16, tudalen 9, llinell 29, hepgorer 'yn cynnal ymchwiliad arall' a mewnosoder 'wedi cychwyn ymchwiliad arall i fater'.

**Llyr Gruffydd**

**33**

Section 16, page 9, after line 32, insert—

- '( ) Where the Ombudsman prepares an investigation proposal in relation to a matter, the Ombudsman must—
  - (a) give the listed authority being investigated an opportunity to comment on the investigation proposal;
  - (b) give any person, other than the listed authority, who is identified in the investigation proposal in a negative way, an opportunity to comment on the investigation proposal (as far as the investigation proposal relates to that person).
- ( ) Where the Ombudsman has begun a related investigation into a matter and no investigation proposal is prepared by virtue of subsection (3), the Ombudsman must—
  - (a) give the listed authority an opportunity to comment on the related investigation;
  - (b) give any person, other than the listed authority, who is identified by the Ombudsman in relation to the related investigation in a negative way, an opportunity to comment on the related investigation (as far as the related investigation relates to that person). '

Adran 16, tudalen 9, ar ôl llinell 34, mewnosoder—

- '( ) Pan fo'r Ombwdsmon yn paratoi cynnig ymchwilio mewn cysylltiad â mater, rhaid i'r Ombwdsmon—
  - (a) rhoi cyfle i'r awdurdod rhestredig yr ymchwilir iddo wneud sylwadau ar y cynnig ymchwilio;
  - (b) rhoi cyfle i unrhyw berson, heblaw'r awdurdod rhestredig, y'i hadwaenir mewn modd negyddol yn y cynnig ymchwilio, wneud sylwadau ar y cynnig ymchwilio (i'r graddau y mae'r cynnig ymchwilio yn ymwneud â'r person hwnnw).
- ( ) Pan fo'r Ombwdsmon wedi cychwyn ymchwiliad cysylltiedig i fater a phan nad oes cynnig ymchwilio wedi'i baratoi yn rhinwedd is-adran (3), rhaid i'r Ombwdsmon—



- (a) rhoi cyfle i'r awdurdod rhestredig wneud sylwadau ar yr ymchwiliad cysylltiedig;
- (b) rhoi cyfle i unrhyw berson, heblaw'r awdurdod rhestredig, y'i hadwaenir gan yr Ombwdsmon mewn modd negyddol mewn perthynas â'r ymchwiliad cysylltiedig, i wneud sylwadau ynghylch yr ymchwiliad cysylltiedig (i'r graddau y mae'r cynnig ymchwilio yn ymwneud â'r person hwnnw).

### **Llyr Gruffydd**

34

Section 16, page 9, line 33, leave out –

‘include –

- (a) the reasons for the investigation, and
- (b) how the criteria specified in’

and insert –

‘set out –

- ( ) the reasons for the investigation, and
- ( ) how the criteria published under’.

Adran 16, tudalen 9, llinell 35, hepgorer –

‘gynnwys –

- (a) y rhesymau am yr ymchwiliad, a
- (b) y modd y bodlonwyd y meini prawf a bennir yn’

a mewnosoder –

‘nodi –

- ( ) y rhesymau dros yr ymchwiliad, a
- ( ) y modd y bodlonwyd y meini prawf a gyhoeddwyd o dan’.

### **Llyr Gruffydd**

35

Section 16, page 9, line 36, leave out subsections (6) to (7).

Adran 16, tudalen 9, llinell 38, hepgorer is-adrannau (6) hyd at (7).

### **Llyr Gruffydd**

36

Section 16, page 10, line 17, after ‘investigation’, insert ‘under section 3 or 4’.

Adran 16, tudalen 10, llinell 16, ar ôl ‘ymchwiliad’, mewnosoder ‘o dan adran 3 neu 4’.



**Llyr Gruffydd** 37

Section 16, page 10, line 27, leave out 'the person aggrieved (if any) and to any other' and insert 'any'.

Adran 16, tudalen 10, llinell 25, hepgorer 'i'r person a dramgwyddwyd (os oes un) ac'.

**Llyr Gruffydd** 38

Section 16, page 10, after line 33, insert –

'() The Ombudsman must publish the procedure that the Ombudsman will follow when conducting an investigation under section 3 or 4.'

Adran 16, tudalen 10, ar ôl llinell 31, mewnosoder –

'() Rhaid i'r Ombwdsmon gyhoeddi'r weithdrefn y bydd yr Ombwdsmon yn ei dilyn wrth gynnal ymchwiliad o dan adran 3 neu 4.'

**Llyr Gruffydd** 39

Section 20, page 13, leave out line 9 and insert –

'() if the investigation relates to a complaint, the person who made the complaint;'

Adran 20, tudalen 13, hepgorer llinell 9 a mewnosoder –

'() os yw'r ymchwiliad yn ymwneud â chwyn, y person a wnaeth y gwyn;'

**Llyr Gruffydd** 40

Section 23, page 16, line 11, after 'sustained', insert ', or is likely to sustain,'.

Adran 23, tudalen 16, llinell 14, ar ôl 'galedi', mewnosoder ', neu'n debygol o ddiodef anghyfiawnder neu galedi,'.

**Llyr Gruffydd** 41

Page 16, line 23, leave out section 24.

Tudalen 16, llinell 27, hepgorer adran 24.

**Llyr Gruffydd** 42

Page 16, line 29, leave out section 25.

Tudalen 16, llinell 35, hepgorer adran 25.



**Llyr Gruffydd** 43

Section 26, page 17, line 3, after 'sustained', insert ' or is likely to sustain,'.

Adran 26, tudalen 17, llinell 4, ar ôl 'galedi', mewnosoder ', neu'n debygol o ddioddef anghyfiawnder neu galedi,'.

**Llyr Gruffydd** 44

Section 26, page 17, line 8, after 'sustained', insert ' or is likely to sustain,'.

Adran 26, tudalen 17, llinell 9, ar ôl 'galedi', mewnosoder ', neu'n debygol o ddioddef anghyfiawnder neu galedi,'.

**Llyr Gruffydd** 45

Section 26, page 17, line 10, after 'authority', insert 'to which the investigation relates'.

Adran 26, tudalen 17, llinell 10, ar ôl 'rhestredig', mewnosoder 'y mae'r ymchwiliad yn ymwneud ag ef'.

**Llyr Gruffydd** 46

Section 26, page 17, line 15, leave out –

' , the listed authority and the person aggrieved (if any)'

and insert –

'and the listed authority and, if the investigation relates to a complaint, the person who made the complaint'.

Adran 26, tudalen 17, llinell 15, hepgorer –

' , yr awdurdod rhestredig a'r person a dramgwyddwyd (os oes un)'

a mewnosoder –

'a'r awdurdod rhestredig ac, os yw'r ymchwiliad yn ymwneud â chwyn, y person a wnaeth y gwyn'.

**Llyr Gruffydd** 47

Section 26, page 17, leave out line 24 and insert –

'( ) if the investigation relates to a complaint, the person who made the complaint;'

Adran 26, tudalen 17, hepgorer llinell 24 a mewnosoder –

'( ) os yw'r ymchwiliad yn ymwneud â chwyn, y person a wnaeth y gwyn;'



**Llyr Gruffydd** 48

Section 27, page 18, line 15, after 'sustained', insert ', or is likely to sustain,'.

Adran 27, tudalen 18, llinell 16, ar ôl 'galedi', mewnosoder ', neu'n debygol o ddioddef anghyfiawnder eu galedi,'.

**Llyr Gruffydd** 49

Section 27, page 19, line 1, leave out 'in respect of'.

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

**Llyr Gruffydd** 50

Section 27, page 19, line 4, after 'sustained', insert ', or is likely to sustain,'.

Adran 27, tudalen 19, llinell 4, ar ôl 'galedi', mewnosoder ', neu'n debygol o ddioddef anghyfiawnder neu galedi,'.

**Llyr Gruffydd** 51

Section 27, page 19, line 16, after 'remedy', insert 'or prevent'.

Adran 27, tudalen 19, llinell 16, hepgorer 'unioni'r' a mewnosoder 'unioni neu i atal yr'.

**Llyr Gruffydd** 52

Section 27, page 19, line 17, after 'caused', insert 'to any person'.

Adran 27, tudalen 19, llinell 17, ar ôl 'achosi', mewnosoder 'i unrhyw berson'.

**Llyr Gruffydd** 53

Section 27, page 19, line 22, leave out 'aggrieved (if any) and' and insert—

(i) 'who made the complaint, if the investigation relates to a complaint; to'.

Adran 27, tudalen 19, llinell 21, hepgorer 'a dramgwyddwyd (os oes un) a'r' a mewnosoder—

(i) 'a wnaeth y gŵyn, os yw'r ymchwiliad yn ymwneud â chŵyn; at y'.

**Llyr Gruffydd** 54

Section 28, page 20, line 13, leave out subsection (7).

Adran 28, tudalen 20, llinell 14, hepgorer is-adran (7).



**Llyr Gruffydd**

55

Section 31, page 21, line 9, leave out –

- (a) the person has functions dischargeable in relation to Wales or a part of Wales (whether or not the functions are also dischargeable otherwise than in relation to Wales),
  - (b) all or some of the person’s functions are in a field in which the Welsh Ministers have, or the First Minister or the Counsel General to the Welsh Government has, functions, and
  - (c) the person falls within subsection (3), (4) or (5).
- (3) A person falls within this subsection if –
- (a) it is a body established by or under an enactment or by virtue of Her Majesty’s prerogative or in any other way by a Minister of the Crown, a government department, the Welsh Ministers, the First Minister for Wales, the Counsel General to the Welsh Government or another listed authority,
  - (b) it is a body wholly or partly constituted by appointment made by Her Majesty, a Minister of the Crown, a government department, the Welsh Ministers, the First Minister for Wales, the Counsel General to the Welsh Government or another listed authority, and
  - (c) at least half of its expenditure on the discharge of its functions in relation to Wales is met out of the Welsh Consolidated Fund or is met directly from payments made by other listed authorities.
- (4) A person falls within this subsection if –
- (a) it is a body established by or under an enactment, and
  - (b) it has power to issue a precept or a levy.
- (5) A person falls within this subsection if –
- (a) it appears to the Welsh Ministers that the person discharges functions of a public nature, and
  - (b) at least half of the person’s expenditure on the discharge of those functions in relation to Wales is met out of the Welsh Consolidated Fund or directly or indirectly from payments made by other listed authorities.
- (6) Regulations under section 30(2) may not add to Schedule 3—
- (a) a Special Health Authority discharging functions only or mainly in England;
  - (b) a person who carries on under national ownership an industry or undertaking or part of an industry or undertaking.’

and insert –

‘the provision made by the regulations would be within the legislative competence of the Assembly.’.

Adran 31, tudalen 21, llinell 9, hepgorer –



- (a) os oes gan y person swyddogaethau i'w cyflawni o ran Cymru neu ran o Gymru (pa un a yw'r swyddogaethau hynny hefyd i'w cyflawni yn rhywle heblaw o ran Cymru ai peidio),
  - (b) os yw holl swyddogaethau'r person neu rai ohonynt mewn maes y mae gan Weinidogion Cymru, neu Brif Weinidog Cymru neu'r Cwnsler Cyffredinol i Lywodraeth Cymru swyddogaethau, ac
  - (c) os yw'r person yn dod o fewn is-adran (3), (4) neu (5).
- (3) Mae person yn dod o fewn yr is-adran hon –
- (a) os yw'n gorff a sefydlwyd gan ddeddfiad neu o dan ddeddfiad neu yn rhinwedd uchelfraint Ei Mawrhydi neu mewn unrhyw fodd arall gan Weinidog y Goron, adran o'r llywodraeth, Gweinidogion Cymru, Prif Weinidog Cymru, y Cwnsler Cyffredinol i Lywodraeth Cymru neu awdurdod rhestredig arall,
  - (b) os yw'n gorff a gyfansoddwyd yn llwyr neu'n rhannol drwy benodiad a wnaed gan Ei Mawrhydi, Gweinidog y Goron, adran o'r llywodraeth, Gweinidogion Cymru, Prif Weinidog Cymru, y Cwnsler Cyffredinol i Lywodraeth Cymru neu awdurdod rhestredig arall, ac
  - (c) os yw o leiaf hanner ei wariant ar gyflawni'i swyddogaethau o ran Cymru yn cael ei dalu o Gronfa Gyfunol Cymru neu'n cael ei dalu'n uniongyrchol o daliadau a wneir gan awdurdodau rhestredig eraill.
- (4) Mae person yn dod o fewn yr is-adran hon –
- (a) os yw'n gorff a sefydlwyd gan ddeddfiad neu o dan ddeddfiad, a
  - (b) os oes ganddo bŵer i ddyroddi praesept neu ardoll.
- (5) Mae person yn dod o fewn yr is-adran hon –
- (a) os yw'n ymddangos i Weinidogion Cymru fod y person yn cyflawni swyddogaethau o natur gyhoeddus, a
  - (b) os yw o leiaf hanner gwariant y person ar gyflawni'r swyddogaethau hynny o ran Cymru yn cael ei dalu o Gronfa Gyfunol Cymru neu'n uniongyrchol neu'n anuniongyrchol o daliadau a wneir gan awdurdodau rhestredig eraill.
- (6) Ni chaniateir i reoliadau o dan adran 30(2) ychwanegu at Atodlen 3 –
- (a) Awdurdod Iechyd Arbennig sy'n cyflawni swyddogaethau yn Lloegr yn unig neu'n bennaf;
  - (b) person sy'n cyflawni, o dan berchnogaeth genedlaethol, ddiwydiant neu ymgymeriad neu ran o ddiwydiant neu ymgymeriad.'

a mewnosoder –

'os byddai'r ddarpariaeth a wneir gan y rheoliadau o fewn cymhwysedd deddfwriaethol y Cynulliad.'





## **Llyr Gruffydd**

56

Section 35, page 23, line 20, leave out –

‘ensure –

- (a) it has a complaints-handling procedure in respect of action taken by the listed authority, and
  - (b) any such procedure complies with the statement of principles.
- (3) A listed authority which is responsible, by virtue of any enactment, for a complaints handling procedure –
- (a) in relation to, or
  - (b) operated by, another listed authority, must ensure the procedure complies with the statement of principles.
- (4) The first statement of principles under subsection (1) is not to be published unless a draft of the statement has been laid before, and approved by a resolution of, the Assembly.
- (5) The Assembly may not approve the draft later than two months after being laid.
- (6) In calculating any period of two months for the purposes of subsection (5), no account is to be taken of any time during which the Assembly is dissolved or is in recess for more than four days.’

and insert –

- ‘(a) have a complaints-handling procedure, and
  - (b) ensure that any such procedure complies with the statement of principles.
- ( ) The Ombudsman must lay a draft of the first statement of principles before the Assembly.
- ( ) If, before the end of the 40 day period, the Assembly resolves not to approve the draft, the Ombudsman must not publish the statement of principles in the form of the draft.
- ( ) If no such resolution is made before the end of that period, the Ombudsman must publish the statement of principles in the form of the draft.
- ( ) The 40 day period –
- (a) begins on the day on which the draft is laid before the Assembly, and
  - (b) does not include any time during which the Assembly is dissolved or is in recess for more than four days.
- ( ) Subsection (4) does not prevent a new draft statement of principles from being laid before the Assembly.’.

Adran 35, tudalen 23, llinell 22, hepgorer –

‘sicrhau –

- (a) bod ganddo weithdrefn ar gyfer ymdrin â chwynion mewn cysylltiad â chamau gweithredu a gymerwyd gan yr awdurdod rhestredig, a
- (b) bod unrhyw weithdrefn o’r fath yn cydymffurfio â’r datganiad o egwyddorion.



- (3) Rhaid i awdurdod rhestredig sy'n gyfrifol, yn rhinwedd unrhyw ddeddfiad, am weithdrefn ymdrin â chwynion –
  - (a) mewn perthynas â, neu
  - (b) a weithredir gan, awdurdod rhestredig arall, sicrhau bod y weithdrefn yn cydymffurfio â'r datganiad o egwyddorion.
- (4) Ni chaniateir cyhoeddi'r datganiad cyntaf o egwyddorion o dan is-adran (1) oni bai bod drafft o'r datganiad wedi'i osod gerbron y Cynulliad, ac wedi ei gymeradwyo drwy benderfyniad ganddo.
- (5) Ni chaniateir i'r Cynulliad gymeradwyo'r drafft ar ôl dau fis wedi iddo gael ei osod.
- (6) Wrth gyfrifo unrhyw gyfnod o ddau fis at ddibenion is-adran (5), ni chaniateir ystyried unrhyw amser pan fo'r Cynulliad wedi'i ddiddymu neu pan fydd toriad o fwy na phedwar diwrnod.'

a mewnosoder –

- '(a) cael gweithdrefn ar gyfer ymdrin â chwynion, a
  - (b) sicrhau bod unrhyw weithdrefn o'r fath yn cydymffurfio â'r datganiad o egwyddorion.
- ( ) Rhaid i'r Ombwdsmon osod drafft o'r datganiad cyntaf o egwyddorion gerbron y Cynulliad.
  - ( ) Os yw'r Cynulliad yn penderfynu peidio â chymeradwyo'r drafft cyn diwedd y cyfnod o 40 diwrnod, ni chaiff yr Ombwdsmon gyhoeddi'r datganiad o egwyddorion ar ei ffurf ddrafft.
  - ( ) Os na wneir y cyfryw benderfyniad cyn diwedd y cyfnod hwnnw, rhaid i'r Ombwdsmon gyhoeddi'r datganiad o egwyddorion ar ei ffurf ddrafft.
  - ( ) O ran y cyfnod o 40 diwrnod –
    - (a) mae'n dechrau ar y diwrnod pryd y gosodir y drafft gerbron y Cynulliad, a
    - (b) nid yw'n cynnwys unrhyw amser pan fo'r Cynulliad wedi'i ddiddymu neu pan fydd toriad o fwy na phedwar diwrnod.
  - ( ) Nid yw is-adran (4) yn atal datganiad drafft newydd o egwyddorion rhag cael ei osod gerbron y Cynulliad.'

### Llyr Gruffydd

57

Section 35, page 24, line 4, leave out 'in accordance with subsection (4)'.  
Adran 35, tudalen 24, llinell 4, hepgorer 'yn unol ag is-adran (4)'.

### Llyr Gruffydd

58

Section 35, page 24, line 9, leave out 'in accordance with subsection (4)'.  
Adran 35, tudalen 24, llinell 10, hepgorer 'yn unol ag is-adran (4)'.



**Llyr Gruffydd**

**59**

Section 35, page 24, line 19, leave out 'in respect of which a complaint to the Ombudsman can be made and investigated under section 3' and insert 'the Ombudsman is entitled to investigate under Part 3'.

Adran 35, tudalen 24, llinell 20, hepgorer 'gellir gwneud cwyn i'r Ombwdsmon yn ei gylch ac ymchwilio iddo o dan adran 3' a mewnosoder 'mae gan yr Ombwdsmon hawl i ymchwilio iddo o dan Ran 3'.

**Llyr Gruffydd**

**60**

Section 36, page 24, line 29, leave out subsection (5) and insert –

- '( ) A model CHP may not, in its application to a listed authority –
- (a) impose a duty on the listed authority if the listed authority lacks the necessary powers (other than by virtue of this Act) to ensure compliance with the duty;
  - (b) be inconsistent with any enactment (including any code, guidance, scheme or other document made under any enactment) that applies to the listed authority.
- ( ) The Ombudsman may from time to time revise and re-publish any model CHP; and in doing so –
- (a) subsection (5) applies, and
  - (b) before re-publishing any model CHP, the Ombudsman must notify such listed authorities or groups of listed authorities as the Ombudsman thinks fit of any revisions to the model CHP.'

Adran 36, tudalen 24, llinell 32, hepgorer is-adran (5) a mewnosoder –

- '( ) Ni chaniateir i weithdrefn enghreifftiol, o ran ei chymhwysiad i awdurdod rhestredig –
- (a) gosod dyletswydd ar yr awdurdod rhestredig os nad oes gan yr awdurdod rhestredig y pwerau angenrheidiol (heblaw yn rhinwedd y Ddeddf hon) i sicrhau cydymffurfiaeth â'r ddyletswydd;
  - (b) bod yn anghyson ag unrhyw ddeddfiad (gan gynnwys unrhyw god, canllawiau, cynllun neu ddogfen arall a wnaed o dan y deddfiad) sy'n gymwys i'r awdurdod rhestredig.
- ( ) O dro i dro, caiff yr Ombwdsmon adolygu ac ailgyhoeddi unrhyw weithdrefn enghreifftiol; ac wrth wneud hynny –
- (a) mae is-adran (5) yn gymwys, a
  - (b) cyn ailgyhoeddi unrhyw weithdrefn enghreifftiol, rhaid i'r Ombwdsmon hysbysu'r cyfryw awdurdodau rhestredig neu'r cyfryw grwpiau o awdurdodau rhestredig sy'n briodol ym marn yr Ombwdsmon am unrhyw newidiadau i'r weithdrefn enghreifftiol.'



**Llyr Gruffydd**

**61**

Section 36, page 24, leave out line 38 and insert –

- ‘(c) in subsection (3) of that section, reference to receiving notice of the specification under subsection (1) of that section is a reference to receiving notice of the revision under subsection 6(b) of this section.’.

Adran 36, tudalen 24, hepgorer llinell 41 a mewnosoder –

- ‘(c) yn is-adran (3) o’r adran honno, mae cyfeiriad at gael hysbysiad o’r fanyleb o dan is-adran (1) o’r adran honno yn gyfeiriad at gael hysbysiad o’r diwygiad o dan is-adran 6(b) o’r adran hon.’.

**Llyr Gruffydd**

**62**

Section 36, page 25, line 1, leave out –

- ‘and any specification under section 37(1) in relation the model CHP ceases to have effect.’

and insert –

- ‘(8) Where the Ombudsman withdraws a model CHP under subsection (8) –
- (a) the Ombudsman must, before withdrawing the model CHP, notify each listed authority to which the model CHP is relevant that the model CHP will be withdrawn and when the withdrawal will happen, and
  - (b) on the day the model CHP is withdrawn –
    - (i) any specification under section 37(1) in relation to the withdrawn model CHP ceases to have effect, and
    - (ii) the duty in section 37(3) ceases to apply to a listed authority notified under subsection (9)(a), in so far as the duty arises in relation to the withdrawn model CHP.’.

Adran 36, tudalen 25, llinell 1, hepgorer –

- ‘a bydd unrhyw fanyleb o dan adran 37(1) mewn perthynas â’r weithdrefn enghreifftiol yn peidio â chael effaith.’

a mewnosoder –

- ‘(8) Pan fo’r Ombwdsmon yn tynnu gweithdrefn enghreifftiol yn ôl o dan is-adran (8) –
- (a) rhaid i’r Ombwdsmon, cyn tynnu’r weithdrefn enghreifftiol yn ôl, hysbysu pob awdurdod rhestredig y mae’r weithdrefn enghreifftiol yn berthnasol iddo y bydd y weithdrefn enghreifftiol yn cael ei thynnu’n ôl a phryd y bydd y tynnu’n ôl yn digwydd, a
  - (b) ar y diwrnod y mae’r weithdrefn yn cael ei thynnu’n ôl –
    - (i) bydd unrhyw fanyleb o dan adran 37(1) mewn perthynas â’r weithdrefn enghreifftiol a dynnwyd yn ôl yn peidio â chael effaith, a



- (ii) bydd y ddyletswydd yn adran 37(3) yn peidio â bod yn gymwys i awdurdod rhestredig a hysbyswyd o dan is-adran (9)(a), i'r graddau y mae'r ddyletswydd yn codi mewn perthynas â'r weithdrefn enghreifftiol a dynnwyd yn ôl'.

## Llyr Gruffydd

63

Section 37, page 25, line 9, leave out –

'authority must submit a description of the complaints-handling procedure, having taken account of the relevant model CHP, within six months of the specification mentioned in that subsection'

and insert –

'listed authority must submit its complaints-handling procedure to the Ombudsman, having taken account of the relevant model CHP, within six months beginning with the day the listed authority receives notice of the specification under subsection (1)'.

Adran 37, tudalen 25, llinell 11, hepgorer –

'gyflwyno disgrifiad o'r weithdrefn ymdrin â chwynion, ar ôl rhoi ystyriaeth i'r weithdrefn enghreifftiol, o fewn chwe mis i'r fanyleb a enwir yn yr is-adran honno'

a mewnosoder –

'rhestredig gyflwyno ei weithdrefn ymdrin â chwynion i'r Ombwdsmon, ar ôl rhoi ystyriaeth i'r weithdrefn enghreifftiol berthnasol, o fewn chwe mis yn dechrau â'r diwrnod y mae'r awdurdod rhestredig yn cael yr hysbysiad o'r fanyleb o dan is-adran (1)'.

## Llyr Gruffydd

64

Section 37, page 25, after line 15, insert –

'(6) Where the Ombudsman revokes a specification under subsection (5) –

- (a) the Ombudsman must, before revoking the specification, notify each listed authority to which the specification applies that the specification will be revoked and when the revocation will happen, and
- (b) on the day the specification is revoked –
  - (i) the specification ceases to have effect, and
  - (ii) the duty in subsection (3) ceases to apply to a listed authority notified under subsection (6)(a), in so far as the duty arises in relation to the revoked specification.'

Adran 37, tudalen 25, ar ôl llinell 17, mewnosoder –

'(6) Pan fo'r Ombwdsmon yn diddymu manyleb o dan is-adran (5) –

- (a) rhaid i'r Ombwdsmon, cyn dirymu'r fanyleb, hysbysu pob awdurdod rhestredig y mae'r fanyleb yn gymwys iddo y bydd y fanyleb yn cael ei dirymu a phryd y bydd y dirymiad yn digwydd, a



(b) ar ddiwrnod dirymu'r fanyleb—

- (i) bydd y fanyleb yn peidio â chael effaith, a
- (ii) bydd y ddyletswydd yn is-adran (3) yn peidio â bod yn gymwys i awdurdod rhestredig a hysbyswyd o dan is-adran (6)(a), i'r graddau y mae'r ddyletswydd yn codi mewn perthynas â'r fanyleb a ddirymwyd.'

### Llyr Gruffydd

65

Section 38, page 25, line 19, leave out ' a description of which was submitted by the authority under section 37(3) or otherwise,'.

Adran 38, tudalen 25, llinell 21, hepgorer ' y rhoddwyd disgrifiad ohoni gan yr awdurdod o dan adran 37(3) neu fel arall,'.

### Llyr Gruffydd

66

Section 38, page 25, line 22, leave out ' a description of which was submitted by the authority under section 39 or otherwise,'.

Adran 38, tudalen 25, llinell 24, hepgorer ' y rhoddwyd disgrifiad ohoni gan yr awdurdod o dan adran 39 neu fel arall,'.

### Llyr Gruffydd

67

Section 38, page 25, line 25, leave out subsections (3) to (5) and insert—

- (3) The Ombudsman must publish a declaration under section (1) or (2) on the Ombudsman's website.
- (4) Before publishing a declaration under subsection (3), the Ombudsman must notify the listed authority to which the declaration relates—
  - (a) that the Ombudsman will make a declaration, including the Ombudsman's reasons for making the declaration;
  - (b) of any modifications to the complaints-handling procedure that would result in the declaration being withdrawn.
- (5) Where a declaration is made under subsection (1) or (2), the listed authority must revise its complaints-handling procedure and submit it to the Ombudsman, having taken account of the reasons given under subsection (4)(a) and any modifications specified in subsection (4)(b), within two months beginning with the day the declaration is published under subsection (3).
- (6) The Ombudsman may withdraw a declaration of non-compliance made under subsection (1) or (2) at any time if the Ombudsman thinks fit.
- (7) Where the Ombudsman withdraws a declaration under subsection (6)—
  - (a) the Ombudsman must immediately—



- (i) notify the listed authority to which the declaration relates that the declaration has been withdrawn, including the reasons why the declaration has been withdrawn, and
  - (ii) update the declaration published under subsection (3) to reflect that the declaration has been withdrawn, including the reasons why the declaration has been withdrawn;
- (b) the duty in subsection (5) ceases to apply to the listed authority, in so far as the duty arises in relation to the withdrawn declaration, as soon as the Ombudsman withdraws the declaration.’

Adran 38, tudalen 25, llinell 26, hepgorer is-adrannau (3) hyd at (5) a mewnosoder –

- ‘(3) Rhaid i’r Ombwdsmon gyhoeddi datganiad o dan adran (1) neu (2) ar wefan yr Ombwdsmon.
- (4) Cyn cyhoeddi datganiad o dan is-adran (3), rhaid i’r Ombwdsmon hysbysu’r awdurdod rhestredig y mae’r datganiad yn ymwneud ag ef –
- (a) y bydd yr Ombwdsmon yn gwneud datganiad, gan gynnwys rhesymau’r Ombwdsmon dros wneud y datganiad;
  - (b) am unrhyw addasiadau i’r weithdrefn ymdrin â chwynion a fyddai’n arwain at dynnu’r datganiad yn ôl.
- (5) Pan fo datganiad yn cael ei wneud o dan is-adran (1) neu (2), rhaid i’r awdurdod rhestredig adolygu ei weithdrefn ymdrin â chwynion a’i chyflwyno i’r Ombwdsmon, ar ôl ystyried y rhesymau a roddir o dan is-adran (4)(a) ac unrhyw addasiadau a bennir yn is-adran (4)(b), o fewn dau fis yn dechrau â’r diwrnod y cyhoeddir y datganiad o dan is-adran (3).
- (6) Caiff yr Ombwdsmon dynnu’n ôl ddatganiad o beidio â chydymffurfio a wneir o dan is-adran (1) neu (2) ar unrhyw adeg os yw’r Ombwdsmon o’r farn bod hynny’n addas.
- (7) Pan fo’r Ombwdsmon yn tynnu’n ôl ddatganiad o dan is-adran (6) –
- (a) rhaid i’r Ombwdsmon ar unwaith –
    - (i) hysbysu’r awdurdod rhestredig y mae’r datganiad yn ymwneud ag ef fod y datganiad wedi ei dynnu’n ôl, gan gynnwys y rhesymau pam y tynnwyd y datganiad yn ôl, a
    - (ii) diweddarau’r datganiad a gyhoeddir o dan is-adran (3) i adlewyrchu bod y datganiad wedi ei dynnu’n ôl, gan gynnwys y rhesymau pam y tynnwyd y datganiad yn ôl;
  - (b) bydd y ddyletswydd o dan is-adran (5) yn peidio â bod yn gymwys i’r awdurdod rhestredig, i’r graddau y mae’r ddyletswydd yn codi mewn perthynas â’r datganiad a dynnwyd yn ôl, cyn gynted ag y bo’r Ombwdsmon yn tynnu’r datganiad yn ôl.’





**Llyr Gruffydd**

**68**

Section 39, page 26, line 2, leave out –

‘a description of its complaints-handling procedure if the Ombudsman so directs; and must do so within three months of being so directed’

and insert –

‘its complaints-handling procedure to the Ombudsman if the Ombudsman so directs; and must do so within three months beginning with the day the listed authority receives the Ombudsman’s direction’.

Adran 39, tudalen 26, llinell 2, hepgorer –

‘disgrifiad o’i weithdrefn ymdrin â chwynion os yw’r Ombwdsmon yn cyfarwyddo hynny; a rhaid gwneud hynny cyn pen tri mis ar ôl cael cyfarwyddyd o’r fath’

a mewnosoder –

‘ei weithdrefn ymdrin â chwynion i’r Ombwdsmon os yw’r Ombwdsmon yn cyfarwyddo hynny; a rhaid gwneud hynny cyn pen tri mis sy’n cychwyn â’r diwrnod y mae’r awdurdod rhestredig yn cael y cyfarwyddyd gan yr Ombwdsmon’.

**Llyr Gruffydd**

**69**

Section 39, page 26, line 5, leave out subsection (2) and insert –

‘( ) The time limits in sections 37(3) and 38(*[third subsection to be inserted by Amendment 67]*) are subject to any time limits that apply in a direction given under subsection (1).’.

Adran 39, tudalen 26, llinell 6, hepgorer is-adran (2) a mewnosoder –

‘( ) Mae’r terfynau amser yn adrannau 37(3) a 38(*[y drydedd is-adran sy’n cael ei mewnosod gan Welliant 67]*) yn ddarostyngedig i unrhyw derfynau amser sy’n gymwys mewn cyfarwyddyd a roddir o dan is-adran (1).’.

**Llyr Gruffydd**

**70**

Section 39, page 26, line 6, leave out –

‘a description of its complaints-handling procedure to the Ombudsman under this Act or otherwise, the authority must provide such additional information in relation to that procedure as the Ombudsman may reasonably’

and insert –

‘its complaints-handling procedure to the Ombudsman under this Act or otherwise, the authority must provide such additional information in relation to that procedure as the Ombudsman may’.



Adran 39, tudalen 26, llinell 8, hepgorer –

‘disgrifiad o’i weithdrefn ymdrin â chwynion i’r Ombwdsmon o dan y Ddeddf hon neu fel arall, rhaid i’r awdurdod ddarparu’r cyfryw wybodaeth ychwanegol mewn perthynas â’r weithdrefn honno y caiff yr Ombwdsmon yn rhesymol’

a mewnosoder –

‘ei weithdrefn ymdrin â chwynion i’r Ombwdsmon o dan y Ddeddf hon neu fel arall, rhaid i’r awdurdod ddarparu’r cyfryw wybodaeth ychwanegol mewn perthynas â’r weithdrefn honno y caiff yr Ombwdsmon’.

## **Llyr Gruffydd**

71

Section 40, page 26, line 19, leave out subsection (3) and insert –

- ‘(3) But the Ombudsman may not require a listed authority to co-operate under subsection (2) –
- (a) if the listed authority lacks the necessary powers (other than by virtue of this Act) to co-operate under subsection (2);
  - (b) if co-operating under subsection (2) requires the listed authority to act inconsistently with any enactment (including any code, guidance, scheme or other document made under any enactment) that applies to the listed authority.’

Adran 40, tudalen 26, llinell 22, hepgorer is-adran (3) a mewnosoder –

- ‘(3) Ond ni chaiff yr Ombwdsmon ei gwneud yn ofynnol i awdurdod rhestredig gydweithredu o dan is-adran (2) –
- (a) os nad oes gan yr awdurdod rhestredig y pwerau angenrheidiol (heblaw yn rhinwedd y Ddeddf hon) i gydweithredu o dan is-adran (2);
  - (b) os yw cydweithredu o dan is-adran (2) yn ei gwneud yn ofynnol i’r awdurdod rhestredig weithredu yn anghyson ag unrhyw ddeddfiad (gan gynnwys unrhyw god, canllaw, cynllun neu ddogfen arall a wneir o dan unrhyw ddeddfiad) sy’n gymwys i’r awdurdod rhestredig.’

## **Llyr Gruffydd**

72

Page 26, line 24, leave out section 41.

Tudalen 26, llinell 27, hepgorer adran 41.

## **Llyr Gruffydd**

73

Section 43, page 28, line 1, leave out ‘or referred’.

Adran 43, tudalen 28, llinell 1, hepgorer ‘neu wedi’i hatgyfeirio’n briodol at yr’ a mewnosoder ‘i’r’.



**Llyr Gruffydd**

74

Section 43, page 28, line 1, after 'Ombudsman,', insert –

'or

( ) duly referred to the Ombudsman, '.

Adran 43, tudalen 28, llinell 2, ar ôl 'Ombwdsmon,', mewnosoder –

'neu

( ) wedi'i hatgyfeirio'n briodol at yr Ombwdsmon, '.

**Llyr Gruffydd**

75

Section 43, page 28, line 21, leave out '48' and insert '48(1)'.

Adran 43, tudalen 28, llinell 21, hepgorer '48' a mewnosoder '48(1)'.

**Llyr Gruffydd**

76

Section 43, page 28, line 25, leave out '49' and insert '49(1)'.

Adran 43, tudalen 28, llinell 25, hepgorer '49' a mewnosoder '49(1)'.

**Llyr Gruffydd**

77

Section 43, page 28, line 29, leave out '48' and insert '48(1)'.

Adran 43, tudalen 28, llinell 29, hepgorer '48' a mewnosoder '48(1)'.

**Llyr Gruffydd**

78

Section 43, page 28, line 35, after 'investigation', insert '(but see section 48(5)(*first paragraph to be inserted by Amendment 86*)) for a restriction on the power to begin an investigation under subsection (1)(a)'.

Adran 43, tudalen 28, llinell 35, ar ôl 'ben', mewnosoder '(ond gweler adran 48(5)(*ly paragraff cyntaf sy'n cael ei fewnosod gan Welliant 86*)) am gyfyngiad ar y pŵer i gychwyn ymchwiliad o dan is-adran (1)(a)'.

**Llyr Gruffydd**

79

Section 43, page 28, line 39, after 'withdrawn', insert '(but see section 48(5)(*first paragraph to be inserted by Amendment 86*)) for a restriction on the power to begin an investigation under subsection (1)(a)'.

Adran 43, tudalen 28, llinell 39, ar ôl 'ôl', mewnosoder '(ond gweler adran 48(5)(*ly paragraff cyntaf sy'n cael ei fewnosod gan Welliant 86*)) am gyfyngiad ar y pŵer i gychwyn ymchwiliad o dan is-adran (1)(a)'.



**Llyr Gruffydd**

80

Section 44, page 29, line 6, leave out subsections (3) to (5) and insert –

- ‘(3) Before the Ombudsman begins an investigation under this section, the Ombudsman must –
- (a) have regard to the public interest in beginning an investigation,
  - (b) have a reasonable suspicion that there is systemic maladministration,
  - (c) consult such persons as the Ombudsman considers appropriate (but see section 65 for further duties around consultation), and
  - (d) have regard to the criteria for own initiative investigations published under section 45.
- (4) Subject to subsection (3) –
- (a) it is for the Ombudsman to decide whether to begin, continue or discontinue an investigation under this section;
  - (b) the Ombudsman may take any action the Ombudsman thinks may assist in making a decision under subsection (4)(a).’.

Adran 44, tudalen 29, llinell 7, hepgorer is-adrannau (3) hyd at (5) a mewnosoder –

- ‘(3) Cyn i’r Ombwdsmon gychwyn ymchwiliad o dan yr adran hon, rhaid i’r Ombwdsmon –
- (a) rhoi sylw i fudd y cyhoedd wrth gychwyn ymchwiliad,
  - (b) bod ag amheuaeth resymol o gamweinyddiaeth systemig,
  - (c) ymgynghori â’r cyfryw bersonau sy’n briodol ym marn yr Ombwdsmon (ond gweler adran 65 am ddyletswyddau pellach ynghylch ymgynghori), a
  - (d) rhoi sylw i’r meini prawf ar gyfer cychwyn ymchwiliadau ar ei liwt ei hun a gyhoeddir o dan adran 45.
- (4) Yn ddarostyngedig i is-adran (3) –
- (a) mater i’r Ombwdsmon yw penderfynu pa un ai i gychwyn ymchwiliad, i barhau ag ymchwiliad ai i roi’r gorau i’r ymchwiliad o dan yr adran hon;
  - (b) caiff yr Ombwdsmon gymryd unrhyw gamau gweithredu a all, ym marn yr Ombwdsmon, helpu i wneud penderfyniad o dan is-adran (4)(a).’.



## **Llyr Gruffydd**

**81**

Section 45, page 29, line 13, leave out –

- (1) Before the Ombudsman begins an investigation under section 44, the Ombudsman must be satisfied that beginning an investigation is in the public interest and that one or more of the criteria in subsection (2) is met.
- (2) The criteria are –
  - (a) any vulnerable or disadvantaged person (for example, a person who would have particular difficulty in making a complaint to the Ombudsman or a provider) is likely to sustain injustice or hardship in consequence of the matter that is being considered for investigation;
  - (b) having regard to complaints received by the Ombudsman, the matter being considered for investigation is likely to amount to a systemic failure that may cause any person to sustain injustice or hardship.
- (3) The Welsh Ministers may by regulations amend the criteria in subsection (2) by adding criteria, removing criteria or changing the criteria.
- (4) Before making regulations under subsection (3), the Welsh Ministers must consult the Ombudsman and any other persons they think appropriate.
- (5) No regulations are to be made under subsection (3)

and insert –

- ( ) ‘The Ombudsman must publish criteria to be used in determining whether to begin an investigation under section 44.
- ( ) The Ombudsman must lay a draft of the first criteria before the Assembly.
- ( ) If, before the end of the 40 day period, the Assembly resolves not to approve the draft criteria, the Ombudsman must not publish the criteria in the form of the draft.
- ( ) If no such resolution is made before the end of that period, the Ombudsman must publish the criteria in the form of the draft.
- ( ) The 40 day period –
  - (a) begins on the day on which the draft is laid before the Assembly, and
  - (b) does not include any time during which the Assembly is dissolved or is in recess for more than four days.
- ( ) Subsection (3) does not prevent new draft criteria from being laid before the Assembly.
- ( ) Before laying the draft criteria before the Assembly, the Ombudsman must consult –
  - (a) the Welsh Ministers,
  - (b) the listed authorities in Schedule 3, and
  - (c) such other persons as the Ombudsman thinks appropriate.
- ( ) The Ombudsman must, in preparing the draft criteria to be laid before the Assembly, have regard to any representations made during the consultation mentioned in subsection (7).



- ( ) The criteria come into force when they are published by the Ombudsman.
- ( ) The Ombudsman may from time to time revise and re-publish the criteria.
- ( ) Where the Ombudsman considers that any revision of the criteria under subsection (10) is material, subsections (2) to (8) apply to the criteria as they do to the first criteria.
- ( ) The Welsh Ministers may by regulations amend criteria published by the Ombudsman under this section by adding criteria, removing criteria or changing the criteria.
- ( ) Where the Welsh Ministers make regulations under subsection (12), the Ombudsman must publish the criteria, as amended by the regulations, on the day the regulations come into force.
- ( ) Before making regulations under subsection (12), the Welsh Ministers must consult –
  - (a) the Ombudsman,
  - (b) the listed authorities in Schedule 3, and
  - (c) such other persons as the Welsh Ministers think appropriate.
- ( ) No regulations are to be made under subsection (12)ʹ.

Adran 45, tudalen 29, llinell 16, hepgorer –

- ʹ(1) Cyn iʹr Ombwdsmon gychwyn ymchwiliad o dan adran 44, rhaid iʹr Ombwdsmon fod yn fodlon bod cychwyn ymchwiliad er budd y cyhoedd a bod un neu ragor oʹr meini prawf yn is-adran (2) wediʹu bodloni.
- (2) Y meini prawf yw –
  - (a) bod unrhyw berson hyglwyf neu dan anfantais (er enghraifft, person a fyddaiʹn cael anhawster penodol i wneud cwyn iʹr Ombwdsmon neu ddarparwr) yn debygol o ddioddef anghyfiawnder neu galedi o ganlyniad iʹr mater yr ystyrir ymchwilio iddo;
  - (b) gan roi sylw i gwynion a gafodd yr Ombwdsmon, fod y mater yr ystyrir ymchwilio iddo yn debygol o fod yn fethiant systemig a all achosi i unrhyw berson ddioddef anghyfiawnder neu galedi.
- (3) Caiff Gweinidogion Cymru, drwy reoliadau, ddiwygioʹr meini prawf yn is-adran (2) drwy ychwanegu meini prawf, dileu meini prawf neu newid y meini prawf.
- (4) Cyn gwneud rheoliadau o dan is-adran (3), rhaid i Weinidogion Cymru ymgynghori âʹr Ombwdsmon ac unrhyw bersonau eraill syʹn briodol yn eu barn hwy.
- (5) Ni chaniateir gwneud rheoliadau o dan is-adran (3)ʹ

a mewnosoder –

- ʹ( ) Rhaid iʹr Ombwdsmon gyhoeddi meini prawf iʹw defnyddio wrth benderfynu pa un ai i gychwyn ymchwiliad o dan adran 44 .
- ( ) Rhaid iʹr Ombwdsmon osod drafft oʹr meini prawf cyntaf gerbron y Cynulliad.
- ( ) Os ywʹr Cynulliad yn penderfynu peidio â chymeradwyoʹr meini prawf drafft cyn diwedd y cyfnod o 40 diwrnod, ni chaiff yr Ombwdsmon gyhoeddiʹr meini prawf ar eu ffurf ddrafft.



- ( ) Os na wneir y cyfryw benderfyniad cyn diwedd y cyfnod hwnnw, rhaid i'r Ombwdsmon gyhoeddi'r meini prawf ar eu ffurf ddrafft.
- ( ) O ran y cyfnod o 40 diwrnod –
  - (a) mae'n dechrau ar y diwrnod pryd y gosodir y drafft gerbron y Cynulliad, a
  - (b) nid yw'n cynnwys unrhyw amser pan fo'r Cynulliad wedi ei ddiddymu neu pan fydd toriad o fwy na phedwar diwrnod.
- ( ) Nid yw is-adran (3) yn atal meini prawf drafft newydd rhag cael eu gosod gerbron y Cynulliad.
- ( ) Cyn gosod y meini prawf drafft gerbron y Cynulliad, rhaid i'r Ombwdsmon ymgynghori â'r canlynol –
  - (a) Gweinidogion Cymru,
  - (b) yr awdurdodau rhestredig yn Atodlen 3, ac
  - (c) y cyfryw bersonau eraill sy'n briodol ym marn yr Ombwdsmon.
- ( ) Rhaid i'r Ombwdsmon, wrth baratoi'r meini prawf drafft i'w gosod gerbron y Cynulliad, roi sylw i unrhyw sylwadau a wnaed yn ystod yr ymgynghoriad a grybwyllir yn is-adran (7).
- ( ) Daw'r meini prawf i rym pan gânt eu cyhoeddi gan yr Ombwdsmon.
- ( ) O dro i dro, caiff yr Ombwdsmon adolygu ac ailgyhoeddi'r meini prawf.
- ( ) Pan fo'r Ombwdsmon o'r farn bod unrhyw adolygiad o'r meini prawf o dan is-adran (10) yn berthnasol, mae is-adrannau (2) i (8) yn gymwys i'r meini prawf hynny fel y maent yn gymwys i'r meini prawf cyntaf.
- ( ) Caiff Gweinidogion Cymru drwy reoliadau ddiwygio'r meini prawf a gyhoeddir gan yr Ombwdsmon o dan yr adran hon drwy ychwanegu meini prawf, dileu meini prawf neu newid y meini prawf.
- ( ) Pan fo Gweinidogion Cymru yn gwneud rheoliadau o dan is-adran (12), rhaid i'r Ombwdsmon gyhoeddi'r meini prawf, fel y'u diwygiwyd gan y rheoliadau, ar y diwrnod y daw'r rheoliadau i rym.
- ( ) Cyn gwneud rheoliadau o dan is-adran (12), rhaid i Weinidogion Cymru ymgynghori â'r canlynol –
  - (a) yr Ombwdsmon,
  - (b) yr awdurdodau rhestredig yn Atodlen 3, ac
  - (c) y cyfryw bersonau eraill sy'n briodol ym marn Gweinidogion Cymru.
- ( ) Ni chaniateir gwneud rheoliadau o dan is-adran (12)'.

## Llyr Gruffydd

82

Section 47, page 30, line 8, leave out 'a person to act on his or her behalf' and insert 'such a person'.

Adran 47, tudalen 30, llinell 8, hepgorer 'awdurdodi person i weithredu ar ei ran' a mewnosoder 'awdurdodi'r cyfryw berson'.





**Llyr Gruffydd**

83

Section 48, page 30, line 23, after 'matter', insert 'alleged in the complaint'.

Adran 48, tudalen 30, llinell 25, ar ôl 'mater', mewnosoder 'a honnir yn y gŵyn'.

**Llyr Gruffydd**

84

Section 48, page 30, line 29, leave out 'aggrieved' and insert 'who made the complaint'.

Adran 48, tudalen 30, llinell 31, hepgorer 'dramgwyddwyd' a mewnosoder 'wnaeth y gŵyn'.

**Llyr Gruffydd**

85

Section 48, page 30, line 31, leave out 'he or she' and insert 'the person'.

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

**Llyr Gruffydd**

86

Section 48, page 30, line 34, leave out '43 to investigate the matter' and insert –

'43(1)(a) to begin an investigation into the matter alleged in the complaint;

- (b) may use the power in section 44 to investigate the matter alleged in the complaint'.

Adran 48, tudalen 30, llinell 36, hepgorer 'rhaid i'r Ombwdsmon beidio â defnyddio'r pŵer yn adran 43 i ymchwilio i'r mater' a mewnosoder –

'ni chaiff yr Ombwdsmon ddefnyddio'r pŵer yn adran 43(1)(a) i gychwyn ymchwiliad i'r mater a honnir yn y gŵyn;

- (b) caiff yr Ombwdsmon ddefnyddio'r pŵer yn adran 44 i ymchwilio i'r mater a honnir yn y gŵyn'.

**Llyr Gruffydd**

87

Section 48, page 30, line 36, leave out 'he or she' and insert 'the person'.

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

**Llyr Gruffydd**

88

Section 48, page 31, line 3, leave out subsections (8) to (10).

Adran 48, tudalen 31, llinell 3, hepgorer is-adrannau (8) hyd at (10).



## Llyr Gruffydd

89

Page 31, after line 20, insert a new section –

### [ ] Records of complaints

The Ombudsman must maintain a register of every complaint made or referred to the Ombudsman in respect of a matter which the Ombudsman is entitled to investigate under this Part.’.

Tudalen 31, ar ôl llinell 21, mewnosoder adran newydd –

### [ ] Cofnodion o gwynion

Rhaid i’r Ombwdsmon gynnal cofrestr o bob cwyn a wnaed i’r Ombwdsmon neu a atgyfeiriwyd at yr Ombwdsmon mewn perthynas â mater y mae gan yr Ombwdsmon hawl i ymchwilio iddo o dan y Rhan hon.’.

## Llyr Gruffydd

90

Section 50, page 31, line 23, leave out –

‘under section 43(8) or section 44(4) –

- (a) not to begin an investigation, or
- (b) to discontinue an investigation,’

and insert –

- ‘(a) not to begin an investigation, or to discontinue an investigation, into a matter under section 43(8), or
- (b) where the Ombudsman has consulted a person under section 43(*[third paragraph of first subsection inserted by Amendment 80]*), decides not to begin an investigation, or to discontinue an investigation, into a matter under section 43(*[first paragraph of second subsection to be inserted by Amendment 80]*)’,’.

Adran 50, tudalen 31, llinell 24, hepgorer –

‘o dan adran 43(8) neu adran 44(4) –

- (a) i beidio â dechrau ymchwiliad, neu
- (b) i ddod ag ymchwiliad i ben,’

a mewnosoder –

- ‘(a) peidio â chychwyn ymchwiliad, neu roi’r gorau i ymchwiliad, i fater o dan adran 43(8), neu
- (b) pan fo’r Ombwdsmon wedi ymgynghori â pherson o dan adran 43(*[trydydd paragraff yr is-adran gyntaf sy’n cael ei mewnosod gan Welliant 80]*), yn penderfynu peidio â chychwyn ymchwiliad, neu roi’r gorau i ymchwiliad, i fater o dan adran 43(*[paragraff cyntaf yr ail is-adran sy’n cael ei mewnosod gan Welliant 80]*)’,’.



**Llyr Gruffydd** **91**

Section 50, page 31, line 28, leave out 'the person aggrieved (if any)' and insert 'any person who made a complaint to the Ombudsman in respect of the matter'.

Adran 50, tudalen 31, llinell 29, hepgorer 'y person a dramgwyddwyd (os oes un)' a mewnosoder 'unrhyw berson a wnaeth gŵyn i'r Ombwdsmon mewn perthynas â'r mater'.

**Llyr Gruffydd** **92**

Section 51, page 32, line 23, after 'investigated', insert –

', and

- (ii) any person, other than the provider, who is identified in the investigation proposal in a negative way'.

Adran 51, tudalen 32, llinell 24, ar ôl 'iddo', mewnosoder –

', a

- (ii) i unrhyw berson, heblaw'r darparwr, y'i hadwaenir mewn modd negyddol yn y cynnig ymchwilio'.

**Llyr Gruffydd** **93**

Section 51, page 32, line 25, leave out 'has prepared an investigation proposal in respect of an investigation under section'.

Adran 51, tudalen 32, llinell 26, hepgorer 'wedi paratoi cynnig ymchwiliad sy'n ymwneud ag ymchwiliad o dan adran'.

**Llyr Gruffydd** **94**

Section 51, page 32, line 28, leave out 'is conducting another investigation' and insert 'has begun another investigation into a matter'.

Adran 51, tudalen 32, llinell 29, hepgorer 'yn cynnal ymchwiliad arall' a mewnosoder 'wedi cychwyn ymchwiliad arall i fater'.

**Llyr Gruffydd** **95**

Section 51, page 32, line 34, leave out subsections (5) to (7) and insert –

'() Where the Ombudsman prepares an investigation proposal in relation to a matter, the Ombudsman must –

- (a) give the provider being investigated an opportunity to comment on the investigation proposal;
- (b) give any person, other than the provider, who is identified in the investigation proposal in a negative way, an opportunity to comment on the investigation proposal (as far as the investigation proposal relates to that person).



- ( ) Where the Ombudsman has begun a related investigation into a matter and no investigation proposal is prepared by virtue of subsection (3), the Ombudsman must –
  - (a) give the provider an opportunity to comment on the related investigation;
  - (b) give any person, other than the provider, who is identified by the Ombudsman in relation to the related investigation in a negative way, an opportunity to comment on the related investigation (as far as the related investigation relates to that person).
- ( ) An investigation proposal must set out –
  - (a) the reasons for the investigation, and
  - (b) how the criteria published under section 45 have been met.’.

Adran 51, tudalen 32, llinell 35, hepgorer is-adrannau (5) hyd at (7) a mewnosoder –

- ‘( ) Pan fo’r Ombwdsmon yn paratoi cynnig ymchwilio mewn perthynas â mater, rhaid i’r Ombwdsmon –
  - (a) rhoi cyfle i’r darparwr yr ymchwilir iddo wneud sylwadau ar y cynnig ymchwilio;
  - (b) rhoi cyfle i unrhyw berson, heblaw’r darparwr, y’i hadwaenir mewn modd negyddol, wneud sylwadau ar y cynnig ymchwilio (i’r graddau y mae’r ymchwiliad yn ymwneud â’r person hwnnw).
- ( ) Pan fo’r Ombwdsmon wedi cychwyn ymchwiliad cysylltiedig i fater ac nad oes cynnig ymchwilio wedi’i baratoi yn rhinwedd is-adran (3), rhaid i’r Ombwdsmon –
  - (a) rhoi cyfle i’r darparwr wneud sylwadau ar yr ymchwiliad cysylltiedig;
  - (b) rhoi cyfle i unrhyw berson, heblaw’r darparwr, y’i hadwaenir gan yr Ombwdsmon mewn modd negyddol mewn perthynas â’r ymchwiliad, wneud sylwadau ar yr ymchwiliad cysylltiedig (i’r graddau y mae’r ymchwiliad yn ymwneud â’r person hwnnw).
- ( ) Rhaid i gynnig ymchwilio nodi –
  - (a) y rhesymau dros yr ymchwiliad, a
  - (b) y modd y bodlonwyd y meini prawf y cyfeirir atynt yn adran 45.’.

### **Llyr Gruffydd**

96

Section 51, page 33, line 15, after ‘investigation’, insert ‘under section 43 or 44’.

Adran 51, tudalen 33, llinell 16, ar ôl ‘ymchwiliad’, mewnosoder ‘o dan adran 43 neu 44’.

### **Llyr Gruffydd**

97

Section 51, page 33, line 25, leave out ‘the person aggrieved (if any) and to any other’ and insert ‘any’.

Adran 51, tudalen 33, llinell 25, hepgorer ‘i’r person a dramgwyddwyd (os oes un) ac i unrhyw berson arall’ a mewnosoder ‘i unrhyw berson’.



**Llyr Gruffydd**

**98**

Section 51, page 33, after line 29, insert –

‘(14) The Ombudsman must publish the procedure that the Ombudsman will follow when conducting an investigation under section 43 or 44.’

Adran 51, tudalen 33, ar ôl llinell 30, mewnosoder –

‘(14) Rhaid i’r Ombwdsmon gyhoeddi’r weithdrefn y bydd yr Ombwdsmon yn ei dilyn wrth gynnal ymchwiliad o dan adran 43 neu 44.’

**Llyr Gruffydd**

**99**

Section 54, page 34, leave out line 34 and insert –

‘() if the investigation relates to a complaint, the person who made the complaint,’

Adran 54, tudalen 34, hepgorer llinell 37 a mewnosoder –

‘() os bydd yr ymchwiliad yn ymwneud â chwyn, y person a wnaeth y gŵyn,’

**Llyr Gruffydd**

**100**

Section 56, page 36, line 13, leave out ‘authority’ and insert ‘provider’.

Adran 56, tudalen 36, llinell 15, hepgorer ‘awdurdod’ a mewnosoder ‘darparwr’.

**Llyr Gruffydd**

**101**

Section 57, page 36, line 19, after ‘sustained’, insert ‘, or is likely to sustain,’.

Adran 57, tudalen 36, llinell 22, ar ôl ‘galedi’, mewnosoder ‘, neu’n debygol o ddiodef anghyfiawnder neu galedi,’.

**Llyr Gruffydd**

**102**

Section 57, page 36, line 25, after ‘sustained’, insert ‘, or is likely to sustain,’.

Adran 57, tudalen 36, llinell 28, ar ôl ‘galedi’, mewnosoder ‘, neu’n debygol o ddiodef anghyfiawnder neu galedi,’.

**Llyr Gruffydd**

**103**

Section 57, page 36, line 33, leave out ‘, the provider and the person aggrieved (if any)’ and insert ‘and the provider and, if the investigation relates to a complaint, the person who made the complaint’.

Adran 57, tudalen 36, llinell 35, hepgorer ‘, y darparwr a’r person a dramgwyddwyd (os oes un)’ a mewnosoder ‘a’r darparwr ac, os yw’r ymchwiliad yn ymwneud â chwyn, y person a wnaeth y gŵyn’.



**Llyr Gruffydd** 104

Section 57, page 37, line 5, leave out 'the person aggrieved (if any) and' and insert—

'(i) if the investigation relates to a complaint, the person who made the complaint;'

Adran 57, tudalen 37, llinell 5, hepgorer 'at y person a dramgwyddwyd (os oes un) ac' a mewnosoder—

'(i) os yw'r ymchwiliad yn ymwneud â chwyn, at y person a wnaeth y gŵyn;'

**Llyr Gruffydd** 105

Section 58, page 37, line 31, after 'sustained', insert ', or is likely to sustain,'.

Adran 58, tudalen 37, llinell 32, ar ôl 'galedi', mewnosoder ', neu'n debygol o ddiodef anghyfiawnder neu galedi,'.

**Llyr Gruffydd** 106

Section 58, page 38, line 22, after 'sustained', insert ', or is likely to sustain,'.

Adran 58, tudalen 38, llinell 23, ar ôl 'galedi', mewnosoder ', neu'n debygol o ddiodef anghyfiawnder neu galedi,'.

**Llyr Gruffydd** 107

Section 59, page 38, line 36, after 'remedy', insert 'or prevent'.

Adran 59, tudalen 38, llinell 37, hepgorer 'unioni'r' a mewnosoder 'unioni neu atal yr'.

**Llyr Gruffydd** 108

Section 59, page 38, line 37, after 'caused', insert 'to any person'.

Adran 59, tudalen 38, llinell 38, ar ôl 'achosi', mewnosoder 'i unrhyw berson'.

**Llyr Gruffydd** 109

Section 59, page 39, line 5, leave out 'the person aggrieved (if any) and' and insert—

'(a) if the investigation relates to a complaint, the person who made the complaint;'

Adran 59, tudalen 39, llinell 5, hepgorer 'at y person a dramgwyddwyd (os oes un) a'r' a mewnosoder—

'(a) os yw'r ymchwiliad yn ymwneud â chwyn, at y person a wnaeth y gŵyn; at y'.



**Llyr Gruffydd** 110

Section 64, page 42, line 5, leave out '4(3), 43(8), 44(4)' and insert '4(3)([first paragraph of second subsection to be inserted by Amendment 11]), 43(8), 44(4)([first paragraph of second subsection to be inserted by Amendment 80])'.

Adran 64, tudalen 42, llinell 6, hepgorer '4(3), 43(8) neu 44(4)' a mewnosoder '4(3)([paragraff cyntaf yr ail is-adran sy'n cael ei mewnosod gan Welliant 11]), 43(8), 44(4)([paragraff cyntaf yr ail is-adran sy'n cael ei mewnosod gan Welliant 80]) neu'.

**Llyr Gruffydd** 111

Section 65, page 43, line 10, leave out 'examination' and insert 'investigation'.

Adran 65, tudalen 43, llinell 10, hepgorer 'archwiliad' a mewnosoder 'ymchwiliad'.

**Llyr Gruffydd** 112

Section 65, page 43, leave out lines 17 to 19 and insert—

'(e) where the matter relates to health or social care, the Welsh Ministers.'

Adran 65, tudalen 43, hepgorer llinellau 17 hyd at 19 a mewnosoder—

'(e) pan fo'r mater yn ymwneud ag iechyd neu ofal cymdeithasol, Gweinidogion Cymru.'

**Llyr Gruffydd** 113

Section 65, page 43, line 20, leave out—

'(3) Where the Ombudsman considers it appropriate, the Ombudsman must—

- (a) inform the relevant specified person about the matter, and
- (b) consult the specified person in relation to it.

(4) Where the Ombudsman consults the Children's Commissioner for Wales, the Commissioner for Older People in Wales or the Welsh Language Commissioner'

and insert—

'() Subject to subsection (4), where the Ombudsman considers it appropriate, the Ombudsman must—

- (a) inform the relevant specified person about the matter, and
- (b) consult the specified person in relation to it.

() Where the Ombudsman may investigate the matter under section 4 or 44 only, the Ombudsman must—

- (a) inform the relevant specified person about the matter, and
- (b) where the Ombudsman considers it appropriate, consult the specified person in relation to it.





- ( ) Where the Ombudsman consults a specified person,‘.

Adran 65, tudalen 43, llinell 20, hepgorer –

- ‘(3) Pan fo’r Ombwdsmon o’r farn bod hynny’n briodol, rhaid i’r Ombwdsmon –
- (a) rhoi gwybod i’r person a bennir perthnasol am y mater, a
  - (b) ymgynghori â’r person a bennir mewn perthynas ag ef.
- (4) Pan fo’r Ombwdsmon yn ymgynghori â Chomisiynydd Plant Cymru, Comisiynydd Pobl Hŷn Cymru, Comisiynydd Cenedlaethau’r Dyfodol Cymru neu Gomisiynydd y Gymraeg’

a mewnosoder –

- ‘( ) Yn ddarostyngedig i is-adran (4), pan fo’r Ombwdsmon o’r farn bod hynny’n briodol, rhaid i’r Ombwdsmon –
- (a) rhoi gwybod i’r person a bennir perthnasol am y mater, a
  - (b) ymgynghori â’r person a bennir mewn perthynas ag ef.
- ( ) Pan gaiff yr Ombwdsmon ymchwilio i’r mater o dan adran 4 neu 44 yn unig, rhaid i’r Ombwdsmon –
- (a) rhoi gwybod i’r person a bennir perthnasol am y mater, a
  - (b) pan fo’r Ombwdsmon o’r farn bod hynny’n briodol, ymgynghori â’r person a bennir mewn perthynas ag ef.
- ( ) Pan fo’r Ombwdsmon yn ymgynghori â pherson a bennir ‘.

## Llyr Gruffydd

114

Section 66, page 44, line 2, leave out ‘matter could be the subject of an examination’ and insert –

- ‘(a) complaint, or
- (b) a matter the Ombudsman is considering investigating under section 4 or 44, relates to or raises a matter which could be the subject of an investigation’.

Adran 66, tudalen 44, llinell 2, hepgorer ‘y gallai mater fod yn destun archwiliad’ a mewnosoder –  
‘bod

- (a) cwyn, neu
- (b) mater y mae’r Ombwdsmon yn ystyried ymchwilio iddo o dan adran 4 neu 44, yn ymwneud â mater, neu’n codi mater, a allai fod yn destun ymchwiliad’.

## Llyr Gruffydd

115

Section 66, page 44, line 7, leave out ‘also’.

Adran 66, tudalen 44, llinell 7, hepgorer ‘hefyd’.



**Llyr Gruffydd** **116**

Section 67, page 44, line 33, after 'matter', insert 'to which the investigation relates'.

Adran 67, tudalen 44, llinell 34, ar ôl 'mater', mewnosoder 'y mae'r ymchwiliad yn ymwneud ag ef'.

**Llyr Gruffydd** **117**

Section 68, page 45, line 10, after '23', insert 'or 56'.

Adran 68, tudalen 45, llinell 10, ar ôl '23', mewnosoder 'neu 56'.

**Llyr Gruffydd** **118**

Section 68, page 45, after line 24, insert –

'() for the purpose of any function of the Auditor General for Wales;'

Adran 68, tudalen 45, ar ôl llinell 25, mewnosoder –

'() at ddiben unrhyw un neu ragor o swyddogaethau Archwilydd Cyffredinol Cymru;'

**Llyr Gruffydd** **119**

Section 68, page 45, line 30, leave out 'Act' and insert 'Acts'.

Adran 68, tudalen 45, llinell 31, hepgorer 'Ddeddf' a mewnosoder 'Ddeddfau'.

**Llyr Gruffydd** **120**

Section 68, page 46, line 7, leave out 'an investigation and of any report to be made under section 69' and insert 'the Ombudsman's functions under Chapters 3 and 4 of Part 3'.

Adran 68, tudalen 46, llinell 7, hepgorer 'ymchwiliad ac unrhyw adroddiad sydd i'w wneud o dan adran 69' a mewnosoder 'swyddogaethau'r Ombwdsmon o dan Benodau 3 a 4 o Ran 3'.

**Llyr Gruffydd** **121**

Section 68, page 46, line 14, leave out 'Part 5 of the Data Protection Act 1998 (c.29)' and insert 'sections 142 to 154, 160 to 164 or 174 to 176 of, or Schedule 15 to, the Data Protection Act 2018 (c.12) (certain provisions relating to)'.

Adran 68, tudalen 46, hepgorer llinell 15 a mewnosoder –

'(a) adrannau 142 i 154, 160 i 164 neu 174 i 176 o Ddeddf Diogelu Data 2018 (p.12) (darpariaethau penodol yn ymwneud â gorfodi), neu Atodlen 15 i'r Ddeddf honno;'



**Llyr Gruffydd**

**122**

Section 68, page 46, after line 17, insert—

- ‘( ) Subsection (4)(a) has effect as if the matters to which it refers include a matter in respect of which the Information Commissioner could exercise a power conferred by a provision of Part 5 of the Data Protection Act 1998, as it has effect by virtue of Schedule 20 to the Data Protection Act 2018.’.

Adran 68, tudalen 46, ar ôl llinell 17, mewnosoder—

- ‘( ) Mae is-adran (4)(a) yn cael effaith fel pe bai’r materion y mae’n cyfeirio atynt yn cynnwys mater y gallai’r Comisiynydd Gwybodaeth arfer, mewn perthynas ag ef, bŵer a roddir gan ddarpariaeth yn Rhan 5 o Ddeddf Diogelu Data 1998, fel y mae’n cael effaith yn rhinwedd Atodlen 20 i Ddeddf Diogelu Data 2018.’.

**Llyr Gruffydd**

**123**

Section 68, page 46, leave out lines 19 to 20 and insert—

- ‘( ) a provision of the Data Protection Act 2018 (c.12) other than paragraph 15 of Schedule 15 to that Act (obstruction of execution of warrant etc);’.

Adran 68, tudalen 46, hepgorer llinellau 19 hyd at 20 a mewnosoder—

- ‘( ) darpariaeth yn Neddf Diogelu Data 2018 (p.12) heblaw paragraff 15 o Atodlen 15 i’r Ddeddf honno (rhwystro gweithredu gwarant);’.

**Llyr Gruffydd**

**124**

Section 70, page 47, after line 8, insert—

- ‘(ii) section 21 as modified by section 22;  
(iii) sections 21 and 22 as they apply to special reports (see section 28(6));’.

Adran 70, tudalen 47, ar ôl llinell 7, mewnosoder—

- ‘(ii) adran 21 fel y’i haddasir gan adran 22;  
(iii) adrannau 21 a 22 yn yr un modd ag y maent yn gymwys i adroddiadau arbennig (gweler adran 28(6));’.

**Llyr Gruffydd**

**125**

Section 70, page 47, line 9, after ‘with’, insert ‘a complaint or’.

Adran 70, tudalen 47, llinell 8, hepgorer ‘ag’ a mewnosoder ‘â chwyn neu’.

**Llyr Gruffydd**

**126**

Section 70, page 47, line 18, after ‘with’, insert ‘a complaint or’.

Adran 70, tudalen 47, llinell 16, hepgorer ‘ag’ a mewnosoder ‘â chwyn neu’.



**Llyr Gruffydd**

**127**

Section 70, page 47, line 27, after 'with', insert 'a complaint or'.

Adran 70, tudalen 47, llinell 24, hepgorer 'ag' a mewnosoder 'â chwyn neu'.

**Llyr Gruffydd**

**128**

Page 48, line 21, leave out section 72 and insert –

**[ ] Review of Act**

- (1) An Assembly committee must, as soon as practicable after the end of the 5 year period, lay before the Assembly a report on the operation and effect of this Act during the 5 year period.
- (2) An Assembly committee may lay before the Assembly a report on the operation and effect of this Act at any time.
- (3) In preparing a report under this section, the Assembly committee must consult such persons as the Assembly committee considers appropriate.
- (4) In this section, "the 5 year period" means the period of 5 years beginning with the day this Act receives Royal Assent.'

Tudalen 48, llinell 20, hepgorer adran 72 a mewnosoder –

**[ ] Adolygiad o'r Ddeddf**

- (1) Rhaid i bwyllgor Cynulliad, cyn gynted ag y bo'n ymarferol ar ddiwedd y cyfnod 5 mlynedd, osod gerbron y Cynulliad adroddiad ar weithrediad ac effaith y Ddeddf hon yn ystod y cyfnod 5 mlynedd.
- (2) Caiff pwyllgor Cynulliad osod gerbron y Cynulliad adroddiad ar gweithrediad ac effaith y Ddeddf hon ar unrhyw adeg.
- (3) Wrth baratoi adroddiad o dan yr adran hon, rhaid i'r pwyllgor Cynulliad ymgynghori â'r cyfryw bersonau sydd, ym marn y pwyllgor Cynulliad, yn briodol.
- (4) Yn yr adran hon, ystyr "y cyfnod 5 mlynedd" yw'r cyfnod o 5 mlynedd sy'n dechrau â'r diwrnod y caiff y Ddeddf hon y Cydsyniad Brenhinol. '.

**Llyr Gruffydd**

**129**

Section 74, page 49, line 4, leave out –

'(investigations commenced before sections 3, 4, 43 and 44 come into force);

(b) section 35 of the 2005 Act continues to have effect.

(2) Schedule 5 (consequential amendments)'

and insert –

'of this Act (investigations commenced before sections 3, 4, 42 and 43 of this Act come into force);



- (b) subsection (1) does not apply to—
- (i) paragraphs 9(4) and 11(4) of Schedule 1 to the 2005 Act (which amend the Superannuation Act 1972 (c.11)) and section 1 of the 2005 Act (to the extent that it gives effect to paragraphs 9(4) and 11(4) of the 2005 Act);
  - (ii) Schedule 4 to the 2005 Act (which amends the Local Government Act 2000 (c.22)) and section 35 of the 2005 Act (which gives effect to Schedule 4 to the 2005 Act);
  - (iii) Schedule 6 to the 2005 Act (consequential amendments) and section 39(1) of the 2005 Act (which gives effect to Schedule 6 to the 2005 Act);
  - (iv) the extent that it would revoke any subordinate legislation (within the meaning of section 21(1) of the Interpretation Act 1978 (c.30)) made under the 2005 Act.
- ( ) Schedule 5 (which makes consequential amendments of primary legislation in consequence of this Act)‘.

Adran 74, tudalen 49, llinell 5, hepgorer —

‘(ymchwiliadau a gychwynnir cyn y daw adrannau 3, 4, 43 a 44 I rym);

(b) mae adran 35 o Ddeddf 2005 yn parhau i gael effaith.

(2) Mae Atodlen 5 (diwygiadau canlyniadol)‘

a mewnosoder —

‘o’r Ddeddf hon (ymchwiliadau a gychwynnir cyn y daw adrannau 3, 4, 42 a 43 o’r Ddeddf hon i rym);

(b) nid yw is-adran (1) yn gymwys i—

- (i) paragraffau 9(4) ac 11(4) o Atodlen 1 i Ddeddf 2005 (sy’n diwygio Deddf Blwydd-daliadau 1972 (p.11)) ac adran 1 o Ddeddf 2005 (i’r graddau y mae’n rhoi effaith i baragraffau 9(4) ac 11(4) o Ddeddf 2005);
- (ii) Atodlen 4 i Ddeddf 2005 (sy’n diwygio Deddf Llywodraeth Leol 2000 (p.22)) ac adran 35 o Ddeddf 2005 (sy’n rhoi effaith i Atodlen 4 i Ddeddf 2005);
- (iii) Atodlen 6 i Ddeddf 2005 (diwygiadau canlyniadol) ac adran 39(1) o Ddeddf 2005 (sy’n rhoi effaith i Atodlen 6 i Ddeddf 2005);
- (iv) y graddau y byddai’n dirymu unrhyw is-ddeddfwriaeth (o fewn ystyr adran 21(1) o Ddeddf Dehongli 1978 (p.30)) a wneir o dan Ddeddf 2005.

( ) Mae Atodlen 5 (sy’n gwneud diwygiadau canlyniadol i ddeddfwriaeth sylfaenol o ganlyniad i’r Ddeddf hon)‘.

**Llyr Gruffydd**

**130**

Section 75, page 49, line 9, leave out —

‘come into force in accordance with provision made by the Welsh Ministers by regulations.’



and insert –

‘, and the Schedules to this Act, come into force in accordance with provision made by the Welsh Ministers by regulations.

- ( ) This section and sections 76 to 80 come into force on the day this Act receives Royal Assent.’.

Adran 75, tudalen 49, llinell 10, hepgorer –

‘yn dod i rym yn unol â darpariaeth a wneir gan Weinidogion Cymru drwy reoliadau.’

a mewnosoder –

‘, a’r Atodlenni i’r Ddeddf hon, yn dod i rym yn unol â darpariaeth a wneir gan Weinidogion Cymru drwy reoliadau.

- ( ) Mae’r adran hon ac adrannau 76 i 80 yn dod i rym ar y diwrnod y caiff y Ddeddf hon y Cydsyniad Brenhinol.’.

## Llyr Gruffydd

131

Section 76, page 50, after line 10, insert –

“enactment” (“*deddfiad*”) means an enactment (whenever enacted or made) which is, or contained in –

- (a) an Act or a Measure of the Assembly,
- (b) an Act of Parliament, or
- (c) subordinate legislation (within the meaning of section 21(1) of the Interpretation Act 1978 (c.30)) made under –
  - (i) an Act or a Measure of the Assembly, or
  - (ii) an Act of Parliament.’.

Adran 76, tudalen 51, ar ôl llinell 35, mewnosoder –

‘ystyr “deddfiad” (“*enactment*”) yw deddfiad (pa bryd bynnag y’i deddfwyd neu y’i gwnaed) sy’n un o’r canlynol neu sydd wedi’i gynnwys mewn un o’r canlynol –

- (a) Deddf neu Fesur Cynulliad,
- (b) Deddf Seneddol, neu
- (c) is-ddeddfwriaeth (o fewn ystyr adran 21(1) o Ddeddf Dehongli 1978 (p.30)) a wneir o dan –
  - (i) Deddf neu Fesur Cynulliad, neu
  - (ii) Deddf Seneddol.’.

## Llyr Gruffydd

132

Section 76, page 50, line 16, after ‘3’, insert ‘of this Act’.

Adran 76, tudalen 51, llinell 10, ar ôl ‘3’, mewnosoder ‘o’r Ddeddf hon’.



**Llyr Gruffydd** 133

Section 76, page 50, leave out lines 26 to 27.

Adran 76, tudalen 51, hepgorer llinellau 22 hyd a 24.

**Llyr Gruffydd** 134

Section 76, page 50, after line 31, insert –

“in writing” (“*yn ysgrifenedig*”) includes in electronic form;’.

Adran 76, tudalen 53, ar ôl llinell 2, mewnosoder –

‘mae “*yn ysgrifenedig*” (“*in writing*”) yn cynnwys ar ffurf electronig;’.

**Llyr Gruffydd** 135

Section 76, page 50, line 35, leave out ‘a complaint under’ and insert ‘an investigation under Part 3 of’.

Adran 76, tudalen 50, llinell 20, hepgorer ‘cwyn o dan y’ a mewnosoder ‘ymchwiliad o dan Ran 3 o’r’.

**Llyr Gruffydd** 136

Section 76, page 51, line 4, after ‘examination’, insert ‘, inquiry or review’.

Adran 76, tudalen 52, llinell 26, ar ôl ‘archwiliad’, mewnosoder ‘, ymchwiliad neu adolygiad’.

**Llyr Gruffydd** 137

Section 76, page 52, leave out lines 1 to 2.

Adran 76, tudalen 51, hepgorer llinellau 39 hyd at 40.

**\* Llyr Gruffydd** 138

Section 76, page 52, leave out lines 3 to 12.

Adran 76, tudalen 51, hepgorer llinellau 25 hyd at 35.

**Llyr Gruffydd** 139

Section 78, page 55, after line 15, insert –

‘() Regulations under subsection (1) may amend, revoke or repeal any enactment (including any enactment contained in or made under this Act).’.

Adran 78, tudalen 55, ar ôl llinell 16, mewnosoder –





'( ) Caiff rheoliadau o dan is-adran (1) ddiwygio, dirymu neu ddiddymu unrhyw ddeddfiad (gan gynnwys unrhyw ddeddfiad sydd wedi'i gynnwys yn y Ddeddf hon neu a wneir o dan y Ddeddf hon). '.

**Llyr Gruffydd** **140**

Section 78, page 55, line 19, leave out subsection (3).

Adran 78, tudalen 55, llinell 20, hepgorer is-adran (3).

**Llyr Gruffydd** **141**

Schedule 1, page 59, leave out lines 10 to 13.

Atodlen 1, tudalen 59, hepgorer llinellau 10 hyd at 14.

**Llyr Gruffydd** **142**

Schedule 1, page 59, line 16, leave out 'sub-paragraph (4)' and insert 'paragraph 9(4) of Schedule 1 to the 2005 Act'.

Atodlen 1, tudalen 59, llinell 17, hepgorer 'is-baragraff (4)' a mewnosoder 'baragraff 9(4) o Atodlen 1 i Ddeddf 2005'.

**Llyr Gruffydd** **143**

Schedule 1, page 59, line 31, leave out 'and 28(2)' and insert ', 28(2), 50(6), 54(7), 57(8) and 59(7)'.

Atodlen 1, tudalen 59, llinell 33, hepgorer 'a 28(2)' a mewnosoder ', 28(2), 50(6), 54(7), 57(8) a 59(7)'.

**Llyr Gruffydd** **144**

Schedule 1, page 60, leave out lines 3 to 6.

Atodlen 1, tudalen 60, hepgorer llinellau 3 hyd at 7.

**Llyr Gruffydd** **145**

Schedule 1, page 60, line 9, leave out 'sub-paragraph (4)' and insert 'paragraph 11(4) of Schedule 1 to the 2005 Act'.

Atodlen 1, tudalen 60, llinell 10, hepgorer 'is-baragraff (4)' a mewnosoder 'baragraff 11(4) o Atodlen 1 i Ddeddf 2005'.



**Llyr Gruffydd**

**146**

Schedule 1, page 61, line 23, leave out –

‘a matter which may be investigated by the Ombudsman under this Act’

and insert –

‘which –

(i) a complaint has been made or referred to the Ombudsman under this Act,  
or

(ii) the Ombudsman has begun to investigate under section 4 or 44’.

Atodlen 1, tudalen 61, llinell 22, hepgorer –

‘mewn perthynas â mater y caiff yr Ombwdsmon ymchwilio iddo o dan y Ddeddf hon’

a mewnosoder –

(i) y mae cwyn wedi’i gwneud i’r Ombwdsmon amdano neu wedi’i hatgyfeirio at yr Ombwdsmon yn ei gylch o dan y Ddeddf hon, neu

(ii) y mae’r Ombwdsmon wedi cychwyn ymchwiliad iddo o dan adran 4 neu 44’.

**Llyr Gruffydd**

**147**

Schedule 1, page 61, line 36, leave out ‘other than the first financial year’.

Atodlen 1, tudalen 61, llinell 37, hepgorer ‘heblaw’r flwyddyn ariannol gyntaf’.

**Llyr Gruffydd**

**148**

Schedule 1, page 62, leave out lines 32 to 38 and insert –

(b) subject to sub-paragraph (3), no later than four months after the accounts are so submitted, lay before the Assembly a copy of them as certified by the Auditor General for Wales together with the Auditor General for Wales’s report on them (“a copy of the certified accounts and report”).

(3) The Auditor General for Wales may lay a copy of the certified accounts and report before the Assembly after the four-month deadline mentioned in sub-paragraph (2)(b) where it is not reasonably practicable for the Auditor General for Wales to meet that deadline.

(4) Where sub-paragraph (3) applies, the Auditor General for Wales must –

(a) before the four-month deadline mentioned in sub-paragraph (2)(b), lay before the Assembly a statement explaining why it is not reasonably practicable for the Auditor General for Wales to lay a copy of the certified accounts and report before the Assembly before that deadline, and

(b) lay a copy of the certified accounts and report before the Assembly as soon as reasonably practicable after that deadline.



- (5) In examining accounts submitted to the Auditor General for Wales under this paragraph the Auditor General for Wales must, in particular, be satisfied that –
- (a) the expenditure to which the accounts relate has been incurred lawfully and in accordance with the authority which governs it, and
  - (b) the Ombudsman has made appropriate arrangements for the economic, efficient and effective use of the Ombudsman’s resources.’.

Atodlen 1, tudalen 62, hepgorer llinellau 30 hyd at 36 a mewnosoder –

- ‘(b) yn ddarostyngedig i is-baragraff (3), heb fod yn hwyrach na phedwar mis ar ôl i’r cyfrifon gael eu cyflwyno, osod gerbron y Cynulliad gopi ohonynt fel y’u hardystiwyd gan Archwilydd Cyffredinol Cymru ynghyd ag adroddiad Archwilydd Cyffredinol Cymru arnynt (“copi o’r cyfrifon ardystiedig a’r adroddiad”).
- (3) Caiff Archwilydd Cyffredinol Cymru osod copi o’r cyfrifon ardystiedig a’r adroddiad gerbron y Cynulliad ar ôl y terfyn amser o bedwar mis a grybwyllir yn is-baragraff (2)(b) pan na fo’n rhesymol ymarferol i Archwilydd Cyffredinol Cymru gadw at y terfyn amser hwnnw.
- (4) Pan fo is-baragraff (3) yn gymwys, rhaid i Archwilydd Cyffredinol Cymru –
- (a) cyn y terfyn amser o bedwar mis a grybwyllir yn is-baragraff (2)(b), osod gerbron y Cynulliad ddatganiad yn esbonio pam nad yw’n rhesymol ymarferol i Archwilydd Cyffredinol Cymru osod copi o’r cyfrifon ardystiedig a’r adroddiad gerbron y Cynulliad cyn y terfyn amser hwnnw, a
  - (b) gosod copi o’r cyfrifon ardystiedig a’r adroddiad gerbron y Cynulliad cyn gynted ag y bo’n rhesymol ymarferol ar ôl y terfyn amser hwnnw.
- (5) Wrth archwilio cyfrifon a gyflwynir i Archwilydd Cyffredinol Cymru o dan y paragraff hwn rhaid i Archwilydd Cyffredinol Cymru, yn benodol, fod wedi ei fodloni –
- (a) yr aethpwyd yn gyfreithiol i’r gwariant y mae’r cyfrifon yn ymwneud ag ef, ac yn unol â’r awdurdod sy’n llywodraethu’r gwariant, a
  - (b) bod yr Ombwdsmon wedi gwneud trefniadau priodol i ddefnyddio adnoddau’r Ombwdsmon yn ddarbodus, yn effeithlon ac yn effeithiol. ’.

**\* Llyr Gruffydd**

**149**

Schedule 2, page 65, line 31, leave out paragraph 7.

Atodlen 2, tudalen 65, llinell 36, hepgorer baragraff 7.

**Llyr Gruffydd**

**150**

Schedule 3, page 68, leave out line 4.

Atodlen 3, tudalen 68, hepgorer llinell 4.



**Llyr Gruffydd**

**151**

Schedule 3, page 69, leave out line 7.

Atodlen 3, tudalen 69, hepgorer llinell 10.

**Llyr Gruffydd**

**152**

Schedule 5, page 71, line 5, leave out paragraph 1 and insert –

‘[] Insert new section 75ZB–

**“75ZB Working jointly with the Public Services Ombudsman for Wales**

- (1) This section applies where it appears to the Commissioner that a case which he is –
  - (a) examining in accordance with regulations made under section 74, or
  - (b) considering whether to examine in accordance with such regulations,relates to or raises a matter which could be the subject of an investigation by the Public Services Ombudsman for Wales (the ‘connected matter’).
- (2) Where the Commissioner considers it appropriate, he must inform the Ombudsman about the connected matter.
- (3) Where the Commissioner considers that the case also relates to or raises a matter which he is entitled to examine himself (the ‘children matter’), he must also if he considers it appropriate –
  - (a) inform the Ombudsman about the Commissioners proposals for examination of the case, and
  - (b) consult the Ombudsman about those proposals.
- (4) Where the Commissioner and the Ombudsman consider that they are entitled to examine, respectively, the children matter and the connected matter they may –
  - (a) co-operate with each other in the separate examination of each of those matters;
  - (b) act together in the examination of those matters; and
  - (c) prepare and publish a joint report containing their respective conclusions in relation to the matters they have each examined.
- (5) Where the Commissioner considers –
  - (a) that the case is not one which relates to or raises a matter that he is entitled to examine himself, and
  - (b) that it is appropriate to do so,



he must inform the person whose case it is, or another person interested in it that he thinks fit, about how to secure referral to the Ombudsman of the connected matter.”.

Atodlen 5, tudalen 71, llinell 5, hepgorer paragraff 1 a mewnosoder –

‘[] Mewnosoder adran newydd 75ZB–

**“75ZB Working jointly with the Public Services Ombudsman for Wales**

(1) This section applies where it appears to the Commissioner that a case which he is –

- (a) examining in accordance with regulations made under section 74, or
- (b) considering whether to examine in accordance with such regulations,

relates to or raises a matter which could be the subject of an investigation by the Public Services Ombudsman for Wales (the ‘connected matter’).

(2) Where the Commissioner considers it appropriate, he must inform the Ombudsman about the connected matter.

(3) Where the Commissioner considers that the case also relates to or raises a matter which he is entitled to examine himself (the ‘children matter’), he must also if he considers it appropriate –

- (a) inform the Ombudsman about the Commissioners proposals for examination of the case, and
- (b) consult the Ombudsman about those proposals.

(4) Where the Commissioner and the Ombudsman consider that they are entitled to examine, respectively, the children matter and the connected matter they may –

- (a) co-operate with each other in the separate examination of each of those matters;
- (b) act together in the examination of those matters; and
- (c) prepare and publish a joint report containing their respective conclusions in relation to the matters they have each examined.

(5) Where the Commissioner considers –

- (a) that the case is not one which relates to or raises a matter that he is entitled to examine himself, and
- (b) that it is appropriate to do so,

he must inform the person whose case it is, or another person interested in it that he thinks fit, about how to secure referral to the Ombudsman of the connected matter.”.



**Llyr Gruffydd**

153

Schedule 5, page 71, line 29, leave out paragraph 3.

Atodlen 5, tudalen 71, llinell 29, hepgorer paragraff 3.

**Llyr Gruffydd**

154

Schedule 5, page 71, after line 32, insert –

*'Public Audit (Wales) Act 2004 (c.23)*

[ ] Insert new section 67B –

**“67B Protection from defamation claims**

For the purposes of the law of defamation, the publication in a communication between the Auditor General for Wales or the Wales Audit Office and the Public Services Ombudsman for Wales of a matter in connection with a joint investigation conducted under section 67(2) of the Public Services Ombudsman (Wales) Act 2019, is absolutely privileged.”.

Atodlen 5, tudalen 71, ar ôl llinell 32, mewnosoder –

*'Deddf Archwilio Cyhoeddus (Cymru) 2004 (p.23)*

[ ] Mewnosoder adran newydd 67B –

**“67B Protection from defamation claims**

For the purposes of the law of defamation, the publication in a communication between the Auditor General for Wales or the Wales Audit Office and the Public Services Ombudsman for Wales of a matter in connection with a joint investigation conducted under section 67(2) of the Public Services Ombudsman (Wales) Act 2019, is absolutely privileged.”.

**Llyr Gruffydd**

155

Schedule 5, page 72, after line 18, insert –

*'Parliamentary Commissioner Act 1967 (c.13)*

[ ] In section 4 (departments etc. subject to investigation), in subsection (3A), for “the Public Services Ombudsman (Wales) Act 2005” substitute “the Public Services Ombudsman (Wales) Act 2019”.



- [ ] In section 11A (consultations between Parliamentary Commissioner and other Commissioners or Ombudsmen), in subsection (1)(b), for “the Public Services Ombudsman (Wales) Act 2005” substitute “the Public Services Ombudsman (Wales) Act 2019”.

Atodlen 5, tudalen 72, ar ôl llinell 18, mewnosoder –

*‘Deddf y Comisiynydd Seneddol 1967 (p.13)*

- [ ] Yn adran 4 (adrannau etc. sy’n ddarostyngedig i ymchwiliad), yn is-adran (3A), yn lle “the Public Services Ombudsman (Wales) Act 2005” rhodder “the Public Services Ombudsman (Wales) Act 2019”.
- [ ] Yn adran 11A (ymgyngoriadau rhwng y Comisiynydd Seneddol a Chomisiynwyr neu Ombwdsmyr eraill), yn is-adran (1)(b), yn lle “the Public Services Ombudsman (Wales) Act 2005” rhodder “the Public Services Ombudsman (Wales) Act 2019”.

## **Llyr Gruffydd**

**156**

Schedule 5, page 72, after line 18, insert –

*‘Local Government Act 1974 (c.7)*

- [ ] In section 34M (consultation with other Commissioners), in subsection (1)(d), at the end insert “or the PSOWA 2019”.
- [ ] In section 34T (interpretation of Part 3A), in subsection (1), after the definition of “the PSOWA 2005” insert –

“the PSOWA 2019” means the Public Services Ombudsman (Wales) Act 2019,”.

Atodlen 5, tudalen 72, ar ôl llinell 18, mewnosoder –

*‘Deddf Llywodraeth Leol 1974 (p.7)*

- [ ] Yn adran 34M (ymgyngori â Chomisiynwyr eraill), yn is-adran (1)(d), ar y diwedd mewnosoder “or the PSOWA 2019”.
- [ ] Yn adran 34T (dehongli Rhan 3A), yn is-adran (1), ar ôl y diffiniad o “the PSOWA 2005” mewnosoder –

“the PSOWA 2019” means the Public Services Ombudsman (Wales) Act 2019,”.





**Llyr Gruffydd**

**157**

Schedule 5, page 72, after line 18, insert –

*‘Ancient Monuments and Archaeological Areas Act 1979 (c.46)*

- [ ] In Schedule A2 (decisions on reviews by person appointed by Welsh Ministers), in paragraph 7, for “the Public Services (Ombudsman) Wales Act 2005” substitute “the Public Services Ombudsman (Wales) Act 2005 and the Public Services Ombudsman (Wales) Act 2019”.

Atodlen 5, tudalen 72, ar ôl llinell 18, mewnosoder –

*‘Deddf Henebion Hynafol ac Ardaloedd Archaeolegol 1979 (p.46)*

- [ ] Yn Atodlen A2 (penderfyniadau ar adolygiadau gan berson a benodir gan Weinidogion Cymru), ym mharagraff 7, yn lle “the Public Services (Ombudsman) Wales Act 2005” rhodder “the Public Services Ombudsman (Wales) Act 2005 and the Public Services Ombudsman (Wales) Act 2019”.

**Llyr Gruffydd**

**158**

Schedule 5, page 72, after line 18, insert –

*‘Local Government and Housing Act 1989 (c.42)*

- [ ] In section 5 (designation and reports of monitoring officer) –
- (a) in subsection (2)(c), at the end insert “or the Public Services Ombudsman (Wales) Act 2019”;
  - (b) in subsection (2AA), after “the Public Services Ombudsman (Wales) Act 2005” insert “or the Public Services Ombudsman (Wales) Act 2019”.
- [ ] In section 5A (reports of monitoring officer – local authorities operating executive arrangements) –
- (a) in subsection (3)(c), at the end insert “or the Public Services Ombudsman (Wales) Act 2019”;
  - (b) in subsection (4A), after “the Public Services Ombudsman (Wales) Act 2005” insert “or the Public Services Ombudsman (Wales) Act 2019”.

Atodlen 5, tudalen 72, ar ôl llinell 18, mewnosoder –

*‘Deddf Llywodraeth Leol a Thai 1989 (p.42)*

- [ ] Yn adran 5 (dynodiad ac adroddiadau'r swyddog monitro) –
- (a) yn is-adran (2)(c), ar y diwedd mewnosoder “or the Public Services Ombudsman (Wales) Act 2019”;
  - (b) yn is-adran (2AA), ar ôl “the Public Services Ombudsman (Wales) Act 2005” mewnosoder “or the Public Services Ombudsman (Wales) Act 2019”.



- [ ] Yn adran 5A (adroddiadau'r swyddog monitro - awdurdodau lleol yn gweithredu trefniadau gweithrediaeth) –
- (a) yn is-adran (3)(c), ar y diwedd mewnosoder “or the Public Services Ombudsman (Wales) Act 2019”;
  - (b) yn is-adran (4A), ar ôl “the Public Services Ombudsman (Wales) Act 2005” mewnosoder “or the Public Services Ombudsman (Wales) Act 2019”.

## **Llyr Gruffydd**

159

Schedule 5, page 72, after line 18, insert –

*‘Planning (Listed Buildings and Conservation Areas) Act 1990 (c.9)*

- [ ] In Schedule 1B (decisions on reviews by person appointed by Welsh Ministers), in paragraph 7, after “the Public Services Ombudsman (Wales) Act 2005” insert “and the Public Services Ombudsman (Wales) Act 2019”.
- [ ] In Schedule 3 (determination of certain appeals by person appointed by Secretary of State), in paragraph 7(3), after “the Public Services Ombudsman (Wales) Act 2005” insert “and the Public Services Ombudsman (Wales) Act 2019”.

Atodlen 5, tudalen 72, ar ôl llinell 18, mewnosoder –

*‘Deddf Cynllunio (Adeiladau Rhestredig ac Ardaloedd Cadwraeth) 1990 (p.9)*

- [ ] Yn Atodlen 1B (penderfyniadau ar adolygiadau gan berson a benodir gan Weinidogion Cymru), ym mharagraff 7, ar ôl “the Public Services Ombudsman (Wales) Act 2005” mewnosoder “and the Public Services Ombudsman (Wales) Act 2019”.
- [ ] Yn Atodlen 3 (penderfynu ar apelau penodol gan berson a benodir gan Ysgrifennydd Gwladol), ym mharagraff 7(3), ar ôl “the Public Services Ombudsman (Wales) Act 2005” mewnosoder “and the Public Services Ombudsman (Wales) Act 2019”.

## **Llyr Gruffydd**

160

Schedule 5, page 72, after line 18, insert –

*‘Health Service Commissioners Act 1993 (c.46)*

- [ ] In section 18 (consultation during investigations), in subsection (1)(ba), at the end insert “or the Public Services Ombudsman (Wales) Act 2019”.

Atodlen 5, tudalen 72, ar ôl llinell 18, mewnosoder –

*‘Deddf Comisiynwyr y Gwasanaeth Iechyd 1993 (p.46)*

- [ ] Yn adran 18 (ymgyngori yn ystod ymchwiliadau), yn is-adran (1)(ba), ar y diwedd mewnosoder “or the Public Services Ombudsman (Wales) Act 2019”.



**Llyr Gruffydd**

**161**

Schedule 5, page 72, after line 18, insert –

*‘Housing Act 1996 (c.52)*

- [ ] In section 50C (grounds for giving notice), in subsection (10), at the end insert “or section 22 of the Public Services Ombudsman (Wales) Act 2019”.
- [ ] In section 51 (schemes for investigation of complaints), in subsection (7), for “section 41 of the Public Services Ombudsman (Wales) Act 2005” substitute “section 76 of the Public Services Ombudsman (Wales) Act 2019”.

Atodlen 5, tudalen 72, ar ôl llinell 18, mewnosoder –

*‘Deddf Tai 1996 (p.52)*

- [ ] Yn adran 50C (seiliau ar gyfer rhoi hysbysiad), yn is-adran (10), ar y diwedd mewnosoder “or section 22 of the Public Services Ombudsman (Wales) Act 2019”.
- [ ] Yn adran 51 (cynlluniau ar gyfer ymchwilio i gwynion), yn is-adran (7), yn lle “section 41 of the Public Services Ombudsman (Wales) Act 2005” rhodder “section 76 of the Public Services Ombudsman (Wales) Act 2019”.

**Llyr Gruffydd**

**162**

Schedule 5, page 72, after line 18, insert –

*‘Freedom of Information Act 2000 (c.36)*

- [ ] In section 76 (disclosure of information between Commissioner and ombudsmen), in the second column of the row that refers to the Public Services Ombudsman for Wales in the table in subsection (1), at the end insert “or Part 3 of the Public Services Ombudsman (Wales) Act 2019”.

Atodlen 5, tudalen 72, ar ôl llinell 18, mewnosoder –

*‘Deddf Rhyddid Gwybodaeth 2000 (p.36)*

- [ ] Yn adran 76 (datgelu gwybodaeth rhwng Comisiynydd ac ombwdsmyn), yn yr ail golofn o’r rhes sy’n cyfeirio at Ombwdsmon Gwasanaethau Cyhoeddus Cymru yn y tabl yn is-adran (1), ar y diwedd mewnosoder “or Part 3 of the Public Services Ombudsman (Wales) Act 2019”.



**Llyr Gruffydd**

163

Schedule 5, page 72, after line 18, insert –

*'Local Government Act 2000 (c.22)*

- [ ] In section 68 (Public Services Ombudsman for Wales), in subsection (3), for “the Public Services Ombudsman (Wales) Act 2005” substitute “the Public Services Ombudsman (Wales) Act 2019”.
- [ ] In section 70 (investigations: further provisions), in subsection (2)(b), for “sections 13 to 15 and Part 2B of the Public Services Ombudsman (Wales) Act 2005” substitute “sections 18 to 20 and Part 6 of the Public Services Ombudsman (Wales) Act 2019”.

Atodlen 5, tudalen 72, ar ôl llinell 18, mewnosoder –

*'Deddf Llywodraeth Leol 2000 (p.22)*

- [ ] Yn adran 68 (Ombwdsmon Gwasanaethau Cyhoeddus Cymru), yn is-adran (3), yn lle “the Public Services Ombudsman (Wales) Act 2005” rhodder “the Public Services Ombudsman (Wales) Act 2019”.
- [ ] Yn adran 70 (ymchwiliadau: darpariaethau pellach), yn is-adran (2)(b), yn lle “sections 13 to 15 and Part 2B of the Public Services Ombudsman (Wales) Act 2005” rhodder “sections 18 to 20 and Part 6 of the Public Services Ombudsman (Wales) Act 2019”.

**Llyr Gruffydd**

164

Schedule 5, page 72, after line 18, insert –

*'Health and Social Care (Community Health and Standards) Act 2003 (c.43)*

- [ ] In section 113 (complaints about health care), in subsection (4)(aa) –
  - (a) for “the Public Services Ombudsman (Wales) Act 2005” substitute “the Public Services Ombudsman (Wales) Act 2019”;
  - (b) for “section 2(3)” substitute “section 3(3)”.

Atodlen 5, tudalen 72, ar ôl llinell 18, mewnosoder –

*'Deddf Iechyd a Gofal Cymdeithasol (Iechyd Cymunedol a Safonau) 2003 (p.43)*

- [ ] Yn adran 113 (cwynion ynghylch gofal iechyd), yn is-adran (4)(aa) –
  - (a) yn lle “the Public Services Ombudsman (Wales) Act 2005” rhodder “the Public Services Ombudsman (Wales) Act 2019”;
  - (b) yn lle “section 2(3)” rhodder “section 3(3)”.



**Llyr Gruffydd**

165

Schedule 5, page 72, after line 18, insert –

*‘National Health Service (Wales) Act 2006 (c.42)*

[ ] In section 187 (independent advocacy services), in subsection (3) –

- (a) in the definition of “health service body”, for “the Public Services Ombudsman (Wales) Act 2005 (c.10)” substitute “the Public Services Ombudsman (Wales) Act 2019”;
- (b) in the definition of “independent palliative care provider”, for “section 34T of the Public Services Ombudsman (Wales) Act 2005” substitute “section 63 of the Public Services Ombudsman (Wales) Act 2019”;
- (c) in the definition of “independent provider”, for “the Public Services Ombudsman (Wales) Act 2005” substitute “the Public Services Ombudsman (Wales) Act 2019”.

Atodlen 5, tudalen 72, ar ôl llinell 18, mewnosoder –

*‘Deddf Gwasanaeth Iechyd Cyhoeddus (Cymru) 2006 (p.42)*

[ ] Yn adran 187 (gwasanaethau eirioli annibynnol), in is-adran (3) –

- (a) yn y diffiniad o “health service body”, yn lle “the Public Services Ombudsman (Wales) Act 2005 (p.10)” rhodder “the Public Services Ombudsman (Wales) Act 2019”;
- (b) yn y diffiniad o “independent palliative care provider”, yn lle “section 34T of the Public Services Ombudsman (Wales) Act 2005” rhodder “section 63 of the Public Services Ombudsman (Wales) Act 2019”;
- (c) yn y diffiniad o “independent provider”, yn lle “the Public Services Ombudsman (Wales) Act 2005” rhodder “the Public Services Ombudsman (Wales) Act 2019”.

**Llyr Gruffydd**

166

Schedule 5, page 72, after line 18, insert –

*‘Commissioner for Older People (Wales) Act 2006 (c.30)*

[ ] In section 18 (power to disclose information), in subsection (1)(b), at the end insert “or section 65 of the Public Services Ombudsman (Wales) Act 2019 (working jointly with specified persons)”.

Atodlen 5, tudalen 72, ar ôl llinell 18, mewnosoder –

*‘Deddf Comisiynydd Pobl Hŷn (Cymru) 2006 (p.30)*

[ ] Yn adran 18 (pŵer i ddatgelu gwybodaeth), yn is-adran (1)(b), ar y diwedd mewnosoder “or section 65 of the Public Services Ombudsman (Wales) Act 2019 (cydweithio â phersonau a bennir)”.



**Llyr Gruffydd**

**167**

Schedule 5, page 72, after line 18, insert –

*‘Government of Wales Act 2006 (c.32)*

- [ ] In Schedule 8 (Auditor General for Wales), in paragraph 17(8)(ba), for “the Public Services Ombudsman (Wales) Act 2005” substitute “the Public Services Ombudsman (Wales) Act 2019”.’.

Atodlen 5, tudalen 72, ar ôl llinell 18, mewnosoder –

*‘Deddf Llywodraeth Cymru 2006 (p.32)*

- [ ] Yn Atodlen 8 (Archwilydd Cyffredinol Cymru), ym mharagraff 17(8)(ba), yn lle “the Public Services Ombudsman (Wales) Act 2005” rhodder “the Public Services Ombudsman (Wales) Act 2019”.’.

**Llyr Gruffydd**

**168**

Schedule 5, page 72, after line 18, insert –

*‘Local Government and Public Involvement in Health Act 2007 (c.28)*

- [ ] In section 223A (independent advocacy services), in subsection (10) –
- (a) in the definition of “health service body”, for “the Public Services Ombudsman (Wales) Act 2005” substitute “the Public Services Ombudsman (Wales) Act 2019”;
  - (b) in the definition of “independent provider”, for “the Public Services Ombudsman (Wales) Act 2005” substitute “the Public Services Ombudsman (Wales) Act 2019”;
  - (c) in the definition of “Welsh health body”, for “the Public Services Ombudsman (Wales) Act 2005” substitute “the Public Services Ombudsman (Wales) Act 2019”.’.

Atodlen 5, tudalen 72, ar ôl llinell 18, mewnosoder –

*‘Deddf Llywodraeth Leol a Chynnwys y Cyhoedd mewn Iechyd 2007 (p.28)*

- [ ] Yn adran 223A (gwasanaethau eirioli annibynnol), yn is-adran (10) –
- (a) yn y diffiniad o “health service body”, yn lle “the Public Services Ombudsman (Wales) Act 2005” rhodder “the Public Services Ombudsman (Wales) Act 2019”;
  - (b) yn y diffiniad o “independent provider”, yn lle “the Public Services Ombudsman (Wales) Act 2005” rhodder “the Public Services Ombudsman (Wales) Act 2019”;
  - (c) yn y diffiniad o “Welsh health body”, yn lle “the Public Services Ombudsman (Wales) Act 2005” rhodder “the Public Services Ombudsman (Wales) Act 2019”.’.





**Llyr Gruffydd**

169

Schedule 5, page 72, after line 18, insert –

*‘Social Services and Well-being (Wales) Act 2014 (anaw 4)*

- [ ] In section 171 (complaints about social services), in subsection (3)(a) –
- (a) for “the Public Services Ombudsman (Wales) Act 2005” substitute “the Public Services Ombudsman (Wales) Act 2019”;
  - (b) for “section 2(3)” substitute “section 3(3)”.
- [ ] In section 177 (further consideration of representations), in subsection (4)(a) –
- (a) for “the Public Services Ombudsman (Wales) Act 2005” substitute “the Public Services Ombudsman (Wales) Act 2019”;
  - (b) for “section 2(3)” substitute “section 3(3)”.

Atodlen 5, tudalen 72, ar ôl llinell 18, mewnosoder –

*‘Ddeddf Gwasanaethau Cymdeithasol a Llesiant (Cymru) 2014 (dccc 4)*

- [ ] Yn adran 171 (cwynion ynghylch gwasanaethau cymdeithasol), yn is-adran (3)(a) –
- (a) yn lle “Ddeddf Ombwdsmon Gwasanaethau Cyhoeddus (Cymru) 2005” rhodder “Ddeddf Ombwdsmon Gwasanaethau Cyhoeddus (Cymru) 2019”;
  - (b) yn lle “adran 2(3)” rhodder “adran 3(3)”.
- [ ] Yn adran 177 (rhoi ystyriaeth bellach i sylwadau), yn is-adran (4)(a) –
- (a) yn lle “Ddeddf Ombwdsmon Gwasanaethau Cyhoeddus (Cymru) 2005” rhodder “Ddeddf Ombwdsmon Gwasanaethau Cyhoeddus (Cymru) 2019”;
  - (b) yn lle “adran 2(3)” rhodder “adran 3(3)”.

**Llyr Gruffydd**

170

Schedule 5, page 72, after line 18, insert –

*‘Data Protection Act 2018 (c.12)*

- [ ] In Schedule 2 (exemptions etc from the GDPR), in paragraph 10(2)(c)(iv), at the end insert “or Part 3 of the Public Services Ombudsman (Wales) Act 2019”.

Atodlen 5, tudalen 72, ar ôl llinell 18, mewnosoder –

*‘Ddeddf Diogelu Data 2018 (p.12)*

- [ ] Yn Atodlen 2 (eithriadau etc o’r GDPR), ym mharagraff 10(2)(c)(iv), ar y diwedd mewnosoder “or Part 3 of the Public Services Ombudsman (Wales) Act 2019”.





**Llyr Gruffydd**

**171**

Schedule 1, page 58, line 13, leave out 'the National Assembly for Wales Commission' and insert 'a committee of the Assembly'.

Atodlen 1, tudalen 58, llinell 15, hepgorer 'Comisiwn Cynulliad Cenedlaethol Cymru' a mewnosoder 'pwyllgor o'r Cynulliad'.

