

HYSBYSIAD YNGHYLCH GWELLIANNAU NOTICE OF AMENDMENTS

Cyflwynwyd ar 6 Mawrth 2019
Tabled on 6 March 2019

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

Suzy Davies 39

Section 72, page 52, line 26, leave out 'An Assembly committee must, as soon as practicable after the end of the 5 year period, lay before the Assembly' and insert 'The Assembly must, as soon as practicable after the end of the 5 year period, prepare and publish'.

Adran 72, tudalen 52, llinell 27, hepgorer 'Rhaid i bwyllgor Cynulliad, cyn gynted ag y bo'n ymarferol ar ddiwedd y cyfnod 5 mlynedd, osod gerbron y Cynulliad' a mewnosoder 'Rhaid i'r Cynulliad, cyn gynted ag y bo'n ymarferol ar ddiwedd y cyfnod 5 mlynedd, baratoi a chyhoeddi'.

Suzy Davies 40

Section 72, page 52, line 29, leave out 'An Assembly committee may lay before the Assembly' and insert 'The Assembly may prepare and publish'.

Adran 72, tudalen 52, llinell 30, hepgorer 'pwyllgor Cynulliad osod gerbron y Cynulliad' a mewnosoder 'y Cynulliad baratoi a chyhoeddi'.

Suzy Davies 41

Section 72, page 52, line 31, leave out 'committee'.

Adran 72, tudalen 52, llinell 32, hepgorer 'pwyllgor'.

Suzy Davies 42

Section 72, page 52, line 32, leave out 'the Assembly committee' and insert 'it'.

Adran 72, tudalen 52, llinell 33, hepgorer 'pwyllgor'.

Suzy Davies 43

Page 53, after line 28, insert a new section –

[] Functions of the Assembly

- (1) The Assembly may by standing orders make provision regarding the exercise of the functions conferred upon it by or under this Act.



- (2) Such provision includes, but is not limited to, delegating functions to a committee or sub-committee of the Assembly or the chair of such a committee or sub-committee.
- (3) But the Assembly may not delegate functions conferred upon it by or under this Act other than the functions conferred by –
 - (a) sections 72(1), (2) and (3), and
 - (b) paragraphs [as inserted by Amendment 44] and 7(1) of Schedule 1.’.

Tudalen 53, ar ôl llinell 29, mewnosoder adran newydd –

[] **Swyddogaethau’r Cynulliad**

- (1) Caiff y Cynulliad drwy reolau sefydlog wneud darpariaeth ynghylch arfer y swyddogaethau a roddir iddo gan y Ddeddf hon neu oddi tani.
- (2) Mae darpariaeth o’r fath yn cynnwys, ond heb fod yn gyfyngedig i, ddirprwyo swyddogaethau i bwyllgor neu is-bwyllgor o’r Cynulliad neu gadeirydd pwyllgor neu is-bwyllgor o’r fath.
- (3) Ond ni chaniateir i’r Cynunlliad ddirprwyo swyddogaethau a roddir iddo gan y Ddeddf hon neu oddi tani ar wahân i’r swyddogaethau a roddir gan –
 - (a) adrannau 72(1), (2) a (3), a
 - (b) paragraffau [fel y’u mewnosodir gan Welliant 44] a 7(1) o Atodlen 1.’.

Suzy Davies

44

Schedule 1, page 61, after line 11, insert –

‘Further provision: appointment

- () The Assembly must determine the terms that apply to an appointment made under paragraph 1 or paragraph 4(1).’.

Atodlen 1, tudalen 61, ar ôl llinell 10, mewnosoder –

‘Darpariaeth bellach: penodi

- () Rhaid i’r Cynulliad bennu’r telerau sy’n gymwys i benodiad a wneir o dan baragraff 1 neu baragraff 4(1).’.

Suzy Davies

45

Schedule 1, page 62, line 10, leave out ‘a committee of’.

Atodlen 1, tudalen 62, llinell 12, hepgorer ‘pwyllgor o’r’ a mewnosoder ‘y’.

Mark Isherwood

46

Page 24, after line 22, insert a new section –

‘The Nolan Principles

[] **The Nolan Principles**



Cynulliad
Cenedlaethol
Cymru

National
Assembly for
Wales

- (1) In the course of undertaking any functions under this Part in relation to a listed authority, the Ombudsman must have regard to the extent to which that authority has had regard to the Nolan Principles.
- (2) For the purposes of this part, “Nolan Principles” means –
 - (a) Selflessness (holders of public office should act solely in terms of the public interest);
 - (b) Integrity (holders of public office must avoid placing themselves under any obligation to people or organisations that might try inappropriately to influence them in their work. They should not act or take decisions in order to gain financial or other material benefits for themselves, their family, or their friends. They must declare and resolve any interests and relationships);
 - (c) Objectivity (holders of public office must act and take decisions impartially, fairly and on merit, using the best evidence and without discrimination or bias);
 - (d) Accountability (holders of public office are accountable to the public for their decisions and actions and must submit themselves to the scrutiny necessary to ensure this);
 - (e) Openness (holders of public office should act and take decisions in an open and transparent manner. Information should not be withheld from the public unless there are clear and lawful reasons for so doing);
 - (f) Honesty (holders of public office should be truthful);
 - (g) Leadership (holders of public office should exhibit these principles in their own behaviour. They should actively promote and robustly support the principles and be willing to challenge poor behaviour wherever it occurs).’.

Tudalen 24, ar ôl llinell 23, mewnosoder adran newydd –

‘Egwyddorion Nolan

[] Egwyddorion Nolan

- (1) Wrth gyflawni unrhyw swyddogaethau o dan y Rhan hon mewn perthynas ag awdurdod rhestredig, rhaid i’r Ombwdsmon roi sylw i’r graddau y mae’r awdurdod hwnnw wedi ystyried Egwyddorion Nolan.
- (2) At ddibenion y rhan hon, ystyr “Egwyddorion Nolan” yw –
 - (a) Anhunanoldeb (ni ddylai deiliaid swyddi cyhoeddus ond gweithredu er budd y cyhoedd);
 - (b) Uniondeb (ni ddylai deiliaid swyddi cyhoeddus eu rhoi eu hunain o dan unrhyw rwymedigaeth i bobl neu sefydliadau a allai geisio dylanwadu’n amhriodol arnynt wrth iddynt wneud eu gwaith. Ni ddylent weithredu na gwneud penderfyniadau er mwyn cael manteision ariannol neu unrhyw fanteision perthnasol eraill iddynt eu hunain, eu teulu neu eu ffrindiau. Rhaid iddynt ddatgan a datrys unrhyw fuddiannau a pherthynas);



- (c) Gwrthrychedd (rhaid i ddeiliaid swyddi cyhoeddus weithredu a gwneud penderfyniadau'n ddiuedd, yn deg ac ar sail teilyngdod, gan ddefnyddio'r dystiolaeth orau a heb wahaniaethu neu ragfarn);
- (d) Atebolrwydd (mae deiliaid swyddi cyhoeddus yn atebol i'r cyhoedd am eu penderfyniadau ac am yr hyn y maent yn ei wneud a rhaid iddynt ganiatáu i eraill graffu arnynt yn y modd sydd yn angenrheidiol er mwyn sicrhau hynny);
- (e) Bod yn agored (dylai deiliaid swyddi cyhoeddus weithredu a gwneud penderfyniadau mewn modd agored a thryloyw. Ni ddylai gwybodaeth gael ei chadw rhag y cyhoedd oni bai bod rhesymau clir a chyfreithlon dros wneud hynny);
- (f) Gonestrwydd (dylai deiliaid swyddi cyhoeddus fod yn eirwir);
- (g) Arweinyddiaeth (dylai deiliaid swyddi cyhoeddus ymddwyn yn unol â'r egwyddorion hyn. Dylent fynd ati i hyrwyddo a chefnogi'r egwyddorion hyn yn gadarnhaol a bod yn barod i herio ymddygiad gwael pryd bynnag y'i gwelir).'

Mark Isherwood

47

Section 35, page 25, line 11, leave out subsections (4) to (7) and insert –

- '() 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.
- () The Assembly may not approve the draft later than two months after being laid.
- () In calculating any period of two months for the purposes of subsection [*the second subsection inserted by this amendment*], no account is to be taken of any time during which the Assembly is dissolved or is in recess for more than four days''.

Adran 35, tudalen 25, llinell 13, hepgorer is-adrannau (4) hyd at (7) a mewnosoder –

- '() 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.
- () Ni chaiff y Cynulliad gymeradwyo'r drafft yn hwyrach na deufis ar ôl iddo gael ei osod.
- () Wrth gyfrifo unrhyw gyfnod o ddeufis at ddibenion is-adran [*yr ail is-adran sy'n cael ei mewnosod gan y gwelliant hwn*], ni chaniateir ystyried unrhyw amser pan fo'r Cynulliad wedi'i ddiddymu neu pan fydd toriad o fwy na phedwar diwrnod.'

Mark Isherwood

48

Section 36, page 26, after line 12, insert –

- '() In preparing the model CHP, the Ombudsman must have regard to the resources of community councils.'

Adran 36, tudalen 26, ar ôl llinell 15, mewnosoder –

- '() Wrth baratoi'r weithdrefn enghreifftiol, rhaid i'r Ombwdsmon roi sylw i adnoddau cynghorau cymuned.'



Mark Isherwood

49

Schedule 1, page 66, leave out lines 29 to 38.

Atodlen 1, tudalen 66, hepgorer llinellau 28 hyd at 38.

