

RHESTR O WELLIANNAU WEDI'U DIDOLI MARSHALLED LIST OF AMENDMENTS

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

Mae'r gwelliannau â * ar eu pwys yn rhai newydd neu'n rhai sydd wedi'u haddasu
Amendments marked * are new or have been altered

Mae gwelliannau a nodir ag 'R' yn dynodi bod yr Aelod wedi datgan buddiant
cofrestradwy o dan Reol Sefydlog 2 neu fuddiant perthnasol o dan Reolau Sefydlog 13 neu
17 wrth gyflwyno'r gwelliant.

Amendments marked 'R' mean that the Member has declared either a registrable interest
under Standing Order 2 or relevant interest under Standing Orders 13 or 17 when tabling
the amendment.

Caiff y Bil ei ystyried yn y drefn a ganlyn—

The Bill will be considered in the following order—

Section 2	Adran 2
Schedule 1	Atodlen 1
Sections 3 - 14	Adrannau 3 - 14
Schedule 2	Atodlen 2
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Schedule 3	Atodlen 3
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Section 1	Adran 1
Long title	Teitl hir



Llyr Gruffydd 22

Atodlen 1, tudalen 60, llinell 8, hepgorer 'ei' yn yr ail le y mae'n ymddangos.

Schedule 1, page 60, line 8, leave out 'his or her'.

Llyr Gruffydd 23

Schedule 1, page 60, line 18, leave out 'his or her' and insert 'the Ombudsman's'.

Atodlen 1, tudalen 60, llinell 19, hepgorer 'y person' a mewnosoder 'yr Ombwdsmon'.

Llyr Gruffydd 24

Schedule 1, page 60, line 36, leave out 'he or she' and insert 'the person'.

Atodlen 1, tudalen 60, llinell 36, hepgorer 'ei fod' a mewnosoder 'bod y person'.

Llyr Gruffydd 25

Schedule 1, page 61, line 3, leave out 'his or her' and insert 'the acting Ombudsman's'.

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

Llyr Gruffydd 26

Schedule 1, page 61, line 10, leave out 'he or she' and insert ', the acting Ombudsman'.

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

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'.

Llyr Gruffydd 27

Schedule 1, page 62, line 34, leave out –

'him or her,

as may be provided for by or under the terms of his or her appointment'



and insert –

‘the Ombudsman or an acting Ombudsman,
as may be provided for by or under the terms of appointment of the Ombudsman or the
acting Ombudsman.’

Atodlen 1, tudalen 62, llinell 34, hepgorer –

‘ei gyfer neu mewn perthynas ag ef,
y darperir ar eu cyfer gan delerau ei benodiad’

a mewnosoder –

‘gyfer yr Ombwdsmon neu’r Ombwdsmon dros dro neu mewn perthynas â’r
Ombwdsmon neu’r Ombwdsmon dros dro,
y darperir ar eu cyfer gan delerau penodiad yr Ombwdsmon neu’r Ombwdsmon dros
dro’.

Llyr Gruffydd

28

Schedule 1, page 63, line 2, leave out ‘his or her appointment’ and insert ‘appointment of the
Ombudsman or the acting Ombudsman’.

Atodlen 1, tudalen 63, llinell 2, hepgorer ‘ei benodiad’ a mewnosoder ‘penodiad yr Ombwdsmon
neu’r Ombwdsmon dros dro’.

Llyr Gruffydd

29

Schedule 1, page 63, line 7, leave out ‘he or she may direct, such sums as he or she’ and insert ‘the
Minister may direct, such sums as the Minister’.

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

Llyr Gruffydd

30

Schedule 1, page 63, after line 26, insert –

‘(4) The Ombudsman may retain costs paid to the Ombudsman under a costs recovery notice
(see sections 21 and [section to be inserted by amendment 9]) (rather than pay them in to the
Welsh Consolidated Fund) for use in connection with the exercise of the functions
conferred or imposed by this Act.’

Atodlen 1, tudalen 63, ar ôl llinell 27, mewnosoder –

‘(4) Caiff yr Ombwdsmon gadw costau a delir iddo o dan hysbysiad adennill costau (gweler
adran 21 ac adran [yr adran sy’n cael ei mewnosod gan welliant 9]) (yn hytrach na’u talu i
Gronfa Gyfunol Cymru) i’w defnyddio mewn cysylltiad ag arfer y swyddogaethau a
roddir neu a osodir gan y Ddeddf hon.’

Llyr Gruffydd

31

Schedule 1, page 63, line 28, leave out ‘he or she thinks necessary for assisting him or her in the
discharge of his or her functions, on such terms and conditions as he or she’ and insert ‘is
necessary for assisting in the discharge of the Ombudsman’s functions, on such terms and
conditions as the Ombudsman’.



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

Llyr Gruffydd 32

Schedule 1, page 63, line 33, leave out 'his or her' and insert 'the Ombudsman's'.

Atodlen 1, tudalen 63, llinell 33, hepgorer 'o'i staff' a mewnosoder 'o staff yr Ombwdsmon'.

Llyr Gruffydd 33

Schedule 1, page 64, line 3, leave out 'his or her' and insert 'the Ombudsman's'.

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

Llyr Gruffydd 34

Schedule 1, page 65, line 4, leave out 'he or she' and insert 'the Ombudsman'.

Atodlen 1, tudalen 65, llinell 4, hepgorer 'yn ei farn ef' a mewnosoder 'ym marn yr Ombwdsmon'.

Llyr Gruffydd 35

Schedule 1, page 65, line 25, leave out 'he or she' and insert 'the Ombudsman'.

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

Llyr Gruffydd 36

Schedule 1, page 66, line 7, leave out 'him or her' and insert 'the Ombudsman'.

Atodlen 1, tudalen 66, llinell 7, hepgorer 'iddo' a mewnosoder 'i'r Ombwdsmon'.

Mark Isherwood 49

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

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

Llyr Gruffydd 37

Schedule 1, page 67, line 9, leave out 'his or her responsibilities as accounting officer, the Audit Committee may designate a member of his or her staff to be the accounting officer for as long as he or she' and insert 'the Ombudsman's responsibilities as accounting officer, the Audit Committee may designate a member of the Ombudsman's staff to be the accounting officer for as long as the Ombudsman'.

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

Llyr Gruffydd 2

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

Adran 3, tudalen 3, llinell 19, hepgorer 'ddod ag ymchwiliad i ben' a mewnosoder 'roi'r gorau i ymchwiliad'.

Llyr Gruffydd 3

Section 4, page 4, line 3, leave out 'subsection (2)' and insert 'the other provisions of this section'.

Adran 4, tudalen 4, llinell 3, hepgorer 'is-adran (2)' a mewnosoder 'ddarpariaethau eraill yr adran hon'.



Llyr Gruffydd

4

Section 5, page 4, line 30, leave out –

‘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’

and insert –

- () ‘If, in the opinion of the Ombudsman, revisions made under subsection (10) effect any material change to the criteria, the Ombudsman must lay a draft of those revisions before the Assembly.
- () Subsections (3) to (9) apply to draft revisions laid before the Assembly under subsection ([*first subsection to be inserted by this amendment*]) as they apply’.

Adran 5, tudalen 4, llinell 33, hepgorer –

‘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’

a mewnosoder –

- () ‘Os, ym marn yr Ombwdsmon, yw adolygiadau a wneir o dan is-adran (10) yn effeithio ar unrhyw newid perthnasol i’r meini prawf, rhaid i’r Ombwdsmon osod drafft o’r adolygiadau hynny gerbron y Cynulliad.
- () Mae is-adrannau (3) i (9) yn gymwys i adolygiadau drafft a osodir gerbron y Cynulliad o dan is-adran ([*yr is-adran gyntaf sy’n cael ei mewnosod gan y gwelliant hwn*])’.

Llyr Gruffydd

5

Section 8, page 6, line 8, leave out ‘orally’ and insert ‘other than in writing’.

Adran 8, tudalen 6, llinell 8, hepgorer ‘ar lafar’ a mewnosoder ‘heblaw yn ysgrifenedig’.

Llyr Gruffydd

38

Schedule 2, page 69, line 11, leave out ‘his or her capacity as’ and insert ‘the capacity of’.

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

Llyr Gruffydd

6

Section 16, page 10, line 12, leave out ‘26(5)(b)(ii)’ and insert ‘26, 27(4)(b), (6)(c), (6)(d) or (9)(b)(ii)’.

Adran 16, tudalen 10, llinell 13, hepgorer ‘26(5)(b)(ii) neu (9)(a), 27(9)(b)(ii)’ a mewnosoder ‘26, 27(4)(b), (6)(c), (6)(d) neu (9)(b)(ii)’.

Llyr Gruffydd

7

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

Adran 18, tudalen 13, llinell 16, hepgorer ‘arall’.

Llyr Gruffydd

8

Page 14, line 30, leave out section 21 and insert –

[] Obstruction and contempt: costs recovery

- (1) This section applies where –



- (a) the Ombudsman investigates a health-related service as part of an investigation in respect of a relevant listed authority under section 16(2), and
 - (b) the Ombudsman is satisfied that the condition in subsection (2) is met.
- (2) The condition is that the provider of the health-related service (“the provider”) –
 - (a) without lawful excuse, has obstructed the discharge of any of the Ombudsman’s functions under this Part, or
 - (b) has done an act in relation to the investigation which, if the investigation were proceedings in the High Court, would constitute contempt of court.
- (3) The condition in subsection (2) is not met in relation to a provider merely because the provider has taken action of the kind mentioned in section 18(14)(b).
- (4) The Ombudsman may serve a notice (a “costs recovery notice”) on the provider requiring the provider to pay the Ombudsman costs incurred by the Ombudsman as a result of the obstruction or act mentioned in subsection (2).
- (5) The costs referred to in subsection (4) may include (but are not limited to) the costs of obtaining expert advice (including legal advice).
- (6) A costs recovery notice must –
 - (a) set out the basis on which the notice is issued, including details of the obstruction or act which, in the opinion of the Ombudsman, meets the condition in subsection (2),
 - (b) specify the amount that must be paid to the Ombudsman, together with a detailed breakdown of the amount,
 - (c) specify –
 - (i) the date by which payment must be made, and
 - (ii) how payment may be made, and
 - (d) explain the right of appeal in subsection (9).
- (7) The payment date specified under subsection (6)(c) must be at least 28 days later than the date on which the costs recovery notice is served on the provider.
- (8) The provider must pay the Ombudsman the amount specified in the costs recovery notice by the date specified in that notice (but this is subject to the remaining provisions of this section).
- (9) The provider may appeal to the magistrates’ court against a costs recovery notice within 21 days beginning with the date on which the notice is served on the provider; and where the provider does so, subsection (8) does not apply (but see subsections (15) and (16)).
- (10) An appeal is to be by way of a complaint for an order that the notice be quashed or varied, and in accordance with the Magistrates’ Court Act 1980 (c.43).
- (11) For the purpose of the time limit for making an appeal, the making of a complaint is to be treated as the making of an appeal.
- (12) The grounds for appeal are that the Ombudsman’s decision to issue the costs recovery notice was –
 - (a) based on an error of fact,



- (b) wrong in law, or
 - (c) unreasonable for any reason.
- (13) On appeal, the magistrates' court may –
- (a) confirm, quash or vary the costs recovery notice, and
 - (b) make such order as to costs as it thinks fit.
- (14) Where, on appeal, the magistrates' court quashes or varies the costs recovery notice, it may order the Ombudsman to compensate the provider for loss suffered as a result of the service of the notice.
- (15) Where, on appeal, the magistrates' court confirms the costs recovery notice (with or without variation), the provider must pay the amount payable by virtue of the notice within 28 days beginning with the date on which the appeal is finally determined.
- (16) Where an appeal made under this section is withdrawn, the provider must pay the amount specified in the costs recovery notice within 28 days beginning with the date on which the appeal is withdrawn.
- (17) An amount payable under this section is recoverable summarily as a civil debt.
- (18) In this section, "health-related service" has the same meaning as in section 16.'

Tudalen 14, llinell 32, hepgorer adran 21 a mewnosoder –

[] Rhwystro a dirmygu: adennill costau

- (1) Mae'r adran hon yn gymwys fel a ganlyn –
- (a) pan fo'r Ombwdsmon yn ymchwilio i wasanaeth sy'n gysylltiedig ag iechyd fel rhan o ymchwiliad sy'n ymwneud ag awdurdod rhestredig perthnasol o dan adran 16(2), a
 - (b) pan fo'r Ombwdsmon yn fodlon bod yr amod yn is-adran (2) wedi ei fodloni.
- (2) Yr amod yw bod darparwr y gwasanaeth sy'n gysylltiedig ag iechyd ("y darparwr") –
- (a) heb esgus cyfreithlon, wedi rhwystro unrhyw un neu ragor o swyddogaethau'r Ombwdsmon rhag cael eu cyflawni o dan y Rhan hon, neu
 - (b) wedi cyflawni gweithred mewn perthynas â'r ymchwiliad a fyddai, pe bai'r ymchwiliad yn achos yn yr Uchel Lys, yn gyfystyr â dirmyg llys.
- (3) Nid yw'r amod yn is-adran (2) wedi ei fodloni o ran darparwr dim ond am fod y darparwr wedi cymryd camau gweithredu fel y crybwyllir yn adran 18(14)(b).
- (4) Caiff yr Ombwdsmon gyflwyno hysbysiad ("hysbysiad adennill costau") i'r darparwr sy'n ei gwneud yn ofynnol i'r darparwr dalu i'r Ombwdsmon gostau yr aeth yr Ombwdsmon iddynt o ganlyniad i'r rhwystr neu'r weithred a grybwyllir yn is-adran (2).
- (5) Caiff y costau y cyfeirir atynt yn is-adran (4) gynnwys (ond nid ydynt yn gyfyngedig i) y costau o gael cyngor arbenigol (gan gynnwys cyngor cyfreithiol).
- (6) Rhaid i hysbysiad adennill costau –
- (a) nodi ar ba sail y cyflwynir yr hysbysiad, gan gynnwys manylion y rhwystr neu'r weithred sydd, ym marn yr Ombwdsmon, yn bodloni'r amod yn is-adran (2),



- (b) pennu'r swm y mae'n rhaid ei dalu i'r Ombwdsmon, ynghyd â manylion y swm hwynnw,
 - (c) pennu –
 - (i) y dyddiad erbyn pryd y mae'n rhaid talu, a
 - (ii) sut y caniateir talu, a
 - (d) egluro'r hawl i apelio yn is-adran (9).
- (7) Rhaid i'r dyddiad talu a bennir o dan is-adran (6)(c) fod o leiaf 28 o ddiwrnodau yn hwyrach na'r dyddiad y caiff yr hysbysiad adennill costau ei gyflwyno i'r darparwr.
- (8) Rhaid i'r darparwr dalu i'r Ombwdsmon y swm a bennir yn yr hysbysiad adennill costau erbyn y dyddiad a bennir yn yr hysbysiad hwynnw (ond mae hyn yn ddarostyngedig i weddill y darpariaethau yn yr adran hon).
- (9) Caiff y darparwr apelio i'r llys ynadon yn erbyn hysbysiad adennill costau cyn pen 21 o ddiwrnodau sy'n dechrau â'r dyddiad y cyflwynir yr hysbysiad i'r darparwr; ac os bydd y darparwr yn gwneud hynny, nid yw is-adran (8) yn gymwys (ond gweler is-adrannau (15) ac (16)).
- (10) Mae apêl i fod ar ffurf cwyn am orchymyn bod yr hysbysiad i gael ei ddileu neu ei amrywio, ac yn unol â Deddf Llys Ynadon 1980 (p.43).
- (11) At ddiben y terfyn amser ar gyfer gwneud apêl, mae gwneud cwyn i gael ei drin fel gwneud apêl.
- (12) Y sail dros apêl yw bod penderfyniad yr Ombwdsmon i ddyroddi'r hysbysiad adennill costau –
 - (a) yn seiliedig ar wall ffeithiol,
 - (b) yn anghywir mewn cyfraith, neu
 - (c) yn afresymol am unrhyw reswm.
- (13) Ar apêl, caiff y llys ynadon –
 - (a) cadarnhau, dileu neu amrywio'r hysbysiad adennill costau, a
 - (b) gwneud y cyfryw orchymyn o ran costau sy'n briodol ym marn y llys ynadon.
- (14) Pan fo llys ynadon, ar apêl, yn dileu neu'n amrywio'r hysbysiad adennill costau, caiff orchymyn yr Ombwdsmon i ddigolledu'r darparwr am y golled a ddioddefodd o ganlyniad i gyflwyno'r hysbysiad.
- (15) Pan fo llys ynadon, ar apêl, yn cadarnhau'r hysbysiad adennill costau (gydag amrywiad neu heb amrywiad), rhaid i'r darparwr dalu'r swm sy'n daladwy yn rhinwedd yr hysbysiad cyn pen 28 o ddiwrnodau sy'n dechrau â'r dyddiad y penderfynir yn derfynol ar yr apêl.
- (16) Pan fo apêl a wnaed o dan yr adran hon yn cael ei thynnu'n ôl, rhaid i'r darparwr dalu'r swm a bennir yn yr hysbysiad adennill costau cyn pen 28 o ddiwrnodau sy'n dechrau â'r dyddiad y caiff yr apêl ei thynnu'n ôl.
- (17) Mae swm sy'n daladwy o dan yr adran hon i'w adennill yn ddiannod fel dyled sifil.
- (18) Yn yr adran hon, mae i "gwasanaeth sy'n gysylltiedig ag iechyd" yr ystyr a roddir yn adran 16'.



Llyr Gruffydd

9

Page 15, after line 31, insert a new section –

[] Serving a costs recovery notice

- (1) This section applies to the service of a costs recovery notice under section 21.
- (2) The costs recovery notice may be served on a person –
 - (a) by being delivered personally to the person,
 - (b) by leaving it at the person's proper address,
 - (c) by being sent by post to the person's proper address, or
 - (d) where subsection (3) applies, by sending it electronically to an address provided for that purpose.
- (3) This subsection applies where the person to whom the costs recovery notice is to be issued has agreed in writing that it may be sent electronically.
- (4) For the purposes of subsection (2)(a), a costs recovery notice may be delivered personally to a body corporate by giving it to the secretary or clerk of that body.
- (5) Where the Ombudsman serves a costs recovery notice in the manner mentioned in subsection (2)(b), the costs recovery notice is to be treated as having been received at the time it was left at the person's proper address unless the contrary is shown.
- (6) For the purposes of subsections (2)(b) and (c), the proper address of a person is –
 - (a) in the case of a body corporate, the address of the registered or principal office of the body;
 - (b) in the case of a person acting in their capacity as a partner in a partnership, the address of the principal office of the partnership;
 - (c) in any other case, the last known address of the person.
- (7) Where the Ombudsman serves a costs recovery notice in the manner mentioned in subsection (2)(c) by sending it to an address in the United Kingdom, the costs recovery notice is to be treated as having been received 48 hours after it is sent unless the contrary is shown.
- (8) Where the Ombudsman serves a costs recovery notice in the manner mentioned in subsection (2)(d), the costs recovery notice is to be treated as having been received 48 hours after it is sent unless the contrary is shown.'

Tudalen 15, ar ôl llinell 30, mewnosoder adran newydd –

[] Cyflwyno hysbysiad adennill costau

- (1) Mae'r adran hon yn gymwys i gyflwyno hysbysiad adennill costau o dan adran 21.
- (2) Caniateir i hysbysiad adennill costau gael ei gyflwyno i berson –
 - (a) drwy ei ddanfôn yn bersonol i'r person,
 - (b) drwy ei adael yng nghyfeiriad priodol y person,
 - (c) drwy ei anfon drwy'r post i gyfeiriad priodol y person, neu



- (d) pan fo is-adran (3) yn gymwys, drwy ei anfon yn electronig i gyfeiriad a ddarparwyd at y diben hwnnw.
- (3) Mae'r is-adran hon yn gymwys pan fo'r person y mae'r hysbysiad adennill costau i'w ddyroddi iddo wedi cytuno yn ysgrifenedig iddo gael ei anfon yn electronig.
- (4) At ddibenion is-adran (2)(a), caniateir danfon hysbysiad adennill costau yn bersonol i gorff corfforaethol drwy ei roi i ysgrifennydd neu i glerc y corff hwnnw.
- (5) Pan fo'r Ombwdsmon yn cyflwyno hysbysiad adennill costau yn y dull a grybwyllir yn is-adran (2)(b), mae'r hysbysiad adennill costau i'w drin fel pe bai wedi ei dderbyn ar yr adeg y'i gadawyd yng nghyfeiriad priodol y person oni bai y dangosir i'r gwrthwyneb.
- (6) At ddibenion is-adrannau (2)(b) ac (c), cyfeiriad priodol person yw –
- (a) yn achos corff corfforaethol, cyfeiriad swyddfa gofrestredig neu brif swyddfa'r corff;
- (b) yn achos person sy'n gweithredu yn rhinwedd partner mewn partneriaeth, cyfeiriad prif swyddfa'r bartneriaeth;
- (c) mewn unrhyw achos arall, cyfeiriad hysbys olaf y person.
- (7) Pan fo'r Ombwdsmon yn cyflwyno hysbysiad adennill costau yn y dull a grybwyllir yn is-adran (2)(c) drwy ei anfon i gyfeiriad yn y Deyrnas Unedig, mae'r hysbysiad adennill costau i'w drin fel pe bai wedi ei dderbyn 48 awr ar ôl ei anfon oni bai y dangosir i'r gwrthwyneb.
- (8) Pan fo'r Ombwdsmon yn cyflwyno hysbysiad adennill costau yn y dull a grybwyllir yn is-adran (2)(d), mae'r hysbysiad adennill costau i'w drin fel pe bai wedi ei dderbyn 48 awr ar ôl ei anfon oni bai y dangosir i'r gwrthwyneb.'

Llyr Gruffydd

10

Section 27, page 21, line 2, after 'action,', insert 'or'.

Adran 27, tudalen 21, llinell 4, ar ôl 'hynny,', mewnosoder 'neu'.

Mark Isherwood

46

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

'The Nolan Principles

[] The Nolan Principles

- (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 rywmedigaeth 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 ddiduedd, 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.'

Llyr Gruffydd

11

Section 35, page 25, line 31, leave out –

'Where the Ombudsman considers that any revision of the statement of principles under subsection (11) is material, subsections (3) to (9) apply to that statement of principles as they do'

and insert –

- () 'If, in the opinion of the Ombudsman, revisions made under subsection (11) effect any material change to the statement of principles, the Ombudsman must lay a draft of those revisions before the Assembly.
- () Subsections (4) to (10) apply to draft revisions laid before the Assembly under subsection ([*first subsection to be inserted by this amendment*]) as they apply'.

Adran 35, tudalen 25, llinell 34, hepgorer –

'Pan fo'r Ombwdsmon o'r farn bod unrhyw adolygiad o'r datganiad o egwyddorion o dan is-adran (11) yn berthnasol, mae is-adrannau (3) i (9) yn gymwys i'r datganiad o egwyddorion hwnnw'

a mewnosoder –



- () 'Os, ym marn yr Ombwdsmon, yw adolygiadau a wneir o dan is-adran (11) yn effeithio ar unrhyw newid perthnasol i'r datganiad o egwyddorion, rhaid i'r Ombwdsmon osod drafft o'r adolygiadau hynny gerbron y Cynulliad.
- () Mae is-adrannau (4) i (10) yn gymwys i adolygiadau drafft a osodir gerbron y Cynulliad o dan is-adran (*[yr is-adran gyntaf sy'n cael ei mewnosod gan y gwelliant hwn]*).

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.'

Llyr Gruffydd

12

Section 38, page 28, line 4, leave out 'section' and insert 'subsection'.

Adran 38, tudalen 28, llinell 4, hepgorer 'adran' a mewnosoder 'is-adran'.

Llyr Gruffydd

13

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

Adran 42, tudalen 31, llinell 20, hepgorer 'ddod ag ymchwiliad i ben' a mewnosoder 'roi'r gorau i ymchwiliad'.

Llyr Gruffydd

14

Section 43, page 31, line 39, leave out 'subsection (3)' and insert 'the other provisions of this section'.

Adran 43, tudalen 31, llinell 40, hepgorer 'is-adran (3)' a mewnosoder 'ddarpariaethau eraill yr adran hon'.

Llyr Gruffydd

15

Section 44, page 32, line 27, leave out—

- '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'

and insert—

- () 'If, in the opinion of the Ombudsman, revisions made under subsection (10) effect any material change to the criteria, the Ombudsman must lay a draft of those revisions before the Assembly.
- () Subsections (3) to (9) apply to draft revisions laid before the Assembly under subsection (*[first subsection to be inserted by this amendment]*) as they apply'.

Adran 44, tudalen 32, llinell 30, hepgorer—

- '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'

a mewnosoder—

- () 'Os, ym marn yr Ombwdsmon, yw adolygiadau a wneir o dan is-adran (10) yn effeithio ar unrhyw newid perthnasol i'r meini prawf, rhaid i'r Ombwdsmon osod drafft o'r adolygiadau hynny gerbron y Cynulliad.
- () Mae is-adrannau (3) i (9) yn gymwys i adolygiadau drafft a osodir gerbron y Cynulliad o dan is-adran (*[lyr is-adran gyntaf sy'n cael ei mewnosod gan y gwelliant hwn]*).

Llyr Gruffydd **16**

Section 46, page 33, line 24, leave out 'his or her capacity as' and insert 'the capacity of'.

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

Llyr Gruffydd **17**

Section 47, page 34, line 6, leave out 'orally' and insert 'other than in writing'.

Adran 47, tudalen 34, llinell 7, hepgorer 'ar lafar' a mewnosoder 'heblaw yn ysgrifenedig'.

Llyr Gruffydd **18**

Section 47, page 34, line 10, leave out 'aggrieved'.

Adran 47, tudalen 34, llinell 11, hepgorer 'a dramgwyddwyd'.

Llyr Gruffydd **19**

Section 65, page 47, line 22, leave out 'may investigate the matter under section 4 or 43 only' and insert 'investigates the matter under section 4 or 43'.

Adran 65, tudalen 47, llinell 23, hepgorer 'gaiff yr Ombwdsmon ymchwilio i'r mater o dan adran 4 neu 43 yn unig' a mewnosoder 'fo'r Ombwdsmon yn ymchwilio i'r mater o dan adran 4 neu 43'.

Llyr Gruffydd **20**

Section 65, page 47, line 32, leave out 'Regulations may' and insert 'The Welsh Ministers may by regulations'.

Adran 65, tudalen 47, llinell 33, hepgorer 'rheoliadau' a mewnosoder 'Gweinidogion Cymru drwy reoliadau'.

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'.

Llyr Gruffydd

21

Section 76, page 57, line 14, leave out 'his or her' and insert 'their'.

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

Llyr Gruffydd

1

Section 1, page 2, line 19, leave out 'a requirement for the Ombudsman to publish a Welsh language strategy and' and insert 'adding the Ombudsman to Schedule 6 to the Welsh Language Standards (No. 2) Regulations 2016 and a requirement'.



Adran 1, tudalen 2, llinell 21, hepgorer 'ei gwneud yn ofynnol i'r Ombwdsmon gyhoeddi strategaeth ar gyfer y Gymraeg ac' a mewnosoder 'ychwanegu'r Ombwdsmon i Atodlen 6 i Reoliadau Safonau'r Gymraeg (Rhif 2) 2016 a'i gwneud yn ofynnol'.

