

THE AGRICULTURE (WALES) BILL – STAGE 3 GOVERNMENT AMENDMENTS

This table provides information about the amendments tabled in the name of Lesley Griffiths, Minister for Rural Affairs and North Wales, and Trefnydd MS on 4 May 2023.

No.	GOVERNMENT AMENDMENT	GWELLIANT Y LLYWODRAETH	PURPOSE AND EFFECT
	Long title, page 1, line 2, after ‘agriculture;’, insert ‘to amend the Agricultural Holdings Act 1986 and the Agricultural Tenancies Act 1995 in connection with resolution of disputes in respect of agricultural tenancies;’.	Teitl hir, tudalen 1, llinell 2, ar ôl ‘hynny;’, mewnosoder ‘i ddiwygio Deddf Daliadau Amaethyddol 1986 a Deddf Tenantiaethau Amaethyddol 1995 mewn cysylltiad â datrys anghydfodau ynghylch tenantiaethau amaethyddol;’.	This amendment to the Bill’s long title inserts a reference to the Agricultural Holdings Act 1986 and the Agricultural Tenancies Act 1995 and clarifies that amendments will be made to both Acts in connection with the resolution of disputes concerning tenancies under both Acts.
	Section 2, page 2, line 24, after ‘agriculture’ at the first place where it occurs on a line, insert ‘(see section 48)’.	Adran 2, tudalen 2, llinell 26, ar ôl ‘amaethyddiaeth’, mewnosoder ‘(gweler adran 48)’.	Purpose: An amendment to guide the reader to the definition of “agriculture”. Effect: This amendment signposts section 48, which defines “agriculture” and related references.
	Section 2, page 2, line 25, after ‘activities’, insert ‘(see section 49)’.	Adran 2, tudalen 2, llinell 28, ar ôl ‘ategol’, mewnosoder ‘(gweler adran 49)’.	Purpose: An amendment to guide the reader to the definition of “ancillary activity”. Effect: This amendment signposts section 49, which defines “ancillary activity”.
	Section 2, page 2, after line 29, insert –	Adran 2, tudalen 2, ar ôl llinell 33, mewnosoder –	Purpose: The amendment is intended to clarify that the SLM duty applies to functions under section 2(2)(b) and (c), only to the extent that those

	<p>‘() Subsection (1) applies to the functions referred to in subsections (2)(b) and (2)(c) only to the extent that those functions are exercised to provide support for or to regulate –</p> <p>(a) agriculture, or other activities carried out on land used for agriculture, or</p> <p>(b) ancillary activities.’.</p>	<p>‘() Mae is-adran (1) yn gymwys i’r swyddogaethau y cyfeirir atynt yn is-adrannau (2)(b) a (2)(c) dim ond i’r graddau y caiff y swyddogaethau hynny eu harfer i ddarparu cymorth ar gyfer neu i reoleiddio –</p> <p>(a) amaethyddiaeth, neu weithgareddau eraill a gynhelir ar dir a ddefnyddir ar gyfer amaethyddiaeth, neu</p> <p>(b) gweithgareddau ategol.’.</p>	<p>functions are exercised to provide support for, or to regulate, (i) agriculture, or other activities carried out on land used for agriculture, or (ii) ancillary activities (and not, therefore, to the extent functions are exercised for some other purpose).</p> <p>Effect: Section 2(2)(b) and (c) (read with section 2(1)) provides that functions under any enactment, other than the Agriculture (Wales) Bill (for which separate provision is made at section 2(2)(a)), that require or allow the Welsh Ministers to provide support for, or to regulate, (i) agriculture, or other activities carried out on land used for agriculture, or (ii) ancillary activities, are subject to the SLM duty (section 2(1)).</p> <p>A new section 2(3) is inserted to provide that the SLM duty applies to the functions referred to in subsections (2)(b) and (2)(c) only to the extent that those functions are exercised to provide support for, or to regulate, (a) agriculture, or other activities carried out on land used for agriculture, or (b) ancillary activities. The effect of the amendment is to clarify that the SLM duty applies to functions under section 2(2)(b) and (c) only to the extent that those functions are exercised to provide support for, or to regulate, (i) agriculture, or other activities carried out on land used for agriculture, or (ii) ancillary activities (and not, therefore, to the extent that those functions are exercised for some other purpose).</p>
	<p>Section 23, page 16, after line 3, insert –</p> <p>‘() The Agricultural Tenancies Act 1995 (c. 8) is amended as follows.</p> <p>() After section 8 insert –</p>	<p>Adran 23, tudalen 16, ar ôl llinell 3, mewnosoder –</p>	<p>Purpose: This amendment will introduce a power for Welsh Ministers to make regulations to provide farmers with farm business tenancies (FBT) (under the Agricultural Tenancies Act 1995) a route to refer to arbitration disputes over a request for consent or</p>

	<p>“8A Reference of certain requests for consent or variation to arbitration: Wales</p> <p>(1) This section applies to a farm business tenancy where the land comprised in the tenancy is in Wales.</p> <p>(2) A tenant may, by notice in writing given to the landlord, refer to arbitration under this Act a request made by the tenant to the landlord where –</p> <p>(a) the request falls within subsection (3), and</p> <p>(b) no agreement has been reached with the landlord on the request.</p> <p>(3) A request falls within this subsection if –</p> <p>(a) it is a request for –</p> <p>(i) the landlord’s consent to a matter which under the terms of the tenancy requires such consent, or</p> <p>(ii) a variation of the terms of the tenancy, and</p> <p>(b) it is made for the purposes of –</p> <p>(i) enabling the tenant to request or apply for relevant financial support, or</p>	<p>‘() Mae Deddf Tenantiaethau Amaethyddol 1995 (p. 8) wedi ei diwygio fel a ganlyn’.</p> <p>Adran 23, tudalen 16, ar ôl llinell 3, mewnosoder –</p> <p>‘() Ar ôl adran 8 mewnosoder –</p> <p>“8A Reference of certain requests for consent or variation to arbitration: Wales</p>	<p>variation of the terms of a tenancy. This is to enable the FBT tenant to access support schemes made under the Bill, such as through the Sustainable Farm Scheme as well as financial assistance under other agricultural legislation.</p> <p>Effect: The provision seeks to ensure that as many tenant farmers (as well as farm owners) can apply to a scheme established under the power to provide support and place FBT tenants in a similar position to tenants who holds tenancies under the Agricultural Holdings Act 1986. It aims to maximise delivery of the Bill’s environmental, social, economic and cultural objectives.</p>
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(ii) complying with a statutory duty applicable to the tenant.

(4) Subsection (5) applies where the tenant has given notice under subsection (2) but an arbitrator has not been appointed by agreement before the end of the period of two months beginning with the day on which the notice was given.

(5) The tenant or the landlord may apply to a professional authority for the appointment of an arbitrator by that authority, but once either party has made such an application the other may no longer do so.

(6) An arbitrator, on a reference made under this section, may –

(a) determine that the landlord must comply with the request (either in full or in part),

(b) determine that the landlord may refuse to comply with the request, or

(c) make any other award or determination permitted by regulations.

(7) The Welsh Ministers may by regulations make provision –

	<p>(a) about conditions to be met before a reference may be made under subsection (2);</p> <p>(b) about the awards or determinations that may be made by an arbitrator, which may include making an order for a variation in the rent payable under the tenancy or for the payment of compensation or costs;</p> <p>(c) about the time at which, or the conditions subject to which, an award or determination may be expressed to take effect;</p> <p>(d) restricting a tenant's ability to make subsequent references to arbitration where a reference to arbitration has already been made under subsection (2) in relation to the same tenancy.</p> <p>(8) In this section – “relevant financial support” means support under –</p> <p>(a) section 8 of the Agriculture (Wales) Act 2023 (“the 2023 Act”) (Welsh Ministers' power to provide financial support),</p>		
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	<p>(b) a scheme of the sort mentioned in section 9(6) of the 2023 Act (meaning of “third party scheme” for purposes of power to provide support),</p> <p>(c) the basic payment scheme, as defined in section 15 of the 2023 Act (power to modify legislation governing the basic payment scheme),</p> <p>(d) legislation relating to the financing, management and monitoring of the common agricultural policy, as defined in section 16 of the 2023 Act (power to modify legislation relating to the common agricultural policy),</p> <p>(e) legislation relating to support for apiculture, as defined in section 17 of the 2023 Act (power to modify legislation relating to support for apiculture),</p> <p>(f) legislation relating to support for rural development, as defined in section 18 of the 2023 Act (support for rural development),</p> <p>or</p>		
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	<p>(g)section 21 of the 2023 Act (powers of Welsh Ministers to give financial assistance in exceptional market conditions);</p> <p>“statutory duty” means a duty imposed by or under –</p> <p>(a)an Act of Parliament;</p> <p>(b)an Act of Senedd Cymru or an Assembly Measure;</p> <p>(c)retained direct EU legislation.”</p> <p>() In section 28(5), before paragraph (a), insert –</p> <p>“(za)a request made under section 8A(2) of this Act,”</p> <p>() After section 36 insert –</p> <p>“36A Regulations</p> <p>(1) A power to make regulations under this Act is exercisable by statutory instrument.</p> <p>(2) The Welsh Ministers’ power to make regulations under section 8A(7) includes power to make different provision for different purposes.</p>	<p>()Yn adran 28(5), cyn paragraff (a), mewnosoder –</p> <p>() Ar ôl adran 36, mewnosoder –</p>	
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	<p>(3)A statutory instrument containing regulations made under section 8A(7) is subject to annulment in pursuance of a resolution of Senedd Cymru.”’.</p>		
	<p>Page 21, after line 15, insert a new section –</p> <p>[] Review of operation and effect of sections [24] to [30]</p> <p>(1) The Welsh Ministers must prepare a report under this section, in relation to each reporting period, on the operation and effect of sections [24] to [30] during the period.</p> <p>(2) In preparing the report, the Welsh Ministers must consult such persons as they consider appropriate.</p> <p>(3) The Welsh Ministers must, no later than 12 months after the end of each reporting period –</p> <p>(a) publish the report that relates to the reporting period, and</p> <p>(b) lay it before Senedd Cymru.</p> <p>(4) In this section, the “reporting period” means –</p>	<p>Tudalen 21, ar ôl llinell 16, mewnosoder adran newydd –</p> <p>[] Adolygu gweithrediad ac effaith adrannau [24] i [30]</p> <p>(1) Rhaid i Weinidogion Cymru lunio adroddiad o dan yr adran hon, mewn perthynas â phob cyfnod adrodd, ar weithrediad ac effaith adrannau [24] i [30] yn ystod y cyfnod.</p> <p>(2) Wrth lunio’r adroddiad, rhaid i Weinidogion Cymru ymgynghori ag unrhyw bersonau y maent yn ystyried eu bod yn briodol.</p> <p>(3) Rhaid i Weinidogion Cymru, yn ddim hwyrach na 12 mis ar ôl diwedd pob cyfnod adrodd –</p>	<p>Purpose: The amendment would place a statutory duty on the Welsh Ministers to produce a report on the operation of the data collection regime within Sections 24 to 31 of the Bill every five years.</p> <p>Effect: This provision requires the Welsh Ministers to prepare a report on the data collection provisions.</p> <p>The review will provide an additional level of transparency and assurance of the operation of the data collection provisions, over a reporting period of (successive) five years, for all data being collected from across the sector, under the provisions of this Bill.</p> <p>Whilst there is no requirement to consult with specific persons in relation to the operational review of the data collection provisions, this will not prevent Welsh Ministers from engaging with or consulting with the Information Commissioner, or any other persons considered appropriate.</p> <p>Each reporting period will be for five years, with the first reporting period commencing on the day in which the data collection provisions come into force. Following each reporting period, Welsh Ministers</p>

	<p>(a) in the case of the first report, the period of five years beginning with the day on which section [24] comes into force;</p> <p>(b) in the case of subsequent reports, successive periods of five years.’.</p>	<p>(a) cyhoeddi’r adroddiad sy’n ymwneud â’r cyfnod adrodd, a</p> <p>(b) ei osod gerbron Senedd Cymru.</p> <p>(4) Yn yr adran hon, ystyr y “cyfnod adrodd” yw –</p> <p>(a) yn achos yr adroddiad cyntaf, y cyfnod o bum mlynedd sy’n dechrau â’r diwrnod y mae adran [24] yn dod i rym;</p> <p>(b) yn achos adroddiadau dilynol, gyfnodau olynol o bum mlynedd.’</p>	<p>must prepare and lay the review report within 12 months of the reporting period.</p>
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	<p>Section 36, page 24, line 14, leave out ‘appropriate forestry authority in relation to Wales, and a person granted a felling licence by that authority under subsection (2), may agree to amend the licence at any time’ and insert ‘Natural Resources Body for Wales, and the person responsible, may agree to amend the licence at any time (but see section 10A, which imposes further requirements in relation to amendments in respect of trees to which a tree preservation order relates).</p> <p>(3B) For the purposes of subsection (3A) of this section, and section 10A, the person responsible is –</p> <p>(a) the applicant for the licence, if the applicant has such estate or interest in the land as is referred to in subsection (1), or</p> <p>(b) if the applicant no longer has such estate or interest, a person who has such estate or interest’.</p>	<p>Adran 36, tudalen 24, llinell 15, hepgorer ‘appropriate forestry authority in relation to Wales, and a person granted a felling licence by that authority under subsection (2), may agree to amend the licence at any time’ a mewnosoder ‘Natural Resources Body for Wales, and the person responsible, may agree to amend the licence at any time (but see section 10A, which imposes further requirements in relation to amendments in respect of trees to which a tree preservation order relates).</p> <p>(3B) For the purposes of subsection (3A) of this section, and section 10A, the person responsible is –</p> <p>(a) the applicant for the licence, if the applicant has such estate or interest in the land as is referred to in subsection (1), or</p> <p>(b) if the applicant no longer has such estate or interest, a person who has such estate or interest’.</p>	<p>Purpose: This section sets out amendments at section 10 to the Forestry Act 1967, originally introduced at Stage 1, which provides Natural Resources Wales (NRW) with the ability to amend a felling licence already granted, in agreement with the responsible person (usually the woodland owner who holds the felling licence).</p> <p>The Stage 3 amendment clarifies the definition of the responsible person with whom Natural Resources Wales (NRW) should engage with to agree amendments to a felling licence already granted.</p> <p>Effect: This removes any ambiguity around with whom NRW should engage when using these powers.</p>
	<p>Section 36, page 24, after line 16, insert –</p>	<p>Adran 36, tudalen 24, ar ôl llinell 17, mewnosoder –</p>	<p>Purpose: This amendment sets out that where a felling licence to be amended by agreement relates</p>

<p>(1)After section 10 of the Forestry Act 1967, insert –</p> <p>“10A Amendments made under section 10(3A) that affect tree preservation orders</p> <p>(1)The provisions of this section apply if –</p> <p>(a)an amendment to a licence under section 10(3A) is proposed in respect of any trees to which a tree preservation order relates, and</p> <p>(b)the Natural Resources Body for Wales does not consider that the amendment is necessary to respond to an imminent and serious risk of harm to –</p> <p>(i) natural beauty, or</p> <p>(ii)flora, fauna, geological or physiographical features, or natural habitats.</p> <p>(2)Before amending the licence, the Natural Resources Body for Wales must give notice in writing of the proposal to the authority by whom the tree preservation order was made.</p>	<p>‘() Ar ôl adran 10 o Ddeddf Coedwigaeth 1967, mewnosoder –</p>	<p>to trees subject to a Tree Preservation Order (“TPO”), NRW are required to give written notice to the relevant local authority who made the TPO (“TPO authority”) before that agreed amendment is made.</p> <p>It also sets out the procedure for circumstances where the relevant TPO authority objects to the proposed agreed amendments to the felling licence.</p> <p>This amendment also sets out that NRW is not required to consult the relevant TPO authority if there is an imminent and serious risk of environmental harm which the agreed amendment to the felling licence is intended to address.</p> <p>Effect: The 1967 Act already makes provision for NRW to give written notice to the relevant TPO authority when granting a felling licence that affects a TPO. This enables the TPO authority to provide comment or object within a prescribed period. Where objection is raised, the 1967 Act sets out the procedure for dealing with that objection. If a felling licence is amended by agreement under this new provision, the agreed amendment may materially alter the felling licence. This amendment provides the TPO authority the opportunity to comment/or object when an agreed amendment is proposed, and sets out the procedure to be followed where an objection is raised and not withdrawn, in line with existing provisions where a felling licence is granted.</p> <p>This amendment also enables NRW to address a breach in a felling licence condition or likely</p>
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	<p>(3) If, within the prescribed period, the authority by whom the tree preservation order was made objects to the amendment in so far as it affects trees to which the tree preservation order relates, and does not withdraw its objection, the Natural Resources Body for Wales must refer the matter to the Welsh Ministers.</p> <p>(4) If a matter is referred to the Welsh Ministers under subsection (3), the Welsh Ministers may decide to –</p> <p>(a) grant consent to the amendment, or</p> <p>(b) refuse to grant consent (in which case the amendment cannot be made).</p> <p>(5) Where the Natural Resources Body for Wales has given notice in writing under subsection (1) to an authority in respect of a proposed amendment, the proposed amendment cannot be made until –</p>		<p>environmental harm relating to a TPO without having to resort to serving a formal notice, where amending a felling licence by agreement can address the issue.</p> <p>Waiving NRW's requirement to consult the relevant authority if there is a serious risk of environmental harm allows action to be taken to address the imminent risk without having to wait for the consultation period with the TPO authority to take its course.</p>
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	<p>(a)the period prescribed under subsection (3) has ended without the authority having objected (or, if the authority has objected, that objection has been withdrawn),, or</p> <p>(b)if the Natural Resources Body for Wales has referred the matter to the Welsh Ministers, the Welsh Ministers have given their decision on the matter.</p> <p>(6)Before deciding whether to grant or refuse consent under subsection (4), the Welsh Ministers must consult –</p> <p>(a)the person responsible (see section 10(3B));</p> <p>(b)the Natural Resources Body for Wales;</p> <p>(c)the authority by whom the tree preservation order was made.”’.</p>		
	<p>Section 37, page 25, line 5, leave out ‘responsible’ and insert ‘to whom the notice was given’.</p> <p>Section 37, page 25, line 9, leave out ‘completed’ and insert ‘taken’.</p>	<p>Adran 37, tudalen 25, llinell 5, hepgorer ‘responsible’ a mewnosoder ‘to whom the notice was given’.</p> <p>Adran 37, tudalen 25, llinell 9, hepgorer ‘completed’ a mewnosoder ‘taken’.</p>	<p>Purpose – The amendments to section.24C(5) sets out that the steps must be taken by the person who is given the notice and slightly amends the wording to provide the time in which the steps must be “taken” not completed.</p> <p>Effect – removal of ambiguity as to who must take the steps required within s.24C(5) and for</p>

			consistency in the use of the wording steps to be “taken” in keeping with 24C(5)(a).
	Section 37, page 25, line 23, leave out ‘under’ and insert ‘in accordance with’	Adran 37, tudalen 25, llinell 23, hepgorer ‘under’ a mewnosoder ‘in accordance with’.	Purpose: The amendment to section 24C(7)(a) is a technical amendment and a drafting improvement. Effect: The amendment ensures that the terminology is strictly correct in the drafting.
	Section 37, page 25, line 30, leave out ‘date’ and insert ‘end of the period’.	Adran 37, tudalen 25, llinell 30, hepgorer ‘date’ a mewnosoder ‘end of the period’.	Purpose: The amendment to section 24C(8) is a drafting improvement. Effect: The amendment brings consistency with the language used at subsections (6)(c) referring to “period” rather than “date”.
	Section 37, page 25, line 31, leave out ‘(7)(b)’ and insert ‘(3)’.	Adran 37, tudalen 25, llinell 31, hepgorer ‘(7)(b)’ a mewnosoder ‘(3)’.	Purpose: to correct the cross reference to the notice to which the provision refers. Effect: clarifies a further notice may be given if the suspension is to be lifted sooner than the original date specified in the 24C(3) notice.
	Section 37, page 25, line 35, leave out ‘completed’ and insert ‘taken’.	Adran 37, tudalen 25, llinell 35, hepgorer ‘completed’ a mewnosoder ‘taken’	Purpose: The amendments to section 24C (9) slightly amends the wording to provide the time in which the steps must be “taken” not “completed”. Effect: The amendment provides consistency across the amendments with the use of “steps taken” in accordance with 24C(5)(a).
	Section 37, page 26, line 10, leave out ‘and section 24D’.	Adran 37, tudalen 26, llinell 10, hepgorer ‘and section 24D’.	Purpose: section 24C (13) defines the person responsible in relation to section 24C notices. The amendment clarifies the person to whom the notice should be given under this section. Reference to

	<p>Section 37, page 26, line 15, leave out 'the owner of the land' and insert 'a person who has such estate or interest in the land as is referred to in section 10(1) on that date'</p>	<p>Adran 37, tudalen 26, llinell 15, hepgorer 'the owner of the land' a mewnosoder 'a person who has such estate or interest in the land as is referred to in section 10(1) on that date'.</p>	<p>section 24D is removed from this drafting due to the introduction of new sections as set out below.</p> <p>Effect: This amendment removes any ambiguity as to who can be served notices and who is required to carry out steps under a notice, by amending the definition of the person responsible.</p>
	<p>Section 37, page 26, after line 15, insert –</p> <p>24D Notice to subsequent estate or interest holder requiring steps to be taken</p> <p>(1) Subsection (2) applies where –</p> <p>(a) a notice has been given to a person under section 24C(3) requiring the person to take steps,</p> <p>(b) steps required by the notice have not been taken, and</p> <p>(c) before the time specified in the notice (within which those steps must be taken) has expired, the person ceases to have the estate or interest in the land by reference to which the notice was given.</p> <p>(2) The Natural Resources Body for Wales may give to a person who has such estate or interest in the land as is referred to in section 10(1) a notice –</p> <p>(a) requiring the steps that were not taken under the notice described in subsection (1) to be taken, and</p> <p>(b) specifying the period (not being less than the prescribed period after the notice has become operative) within which those steps must be taken.</p> <p>(3) A notice given under subsection (2) must set out the reasons for giving the notice.</p>	<p>Adran 37, tudalen 26, ar ôl llinell 15, mewnosoder –</p>	<p>Purpose: This amendment is a new section which applies where land to which a felling licence relates has transferred ownership, and the previous owner has breached the conditions of the felling licence prior to sale. The previous owner has been served a notice under s.24C(3) setting out steps required to address the breach, but has not undertaken them before selling the land.</p> <p>This amendment enables NRW to serve a further notice on a new owner requiring the steps to be undertaken.</p> <p>Effect: This amendment is necessary to ensure that the new owner is aware of the steps required to address the breach and can undertake them before becoming criminally liable for failure to take the steps under s.24D(5).</p>

	<p>(4) If steps required by a notice under subsection (2) have not been taken before the end of the period specified in the notice, the Natural Resources Body for Wales may enter on the land and take those steps.</p> <p>(5) A person who, without reasonable excuse, fails to take any steps required by a notice under subsection (2) commits an offence and is liable on summary conviction to a fine (but this does not affect the powers of the Natural Resources Body for Wales under subsection (4)).</p> <p>(6) Proceedings in respect of an offence under subsection (5) –</p> <p>(a) must be commenced within the period of six months starting on the day the person commencing the proceedings becomes aware of the offence;</p> <p>(b) may not be commenced more than two years after the date of the offence.</p> <p>(7) A person who is required by a notice under subsection (2) to take steps may take the steps notwithstanding any lease, covenant or contract relating to the trees or land affected by the notice.</p> <p>(8) The reference in subsection (1) to a notice under section 24C(3) includes a notice given under this section.</p>		
	<p>Section 37, page 26, line 15, leave out '24D' and insert '24E'.</p>	<p>Adran 37, tudalen 26, llinell 16, hepgorer '24D' a mewnosoder '24E'.</p>	<p>Purpose: These amendments re-number the sections allowing for the new s.24D above, and provide drafting improvements to section 24E(4)(a) and section 24E(5). They also clarify the person to whom a notice under section 24E should be given (where there has been no breach of felling licence</p>

<p>Section 37, page 27, line 5, leave out ‘under’ and insert ‘in accordance with’.</p> <p>Section 37, page 27, line 11, after ‘(4)(b)’, insert ‘(to bring the suspension to an end)’.</p> <p>Section 37, page 27, after line 14, insert –</p> <p style="padding-left: 40px;">‘(6)For the purposes of this section, “the person responsible” is –</p> <p style="padding-left: 40px;">(a)the applicant for the licence, if on the date the notice is given the applicant has such estate or interest in the land as is referred to in section 10(1);</p> <p style="padding-left: 40px;">(b)in any other case, a person who has such estate or interest in the land as is referred to in section 10(1) on that date.’.</p>	<p>Adran 37, tudalen 27, llinell 5, hepgorer ‘under’ a mewnosoder ‘in accordance with’.</p> <p>Adran 37, tudalen 27, llinell 11, ar ôl ‘(4)(b)’, mewnosoder ‘(to bring the suspension to an end)’.</p> <p>Adran 37, tudalen 27, ar ôl llinell 14, mewnosoder –</p>	<p>conditions, but NRW considers that felling within the licence will give rise to significant environmental harm e.g. an unexpected risk has come to light).</p> <p>Effect: These amendments bring consistency in language between section 24E(4)(a) and section 24C(7)(a). The amendment to section 24E(5) provides clarification of the purpose of giving a further notice under that section, that is, to bring the suspension to an end. The amendment at section 24E(6) removes any ambiguity around the definition of the person responsible; to clarify upon whom a section 24E notice should be served.</p>
<p>Page 27, after line 14, insert a new section –</p> <p>[] Tree Preservation Orders</p> <p>After new section 24E of the Forestry Act 1967 (c. 10) (inserted by section 37), insert –</p> <p>“24F Notices under section 24C(3) or 24E(2) that affect tree preservation orders</p> <p style="padding-left: 40px;">(1) The provisions of this section apply if –</p>	<p>Tudalen 27, ar ôl llinell 14, mewnosoder adran newydd –</p> <p>[] Gorchmynion Cadw Coed</p> <p>Ar ôl adran newydd 24E o Ddeddf Coedwigaeth 1967 (p. 10) (a fewnosodir gan adran 37), mewnosoder –</p>	<p>Purpose: The provisions as introduced do not make provision where notices to amend, suspend or revoke a licence already granted relate to trees subject to a Tree Preservation Order (TPO). The amendment inserts a new s.24F which sets out provision for dealing with these circumstances.</p> <p>This includes a requirement for NRW to give written notice to the relevant local authority who made the TPO (“TPO authority”), before serving a notice under sections 24C or 24E, and the procedure for circumstances where the TPO authority objects to the felling licence as affected by the proposed</p>

	<p>(a) the Natural Resources Body for Wales proposes to give a notice under section 24C(3) or 24E(2) in respect of any trees to which a tree preservation order relates, and</p> <p>(b) the proposed notice does not meet the emergency criteria.</p> <p>(2) The emergency criteria are met if the proposed notice makes no provision other than—</p> <p>(a) provision that the Natural Resources Body for Wales considers is necessary to respond to an imminent and serious risk of harm to—</p> <ul style="list-style-type: none"> (i) natural beauty, or (ii) flora, fauna, geological or physiographical features, or natural habitats, or <p>(b) provision that suspends a felling licence.</p> <p>(3) Before the Natural Resources Body for Wales gives the proposed notice it must give notice in writing of the proposal to the authority by whom the tree preservation order was made.</p>		<p>notice. These requirements do not apply if the “emergency criteria” at 24F(2) are met because there is an imminent and serious risk environmental harm.</p> <p>Effect: The 1967 Forestry Act already makes provision for NRW to give written notice to the TPO Authority before granting a felling licence that affects a TPO. This enables the TPO authority to provide comment or object within a prescribed period. Where objection is raised, the 1967 Act sets out the procedure for dealing with that objection.</p> <p>These provisions mirror that position in so far as possible in relation to notices given under section 24C or section 24E, which may materially affect the felling licence, to allow for consistency across the 1967 Act.</p> <p>The provision provides that NRW are not required to give written notice to the TPO authority if there is a serious risk of environmental harm. This allows action to be taken to address the imminent risk without having to wait for the consultation period with the TPO authority to take its course. This is aimed at reducing the environmental harm or risk of it.</p>
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(4) If, within the prescribed period, the authority by whom the tree preservation order was made objects to the notice in so far as it affects trees to which the tree preservation order relates, and does not withdraw its objection, the Natural Resources Body for Wales must refer the matter to the Welsh Ministers.

(5) If a matter is referred to the Welsh Ministers under subsection (4), the Welsh Ministers may decide to—

(a) grant consent to the giving of the notice, or

(b) refuse to grant consent (in which case the notice cannot be given).

(6) Where the Natural Resources Body for Wales has given notice in writing under subsection (3) to an authority in respect of a proposed notice, the proposed notice cannot be given until—

(a) the period prescribed under subsection (4) has ended without the authority having objected (or, if the authority has objected, that objection has been withdrawn),);

(b) if the Natural Resources for Wales has referred the matter to the Welsh Ministers, the Welsh Ministers have given their decision on the matter.

	<p>(7) Before deciding whether to grant or refuse consent under subsection (5), the Welsh Ministers must consult –</p> <p>(a) the Natural Resources Body for Wales;</p> <p>(b) the authority by whom the tree preservation order was made;</p> <p>(c) the applicant for the licence if the applicant has such estate or interest in the land as is referred to in section 10(1) or, in any other case, a person who has such estate or interest in the land.”</p>		
	<p>Page 27, line 15, leave out section 38.</p>	<p>Tudalen 27, llinell 15, hepgorer adran 38.</p>	<p>Purpose: This amendment deletes the Stage 1 sections 38 on appeal and compensation. Effect: The removal of sections 38 and 39 enables new sections to be drafted for clarity and accessibility of law when considering the Forestry Act 1967 as amended by the Bill.</p>
	<p>Page 29, line 1, leave out section 39 and insert –</p> <p>Appeals and compensation</p> <p>After section 26 of the Forestry Act 1967 (c. 10), insert –</p> <p>“26A Appeals against notices given under section 24C(3) and 24D(2)</p>	<p>Tudalen 29, llinell 1, hepgorer adran 39 a mewnosoder –</p> <p>[] Apellau a digollediad</p> <p>Ar ôl adran 26 o Ddeddf Coedwigaeth 1967 (p. 10), mewnosoder –</p>	<p>Purpose: These new sections replace the Stage 1 section 38 on appeals provisions.</p> <p>The amendments set out provision for appeals against notices served under the new sections 24C (where there has been a breach of condition of a felling licence), 24D (where a further notice has been served on a new owner to take steps arising from a breach of conditions in a felling licence by a previous owner) and 24E (where there has been no breach of felling licence conditions, but NRW considers that</p>

<p>(1) The following persons have a right to bring an appeal against a notice given under section 24C(3) if the person thinks that any of the grounds set out in subsection (2) applies—</p> <ul style="list-style-type: none"> (a) the person to whom the notice was given; (b) a person who has such estate or interest in the land as is referred to in section 10(1); (c) the owner of the trees. <p>(3) The grounds are—</p> <ul style="list-style-type: none"> (a) a condition referred to in the notice has been complied with or is being complied with; (b) suspending or revoking the felling licence is unreasonable or disproportionate; (c) the variation of a condition of the felling licence, or the imposition of a new condition, is unreasonable or disproportionate; (d) a step specified in the notice is unreasonable or disproportionate; (e) where the notice has suspended the felling licence, the suspension should have been brought to an end by a notice given under section 24C(7)(b). <p>(3) A person to whom a notice has been given under section 24D(2) has a right to bring an appeal against the notice if the person thinks that a step specified in the notice is unreasonable or disproportionate.</p>		<p>felling within the licence will give rise to significant environmental harm e.g. an unexpected risk has come to light).</p> <p>The amendments provide amended grounds of appeal against these notices whilst clarifying who has the right of appeal.</p> <p>Effect: The amendments ensure that the right person has the grounds to bring an appeal in each circumstance and aims to enable accessibility of law when considering the Forestry Act 1967.</p>
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(4) An appeal under this section is brought by serving a notice on the Welsh Ministers requesting that they refer the matter to a committee appointed in accordance with section 27 (and see section 26C for further provisions about such requests).

26B Appeals against notice given under section 24E(2)

(1) The following persons have a right to bring an appeal against a notice given under section 24E(2) if the person thinks that any of the grounds set out in subsection (2) applies -

- , (a) the person to whom the notice was given;
- (b) a person who has such estate or interest in the land as is referred to in section 10(1);
- (c) the owner of the trees.

(2) The grounds are—

- (a) the felling is not causing the harm specified in the notice or is not likely to cause the harm;
- (b) suspending or revoking the felling licence is unreasonable or disproportionate;
- (c) an amendment to the felling licence is unreasonable or disproportionate;

	<p>(d) where the notice has suspended the felling licence, the suspension should have been brought to an end by a notice given under section 24E(4)(b).</p> <p>(3) An appeal under this section is brought by serving a notice on the Welsh Ministers requesting that they refer the matter to a committee appointed in accordance with section 27 (and see section 26C for further provision about such requests)</p>		
	<p>26C Further provision about appeals brought under sections 26A and 26B</p> <p>(1) A request made to the Welsh Ministers under section 26A or 26B must be made in the prescribed manner and within the prescribed period.</p> <p>(2) A notice given under section 24C(3), 24D(2) or 24E(2) does not take effect until the expiration of the prescribed period and, where a request is made to the Welsh Ministers under section 26A or 26B (as the case may be), until the conclusion of any proceedings in pursuance of the request.</p> <p>(3) But subsection (2) does not apply (and the notice may take effect immediately) to the extent that –</p>	<p>N/A</p>	<p>Purpose: This amendment sets out that appeals must be made within a prescribed period and that notices do not take effect until this prescribed period has elapsed.</p> <p>The use of the word prescribed provides a regulation making power for the Welsh Ministers, in accordance with section 34 of the Forestry Act 1967, allowing further detailed provision in respect of the prescribed method and period for appeals.</p> <p>The amendment also provides that it is not necessary to wait for the expiration of the prescribed period where NRW considers there to be an imminent and serious risk of environmental harm. The amendment also sets out the procedure to be followed when an appeal is made, which reflects existing provision within the 1967 Act.</p> <p>Effect: This amendment builds on the amendments at section 26A and B, making provision for the</p>

	<p>(a) the notice makes provision that the Natural Resources Body for Wales considers is necessary to respond to an imminent and serious risk of harm to—</p> <ul style="list-style-type: none"> (i) natural beauty, or (ii) flora, fauna, geological or physiographical features, or natural habitats, or <p>(b) the notice makes provision that suspends a felling licence.</p> <p>(4) Where a request is made to the Welsh Ministers under section 26A or 26B, the Welsh Ministers must, unless they are of the opinion that the grounds for the request are frivolous, refer the matter to the committee appointed in accordance with section 27.</p> <p>(5) The committee to whom a matter is referred under this section must, after complying with section 27(3), provide the Welsh Ministers with a report in relation to the reference.</p> <p>(6) After considering the report, the Welsh Ministers must—</p> <ul style="list-style-type: none"> (a) in the case of a request made on the ground in subsection 26A(2)(e) or 26B(2)(d) (suspension should have been ended)— <ul style="list-style-type: none"> (i) direct the Natural Resources Body for Wales to give a notice under section 24C(7)(b) or 24E(4)(b) (as the case may be) ending the suspension, or 		<p>appeals process in relation to the notices. The power to allow for the prescribed period not to apply allows action to be taken to address an imminent and serious risk of environmental harm before it happens or is exacerbated, without having to wait for the appeals prescribed period to have lapsed for the notice to take effect.</p>
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	<p>(ii) give the person who made the request a notice setting out the reasons why a direction under subparagraph (i) is not being given;</p> <p>(b) in the case of any other request, confirm or cancel the notice to which the reference relates.</p>		
	<p>26D Compensation following receipt of a notice given under section 24C(3)</p> <p>(1) If in the case of any trees, the Natural Resources Body for Wales gives a person a notice under section 24C(3), the relevant person is entitled to compensation in accordance with this section and section 26G.</p> <p>(2) If the notice given under section 24C(3) is cancelled under section 26C(6)(b), compensation is payable –</p> <p>(a) for any expenses reasonably incurred in connection with the giving of the notice;</p> <p>(b) for any depreciation in the value of the trees that is attributable to deterioration in the quality of the timber comprised in the trees arising as a result of the giving of the notice.</p>	N/A	<p>Purpose: These amendments are new sections which replace the Stage 1 section 38 on compensation arising from a successful appeal against a notice to amend, suspend or revoke a felling licence.</p> <p>The amendment inserting a new section 26D relates to compensation arising where a notice under section 24C (where there has been a breach of felling licence conditions) has been successfully appealed.</p>

(3) If a direction is given to the Natural Resources Body for Wales under section 26C(6)(a)(i) to give a notice ending a suspension imposed by the notice given under section 24C(3), compensation is payable –

(a) for any expenses reasonably incurred in connection with the suspension;

(b) for any depreciation in the value of the trees that is attributable to deterioration in the quality of the timber comprised in the trees as a result of the suspension.

(4) For the purposes of this section “the relevant person” is –

(a) where compensation is payable for expenses reasonably incurred, and those expenses have been incurred in connection with a requirement to take steps, the person to whom the notice was given;

(b) where compensation is payable for expenses reasonably incurred, and those expenses have been incurred otherwise than in connection with a requirement to take steps, a person who had such estate or interest in the land as is referred to in section 10(1) at the time the expenses were incurred;

(c) in the case of compensation for depreciation in the value of the trees, the owner of the trees.

26E Compensation following receipt of a notice given under section 24D(2)

(1) If in the case of any trees, the Natural Resources Body for Wales gives a person a notice under section 24D(2), the person to whom the notice was given is entitled to compensation in accordance with this section and section 26G.

(2) If the notice given under section 24D(2) is cancelled under section 26C(6)(b), compensation is payable for any expenses reasonably incurred in connection with the giving of the notice.

26F Compensation following receipt of a notice given under section 24E(2)

(1) If in the case of any trees, the Natural Resources Body for Wales gives a person a notice under section 24E(2), the relevant person is entitled to compensation in accordance with this section and section 26G.

The amendment inserting a new section 26E relates to compensation arising where a notice served under section 24D (where a further notice has been served on a new owner to take steps arising from a breach of conditions in a felling licence by a previous owner) has been successfully appealed.

The amendment inserting a new section 26F relates to compensation arising where a notice served under section 24E (where there has been no breach of felling licence conditions, but NRW considers that felling within the licence will give rise to significant environmental harm e.g. an unexpected risk has come to light) has been successfully appealed.

The amendments set out that compensation may be payable for expenses reasonably incurred and depreciation in the value of the timber resulting from the giving of the notice, depending on the type of

	<p>(2) Compensation is payable for any depreciation in the value of the trees that is attributable to deterioration in the quality of the timber comprised in the trees as a result of the giving of the notice under Section 24E(2) (regardless of whether an appeal has been brought under section 26B).</p> <p>(3) If the notice given under section 24E(2) is cancelled under section 26C(6)(b), compensation is payable for any expenses reasonably incurred in connection with the giving of the notice.</p> <p>(4) If a direction is given to the Natural Resources Body for Wales under section 26C(6)(a)(i) to give a notice ending a suspension imposed by the notice given under section 24E(2), compensation is payable for any expenses reasonably incurred in connection with the suspension.</p> <p>(5) For the purposes of this section “the relevant person” is –</p> <ul style="list-style-type: none">(a) where compensation is payable for expenses reasonably incurred, a person who had such estate or interest in the land as is referred to in section 10(1) at the time the expenses were incurred;(b) in the case of compensation for depreciation in the value of the trees, the owner of the trees.		<p>notice successfully appealed. The amendments also set to whom compensation may be payable.</p>
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26G Compensation under section 26D, 26E and 26F – further provision

(1) Compensation under sections 26D, 26E and 26F is recoverable from the Natural Resources Body for Wales.

(2) A claim for compensation under section 26D, 26E or 26F must be made in the prescribed manner and within the prescribed period.

(3) Where a claim for compensation is made under section 26D or 26F for deterioration in the quality of the timber –

(a) if the trees have been felled, no claim may be made after the expiration of one year from the date of the felling;

(b) where a claim is made in reliance on section 26F(2) (depreciation in the value of the trees as a result of the giving of a notice under section 24E(2)), no claim may be made in respect of deterioration occurring more than ten years after the notice was given.

(4) In calculating compensation that is payable under section 26D or 26F –

(a) no account is to be taken of deterioration in the quality of the timber that is attributable to neglect of the trees;

The amendment inserting a new section 26G sets out that claims must be made in the prescribed manner and period. It also sets out boundaries on claims for compensation for the deterioration of timber quality (affecting the value of the timber) which arise in the different compensation scenarios set out at inserted sections 26D and 26F.

Effect: The drafting of individual sections for each of the types of notices enables accessibility of law. The amendments are set out in separate provisions as the different scenarios attract different compensation entitlements.

The amendments extend the compensation that may be payable under each type of notice from those in the Stage 1 drafting. In particular, the amendments allow that all successful appeals will attract a right to compensation for “expenses reasonably incurred”.

It also sets out the requirements around making claims in the prescribed manner and period, which will be provided through amendment of the Forestry (Felling of Trees) Regulations 1979.

This approach, and the amendment, clarify the person to whom compensation is payable, and to ensure it is paid to the correct person.

(b) the value of the trees at any time is to be ascertained on the basis of prices current at the date of the claim.

(5) If –

(a) after giving notice under section 24E(2) that amends a felling licence, the Natural Resources Body for Wales notifies the person specified in subsection (6) that it is prepared to further amend the licence under section 10(3A) so that it has the same effect as it had immediately before the licence was amended by the notice given under section 24E(2), or

(b) after giving notice under section 24E(2) that revokes a felling licence, the Natural Resources Body for Wales notifies the person mentioned in subsection (7) that it is prepared to grant a new licence that has the same effect as the licence that was revoked,

then in calculating the compensation that is payable under section 26F(2), no account is to be taken of deterioration occurring after the Natural Resources Body for Wales has notified the relevant person in accordance with this subsection.

(6) For the purposes of subsection (5)(a), the relevant person is –

	<p>(a) the applicant for the licence, if the applicant has such estate or interest in the land as is referred to in section 10(1), or</p> <p>(b) if the applicant no longer has such estate or interest, a person who has such estate or interest.</p> <p>(7) For the purposes of subsection (5)(b), the relevant person is the person who has such estate or interest in the land as is referred to in section 10(1).</p> <p>(8) Any question of disputed compensation arising from a claim made under section 26D, 26E or 26F is to be determined in accordance with section 31.”</p>		
	<p>Section 40, page 30, line 31, leave out subsection (1).</p> <p>Section 40, page 30, line 35, after ‘1967’, insert ‘(c. 10)’.</p> <p>Section 40, page 30, line 37, leave out subsections (3) to (5).</p>	<p>Adran 40, tudalen 30, llinell 31, hepgorer is-adran (1).</p> <p>Adran 40, tudalen 30, llinell 35, ar ôl ‘1967’, mewnosoder ‘(p. 10)’.</p> <p>Adran 40, tudalen 30, llinell 37, hepgorer is-adrannau (3) hyd at (5).</p>	<p>Purpose: The amendment removes drafting in respect of amendments to Section 17 of the Forestry Act 1967 made by Schedule 16 of the Environment Act 2021. No commencement date was known at stage 1 of the Bill, so original drafting covered both scenarios of commencement and non-commencement of Schedule 16. Schedule 16 commenced on 1st January 2023 by virtue of the Environment Act 2021 (Commencement No. 5 and Transitional Provisions) Regulations 2022 (legislation.gov.uk)</p> <p>Effect: The amendments remove the obsolete</p>

			paragraphs from the drafting for better accessibility of the law.
<p>Page 31, after line 7, insert a new section—</p> <p>[] Service of documents</p> <p>(1) Section 30 (service of documents) of the Forestry Act 1967 (c.10) is amended as follows.</p> <p>(2) After subsection (5), insert— “(6) For the purposes of this section, any reference in this Part to the giving of a notice or document by the Natural Resources Body for Wales is to be treated as if it were a reference to the serving of a document.”</p>	<p>Tudalen 31, ar ôl llinell 7, mewnosoder adran newydd—</p> <p>[[] Cyflwyno dogfennau</p> <p>(1) Mae adran 30 (cyflwyno dogfennau) o Deddf Coedwigaeth 1967 (p. 10) wedi ei diwygio fel a ganlyn.</p> <p>(2) Ar ôl is-adran (5), mewnosoder—</p>	<p>Purpose: this amendment provides that references to the giving of notices and documents should be read as a reference to that notice or document being “served” by amending the definition of service in the 1967 Act.</p> <p>Effect: The requirement for NRW to serve a notice or document in line with section 30 of the 1967 Act will apply across all of Part II to the Act. This is to provide consistency across the new and existing provisions in the 1967 Act, which themselves differ in some places.</p>	
<p>Section 41, page 31, line 14, leave out ‘or s. 24C’ and insert ‘, s. 24C(3) or s. 24D(2)’.</p> <p>Section 41, page 31, line 15, leave out ‘, after “under section 24”, insert “or section 24C”’; and insert ‘—</p> <p>(i) after “under section 24”, insert “, section 24C(9) or section 24D(4)”;</p>	<p>Adran 41, tudalen 31, llinell 15, hepgorer ‘or s. 24C’ a mewnosoder ‘, s. 24C(3) or s. 24D(2)’.</p> <p>Adran 41, tudalen 31, llinell 16, hepgorer ‘, ar ôl “under section 24”, mewnosoder “or section 24C”’; a mewnosoder ‘— (i) ar ôl “under section 24”, mewnosoder “, section 24C(9) or section 24D(4)”;</p>	<p>Purpose: These consequential amendments are in relation to sections 26, 27, 29 and 31 of the 1967 Act and reflect the changes in the drafting arising from the Stage 3 amendments outlined above. Amendments include the deletion of a Stage 1 amendment to section 26(3) of the 1967 Act which potentially allowed costs incurred by a new owner due to a notice for breach of conditions, to be claimed against the original applicant for the felling licence.</p>	

	<p>(ii) for “under that section” substitute “under either of those sections”;</p> <p>Section 41, page 31, leave out lines 15 to 23 and insert –</p> <p>‘() In section 27 (Committees of reference) –</p> <p>(a) in the heading, for “and 25” substitute “, 25, 26A, 26B and 26C”;</p> <p>(b) in subsection (1), for “and 25” substitute “, 25, 26A, 26B and 26C”.</p> <p>Section 41, page 31, line 25, leave out ‘after “section 11”, insert “, section 24E” and insert ‘for “or section 26” substitute “, 26, 26D, 26E or 26F”.</p> <p>Section 41, page 31, line 26, leave out ‘after “section 11”, insert “, section 24E” and insert ‘for “or section 26” substitute “, 26, 26D, 26E or 26F”.</p>	<p>(ii) yn lle “under that section” rhodder “under either of those sections”;</p> <p>Adran 41, tudalen 31, llinell 16, hepgorer ‘(c) yn is-adran (3) –</p> <p>(a) yn y pennawd, yn lle “and 25” rhodder “, 25, 26A, 26B and 26C”;</p> <p>(b) yn is-adran (1), yn lle “and 25” rhodder “, 25, 26A, 26B and 26C”.</p> <p>Adran 41, tudalen 31, llinell 26, hepgorer ‘ar ôl “section 11”, mewnosoder “, section 24E” a mewnosoder ‘yn lle “or section 26” rhodder “, 26, 26D, 26E or 26F”.</p> <p>Adran 41, tudalen 31, llinell 27, hepgorer ‘ar ôl “section 11”, mewnosoder “, section 24E” a mewnosoder ‘yn lle “or section 26” rhodder “, 26, 26D, 26E or 26F”.</p>	<p>Effect: These amendments ensure that Stage 1 consequential amendments as introduced reflect the Stage 3 amendments now proposed in terms of the numbering of those new provisions. The amendments to sections 27, 29 and 31 ensure that new notices are captured by some existing regimes in the Forestry Act 1967 for consistency of approach. The removal of the amendment to section 26(3) of the 1967 Act removes the potential for an inequitable outcome for the original applicant where ownership of the land to which the felling licence relates has transferred.</p>
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	Section 41, page 31, line 28, leave out 'and 24E' and insert ', 26D, 26E and 26F'.	Adran 41, tudalen 31, llinell 29, hepgorer 'and 24E' a mewnosoder ', 26D, 26E and 26F'.	
	Section 47, page 35, line 5, after '49', insert '; but see subsections (2) to (7) of section 50 for further requirements in relation to a statutory instrument containing regulations under that section)'. '.	Adran 47, tudalen 35, llinell 5, ar ôl '49', mewnosoder '; ond gweler is-adrannau (2) i (7) o adran 50 am ofynion pellach mewn perthynas ag offeryn statudol sy'n cynnwys rheoliadau o dan yr adran honno'.	<p>Purpose: Applies a super-affirmative procedure to the power to amend section 48 (meaning of 'agriculture' and related references) and section 49 (meaning of 'ancillary activity'). Please see below for details of the super-affirmative procedure.</p> <p>Effect: This amendment applies a super-affirmative procedure to the regulation-making power in section 50.</p>
	<p>Section 50, page 36, after line 5, insert –</p> <ul style="list-style-type: none"> () Before laying a draft statutory instrument containing regulations under this section before Senedd Cymru (for the purposes of section 47(6)), the Welsh Ministers must carry out the steps specified in subsections (3) and (4). () The Welsh Ministers must consult any persons appearing to them to be likely to be affected by the regulations on a proposed draft of the regulations. () The Welsh Ministers must – <ul style="list-style-type: none"> (a) allow those persons a period of at least 12 weeks to submit comments on the proposed draft regulations, (b) consider any comments submitted within that period, and 	<p>Adran 50, tudalen 36, ar ôl llinell 5, mewnosoder –</p> <ul style="list-style-type: none"> () Cyn gosod offeryn statudol drafft sy'n cynnwys rheoliadau o dan yr adran hon gerbron Senedd Cymru (at ddibenion adran 47(6)), rhaid i Weinidogion Cymru gymryd y camau a bennir yn is-adrannau (3) a (4). () Rhaid i Weinidogion Cymru ymgynghori ar ddrafft arfaethedig o'r rheoliadau ag unrhyw bersonau y mae'n ymddangos yn debygol i Weinidogion Cymru y bydd y rheoliadau yn effeithio arnynt. 	<p>Purpose: The definitions of 'agriculture' and 'ancillary activity' are central to the Bill. This amendment provides an enhanced layer of scrutiny to the regulation-making power to amend those definitions.</p> <p>Effect: This amendment sets out an enhanced (super-affirmative) procedure which is to apply to section 50 (Power to amend sections 48 and 49). Sections 48 and 49 provide the meanings of 'agriculture' and 'ancillary activity' for the purposes of the Bill.</p> <p>The provisions impose additional requirements on the Welsh Ministers before laying regulations under section 50. The amendment includes a requirement to consult any persons appearing to the Welsh Ministers to be likely to be affected by the regulations, on a draft of the proposed regulations. At least 12 weeks must be allowed for the submission of comments. The comments must be</p>

<p>(c) publish a summary of those comments.</p> <p>() Where the Welsh Ministers lay a draft statutory instrument containing regulations under this section before Senedd Cymru for the purposes of section 47(6), they must include with the draft a statement that-</p> <p>(a) specifies whether there are differences between the draft regulations that were consulted on under subsection (3) and regulations under this section that are contained in the draft statutory instrument being laid, and</p> <p>(b) if there are differences between the draft regulations that were consulted on and the regulations that are contained in the draft statutory instrument being laid, gives details of those differences.</p> <p>() A draft statutory instrument containing regulations under this section may not be approved by a resolution of Senedd Cymru in accordance with section 47(6) until after the expiry of the period of 40 days beginning with the day on which the draft statutory instrument is laid.</p> <p>() In calculating whether a period of 40 days has expired for the purposes of subsection (6), no account is to be taken of any time during</p>	<p>() Rhaid i Weinidogion Cymru –</p> <p>(a) rhoi cyfnod o 12 wythnos o leiaf i'r personau hynny i gyflwyno sylwadau ar y rheoliadau drafft arfaethedig,</p> <p>(b) ystyried unrhyw sylwadau a gyflwynir o fewn y cyfnod hwnnw, ac</p> <p>(c) cyhoeddi crynodeb o'r sylwadau hynny.</p> <p>() Pan fo Gweinidogion Cymru yn gosod offeryn statudol drafft sy'n cynnwys rheoliadau o dan yr adran hon gerbron Senedd Cymru at ddibenion adran 47(6), rhaid iddynt gynnwys gyda'r drafft ddatganiad sydd –</p>	<p>considered and a summary of the comments must be published.</p> <p>When the draft regulations are laid before the Senedd, they must be accompanied by a statement that details any differences between the draft consulted on and the one laid before the Senedd. Where no amendments have been made to the draft regulations that were consulted on, a statement must accompany the regulations to specify this. The amendment provides that the regulations may not be approved by a resolution of the Senedd until after the expiry of 40 days – this period is calculated from the day on which the regulations are laid. When calculating the 40 days period, if the Senedd is dissolved or in recess for more than four days, such period is not to be taken account of for the purposes of calculating the 40 days.</p>
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which Senedd Cymru is dissolved or is in recess for more than four days.'

(a) yn pennu a oes gwahaniaethau rhwng y rheoliadau drafft yr ymgynghorwyd arnynt o dan is-adran (3) a rheoliadau o dan yr adran hon a gynhwysir yn yr offeryn statudol drafft sy'n cael ei osod, a

(b) os oes gwahaniaethau rhwng y rheoliadau drafft yr ymgynghorwyd arnynt a'r rheoliadau a gynhwysir yn yr offeryn statudol drafft sy'n cael ei osod, yn rhoi manylion ynghylch y gwahaniaethau hynny.

		<p>() Ni chaniateir i offeryn statudol drafft sy'n cynnwys rheoliadau o dan yr adran hon gael ei gymeradwyo drwy benderfyniad gan Senedd Cymru yn unol ag adran 47(6) tan ar ôl i'r cyfnod o 40 niwrnod, gan ddechrau â'r diwrnod y gosodir yr offeryn statudol drafft, ddod i ben.</p> <p>() Wrth gyfrifo a yw cyfnod o 40 niwrnod wedi dod i ben at ddibenion is-adran (6), rhaid diystyru unrhyw adeg pan fo Senedd Cymru wedi ei diddymu neu'n cymryd toriad am fwy na phedwar diwrnod.'.</p>	
	Section 53, page 37, leave out line 6.	Adran 53, tudalen 37, hepgorer llinell 6.	<p>This amendment is a consequence of the Agricultural Tenancies Act 1995 amendment, which means that the Welsh Ministers' new powers in respect of both Agricultural Holdings Act 1986 tenancies and 1995 Act tenancies will be able to be commenced simultaneously by commencement order.</p> <p>Previously, the 1986 Act amendment would have commenced 2 months after Royal Assent but not become operational then due to the need to make regulations, but because of the way the 1995 Act</p>

			amendment is drafted (as a direct provision, as well as a Welsh Minister regulation-making power), it was decided to ensure that both amendments could follow the same timetable in the future by removing both from section 53(2).
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