

# HYSBYSIAD YNGHYLCH GWELLIANNAU NOTICE OF AMENDMENTS

Cyflwynwyd ar 15 Mawrth 2018  
Tabled on 15 March 2018

## Bil Cyfraith sy'n Deillio o'r Undeb Ewropeaidd (Cymru)

### Law Derived from the European Union (Wales) Bill

#### **Mark Drakeford**

1

Section 2, page 1, line 22, leave out '(restated' and insert 'or continuing in effect under or by virtue of regulations under that section ('.

Adran 2, tudalen 1, llinell 23, hepgorer '(deddfiadau sy'n deillio o gyfraith yr UE sydd wedi eu hailddatgan' a mewnosoder 'neu sy'n parhau mewn effaith o dan neu yn rhinwedd rheoliadau o dan yr adran honno (deddfiadau sy'n deillio o gyfraith yr UE'.

#### **Mark Drakeford**

2

Section 4, page 4, line 2, leave out subsection (1) and insert –

'( ) The power in subsection (2) applies to an enactment if –

- (a) it was passed or made, or operates, entirely or to some extent for a purpose mentioned in section 2(2)(a) or (b) of the European Communities Act 1972 (whether or not made under section 2(2) of, or paragraph 1A of Schedule 2 to, that Act), or
- (b) it relates otherwise to the EU or the EEA for all or some purposes.

( ) The Welsh Ministers may by regulations –

- (a) repeal or revoke an enactment that is wholly within devolved competence;
- (b) disapply an enactment that is wholly or partly within devolved competence, so far as it is within devolved competence;
- (c) restate an enactment repealed or revoked under paragraph (a) with or without modifications within devolved competence;
- (d) restate an enactment disapplied under paragraph (b), so far as it is disapplied, with or without modifications within devolved competence;



- (e) make further provision within devolved competence in connection with restatement of an enactment under paragraph (c) or (d).
- ( ) The Welsh Ministers may by regulations –
  - (a) provide for provision in subordinate legislation made under, or by virtue of, a provision repealed or revoked by regulations under subsection (2)(a) to continue in effect as if made under or by virtue of provision in regulations under subsection (2)(c) (including provision in subordinate legislation made under, or by virtue of, functions that are not restated in the regulations under subsection (2)(c));
  - (b) provide for provision in subordinate legislation made under, or by virtue of, a provision so far as it is disapplied by regulations under subsection (2)(b) to continue in effect as if made under or by virtue of provision in regulations under subsection (2)(d) (including provision in subordinate legislation made under, or by virtue of, functions that are not restated in the regulations under subsection (2)(d));
  - (c) modify provision in subordinate legislation that continues in effect under this subsection and make further provision in connection with its continued effect, if the modification or further provision is within devolved competence.’

Adran 4, tudalen 4, llinell 2, hepgorer is-adran (1) a mewnosoder –

- ‘( ) Mae’r pŵer yn is-adran (2) yn gymwys i ddeddfiad –
  - (a) os cafodd ei basio neu ei wneud, neu os yw’n gweithredu, yn gyfan gwbl neu i ryw raddau at ddiben a grybwyllir yn adran 2(2)(a) neu (b) o Ddeddf y Cymunedau Ewropeaidd 1972 (pa un a yw wedi ei wneud o dan adran 2(2) o’r Ddeddf honno neu baragraff 1A o Atodlen 2 iddi ai peidio), neu
  - (b) os yw’n ymwneud fel arall â’r UE neu’r AEE at bob diben neu at rai dibenion.
- ( ) Caiff Gweinidogion Cymru drwy reoliadau –
  - (a) diddymu neu ddirymu deddfiad sydd o fewn cymhwysedd datganoledig yn gyfan gwbl;
  - (b) datgymhwyso deddfiad sydd o fewn cymhwysedd datganoledig yn gyfan gwbl neu’n rhannol, i’r graddau y mae o fewn cymhwysedd datganoledig;
  - (c) ailddatgan deddfiad a ddiddymir neu a ddirymir o dan baragraff (a) gyda neu heb addasiadau o fewn cymhwysedd datganoledig;
  - (d) ailddatgan deddfiad a ddatgymhwysir o dan baragraff (b), i’r graddau y mae wedi ei ddatgymhwyso, gyda neu heb addasiadau o fewn cymhwysedd datganoledig;
  - (e) gwneud darpariaeth bellach o fewn cymhwysedd datganoledig mewn cysylltiad ag ailddatgan deddfiad o dan baragraff (c) neu (d).



( ) Caiff Gweinidogion Cymru drwy reoliadau –

- (a) darparu i ddarpariaeth mewn is-ddeddfwriaeth a wneir o dan neu yn rhinwedd darpariaeth a ddiddymir neu a ddirymir drwy reoliadau o dan is-adran (2)(a) barhau mewn effaith fel pe bai wedi ei gwneud o dan neu yn rhinwedd darpariaeth mewn rheoliadau o dan is-adran (2)(c) (gan gynnwys darpariaeth mewn is-ddeddfwriaeth a wneir o dan neu yn rhinwedd swyddogaethau nad ydynt wedi eu hailddatgan yn y rheoliadau o dan is-adran (2)(c));
- (b) darparu i ddarpariaeth mewn is-ddeddfwriaeth a wneir o dan neu yn rhinwedd darpariaeth i'r graddau y mae wedi ei datgymhwyso drwy reoliadau o dan is-adran (2)(b) barhau mewn effaith fel pe bai wedi ei gwneud o dan neu yn rhinwedd darpariaeth mewn rheoliadau o dan is-adran (2)(d) (gan gynnwys darpariaeth mewn is-ddeddfwriaeth a wneir o dan neu yn rhinwedd swyddogaethau nad ydynt wedi eu hailddatgan yn y rheoliadau o dan is-adran (2)(d));
- (c) addasu darpariaeth mewn is-ddeddfwriaeth sy'n parhau mewn effaith o dan yr is-adran hon a gwneud darpariaeth bellach mewn cysylltiad â'i heffaith barhaus, os yw'r addasiad neu'r ddarpariaeth bellach o fewn cymhwysedd datganoledig'.

**Mark Drakeford**

3

Section 4, page 4, line 13, after 'restatement', insert 'or continued effect'.

Adran 4, tudalen 4, llinell 15, ar ôl 'ailddatgan', mewnosoder 'neu ei barhad mewn effaith'.

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4

Section 4, page 4, line 15, leave out 'restated'.

Adran 4, tudalen 4, llinell 17, hepgorer 'ailddatganedig'.

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5

Schedule 2, page 20, line 16, after 'Wales', insert 'along with a statement setting out the Welsh Ministers' view on whether the procedure in sub-paragraphs (5) to (13) should apply'.

Atodlen 2, tudalen 20, llinell 18, ar ôl 'Cymru', mewnosoder 'ynghyd â datganiad sy'n nodi barn Gweinidogion Cymru o ran a ddylai'r weithdrefn yn is-baragraffau (5) i (13) fod yn gymwys'.

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6

Schedule 2, page 22, line 30, after 'Wales', insert 'along with a statement explaining the circumstances of the urgency and why, in the Welsh Ministers' opinion, it was necessary to make the regulations without a draft being laid and approved'.

Atodlen 2, tudalen 22, llinell 32, ar ôl 'Cymru', mewnosoder 'ynghyd â datganiad sy'n esbonio amgylchiadau'r brys a pham, ym marn Gweinidogion Cymru, yr oedd angen gwneud y rheoliadau heb osod na chymeradwyo drafft'.

