



Deddf Iechyd y Cyhoedd (Cymru) 2017

2017 dccc 2

Public Health (Wales) Act 2017

2017 anaw 2

Lluniwyd Nodiadau Esboniadol yn gymorth i ddeall y Ddeddf hon ac maent ar gael ar wahân.

Explanatory Notes have been produced to assist in the understanding of this Act and are available separately.

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Deddf Iechyd y Cyhoedd (Cymru) 2017

Deddf Cynulliad Cenedlaethol Cymru i wneud darpariaeth ar gyfer strategaeth genedlaethol ar fynd i'r afael â gordewdra; ynghylch ysmegu; ar gyfer cofrestr o fanwerthwyr tybaco a chynhyrchion nicotin; ynghylch rhoi tybaco a chynhyrchion nicotin i bersonau o dan 18 oed; ynghylch rhoi triniaethau penodol at ddibenion esthetig neu therapiwtig; ynghylch rhoi twll mewn rhan bersonol o gorff plentyn; ynghylch asesiadau o'r effaith ar iechyd; ynghylch asesu'r angen lleol am wasanaethau fferyllol; ynghylch rhestrau fferyllol; ynghylch asesu'r angen lleol am doiledau cyhoeddus; ynghylch derbyniadau cosb benodedig ar gyfer troseddau sgorio hylendid bwyd; ac at ddibenion cysylltiedig. [3 Gorffennaf 2017]

Gan ei fod wedi ei basio gan Gynulliad Cenedlaethol Cymru ac wedi derbyn cydsyniad Ei Mawrhydi, deddfir fel a ganlyn:

RHAN 1

TROSOLWG

1 Trosolwg

- (1) Mae'r Rhan hon o'r Ddeddf yn rhoi trosolwg o brif ddarpariaethau'r Ddeddf.
- (2) Mae Rhan 2 yn gwneud darpariaeth ar gyfer strategaeth genedlaethol ar fynd i'r afael â gordewdra.
- (3) Mae Rhan 3 yn ymwneud â thybaco a chynhyrchion nicotin. Mae'n—
 - (a) gwneud darpariaeth sy'n cyfyngu ar ysmegu mewn gweithleoedd, mewn mannau cyhoeddus, mewn lleoliadau gofal awyr agored i blant, yn nhir ysgolion, yn nhir ysbytai ac mewn meysydd chwarae cyhoeddus, ac mae'n rhoi pŵer i Weinidogion Cymru i wneud rheoliadau sy'n cyfyngu ar ysmegu mewn mangreoedd eraill, ac mewn cerbydau;



Public Health (Wales) Act 2017

An Act of the National Assembly for Wales to make provision for a national strategy on tackling obesity; about smoking; for a register of retailers of tobacco and nicotine products; about the handing over of tobacco and nicotine products to persons aged under 18; about the performance of certain procedures for aesthetic or therapeutic purposes; about intimate piercing of children; about health impact assessments; about assessing the local need for pharmaceutical services; about pharmaceutical lists; about assessing the local need for public toilets; about fixed penalty receipts for food hygiene rating offences; and for connected purposes. [3 July 2017]

Having been passed by the National Assembly for Wales and having received the assent of Her Majesty, it is enacted as follows:

PART 1

OVERVIEW

1 Overview

- (1) This Part of the Act is an overview of the main provisions of the Act.
- (2) Part 2 makes provision for a national strategy on tackling obesity.
- (3) Part 3 relates to tobacco and nicotine products. It—
 - (a) makes provision restricting smoking in workplaces, public places, outdoor care settings for children, school grounds, hospital grounds and public playgrounds, and confers power on the Welsh Ministers to make regulations restricting smoking in other premises, and in vehicles;

- (b) gwneud darpariaeth fel bod cofrestr o fanwerthwyr tybaco a chynhyrchion nicotin yng Nghymru;
 - (c) rhoi pŵer i Weinidogion Cymru i wneud rheoliadau sy'n pennu troseddau at ddiben gwneud gorchmynion, mewn cysylltiad â mangreoedd yng Nghymru, sy'n cyfyngu ar werthu drwy fanwerthu dybaco neu gynhyrchion nicotin;
 - (d) ei gwneud yn drosedd i berson roi tybaco, papurau sigarêts neu gynnyrch nicotin i rywun o dan 18 oed nad yw yng nghwmni oedolyn, pan fo'r tybaco (neu'r papurau sigarêts neu'r cynnyrch nicotin) yn cael ei ddanfôn neu ei gasglu o dan drefniadau a wneir mewn cysylltiad â'i werthu, a phan na fo'r tybaco (neu'r papurau sigarêts neu'r cynnyrch nicotin) mewn pecyn sydd wedi ei selio ac sydd â chyfeiriad arno.
- (4) Mae Rhan 4 yn gwneud darpariaeth ynghylch trwyddedau ar gyfer rhoi triniaethau arbennig yng Nghymru (fel y'u diffinnir yn adran 57): gweler trosolwg pellach o Ran 4 yn adran 56.
- (5) Mae Rhan 5 yn ei gwneud yn drosedd i berson yng Nghymru roi twll, neu wneud trefniadau i roi twll, mewn rhan bersonol o gorff person o dan 18 oed; ac mae'n diffinio'r term "rhoi twll mewn rhan bersonol o'r corff" drwy gyfeirio at rannau penodol o'r corff.
- (6) Mae Rhannau 3 i 5 hefyd yn cynnwys darpariaeth ynghylch gorfodi, gan gynnwys ynghylch troseddau a phwerau mynediad.
- (7) Mae Rhan 6 yn ei gwneud yn ofynnol i Weinidogion Cymru wneud rheoliadau sy'n ei gwneud yn ofynnol i gyrrff cyhoeddus gynnal asesiadau o'r effaith ar iechyd.
- (8) Mae Rhan 7—
- (a) yn ei gwneud yn ofynnol i bob Bwrdd Iechyd Lleol yng Nghymru lunio a chyhoeddi asesiad o'r angen am wasanaethau fferyllol yn ei ardal, a rhoi sylw iddo wrth ystyried ceisiadau i gynnwys person neu gofnod mewn cysylltiad â mangre ar ei restr fferyllol;
 - (b) yn rhoi pŵer i Weinidogion Cymru i wneud rheoliadau ynghylch amgylchiadau pan gaiff Bwrdd Iechyd Lleol wahodd ceisiadau i gynnwys person neu gofnod mewn cysylltiad â mangre ar ei restr fferyllol, a phan gaiff dynnu person oddi ar ei restr fferyllol.
- (9) Mae Rhan 8 yn ei gwneud yn ofynnol i bob awdurdod lleol lunio a chyhoeddi strategaeth toiledau lleol, sy'n asesu'r angen am doiledau cyhoeddus yn ei ardal ac sy'n nodi'r camau y mae'r awdurdod yn bwriadu eu cymryd i ddiwallu'r angen hwnnw.
- (10) Mae Rhan 8 hefyd yn ailddatgan y pŵer statudol presennol i awdurdod lleol ddarparu toiledau yn ei ardal.
- (11) Mae Rhan 9 yn gwneud darpariaeth ynghylch y defnydd o dderbyniadau cosb benodedig mewn cysylltiad â throseddau sgorio hylendid bwyd.
- (12) Mae Rhan 9 hefyd yn cynnwys darpariaethau cyffredinol, gan gynnwys darpariaethau ynghylch troseddau a gyflawnir gan gyrrff corfforaethol, partneriaethau a chymdeithasau anghorfforedig; ynghylch pwerau i wneud rheoliadau o dan y Ddeddf; ac ynghylch dwyn darpariaethau'r Ddeddf i rym.

- (b) makes provision for there to be a register of retailers of tobacco and nicotine products in Wales;
 - (c) confers power on the Welsh Ministers to make regulations specifying offences for the purpose of the making of orders in respect of premises in Wales restricting the sale by retail of tobacco or nicotine products;
 - (d) makes it an offence for a person to hand over tobacco, cigarette papers or a nicotine product to someone aged under 18 who is not accompanied by an adult, where the tobacco (or the cigarette papers or nicotine product) is being delivered or collected under arrangements made in connection with its sale, and is not in a sealed and addressed package.
- (4) Part 4 makes provision about licensing the performance in Wales of special procedures (as defined in section 57): see further overview of Part 4 at section 56.
 - (5) Part 5 makes it an offence for a person in Wales to perform, or to make arrangements to perform, an intimate piercing on a person under the age of 18; and defines the term “intimate piercing” by reference to certain body parts.
 - (6) Parts 3 to 5 also contain provision about enforcement, including about offences and powers of entry.
 - (7) Part 6 requires the Welsh Ministers to make regulations requiring public bodies to carry out health impact assessments.
 - (8) Part 7 –
 - (a) requires each Local Health Board in Wales to prepare and publish an assessment of the need for pharmaceutical services in its area, and to have regard to it in considering applications for inclusion in its pharmaceutical list;
 - (b) confers power on the Welsh Ministers to make regulations about circumstances in which a Local Health Board may invite applications for inclusion in its pharmaceutical list, and may remove a person from its pharmaceutical list.
 - (9) Part 8 requires each local authority to prepare and publish a local toilets strategy which assesses the need for public toilets in its area and sets out steps that the authority proposes to take to meet that need.
 - (10) Part 8 also restates the existing statutory power for a local authority to provide toilets in its area.
 - (11) Part 9 makes provision about the use of fixed penalty receipts in respect of food hygiene rating offences.
 - (12) Part 9 also contains general provisions, including about offences committed by bodies corporate, partnerships and unincorporated associations; about powers to make regulations under the Act; and about the coming into force of the provisions of the Act.

RHAN 2**GORDEWDRA****2 Strategaeth genedlaethol ar atal a lleihau gordewdra: cyhoeddi ac adolygu**

- (1) Rhaid i Weinidogion Cymru gyhoeddi strategaeth genedlaethol ar atal gordewdra, a lleihau lefelau gordewdra, yng Nghymru.
- (2) Rhaid i'r strategaeth—
 - (a) pennu amcanion y mae Gweinidogion Cymru yn ystyried y byddant, os y'u cyflawnir, yn cyfrannu at atal gordewdra;
 - (b) pennu amcanion y mae Gweinidogion Cymru yn ystyried y byddant, os y'u cyflawnir, yn cyfrannu at leihau lefelau gordewdra;
 - (c) nodi sut y mae Gweinidogion Cymru yn bwriadu cyflawni'r amcanion penodedig.
- (3) Rhaid i Weinidogion Cymru adolygu'r strategaeth—
 - (a) ar ddiwedd y cyfnod o dair blynedd sy'n dechrau â'r dyddiad y cyhoeddir y strategaeth am y tro cyntaf, a
 - (b) ar ddiwedd pob cyfnod dilynol o dair blynedd.
- (4) Caiff Gweinidogion Cymru ddiwygio'r strategaeth ar unrhyw adeg.
- (5) Os yw Gweinidogion Cymru yn diwygio'r strategaeth, rhaid iddynt gyhoeddi'r strategaeth ddiwygiedig cyn gynted ag y bo'n rhesymol ymarferol gwneud hynny.
- (6) Rhaid i Weinidogion Cymru ymgynghori ag unrhyw bersonau y maent yn ystyried eu bod yn briodol—
 - (a) cyn iddynt gyhoeddi'r strategaeth am y tro cyntaf, a
 - (b) ar ôl hynny, cyn pob adolygiad o dan is-adran (3).

3 Gweithredu'r strategaeth genedlaethol

- (1) Rhaid i Weinidogion Cymru gymryd pob cam rhesymol i gyflawni'r amcanion a bennir yn y strategaeth a gyhoeddwyd yn fwyaf diweddar o dan adran 2.
- (2) Yn dilyn pob adolygiad o'r strategaeth o dan adran 2(3) rhaid i Weinidogion Cymru gyhoeddi adroddiad cynnydd.
- (3) Mae adroddiad cynnydd yn adroddiad ar y cynnydd a wnaed o ran cyflawni'r amcanion a bennir yn y strategaeth.

PART 2

OBESITY

2 National strategy on preventing and reducing obesity: publication and review

- (1) The Welsh Ministers must publish a national strategy on preventing obesity, and reducing obesity levels, in Wales.
- (2) The strategy must—
 - (a) specify objectives the Welsh Ministers consider will, if achieved, contribute towards preventing obesity;
 - (b) specify objectives the Welsh Ministers consider will, if achieved, contribute towards reducing obesity levels;
 - (c) identify how the Welsh Ministers propose to achieve the specified objectives.
- (3) The Welsh Ministers must review the strategy—
 - (a) at the end of the period of three years beginning with the date of first publication of the strategy, and
 - (b) at the end of each subsequent period of three years.
- (4) The Welsh Ministers may revise the strategy at any time.
- (5) If the Welsh Ministers revise the strategy, they must publish the revised strategy as soon as it is reasonably practicable to do so.
- (6) The Welsh Ministers must consult such persons as they consider appropriate—
 - (a) before they first publish the strategy, and
 - (b) subsequently, before each review under subsection (3).

3 Implementation of national strategy

- (1) The Welsh Ministers must take all reasonable steps to achieve the objectives specified in the most recently published strategy under section 2.
- (2) Following each review of the strategy under section 2(3) the Welsh Ministers must publish a progress report.
- (3) A progress report is a report on progress made in achieving objectives specified in the strategy.

RHAN 3**TYBACO A CHYNHYRCHION NICOTIN****PENNOD 1****YSMYGU***Cyflwyniad***4 Ysmygu**

Yn y Bennod hon, mae cyfeiriadau at ysmegu yn gyfeiriadau at ysmegu tybaco neu unrhyw beth sy'n cynnwys tybaco, neu at ysmegu unrhyw sylwedd arall; ac mae ysmegu yn cynnwys bod â meddiant ar dybaco sydd wedi ei danio neu ar unrhyw beth sydd wedi ei danio ac sy'n cynnwys tybaco, neu fod â meddiant ar unrhyw sylwedd arall sydd wedi ei danio ar ffurf y gellid ei ysmegu.

*Troseddau***5 Y drosedd o ysmegu mewn mangre ddi-fwg neu gerbyd di-fwg**

- (1) Mae person yn cyflawni trosedd os yw'r person yn ysmegu –
 - (a) mewn mangre ddi-fwg;
 - (b) mewn cerbyd di-fwg.
- (2) Am ddarpariaeth ynghylch mangreoedd di-fwg, gweler adrannau 7 i 14.
- (3) Am ddarpariaeth ynghylch cerbydau di-fwg, gweler adran 15.
- (4) Mae'n amddiffyniad i berson sydd wedi ei gyhuddo o drosedd o dan yr adran hon ddangos nad oedd y person yn gwybod, ac na ellid bod wedi disgwyl yn rhesymol iddo wybod, fod y fangre neu'r cerbyd o dan sylw yn fangre ddi-fwg neu'n gerbyd di-fwg.
- (5) Os yw person sydd wedi ei gyhuddo o drosedd o dan yr adran hon yn dibynnu ar yr amddiffyniad yn is-adran (4), ac y dygir tystiolaeth sy'n ddigonol i godi mater mewn cysylltiad â'r amddiffyniad hwnnw, rhaid i'r llys gymryd bod yr amddiffyniad wedi ei fodloni oni bai bod yr erlyniad yn profi y tu hwnt i amheuaeth resymol nad yw wedi ei fodloni.
- (6) Mae person sy'n euog o drosedd o dan yr adran hon yn agored ar euogfarn ddiannod i ddirwy nad yw'n uwch na lefel 1 ar y raddfa safonol.

6 Y drosedd o fethu ag atal ysmegu mewn mangre ddi-fwg

- (1) Rhaid i berson a chanddo reolaeth dros fangre sy'n ddi-fwg neu sy'n ymwneud â rheoli mangre sy'n ddi-fwg yn rhinwedd adran 7 (gweithleoedd) neu 8 (mangreoedd sydd ar agor i'r cyhoedd) gymryd camau rhesymol i beri i berson sy'n ysmegu yno beidio ag ysmegu.
- (2) Rhaid i berson a chanddo reolaeth dros fangre, neu sy'n ymwneud â rheoli mangre, o fewn adran 9(3) (mangreoedd gofal dydd cofrestredig) sy'n ddi-fwg yn rhinwedd adran 9 gymryd camau rhesymol i beri i berson sy'n ysmegu yno beidio ag ysmegu.

PART 3

TOBACCO AND NICOTINE PRODUCTS

CHAPTER 1

SMOKING

Introduction

4 Smoking

In this Chapter, references to smoking are to smoking tobacco or anything which contains tobacco, or to smoking any other substance; and smoking includes being in possession of lit tobacco or of anything lit which contains tobacco, or being in possession of any other lit substance in a form in which it could be smoked.

Offences

5 Offence of smoking in smoke-free premises or vehicle

- (1) A person commits an offence if the person smokes –
 - (a) in smoke-free premises;
 - (b) in a smoke-free vehicle.
- (2) For provision about smoke-free premises, see sections 7 to 14.
- (3) For provision about smoke-free vehicles, see section 15.
- (4) It is a defence for a person charged with an offence under this section to show that the person did not know, and could not reasonably have been expected to know, that the premises or vehicle concerned were smoke-free premises or a smoke-free vehicle.
- (5) If a person charged with an offence under this section relies on the defence in subsection (4), and evidence is adduced which is sufficient to raise an issue with respect to that defence, the court must assume that the defence is satisfied unless the prosecution proves beyond reasonable doubt that it is not.
- (6) A person guilty of an offence under this section is liable on summary conviction to a fine not exceeding level 1 on the standard scale.

6 Offence of failing to prevent smoking in smoke-free premises

- (1) A person who controls or is concerned in the management of premises which are smoke-free by virtue of section 7 (workplaces) or 8 (premises that are open to the public) must take reasonable steps to cause a person smoking there to stop smoking.
- (2) A person who controls or is concerned in the management of premises within section 9(3) (registered day care premises) that are smoke free by virtue of section 9 must take reasonable steps to cause a person smoking there to stop smoking.

- (3) Rhaid i berson sydd wedi ei gofrestru i weithredu fel gwarchodwr plant o dan Ran 2 o Fesur Plant a Theuluoedd (Cymru) 2010 (mccc 1) gymryd camau rhesymol i beri i berson sy'n ysmegu mewn mangre o fewn is-adran (4) beidio ag ysmegu.
- (4) Mae mangre o fewn yr is-adran hon –
 - (a) os yw'n rhan o fangre sy'n fan preswyllo arferol y person cofrestredig y cyfeirir ato yn is-adran (3), a
 - (b) os yw'n ddi-fwg yn rhinwedd adran 9.
- (5) Caiff rheoliadau ddarparu i ddyletswydd sy'n cyfateb i'r un a grybwyllir yn is-adran (1) mewn perthynas –
 - (a) â mangreoedd sy'n ddi-fwg yn rhinwedd adran 10, 11 neu 12,
 - (b) â mangreoedd a drinnir fel pe baent yn ddi-fwg yn rhinwedd adran 13, neu
 - (c) â cherbydau a drinnir fel pe baent yn ddi-fwg yn rhinwedd adran 15,
 gael ei gosod ar berson, neu ddisgrifiad o berson, a bennir yn y rheoliadau.
- (6) Mae person sy'n methu â chydymffurfio â dyletswydd yn is-adran (1), (2) neu (3), neu unrhyw ddyletswydd gyfatebol mewn rheoliadau o dan is-adran (5), yn cyflawni trosedd.
- (7) Mae'n amddiffyniad i berson ("A") sydd wedi ei gyhuddo o drosedd o dan yr adran hon ddangos nad oedd A yn gwybod, ac na ellid bod wedi disgwyl yn rhesymol iddo wybod, fod y person o dan sylw yn ysmegu.
- (8) Os yw person sydd wedi ei gyhuddo o drosedd o dan yr adran hon yn dibynnu ar yr amddiffyniad yn is-adran (7), ac y dygir tystiolaeth sy'n ddigonol i godi mater mewn cysylltiad â'r amddiffyniad hwnnw, rhaid i'r llys gymryd bod yr amddiffyniad wedi ei fodloni oni bai bod yr erlyniad yn profi y tu hwnt i amheuaeth resymol nad yw wedi ei fodloni.
- (9) Mae person sy'n euog o drosedd o dan yr adran hon yn agored ar euogfarn ddiannod i ddirwy nad yw'n uwch na lefel 4 ar y raddfa safonol.

Mangreoedd di-fwg

7 Gweithleoedd

- (1) Mae mangreoedd yng Nghymru yn ddi-fwg at ddibenion y Bennod hon os ydynt yn weithleoedd.
- (2) Ystyr "gweithle" yw mangre –
 - (a) a ddefnyddir fel man gwaith gan fwy nag un person (hyd yn oed os yw'r personau sy'n gweithio yno yn gwneud hynny ar adegau gwahanol, neu'n ysbeidiol yn unig), neu
 - (b) a ddefnyddir fel man gwaith gan ddim mwy nag un person ond y gallai aelodau o'r cyhoedd fynd iddo at ddiben ceisio neu gael nwyddau neu wasanaethau oddi wrth y person sy'n gweithio yno (hyd yn oed os nad yw aelodau o'r cyhoedd bob amser yn bresennol).
- (3) Os dim ond rhan o'r fangre a ddefnyddir fel man gwaith, dim ond i'r graddau hynny y mae'r fangre yn ddi-fwg yn rhinwedd yr adran hon.

- (3) A person registered to act as a child minder under Part 2 of the Children and Families (Wales) Measure 2010 (nawm 1) must take reasonable steps to cause a person smoking in premises within subsection (4) to stop smoking.
- (4) Premises are within this subsection if –
 - (a) they form part of premises that are the usual place of residence of the registered person referred to in subsection (3), and
 - (b) they are smoke free by virtue of section 9.
- (5) Regulations may provide for a duty corresponding to that mentioned in subsection (1) in relation to –
 - (a) premises which are smoke-free by virtue of section 10, 11 or 12,
 - (b) premises which are treated as smoke-free by virtue of section 13, or
 - (c) vehicles which are treated as smoke-free by virtue of section 15,to be imposed on a person, or description of person, specified in the regulations.
- (6) A person who fails to comply with a duty in subsection (1), (2) or (3), or any corresponding duty in regulations under subsection (5), commits an offence.
- (7) It is a defence for a person (“D”) charged with an offence under this section to show that D did not know, and could not reasonably have been expected to know, that the person in question was smoking.
- (8) If a person charged with an offence under this section relies on the defence in subsection (7), and evidence is adduced which is sufficient to raise an issue with respect to that defence, the court must assume that the defence is satisfied unless the prosecution proves beyond reasonable doubt that it is not.
- (9) A person guilty of an offence under this section is liable on summary conviction to a fine not exceeding level 4 on the standard scale.

Smoke-free premises

7 Workplaces

- (1) Premises in Wales are smoke-free for the purposes of this Chapter if they are workplaces.
- (2) A “workplace” means premises that are –
 - (a) used as a place of work by more than one person (even if the persons who work there do so at different times, or only intermittently), or
 - (b) used as a place of work by no more than one person but where members of the public might attend for the purpose of seeking or receiving goods or services from the person working there (even if members of the public are not always present).
- (3) If only part of the premises is used as a place of work, the premises are smoke-free by virtue of this section only to that extent.

- (4) Dim ond yn yr ardaloedd hynny sy'n gaeedig neu'n sylweddol gaeedig y mae'r fangre yn ddi-fwg yn rhinwedd yr adran hon.
- (5) Mae'r fangre yn ddi-fwg yn rhinwedd yr adran hon drwy'r amser (gan gynnwys pan nas defnyddir fel man gwaith), ac eithrio nad yw mangre a ddefnyddir i unrhyw raddau fel annedd, sy'n ddi-fwg yn rhinwedd yr adran hon, ond yn ddi-fwg pan y'i defnyddir fel man gwaith.
- (6) Mae "gwaith", yn is-adran (2), yn cynnwys gwaith gwirfoddol.
- (7) Gweler adran 16 am esemptiadau.

8 Mangreoedd sydd ar agor i'r cyhoedd

- (1) I'r graddau nad ydynt yn ddi-fwg yn rhinwedd adran 7 (gweithleoedd), mae mangreoedd yng Nghymru yn ddi-fwg at ddibenion y Bennod hon os ydynt ar agor i'r cyhoedd.
- (2) Mae mangreoedd ar agor i'r cyhoedd at ddibenion yr adran hon os oes gan y cyhoedd neu garfan o'r cyhoedd fynediad iddynt, pa un ai drwy wahoddiad ai peidio, a pha un a delir am fynediad ai peidio.
- (3) Os dim ond rhan o'r fangre sydd ar agor i'r cyhoedd, dim ond i'r graddau hynny y mae'r fangre yn ddi-fwg yn rhinwedd yr adran hon.
- (4) Dim ond yn yr ardaloedd hynny sy'n gaeedig neu'n sylweddol gaeedig y mae'r fangre yn ddi-fwg yn rhinwedd yr adran hon.
- (5) Dim ond pan yw ar agor i'r cyhoedd y mae'r fangre yn ddi-fwg yn rhinwedd yr adran hon.
- (6) Gweler adran 16 am esemptiadau.

9 Lleoliadau gofal awyr agored i blant

- (1) Mae lleoliadau gofal awyr agored yng Nghymru yn ddi-fwg at ddibenion y Bennod hon.
- (2) Mae mangre yn lleoliad gofal awyr agored i'r graddau –
 - (a) nad yw'n gaeedig nac yn sylweddol gaeedig, a
 - (b) y mae o fewn is-adran (3) neu (4).
- (3) Mae mangre o fewn yr is-adran hon –
 - (a) os yw wedi ei chofrestru o dan Ran 2 o Fesur Plant a Theuluoedd (Cymru) 2010 (mccc 1) ("Mesur 2010") fel mangre y mae person wedi ei awdurdodi i ddarparu gofal dydd i blant ynddi, neu
 - (b) os yw'n rhan o fangre sydd wedi ei chofrestru yn y modd hwnnw.
- (4) Mae mangre o fewn yr adran hon os yw'n rhan o fangre (y "mangre ddomestig") sy'n fan preswyllo arferol person sydd wedi ei gofrestru i weithredu fel gwarchodwr plant o dan Ran 2 o Fesur 2010.
- (5) Nid yw lleoliad gofal awyr agored o fewn is-adran (3) yn ddi-fwg yn rhinwedd yr adran hon ond pan yw gofal dydd i blant yn cael ei ddarparu –
 - (a) yn y lleoliad gofal awyr agored, neu

- (4) The premises are smoke-free by virtue of this section only in those areas that are enclosed or substantially enclosed.
- (5) The premises are smoke-free by virtue of this section all the time (including when not used as a place of work), except that premises used to any extent as a dwelling, that are smoke-free by virtue of this section, are smoke-free only when used as a place of work.
- (6) “Work”, in subsection (2), includes voluntary work.
- (7) See section 16 for exemptions.

8 Premises that are open to the public

- (1) So far as they are not smoke-free by virtue of section 7 (workplaces), premises in Wales are smoke-free for the purposes of this Chapter if they are open to the public.
- (2) Premises are open to the public for the purposes of this section if the public or a section of the public has access to them, whether by invitation or not, and whether on payment or not.
- (3) If only part of the premises is open to the public, the premises are smoke-free by virtue of this section only to that extent.
- (4) The premises are smoke-free by virtue of this section only in those areas that are enclosed or substantially enclosed.
- (5) The premises are smoke-free by virtue of this section only when open to the public.
- (6) See section 16 for exemptions.

9 Outdoor care settings for children

- (1) Outdoor care settings in Wales are smoke free for the purposes of this Chapter.
- (2) Premises are an outdoor care setting so far as –
 - (a) they are not enclosed or substantially enclosed, and
 - (b) they are within subsection (3) or (4).
- (3) Premises are within this subsection if –
 - (a) they are registered under Part 2 of the Children and Families (Wales) Measure 2010 (nawm 1) (the “2010 Measure”) as being premises at which a person is authorised to provide day care for children, or
 - (b) they form part of premises that are so registered.
- (4) Premises are within this section if they form part of premises (the “domestic premises”) that are the usual place of residence of a person registered to act as a child minder under Part 2 of the 2010 Measure.
- (5) An outdoor care setting within subsection (3) is smoke free by virtue of this section only when day care for children is being provided –
 - (a) in the outdoor care setting, or

- (b) mewn mangre sydd wedi ei chofrestru o dan Ran 2 o Fesur 2010 (pa un a yw'n gaeedig neu'n sylweddol gaeedig ai peidio) y mae'r lleoliad gofal awyr agored yn rhan ohoni.
- (6) Nid yw lleoliad gofal awyr agored o fewn is-adran (4) yn ddi-fwg yn rhinwedd yr adran hon ond—
 - (a) pan yw'r gwarchodwr plant yn gweithredu fel gwarchodwr plant yn y fangre ddomestig (pa un ai mewn rhan ohoni sy'n gaeedig neu'n sylweddol gaeedig ai peidio) ar gyfer o leiaf un plentyn, a
 - (b) pan yw'r plentyn hwnnw neu, yn ôl y digwydd, o leiaf un o'r plant hynny yn y lleoliad gofal awyr agored.
- (7) At ddibenion yr adran hon, mae i'r cyfeiriadau at ddarparu gofal dydd a gweithredu fel gwarchodwr plant yr un ystyr ag ym Mesur 2010.
- (8) Nid yw mangre i gael ei thrin fel pe bai o fewn is-adran (3) neu (4) i'r graddau y mae'n dir ysgol (gweler adran 10 (tir ysgolion) am hyn).

10 Tir ysgolion

- (1) Mae mangre yng Nghymru yn ddi-fwg at ddibenion y Bennod hon i'r graddau y mae'n dir ysgol.
- (2) Yn achos mangre sy'n dir sy'n cydffinio â'r ysgol o dan sylw, dim ond pan yw'r naill neu'r llall neu'r ddau o'r canlynol yn cael ei ddefnyddio at ddiben addysg neu ofal plant y mae'r fangre yn ddi-fwg yn rhinwedd yr adran hon—
 - (a) y tir, neu unrhyw ran o'r tir, neu
 - (b) yr ysgol, neu unrhyw ran ohoni.
- (3) Yn achos mangre sy'n dir nad yw'n cydffinio â'r ysgol o dan sylw, dim ond pan yw'r tir, neu unrhyw ran o'r tir, yn cael ei ddefnyddio at ddiben addysg neu ofal plant y mae'r fangre yn ddi-fwg yn rhinwedd yr adran hon.
- (4) Mae tir ysgol, at ddibenion yr adran hon, yn fangre—
 - (a) a ddefnyddir yn gyfan gwbl neu'n bennaf gan yr ysgol, at ddibenion sy'n cynnwys dibenion addysgol, dibenion chwaraeon neu ddibenion hamdden, a
 - (b) nad yw'n gaeedig nac yn sylweddol gaeedig.
- (5) Yn achos ysgol sy'n darparu llety preswyl i ddisgyblion, caiff y person a chanddo ofal am yr ysgol ddynodi unrhyw ardal yn y tir yn ardal lle y mae ysmegu i gael ei ganiatáu, ac i'r graddau hynny mae'r fangre i gael ei thrin fel pe na bai'n ddi-fwg at ddibenion y Bennod hon.
- (6) Caiff rheoliadau wneud darpariaeth—
 - (a) sy'n pennu amodau sydd i gael eu bodloni cyn y caniateir i ardal gael ei dynodi o dan is-adran (5),
 - (b) sy'n ei gwneud yn ofynnol cadw cofnodion o ddynodiadau, ac
 - (c) ynghylch yr amgylchiadau y mae dynodiad i beidio â chael effaith odanynt.
- (7) Nid yw mangre a ddefnyddir i unrhyw raddau fel annedd yn ddi-fwg yn rhinwedd yr adran hon.

- (b) in premises registered under Part 2 of the 2010 Measure (whether or not enclosed or substantially enclosed) of which the outdoor care setting forms part.
- (6) An outdoor care setting within subsection (4) is smoke free by virtue of this section only when –
 - (a) the child minder is acting as a child minder in the domestic premises (whether or not in a part of them that is enclosed or substantially enclosed) for at least one child, and
 - (b) that child or, as the case may be, at least one of those children is in the outdoor care setting.
- (7) For the purposes of this section, references to providing day care and acting as a child minder have the same meaning as in the 2010 Measure.
- (8) Premises are not to be treated as being within subsection (3) or (4) so far as they consist of the grounds of a school (for which see section 10 (school grounds)).

10 School grounds

- (1) Premises in Wales are smoke-free for the purposes of this Chapter so far as they consist of the grounds of a school.
- (2) In the case of premises consisting of grounds that adjoin the school concerned, the premises are smoke-free by virtue of this section only when either or both of –
 - (a) the grounds, or any part of the grounds, or
 - (b) the school, or any part of it,are being used for the purpose of education or childcare.
- (3) In the case of premises consisting of grounds that do not adjoin the school concerned, the premises are smoke-free by virtue of this section only when the grounds, or any part of the grounds, are being used for the purpose of education or childcare.
- (4) The grounds of a school, for the purposes of this section, are premises that –
 - (a) are used exclusively or mainly by the school, for purposes that include educational, sporting or recreational purposes, and
 - (b) are not enclosed or substantially enclosed.
- (5) In the case of a school that provides residential accommodation to pupils, the person in charge of the school may designate any area in the grounds as being an area in which smoking is to be permitted, and to that extent the premises are to be treated as not being smoke-free for the purposes of this Chapter.
- (6) Regulations may make provision –
 - (a) specifying conditions to be met before an area may be designated under subsection (5),
 - (b) requiring the keeping of records of designations, and
 - (c) about the circumstances in which a designation is to cease to have effect.
- (7) Premises used to any extent as a dwelling are not smoke-free by virtue of this section.

11 Tir ysbytai

- (1) Mae mangre yng Nghymru yn fangre ddi-fwg at ddibenion y Bennod hon i'r graddau y mae'n dir ysbyty.
- (2) Mae'r fangre yn ddi-fwg yn rhinwedd yr adran hon drwy'r amser.
- (3) Mae tir ysbyty, at ddibenion yr adran hon, yn fangre –
 - (a) sy'n cydffinio â'r ysbyty, a
 - (b) a ddefnyddir ganddo neu sydd wedi ei meddiannu ganddo, ond
 - (c) nad yw'n gaeedig nac yn sylweddol gaeedig.
- (4) Caiff y person a chanddo ofal am yr ysbyty ddynodi unrhyw ardal yn y tir yn ardal lle y mae ysmegu i gael ei ganiatáu, ac i'r graddau hynny mae'r fangre i gael ei thrin fel pe na bai'n ddi-fwg at ddibenion y Bennod hon.
- (5) Caiff rheoliadau wneud darpariaeth –
 - (a) sy'n pennu amodau sydd i gael eu bodloni cyn y caniateir i ardal gael ei dynodi o dan is-adran (4),
 - (b) sy'n ei gwneud yn ofynnol cadw cofnodion o ddynodiadau, ac
 - (c) ynghylch yr amgylchiadau y mae dynodiad i beidio â chael effaith odanynt.
- (6) Nid yw mangre sy'n gartref gofal i oedolion neu'n hosbis i oedolion, na mangre a ddefnyddir i unrhyw raddau fel annedd, yn ddi-fwg yn rhinwedd yr adran hon.

12 Meysydd chwarae cyhoeddus

- (1) Mae mangre yng Nghymru yn fangre ddi-fwg at ddibenion y Bennod hon i'r graddau y mae'n faes chwarae cyhoeddus.
- (2) O ran y fangre –
 - (a) os yw o fewn ffiniau sydd wedi eu marcio'n glir, mae'n ddi-fwg yn yr ardal gyfan o fewn y ffiniau hynny;
 - (b) fel arall, nid yw'n ddi-fwg ond i'r graddau y mae o fewn pum metr i unrhyw eitem o gyfarpar maes chwarae.
- (3) Mae'r fangre yn ddi-fwg yn rhinwedd yr adran hon drwy'r amser.
- (4) Mae mangre yn faes chwarae cyhoeddus at ddibenion yr adran hon –
 - (a) os yw wedi ei dylunio neu ei haddasu ar gyfer defnyddio un neu ragor o eitemau o gyfarpar maes chwarae gan blant,
 - (b) os oes gan awdurdod lleol neu gyngor cymuned, neu berson sy'n gweithredu yn rhinwedd trefniadau a wneir gydag awdurdod lleol neu gyngor cymuned, reolaeth drosti neu os yw i unrhyw raddau yn ymwneud â'i rheoli neu ei chynnal a'i chadw, neu'n gwneud trefniadau mewn cysylltiad â rheolaeth drosti, neu ei rheoli neu ei chynnal a'i chadw,
 - (c) os yw ar agor i'r cyhoedd, at ddiben (neu at brif ddiben) darparu cyfleusterau chwarae i blant, a
 - (d) os nad yw'n gaeedig nac yn sylweddol gaeedig.

11 Hospital grounds

- (1) Premises in Wales are smoke-free premises for the purposes of this Chapter so far as they consist of hospital grounds.
- (2) The premises are smoke-free by virtue of this section at all times.
- (3) The grounds of a hospital, for the purposes of this section, are premises that—
 - (a) adjoin the hospital, and
 - (b) are used or occupied by it, but
 - (c) are not enclosed or substantially enclosed.
- (4) The person in charge of a hospital may designate any area in the grounds as being an area in which smoking is to be permitted, and to that extent the premises are to be treated as not being smoke-free for the purposes of this Chapter.
- (5) Regulations may make provision—
 - (a) specifying conditions to be met before an area may be designated under subsection (4),
 - (b) requiring the keeping of records of designations, and
 - (c) about the circumstances in which a designation is to cease to have effect.
- (6) Premises consisting of an adult care home or of an adult hospice, or premises used to any extent as a dwelling, are not smoke-free by virtue of this section.

12 Public playgrounds

- (1) Premises in Wales are smoke-free premises for the purposes of this Chapter so far as they consist of a public playground.
- (2) The premises are smoke-free—
 - (a) if the premises are within clearly marked boundaries, in the whole of the area within those boundaries;
 - (b) otherwise, only so far as within five metres of any item of playground equipment.
- (3) The premises are smoke-free by virtue of this section at all times.
- (4) Premises consist of a public playground for the purposes of this section if—
 - (a) they are designed or adapted for the use, by children, of one or more items of playground equipment,
 - (b) a local authority or community council, or a person acting by virtue of arrangements made with a local authority or community council, controls them or is to any extent engaged in their management or maintenance, or makes arrangements in respect of their control or management or maintenance,
 - (c) they are open to the public, for the purpose (or the primary purpose) of the provision of play facilities for children, and
 - (d) they are not enclosed or substantially enclosed.

13 Mangreoedd di-fwg ychwanegol

- (1) Caiff rheoliadau ddarparu i unrhyw fan yng Nghymru, neu ddisgrifiad o fan yng Nghymru, nad yw'n ddi-fwg yn rhinwedd adrannau 7 i 12 gael ei drin fel mangre ddi-fwg at ddibenion y Bennod hon.
- (2) Nid oes angen i'r man, neu'r manau sy'n dod o fewn y disgrifiad, fod yn gaeedig neu'n sylweddol gaeedig.
- (3) Dim ond os yw Gweinidogion Cymru wedi eu bodloni bod gwneud hynny yn debygol o gyfrannu at hybu iechyd pobl Cymru y caiff y rheoliadau ddarparu i fan neu ddisgrifiad o fan gael ei drin fel mangre ddi-fwg.
- (4) Caiff y rheoliadau ddarparu mai dim ond –
 - (a) o dan amgylchiadau penodedig,
 - (b) ar adegau penodedig,
 - (c) os yw amodau penodedig wedi eu bodloni, neu
 - (d) mewn ardaloedd penodedig,
 neu unrhyw gyfuniad o'r rhain, y mae'r manau hynny, neu fannau sy'n dod o fewn y disgrifiad, i gael eu trin fel mangreoedd di-fwg.
- (5) Caiff y rheoliadau hefyd ddarparu ar gyfer esemptiadau, gan gynnwys gosod amodau penodedig i gael eu bodloni er mwyn i esemptiad fod yn gymwys.
- (6) Caiff yr amodau y caniateir iddynt gael eu pennu o dan is-adran (5) gynnwys amod bod y person a chanddo ofal am y man, neu am fan sy'n dod o fewn y disgrifiad, wedi dynodi, yn unol â'r rheoliadau, unrhyw ardaloedd lle y mae ysmegu i gael ei ganiatáu.
- (7) Ni chaiff rheoliadau o dan yr adran hon wneud darpariaeth mewn cysylltiad â mangre a ddefnyddir yn gyfan gwbl neu'n bennaf fel annedd; ac i'r graddau y maent yn gwneud darpariaeth i fangre a ddefnyddir yn rhannol fel annedd gael ei thrin fel mangre ddi-fwg, rhaid i reoliadau o dan yr adran hon gydymffurfio ag adran 14.

14 Darpariaeth bellach ynghylch mangreoedd di-fwg ychwanegol: anheddau

- (1) Rhaid i reoliadau o dan adran 13 sy'n darparu i fangre a ddefnyddir yn rhannol fel annedd gael ei thrin fel mangre ddi-fwg at ddibenion y Bennod hon gydymffurfio â'r gofynion a ganlyn.
- (2) Dim ond mewn perthynas â'r ardaloedd hynny o fangreoedd o'r fath nad ydynt yn gaeedig nac yn sylweddol gaeedig y caiff y rheoliadau wneud darpariaeth.
- (3) Ni chaiff y rheoliadau ddarparu i'r ardaloedd hynny gael eu trin fel mangreoedd di-fwg oni bai –
 - (a) eu bod yn weithleoedd (o fewn ystyr adran 7(2)), neu
 - (b) eu bod ar agor i'r cyhoedd (o fewn ystyr adran 8(2)).
- (4) Rhaid i'r rheoliadau ddarparu –
 - (a) nad yw'r ardaloedd hynny i gael eu trin fel mangreoedd di-fwg ond pan y'u defnyddir fel man gwaith neu pan ydynt ar agor i'r cyhoedd, a

13 Additional smoke-free premises

- (1) Regulations may provide for any place in Wales, or description of place in Wales, that is not smoke-free by virtue of sections 7 to 12 to be treated as smoke-free premises for the purposes of this Chapter.
- (2) The place, or places falling within the description, need not be enclosed or substantially enclosed.
- (3) The regulations may provide for a place or description of place to be treated as smoke-free premises only if the Welsh Ministers are satisfied that doing so is likely to contribute towards the promotion of the health of the people of Wales.
- (4) The regulations may provide for such places, or places falling within the description, to be treated as smoke-free premises only –
 - (a) in specified circumstances,
 - (b) at specified times,
 - (c) if specified conditions are satisfied, or
 - (d) in specified areas,or any combination of these.
- (5) The regulations may also provide for exemptions, including the imposition of specified conditions to be satisfied in order for an exemption to apply.
- (6) The conditions that may be specified under subsection (5) may include a condition that the person in charge of the place, or place falling within the description, has designated, in accordance with the regulations, any areas in which smoking is to be permitted.
- (7) Regulations under this section may not make provision in respect of premises used wholly or mainly as a dwelling; and to the extent that they make provision for premises used partly as a dwelling to be treated as smoke-free premises, regulations under this section must comply with section 14.

14 Further provision about additional smoke-free premises: dwellings

- (1) Regulations under section 13 that provide for premises used partly as a dwelling to be treated as smoke-free premises for the purposes of this Chapter must comply with the following requirements.
- (2) The regulations may only make provision in relation to those areas of such premises that are not enclosed or substantially enclosed.
- (3) The regulations may not provide for those areas to be treated as smoke-free premises unless –
 - (a) they are workplaces (within the meaning of section 7(2)), or
 - (b) they are open to the public (within the meaning of section 8(2)).
- (4) The regulations must provide that –
 - (a) those areas are to be treated as smoke-free premises only when they are used as a place of work or open to the public, and

- (b) os dim ond rhan o ardal a ddefnyddir fel man gwaith neu sydd ar agor i'r cyhoedd, mai dim ond i'r graddau hynny y mae'r ardal i gael ei thrin fel pe bai'n ddi-fwg.

Cerbydau di-fwg

15 Cerbydau di-fwg

- (1) Mae cerbyd yng Nghymru yn ddi-fwg at ddibenion y Bennod hon os yw rheoliadau o dan yr adran hon yn darparu iddo gael ei drin fel cerbyd di-fwg.
- (2) Dim ond os yw Gweinidogion Cymru wedi eu bodloni bod gwneud hynny yn debygol o gyfrannu at hybu iechyd pobl Cymru y caiff y rheoliadau ddarparu i gerbyd gael ei drin fel cerbyd di-fwg.
- (3) Caiff y rheoliadau, ymhlith pethau eraill, wneud darpariaeth—
 - (a) ar gyfer y disgrifiadau o gerbydau sydd i gael eu trin fel pe baent yn ddi-fwg;
 - (b) ar gyfer yr amgylchiadau y mae cerbydau i gael eu trin fel pe baent yn ddi-fwg odanynt (gan gynnwys drwy gyfeirio at oedran unrhyw berson yn y cerbyd);
 - (c) i gerbydau gael eu trin fel pe baent yn ddi-fwg mewn ardaloedd penodedig yn unig, neu ac eithrio mewn ardaloedd penodedig;
 - (d) ar gyfer esemptiadau.
- (4) Ni chaniateir i'r pŵer i wneud rheoliadau o dan yr adran hon gael ei arfer er mwyn darparu i long neu hofrenfad o fewn is-adran (5) gael ei drin fel cerbyd di-fwg.
- (5) Mae llong neu hofrenfad o fewn yr is-adran hon os gellid gwneud rheoliadau mewn perthynas ag ef o dan adran 85 o Ddeddf Llongau Masnach 1995 (p.21) gan gynnwys yr adran honno fel y'i cymhwysir gan unrhyw Orchymyn yn y Cyfrin Gyngor o dan adran 1(1)(h) o Ddeddf Hofrenfadau 1968 (p.59).

Mangreoedd di-fwg: esemptiadau

16 Mangreoedd di-fwg: esemptiadau

- (1) Caiff rheoliadau ddarparu i fangreoedd—
 - (a) a fyddai fel arall yn fangreoedd di-fwg yn rhinwedd adran 7 (gweithleoedd) neu 8 (mangreoedd sydd ar agor i'r cyhoedd), a
 - (b) nad ydynt yn fangreoedd di-fwg yn rhinwedd unrhyw ddarpariaeth arall yn y Bennod hon,

gael eu trin fel pe na baent yn fangreoedd di-fwg at ddibenion y Bennod hon.
- (2) Caiff y rheoliadau wneud darpariaeth mewn perthynas â disgrifiadau penodedig o fangreoedd neu ardaloedd penodedig o fewn disgrifiadau penodedig o fangreoedd.
- (3) Caiff y rheoliadau ddarparu, mewn perthynas ag unrhyw ddisgrifiad o fangreoedd neu ardaloedd o fangreoedd a bennir yn y rheoliadau, fod y mangreoedd neu'r ardaloedd i gael eu trin fel pe na baent yn fangreoedd di-fwg—
 - (a) o dan amgylchiadau penodedig,
 - (b) ar adegau penodedig, neu

- (b) if only part of an area is used as a place of work or is open to the public, the area is to be treated as smoke-free only to that extent.

Smoke-free vehicles

15 Smoke-free vehicles

- (1) A vehicle in Wales is smoke-free for the purposes of this Chapter if regulations under this section provide for it to be treated as a smoke-free vehicle.
- (2) The regulations may provide for a vehicle to be treated as a smoke-free vehicle only if the Welsh Ministers are satisfied that doing so is likely to contribute towards the promotion of the health of the people of Wales.
- (3) The regulations may, among other things, make provision –
 - (a) for the descriptions of vehicles that are to be treated as smoke-free;
 - (b) for the circumstances in which vehicles are to be treated as smoke-free (including by reference to the age of any person in the vehicle);
 - (c) for vehicles to be treated as smoke-free only in specified areas, or except in specified areas;
 - (d) for exemptions.
- (4) The power to make regulations under this section may not be exercised so as to provide for a ship or hovercraft within subsection (5) to be treated as a smoke-free vehicle.
- (5) A ship or hovercraft is within this subsection if regulations could be made in relation to it under section 85 of the Merchant Shipping Act 1995 (c.21) including that section as applied by any Order in Council under section 1(1)(h) of the Hovercraft Act 1968 (c.59).

Smoke-free premises: exemptions

16 Smoke-free premises: exemptions

- (1) Regulations may provide for premises –
 - (a) that would otherwise be smoke-free premises by virtue of section 7 (workplaces) or 8 (premises that are open to the public), and
 - (b) that are not smoke-free premises by virtue of any other provision of this Chapter, to be treated as not being smoke-free premises for the purposes of this Chapter.
- (2) The regulations may make provision in relation to specified descriptions of premises or specified areas within specified descriptions of premises.
- (3) The regulations may provide, in relation to any description of premises or areas of premises specified in the regulations, that the premises or areas are to be treated as not being smoke-free premises –
 - (a) in specified circumstances,
 - (b) at specified times, or

- (c) os yw amodau penodedig wedi eu bodloni,
neu unrhyw gyfuniad o'r rhain.
- (4) Caiff yr amodau y caniateir iddynt gael eu pennu o dan is-adran (3)(c) gynnwys amod bod y person a chanddo ofal am y fangre wedi dynodi, yn unol â'r rheoliadau, ardaloedd lle y mae ysmegu i gael ei ganiatáu.

Arwyddion

17 Arwyddion: mangreoedd di-fwg

- (1) Rhaid i berson sy'n meddiannu mangre ddi-fwg neu sy'n ymwneud â rheoli mangre ddi-fwg sicrhau bod arwyddion yn cael eu harddangos yn y fangre honno yn unol â rheoliadau o dan yr is-adran hon.
- (2) Caiff rheoliadau o dan is-adran (1) wneud darpariaeth ynghylch sut y mae'r arwyddion i gael eu harddangos a chânt bennu gofynion y mae rhaid i'r arwyddion gydymffurfio â hwy (er enghraifft, gofynion o ran cynnwys, maint, dyluniad, lliw neu eiriad).
- (3) Caiff rheoliadau o dan yr is-adran hon ddarparu i ddyletswydd sy'n cyfateb i'r un a grybwyllir yn is-adran (1) mewn perthynas –
- (a) â mangreoedd a drinnir fel pe baent yn ddi-fwg yn rhinwedd adran 13,
- (b) â cherbydau a drinnir fel pe baent yn ddi-fwg yn rhinwedd adran 15,
- gael ei gosod ar berson, neu berson o ddisgrifiad, a bennir yn y rheoliadau.
- (4) Caiff rheoliadau o dan is-adran (1) neu (3) gynnwys darpariaeth ynghylch yr arwyddion sydd i gael eu harddangos mewn mangreoedd, ardaloedd o fangreoedd neu gerbydau sydd, yn rhinwedd rheoliadau o dan adran 13(5), 15(3)(d) neu 16, i gael eu trin fel pe na baent yn ddi-fwg, ond a fyddai fel arall yn ddi-fwg o dan y Bennod hon neu yn rhinwedd y Bennod hon.
- (5) Mae person sy'n methu â chydymffurfio â'r ddyletswydd yn is-adran (1), neu unrhyw ddyletswydd gyfatebol mewn rheoliadau o dan is-adran (3), yn cyflawni trosedd.
- (6) Mae'n amddiffyniad i berson sydd wedi ei gyhuddo o drosedd o dan yr adran hon ddangos –
- (a) nad oedd y person yn gwybod, ac na ellid bod wedi disgwyl yn rhesymol iddo wybod, fod y fangre yn ddi-fwg (neu, yn ôl y digwydd, fod y man neu'r cerbyd i gael ei drin fel pe bai'n ddi-fwg),
- (b) nad oedd y person yn gwybod, ac na ellid bod wedi disgwyl yn rhesymol iddo wybod, nad oedd arwyddion sy'n cydymffurfio â gofynion yr adran hon yn cael eu harddangos yn unol â gofynion yr adran hon, neu
- (c) ei bod, ar seiliau eraill, yn rhesymol i'r person beidio â chydymffurfio â'r ddyletswydd.
- (7) Os yw person sydd wedi ei gyhuddo o drosedd o dan yr adran hon yn dibynnu ar amddiffyniad yn is-adran (6), ac y dygir tystiolaeth sy'n ddigonol i godi mater mewn cysylltiad â'r amddiffyniad hwnnw, rhaid i'r llys gymryd bod yr amddiffyniad wedi ei fodloni oni bai bod yr erlyniad yn profi y tu hwnt i amheuaeth resymol nad yw wedi ei fodloni.

- (c) if specified conditions are satisfied,
or any combination of these.
- (4) The conditions that may be specified under subsection (3)(c) may include a condition that the person in charge of the premises has designated, in accordance with the regulations, areas in which smoking is to be permitted.

Signs

17 Signs: smoke-free premises

- (1) A person who occupies or is concerned in the management of smoke-free premises must make sure that signs are displayed in those premises in accordance with regulations under this subsection.
- (2) Regulations under subsection (1) may make provision as to how the signs are to be displayed and may specify requirements to which the signs must conform (for example, requirements as to content, size, design, colour or wording).
- (3) Regulations under this subsection may provide for a duty corresponding to that mentioned in subsection (1) in relation to –
 - (a) premises which are treated as smoke-free by virtue of section 13,
 - (b) vehicles which are treated as smoke-free by virtue of section 15,to be imposed on a person, or person of a description, specified in the regulations.
- (4) Regulations under subsection (1) or (3) may include provision about the signs to be displayed in premises, areas of premises or vehicles that, by virtue of regulations under section 13(5), 15(3)(d) or 16, are to be treated as not being smoke-free, but that would otherwise be smoke-free under or by virtue of this Chapter.
- (5) A person who fails to comply with the duty in subsection (1), or any corresponding duty in regulations under subsection (3), commits an offence.
- (6) It is a defence for a person charged with an offence under this section to show –
 - (a) that the person did not know, and could not reasonably have been expected to know, that the premises were smoke-free (or, as the case may be, that the place or vehicle was to be treated as smoke-free),
 - (b) that the person did not know, and could not reasonably have been expected to know, that signs complying with the requirements of this section were not being displayed in accordance with the requirements of this section, or
 - (c) that on other grounds it was reasonable for the person not to comply with the duty.
- (7) If a person charged with an offence under this section relies on a defence in subsection (6), and evidence is adduced which is sufficient to raise an issue with respect to that defence, the court must assume that the defence is satisfied unless the prosecution proves beyond reasonable doubt that it is not.

- (8) Mae person sy'n euog o drosedd o dan yr adran hon yn agored ar euogfarn ddiannod i ddirwy nad yw'n uwch na lefel 3 ar y raddfa safonol.
- (9) Ni chaiff rheoliadau o dan yr adran hon wneud darpariaeth mewn cysylltiad â mangre a ddefnyddir i unrhyw raddau fel annedd.

Gorfodi

18 Awdurdodau gorfodi

- (1) Mae pob awdurdod lleol wedi ei awdurdodi i weithredu fel awdurdod gorfodi mewn perthynas â mangreoedd, mannau a cherbydau sydd yn ei ardal.
- (2) Caiff rheoliadau wneud darpariaeth i brif swyddog heddlu ardal heddlu, yn ogystal, gael ei awdurdodi i weithredu fel awdurdod gorfodi mewn perthynas â cherbydau sydd yn yr ardal heddlu honno.
- (3) Rhaid i awdurdod gorfodi orfodi darpariaethau'r Bennod hon a rheoliadau a wneir odani o ran y mangreoedd, y mannau a'r cerbydau y mae, yn rhinwedd yr adran hon, wedi ei awdurdodi i weithredu mewn perthynas â hwy.
- (4) Caiff awdurdod gorfodi wneud trefniadau ag awdurdod gorfodi arall i achos y mae'n delio ag ef drwy arfer ei swyddogaethau at ddibenion y Bennod hon gael ei drosglwyddo (neu ei drosglwyddo ymhellach, neu ei drosglwyddo yn ôl) i'r awdurdod arall hwnnw ac i'r awdurdod arall hwnnw ei gymryd drosodd.
- (5) Mae cyfeiriadau yn y Bennod hon at swyddog awdurdodedig yn gyfeiriadau at unrhyw berson (pa un a yw'n swyddog i'r awdurdod gorfodi ai peidio) sydd wedi ei awdurdodi gan awdurdod gorfodi at ddibenion y Bennod hon.

19 Pwerau mynediad

- (1) Caiff swyddog awdurdodedig fynd i mewn i fangre yng Nghymru ar unrhyw adeg resymol –
 - (a) os oes gan y swyddog seiliau rhesymol dros gredu bod trosedd o dan adran 5, 6 neu 17 wedi ei chyflawni yn y fangre, a
 - (b) os yw'r swyddog yn ystyried ei bod yn angenrheidiol mynd i mewn i'r fangre at ddiben canfod a yw trosedd o'r fath wedi ei chyflawni.
- (2) Ond nid yw hyn yn gymwys mewn perthynas â mangre a ddefnyddir yn gyfan gwbl neu'n bennaf fel annedd.
- (3) Ni chaiff swyddog awdurdodedig fynd i mewn i fangre drwy rym o dan yr adran hon.
- (4) Rhaid i swyddog awdurdodedig, os gofynnir iddo wneud hynny, ddangos tystiolaeth o'r awdurdodiad y cyfeirir ato yn adran 18(5) cyn mynd i mewn i fangre o dan yr adran hon.
- (5) Mae'r adran hon yn gymwys i gerbyd fel pe bai'n fangre.

20 Gwarant i fynd i mewn i annedd

- (1) Caiff ynad heddwch arfer y pŵer yn is-adran (2) mewn perthynas â mangre yng Nghymru a ddefnyddir yn gyfan gwbl neu'n bennaf fel annedd os yw wedi ei fodloni ar sail gwybodaeth ysgrifenedig ar lw –

- (8) A person guilty of an offence under this section is liable on summary conviction to a fine not exceeding level 3 on the standard scale.
- (9) Regulations under this section may not make provision in respect of premises used to any extent as a dwelling.

Enforcement

18 Enforcement authorities

- (1) Each local authority is authorised to act as an enforcement authority in relation to premises, places and vehicles that are within its area.
- (2) Regulations may make provision for the chief officer of police for a police area, in addition, to be authorised to act as an enforcement authority in relation to vehicles that are in that police area.
- (3) An enforcement authority must enforce the provisions of this Chapter and regulations made under it as respects the premises, places and vehicles in relation to which, by virtue of this section, it is authorised to act.
- (4) An enforcement authority may make arrangements with another enforcement authority for a case being dealt with by it in the exercise of its functions for the purposes of this Chapter to be transferred (or further transferred, or transferred back) to, and taken over by that other authority.
- (5) References in this Chapter to an authorised officer are to any person (whether or not an officer of the enforcement authority) authorised by an enforcement authority for the purposes of this Chapter.

19 Powers of entry

- (1) An authorised officer may enter premises in Wales at any reasonable time if the officer –
 - (a) has reasonable grounds for believing that an offence under section 5, 6 or 17 has been committed at the premises, and
 - (b) considers it necessary to enter the premises for the purpose of ascertaining whether such an offence has been committed.
- (2) But this does not apply in relation to premises used wholly or mainly as a dwelling.
- (3) An authorised officer may not enter premises by force under this section.
- (4) An authorised officer must, if asked to do so, before entering premises under this section show evidence of the authorisation referred to in section 18(5).
- (5) This section applies to a vehicle as if it were premises.

20 Warrant to enter dwelling

- (1) A justice of the peace may exercise the power in subsection (2) in relation to premises in Wales used wholly or mainly as a dwelling if satisfied on sworn information in writing –

- (a) bod seiliau rhesymol dros gredu bod trosedd o dan adran 5 neu 6 wedi ei chyflawni yn y fangre, a
 - (b) ei bod yn angenrheidiol mynd i mewn i'r fangre at ddiben canfod a yw trosedd o'r fath wedi ei chyflawni.
- (2) Caiff yr ynad ddyroddi gwarant sy'n awdurdodi swyddog awdurdodedig i fynd i mewn i'r fangre, drwy rym os oes angen.
- (3) Mae'r warant yn parhau mewn grym tan ddiwedd y cyfnod o 28 o ddiwrnodau sy'n dechrau â'r dyddiad y'i dyroddwyd.
- (4) Mae'r adran hon yn gymwys i gerbyd fel pe bai'n fangre.

21 Gwarant i fynd i mewn i fangreoedd eraill

- (1) Caiff ynad heddwch arfer y pŵer yn is-adran (2) mewn perthynas â mangre yng Nghymru ac eithrio mangre a ddefnyddir yn gyfan gwbl neu'n bennaf fel annedd os yw wedi ei fodloni ar sail gwybodaeth ysgrifenedig ar lw –
- (a) bod seiliau rhesymol dros gredu bod trosedd o dan adran 5, 6 neu 17 wedi ei chyflawni yn y fangre,
 - (b) ei bod yn angenrheidiol mynd i mewn i'r fangre at ddiben canfod a yw trosedd o'r fath wedi ei chyflawni, ac
 - (c) bod gofyniad a nodir yn is-adran (3) neu (4) wedi ei fodloni.
- (2) Caiff yr ynad ddyroddi gwarant sy'n awdurdodi swyddog awdurdodedig i fynd i mewn i'r fangre, drwy rym os oes angen.
- (3) Y gofyniad yw –
- (a) bod gofyn am fynd i mewn i'r fangre wedi ei wrthod neu'n debygol o gael ei wrthod, a
 - (b) bod hysbysiad o fwriad i wneud cais am warant o dan yr adran hon wedi ei roi i'r meddiannydd neu berson yr ymddengys yn rhesymol i'r awdurdod gorfodi ei fod yn ymwneud â rheoli'r fangre.
- (4) Y gofyniad yw bod gofyn am fynd i mewn i'r fangre, neu roi hysbysiad o fwriad i wneud cais am warant o dan yr adran hon, yn debygol o danseilio diben y mynediad.
- (5) Mae'r warant yn parhau mewn grym tan ddiwedd y cyfnod o 28 o ddiwrnodau sy'n dechrau â'r dyddiad y'i dyroddwyd.
- (6) Mae'r adran hon yn gymwys i gerbyd fel pe bai'n fangre.

22 Darpariaeth atodol ynghylch pwerau mynediad

- (1) Caiff swyddog awdurdodedig sy'n mynd i mewn i fangre o dan adran 19, neu yn rhinwedd gwarant o dan adran 20 neu 21, fynd ag unrhyw bersonau eraill ac unrhyw gyfarpar y mae'r swyddog yn ystyried eu bod yn briodol.
- (2) Os yw meddiannydd mangre y mae swyddog awdurdodedig wedi ei awdurdodi i fynd i mewn iddi drwy warant o dan adran 20 neu 21 yn bresennol ar yr adeg y mae'r swyddog awdurdodedig yn ceisio gweithredu'r warant –
- (a) rhaid rhoi enw'r swyddog i'r meddiannydd;

- (a) that there are reasonable grounds for believing that an offence under section 5 or 6 has been committed at the premises, and
 - (b) that it is necessary to enter the premises for the purpose of ascertaining whether such an offence has been committed.
- (2) The justice may issue a warrant authorising an authorised officer to enter the premises, if need be by force.
- (3) The warrant continues in force until the end of the period of 28 days beginning with the date on which it was issued.
- (4) This section applies to a vehicle as if it were premises.

21 Warrant to enter other premises

- (1) A justice of the peace may exercise the power in subsection (2) in relation to premises in Wales other than premises used wholly or mainly as a dwelling if satisfied on sworn information in writing –
 - (a) that there are reasonable grounds for believing that an offence under section 5, 6 or 17 has been committed at the premises,
 - (b) that it is necessary to enter the premises for the purpose of ascertaining whether such an offence has been committed, and
 - (c) that a requirement set out in subsection (3) or (4) is met.
- (2) The justice may issue a warrant authorising an authorised officer to enter the premises, if need be by force.
- (3) The requirement is that –
 - (a) a request to enter the premises has been, or is likely to be, refused, and
 - (b) notice of intention to apply for a warrant under this section has been given to the occupier or a person who reasonably appears to the enforcement authority to be concerned in the management of the premises.
- (4) The requirement is that requesting to enter the premises, or the giving of notice of intention to apply for a warrant under this section, is likely to defeat the purpose of the entry.
- (5) The warrant continues in force until the end of the period of 28 days beginning with the date on which it was issued.
- (6) This section applies to a vehicle as if it were premises.

22 Supplementary provision about powers of entry

- (1) An authorised officer entering premises under section 19, or by virtue of a warrant under section 20 or 21, may take such other persons and such equipment as the officer considers appropriate.
- (2) If the occupier of premises that an authorised officer is authorised to enter by a warrant under section 20 or 21 is present at the time the authorised officer seeks to execute the warrant –
 - (a) the occupier must be told the officer's name;

- (b) rhaid i'r swyddog gyflwyno i'r meddiannydd dystiolaeth ddogfennol bod y swyddog yn swyddog awdurdodedig;
 - (c) rhaid i'r swyddog gyflwyno'r warant i'r meddiannydd;
 - (d) rhaid i'r swyddog gyflenwi copi ohoni i'r meddiannydd.
- (3) Os nad yw mangre y mae swyddog awdurdodedig wedi ei awdurdodi i fynd i mewn iddi drwy warant o dan adran 20 neu 21 wedi ei meddiannu, neu os yw'r meddiannydd yn absennol dros dro, yna wrth adael y fangre rhaid i'r swyddog ei gadael wedi ei diogelu yr un mor effeithiol rhag mynediad anawdurdodedig ag yr oedd pan aeth y swyddog iddi.
- (4) Mae'r adran hon yn gymwys i gerbyd fel pe bai'n fangre.

23 Pwerau arolygu etc.

- (1) Caiff swyddog awdurdodedig sy'n mynd i mewn i fangre o dan adran 19, neu yn rhinwedd gwarant o dan adran 20 neu 21, wneud unrhyw un neu ragor o'r canlynol os yw'r swyddog yn ystyried ei bod yn angenrheidiol at ddiben canfod a yw trosedd o dan adran 5, 6 neu 17 wedi ei chyflawni –
- (a) cynnal arolygiadau ac archwiliadau yn y fangre;
 - (b) ei gwneud yn ofynnol cyflwyno unrhyw beth yn y fangre, ei arolygu, a chymryd a chadw samplau ohono neu echdynion ohono;
 - (c) cymryd meddiant o unrhyw beth yn y fangre, a'i gadw am gyhyd ag y mae'r swyddog yn ystyried ei bod yn angenrheidiol at y diben hwnnw;
 - (d) ei gwneud yn ofynnol i unrhyw berson roi gwybodaeth, neu ddarparu cyfleusterau a chymorth mewn cysylltiad â materion sydd o fewn rheolaeth y person.
- (2) Os yw'r swyddog awdurdodedig yn ystyried ei bod yn angenrheidiol at ddiben canfod a yw trosedd o dan adran 5, 6 neu 17 wedi ei chyflawni, caiff y swyddog drefnu i unrhyw beth a gyflwynir o dan is-adran (1)(b), neu y mae'r swyddog wedi cymryd meddiant ohono o dan is-adran (1)(c), gael ei ddadansoddi.
- (3) Os yw'r swyddog awdurdodedig, yn rhinwedd is-adran (1)(c), yn cymryd unrhyw beth o'r fangre, rhaid i'r swyddog adael yn y fangre y cafodd ei gymryd ohoni ddatganiad –
- (a) sy'n rhoi manylion yr hyn sydd wedi ei gymryd ac sy'n datgan bod y swyddog wedi cymryd meddiant ohono, a
 - (b) sy'n nodi'r person y caniateir gofyn iddo i'r eiddo gael ei ddychwelyd.
- (4) Mae'r pwerau a roddir gan yr adran hon yn cynnwys y pŵer –
- (a) i gopïo dogfennau y deuir o hyd iddynt yn y fangre;
 - (b) i osod gofynion o ran sut y darperir dogfennau (a gaiff gynnwys gofynion i ddarparu copïau darllenadwy o ddogfennau y deuir o hyd iddynt yn y fangre ac a gedwir yn electronig).
- (5) At y diben hwn, mae "dogfennau" yn cynnwys gwybodaeth sydd wedi ei chofnodi ar unrhyw ffurf; ac mae cyfeiriadau at ddogfennau y deuir o hyd iddynt yn y fangre yn cynnwys –

- (b) the officer must produce to the occupier documentary evidence that the officer is an authorised officer;
 - (c) the officer must produce the warrant to the occupier;
 - (d) the officer must supply the occupier with a copy of it.
- (3) If premises that an authorised officer is authorised to enter by a warrant under section 20 or 21 are unoccupied, or if the occupier is temporarily absent, then on leaving the premises the officer must leave them as effectively secured against unauthorised entry as when the officer found them.
- (4) This section applies to a vehicle as if it were premises.

23 Powers of inspection etc.

- (1) An authorised officer entering premises under section 19, or by virtue of a warrant under section 20 or 21, may do any of the following if the officer considers it necessary for the purpose of ascertaining whether an offence under section 5, 6 or 17 has been committed—
- (a) carry out inspections and examinations on the premises;
 - (b) require the production of anything on the premises, inspect it, and take and retain samples of or extracts from it;
 - (c) take possession of anything on the premises, and retain it for as long as the officer considers necessary for that purpose;
 - (d) require any person to give information, or afford facilities and assistance with respect to matters within the person's control.
- (2) If the authorised officer considers it necessary for the purpose of ascertaining whether an offence under section 5, 6 or 17 has been committed, the officer may arrange for anything produced under subsection (1)(b) or anything which the officer has taken possession of under subsection (1)(c) to be analysed.
- (3) If by virtue of subsection (1)(c) the authorised officer takes anything away from the premises, the officer must leave on the premises from which it was taken a statement—
- (a) giving particulars of what has been taken and stating that the officer has taken possession of it, and
 - (b) identifying the person to whom a request for the return of the property may be made.
- (4) The powers conferred by this section include the power—
- (a) to copy documents found on the premises;
 - (b) to impose requirements as to how documents are provided (which may include requirements to provide legible copies of documents found on the premises that are stored electronically).
- (5) For this purpose, "documents" includes information recorded in any form; and references to documents found on the premises include—

- (a) dogfennau a gedwir ar gyfrifiaduron neu ddyfeisiau electronig eraill yn y fangre, a
 - (b) dogfennau a gedwir yn rhywle arall ac y gellir cael mynediad iddynt drwy gyfrifiaduron neu ddyfeisiau electronig eraill yn y fangre.
- (6) Mae'r adran hon yn gymwys i gerbyd fel pe bai'n fangre.
- (7) Nid yw'r adran hon yn ei gwneud yn ofynnol i berson ateb unrhyw gwestiwn neu gyflwyno unrhyw ddogfen y byddai hawl gan y person i wrthod ei ateb neu wrthod ei chyflwyno mewn achos mewn llys yng Nghymru a Lloegr neu at ddibenion achos o'r fath.

24 Rhwystro etc. swyddogion

- (1) Mae unrhyw berson sy'n rhwystro'n fwriadol swyddog awdurdodedig sy'n arfer swyddogaethau o dan adrannau 19 i 23 yn cyflawni trosedd.
- (2) Mae unrhyw berson sydd, heb achos rhesymol, yn methu –
- (a) â darparu i swyddog awdurdodedig gyfleusterau y mae'n rhesymol i'r swyddog awdurdodedig ei gwneud yn ofynnol iddynt gael eu darparu at ddiben gofyniad o dan adran 23(1), neu
 - (b) â chydymffurfio â gofyniad o dan adran 23(1)(b) neu (d), yn cyflawni trosedd.
- (3) Mae person sy'n euog o drosedd o dan yr adran hon yn agored ar euogfarn ddiannod i ddirwy nad yw'n uwch na lefel 3 ar y raddfa safonol.
- (4) Mae'r adran hon yn ddarostyngedig i adran 23(7).

25 Eiddo a gedwir: apelau

- (1) Caiff person ("P") a chanddo fuddiant mewn unrhyw beth yr eir ymaith ag ef o dan adran 23(1)(c) ("eiddo a gedwir") wneud cais drwy gŵyn i unrhyw lys ynadon am orchymyn sy'n ei gwneud yn ofynnol iddo gael ei ryddhau, naill ai i P neu i berson arall.
- (2) Os yw'r llys, ar gais o dan yr adran hon, wedi ei fodloni nad yw'n angenrheidiol parhau i gadw'r eiddo a gedwir at ddiben canfod a yw trosedd o dan adran 5, 6 neu 17 wedi ei chyflawni, caiff wneud gorchymyn sy'n ei gwneud yn ofynnol i'r eiddo a gedwir gael ei ryddhau.
- (3) Caiff gorchymyn o dan yr adran hon gynnwys pa ddarpariaeth bynnag y mae'r llys yn meddwl ei bod yn briodol er mwyn gohirio ei ddwyn i rym wrth aros i apel (gan gynnwys cais o dan adran 111 o Ddeddf Llysoedd Ynadon 1980 (p.43)) gael ei gwneud a dyfarnu arni.
- (4) Os yw'r llys yn gohirio gwrandawriad cais o dan yr adran hon, caiff wneud gorchymyn mewn cysylltiad â'r eiddo a gedwir sy'n para tan wrandawriad terfynol y cais neu hyd nes y gwneir unrhyw orchymyn pellach, os yw'n ystyried ei bod yn briodol gwneud hynny.
- (5) Nid oes dim byd yn yr adran hon sy'n effeithio ar unrhyw bŵer arall sydd gan y llys i wneud gorchymyn mewn cysylltiad â'r eiddo a gedwir, gan gynnwys unrhyw bŵer i wneud gorchymyn o dan adran 1 o Ddeddf yr Heddlu (Eiddo) 1897 (p.30).

- (a) documents stored on computers or other electronic devices on the premises, and
- (b) documents stored elsewhere that can be accessed by computers or other electronic devices on the premises.

- (6) This section applies to a vehicle as if it were premises.
- (7) A person is not required by this section to answer any question or produce any document which the person would be entitled to refuse to answer or produce in or for the purposes of proceedings in a court in England and Wales.

24 Obstruction etc. of officers

- (1) Any person who intentionally obstructs an authorised officer exercising functions under sections 19 to 23 commits an offence.
- (2) Any person who without reasonable cause fails—
 - (a) to provide an authorised officer with facilities that the authorised officer reasonably requires for the purpose of a requirement under section 23(1), or
 - (b) to comply with a requirement under section 23(1)(b) or (d),commits an offence.
- (3) A person guilty of an offence under this section is liable on summary conviction to a fine not exceeding level 3 on the standard scale.
- (4) This section is subject to section 23(7).

25 Retained property: appeals

- (1) A person (“P”) with an interest in anything taken away under section 23(1)(c) (“retained property”) may apply by way of complaint to any magistrates’ court for an order requiring it to be released, either to P or another person.
- (2) If on an application under this section the court is satisfied that the continued retention of the retained property is not necessary for the purpose of ascertaining whether an offence under section 5, 6 or 17 has been committed, it may make an order requiring the release of the retained property.
- (3) An order under this section may contain whatever provision the court thinks appropriate for delaying its coming into force pending the making and determination of an appeal (including an application under section 111 of the Magistrates’ Courts Act 1980 (c.43)).
- (4) If the court adjourns the hearing of an application under this section, it may make an order in respect of the retained property that lasts until the final hearing of the application or until any further order is made, if it considers it appropriate to do so.
- (5) Nothing in this section affects any other power of the court to make an order in respect of the retained property, including any power to make an order under section 1 of the Police (Property) Act 1897 (c.30).

26 Eiddo a gyfeddir: digolledu

- (1) Caiff person ("P") a chanddo fuddiant mewn unrhyw beth y mae swyddog awdurdodedig i awdurdod gorfodi wedi cymryd meddiant ohono o dan adran 23(1)(c) ("eiddo a gyfeddir") wneud cais drwy gŵyn i unrhyw lys ynadon i gael ei ddigolledu.
- (2) Mae is-adran (3) yn gymwys os yw'r llys, ar gais o dan yr adran hon, wedi ei fodloni –
 - (a) bod P wedi dioddef colled neu ddifrod oherwydd bod y swyddog awdurdodedig wedi cymryd meddiant o'r eiddo a gyfeddir, neu ei gadw, o dan amgylchiadau pan nad oedd yn angenrheidiol gwneud hynny at ddiben canfod a oedd trosedd o dan adran 5, 6 neu 17 wedi ei chyflawni, a
 - (b) na ellir priodoli'r golled neu'r difrod i esgeulustod neu ddiffyg P.
- (3) Caiff y llys orchymyn i'r awdurdod gorfodi ddigolledu P.

27 Hysbysiadau cosb benodedig

- (1) Pan fo gan swyddog awdurdodedig reswm dros gredu bod person wedi cyflawni y naill neu'r llall o'r troseddau a ganlyn mewn mangre, man neu gerbyd y mae'r awdurdod gorfodi wedi ei awdurdodi i weithredu mewn perthynas â hi neu mewn perthynas ag ef –
 - (a) trosedd o dan adran 5(1);
 - (b) trosedd o dan adran 17(5),
 caiff y swyddog roi i'r person hwnnw hysbysiad cosb benodedig mewn cysylltiad â'r drosedd.
- (2) Pan fo gan swyddog awdurdodedig reswm dros gredu bod person wedi cyflawni trosedd o dan adran 6(6) mewn perthynas â cherbyd sy'n cael ei ddefnyddio at y dibenion a grybwyllir yn is-adran (4), y mae'r awdurdod gorfodi wedi ei awdurdodi i weithredu mewn perthynas ag ef, caiff y swyddog roi i'r person hwnnw hysbysiad cosb benodedig mewn cysylltiad â'r drosedd.
- (3) Mae hysbysiad cosb benodedig yn hysbysiad sy'n cynnig y cyfle i berson i gael ei ryddhau o fod yn agored i euogfarn am y drosedd y mae'r hysbysiad yn ymwneud â hi drwy dalu cosb benodedig.
- (4) Y dibenion yw dibenion cymdeithasol, domestig neu ddibenion preifat eraill y person y mae'r swyddog awdurdodedig yn credu ei fod wedi cyflawni'r drosedd.
- (5) Yn achos trosedd y mae gan swyddog awdurdodedig reswm dros gredu ei bod wedi ei chyflawni gan bartneriaeth, mae'r cyfeiriadau yn is-adrannau (1) a (2) at y person y caniateir rhoi hysbysiad cosb benodedig iddo i gael eu trin fel cyfeiriadau at y bartneriaeth.
- (6) Yn achos trosedd y mae gan swyddog awdurdodedig reswm dros gredu ei bod wedi ei chyflawni gan gymdeithas anghorfforedig ac eithrio partneriaeth, mae'r cyfeiriadau yn is-adrannau (1) a (2) at y person y caniateir rhoi hysbysiad cosb benodedig iddo i gael eu trin fel cyfeiriadau at y gymdeithas.
- (7) Yn yr adran hon, ystyr "partneriaeth" yw –
 - (a) partneriaeth o fewn Deddf Partneriaeth 1890 (p.39), neu

26 Appropriated property: compensation

- (1) A person (“P”) with an interest in anything of which an authorised officer of an enforcement authority has taken possession under section 23(1)(c) (“appropriated property”) may apply by way of complaint to any magistrates’ court for compensation.
- (2) Subsection (3) applies if on an application under this section the court is satisfied that –
 - (a) P has suffered loss or damage in consequence of the authorised officer’s taking possession of the appropriated property, or retaining it, in circumstances where doing so was not necessary for the purpose of ascertaining whether an offence under section 5, 6 or 17 had been committed, and
 - (b) the loss or damage is not attributable to the neglect or default of P.
- (3) The court may order the enforcement authority to pay compensation to P.

27 Fixed penalty notices

- (1) Where an authorised officer has reason to believe that a person has committed either of the following offences on premises or in a place or vehicle in relation to which the enforcement authority is authorised to act –
 - (a) an offence under section 5(1);
 - (b) an offence under section 17(5),the officer may give that person a fixed penalty notice in respect of the offence.
- (2) Where an authorised officer has reason to believe that a person has committed an offence under section 6(6) in relation to a vehicle being used for the purposes mentioned in subsection (4), in relation to which the enforcement authority is authorised to act, the officer may give that person a fixed penalty notice in respect of the offence.
- (3) A fixed penalty notice is a notice offering a person the opportunity to discharge any liability to conviction for the offence to which the notice relates by paying a fixed penalty.
- (4) The purposes are the social, domestic or other private purposes of the person believed by the authorised officer to have committed the offence.
- (5) In the case of an offence that an authorised officer has reason to believe has been committed by a partnership, the references in subsections (1) and (2) to the person to whom a fixed penalty notice may be given are to be treated as references to the partnership.
- (6) In the case of an offence that an authorised officer has reason to believe has been committed by an unincorporated association other than a partnership, the references in subsections (1) and (2) to the person to whom a fixed penalty notice may be given are to be treated as references to the association.
- (7) In this section, “partnership” means –
 - (a) a partnership within the Partnership Act 1890 (c.39), or

- (b) partneriaeth gyfyngedig sydd wedi ei chofrestru o dan Ddeddf Partneriaethau Cyfyngedig 1907 (p.24).
- (8) Am ddarpariaeth bellach ynghylch cosbau penodedig, gweler Atodlen 1.

Cyffredinol

28 Dehongli'r Bennod hon

- (1) Yn y Bennod hon –

mae “awdurdod gorfodi” (“*enforcement authority*”) i gael ei ddehongli yn unol ag adran 18;

ystyr “cartref gofal i oedolion” (“*adult care home*”) yw mangre lle y darperir gwasanaeth cartref gofal o fewn yr ystyr a roddir gan baragraff 1 o Atodlen 1 i Ddeddf Rheoleiddio ac Arolygu Gofal Cymdeithasol (Cymru) 2016 (dccc 2) i bersonau sy'n 18 oed neu'n hŷn;

mae “cerbyd” (“*vehicle*”) yn cynnwys trê, tram, cwch neu long, hofrenfad ac awyren;

mae “cyfarpar maes chwarae” (“*playground equipment*”) yn cynnwys (er enghraifft) siglen, llithren, pwll tywod, neu ramp, ond nid yw'n cynnwys cyfarpar â modur (megis cyfarpar sy'n rhedeg ar fodur trydanol);

mae i “Cymru” yr ystyr a roddir i “Wales” gan adran 158(1) o Ddeddf Llywodraeth Cymru 2006 (p.32);

mae i “disgybl cofrestredig” yr ystyr a roddir i “registered pupil” gan adran 434(5) o Ddeddf Addysg 1996 (p.56);

ystyr “gofal plant” (“*childcare*”) yw (yn ddarostyngedig i is-adran (2)) unrhyw ffurf ar ofal ar gyfer plentyn, ac eithrio gofal a ddarperir ar gyfer plentyn gan riant, perthynas neu riant maeth i'r plentyn, ac mae'n cynnwys –

- (a) addysg ar gyfer plentyn, a
- (b) unrhyw weithgaredd arall o dan oruchwyliaeth ar gyfer plentyn;

ystyr “hosbis i oedolion” (“*adult hospice*”) yw mangre a ddefnyddir yn gyfan gwbl neu'n bennaf ar gyfer darparu gofal lliniarol i bersonau sy'n 18 oed neu'n hŷn, sy'n dioddef o glefyd sy'n gwaethygu ac sydd yn ei gyfnodau olaf, gan neu ar ran sefydliad â'i brif swyddogaeth yw darparu gofal o'r fath;

mae “mangre” (“*premises*”) yn cynnwys –

- (a) unrhyw fan;
- (b) strwythur symudol ac eithrio cerbyd;
- (c) stondin;
- (d) pabell;
- (e) gosodiad alltraeth o fewn yr ystyr a roddir i “offshore installation” yn Neddf Gweithiau Mwynau (Gosodiadau Alltraeth) 1971 (p.61) (gweler adran 12 o'r Ddeddf honno);

- (b) a limited partnership registered under the Limited Partnerships Act 1907 (c.24).
- (8) For further provision about fixed penalties, see Schedule 1.

General

28 Interpretation of this Chapter

- (1) In this Chapter –

“adult care home” (*“cartref gofal i oedolion”*) means premises at which a care home service within the meaning given by paragraph 1 of Schedule 1 to the Regulation and Inspection of Social Care (Wales) Act 2016 (anaw 2) is provided to persons aged 18 or over;

“adult hospice” (*“hosbis i oedolion”*) means premises wholly or mainly used for the provision of palliative care to persons aged 18 or over, who are suffering from a progressive disease in its final stages, by or behalf of an establishment the primary function of which is the provision of such care;

“authorised officer” (*“swyddog awdurdodedig”*) has the meaning given by section 18(5);

“child” (*“plentyyn”*) means a person aged under 18;

“childcare” (*“gofal plant”*) means (subject to subsection (2)) any form of care for a child, other than care provided for a child by a parent, relative or foster parent of the child, and includes –

- (a) education for a child, and
- (b) any other supervised activity for a child;

“enforcement authority” (*“awdurdod gorfodi”*) is to be interpreted in accordance with section 18;

“hospital” (*“ysbyty”*) has the meaning given by section 206 of the National Health Service (Wales) Act 2006 (c.42);

“parent” (*“rhiant”*) includes any person who has parental responsibility (within the meaning of section 3 of the Children Act 1989 (c.41)) for a child;

“playground equipment” (*“cyfarpar maes chwarae”*) includes (for example) a swing, slide, sand-pit, or ramp, but does not include powered equipment (such as equipment powered by electric motor);

ystyr “perthynas” (“*relative*”), mewn perthynas â phlentyn, yw llys-riant, mam-gu/nain, tad-cu/taid, modryb, ewythr, brawd neu chwaer (gan gynnwys unrhyw berson sydd yn y berthynas honno yn rhinwedd priodas neu bartneriaeth sifil neu berthynas deuluol barhaus);

ystyr “plentyn” (“*child*”) yw person o dan 18 oed;

mae “rhiant” (“*parent*”) yn cynnwys unrhyw berson a chanddo gyfrifoldeb rhiant (o fewn yr ystyr a roddir i “parental responsibility” yn adran 3 o Ddeddf Plant 1989 (p.41)) dros blentyn;

mae i “swyddog awdurdodedig” (“*authorised officer*”) yr ystyr a roddir gan adran 18(5);

mae i “ysbyty” yr ystyr a roddir i “hospital” gan adran 206 o Ddeddf y Gwasanaeth Iechyd Gwladol (Cymru) 2006 (p.42);

mae i “ysgol” yr ystyr a roddir i “school” gan adran 4 o Ddeddf Addysg 1996 (p.56);

mae “ysmygu” (“*smoking*” a “*smokes*”) i gael ei ddarllen yn unol ag adran 4.

- (2) Nid yw cyfeiriadau yn y Bennod hon at “gofal plant” yn cynnwys –
 - (a) addysg (neu unrhyw weithgaredd arall o dan oruchwyliaeth) a ddarperir gan ysgol yn ystod oriau ysgol ar gyfer disgybl cofrestredig, neu
 - (b) unrhyw ffurf ar ofal iechyd ar gyfer plentyn.
- (3) At ddibenion is-adran (1) mae person yn rhiant maeth mewn perthynas â phlentyn os yw’r person –
 - (a) yn rhiant maeth awdurdod lleol (o fewn yr ystyr a roddir gan adran 197 o Ddeddf Gwasanaethau Cymdeithasol a Llesiant (Cymru) 2014 (dccc 4)), neu
 - (b) yn maethu’r plentyn yn breifat.
- (4) Mae cyfeiriadau yn y Bennod hon at “annedd” yn cynnwys tir a fwynheir gyda mangre pan fo’r fangre ei hun yn annedd, oni bai bod y tir yn dir amaethyddol (o fewn yr ystyr a roddir gan adran 246 o Ddeddf Rhentu Cartrefi (Cymru) 2016 (dccc 1)) sy’n fwy na 0.809 hectar.
- (5) Mae cyfeiriadau yn y Bennod hon, sut bynnag y’u mynegir, at fangreoedd neu gerbydau sy’n ddi-fwg (neu nad ydynt yn ddi-fwg) (neu sy’n cael eu trin fel pe baent yn ddi-fwg) yn gyfeiriadau at y mangreoedd hynny neu’r cerbydau hynny i’r graddau y maent yn ddi-fwg (neu nad ydynt yn ddi-fwg) (neu’n cael eu trin fel pe baent yn ddi-fwg) o dan y Bennod hon neu yn rhinwedd y Bennod hon.
- (6) Gall mangreoedd fod yn ddi-fwg yn rhinwedd mwy nag un adran yn y Bennod hon.
- (7) Caiff rheoliadau bennu at ddiben y Bennod hon ystyr “caeedig”, “sylweddol gaeedig” ac “nad yw’n gaeedig nac yn sylweddol gaeedig”.

29 Diwygiadau canlyniadol

Am ddiwygiadau o ganlyniad i’r Bennod hon, gweler Atodlen 2.

“premises” (“*mangre*”) includes –

- (a) any place;
- (b) a moveable structure other than a vehicle;
- (c) a stall;
- (d) a tent;
- (e) an offshore installation within the meaning given in the Mineral Workings (Offshore Installations) Act 1971 (c.61) (see section 12 of that Act);

“registered pupil” (“*disgybl cofrestredig*”) has the meaning given by section 434(5) of the Education Act 1996 (c.56);

“relative” (“*perthynas*”), in relation to a child, means a step-parent, grandparent, aunt, uncle, brother or sister (including any person who is in that relationship by virtue of a marriage or civil partnership or an enduring family relationship);

“school” (“*ysgol*”) has the meaning given by section 4 of the Education Act 1996 (c.56);

“smoking” and “smokes” (“*ysmygu*”) are to be read in accordance with section 4;

“vehicle” (“*cerbyd*”) includes a train, tram, vessel, hovercraft and aircraft;

“Wales” (“*Cymru*”) has the meaning given by section 158(1) of the Government of Wales Act 2006 (c.32).

- (2) References in this Chapter to “childcare” do not include –
 - (a) education (or any other supervised activity) provided by a school during school hours for a registered pupil, or
 - (b) any form of health care for a child.
- (3) For the purposes of subsection (1) a person is a foster parent in relation to a child if the person –
 - (a) is a local authority foster parent (within the meaning given by section 197 of the Social Services and Well-being (Wales) Act 2014 (anaw 4)), or
 - (b) fosters the child privately.
- (4) References in this Chapter to a “dwelling” include land enjoyed with premises where the premises themselves constitute a dwelling, unless the land is agricultural land (within the meaning given by section 246 of the Renting Homes (Wales) Act 2016 (anaw 1)) exceeding 0.809 hectares.
- (5) References in this Chapter, however expressed, to premises or vehicles which are (or are not) smoke-free (or treated as smoke-free), are to those premises or vehicles so far as they are (or are not) smoke-free (or treated as smoke-free) under or by virtue of this Chapter.
- (6) Premises may be smoke-free by virtue of more than one section in this Chapter.
- (7) Regulations may specify for the purpose of this Chapter what “enclosed”, “substantially enclosed” and “not enclosed or substantially enclosed” mean.

29 Consequential amendments

For amendments consequential on this Chapter, see Schedule 2.

PENNOD 2**MANWERTHWYR TYBACO A CHYNHYRCHION NICOTIN***Cofrestr o fanwerthwyr tybaco a chynhyrchion nicotin***30 Dyletswydd i gynnal cofrestr o fanwerthwyr tybaco a chynhyrchion nicotin**

- (1) Rhaid i'r awdurdod cofrestru gynnal cofrestr o bersonau sy'n cynnal busnes tybaco neu nicotin mewn mangre yng Nghymru ("y gofrestr").
- (2) Mae'r awdurdod cofrestru at y diben hwn yn berson a bennir felly mewn rheoliadau.
- (3) At ddibenion y Bennod hon ystyr "busnes tybaco neu nicotin" yw busnes sy'n ymwneud â gwerthu drwy fanwerthu dybaco neu bapurau sigarêts neu gynhyrchion nicotin.
- (4) Rhaid i bob cofnod yn y gofrestr mewn cysylltiad â pherson sy'n cynnal busnes tybaco neu nicotin ddatgan –
 - (a) enw a chyfeiriad y person;
 - (b) cyfeiriad pob un o'r mangreoedd lle y mae busnes tybaco neu nicotin yn cael ei gynnal gan y person hwnnw;
 - (c) a yw'r person yn gwerthu –
 - (i) tybaco neu bapurau sigarêts,
 - (ii) cynhyrchion nicotin, neu
 - (iii) unrhyw gyfuniad o'r eitemau hynny,yn y mangreoedd hynny;
 - (d) yn achos mangre sy'n strwythur symudol, stondin, pabell neu gerbyd, enw pob awdurdod lleol y mae'r busnes yn cael ei gynnal yn ei ardal.
- (5) At ddiben is-adran (4)(a), enw a chyfeiriad person yw –
 - (a) yn achos unigolyn –
 - (i) enw'r unigolyn ac, os yw'n wahanol, enw masnachu'r unigolyn, a
 - (ii) cyfeiriad man preswyllo arferol yr unigolyn;
 - (b) yn achos cwmni –
 - (i) ei enw ac, os yw'n wahanol, ei enw masnachu, a
 - (ii) cyfeiriad ei swyddfa gofrestredig;
 - (c) yn achos partneriaeth ac eithrio partneriaeth atebolrwydd cyfyngedig –
 - (i) enw pob partner ac, os yw'n wahanol, enw masnachu'r bartneriaeth, a
 - (ii) cyfeiriad man preswyllo arferol pob partner;
 - (d) yn achos partneriaeth atebolrwydd cyfyngedig –
 - (i) ei henw cofrestredig ac, os yw'n wahanol, ei henw masnachu, a
 - (ii) cyfeiriad ei swyddfa gofrestredig.

CHAPTER 2**RETAILERS OF TOBACCO AND NICOTINE PRODUCTS***Register of retailers of tobacco and nicotine products***30 Duty to maintain register of retailers of tobacco and nicotine products**

- (1) The registration authority must maintain a register of persons carrying on a tobacco or nicotine business at premises in Wales (“the register”).
- (2) The registration authority for this purpose is a person specified as such in regulations.
- (3) For the purposes of this Chapter “tobacco or nicotine business” means a business involving the sale by retail of tobacco or cigarette papers or nicotine products.
- (4) Each entry in the register in respect of a person carrying on a tobacco or nicotine business in Wales must state –
 - (a) the person’s name and address;
 - (b) the address of each of the premises at which a tobacco or nicotine business is carried on by that person;
 - (c) whether the person is selling –
 - (i) tobacco or cigarette papers,
 - (ii) nicotine products, or
 - (iii) any combination of those items,at those premises;
 - (d) in the case of premises consisting of a moveable structure, a stall, a tent or a vehicle, the name of each local authority in whose area the business is carried on.
- (5) For the purpose of subsection (4)(a), a person’s name and address is –
 - (a) in the case of an individual –
 - (i) the individual’s name and, if different, the individual’s trading name, and
 - (ii) the address of the individual’s usual place of residence;
 - (b) in the case of a company –
 - (i) its name and, if different, its trading name, and
 - (ii) the address of its registered office;
 - (c) in the case of a partnership other than a limited liability partnership –
 - (i) the name of each partner and, if different, the partnership’s trading name, and
 - (ii) the address of each partner’s usual place of residence;
 - (d) in the case of a limited liability partnership –
 - (i) its registered name and, if different, its trading name, and
 - (ii) the address of its registered office.

- (6) Caiff y gofrestr gynnwys unrhyw wybodaeth arall sy'n wybodaeth o ddisgrifiad y mae'n ofynnol, drwy reoliadau o dan adran 31(3)(b), ei chynnwys mewn cais i gofrestru.
- (7) At ddibenion y Bennod hon –
 - (a) mae person wedi ei gofrestru os yw enw'r person wedi ei gofnodi yn y gofrestr, ac mae ymadroddion cysylltiedig eraill i gael eu dehongli yn unol â hynny;
 - (b) mae cyfeiriadau at gofnod person yn y gofrestr yn gyfeiriadau at y cofnod sy'n ymwneud â'r person hwnnw yn y gofrestr.
- (8) Caiff rheoliadau o dan is-adran (2) bennu mai Gweinidogion Cymru yw'r awdurdod cofrestru.
- (9) Yn achos mangre sy'n strwythur symudol, stondin, pabell neu gerbyd, mae'r cyfeiriad sydd i gael ei gofnodi yn y gofrestr yn unol ag is-adran (4)(a) i gael ei drin fel cyfeiriad y fangre at ddiben is-adran (4)(b).

31 Cais am gofnod yn y gofrestr

- (1) Caniateir i gais gael ei wneud i'r awdurdod cofrestru –
 - (a) i berson gael ei gofrestru mewn cysylltiad â chynnal busnes tybaco neu nicotin, neu
 - (b) os yw'r ceisydd eisoes yn berson cofrestredig –
 - (i) i ychwanegu mangreoedd pellach at gofnod y person yn y gofrestr, neu
 - (ii) yn achos mangre sy'n strwythur symudol, stondin, pabell neu gerbyd, i ychwanegu awdurdod lleol arall at gofnod y person yn y gofrestr.
- (2) Rhaid i gais o dan is-adran (1) –
 - (a) datgan enw a chyfeiriad y ceisydd (gweler adran 30(5) am hyn);
 - (b) os gwneir y cais o dan is-adran (1)(a), ddatgan cyfeiriad pob un o'r mangreoedd lle y mae'r ceisydd yn bwriadu cynnal busnes tybaco neu nicotin;
 - (c) os gwneir y cais o dan is-adran (1)(b)(i), ddatgan cyfeiriad pob un o'r mangreoedd pellach lle y mae'r ceisydd yn bwriadu cynnal busnes tybaco neu nicotin;
 - (d) datgan a yw'r ceisydd yn bwriadu gwerthu –
 - (i) tybaco neu bapurau sigarêts,
 - (ii) cynhyrchion nicotin, neu
 - (iii) unrhyw gyfuniad o'r eitemau hynny,
 yn y mangreoedd a ddatgenir yn unol â pharagraff (b) neu (c);
 - (e) datgan a yw'r ceisydd yn bwriadu cynnal busnes mewn ffordd sy'n golygu gwneud trefniadau i dybaco, papurau sigarêts neu gynhyrchion nicotin –
 - (i) cael eu danfon i fangreoedd yng Nghymru, neu
 - (ii) yn dilyn gwerthiant a gyflawnir dros y ffôn, dros y rhyngwrwyd neu drwy fath arall o dechnoleg electronig neu dechnoleg arall, gael eu casglu o fangre yng Nghymru;

- (6) The register may include any other information that is information of a description required, by regulations under section 31(3)(b), to be included in an application for registration.
- (7) For the purposes of this Chapter –
 - (a) a person is registered if the person's name is entered in the register, and other related expressions are to be construed accordingly;
 - (b) references to a person's entry in the register are to the entry relating to that person in the register.
- (8) Regulations under subsection (2) may specify the Welsh Ministers as the registration authority.
- (9) In the case of premises consisting of a moveable structure, a stall, a tent or a vehicle, the address to be entered in the register in accordance with subsection (4)(a) is to be treated as the address of the premises for the purpose of subsection (4)(b).

31 Application for entry in the register

- (1) An application may be made to the registration authority –
 - (a) for a person to be registered in respect of the carrying on of a tobacco or nicotine business, or
 - (b) if the applicant is already a registered person –
 - (i) to add further premises to the person's entry in the register, or
 - (ii) in the case of premises consisting of a moveable structure, a stall, a tent or a vehicle, to add another local authority to the person's entry in the register.
- (2) An application under subsection (1) must –
 - (a) state the applicant's name and address (for which see section 30(5));
 - (b) if the application is made under subsection (1)(a), state the address of each of the premises at which the applicant proposes to carry on a tobacco or nicotine business;
 - (c) if the application is made under subsection (1)(b)(i), state the address of each of the further premises at which the applicant proposes to carry on a tobacco or nicotine business;
 - (d) state whether the applicant proposes to sell –
 - (i) tobacco or cigarette papers,
 - (ii) nicotine products, or
 - (iii) any combination of those items,at the premises stated in accordance with paragraph (b) or (c);
 - (e) state whether the applicant proposes to carry on business in a way that involves the making of arrangements for tobacco, cigarette papers or nicotine products –
 - (i) to be delivered to premises in Wales, or
 - (ii) following a sale effected by telephone, the internet or other kind of electronic or other technology, to be collected from premises in Wales;

- (f) yn achos mangre sy'n strwythur symudol, stondin, pabell neu gerbyd –
 - (i) os gwneir y cais o dan is-adran (1)(a), ddatgan enw pob awdurdod lleol y mae'r ceisydd yn bwriadu cynnal y busnes tybaco neu nicotin yn ei ardal, a
 - (ii) os gwneir y cais o dan is-adran (1)(b)(ii), ddatgan enw pob awdurdod lleol ychwanegol y mae'r ceisydd yn bwriadu cynnal busnes tybaco neu nicotin yn ei ardal.
- (3) Caiff rheoliadau wneud darpariaeth –
 - (a) ynghylch ffurf cais o dan is-adran (1) a'r ffordd y mae i gael ei wneud;
 - (b) ynghylch gwybodaeth arall sydd i gael ei chynnwys mewn cais (gan gynnwys, yn achos cais gan berson sy'n bwriadu cynnal busnes tybaco neu nicotin fel y'i disgrifir yn is-adran (2)(e), wybodaeth sy'n ymwneud â natur y trefniadau o dan sylw);
 - (c) sy'n ei gwneud yn ofynnol i daliad o ffi fynd gyda chais o dan is-adran (1)(a) neu (1)(b)(i).
- (4) Cyn gwneud rheoliadau o dan yr adran hon, rhaid i Weinidogion Cymru –
 - (a) ystyried a oes personau yr ymddengys eu bod yn cynrychioli buddiannau'r rheini y mae'r rheoliadau yn debygol o effeithio arnynt ("personau cynrychiadol"), a
 - (b) cynnal ymgynghoriad ag unrhyw bersonau cynrychiadol y mae Gweinidogion Cymru yn ystyried ei bod yn briodol ymgynghori â hwy.
- (5) Os yw'r fangre lle y mae'r ceisydd yn bwriadu cynnal busnes tybaco neu nicotin yn strwythur symudol, stondin, pabell neu gerbyd, mae'r cyfeiriad a ddatgenir yn y cais yn unol ag is-adran (2)(a) i gael ei ddatgan fel cyfeiriad y fangre at ddiben is-adran (2)(b) ac (c).

32 Caniatáu cais

- (1) Rhaid i'r awdurdod cofrestru ganiatáu cais a wneir o dan adran 31 oni bai bod is-adran (2) neu (3) yn gymwys.
- (2) Rhaid i'r awdurdod cofrestru beidio â chaniatáu'r cais i'r graddau y mae'n ymwneud â mangre a bennir yn y cais y mae gorchymyn mangre o dan gyfyngiad a wneir o dan adran 12A o Ddeddf Plant a Phobl Ifanc 1933 (p.12) yn cael effaith mewn cysylltiad â hi.
- (3) Rhaid i'r awdurdod cofrestru beidio â chaniatáu'r cais os yw gorchymyn gwerthu o dan gyfyngiad a wneir o dan adran 12B o Ddeddf Plant a Phobl Ifanc 1933 (p.12) yn cael effaith mewn cysylltiad â'r ceisydd.
- (4) Wrth ganiatáu cais a wneir o dan adran 31, rhaid i'r awdurdod cofrestru wneud y cofnod priodol neu'r newid priodol i gofnod yn y gofrestr.

33 Dyletswydd i roi hysbysiad o newidiadau penodol

- (1) Rhaid i berson cofrestredig roi i'r awdurdod cofrestru hysbysiad o unrhyw un neu ragor o'r materion a ganlyn –

- (f) in the case of premises consisting of a moveable structure, a stall, a tent or a vehicle—
 - (i) if the application is made under subsection (1)(a), state the name of each local authority in whose area the applicant proposes to carry on the tobacco or nicotine business, and
 - (ii) if the application is made under subsection (1)(b)(ii), state the name of each additional local authority in whose area the applicant proposes to carry on a tobacco or nicotine business.
- (3) Regulations may make provision—
 - (a) about the form of an application under subsection (1) and the way in which it is to be made;
 - (b) about other information that is to be included in an application (including, in the case of an application by a person who proposes to carry on a tobacco or nicotine business as described in subsection (2)(e), information relating to the nature of the arrangements concerned);
 - (c) requiring payment of a fee to accompany an application under subsection (1)(a) or (1)(b)(i).
- (4) Before making regulations under this section, the Welsh Ministers must—
 - (a) consider whether there are persons who appear to be representative of the interests of those likely to be affected by the regulations (“representative persons”), and
 - (b) carry out consultation with any representative persons whom the Welsh Ministers consider it appropriate to consult.
- (5) If the premises at which the applicant proposes to carry on a tobacco or nicotine business consist of a moveable structure, a stall, a tent or a vehicle, the address stated in the application in accordance with subsection (2)(a) is to be stated as the address of the premises for the purpose of subsection (2)(b) and (c).

32 Grant of application

- (1) The registration authority must grant an application made under section 31 unless subsection (2) or (3) applies.
- (2) The registration authority must not grant the application in so far as it relates to premises specified in the application in respect of which a restricted premises order made under section 12A of the Children and Young Persons Act 1933 (c.12) has effect.
- (3) The registration authority must not grant the application if a restricted sale order made under section 12B of the Children and Young Persons Act 1933 (c.12) has effect in respect of the applicant.
- (4) On granting an application made under section 31, the registration authority must make the appropriate entry or amendment to an entry in the register.

33 Duty to give notice of certain changes

- (1) A registered person must give the registration authority notice of any of the following matters—

- (a) unrhyw newid yn enw neu gyfeiriad y person o'r hyn a ddatgenir yn y gofrestr yn unol ag adran 30(4)(a);
 - (b) unrhyw newid yn yr hyn y mae'r person yn ei werthu o'r hyn a ddatgenir yng nghofnod y person yn y gofrestr yn unol ag adran 30(4)(c);
 - (c) os yw'r person yn peidio â chynnal busnes tybaco neu nicotin mewn mangre a ddatgenir yng nghofnod y person yn y gofrestr;
 - (d) yn achos busnes tybaco neu nicotin sy'n cael ei gynnal mewn mangre sy'n strwythur symudol, stondin, pabell neu gerbyd, os yw'r person yn peidio â chynnal y busnes yn ardal awdurdod lleol a ddatgenir yng nghofnod y person yn y gofrestr.
- (2) Mae person yn peidio â chynnal busnes at ddiben is-adran (1)(c) neu (d) pan yw'r person hwnnw yn peidio â gwneud hynny am gyfnod di-dor o ddim llai nag 28 o ddiwrnodau.
- (3) Rhaid i'r hysbysiad y cyfeirir ato yn is-adran (1) gael ei roi o fewn cyfnod o 28 o ddiwrnodau sy'n dechrau â pha un bynnag o'r canlynol sy'n gymwys –
- (a) dyddiad y newid y cyfeirir ato yn is-adran (1)(a) neu (b);
 - (b) y dyddiad y mae'r person cofrestredig yn peidio â chynnal y busnes yn y fangre o dan sylw neu yn ardal yr awdurdod lleol o dan sylw.
- (4) Os daw awdurdod lleol yn ymwybodol o unrhyw un neu ragor o'r materion y cyfeirir atynt yn is-adran (1)(a) i (d) mewn cysylltiad â pherson cofrestredig sy'n cynnal busnes tybaco neu nicotin yn ei ardal, rhaid i'r awdurdod lleol roi hysbysiad i'r awdurdod cofrestru o'r mater hwnnw.

34 Dyletswydd i ddiwygio'r gofrestr

- (1) Rhaid i'r awdurdod cofrestru ddiwygio'r gofrestr –
- (a) ar ôl cael hysbysiad o dan adran 33, i adlewyrchu'r hysbysiad;
 - (b) i gywiro unrhyw anghywirdebau yn y gofrestr y daw'n ymwybodol ohonynt ac eithrio drwy gael hysbysiad o dan adran 33.
- (2) Ond os yw'r awdurdod cofrestru yn bwriadu diwygio'r gofrestr drwy newid neu ddileu cofnod person, rhaid iddo roi hysbysiad o'r diwygiad arfaethedig i'r person.
- (3) Rhaid i'r hysbysiad roi rhesymau dros y diwygiad arfaethedig.
- (4) Rhaid i'r awdurdod cofrestru beidio â newid na dileu cofnod person yn y gofrestr os yw'r awdurdod wedi ei fodloni, ar sail gwybodaeth a ddarperir iddo gan y person o fewn y cyfnod a grybwyllir yn is-adran (5), fod cofnod y person yn gywir.
- (5) Y cyfnod yw'r cyfnod o 28 o ddiwrnodau sy'n dechrau â dyddiad yr hysbysiad a roddir o dan is-adran (2).
- (6) Caiff rheoliadau ddarparu i'r awdurdod cofrestru godi ffi mewn cysylltiad â diwygio'r gofrestr o dan yr adran hon.

35 Mynediad i'r gofrestr

- (1) Rhaid i'r awdurdod cofrestru gyhoeddi rhestr sy'n nodi enw pob person cofrestredig a chyfeiriad pob un o'r mangreoedd a ddatgenir yng nghofnod y person yn y gofrestr fel mangre lle y mae busnes tybaco neu nicotin yn cael ei gynnal.

- (a) any change in the person's name or address from that stated in the register in accordance with section 30(4)(a);
 - (b) any change in what the person is selling from that stated in the person's entry in the register in accordance with section 30(4)(c);
 - (c) if the person stops carrying on a tobacco or nicotine business at premises stated in the person's entry in the register;
 - (d) in the case of a tobacco or nicotine business carried on from premises consisting of a moveable structure, a stall, a tent or a vehicle, if the person stops carrying on the business in the area of a local authority stated in the person's entry in the register.
- (2) A person stops carrying on a business for the purpose of subsection (1)(c) or (d) when that person stops doing so for a continuous period of no less than 28 days.
- (3) The notification referred to in subsection (1) must be given within a period of 28 days beginning with whichever of the following is applicable—
 - (a) the date of the change referred to in subsection (1)(a) or (b);
 - (b) the date on which the registered person stops carrying on the business at the premises in question or in the area of the local authority in question.
- (4) If a local authority becomes aware of any of the matters referred to in subsection (1)(a) to (d) in respect of a registered person carrying on a tobacco or nicotine business in its area, the local authority must give notice to the registration authority of that matter.

34 Duty to revise the register

- (1) The registration authority must revise the register—
 - (a) on receiving notice under section 33, to reflect the notice;
 - (b) to correct any inaccuracies in the register of which it becomes aware otherwise than by receiving notice under section 33.
- (2) But if the registration authority proposes to revise the register by amending or removing a person's entry, it must give notice of the proposed revision to the person.
- (3) The notice must give reasons for the proposed revision.
- (4) The registration authority must not amend or remove a person's entry in the register if the authority is satisfied, on the basis of information provided by the person to the authority within the period mentioned in subsection (5), that the person's entry is accurate.
- (5) The period is the period of 28 days beginning with the date of the notice given under subsection (2).
- (6) Regulations may provide for the registration authority to charge a fee in connection with revising the register under this section.

35 Access to the register

- (1) The registration authority must publish a list that sets out the name of each registered person and the address of each of the premises stated in the person's entry in the register as being premises at which a tobacco or nicotine business is carried on.

- (2) Ond mewn cysylltiad â pherson cofrestredig sy'n cynnal busnes tybaco neu nicotin mewn mangre sy'n strwythur symudol, stondin, pabell neu gerbyd, rhaid i'r rhestr a gyhoeddir o dan is-adran (1) nodi, yn lle cyfeiriad y fangre, enw pob awdurdod lleol a ddatgenir yng nghofnod y person yn y gofrestr.
- (3) Rhaid i'r awdurdod cofrestru hefyd roi ar gael i awdurdod lleol yr holl wybodaeth arall a gynhwysir yn y gofrestr i'r graddau y mae'n ymwneud â mangre yn ardal yr awdurdod.

36 Mangreoedd a eithrir

Nid yw darpariaethau'r Bennod hon yn gymwys mewn perthynas â busnes tybaco neu nicotin i'r graddau y caiff ei gynnal mewn mangre o ddisgrifiad a bennir mewn rheoliadau.

37 Strwythurau symudol etc.

Caiff rheoliadau ddarparu i'r cymhwysiad o'r Bennod hon mewn perthynas â mangre sy'n strwythur symudol, stondin, pabell neu gerbyd fod yn ddarostyngedig i unrhyw addasiadau y mae Gweinidogion Cymru yn ystyried eu bod yn angenrheidiol neu'n hwylus.

Troseddau

38 Troseddau

- (1) Mae person sy'n cynnal busnes tybaco neu nicotin mewn mangre yng Nghymru heb gael ei gofrestru yn cyflawni trosedd.
- (2) Mae person cofrestredig sy'n cynnal busnes tybaco neu nicotin mewn mangre yng Nghymru ac eithrio mangre a ddatgenir yng nghofnod y person yn y gofrestr yn cyflawni trosedd.
- (3) Nid yw is-adran (2) yn gymwys yn achos busnes tybaco neu nicotin sy'n cael ei gynnal mewn mangre sy'n strwythur symudol, stondin, pabell neu gerbyd.
- (4) Mae person cofrestredig sy'n cynnal busnes tybaco neu nicotin mewn mangre sy'n strwythur symudol, stondin, pabell neu gerbyd yn ardal awdurdod lleol ac eithrio un a ddatgenir yng nghofnod y person yn y gofrestr yn cyflawni trosedd.
- (5) Mae person cofrestredig sy'n methu, heb esgus rhesymol, â chydymffurfio ag adran 33 (dyletswydd i hysbysu am newidiadau penodol) yn cyflawni trosedd.
- (6) Mae person sy'n euog o drosedd o dan is-adran (1) yn agored ar euogfarn ddiannod i ddirwy.
- (7) Mae person sy'n euog o drosedd o dan is-adran (2), (4) neu (5) yn agored ar euogfarn ddiannod i ddirwy nad yw'n uwch na lefel 2 ar y raddfa safonol.

Gorfodi

39 Swyddogion awdurdodedig

Mae cyfeiriadau yn y Bennod hon at swyddog awdurdodedig yn gyfeiriadau at unrhyw berson (pa un a yw'n swyddog i'r awdurdod lleol ai peidio) sydd wedi ei awdurdodi gan awdurdod lleol at ddibenion y Bennod hon.

- (2) But in respect of a registered person carrying on a tobacco or nicotine business at premises consisting of a moveable structure, a stall, a tent or a vehicle, the list published under subsection (1) must, instead of the address of the premises, set out the name of each local authority stated in the person's entry in the register.
- (3) The registration authority must also make available to a local authority all other information contained in the register in so far as it relates to premises in the authority's area.

36 Excepted premises

The provisions of this Chapter do not apply in relation to a tobacco or nicotine business so far as carried on at premises of a description specified in regulations.

37 Moveable structures etc.

Regulations may provide for the application of this Chapter in relation to premises consisting of a moveable structure, a stall, a tent or a vehicle to be subject to such modifications as the Welsh Ministers consider necessary or expedient.

Offences

38 Offences

- (1) A person who carries on a tobacco or nicotine business at premises in Wales without being registered commits an offence.
- (2) A registered person who carries on a tobacco or nicotine business at premises in Wales other than premises stated in the person's entry in the register commits an offence.
- (3) Subsection (2) does not apply in the case of a tobacco or nicotine business carried on at premises consisting of a moveable structure, a stall, a tent or a vehicle.
- (4) A registered person who carries on a tobacco or nicotine business at premises consisting of a moveable structure, a stall, a tent or a vehicle in the area of a local authority other than one stated in the person's entry in the register commits an offence.
- (5) A registered person who fails, without reasonable excuse, to comply with section 33 (duty to notify certain changes) commits an offence.
- (6) A person guilty of an offence under subsection (1) is liable on summary conviction to a fine.
- (7) A person guilty of an offence under subsection (2), (4) or (5) is liable on summary conviction to a fine not exceeding level 2 on the standard scale.

Enforcement

39 Authorised officers

References in this Chapter to an authorised officer are to any person (whether or not an officer of the local authority) authorised by a local authority for the purposes of this Chapter.

40 Pwerau mynediad

- (1) Caiff swyddog awdurdodedig fynd i mewn i fangre yng Nghymru ar unrhyw adeg resymol –
 - (a) os oes gan y swyddog seiliau rhesymol dros gredu bod trosedd o dan adran 38(1), (2) neu (4) wedi ei chyflawni yn ardal yr awdurdod lleol, a
 - (b) os yw'r swyddog yn ystyried ei bod yn angenrheidiol mynd i mewn i'r fangre at ddiben canfod a yw trosedd o'r fath wedi ei chyflawni.
- (2) Ond nid yw hyn yn gymwys mewn perthynas â mangre a ddefnyddir yn gyfan gwbl neu'n bennaf fel annedd.
- (3) Ni chaiff swyddog awdurdodedig fynd i mewn i fangre drwy rym o dan yr adran hon.
- (4) Rhaid i swyddog awdurdodedig, os gofynnir iddo wneud hynny, cyn mynd i mewn i fangre o dan yr adran hon, ddangos tystiolaeth o'r awdurdodiad y cyfeirir ato yn adran 39.

41 Gwarant i fynd i mewn i annedd

- (1) Caiff ynad heddwch arfer y pŵer yn is-adran (2) mewn perthynas â mangre yng Nghymru a ddefnyddir yn gyfan gwbl neu'n bennaf fel annedd os yw wedi ei fodloni ar sail gwybodaeth ysgrifenedig ar lw –
 - (a) bod seiliau rhesymol dros gredu bod trosedd o dan adran 38(1), (2) neu (4) wedi ei chyflawni yn ardal awdurdod lleol, a
 - (b) ei bod yn angenrheidiol mynd i mewn i'r fangre at ddiben canfod a yw trosedd o'r fath wedi ei chyflawni.
- (2) Caiff yr ynad ddyroddi gwarant sy'n awdurdodi swyddog awdurdodedig i'r awdurdod lleol i fynd i mewn i'r fangre, drwy rym os oes angen.
- (3) Mae'r warant yn parhau mewn grym tan ddiwedd y cyfnod o 28 o ddiwrnodau sy'n dechrau â'r dyddiad y'i dyroddwyd.

42 Gwarant i fynd i mewn i fangreoedd eraill

- (1) Caiff ynad heddwch arfer y pŵer yn is-adran (4) mewn perthynas â mangre yng Nghymru ac eithrio mangre a ddefnyddir yn gyfan gwbl neu'n bennaf fel annedd os yw wedi ei fodloni ar sail gwybodaeth ysgrifenedig ar lw –
 - (a) bod seiliau rhesymol dros gredu bod trosedd o dan adran 38(1), (2) neu (4) wedi ei chyflawni yn ardal awdurdod lleol,
 - (b) ei bod yn angenrheidiol mynd i mewn i'r fangre at ddiben canfod a yw trosedd o'r fath wedi ei chyflawni, ac
 - (c) bod gofyniad a nodir yn is-adran (2) neu (3) wedi ei fodloni.
- (2) Y gofyniad yw –
 - (a) bod gofyn am fynd i mewn i'r fangre wedi ei wrthod neu'n debygol o gael ei wrthod, a
 - (b) bod hysbysiad o fwriad i wneud cais am warant o dan yr adran hon wedi ei roi i'r meddiannydd neu berson yr ymddengys yn rhesymol i'r awdurdod lleol ei fod yn ymwneud â rheoli'r fangre.

40 Powers of entry

- (1) An authorised officer may enter premises in Wales at any reasonable time if the officer –
 - (a) has reasonable grounds for believing that an offence under section 38(1), (2) or (4) has been committed in the area of the local authority, and
 - (b) considers it necessary to enter the premises for the purpose of ascertaining whether such an offence has been committed.
- (2) But this does not apply in relation to premises used wholly or mainly as a dwelling.
- (3) An authorised officer may not enter premises by force under this section.
- (4) An authorised officer must, if asked to do so, before entering premises under this section show evidence of the authorisation referred to in section 39.

41 Warrant to enter dwelling

- (1) A justice of the peace may exercise the power in subsection (2) in relation to premises in Wales used wholly or mainly as a dwelling if satisfied on sworn information in writing –
 - (a) that there are reasonable grounds for believing that an offence under section 38(1), (2) or (4) has been committed in the area of a local authority, and
 - (b) that it is necessary to enter the premises for the purpose of ascertaining whether such an offence has been committed.
- (2) The justice may issue a warrant authorising an authorised officer of the local authority to enter the premises, if need be by force.
- (3) The warrant continues in force until the end of the period of 28 days beginning with the date on which it was issued.

42 Warrant to enter other premises

- (1) A justice of the peace may exercise the power in subsection (4) in relation to premises in Wales other than premises used wholly or mainly as a dwelling if satisfied on sworn information in writing –
 - (a) that there are reasonable grounds for believing that an offence under section 38(1), (2) or (4) has been committed in the area of a local authority,
 - (b) that it is necessary to enter the premises for the purpose of ascertaining whether such an offence has been committed, and
 - (c) that a requirement set out in subsection (2) or (3) is met.
- (2) The requirement is that –
 - (a) a request to enter the premises has been, or is likely to be, refused, and
 - (b) notice of intention to apply for a warrant under this section has been given to the occupier or a person who reasonably appears to the local authority to be concerned in the management of the premises.

- (3) Y gofyniad yw bod gofyn am fynd i mewn i'r fangre, neu roi hysbysiad o fwriad i wneud cais am warant o dan yr adran hon, yn debygol o danseilio diben y mynediad.
- (4) Caiff yr ynad ddyroddi gwarant sy'n awdurdodi swyddog awdurdodedig i'r awdurdod lleol i fynd i mewn i'r fangre, drwy rym os oes angen.
- (5) Mae'r warant yn parhau mewn grym tan ddiwedd y cyfnod o 28 o ddiwrnodau sy'n dechrau â'r dyddiad y'i dyroddwyd.

43 Darpariaeth atodol ynghylch pwerau mynediad

- (1) Caiff swyddog awdurdodedig sy'n mynd i mewn i fangre o dan adran 40, neu yn rhinwedd gwarant o dan adran 41 neu 42, fynd ag unrhyw bersonau eraill ac unrhyw gyfarpar y mae'r swyddog yn ystyried eu bod yn briodol.
- (2) Os yw meddiannydd mangre y mae swyddog awdurdodedig wedi ei awdurdodi i fynd i mewn iddi drwy warant o dan adran 41 neu 42 yn bresennol ar yr adeg y mae'r swyddog awdurdodedig yn ceisio gweithredu'r warant –
 - (a) rhaid rhoi enw'r swyddog i'r meddiannydd;
 - (b) rhaid i'r swyddog gyflwyno i'r meddiannydd dystiolaeth ddogfennol bod y swyddog yn swyddog awdurdodedig;
 - (c) rhaid i'r swyddog gyflwyno'r warant i'r meddiannydd;
 - (d) rhaid i'r swyddog gyflenwi copi ohoni i'r meddiannydd.
- (3) Os nad yw mangre y mae swyddog awdurdodedig wedi ei awdurdodi i fynd i mewn iddi drwy warant o dan adran 41 neu 42 wedi ei meddiannu, neu os yw'r meddiannydd yn absennol dros dro, yna wrth adael y fangre rhaid i'r swyddog ei gadael wedi ei diogelu yr un mor effeithiol rhag mynediad anawdurdodedig ag yr oedd pan aeth y swyddog iddi.

44 Pwerau arolygu etc.

- (1) Caiff swyddog awdurdodedig sy'n mynd i mewn i fangre o dan adran 40, neu yn rhinwedd gwarant o dan adran 41 neu 42, wneud unrhyw un neu ragor o'r canlynol os yw'r swyddog yn ystyried ei bod yn angenrheidiol at ddiben canfod a yw trosedd o dan adran 38(1), (2) neu (4) wedi ei chyflawni –
 - (a) cynnal arolygiadau ac archwiliadau yn y fangre;
 - (b) ei gwneud yn ofynnol cyflwyno unrhyw beth yn y fangre, ei arolygu, a chymryd a chadw samplau ohono neu echdynion ohono;
 - (c) cymryd meddiant o unrhyw beth yn y fangre, a'i gadw am gyhyd ag y mae'r swyddog yn ystyried ei bod yn angenrheidiol at y diben hwnnw;
 - (d) ei gwneud yn ofynnol i unrhyw berson roi gwybodaeth, neu ddarparu cyfleusterau a chymorth mewn cysylltiad â materion sydd o fewn rheolaeth y person.
- (2) Os yw'r swyddog awdurdodedig yn ystyried ei bod yn angenrheidiol at ddiben canfod a yw trosedd o dan adran 38(1), (2) neu (4) wedi ei chyflawni, caiff y swyddog drefnu i unrhyw beth a gyflwynir o dan is-adran (1)(b), neu y mae'r swyddog wedi cymryd meddiant ohono o dan is-adran (1)(c), gael ei ddadansoddi.

- (3) The requirement is that requesting to enter the premises, or the giving of notice of intention to apply for a warrant under this section, is likely to defeat the purpose of the entry.
- (4) The justice may issue a warrant authorising an authorised officer of the local authority to enter the premises, if need be by force.
- (5) The warrant continues in force until the end of the period of 28 days beginning with the date on which it was issued.

43 Supplementary provision about powers of entry

- (1) An authorised officer entering premises under section 40, or by virtue of a warrant under section 41 or 42, may take such other persons and such equipment as the officer considers appropriate.
- (2) If the occupier of premises that an authorised officer is authorised to enter by a warrant under section 41 or 42 is present at the time the authorised officer seeks to execute the warrant –
 - (a) the occupier must be told the officer's name;
 - (b) the officer must produce to the occupier documentary evidence that the officer is an authorised officer;
 - (c) the officer must produce the warrant to the occupier;
 - (d) the officer must supply the occupier with a copy of it.
- (3) If premises that an authorised officer is authorised to enter by a warrant under section 41 or 42 are unoccupied, or if the occupier is temporarily absent, then on leaving the premises the officer must leave them as effectively secured against unauthorised entry as when the officer found them.

44 Powers of inspection etc.

- (1) An authorised officer entering premises under section 40, or by virtue of a warrant under section 41 or 42, may do any of the following if the officer considers it necessary for the purpose of ascertaining whether an offence under section 38(1), (2) or (4) has been committed –
 - (a) carry out inspections and examinations on the premises;
 - (b) require the production of anything on the premises, inspect it, and take and retain samples of or extracts from it;
 - (c) take possession of anything on the premises, and retain it for as long as the officer considers necessary for that purpose;
 - (d) require any person to give information, or afford facilities and assistance with respect to matters within the person's control.
- (2) If the authorised officer considers it necessary for the purpose of ascertaining whether an offence under section 38(1), (2) or (4) has been committed, the officer may arrange for anything produced under subsection (1)(b), or of which the officer has taken possession under subsection (1)(c), to be analysed.

- (3) Os yw'r swyddog awdurdodedig, yn rhinwedd is-adran (1)(c), yn cymryd unrhyw beth o'r fangre, rhaid i'r swyddog adael yn y fangre y cafodd ei gymryd ohoni ddatganiad –
 - (a) sy'n rhoi manylion yr hyn sydd wedi ei gymryd ac sy'n datgan bod y swyddog wedi cymryd meddiant ohono, a
 - (b) sy'n nodi'r person y caniateir gofyn iddo i'r eiddo gael ei ddychwelyd.
- (4) Mae'r pwerau a roddir gan yr adran hon yn cynnwys y pŵer –
 - (a) i gopïo dogfennau y deuir o hyd iddynt yn y fangre;
 - (b) i osod gofynion o ran sut y darperir dogfennau (a gaiff gynnwys gofynion i ddarparu copïau darllenadwy o ddogfennau y deuir o hyd iddynt yn y fangre ac a gedwir yn electronig).
- (5) At y diben hwn, mae "dogfennau" yn cynnwys gwybodaeth sydd wedi ei chofnodi ar unrhyw ffurf; ac mae cyfeiriadau at ddogfennau y deuir o hyd iddynt yn y fangre yn cynnwys –
 - (a) dogfennau a gedwir ar gyfrifiaduron neu ddyfeisiau electronig eraill yn y fangre, a
 - (b) dogfennau a gedwir yn rhywle arall ac y gellir cael mynediad iddynt drwy gyfrifiaduron neu ddyfeisiau electronig eraill yn y fangre.
- (6) Nid yw'r adran hon yn ei gwneud yn ofynnol i berson ateb unrhyw gwestiwn neu gyflwyno unrhyw ddogfen y byddai hawl gan y person i wrthod ei ateb neu wrthod ei chyflwyno mewn achos mewn llys yng Nghymru a Lloegr neu at ddibenion achos o'r fath.

45 Rhwystro etc. swyddogion

- (1) Mae unrhyw berson sy'n rhwystro'n fwriadol swyddog awdurdodedig sy'n arfer swyddogaethau o dan adrannau 40 i 44 yn cyflawni trosedd.
- (2) Mae unrhyw berson sydd, heb achos rhesymol, yn methu –
 - (a) â darparu i swyddog awdurdodedig gyfleusterau y mae'n rhesymol i'r swyddog awdurdodedig ei gwneud yn ofynnol iddynt gael eu darparu at ddiben gofyniad o dan adran 44(1), neu
 - (b) â chydymffurfio â gofyniad o dan adran 44(1)(b) neu (d),
 yn cyflawni trosedd.
- (3) Mae person sy'n euog o drosedd o dan yr adran hon yn agored ar euogfarn ddiannod i ddirwy nad yw'n uwch na lefel 3 ar y raddfa safonol.
- (4) Mae'r adran hon yn ddarostyngedig i adran 44(6).

46 Pŵer i wneud pryniannau prawf

Caiff swyddog awdurdodedig wneud unrhyw bryniannau a threfniadau, a sicrhau y darperir unrhyw wasanaethau, y mae'r swyddog yn ystyried eu bod yn angenrheidiol at ddibenion y Bennod hon.

- (3) If by virtue of subsection (1)(c) the authorised officer takes anything away from the premises, the officer must leave on the premises from which it was taken a statement –
 - (a) giving particulars of what has been taken and stating that the officer has taken possession of it, and
 - (b) identifying the person to whom a request for the return of the property may be made.
- (4) The powers conferred by this section include the power –
 - (a) to copy documents found on the premises;
 - (b) to impose requirements as to how documents are provided (which may include requirements to provide legible copies of documents found on the premises that are stored electronically).
- (5) For this purpose, “documents” includes information recorded in any form; and references to documents found on the premises include –
 - (a) documents stored on computers or other electronic devices on the premises, and
 - (b) documents stored elsewhere that can be accessed by computers or other electronic devices on the premises.
- (6) A person is not required by this section to answer any question or produce any document which the person would be entitled to refuse to answer or produce in or for the purposes of proceedings in a court in England and Wales.

45 Obstruction etc. of officers

- (1) Any person who intentionally obstructs an authorised officer exercising functions under sections 40 to 44 commits an offence.
- (2) Any person who without reasonable cause fails –
 - (a) to provide an authorised officer with facilities that the authorised officer reasonably requires for the purpose of a requirement under section 44(1), or
 - (b) to comply with a requirement under section 44(1)(b) or (d),commits an offence.
- (3) A person guilty of an offence under this section is liable on summary conviction to a fine not exceeding level 3 on the standard scale.
- (4) This section is subject to section 44(6).

46 Power to make test purchases

An authorised officer may make such purchases and arrangements, and secure the provision of such services, as the officer considers necessary for the purposes of this Chapter.

47 Eiddo a gedwir: apelau

- (1) Caiff person ("P") a chanddo fuddiant mewn unrhyw beth yr eir ymaith ag ef o dan adran 44(1)(c) ("eiddo a gedwir") wneud cais drwy gŵyn i unrhyw lys ynadon am orchymyn sy'n ei gwneud yn ofynnol iddo gael ei ryddhau, naill ai i P neu i berson arall.
- (2) Os yw'r llys, ar gais o dan yr adran hon, wedi ei fodloni nad yw'n angenrheidiol parhau i gadw'r eiddo a gedwir at ddiben canfod a yw trosedd o dan adran 38(1), (2) neu (4) wedi ei chyflawni, caiff wneud gorchymyn sy'n ei gwneud yn ofynnol i'r eiddo a gedwir gael ei ryddhau.
- (3) Caiff gorchymyn o dan yr adran hon gynnwys pa ddarpariaeth bynnag y mae'r llys yn meddwl ei bod yn briodol er mwyn gohirio ei ddwyn i rym wrth aros i apêl (gan gynnwys cais o dan adran 111 o Ddeddf Llysoedd Ynadon 1980 (p.43)) gael ei gwneud a dyfarnu arni.
- (4) Os yw'r llys yn gohirio gwrandawriad cais o dan yr adran hon, caiff wneud gorchymyn mewn cysylltiad â'r eiddo a gedwir sy'n para tan wrandawriad terfynol y cais neu hyd nes y gwneir unrhyw orchymyn pellach, os yw'n ystyried ei bod yn briodol gwneud hynny.
- (5) Nid oes dim byd yn yr adran hon sy'n effeithio ar unrhyw bŵer arall sydd gan y llys i wneud gorchymyn mewn cysylltiad â'r eiddo a gedwir, gan gynnwys unrhyw bŵer i wneud gorchymyn o dan adran 1 o Ddeddf yr Heddlu (Eiddo) 1897 (p.30).

48 Eiddo a gyfeddir: digolledu

- (1) Caiff person ("P") a chanddo fuddiant mewn unrhyw beth y mae swyddog awdurdodedig i awdurdod lleol wedi cymryd meddiant ohono o dan adran 44(1)(c) ("eiddo a gyfeddir") wneud cais drwy gŵyn i unrhyw lys ynadon i gael ei ddigolledu.
- (2) Mae is-adran (3) yn gymwys os yw'r llys, ar gais o dan yr adran hon, wedi ei fodloni—
 - (a) bod P wedi dioddef colled neu ddifrod oherwydd bod y swyddog awdurdodedig wedi cymryd meddiant o'r eiddo a gyfeddir, neu ei gadw, o dan amgylchiadau pan nad oedd yn angenrheidiol gwneud hynny at ddiben canfod a oedd trosedd o dan adran 38(1), (2) neu (4) wedi ei chyflawni, a
 - (b) na ellir priodoli'r golled neu'r difrod i esgeulustod neu ddiffyg P.
- (3) Caiff y llys orchymyn i'r awdurdod lleol ddigolledu P.

49 Hysbysiadau cosb benodedig

- (1) Pan fo gan swyddog awdurdodedig reswm dros gredu bod person wedi cyflawni trosedd o dan adran 38(2), (4) neu (5) yn ardal yr awdurdod lleol, caiff y swyddog roi i'r person hwnnw hysbysiad cosb benodedig mewn cysylltiad â'r drosedd.
- (2) Mae hysbysiad cosb benodedig yn hysbysiad sy'n cynnig y cyfle i berson i gael ei ryddhau o fod yn agored i euogfarn am y drosedd y mae'r hysbysiad yn ymwneud â hi drwy dalu cosb benodedig.
- (3) Yn achos trosedd y mae gan swyddog awdurdodedig reswm dros gredu ei bod wedi ei chyflawni gan bartneriaeth, mae'r cyfeiriad yn is-adran (1) at y person y caniateir rhoi hysbysiad cosb benodedig iddo i gael ei drin fel cyfeiriad at y bartneriaeth.

47 Retained property: appeals

- (1) A person (“P”) with an interest in anything taken away under section 44(1)(c) (“retained property”) may apply by way of complaint to any magistrates’ court for an order requiring it to be released, either to P or another person.
- (2) If on an application under this section the court is satisfied that the continued retention of the retained property is not necessary for the purpose of ascertaining whether an offence under section 38(1), (2) or (4) has been committed, it may make an order requiring the release of the retained property.
- (3) An order under this section may contain whatever provision the court thinks appropriate for delaying its coming into force pending the making and determination of an appeal (including an application under section 111 of the Magistrates’ Courts Act 1980 (c.43)).
- (4) If the court adjourns the hearing of an application under this section, it may make an order in respect of the retained property that lasts until the final hearing of the application or until any further order is made, if it considers it appropriate to do so.
- (5) Nothing in this section affects any other power of the court to make an order in respect of the retained property, including any power to make an order under section 1 of the Police (Property) Act 1897 (c.30).

48 Appropriated property: compensation

- (1) A person (“P”) with an interest in anything which an authorised officer of a local authority has taken possession of under section 44(1)(c) (“appropriated property”) may apply by way of complaint to any magistrates’ court for compensation.
- (2) Subsection (3) applies if on an application under this section the court is satisfied that—
 - (a) P has suffered loss or damage in consequence of the authorised officer’s taking possession of the appropriated property, or retaining it, in circumstances where doing so was not necessary for the purpose of ascertaining whether an offence under section 38(1), (2) or (4) had been committed, and
 - (b) the loss or damage is not attributable to the neglect or default of P.
- (3) The court may order the local authority to pay compensation to P.

49 Fixed penalty notices

- (1) Where an authorised officer has reason to believe that a person has committed an offence under section 38(2), (4) or (5) in the local authority’s area, the officer may give that person a fixed penalty notice in respect of the offence.
- (2) A fixed penalty notice is a notice offering a person the opportunity to discharge any liability to conviction for the offence to which the notice relates by paying a fixed penalty.
- (3) In the case of an offence that an authorised officer has reason to believe has been committed by a partnership, the reference in subsection (1) to the person to whom a fixed penalty notice may be given is to be treated as a reference to the partnership.

- (4) Yn achos trosedd y mae gan swyddog awdurdodedig reswm dros gredu ei bod wedi ei chyflawni gan gymdeithas anghorfforedig ac eithrio partneriaeth, mae'r cyfeiriad yn is-adran (1) at y person y caniateir rhoi hysbysiad cosb benodedig iddo i gael ei drin fel cyfeiriad at y gymdeithas.
- (5) Yn yr adran hon, ystyr "partneriaeth" yw –
 - (a) partneriaeth o fewn Deddf Partneriaeth 1890 (p.39), neu
 - (b) partneriaeth gyfyngedig sydd wedi ei chofrestru o dan Ddeddf Partneriaethau Cyfyngedig 1907 (p.24).
- (6) Am ddarpariaeth bellach ynghylch cosbau penodedig, gweler Atodlen 1.

Dehongli

50 Dehongli'r Bennod hon

- (1) Yn y Bennod hon –

ystyr "awdurdod cofrestru" ("*registration authority*") yw'r person a bennir mewn rheoliadau a wneir o dan adran 30(2);

mae i "busnes tybaco neu nicotin" ("*tobacco or nicotine business*") yr ystyr a roddir yn adran 30(3);

mae i "cofrestredig" ac "wedi ei gofrestru" ("*registered*") yr ystyr a roddir yn adran 30(7);

ystyr "enw masnachu" ("*trading name*") yw enw y mae person yn cynnal busnes tybaco neu nicotin odano;

ystyr "y gofrestr" ("*the register*") yw'r gofrestr a gynhelir o dan adran 30(1);

mae "mangre" ("*premises*") yn cynnwys unrhyw fan ac unrhyw strwythur symudol, stonidin, pabell neu gerbyd (ac eithrio trê, cwch neu long, awyren neu hofrenfad);

ystyr "partneriaeth atebolrwydd cyfyngedig" ("*limited liability partnership*") yw partneriaeth atebolrwydd cyfyngedig sydd wedi ei ffurfio o dan Ddeddf Partneriaethau Atebolrwydd Cyfyngedig 2000 (p.12);

mae i "swyddog awdurdodedig" ("*authorised officer*") yr ystyr a roddir yn adran 39;

mae "tybaco" ("*tobacco*") yn cynnwys sigarêts, unrhyw gynnyrch sy'n cynnwys tybaco ac y bwriedir ei ddefnyddio drwy'r geg neu'r trwyn, a chymysgeddau ysmegu y bwriedir eu defnyddio yn lle tybaco; ac mae "sigarét" ("*cigarette*") yn cynnwys tybaco sydd wedi ei dorri ac sydd wedi ei rollo mewn papur, deilen dybaco, neu ddeunydd arall ar ffurf fel bod modd ei ddefnyddio ar unwaith i'w ysmegu.
- (2) Ystyr "cynnyrch nicotin", at ddibenion y Bennod hon, yw cynnyrch neu ddisgrifiad o gynnyrch a bennir mewn rheoliadau, ond nid yw'r canlynol i gael eu trin fel pe baent yn gynhyrchion nicotin –
 - (a) tybaco;
 - (b) papurau sigarêts;

- (4) In the case of an offence that an authorised officer has reason to believe has been committed by an unincorporated association other than a partnership, the reference in subsection (1) to the person to whom a fixed penalty notice may be given is to be treated as a reference to the association.
- (5) In this section, “partnership” means –
 - (a) a partnership within the Partnership Act 1890 (c.39), or
 - (b) a limited partnership registered under the Limited Partnerships Act 1907 (c.24).
- (6) For further provision about fixed penalties, see Schedule 1.

Interpretation

50 Interpretation of this Chapter

- (1) In this Chapter –
 - “authorised officer” (“*swyddog awdurdodedig*”) has the meaning given in section 39;
 - “limited liability partnership” (“*partneriaeth atebolrwydd cyfyngedig*”) means a limited liability partnership formed under the Limited Liability Partnerships Act 2000 (c.12);
 - “premises” (“*mangre*”) includes any place and any moveable structure, stall, tent or vehicle (other than a train, vessel, aircraft or hovercraft);
 - “the register” (“*y gofrestr*”) means the register maintained under section 30(1);
 - “registered” (“*cofrestredig*” and “*wedi ei gofrestru*”) has the meaning given in section 30(7);
 - “registration authority” (“*awdurdod cofrestru*”) means the person specified in regulations made under section 30(2);
 - “tobacco” (“*tybaco*”) includes cigarettes, any product containing tobacco and intended for oral or nasal use, and smoking mixtures intended as a substitute for tobacco; and “cigarette” (“*sigarét*”) includes cut tobacco rolled up in paper, tobacco leaf, or other material in such form as to be capable of immediate use for smoking;
 - “tobacco or nicotine business” (“*busnes tybaco neu nicotin*”) has the meaning given in section 30(3);
 - “trading name” (“*enw masnachu*”) means a name under which a person carries on a tobacco or nicotine business.
- (2) “Nicotine product”, for the purposes of this Chapter, means a product or description of product specified in regulations, but the following are not to be treated as being nicotine products –
 - (a) tobacco;
 - (b) cigarette papers;

- (c) unrhyw ddyfais y bwriedir ei defnyddio i gymryd tybaco sydd wedi ei danio.

PENNOD 3

GWAHARDDIAD AR WERTHU TYBACO A CHYNHYRCHION NICOTIN

51 Gorchmynion mangre o dan gyfyngiad: trosedd o ran tybaco neu nicotin

Yn adran 12D o Ddeddf Plant a Phobl Ifanc 1933 (p.12), ar ôl is-adran (1) mewnosoder—

- “(1A) In section 12A a “tobacco or nicotine offence” also means an offence specified in regulations made by the Welsh Ministers which is committed on any premises in Wales (which are accordingly “the premises in relation to which the offence is committed”).
- (1B) An offence may be specified in regulations under subsection (1A) only if—
- (a) the Welsh Ministers are satisfied that the offence is one that relates to the supply, sale, transport, display, offer for sale, advertising or possession of tobacco or nicotine products, and
 - (b) in the case of an offence that is triable only summarily, it is punishable by a fine of an amount corresponding to, or greater than, level 4 on the standard scale.
- (1C) Regulations under subsection (1A) may include incidental, consequential or transitional provision.
- (1D) Before making regulations under subsection (1A), the Welsh Ministers must—
- (a) consider whether there are persons who appear to be representative of the interests of those likely to have an interest in the regulations (“representative persons”), and
 - (b) carry out consultation with any representative persons whom the Welsh Ministers consider it appropriate to consult.
- (1E) The power of the Welsh Ministers to make regulations under subsection (1A) is exercisable by statutory instrument.
- (1F) A statutory instrument containing regulations made by the Welsh Ministers under subsection (1A) may not be made unless a draft of the instrument has been laid before, and approved by resolution of, the National Assembly for Wales.”

PENNOD 4

RHOI TYBACO ETC. I BERSONAU O DAN 18 OED

52 Y drosedd o roi tybaco etc. i bersonau o dan 18 oed

- (1) Mae person (“A”) yn cyflawni trosedd—

- (c) any device which is intended to be used for the consumption of lit tobacco.

CHAPTER 3

PROHIBITION ON SALE OF TOBACCO AND NICOTINE PRODUCTS

51 **Restricted premises orders: tobacco or nicotine offence**

In section 12D of the Children and Young Persons Act 1933 (c.12), after subsection (1) insert—

- “(1A) In section 12A a “tobacco or nicotine offence” also means an offence specified in regulations made by the Welsh Ministers which is committed on any premises in Wales (which are accordingly “the premises in relation to which the offence is committed”).
- (1B) An offence may be specified in regulations under subsection (1A) only if—
- (a) the Welsh Ministers are satisfied that the offence is one that relates to the supply, sale, transport, display, offer for sale, advertising or possession of tobacco or nicotine products, and
 - (b) in the case of an offence that is triable only summarily, it is punishable by a fine of an amount corresponding to, or greater than, level 4 on the standard scale.
- (1C) Regulations under subsection (1A) may include incidental, consequential or transitional provision.
- (1D) Before making regulations under subsection (1A), the Welsh Ministers must—
- (a) consider whether there are persons who appear to be representative of the interests of those likely to have an interest in the regulations (“representative persons”), and
 - (b) carry out consultation with any representative persons whom the Welsh Ministers consider it appropriate to consult.
- (1E) The power of the Welsh Ministers to make regulations under subsection (1A) is exercisable by statutory instrument.
- (1F) A statutory instrument containing regulations made by the Welsh Ministers under subsection (1A) may not be made unless a draft of the instrument has been laid before, and approved by resolution of, the National Assembly for Wales.”

CHAPTER 4

HANDING OVER TOBACCO ETC. TO PERSONS UNDER 18

52 **Offence of handing over tobacco etc. to persons under 18**

- (1) A person (“A”) commits an offence if—

- (a) os yw A, mewn cysylltiad â threfniadau o dan adran 53, yn rhoi yng Nghymru dybaco, papurau sigarêts neu gynhyrchion nicotin i berson o dan 18 oed (“B”),
 - (b) os nad yw’r rhoi yn digwydd naill ai –
 - (i) yng nghwrs crefft, proffesiwn, busnes neu gyflogaeth B, neu
 - (ii) yng ngŵydd person arall sy’n 18 oed neu’n hŷn,
 - (c) os yw A, ar adeg y rhoi, yn gwybod bod tybaco neu bapurau sigarêts neu gynhyrchion nicotin (pa un bynnag sy’n gymwys) yn cael eu rhoi, ac
 - (d) pan roddir y tybaco, y papurau sigarêts neu’r cynhyrchion nicotin, os nad ydynt mewn pecyn –
 - (i) sydd wedi ei selio, a
 - (ii) sydd â chyfeiriad arno, at ddiben ei ddanfôn i’r cyfeiriad hwnnw yn unol â threfniadau o fewn adran 53.
- (2) Ystyr “pecyn” yn is-adran (1)(d) yw pecyn yn ychwanegol at y pecyn gwreiddiol y mae’r tybaco, y papurau sigarêts neu’r cynhyrchion nicotin wedi eu cyflenwi ynddo at ddiben eu gwerthu drwy fanwerthu gan eu gwneuthurwr neu eu mewnofiwr.
- (3) Mae person sy’n euog o drosedd o dan yr adran hon yn agored ar euogfarn ddiannod i ddirwy nad yw’n uwch na lefel 4 ar y raddfa safonol.
- (4) Pan fo person (“y cyhuddedig”) wedi ei gyhuddo o drosedd o dan yr adran hon oherwydd ymddygiad y cyhuddedig ei hun (ac eithrio yn rhinwedd adran 44 o Ddeddf Llysoedd Ynadon 1980 (p.43) (helpwyr ac anogwyr)) mae’n amddiffyniad i’r cyhuddedig ddangos –
- (a) bod y cyhuddedig yn credu, pan ddigwyddodd y rhoi, fod y person y rhoddwyd y tybaco, y papurau sigarêts neu’r cynhyrchion nicotin iddo, neu berson arall a oedd yn bresennol ar adeg y rhoi, yn 18 oed neu’n hŷn, a
 - (b) naill ai –
 - (i) bod y cyhuddedig wedi cymryd camau rhesymol i gadarnhau oedran y person hwnnw, neu
 - (ii) na allai neb fod wedi amau’n rhesymol o olwg y person hwnnw fod y person o dan 18 oed.
- (5) At ddibenion is-adran (4)(b), mae’r cyhuddedig i gael ei drin fel pe bai wedi cymryd camau rhesymol i gadarnhau oedran person –
- (a) os gofynnodd y cyhuddedig i’r person hwnnw am dystiolaeth o oedran y person hwnnw, a
 - (b) pe bai’r dystiolaeth wedi argyhoeddi person rhesymol.
- (6) Pan fo person wedi ei gyhuddo o drosedd o dan yr adran hon oherwydd gweithred neu ddiffyg person arall, neu yn rhinwedd cymhwyso adran 44 o Ddeddf Llysoedd Ynadon 1980 (p.43) (helpwyr ac anogwyr), mae’n amddiffyniad dangos i’r person gymryd rhagofalon rhesymol ac arfer diwydrwydd dyladwy i osgoi cyflawni’r drosedd.
- (7) Yn yr adran hon, ystyr “cyflogaeth” yw unrhyw gyflogaeth, pa un ai â thâl neu’n ddi-dâl, ac mae’n cynnwys –
- (a) gwaith o dan contract am wasanaethau neu fel deiliad swydd, a

- (a) in connection with arrangements under section 53, A hands over in Wales tobacco, cigarette papers or nicotine products to a person aged under 18 (“B”),
 - (b) the handing over does not take place either –
 - (i) in the course of B’s trade, profession, business or employment, or
 - (ii) in the presence of another person who is aged 18 or over,
 - (c) at the time of the handing over, A knows that tobacco or cigarette papers or nicotine products (whichever is the case) are being handed over, and
 - (d) when handed over, the tobacco, cigarette papers or nicotine products are not contained in a package that –
 - (i) is sealed, and
 - (ii) has an address on it, for the purpose of its delivery to that address in accordance with arrangements within section 53.
- (2) “Package” in subsection (1)(d) means a package in addition to the original package in which the tobacco, cigarette papers or nicotine products were supplied for the purpose of retail sale by their manufacturer or importer.
- (3) A person guilty of an offence under this section is liable on summary conviction to a fine not exceeding level 4 on the standard scale.
- (4) Where a person (“the accused”) is charged with an offence under this section by reason of the accused’s own conduct (and otherwise than by virtue of section 44 of the Magistrates’ Courts Act 1980 (c.43) (aiders and abettors)) it is a defence for the accused to show –
- (a) that the accused believed, when the handing over took place, that the person to whom the tobacco, cigarette papers or nicotine products were handed over, or another person present at the time of the handing over, was aged 18 or over, and
 - (b) either –
 - (i) that the accused had taken reasonable steps to establish the age of that person, or
 - (ii) that nobody could reasonably have suspected from that person’s appearance that the person was aged under 18.
- (5) For the purposes of subsection (4)(b), the accused is to be treated as having taken reasonable steps to establish the age of a person if –
- (a) the accused asked that person for evidence of that person’s age, and
 - (b) the evidence would have convinced a reasonable person.
- (6) Where a person is charged with an offence under this section by reason of the act or default of another person, or by virtue of the application of section 44 of the Magistrates’ Courts Act 1980 (c.43) (aiders and abettors), it is a defence to show that the person took reasonable precautions and exercised due diligence to avoid committing the offence.
- (7) In this section, “employment” means any employment, whether paid or unpaid, and includes –
- (a) work under a contract for services or as an office holder, and

- (b) profiad gwaith a ddarperir yn unol â chwrs neu raglen hyfforddi neu yng nghwrs hyfforddiant ar gyfer cyflogaeth.

53 Trefniadau mewn cysylltiad â rhoi tybaco etc.

- (1) Mae trefniadau o fewn yr adran hon os ydynt, mewn perthynas â rhoi tybaco, papurau sigarêts neu gynhyrchion nicotin—
 - (a) yn drefniadau i'r tybaco, y papurau sigarêts neu'r cynhyrchion nicotin gael eu danfon i fangre yng Nghymru, a
 - (b) wedi eu gwneud mewn cysylltiad â gwerthu'r tybaco, y papurau sigarêts neu'r cynhyrchion nicotin o dan sylw.
- (2) Mae trefniadau hefyd o fewn yr adran hon os ydynt, mewn perthynas â rhoi tybaco, papurau sigarêts neu gynhyrchion nicotin—
 - (a) yn drefniadau i'r tybaco, y papurau sigarêts neu'r cynhyrchion nicotin gael eu casglu o fangre yng Nghymru, a
 - (b) wedi eu gwneud mewn cysylltiad â gwerthu'r tybaco, y papurau sigarêts neu'r cynhyrchion nicotin o dan sylw.
- (3) Ond nid yw is-adran (2) ond yn gymwys pan fo'r gwerthiant o dan sylw yn cael ei gyflawni dros y ffôn, dros y rhyngwyd neu drwy unrhyw fath arall o dechnoleg electronig neu dechnoleg arall.

54 Gorfodi

Yn adran 5 o Ddeddf Plant a Phobl Ifanc (Amddiffyn rhag Tybaco) 1991 (p.23) (camau gorfodi gan awdurdodau lleol yng Nghymru a Lloegr), yn is-adran (1)(a), ar ôl "persons under 18" mewnosoder ", and in the case of a local authority in Wales, section 52 of the Public Health (Wales) Act 2017 (offence of handing over tobacco etc. to persons under 18)".

55 Dehongli'r Bennod hon

Yn y Bennod hon—

ystyr "cynnyrch nicotin" ("*nicotine product*") yw cynnyrch nicotin y gwaherddir ei werthu am y tro mewn cysylltiad â'r person y'i rhoddir iddo drwy reoliadau o dan adran 92 o Ddeddf Plant a Theuluoedd 2014 (p.6) (gwahardd gwerthu cynhyrchion i bersonau o dan 18 oed);

mae "tybaco" ("*tobacco*") yn cynnwys sigarêts, unrhyw gynnyrch sy'n cynnwys tybaco ac y bwriedir ei ddefnyddio drwy'r geg neu'r trwyn, a chymysgeddau ysmegu y bwriedir eu defnyddio yn lle tybaco; ac mae "sigarét" ("*cigarette*") yn cynnwys tybaco sydd wedi ei dorri ac sydd wedi ei rollo mewn papur, deilen dybaco, neu ddeunydd arall ar ffurf fel bod modd ei ddefnyddio ar unwaith i'w ysmegu.

- (b) work experience provided pursuant to a training course or programme or in the course of training for employment.

53 Arrangements in connection with handing over tobacco etc.

- (1) Arrangements are within this section if, in relation to the handing over of tobacco, cigarette papers or nicotine products –
 - (a) they are arrangements for the tobacco, cigarette papers or nicotine products to be delivered to premises in Wales, and
 - (b) they are made in connection with the sale of the tobacco, cigarette papers or nicotine products concerned.
- (2) Arrangements are also within this section if, in relation to the handing over of tobacco, cigarette papers or nicotine products –
 - (a) they are arrangements for the tobacco, cigarette papers or nicotine products to be collected from premises in Wales, and
 - (b) they are made in connection with the sale of the tobacco, cigarette papers or nicotine products concerned.
- (3) But subsection (2) applies only where the sale concerned is effected by telephone, the internet or any other kind of electronic or other technology.

54 Enforcement

In section 5 of the Children and Young Persons (Protection from Tobacco) Act 1991 (c.23) (enforcement action by local authorities in England and Wales), in subsection (1)(a), after “persons under 18” insert “, and in the case of a local authority in Wales, section 52 of the Public Health (Wales) Act 2017 (offence of handing over tobacco etc. to persons under 18)”.

55 Interpretation of this Chapter

In this Chapter –

“nicotine product” (“*cynnyrch nicotin*”) means a nicotine product the sale of which is for the time being prohibited in respect of the person to whom it is handed over by regulations under section 92 of the Children and Families Act 2014 (c.6) (prohibition of sale of products to persons under 18);

“tobacco” (“*tybaco*”) includes cigarettes, any product containing tobacco and intended for oral or nasal use, and smoking mixtures intended as a substitute for tobacco; and “cigarette” (“*sigarét*”) includes cut tobacco rolled up in paper, tobacco leaf, or other material in such form as to be capable of immediate use for smoking.

RHAN 4**TRINIAETHAU ARBENNIG***Cyflwyniad***56 Trosolwg o'r Rhan hon**

- (1) Mae'r Rhan hon yn darparu ei bod yn ofynnol i unigolion penodol sy'n rhoi triniaethau arbennig (gweler adran 57) yng Nghymru gael eu trwyddedu i wneud hynny gan awdurdod lleol os nad ydynt wedi eu hesemptio (gweler adran 60).
- (2) Mae adran 62 yn gwneud darpariaeth ar gyfer y meini prawf sydd i gael eu bodloni er mwyn i gais am drwydded gael ei ganiatáu.
- (3) Mae adran 63 yn gwneud darpariaeth ynghylch yr amodau y bydd trwydded yn ddarostyngedig iddynt.
- (4) Mae adrannau 65 i 68 yn nodi'r weithdrefn ar gyfer gwneud cais am drwydded ac ar gyfer dirymu trwydded; ac mae adran 75 yn darparu bod rhaid i awdurdod lleol gynnal cofrestr o'r unigolion hynny sydd wedi eu trwyddedu.
- (5) Mae adrannau 69 i 74 yn gwneud darpariaeth ynghylch cymeradwyo mangre y rhoddir triniaeth arbennig ynnddi neu gerbyd y rhoddir triniaeth arbennig ynndo.
- (6) Mae adran 76 yn galluogi awdurdod lleol i godi ffioedd mewn perthynas â thrwyddedau triniaeth arbennig a chymeradwyaethau i fangreoedd a cherbydau.
- (7) Mae adrannau 77 i 81 yn gwneud darpariaeth ynghylch hysbysiadau y caiff awdurdod lleol eu cyflwyno yn achos torri gofynion y Rhan hon, ynghylch cydymffurfio â hysbysiadau ac ynghylch apelau.
- (8) Mae adran 82 yn gwneud darpariaeth ynghylch troseddau o dan y Rhan hon.
- (9) Mae adrannau 83 i 90 yn gwneud darpariaeth gyffredinol ynghylch pwerau awdurdodau lleol i orfodi gofynion y Rhan hon, ac mae adrannau 91 a 92 yn gwneud darpariaeth ynghylch eiddo a gedwir o dan y Rhan hon.

*Ystyr triniaeth arbennig***57 Beth yw triniaeth arbennig?**

Mae pob un o'r triniaethau a ganlyn yn driniaeth arbennig at ddibenion y Rhan hon—

- (a) aciwbigo;
- (b) tyllu'r corff;
- (c) electrolysis;
- (d) tatwio.

*Rhoi triniaeth arbennig: gofyniad trwyddedu***58 Gofyniad i unigolyn sy'n rhoi triniaeth arbennig gael ei drwyddedu**

- (1) Mae'r gofynion a ganlyn yn gymwys mewn cysylltiad â rhoi triniaeth arbennig yng Nghymru.

PART 4

SPECIAL PROCEDURES

Introduction

56 Overview of this Part

- (1) This Part provides that certain individuals who perform special procedures (see section 57) in Wales are required to be licensed to do so by a local authority unless they are exempt (see section 60).
- (2) Section 62 makes provision for criteria that are to be met for an application for a licence to be granted.
- (3) Section 63 makes provision about the conditions to which a licence will be subject.
- (4) Sections 65 to 68 set out the procedure for applying for a licence and for revoking a licence; and section 75 provides that a local authority must maintain a register of those individuals who are licensed.
- (5) Sections 69 to 74 make provision about approval of premises at which, or a vehicle in which, a special procedure is performed.
- (6) Section 76 enables a local authority to charge fees in relation to special procedure licences and approvals of premises and vehicles.
- (7) Sections 77 to 81 make provision about notices that may be served by a local authority in the case of a breach of the requirements of this Part, about compliance with notices and about appeals.
- (8) Section 82 makes provision about offences under this Part.
- (9) Sections 83 to 90 make general provision about the powers of local authorities to enforce the requirements of this Part, and sections 91 and 92 make provision about property retained under this Part.

Meaning of special procedure

57 What is a special procedure?

Each of the following is a special procedure for the purposes of this Part—

- (a) acupuncture;
- (b) body piercing;
- (c) electrolysis;
- (d) tattooing.

Performance of special procedure: licensing requirement

58 Requirement for individual performing special procedure to be licensed

- (1) The following requirements apply in respect of the performance of a special procedure in Wales.

- (2) Rhaid i unigolyn sy'n rhoi triniaeth arbennig i rywun arall yng nghwrs busnes wneud hynny o dan awdurdod trwydded triniaeth arbennig, oni bai bod yr unigolyn sy'n rhoi'r driniaeth wedi ei esemptio o'r gofyniad i gael ei drwyddedu mewn cysylltiad â'r driniaeth honno.
- (3) Rhaid i unigolyn sydd wedi ei ddynodi o dan adran 61 sy'n rhoi triniaeth arbennig i rywun arall wneud hynny o dan awdurdod trwydded triniaeth arbennig, pa un a roddir y driniaeth yng nghwrs busnes ai peidio.
- (4) Am ddarpariaeth ynghylch esemptiad o'r gofyniad i gael trwydded, gweler adran 60.

59 Darpariaeth gyffredinol ynghylch trwyddedau triniaeth arbennig

- (1) Mae trwydded triniaeth arbennig yn drwydded a ddyroddir gan awdurdod lleol o dan y Rhan hon.
- (2) At ddibenion y Rhan hon, mae trwydded triniaeth arbennig yn awdurdodi i'r driniaeth arbennig (neu'r triniaethau arbennig hynny) a bennir yn y drwydded gael ei rhoi yng Nghymru gan ddeiliad y drwydded.
- (3) Ond nid yw trwydded i gael ei thrin at ddibenion y Rhan hon fel pe bai'n awdurdodi i driniaeth arbennig gael ei rhoi mewn mangre neu mewn cerbyd yng Nghymru sydd naill ai wedi ei meddiannu neu ei feddiannu gan, neu sydd i unrhyw raddau yn cael ei rheoli neu ei reoli gan, neu sydd i unrhyw raddau o dan reolaeth—
 - (a) yr unigolyn sy'n rhoi'r driniaeth ("P"), neu
 - (b) pan fo P yn rhoi'r driniaeth o dan gontract gwasanaeth neu brentisiaeth, neu gontract am wasanaethau â pherson arall ("E"), E,
 oni bai bod yr amodau yn is-adran (4) wedi eu bodloni.
- (4) Yr amodau yw bod y fangre neu'r cerbyd—
 - (a) wedi ei nodi yn y drwydded, a
 - (b) wedi ei chymeradwyo neu wedi ei gymeradwyo o dan adran 70 mewn cysylltiad â'r driniaeth.
- (5) Ond nid yw is-adran (3) yn gymwys os nad yw'r gofyniad yn adran 69(2) (triniaeth i gael ei chynnal mewn mangre neu gerbyd a gymeradwywyd yn unig), yn rhinwedd rheoliadau o dan adran 69(8), yn gymwys mewn cysylltiad â'r fangre neu'r cerbyd o dan sylw.
- (6) Mae'r cyfnod pan yw trwydded triniaeth arbennig yn awdurdodi i driniaeth arbennig gael ei rhoi i gael ei bennu yn y drwydded, a rhaid i'r cyfnod naill ai—
 - (a) bod yn gyfnod nad yw'n hwy na saith niwrnod, sy'n dechrau â dyddiad a bennir yn y drwydded, neu
 - (b) bod yn gyfnod o dair blynedd, sy'n dechrau â dyddiad dyroddi'r drwydded.
- (7) Am ddarpariaeth ynghylch ceisiadau am drwyddedau triniaeth arbennig, ac ynghylch amrywio, adnewyddu a dirymu trwyddedau triniaeth arbennig, gweler Atodlen 3.
- (8) Yn y Rhan hon—
 - (a) mae cyfeiriadau at gyfnod y drwydded, mewn perthynas â thrwydded triniaeth arbennig, yn gyfeiriadau at y cyfnod pan yw'r drwydded yn awdurdodi i driniaeth arbennig gael ei rhoi;

- (2) An individual who performs a special procedure on someone else in the course of a business must do so under the authority of a special procedure licence, unless the individual performing the procedure is exempt from the requirement to be licensed in respect of that procedure.
- (3) An individual designated under section 61 who performs a special procedure on someone else must do so under the authority of a special procedure licence, whether or not the procedure is performed in the course of a business.
- (4) For provision about exemption from the requirement to be licensed, see section 60.

59 General provision about special procedure licences

- (1) A special procedure licence is a licence issued by a local authority under this Part.
- (2) For the purposes of this Part, a special procedure licence authorises the performance in Wales by the licence holder of the special procedure (or those special procedures) specified in the licence.
- (3) But a licence is not to be treated for the purposes of this Part as authorising the performance of a special procedure at premises or in a vehicle in Wales either occupied by, or to any extent under the management or control –
 - (a) of the individual performing the procedure (“P”), or
 - (b) where P performs the procedure under a contract of service or apprenticeship, or a contract for services with another person (“E”), of E,unless the conditions in subsection (4) are met.
- (4) The conditions are that the premises or vehicle –
 - (a) are identified in the licence, and
 - (b) are approved under section 70 in respect of the procedure.
- (5) But subsection (3) does not apply if, by virtue of regulations under section 69(8), the requirement in section 69(2) (procedure to be carried on only in approved premises or vehicle) does not apply in respect of the premises or vehicle concerned.
- (6) The period during which a special procedure licence authorises the performance of a special procedure is to be specified in the licence, and must be either –
 - (a) a period of no more than seven days, beginning with a date specified in the licence, or
 - (b) a period of three years, beginning with the date of the issue of the licence.
- (7) For provision about applications for special procedure licences, and about varying, renewing and revoking special procedure licences, see Schedule 3.
- (8) In this Part –
 - (a) references to the licence period, in relation to a special procedure licence, are to the period during which the licence authorises the performance of a special procedure;

- (b) mae cyfeiriadau at ddeiliad y drwydded, mewn perthynas â thrwydded triniaeth arbennig, yn gyfeiriadau at yr unigolyn y dyroddir y drwydded iddo;
- (c) mae cyfeiriadau at drwydded dros dro yn gyfeiriadau at drwydded sy'n awdurdodi i driniaeth arbennig gael ei rhoi am gyfnod nad yw'n hwy na saith niwrnod.

Esemptiad o'r gofyniad i gael trwydded

60 Unigolion sydd wedi eu hesemptio

- (1) Mae unigolyn sy'n aelod o broffesiwn o fewn is-adran (2) i gael ei drin fel pe bai wedi ei esemptio o'r gofyniad i gael ei drwyddedu mewn cysylltiad â phob triniaeth arbennig ac eithrio unrhyw driniaeth arbennig a bennir at y diben hwn mewn rheoliadau neu o dan reoliadau mewn cysylltiad ag aelodau o'r proffesiwn hwnnw.
- (2) Mae proffesiwn o fewn yr is-adran hon yn broffesiwn sy'n cael ei reoleiddio gan gorff a grybwyllir ym mharagraffau (a) i (ga) o adran 25(3) o Ddeddf Diwygio'r Gwasanaeth Iechyd Gwladol a Phroffesiynau Gofal Iechyd 2002 (p.17).
- (3) Caiff rheoliadau ddarparu bod unigolyn –
 - (a) sy'n aelod o broffesiwn nad yw o fewn is-adran (2) ond a bennir yn y rheoliadau neu o dan y rheoliadau, neu sy'n weithiwr o ddisgrifiad a bennir yn y rheoliadau neu o dan y rheoliadau, a
 - (b) sydd wedi ei gofrestru, yn rhinwedd bod yn aelod o'r proffesiwn hwnnw neu'n weithiwr o'r disgrifiad hwnnw, mewn cofrestr gymhwysol,
 i gael ei drin fel pe bai wedi ei esemptio o'r gofyniad i gael ei drwyddedu mewn cysylltiad â pha driniaeth arbennig bynnag a bennir at y diben hwn, yn y rheoliadau neu o dan y rheoliadau, mewn cysylltiad ag aelodau o'r proffesiwn hwnnw neu weithwyr o'r disgrifiad hwnnw.
- (4) Mae pob un o'r cofrestrau a ganlyn yn gofrestr gymhwysol –
 - (a) cofrestr a gynhelir gan y Cyngor Proffesiynau Iechyd a Gofal a bennir mewn rheoliadau neu o dan reoliadau;
 - (b) cofrestr wirfoddol sydd –
 - (i) wedi ei hachredu gan yr Awdurdod Safonau Proffesiynol ar gyfer Iechyd a Gofal Cymdeithasol o dan adran 25G o Ddeddf Diwygio'r Gwasanaeth Iechyd Gwladol a Phroffesiynau Gofal Iechyd 2002 (p.17), a
 - (ii) wedi ei phennu mewn rheoliadau neu o dan reoliadau.
- (5) Caiff rheoliadau o dan yr adran hon wneud darpariaeth wahanol at ddibenion gwahanol gan gynnwys (ymhlith pethau eraill) mewn cysylltiad â disgrifiadau gwahanol o unigolyn.

- (b) references to the licence holder, in relation to a special procedure licence, are to the individual to whom the licence is issued;
- (c) references to a temporary licence are to a licence that authorises the performance of a special procedure for a period of no more than seven days.

Exemption from requirement to be licensed

60 Exempted individuals

- (1) An individual who is a member of a profession within subsection (2) is to be treated as being exempt from the requirement to be licensed in respect of each special procedure other than any special procedure that is specified for this purpose in or under regulations in respect of members of that profession.
- (2) A profession within this subsection is one that is regulated by a body mentioned in paragraphs (a) to (ga) of section 25(3) of the National Health Service Reform and Health Care Professions Act 2002 (c.17).
- (3) Regulations may provide that an individual –
 - (a) who is a member of a profession that is not within subsection (2) but which is specified in or under the regulations, or who is a worker of a description specified in or under the regulations, and
 - (b) who is registered, in the capacity of a member of that profession or a worker of that description, in a qualifying register,is to be treated as being exempt from the requirement to be licensed in respect of whatever special procedure is specified for this purpose, in or under the regulations, in respect of members of that profession or workers of that description.
- (4) Each of the following is a qualifying register –
 - (a) a register maintained by the Health and Care Professions Council that is specified in or under regulations;
 - (b) a voluntary register that is –
 - (i) accredited by the Professional Standards Authority for Health and Social Care under section 25G of the National Health Service Reform and Health Care Professions Act 2002 (c.17), and
 - (ii) specified in or under regulations.
- (5) Regulations under this section may make different provision for different purposes including (among other things) in respect of different descriptions of individual.

*Dynodi at ddibenion gofyniad trwyddedu***61 Dynodi unigolyn at ddibenion adran 58(3)**

- (1) Os yw'r amod yn is-adran (2) wedi ei fodloni, caiff awdurdod lleol roi hysbysiad o dan yr is-adran hon i unigolyn ("P"), sy'n dynodi P at ddibenion adran 58(3) mewn cysylltiad â thriniaeth arbennig a bennir yn yr hysbysiad.
- (2) Yr amod yw bod yr awdurdod wedi ei fodloni –
 - (a) bod P yn debygol o roi'r driniaeth i rywun arall yng Nghymru,
 - (b) bod y driniaeth fel y mae'n debygol o gael ei rhoi gan P yn y fath fodd yn peri risg sylweddol, neu y gallai beri risg sylweddol, o niwed i iechyd dynol, ac
 - (c) er mwyn dileu neu leihau'r risg honno, ei bod yn briodol ei gwneud yn ofynnol i P gydymffurfio â'r gofyniad yn adran 58(3).
- (3) Rhaid i hysbysiad o dan is-adran (1) –
 - (a) esbonio pam y mae'r awdurdod wedi penderfynu dynodi P,
 - (b) pennu'r dyddiad gan ddechrau ag ef y mae'r dynodiad i gymryd effaith, ac
 - (c) gwahardd P rhag rhoi'r driniaeth arbennig o dan sylw, o ddechrau'r dyddiad hwnnw, ac eithrio o dan awdurdod trwydded triniaeth arbennig.
- (4) Rhaid i'r hysbysiad hefyd ddatgan –
 - (a) y caiff P apelio o dan baragraff 18 o Atodlen 3 yn erbyn y penderfyniad, a
 - (b) y cyfnod y caniateir i apêl gael ei dwyn ynddo.
- (5) Caniateir i'r dyddiad a bennir o dan is-adran (3)(b) fod yn ddyddiad yr hysbysiad, neu'n ddyddiad ar ôl hynny.
- (6) Mae cyfeiriadau yn y Rhan hon at driniaeth arbennig y dynodir unigolyn mewn cysylltiad â hi yn gyfeiriadau at y driniaeth a bennir yn yr hysbysiad o dan yr adran hon sy'n dynodi'r unigolyn.
- (7) Caiff awdurdod lleol dynnu'n ôl ddynodiad o dan is-adran (1).
- (8) Os yw awdurdod lleol yn tynnu'n ôl ddynodiad unigolyn o dan is-adran (1), rhaid iddo roi hysbysiad o hyn i'r unigolyn, sy'n pennu –
 - (a) y rhesymau dros dynnu'r dynodiad yn ôl;
 - (b) y dyddiad, pan ddaw i ben, y mae tynnu'r dynodiad yn ôl i gymryd effaith.
- (9) Os tynnir yn ôl ddynodiad unigolyn o dan is-adran (1) mewn cysylltiad â thriniaeth arbennig, mae'r gwaharddiad a osodir o dan is-adran (3)(c) mewn cysylltiad â'r driniaeth honno yn peidio â chael effaith pan ddaw'r dyddiad a bennir o dan is-adran (8)(b) i ben.

*Designation for purposes of licensing requirement***61 Designation of individual for the purposes of section 58(3)**

- (1) If the condition in subsection (2) is met, a local authority may give notice under this subsection to an individual (“P”), designating P for the purposes of section 58(3) in respect of a special procedure specified in the notice.
- (2) The condition is that the authority is satisfied that—
 - (a) P is likely to perform the procedure on someone else in Wales,
 - (b) the procedure as likely to be so performed by P presents or could present significant risk of harm to human health, and
 - (c) in order to remove or reduce that risk, it is appropriate to subject P to the requirement in section 58(3).
- (3) Notice under subsection (1) must—
 - (a) explain why the authority has decided to designate P,
 - (b) specify the date beginning with which the designation is to take effect, and
 - (c) prohibit P from performing the special procedure in question, as from the beginning of that date, otherwise than under the authority of a special procedure licence.
- (4) The notice must also state—
 - (a) that P may appeal under paragraph 18 of Schedule 3 against the decision, and
 - (b) the period within which an appeal may be brought.
- (5) The date specified under subsection (3)(b) may be the date of the notice, or a subsequent date.
- (6) References in this Part to a special procedure in respect of which an individual is designated are to the procedure specified in the notice under this section designating the individual.
- (7) A local authority may withdraw a designation under subsection (1).
- (8) If a local authority withdraws the designation of an individual under subsection (1), it must give the individual notice of this, specifying—
 - (a) the reasons for the withdrawal;
 - (b) the date with the expiry of which the withdrawal is to take effect.
- (9) If a designation of an individual under subsection (1) in respect of a special procedure is withdrawn, the prohibition imposed under subsection (3)(c) in respect of that procedure ceases to have effect with the expiry of the date specified under subsection (8)(b).

*Meini prawf trwyddedu ac amodau trwyddedu mandadol***62 Meini prawf trwyddedu**

- (1) Rhaid i reoliadau nodi meini prawf y mae rhaid eu bodloni ar gais gan unigolyn (“ceisydd”) am drwydded triniaeth arbennig er mwyn i’r cais gael ei ganiatáu (“meini prawf trwyddedu”).
- (2) Rhaid i’r meini prawf trwyddedu a bennir yn y rheoliadau fod yn rhai sy’n ei gwneud yn ofynnol i’r ceisydd ddangos gwybodaeth am –
 - (a) rheoli heintiau a chymorth cyntaf, yng nghyd-destun y driniaeth arbennig y mae’r cais yn ymwneud â hi;
 - (b) y dyletswyddau a osodir, o dan y Rhan hon neu yn rhinwedd y Rhan hon, ar berson sydd wedi ei awdurdodi gan drwydded triniaeth arbennig i roi’r driniaeth arbennig y mae’r cais yn ymwneud â hi.
- (3) Caiff y meini prawf trwyddedu hefyd (ymhlith pethau eraill) ymwneud –
 - (a) â chymhwysra unigolyn i gael trwydded (gan gynnwys drwy gyfeirio at, ymhlith pethau eraill, safonau cymhwysedd);
 - (b) â’r fangre neu’r cerbyd y mae rhoi triniaeth arbennig ynddi neu ynddo i gael ei awdurdodi, neu y mae cyfarpar neu ddeunydd a ddefnyddir mewn triniaeth arbennig i gael ei gadw neu ei baratoi ynddi neu ynddo (gan gynnwys, ymhlith pethau eraill, y cyfleusterau sydd ar gael yno a safonau hylendid);
 - (c) â’r cyfarpar sydd i’w ddefnyddio wrth roi triniaeth arbennig neu mewn cysylltiad â rhoi triniaeth arbennig.
- (4) Caiff rheoliadau ei gwneud yn ofynnol i awdurdod lleol beidio â dyroddi neu adnewyddu trwydded oni bai bod mangre neu gerbyd a nodir yn y cais wedi ei harolygu neu ei arolygu yn unol â’r rheoliadau at ddiben dyfarnu ar gydymffurfedd â’r meini prawf trwyddedu.
- (5) Caiff rheoliadau o dan yr adran hon wneud darpariaeth wahanol at ddibenion gwahanol, gan gynnwys (ymhlith pethau eraill) mewn cysylltiad –
 - (a) â disgrifiadau gwahanol o fangreoedd a cherbydau;
 - (b) â disgrifiadau gwahanol o driniaeth arbennig;
 - (c) â’r amgylchiadau gwahanol y rhoddir triniaeth arbennig odanynt (gan gynnwys drwy gyfeirio at, ymhlith pethau eraill, pa mor aml neu reolaidd y rhoddir triniaeth arbennig, hyd unrhyw gyfnod y rhoddir triniaeth arbennig ynddo, ac a roddir triniaeth arbennig ar sail beripatetig, ar sail safle sefydlog, ar sail symudol, ar sail dros dro, neu fel arall).

63 Amodau trwyddedu mandadol

- (1) Rhaid i reoliadau nodi amodau trwyddedu mandadol sydd i fod yn gymwys i drwyddedau triniaeth arbennig.
- (2) Rhaid i’r amodau trwyddedu mandadol a bennir yn y rheoliadau gynnwys amodau sy’n gosod gofynion mewn cysylltiad –

*Licensing criteria and mandatory licensing conditions***62 Licensing criteria**

- (1) Regulations must set out criteria that must be met on an application by an individual (an “applicant”) for a special procedure licence in order for the application to be granted (“licensing criteria”).
- (2) The licensing criteria specified in the regulations must be such as to require the applicant to demonstrate knowledge of –
 - (a) infection control and first aid, in the context of the special procedure to which the application relates;
 - (b) duties imposed, under or by virtue of this Part, on a person authorised by a special procedure licence to perform the special procedure to which the application relates.
- (3) The licensing criteria may also (among other things) relate to –
 - (a) an individual’s eligibility for a licence (including by reference to, among other things, standards of competence);
 - (b) the premises or vehicle at or in which the performance of a special procedure is to be authorised, or at or in which equipment or material used in a special procedure is to be stored or prepared (including, among other things, facilities available there and standards of hygiene);
 - (c) equipment to be used in, or in connection with, the performance of a special procedure.
- (4) Regulations may require a local authority not to issue or renew a licence unless premises or a vehicle identified in the application have been inspected in accordance with the regulations for the purpose of determining compliance with licensing criteria.
- (5) Regulations under this section may make different provision for different purposes, including (among other things) in respect of –
 - (a) different descriptions of premises and vehicles;
 - (b) different descriptions of special procedure;
 - (c) different circumstances in which a special procedure is performed (including by reference to, among other things, the frequency or regularity with which a special procedure is performed, the duration of any period during which a special procedure is performed, and whether a special procedure is performed on a peripatetic basis, on a fixed site basis, on a mobile basis, on a temporary basis, or otherwise).

63 Mandatory licensing conditions

- (1) Regulations must set out mandatory licensing conditions that are to apply to special procedure licences.
- (2) The mandatory licensing conditions specified in the regulations must include conditions imposing requirements in connection with –

- (a) â dilysu oedran unigolyn y mae triniaeth arbennig i gael ei rhoi iddo;
 - (b) â rheoli heintiau, safonau hylendid, a chymorth cyntaf;
 - (c) â'r ymgynghori sydd i gael ei gynnal cyn ac ar ôl rhoi triniaeth arbennig;
 - (d) â chadw cofnodion.
- (3) Rhaid i'r amodau a bennir yn y rheoliadau hefyd gynnwys amod sy'n gwahardd rhoi triniaeth arbennig o dan amgylchiadau pan fo'r unigolyn y byddai'r driniaeth fel arall yn cael ei rhoi iddo yn feddw, neu yr ymddengys ei fod yn feddw, pa un ai yn rhinwedd diod, cyffuriau neu unrhyw fodd arall.
- (4) Caiff amodau trwyddedu mandadol hefyd wneud darpariaeth bellach sy'n ymwneud (ymhlith pethau eraill) –
- (a) â'r fangre neu'r cerbyd y mae triniaeth arbennig i gael ei rhoi ynnddi neu ynddo, neu y mae cyfarpar neu ddeunydd a ddefnyddir mewn triniaeth arbennig i gael ei gadw neu ei baratoi ynnddi neu ynddo (gan gynnwys, ymhlith pethau eraill, y cyfleusterau a'r cyfarpar sydd ar gael yno, a glanhau a chynnal a chadw);
 - (b) â'r ffordd y mae triniaeth arbennig i gael ei rhoi (gan gynnwys drwy gyfeirio at, ymhlith pethau eraill, y cyfarpar a ddefnyddir wrth roi'r driniaeth arbennig neu mewn cysylltiad â rhoi'r driniaeth arbennig, a dillad diogelu);
 - (c) â safonau cymhwysedd sy'n berthnasol i roi triniaeth arbennig (gan gynnwys safonau a bennir drwy gyfeirio at, ymhlith pethau eraill, gymwysterau neu brofiad), neu roi triniaeth arbennig i ran benodedig o gorff unigolyn;
 - (d) â'r wybodaeth sydd i gael ei darparu gan ddeiliad trwydded (pa un ai drwy arddangos yr wybodaeth neu fel arall), ac i ddeiliad trwydded, cyn ac ar ôl rhoi triniaeth arbennig;
 - (e) ag arddangos trwydded;
 - (f) â'r wybodaeth sydd i gael ei darparu i awdurdod lleol yn achos euogfarnu deiliad trwydded o drosedd berthnasol;
 - (g) â'r amgylchiadau y mae cais i amrywio trwydded i gael ei wneud odanynt;
 - (h) â dychwelyd trwydded, ar ôl iddi ddod i ben, i'r awdurdod a'i dyroddodd.
- (5) Caiff rheoliadau o dan yr adran hon wneud darpariaeth wahanol at ddibenion gwahanol, gan gynnwys (ymhlith pethau eraill) mewn cysylltiad –
- (a) â disgrifiadau gwahanol o fangreoedd a cherbydau;
 - (b) â disgrifiadau gwahanol o driniaeth arbennig;
 - (c) â'r amgylchiadau gwahanol y rhoddir triniaeth arbennig odanynt (gan gynnwys drwy gyfeirio at, ymhlith pethau eraill, pa mor aml neu reolaidd y rhoddir triniaeth arbennig, hyd unrhyw gyfnod y rhoddir triniaeth arbennig ynnddo, ac a roddir triniaeth arbennig ar sail beripatetig, ar sail safle sefydlog, ar sail symudol, ar sail dros dro, neu fel arall).
- (6) Mae pob trwydded triniaeth arbennig i fod yn ddarostyngedig i'r amodau trwyddedu mandadol cymwys.

- (a) the verification of the age of an individual on whom a special procedure is to be performed;
 - (b) infection control, standards of hygiene, and first aid;
 - (c) consultation to be carried out before and after a special procedure is performed;
 - (d) record keeping.
- (3) The conditions specified in the regulations must also include a condition prohibiting the performance of a special procedure in circumstances where the individual on whom the procedure would otherwise be performed is, or appears to be, intoxicated, whether by virtue of drink, drugs or any other means.
- (4) Mandatory licensing conditions may also make further provision relating to (among other things) –
- (a) the premises or vehicle at or in which a special procedure is to be performed, or at or in which equipment or material used in a special procedure is to be stored or prepared (including, among other things, facilities and equipment available there, and cleaning and maintenance);
 - (b) the way in which a special procedure is to be performed (including by reference to, among other things, equipment used in, or in connection with, its performance, and protective clothing);
 - (c) standards of competence relevant to performing a special procedure (including standards specified by reference to, among other things, qualifications or experience), or performing a special procedure upon a specified part of an individual's body;
 - (d) information to be provided by a licence holder (whether by display or otherwise), and to a licence holder, before and after a special procedure is performed;
 - (e) displaying a licence;
 - (f) information to be provided to a local authority in the case of the conviction of a licence holder for a relevant offence;
 - (g) circumstances in which an application for variation of a licence is to be made;
 - (h) the return of a licence, on its expiry, to the authority by which it was issued.
- (5) Regulations under this section may make different provision for different purposes, including (among other things) in respect of –
- (a) different descriptions of premises and vehicles;
 - (b) different descriptions of special procedure;
 - (c) different circumstances in which a special procedure is performed (including by reference to, among other things, the frequency or regularity with which a special procedure is performed, the duration of any period during which a special procedure is performed, and whether a special procedure is performed on a peripatetic basis, on a fixed site basis, on a mobile basis, on a temporary basis, or otherwise).
- (6) Each special procedure licence is to be subject to the applicable mandatory licensing conditions.

- (7) Yr amodau trwyddedu mandadol cymwys, mewn perthynas â thrwydded triniaeth arbennig, yw'r amodau trwyddedu mandadol sy'n gymwys mewn cysylltiad â'r drwydded o dan sylw fel y maent ar ddyddiad ei dyroddi o dan y Rhan hon.

64 Ymgynghori ynghylch meini prawf trwyddedu ac amodau trwyddedu mandadol

Cyn gwneud rheoliadau o dan adran 62 neu 63, rhaid i Weinidogion Cymru –

- (a) ystyried a oes personau yr ymddengys eu bod yn cynrychioli buddiannau'r rheini y mae'r rheoliadau yn debygol o effeithio arnynt ("personau cynrychiadol"), a
- (b) cynnal ymgynghoriad ag unrhyw bersonau cynrychiadol y mae Gweinidogion Cymru yn ystyried ei bod yn briodol ymgynghori â hwy.

Dyroddi trwydded triniaeth arbennig

65 Caniatâd neu wrthodiad mandadol i gais am drwydded triniaeth arbennig

- (1) Mae'r adran hon yn gymwys pan fo cais yn cael ei wneud yn unol ag Atodlen 3 i awdurdod lleol ddyroddi trwydded triniaeth arbennig sy'n awdurdodi i driniaeth arbennig gael ei rhoi.
- (2) Os nad yw'r awdurdod wedi ei fodloni bod yr holl feini prawf trwyddedu cymwys wedi eu bodloni mewn cysylltiad â rhoi'r driniaeth, ar y sail a bennir yn y cais ac mewn unrhyw fangre neu gerbyd a bennir yn y cais, rhaid i'r awdurdod roi hysbysiad i'r ceisydd fod y cais wedi ei wrthod i'r graddau y mae'n ymwneud â rhoi'r driniaeth honno ar y sail honno ac yn y fangre neu'r cerbyd.
- (3) Os yw'r awdurdod wedi ei fodloni bod yr holl feini prawf trwyddedu cymwys wedi eu bodloni mewn cysylltiad â rhoi'r driniaeth, ar y sail a bennir yn y cais ac mewn unrhyw fangre neu gerbyd a bennir yn y cais, rhaid i'r awdurdod ddyroddi trwydded triniaeth arbennig i'r ceisydd sy'n awdurdodi i'r driniaeth gael ei rhoi ar y sail honno ac yn y fangre neu'r cerbyd.
- (4) Y meini prawf trwyddedu cymwys, mewn perthynas â thriniaeth arbennig a bennir mewn cais, yw'r meini prawf trwyddedu sy'n gymwys i roi'r driniaeth ar y sail a bennir yn y cais.

66 Disgresiwn i ganiatáu cais am drwydded triniaeth arbennig

- (1) Nid yw'r gofyniad yn adran 65(3) i ddyroddi trwydded triniaeth arbennig yn gymwys yn achos ceisydd sydd wedi ei euogfarnu o drosedd berthnasol.
- (2) At ddiben dyfarnu a yw ceisydd wedi ei euogfarnu o drosedd berthnasol, mae euogfarn i gael ei chymryd i gynnwys euogfarn gan neu gerbron llys y tu allan i Gymru a Lloegr; ac mae cyfeiriadau yn y Rhan hon at euogfarn, neu at berson sydd wedi ei euogfarnu o drosedd, i gael eu dehongli yn unol â hynny.
- (3) Os yw'r awdurdod lleol wedi ei fodloni fel y'i disgrifir yn adran 65(3) mewn cysylltiad â chais, ond bod y ceisydd wedi ei euogfarnu o drosedd berthnasol, rhaid i'r awdurdod benderfynu a oes amheuaeth wedi ei chodi ynghylch addasrwydd y ceisydd i roi triniaeth y mae'r cais yn ymwneud â hi i'r graddau y byddai'n amhriodol dyroddi'r drwydded mewn cysylltiad â rhoi'r driniaeth honno.

- (7) The applicable mandatory licensing conditions, in relation to a special procedure licence, are the mandatory licensing conditions applying in respect of the licence concerned as at the date of its issue under this Part.

64 Consultation about licensing criteria and mandatory licensing conditions

Before making regulations under section 62 or 63, the Welsh Ministers must –

- (a) consider whether there are persons who appear to be representative of the interests of those likely to be affected by the regulations (“representative persons”), and
- (b) carry out consultation with any representative persons whom the Welsh Ministers consider it appropriate to consult.

Issuing a special procedure licence

65 Mandatory grant or refusal of application for special procedure licence

- (1) This section applies where an application for the issue of a special procedure licence authorising the performance of a special procedure is made to a local authority in accordance with Schedule 3.
- (2) If the authority is not satisfied that all of the applicable licensing criteria are met in respect of the performance of the procedure, on the basis specified in the application and at or in any premises or vehicle specified in the application, the authority must give the applicant notice that the application is refused so far as it relates to the performance of that procedure on that basis and at or in the premises or vehicle.
- (3) If the authority is satisfied that all of the applicable licensing criteria are met in respect of the performance of the procedure, on the basis specified in the application and at or in any premises or vehicle specified in the application, the authority must issue a special procedure licence to the applicant authorising the performance of the procedure on that basis and at or in the premises or vehicle.
- (4) The applicable licensing criteria, in relation to a special procedure specified in an application, are the licensing criteria applying to the performance of the procedure on the basis specified in the application.

66 Discretion to grant application for special procedure licence

- (1) The requirement to issue a special procedure licence in section 65(3) does not apply in the case of an applicant who has been convicted of a relevant offence.
- (2) For the purpose of determining whether an applicant has been convicted of a relevant offence, a conviction is to be taken to include a conviction by or before a court outside England and Wales; and references in this Part to a conviction, or to a person’s having been convicted of an offence, are to be interpreted accordingly.
- (3) If the local authority is satisfied as described in section 65(3) in respect of an application, but the applicant has been convicted of a relevant offence, the authority must decide whether the applicant’s fitness to perform a procedure to which the application relates has been called into question to such an extent that it would be inappropriate to issue the licence in respect of the performance of that procedure.

- (4) Wrth wneud ei benderfyniad, rhaid i'r awdurdod roi sylw i—
- (a) natur ac amgylchiadau'r drosedd, a
 - (b) canllawiau a ddyroddir gan Weinidogion Cymru o dan is-adran (11).
- (5) Os yw'r awdurdod lleol yn penderfynu nad oes amheuaeth wedi ei chodi ynghylch addasrwydd y ceisydd fel y'i disgrifir yn is-adran (3) mewn cysylltiad â rhoi triniaeth a bennir yn y cais, rhaid iddo ddyroddi'r drwydded mewn cysylltiad â rhoi'r driniaeth honno.
- (6) Os yw'r awdurdod lleol yn penderfynu bod amheuaeth wedi ei chodi ynghylch addasrwydd y ceisydd fel y'i disgrifir yn is-adran (3) mewn cysylltiad â rhoi triniaeth a bennir yn y cais—
- (a) ni chaiff ddyroddi'r drwydded mewn cysylltiad â rhoi'r driniaeth honno, a
 - (b) rhaid iddo roi hysbysiad i'r ceisydd fod y cais wedi ei wrthod i'r graddau y mae'n ymwneud â rhoi'r driniaeth honno.
- (7) Ond mae is-adran (6) yn ddarostyngedig i'r gofynion a nodir ym mharagraffau 15 ac 16 o Atodlen 3.
- (8) At ddibenion y Rhan hon, mae pob un o'r canlynol yn drosedd berthnasol—
- (a) trosedd o dan y Rhan hon neu o dan Ran 5 (rhoi twll mewn rhan bersonol o'r corff);
 - (b) trosedd (pa un ai o dan gyfraith Cymru a Lloegr neu rywle arall) sydd—
 - (i) yn ymwneud â thrais,
 - (ii) o natur rywiol, neu sy'n ymwneud â deunydd neu ddelweddau rhywiol,
 - (iii) yn golygu tatwio plentyn o dan 18 oed,
 - (iv) yn ymwneud ag iechyd a diogelwch yn y gwaith, neu
 - (v) yn golygu methiant i gydymffurfio â gofyniad mewn cynllun ar gyfer trwyddedu neu fel arall ganiatáu neu reoleiddio cyflawni gweithgaredd sy'n driniaeth arbennig at ddibenion y Ddeddf hon.
- (9) Ond mae euogfarn am drosedd berthnasol i gael ei diystyru at ddibenion y Rhan hon os yw wedi ei disbyddu at ddibenion Deddf Adsefydlu Troseddwyr 1974 (p.53).
- (10) Caiff rheoliadau ddiwygio is-adran (8) drwy ychwanegu, amrywio neu ddileu disgrifiad o drosedd.
- (11) Rhaid i Weinidogion Cymru roi canllawiau i awdurdodau lleol ynghylch materion sydd i gael eu hystyried wrth benderfynu a oes amheuaeth wedi ei chodi, ac os felly, i ba raddau, ynghylch addasrwydd ceisydd i roi triniaeth arbennig.

67 Caniatáu neu wrthod cais i adnewyddu

Mae adrannau 65, 66 a 68 yn gymwys at ddibenion cais i adnewyddu trwydded triniaeth arbennig fel pe bai'r cais hwnnw yn gais i ddyroddi trwydded.

- (4) In reaching its decision, the authority must have regard to—
 - (a) the nature and circumstances of the offence, and
 - (b) guidance issued by the Welsh Ministers under subsection (11).
- (5) If the local authority decides that the applicant's fitness has not been called into question as described in subsection (3) in respect of the performance of a procedure specified in the application, it must issue the licence in respect of the performance of that procedure.
- (6) If the local authority decides that the applicant's fitness has been called into question as described in subsection (3) in respect of the performance of a procedure specified in the application—
 - (a) it must not issue the licence in respect of the performance of that procedure, and
 - (b) it must give notice to the applicant that the application is refused so far as it relates to the performance of that procedure.
- (7) But subsection (6) is subject to the requirements set out in paragraphs 15 and 16 of Schedule 3.
- (8) For the purposes of this Part, each of the following is a relevant offence—
 - (a) an offence under this Part or under Part 5 (intimate piercing);
 - (b) an offence (whether under the law of England and Wales or elsewhere) that—
 - (i) involves violence,
 - (ii) is of a sexual nature, or relates to sexual material or images,
 - (iii) consists of tattooing a child under the age of 18,
 - (iv) relates to health and safety at work, or
 - (v) consists of a failure to comply with a requirement of a scheme for licensing or otherwise permitting or regulating the performance of an activity which is a special procedure for the purposes of this Act.
- (9) But a conviction for a relevant offence is to be disregarded for the purposes of this Part if it is spent for the purposes of the Rehabilitation of Offenders Act 1974 (c.53).
- (10) Regulations may amend subsection (8) by adding, varying or removing a description of offence.
- (11) The Welsh Ministers must give guidance to local authorities about matters to be taken into account in deciding whether, and, if so, to what extent, an applicant's fitness to perform a special procedure has been called into question.

67 **Grant or refusal of application for renewal**

Sections 65, 66 and 68 apply for the purposes of an application to renew a special procedure licence as if that application were an application for the issue of a licence.

*Dirymu trwydded triniaeth arbennig***68 Dirymu trwydded triniaeth arbennig**

- (1) Os yw awdurdod lleol wedi ei fodloni bod yr amodau yn is-adran (2), (3) neu (4) wedi eu bodloni, caiff roi hysbysiad i ddeiliad trwydded –
 - (a) sy'n dirymu trwydded triniaeth arbennig a ddyroddir ganddo i ddeiliad y drwydded, neu
 - (b) sy'n dirymu trwydded triniaeth arbennig a ddyroddir ganddo i ddeiliad y drwydded i'r graddau y mae'n awdurdodi i driniaeth arbennig benodol gael ei rhoi.
- (2) Yr amodau yw –
 - (a) bod deiliad y drwydded wedi methu â chydymffurfio ag amod trwyddedu mandadol cymwys, a
 - (b) bod peidio â chydymffurfio yn peri risg sylweddol, neu y gallai beri risg sylweddol, o niwed i iechyd dynol.
- (3) Yr amodau yw –
 - (a) bod deiliad y drwydded wedi ei euogfarnu o drosedd sy'n drosedd berthnasol (ac a oedd yn drosedd berthnasol ar y dyddiad y dyroddwyd y drwydded o dan sylw),
 - (b) bod y drwydded wedi ei dyroddi i ddeiliad y drwydded heb i'r awdurdod lleol roi sylw i natur ac amgylchiadau'r drosedd honno, fel y'i disgrifir yn adran 66, naill ai oherwydd nad oedd yr awdurdod lleol yn ymwybodol o'r euogfarn, neu oherwydd na chafwyd yr euogfarn cyn dyroddi'r drwydded, ac
 - (c) naill ai na fyddai'r drwydded, pe bai'r awdurdod wedi rhoi sylw i natur ac amgylchiadau'r drosedd honno, fel y'i disgrifir yn adran 66, at ddibenion dyroddi'r drwydded, wedi cael ei dyroddi o gwbl (yn achos dirymu fel y'i disgrifir yn is-adran (1)(a)), neu na fyddai wedi cael ei dyroddi i'r graddau y mae'n ymwneud â rhoi triniaeth benodol (yn achos dirymu fel y'i disgrifir yn is-adran (1)(b) mewn cysylltiad â rhoi'r driniaeth honno).
- (4) Yr amodau yw –
 - (a) i ddeiliad y drwydded wneud datganiad a oedd yn anwir neu'n gamarweiniol mewn cysylltiad â chais i ddyroddi, amrywio neu adnewyddu trwydded triniaeth arbennig, a
 - (b) naill ai na fyddai'r drwydded, pe bai'r awdurdod wedi gwybod bod y datganiad yn anwir neu'n gamarweiniol, wedi cael ei dyroddi o gwbl (yn achos dirymu fel y'i disgrifir yn is-adran (1)(a)), neu na fyddai wedi cael ei dyroddi i'r graddau y mae'n ymwneud â rhoi triniaeth benodol (yn achos dirymu fel y'i disgrifir yn is-adran (1)(b)).
- (5) Mae dirymiad o dan yr adran hon yn cael effaith –
 - (a) pan ddaw'r cyfnod ar gyfer dwyn apêl o dan Atodlen 3 mewn cysylltiad â'r dirymiad i ben, os na chaiff apêl ei dwyn o dan yr Atodlen honno o fewn y cyfnod hwnnw;

*Revoking a special procedure licence***68 Revocation of special procedure licence**

- (1) If a local authority is satisfied that the conditions in subsection (2), (3) or (4) are met, it may give notice to a licence holder –
 - (a) revoking a special procedure licence issued by it to the licence holder, or
 - (b) revoking a special procedure licence issued by it to the licence holder in so far as it authorises the performance of a particular special procedure.
- (2) The conditions are –
 - (a) that the licence holder has failed to comply with an applicable mandatory licensing condition, and
 - (b) that the non-compliance presents, or could present, significant risk of harm to human health.
- (3) The conditions are –
 - (a) that the licence holder has been convicted of an offence that is a relevant offence (and which was a relevant offence as at the date on which the licence in question was issued),
 - (b) that the licence was issued to the licence holder without regard having been had by the local authority to the nature and circumstances of that offence, as described in section 66, either because the local authority was unaware of the conviction, or because the conviction did not precede the issue of the licence, and
 - (c) that, had the authority had regard to the nature and circumstances of that offence, as described in section 66, for the purposes of the issue of the licence, the licence would either not have been issued at all (in the case of revocation as described in subsection (1)(a)), or would not have been issued in so far as it relates to the performance of a particular procedure (in the case of revocation as described in subsection (1)(b) in respect of the performance of that procedure).
- (4) The conditions are –
 - (a) that the licence holder made a statement that was false or misleading in connection with an application for the issue, variation or renewal of a special procedure licence, and
 - (b) had the authority known that the statement was false or misleading, the licence would either not have been issued at all (in the case of revocation as described in subsection (1)(a)), or would not have been issued in so far as it relates to the performance of a particular procedure (in the case of revocation as described in subsection (1)(b)).
- (5) A revocation under this section has effect –
 - (a) with the expiry of the period for bringing an appeal under Schedule 3 in respect of the revocation expires, if no appeal is brought under that Schedule within that period;

- (b) â'r dyddiad y tynnir yn ôl unrhyw apêl neu apêl bellach a gaiff ei dwyn mewn cysylltiad â'r dirymiad, neu ddyddiad dyfarniad terfynol ar unrhyw apêl neu apêl bellach aflwyddiannus a gaiff ei dwyn mewn cysylltiad â'r dirymiad, pan fo'r apêl neu'r apêl bellach wedi ei dwyn o dan Atodlen 3 a phan na fo apêl bellach ar gael o dan yr Atodlen honno;
 - (c) pan ddaw'r cyfnod ar gyfer dwyn apêl bellach o dan Atodlen 3 i ben, pan fo apêl a gaiff ei dwyn o dan Atodlen 3 mewn cysylltiad â'r dirymiad wedi ei thynnu'n ôl neu'n aflwyddiannus, ac mae apêl bellach o dan Atodlen 3 ar gael ond ni chaiff ei dwyn o fewn y cyfnod hwnnw.
- (6) At ddibenion is-adran (5)(b) ac (c) uchod, caiff apêl ei dwyn o dan Atodlen 3 os caiff ei dwyn o fewn y cyfnod y darperir ar ei gyfer yn yr Atodlen honno ar gyfer dwyn apêl o'r math o dan sylw.
- (7) Am ddarpariaeth ynghylch y weithdrefn ar gyfer dirymiaidau, gweler Atodlen 3.

Mangreodded a cherbydau a gymeradwywyd

69 Rhoi triniaeth arbennig yng nghwrs busnes: gofyniad i gael cymeradwyaeth

- (1) Rhaid i berson sy'n cynnal busnes y rhoddir triniaeth arbennig yng nghwrs y busnes hwnnw gydymffurfio â'r gofynion yn is-adrannau (2) a (3).
- (2) Y gofyniad cyntaf yw sicrhau bod y driniaeth, i'r graddau y mae wedi ei chynnal yng nghwrs y busnes –
 - (a) yn achos triniaeth arbennig a roddir mewn mangre, yn cael ei rhoi mewn mangre a gymeradwyir o dan adran 70 mewn cysylltiad â'r driniaeth;
 - (b) yn achos triniaeth arbennig a roddir mewn cerbyd, yn cael ei rhoi mewn cerbyd a gymeradwyir o dan adran 70 mewn cysylltiad â'r driniaeth.
- (3) Yr ail ofyniad yw sicrhau cydymffurfedd â'r amodau cymeradwyo mandadol cymwys.
- (4) Yr amodau cymeradwyo mandadol cymwys, at y diben hwn, yw'r amodau cymeradwyo mandadol y mae cymeradwyaeth i'r fangre neu'r cerbyd o dan sylw yn ddarostyngedig iddynt. (Am yr amodau cymeradwyo mandadol, gweler adran 70(3).)
- (5) Mae is-adrannau (6) a (7) yn gymwys yn achos arddangosfa, adloniant neu ddigwyddiad arall –
 - (a) y mae gan aelodau o'r cyhoedd fynediad iddo, a
 - (b) lle y rhoddir triniaeth arbennig gan berson yng nghwrs busnes.
- (6) Mae'r person sy'n trefnu'r arddangosfa, yr adloniant neu'r digwyddiad i gael ei drin at ddibenion yr adran hon fel pe bai'n cynnal busnes y rhoddir y driniaeth arbennig yng nghwrs y busnes hwnnw.
- (7) Mae'r fangre lle y cynhelir yr arddangosfa, yr adloniant neu'r digwyddiad i gael ei thrin at ddibenion yr adran hon fel y fangre lle y rhoddir y driniaeth arbennig yng nghwrs y busnes hwnnw.
- (8) Caiff rheoliadau –
 - (a) darparu nad yw'r naill ofyniad neu'r llall yn is-adrannau (2) a (3), neu'r ddau ohonynt, yn gymwys mewn cysylltiad â disgrifiad o fangre, neu gerbyd, a bennir yn y rheoliadau;

- (b) with the date of the withdrawal of any appeal or further appeal brought in respect of the revocation, or the date of final determination of any unsuccessful appeal or further appeal brought in respect of the revocation, where the appeal or further appeal has been brought under Schedule 3 and no further appeal under that Schedule is available;
 - (c) with the expiry of the period for bringing a further appeal under Schedule 3, where an appeal brought under Schedule 3 in respect of the revocation is withdrawn or unsuccessful, and a further appeal under Schedule 3 is available but is not brought within that period.
- (6) For the purposes of subsection (5)(b) and (c) above, an appeal is brought under Schedule 3 if it is brought within the period provided for in that Schedule for bringing an appeal of the type concerned.
- (7) For provision about the procedure for revocations, see Schedule 3.

Approved premises and vehicles

69 Performance of special procedure in course of business: approval requirement

- (1) A person carrying on a business in the course of which a special procedure is performed must comply with the requirements in subsections (2) and (3).
- (2) The first requirement is to ensure that the procedure, so far as carried on in the course of the business –
 - (a) in the case of a special procedure performed at premises, is performed at premises approved under section 70 in respect of the procedure;
 - (b) in the case of a special procedure performed in a vehicle, is performed in a vehicle approved under section 70 in respect of the procedure.
- (3) The second requirement is to ensure compliance with the applicable mandatory conditions of approval.
- (4) The applicable mandatory conditions of approval, for this purpose, are the mandatory approval conditions to which approval of the premises or vehicle concerned is subject. (For mandatory approval conditions, see section 70(3).)
- (5) Subsections (6) and (7) apply in the case of an exhibition, entertainment or other event –
 - (a) to which members of the public have access, and
 - (b) at which a special procedure is performed by a person in the course of a business.
- (6) The person who organises the exhibition, entertainment or event is to be treated for the purposes of this section as carrying on a business in the course of which the special procedure is performed.
- (7) The premises at which the exhibition, entertainment or event is held are to be treated for the purposes of this section as being the premises at which the special procedure is performed in the course of that business.
- (8) Regulations –
 - (a) may provide that either or both of the requirements in subsections (2) and (3) do not apply in respect of a description of premises, or vehicle, specified in the regulations;

- (b) darparu i unrhyw un neu ragor o is-adrannau (5) i (7) fod yn gymwys gydag addasiadau, neu beidio â bod yn gymwys, mewn cysylltiad â disgrifiad o berson, neu ddisgrifiad o fangre neu gerbyd, a bennir yn y rheoliadau.
- (9) At ddibenion is-adran (8), caniateir i fangreodded neu gerbydau gael eu disgrifio drwy gyfeirio at unrhyw un neu ragor o'r canlynol (ymhlith pethau eraill) –
 - (a) y personau sy'n rheoli'r mangreodded neu'r cerbydau neu y mae'r mangreodded neu'r cerbydau o dan eu rheolaeth;
 - (b) natur y gweithgareddau sy'n cael eu cynnal ynddynt (gan gynnwys, ymhlith pethau eraill, yr ystod o driniaethau arbennig a roddir yn y mangreodded neu'r cerbydau);
 - (c) yr amgylchiadau gwahanol y rhoddir triniaeth arbennig odanynt yn y mangreodded neu'r cerbydau (gan gynnwys drwy gyfeirio at, ymhlith pethau eraill, pa mor aml neu reolaidd y rhoddir triniaeth arbennig yn y mangreodded neu'r cerbydau, hyd unrhyw gyfnod y rhoddir triniaeth arbennig ynddo yn y mangreodded neu'r cerbydau, ac a roddir triniaeth arbennig yn y mangreodded neu'r cerbydau ar sail beripatetig, ar sail safle sefydlog, ar sail symudol, ar sail dros dro, neu fel arall);
 - (d) nifer yr unigolion y rhoddir triniaethau arbennig ganddynt yn y mangreodded neu'r cerbydau.
- (10) At ddibenion yr adran hon ac adran 70, mae unigolyn sydd wedi ei ddynodi o dan adran 61 mewn cysylltiad â thriniaeth arbennig i gael ei drin fel pe bai'n cynnal busnes y rhoddir y driniaeth honno yng nghwrs y busnes hwnnw.

70 Cymeradwyo mangreodded a cherbydau mewn cysylltiad â rhoi triniaeth arbennig

- (1) Caiff awdurdod lleol, ar gais a gyflwynir iddo gan berson sy'n cynnal busnes y rhoddir triniaeth arbennig yn ei ardal neu y mae'n debygol y rhoddir triniaeth arbennig yn ei ardal yng nghwrs y busnes hwnnw, drwy ddyroddi tystysgrif o dan yr adran hon ("tystysgrif gymeradwyo"), gymeradwyo mewn cysylltiad â'r driniaeth arbennig fangre neu gerbyd sydd o fewn is-adran (2).
- (2) Mae mangre neu gerbyd o fewn yr is-adran hon –
 - (a) os yw, yn achos mangre, yn ardal yr awdurdod lleol;
 - (b) os yw'r awdurdod lleol, yn achos cerbyd, yn ystyried bod y cerbyd yn cael ei yrru, ei ddefnyddio neu ei gadw yn ardal yr awdurdod lleol neu'n debygol o gael ei yrru, ei ddefnyddio neu ei gadw yno.
- (3) Rhaid i reoliadau wneud darpariaeth –
 - (a) ar gyfer meini prawf y mae rhaid eu bodloni er mwyn i gais am gymeradwyaeth gael ei ganiatáu;
 - (b) ar gyfer yr amgylchiadau pan fo cais am gymeradwyaeth i gael ei ganiatáu;
 - (c) ar gyfer yr amodau ("amodau cymeradwyo mandadol") y mae cymeradwyaeth o dan yr adran hon i fod yn ddarostyngedig iddynt;
 - (d) ynghylch apelio yn erbyn gwrthod cais am gymeradwyaeth.

- (b) may provide for any one or more of subsections (5) to (7) to apply with modifications, or not to apply, in respect of a description of person, or a description of premises or vehicle, specified in the regulations.
- (9) For the purposes of subsection (8), premises or vehicles may be described by reference to any of the following (among other things) –
 - (a) the persons by whom they are managed or controlled;
 - (b) the nature of activities carried on at or in them (including, among other things, the range of special procedures performed at or in them);
 - (c) the different circumstances in which a special procedure is performed at or in them (including by reference to, among other things, the frequency or regularity with which a special procedure is performed at or in them, the duration of any period during which a special procedure is performed at or in them, and whether a special procedure is performed at or in them on a peripatetic basis, on a fixed site basis, on a mobile basis, on a temporary basis, or otherwise);
 - (d) the number of individuals by whom special procedures are performed at or in them.
- (10) For the purposes of this section and section 70, an individual designated under section 61 in respect of a special procedure is to be treated as carrying on a business in the course of which that procedure is performed.

70 Approval of premises and vehicles in respect of performance of special procedure

- (1) A local authority may, on an application to it by a person carrying on a business in the course of which a special procedure is or is likely to be performed in its area, by issuing a certificate under this section (an “approval certificate”), approve in respect of the special procedure premises or a vehicle that are within subsection (2).
- (2) Premises or a vehicle are within this subsection if –
 - (a) in the case of premises, they are in the area of the local authority;
 - (b) in the case of a vehicle, the local authority considers that the vehicle is, or is likely to be, driven, used or kept in the area of the local authority.
- (3) Regulations must make provision –
 - (a) for criteria that must be met for an application for approval to be granted;
 - (b) for circumstances in which an application for approval is to be granted;
 - (c) for conditions (“mandatory approval conditions”) to which an approval under this section is to be subject;
 - (d) about appealing against refusal of an application for approval.

- (4) Caiff yr amodau cymeradwyo mandadol, ymhlith pethau eraill, gynnwys amodau sy'n ymwneud ag arolygu mangreoedd a cherbydau a gymeradwyir o dan yr adran hon, ac arddangos tystysgrif gymeradwyo.
- (5) Rhaid i dystysgrif gymeradwyo bennu cyfnod, os nad yw'r gymeradwyaeth wedi dod i ben yn flaenorol o dan adran 72 neu 73, y mae'r gymeradwyaeth y mae'n ymwneud â hi i gael effaith ar ei gyfer, sef naill ai –
 - (a) cyfnod nad yw'n hwy na saith niwrnod, sy'n dechrau â'r dyddiad y dyroddir y dystysgrif gymeradwyo (y "dyddiad cymeradwyo"), neu
 - (b) cyfnod o dair blynedd, sy'n dechrau â'r dyddiad cymeradwyo.
- (6) Oni bai ei bod yn peidio â chael effaith cyn hynny o dan adran 72 neu 73, mae cymeradwyaeth o dan yr adran hon yn peidio â chael effaith pan ddaw'r cyfnod hwnnw i ben.
- (7) Caiff rheoliadau wneud darpariaeth ynghylch –
 - (a) y ffordd y mae ceisiadau am gymeradwyaeth i gael eu gwneud a sut i ddelio â hwy (gan gynnwys ar gyfer talu ffi mewn cysylltiad â chais, ac ar gyfer cynnal arolygiadau cyn i gymeradwyaeth gael ei rhoi);
 - (b) yr amgylchiadau pan na chaniateir i gais am gymeradwyaeth gael ei ganiatáu, neu pan ganiateir i gymeradwyaeth gael ei rhoi yn ôl disgrisiwn yr awdurdod y cyflwynir y cais iddo;
 - (c) adnewyddu cymeradwyaeth;
 - (d) amrywio cymeradwyaeth.
- (8) Caiff rheoliadau sy'n gwneud darpariaeth fel y'i disgrifir yn is-adran (7)(a) gynnwys (ymhlith pethau eraill) –
 - (a) darpariaeth ynghylch sut y mae awdurdod lleol i ddyfarnu ar swm ffi sy'n daladwy mewn cysylltiad â chais;
 - (b) darpariaeth ynghylch canlyniadau methu â chydymffurfio â gofyniad i dalu ffi (gan gynnwys darpariaeth sy'n caniatáu i'r awdurdod lleol wrthod bwrw ymlaen â'r cais).
- (9) Caiff rheoliadau o dan yr adran hon wneud darpariaeth wahanol at ddibenion gwahanol, gan gynnwys (ymhlith pethau eraill) mewn cysylltiad –
 - (a) â disgrifiadau gwahanol o fangreoedd a cherbydau;
 - (b) â disgrifiadau gwahanol o driniaeth arbennig;
 - (c) â'r amgylchiadau gwahanol y rhoddir triniaeth arbennig odanynt (gan gynnwys drwy gyfeirio at, ymhlith pethau eraill, pa mor aml neu reolaidd y rhoddir triniaeth arbennig mewn mangre neu gerbyd, hyd unrhyw gyfnod y rhoddir triniaeth arbennig ynddo mewn mangre neu gerbyd, ac a roddir triniaeth arbennig ar sail beripatetig, ar sail safle sefydlog, ar sail symudol, ar sail dros dro, neu fel arall).

71 Tystysgrifau cymeradwyo

- (1) Rhaid i dystysgrif gymeradwyo ddatgan –
 - (a) y dyddiad cymeradwyo;

- (4) The mandatory approval conditions may, among other things, include conditions relating to the inspection of premises and vehicles approved under this section, and the display of an approval certificate.
- (5) An approval certificate must specify a period for which, in the absence of any previous expiry under section 72 or 73, the approval to which it relates is to have effect, being either –
 - (a) a period of no more than seven days, beginning with the date on which the approval certificate is issued (the “approval date”), or
 - (b) a period of three years, beginning with the approval date.
- (6) Unless it previously ceases to have effect under section 72 or 73, approval under this section ceases to have effect with the expiry of that period.
- (7) Regulations may make provision about –
 - (a) the way in which applications for approval are to be made and dealt with (including for the payment of a fee in respect of an application, and for inspections to be carried out before an approval is granted);
 - (b) circumstances in which an application for approval must not be granted, or may be granted at the discretion of the authority to which the application is made;
 - (c) the renewal of approval;
 - (d) the variation of approval.
- (8) Regulations making provision as described in subsection (7)(a) may include (among other things) –
 - (a) provision about how a local authority is to determine the amount of a fee payable in respect of an application;
 - (b) provision about the consequences of failure to comply with a requirement to pay a fee (including provision permitting the local authority to decline to proceed with the application).
- (9) Regulations under this section may make different provision for different purposes, including (among other things) in respect of –
 - (a) different descriptions of premises and vehicles;
 - (b) different descriptions of special procedure;
 - (c) different circumstances in which a special procedure is performed (including by reference to, among other things, the frequency or regularity with which a special procedure is performed at premises or in a vehicle, the duration of any period during which a special procedure is performed at premises or in a vehicle, and whether a special procedure is performed on a peripatetic basis, on a fixed site basis, on a mobile basis, on a temporary basis, or otherwise).

71 Approval certificates

- (1) An approval certificate must state –
 - (a) the approval date;

- (b) y driniaeth arbennig y mae'r fangre (neu'r cerbyd) o dan sylw wedi ei chymeradwyo neu wedi ei gymeradwyo mewn cysylltiad â hi;
 - (c) y dyddiad, pan ddaw i ben, y bydd y gymeradwyaeth, oni bai ei bod yn peidio â chael effaith cyn hynny o dan adran 72 neu 73, yn dod i ben o dan adran 70(6).
- (2) Yn achos cymeradwyo mangre, rhaid i dystysgrif gymeradwyo hefyd ddatgan cyfeiriad y fangre.
- (3) Yn achos cymeradwyo cerbyd, rhaid i dystysgrif gymeradwyo hefyd –
- (a) os oes gan y cerbyd rif cofrestru, ddatgan y rhif hwnnw;
 - (b) os nad oes gan y cerbyd rif cofrestru, nodi'r cerbyd ym mha ffordd bynnag y mae'r awdurdod sy'n dyroddi'r dystysgrif yn ystyried ei bod yn briodol.
- (4) Caiff rheoliadau wneud darpariaeth bellach ynghylch ffurf a chynnwys tystysgrifau cymeradwyo.
- (5) Yn yr adran hon, mae i "dyddiad cymeradwyo" yr un ystyr ag yn adran 70(5).

72 Terfynu cymeradwyaeth yn wirfoddol

- (1) Pan fo person y mae awdurdod lleol wedi cymeradwyo mangre neu gerbyd ar ei gais o dan adran 70, mewn cysylltiad â thriniaeth arbennig, yn dymuno i'r gymeradwyaeth beidio â chael effaith, caiff y person roi hysbysiad i'r perwyl hwnnw i'r awdurdod.
- (2) Rhaid i'r hysbysiad ddatgan y dyddiad, pan ddaw i ben, y mae'r gymeradwyaeth i beidio â chael effaith.
- (3) Yn ddarostyngedig i unrhyw gymeradwyaeth sy'n dod i ben yn gynharach o dan adran 70(6) neu 73, mae'r gymeradwyaeth yn peidio â chael effaith pan ddaw'r dyddiad a bennir yn yr hysbysiad i ben.
- (4) Rhaid i awdurdod y rhoddir hysbysiad iddo o dan yr adran hon gymryd camau rhesymol i ddwyn yr hysbysiad i sylw unrhyw bersonau y mae'r awdurdod yn meddwl ei fod yn debygol o effeithio arnynt.
- (5) Caiff rheoliadau wneud darpariaeth bellach ynghylch hysbysiad o dan yr adran hon, gan gynnwys (ymhlith pethau eraill) ynghylch gwybodaeth sydd i gael ei chynnwys yn yr hysbysiad.

73 Dirymu cymeradwyaeth

- (1) Os yw awdurdod lleol wedi ei fodloni bod y ddau amod yn is-adran (2) wedi eu bodloni, caiff roi hysbysiad i berson ("P") y cymeradwywyd mangre neu gerbyd ar ei gais o dan adran 70 gan yr awdurdod, sy'n dirymu'r gymeradwyaeth i'r fangre neu'r cerbyd o dan yr adran honno mewn cysylltiad â thriniaeth arbennig a bennir yn yr hysbysiad.
- (2) Yr amodau yw –
- (a) na chydymffurfiwyd â'r amodau cymeradwyo mandadol sy'n gymwys mewn cysylltiad â'r fangre neu'r cerbyd, a
 - (b) bod peidio â chydymffurfio yn peri risg sylweddol, neu y gallai beri risg sylweddol, o niwed i iechyd dynol.

- (b) the special procedure in respect of which the premises (or vehicle) concerned are approved;
 - (c) the date with the expiry of which the approval will, unless it previously ceases to have effect under section 72 or 73, expire under section 70(6).
- (2) In the case of approval of premises, an approval certificate must also state the address of the premises.
- (3) In the case of approval of a vehicle, an approval certificate must also –
 - (a) if the vehicle has a registration number, state that number;
 - (b) if the vehicle does not have a registration number, identify the vehicle in whatever way the authority issuing the certificate considers appropriate.
- (4) Regulations may make further provision about the form and content of approval certificates.
- (5) In this section, “approval date” has the same meaning as in section 70(5).

72 Voluntary termination of approval

- (1) Where a person on whose application a local authority has approved premises or a vehicle under section 70, in respect of a special procedure, wishes the approval to cease to have effect, the person may give notice to that effect to the authority.
- (2) The notice must state the date with the expiry of which approval is to cease to have effect.
- (3) Subject to any earlier expiry under section 70(6) or 73, the approval ceases to have effect with the expiry of the date specified in the notice.
- (4) An authority to which notice under this section is given must take reasonable steps for bringing the notice to the attention of any persons the authority thinks likely to be affected by the notice.
- (5) Regulations may make further provision about notice under this section, including (among other things) about information to be included in the notice.

73 Revocation of approval

- (1) If a local authority is satisfied that both of the conditions in subsection (2) are met, it may give notice to a person (“P”) on whose application premises or a vehicle have been approved under section 70 by the authority, revoking the approval of the premises or vehicle under that section in respect of a special procedure specified in the notice.
- (2) The conditions are –
 - (a) that the mandatory approval conditions that apply in respect of the premises or vehicle have not been complied with, and
 - (b) that the non-compliance presents, or could present, significant risk of harm to human health.

- (3) Mae paragraffau 15 i 21 o Atodlen 3 yn gymwys mewn cysylltiad â dirymiad o dan yr adran hon fel pe bai'r dirymiad yn ddirymiad o dan adran 68 (dirymu trwydded triniaeth arbennig) ac at y diben hwn mae cyfeiriadau yn y paragraffau hynny –
- (a) at ddeiliad trwydded, i gael eu trin fel cyfeiriadau at P;
 - (b) at hysbysiad a roddir o dan adran 68, i gael eu trin fel cyfeiriadau at hysbysiad o dan is-adran (1);
 - (c) at swyddogaethau o dan adran 68, i gael eu trin fel cyfeiriadau at swyddogaethau o dan yr adran hon.
- (4) Caiff dirymiad o dan yr adran hon effaith –
- (a) pan ddaw'r cyfnod ar gyfer dwyn apêl o dan Atodlen 3 mewn cysylltiad â'r dirymiad i ben, os na chaiff apêl ei dwyn o dan yr Atodlen honno o fewn y cyfnod hwnnw;
 - (b) â'r dyddiad y tynnir yn ôl unrhyw apêl neu apêl bellach a gaiff ei dwyn mewn cysylltiad â'r dirymiad, neu ddyddiad dyfarniad terfynol ar unrhyw apêl neu apêl bellach aflwyddiannus a gaiff ei dwyn mewn cysylltiad â'r dirymiad, pan fo'r apêl neu'r apêl bellach wedi ei dwyn o dan Atodlen 3 a phan na fo apêl bellach ar gael o dan yr Atodlen honno;
 - (c) pan ddaw'r cyfnod ar gyfer dwyn apêl bellach o dan Atodlen 3 i ben, pan fo apêl a gaiff ei dwyn o dan Atodlen 3 mewn cysylltiad â'r dirymiad wedi ei thynnu'n ôl neu'n aflwyddiannus, ac mae apêl bellach o dan Atodlen 3 ar gael ond ni chaiff ei dwyn o fewn y cyfnod hwnnw.

74 Dirymu cymeradwyaeth: gofynion hysbysu

- (1) Rhaid i awdurdod lleol sy'n rhoi hysbysiad o dan un o'r darpariaethau a bennir yn is-adran (2) i berson mewn cysylltiad â dirymiad, neu ddirymiad arfaethedig, o gymeradwyaeth o dan adran 70 gymryd camau rhesymol i ddwyn yr hysbysiad i sylw unrhyw bersonau y mae'r awdurdod yn meddwl ei fod yn debygol o effeithio arnynt.
- (2) Y darpariaethau yw adran 73 a pharagraff 15(3) neu 17 o Atodlen 3 (fel y'i cymhwysir gan adran 73(3)).

Cofrestr o drwyddedau triniaeth arbennig a mangreoedd a cherbydau a gymeradwywyd

75 Dyletswydd i gynnal cofrestr o drwyddedau triniaeth arbennig a mangreoedd a cherbydau a gymeradwywyd

- (1) Rhaid i awdurdod lleol gynnal a chyhoeddi cofrestr –
- (a) o'r trwyddedau triniaeth arbennig sydd wedi eu dyroddi ganddo ond nad ydynt wedi peidio â chael effaith eto, a
 - (b) o'r mangreoedd a'r cerbydau sydd wedi eu cymeradwyo ganddo ar hyn o bryd o dan adran 70.
- (2) Rhaid i bob cofnod yn y gofrestr mewn cysylltiad â thrwydded gofnodi –
- (a) enw deiliad y drwydded;
 - (b) y dyddiad y dyroddwyd y drwydded;
 - (c) y driniaeth y mae'r drwydded yn awdurdodi iddi gael ei rhoi;

- (3) Paragraphs 15 to 21 of Schedule 3 apply in respect of a revocation under this section as if the revocation were a revocation under section 68 (revocation of special procedure licence) and for this purpose references in those paragraphs –
- (a) to a licence holder, are to be treated as references to P;
 - (b) to notice given under section 68, are to be treated as references to notice under subsection (1);
 - (c) to functions under section 68, are to be treated as references to functions under this section.
- (4) Revocation under this section has effect –
- (a) with the expiry of the period for bringing an appeal under Schedule 3 in respect of the revocation expires, if no appeal is brought under that Schedule within that period;
 - (b) with the date of the withdrawal of any appeal or further appeal brought in respect of the revocation, or the date of final determination of any unsuccessful appeal or further appeal brought in respect of the revocation, where the appeal or further appeal has been brought under Schedule 3 and no further appeal under that Schedule is available;
 - (c) with the expiry of the period for bringing a further appeal under Schedule 3, where an appeal brought under Schedule 3 in respect of the revocation is withdrawn or unsuccessful, and a further appeal under Schedule 3 is available but is not brought within that period.

74 Revocation of approval: notification requirements

- (1) A local authority that gives notice under one of the provisions specified in subsection (2) to a person in respect of a revocation, or a proposed revocation, of approval under section 70 must take reasonable steps for bringing the notice to the attention of any persons the authority thinks likely to be affected by the notice.
- (2) The provisions are section 73 and paragraph 15(3) or 17 of Schedule 3 (as applied by section 73(3)).

Register of special procedure licences and approved premises and vehicles

75 Duty to maintain register of special procedure licences and approved premises and vehicles

- (1) A local authority must maintain and publish a register of –
- (a) the special procedure licences issued by it that have not yet ceased to have effect, and
 - (b) the premises and vehicles currently approved by it under section 70.
- (2) Each entry in the register in respect of a licence must record –
- (a) the name of the licence holder;
 - (b) the date on which the licence was issued;
 - (c) the procedure the performance of which is authorised by the licence;

- (d) cyfnod y drwydded;
 - (e) yn achos trwydded sy'n awdurdodi i driniaeth gael ei rhoi mewn mangre o fewn adran 59(3), gyfeiriad y fangre lle yr awdurdodir i'r driniaeth gael ei rhoi;
 - (f) yn achos trwydded sy'n awdurdodi i driniaeth gael ei rhoi mewn cerbyd o fewn adran 59(3) sydd â rhif cofrestru, rif cofrestru'r cerbyd;
 - (g) yn achos trwydded sy'n awdurdodi i driniaeth gael ei rhoi mewn cerbyd o fewn adran 59(3) nad oes ganddo rif cofrestru, pa fanylion adnabod bynnag am y cerbyd y mae'r awdurdod yn ystyried eu bod yn briodol.
- (3) Rhaid i bob cofnod yn y gofrestr mewn cysylltiad â mangre neu gerbyd a gymeradwywyd gofnodi –
- (a) enw'r person y rhoddwyd y cymeradwyaeth ar ei gais;
 - (b) yn achos cofnod mewn cysylltiad â mangre, gyfeiriad y fangre;
 - (c) yn achos cofnod mewn cysylltiad â cherbyd sydd â rhif cofrestru, rif cofrestru'r cerbyd;
 - (d) yn achos cofnod mewn cysylltiad â cherbyd nad oes ganddo rif cofrestru, pa fanylion adnabod bynnag am y cerbyd y mae'r awdurdod yn ystyried eu bod yn briodol;
 - (e) y driniaeth y mae'r gymeradwyaeth yn gymwys mewn cysylltiad â hi;
 - (f) y dyddiad y rhoddwyd y gymeradwyaeth;
 - (g) cyfnod para'r gymeradwyaeth.
- (4) Caiff y gofrestr hefyd gynnwys unrhyw wybodaeth arall y mae'r awdurdod sy'n ei chynnal yn ystyried ei bod yn briodol.
- (5) Caiff Gweinidogion Cymru drefnu i'r dyletswyddau a osodir ar awdurdodau lleol gan yr adran hon gael eu cyflawni drwy gofrestr ganolog a gedwir gan awdurdod lleol a benodir yn unol â'r trefniadau.
- (6) Caiff Gweinidogion Cymru ei gwneud yn ofynnol i awdurdodau lleol gymryd rhan mewn unrhyw drefniadau a wneir o dan is-adran (5) ac iddynt gyfrannu at gost y trefniadau hynny.
- (7) Caiff y gofynion y caniateir iddynt gael eu gosod ar awdurdod o dan is-adran (6) gynnwys (ymhlith pethau eraill) gofyniad i rannu gwybodaeth â'r awdurdod a benodir i gadw'r gofrestr ganolog.
- (8) At ddibenion yr adran hon, mae "cofrestr ganolog" yn gofrestr sy'n cwmpasu ardaloedd pob awdurdod lleol.

*Ffioedd***76 Ffioedd**

- (1) Caiff awdurdod lleol sydd wedi dyroddi trwydded triniaeth arbennig godi ffi ar ddeiliad y drwydded, naill ai'n gyfnodol neu fel arall, am gyhyd ag y mae'r drwydded yn parhau i gael effaith.

- (d) the licence period;
 - (e) in the case of a licence authorising the performance of a procedure at premises within section 59(3), the address of the premises at which the performance of the procedure is authorised;
 - (f) in the case of a licence authorising the performance of a procedure in a vehicle within section 59(3) that has a registration number, the registration number of the vehicle;
 - (g) in the case of a licence authorising the performance of a procedure in a vehicle within section 59(3) that does not have a registration number, whatever identifying details of the vehicle the authority considers appropriate.
- (3) Each entry in the register in respect of approved premises or a vehicle must record –
- (a) the name of the person on whose application the approval was granted;
 - (b) in the case of an entry in respect of premises, the address of the premises;
 - (c) in the case of an entry in respect of a vehicle that has a registration number, the registration number of the vehicle;
 - (d) in the case of an entry in respect of a vehicle that does not have a registration number, whatever identifying details of the vehicle the authority considers appropriate;
 - (e) the procedure in respect of which the approval applies;
 - (f) the date on which the approval was granted;
 - (g) the duration of the approval.
- (4) The register may also include any other information that the authority maintaining it considers appropriate.
- (5) The Welsh Ministers may arrange for the duties imposed on local authorities by this section to be discharged by means of a central register kept by a local authority appointed pursuant to the arrangements.
- (6) The Welsh Ministers may require local authorities to participate in and contribute towards the cost of any arrangements made under subsection (5).
- (7) The requirements that may be imposed on an authority under subsection (6) may include (among other things) a requirement to share information with the authority appointed to keep the central register.
- (8) For the purposes of this section, a “central register” is a register covering the areas of each local authority.

Fees

76 Fees

- (1) A local authority that has issued a special procedure licence may charge the licence holder a fee, either periodically or otherwise, for so long as the licence continues to have effect.

- (2) Caiff awdurdod lleol sydd wedi cymeradwyo mangre neu gerbyd o dan adran 70 godi ffi ar y person y rhoddwyd y gymeradwyaeth i'w gais, naill ai'n gyfnodol neu fel arall, am gyhyd ag y mae'r gymeradwyaeth yn parhau i gael effaith.
- (3) Mae swm ffi a godir gan awdurdod lleol o dan yr adran hon i gael ei ddyfarnu gan yr awdurdod, gan roi sylw i'r costau y mae'r awdurdod yn mynd iddynt neu y disgwylir i'r awdurdod fynd iddynt mewn cysylltiad â'r Rhan hon.
- (4) Caiff rheoliadau wneud darpariaeth ynghylch y ffordd y mae awdurdod lleol (yn ddarostyngedig i is-adran (3)) i ddyfarnu ar swm y ffi.
- (5) Caiff rheoliadau wneud darpariaeth arall mewn cysylltiad â ffioedd a godir o dan yr adran hon, gan gynnwys (ymhlith pethau eraill) mewn cysylltiad –
 - (a) â'r ffordd y mae ffi i gael ei thalu;
 - (b) ag ad-dalu ffi (neu gyfran ohoni) mewn achosion o ordalu;
 - (c) ag adennill ffi sy'n ddyledus i awdurdod ac nad yw wedi ei thalu.

Hysbysiadau stop

77 Hysbysiadau stop

- (1) Mae'r adran hon yn gymwys os yw awdurdod lleol wedi ei fodloni –
 - (a) bod unigolyn yn rhoi triniaeth arbennig yn ardal yr awdurdod yn groes i adran 58(2) neu (3) (gofyniad i gael trwydded), neu
 - (b) bod person yn cynnal busnes, ac yng nghwrs y busnes hwnnw y rhoddir triniaeth arbennig yn ardal yr awdurdod, yn groes i'r gofyniad yn adran 69(2) (gofyniad i gael cymeradwyaeth).
- (2) Caiff yr awdurdod roi hysbysiad o dan yr adran hon i'r unigolyn hwnnw neu'r person hwnnw (y cyfeirir ato yn yr adran hon fel "P").
- (3) Yn y Rhan hon cyfeirir at hysbysiad a roddir o dan yr adran hon fel hysbysiad stop.
- (4) Rhaid i hysbysiad stop ddatgan bod yr awdurdod lleol wedi ei fodloni bod P yn torri (yn ôl y digwydd) adran 58(2) neu (3) neu'r gofyniad yn adran 69(2), a –
 - (a) mewn achos pan fo'r awdurdod lleol wedi ei fodloni fel y'i crybwyllir yn is-adran (1)(a), wahardd P rhag rhoi'r driniaeth o dan sylw yn unrhyw le yng Nghymru, o ddyddiad a bennir yn yr hysbysiad, ac eithrio o dan awdurdod trwydded triniaeth arbennig;
 - (b) mewn achos pan fo'r awdurdod lleol wedi ei fodloni fel y'i crybwyllir yn is-adran (1)(b), wahardd y driniaeth arbennig o dan sylw rhag cael ei rhoi yn unrhyw le yng Nghymru yng nghwrs y busnes sy'n cael ei gynnal gan P, o ddyddiad a bennir yn yr hysbysiad, ac eithrio mewn mangre neu mewn cerbyd a gymeradwyir o dan adran 70.
- (5) Rhaid i hysbysiad stop ddatgan hefyd –
 - (a) y caiff P apelio o dan adran 81 yn erbyn yr hysbysiad, a
 - (b) y cyfnod y caniateir i apêl gael ei dwyn ynddo.

- (2) A local authority that has approved premises or a vehicle under section 70 may charge the person on whose application the approval was granted a fee, either periodically or otherwise, for so long as the approval continues to have effect.
- (3) The amount of a fee charged by a local authority under this section is to be determined by the authority, having regard to the costs incurred or expected to be incurred by the authority in connection with this Part.
- (4) Regulations may make provision about the way in which (subject to subsection (3)) a local authority is to determine the amount of the fee.
- (5) Regulations may make other provision in respect of fees charged under this section, including (among other things) in connection with—
 - (a) the way in which a fee is to be paid;
 - (b) repayment of a fee (or a proportion of it) in cases of overpayment;
 - (c) recovery of a fee due to an authority and unpaid.

Stop notices

77 Stop notices

- (1) This section applies if a local authority is satisfied—
 - (a) that an individual is performing a special procedure in the authority's area in breach of section 58(2) or (3) (requirement to be licensed), or
 - (b) that a person is carrying on a business, in the course of which a special procedure is performed in its area, in breach of the requirement in section 69(2) (approval requirement).
- (2) The authority may give notice under this section to that individual or person (who is referred to in this section as "P").
- (3) Notice given under this section is referred to in this Part as a stop notice.
- (4) A stop notice must state that the local authority is satisfied that P is in breach of (as the case may be) section 58(2) or (3) or the requirement in section 69(2), and—
 - (a) in a case where the local authority is satisfied as mentioned in subsection (1)(a), prohibit the performance of the procedure concerned by P anywhere in Wales, as from a date specified in the notice, otherwise than under the authority of a special procedure licence;
 - (b) in a case where the local authority is satisfied as mentioned in subsection (1)(b), prohibit the performance anywhere in Wales of the special procedure concerned in the course of the business carried on by P, as from a date specified in the notice, otherwise than at premises or in a vehicle approved under section 70.
- (5) A stop notice must also state—
 - (a) that P may appeal under section 81 against the notice, and
 - (b) the period within which an appeal may be brought.

*Hysbysiadau camau adfer***78 Trwyddedau triniaeth arbennig: hysbysiadau camau adfer i ddeiliad trwydded**

- (1) Os yw awdurdod lleol a ddyroddodd drwydded triniaeth arbennig sy'n awdurdodi i driniaeth arbennig gael ei rhoi wedi ei fodloni bod deiliad y drwydded yn torri amod trwyddedu mandadol cymwys, caiff roi hysbysiad o dan yr adran hon i ddeiliad y drwydded.
- (2) Yn y Rhan hon cyfeirir at hysbysiad a roddir o dan yr adran hon fel hysbysiad camau adfer i ddeiliad trwydded.
- (3) Rhaid i hysbysiad camau adfer i ddeiliad trwydded –
 - (a) datgan bod yr awdurdod lleol wedi ei fodloni bod deiliad y drwydded yn torri amod trwyddedu mandadol cymwys;
 - (b) pennu'r materion a arweiniodd at y toriad;
 - (c) pennu'r camau sydd i gael eu cymryd gan ddeiliad y drwydded er mwyn sicrhau cydymffurfedd â'r amodau trwyddedu mandadol cymwys;
 - (d) pennu cyfnod (y "cyfnod cydymffurfio") ar gyfer cymryd y camau hynny nad yw'n llai na 14 o ddiwrnodau sy'n dechrau â dyddiad yr hysbysiad.
- (4) Rhaid i hysbysiad camau adfer i ddeiliad trwydded hefyd ddatgan –
 - (a) y caiff deiliad y drwydded apelio o dan adran 81 yn erbyn yr hysbysiad, a
 - (b) y cyfnod y caniateir i apêl gael ei dwyn ynddo.
- (5) Os yw'r awdurdod wedi ei fodloni bod torri'r amod yn peri risg sylweddol, neu y gallai beri risg sylweddol, o niwed i iechyd dynol, caiff yr hysbysiad camau adfer i ddeiliad trwydded hefyd wahardd deiliad y drwydded rhag rhoi'r driniaeth hyd nes bod y camau a bennir o dan is-adran (3)(c) wedi eu cymryd.
- (6) Caiff y gwaharddiad ymwneud â rhoi'r driniaeth gan ddeiliad y drwydded mewn ardal yng Nghymru sydd wedi ei phennu yn yr hysbysiad, neu ymwneud â rhoi'r driniaeth gan ddeiliad y drwydded yn unrhyw le yng Nghymru.
- (7) Pan fo hysbysiad camau adfer i ddeiliad trwydded wedi ei roi i ddeiliad trwydded, nid oes achos am drosedd o dan adran 82 i gael ei gychwyn yn ystod y cyfnod cydymffurfio mewn cysylltiad –
 - (a) â'r toriad a arweiniodd at yr hysbysiad, neu
 - (b) ag unrhyw barhad yn y toriad hwnnw.
- (8) Os yw'r camau a bennir mewn hysbysiad camau adfer i ddeiliad trwydded wedi eu cymryd yn ystod y cyfnod cydymffurfio, nid oes achos am drosedd o dan adran 82 i gael ei gychwyn mewn cysylltiad –
 - (a) â'r toriad a arweiniodd at yr hysbysiad, neu
 - (b) ag unrhyw barhad yn y toriad hwnnw cyn i'r camau a bennir yn yr hysbysiad gael eu cymryd.

*Remedial action notices***78 Special procedure licences: licence holder remedial action notices**

- (1) If a local authority by which a special procedure licence authorising the performance of a special procedure was issued is satisfied that the licence holder is in breach of an applicable mandatory licensing condition, it may give notice under this section to the licence holder.
- (2) Notice given under this section is referred to in this Part as a licence holder remedial action notice.
- (3) A licence holder remedial action notice must—
 - (a) state that the local authority is satisfied that the licence holder is in breach of an applicable mandatory licensing condition;
 - (b) specify the matters giving rise to the breach;
 - (c) specify steps to be taken by the licence holder in order to secure compliance with the applicable mandatory licensing conditions;
 - (d) specify a period (the “compliance period”) of not less than 14 days beginning with the date of the notice during which those steps are to be taken.
- (4) A licence holder remedial action notice must also state—
 - (a) that the licence holder may appeal under section 81 against the notice, and
 - (b) the period within which an appeal may be brought.
- (5) If the authority is satisfied that the breach of the condition presents, or could present, significant risk of harm to human health, the licence holder remedial action notice may also prohibit the performance of the procedure by the licence holder until the steps specified under subsection (3)(c) have been taken.
- (6) The prohibition may relate to the performance of the procedure by the licence holder in an area in Wales that is specified in the notice, or to its performance by the licence holder anywhere in Wales.
- (7) Where a licence holder remedial action notice has been given to a licence holder, no proceedings for an offence under section 82 are to be instituted during the compliance period in respect of—
 - (a) the breach that gave rise to the notice, or
 - (b) any continuation of that breach.
- (8) If the steps specified in a licence holder remedial action notice are taken during the compliance period, no proceedings for an offence under section 82 are to be instituted in respect of—
 - (a) the breach that gave rise to the notice, or
 - (b) any continuation of that breach prior to the taking of the steps specified in the notice.

- (9) Ond nid oes dim byd yn is-adran (7) neu (8) sy'n atal achos am drosedd o dan adran 82 rhag cael ei gychwyn, ar unrhyw adeg, mewn cysylltiad â thorri gwaharddiad ar roi triniaeth sydd wedi ei gynnwys mewn hysbysiad camau adfer i ddeiliad trwydded o dan is-adran (5).

79 Mangreoedd a cherbydau a gymeradwywyd: hysbysiaid camau adfer ar gyfer mangre

- (1) Os yw awdurdod lleol sydd wedi cymeradwyo mangre neu gerbyd o dan adran 70 wedi ei fodloni bod person yn torri'r gofyniad yn adran 69(3) (cydymffurfedd â'r amodau cymeradwyo mandadol cymwys) mewn cysylltiad â'r fangre neu'r cerbyd, caiff roi hysbysiad o dan yr adran hon i'r person.
- (2) Yn y Rhan hon cyfeirir at hysbysiad a roddir i berson ("P") o dan yr adran hon fel hysbysiad camau adfer ar gyfer mangre.
- (3) Rhaid i hysbysiad camau adfer ar gyfer mangre –
- (a) datgan bod yr awdurdod lleol wedi ei fodloni bod P yn torri'r gofyniad yn adran 69(3);
 - (b) pennu'r materion a arweiniodd at y toriad;
 - (c) pennu'r camau sydd i gael eu cymryd gan P er mwyn sicrhau cydymffurfedd â'r gofyniad;
 - (d) pennu cyfnod (y "cyfnod cydymffurfio") ar gyfer cymryd y camau hynny nad yw'n llai na 14 o ddiwrnodau sy'n dechrau â dyddiad yr hysbysiad.
- (4) Rhaid i hysbysiad camau adfer ar gyfer mangre hefyd ddatgan –
- (a) y caiff P apelio o dan adran 81 yn erbyn yr hysbysiad, a
 - (b) y cyfnod y caniateir i apêl gael ei dwyn ynddo.
- (5) Os yw'r awdurdod wedi ei fodloni bod torri'r gofyniad yn peri risg sylweddol, neu y gallai beri risg sylweddol, o niwed i iechyd dynol, caiff yr hysbysiad camau adfer ar gyfer mangre hefyd wahardd triniaeth arbennig rhag cael ei rhoi, hyd nes bod y camau a bennir o dan is-adran (3)(c) wedi eu cymryd, yn y fangre y mae'r hysbysiad yn ymwneud â hi neu (yn ôl y digwydd) yn y cerbyd y mae'r hysbysiad yn ymwneud ag ef.
- (6) Nid oes achos am drosedd o dan adran 82 i gael ei gychwyn yn erbyn P yn ystod y cyfnod cydymffurfio mewn cysylltiad –
- (a) â'r toriad a arweiniodd at yr hysbysiad, neu
 - (b) ag unrhyw barhad yn y toriad hwnnw.
- (7) Os yw'r camau a bennir mewn hysbysiad camau adfer ar gyfer mangre wedi eu cymryd yn ystod y cyfnod cydymffurfio, nid oes achos am drosedd o dan adran 82 i gael ei gychwyn yn erbyn P mewn cysylltiad –
- (a) â'r toriad a arweiniodd at yr hysbysiad, neu
 - (b) ag unrhyw barhad yn y toriad hwnnw cyn i'r camau a bennir yn yr hysbysiad gael eu cymryd.
- (8) Ond nid oes dim byd yn is-adran (6) neu (7) sy'n atal achos am drosedd o dan adran 82 rhag cael ei gychwyn, ar unrhyw adeg, mewn cysylltiad â thorri gwaharddiad ar roi triniaeth sydd wedi ei gynnwys mewn hysbysiad camau adfer ar gyfer mangre o dan is-adran (5).

- (9) But nothing in subsection (7) or (8) prevents proceedings for an offence under section 82 being instituted, at any time, in respect of the breach of a prohibition on the performance of a procedure that is included in a licence holder remedial action notice under subsection (5).

79 Approved premises and vehicles: premises remedial action notices

- (1) If a local authority that has approved premises or a vehicle under section 70 is satisfied that a person is in breach of the requirement in section 69(3) (compliance with applicable mandatory conditions of approval) in respect of the premises or vehicle, it may give notice under this section to the person.
- (2) Notice given under this section to a person (“P”) is referred to in this Part as a premises remedial action notice.
- (3) A premises remedial action notice must –
- (a) state that the local authority is satisfied that P is in breach of the requirement in section 69(3);
 - (b) specify the matters giving rise to the breach;
 - (c) specify steps to be taken by P in order to secure compliance with the requirement;
 - (d) specify a period (the “compliance period”) of not less than 14 days beginning with the date of the notice during which those steps are to be taken.
- (4) A premises remedial action notice must also state –
- (a) that P may appeal under section 81 against the notice, and
 - (b) the period within which an appeal may be brought.
- (5) If the authority is satisfied that the breach of the requirement presents, or could present, significant risk of harm to human health, the premises remedial action notice may also prohibit the performance of a special procedure, until the steps specified under subsection (3)(c) have been taken, at the premises or (as the case may be) in the vehicle to which the notice relates.
- (6) No proceedings for an offence under section 82 are to be instituted against P during the compliance period in respect of –
- (a) the breach that gave rise to the notice, or
 - (b) any continuation of that breach.
- (7) If the steps specified in a premises remedial action notice are taken during the compliance period, no proceedings for an offence under section 82 are to be instituted against P in respect of –
- (a) the breach that gave rise to the notice, or
 - (b) any continuation of that breach prior to the taking of the steps specified in the notice.
- (8) But nothing in subsection (6) or (7) prevents proceedings for an offence under section 82 being instituted, at any time, in respect of the breach of a prohibition on the performance of a procedure that is included in a premises remedial action notice under subsection (5).

- (9) Os yw hysbysiad camau adfer ar gyfer mangre a roddir i berson yn gwahardd rhoi triniaeth arbennig fel y'i disgrifir yn is-adran (5), rhaid i'r awdurdod a'i rhoddodd gymryd camau rhesymol i ddwyn yr hysbysiad i sylw unrhyw bersonau y mae'r awdurdod yn meddwl ei fod yn debygol o effeithio arnynt.

80 Tystysgrif gwblhau

- (1) Mae'r adran hon ac adran 81 yn gymwys pan fo awdurdod lleol wedi rhoi hysbysiad o dan adran 78 neu 79 i berson ("P").
- (2) Os yw'r awdurdod wedi ei fodloni bod P wedi cymryd y camau a bennir yn yr hysbysiad, rhaid i'r awdurdod roi tystysgrif i'r perwyl hwnnw i P ("tystysgrif gwblhau") sy'n rhyddhau'r hysbysiad.
- (3) Caiff P wneud cais i'r awdurdod ar unrhyw adeg am dystysgrif gwblhau.
- (4) Mae'r cais –
- i gael ei wneud ym mha ffordd bynnag sy'n ofynnol gan yr awdurdod, a
 - i gynnwys pa wybodaeth bynnag sy'n ofynnol gan yr awdurdod.
- (5) Os yw awdurdod lleol yn gwrthod cais o dan is-adran (3), rhaid iddo roi hysbysiad i P fod y cais wedi ei wrthod.
- (6) Rhaid i'r hysbysiad –
- nodi rhesymau'r awdurdod dros wrthod y cais,
 - datgan y caiff P apelio o dan adran 81 yn erbyn y penderfyniad, ac
 - pennu'r cyfnod y caniateir i apel gael ei dwyn ynddo.
- (7) Rhaid i awdurdod lleol sy'n rhoi tystysgrif neu hysbysiad o dan yr adran hon gymryd camau rhesymol i ddwyn y dystysgrif neu'r hysbysiad i sylw unrhyw bersonau y mae'r awdurdod yn meddwl bod y dystysgrif neu'r hysbysiad yn debygol o effeithio arnynt.

Apelau yn erbyn hysbysadau stop a hysbysadau camau adfer

81 Apelau

- (1) Caiff person ("P") apelio i lys ynadon –
- yn erbyn hysbysiad a roddir i P o dan adran 77;
 - yn erbyn hysbysiad a roddir i P o dan adran 78 neu 79;
 - os rhoddir hysbysiad i P o dan adran 80(5), yn erbyn gwrthod cais P am dystysgrif gwblhau.
- (2) Mae apêl i gael ei gwneud o fewn y cyfnod o 21 o ddiwrnodau sy'n dechrau â dyddiad yr hysbysiad o dan sylw.
- (3) Mae apêl i fod ar ffurf cwyn am orchymyn, ac yn unol â Deddf Llysoedd Ynadon 1980 (p.43).
- (4) At ddibenion y terfyn amser ar gyfer gwneud apêl, mae gwneud y gŵyn i gael ei drin fel gwneud yr apêl.
- (5) Ar apêl, caiff y llys ynadon –
- cadarnhau'r hysbysiad neu'r gwrthodiad;

- (9) If a premises remedial action notice given to a person prohibits the performance of a special procedure as described in subsection (5), the authority by which it was given must take reasonable steps for bringing the notice to the attention of any persons the authority thinks likely to be affected by the notice.

80 Completion certificate

- (1) This section and section 81 apply where a local authority has given notice under section 78 or 79 to a person (“P”).
- (2) If the authority is satisfied that P has taken the steps specified in the notice, the authority must give a certificate to that effect to P (a “completion certificate”) discharging the notice.
- (3) P may at any time apply to the authority for a completion certificate.
- (4) The application—
- (a) is to be made in whatever way the authority may require, and
 - (b) is to include whatever information the authority may require.
- (5) If a local authority refuses an application under subsection (3), it must give P notice that the application is refused.
- (6) The notice must—
- (a) set out the authority’s reasons for refusing the application,
 - (b) state that P may appeal under section 81 against the decision, and
 - (c) specify the period within which an appeal may be brought.
- (7) A local authority that gives a certificate or notice under this section must take reasonable steps for bringing the certificate or notice to the attention of any persons the authority thinks likely to be affected by it.

Appeals against stop notices and remedial action notices

81 Appeals

- (1) A person (“P”) may appeal to a magistrates’ court—
- (a) against notice given to P under section 77;
 - (b) against notice given to P under section 78 or 79;
 - (c) if P is given notice under section 80(5), against the refusal of P’s application for a completion certificate.
- (2) An appeal is to be made within the period of 21 days beginning with the date of the notice concerned.
- (3) An appeal is to be by way of complaint for an order, and in accordance with the Magistrates’ Courts Act 1980 (c.43).
- (4) For the purposes of the time limit for making an appeal, the making of the complaint is to be treated as the making of the appeal.
- (5) On an appeal, the magistrates’ court may—
- (a) confirm the notice or refusal;

- (b) yn achos apêl yn erbyn hysbysiad a roddir i P o dan adran 77, 78 neu 79, ddiddymu neu amrywio'r hysbysiad;
- (c) yn achos apêl yn erbyn gwrthod cais am dystysgrif gwblhau, ddiddymu'r gwrthodiad;
- (d) mewn unrhyw achos, anfon yr achos yn ôl i'r awdurdod lleol i ymdrin ag ef yn unol â chyfarwyddydau a roddir gan y llys;

a chaiff wneud unrhyw orchymyn o ran costau y mae'n meddwl ei fod yn addas.

- (6) Pan fo llys ynadon, ar apêl o dan yr adran hon, yn diddymu neu'n amrywio hysbysiad a roddwyd i P gan awdurdod lleol, neu'n diddymu'r gwrthodiad i gais am dystysgrif gwblhau, caiff orchymyn i'r awdurdod lleol ddigolledu P am golled a ddiodefwyd o ganlyniad i gyflwyno'r hysbysiad neu (yn ôl y digwydd) y gwrthodiad.
- (7) Caniateir i apêl gan y naill barti neu'r llall yn erbyn penderfyniad llys ynadon ar apêl o dan yr adran hon gael ei dwyn gerbron Llys y Goron.
- (8) Ar apêl i Lys y Goron, caiff Llys y Goron—
 - (a) cadarnhau, amrywio neu wrth-droi penderfyniad y llys ynadon;
 - (b) anfon yr achos yn ôl i'r llys ynadon neu'r awdurdod lleol i ymdrin ag ef yn unol â chyfarwyddydau a roddir gan Lys y Goron.
- (9) Nid yw dwyn apêl o dan yr adran hon yn erbyn hysbysiad a roddir gan awdurdod lleol yn atal dros dro effaith yr hysbysiad.

Troseddau sy'n ymwneud â'r system trwyddedu a chymeradwyo

82 Troseddau

- (1) Mae person sy'n torri adran 58 (gofyniad i gael trwydded) yn cyflawni trosedd.
- (2) Mae person sy'n torri gwaharddiad a bennir, o dan adran 61(3)(c), mewn hysbysiad a roddir o dan adran 61(1) (dynodi person at ddibenion adran 58(3)) yn cyflawni trosedd.
- (3) Mae person sydd, heb achos rhesymol, yn torri'r gofyniad yn adran 69(2) (gofyniad i gael cymeradwyaeth) yn cyflawni trosedd.
- (4) Mae person sydd, heb achos rhesymol, yn torri hysbysiad o dan adran 77 (hysbysiadau stop) yn cyflawni trosedd.
- (5) Mae person sydd, heb achos rhesymol, yn torri hysbysiad o dan adran 78 (hysbysiadau camau adfer i ddeiliad trwydded) yn cyflawni trosedd.
- (6) Mae person sydd, heb achos rhesymol, yn torri hysbysiad o dan adran 79 (hysbysiad camau adfer ar gyfer mangre) yn cyflawni trosedd.
- (7) Mae person sydd, mewn cais i ddyroddi, amrywio neu adnewyddu trwydded triniaeth arbennig neu gais am gymeradwyaeth i fangre neu gerbyd o dan adran 70—
 - (a) yn gwneud datganiad sy'n anwir neu'n gamarweiniol, a
 - (b) naill ai'n gwybod ei fod yn anwir neu'n gamarweiniol neu'n ddi-hid o ran a yw'n anwir neu'n gamarweiniol,
 yn cyflawni trosedd.

- (b) in the case of an appeal against a notice given to P under section 77, 78 or 79, quash or vary the notice;
- (c) in the case of an appeal against a refusal of an application for a completion certificate, quash the refusal;
- (d) in any case, remit the case to the local authority to dispose of in accordance with directions given by the court;

and may make such order as to costs as it thinks fit.

- (6) Where on an appeal under this section a magistrates' court quashes or varies a notice given to P by a local authority, or quashes the refusal of an application for a completion certificate, it may order the local authority to compensate P for loss suffered as the result of the service of the notice or (as the case may be) the refusal.
- (7) An appeal by either party against the decision of a magistrates' court on an appeal under this section may be brought to the Crown Court.
- (8) On an appeal to the Crown Court, the Crown Court may –
 - (a) confirm, vary or reverse the magistrates' court's decision;
 - (b) remit the case to the magistrates' court or the local authority to dispose of in accordance with directions given by the Crown Court.
- (9) The bringing of an appeal under this section against a notice given by a local authority does not suspend the effect of the notice.

Offences relating to licensing and approval system

82 Offences

- (1) A person who contravenes section 58 (licensing requirement) commits an offence.
- (2) A person who contravenes a prohibition specified, under section 61(3)(c), in notice given under section 61(1) (designation of person for purposes of section 58(3)) commits an offence.
- (3) A person who, without reasonable cause, contravenes the requirement in section 69(2) (approval requirement) commits an offence.
- (4) A person who, without reasonable cause, contravenes a notice under section 77 (stop notices) commits an offence.
- (5) A person who, without reasonable cause, contravenes a notice under section 78 (licence holder remedial action notices) commits an offence.
- (6) A person who, without reasonable cause, contravenes a notice under section 79 (premises remedial action notice) commits an offence.
- (7) A person who, in an application for the issue, variation or renewal of a special procedure licence or for approval of premises or a vehicle under section 70 –
 - (a) makes a statement that is false or misleading, and
 - (b) either knows, or is reckless as to whether, it is false or misleading,
 commits an offence.

- (8) Yn is-adran (7), ystyr “yn anwir neu’n gamarweiniol” yw anwir neu gamarweiniol mewn manylyn perthnasol.
- (9) Mae person sy’n cyflawni trosedd o dan yr adran hon yn agored ar euogfarn ddiannod i ddirwy.

*Gorfodi***83 Swyddogion awdurdodedig**

Mae cyfeiriadau yn adrannau 84 i 92 at swyddog awdurdodedig yn gyfeiriadau at unrhyw berson (pa un a yw’n swyddog i’r awdurdod lleol ai peidio) sydd wedi ei awdurdodi i arfer swyddogaethau awdurdod lleol o dan y Rhan hon neu yn rhinwedd y Rhan hon, naill ai –

- (a) gan yr awdurdod, neu
- (b) gan unrhyw berson y mae’r awdurdod wedi ymrwymo i drefniadau ag ef i’r person hwnnw arfer swyddogaethau’r awdurdod o dan y Rhan hon.

84 Pwerau mynediad etc.

- (1) Caiff swyddog awdurdodedig, os yw’r swyddog yn ystyried ei bod yn angenrheidiol at ddiben arfer swyddogaethau’r awdurdod lleol o dan y Rhan hon neu yn rhinwedd y Rhan hon, ar unrhyw adeg resymol fynd i mewn i unrhyw fangre sydd o fewn is-adran (4).
- (2) Ond nid yw hyn yn gymwys mewn perthynas â mangre a ddefnyddir yn gyfan gwbl neu’n bennaf fel annedd.
- (3) Ni chaiff swyddog awdurdodedig fynd i mewn i fangre drwy rym o dan yr adran hon.
- (4) Mae mangre o fewn yr is-adran hon os oes gan y swyddog reswm dros gredu –
 - (a) bod triniaeth arbennig wedi ei rhoi, yn cael ei rhoi neu’n debygol o gael ei rhoi yn y fangre, neu
 - (b) bod deunydd neu gyfarpar y bwriedir ei ddefnyddio wrth roi triniaeth arbennig, neu mewn cysylltiad â rhoi triniaeth arbennig, yn cael ei gadw neu ei baratoi yn y fangre.
- (5) Rhaid i swyddog awdurdodedig, os gofynnir iddo wneud hynny, ddangos tystiolaeth o’r awdurdodiad y cyfeirir ato yn adran 83 cyn mynd i mewn i fangre o dan yr adran hon.
- (6) Mae’r adran hon yn gymwys i gerbyd fel pe bai’n fangre.

85 Gwarant i fynd i mewn i annedd

- (1) Caiff ynad heddwch arfer y pŵer yn is-adran (3) os yw wedi ei fodloni ar sail gwybodaeth ysgrifenedig ar lw, at ddiben arfer swyddogaethau awdurdod lleol o dan y Rhan hon neu yn rhinwedd y Rhan hon, ei bod yn angenrheidiol mynd i mewn i fangre –
 - (a) a ddefnyddir yn gyfan gwbl neu’n bennaf fel annedd, ond
 - (b) sydd o fewn is-adran (2).
- (2) Mae mangre o fewn yr is-adran hon os oes rheswm dros gredu –

- (8) In subsection (7), “false or misleading” means false or misleading in a material particular.
- (9) A person who commits an offence under this section is liable on summary conviction to a fine.

Enforcement

83 Authorised officers

References in sections 84 to 92 to an authorised officer are to any person (whether or not an officer of the local authority) authorised to exercise functions of a local authority under or by virtue of this Part, either –

- (a) by the authority, or
- (b) by any person with whom the authority has entered into arrangements for that person to exercise functions of the authority under this Part.

84 Powers of entry etc.

- (1) An authorised officer may, if the officer considers it necessary for the purpose of the exercise of the local authority’s functions under or by virtue of this Part, at any reasonable time enter any premises that are within subsection (4).
- (2) But this does not apply in relation to premises used wholly or mainly as a dwelling.
- (3) An authorised officer may not enter premises by force under this section.
- (4) Premises are within this subsection if the officer has reason to believe that –
 - (a) a special procedure has been, is being, or is likely to be performed at the premises, or
 - (b) material or equipment intended for use in, or in connection with, the performance of a special procedure is stored or prepared at the premises.
- (5) An authorised officer must, if asked to do so, before entering premises under this section show evidence of the authorisation referred to in section 83.
- (6) This section applies to a vehicle as if it were premises.

85 Warrant to enter dwelling

- (1) A justice of the peace may exercise the power in subsection (3) if satisfied on sworn information in writing that, for the purpose of the exercise of a local authority’s functions under or by virtue of this Part, it is necessary to enter premises that –
 - (a) are used wholly or mainly as a dwelling, but
 - (b) are within subsection (2).
- (2) Premises are within this subsection if there is reason to believe that –

- (a) bod triniaeth arbennig wedi ei rhoi, yn cael ei rhoi neu'n debygol o gael ei rhoi yn y fangre, neu
 - (b) bod deunydd neu gyfarpar y bwriedir ei ddefnyddio wrth roi triniaeth arbennig, neu mewn cysylltiad â rhoi triniaeth arbennig, yn cael ei gadw neu ei baratoi yn y fangre.
- (3) Caiff yr ynad ddyroddi gwarant sy'n awdurdodi swyddog awdurdodedig i'r awdurdod i fynd i mewn i'r fangre, drwy rym os oes angen.
- (4) Mae'r warant yn parhau mewn grym tan ddiwedd y cyfnod o 28 o ddiwrnodau sy'n dechrau â'r dyddiad y'i dyroddwyd.
- (5) Mae'r adran hon yn gymwys i gerbyd fel pe bai'n fangre.

86 Gwarant i fynd i mewn i fangreoedd eraill

- (1) Caiff ynad heddwch arfer y pŵer yn is-adran (2) os yw wedi ei fodloni ar sail gwybodaeth ysgrifenedig ar lw –
- (a) ei bod, at ddiben arfer swyddogaethau awdurdod lleol o dan y Rhan hon neu yn rhinwedd y Rhan hon, yn angenrheidiol mynd i mewn i fangre nas defnyddir yn gyfan gwbl neu'n bennaf fel annedd, a
 - (b) bod gofyniad a nodir yn un neu ragor o is-adrannau (3) i (6) wedi ei fodloni.
- (2) Caiff yr ynad ddyroddi gwarant sy'n awdurdodi swyddog awdurdodedig i'r awdurdod i fynd i mewn i'r fangre, drwy rym os oes angen.
- (3) Y gofyniad yw –
- (a) bod gofyn am fynd i mewn i'r fangre wedi ei wrthod neu'n debygol o gael ei wrthod, a
 - (b) bod hysbysiad o fwriad i wneud cais am warant o dan yr adran hon wedi ei roi i'r meddiannydd neu berson yr ymddengys yn rhesymol i'r awdurdod lleol ei fod yn ymwneud â rheoli'r fangre.
- (4) Y gofyniad yw bod gofyn am fynd i mewn i'r fangre, neu roi hysbysiad o fwriad i wneud cais am warant o dan yr adran hon, yn debygol o danseilio diben y mynediad.
- (5) Y gofyniad yw nad yw'r fangre wedi ei meddiannu.
- (6) Y gofyniad yw –
- (a) bod meddiannydd y fangre yn absennol dros dro, a
 - (b) bod aros i'r meddiannydd ddychwelyd yn debygol o danseilio diben y mynediad.
- (7) Mae'r warant yn parhau mewn grym tan ddiwedd y cyfnod o 28 o ddiwrnodau sy'n dechrau â'r dyddiad y'i dyroddwyd.
- (8) Mae'r adran hon yn gymwys i gerbyd fel pe bai'n fangre.

87 Darpariaeth atodol ynghylch pwerau mynediad

- (1) Caiff swyddog awdurdodedig sy'n mynd i mewn i fangre yn rhinwedd adran 84, neu yn rhinwedd gwarant o dan adran 85 neu 86, fynd ag unrhyw bersonau eraill ac unrhyw gyfarpar y mae'r swyddog yn ystyried eu bod yn briodol.

- (a) a special procedure has been, is being, or is likely to be performed at the premises, or
 - (b) material or equipment intended for use in, or in connection with, the performance of a special procedure is stored or prepared at the premises.
- (3) The justice may issue a warrant authorising an authorised officer of the authority to enter the premises, if need be by force.
- (4) The warrant continues in force until the end of the period of 28 days beginning with the date on which it was issued.
- (5) This section applies to a vehicle as if it were premises.

86 Warrant to enter other premises

- (1) A justice of the peace may exercise the power in subsection (2) if satisfied on sworn information in writing—
- (a) that, for the purpose of the exercise of a local authority's functions under or by virtue of this Part, it is necessary to enter premises that are not used wholly or mainly as a dwelling, and
 - (b) that a requirement set out in one or more of subsections (3) to (6) is met.
- (2) The justice may issue a warrant authorising an authorised officer of the authority to enter the premises, if need be by force.
- (3) The requirement is that—
- (a) a request to enter the premises has been, or is likely to be, refused, and
 - (b) notice of intention to apply for a warrant under this section has been given to the occupier or a person who reasonably appears to the local authority to be concerned in the management of the premises.
- (4) The requirement is that requesting to enter the premises, or the giving of notice of intention to apply for a warrant under this section, is likely to defeat the purpose of the entry.
- (5) The requirement is that the premises are unoccupied.
- (6) The requirement is that—
- (a) the occupier of the premises is temporarily absent, and
 - (b) awaiting the occupier's return is likely to defeat the purpose of the entry.
- (7) The warrant continues in force until the end of the period of 28 days beginning with the date on which it was issued.
- (8) This section applies to a vehicle as if it were premises.

87 Supplementary provision about powers of entry

- (1) An authorised officer entering premises by virtue of section 84, or by virtue of a warrant under section 85 or 86, may take such other persons and such equipment as the officer considers appropriate.

- (2) Os yw meddiannydd mangre y mae swyddog awdurdodedig wedi ei awdurdodi i fynd i mewn iddi drwy warant o dan adran 85 neu 86 yn bresennol ar yr adeg y mae'r swyddog awdurdodedig yn ceisio gweithredu'r warant –
 - (a) rhaid rhoi enw'r swyddog i'r meddiannydd;
 - (b) rhaid i'r swyddog gyflwyno i'r meddiannydd dystiolaeth ddogfennol bod y swyddog yn swyddog awdurdodedig;
 - (c) rhaid i'r swyddog gyflwyno'r warant i'r meddiannydd;
 - (d) rhaid i'r swyddog gyflenwi copi ohoni i'r meddiannydd.
- (3) Os nad yw mangre y mae swyddog awdurdodedig wedi ei awdurdodi i fynd i mewn iddi drwy warant o dan adran 85 neu 86 wedi ei meddiannu, neu os yw'r meddiannydd yn absennol dros dro, yna wrth adael y fangre rhaid i'r swyddog ei gadael wedi ei diogelu yr un mor effeithiol rhag mynediad anawdurdodedig ag yr oedd pan aeth y swyddog iddi.
- (4) Mae'r adran hon yn gymwys i gerbyd fel pe bai'n fangre.

88 Pwerau arolygu etc.

- (1) Caiff person awdurdodedig sy'n mynd i mewn i fangre o dan adran 84, neu yn rhinwedd gwarant o dan adran 85 neu 86, wneud unrhyw un neu ragor o'r canlynol os yw'r swyddog yn ystyried ei bod yn angenrheidiol at ddiben arfer swyddogaethau'r awdurdod o dan y Rhan hon neu yn rhinwedd y Rhan hon –
 - (a) cynnal arolygiadau ac archwiliadau yn y fangre;
 - (b) ei gwneud yn ofynnol cyflwyno unrhyw beth yn y fangre, ei arolygu, a chymryd a chadw samplau ohono neu echdynion ohono;
 - (c) cymryd meddiant o unrhyw beth yn y fangre, a'i gadw am gyhyd ag y mae'r swyddog yn ystyried ei bod yn angenrheidiol at y diben hwnnw;
 - (d) ei gwneud yn ofynnol i unrhyw berson roi gwybodaeth, neu ddarparu cyfleusterau a chymorth mewn cysylltiad â materion sydd o fewn rheolaeth y person.
- (2) Os yw'r swyddog awdurdodedig yn ystyried ei bod yn angenrheidiol at ddiben arfer swyddogaethau'r awdurdod lleol o dan y Rhan hon neu yn rhinwedd y Rhan hon, caiff y swyddog drefnu i unrhyw beth a gyflwynir o dan is-adran (1)(b), neu unrhyw beth y mae'r swyddog wedi cymryd meddiant ohono o dan is-adran (1)(c), gael ei ddadansoddi.
- (3) Os yw'r swyddog awdurdodedig, yn rhinwedd is-adran (1)(c), yn cymryd unrhyw beth o'r fangre, rhaid i'r swyddog adael yn y fangre y cafodd ei gymryd ohoni ddatganiad –
 - (a) sy'n rhoi manylion yr hyn sydd wedi ei gymryd ac sy'n datgan bod y swyddog wedi cymryd meddiant ohono, a
 - (b) sy'n nodi'r person y caniateir gofyn iddo i'r eiddo gael ei ddychwelyd.
- (4) Mae'r pwerau a roddir gan yr adran hon yn cynnwys y pŵer –
 - (a) i gopiö dogfennau y deuir o hyd iddynt yn y fangre;
 - (b) i osod gofynion o ran sut y darperir dogfennau (a gaiff gynnwys gofynion i ddarparu copïau darllenadwy o ddogfennau y deuir o hyd iddynt yn y fangre ac a gedwir yn electronig).

- (2) If the occupier of premises that an authorised officer is authorised to enter by a warrant under section 85 or 86 is present at the time the authorised officer seeks to execute the warrant –
 - (a) the occupier must be told the officer’s name;
 - (b) the officer must produce to the occupier documentary evidence that the officer is an authorised officer;
 - (c) the officer must produce the warrant to the occupier;
 - (d) the officer must supply the occupier with a copy of it.
- (3) If premises that an authorised officer is authorised to enter by a warrant under section 85 or 86 are unoccupied, or if the occupier is temporarily absent, then on leaving the premises the officer must leave them as effectively secured against unauthorised entry as when the officer found them.
- (4) This section applies to a vehicle as if it were premises.

88 Powers of inspection etc.

- (1) An authorised officer entering premises under section 84, or by virtue of a warrant under section 85 or 86, may do any of the following if the officer considers it necessary for the purpose of the exercise of the authority’s functions under or by virtue of this Part –
 - (a) carry out inspections and examinations on the premises;
 - (b) require the production of anything on the premises, inspect it, and take and retain samples of or extracts from it;
 - (c) take possession of anything on the premises, and retain it for as long as the officer considers necessary for that purpose;
 - (d) require any person to give information, or afford facilities and assistance with respect to matters within the person’s control.
- (2) If the authorised officer considers it necessary for the purpose of the exercise of the local authority’s functions under or by virtue of this Part, the officer may arrange for anything produced under subsection (1)(b), or of which the officer has taken possession under subsection (1)(c), to be analysed.
- (3) If by virtue of subsection (1)(c) the authorised officer takes anything away from the premises, the officer must leave on the premises from which it was taken a statement –
 - (a) giving particulars of what has been taken and stating that the officer has taken possession of it, and
 - (b) identifying the person to whom a request for the return of the property may be made.
- (4) The powers conferred by this section include the power –
 - (a) to copy documents found on the premises;
 - (b) to impose requirements as to how documents are provided (which may include requirements to provide legible copies of documents found on the premises that are stored electronically).

- (5) At y diben hwn, mae “dogfennau” yn cynnwys gwybodaeth sydd wedi ei chofnodi ar unrhyw ffurf; ac mae cyfeiriadau at ddogfennau y deuir o hyd iddynt yn y fangre yn cynnwys –
- (a) dogfennau a gedwir ar gyfrifiaduron neu ddyfeisiau electronig eraill yn y fangre, a
 - (b) dogfennau a gedwir yn rhywle arall ac y gellir cael mynediad iddynt drwy gyfrifiaduron neu ddyfeisiau electronig eraill yn y fangre.
- (6) Nid yw’r adran hon yn ei gwneud yn ofynnol i berson ateb unrhyw gwestiwn neu gyflwyno unrhyw ddogfen y byddai hawl gan y person i wrthod ei ateb neu wrthod ei chyflwyno mewn achos mewn llys yng Nghymru a Lloegr neu at ddibenion achos o’r fath.
- (7) Mae’r adran hon yn gymwys i gerbyd fel pe bai’n fangre.

89 Rhwystro etc. swyddogion

- (1) Mae unrhyw berson sy’n rhwystro’n fwriadol swyddog awdurdodedig sy’n arfer swyddogaethau o dan adrannau 84 i 88 yn cyflawni trosedd.
- (2) Mae unrhyw berson sydd, heb achos rhesymol, yn methu –
- (a) â darparu i swyddog awdurdodedig gyfleusterau y mae’n rhesymol i’r swyddog awdurdodedig ei gwneud yn ofynnol iddynt gael eu darparu at ddiben gofyniad o dan adran 88(1), neu
 - (b) â chydymffurfio â gofyniad o dan adran 88(1)(b) neu (d),
- yn cyflawni trosedd.
- (3) Mae person sy’n euog o drosedd o dan yr adran hon yn agored ar euogfarn ddiannod i ddirwy nad yw’n uwch na lefel 3 ar y raddfa safonol.
- (4) Mae’r adran hon yn ddarostyngedig i adran 88(6).

90 Pŵer i wneud pryniannau prawf

Caiff swyddog awdurdodedig wneud unrhyw bryniannau a threfniadau, a sicrhau y darperir unrhyw wasanaethau, y mae’r swyddog yn ystyried eu bod yn angenrheidiol at ddiben arfer swyddogaethau’r awdurdod lleol o dan y Rhan hon neu yn rhinwedd y Rhan hon.

91 Eiddo a gedwir: apelau

- (1) Caiff person (“P”) a chanddo fuddiant mewn unrhyw beth yr eir ymaith ag ef o dan adran 88(1)(c) gan swyddog awdurdodedig i awdurdod lleol (“eiddo a gedwir”) wneud cais drwy gŵyn i unrhyw lys ynadon am orchymyn sy’n ei gwneud yn ofynnol iddo gael ei ryddhau, naill ai i P neu i berson arall.
- (2) Os yw’r llys, ar gais o dan yr adran hon, wedi ei fodloni nad yw’n angenrheidiol parhau i gadw’r eiddo a gedwir at ddiben arfer swyddogaethau’r awdurdod o dan y Rhan hon neu yn rhinwedd y Rhan hon, caiff wneud gorchymyn sy’n ei gwneud yn ofynnol i’r eiddo a gedwir gael ei ryddhau.

- (5) For this purpose, “documents” includes information recorded in any form; and references to documents found on the premises include—
 - (a) documents stored on computers or other electronic devices on the premises, and
 - (b) documents stored elsewhere that can be accessed by computers or other electronic devices on the premises.
- (6) A person is not required by this section to answer any question or produce any document which the person would be entitled to refuse to answer or produce in or for the purposes of proceedings in a court in England and Wales.
- (7) This section applies to a vehicle as if it were premises.

89 Obstruction etc. of officers

- (1) Any person who intentionally obstructs an authorised officer exercising functions under sections 84 to 88 commits an offence.
- (2) Any person who without reasonable cause fails—
 - (a) to provide an authorised officer with facilities that the authorised officer reasonably requires for the purpose of a requirement under section 88(1), or
 - (b) to comply with a requirement under section 88(1)(b) or (d),commits an offence.
- (3) A person guilty of an offence under this section is liable on summary conviction to a fine not exceeding level 3 on the standard scale.
- (4) This section is subject to section 88(6).

90 Power to make test purchases

An authorised officer may make such purchases and arrangements, and secure the provision of such services, as the officer considers necessary for the purpose of the exercise of the local authority’s functions under or by virtue of this Part.

91 Retained property: appeals

- (1) A person (“P”) with an interest in anything taken away under section 88(1)(c) by an authorised officer of a local authority (“retained property”) may apply by way of complaint to any magistrates’ court for an order requiring it to be released, either to P or another person.
- (2) If, on an application under this section, the court is satisfied that the continued retention of the retained property is not necessary for the purpose of the exercise of the authority’s functions under or by virtue of this Part, it may make an order requiring the release of the retained property.

- (3) Caiff gorchymyn o dan yr adran hon gynnwys pa ddarpariaeth bynnag y mae'r llys yn meddwl ei bod yn briodol er mwyn gohirio ei ddwyn i rym wrth aros i apêl (gan gynnwys cais o dan adran 111 o Ddeddf Llysoedd Ynadon 1980 (p.43)) gael ei gwneud a dyfarnu arni.
- (4) Os yw'r llys yn gohirio gwrandawriad cais o dan yr adran hon, caiff wneud gorchymyn mewn cysylltiad â'r eiddo a gedwir sy'n para tan wrandawriad terfynol y cais neu hyd nes y gwneir unrhyw orchymyn pellach, os yw'n ystyried ei bod yn briodol gwneud hynny.
- (5) Nid oes dim byd yn yr adran hon sy'n effeithio ar unrhyw bŵer arall sydd gan y llys i wneud gorchymyn mewn cysylltiad â'r eiddo a gedwir, gan gynnwys unrhyw bŵer i wneud gorchymyn o dan adran 1 o Ddeddf yr Heddlu (Eiddo) 1897 (p.30).

92 Eiddo a gyfeddir: digolledu

- (1) Caiff person ("P") a chanddo fuddiant mewn unrhyw beth y mae swyddog awdurdodedig i awdurdod lleol wedi cymryd meddiant ohono o dan adran 88(1)(c) ("eiddo a gyfeddir") wneud cais drwy gŵyn i unrhyw lys ynadon i gael ei ddiolledu.
- (2) Mae is-adran (3) yn gymwys os yw'r llys, ar gais o dan yr adran hon, wedi ei fodloni –
 - (a) bod P wedi dioddef colled neu ddifrod oherwydd bod y swyddog awdurdodedig wedi cymryd meddiant o'r eiddo a gyfeddir, neu ei gadw, o dan amgylchiadau pan nad oedd yn angenrheidiol gwneud hynny at ddiben arfer swyddogaethau'r awdurdod lleol o dan y Rhan hon neu yn rhinwedd y Rhan hon, a
 - (b) na ellir priodoli'r golled neu'r difrod i esgeulustod neu ddiffyg P.
- (3) Caiff y llys orchymyn i'r awdurdod lleol ddiolledu P.

Diwygio ystyr triniaeth arbennig

93 Pŵer i ychwanegu neu ddileu triniaethau arbennig

- (1) Caiff rheoliadau ddiwygio adran 57 drwy –
 - (a) ychwanegu math neu ddisgrifiad o driniaeth at y rhestr yn yr adran honno neu ddileu math neu ddisgrifiad o driniaeth oddi arni, neu
 - (b) amrywio cyfeiriad yn yr adran honno at fath neu ddisgrifiad o driniaeth.
- (2) At y diben hwn caniateir i driniaeth gael ei disgrifio drwy gyfeirio at (ymhlith pethau eraill) –
 - (a) y disgrifiad o unigolyn sy'n rhoi'r driniaeth;
 - (b) y disgrifiad o unigolyn sy'n cael y driniaeth.
- (3) Nid yw'r pŵer i ychwanegu math neu ddisgrifiad o driniaeth at y rhestr yn adran 57 drwy reoliadau o dan yr adran hon i gael ei arfer mewn cysylltiad â thriniaeth ond os yw Gweinidogion Cymru yn ystyried –
 - (a) bod y driniaeth yn un y gellir ei rhoi at ddibenion esthetig, neu at ddibenion y mae Gweinidogion Cymru yn ystyried eu bod yn therapiwtig, a
 - (b) y gall rhoi'r driniaeth at y dibenion hynny achosi niwed i iechyd dynol.
- (4) Cyn gwneud rheoliadau o dan yr adran hon, rhaid i Weinidogion Cymru –

- (3) An order under this section may contain whatever provision the court thinks appropriate for delaying its coming into force pending the making and determination of an appeal (including an application under section 111 of the Magistrates' Courts Act 1980 (c.43)).
- (4) If the court adjourns the hearing of an application under this section, it may make an order in respect of the retained property that lasts until the final hearing of the application or until any further order is made, if it considers it appropriate to do so.
- (5) Nothing in this section affects any other power of the court to make an order in respect of the retained property, including any power to make an order under section 1 of the Police (Property) Act 1897 (c.30).

92 Appropriated property: compensation

- (1) A person ("P") with an interest in anything of which an authorised officer of a local authority has taken possession under section 88(1)(c) ("appropriated property") may apply by way of complaint to any magistrates' court for compensation.
- (2) Subsection (3) applies if, on an application under this section, the court is satisfied that—
 - (a) P has suffered loss or damage in consequence of the authorised officer's taking possession of the appropriated property, or retaining it, in circumstances where doing so was not necessary for the purpose of the exercise of the local authority's functions under or by virtue of this Part, and
 - (b) the loss or damage is not attributable to the neglect or default of P.
- (3) The court may order the local authority to pay compensation to P.

Amendment of meaning of special procedure

93 Power to add or remove special procedures

- (1) Regulations may amend section 57 by—
 - (a) adding or removing a type or description of procedure to or from the list in that section, or
 - (b) varying a reference in that section to a type or description of procedure.
- (2) For this purpose a procedure may be described by reference to (among other things)—
 - (a) the description of individual by whom it is carried out;
 - (b) the description of individual on whom it is carried out.
- (3) The power to add a type or description of procedure to the list in section 57 by regulations under this section is to be exercised in respect of a procedure only if the Welsh Ministers consider—
 - (a) that the procedure is one that is capable of being performed for aesthetic purposes, or for purposes that the Welsh Ministers consider to be therapeutic, and
 - (b) that its performance for those purposes is capable of causing harm to human health.
- (4) Before making regulations under this section, the Welsh Ministers must—

- (a) ystyried a oes personau yr ymddengys eu bod yn cynrychioli buddiannau'r rheini y mae'r rheoliadau yn debygol o effeithio arnynt ("personau cynrychiadol"), a
 - (b) cynnal ymgynghoriad ag unrhyw bersonau cynrychiadol y mae Gweinidogion Cymru yn ystyried ei bod yn briodol ymgynghori â hwy.
- (5) Caiff rheoliadau o dan yr adran hon wneud diwygiadau i'r Rhan hon sy'n ganlyniadol i'r diwygiad i adran 57 a wneir gan y rheoliadau.

Dehongli

94 Dehongli'r Rhan hon

(1) Yn y Rhan hon –

ystyr "aciwbigo" ("*acupuncture*") yw gosod nodwyddau ym meinwe unigolyn at ddibenion adfer neu ddibenion therapiwtig, ond ac eithrio gosod nodwyddau mewn meinwe at ddiben chwistrellu unrhyw sylwedd;

mae i "amodau cymeradwyo mandadol" ("*mandatory approval conditions*") yr ystyr a roddir yn adran 70;

mae i "amodau trwyddedu mandadol cymwys" ("*applicable mandatory licensing conditions*") yr ystyr a roddir yn adran 63(7);

mae "cerbyd" ("*vehicle*") yn cynnwys –

- (a) trelar, lled-drelar, neu beth arall a ddyluniwyd neu a addaswyd i gael ei dynnu gan gerbyd arall;
- (b) unrhyw beth ar gerbyd;
- (c) rhan o gerbyd y gellir ei datgysylltu;
- (d) cynhwysydd neu strwythur arall a ddyluniwyd neu a addaswyd i gael ei gario gan gerbyd arall neu ar gerbyd arall;

mae i "cyfnod y drwydded" ("*licence period*") yr ystyr a roddir yn adran 59(8);

mae i "deiliad trwydded" ("*licence holder*") yr ystyr a roddir yn adran 59(8);

ystyr "electrolysis" ("*electrolysis*") yw gwaredu gwallt corff unigolyn drwy basio cerrynt trydan drwy'r gwreiddyn drwy osod nodwydd neu chwiliedydd;

mae "mangre" ("*premises*") yn cynnwys unrhyw fan neu gyfleuster symudol (ond nid yw'n cynnwys cerbyd);

mae i "meini prawf trwyddedu" ("*licensing criteria*") yr ystyr a roddir yn adran 62;

mae i "swyddog awdurdodedig" ("*authorised officer*") yr ystyr a roddir yn adran 83;

ystyr "tatwio" ("*tattooing*") yw mewnosod mewn priciau a wnaed yng nghroen, neu ym mhilen fwcaidd, unigolyn unrhyw ddeunydd sy'n lliwio a ddyluniwyd i adael marc lled-barhaol neu barhaol (gan gynnwys microbigenitiad);

mae i "triniaeth arbennig" ("*special procedure*") yr ystyr a roddir yn adran 57 ;

ystyr "trosedd berthnasol" ("*relevant offence*") yw trosedd a restrir yn adran 66(8);

mae i "trwydded dros dro" ("*temporary licence*") yr ystyr a roddir yn adran 59;

- (a) consider whether there are persons who appear to be representative of the interests of those likely to be affected by the regulations (“representative persons”), and
 - (b) carry out consultation with any representative persons whom the Welsh Ministers consider it appropriate to consult.
- (5) Regulations under this section may make amendments to this Part that are consequential upon the amendment to section 57 effected by the regulations.

Interpretation

94 Interpretation of this Part

(1) In this Part –

“acupuncture” (“*aciwbigo*”) means the insertion of needles into an individual’s tissue for remedial or therapeutic purposes, but excluding the insertion of needles into tissue for the purpose of injecting any substance;

“applicable mandatory licensing conditions” (“*amodau trwyddedu mandadol cymwys*”) has the meaning given in section 63(7);

“approval certificate” (“*tystysgrif gymeradwyo*”) has the meaning given in section 70;

“authorised officer” (“*swyddog awdurdodedig*”) has the meaning given in section 83;

“body piercing” (“*tyllu’r corff*”) means the perforation of an individual’s skin or mucous membrane, with a view to enabling –

(a) jewellery, or

(b) an object of a description prescribed in or under regulations,

to be attached to, implanted in, or removed from the individual’s body;

“completion certificate” (“*tystysgrif gwblhau*”) has the meaning given in section 80;

“electrolysis” (“*electrolysis*”) means the removal of an individual’s body hair by passing an electric current through the root by means of an inserted needle or probe;

“licence holder” (“*deiliad trwydded*”) has the meaning given in section 59(8);

“licence period” (“*cyfnod y drwydded*”) has the meaning given in section 59(8);

“licensing criteria” (“*meini prawf trwyddedu*”) has the meaning given in section 62;

“mandatory approval conditions” (“*amodau cymeradwyo mandadol*”) has the meaning given in section 70;

“premises” (“*mangre*”) includes any place or moveable facility (but does not include a vehicle);

“relevant offence” (“*trosedd berthnasol*”) means an offence listed in section 66(8);

“special procedure” (“*triniaeth arbennig*”) has the meaning given in section 57;

mae i “trwydded triniaeth arbennig” (“*special procedure licence*”) yr ystyr a roddir yn adran 59;

ystyr “tyllu’r corff” (“*body piercing*”) yw gwneud trydylliad yng nghroen neu ym mhilen fwcaidd unigolyn, gyda golwg ar alluogi –

(a) i emwaith, neu

(b) i wrthrych o ddisgrifiad a ragnodir mewn rheoliadau neu o dan reoliadau, gael ei atodi i gorff yr unigolyn, ei fewnblannu yng nghorff yr unigolyn neu ei dynnu o gorff yr unigolyn;

mae i “tystysgrif gwblhau” (“*completion certificate*”) yr ystyr a roddir yn adran 80;

mae i “tystysgrif gymeradwyo” (“*approval certificate*”) yr ystyr a roddir yn adran 70.

- (2) At ddibenion y diffiniad o “tyllu’r corff” yn is-adran (1), mae’r cyfeiriad at wneud trydylliad yng nghroen neu ym mhilen fwcaidd unigolyn yn cynnwys cyfeiriad at wneud bwlch yng nghyfanrwydd y croen neu’r bilen fwcaidd mewn unrhyw ffordd, gan gynnwys (ymhlith pethau eraill) drwy bric neu endoriad.
- (3) Caiff rheoliadau o dan is-adran (1) ragnodi gwrthrych neu ddisgrifiad o wrthrych drwy gyfeirio at (ymhlith pethau eraill) y rhan o’r corff y mae’r trydylliad yn cael ei roi ynddi.
- (4) At ddibenion y Rhan hon –
 - (a) mae triniaeth arbennig yn cael ei rhoi ar sail safle sefydlog os yw’n cael ei rhoi mewn mangre sydd –
 - (i) naill ai wedi ei meddiannu gan yr unigolyn sy’n rhoi’r driniaeth (“P”), neu sydd i unrhyw raddau yn cael ei rheoli gan yr unigolyn hwnnw neu sydd i unrhyw raddau o dan reolaeth yr unigolyn hwnnw, neu
 - (ii) pan fo P yn rhoi’r driniaeth o dan gontract gwasanaeth neu brentisiaeth, neu gontract am wasanaethau, â pherson arall (“E”), naill ai wedi ei meddiannu gan E, neu sydd i unrhyw raddau yn cael ei rheoli gan E neu sydd o dan reolaeth E;
 - (b) mae triniaeth arbennig yn cael ei rhoi ar sail symudol os yw’n cael ei rhoi mewn cerbyd;
 - (c) mae triniaeth arbennig yn cael ei rhoi ar sail beripatetig os yw’n cael ei rhoi mewn mangreoedd gwahanol amrywiol nad ydynt o fewn paragraff (a)(i) neu (ii);
 - (d) mae triniaeth arbennig yn cael ei rhoi ar sail dros dro –
 - (i) os yw’n cael ei rhoi yng nghwrs adloniant, arddangosfa neu ddigwyddiad arall y mae gan y cyhoedd fynediad iddo, a
 - (ii) os nad yw’r cyfnod pan y’i rhoddir yn yr adloniant hwnnw, yr arddangosfa honno neu’r digwyddiad hwnnw yn hwy na saith niwrnod.
- (5) Yn y Rhan hon, mae cyfeiriadau at niwed i iechyd dynol yn cynnwys (ymhlith pethau eraill) cyfeiriadau at –
 - (a) niwed i iechyd corfforol unigolyn sy’n deillio o (ymhlith pethau eraill) –
 - (i) anaf corfforol,

“special procedure licence” (*“trwydded triniaeth arbennig”*) has the meaning given in section 59;

“tattooing” (*“tatâtio”*) means the insertion into punctures made in an individual’s skin, or mucous membrane, of any colouring material designed to leave a semi-permanent or permanent mark (including micro pigmentation);

“temporary licence” (*“trwydded dros dro”*) has the meaning given in section 59;

“vehicle” (*“cerbyd”*) includes –

- (a) a trailer, a semi-trailer, or other thing that is designed or adapted to be towed by another vehicle;
- (b) anything on a vehicle;
- (c) a detachable part of a vehicle;
- (d) a container or other structure designed or adapted to be carried by or on another vehicle.

- (2) For the purposes of the definition of “body piercing” in subsection (1), the reference to perforating an individual’s skin or mucous membrane includes a reference to breaching the integrity of the skin or mucous membrane in any way, including (among other things) by way of puncture or incision.
- (3) Regulations under subsection (1) may prescribe an object or description of object by reference to (among other things) the part of the body on which the perforation is performed.
- (4) For the purposes of this Part –
 - (a) a special procedure is performed on a fixed site basis if it is performed at premises that –
 - (i) are either occupied by, or to any extent under the management or control of, the individual performing the procedure (“P”), or
 - (ii) where P performs the procedure under a contract of service or apprenticeship, or a contract for services, with another person (“E”), are either occupied by, or to any extent under the management or control of, E;
 - (b) a special procedure is performed on a mobile basis if it is performed in a vehicle;
 - (c) a special procedure is performed on a peripatetic basis if it is performed at various different premises that are not within paragraph (a)(i) or (ii);
 - (d) a special procedure is performed on a temporary basis if –
 - (i) it is performed in the course of an entertainment, exhibition or other event, to which members of the public have access, and
 - (ii) the period during which it is performed at that entertainment, exhibition or event does not exceed seven days.
- (5) In this Part, references to harm to human health include (among other things) references to –
 - (a) harm to an individual’s physical health arising through (among other things) –
 - (i) physical injury,

- (ii) dod i gysylltiad ag unrhyw ffurf ar haint neu halogiad, neu
 - (iii) gwneud unigolyn yn agored, neu'n fwy agored, i unrhyw ffurf ar haint neu halogiad;
- (b) niwed i iechyd meddwl unigolyn.

RHAN 5

RHOI TWLL MEWN RHAN BERSONOL O'R CORFF

Troseddau sy'n gysylltiedig â rhoi twll mewn rhan bersonol o'r corff

- 95 Y drosedd o roi neu wneud trefniadau i roi twll mewn rhan bersonol o gorff plentyn**
- (1) Mae'n drosedd i berson yng Nghymru –
- (a) rhoi twll mewn rhan bersonol o gorff person sydd o dan 18 oed, neu
 - (b) gwneud trefniadau i roi, yng Nghymru, dwll mewn rhan bersonol o gorff person penodol sydd o dan 18 oed.
- (2) Mae person sy'n euog o drosedd o dan yr adran hon yn agored ar euogfarn ddiannod i ddirwy.
- (3) Pan fo person ("y cyhuddedig") wedi ei gyhuddo o drosedd o dan yr adran hon oherwydd ymddygiad y cyhuddedig ei hun (ac eithrio yn rhinwedd cymhwyso adran 44 o Ddeddf Llysoedd Ynadon 1980 (p.43) (helpwyr ac anogwyr)) mae'n amddiffyniad i'r cyhuddedig ddangos –
- (a) bod y cyhuddedig yn credu bod y person y rhoddwyd y twll y cyfeirir ato yn is-adran (1)(a) iddo, neu y gwnaed y trefniadau y cyfeirir atynt yn is-adran (1)(b) mewn cysylltiad ag ef, yn 18 oed neu'n hŷn, a
 - (b) naill ai –
 - (i) bod y cyhuddedig wedi cymryd camau rhesymol i gadarnhau oedran y person hwnnw, neu
 - (ii) na allai neb fod wedi amau'n rhesymol o olwg y person hwnnw fod y person o dan 18 oed.
- (4) At ddibenion is-adran (3)(b)(i), mae'r cyhuddedig (yn achos trosedd o dan is-adran (1)(a)) i gael ei drin fel pe bai wedi cymryd camau rhesymol i gadarnhau oedran person arall –
- (a) os gofynnodd y cyhuddedig i'r person hwnnw am dystiolaeth o oedran y person hwnnw, a
 - (b) pe bai'r dystiolaeth wedi argyhoeddi person rhesymol.
- (5) Pan fo person wedi ei gyhuddo o drosedd o dan yr adran hon oherwydd gweithred neu ddiffyg person arall, neu yn rhinwedd cymhwyso adran 44 o Ddeddf Llysoedd Ynadon 1980 (p.43) (helpwyr ac anogwyr), mae'n amddiffyniad dangos i'r person gymryd rhagofalon rhesymol ac arfer diwydrwydd dyladwy i osgoi cyflawni'r drosedd.

- (ii) exposure to any form of infection or contamination, or
 - (iii) engendering or increasing susceptibility to any form of infection or contamination;
- (b) harm to an individual's mental health.

PART 5

INTIMATE PIERCING

Offences related to intimate piercing

95 Offence of performing or making arrangements to perform an intimate piercing on a child

- (1) It is an offence for a person in Wales to—
- (a) perform an intimate piercing on a person who is under the age of 18, or
 - (b) make arrangements to perform an intimate piercing, in Wales, on a particular person who is under the age of 18.
- (2) A person guilty of an offence under this section is liable on summary conviction to a fine.
- (3) Where a person (“the accused”) is charged with an offence under this section by reason of the accused’s own conduct (and otherwise than by virtue of the application of section 44 of the Magistrates’ Courts Act 1980 (c.43) (aiders and abettors)) it is a defence for the accused to show—
- (a) that the accused believed that the person on whom the piercing referred to in subsection (1)(a) was performed, or in respect of whom the arrangements referred to in subsection (1)(b) were made, was aged 18 or over, and
 - (b) either—
 - (i) that the accused had taken reasonable steps to establish the age of that person, or
 - (ii) that nobody could reasonably have suspected from that person’s appearance that the person was under the age of 18.
- (4) For the purposes of subsection (3)(b)(i), the accused (in the case of an offence under subsection (1)(a)) is to be treated as having taken reasonable steps to establish the age of another person if—
- (a) the accused asked that person for evidence of that person’s age, and
 - (b) the evidence would have convinced a reasonable person.
- (5) Where a person is charged with an offence under this section by reason of the act or default of another person, or by virtue of the application of section 44 of the Magistrates’ Courts Act 1980 (c.43) (aiders and abettors), it is a defence to show that the person took reasonable precautions and exercised due diligence to avoid committing the offence.

96 Beth yw rhoi twll mewn rhan bersonol o'r corff?

- (1) At ddibenion adran 95, rhoi twll mewn rhan bersonol o'r corff yw tyllu'r corff mewn rhan bersonol a restrir yn is-adran (2), pan fo'n cael ei roi ac eithrio yng nghwrs triniaeth feddygol.
- (2) Y rhannau personol o'r corff yw –
 - (a) yr anws;
 - (b) y fron (gan gynnwys y deth a'r areola);
 - (c) y ffolen;
 - (d) rhych y pen ôl;
 - (e) y pidyn (gan gynnwys y blaengroen);
 - (f) y perinëwm;
 - (g) y mons pubis;
 - (h) y ceillgwd;
 - (i) y tafod;
 - (j) y fwlfa.
- (3) Yn yr adran hon, mae i "tyllu'r corff" yr ystyr a roddir yn adran 94.
- (4) At ddibenion yr adran hon, mae triniaeth feddygol yn driniaeth a gyflawnir gan ymarferydd meddygol cofrestredig, nyrs gofrestredig neu fydwraig gofrestredig, at ddibenion y canlynol, neu mewn cysylltiad â'r canlynol –
 - (a) diagnosio, atal, monitro, trin neu liniaru clefyd, afiechyd, anabledd, neu annormaledd corfforol neu feddyliol arall, neu
 - (b) atal cenhedlu.

*Gorfodi***97 Camau gorfodi gan awdurdodau lleol**

- (1) Caiff awdurdod lleol –
 - (a) dwyn erlyniadau mewn cysylltiad â throeddau yn ei ardal o dan adran 95;
 - (b) ymchwilio i gwynion mewn cysylltiad â throeddau honedig yn ei ardal o dan adran 95;
 - (c) cymryd unrhyw gamau eraill gyda golwg ar ostwng nifer y troeddau sy'n digwydd o dan adran 95 yn ei ardal.
- (2) Rhaid i awdurdod lleol –
 - (a) ystyried, o leiaf unwaith ym mhob cyfnod o ddeuddeng mis, i ba raddau y mae'n briodol i'r awdurdod gynnal yn ei ardal raglen o gamau gorfodi mewn perthynas ag adran 95, a
 - (b) i'r graddau y mae'n ystyried ei bod yn briodol gwneud hynny, gynnal rhaglen o'r fath.

96 What is an intimate piercing?

- (1) For the purposes of section 95, an intimate piercing is a body piercing performed on an intimate body part listed in subsection (2), where performed otherwise than in the course of a medical procedure.
- (2) The intimate body parts are the –
 - (a) anus;
 - (b) breast (including the nipple and areola);
 - (c) buttock;
 - (d) natal cleft;
 - (e) penis (including the foreskin);
 - (f) perineum;
 - (g) pubic mound;
 - (h) scrotum;
 - (i) tongue;
 - (j) vulva.
- (3) In this section “body piercing” has the meaning given in section 94.
- (4) For the purposes of this section a medical procedure is a procedure carried out by a registered medical practitioner, registered nurse or registered midwife, for the purposes of, or in connection with –
 - (a) the diagnosis, prevention, monitoring, treatment or alleviation of disease, ill-health, disability, or other physical or mental abnormality, or
 - (b) birth control.

*Enforcement***97 Enforcement action by local authorities**

- (1) A local authority may –
 - (a) bring prosecutions in respect of offences in its area under section 95;
 - (b) investigate complaints in respect of alleged offences in its area under section 95;
 - (c) take any other steps with a view to reducing the incidence of offences under section 95 in its area.
- (2) A local authority must –
 - (a) consider, at least once in every period of twelve months, the extent to which it is appropriate for the authority to carry out in its area a programme of enforcement action in relation to section 95, and
 - (b) to the extent that it considers it appropriate to do so, carry out such a programme.

- (3) At ddibenion is-adran (2), mae rhaglen o gamau gorfodi mewn perthynas ag adran 95 yn rhaglen sy'n golygu cymryd pob un neu unrhyw un neu ragor o'r camau y cyfeirir atynt yn is-adran (1).
- (4) At ddiben arfer ei swyddogaethau o dan is-adran (2), rhaid i awdurdod lleol gynnal unrhyw ymgynghoriad y mae'n ystyried ei fod yn briodol â phrif swyddog yr heddlu ar gyfer ardal heddlu y mae unrhyw ran ohoni yn dod o fewn ardal yr awdurdod lleol.

98 Swyddogion awdurdodedig

Mae cyfeiriadau yn y Rhan hon at swyddog awdurdodedig yn gyfeiriadau at unrhyw berson (pa un a yw'n swyddog i'r awdurdod lleol ai peidio) sydd wedi ei awdurdodi gan awdurdod lleol at ddibenion y Rhan hon.

99 Pwerau mynediad

- (1) Caiff cwnstabl neu swyddog awdurdodedig fynd i mewn i fangre ar unrhyw adeg resymol—
 - (a) os oes gan y cwnstabl neu'r swyddog awdurdodedig seiliau rhesymol dros gredu bod trosedd o dan adran 95 wedi ei chyflawni, a
 - (b) os yw'r cwnstabl neu'r swyddog awdurdodedig yn ystyried ei bod yn angenrheidiol mynd i mewn i'r fangre at ddiben canfod a yw trosedd o'r fath wedi ei chyflawni.
- (2) Ond nid yw hyn yn gymwys mewn perthynas â mangre a ddefnyddir yn gyfan gwbl neu'n bennaf fel annedd.
- (3) Ni chaiff person y cyfeirir ato yn is-adran (1) fynd i mewn i fangre drwy rym o dan yr adran hon.
- (4) Rhaid i swyddog awdurdodedig, os gofynnir iddo wneud hynny, ddangos tystiolaeth o'r awdurdodiad y cyfeirir ato yn adran 98 cyn mynd i mewn i fangre o dan yr adran hon.
- (5) Yn yr adran hon ac yn adrannau 100 i 103, mae "mangre" yn cynnwys unrhyw fan ac unrhyw gerbyd (ac eithrio awyren neu hofrenfad), stonddin neu strwythur symudol.

100 Gwarant i fynd i mewn i annedd

- (1) Caiff ynad heddwch arfer y pŵer yn is-adran (2) mewn perthynas â mangre yng Nghymru a ddefnyddir yn gyfan gwbl neu'n bennaf fel annedd os yw wedi ei fodloni ar sail gwybodaeth ysgrifenedig ar lw—
 - (a) bod seiliau rhesymol dros gredu bod trosedd o dan adran 95 wedi ei chyflawni, a
 - (b) ei bod yn angenrheidiol mynd i mewn i'r fangre at ddiben canfod a yw trosedd o'r fath wedi ei chyflawni.
- (2) Caiff yr ynad ddyroddi gwarant sy'n awdurdodi cwnstabl neu swyddog awdurdodedig i fynd i mewn i'r fangre, drwy rym os oes angen.
- (3) Mae'r warant yn parhau mewn grym tan ddiwedd y cyfnod o 28 o ddiwrnodau sy'n dechrau â'r dyddiad y'i dyroddwyd.

- (3) For the purposes of subsection (2), a programme of enforcement action in relation to section 95 is a programme involving the taking of all or any of the steps referred to in subsection (1).
- (4) For the purpose of the exercise of its functions under subsection (2), a local authority must carry out such consultation as it considers appropriate with the chief officer of police for a police area any part of which falls within the area of the local authority.

98 Authorised officers

References in this Part to an authorised officer are to any person (whether or not an officer of the local authority) authorised by a local authority for the purposes of this Part.

99 Powers of entry

- (1) A constable or authorised officer may enter premises at any reasonable time if the constable or authorised officer –
 - (a) has reasonable grounds for believing that an offence under section 95 has been committed, and
 - (b) considers it necessary to enter the premises for the purpose of ascertaining whether such an offence has been committed.
- (2) But this does not apply in relation to premises used wholly or mainly as a dwelling.
- (3) A person referred to in subsection (1) may not enter premises by force under this section.
- (4) An authorised officer must, if asked to do so, before entering premises under this section show evidence of the authorisation referred to in section 98.
- (5) In this section and in sections 100 to 103, “premises” includes any place and any vehicle (other than an aircraft or hovercraft), stall or moveable structure.

100 Warrant to enter dwelling

- (1) A justice of the peace may exercise the power in subsection (2) in relation to premises in Wales used wholly or mainly as a dwelling if satisfied on sworn information in writing –
 - (a) that there are reasonable grounds for believing than an offence under section 95 has been committed, and
 - (b) that it is necessary to enter the premises for the purpose of ascertaining whether such an offence has been committed.
- (2) The justice may issue a warrant authorising a constable or authorised officer to enter the premises, if need be by force.
- (3) The warrant continues in force until the end of the period of 28 days beginning with the date on which it was issued.

101 Gwarant i fynd i mewn i fangreoedd eraill

- (1) Caiff ynad heddwch arfer y pŵer yn is-adran (2) mewn perthynas â mangre yng Nghymru ac eithrio mangre a ddefnyddir yn gyfan gwbl neu'n bennaf fel annedd os yw wedi ei fodloni ar sail gwybodaeth ysgrifenedig ar lw –
 - (a) bod seiliau rhesymol dros gredu bod trosedd o dan adran 95 wedi ei chyflawni,
 - (b) ei bod yn angenrheidiol mynd i mewn i'r fangre at ddiben canfod a yw trosedd o'r fath wedi ei chyflawni, ac
 - (c) bod gofyniad a nodir yn un neu ragor o is-adrannau (3) i (6) wedi ei fodloni.
- (2) Caiff yr ynad ddyroddi gwarant sy'n awdurdodi cwnstabl neu swyddog awdurdodedig i fynd i mewn i'r fangre, drwy rym os oes angen.
- (3) Y gofyniad yw –
 - (a) bod gofyn am fynd i mewn i'r fangre wedi ei wrthod neu'n debygol o gael ei wrthod, a
 - (b) bod hysbysiad o fwriad i wneud cais am warant o dan yr adran hon wedi ei roi i'r meddiannydd neu berson yr ymddengys yn rhesymol i'r ynad heddwch ei fod yn ymwneud â rheoli'r fangre.
- (4) Y gofyniad yw bod gofyn am fynd i mewn i'r fangre, neu roi hysbysiad o fwriad i wneud cais am warant o dan yr adran hon, yn debygol o danseilio diben y mynediad.
- (5) Y gofyniad yw nad yw'r fangre wedi ei meddiannu.
- (6) Y gofyniad yw –
 - (a) bod meddiannydd y fangre yn absennol dros dro, a
 - (b) bod aros i'r meddiannydd ddychwelyd yn debygol o danseilio diben y mynediad.
- (7) Mae'r warant yn parhau mewn grym tan ddiwedd y cyfnod o 28 o ddiwrnodau sy'n dechrau â'r dyddiad y'i dyroddwyd.

102 Darpariaeth atodol ynghylch pwerau mynediad

- (1) Caiff person sy'n mynd i mewn i fangre yn rhinwedd adran 99, neu yn rhinwedd gwarant o dan adran 100 neu 101, fynd ag unrhyw bersonau eraill ac unrhyw gyfarpar y mae'r person yn ystyried eu bod yn briodol.
- (2) Os yw meddiannydd mangre y mae person wedi ei awdurdodi i fynd i mewn iddi drwy warant o dan adran 100 neu 101 yn bresennol ar yr adeg y mae'r person yn ceisio gweithredu'r warant –
 - (a) rhaid rhoi enw'r person i'r meddiannydd;
 - (b) os nad yw'n gwnstabl mewn lifrai, rhaid i'r person gyflwyno i'r meddiannydd dystiolaeth ddogfennol bod y person yn gwnstabl neu'n swyddog awdurdodedig;
 - (c) rhaid i'r person gyflwyno'r warant i'r meddiannydd;
 - (d) rhaid i'r person gyflenwi copi ohoni i'r meddiannydd.

101 Warrant to enter other premises

- (1) A justice of the peace may exercise the power in subsection (2) in relation to premises in Wales other than premises used wholly or mainly as a dwelling if satisfied on sworn information in writing—
 - (a) that there are reasonable grounds for believing that an offence under section 95 has been committed,
 - (b) that it is necessary to enter the premises for the purpose of ascertaining whether such an offence has been committed, and
 - (c) that a requirement set out in one or more of subsections (3) to (6) is met.
- (2) The justice may issue a warrant authorising a constable or authorised officer to enter the premises, if need be by force.
- (3) The requirement is that—
 - (a) a request to enter the premises has been, or is likely to be, refused, and
 - (b) notice of intention to apply for a warrant under this section has been given to the occupier or a person who reasonably appears to the justice of the peace to be concerned in the management of the premises.
- (4) The requirement is that requesting to enter the premises, or the giving of notice of intention to apply for a warrant under this section, is likely to defeat the purpose of the entry.
- (5) The requirement is that the premises are unoccupied.
- (6) The requirement is that—
 - (a) the occupier of the premises is temporarily absent, and
 - (b) awaiting the occupier's return is likely to defeat the object of the entry.
- (7) The warrant continues in force until the end of the period of 28 days beginning with the date on which it was issued.

102 Supplementary provision about powers of entry

- (1) A person entering premises by virtue of section 99, or by virtue of a warrant under section 100 or 101, may take such other persons and such equipment as the person considers appropriate.
- (2) If the occupier of premises that a person is authorised to enter by a warrant under section 100 or 101 is present at the time the person seeks to execute the warrant—
 - (a) the occupier must be told the person's name;
 - (b) if not a constable in uniform, the person must produce to the occupier documentary evidence that the person is a constable or authorised officer;
 - (c) the person must produce the warrant to the occupier;
 - (d) the person must supply the occupier with a copy of it.

- (3) Os nad yw mangre y mae person wedi ei awdurdodi i fynd i mewn iddi drwy warant o dan adran 100 neu 101 wedi ei meddiannu, neu os yw'r meddiannydd yn absennol dros dro, yna wrth adael y fangre rhaid i'r person ei gadael wedi ei diogelu yr un mor effeithiol rhag mynediad anawdurdodedig ag yr oedd pan aeth y person iddi.

103 Pwerau arolygu etc.

- (1) Caiff cwnstabl neu swyddog awdurdodedig sy'n mynd i mewn i fangre o dan adran 99, neu yn rhinwedd gwarant o dan adran 100 neu 101, wneud unrhyw un neu ragor o'r canlynol os yw'r cwnstabl neu'r swyddog awdurdodedig yn ystyried ei bod yn angenrheidiol at ddiben canfod a yw trosedd o dan adran 95 wedi ei chyflawni –
- (a) cynnal arolygiadau ac archwiliadau yn y fangre;
 - (b) ei gwneud yn ofynnol cyflwyno unrhyw beth yn y fangre, ei arolygu, a chymryd a chadw samplau ohono neu echdynion ohono;
 - (c) cymryd meddiant o unrhyw beth yn y fangre, a'i gadw am gyhyd ag y mae'r cwnstabl neu'r swyddog awdurdodedig yn ystyried ei bod yn angenrheidiol at y diben hwnnw;
 - (d) ei gwneud yn ofynnol i unrhyw berson roi gwybodaeth, neu ddarparu cyfleusterau a chymorth mewn cysylltiad â materion sydd o fewn rheolaeth y person.
- (2) Os yw cwnstabl neu swyddog awdurdodedig, yn rhinwedd is-adran (1)(c), yn cymryd unrhyw beth o'r fangre, rhaid i'r cwnstabl neu'r swyddog awdurdodedig adael yn y fangre y cafodd ei gymryd ohoni ddatganiad –
- (a) sy'n rhoi manylion yr hyn sydd wedi ei gymryd ac sy'n datgan bod y cwnstabl neu'r swyddog wedi cymryd meddiant ohono, a
 - (b) sy'n nodi'r person y caniateir gofyn iddo i'r eiddo gael ei ddychwelyd.
- (3) Mae'r pwerau a roddir gan yr adran hon yn cynnwys y pŵer –
- (a) i gopïo dogfennau y deuir o hyd iddynt yn y fangre;
 - (b) i osod gofynion o ran sut y darperir dogfennau (a gaiff gynnwys gofynion i ddarparu copïau darllenadwy o ddogfennau y deuir o hyd iddynt yn y fangre ac a gedwir yn electronig).
- (4) At y diben hwn, mae "dogfennau" yn cynnwys gwybodaeth sydd wedi ei chofnodi ar unrhyw ffurf; ac mae cyfeiriadau at ddogfennau y deuir o hyd iddynt yn y fangre yn cynnwys –
- (a) dogfennau a gedwir ar gyfrifiaduron neu ddyfeisiau electronig eraill yn y fangre, a
 - (b) dogfennau a gedwir yn rhywle arall ac y gellir cael mynediad iddynt drwy gyfrifiaduron neu ddyfeisiau electronig eraill yn y fangre.
- (5) Nid yw'r adran hon yn ei gwneud yn ofynnol i berson ateb unrhyw gwestiwn neu gyflwyno unrhyw ddogfen y byddai hawl gan y person i wrthod ei ateb neu wrthod ei chyflwyno mewn achos mewn llys yng Nghymru a Lloegr neu at ddibenion achos o'r fath.

- (3) If premises that a person is authorised to enter by a warrant under section 100 or 101 are unoccupied, or if the occupier is temporarily absent, then on leaving the premises the person must leave them as effectively secured against unauthorised entry as when the person found them.

103 Powers of inspection etc.

- (1) A constable or authorised officer entering premises under section 99, or by virtue of a warrant under section 100 or 101, may do any of the following if the constable or authorised officer considers it necessary for the purpose of ascertaining whether an offence under section 95 has been committed –
 - (a) carry out inspections and examinations on the premises;
 - (b) require the production of anything on the premises, inspect it, and take and retain samples of or extracts from it;
 - (c) take possession of anything on the premises, and retain it for as long as the constable or authorised officer considers necessary for that purpose;
 - (d) require any person to give information, or afford facilities and assistance with respect to matters within the person’s control.
- (2) If by virtue of subsection (1)(c) a constable or authorised officer takes anything away from the premises, the constable or authorised officer must leave on the premises from which it was taken a statement –
 - (a) giving particulars of what has been taken and stating that the constable or officer has taken possession of it, and
 - (b) identifying the person to whom a request for the return of the property may be made.
- (3) The powers conferred by this section include the power –
 - (a) to copy documents found on the premises;
 - (b) to impose requirements as to how documents are provided (which may include requirements to provide legible copies of documents found on the premises that are stored electronically).
- (4) For this purpose, “documents” includes information recorded in any form; and references to documents found on the premises include –
 - (a) documents stored on computers or other electronic devices on the premises, and
 - (b) documents stored elsewhere that can be accessed by computers or other electronic devices on the premises.
- (5) A person is not required by this section to answer any question or produce any document which the person would be entitled to refuse to answer or produce in or for the purposes of proceedings in a court in England and Wales.

104 Rhwystro etc. cwnstabl neu swyddog

- (1) Mae unrhyw berson sy'n rhwystro'n fwriadol gwnstabl neu swyddog awdurdodedig sy'n arfer swyddogaethau o dan adrannau 99 i 103 yn cyflawni trosedd.
- (2) Mae unrhyw berson sydd, heb achos rhesymol, yn methu –
 - (a) â darparu i gwnstabl neu swyddog awdurdodedig gyfleusterau y mae'n rhesymol i'r cwnstabl neu'r swyddog awdurdodedig ei gwneud yn ofynnol iddynt gael eu darparu at ddiben gofyniad o dan adran 103(1), neu
 - (b) â chydymffurfio â gofyniad o dan adran 103(1)(b) neu (d),
 yn cyflawni trosedd.
- (3) Mae person sy'n euog o drosedd o dan yr adran hon yn agored ar euogfarn ddiannod i ddirwy nad yw'n uwch na lefel 3 ar y raddfa safonol.
- (4) Mae'r adran hon yn ddarostyngedig i adran 103(5).

105 Pŵer i wneud pryniannau prawf

Caiff swyddog awdurdodedig wneud unrhyw bryniannau a threfniadau, a sicrhau y darperir unrhyw wasanaethau, y mae'r swyddog yn ystyried eu bod yn angenrheidiol at ddiben arfer swyddogaethau'r awdurdod lleol o dan y Rhan hon neu yn rhinwedd y Rhan hon.

106 Eiddo a gedwir: apelau

- (1) Caiff person ("P") a chanddo fuddiant mewn unrhyw beth yr eir ymaith ag ef o dan adran 103(1)(c) ("eiddo a gedwir") wneud cais drwy gwyn i unrhyw lys ynadon am orchymyn sy'n ei gwneud yn ofynnol iddo gael ei ryddhau, naill ai i P neu i berson arall.
- (2) Os yw'r llys, ar gais o dan yr adran hon, wedi ei fodloni nad yw'n angenrheidiol parhau i gadw'r eiddo a gedwir at ddiben canfod a yw trosedd o dan adran 95 wedi ei chyflawni, caiff wneud gorchymyn sy'n ei gwneud yn ofynnol i'r eiddo a gedwir gael ei ryddhau.
- (3) Caiff gorchymyn o dan yr adran hon gynnwys pa ddarpariaeth bynnag y mae'r llys yn meddwl ei bod yn briodol er mwyn gohirio ei ddwyn i rym wrth aros i apêl (gan gynnwys cais o dan adran 111 o Ddeddf Llysoedd Ynadon 1980 (p.43)) gael ei gwneud a dyfarnu arni.
- (4) Os yw'r llys yn gohirio gwrandawriad cais o dan yr adran hon, caiff wneud gorchymyn mewn cysylltiad â'r eiddo a gedwir sy'n para tan wrandawriad terfynol y cais neu hyd nes y gwneir unrhyw orchymyn pellach, os yw'n ystyried ei bod yn briodol gwneud hynny.
- (5) Nid oes dim byd yn yr adran hon sy'n effeithio ar unrhyw bŵer arall sydd gan y llys i wneud gorchymyn mewn cysylltiad â'r eiddo a gedwir, gan gynnwys unrhyw bŵer i wneud gorchymyn o dan adran 1 o Ddeddf yr Heddlu (Eiddo) 1897 (p.30) (pŵer i wneud gorchymynion mewn cysylltiad ag eiddo sydd ym meddiant yr heddlu).

104 Obstruction etc. of constable or officer

- (1) Any person who intentionally obstructs a constable or authorised officer exercising functions under sections 99 to 103 commits an offence.
- (2) Any person who without reasonable cause fails—
 - (a) to provide a constable or authorised officer with facilities that the constable or authorised officer reasonably requires for the purpose of a requirement under section 103(1), or
 - (b) to comply with a requirement under section 103(1)(b) or (d),commits an offence.
- (3) A person guilty of an offence under this section is liable on summary conviction to a fine not exceeding level 3 on the standard scale.
- (4) This section is subject to section 103(5).

105 Power to make test purchases

An authorised officer may make such purchases and arrangements, and secure the provision of such services, as the officer considers necessary for the purpose of the exercise of the local authority's functions under or by virtue of this Part.

106 Retained property: appeals

- (1) A person ("P") with an interest in anything taken away under section 103(1)(c) ("retained property") may apply by way of complaint to any magistrates' court for an order requiring it to be released, either to P or another person.
- (2) If, on an application under this section, the court is satisfied that the continued retention of the retained property is not necessary for the purpose of ascertaining whether an offence under section 95 has been committed, it may make an order requiring the release of the retained property.
- (3) An order under this section may contain whatever provision the court thinks appropriate for delaying its coming into force pending the making and determination of an appeal (including an application under section 111 of the Magistrates' Courts Act 1980 (c.43)).
- (4) If the court adjourns the hearing of an application under this section, it may make an order in respect of the retained property that lasts until the final hearing of the application or until any further order is made, if it considers it appropriate to do so.
- (5) Nothing in this section affects any other power of the court to make an order in respect of the retained property, including any power to make an order under section 1 of the Police (Property) Act 1897 (c.30) (power to make orders with respect to property in possession of police).

107 Eiddo a gyfeddir: digolledu

- (1) Caiff person ("P") a chanddo fuddiant mewn unrhyw beth y mae swyddog awdurdodedig neu gwnstabl ("swyddog gorfodi") wedi cymryd meddiant ohono o dan adran 103(1)(c) ("eiddo a gyfeddir") wneud cais drwy gŵyn i unrhyw lys ynadon i gael ei ddigolledu.
- (2) Mae is-adran (3) yn gymwys os yw'r llys, ar gais o dan yr adran hon, wedi ei fodloni—
 - (a) bod P wedi dioddef colled neu ddifrod oherwydd bod y swyddog gorfodi wedi cymryd meddiant o'r eiddo a gyfeddir, neu ei gadw, o dan amgylchiadau pan nad oedd yn angenrheidiol gwneud hynny at ddiben canfod a oedd trosedd o dan adran 95 wedi ei chyflawni, a
 - (b) na ellir priodoli'r golled neu'r difrod i esgeulustod neu ddiffyg P.
- (3) Caiff y llys orchymyn i P gael ei ddigolledu—
 - (a) pan fo'r swyddog gorfodi yn swyddog awdurdodedig i awdurdod lleol, gan yr awdurdod lleol, neu
 - (b) pan fo'r swyddog gorfodi yn gwnstabl, gan brif gwnstabl yr heddlu y mae'r cwnstabl yn aelod ohono.
- (4) Mae'r cyfeiriad yn is-adran (3) at "heddlu" yn gyfeiriad at heddlu ar gyfer ardal sy'n ardal heddlu at ddibenion adran 1 o Ddeddf yr Heddlu 1996 (p.16).

RHAN 6**ASESIADAU O'R EFFAITH AR IECHYD****108 Gofyniad i gynnal asesiadau o'r effaith ar iechyd**

- (1) Rhaid i reoliadau wneud darpariaeth ynghylch cynnal asesiadau o'r effaith ar iechyd gan gyrff cyhoeddus.
- (2) Mae asesiad o'r effaith ar iechyd yn asesiad o effaith debygol, yn y tymor byr ac yn y tymor hir, gam neu benderfyniad arfaethedig ar iechyd corfforol ac iechyd meddwl pobl Cymru neu ar iechyd corfforol ac iechyd meddwl rhai o bobl Cymru.
- (3) Rhaid i'r rheoliadau bennu—
 - (a) yr amgylchiadau y mae rhaid i gorff cyhoeddus gynnal asesiad o'r effaith ar iechyd odanynt;
 - (b) y ffordd y mae asesiad o'r effaith ar iechyd i gael ei gynnal.
- (4) Caiff y rheoliadau ei gwneud yn ofynnol i Ymddiriedolaeth Gwasanaeth Iechyd Gwladol Iechyd Cyhoeddus Cymru roi cymorth i gorff cyhoeddus arall sy'n cynnal asesiad o'r effaith ar iechyd.
- (5) Caiff y rheoliadau wneud darpariaeth ynghylch sut y mae'r cymorth i gael ei roi, gan gynnwys (ymhlith pethau eraill) ynghylch pryd y mae i gael ei roi.
- (6) Caiff y rheoliadau wneud darpariaeth sy'n gymwys yn ddarostyngedig i eithriadau a bennir yn y rheoliadau.

107 Appropriated property: compensation

- (1) A person (“P”) with an interest in anything of which an authorised officer or a constable (“an enforcement officer”) has taken possession under section 103(1)(c) (“appropriated property”) may apply by way of complaint to any magistrates’ court for compensation.
- (2) Subsection (3) applies if, on an application under this section, the court is satisfied that—
 - (a) P has suffered loss or damage in consequence of the enforcement officer’s taking possession of the appropriated property, or retaining it, in circumstances where doing so was not necessary for the purpose of ascertaining whether an offence under section 95 had been committed, and
 - (b) the loss or damage is not attributable to the neglect or default of P.
- (3) The court may order compensation to be paid to P—
 - (a) where the enforcement officer is an authorised officer of a local authority, by the local authority, or
 - (b) where the enforcement officer is a constable, by the chief constable of the police force of which the constable is a member.
- (4) The reference in subsection (3) to a “police force” is to a police force for an area that is a police area for the purposes of section 1 of the Police Act 1996 (c.16).

PART 6**HEALTH IMPACT ASSESSMENTS****108 Requirement to carry out health impact assessments**

- (1) Regulations must make provision about the carrying out of health impact assessments by public bodies.
- (2) A health impact assessment is an assessment of the likely effect, both in the short term and in the long term, of a proposed action or decision on the physical and mental health of the people of Wales or of some of the people of Wales.
- (3) The regulations must specify—
 - (a) the circumstances in which a public body must carry out a health impact assessment;
 - (b) the way in which a health impact assessment is to be carried out.
- (4) The regulations may require the Public Health Wales National Health Service Trust to give assistance to another public body carrying out a health impact assessment.
- (5) The regulations may make provision about how the assistance is to be given, including (among other things) about when it is to be given.
- (6) The regulations may make provision which applies subject to exceptions specified in the regulations.

- (7) Cyn gwneud rheoliadau o dan yr adran hon, rhaid i Weinidogion Cymru –
- (a) ystyried a oes personau yr ymddengys eu bod yn cynrychioli buddiannau'r rheini y mae'r rheoliadau yn debygol o effeithio arnynt ("personau cynrychiadol"), a
 - (b) cynnal ymgynghoriad ag unrhyw bersonau cynrychiadol y mae Gweinidogion Cymru yn ystyried ei bod yn briodol ymgynghori â hwy.

109 Asesiadau o'r effaith ar iechyd: eu cyhoeddi a'u hystyried

- (1) Pan fo corff cyhoeddus wedi cynnal asesiad o'r effaith ar iechyd yn unol â rheoliadau o dan adran 108 rhaid iddo –
 - (a) cyhoeddi'r asesiad, a
 - (b) ystyried yr asesiad wrth arfer y swyddogaethau hynny y cynhaliwyd yr asesiad mewn cysylltiad â hwy.
- (2) Wrth ystyried yr asesiad, rhaid i'r corff cyhoeddus weithredu yn unol â'r egwyddor datblygu cynaliadwy.
- (3) At ddiben is-adran (2), mae'r cyfeiriad at weithredu yn unol â'r egwyddor datblygu cynaliadwy i gael ei ddehongli yn unol ag adran 5 o Ddeddf Llesiant Cenedlaethau'r Dyfodol (Cymru) 2015 (dccc 2).
- (4) Caiff rheoliadau wneud darpariaeth ynghylch cyhoeddi asesiadau, gan gynnwys (ymhlith pethau eraill) ynghylch pryd y mae asesiadau i gael eu cyhoeddi.

110 Ystyr "corff cyhoeddus"

- (1) At ddibenion adrannau 108 a 109, mae pob un o'r personau a ganlyn yn "corff cyhoeddus" –
 - (a) Gweinidogion Cymru;
 - (b) awdurdod lleol;
 - (c) Bwrdd Iechyd Lleol;
 - (d) yr Ymddiriedolaethau Gwasanaeth Iechyd Gwladol a ganlyn –
 - (i) Iechyd Cyhoeddus Cymru;
 - (ii) Felindre;
 - (e) awdurdod Parc Cenedlaethol ar gyfer Parc Cenedlaethol yng Nghymru;
 - (f) awdurdod tân ac achub yng Nghymru;
 - (g) Corff Adnoddau Naturiol Cymru;
 - (h) Cyngor Cyllido Addysg Uwch Cymru;
 - (i) Cyngor Celfyddydau Cymru;
 - (j) Cyngor Chwaraeon Cymru;
 - (k) Llyfrgell Genedlaethol Cymru;
 - (l) Amgueddfa Genedlaethol Cymru.
- (2) Caiff rheoliadau ddiwygio is-adran (1) drwy –

- (7) Before making regulations under this section, the Welsh Ministers must –
- (a) consider whether there are persons who appear to be representative of the interests of those likely to be affected by the regulations (“representative persons”), and
 - (b) carry out consultation with any representative persons whom the Welsh Ministers consider it appropriate to consult.

109 Health impact assessments: publication and taking into account

- (1) Where a public body has carried out a health impact assessment in accordance with regulations under section 108 it must –
- (a) publish the assessment, and
 - (b) take the assessment into account when exercising those functions in connection with which the assessment was carried out.
- (2) When taking the assessment into account, the public body must act in accordance with the sustainable development principle.
- (3) For the purpose of subsection (2), the reference to acting in accordance with the sustainable development principle is to be construed in accordance with section 5 of the Well-being of Future Generations (Wales) Act 2015 (anaw 2).
- (4) Regulations may make provision about publishing assessments, including (among other things) about when assessments are to be published.

110 Meaning of “public body”

- (1) For the purposes of sections 108 and 109, each of the following persons is a “public body” –
- (a) the Welsh Ministers;
 - (b) a local authority;
 - (c) a Local Health Board;
 - (d) the following National Health Service Trusts –
 - (i) Public Health Wales;
 - (ii) Velindre;
 - (e) a National Park authority for a National Park in Wales;
 - (f) a Welsh fire and rescue authority;
 - (g) the Natural Resources Body for Wales;
 - (h) the Higher Education Funding Council for Wales;
 - (i) the Arts Council of Wales;
 - (j) the Sports Council for Wales;
 - (k) the National Library of Wales;
 - (l) the National Museum of Wales.
- (2) Regulations may amend subsection (1) by –

- (a) ychwanegu person,
 - (b) dileu person, neu
 - (c) diwygio cyfeiriad at berson.
- (3) Ond ni chaiff y rheoliadau ddiwygio is-adran (1) drwy ychwanegu person oni bai bod y person hwnnw yn arfer swyddogaethau o natur gyhoeddus.
- (4) Os yw'r rheoliadau yn diwygio is-adran (1) er mwyn ychwanegu person a chanddo swyddogaethau o natur gyhoeddus a swyddogaethau eraill, dim ond mewn perthynas â'r swyddogaethau hynny sydd o natur gyhoeddus y mae adrannau 108 a 109 yn gymwys i'r person hwnnw.
- (5) Yn yr adran hon—
- ystyr “awdurdod tân ac achub yng Nghymru” (“*Welsh fire and rescue authority*”) yw awdurdod yng Nghymru a gyfansoddwyd drwy gynllun o dan adran 2 o Ddeddf y Gwasanaethau Tân ac Achub 2004 (p.21) neu gynllun y mae adran 4 o'r Ddeddf honno yn gymwys iddo;
- ystyr “Bwrdd Iechyd Lleol” (“*Local Health Board*”) yw Bwrdd Iechyd Lleol a sefydlwyd o dan adran 11 o Ddeddf y Gwasanaeth Iechyd Gwladol (Cymru) 2006 (p.42).

RHAN 7

GWASANAETHAU FFERYLLOL

111 Asesiadau o anghenion fferyllol

- (1) Ar ôl adran 82 o Ddeddf y Gwasanaeth Iechyd Gwladol (Cymru) 2006 (p.42) (trefniadau ar gyfer gwasanaethau fferyllol ychwanegol: telerau ac amodau), mewnoder—

“82A Pharmaceutical needs assessments

- (1) A Local Health Board must prepare and publish an assessment of needs for pharmaceutical services in its area.
- (2) A Local Health Board must—
 - (a) keep the assessment most recently published by it under subsection (1) under review, and
 - (b) revise it as appropriate.
- (3) Regulations must—
 - (a) specify a date by which a Local Health Board is to prepare and publish its first assessment under subsection (1);
 - (b) make provision about circumstances in which a Local Health Board is to review and if appropriate revise its assessment (and may make such provision by reference to, among other things, a period within which or following which a Local Health Board is to review and if appropriate revise its assessment);

- (a) adding a person,
 - (b) removing a person, or
 - (c) amending a reference to a person.
- (3) But the regulations may not amend subsection (1) by adding a person unless that person exercises functions of a public nature.
- (4) If the regulations amend subsection (1) so as to add a person who has functions of a public nature and other functions, sections 108 and 109 apply to that person only in relation to those of its functions which are of a public nature.
- (5) In this section—
- “Local Health Board” (*“Bwrdd Iechyd Lleol”*) means a Local Health Board established under section 11 of the National Health Service (Wales) Act 2006 (c.42);
- “Welsh fire and rescue authority” (*“awdurdod tân ac achub yng Nghymru”*) means an authority in Wales constituted by a scheme under section 2 of the Fire and Rescue Services Act 2004 (c.21) or a scheme to which section 4 of that Act applies.

PART 7

PHARMACEUTICAL SERVICES

111 Pharmaceutical needs assessments

- (1) After section 82 of the National Health Service (Wales) Act 2006 (c.42) (arrangements for additional pharmaceutical services: terms and conditions), insert—

“82A Pharmaceutical needs assessments

- (1) A Local Health Board must prepare and publish an assessment of needs for pharmaceutical services in its area.
- (2) A Local Health Board must—
 - (a) keep the assessment most recently published by it under subsection (1) under review, and
 - (b) revise it as appropriate.
- (3) Regulations must—
 - (a) specify a date by which a Local Health Board is to prepare and publish its first assessment under subsection (1);
 - (b) make provision about circumstances in which a Local Health Board is to review and if appropriate revise its assessment (and may make such provision by reference to, among other things, a period within which or following which a Local Health Board is to review and if appropriate revise its assessment);

- (c) make provision about the way in which an assessment is to be published.
- (4) The regulations may make other provision about the preparation, publication, review and revision of an assessment under subsection (1), including (among other things) about –
 - (a) the information to be contained in an assessment (which may include, among other things, information relating to persons with whom a Local Health Board has entered into a general medical services contract);
 - (b) the extent to which an assessment is to take account of likely future needs and of other matters;
 - (c) consultation to be carried out in connection with an assessment;
 - (d) procedural requirements.”
- (2) Yn adran 203 o Ddeddf y Gwasanaeth Iechyd Gwladol (Cymru) 2006 (p.42) (gorchmynion, rheoliadau a chyfarwyddydau), ar ôl is-adran (6) mewnosoder –
 - “(6A) A statutory instrument containing the first regulations under section 82A (pharmaceutical needs assessments) may not be made unless a draft of the instrument has been laid before, and approved by resolution of, the National Assembly for Wales.”

112 Rhestrau fferyllol

- (1) Mae adran 83 o Ddeddf y Gwasanaeth Iechyd Gwladol (Cymru) 2006 (p.42) (rheoliadau o ran gwasanaethau fferyllol) wedi ei diwygio fel a ganlyn.
- (2) Yn is-adran (2), ym mharagraff (c), yn lle’r geiriau o “satisfied,” i ddiwedd y paragraff, rhodder “satisfied as mentioned in subsection (2B), and”.
- (3) Ar ôl is-adran (2) mewnosoder –
 - “(2A) The regulations may specify persons or descriptions of persons who are not to be included in a list prepared by virtue of subsection (2)(a).
 - (2B) The Local Health Board is satisfied as mentioned in this subsection if, having regard to the assessment most recently published by it under section 82A and to any matters specified in the regulations, it is satisfied that granting the application would meet a need in its area for the services, or some of the services, specified in the application.
 - (2C) In relation to cases where the Local Health Board is satisfied as mentioned in subsection (2B), the regulations may make provision as to –
 - (a) the procedure for determining whether to grant the application;
 - (b) matters to be taken into account for the purpose of determining whether to grant the application.”
- (4) Ar ôl is-adran (3) mewnosoder –

- (c) make provision about the way in which an assessment is to be published.
- (4) The regulations may make other provision about the preparation, publication, review and revision of an assessment under subsection (1), including (among other things) about –
 - (a) the information to be contained in an assessment (which may include, among other things, information relating to persons with whom a Local Health Board has entered into a general medical services contract);
 - (b) the extent to which an assessment is to take account of likely future needs and of other matters;
 - (c) consultation to be carried out in connection with an assessment;
 - (d) procedural requirements.”
- (2) In section 203 of the National Health Service (Wales) Act 2006 (c.42) (orders, regulations and directions), after subsection (6) insert –
 - “(6A) A statutory instrument containing the first regulations under section 82A (pharmaceutical needs assessments) may not be made unless a draft of the instrument has been laid before, and approved by resolution of, the National Assembly for Wales.”

112 Pharmaceutical lists

- (1) Section 83 of the National Health Service (Wales) Act 2006 (c.42) (regulations as to pharmaceutical services) is amended as follows.
- (2) In subsection (2), in paragraph (c), for the words from “satisfied,” to the end of the paragraph, substitute “satisfied as mentioned in subsection (2B), and”.
- (3) After subsection (2) insert –
 - “(2A) The regulations may specify persons or descriptions of persons who are not to be included in a list prepared by virtue of subsection (2)(a).
 - (2B) The Local Health Board is satisfied as mentioned in this subsection if, having regard to the assessment most recently published by it under section 82A and to any matters specified in the regulations, it is satisfied that granting the application would meet a need in its area for the services, or some of the services, specified in the application.
 - (2C) In relation to cases where the Local Health Board is satisfied as mentioned in subsection (2B), the regulations may make provision as to –
 - (a) the procedure for determining whether to grant the application;
 - (b) matters to be taken into account for the purpose of determining whether to grant the application.”
- (4) After subsection (3) insert –

“(3A) The regulations may prescribe circumstances in which two or more applications referred to in subsection (2)(c)(i) or (ii) may or must be considered together by the Local Health Board.”

(5) Yn is-adran (4) –

- (a) yn lle’r geiriau o “include” i “the case” rhodder “make provision for the Local Health Board to take into account prescribed matters”;
- (b) hepgorer paragraff (a);
- (c) ym mharagraff (b), yn lle “they” rhodder “two or more applications referred to in subsection (2)(c)(i) or (ii)”;
- (d) ym mharagraff (c), yn lle “subsection (2)(c)” rhodder “subsection (2B)”.

(6) Ar ôl is-adran (4) mewnosoder –

“(4A) The regulations may in particular make the provision mentioned in subsection (5), with or without modifications.”

(7) Yn is-adran (6) –

(a) cyn paragraff (a) mewnosoder –

“(za) as to circumstances in which the Local Health Board may invite applications for inclusion in a pharmaceutical list,”;

(b) ar ôl paragraff (f), mewnosoder –

“(fa) about the timescale for dealing with an application,”;

(c) ym mharagraff (g), ar ôl y geiriau “other grounds on which” mewnosoder “or circumstances in which”;

(d) ar ôl paragraff (m) mewnosoder –

“(n) as to circumstances in which a Local Health Board may, or must, remove a person or an entry in respect of premises from the pharmaceutical list for breach of a term or condition of arrangements made with the Local Health Board for the provision of pharmaceutical services.”

(8) Ar ôl is-adran (6), mewnosoder –

“(6A) The regulations, if they make provision within subsection (6)(n), must specify that a person or entry is not to be removed by a Local Health Board unless –

(a) the Local Health Board has given notice under section 106A (notice in relation to breach of arrangements) in respect of the breach, and

(b) the person in respect of whom the notice was given has failed to comply with a requirement of that notice.”

(9) Ar ôl is-adran (10) mewnosoder –

“(10A) The regulations may make provision for a Local Health Board to give reasons for decisions made by virtue of this section.”

“(3A) The regulations may prescribe circumstances in which two or more applications referred to in subsection (2)(c)(i) or (ii) may or must be considered together by the Local Health Board.”

(5) In subsection (4) –

- (a) for the words from “include” to “the case” substitute “make provision for the Local Health Board to take into account prescribed matters”;
- (b) omit paragraph (a);
- (c) in paragraph (b), for “they” substitute “two or more applications referred to in subsection (2)(c)(i) or (ii)”;
- (d) in paragraph (c), for “subsection (2)(c)” substitute “subsection (2B)”.

(6) After subsection (4) insert –

“(4A) The regulations may in particular make the provision mentioned in subsection (5), with or without modifications.”

(7) In subsection (6) –

(a) before paragraph (a) insert –

“(za) as to circumstances in which the Local Health Board may invite applications for inclusion in a pharmaceutical list,”;

(b) after paragraph (f), insert –

“(fa) about the timescale for dealing with an application,”;

(c) in paragraph (g), after the words “other grounds on which” insert “or circumstances in which”;

(d) after paragraph (m) insert –

“(n) as to circumstances in which a Local Health Board may, or must, remove a person or an entry in respect of premises from the pharmaceutical list for breach of a term or condition of arrangements made with the Local Health Board for the provision of pharmaceutical services.”

(8) After subsection (6), insert –

“(6A) The regulations, if they make provision within subsection (6)(n), must specify that a person or entry is not to be removed by a Local Health Board unless –

- (a) the Local Health Board has given notice under section 106A (notice in relation to breach of arrangements) in respect of the breach, and
- (b) the person in respect of whom the notice was given has failed to comply with a requirement of that notice.”

(9) After subsection (10) insert –

“(10A) The regulations may make provision for a Local Health Board to give reasons for decisions made by virtue of this section.”

- (10) Yn adran 84 o Ddeddf y Gwasanaeth Iechyd Gwladol (Cymru) 2006 (p.42), yn is-adran (2) –
- (a) ar ôl “application” mewnosoder “on grounds corresponding to the conditions referred to in section 107(2), (3) or (4) as read with section 109”;
 - (b) ar ôl “appeal” hepgorer “(by way of redetermination)”.
- (11) Yn adran 84 o Ddeddf y Gwasanaeth Iechyd Gwladol (Cymru) 2006 (p.42), ar ôl is-adran (3), mewnosoder –
- “(4) If regulations made under section 83 include provision for a Local Health Board to remove a person or an entry in respect of premises from a pharmaceutical list, the regulations must also make provision –
 - (a) requiring the Local Health Board to give notice of its intention to remove the person or entry (including provision requiring the notice to give reasons for the intended removal);
 - (b) about making representations.”
- (12) Yn Atodlen 6 i Ddeddf Iechyd 2009 (p.21) (diddymiadau a dirymiadau), yn y tabl, hepgorer y cofnod sy’n ymwneud ag adran 83(6)(d) o Ddeddf y Gwasanaeth Iechyd Gwladol (Cymru) 2006 (p.42).

RHAN 8

DARPARU TOILEDAU

Strategaethau toiledau lleol

113 **Strategaethau toiledau lleol: llunio ac adolygu**

- (1) Rhaid i awdurdod lleol lunio a chyhoeddi strategaeth toiledau lleol cyn diwedd y cyfnod o un flwyddyn sy’n dechrau â’r dyddiad y daw’r adran hon i rym.
- (2) Rhaid i strategaeth toiledau lleol gynnwys –
 - (a) asesiad o’r angen i doiledau yn ardal yr awdurdod lleol fod ar gael i’r cyhoedd eu defnyddio,
 - (b) datganiad sy’n nodi’r camau y mae’r awdurdod lleol yn bwriadu eu cymryd i ddiwallu’r angen hwnnw, ac
 - (c) unrhyw wybodaeth arall y mae’r awdurdod lleol yn ystyried ei bod yn briodol.
- (3) Rhaid i awdurdod lleol gynnal adolygiad o’i strategaeth toiledau lleol ar ôl pob etholiad cyffredin a gynhelir ar gyfer ei ardal o dan adran 26 o Ddeddf Llywodraeth Leol 1972 (p.70); a rhaid i bob adolygiad gael ei gynnal cyn diwedd y cyfnod o un flwyddyn sy’n dechrau â dyddiad yr etholiad.
- (4) Caiff awdurdod lleol, yn ychwanegol at adolygiad sy’n ofynnol gan is-adran (3), gynnal adolygiadau eraill o’i strategaeth toiledau lleol.
- (5) Pan yw awdurdod leol yn adolygu ei strategaeth toiledau lleol, rhaid iddo gyhoeddi datganiad o’r camau y mae wedi eu cymryd yn unol â’r strategaeth yn ystod y cyfnod –

- (10) In section 84 of the National Health Service (Wales) Act 2006 (c. 42), in subsection (2)–
- (a) after “application” insert “on grounds corresponding to the conditions referred to in section 107(2), (3) or (4) as read with section 109”;
 - (b) after “appeal” omit “(by way of redetermination)”.
- (11) In section 84 of the National Health Service (Wales) Act 2006 (c.42), after subsection (3), insert –
- “(4) If regulations made under section 83 include provision for a Local Health Board to remove a person or an entry in respect of premises from a pharmaceutical list, the regulations must also make provision –
 - (a) requiring the Local Health Board to give notice of its intention to remove the person or entry (including provision requiring the notice to give reasons for the intended removal);
 - (b) about making representations.”
- (12) In Schedule 6 to the Health Act 2009 (c.21) (repeals and revocations), in the table, omit the entry relating to section 83(6)(d) of the National Health Service (Wales) Act 2006 (c.42).

PART 8

PROVISION OF TOILETS

Local toilets strategies

113 Local toilets strategies: preparation and review

- (1) A local authority must prepare and publish a local toilets strategy before the end of the period of one year beginning with the date on which this section comes into force.
- (2) A local toilets strategy must include –
 - (a) an assessment of the need for toilets in the local authority’s area to be available for use by the public,
 - (b) a statement setting out the steps which the local authority proposes to take to meet that need, and
 - (c) any other information which the local authority considers appropriate.
- (3) A local authority must carry out a review of its local toilets strategy after each ordinary election held for its area under section 26 of the Local Government Act 1972 (c. 70); and each review must be carried out before the end of the period of one year beginning with the date of the election.
- (4) A local authority may, in addition to a review required by subsection (3), carry out other reviews of its local toilets strategy.
- (5) When a local authority reviews its local toilets strategy it must publish a statement of the steps which it has taken in accordance with the strategy during the period –

- (a) sy'n dechrau â'r dyddiad y cyhoeddwyd y strategaeth ddiwethaf, a
 - (b) sy'n dod i ben â'r dyddiad y dechreuodd yr adolygiad hwnnw.
- (6) Pan yw awdurdod lleol yn adolygu ei strategaeth toiledau lleol ac yn ystyried bod angen ei newid, rhaid iddo—
- (a) diwygio'r strategaeth, a
 - (b) cyhoeddi'r strategaeth ddiwygiedig.
- (7) Rhaid i Weinidogion Cymru ddyroddi canllawiau i awdurdodau lleol ynghylch y materion y dylent eu hystyried wrth—
- (a) llunio strategaeth toiledau lleol,
 - (b) adolygu strategaeth toiledau lleol,
 - (c) ymgynghori ar strategaeth toiledau lleol o dan adran 115, neu
 - (d) cyhoeddi strategaeth toiledau lleol.
- (8) Rhaid i ganllawiau a ddyroddir gan Weinidogion Cymru o dan is-adran (7) wneud darpariaeth ynghylch—
- (a) yr asesiad o'r angen—
 - (i) i doiledau fod ar gael i ddefnyddwyr priffyrdd a llwybrau teithio llesol eu defnyddio;
 - (ii) i doiledau fod ar gael i'w defnyddio gan ddefnyddwyr safleoedd a chyfleusterau eraill sydd, gan roi sylw i feini prawf a nodir yn y canllawiau, yn gyfleusterau o arwyddocâd penodol ar gyfer trafndiaeth;
 - (iii) i doiledau fod ar gael i'w defnyddio yng nghyffiniau safleoedd ac mewn cysylltiad â digwyddiadau sydd, gan roi sylw i feini prawf a nodir yn y canllawiau, o arwyddocâd penodol neu o ddiddordeb diwylliannol, o ddiddordeb o ran chwaraeon neu o ddiddordeb hanesyddol, poblogaidd neu genedlaethol;
 - (iv) i doiledau sydd mewn mangreoedd sy'n cael eu cyllido'n gyhoeddus (pa un ai'n gyfan gwbl neu'n rhannol) fod ar gael i'r cyhoedd eu defnyddio,
 - (b) hybu ymwybyddiaeth gyhoeddus o doiledau sydd ar gael i'r cyhoedd eu defnyddio, ac
 - (c) cydweithredu rhwng awdurdodau lleol.
- (9) Yn is-adran (8) mae i "priffordd" yr ystyr a roddir i "highway" gan adran 328 o Ddeddf Priffyrdd 1980 (p.66).
- (10) At ddibenion is-adran (8), mae llwybr yn llwybr teithio llesol os y'i dangosir fel llwybr teithio llesol ar y map a luniwyd yn fwyaf diweddar gan awdurdod lleol o dan adran 3 o Ddeddf Teithio Llesol (Cymru) 2013 (dccc 7).
- (11) Rhaid i awdurdod lleol roi sylw i unrhyw ganllawiau a ddyroddir o dan is-adran (7).
- (12) At ddibenion y Rhan hon, mae "toiledau" yn cynnwys—
- (a) cyfleusterau newid ar gyfer babanod, a
 - (b) manau newid ar gyfer personau anabl.

- (a) beginning with the date on which the strategy was last published, and
 - (b) ending with the date on which that review commenced.
- (6) When a local authority reviews its local toilets strategy and considers that a change is needed, it must—
 - (a) revise the strategy, and
 - (b) publish the revised strategy.
- (7) The Welsh Ministers must issue guidance to local authorities about the matters which they should take into consideration when—
 - (a) preparing a local toilets strategy,
 - (b) reviewing a local toilets strategy,
 - (c) consulting on a local toilets strategy under section 115, or
 - (d) publishing a local toilets strategy.
- (8) Guidance issued by the Welsh Ministers under subsection (7) must make provision about —
 - (a) the assessment of the need—
 - (i) for toilets to be available for use by users of highways and active travel routes;
 - (ii) for toilets to be available for use by users of other sites and facilities that, having regard to criteria set out in the guidance, are facilities of particular significance for transport;
 - (iii) for toilets to be available for use in the vicinity of sites and in connection with events that, having regard to criteria set out in the guidance, are of particular significance or of cultural, sporting, historic, popular or national interest;
 - (iv) for toilets located in premises that are publicly funded (whether wholly or in part) to be available for use by the public,
 - (b) promoting public awareness of toilets available for use by the public, and
 - (c) collaboration between local authorities.
- (9) In subsection (8) “highway” has the meaning given by section 328 of the Highways Act 1980 (c.66).
- (10) For the purposes of subsection (8), a route is an active travel route if it is shown as an active travel route on the map most recently prepared by a local authority under section 3 of the Active Travel (Wales) Act 2013 (anaw 7).
- (11) A local authority must have regard to any guidance issued under subsection (7).
- (12) For the purposes of this Part “toilets” includes—
 - (a) changing facilities for babies, and
 - (b) changing places for disabled persons.

114 Strategaethau toiledau lleol: datganiad cynnydd interim

- (1) Rhaid i awdurdod lleol sydd wedi cyhoeddi strategaeth toiledau lleol o dan adran 113 (pa un ai yn unol ag adolygiad o'r strategaeth, neu fel arall) lunio a chyhoeddi datganiad cynnydd interim yn unol â'r adran hon.
- (2) Rhaid i awdurdod lleol sydd wedi adolygu ei strategaeth toiledau lleol o dan adran 113(3), ond nad yw wedi ei diwygio, lunio a chyhoeddi datganiad cynnydd interim yn unol â'r adran hon.
- (3) Mae datganiad cynnydd interim yn ddatganiad o'r camau y mae'r awdurdod wedi eu cymryd yn unol â'i strategaeth toiledau lleol yn ystod y cyfnod ("cyfnod y datganiad") o 2 flynedd sy'n dechrau â'r dyddiad –
 - (a) y cyhoeddwyd y strategaeth honno ddiwethaf gan yr awdurdod, yn achos gofyniad a osodir gan is-adran (1);
 - (b) yr adolygwyd y strategaeth honno ddiwethaf gan yr awdurdod, yn achos gofyniad a osodir gan is-adran (2).
- (4) Rhaid i awdurdod lleol gyhoeddi ei ddatganiad cynnydd interim heb fod yn hwyrach na chwe mis ar ôl diwrnod olaf cyfnod y datganiad.
- (5) Rhaid i Weinidogion Cymru ddyroddi canllawiau i awdurdodau lleol ynghylch y materion y dylent eu hystyried wrth lunio datganiad cynnydd interim; a rhaid i awdurdod lleol roi sylw i unrhyw ganllawiau a ddyroddir o dan yr is-adran hon.

115 Strategaethau toiledau lleol: ymgynghori

- (1) Rhaid i awdurdod lleol ymgynghori ag unrhyw berson y mae'n ystyried ei fod yn debygol o fod â buddiant yn y ddarpariaeth o doiledau yn ei ardal sydd ar gael i'r cyhoedd eu defnyddio cyn iddo gyhoeddi ei strategaeth toiledau lleol o dan –
 - (a) adran 113(1), neu
 - (b) adran 113(6)(b).
- (2) Fel rhan o'r ymgynghori, rhaid i'r awdurdod lleol roi strategaeth toiledau lleol ddrafft ar gael i bob person yr ymgynghorir ag ef o dan is-adran (1).

Pŵer awdurdod lleol i ddarparu toiledau cyhoeddus

116 Pŵer awdurdod lleol i ddarparu toiledau cyhoeddus

- (1) Caiff awdurdod lleol ddarparu toiledau yn ei ardal i'r cyhoedd eu defnyddio.
- (2) Rhaid i awdurdod lleol roi sylw i'r strategaeth toiledau lleol berthnasol wrth benderfynu –
 - (a) pa un ai i ddarparu toiledau o dan is-adran (1), a
 - (b) ar y mathau o doiledau sydd i gael eu darparu.
- (3) At ddibenion is-adran (2), y strategaeth toiledau lleol berthnasol yw –
 - (a) yn achos cyngor sir neu gyngor bwrdeistref sirol ("prif gyngor"), y strategaeth toiledau lleol a gyhoeddwyd yn fwyaf diweddar o dan adran 113 gan y cyngor hwnnw, a

114 Local toilets strategies: interim progress statement

- (1) A local authority that has published a local toilets strategy under section 113 (whether pursuant to a review of the strategy, or otherwise) must prepare and publish an interim progress statement in accordance with this section.
- (2) A local authority that has reviewed its local toilets strategy under section 113(3) but not revised it must prepare and publish an interim progress statement in accordance with this section.
- (3) An interim progress statement is a statement of the steps that the authority has taken in accordance with its local toilets strategy during the period (the “statement period”) of 2 years beginning with the date on which—
 - (a) in the case of a requirement imposed by subsection (1), the authority last published that strategy;
 - (b) in the case of a requirement imposed by subsection (2), the authority last reviewed that strategy.
- (4) A local authority must publish its interim progress statement no later than six months after the last day of the statement period.
- (5) The Welsh Ministers must issue guidance to local authorities about the matters which they should take into consideration when preparing an interim progress statement; and a local authority must have regard to any guidance issued under this subsection.

115 Local toilets strategies: consultation

- (1) A local authority must consult any person it considers is likely to be interested in the provision of toilets in its area that are available for use by the public before it publishes its local toilets strategy under—
 - (a) section 113(1), or
 - (b) section 113(6)(b).
- (2) As part of the consultation, the local authority must make available to each person consulted under subsection (1) a draft local toilets strategy.

*Local authority power to provide public toilets***116 Local authority power to provide public toilets**

- (1) A local authority may provide toilets in its area for use by the public.
- (2) A local authority must have regard to the relevant local toilets strategy when determining—
 - (a) whether to provide toilets under subsection (1), and
 - (b) the types of toilets to be provided.
- (3) For the purposes of subsection (2), the relevant local toilets strategy is—
 - (a) in the case of a county or county borough council (“a principal council”), the local toilets strategy most recently published under section 113 by that council, and

- (b) yn achos cyngor cymuned, y strategaeth toiledau lleol a gyhoeddwyd yn fwyaf diweddar o dan adran 113 gan brif gyngor yr ardal lle y mae'r cyngor cymuned.
- (4) Ni chaiff awdurdod lleol ddarparu toiledau o dan is-adran (1) ar neu o dan dir sy'n cydffinio â phriffordd neu briffordd arfaethedig, neu yng nghyffiniau priffordd o'r fath, oni bai—
 - (a) mai'r awdurdod lleol yw'r awdurdod priffyrdd (neu yn achos priffordd arfaethedig, mai'r awdurdod lleol fydd yr awdurdod priffyrdd) ar gyfer y briffordd honno, neu
 - (b) bod yr awdurdod lleol wedi cael cydsyniad yr awdurdod priffyrdd ar gyfer y briffordd honno, neu (yn achos priffordd arfaethedig) yr awdurdod a fydd yr awdurdod priffyrdd ar gyfer y briffordd honno, i ddarparu toiledau o'r fath.
- (5) Caiff awdurdod lleol sy'n darparu toiledau o dan yr adran hon godi ffioedd am ddefnyddio'r toiledau hynny.
- (6) Yn yr adran hon—
 - mae "awdurdod lleol" ("*local authority*") yn cynnwys cyngor cymuned;
 - mae i "priffordd" yr ystyr a roddir i "highway" gan adran 113(9).

117 Pŵer i wneud is-ddeddfau mewn perthynas â thoiledau

- (1) Caiff awdurdod lleol sy'n darparu toiledau o dan adran 116 wneud is-ddeddfau o ran ymddygiad personau sy'n eu defnyddio neu sy'n mynd i mewn iddynt.
- (2) Pan fo cyngor cymuned yn gwneud is-ddeddfau o dan is-adran (1) mewn cysylltiad â thoiledau a ddarperir ganddo, nid yw'r is-ddeddfau (os oes rhai) a wneir o dan adran 2 o Ddeddf Is-ddeddfau Llywodraeth Leol (Cymru) 2012 (dccc 2), mewn perthynas â'r toiledau hynny gan gyngor sir neu gyngor bwrdeistref sirol yr ardal lle y mae'r cyngor cymuned, yn cael unrhyw effaith yn ystod y cyfnod y mae'r is-ddeddfau a wneir gan y cyngor cymuned mewn grym.
- (3) At ddibenion yr adran hon, mae "awdurdod lleol" i gael ei ddarllen yn unol ag adran 116.

118 Diwygiadau canlyniadol

Am ddiwygiadau o ganlyniad i'r Rhan hon, gweler Atodlen 4.

RHAN 9

AMRYWIOL A CHYFFREDINOL

Troseddau sgorio hylendid bwyd: derbyniadau cosb benodedig

119 Derbyniadau cosb benodedig ar gyfer troseddau sgorio hylendid bwyd

Yn adran 22 o Ddeddf Sgorio Hylendid Bwyd (Cymru) 2013 (dccc 2), yn lle is-adran (1) rhodder—

- (b) in the case of a community council, the local toilets strategy most recently published under section 113 by the principal council of the area in which the community council is situated.
- (4) A local authority may not provide toilets under subsection (1) on or under land adjoining, or in the vicinity of, a highway or proposed highway unless –
 - (a) the local authority is (or in the case of a proposed highway, will be) the highway authority for that highway, or
 - (b) the local authority has obtained the consent of the highway authority for that highway, or (in the case of a proposed highway) of the authority that will be the highway authority for that highway, to provide such toilets.
- (5) A local authority that provides toilets under this section may charge fees for the use of those toilets.
- (6) In this section –
 - “highway” (“*priffordd*”) has the meaning given by section 113(9);
 - “local authority” (“*awdurdod lleol*”) includes a community council.

117 Power to make byelaws in relation to toilets

- (1) A local authority that provides toilets under section 116 may make byelaws as to the conduct of persons using or entering them.
- (2) Where a community council makes byelaws under subsection (1) in respect of toilets provided by it, the byelaws (if any) made under section 2 of the Local Government Byelaws (Wales) Act 2012 (anaw 2), in relation to those toilets by the county or county borough council of the area in which the community council is situated, are of no effect during the currency of the byelaws made by the community council.
- (3) For the purposes of this section “local authority” is to be read in accordance with section 116.

118 Consequential amendments

For amendments consequential on this Part, see Schedule 4.

PART 9

MISCELLANEOUS AND GENERAL

Food hygiene rating offences: fixed penalty receipts

119 Fixed penalty receipts for food hygiene rating offences

In section 22 of the Food Hygiene Rating (Wales) Act 2013 (anaw 2), for subsection (1) substitute –

“(1) Ni chaiff awdurdod bwyd ddefnyddio ei dderbyniadau cosb benodedig ond at ddiben ei swyddogaethau sy’n ymwneud â gorfodi darpariaethau’r Ddeddf hon a rheoliadau a wneir odani.”

Cyffredinol

120 Troseddau gan gyrff corfforaethol etc.

- (1) Mae’r adran hon yn gymwys pan fo trosedd o dan y Ddeddf hon yn cael ei chyflawni gan –
 - (a) corff corfforaethol;
 - (b) partneriaeth;
 - (c) cymdeithas anghorfforedig ac eithrio partneriaeth.
- (2) Os profir bod y drosedd wedi ei chyflawni gan y canlynol, neu gyda chydysyniad neu ymoddefiad y canlynol, neu y gellir ei phriodoli i esgeulustod ar ran y canlynol –
 - (a) un o uwch-swyddogion y corff corfforaethol neu’r bartneriaeth neu’r gymdeithas anghorfforedig, neu
 - (b) unrhyw berson sy’n honni ei fod yn gweithredu mewn rhinwedd a grybwyllir ym mharagraff (a),

mae’r uwch-swyddog hwnnw neu’r person hwnnw (yn ogystal â’r corff corfforaethol, y bartneriaeth neu’r gymdeithas) yn euog o’r drosedd ac yn agored i gael ei erlyn a’i gosbi yn unol â hynny.
- (3) Yn yr adran hon, ystyr “uwch-swyddog” yw –
 - (a) mewn perthynas â chorff corfforaethol, cyfarwyddwr, rheolwr, ysgrifennydd neu swyddog tebyg arall i’r corff corfforaethol;
 - (b) mewn perthynas â phartneriaeth, partner yn y bartneriaeth;
 - (c) mewn perthynas â chymdeithas anghorfforedig ac eithrio partneriaeth, unrhyw swyddog i’r gymdeithas neu unrhyw aelod o’i gorff llywodraethu.
- (4) Yn is-adran (3)(a), ystyr “cyfarwyddwr”, mewn perthynas â chorff corfforaethol y rheolir ei faterion gan ei aelodau, yw aelod o’r corff corfforaethol.
- (5) Yn yr adran hon ac adrannau 121 a 122, ystyr “partneriaeth” yw –
 - (a) partneriaeth o fewn Deddf Partneriaeth 1890 (p.39), neu
 - (b) partneriaeth gyfyngedig sydd wedi ei chofrestru o dan Ddeddf Partneriaethau Cyfyngedig 1907 (p.24).

121 Troseddau a gyflawnir gan bartneriaethau a chymdeithasau anghorfforedig eraill

- (1) Mae achos am drosedd o dan y Ddeddf hon yr honnir ei bod wedi ei chyflawni gan bartneriaeth i gael ei ddwyn yn enw’r bartneriaeth (ac nid yn enw unrhyw un neu ragor o’r partneriaid).
- (2) Mae achos am drosedd o dan y Ddeddf hon yr honnir ei bod wedi ei chyflawni gan gymdeithas anghorfforedig ac eithrio partneriaeth i gael ei ddwyn yn enw’r gymdeithas (ac nid yn enw unrhyw un neu ragor o’i haelodau).

“(1) A food authority may use its fixed penalty receipts only for the purpose of its functions relating to the enforcement of the provisions of this Act and regulations made under it.”

General

120 Offences by bodies corporate etc.

- (1) This section applies where an offence under this Act is committed by –
 - (a) a body corporate;
 - (b) a partnership;
 - (c) an unincorporated association other than a partnership.
- (2) If the offence is proved to have been committed by, or with the consent or connivance of, or to be attributable to neglect on the part of –
 - (a) a senior officer of the body corporate or partnership or unincorporated association, or
 - (b) any person purporting to act in a capacity mentioned in paragraph (a),that senior officer or person (as well as the body corporate, partnership or association) is guilty of the offence and liable to be proceeded against and punished accordingly.
- (3) In this section, “senior officer” means –
 - (a) in relation to a body corporate, a director, manager, secretary or other similar officer of the body corporate;
 - (b) in relation to a partnership, a partner in the partnership;
 - (c) in relation to an unincorporated association other than a partnership, any officer of the association or any member of its governing body.
- (4) In subsection (3)(a), “director”, in relation to a body corporate whose affairs are managed by its members, means a member of the body corporate.
- (5) In this section and sections 121 and 122, “partnership” means –
 - (a) a partnership within the Partnership Act 1890 (c.39), or
 - (b) a limited partnership registered under the Limited Partnerships Act 1907 (c.24).

121 Offences committed by partnerships and other unincorporated associations

- (1) Proceedings for an offence under this Act alleged to have been committed by a partnership are to be brought in the name of the partnership (and not in that of any of the partners).
- (2) Proceedings for an offence under this Act alleged to have been committed by an unincorporated association other than a partnership are to be brought in the name of the association (and not in that of any of its members).

- (3) Mae rheolau llys sy'n ymwneud â chyflwyno dogfennau yn cael effaith fel pe bai'r bartneriaeth neu'r gymdeithas anghorfforedig yn gorff corfforaethol.
- (4) Mae adran 33 o Ddeddf Cyfiawnder Troseddol 1925 (p.86) ac Atodlen 3 i Ddeddf Llysoedd Ynadon 1980 (p.43) yn gymwys mewn achos am drosedd a ddygir yn erbyn partneriaeth neu gymdeithas anghorfforedig fel y maent yn gymwys mewn perthynas â chorff corfforaethol.

122 Rhoi hysbysiadau

- (1) Mae'r adran hon yn gymwys pan fo darpariaeth yn y Ddeddf hon neu mewn rheoliadau a wneir odani yn ei gwneud yn ofynnol i berson roi hysbysiad i berson arall ("P") neu'n awdurdodi person i wneud hynny.
- (2) Rhaid i'r hysbysiad fod yn ysgrifenedig.
- (3) Caniateir i'r hysbysiad gael ei roi i P mewn unrhyw un o'r ffyrdd a ganlyn—
 - (a) drwy ei ddanfôn at P;
 - (b) drwy ei adael mewn unrhyw gyfeiriad a bennir gan P yn gyfeiriad ar gyfer rhoi hysbysiadau neu ei bostio i gyfeiriad o'r fath, neu (os nad yw P wedi pennu cyfeiriad at y diben hwn) drwy ei adael yng nghyfeiriad arferol P neu ei bostio i'r cyfeiriad hwnnw;
 - (c) os yw'r amodau yn is-adran (4) wedi eu bodloni, drwy ei anfon yn electronig at P.
- (4) Yr amodau yw—
 - (a) bod P wedi nodi i'r person sy'n anfon yr hysbysiad ei fod yn barod i gael yr hysbysiad yn electronig, ac wedi darparu i'r person hwnnw gyfeiriad addas at y diben hwnnw, a
 - (b) bod yr hysbysiad yn cael ei anfon i'r cyfeiriad hwnnw.
- (5) Cyfeiriad arferol P, at ddiben is-adran (3)(b), yw—
 - (a) os yw P yn gorff corfforaethol, gyfeiriad swyddfa gofrestredig neu brif swyddfa'r corff;
 - (b) os yw P yn gweithredu yn rhinwedd ei swydd fel partner mewn partneriaeth, gyfeiriad prif swyddfa'r bartneriaeth;
 - (c) os yw P yn awdurdod lleol, brif swyddfa'r awdurdod lleol;
 - (d) mewn unrhyw achos arall, breswylfa neu fan busnes hysbys diwethaf P.
- (6) Ni chaniateir i hysbysiad cosb benodedig a roddir o dan adran 27 neu 49 gael ei roi i P drwy ei anfon yn electronig.
- (7) Mae'r cyfeiriad yn is-adran (3)(a) at ddanfôn hysbysiad at P—
 - (a) os yw P yn gorff corfforaethol, yn gyfeiriad at ddanfôn yr hysbysiad at ysgrifennydd neu glerc y corff hwnnw;
 - (b) os yw P yn bartneriaeth, yn gyfeiriad at ddanfôn yr hysbysiad at bartner neu berson y mae busnes y bartneriaeth o dan ei reolaeth neu sy'n rheoli busnes y bartneriaeth.
- (8) Mae hysbysiad a roddir i P drwy ei adael mewn man yn unol ag is-adran (3)(b) i gael ei drin fel pe bai wedi ei roi ar yr adeg y'i gadawyd yn y man hwnnw.

- (3) Rules of court relating to the service of documents have effect as if the partnership or unincorporated association were a body corporate.
- (4) Section 33 of the Criminal Justice Act 1925 (c.86) and Schedule 3 to the Magistrates' Courts Act 1980 (c.43) apply in proceedings for an offence brought against a partnership or an unincorporated association as they apply in relation to a body corporate.

122 Giving notices

- (1) This section applies where a provision of this Act or of regulations made under it requires or authorises a person to give notice to another person ("P").
- (2) The notice must be in writing.
- (3) The notice may be given to P in any one of the following ways—
 - (a) by delivering it to P;
 - (b) by leaving it at or posting it to any address specified by P as an address for giving notices, or (if P has not specified an address for this purpose) by leaving it at or posting it to P's usual address;
 - (c) if the conditions in subsection (4) are met, by sending it to P electronically.
- (4) The conditions are—
 - (a) that P has indicated to the person by whom the notice is sent a willingness to receive it electronically, and has provided that person with an address suitable for that purpose, and
 - (b) that the notice is sent to that address.
- (5) P's usual address, for the purpose of subsection (3)(b), is—
 - (a) if P is a body corporate, the address of the registered or principal office of the body;
 - (b) if P is acting in his or her capacity as a partner in a partnership, the address of the principal office of the partnership;
 - (c) if P is a local authority, the principal office of the local authority;
 - (d) in any other case, the last known residence or place of business of P.
- (6) A fixed penalty notice given under section 27 or 49 may not be given to P by sending it electronically.
- (7) The reference in subsection (3)(a) to delivering a notice to P is—
 - (a) if P is a body corporate, a reference to delivering it to the secretary or clerk of that body;
 - (b) if P is a partnership, a reference to delivering it to a partner or a person having control or management of the partnership business.
- (8) A notice that is given to P by leaving it at a place in accordance with subsection (3)(b) is to be treated as having been given at the time at which it was left at that place.

123 Rheoliadau

- (1) Mae pŵer i wneud rheoliadau o dan y Ddeddf hon—
 - (a) yn arferadwy drwy offeryn statudol;
 - (b) yn cynnwys pŵer i wneud darpariaeth wahanol at ddibenion gwahanol;
 - (c) yn cynnwys pŵer i wneud darpariaeth atodol, gysylltiedig, ganlyniadol, drosiannol, ddarfodol neu arbed.
- (2) Ni chaniateir i offeryn statudol sy'n cynnwys unrhyw un neu ragor o'r canlynol gael ei wneud oni bai bod drafft o'r offeryn wedi ei osod gerbron Cynulliad Cenedlaethol Cymru ac wedi ei gymeradwyo ganddo drwy benderfyniad—
 - (a) rheoliadau a wneir o dan adran 6(5), 10(6), 11(5), 13, 15, 16, 17(3), 28(7) neu 50(2) neu baragraff 6 neu 9 o Atodlen 1;
 - (b) rheoliadau a wneir o dan adran 60, 62, 63, 66(10), 69(8), 70(3)(a) neu (c), 93 neu 94(1);
 - (c) rheoliadau a wneir o dan adran 108 neu 110(2);
 - (d) rheoliadau a wneir o dan adran 125 sy'n diwygio neu'n diddymu unrhyw ddarpariaeth mewn Deddf Seneddol neu Fesur neu Ddeddf gan Gynulliad Cenedlaethol Cymru.
- (3) Mae unrhyw offeryn statudol arall sy'n cynnwys rheoliadau a wneir o dan y Ddeddf hon yn ddarostyngedig i gael ei ddiddymu yn unol â phenderfyniad gan Gynulliad Cenedlaethol Cymru.

124 Dehongli

- (1) Ac eithrio fel y'i darperir yn benodol fel arall, yn y Ddeddf hon—

ystyr "a bennir" a "penodedig" ("*specified*"), mewn perthynas â darpariaeth a wneir mewn rheoliadau, yw wedi ei bennu yn y rheoliadau;

ystyr "awdurdod lleol" ("*local authority*") yw cyngor sir neu gyngor bwrdeistref sirol yng Nghymru;

ystyr "rheoliadau" ("*regulations*") yw rheoliadau a wneir gan Weinidogion Cymru.
- (2) Yn y Ddeddf hon, mae cyfeiriadau at feddiannydd mangre, i'r graddau y mae'n gymwys mewn perthynas ag unrhyw gerbyd, yn gyfeiriadau at y person yr ymddengys fod ganddo ofal am y cerbyd, ac mae "nad yw wedi ei meddiannu" i gael ei ddehongli yn unol â hynny.

125 Pŵer i wneud darpariaeth ganlyniadol a throsiannol etc.

- (1) Os yw Gweinidogion Cymru yn ystyried ei bod yn angenrheidiol neu'n hwylus at ddibenion unrhyw ddarpariaeth yn y Ddeddf hon, o ganlyniad i unrhyw ddarpariaeth ynddi neu er mwyn rhoi effaith lawn i unrhyw ddarpariaeth ynddi, cânt drwy reoliadau wneud—
 - (a) unrhyw ddarpariaeth atodol, gysylltiedig neu ganlyniadol;
 - (b) unrhyw ddarpariaeth drosiannol, ddarfodol neu arbed.

123 Regulations

- (1) A power to make regulations under this Act—
 - (a) is exercisable by statutory instrument;
 - (b) includes power to make different provision for different purposes;
 - (c) includes power to make supplementary, incidental, consequential, transitional, transitory or saving provision.
- (2) A statutory instrument containing any of the following may not be made unless a draft of the instrument has been laid before, and approved by resolution of, the National Assembly for Wales—
 - (a) regulations made under section 6(5), 10(6), 11(5), 13, 15, 16, 17(3), 28(7) or 50(2) or paragraph 6 or 9 of Schedule 1;
 - (b) regulations made under section 60, 62, 63, 66(10), 69(8), 70(3)(a) or (c), 93 or 94(1);
 - (c) regulations made under section 108 or 110(2);
 - (d) regulations made under section 125 that amend or repeal any provision of an Act of Parliament or a Measure or Act of the National Assembly for Wales.
- (3) Any other statutory instrument containing regulations made under this Act is subject to annulment in pursuance of a resolution of the National Assembly for Wales.

124 Interpretation

- (1) Except as otherwise expressly provided, in this Act—

“local authority” (*“awdurdod lleol”*) means the council of a county or county borough in Wales;

“regulations” (*“rheoliadau”*) means regulations made by the Welsh Ministers;

“specified” (*“a bennir”* and *“penodedig”*), in relation to provision made in regulations, means specified in the regulations.
- (2) In this Act, references to the occupier of premises, so far as applicable in relation to any vehicle, are to the person who appears to be in charge of the vehicle, and “unoccupied” is to be construed accordingly.

125 Power to make consequential and transitional etc. provision

- (1) If the Welsh Ministers consider it necessary or expedient for the purposes of, in consequence of, or for giving full effect to, any provision of this Act, they may by regulations make—
 - (a) any supplementary, incidental or consequential provision;
 - (b) any transitional, transitory or saving provision.

- (2) Caiff rheoliadau o dan yr adran hon (ymhlith pethau eraill) ddiwygio, diddymu neu ddirymu unrhyw ddeddfiad.
- (3) Yn yr adran hon, ystyr “deddfiad” yw deddfiad, pa bryd bynnag y’i deddfir neu y’i gwneir, sydd wedi ei gynnwys yn un o’r canlynol neu wedi ei wneud o dan un ohonynt—
 - (a) Deddf Seneddol;
 - (b) Mesur neu Ddeddf gan Gynulliad Cenedlaethol Cymru.

126 Dod i rym

- (1) Daw’r darpariaethau a ganlyn i rym ar y diwrnod y mae’r Ddeddf hon yn cael y Cydsyniad Brenhinol—
 - (a) adran 1;
 - (b) adrannau 120 i 125;
 - (c) yr adran hon;
 - (d) adran 127.
- (2) Daw darpariaethau eraill y Ddeddf hon i rym ar ddiwrnod a bennir gan Weinidogion Cymru drwy orchymyn a wneir drwy offeryn statudol.
- (3) Caiff gorchymyn o dan is-adran (2)—
 - (a) pennu diwrnodau gwahanol at ddibenion gwahanol;
 - (b) gwneud darpariaeth drosiannol, ddarfodol neu arbed mewn cysylltiad â dod â darpariaeth yn y Ddeddf hon i rym.

127 Enw byr

Enw byr y Ddeddf hon yw Deddf Iechyd y Cyhoedd (Cymru) 2017.

- (2) Regulations under this section may (among other things) amend, repeal or revoke any enactment.
- (3) In this section, “enactment” means an enactment, whenever enacted or made, comprised in or made under –
 - (a) an Act of Parliament;
 - (b) a Measure or Act of the National Assembly for Wales.

126 Coming into force

- (1) The following provisions come into force on the day on which this Act receives Royal Assent –
 - (a) section 1;
 - (b) sections 120 to 125;
 - (c) this section;
 - (d) section 127.
- (2) The other provisions of this Act come into force on such day as the Welsh Ministers may appoint by order made by statutory instrument.
- (3) An order under subsection (2) may –
 - (a) appoint different days for different purposes;
 - (b) make transitional, transitory or saving provision in connection with the coming into force of a provision of this Act.

127 Short title

The short title of this Act is the Public Health (Wales) Act 2017.

ATODLEN 1
(a gyflwynir gan adrannau 27 a 49)

COSBAU PENODEDIG

Dehongli

1 Yn yr Atodlen hon—

ystyr “awdurdod dyroddi” (“*issuing authority*”) yw—

- (a) mewn perthynas â hysbysiad cosb benodedig a roddir o dan adran 27, awdurdod gorfodi sydd wedi ei awdurdodi yn rhinwedd adran 18, a
- (b) mewn perthynas â hysbysiad cosb benodedig a roddir o dan adran 49, awdurdod lleol;

ystyr “swyddog awdurdodedig” (“*authorised officer*”) yw—

- (a) mewn perthynas â hysbysiad cosb benodedig a roddir o dan adran 27, swyddog awdurdodedig o fewn yr ystyr a roddir gan adran 18(5), a
- (b) mewn perthynas â hysbysiad cosb benodedig a roddir o dan adran 49, swyddog awdurdodedig o fewn yr ystyr a roddir gan adran 39.

Cynnwys hysbysiad cosb benodedig

2 Rhaid i hysbysiad cosb benodedig—

- (a) datgan y drosedd honedig, a
- (b) rhoi manylion am yr amgylchiadau yr honnir eu bod yn ffurfio’r drosedd.

3 Rhaid i hysbysiad cosb benodedig hefyd ddatgan—

- (a) enw a chyfeiriad yr awdurdod dyroddi y rhoddir yr hysbysiad ar ei ran;
- (b) swm y gosb a’r cyfnod ar gyfer ei thalu;
- (c) y swm gostyngol a’r cyfnod ar gyfer ei dalu;
- (d) effaith talu’r gosb neu’r swm gostyngol cyn diwedd y cyfnod a grybwyllir ym mharagraff (b) neu (c);
- (e) canlyniadau peidio â thalu’r gosb neu’r swm gostyngol cyn diwedd y cyfnod a grybwyllir ym mharagraff (b) neu (c);
- (f) y person y caniateir i’r taliad gael ei wneud iddo a’r cyfeiriad lle y caniateir i’r taliad gael ei wneud;
- (g) y dull y caniateir i’r taliad gael ei wneud ynddo;
- (h) y person y caniateir i unrhyw sylwadau sy’n ymwneud â’r hysbysiad gael eu cyflwyno iddo a’r cyfeiriad lle y caniateir i unrhyw sylwadau o’r fath gael eu cyflwyno.

4 Rhaid i hysbysiad cosb benodedig hefyd—

- (a) hysbysu’r person y’i rhoddir iddo am hawl y person hwnnw i ofyn am gael sefyll prawf am y drosedd honedig, a
- (b) esbonio sut y caniateir i’r hawl honno gael ei harfer.

SCHEDULE 1
(introduced by sections 27 and 49)

FIXED PENALTIES

Interpretation

1 In this Schedule –

“authorised officer” (“*swyddog awdurdodedig*”) –

- (a) in relation to a fixed penalty notice given under section 27, means an authorised officer within the meaning given by section 18(5), and
- (b) in relation to a fixed penalty notice given under section 49, means an authorised officer within the meaning given by section 39;

“issuing authority” (“*awdurdod dyroddi*”) –

- (a) in relation to a fixed penalty notice given under section 27, means an enforcement authority authorised by virtue of section 18, and
- (b) in relation to a fixed penalty notice given under section 49, means a local authority.

Contents of fixed penalty notice

2 A fixed penalty notice must –

- (a) state the alleged offence, and
- (b) give particulars of the circumstances alleged to constitute it.

3 A fixed penalty notice must also state –

- (a) the name and address of the issuing authority on whose behalf the notice is given;
- (b) the amount of the penalty and the period for its payment;
- (c) the discounted amount and the period for its payment;
- (d) the effect of paying the penalty or the discounted amount before the end of the period mentioned in paragraph (b) or (c);
- (e) the consequences of not paying the penalty or the discounted amount before the end of the period mentioned in paragraph (b) or (c);
- (f) the person to whom, and the address at which, payment may be made;
- (g) the method by which payment may be made;
- (h) the person to whom and the address at which any representations relating to the notice may be made.

4 A fixed penalty notice must also –

- (a) inform the person to whom it is given of that person’s right to ask to be tried for the alleged offence, and
- (b) explain how that right may be exercised.

- 5 Caiff rheoliadau wneud darpariaeth bellach o ran cynnwys a ffurf hysbysiad cosb benodedig.

Swm y gosb a'r cyfnod ar gyfer ei thalu

- 6 Y gosb yw'r swm hwnnw a bennir mewn rheoliadau.
- 7 Y cyfnod ar gyfer talu'r gosb yw'r cyfnod o 29 o ddiwrnodau sy'n dechrau â'r diwrnod y rhoddir yr hysbysiad cosb benodedig.

Swm gostyngol a'r cyfnod ar gyfer ei dalu

- 8 (1) Mae swm gostyngol yn daladwy, yn lle'r swm a bennir mewn rheoliadau o dan baragraff 6, os gwneir taliad cyn diwedd y cyfnod ar gyfer talu'r swm gostyngol.
- (2) Y cyfnod hwnnw yw'r cyfnod o 15 niwrnod sy'n dechrau â'r diwrnod y rhoddir yr hysbysiad, oni bai nad yw'r 15fed diwrnod yn ddiwrnod gwaith.
- (3) Os nad yw'r 15fed diwrnod yn ddiwrnod gwaith, y cyfnod hwnnw yw'r cyfnod sy'n dechrau â'r diwrnod y rhoddir yr hysbysiad ac sy'n dod i ben pan ddaw'r diwrnod gwaith cyntaf yn dilyn y 15fed diwrnod i ben.
- (4) Yn y paragraff hwn, ystyr "diwrnod gwaith" yw unrhyw ddiwrnod nad yw'n ddydd Sadwrn, dydd Sul, Dydd Nadolig, Dydd Gwener y Groglith nac yn ddiwrnod sy'n wyl banc yng Nghymru a Lloegr o dan Ddeddf Bancio a Thrafodion Ariannol 1971 (p.80).
- 9 Y swm gostyngol yw'r swm hwnnw a bennir mewn rheoliadau.

Effaith hysbysiad a thalu

- 10 (1) Ni chaniateir i achos am y drosedd y rhoddwyd hysbysiad cosb benodedig mewn cysylltiad â hi gael ei ddwyn cyn diwedd y cyfnod ar gyfer talu'r gosb.
- (2) Nid yw is-baragraff (1) yn gymwys os yw'r person y rhoddwyd yr hysbysiad iddo wedi gofyn yn unol â pharagraffau 15 ac 16 am gael sefyll prawf am y drosedd honedig.
- 11 Os telir y gosb yn unol â'r hysbysiad cosb cyn diwedd y cyfnod a grybwyllir ym mharagraff 10(1), ni chaniateir i achos am y drosedd gael ei ddwyn, ac nid yw paragraff 15 yn gymwys.
- 12 Os telir y swm gostyngol yn unol â'r hysbysiad cosb cyn diwedd y cyfnod ar gyfer talu'r swm gostyngol, ni chaniateir i achos am y drosedd gael ei ddwyn, ac nid yw paragraff 15 yn gymwys.
- 13 Os yw achos wedi ei ddwyn yn unol â chais o dan baragraff 15, ond yna telir y gosb neu'r swm gostyngol fel y'i crybwyllir ym mharagraff 11 neu 12, rhaid peidio â pharhau â'r achos hwnnw.
- 14 Mewn unrhyw achos, mae tystysgrif sy'n dogfennu taliad o gosb neu swm gostyngol yn dystiolaeth o'r ffeithiau y mae'n eu datgan—
- (a) os yw'n honni ei bod wedi ei llofnodi gan y person sy'n gyfrifol am faterion ariannol yr awdurdod dyroddi yr oedd y swyddog awdurdodedig a roddodd yr hysbysiad cosb yn gweithredu ar ei ran, neu ei bod wedi ei llofnodi ar ran y person hwnnw, a

- 5 Regulations may make further provision as to the content and form of a fixed penalty notice.

Amount of penalty and period for payment

- 6 The penalty is such amount as is specified in regulations.
- 7 The period for payment of the penalty is the period of 29 days beginning with the day on which the fixed penalty notice is given.

Discounted amount and period for payment

- 8 (1) A discounted amount is payable, instead of the amount specified in regulations under paragraph 6, if payment is made before the end of the period for payment of the discounted amount.
- (2) That period is the period of 15 days beginning with the day on which the notice is given, unless the 15th day is not a working day.
- (3) If the 15th day is not a working day, that period is the period beginning with the day on which the notice is given and ending with the expiry of the first working day following the 15th day.
- (4) In this paragraph, “working day” means any day which is not Saturday, Sunday, Christmas Day, Good Friday or a day which is a bank holiday in England and Wales under the Banking and Financial Dealings Act 1971 (c.80).
- 9 The discounted amount is such amount as is specified in regulations.

Effect of notice and payment

- 10 (1) Proceedings for the offence in respect of which a fixed penalty notice was given may not be brought before the end of the period for payment of the penalty.
- (2) Sub-paragraph (1) does not apply if the person to whom the notice was given has asked in accordance with paragraphs 15 and 16 to be tried for the alleged offence.
- 11 If the penalty is paid in accordance with the penalty notice before the end of the period mentioned in paragraph 10(1), no proceedings for the offence may be brought, and paragraph 15 does not apply.
- 12 If the discounted amount is paid in accordance with the penalty notice before the end of the period for payment of the discounted amount, no proceedings for the offence may be brought, and paragraph 15 does not apply.
- 13 If proceedings have been brought pursuant to a request under paragraph 15, but then the penalty or discounted amount is paid as mentioned in paragraph 11 or 12, those proceedings must not be continued.
- 14 In any proceedings, a certificate documenting payment of a penalty or discounted amount is evidence of the facts which it states if it –
- (a) purports to be signed by or on behalf of the person responsible for the financial affairs of the issuing authority on behalf of which the authorised officer who gave the penalty notice was acting, and

- (b) os yw'n datgan bod taliad o'r gosb benodedig neu'r swm gostyngol yn unol â'r hysbysiad wedi ei gael, neu nad oedd wedi ei gael, erbyn dyddiad a bennir yn y dystysgrif.

Treial

- 15 Os yw'r person y mae hysbysiad cosb wedi ei roi iddo yn gofyn am gael sefyll prawf am y drosedd honedig, caniateir i achos gael ei ddwyn yn erbyn y person hwnnw.
- 16 Rhaid i unrhyw gais i sefyll prawf gael ei wneud –
- (a) drwy hysbysiad a roddir i'r awdurdod dyroddi o dan sylw cyn diwedd y cyfnod ar gyfer talu'r gosb;
- (b) yn y modd a bennir yn yr hysbysiad cosb benodedig.

Tynnu hysbysiadau yn ôl

- 17 (1) Mae'r paragraff hwn yn gymwys os yw awdurdod dyroddi yn ystyried na ddylai hysbysiad cosb benodedig y mae swyddog awdurdodedig sy'n gweithredu ar ei ran wedi ei roi i berson ("P") fod wedi cael ei roi.
- (2) Caiff yr awdurdod dyroddi roi hysbysiad i P sy'n tynnu'r hysbysiad cosb benodedig yn ôl.
- (3) Os yw'n gwneud hynny –
- (a) rhaid iddo ad-dalu unrhyw swm sydd wedi ei dalu ar ffurf cosb yn unol â'r hysbysiad cosb benodedig, a
- (b) ni chaniateir dwyn achos na pharhau ag achos yn erbyn P am y drosedd o dan sylw.

Derbyniadau cosb benodedig

- 18 (1) Ni chaiff awdurdod gorfodi sy'n awdurdod lleol ddefnyddio'r symiau y mae'n eu cael yn unol â hysbysiadau o dan adran 27 ond at ddiben ei swyddogaethau sy'n ymwneud â gorfodi darpariaethau Pennod 1 o'r Rhan hon a rheoliadau a wneir odani.
- (2) Ni chaiff awdurdod lleol ddefnyddio'r symiau y mae'n eu cael yn unol â hysbysiadau o dan adran 49 ond at ddiben ei swyddogaethau sy'n ymwneud â gorfodi darpariaethau Pennod 2 o'r Rhan hon a rheoliadau a wneir odani.

- (b) states that payment of the fixed penalty or discounted amount in pursuance of the notice was or was not received by a date specified in the certificate.

Trial

- 15 If the person to whom a penalty notice has been given asks to be tried for the alleged offence, proceedings may be brought against that person.
- 16 Any request to be tried must be made—
 - (a) by notice given to the issuing authority in question before the end of the period for payment of the penalty;
 - (b) in the manner specified in the fixed penalty notice.

Withdrawal of notices

- 17 (1) This paragraph applies if an issuing authority considers that a fixed penalty notice which an authorised officer acting on its behalf has given to a person (“P”) ought not to have been given.
- (2) The issuing authority may give notice to P withdrawing the fixed penalty notice.
- (3) If it does so—
 - (a) it must repay any amount which has been paid by way of penalty in pursuance of the fixed penalty notice, and
 - (b) no proceedings may be brought or continued against P for the offence in question.

Fixed penalty receipts

- 18 (1) An enforcement authority which is a local authority may use amounts received by it in pursuance of notices under section 27 only for the purpose of its functions relating to the enforcement of provisions of Chapter 1 of this Part and regulations made under it.
- (2) A local authority may use amounts received by it in pursuance of notices under section 49 only for the purpose of its functions relating to the enforcement of provisions of Chapter 2 of this Part and regulations made under it.

ATODLEN 2
(a gyflwynir gan adran 29)

YSMYGU: DIWYGIADAU CANLYNIADOL

Deddf Iechyd 2006 (p.28)

- 1 Mae Deddf Iechyd 2006 wedi ei diwygio fel a ganlyn.
- 2 Ym mhennawd Pennod 1 o Ran 1 ar ôl “vehicles” mewnosoder “in England”.
- 3 Yn adran 1 (cyflwyniad), yn is-adran (1) ar ôl “vehicles” mewnosoder “in England”.
- 4 Yn adran 2 (mangreoedd di-fwg) –
 - (a) yn is-adran (1) ar ôl “Premises” mewnosoder “in England”;
 - (b) yn is-adran (2) ar ôl “Premises” mewnosoder “in England”;
 - (c) yn is-adran (5) yn lle “appropriate national authority” rhodder “Secretary of State”.
- 5 Yn adran 3 (mangreoedd di-fwg (esemptiadau)), yn is-adran (1) –
 - (a) yn lle “appropriate national authority” rhodder “Secretary of State”;
 - (b) ar ôl “premises” yn y ddau le mewnosoder “in England”.
- 6 Yn adran 4 (mannau di-fwg ychwanegol) –
 - (a) yn is-adran (1) –
 - (i) yn lle “appropriate national authority” rhodder “Secretary of State”;
 - (ii) ar ôl “place” yn y ddau le mewnosoder “in England”;
 - (b) yn is-adran (3) –
 - (i) yn lle “appropriate national authority” rhodder “Secretary of State”;
 - (ii) yn lle “authority’s” rhodder “Secretary of State’s”.
- 7 Yn adran 5 (cerbydau), yn is-adran (1) –
 - (a) yn lle “appropriate national authority” rhodder “Secretary of State”;
 - (b) ar ôl “vehicles” mewnosoder “in England”.
- 8 Yn adran 6 (arwyddion dim ysmegu), yn is-adrannau (2), (3) a (4) yn lle “appropriate national authority” rhodder “Secretary of State”.
- 9 Yn adran 8 (y drosedd o fethu ag atal ysmegu mewn man di-fwg), yn is-adran (3) yn lle “appropriate national authority” rhodder “Secretary of State”.
- 10 Yn adran 9 (cosbau penodedig), yn is-adran (1A) yn lle “appropriate national authority” rhodder “Secretary of State”.
- 11 Yn adran 10 (gorfodi) –
 - (a) yn is-adran (1) yn lle “appropriate national authority” rhodder “Secretary of State”;
 - (b) yn is-adran (4) yn lle “appropriate national authority” yn y ddau le rhodder “Secretary of State”.

SCHEDULE 2
(introduced by section 29)

SMOKING: CONSEQUENTIAL AMENDMENTS

Health Act 2006 (c.28)

- 1 The Health Act 2006 is amended as follows.
- 2 In the heading to Chapter 1 of Part 1 after “vehicles” insert “in England”.
- 3 In section 1 (introduction), in subsection (1) after “vehicles” insert “in England”.
- 4 In section 2 (smoke-free premises) –
 - (a) in subsection (1) after “Premises” insert “in England”;
 - (b) in subsection (2) after “Premises” insert “in England”;
 - (c) in subsection (5) for “appropriate national authority” substitute “Secretary of State”.
- 5 In section 3 (smoke-free premises (exemptions)), in subsection (1) –
 - (a) for “appropriate national authority” substitute “Secretary of State”;
 - (b) after “premises” in both places insert “in England”.
- 6 In section 4 (additional smoke-free places) –
 - (a) in subsection (1) –
 - (i) for “appropriate national authority” substitute “Secretary of State”;
 - (ii) after “place” in both places insert “in England”;
 - (b) in subsection (3) –
 - (i) for “appropriate national authority” substitute “Secretary of State”;
 - (ii) for “authority’s” substitute “Secretary of State’s”.
- 7 In section 5 (vehicles), in subsection (1) –
 - (a) for “appropriate national authority” substitute “Secretary of State”;
 - (b) after “vehicles” insert “in England”.
- 8 In section 6 (no-smoking signs), in subsections (2), (3) and (4) for “appropriate national authority” substitute “Secretary of State”.
- 9 In section 8 (offence of failing to prevent smoking in smoke-free place), in subsection (3) for “appropriate national authority” substitute “Secretary of State”.
- 10 In section 9 (fixed penalties), in subsection (1A) for “appropriate national authority” substitute “Secretary of State”.
- 11 In section 10 (enforcement) –
 - (a) in subsection (1) for “appropriate national authority” substitute “Secretary of State”;
 - (b) in subsection (4) for “appropriate national authority” in both places substitute “Secretary of State”.

- 12 Yn adran 11 (rhwystro etc swyddogion), yn is-adran (5) yn lle “appropriate national authority” yn y ddau le rhodder “Secretary of State”.
- 13 Yn adran 12 (dehongli a’r môr tiriogaethol) –
- (a) yn is-adran (2) yn lle “appropriate national authority” rhodder “Secretary of State”;
 - (b) hepgorer is-adran (3)(b).
- 14 Yn adran 82 (dehongli), yn is-adran (1) hepgorer y diffiniad o “the appropriate national authority”.
- 15 Yn Atodlen 1 (cosbau penodedig), ym mharagraffau 4 a 17 yn lle “appropriate national authority” rhodder “Secretary of State”.
- 16 Yn Atodlen 2 (pwerau mynediad, etc), ym mharagraff 10 yn lle “appropriate national authority” yn y ddau le rhodder “Secretary of State”.

Deddf Plant a Theuluoedd 2014 (p.6)

- 17 Yn adran 91 o Ddeddf Plant a Theuluoedd 2014 (prynu tybaco, cynhyrchion nicotin etc ar ran personau o dan 18 oed), yn is-adran (5), ar ôl paragraff (b), mewnosoder –
- “(c) in relation to Wales –
 - (i) the reference to the Secretary of State in paragraph 4 of Schedule 1 to the Health Act 2006 is to be read as a reference to the Welsh Ministers;
 - (ii) the power of the Welsh Ministers to make regulations under paragraph 4 of Schedule 1 as so applied is to be exercised by statutory instrument;
 - (iii) a statutory instrument containing such regulations made by the Welsh Ministers is to be subject to annulment in pursuance of a resolution of the National Assembly for Wales.”

- 12 In section 11 (obstruction etc of officers), in subsection (5) for “appropriate national authority” in both places substitute “Secretary of State”.
- 13 In section 12 (interpretation and territorial sea) –
- (a) in subsection (2) for “appropriate national authority” substitute “Secretary of State”;
 - (b) omit subsection (3)(b).
- 14 In section 82 (interpretation), in subsection (1) omit the definition of “the appropriate national authority”.
- 15 In Schedule 1 (fixed penalties), in paragraphs 4 and 17 for “appropriate national authority” substitute “Secretary of State”.
- 16 In Schedule 2 (powers of entry, etc), in paragraph 10 for “appropriate national authority” in both places substitute “Secretary of State”.

Children and Families Act 2014 (c.6)

- 17 In section 91 of the Children and Families Act 2014 (purchase of tobacco, nicotine products etc on behalf of persons under 18), in subsection (5), after paragraph (b), insert –
- “(c) in relation to Wales –
 - (i) the reference to the Secretary of State in paragraph 4 of Schedule 1 to the Health Act 2006 is to be read as a reference to the Welsh Ministers;
 - (ii) the power of the Welsh Ministers to make regulations under paragraph 4 of Schedule 1 as so applied is to be exercised by statutory instrument;
 - (iii) a statutory instrument containing such regulations made by the Welsh Ministers is to be subject to annulment in pursuance of a resolution of the National Assembly for Wales.”

ATODLEN 3
(a gyflwynir gan adran 59)

DARPARIAETH BELLACH MEWN CYSYLLTIAD Â THRWYDDEDAU TRINIAETH
ARBENNIG

Cais am drwydded triniaeth arbennig

- 1 Caiff cais i ddyroddi trwydded triniaeth arbennig ymwneud ag un driniaeth arbennig, neu fwy nag un.
- 2 Mae cais am drwydded sy'n awdurdodi i driniaeth arbennig gael ei rhoi i gael ei wneud—
 - (a) os yw'r ceisydd yn credu bod y driniaeth yn debygol o gael ei chyflawni gan y ceisydd yn ardal un awdurdod lleol yn unig, i'r awdurdod lleol hwnnw;
 - (b) os yw'r ceisydd yn credu bod y driniaeth yn debygol o gael ei chyflawni gan y ceisydd yn ardaloedd awdurdodau lleol gwahanol, i un o'r awdurdodau lleol hynny.
- 3 (1) Rhaid i gais—
 - (a) pennu â pha driniaeth y mae'n ymwneud;
 - (b) rhoi pa fanylion bynnag sy'n ofynnol gan yr awdurdod y gwneir y cais iddo ynghylch y sail ar gyfer rhoi'r driniaeth (er enghraifft, pa un a yw'r driniaeth i gael ei rhoi ar sail beripatetig, ar sail safle sefydlog, ar sail symudol, ar sail dros dro, neu fel arall);
 - (c) datgan pa un a yw'n gais am drwydded dros dro ai peidio.
 (2) O ran cais—
 - (a) mae i gael ei wneud ym mha ffordd bynnag sy'n ofynnol gan yr awdurdod y gwneir y cais iddo;
 - (b) mae pa ffi bynnag a osodir gan yr awdurdod i ddod gydag ef.
 (3) Yr awdurdod sydd i osod y ffi honno (os oes un) gan roi sylw i'r costau y mae'r awdurdod yn mynd iddynt neu y disgwylir i'r awdurdod fynd iddynt mewn cysylltiad â delio â cheisiadau.
- 4 (1) Rhaid i gais gynnwys yr wybodaeth a ganlyn—
 - (a) enw llawn, dyddiad geni a chyfeiriad preswyllo arferol y ceisydd;
 - (b) unrhyw enw masnachu arfaethedig;
 - (c) rhif ffôn a chyfeiriad e-bost (os oes un) y ceisydd;
 - (d) yn achos cais i ddyroddi trwydded sy'n awdurdodi i driniaeth gael ei rhoi mewn mangre o fewn adran 59(3) (mangre neu gerbyd a feddiennir neu a reolir gan bersonau penodol, neu sydd o dan eu rheolaeth), cyfeiriad pob un o'r mangreoedd y mae rhoi'r driniaeth i gael ei awdurdodi gan y drwydded;
 - (e) yn achos cais am drwydded sy'n awdurdodi i driniaeth gael ei rhoi mewn cerbyd o fewn adran 59(3) sydd â rhif cofrestru, rhif cofrestru'r cerbyd;

SCHEDULE 3
(introduced by section 59)

FURTHER PROVISION IN CONNECTION WITH SPECIAL PROCEDURE LICENCES

Application for special procedure licence

- 1 An application for the issue of a special procedure licence may relate to one special procedure, or more than one.
- 2 An application for a licence authorising the performance of a special procedure is to be made –
 - (a) if the applicant believes that the procedure is likely to be carried out by the applicant in the area of one local authority only, to that local authority;
 - (b) if the applicant believes that the procedure is likely to be carried out by the applicant in the areas of different local authorities, to one of those local authorities.
- 3 (1) An application –
 - (a) must specify the procedure to which it relates;
 - (b) must give whatever details the authority to which it is made may require about the basis on which the procedure is to be performed (for instance, whether it is to be performed on a peripatetic basis, on a fixed site basis, on a mobile basis, on a temporary basis, or otherwise);
 - (c) must state whether or not it is an application for a temporary licence.(2) An application –
 - (a) is to be made in whatever way the authority to which it is made may require;
 - (b) is to be accompanied by whatever fee is set by the authority.(3) That fee (if any) is to be set by the authority having regard to the costs incurred or expected to be incurred by the authority in connection with dealing with applications.
- 4 (1) An application must include the following information –
 - (a) the full name, date of birth and usual residential address of the applicant;
 - (b) any proposed trading name;
 - (c) the telephone number and e-mail address (if any) of the applicant;
 - (d) in the case of an application for the issue of a licence authorising the performance of a procedure at premises within section 59(3) (premises or vehicle occupied by or under control or management of certain persons), the address of each of the premises at which the performance of the procedure is to be authorised by the licence;
 - (e) in the case of an application for a licence authorising the performance of a procedure in a vehicle within section 59(3) that has a registration number, the registration number of the vehicle;

- (f) yn achos cais am drwydded sy'n awdurdodi i driniaeth gael ei rhoi mewn cerbyd o fewn adran 59(3) nad oes ganddo rif cofrestru, pa fanylion adnabod bynnag am y cerbyd y mae'r awdurdod yn ystyried eu bod yn briodol;
 - (g) unrhyw wybodaeth arall sy'n ofynnol gan yr awdurdod o dan sylw, a gaiff, er enghraifft, gynnwys gwybodaeth am unrhyw drosedd y mae'r ceisydd wedi ei euogfarnu ohoni (pa un a'i cyflawnwyd o dan gyfraith Cymru a Lloegr ai peidio).
- (2) Ar unrhyw adeg ar ôl cael cais ond cyn dyfarnu arno, caiff awdurdod ei gwneud yn ofynnol i'r ceisydd ddarparu iddo unrhyw wybodaeth bellach y mae'r awdurdod yn ystyried ei bod yn angenrheidiol er mwyn ei alluogi i ddyfarnu ar y cais.
- (3) Caiff yr wybodaeth bellach honno gynnwys unrhyw wybodaeth y mae'r awdurdod yn ystyried ei bod yn angenrheidiol at ddiben gwirio hunaniaeth y ceisydd.
- (4) Caiff rheoliadau –
- (a) gwneud darpariaeth ynghylch y ffordd y mae awdurdod lleol i ddyfarnu ar swm y ffi sydd i ddod gyda chais a wneir iddo;
 - (b) gwneud darpariaeth bellach ynghylch ceisiadau (gan gynnwys, ymhlith pethau eraill, ynghylch y ffordd y mae cais i gael ei wneud, yr wybodaeth sydd i gael ei darparu, a'r ffordd y mae awdurdod i ddelio â chais).

Cynnwys trwydded triniaeth arbennig

- 5 (1) Rhaid i drwydded triniaeth arbennig –
- (a) datgan enw deiliad y drwydded;
 - (b) bod â ffotograff o ddeiliad y drwydded;
 - (c) pennu cyfeiriad preswyl neu gyfeiriad busnes ar gyfer deiliad y drwydded;
 - (d) enwi'r awdurdod y dyroddir y drwydded ganddo;
 - (e) pennu pob triniaeth y mae'r drwydded yn awdurdodi iddi gael ei rhoi;
 - (f) pennu cyfnod y drwydded ac, yn achos trwydded dros dro, ddatgan ei bod yn drwydded dros dro.
- (2) Rhaid i drwydded y mae'n ofynnol iddi, gan adran 59(3), nodi mangre neu gerbyd (yn ôl y digwydd) –
- (a) pennu cyfeiriad y fangre;
 - (b) yn achos cerbyd sydd â rhif cofrestru, ddatgan y rhif cofrestru;
 - (c) yn achos cerbyd nad oes ganddo rif cofrestru, nodi'r cerbyd ym mha ffordd bynnag y mae'r awdurdod sy'n dyroddi'r drwydded yn ystyried ei bod yn briodol.
- (3) Caiff rheoliadau wneud darpariaeth bellach ynghylch ffurf a chynnwys trwyddedau triniaeth arbennig (gan gynnwys, ymhlith pethau eraill, ynghylch cynnwys gwybodaeth am yr amodau trwyddedu mandadol cymwys).

- (f) in the case of an application for a licence authorising the performance of a procedure in a vehicle within section 59(3) that does not have a registration number, whatever identifying details of the vehicle the authority considers appropriate;
 - (g) any other information that the authority concerned may require, which may, for instance, include information about any offence of which the applicant has been convicted (whether or not committed under the law of England and Wales).
- (2) At any time after receiving but before determining an application, an authority may require the applicant to provide it with any further information that it considers necessary to enable it to determine the application.
- (3) That further information may include any information that the authority considers necessary for the purpose of verifying the identity of the applicant.
- (4) Regulations may –
- (a) make provision about the way in which a local authority is to determine the amount of the fee that is to accompany an application made to it;
 - (b) make further provision about applications (including, among other things, about the way in which an application is to be made, the information to be provided, and the way in which an application is to be dealt with by an authority).

Contents of special procedure licence

- 5 (1) A special procedure licence must –
- (a) state the name of the licence holder;
 - (b) bear a photograph of the licence holder;
 - (c) specify a residential or business address for the licence holder;
 - (d) name the authority by which the licence is issued;
 - (e) specify each procedure the performance of which is authorised by the licence;
 - (f) specify the licence period and, in the case of a temporary licence, state that it is a temporary licence.
- (2) A licence that is required, by section 59(3), to identify premises or a vehicle must (as the case may be) –
- (a) specify the address of the premises;
 - (b) in the case of a vehicle that has a registration number, state the registration number;
 - (c) in the case of a vehicle that does not have a registration number, identify the vehicle in whatever way the authority issuing the licence considers appropriate.
- (3) Regulations may make further provision about the form and content of special procedure licences (including, among other things, about the inclusion of information about the applicable mandatory licensing conditions).

Copi o'r drwydded

- 6 (1) Os yw trwydded triniaeth arbennig wedi mynd ar goll, wedi cael ei dwyn neu wedi cael ei difrodi, caiff deiliad y drwydded wneud cais am gopi i'r awdurdod a ddyroddod y drwydded.
- (2) O ran cais o dan is-baragraff (1) –
- (a) mae i gael ei wneud ym mha ffordd bynnag sy'n ofynnol gan yr awdurdod o dan sylw, a
- (b) mae pa ffi bynnag a osodir gan yr awdurdod i ddod gydag ef.
- (3) Rhaid i'r awdurdod ganiatáu'r cais os yw wedi ei fodloni –
- (a) bod y drwydded ar goll, wedi ei dwyn neu wedi ei difrodi, a
- (b) pan fo'r drwydded ar goll neu wedi ei dwyn, bod yr heddlu wedi ei hysbysu am hyn.
- (4) Cyn gynted ag y bo'n rhesymol ymarferol ar ôl caniatáu cais o dan is-baragraff (1), mae awdurdod i ddyroddi copi o'r drwydded i'r ceisydd.
- 7 Mae copi o drwydded a ddyroddir gan awdurdod o dan baragraff 6 –
- (a) i gael ei ardystio gan yr awdurdod fel copi gwir, a
- (b) i gael ei drin at ddibenion y Rhan hon ac unrhyw ofynion a osodir gan y Rhan hon neu o dan y Rhan hon fel y drwydded wreiddiol.

Trwydded yn dod i ben

- 8 (1) Mae trwydded triniaeth arbennig i gael ei thrin at ddibenion y Rhan hon fel pe bai'n dod i ben â pha un bynnag o'r canlynol sydd gynharaf –
- (a) diwedd cyfnod y drwydded;
- (b) y dyddiad, pan ddaw i ben, y mae dirymu'r drwydded yn cael effaith;
- (c) y dyddiad, pan ddaw i ben, y mae'r drwydded yn peidio â chael effaith o dan baragraff 14(3) (terfynu trwydded yn wirfoddol);
- (d) yn achos trwydded sy'n awdurdodi i driniaeth gael ei rhoi gan unigolyn sydd wedi ei ddynodi o dan adran 61 mewn cysylltiad â'r driniaeth honno, y dyddiad y mae tynnu'r dynodiad yn ôl yn cymryd effaith.
- (2) Ond mae is-baragraff (1) yn ddarostyngedig i baragraff 10.

Adnewyddu trwydded

- 9 (1) Caiff awdurdod lleol, ar gais gan ddeiliad y drwydded, adnewyddu trwydded triniaeth arbennig.
- (2) Mae cais i adnewyddu trwydded i gael ei wneud i'r awdurdod a roddod y drwydded.
- (3) O ran cais i adnewyddu trwydded –
- (a) mae i gael ei wneud ym mha ffordd bynnag sy'n ofynnol gan yr awdurdod o dan sylw,
- (b) mae i gynnwys pa wybodaeth bynnag sy'n ofynnol gan yr awdurdod o dan sylw, ac

Copy of licence

- 6 (1) If a special procedure licence is mislaid, stolen, or damaged, the licence holder may apply to the authority by which it was issued for a copy.
- (2) An application under sub-paragraph (1) –
- (a) is to be made in whatever way the authority concerned may require, and
 - (b) is to be accompanied by whatever fee is set by the authority.
- (3) The authority must grant the application if it is satisfied –
- (a) that the licence has been mislaid, stolen or damaged, and
 - (b) that where the licence has been mislaid or stolen, the loss or theft has been reported to the police.
- (4) As soon as reasonably practicable after granting an application under sub-paragraph (1), an authority is to issue a copy of the licence to the applicant.
- 7 A copy of a licence issued by an authority under paragraph 6 is –
- (a) to be certified by the authority as a true copy, and
 - (b) to be treated for the purposes of this Part and any requirements imposed by or under it as being the original licence.

Expiry of licence

- 8 (1) A special procedure licence is to be treated for the purposes of this Part as expiring with whichever is the earliest of –
- (a) the end of the licence period;
 - (b) the date with the expiry of which revocation of the licence has effect;
 - (c) the date with the expiry of which the licence ceases to have effect under paragraph 14(3) (voluntary termination of licence);
 - (d) in the case of a licence authorising the performance of a procedure by an individual who is designated under section 61 in respect of that procedure, the date on which any withdrawal of the designation takes effect.
- (2) But sub-paragraph (1) is subject to paragraph 10.

Renewal of licence

- 9 (1) A local authority may, on an application by the licence holder, renew a special procedure licence.
- (2) An application for renewal of a licence is to be made to the authority that granted the licence.
- (3) An application for renewal –
- (a) is to be made in whatever way the authority concerned may require,
 - (b) is to include whatever information the authority concerned may require, and

- (c) mae pa ffi bynnag a osodir gan yr awdurdod i ddod gydag ef.
- 10 Os ceir cais i adnewyddu trwydded cyn y byddai'r drwydded oni bai am y paragraff hwn yn cael ei thrin fel pe bai wedi dod i ben, nid yw'r drwydded i gael ei thrin fel pe bai wedi dod i ben—
- (a) tra bo'r cais i adnewyddu yn yr arfaeth;
 - (b) tra caniateir i apêl gael ei dwyn o dan baragraff 18 neu 19 mewn cysylltiad â'r cais;
 - (c) tra bo apêl a gaiff ei dwyn mewn cysylltiad â'r cais o dan baragraff 18 neu 19, o fewn y cyfnod ar gyfer dwyn apêl o dan y paragraff hwnnw, eto i gael ei phenderfynu.

Amrywio trwydded

- 11 (1) Caiff awdurdod lleol, ar gais i'r perwyl hwn gan ddeiliad trwydded, amrywio trwydded triniaeth arbennig a ddyroddwyd ganddo.
- (2) Caiff effaith amrywiad (ymhlith pethau eraill)—
- (a) ychwanegu, diwygio neu ddileu disgrifiad o driniaeth arbennig y mae'r drwydded yn awdurdodi iddi gael ei rhoi;
 - (b) yn ddarostyngedig i adran 59(4) (gofyniad bod mangre neu gerbyd wedi ei nodi mewn trwydded, ac wedi ei chymeradwyo neu ei gymeradwyo), awdurdodi i driniaeth arbennig gael ei rhoi mewn mangre neu mewn cerbyd nas nodwyd cyn hynny yn y drwydded at y diben hwn;
 - (c) dileu cyfeiriad at fangre neu gerbyd a nodwyd cyn hynny yn y drwydded.
- (3) Ni chaniateir i drwydded gael ei hamrywio o dan y paragraff hwn er mwyn—
- (a) trosglwyddo'r drwydded o ddeiliad y drwydded i unigolyn arall;
 - (b) estyn cyfnod y drwydded.
- 12 (1) O ran cais i amrywio trwydded triniaeth arbennig—
- (a) mae i gael ei wneud ym mha ffordd bynnag sy'n ofynnol gan yr awdurdod o dan sylw, a
 - (b) mae pa ffi bynnag a osodir gan yr awdurdod i ddod gydag ef.
- (2) Rhaid i gais gynnwys—
- (a) manylion y newidiadau arfaethedig sydd i gael eu gwneud i'r drwydded, a
 - (b) unrhyw wybodaeth arall sy'n ofynnol gan yr awdurdod o dan sylw.
- 13 (1) O ran cais i amrywio trwydded triniaeth arbennig drwy ychwanegu disgrifiad o driniaeth arbennig y mae'r drwydded i awdurdodi iddi gael ei rhoi—
- (a) rhaid iddo bennu'r driniaeth o dan sylw, a
 - (b) mae i gael ei drin at ddibenion y Rhan hon fel pe bai'n gais i ddyroddi trwydded triniaeth arbennig sy'n awdurdodi i'r driniaeth honno gael ei rhoi (ac mae dyddiad yr amrywio i gael ei drin, ar gyfer cymhwyso'r Rhan hon mewn cysylltiad â'r driniaeth honno, fel dyddiad dyroddi trwydded sy'n awdurdodi i'r driniaeth gael ei rhoi).
- (2) Ond nid yw is-baragraff (1)(b) yn gymwys at ddibenion dyfarnu ar gyfnod y drwydded.

(c) is to be accompanied by whatever fee is set by the authority.

10 If an application to renew a licence is received before the licence would but for this paragraph be treated as having expired, the licence is not to be treated as having expired while—

(a) the application for renewal is pending;

(b) an appeal may be brought under paragraph 18 or 19 in respect of the application;

(c) an appeal brought in respect of the application under paragraph 18 or 19, within the period for bringing an appeal under that paragraph, remains to be determined.

Variation of licence

11 (1) A local authority may, on an application to this effect by a licence holder, vary a special procedure licence issued by it.

(2) The effect of a variation may be such as to (among other things)—

(a) add, amend or remove a description of special procedure the performance of which is authorised by the licence;

(b) subject to section 59(4) (requirement that premises or vehicle be identified in licence, and approved) authorise the performance of a special procedure at premises or in a vehicle not previously identified in the licence for this purpose;

(c) remove a reference to premises or a vehicle previously identified in the licence.

(3) A licence must not be varied under this paragraph so as to—

(a) transfer the licence from the licence holder to another individual;

(b) extend the licence period.

12 (1) An application to vary a special procedure licence—

(a) is to be made in whatever way the authority concerned may require, and

(b) is to be accompanied by whatever fee is set by the authority.

(2) An application must include—

(a) particulars of the changes proposed to be made to the licence, and

(b) any other information that the authority concerned may require.

13 (1) An application to vary a special procedure licence by adding a description of special procedure the performance of which is to be authorised by the licence—

(a) must specify the procedure concerned, and

(b) is to be treated for the purposes of this Part as being an application for the issue of a special procedure licence authorising the performance of that procedure (and the date of the variation is to be treated, for the application of this Part in respect of that procedure, as being the date of the issue of a licence authorising the performance of the procedure).

(2) But sub-paragraph (1)(b) does not apply for the purposes of the determination of the licence period.

Terfynu trwydded yn wirfoddol

- 14 (1) Pan fo deiliad trwydded yn dymuno i drwydded triniaeth arbennig beidio â chael effaith, caiff deiliad y drwydded roi hysbysiad i'r perwyl hwnnw i'r awdurdod a ddyroddodd y drwydded.
- (2) Rhaid i'r hysbysiad ddatgan y dyddiad y mae'r drwydded i beidio â chael effaith ag ef.
- (3) Os nad yw'r drwydded wedi dod i ben yn gynharach o dan baragraff 8(1)(a), (b) neu (d), mae'r drwydded yn peidio â chael effaith pan ddaw'r dyddiad a ddatgenir o dan is-baragraff (2) i ben.

Yr hawl i gyflwyno sylwadau

- 15 (1) Mae'r paragraff hwn yn gymwys os yw awdurdod lleol yn bwriadu –
- (a) rhoi hysbysiad i geisydd o dan adran 65(2) neu 66(6) fod cais wedi ei wrthod (gan gynnwys o dan unrhyw un neu ragor o'r darpariaethau hynny fel y maent yn gymwys mewn cysylltiad â'r cais yn rhinwedd adran 67 neu baragraff 13(1)(b)),
- (b) rhoi hysbysiad i ddeiliad trwydded o dan adran 68 fod trwydded wedi ei dirymu (gan gynnwys o dan yr adran honno fel y mae'n gymwys mewn cysylltiad â'r cais yn rhinwedd adran 67 neu baragraff 13(1)(b)), neu
- (c) rhoi hysbysiad i unigolyn o dan adran 61(1), sy'n dynodi'r unigolyn hwnnw mewn cysylltiad â triniaeth arbennig.
- (2) Yn y paragraff hwn ac ym mharagraffau 16 a 17, cyfeirir at y ceisydd neu ddeiliad y drwydded fel "A".
- (3) Rhaid i'r awdurdod roi hysbysiad i A ("hysbysiad rhybuddio") sy'n nodi'r hyn y mae'r awdurdod yn bwriadu ei wneud a phaham.
- (4) Rhaid i hysbysiad rhybuddio ddatgan y caiff A, o fewn cyfnod a bennir yn yr hysbysiad, naill ai –
- (a) cyflwyno sylwadau ynghylch y cynnig, neu
- (b) hysbysu'r awdurdod bod A yn dymuno cyflwyno sylwadau.
- (5) Ni chaniateir i'r cyfnod a bennir yn yr hysbysiad rhybuddio fod yn llai na 14 o ddiwrnodau sy'n dechrau â dyddiad yr hysbysiad.
- (6) Caiff yr awdurdod gymryd y camau a bennir yn yr hysbysiad rhybuddio –
- (a) os yw A, o fewn y cyfnod a bennir yn yr hysbysiad rhybuddio, yn hysbysu'r awdurdod nad yw A yn dymuno cyflwyno sylwadau, neu
- (b) os yw'r cyfnod a bennir yn yr hysbysiad rhybuddio yn dod i ben ac nad yw A wedi cyflwyno sylwadau na hysbysu'r awdurdod bod A yn dymuno gwneud hynny.
- (7) Os yw A, o fewn y cyfnod a bennir yn yr hysbysiad rhybuddio, yn hysbysu'r awdurdod bod A yn dymuno cyflwyno sylwadau –
- (a) rhaid i'r awdurdod ganiatáu cyfnod rhesymol pellach i A i gyflwyno sylwadau, a
- (b) caiff yr awdurdod gymryd y camau a bennir yn yr hysbysiad rhybuddio, os yw A yn methu â chyflwyno sylwadau o fewn y cyfnod pellach hwnnw.

Voluntary termination of licence

- 14 (1) Where a licence holder wishes a special procedure licence to cease to have effect, the licence holder may give notice to that effect to the authority that issued the licence.
- (2) The notice must state the date with which the licence is to cease to have effect.
- (3) Subject to any earlier expiry under paragraph 8(1)(a), (b) or (d), the licence ceases to have effect with the expiry of the date stated under sub-paragraph (2).

Right to make representations

- 15 (1) This paragraph applies if a local authority proposes –
- (a) to give notice to an applicant under section 65(2) or 66(6) of refusal of an application (including under any of those provisions as applying in respect of the application by virtue of section 67 or paragraph 13(1)(b)),
 - (b) to give notice to a licence holder under section 68 of revocation of a licence (including under that section as applying in respect of the application by virtue of section 67 or paragraph 13(1)(b)), or
 - (c) to give notice to an individual under section 61(1), designating that individual in respect of a special procedure.
- (2) In this paragraph and paragraphs 16 and 17, the applicant or licence holder is referred to as “A”.
- (3) The authority must give A a notice (a “warning notice”) that sets out what the authority proposes to do and why.
- (4) A warning notice must state that, within a period specified in the notice, A may either –
- (a) make representations about the proposal, or
 - (b) inform the authority that A wishes to make representations.
- (5) The period specified in the warning notice must not be less than 14 days beginning with the date of the notice.
- (6) The authority may take the steps specified in the warning notice, if –
- (a) within the period specified in the warning notice, A informs the authority that A does not wish to make representations, or
 - (b) the period specified in the warning notice expires and A has neither made representations nor informed the authority that A wishes to do so.
- (7) If, within the period specified in the warning notice, A informs the authority that A wishes to make representations, the authority –
- (a) must allow A a further reasonable period to make representations, and
 - (b) may take the steps specified in the warning notice, if A fails to make representations within that further period.

- (8) Os yw A yn cyflwyno sylwadau (naill ai o fewn y cyfnod a bennir yn yr hysbysiad rhybuddio neu o fewn y cyfnod pellach a ganiateir o dan is-baragraff (7)(a)), rhaid i'r awdurdod ystyried y sylwadau.
- (9) Caniateir i'r sylwadau a gyflwynir gan A o dan y paragraff hwn gael eu cyflwyno ar lafar neu fel arall; ac yn achos sylwadau ar lafar, caiff A neu gynrychiolydd A eu cyflwyno.

Hysbysiad o benderfyniad

- 16 (1) Mae'r paragraff hwn yn gymwys os yw awdurdod lleol, ar ôl cydymffurfio â gofynion paragraff 15 mewn cysylltiad â hysbysiad arfaethedig o dan adran 65(2), 66(6) neu 68, yn penderfynu cymryd y camau a nodir yn yr hysbysiad rhybuddio.
- (2) Rhaid i'r hysbysiad a roddir o dan adran 65, 66 neu 68 (yn ôl y digwydd) nodi rhesymau'r awdurdod dros roi'r hysbysiad.
- (3) Rhaid i'r hysbysiad hefyd ddatgan—
 - (a) y caiff A apelio o dan baragraff 18 yn erbyn y penderfyniad,
 - (b) y cyfnod y caniateir i apêl gael ei dwyn ynddo, ac
 - (c) yn achos dirymiad o dan adran 68, y dyddiad (yn absenoldeb apêl o dan baragraff 18) y mae'r dirymiad i gymryd effaith.
- 17 Os yw awdurdod lleol, ar ôl cydymffurfio â gofynion paragraff 15, yn penderfynu peidio â chymryd y camau a nodir yn yr hysbysiad rhybuddio, rhaid i'r awdurdod roi hysbysiad o'r penderfyniad i A.

Apelau

- 18 (1) Caiff ceisydd apelio i lys ynadon yn erbyn—
 - (a) gwrthod cais am drwydded triniaeth arbennig;
 - (b) gwrthod cais i amrywio trwydded triniaeth arbennig;
 - (c) gwrthod cais i adnewyddu trwydded triniaeth arbennig.
- (2) Caiff deiliad trwydded apelio i lys ynadon yn erbyn dirymiad o dan adran 68.
- (3) Caiff unigolyn y mae hysbysiad wedi ei roi iddo o dan adran 61(1) (dynodi person at ddibenion adran 58) apelio i lys ynadon yn erbyn y penderfyniad i roi'r hysbysiad.
- (4) Mae apêl i gael ei gwneud o fewn y cyfnod o 21 o ddiwrnodau sy'n dechrau â dyddiad—
 - (a) yn achos apêl o dan is-baragraff (1) neu (2), yr hysbysiad o'r penderfyniad i wrthod y cais neu o'r penderfyniad i ddirymu;
 - (b) yn achos apêl o dan is-baragraff (3), yr hysbysiad o dan adran 61(1).
- (5) Mae apêl i fod ar ffurf cwyn am orchymyn, ac yn unol â Deddf Llysoedd Ynadon 1980 (p.43).
- (6) At ddibenion y terfyn amser ar gyfer gwneud apêl, mae gwneud y gŵyn i gael ei drin fel gwneud yr apêl.
- (7) Ar apêl, caiff y llys ynadon—
 - (a) cadarnhau penderfyniad yr awdurdod lleol yr apelir yn ei erbyn, neu

- (8) If A makes representations (either within the period specified in the warning notice or within the further period allowed under sub-paragraph (7)(a)), the authority must consider the representations.
- (9) The representations made by A under this paragraph may be made orally or otherwise; and in the case of oral representations, may be made either by A or by A's representative.

Notice of decision

- 16 (1) This paragraph applies if, having complied with the requirements of paragraph 15 in respect of a proposed notice under section 65(2), 66(6) or 68, a local authority decides to take the action set out in the warning notice.
- (2) The notice given under section 65, 66 or 68 (as the case may be) must set out the authority's reasons for giving it.
- (3) The notice must also state –
 - (a) that A may appeal under paragraph 18 against the decision,
 - (b) the period within which an appeal may be brought, and
 - (c) in the case of revocation under section 68, the date on which (in the absence of an appeal under paragraph 18) the revocation is to take effect.
- 17 If, having complied with the requirements of paragraph 15, a local authority decides not to take the action set out in the warning notice, the authority must give notice of the decision to A.

Appeals

- 18 (1) An applicant may appeal to a magistrates' court against –
 - (a) the refusal of an application for a special procedure licence;
 - (b) the refusal of an application to vary a special procedure licence;
 - (c) the refusal of an application to renew a special procedure licence.
- (2) A licence holder may appeal to a magistrates' court against a revocation under section 68.
- (3) An individual to whom notice has been given under section 61(1) (designation of a person for the purposes of section 58) may appeal to a magistrates' court against the decision to give the notice.
- (4) An appeal is to be made within the period of 21 days beginning with the date of –
 - (a) in the case of an appeal under sub-paragraph (1) or (2), the notice of the decision to refuse the application or of the decision to revoke;
 - (b) in the case of an appeal under sub-paragraph (3), the notice under section 61(1).
- (5) An appeal is to be by way of complaint for an order, and in accordance with the Magistrates' Courts Act 1980 (c.43).
- (6) For the purposes of the time limit for making an appeal, the making of the complaint is to be treated as the making of the appeal.
- (7) On an appeal, the magistrates' court may –
 - (a) confirm the decision of the local authority appealed against, or

- (b) diddymu neu amrywio'r penderfyniad yr apelir yn ei erbyn,
a chaiff wneud unrhyw orchymyn o ran costau y mae'n meddwl ei fod yn addas.
- (8) Os yw'r llys ynadon yn diddymu neu'n amrywio'r penderfyniad yr apelir yn ei erbyn, caiff anfon yr achos yn ôl i'r awdurdod lleol i ymdrin ag ef yn unol â chyfarwyddydau a roddir gan y llys.
- 19 (1) Caniateir i apêl gan y naill barti neu'r llall yn erbyn penderfyniad llys ynadon o dan baragraff 18 gael ei dwyn gerbron Llys y Goron.
- (2) Ar apêl i Lys y Goron, caiff Llys y Goron—
- (a) cadarnhau, amrywio neu wrth-droi penderfyniad y llys ynadon;
- (b) anfon yr achos yn ôl i'r llys ynadon neu'r awdurdod lleol i ymdrin ag ef yn unol â chyfarwyddydau a roddir gan Lys y Goron.
- 20 (1) Pan fo llys, ar apêl o dan baragraff 18 neu 19, yn amrywio neu'n gwrth-droi penderfyniad awdurdod lleol, caiff y llys orchymyn i'r awdurdod lleol ddigolledu'r ceisydd, deiliad y drwydded, neu berson o fewn paragraff 18(3) (yn ôl y digwydd) am golled a ddioddefwyd o ganlyniad i'r penderfyniad.
- (2) Nid yw dwyn apêl o dan baragraff 18 neu 19 mewn cysylltiad â phenderfyniad a wneir gan awdurdod lleol neu hysbysiad a roddir gan awdurdod lleol yn atal dros dro effaith y penderfyniad neu'r hysbysiad.

Dirprwyo swyddogaethau

- 21 (1) Mae swyddogaethau awdurdod lleol o dan y darpariaethau a ganlyn o'r Rhan hon wedi eu dirprwyo, yn rhinwedd yr is-baragraff hwn, i bwyllgor trwyddedu'r awdurdod a sefydlwyd o dan adran 6 o Ddeddf Trwyddedu 2003 (p.17)—
- (a) adran 65(2) a 66(3) (gan gynnwys fel y'u cymhwysir yn rhinwedd adran 67 a pharagraff 13(1)), mewn achos pan fo sylwadau yn cael eu cyflwyno o dan baragraff 15;
- (b) adran 68, mewn achos pan fo sylwadau yn cael eu cyflwyno o dan baragraff 15;
- (c) paragraff 15(8);
- (d) paragraffau 16 a 17.
- (2) Mae'r darpariaethau a ganlyn o Ddeddf Trwyddedu 2003 (p.17) i fod yn gymwys mewn perthynas â swyddogaeth awdurdod a ddirprwyir i bwyllgor trwyddedu yn rhinwedd is-baragraff (1) fel y maent yn gymwys i swyddogaeth a ddirprwyir o dan y Ddeddf honno, ac fel pe bai cyfeiriadau ynddynt at awdurdod trwyddedu yn gyfeiriadau at yr awdurdod o dan sylw—
- (a) adran 7(9) (atgyfeirio'n ôl i awdurdod), a
- (b) adran 10 (isdirprwyo).
- (3) Wrth gymhwyso adran 10(4) o'r Ddeddf honno yn rhinwedd is-baragraff (2), mae'r rhestr o swyddogaethau yn is-baragraff (1)(a) i (d) wedi ei rhoi yn lle'r rhestr o swyddogaethau yn yr adran honno.

- (b) quash or vary the decision appealed against, and may make such order as to costs as it thinks fit.
- (8) If the magistrates' court quashes or varies the decision appealed against, it may remit the case to the local authority to dispose of in accordance with directions given by the court.
- 19 (1) An appeal by either party against the decision of a magistrates' court under paragraph 18 may be brought to the Crown Court.
- (2) On an appeal to the Crown Court, the Crown Court may –
- (a) confirm, vary or reverse the magistrates' court's decision;
 - (b) remit the case to the magistrates' court or the local authority to dispose of in accordance with directions given by the Crown Court.
- 20 (1) Where on an appeal under paragraph 18 or 19 a court varies or reverses a local authority's decision, the court may order the local authority to compensate the applicant, licence holder, or person within paragraph 18(3) (as the case may be) for loss suffered as the result of the decision.
- (2) The bringing of an appeal under paragraph 18 or 19 in respect of a decision made by a local authority or notice given by a local authority does not suspend the effect of the decision or notice.

Delegation of functions

- 21 (1) The functions of a local authority under the following provisions of this Part are by virtue of this sub-paragraph delegated to the licensing committee of the authority established under section 6 of the Licensing Act 2003 (c.17) –
- (a) section 65(2) and 66(3) (including as applied by virtue of section 67 and paragraph 13(1)), in a case where representations are made under paragraph 15;
 - (b) section 68, in a case where representations are made under paragraph 15;
 - (c) paragraph 15(8);
 - (d) paragraphs 16 and 17.
- (2) The following provisions of the Licensing Act 2003 (c.17) are to apply in relation to a function of an authority delegated to a licensing committee by virtue of sub-paragraph (1) as they apply in relation to a function delegated under that Act, and as if references in them to a licensing authority were to the authority concerned –
- (a) section 7(9) (referral back to authority), and
 - (b) section 10 (sub-delegation).
- (3) In the application of section 10(4) of that Act by virtue of sub-paragraph (2), for the list of functions in that section there is substituted the list of functions at sub-paragraph (1)(a) to (d).

- (4) Caiff rheoliadau wneud darpariaeth ynghylch y gweithdrefnau sy'n gymwys i bwyllgorau trwyddedu a'u his-bwyllgorau at ddiben arfer swyddogaethau o dan y Rhan hon neu yn rhinwedd y Rhan hon, gan gynnwys (ymhlith pethau eraill) darpariaeth o ran—
- (a) dilysrwydd a chworwm;
 - (b) mynediad y cyhoedd;
 - (c) cyhoeddusrwydd;
 - (d) cofnodion.
- (5) Yn ddarostyngedig i unrhyw ddarpariaeth a wneir o dan y rheoliadau, caiff pob pwyllgor trwyddedu, at ddibenion arfer y swyddogaethau y cyfeirir atynt yn is-baragraff (4), reoleiddio ei weithdrefn ei hun a gweithdrefn ei is-bwyllgorau.

Diwygiadau canlyniadol

- 22 (1) Mae Deddf Llywodraeth Leol (Darpariaethau Amrywiol) 1982 (p.30) wedi ei diwygio fel a ganlyn.
- (2) Yn adran 13(11) (ystyr "local authority" yn Rhan 8), ym mharagraff (a) ar ôl "district" mewnosoder "in England".
- (3) Yn adran 14 (aciwbigo) —
- (a) yn is-adran (1) ar ôl "any area" mewnosoder "in England", a
 - (b) yn is-adran (2) ar ôl "any area" mewnosoder "in England".
- (4) Yn adran 15 (tatwio etc) —
- (a) yn is-adran (1) ar ôl "any area" mewnosoder "in England", a
 - (b) yn is-adran (2) ar ôl "any area" mewnosoder "in England".
- 23 Yn Neddf Is-ddeddfau Llywodraeth Leol (Cymru) 2012 (dccc 2), ym mhob tabl yn Atodlen 1 (pwerau i wneud is-ddeddfau) hepgorer y cofnod sy'n ymwneud —
- (a) ag adran 14 o Ddeddf Llywodraeth Leol (Darpariaethau Amrywiol) 1982 (p.30);
 - (b) ag adran 15 o Ddeddf Llywodraeth Leol (Darpariaethau Amrywiol) 1982 (p.30).

- (4) Regulations may make provision about the procedures applicable to licensing committees and their sub-committees for the purpose of the exercise of functions under or by virtue of this Part, including (among other things) provision as to –
 - (a) validity and quorum;
 - (b) public access;
 - (c) publicity;
 - (d) records.
- (5) Subject to any provision made under the regulations, each licensing committee may, for the purposes of the exercise of the functions referred to in sub-paragraph (4), regulate its own procedure and that of its sub-committees.

Consequential amendments

- 22 (1) The Local Government (Miscellaneous Provisions) Act 1982 (c.30) is amended as follows.
 - (2) In section 13(11) (meaning of “local authority” in Part 8), in paragraph (a) after “district” insert “in England”.
 - (3) In section 14 (acupuncture) –
 - (a) in subsection (1) after “any area” insert “in England”, and
 - (b) in subsection (2) after “any area” insert “in England”.
 - (4) In section 15 (tattooing etc) –
 - (a) in subsection (1) after “any area” insert “in England”, and
 - (b) in subsection (2) after “any area” insert “in England”.
- 23 In the Local Government Byelaws (Wales) Act 2012 (anaw 2), in each table in Schedule 1 (byelaw making powers) omit the entry relating to –
 - (a) section 14 of the Local Government (Miscellaneous Provisions) Act 1982 (c.30);
 - (b) section 15 of the Local Government (Miscellaneous Provisions) Act 1982 (c.30).

ATODLEN 4
(a gyflwynir gan adran 118)

DARPARU TOILEDAU: DIWYGIADAU CANLYNIADOL

Deddf Iechyd y Cyhoedd 1936 (p.49)

- 1 (1) Mae adran 87 o Ddeddf Iechyd y Cyhoedd 1936 (darparu cyfleusterau cyhoeddus) wedi ei diwygio fel a ganlyn.
- (2) Yn is-adran (1) –
- (a) yn lle “A county council, a local authority” rhodder “A county council in England, a local authority in England”;
- (b) hepgorer “or community”.
- (3) Yn y pennawd, ar ôl “conveniences”, mewnosoder “in England”.

Deddf Priffyrdd 1980 (p.66)

- 2 Yn adran 114 o Ddeddf Priffyrdd 1980 (darparu cyfleusterau cyhoeddus ar gyfer defnyddwyr ffyrdd), yn lle is-adran (4) rhodder –
- “(4) The powers in subsection (1) are without prejudice to –
- (a) section 87 of the Public Health Act 1936 (provision of public conveniences in England);
- (b) section 116 of the Public Health (Wales) Act 2017 (local authority power to provide public toilets in Wales).”

Deddf Is-ddeddfau Llywodraeth Leol (Cymru) 2012 (dccc 2)

- 3 (1) Yn Neddf Is-ddeddfau Llywodraeth Leol (Cymru) 2012, mae Atodlen 1 (is-ddeddfau pan na fo cadarnhad yn ofynnol) wedi ei diwygio fel a ganlyn.
- (2) Ym mhob tabl, hepgorer y cofnod sy’n ymwneud ag adran 87 o Ddeddf Iechyd y Cyhoedd 1936.
- (3) Ym mhob tabl, yn y lle priodol mewnosoder –

“Adran 117 o Ddeddf Iechyd y Cyhoedd (Cymru) 2017	Rheoleiddio ymddygiad personau mewn toiledau	Cyngor sir, cyngor bwrdeistref sirol a chyngor cymuned”
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SCHEDULE 4
(introduced by section 118)

PROVISION OF TOILETS: CONSEQUENTIAL AMENDMENTS

Public Health Act 1936 (c.49)

- 1 (1) Section 87 of the Public Health Act 1936 (provision of public conveniences) is amended as follows.
- (2) In subsection (1) –
- (a) for “A county council, a local authority” substitute “A county council in England, a local authority in England”;
- (b) omit “or community”.
- (3) In the heading, after “conveniences”, insert “in England”.

Highways Act 1980 (c.66)

- 2 In section 114 of the Highways Act 1980 (provision of public conveniences for road users), for subsection (4) substitute –
- “(4) The powers in subsection (1) are without prejudice to –
- (a) section 87 of the Public Health Act 1936 (provision of public conveniences in England);
- (b) section 116 of the Public Health (Wales) Act 2017 (local authority power to provide public toilets in Wales).”

Local Government Byelaws (Wales) Act 2012 (anaw 2)

- 3 (1) In the Local Government Byelaws (Wales) Act 2012, Schedule 1 (byelaws not requiring confirmation) is amended as follows.
- (2) In each table omit the entry relating to section 87 of the Public Health Act 1936.
- (3) In each table, in the appropriate place insert –

“Section 117 of the Public Health (Wales) Act 2017	Regulating the conduct of persons in toilets	County council, county borough council and community council”
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