OFFERYNNAU STATUDOL CYMRU

WELSH STATUTORY INSTRUMENTS

2016 Rhif 118 (Cy. 55)

IECHYD Y CYHOEDD, CYMRU

Rheoliadau Mangreoedd etc. Difwg (Cymru) (Diwygio) 2016

NODYN ESBONIADOL

(Nid yw'r nodyn hwn yn rhan o'r Rheoliadau)

Mae'r Rheoliadau hyn, a wneir o dan Bennod 1 o Ran 1 o Ddeddf Iechyd 2006, yn mewnosod rheoliad 3A newydd yn Rheoliadau Mangreoedd etc. Di-fwg (Cymru) 2007 i esemptio tan 5 Ebrill 2017 ystafelloedd dynodedig i oedolion mewn carchardai yng Nghymru o'r gofynion di-fwg yn adran 2 o Ddeddf Iechyd 2006.

Mae paragraff (2) o reoliad 3A newydd yn darparu bod "ystafell ddynodedig" yn gell a gafodd ei dynodi'n ysgrifenedig gan y person sydd â gofal y carchar, sy'n hollol gaeedig, nad oes ganddi system awyru sy'n awyru i ran arall o'r fangre, ac sydd wedi ei marcio'n glir yn ystafell lle y caniateir ysmygu.

Ystyriwyd Cod Ymarfer Gweinidogion Cymru ar gynnal Asesiadau Effaith Rheoleiddiol mewn perthynas â'r Rheoliadau hyn. O ganlyniad, lluniwyd asesiad effaith rheoleiddiol o'r costau a'r manteision sy'n debygol o ddeillio o gydymffurfio â'r Rheoliadau hyn. Gellir cael copi oddi wrth y Gangen Polisi Tybaco yn Is-adran Iechyd y Cyhoedd, Llywodraeth Cymru, Parc Cathays, Caerdydd, CF10 3NQ.

2016 No. 118 (W. 55)

PUBLIC HEALTH, WALES

The Smoke-free Premises etc. (Wales) (Amendment) Regulations 2016

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations, made under Chapter 1 of Part 1 of the Health Act 2006, insert new regulation 3A into the Smoke-free Premises etc. (Wales) Regulations 2007 to exempt until 5 April 2017 designated rooms for adults in prisons in Wales from the smoke-free requirements of section 2 of the Health Act 2006.

Paragraph (2) of new regulation 3A provides that a "designated room" is a cell which has been designated in writing by the person in charge of the prison, is completely enclosed, does not have a ventilation system that ventilates into any other part of the premises, and which is clearly marked as a room in which smoking is permitted.

The Welsh Ministers' Code of Practice on the carrying out of Regulatory Impact Assessments was considered in relation to these Regulations. As a result, a regulatory impact assessment has been prepared as to the likely costs and benefits of complying with these Regulations. A copy can be obtained from the Tobacco Policy Branch of the Public Health Division, Welsh Government, Cathays Park, Cardiff, CF10 3NQ.

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Gwnaed	*2 Chwefror 2016*
Yn dod i rym	*4 Chwefror 2016*

Mae Gweinidogion Cymru, drwy arfer y pwerau a roddwyd gan adrannau 3(1), (2), (6) a 79(3) o Ddeddf Iechyd 2006(**1**), yn gwneud y Rheoliadau a ganlyn, y gosodwyd drafft ohonynt gerbron Cynulliad Cenedlaethol Cymru yn unol ag adran 79(4) o'r Ddeddf honno(**2**).

Enwi, cychwyn a chymhwyso

1.—(1) Enw'r Rheoliadau hyn yw Rheoliadau Mangreoedd etc. Di-fwg (Cymru) (Diwygio) 2016 a deuant i rym ar 4 Chwefror 2016.

(2) Mae'r Rheoliadau hyn yn gymwys o ran Cymru.

Diwygio Rheoliadau Mangreoedd etc. Di-fwg (Cymru) 2007

2.—(1) Mae Rheoliadau Mangreoedd etc. Di-fwg (Cymru) 2007(**3**) wedi eu diwygio fel a ganlyn.

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2016 No. 118 (W. 55)

PUBLIC HEALTH, WALES

The Smoke-free Premises etc. (Wales) (Amendment) Regulations 2016

Made	*2 February 2016*
Coming into force	*4 February 2016*

The Welsh Ministers, in exercise of the powers conferred by sections 3(1), (2), (6) and 79(3) of the Health Act 2006(**1**), make the following Regulations, a draft of which was laid before the National Assembly for Wales in accordance with section 79(4) of that Act(**2**).

Title, commencement and application

1.—(1) The title of these Regulations is the Smoke-free Premises etc. (Wales) (Amendment) Regulations 2016 and they come into force on 4 February 2016.

(2) These Regulations apply in relation to Wales.

Amendment to the Smoke-free Premises etc. (Wales) Regulations 2007

2.—(1) The Smoke-free Premises etc. (Wales) Regulations 2007(**3**) are amended as follows.

(**1**) 2006 p. 28. Trosglwyddwyd swyddogaethau Cynulliad Cenedlaethol Cymru fel yr "awdurdod cenedlaethol priodol" o dan y Ddeddf i Weinidogion Cymru gan baragraff 30 o Atodlen 11 i Ddeddf Llywodraeth Cymru 2006 (2006 p. 32).

(**2**) Mae adran 79(4) o Ddeddf Iechyd 2006 yn darparu na chaiff yr Ysgrifennydd Gwladol wneud offeryn o dan adran 3(1) o'r un Ddeddf oni bai bod drafft o'r offeryn wedi ei osod gerbron, ac wedi ei gymeradwyo drwy benderfyniad gan, ddau Dŷ'r Senedd. Mae paragraff 34 o Atodlen 11 i Ddeddf Llywodraeth Cymru 2006 yn darparu bod y gofyniad yn adran 79(4) o Ddeddf Iechyd 2006 yn gymwys i offerynnau a wneir gan Weinidogion Cymru fel pe bai'r cyfeiriad at ddau Dŷ'r Senedd yn gyfeiriad at Gynulliad Cenedlaethol Cymru.

(**3**) O.S. 2007/787 (Cy. 68).

(**1**) 2006 c. 28. The functions of the National Assembly for Wales as the "appropriate national authority" under the Act were transferred to the Welsh Ministers by paragraph 30 of Schedule 11 to the Government of Wales Act 2006 (2006 c. 32).

(**2**) Section 79(4) of the Health Act 2006 provides that the Secretary of State may not make an instrument under section 3(1) of the same Act unless a draft of the instrument has been laid before, and approved by a resolution of, each House of Parliament. Paragraph 34 of Schedule 11 to the Government of Wales Act 2006 provides that the requirement of section 79(4) of the Health Act 2006 applies to instruments made by the Welsh Ministers as if the reference to each House of Parliament were a reference to the National Assembly for Wales.

(**3**) S.I. 2007/787 (W. 68).

(2) Ar ôl rheoliad 3 (esemptiadau i fangreoedd di-fwg), mewnosoder y rheoliad canlynol —

"**3A. Esemptiad dros dro i garchardai**

(1) Nid yw ystafell ddynodedig a ddefnyddir fel llety mewn carchar ar gyfer personau sy'n 18 oed neu drosodd yn ddi-fwg.

(2) At ddibenion y rheoliad hwn, ystyr "ystafell ddynodedig" yw cell—

(a) a gafodd ei dynodi'n ysgrifenedig gan y person sydd â gofal y carchar yn ystafell lle y caniateir ysmygu;

(b) y mae ganddi nenfwd ac sydd, heblaw am ddrysau a ffenestri, yn hollol gaeedig ar bob ochr gan waliau solet o'r llawr i'r nenfwd;

(c) nad oes ganddi system awyru sy'n awyru i ran arall o'r fangre (ac eithrio unrhyw ystafelloedd dynodedig eraill); a

(ch) sydd wedi ei marcio'n glir yn ystafell lle y caniateir ysmygu.

(3) Bydd paragraffau (1) a (2) yn peidio â chael effaith ar 5 Ebrill 2017.".

(2) After regulation 3 (exemptions for smoke-free premises) insert the following regulation —

"**3A. Temporary exemption for prisons**

(1) A designated room that is used as accommodation in a prison for persons aged 18 years or over is not smoke-free.

(2) For the purposes of this regulation "designated room" means a cell which—

(a) has been designated in writing by the person in charge of the prison as being a room in which smoking is permitted;

(b) has a ceiling and, except for doors and windows, is completely enclosed on all sides by solid, floor-to-ceiling walls;

(c) does not have a ventilation system that ventilates into any other part of the premises (except any other designated rooms); and

(d) is clearly marked as a room in which smoking is permitted.

(3) Paragraphs (1) and (2) cease to have effect on 5 April 2017.".

Mark Drakeford

Y Gweinidog Iechyd a Gwasanaethau Cymdeithasol, un o Weinidogion Cymru
2 Chwefror 2016

Minister for Health and Social Services, one of the Welsh Ministers
2 February 2016

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