



OFFERYNNAU STATUDOL
CYMRU

WELSH STATUTORY
INSTRUMENTS

2015 Rhif 1025 (Cy. 74) (C. 70)

2015 No. 1025 (W. 74) (C. 70)

**LLYWODRAETH LEOL,
CYMRU**

**LOCAL GOVERNMENT,
WALES**

Gorchymyn Deddf Is-ddeddfau
Llywodraeth Leol (Cymru) 2012
(Cychwyn Rhif 2, Darpariaethau
Trosiannol ac Arbedion) 2015

The Local Government Byelaws
(Wales) Act 2012 (Commencement
No. 2, Transitional Provisions and
Savings) Order 2015

NODYN ESBONIADOL

EXPLANATORY NOTE

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

(This note is not part of the Order)

Gwneir y Gorchymyn hwn o dan adran 22(2) a (3) o Ddeddf Is-ddeddfau Llywodraeth Leol (Cymru) 2012 (“Deddf 2012”). Hwn yw'r ail orchymyn cychwyn i'w wneud o dan Ddeddf 2012.

This Order is made under section 22(2) and (3) of the Local Government Byelaws (Wales) Act 2012 (“the 2012 Act”). It is the second commencement order to be made under the 2012 Act.

Mae erthygl 2 o'r Gorchymyn yn darparu mai 31 Mawrth 2015 yw'r diwrnod penodedig ar gyfer dwyn i rym y darpariaethau yn Neddf 2012 a nodir yn yr erthygl honno ac y cyfeirir atynt isod:

Article 2 of the Order provides that 31 March 2015 is the appointed day for the bringing into force of the provisions of the 2012 Act set out in that article and referred to below:

adran 1 (trosolwg);

section 1 (overview);

adran 2 (is-ddeddfau ar gyfer rheolaeth dda a llywodraeth ac atal niwsansau);

section 2 (byelaws for good rule and government and suppression of nuisances);

adran 3 (ystyr “awdurdod deddfu”);

section 3 (meaning of “legislating authority”);

adran 4 (dirymu gan awdurdod deddfu);

section 4 (revocation by a legislating authority);

adran 5 (dirymu gan Weinidogion Cymru);

section 5 (revocation by the Welsh Ministers);

adran 6 (is-ddeddfau pan na fo cadarnhad yn ofynnol) a Rhan 1 o Atodlen 1;

section 6 (byelaws not requiring confirmation) and Part 1 of Schedule 1;

adran 7 (is-ddeddfau pan fo cadarnhad yn ofynnol);

section 7 (byelaws requiring confirmation);

adran 8 (materion ffurfiol, cychwyn a chyhoeddi is-ddeddfau);

section 8 (formalities, commencement and publication of byelaws);

adran 10 (tramgwyddau yn erbyn is-ddeddfau);

section 10 (offences against byelaws);

adran 11 (is-ddeddfau adran 2; pwerau ymafael etc);

section 11 (section 2 byelaws; powers of seizure etc);

adran 12 (y pŵer i gynnig cosbau penodedig am dramgwyddau yn erbyn is-ddeddfau penodol) i'r graddau nad yw eisoes wedi ei chychwyn a Rhan 2 o Atodlen 1;

adran 13 (swm cosb benodedig) i'r graddau nad yw eisoes wedi ei chychwyn;

adran 14 (y pŵer i ofyn am enw a chyfeiriad mewn cysylltiad â chosb benodedig);

adran 15 (y defnydd o dderbyniadau am gosbau penodedig);

adran 17 (Swyddogion Cymorth Cymunedol etc);

adran 18 (canllawiau) i'r graddau nad yw eisoes wedi ei chychwyn;

adran 19 (tystiolaeth o is-ddeddfau); ac

adran 20 (diwygiadau canlyniadol) ac Atodlen 2 ond nid paragraff 9(4) o'r Atodlen honno.

section 12 (power to offer fixed penalties for offences against certain byelaws) in so far as it is not already commenced and Part 2 of Schedule 1;

section 13 (amount of fixed penalty) in so far as it is not already commenced;

section 14 (power to require name and address in connection with fixed penalty);

section 15 (use of fixed penalty receipts);

section 17 (Community Support Officers etc);

section 18 (guidance) in so far as it is not already commenced;

section 19 (evidence of byelaws); and

section 20 (consequential amendments) and Schedule 2 but not paragraph 9(4) of that Schedule.

Mae erthygl 3 yn gwneud darpariaethau trosiannol ac arbedion mewn cysylltiad ag is-ddeddfau y mae un neu ragor o'r camau a ddisgrifir yn erthygl 3(2)(a) wedi eu cymryd mewn perthynas â hwy cyn y diwrnod penodedig.

Daeth adrannau 18(1) (canllawiau), 21 (gorchmynion a rheoliadau), 22 (cychwyn), a 23 (enw byr) o Ddeddf 2012 i rym ar 30 Tachwedd 2012.

Mae'r darpariaethau a ganlyn yn Neddf 2012 wedi eu dwyn i rym o ran Cymru drwy orchymyn cychwyn a wnaed cyn dyddiad y Gorchymyn hwn:

Article 3 makes transitional provisions and savings in respect of byelaws in relation to which one or more of the steps described in article 3(2)(a) have been taken before the appointed day.

Sections 18(1) (guidance), 21 (orders and regulations), 22 (commencement), and 23 (short title) of the 2012 Act came into force on 30 November 2012.

The following provisions of the 2012 Act have been brought into force in relation to Wales by commencement order made before the date of this Order:

Y Ddarpariaeth	Y Dyddiad Cychwyn	Rhif O.S.	Provision	Date of Commencement	S.I. No.
adran 9 (y pŵer i ddiwygio Rhan 1 o Atodlen 1 i Ddeddf 2012)	15 Awst 2014	O.S. 2014/2121 (Cy. 207)	section 9 (power to amend Part 1 of Schedule 1 to the 2012 Act)	15 August 2014	S.I. 2014/2121 (W. 207)
adran 12(13) (y pŵer i wneud rheoliadau i ragnodi amodau i'w bodloni gan berson cyn y caiff cyngor cymuned awdurdodi'r person i roi hysbysiadau cosb benodedig o dan Ddeddf 2012)	15 Awst 2014	O.S. 2014/2121 (Cy. 207)	section 12(13) (power to make regulations to prescribe conditions to be satisfied by a person before a community council may authorise the person to give fixed penalty notices under the 2012 Act)	15 August 2014	S.I. 2014/2121 (W. 207)

adran 13(3) (y pŵer i wneud rheoliadau mewn cysylltiad â swm cosbau penodedig)	15 Awst 2014	O.S. 2014/2121 (Cy. 207)	section 13(3) (power to make regulations in connection with the amount of fixed penalties)	15 August 2014	S.I. 2014/2121 (W. 207)
adran 13(4) (y pŵer i'w gwneud yn ofynnol bod swm cosb benodedig yn dod o fewn ystod a ragnodir ac i gyfyngu ar y rhychwant y caiff awdurdod wneud darpariaeth o dan adran 13(1)(b) o Ddeddf 2012 a chyfyngu ar yr amgylchiadau pan all wneud hynny)	15 Awst 2014	O.S. 2014/2121 (Cy. 207)	section 13(4) (power to require the amount of a fixed penalty to fall within a prescribed range and to restrict the extent to which, and the circumstances in which, an authority can make provision under section 13(1)(b) of the 2012 Act)	15 August 2014	S.I. 2014/2121 (W. 207)
adran 16 (y pŵer i ddiwygio Rhan 2 o Atodlen 1 i Ddeddf 2012)	15 Awst 2014	O.S. 2014/2121 (Cy. 207)	section 16 (power to amend Part 2 of Schedule 1 to the 2012 Act)	15 August 2014	S.I. 2014/2121 (W. 207)

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**LLYWODRAETH LEOL,
CYMRU**

Gorchymyn Deddf Is-ddeddfau
Llywodraeth Leol (Cymru) 2012
(Cychwyn Rhif 2, Darpariaethau
Trosiannol ac Arbedion) 2015

Gwnaed

25 Mawrth 2015

Mae Gweinidogion Cymru yn gwneud y Gorchymyn a ganlyn drwy arfer y pwerau a roddwyd iddynt gan adran 22(2) a (3) o Ddeddf Is-ddeddfau Llywodraeth Leol (Cymru) 2012(1).

Enwi a dehongli

1.—(1) Enw'r Gorchymyn hwn yw Gorchymyn Deddf Is-ddeddfau Llywodraeth Leol (Cymru) 2012 (Cychwyn Rhif 2, Darpariaethau Trosiannol ac Arbedion) 2015.

(2) Yn y Gorchymyn hwn—

- (a) ystyr “Deddf 2012” (“*the 2012 Act*”) yw Deddf Is-ddeddfau Llywodraeth Leol (Cymru) 2012; a
- (b) ystyr “Deddf 1972” (“*the 1972 Act*”) yw Deddf Llywodraeth Leol 1972(2).

Y diwrnod penodedig

2. 31 Mawrth 2015 yw'r diwrnod penodedig ar gyfer dwyn i rym y darpariaethau a ganlyn yn Neddf 2012—

- (a) adran 1 (trosolwg);
- (b) adran 2 (is-ddeddfau ar gyfer rheolaeth dda a llywodraeth ac atal niwsansau);
- (c) adran 3 (ystyr “awdurdod deddfu”);

(1) 2012 dccc 2.
(2) 1972 p. 70.

2015 No. 1025 (W. 74) (C. 70)

**LOCAL GOVERNMENT,
WALES**

The Local Government Byelaws
(Wales) Act 2012 (Commencement
No. 2, Transitional Provisions and
Savings) Order 2015

Made

25 March 2015

The Welsh Ministers make the following Order in exercise of the powers conferred on them by section 22(2) and (3) of the Local Government Byelaws (Wales) Act 2012(1).

Title and interpretation

1.—(1) The title of this Order is the Local Government Byelaws (Wales) Act 2012 (Commencement No. 2, Transitional Provisions and Savings) Order 2015.

(2) In this Order—

- (a) “the 2012 Act” (“*Deddf 2012*”) means the Local Government Byelaws (Wales) Act 2012; and
- (b) “the 1972 Act” (“*Deddf 1972*”) means the Local Government Act 1972(2).

Appointed day

2. 31 March 2015 is the appointed day for the coming into force of the following provisions of the 2012 Act—

- (a) section 1 (overview);
- (b) section 2 (byelaws for good rule and government and suppression of nuisances);
- (c) section 3 (meaning of “legislating authority”);

(1) 2012 anaw 2.
(2) 1972 c. 70.

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| (d) adran 4 (dirymu gan awdurdod deddfu); | (d) section 4 (revocation by a legislating authority); |
| (e) adran 5 (dirymu gan Weinidogion Cymru); | (e) section 5 (revocation by the Welsh Ministers); |
| (f) adran 6 (is-ddeddfau pan na fo cadarnhad yn ofynnol) a Rhan 1 o Atodlen 1; | (f) section 6 (byelaws not requiring confirmation) and Part 1 of Schedule 1; |
| (g) adran 7 (is-ddeddfau pan fo cadarnhad yn ofynnol); | (g) section 7 (byelaws requiring confirmation); |
| (h) adran 8 (materion ffurfiol, cychwyn a chyhoeddi is-ddeddfau); | (h) section 8 (formalities, commencement and publication of byelaws); |
| (i) adran 10 (tramgwyddau yn erbyn is-ddeddfau); | (i) section 10 (offences against byelaws); |
| (j) adran 11 (is-ddeddfau adran 2; pwerau ymafael etc); | (j) section 11 (section 2 byelaws; powers of seizure etc); |
| (k) adran 12 (y pŵer i gynnig cosbau penodedig am dramgwyddau yn erbyn is-ddeddfau penodol) i'r graddau nad yw eisoes wedi ei chychwyn a Rhan 2 o Atodlen 1; | (k) section 12 (power to offer fixed penalties for offences against certain byelaws) in so far as it is not already commenced and Part 2 of Schedule 1; |
| (l) adran 13 (swm cosb benodedig) i'r graddau nad yw eisoes wedi ei chychwyn; | (l) section 13 (amount of fixed penalty) in so far as it is not already commenced; |
| (m) adran 14 (y pŵer i ofyn am enw a chyfeiriad mewn cysylltiad â chosb benodedig); | (m) section 14 (power to require name and address in connection with fixed penalty); |
| (n) adran 15 (y defnydd o dderbyniadau am gosbau penodedig); | (n) section 15 (use of fixed penalty receipts); |
| (o) adran 17 (Swyddogion Cymorth Cymunedol etc); | (o) section 17 (Community Support Officers etc); |
| (p) adran 18 (canllawiau) i'r graddau nad yw eisoes wedi ei chychwyn; | (p) section 18 (guidance) in so far as it is not already commenced; |
| (q) adran 19 (tystiolaeth o is-ddeddfau); ac | (q) section 19 (evidence of byelaws); and |
| (r) adran 20 (diwygiadau canlyniadol) a pharagraffau 1 i 8, 9(1) i (3), (5) a 10 i 18 o Atodlen 2. | (r) section 20 (consequential amendments) and paragraphs 1 to 8, 9(1) to (3), (5) and 10 to 18 of Schedule 2. |

Darpariaethau trosiannol ac arbedion

3.—(1) Er i adrannau 2, 4, 6, 7, 8 ac 20 o Ddeddf 2012, ac Atodlenni 1 a 2 iddi, ddod i rym—

- (a) nid yw adrannau 2, 4, 6 a 7(3) i (9) ac 8(3) o'r Ddeddf honno, ac Atodlen 2 iddi, yn gymwys i is-ddeddfau a ddisgrifir ym mharagraff (2); a
- (b) mae adran 236(3), (4) i (7) ac (11)(1) o Ddeddf 1972 yn gymwys i is-ddeddfau a ddisgrifir yn y paragraff hwnnw.

Transitional provisions and savings

3.—(1) Despite the coming into force of sections 2, 4, 6, 7, 8 and 20 of, and Schedules 1 and 2 to, the 2012 Act—

- (a) sections 2, 4, 6 and 7(3) to (9) and 8(3) of, and Schedule 2 to that Act do not apply to byelaws described in paragraph (2); and
- (b) section 236(3), (4) to (7) and (11)(1) of the 1972 Act apply to byelaws described in that paragraph.

(1) Diwygiwyd is-adran (1) o adran 236 o Ddeddf 1972 gan adran 84 o Ddeddf Llywodraeth Leol 1985 (p. 51), a pharagraff 31(1) o Atodlen 14 iddi. Diwygiwyd is-adran (3) o adran 236 o Ddeddf 1972 gan O.S. 2001/3719. Diwygiwyd is-adran (9) o'r adran honno, a mewnosodwyd is-adran (10A) o'r adran honno, gan baragraff 50 o Atodlen 15 i Ddeddf Llywodraeth Leol (Cymru) 1994 (p. 19). Ceir diwygiadau eraill i adran 236 o Ddeddf 1972 nad ydynt yn berthnasol i'r Gorchymyn hwn.

(1) Subsection (1) of section 236 of the 1972 Act was amended by section 84 of, and paragraph 31(1) of Schedule 14 to, the Local Government Act 1985 (c. 51). Subsection (3) of section 236 of the 1972 Act was amended by S.I. 2001/3719. Subsection (9) of that section was amended, and subsection (10A) of that section was inserted, by paragraph 50 of Schedule 15 to the Local Government (Wales) Act 1994 (c. 19). There are other amendments to section 236 of the 1972 Act which are not relevant to this Order.

(2) Mae'r paragraff hwn yn gymwys i is-ddeddfau y mae adrannau 235, 236 a 236B o Ddeddf 1972 yn gymwys iddynt, os cyn y diwrnod penodedig—

- (a) bod un neu ragor o'r camau a ganlyn wedi eu cymryd mewn perthynas â hwy—
 - (i) bod yr awdurdod deddfu sy'n gwneud yr is-ddeddfau wedi rhoi hysbysiad, yn unol ag adran 236(4) o Ddeddf 1972, o'i fwriad i wneud cais am gadarnhad o'r is-ddeddfau yn un neu ragor o'r papurau newydd lleol sy'n cylchredeg yn yr ardal y mae'r is-ddeddfau i fod yn gymwys iddi; neu
 - (ii) bod copi o'r is-ddeddfau wedi ei adneuo, yn unol ag adran 236(5) o Ddeddf 1972, yn swyddfa'r awdurdod deddfu sy'n gwneud yr is-ddeddfau; a
- (b) bod yr awdurdod cadarnhau(1) heb gadarnhau'r is-ddeddf; neu
- (c) bod yr awdurdod cadarnhau wedi cadarnhau'r is-ddeddf ond nad yw'r is-ddeddf eto wedi dod yn weithredol.

(2) This paragraph applies to byelaws to which sections 235, 236 and 236B of the 1972 Act apply if before the appointed day—

- (a) one or more of the following steps has been taken in relation to them—
 - (i) the legislating authority by whom the byelaws are made has given notice, pursuant to section 236(4) of the 1972 Act, of its intention to apply for confirmation of the byelaws in one or more local newspapers circulating in the area to which the byelaws are to apply; or
 - (ii) a copy of the byelaws has been deposited, pursuant to section 236(5) of the 1972 Act, at the offices of the legislating authority by whom they are made; and
- (b) the confirming authority(1) has not confirmed the byelaw; or
- (c) the confirming authority has confirmed the byelaw but the byelaw has not yet come into operation.

Leighton Andrews

Y Gweinidog Gwasanaethau Cyhoeddus, un o Weinidogion Cymru

25 Mawrth 2015

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Minister for Public Services, one of the Welsh Ministers

25 March 2015

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(1) Gweler adran 236(11) o Ddeddf 1972 ar gyfer ystyr "confirming authority". Mae swyddogaeth yr Ysgrifennydd Gwladol yn yr adran hon yn cael ei harfer yn gydedol â Chynulliad Cenedlaethol Cymru yn unol ag erthygl 2 o Orchymyn Cynulliad Cendlaethol Cymru (Trosglwyddo Swyddogaethau) 1999 (O.S. 1999/672), ac Atodlen 1 iddi. Trosglwyddwyd y swyddogaeth hon bellach i Weinidogion Cymru yn rhinwedd gweithrediad adran 162 o Ddeddf Llywodraeth Cymru 2006 (p. 32) a pharagraff 30 o Atodlen 11 iddi.

(1) See section 236(11) of the 1972 Act for the meaning of "confirming authority". The function of the Secretary of State in this section is exercised concurrently with the National Assembly for Wales in accordance with the National Assembly for Wales (Transfer of Functions) Order 1999 (S.I. 1999/672), article 2, Schedule 1. This function of the National Assembly for Wales has been further transferred to the Welsh Ministers by virtue of the operation of section 162 of, and paragraph 30 of Schedule 11 to, the Government of Wales Act 2006 (c. 32).

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