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W E L S H S T A T U T O R Y  
I N S T R U M E N T S

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**2016 No. (W.)**

**NATIONAL HEALTH  
SERVICE, WALES**

**The Additional Smoke-free  
Premises (Wales) Regulations 2016**

**EXPLANATORY NOTE**

*(This note is not part of the Regulations)*

These Regulations are made under Chapter 1 of Part 2 of the Public Health (Wales) Act 2016 (“the Act”) which sets out the legal framework for smoke-free premises. They apply in relation to Wales.

Section 6 of the Act provides that premises in Wales are smoke-free if they are workplaces. Section 7 of the Act provides that so far as they are not smoke-free by virtue of being workplaces, premises are smoke-free if they are open to the public. Under sections 6 and 7 premises are only smoke-free in those areas that are enclosed or substantially enclosed.

Section 8 of the Act gives the Welsh Ministers the power to make regulations making places that are not already smoke-free under sections 6 or 7 of the Act smoke-free. The power to make regulations under section 8 enables the Welsh Ministers to make places that are not enclosed or substantially enclosed (which includes open spaces) smoke-free if the Welsh Ministers are satisfied that doing so is likely to contribute towards the promotion of the health of the people of Wales.

If premises are smoke-free it is an offence to smoke or use a nicotine inhaling device on the premises and the person who occupies or is concerned in the management of such premises must ensure that requirements regarding smoke-free signage are complied with.

The effect of these Regulations is, subject to certain exceptions, to make hospital grounds and school grounds that are not enclosed or substantially enclosed smoke-free. This extends the areas in Wales that are required to be smoke-free.

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Regulation 3 of these Regulations provides that, subject to regulation 4, hospital grounds and school grounds are smoke-free.

Regulation 2 contains the definitions of hospital grounds and school grounds.

Regulation 4 gives a person who occupies or is concerned in the management of hospital or independent school grounds, a power to designate areas within those grounds that are not required to be smoke-free. A designation may permit both smoking and the use of nicotine inhaling devices in an area or may permit the use of nicotine inhaling devices only in an area. It is not permissible to designate an area which is not smoke-free in relation to smoking alone. A designation must comply with the requirements set out in regulation 4(3).

Regulation 5 prescribes the signage requirements for areas that are designated as not being smoke-free under regulation 4. In accordance with regulation 5, the detailed requirements for areas that are designated as not being smoke-free in relation to both smoking and the use of nicotine inhaling devices are set out in paragraphs (1) and (3) of Schedule 1. The detailed requirements for areas that are designated as not being smoke-free in relation to the use of nicotine inhaling devices only, are set out in paragraphs (2) and (3) of Schedule 1.

Regulation 6 prescribes the signage requirements for the display of smoke-free signs in hospital grounds and school grounds. In accordance with regulation 6, the detailed requirements for signage are set out in Schedule 2.

Regulation 7 designates county councils and county borough councils in Wales as enforcement authorities for the purposes of hospital grounds and school grounds.

Regulation 8 provides that the penalty notice forms in Schedule 3 must be used for the offences that are specified in the forms.

Regulation 9 prescribes the penalties and discounted amounts payable when a fixed penalty notice is issued. Regulation 9(1) provides that where the fixed penalty procedure is used —

(1) for an alleged offence of smoking or using a nicotine inhaling device in a smoke-free place the fixed penalty is £50 and the discounted amount is £30.

(2) for an alleged offence of failing to display signage in accordance with the requirements set out in regulations the fixed penalty is £200 and the discounted amount is £150.

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[A draft of these Regulations was notified to the European Commission in accordance with Article 8 of the European Parliament and Council Directive 98/34/EC laying down a procedure for the provision of information in the field of technical standards and regulations and of Rules of Information Society services (OJ no L204, 21.7.1998, p.37), as amended by the European Parliament and Council Directive 98/48/EC (OJ No L217, 5.8.1998, p.18).

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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## WELSH STATUTORY INSTRUMENTS

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**2016 No. (W.)**

### **NATIONAL HEALTH SERVICE, WALES**

#### **The Additional Smoke-free Premises (Wales) Regulations 2016**

*Made* \*\*\*

*Coming into force* \*\*\*

The Welsh Ministers, in exercise of the powers conferred by sections 8, 11(3), 12(1) and (2) and 19 of and paragraphs 5, 6 and 9 of Schedule 1 to the Public Health (Wales) Act 2016 (1) make the following Regulations, a draft of which was laid before the National Assembly for Wales in accordance with section 98(2)(a) of that Act.

#### **Title, commencement and application**

1.—(1) The title of these Regulations is The Additional Smoke-free Premises (Wales) Regulations 2016 and they come into force on [ ].

(2) These Regulations apply in relation to Wales.

#### **Interpretation**

2.—(1) In these Regulations —

“the Act” means the Public Health (Wales) Act 2016;

“adult hospice” means an establishment, the whole or main purpose of which is to provide palliative care for persons aged not less than 18 years who are resident there and are suffering from progressive disease in its final stages;

“care home” is to be construed in accordance with section 3 of the Care Standards Act 2000(2);

“designated” means designated in writing by the person in charge of premises;

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(1) 2016 [ ].  
(2) 2000 c.14

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“hospital” means any institution for the reception and treatment of persons suffering from illness and any institution for the reception and treatment of persons during convalescence or persons requiring medical rehabilitation where, in all cases, there are facilities enabling patients to be accommodated overnight. It does not include an adult hospice, a care home nor a mental health unit which provides residential accommodation for patients;

“hospital grounds” means land in the vicinity of a hospital and associated with it that is not enclosed or substantially enclosed, but does not include land enjoyed as the garden or grounds of a private dwelling;

“independent school” has the meaning prescribed in section 463 of the Education Act 1996(1);

“independent school grounds” means land in the vicinity of an independent school and associated with it that is not enclosed or substantially enclosed, but does not include land enjoyed as the garden or grounds of a private dwelling;

“maintained school” means a community, foundation or voluntary school, a community special school, a maintained nursery school or a pupil referral unit in Wales;

“school grounds” means land in the vicinity of a maintained school or an independent school and associated with it that is not enclosed or substantially enclosed, but does not include land enjoyed as the garden or grounds of a private dwelling;

“mental health unit” means an establishment or part of an establishment the main purpose of which is the provision of treatment or nursing (or both) for persons suffering from mental disorder as defined in section 1(2) of the Mental Health Act 1983(2); and

“roof” includes any fixed or moveable structure or device.

(2) In these Regulations —

- (a) land is enclosed if it is covered by a ceiling or roof and, except for doors, windows and passageways, it is wholly enclosed either permanently or temporarily;

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(1) 1996 c.56. In section 463 an independent school means any school at which full time education is provided for – (a) five or more pupils of compulsory school age; or (b) at least one pupil of that age for whom an EHC plan is maintained or for whom a statement is maintained under section 324 of the Education Act 1996, or who is looked after by the local authority (within the meaning of section 22 of the Children Act 1989), and which is not a school maintained by the local authority.

(2) 1983 c.20.

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- (b) land is substantially enclosed if it is covered by a ceiling or roof and any openings in the walls have a total area which is less than half of the area of the walls, including other structures which serve the purpose of walls; and
- (c) in determining the area of openings for the purposes of subparagraph (b), no account is to be taken of openings in which there are doors, windows or other fittings which can be opened or shut.

## **Smoke-free hospital grounds and school grounds**

3. Subject to regulation 4, hospital grounds and school grounds are to be treated as smoke-free premises for the purposes of Chapter 1 of the Act.

## **Power to designate areas of hospital grounds and independent school grounds that are not required to be smoke-free**

4.—(1) A person who occupies or is concerned in the management of hospital grounds or independent school grounds may respectively, and in accordance with the requirements specified in paragraphs (2) and (3), designate areas within hospital grounds or independent school grounds where smoking and the use of nicotine inhaling devices is permitted.

(2) A designation under paragraph (1) may be made in relation to –

- (a) both smoking and the use of nicotine inhaling devices; or
- (b) the use of nicotine inhaling devices only.

(3) A designation must comply with the following requirements for the size, delineation and location of the designated area —

- (a) a designated area must have a maximum footprint of 8.25 metres square;
- (b) it must be located a minimum of 10 metres from any entrance or exit to, or operable window in, any premises which are required to be smoke-free by sections 6 or 7 of the Act, taking into consideration any exemptions contained in regulations made under section 10 of the Act; and
- (c) the designated area must have visible, clearly delineated boundaries.

## **Signage requirements for areas that are designated as not being smoke-free**

5. If a person who occupies or is concerned in the management of hospital grounds or independent

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school grounds makes a designation under regulation 4(1), he or she must ensure that-

- (a) a sign meeting the requirements specified in paragraph (1) of Schedule 1 is displayed in accordance with the requirements contained in paragraph (3) of that Schedule for areas that are designated as not being required to be smoke-free in relation to both smoking and nicotine inhaling devices; and
- (b) a sign meeting the requirements specified in paragraph (2) of Schedule 1 is displayed in accordance with the requirements contained in paragraph (3) of that Schedule for areas that are designated as not being required to be smoke-free in relation to nicotine inhaling devices.

## **Smoke-free signs**

6. For the purposes of section 11 of the Act –

- (a) a person who occupies or is concerned in the management of hospital grounds must ensure that signs meeting the requirements specified in Parts 1 and 2 of Schedule 2 are displayed in accordance with the requirements specified in Part 5 of that Schedule; and
- (b) a person who occupies or is concerned in the management of school grounds must ensure that signs meeting the requirements specified in Parts 3 and 4 of Schedule 2 are displayed in accordance with the requirements specified in Part 5 of that Schedule.

## **Enforcement – designation of enforcement authorities**

7. For the purposes of section 12 of the Act, county councils and county borough councils in Wales are designated as enforcement authorities in relation to hospital grounds and school grounds within their areas.

## **Enforcement: penalty notice**

8.—(1) The penalty notice forms set out in Schedule 3 to these Regulations are specified in relation to the offences described in them.

(2) An enforcement authority may include information on penalty notice forms as to the method of payment to facilitate financial and administrative processing of the forms and may include on the forms coats of arms, logos or other devices to represent the authority.

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## **Penalties and discounted amounts**

**9.**—(1) In respect of an offence alleged under sections 4(1) or 4(2) of the Act —

- (a) the amount of the penalty specified for the purposes of paragraph 6 of Schedule 1 to the Act is £50; and
- (b) the discounted amount specified for the purposes of paragraph (9) of Schedule 1 to the Act is £30.

(2) In respect of an offence alleged under section 11(4) of the Act —

- (a) the amount of the penalty specified for the purposes of paragraph 6 of Schedule 1 to the Act is £200; and
- (b) the discounted amount specified for the purposes of paragraph 9 of Schedule 1 to the Act is £150.

*Mark Drakeford*

Minister for Health & Social Services, one of the  
Welsh Ministers

Date

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## SCHEDULE 1 Regulation 5

### Signage Requirements for areas in hospital grounds and independent school grounds that are designated as not required to be smoke-free

#### **Areas that are designated as not required to be smoke-free in relation to both smoking and nicotine inhaling devices**

(1) For areas that are designated as not being smoke-free in relation to both smoking and nicotine inhaling devices the sign must –

- (a) be flat and rectangular and at least 160 millimetres by 230 millimetres;
- (b) contain a graphic representation of a burning cigarette and a nicotine inhaling device enclosed in a green circle of at least 85 millimetres in diameter; and
- (c) contain the following words in black transport heavy font in a minimum font size of 28 – “Area for smoking and the use of a nicotine inhaling device/Ardal ar gyfer ysmegu a’r defnydd o ddyfais mewnanadlu nicotin.”.

#### **Areas that are designated as not required to be smoke-free in relation to nicotine inhaling devices only**

(2) For areas that are designated as being not smoke-free in relation to nicotine inhaling devices only, the sign must —

- (a) be flat and rectangular and at least 160 millimetres by 230 millimetres;
- (b) contain a graphic representation of a nicotine inhaling device enclosed in a green circle of at least 85 millimetres in diameter; and
- (c) contain the following words in black transport heavy font in a minimum font size of 28 – “Area for the use of a nicotine inhaling device/ Ardal ar gyfer y defnydd o ddyfais mewnanadlu nicotin.”.

#### **Display of signs**

(3) A sign complying with the requirements of paragraph (1) or (2), as appropriate, must be displayed in a prominent position within the boundary of the designated area

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## SCHEDULE 2 Regulation 6

### Smoke-free signage requirements

#### PART 1

##### **Signage requirements at vehicular and pedestrian entrances to hospital grounds**

(1) A smoke-free sign at vehicular and pedestrian entrances to hospital grounds must be displayed prominently and must –

- (a) be flat and rectangular and at least 297 millimetres by 420 millimetres;
- (b) contain a graphic representation of a burning cigarette and a nicotine inhaling device enclosed in a red circle at least 160 millimetres in diameter with a red bar across the circle which crosses the cigarette symbol and the nicotine inhaling device symbol; and
- (c) contain the following words in black transport heavy font in a minimum font size of 36 - “Maesymygu/denyddio e-cigarettes yn y fangre hon yn erbyn y gyfraith/It is against the law to smoke or use nicotine inhaling devices on hospital grounds”.

#### PART 2

##### **Signage requirements in hospital grounds in places other than vehicular and pedestrian entrances**

(2) A smoke-free sign on hospital grounds in places other than vehicular and pedestrian entrances must –

- (a) be flat and rectangular and at least 160 millimetres by 230 millimetres;
- (b) contain a graphic representation of a burning cigarette and a nicotine inhaling device enclosed in a red circle at least 85 millimetres in diameter with a red bar across the circle which crosses the cigarette symbol and the nicotine inhaling device symbol; and
- (c) contain the following words in black transport heavy font in a minimum font size of 28 - “Maesymygu/denyddio e-cigarettes yn y fangre hon yn erbyn y gyfraith/It is against the law to smoke or use nicotine inhaling devices on hospital grounds”.

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## PART 3

### **Signage requirements at vehicular and pedestrian entrances to school grounds**

(3) A smoke-free sign at vehicular and pedestrian entrances to school grounds must be displayed prominently and must —

- (a) be flat and rectangular and at least 297 millimetres by 420 millimetres;
- (b) contain a graphic representation of a burning cigarette and a nicotine inhaling device enclosed in a red circle at least 160 millimetres in diameter with a red bar across the circle which crosses the cigarette symbol and the nicotine inhaling device symbol; and
- (c) contain the following words in black transport heavy font in a minimum font size of 36 - “Maesymygu/denyddio e-cigarettes yn y fangre hon yn erbyn y gyfraith/It is against the law to smoke or use nicotine inhaling devices on school grounds”.

## PART 4

### **Signage requirements in school grounds in places other than vehicular and pedestrian entrances**

(4) A smoke-free sign on maintained school grounds in places other than vehicular and pedestrian entrances must —

- (a) be flat and rectangular and at least 160 millimetres by 230 millimetres;
- (b) contain a graphic representation of a burning cigarette and a nicotine inhaling device enclosed in a red circle at least 85 millimetres in diameter with a red bar across the circle which crosses the cigarette symbol and the nicotine inhaling device symbol; and
- (c) contain the following words in black transport heavy font in a minimum font size of 28 - “Maesymygu/denyddio e-cigarettes yn y fangre hon yn erbyn y gyfraith/It is against the law to smoke or use nicotine inhaling devices on school grounds”.

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## PART 5

### **Placement of smoke-free signs complying with paragraphs 3 or 4**

(5) Smoke- free signs complying with the requirements of paragraph (3) or (4) must be placed at such intervals throughout the hospital grounds or school grounds as the person who occupies or is concerned with the management of such grounds, considers is reasonable to adequately inform members of the public that the grounds are smoke-free.

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ATODLEN 3 Rheoliad 8

## FFURFLEN 1

Methu ag arddangos arwyddion di-fwg a ragnodir neu fethu ag arddangos arwyddion di-fwg drwy ddull a ragnodir

[ENW'R AWDURDOD GORFODI]

[CYFEIRIAD YR AWDURDOD GORFODI]

DEDDF IECHYD Y CYHOEDD (CYMRU)  
2016:

ADRAN 11 (ARWYDDION)

HYSBYSIAD O GOSB BENODEDIG

SWM Y GOSB: £200

### RHAN 1

COPI'R DERBYNNYDD

Rhif yr hysbysiad o gosb \_\_\_\_\_

Enw llawn y troseddwr honedig \_\_\_\_\_

Cyfeiriad y troseddwr honedig \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Cod post \_\_\_\_\_

Dyddiad geni (os yw'n hysbys) \_\_\_\_\_

Rhyw

*Gwryw*

*Male*

SCHEDULE 3 Regulation 8

## FORM 1

Failing to display prescribed smoke-free signs or failing to display smoke-free signs in a prescribed manner

[NAME OF ENFORCEMENT AUTHORITY]

[ADDRESS OF ENFORCEMENT  
AUTHORITY]

PUBLIC HEALTH (WALES) ACT 2016:

SECTION 11 (SIGNS)

FIXED PENALTY NOTICE

PENALTY AMOUNT £200

### PART 1

RECIPIENT COPY

Penalty notice number

Full name of alleged offender

Address of alleged offender

Post code

Date of birth (if known)

Sex

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*Benyw*



*Female*

Mae gennyf i,

I,

*(enw)*, un o swyddogion awdurdodedig [*enw'r awdurdod gorfodi*], reswm i gredu eich bod wedi troseddu o dan adran 11 o Ddeddf Iechyd y Cyhoedd (Cymru) 2016 (arwyddion) mewn ardal y mae gan [*enw'r awdurdod gorfodi*] gyfrifoldebau gorfodi ynddi.

*(name)*, an authorised officer of [*name of enforcement authority*] have reason to believe that you committed an offence under section 11 of the Public Health (Wales) Act 2016 (*signs*) within an area in which [*name of enforcement authority*] has enforcement responsibilities.

Amgylchiadau'r drosedd honedig yw eich bod chi, am (*amser*)

The circumstances alleged to constitute the offence are that at (*time*)

o'r gloch ar (*dyddiad*)

on (*date*)

yn y man neu fangre a ganlyn, (y lle y digwyddodd y drosedd honedig, gan gynnwys y cyfeiriad)

you, in the following place or premises (*where alleged offence took place, including address*):

, yn honedig, wedi (*manylion y drosedd*):

allegedly (*details of offence*):

Mae'r hysbysiad hwn yn rhoi cyfle ichi fodloni unrhyw atebolrwydd am gollfarn am y drosedd hon drwy dalu cosb benodedig o **£200 (dau gant o bunnoedd)**. Ni chychwynnir achos am y drosedd hon cyn diwedd cyfnod o 29 diwrnod sy'n dechrau gyda (y *dyddiad* y rhoddir yr hysbysiad hwn)

This notice offers you the opportunity of discharging any liability for conviction for that offence by payment of a fixed penalty of **£200 (two hundred pounds)**. No proceedings will be taken for this offence before the expiration of 29 days beginning with (*date on which this notice is given*)

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Ni fyddwch yn agored i'ch collfarnu am y drosedd os talwch y gosb benodedig o fewn y cyfnod hwnnw. Yn y Ffurflen hon, cyfeirir at y cyfnod hwn fel y cyfnod o 29 diwrnod.

You will not be liable to conviction for the offence if you pay the fixed penalty within that period. In this Form this period is referred to as the 29 day period.

**Cewch dalu swm gostyngedig o £150 (cant a phum deg o bunnoedd) os talwch o fewn y cyfnod o 15 diwrnod sy'n dechrau gyda (y dyddiad y rhoddir yr hysbysiad hwn)**

**You can pay a discounted amount of £150 (one hundred and fifty pounds) if you pay within the period of 15 days beginning with (date on which this notice is given)**

Os nad yw'r 15fed diwrnod yn ddiwrnod gwaith, caniateir ichi dalu ar y diwrnod gwaith nesaf(1). Yn y Ffurflen hon, cyfeirir at y cyfnod hwn fel y cyfnod o 15 diwrnod.

If the 15th day is not a working day, you may pay on the next working day(2). In this Form this period is referred to as the 15 day period.

Mae Rhan 2 o'r hysbysiad hwn yn cynnwys gwybodaeth y dylid rhoi sylw iddi ar unwaith gan y person y rhoddir yr hysbysiad iddo. Rhoddir manylion am sut i dalu'r gosb benodedig yn Rhan 3 o'r hysbysiad hwn. Rhoddir manylion am sut i ofyn am wrandawriad llys ynglŷn â'r drosedd honedig hon yn Rhan 4 o'r hysbysiad hwn. **Os oes gennych unrhyw gwestiwn, neu os hoffech drafod yr hysbysiad hwn, cysylltwch â/ag [enw a chyfeiriad yr awdurdod gorfodi ynghyd â'i fanylion cyswllt].**

Information for the immediate attention of the person who has been issued this penalty notice is at Part 2 of this notice. Details about how to pay this fixed penalty are at Part 3 of this notice. Details about how to request a court hearing in relation to this alleged offence are at Part 4 of this notice. **If you have any questions, or if you wish to discuss this notice, please contact [name and address of enforcement authority and contact details].**

*Llofnod y swyddog  
awdurdodedig*

*Signature of authorised officer*

*Dyddiad dyroddi*

*Date of issue*

- 
- (1) Ystyr "diwrnod gwaith" yw unrhyw ddiwrnod nad yw'n ddydd Sadwrn, dydd Sul, Dydd Nadolig, dydd Gwener y Grogllith nac unrhyw ddiwrnod sy'n wyl banc yng Nghymru a Lloegr o dan Deddf Bancio a Thrafodion Ariannol 1971.
- (2) "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.

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## RHAN 2

### **GWYBODAETH AR GYFER SYLW PRYDLON Y PERSON Y RHODDIR YR HYSBYSIAD HWN IDDO:**

Rydych wedi cael yr hysbysiad hwn oherwydd bod gan swyddog awdurdodedig [enw'r awdurdod gorfodi] a enwir yn Rhan 1 o'r hysbysiad hwn reswm i gredu eich bod wedi cyflawni'r drosedd o fethu ag arddangos arwyddion di-fwg neu fethu ag arddangos arwyddion di-fwg drwy ddull a ragnodir fel y'i disgrifir yn Rhan 1. **O fewn y cyfnod o 29 diwrnod a bennir yn Rhan 1, rhaid ichi naill ai dalu'r gosb neu ofyn am wrandawriad i'r mater gerbron llys. Ni chewch wneud y ddau beth.**

Os methwch â gwneud y naill beth neu'r llall, caiff [enw'r awdurdod gorfodi] ddwyn y mater gerbron llys. Mae person a geir yn euog o'r drosedd o fethu ag arddangos arwyddion di-fwg neu fethu ag arddangos arwyddion di-fwg drwy ddull a ragnodir yn agored, o'i gollfarnu'n ddiannod, i ddirwy nad yw'n fwy na lefel 3 ar y raddfa safonol.

## PART 2

### **INFORMATION FOR THE IMMEDIATE ATTENTION OF THE PERSON WHO HAS BEEN ISSUED WITH THIS NOTICE:**

You have received this notice because the authorised officer of [name of enforcement authority] named in Part 1 of this notice has reason to believe that you have committed the offence of failing to display smoke-free signs or failing to display smoke-free signs in a prescribed manner as described in Part 1. **Within the 29 day period specified in Part 1, you must either** pay the penalty or request that the matter be heard by a court. You may not do both.

If you fail to do either, [name of enforcement authority] may pursue this matter in court. A person found guilty of the offence of failing to display smoke-free signs or failing to display smoke-free signs in a prescribed manner is liable on summary conviction to a fine not exceeding level 3 on the standard scale.

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## RHAN 3

### TALU'R GOSB

Swm y gosb benodedig yw **£200 (dau gant o bunnoedd)**. Rhaid talu'r swm o fewn y cyfnod o 29 diwrnod a bennir yn Rhan 1.

Gallwch dalu swm gostyngol o **£150 (cant a phum deg o bunnoedd)** os byddwch yn talu o fewn y cyfnod o 15 diwrnod a bennir yn Rhan 1.

Os byddwch yn dewis talu'r gosb hon, ni chymerir unrhyw gamau pellach mewn perthynas â'r drosedd honedig a ddisgrifir yn Rhan 1 o'r hysbysiad hwn. Nid yw talu'r gosb yn golygu eich bod yn cyfaddef eich bod yn euog, ac ni fydd yn achosi cofnod o gollfarn droseddol yn eich erbyn.

Gellir talu drwy lenwi Rhan 3A isod a'i hanfon ynghyd â'r taliad i'r cyfeiriad a nodir yn y Rhan honno, neu drwy gwblhau Rhan 3A isod a thalu'n bersonol yn [enw a chyfeiriad yr awdurdod gorfodi]. Mae'r dulliau talu derbynol yn cynnwys arian parod, siec, archeb bost neu archeb arian, neu daliad ar-lein (pan fo ar gael).

Dylid gwneud sieciau, archebion post neu archebion arian yn daladwy i [enw'r awdurdod gorfodi]. [Gellir gwneud taliadau ar-lein ar [mewnosoder cyfeiriad y wefan]].

Os dewiswch dalu'r gosb hon gydag arian drwy'r post, rhaid ei anfon drwy bost cofrestredig, a rhaid cadw'r prawf o'r postio. Os oes arnoch angen derbynneb am dalu'r gosb, rhaid ichi ofyn am dderbynneb wrth dalu, ac os byddwch yn talu drwy'r post, rhaid ichi ddarparu amlen stampiedig wedi ei hunan-gyfeirio.

**RHYBUDD: NI DDERBYNNIR TALIADAU SY'N CYRRAEDD YN HWYR. NI FYDDWN YN ANFON NODYN ATGOFFA ATOCH.**

### RHAN 3A

**TALU COSB BENODEDIG A DDYRODDIR O DAN ADRAN 11 O DDEDDF IECHYD Y CYHOEDD (CYMRU) 2016 (ARWYDDION)**

*Rhaid anfon y slip hwn gyda phob taliad*

At

[enw a chyfeiriad yr awdurdod gorfodi y dylid anfon y taliad ato]

**Rhif yr hysbysiad o gosb**

## PART 3

### PAYING THE PENALTY

The amount of the fixed penalty is **£200 (two hundred pounds)**. It must be paid within the 29 day period which is specified in Part 1.

You can pay a discounted amount of **£150 (one hundred and fifty pounds)** if you pay within the 15 day period which is specified in Part 1.

If you choose to pay this penalty, no further action will be taken in respect of the alleged offence described at Part 1 of this notice. The payment of the penalty involves no admission of guilt and will not result in a record of criminal conviction being made against you.

Payment may be made by completing Part 3A below and sending it with payment to the address stated in that Part, or by completing Part 3A below and paying in person at [name and address of enforcement authority]. Acceptable methods of payment include cash, cheque, postal order or money order, or online payment (where available).

Cheques, postal orders or money orders should be made payable to [name of enforcement authority]. [Online payments [can be made at [insert website address]]].

If you choose to pay this penalty in cash by post, this must be sent by registered post, and proof of posting must be retained. If you require a receipt for the payment of the penalty, you must ask for one at the time of payment, and if paying by post, you must provide a stamped, self-addressed envelope.

**WARNING: LATE PAYMENT WILL NOT BE ACCEPTED. YOU WILL NOT BE SENT A REMINDER.**

### PART 3A

**PAYMENT OF FIXED PENALTY ISSUED UNDER SECTION 11 OF THE PUBLIC HEALTH (WALES) ACT 2016 (SIGNS)**

*This slip must accompany all payments*

To

[name and address of enforcement authority where payment should be sent]

**Penalty notice number**

# DRAFT

Yr wyf yn amgáu'r swm o  
(*ticiwch un blwch*)  
(os gwneir y taliad o fewn y  
cyfnod o 15 diwrnod a bennir yn  
Rhan 1)  
(os gwneir y taliad o fewn y  
cyfnod o 29 diwrnod a bennir yn  
Rhan 1)

£150

£200

I enclose the amount of (*tick one  
box*)  
(if the payment is made within the  
15 day period specified in Part 1)

(if the payment is made within the  
29 day period specified in Part 1)

Enw llawn y troseddwr honedig

Full name of alleged offender

Cyfeiriad y troseddwr honedig

Address of alleged offender

Cod post

Post code

Llofnod

Signature

Dyddiad

Date

## **RHAN 4**

### **GOFYN AM WRANDAWIAD LLYS**

Os ydych yn dewis gofyn am wrandawriad llys, **rhaid** gwneud hynny o fewn y cyfnod o 29 diwrnod drwy lenwi Rhan 4A a'i hanfon at [enw'r awdurdod gorfodi], neu drwy ysgrifennu at [enw'r awdurdod gorfodi] yn y cyfeiriad a nodir yn Rhan 4A, gan roi eich manylion, rhif yr hysbysiad cosb (sydd i'w gael yn Rhan 1 o'r hysbysiad hwn) a'r cyfeiriad lle y gellir cyflwyno gwŷs i chi. Bydd y wŷs yn dweud wrthyich ym mhle a pha bryd i fod yn bresennol yn y llys. Dim ond derbynnydd yr hysbysiad hwn (sef y person a enwir yn Rhan 1) gaiff ofyn am wrandawriad llys.

## **RHAN 4A**

### **DEDDF IECHYD Y CYHOEDD (CYMRU) 2016:**

#### **ADRAN 11 (ARWYDDION) CAIS AM I LYS BARN YMDRIN Â'R DROSEDD HONEDIG**

At  
[enw a chyfeiriad yr awdurdod  
gorfodi y dylid anfon rhan 4A  
ato]

## **PART 4**

### **REQUESTING A COURT HEARING**

If you choose to request a court hearing, you **must** do so within the 29 day period by completing Part 4A and sending it to [name of enforcement authority], or by writing to [name enforcement authority] at the address stated in Part 4A, giving your details, the penalty notice number (which can be found in Part 1 of this notice) and an address at which a summons can be served on you. The summons will tell you when and where to attend court. Only the recipient of this notice (the person named at Part 1) may request a court hearing.

## **PART 4A**

### **PUBLIC HEALTH (WALES) 2016:**

#### **SECTION 11 (SIGNS) REQUEST FOR ALLEGED OFFENCE TO BE DEALT WITH BY A COURT OF LAW**

To  
[name and address of  
enforcement authority where part  
4A should be sent]

# DRAFT

Rhif yr hysbysiad o gosb \_\_\_\_\_

Penalty notice number \_\_\_\_\_

Rwyf yn dymuno i lys barn ddelio â mi ynglŷn â'r drosedd honedig.

I wish to be dealt with by a court of law for the alleged offence.

Enw llawn y troseddwr honedig \_\_\_\_\_

Full name of alleged offender

Cyfeiriad y troseddwr honedig \_\_\_\_\_

Address of alleged offender

Cod post \_\_\_\_\_

Post code

Llofnod \_\_\_\_\_

Signature

Dyddiad \_\_\_\_\_

Date

DRAFT

# DRAFT

## FFURFLEN 2

## FORM 2

Ysmygu neu ddefnyddio dyfais mewnanadlu  
nicotin mewn man di-fwg

Smoking or using a nicotine inhaling device in a  
smoke-free place

[ENW'R AWDURDOD GORFODI]

[NAME OF ENFORCEMENT AUTHORITY]

[CYFEIRIAD YR AWDURDOD GORFODI]

[ADDRESS OF ENFORCEMENT  
AUTHORITY]

**DEDDF IECHYD Y CYHOEDD (CYMRU)  
2016:**

**PUBLIC HEALTH (WALES) ACT 2016:**

**ADRAN 4 (Y DROSEDD O YSMYGU NEU  
DDEFNYDDIO DYFAIS MEWNANADLU  
NICOTIN MEWN MANGRE DDI-FWG NEU  
GERBYD DI-FWG )**

**SECTION 4 (OFFENCE OF SMOKING OR  
USING A NICOTINE INHALING  
DEVICE IN SMOKE-FREE PREMISES  
OR VEHICLE)**

**HYSBYSIAD O GOSB BENODEDIG**

**FIXED PENALTY NOTICE**

**SWM Y GOSB: £50**

**PENALTY AMOUNT £50**

### RHAN 6

### PART 1

**COPI'R DERBYNNYDD**

**RECIPIENT COPY**

**Rhif yr hysbysiad o gosb**

**Penalty notice number**

**Enw llawn y troseddwr  
honedig**

**Full name of alleged offender**

**Cyfeiriad y troseddwr honedig**

**Address of alleged offender**

**Cod post**

**Post code**

**Dyddiad geni (os yw'n hysbys)**

**Date of birth (if known)**

**Rhyw**

**Sex**

*Gwryw*  
*Benyw*

*Male*  
*Female*

# DRAFT

Mae gennyf i,

I,

(*enw*), un o swyddogion awdurdodedig [enw'r awdurdod gorfodi], reswm i gredu eich bod wedi troseddu o dan

(*name*), an authorised officer of [name of enforcement authority] have reason to believe that you committed an offence under

adran 4(1)(a) o Ddeddf Iechyd y Cyhoedd (Cymru) 2016 (y drosedd o ysmegu mewn mangre ddi-fwg); neu

section 4(1)(a) of the Public Health (Wales) Act 2016 (offence of smoking in smoke free premises) ; or

adran 4(2)(a) o Ddeddf Iechyd y Cyhoedd (Cymru) 2016 (y drosedd o ddefnyddio dyfais mewnanadlu nicotin mewn mangre ddi-fwg);,

section 4(2)(a) of the Public Health (Wales) Act 2016 (offence of using a nicotine inhaling device in smoke-free premises),

mewn ardal y mae gan [enw'r awdurdod gorfodi] gyfrifoldebau gorfodi ynddi.

within an area in which [name of enforcement authority] has enforcement responsibilities.

Amgylchiadau'r drosedd honedig yw eich bod chi, am (*amser*)

The circumstances alleged to constitute the offence are that at (*time*)

o'r gloch ar (*dyddiad*)

on (*date*)

yn y man a ganlyn, (y lle y digwyddodd y drosedd honedig, gan gynnwys y cyfeiriad)

you, in the following place or premises (*where alleged offence took place, including address*):

, yn honedig, wedi (*manylion y drosedd*):

allegedly (*details of offence*):

Mae'r hysbysiad hwn yn rhoi cyfle ichi fodloni unrhyw atebolrwydd am gollfarn am y drosedd hon drwy dalu cosb benodedig o **£50 (pum deg o bunnoedd)**. Ni chychwynnir achos am y drosedd

This notice offers you the opportunity of discharging any liability for conviction for the offence by payment of a fixed penalty of **£50 (fifty pounds)**. No proceedings will be taken for this

# DRAFT

hon cyn diwedd cyfnod o 29 diwrnod sy'n dechrau  
gyda (y dyddiad y rhoddir yr hysbysiad hwn)

offence before the expiration of 29 days beginning  
with (date on which this notice is given)

Ni fyddwch yn agored i'ch collfarnu am y drosedd  
os talwch y gosb benodedig o fewn y cyfnod  
hwnnw. Yn y Ffurflen hon, cyfeirir at y cyfnod  
hwn fel y cyfnod o 29 diwrnod.

You will not be liable to conviction for the offence  
if you pay the fixed penalty within that period. In  
this Form this period is referred to as the 29 day  
period.

**Cewch dalu swm gostyngedig o £30 (tri deg o  
bunnoedd) os talwch o fewn y cyfnod o 15  
diwrnod sy'n dechrau gyda (y dyddiad y rhoddir  
yr hysbysiad hwn)**

**You can pay a discounted amount of £30 (thirty  
pounds) if you pay within the period of 15 days  
beginning with (date on which this notice is  
given)**

Os nad yw'r 15fed diwrnod yn ddiwrnod gwaith,  
caniateir ichi dalu ar y diwrnod gwaith nesaf(1).  
Yn y Ffurflen hon, cyfeirir at y cyfnod hwn fel y  
cyfnod o 15 diwrnod.

If the 15th day is not a working day, you may pay  
on the next working day(2). In this Form this  
period is referred to as the 15 day period.

Mae Rhan 2 o'r hysbysiad hwn yn cynnwys  
gwybodaeth y dylid rhoi sylw iddi ar unwaith gan  
y person y rhoddir yr hysbysiad iddo. Rhoddir  
manylion am sut i dalu'r gosb benodedig yn Rhan  
3 o'r hysbysiad hwn. Rhoddir manylion am sut i  
ofyn am wrandawriad llys ynglŷn â'r drosedd  
honedig hon yn Rhan 4 o'r hysbysiad hwn. **Os oes  
gennych unrhyw gwestiwn, neu os hoffech  
drafod yr hysbysiad hwn, cysylltwch â/ag [enw  
a chyfeiriad yr awdurdod gorfodi ynghyd â'i  
fanylion cyswllt].**

Information for the immediate attention of the  
person who has been issued this penalty notice is  
at Part 2 of this notice. Details about how to pay  
this fixed penalty are at Part 3 of this notice.  
Details about how to request a court hearing in  
relation to this alleged offence are at Part 4 of this  
notice. **If you have any questions, or if you wish  
to discuss this notice, please contact [name and  
address of enforcement authority and contact  
details].**

Llofnod y swyddog  
awdurdodedig

Signature of authorised officer

Dyddiad dyroddi

Date of issue

## **RHAN 2**

**GWYBODAETH AR GYFER SYLW PRYDLON  
Y PERSON Y RHODDIR YR HYSBYSIAD  
HWN IDDO:**

## **PART 2**

**INFORMATION FOR THE IMMEDIATE  
ATTENTION OF THE PERSON WHO HAS  
BEEN ISSUED WITH THIS NOTICE:**

- (1) Ystyr "diwrnod gwaith" yw unrhyw ddiwrnod nad yw'n ddydd Sadwrn, dydd Sul, Dydd Nadolig, dydd Gwener y Groglith nac unrhyw ddiwrnod sy'n wyl banc yng Nghymru a Lloegr o dan Deddf Bancio a Thrafodion Ariannol 1971.
- (2) "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.

# DRAFT

Rydych wedi cael yr hysbysiad hwn oherwydd bod gan swyddog awdurdodedig [enw'r awdurdod gorfodi] a enwir yn Rhan 1 o'r hysbysiad hwn reswm i gredu eich bod wedi cyflawni'r drosedd o ysmegu neu ddefnyddio dyfais mewnanadlu nicotin mewn mangre ddi-fwg fel y'i disgrifir yn Rhan 1. **O fewn y cyfnod o 29 diwrnod a bennir yn Rhan 1, rhaid ichi naill ai dalu'r gosb neu ofyn am wrandawriad i'r mater gerbron llys. Ni chewch wneud y ddau beth**

Os methwch â gwneud y naill beth neu'r llall, caiff [enw'r awdurdod gorfodi] ddwyn y mater gerbron llys. Mae person a geir yn euog o'r drosedd o ysmegu neu ddefnyddio dyfais mewnanadlu nicotin mewn mangre ddi-fwg yn agored, o'i gollfarnu'n ddiannod, i ddirwy nad yw'n fwy na lefel 1 ar y raddfa safonol.

You have received this notice because the authorised officer of [name of enforcement authority] named in Part 1 of this notice has reason to believe that you have committed the offence of smoking or using a nicotine inhaling device in smoke-free premises as described in Part 1. **Within the 29 day period specified in Part 1, you must either** pay the penalty or request that the matter be heard by a court. You may not do both.

If you fail to do either, [name of enforcement authority] may pursue this matter in court. A person found guilty of the offence of smoking or using a nicotine inhaling device in smoke-free premises is liable on summary conviction to a fine not exceeding level 1 on the standard scale.

DRAFT

# DRAFT

## RHAN 3

### TALU'R GOSB

Swm y gosb benodedig yw **£50 (pum deg o bunnoedd)**. Rhaid talu'r swm o fewn y cyfnod o 29 diwrnod a bennir yn Rhan 1.

Gallwch dalu swm gostyngol o **£30 (tri deg o bunnoedd)** os byddwch yn talu o fewn y cyfnod o 15 diwrnod a bennir yn Rhan 1.

Os byddwch yn dewis talu'r gosb hon, ni chymerir unrhyw gamau pellach mewn perthynas â'r drosedd honedig a ddisgrifir yn Rhan 1 o'r hysbysiad hwn. Nid yw talu'r gosb yn golygu eich bod yn cyfaddef eich bod yn euog, ac ni fydd yn achosi cofnod o gollfarn droseddol yn eich erbyn.

Gellir talu drwy lenwi Rhan 3A isod a'i hanfon ynghyd â'r taliad i'r cyfeiriad a nodir yn y Rhan honno, neu drwy gwblhau Rhan 3A isod a thalu'n bersonol yn [enw a chyfeiriad yr awdurdod gorfodi]. Mae'r dulliau talu derbyniol yn cynnwys arian parod, sic, archeb bost neu archeb arian, neu daliad ar-lein (pan fo ar gael).

Dylid gwneud sicciau, archebion post neu archebion arian yn daladwy i [enw'r awdurdod gorfodi]. [Gellir gwneud taliadau ar-lein ar [mewnosoder cyfeiriad y wefan]].

Os dewiswch dalu'r gosb hon gydag arian drwy'r post, rhaid ei anfon drwy bost cofrestredig, a rhaid cadw'r prawf o'r postio. Os oes arnoch angen derbynneb am dalu'r gosb, rhaid ichi ofyn am dderbynneb wrth dalu, ac os byddwch yn talu drwy'r post, rhaid ichi ddarparu amlen stampiedig wedi ei hunan-gyfeirio.

**RHYBUDD: NI DDERBYNNIR TALIADAU SY'N CYRRAEDD YN HWYR. NI FYDDWN YN ANFON NODYN ATGOFFA ATOCH.**

## RHAN 3A

**TALU COSB BENODEDIG A DDYRODDIR O DAN ADRAN 4 O DDEDDF IECHYD Y CYHOEDD (CYMRU) 2016 (Y DROSEDD O YSMYGU NEU DDEFNYDDIO DYFAIS MEWNANADLU NICOTIN MEWN MANGRE DDI-FWG NEU GERBYD DI-FWG )**

*Rhaid anfon y slip hwn gyda phob taliad*

At

## PART 3

### PAYING THE PENALTY

The amount of the fixed penalty is **£50 (fifty pounds)**. It must be paid within the 29 day period which is specified in Part 1.

You can pay a discounted amount of **£30 (thirty pounds)** if you pay within the 15 day period which is specified in Part 1.

If you choose to pay this penalty, no further action will be taken in respect of the alleged offence described at Part 1 of this notice. The payment of the penalty involves no admission of guilt and will not result in a record of criminal conviction being made against you.

Payment may be made by completing Part 3A below and sending it with payment to the address stated in that Part, or by completing Part 3A below and paying in person at [name and address of enforcement authority]. Acceptable methods of payment include cash, cheque, postal order or money order, or online payment (where available).

Cheques, postal orders or money orders should be made payable to [name of enforcement authority]. [Online payments [can be made at [insert website address]].

If you choose to pay this penalty in cash by post, this must be sent by registered post, and proof of posting must be retained. If you require a receipt for the payment of the penalty, you must ask for one at the time of payment, and if paying by post, you must provide a stamped, self-addressed envelope.

**WARNING: LATE PAYMENT WILL NOT BE ACCEPTED. YOU WILL NOT BE SENT A REMINDER.**

## PART 3A

**PAYMENT OF FIXED PENALTY ISSUED UNDER SECTION 4 OF THE PUBLIC HEALTH (WALES) ACT 2016 (OFFENCE OF SMOKING OR USING A NICOTINE INHALING DEVICE IN SMOKE-FREE PREMISES OR VEHICLE)**

*This slip must accompany all payments*

To

# DRAFT

[enw a chyfeiriad yr awdurdod  
gorfodi y dylid anfon y taliad ato] \_\_\_\_\_

[name and address of enforcement  
authority where payment should  
be sent]

**Rhif yr hysbysiad o gosb** \_\_\_\_\_

**Penalty notice number**

Yr wyf yn amgáu'r swm o  
(*ticiwch un blwch*)  
(os gwneir y taliad o fewn y  
cyfnod o 15 diwrnod a bennir yn  
Rhan 1)

£30

I enclose the amount of (*tick one  
box*)

(if the payment is made within the  
15 day period specified in Part 1)

(os gwneir y taliad o fewn y  
cyfnod o 29 diwrnod a bennir yn  
Rhan 1)

£50

(if the payment is made within the  
29 day period specified in Part 1)

Enw llawn y troseddwr honedig \_\_\_\_\_

Full name of alleged offender

Cyfeiriad y troseddwr honedig \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Address of alleged offender

Cod post \_\_\_\_\_

Post code

Llofnod \_\_\_\_\_

Signature

Dyddiad \_\_\_\_\_

Date

## **RHAN 4** **GOFYN AM WRANDAWIAD LLYS**

## **PART 4** **REQUESTING A COURT HEARING**

Os ydych yn dewis gofyn am wrandawriad llys, **rhaid** gwneud hynny o fewn y cyfnod o 29 diwrnod drwy lenwi Rhan 4A a'i hanfon at [enw'r awdurdod gorfodi], neu drwy ysgrifennu at [enw'r awdurdod gorfodi] yn y cyfeiriad a nodir yn Rhan 4A, gan roi eich manylion, rhif yr hysbysiad cosb (sydd i'w gael yn Rhan 1 o'r hysbysiad hwn) a'r cyfeiriad lle y gellir cyflwyno gwŷs i chi. Bydd y wŷs yn dweud wrthy ch ym mhle a pha bryd i fod yn bresennol yn y llys. Dim ond derbynnydd yr hysbysiad hwn (sef y person a enwir yn Rhan 1) gaiff ofyn am wrandawriad llys.

If you choose to request a court hearing, you **must** do so within the 29 day period by completing Part 4A and sending it to [name of enforcement authority], or by writing to [name of enforcement authority] at the address stated in Part 4A, giving your details, the penalty notice number (which can be found in Part 1 of this notice) and an address at which a summons can be served on you. The summons will tell you when and where to attend court. Only the recipient of this notice (the person named at Part 1) may request a court hearing.

## **RHAN 4A** **DEDDF IECHYD Y CYHOEDD (CYMRU)** **2016:**

**ADRAN 4 (Y DROSEDD O YSMYGU NEU  
DDEFNYDDIO DYFAIS MEWNANADLU  
NICOTIN MEWN MANGRE DDI-FWG**

## **PART 4A** **PUBLIC HEALTH (WALES) 2016:**

**SECTION 4 (OFFENCE OF SMOKING OR  
USING A NICOTINE INHALING DEVICE IN  
SMOKE-FREE PREMISES OR VEHICLE)**

# DRAFT

NEU GERBYD DI-FWG)

CAIS AM I LYS BARN YMDRIN Â'R  
DROSEDD HONEDIG

REQUEST FOR ALLEGED OFFENCE TO BE  
DEALT WITH BY A COURT OF LAW

At  
[enw a chyfeiriad yr awdurdod  
gorfodi y dylid anfon rhan 4A ato]

To  
[name and address of  
enforcement authority  
where part 4A should  
be sent]

**Rhif yr hysbysiad o gosb**

**Penalty notice number**

Rwyf yn dymuno i lys barn ddelio â mi ynglŷn  
â'r drosedd honedig.

I wish to be dealt with by a  
court of law for the alleged  
offence.

Enw llawn y troseddwr honedig

Full name of alleged  
offender

Cyfeiriad y troseddwr honedig

Address of alleged  
offender

Cod post

Post code

Llofnod

Signature

Dyddiad

Date