

PUBLIC HEALTH (WALES) BILL – STAGE 2 GOVERNMENT AMENDMENTS

This table provides information about the amendments tabled in the name of Mark Drakeford AM on 19 January 2016.

No.	GOVERNMENT AMENDMENT	GWELLIANT Y LLYWODRAETH	PURPOSE AND EFFECT
142.	Long title, page 1, line 6, after ‘toilets;’ insert ‘about fixed penalty receipts for food hygiene rating offences;’.	Teitl hir, tudalen 1, llinell 6, ar ôl ‘cyhoeddus;’, mewnosoder ‘ynghylch derbyniadau cosb benodedig ar gyfer troseddau sgorio hylendid bwyd;’.	<p>The purpose of this amendment is to insert additional wording to the long title of the Bill.</p> <p>The effect of the amendment is to bring amendment 216 within the scope of the Bill. The amendment should be considered alongside amendments 144 and 216.</p>
143.	<p>Section 1, page 1, line 14, leave out</p> <p>‘and the use of nicotine inhaling devices in workplaces and public places;</p> <p>(b) confers power on the Welsh Ministers to make regulations restricting smoking and the use of nicotine inhaling devices in other premises, and in’</p> <p>and insert—</p> <p>‘in workplaces and public places, and confers power on the Welsh Ministers to make regulations restricting smoking in other premises, and in vehicles;</p> <p>(i) makes provision restricting the</p>	<p>Adran 1, tudalen 1, llinell 14, hepgorer</p> <p>‘a’r defnydd o ddyfeisiau mewnanadlu nicotin mewn gweithleoedd a mannau cyhoeddus;</p> <p>(b) rhoi pŵer i Weinidogion Cymru i wneud rheoliadau sy’n cyfyngu ar ysmegu a’r defnydd o ddyfeisiau mewnanadlu nicotin mewn mangroedd eraill, ac mewn cerbydau’</p> <p>a mewnosoder—</p> <p>‘mewn gweithleoedd a mannau cyhoeddus, ac mae’r rhoi pŵer i Weinidogion Cymru i wneud rheoliadau sy’n cyfyngu ar ysmegu mewn mangroedd eraill, ac mewn cerbydau;</p>	<p>The purpose of this amendment is to revise the wording of the overview section in order to make it clear that different provision is made for smoking and nicotine inhaling devices.</p> <p>The effect of this amendment is to provide an overview that whilst smoking is restricted in workplaces and public places, with the power to restrict smoking in other premises and vehicles by regulations, the use of nicotine inhaling devices (NIDs) is to be restricted only in specific premises and vehicles, with the power to restrict NID use in other premises and vehicles by regulations.</p>

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	<p>use of nicotine inhaling devices in premises listed in Schedule [<i>Schedule to be inserted by amendment 221</i>] and in certain vehicles used for public transport and school transport, and confers power on the Welsh Ministers to make regulations restricting the use of nicotine inhaling devices in other premises and'</p>	<p>() gwneud darpariaeth sy'n cyfyngu ar y defnydd o ddyfeisiau mewnanadlu nicotin mewn mangreoedd a restrir yn Atodlen [<i>yr Atoden sy'n cael ei mewnosod gan welliant 221</i>] ac mewn cerbydau penodol a ddefnyddir ar gyfer trafndiaeth gyhoeddus a chludiant i'r ysgol, ac mae'n rhoi pŵer i Weinidogion Cymru i wneud rheoliadau sy'n cyfyngu ar y defnydd o ddyfeisiau mewnanadlu nicotin mewn mangreoedd a cherbydau eraill'</p>	
144.	<p>Section 1, page 2, after line 14, insert—</p> <p>() Part [<i>Part to be inserted by amendment 216</i>] makes provision about the use of fixed penalty receipts in respect of food hygiene rating offences.'</p>	<p>Adran 1, tudalen 2, ar ôl llinell 16, mewnosoder—</p> <p>() Mae Rhan [<i>y Rhan sy'n cael ei mewnosod gan welliant 216</i>] yn gwneud darpariaeth ynghylch y defnydd a wneir o dderbyniadau cosb benodedig mewn cysylltiad â throseddau sgorio hylendid bwyd.'</p>	<p>The purpose of this amendment is to insert a new subsection to the overview section of the Bill.</p> <p>The effect of the amendment is to reflect the provision about of the use of fixed penalty receipts for offences introduced by amendment 216 in the section providing an overview of the main provisions in the Bill. The amendment should be considered alongside amendments 142 and 216.</p>
145.	<p>Section 2, page 2, line 28, leave out 'are to a device</p>	<p>Adran 2, tudalen 2, llinell 32, hepgorer 'yn gyfeiriadau at</p>	<p>The purpose of this amendment is to make</p>

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	enabling the inhalation of nicotine via a mouth piece (whether or not the device also enables any other substance to be inhaled) and insert '(or "NID") are to a device designed or adapted for the purpose of inhaling nicotine via a mouth piece (whether or not it is also designed or adapted for other purposes)'.	ddyfais sy'n galluogi i nicotin gael ei fewnanadlu drwy getyn ceg (pa un a yw'r ddyfais hefyd yn galluogi i unrhyw sylwedd arall gael ei fewnanadlu' a mewnosoder '(neu "DMN") yn gyfeiriadau at ddyfais sydd wedi ei dylunio neu ei haddasu at ddiben mewnanadlu nicotin drwy getyn ceg (pa un a yw hefyd wedi ei dylunio neu ai haddasu at ddibenion eraill'.	changes to the definition of a nicotine inhaling device (NID). The amendment should be read in conjunction with amendment 146, which makes further changes to the definition. The effect of this amendment is to provide additional clarity to the definition of 'nicotine inhaling device'. It makes clear that devices that are designed solely or partly for the inhalation of nicotine via a mouth piece, or are adapted for such a purpose, are included in the definition for the purposes of this Chapter of the Bill. This clarifies that refillable NIDs are covered by the definition whether they are filled with nicotine e-liquid or not.
146.	Section 2, page 2, line 31, leave out 'intended to be used for the consumption of lit tobacco' and insert 'being used for smoking'.	Adran 2, tudalen 2, llinell 36, hepgorer 'y bwriedir ei defnyddio i gymryd tybaco sydd wedi ei danio' a mewnosoder 'sy'n cael ei defnyddio i ysmegu'.	The purpose of this amendment is to make changes to the definition of 'nicotine inhaling device'. This amendment should be read in conjunction with amendment 145. The effect of the amendment is to provide additional clarity to the definition of a nicotine inhaling device by making clear that it excludes devices actually being used for smoking. The amendment therefore clarifies that devices that are actually being used for smoking, rather than those that are intended to be used for smoking, are excluded from the definition. Such devices are caught by the definition of smoking set out in section 2(1).

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147.	Section 2, page 3, line 2, after 'vapour', insert 'or aerosol'.	Adran 2, tudalen 3, llinell 2, ar ôl 'anwedd', mewnosoder 'neu erosol'.	<p>The purpose of this amendment is to insert the words 'or aerosol' to the definition of "using a nicotine inhaling device".</p> <p>The effect of this amendment is to ensure that devices involving the inhalation of aerosol are captured by the definition of 'using a nicotine inhaling device'.</p>
148.	<p>Section 3, page 3, line 4, leave out 'enabling the inhalation of a substance, or descriptions of such devices, to which this Chapter is to apply'</p> <p>and insert-</p> <p>'or descriptions of devices, to which this Chapter is to apply.</p> <p>() Regulations under subsection (1) may only specify devices, or descriptions of devices, that enable the inhalation of a substance.</p> <p>() The regulations may make different provision in respect of different substances or descriptions of substances'.</p>	<p>Adran 3, tudalen 3, llinell 4, hepgorer 'sy'n galluogi i sylwedd gael ei fewnanadlu, neu ddisgrifiadau o'r dyfeisiau hynny, y mae'r Bennod hon i fod yn gymwys iddynt'</p> <p>a mewnosoder-</p> <p>' , neu ddisgrifiadau o ddyfeisiau, y mae'r Bennod hon i fod yn gymwys iddynt.</p> <p>() Ni chaiff rheoliadau o dan is-adran (1) ond pennu dyfeisiau neu ddisgrifiadau o ddyfeisiau sy'n galluogi i sylwedd gael ei fewnanadlu.</p> <p>() Caiff y rheoliadau wneud darpariaeth wahanol mewn cysylltiad â sylweddau gwahanol neu ddisgrifiadau gwahanol o sylweddau'.</p>	<p>The purpose of this amendment is to make changes to the Welsh Ministers' regulation making power at section 3(1) to specify further inhaling devices as falling within the definition of 'nicotine inhaling device'.</p> <p>The effect of this amendment is to allow the Welsh Ministers' regulations under section 3(1) to make different provision for different substances or descriptions of substances.</p>
149.	Page 3, after line 34, insert a new section— [] Offence of using a nicotine inhaling device in	Tudalen 3, ar ôl llinell 37, mewnosoder adran newydd— [] Y drosedd o ddefnyddio dyfais mewnanadlu	The purpose of this amendment is to insert a new section which provides for the offence of

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	<p>NID-free premises or vehicle</p> <p>(1) A person commits an offence if the person uses a nicotine inhaling device—</p> <p>(a) in NID-free premises;</p> <p>(b) in a NID-free vehicle.</p> <p>(2) For provision about NID-free premises, see section <i>[section to be inserted by amendment 154]</i>.</p> <p>(3) For provision about NID-free vehicles, see sections <i>[section to be inserted by amendment 156]</i> and <i>[section to be inserted by amendment 157]</i>.</p> <p>(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 NID-free premises or a NID-free vehicle.</p> <p>(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</p>	<p>nicotin mewn mangre ddi-DMN neu gerbyd di-DMN</p> <p>(1) Mae person yn cyflawni trosedd os yw'r person yn defnyddio dyfais mewnanadlu nicotin—</p> <p>(a) mewn mangre ddi-DMN;</p> <p>(b) mewn cerbyd di-DMN.</p> <p>(2) Am ddarpariaeth ynghylch mangreoedd di-DMN, gweler adran <i>[yr adran sy'n cael ei mewnosod gan welliant 154]</i>.</p> <p>(3) Am ddarpariaeth ynghylch cerbydau di-DMN, gweler adrannau <i>[yr adran sy'n cael ei mewnosod gan welliant 156]</i> ac <i>[yr adran sy'n cael ei mewnosod gan welliant 157]</i>.</p> <p>(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-DMN neu'n gerbyd di-DMN.</p> <p>(5) Os yw person sydd wedi ei gyhuddo o drosedd o dan yr adran hon yn dibynnu ar yr amddiffyniad yn is-adran</p>	<p>using a nicotine inhaling device in NID-free premises or vehicles.</p> <p>The effect of this amendment is to create a new offence of using a nicotine inhaling device in NID-free premises or vehicles; along with an associated defence. This means that the use of nicotine inhaling devices will be prohibited in these settings with an offence punishable by a fine not exceeding Level 1 on the standard scale. Details of the premises and vehicles to which this offence apply are provided in amendments 154, 155, 156, 157 and 221. The amendment should therefore be considered alongside these amendments.</p>

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	<p>beyond reasonable doubt that it is not.</p> <p>(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.’.</p>	<p>(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.</p> <p>(6) Mae person sy'n euog o drosedd o dan yr adran hon yn agored ar gollfarn ddiannod i ddirwy nad yw'n uwch na lefel 1 ar y raddfa safonol.’.</p>	
150.	<p>Page 4, after line 23, insert a new section—</p> <p>‘[] Offence of failing to prevent use of a nicotine inhaling device in NID-free premises</p> <p>(1) A person who controls or is concerned in the management of premises which are NID-free by virtue of section [section to be inserted by amendment 154] must take reasonable steps to cause a person using a nicotine inhaling device there to stop using the device.</p> <p>(2) Regulations may provide for a duty corresponding to that mentioned in subsection (1) to be imposed, in relation to vehicles which are NID-free by virtue of section [section to be inserted by amendment 156] or treated</p>	<p>Tudalen 4, ar ôl llinell 26, mewnosoder adran newydd—</p> <p>‘[] Y drosedd o fethu ag atal y defnydd o ddyfais mewnanadlu nicotin mewn mangre ddi-DMN</p> <p>(1) Rhaid i berson a chanddo reolaeth dros fangre sy'n ddi-DMN neu sy'n ymwneud â rheoli mangre sy'n ddi-DMN yn rhinwedd adran [yr adran sy'n cael ei mewnosod gan welliant 154] gymryd camau rhesymol i beri i berson sy'n defnyddio dyfais mewnanadlu nicotin yno beidio â defnyddio'r ddyfais.</p> <p>(2) Caiff rheoliadau ddarparu i ddyletswydd sy'n cyfateb i'r un a grybyyllir yn is-adran (1) gael ei gosod, mewn perthynas â cherbydau</p>	<p>The purpose of this amendment is to insert a new section which provides for the offence of failing to prevent use of a nicotine inhaling device in NID-free premises or vehicles.</p> <p>The effect of this amendment is to create a new offence of failing to prevent use of a nicotine inhaling device in NID-free premises, with a power to extend the offence to NID-free vehicles. The section also provides for a defence. This means that those in charge of premises in which the use of nicotine inhaling devices is prohibited must enforce that prohibition, with an offence for failure to do so punishable by a fine not exceeding Level 3 on the standard scale. This is a lower maximum penalty than that for failing to prevent smoking in smoke-free premises, which is a fine not exceeding Level 4 on the standard scale. Details of premises and vehicles covered by</p>

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	<p>as NID-free by virtue of section [section to be inserted by amendment 157], on a person, or description of person, specified in the regulations.</p> <p>(3) A person who fails to comply with the duty in subsection (1), or any corresponding duty in regulations under subsection (2), commits an offence.</p> <p>(4) 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 using a nicotine inhaling device.</p> <p>(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.</p> <p>(6) 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.'</p>	<p>sy'n ddi-DMN yn rhinwedd adran [yr adran sy'n cael ei mewnosod gan welliant 156] neu a drinnir fel pe baent yn ddi-DMN yn rhinwedd adran [yr adran sy'n cael ei mewnosod gan welliant 157], ar berson, neu ddisgrifiad o berson, a bennir yn y rheoliadau.</p> <p>(3) Mae person sy'n methu â chydymffurfio â'r ddyletswydd yn is-adran (1), neu unrhyw ddyletswydd gyfatebol mewn rheoliadau o dan is-adran (2), yn cyflawni trosedd.</p> <p>(4) 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 defnyddio dyfais mewnanadlu nicotin.</p> <p>(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.</p>	<p>this offence are provided in amendments 154, 155, 156, 157 and 221.</p>

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		(6) Mae person sy'n euog o drosedd o dan yr adran hon yn agored ar gollfarn ddiannod i ddirwy nad yw'n uwch na lefel 3 ar y raddfa safonol.'	
151.	Section 6, page 5, line 7, leave out subsection (7).	Adran 6, tudalen 5, llinell 7, hepgorer is-adran (7).	<p>The purpose of this amendment is to remove section 6(7).</p> <p>The effect of this amendment is that the Welsh Ministers' power under section 6(7) to further specify what "enclosed" and "substantially enclosed" means in relation to smoke-free workplaces and premises open to the public is removed. This amendment should be considered alongside amendment 173, which inserts an equivalent power into section 20.</p>
152.	Section 9, page 6, line 22, leave out subsection (4).	Adran 9, tudalen 6, llinell 21, hepgorer is-adran (4).	<p>The purpose of this amendment is to remove section 9(4).</p> <p>The effect of this amendment is to remove the definition of "vehicle" from section 9(4).</p> <p>This amendment should be read alongside amendment 172, which inserts the definition of "vehicle" into section 20.</p>
153.	Section 9, page 6, line 24, leave out 'But'.	Adran 9, tudalen 6, llinell 23, hepgorer 'Ond'.	The purpose of this amendment is to remove the word "But" from section 9(5).

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			Consequential to amendment 152.
154.	<p>Page 7, after line 18, insert a new section —</p> <p style="text-align: center;"><i>'NID-free premises</i></p> <p>[] NID-free premises</p> <p>(1) Schedule [<i>Schedule to be inserted by amendment 221</i>] makes provision about NID-free premises.</p> <p>(2) Premises in Wales listed in Part 1 of Schedule [<i>Schedule to be inserted by amendment 221</i>] are NID-free for the purposes of this Chapter to the extent mentioned in that Part (but see subsection (4)).</p> <p>(3) So far as they are not NID-free by virtue of subsection (2), premises in Wales listed in Part 2 of Schedule [<i>Schedule to be inserted by amendment 221</i>] are NID-free for the purposes of this Chapter to the extent mentioned in that Part (but see subsection (4)).</p> <p>(4) So far as premises listed in Part 1 or Part 2 of Schedule [<i>Schedule to be inserted by amendment 221</i>] come within Part 3 of that Schedule, the premises are not NID-free for the</p>	<p>Tudalen 7, ar ôl llinell 20, mewnosoder adran newydd—</p> <p style="text-align: center;"><i>'Mangreoedd di-DMN</i></p> <p>[] Mangreoedd di-DMN</p> <p>(1) Mae Atodlen [<i>yr Atoden sy'n cael ei mewnosod gan welliant 221</i>] yn gwneud darpariaeth ynghylch mangreoedd di-DMN.</p> <p>(2) Mae mangre yng Nghymru a restrir yn Rhan 1 o Atodlen [<i>yr Atoden sy'n cael ei mewnosod gan welliant 221</i>] yn ddi-DMN at ddibenion y Bennod hon i'r graddau a grybwyllir yn y Rhan honno (ond gweler is-adran (4)).</p> <p>(3) I'r graddau nad yw'n ddi-DMN yn rhinwedd is-adran (2), mae mangre yng Nghymru a restrir yn Rhan 2 o Atodlen [<i>yr Atoden sy'n cael ei mewnosod gan welliant 221</i>] yn ddi-DMN at ddibenion y Bennod hon i'r graddau a grybwyllir yn y Rhan honno (ond gweler is-adran (4)).</p> <p>(4) I'r graddau y mae mangreoedd a restrir yn Rhan 1 neu Ran 2 o Atodlen [<i>yr Atoden sy'n cael ei mewnosod gan welliant 221</i>] yn dod o fewn Rhan 3 o'r</p>	<p>The purpose of this amendment is to insert a new section which makes provision about NID-free premises.</p> <p>The effect of this amendment is to provide for a Schedule (amendment 221), which lists the premises which are NID-free for the purposes of this Chapter. This will mean that the use of a nicotine inhaling device will be prohibited in these premises. It also enables regulations to be made by the Welsh Ministers to add premises to, or remove premises from, the list in the Schedule, or to vary their description. Premises can only be added to the list if the Welsh Ministers are satisfied that doing so is likely to contribute towards the promotion of the health of the people of Wales.</p>

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	<p>purposes of this Chapter.</p> <p>(5) Regulations may amend Schedule [Schedule to be inserted by amendment 221] by—</p> <p>(a) adding premises to Part 1, Part 2 or Part 3 of the Schedule;</p> <p>(b) removing premises from Part 1, Part 2 or Part 3 of the Schedule;</p> <p>(c) varying a description of premises in Part 1, Part 2 or Part 3 of the Schedule.</p> <p>(6) But premises are not to be added to Part 1 or Part 2 of Schedule [Schedule to be inserted by amendment 221] by regulations under subsection (5) unless—</p> <p>(a) the premises in question are smoke-free premises by virtue of section 6 (workplaces) or 7 (premises that are open to the public), or are treated as smoke-free premises by virtue of section 8, and</p> <p>(b) the Welsh Ministers are satisfied that adding the</p>	<p>Atodlen honno, nid yw'r fangre yn ddi-DMN at ddibenion y Bennod hon.</p> <p>(5) Caiff rheoliadau ddiwygio Atodlen [yr Atodlen sy'n cael ei mewnosod gan welliant 221] drwy—</p> <p>(a) ychwanegu mangre at Ran 1, Rhan 2 neu Ran 3 o'r Atodlen;</p> <p>(b) dileu mangre oddi ar Ran 1, Rhan 2 neu Ran 3 o'r Atodlen;</p> <p>(c) amrywio disgrifiad o fangre yn Rhan 1, Rhan 2 neu Ran 3 o'r Atodlen.</p> <p>(6) Ond nid yw mangre i gael ei hychwanegu at Ran 1 neu Ran 2 o Atodlen [yr Atoden sy'n cael ei mewnosod gan welliant 221] drwy reoliadau o dan is-adran (5) oni bai—</p> <p>(a) bod y fangre o dan sylw yn fangre ddi-fwg yn rhinwedd adran 6 (gweithleoedd) neu 7 (mangreoedd sydd ar agor i'r cyhoedd), neu i gael ei thrin fel mangre ddi-fwg yn rhinwedd adran 8, a</p> <p>(b) bod Gweinidogion Cymru</p>	

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	<p>premises in question to the Part concerned is likely to contribute towards the promotion of the health of the people of Wales.</p>	<p>wedi eu bodloni bod ychwanegu'r fangre o dan sylw at y Rhan o dan sylw yn debygol o gyfrannu at hybu iechyd pobl Cymru.'</p>	
155.	<p>Page 7, after line 18, insert a new section—</p> <p>['] NID-free premises: designation of premises in Part 2 of Schedule [Schedule to be inserted by amendment 221]</p> <p>(1) The person in charge of premises listed in Part 2 of Schedule [Schedule to be inserted by amendment 221] may designate any room or area in the premises as being a room or area in which the use of a nicotine inhaling device is to be permitted, and to that extent the premises are to be treated as not being NID-free for the purposes of this Chapter.</p> <p>(2) Regulations may make provision—</p> <p>(a) specifying conditions to be met before any room or area may be designated under subsection (1),</p> <p>(b) requiring the keeping of records of designations, and</p>	<p>Tudalen 7, ar ôl llinell 20, mewnosoder adran newydd—</p> <p>['] Mangreoedd di-DMN: dynodi mangreoedd yn Rhan 2 o Atodlen [yr Atoden sy'n cael ei mewnosod gan welliant 221]</p> <p>(1) Caiff y person a chanddo ofal am fangre a restrir yn Rhan 2 o Atodlen [yr Atoden sy'n cael ei mewnosod gan welliant 221] ddynodi unrhyw ystafell neu ardal yn y fangre yn ystafell neu'n ardal lle y mae defnyddio dyfais mewnanadlu nicotin i gael ei ganiatáu, ac i'r graddau hynny mae'r fangre i gael ei thrin fel pe na bai'n ddi-DMN at ddbenion y Bennod hon.</p> <p>(2) Caiff rheoliadau wneud darpariaeth—</p> <p>(a) sy'n pennu amodau sydd i gael eu bodloni cyn y caniateir i unrhyw ystafell neu ardal gael ei dynodi o dan is-adran (1),</p> <p>(b) sy'n ei gwneud yn ofynnol cadw cofnodion o</p>	<p>The purpose of this amendment is to insert a new section which allows those in charge of certain premises made NID-free by amendment 154 to designate areas of those premises as not NID-free. It also enables regulations to be made by the Welsh Ministers to specify conditions in which such a designation can be made.</p> <p>The effect of this amendment is that the persons in charge of those premises listed in Part 2 of the Schedule introduced by amendment 221 may designate rooms or areas as not NID-free, subject to conditions which may be made in regulations. This means that use of nicotine inhaling devices will be permitted within these areas of the premises if they are correctly designated as not being NID-free.</p>

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	(c) about the circumstances in which a designation is to cease to have effect.’	ddynodiadau, ac (c) ynghylch yr amgylchiadau y mae dynodiad i beidio â chael effaith odanynt.’	
156.	<p>Page 7, after line 18, insert a new section—</p> <p><i>‘NID-free vehicles</i></p> <p>[] Vehicles used for public transport and school transport</p> <p>(1) A vehicle in Wales that is being used for public transport or for school transport is NID-free for the purposes of this Chapter.</p> <p>(2) A vehicle is being used for public transport for the purpose of this section if—</p> <p>(a) it is a tram or train that is being used for the transport of members of the public, or</p> <p>(b) it is being used in the provision of a local service.</p> <p>(3) In subsection (2)(b) “local service” has the meaning given by section 2 of the Transport Act 1985 (c. 67) (provision of local services by public service vehicles).</p>	<p>Tudalen 7, ar ôl llinell 20, mewnosoder adran newydd—</p> <p><i>‘Cerbydau di-DMN</i></p> <p>[] Cerbydau a ddefnyddir ar gyfer trafndiaeth gyhoeddus a chludiant i’r ysgol</p> <p>(1) Mae cerbyd yng Nghymru sy’n cael ei ddefnyddio ar gyfer trafndiaeth gyhoeddus neu ar gyfer cludiant i’r ysgol yn ddi-DMN at ddibenion y Bennod hon.</p> <p>(2) Mae cerbyd yn cael ei ddefnyddio ar gyfer trafndiaeth gyhoeddus at ddiben yr adran hon—</p> <p>(a) os yw’n dram neu’n drên sy’n cael ei ddefnyddio i gludo aelodau o’r cyhoedd, neu</p> <p>(b) os yw’n cael ei ddefnyddio i ddarparu gwasanaeth lleol.</p> <p>(3) Yn is-adran (2)(b), mae i “gwasanaeth lleol” yr ystyr a roddir i “local service” gan adran 2 o Ddeddf Trafnidiaeth 1985 (p.67) (darparu gwasanaethau</p>	<p>The purpose of this amendment is to insert a new section which makes provision about NID-free vehicles used for public transport and school transport.</p> <p>The effect of this amendment is to make vehicles used for public transport and school transport NID-free. Regulations may allow for vehicles to be treated as not NID-free in specified circumstances and/or times, and/or areas and/or if specific conditions are satisfied.</p>

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	<p>(4) A vehicle is being used for school transport for the purpose of this section if—</p> <p>(a) it is being used for the purposes of travel arrangements made by a local authority under section 3, 4 or 6 of the Learner Travel (Wales) Measure 2008 (nawm 2) or regulations made under section 7 or 8 of that Measure (travel to and from places where learners receive education and training), or</p> <p>(b) it is being used for the purposes of arrangements made by the proprietor of a school to enable children to travel to and from the school, to attend school trips or other activities or events connected with the school.</p> <p>(5) In subsection (4)—</p> <p>“proprietor” (“<i>perchennog</i>”) has the meaning given by section 579(1) of the Education Act 1996 (c.56);</p> <p>“vehicle” (“<i>cerbyd</i>”) does not</p>	<p>lleol gan gerbydau gwasanaeth cyhoeddus).</p> <p>(4) Mae cerbyd yn cael ei ddefnyddio ar gyfer cludiant i'r ysgol at ddiben yr adran hon—</p> <p>(a) os yw'n cael ei ddefnyddio at ddibenion trefniadau teithio a wneir gan awdurdod lleol o dan adran 3, 4 neu 6 o Fesur Teithio gan Ddysgwyr (Cymru) 2008 (mccc 2) neu reoliadau a wneir o dan adran 7 neu 8 o'r Mesur hwnnw (teithio i fannau lle y mae dysgwyr yn cael addysg a hyfforddiant ac oddi yno), neu</p> <p>(b) os yw'n cael ei ddefnyddio at ddibenion trefniadau a wneir gan berchennog ysgol i alluogi plant i deithio i'r ysgol ac oddi yno, i fynd ar dripiâu ysgol neu i gymryd rhan mewn gweithgareddau neu ddigwyddiadau eraill sy'n gysylltiedig â'r ysgol.</p> <p>(5) Yn is-adran (4)—</p> <p>nid yw “cerbyd” (“<i>vehicle</i>”) yn cynnwys awyren ac nid yw'n cynnwys llong na</p>	

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	include an aircraft nor does it include a ship or hovercraft within subsection (6).	hofrenfad o fewn is-adran (6);	
(6)	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).	mae i "perchennog" yr ystyr a roddir i "proprietor" gan adran 579(1) o Ddeddf Addysg 1996 (p.56).	
(7)	Regulations may provide for a vehicle, or a specified description of vehicle, that would otherwise be a NID-free vehicle by virtue of subsection (1) to be treated as not being a NID-free vehicle for the purposes of this Chapter.	(6) 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).	
(8)	The regulations may provide, in relation to any vehicle or description of vehicle specified in the regulations, that it is to be treated as not being a NID-free vehicle—	(7) Caiff rheoliadau ddarparu i gerbyd, neu ddisgrifiad penodedig o gerbyd, a fyddai fel arall yn gerbyd di-DMN yn rhinwedd is-adran (1), gael ei drin fel pe na bai'n gerbyd di-DMN at ddibenion y Bennod hon.	
(a)	in specified circumstances,	(8) Caiff y rheoliadau ddarparu, mewn perthynas ag unrhyw gerbyd neu ddisgrifiad o gerbyd a bennir yn y rheoliadau, ei fod i gael ei drin fel pe na bai'n gerbyd di-DMN—	
(b)	at specified times,	(a) o dan amgylchiadau penodedig,	
(c)	in specified areas, or	(b) ar adegau penodedig,	
(d)	if specified conditions are satisfied,		

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	or any combination of these.’.	<p>(c) mewn ardaloedd penodedig, neu</p> <p>(d) os yw amodau penodedig wedi eu bodloni,</p> <p>neu unrhyw gyfuniad o’r rhain.’.</p>	
157.	<p>Page 7, after line 18, insert a new section—</p> <p>[] Additional NID-free vehicles</p> <p>(1) Regulations may provide for a vehicle in Wales, or description of vehicle in Wales, that is not NID-free by virtue of section [section to be inserted by amendment 156] to be treated as a NID-free vehicle for the purposes of this Chapter.</p> <p>(2) The regulations may not provide for a vehicle, or description of vehicle, to be treated as a NID-free vehicle unless—</p> <p>(a) the vehicle, or vehicles of the description concerned, are smoke free by virtue of section 9, and</p> <p>(b) the Welsh Ministers are satisfied that providing for the vehicle, or vehicles of that description, to be treated as</p>	<p>Tudalen 7, ar ôl llinell 20, mewnosoder adran newydd—</p> <p>[] Cerbydau di-DMN ychwanegol</p> <p>(1) Caiff rheoliadau ddarparu i gerbyd yng Nghymru, neu ddisgrifiad o gerbyd yng Nghymru, nad yw’n ddi-DMN yn rhinwedd adran [yr adran sy’n cael ei mewnosod gan welliant 156], gael ei drin fel cerbyd di-DMN at ddibenion y Bennod hon.</p> <p>(2) Ni chaiff y rheoliadau ddarparu i gerbyd, neu ddisgrifiad o gerbyd, gael ei drin fel cerbyd di-DMN oni bai—</p> <p>(a) bod y cerbyd, neu’r cerbydau o’r disgrifiad o dan sylw, yn ddi-fwg yn rhinwedd adran 9, a</p> <p>(b) bod Gweinidogion Cymru wedi eu bodloni bod darparu i’r cerbyd gael ei drin fel cerbyd di-fwg, neu ddarparu</p>	<p>The purpose of this amendment is to insert a new section which allows the Welsh Ministers to specify additional NID-free vehicles in regulations.</p> <p>The effect of this amendment is to allow the Welsh Ministers to specify additional NID-free vehicles in regulations, as long as they are satisfied that doing so is likely to contribute towards the promotion of the health of the people of Wales and that the vehicles in question are smoke-free vehicles. Such vehicles could be designated as NID-free in specified circumstances and/or areas. The regulations may also provide for exemptions from the NID-free requirements. A ship or hovercraft within subsection (5) may not be treated as a NID-free vehicle.</p>

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	<p>NID-free is likely to contribute towards the promotion of the health of the people of Wales.</p> <p>(3) The regulations may, among other things, make provision—</p> <p>(a) for the circumstances in which vehicles are to be treated as NID-free (including by reference to the age of any person in the vehicle);</p> <p>(b) for vehicles to be treated as NID-free only in specified areas, or except in specified areas;</p> <p>(c) for exemptions.</p> <p>(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 NID-free vehicle.</p> <p>(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).’</p>	<p>i'r cerbydau o'r disgrifiad hwnnw gael eu trin fel cerbydau di-fwg, yn debygol o gyfrannu at hybu iechyd pobl Cymru.</p> <p>(3) Caiff y rheoliadau, ymhlith pethau eraill, wneud darpariaeth—</p> <p>(a) ar gyfer yr amgylchiadau y mae cerbydau i gael eu trin fel pe baent yn ddi-DMN odanynt (gan gynnwys drwy gyfeirio at oedran unrhyw berson yn y cerbyd);</p> <p>(b) i gerbydau gael eu trin fel pe baent yn ddi-DMN mewn ardaloedd penodedig yn unig, neu ac eithrio mewn ardaloedd penodedig;</p> <p>(c) ar gyfer esemptiadau.</p> <p>(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-DMN.</p> <p>(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</p>	

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		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).'	
158.	<p>Page 8, after line 15, insert a new section—</p> <p>['] Signs: NID-free premises</p> <p>(1) A person who occupies or is concerned in the management of NID-free premises must make sure that signs are displayed in those premises in accordance with regulations under this subsection.</p> <p>(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).</p> <p>(3) Regulations under this subsection may provide for a duty corresponding to that mentioned in subsection (1) to be imposed, in relation to vehicles which are NID-free by virtue of section [section to be inserted by amendment 156] or treated as NID-free by virtue of section [section to be inserted by</p>	<p>Tudalen 8, ar ôl llinell 17, mewnosoder adran newydd—</p> <p>['] Arwyddion: mangreoedd di-DMN</p> <p>(1) Rhaid i berson sy'n meddiannu mangre ddi-DMN neu sy'n ymwneud â rheoli mangre ddi-DMN sicrhau bod arwyddion yn cael eu harddangos yn y fangre honno yn unol â rheoliadau o dan yr is-adran hon.</p> <p>(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).</p> <p>(3) Caiff rheoliadau o dan yr is-adran hon ddarparu i ddyletswydd sy'n cyfateb i'r un a grybwyllir yn is-adran (1) gael ei gosod, mewn perthynas â cherbydau sy'n ddi-DMN yn rhinwedd adran [yr adran sy'n cael ei mewnosod gan welliant 156] neu a drinnir fel pe baent yn ddi-DMN yn rhinwedd adran [yr</p>	<p>The purpose of this amendment is to insert a new section regarding the display of signs in NID-free premises.</p> <p>The effect of this amendment is that signs must be displayed in NID-free premises in accordance with regulations to be made by the Welsh Ministers. This would make those NID-free premises easier for members of the public to identify. The regulations may make provisions regarding how the signs are to be displayed and may specify technical requirements to which the signs must conform (for example, requirements as to content, size, design, colour, or wording). The amendment also creates a new offence of failing to display an appropriate sign in NID-free premises and allows the Welsh Ministers to make regulations to extend that duty to NID-free vehicles. The section also provides for a defence. This means that those in charge of premises in which the use of nicotine inhaling devices is prohibited must display signage, with an offence for failure to do so punishable by a fine not exceeding Level 3 on the standard scale. This is the same as the fine for failing to display smoke-free signage.</p>

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	<p><i>amendment 157</i>], on a person, or person of a description, specified in the regulations.</p> <p>(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—</p> <p>(a) a designation made in accordance with section [section to be inserted by amendment 155], or</p> <p>(b) regulations under section [section to be inserted by amendment 156] (7) or [section to be inserted by amendment 157] (3)(c),</p> <p>are to be treated as not being NID-free, but that would otherwise be NID-free under or by virtue of this Chapter.</p> <p>(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.</p> <p>(6) It is a defence for a person charged with an offence under this section to show—</p> <p>(a) that the person did not know,</p>	<p><i>adran sy'n cael ei mewnosod gan welliant 157</i>] ar berson, neu berson o ddisgrifiad, a bennir yn y rheoliadau.</p> <p>(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—</p> <p>(a) dynodiad a wneir yn unol ag adran [yr adran sy'n cael ei mewnosod gan welliant 155], neu</p> <p>(b) rheoliadau o dan adran [yr adran sy'n cael ei mewnosod gan welliant 156] (7) neu [yr adran sy'n cael ei mewnosod gan welliant 157] (3)(c),</p> <p>i gael eu trin fel pe na baent yn ddi-DMN, ond a fyddai fel arall yn ddi-DMN o dan y Bennod hon neu yn rhinwedd y Bennod hon.</p> <p>(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.</p> <p>(6) Mae'n amddiffyniad i berson sydd</p>	<p>Details of the premises covered, and vehicles potentially covered, by this offence are provided in amendments 154, 155, 156, 157 and 221.</p>

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	<p>and could not reasonably have been expected to know, that the premises or vehicle were NID-free or to be treated as NID-free,</p> <p>(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</p> <p>(c) that on other grounds it was reasonable for the person not to comply with the duty.</p> <p>(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.</p> <p>(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.’</p>	<p>wedi ei gyhuddo o drosedd o dan yr adran hon ddangos—</p> <p>(a) nad oedd y person yn gwybod, ac na ellid bod wedi disgwyl yn rhesymol iddo wybod, fod y fangre neu'r cerbyd yn ddi-DMN neu i gael ei drin fel pe bai'n ddi-DMN,</p> <p>(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</p> <p>(c) ei bod, ar seiliau eraill, yn rhesymol i'r person beidio â chydymffurfio â'r ddyletswydd.</p> <p>(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</p>	

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		<p>wedi ei fodloni.</p> <p>(8) Mae person sy'n euog o drosedd o dan yr adran hon yn agored ar gollfarn ddiannod i ddirwy nad yw'n uwch na lefel 3 ar y raddfa safonol.'</p>	
159.	Section 13, page 8, line 34, leave out '5 or 11' and insert '[section to be inserted by amendment 149], 5, section to be inserted by amendment 150], 11 or section to be inserted by amendment 158]'	Adran 13, tudalen 8, llinell 37, hepgorer '5 neu 11' a mewnosoder '[yr adran sy'n cael ei mewnosod gan welliant 149], 5, [yr adran sy'n cael ei mewnosod gan welliant 150], 11 neu [yr adran sy'n cael ei mewnosod gan welliant 158]'	Consequential to amendments 149, 150 and 158.
160.	Section 14, page 9, line 9, leave out '5 or 11' and insert '[section to be inserted by amendment 149], 5, [section to be inserted by amendment 150], 11 or [section to be inserted by amendment 158]'	Adran 14, tudalen 9, llinell 11, hepgorer '5 neu 11' a mewnosoder '[yr adran sy'n cael ei mewnosod gan welliant 149], 5, [yr adran sy'n cael ei mewnosod gan welliant 150], 11 neu [yr adran sy'n cael ei mewnosod gan welliant 158]'	Consequential to amendments 149, 150 and 158.
161.	Section 15, page 9, line 22, leave out '5 or 11' and insert '[section to be inserted by amendment 149], 5, [section to be inserted by amendment 150], 11 or [section to be inserted by amendment 158]'	Adran 15, tudalen 9, llinell 24, hepgorer '5 neu 11' a mewnosoder '[yr adran sy'n cael ei mewnosod gan welliant 149], 5, [yr adran sy'n cael ei mewnosod gan welliant 150], 11 neu [yr adran sy'n cael ei mewnosod gan welliant 158]'	Consequential to amendments 149, 150 and 158.
162.	Section 17, page 10, line 12, leave out '5 or 11' and insert '[section to be inserted by amendment 149], 5, [section to be inserted by amendment 150], 11 or [section to be inserted by amendment 158]'	Adran 17, tudalen 10, llinell 13, hepgorer '5 neu 11' a mewnosoder '[yr adran sy'n cael ei mewnosod gan welliant 149], 5, [yr adran sy'n cael ei mewnosod gan welliant 150], 11 neu [yr adran sy'n cael ei mewnosod	Consequential to amendments 149, 150 and 158.

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		<i>gan welliant 158</i> ’.	
163.	Section 17, page 10, line 22, leave out ‘5 or 11’ and insert ‘[<i>section to be inserted by amendment 149</i>], 5, [<i>section to be inserted by amendment 150</i>], 11 or [<i>section to be inserted by amendment 158</i>]’.	Adran 17, tudalen 10, llinell 23, hepgorer ‘5 neu 11’ a mewnosoder ‘[<i>yr adran sy’n cael ei mewnosod gan welliant 149</i>], 5, [<i>yr adran sy’n cael ei mewnosod gan welliant 150</i>], 11 neu [<i>yr adran sy’n cael ei mewnosod gan welliant 158</i>]’.	Consequential to amendments 149, 150 and 158.
164.	Section 17, page 10, line 27, after ‘it’, insert— , and () identifying the person to whom a request for the return of the property may be made’.	Adran 17, tudalen 10, llinell 29, ar ôl ‘ohono’, mewnosoder— , a () sy’n nodi’r person y caniateir gofyn iddo i’r eiddo gael ei ddychwelyd’.	The purpose of this amendment is to insert additional text into the powers of inspection provision, to require that when leaving a statement of particulars of anything that has been taken from premises, an authorised officer must also provide details about who should be contacted to make a request for return of the property. The effect of the amendment is to provide an additional safeguard to the powers of inspection provisions, to ensure that persons affected by the removal of property have sufficient information about who to contact to make a request to have the property returned.
165.	Page 11, after line 17, insert a new section— ‘[] Retained property: appeals (1) A person (“P”) with an interest in anything taken away under section 17(1)(c) (“retained property”) may apply	Tudalen 11, ar ôl llinell 19, mewnosoder adran newydd— ‘[] Eiddo a gedwir: apelau (1) Caiff person (“P”) a chanddo fuddiant mewn unrhyw beth yr eir ymaith ag ef	The purpose of this amendment is to insert a new section providing a right of appeal for a person affected by the removal of property under section 17(1)(c). The effect of the amendment is to provide an additional safeguard relating to the powers of

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	<p>by way of complaint to any magistrates' court for an order requiring it to be released, either to P or another person.</p> <p>(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 4, [section to be inserted by amendment 149], 5, [section to be inserted by amendment 150], 11 or [section to be inserted by amendment 158] has been committed, it may make an order requiring the release of the retained property.</p> <p>(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)).</p> <p>(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 further order, if it considers it appropriate to do so.</p> <p>(5) Nothing in this section affects any other</p>	<p>o dan adran 17(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.</p> <p>(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 4, [yr adran sy'n cael ei mewnosod gan welliant 149], 5, [yr adran sy'n cael ei mewnosod gan welliant 150], 11 neu [yr adran sy'n cael ei mewnosod gan welliant 158] wedi ei chyflawni, caiff wneud gorchymyn sy'n ei gwneud yn ofynnol i'r eiddo a gedwir gael ei ryddhau.</p> <p>(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.</p> <p>(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 gorchymyn pellach, os yw'n ystyried ei</p>	<p>entry and inspection provisions. It provides a mechanism whereby a person affected by the removal of property under these provisions can apply to any magistrates' court to request the release of the property. Depending on the court's consideration of an application, it may make an order requiring the release of the retained property.</p>

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	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.’.	<p>bod yn briodol gwneud hynny.</p> <p>(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>	
166.	<p>Page 11, after line 17, insert a new section—</p> <p>[] Appropriated property: compensation</p> <p>(1) A person (“P”) with an interest in anything of which an authorised officer of an enforcement authority has taken possession under section 17(1)(c) (“appropriated property”) may apply by way of complaint to any magistrates’ court for compensation.</p> <p>(2) Subsection (3) applies if on an application under this section the court is satisfied that—</p> <p>(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</p>	<p>Tudalen 11, ar ôl llinell 19, mewnosoder adran newydd—</p> <p>[] Eiddo a gyfeddir: digolledu</p> <p>(1) Caiff person (“P”) a chanddo fuddiant mewn unrhyw beth y mae swyddog awdurdodedig i awdurdod gorfodi wedi cymryd meddiant ohono o dan adran 17(1)(c) (“eiddo a gyfeddir”) wneud cais drwy gŵyn i unrhyw lys ynadon i gael ei ddigolledu.</p> <p>(2) Mae is-adran (3) yn gymwys os yw'r llys, ar gais o dan yr adran hon, wedi ei fodloni—</p> <p>(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</p>	<p>The purpose of this amendment is to insert a new section providing a right for a person affected by the taking possession of property under section 17(1)(c) to apply to a magistrates’ court for compensation.</p> <p>The effect of the amendment is to provide an additional safeguard relating to the powers of entry and inspection provisions. It provides a mechanism whereby a person affected by an authorised officer’s taking possession of property under these provisions can apply to any magistrates’ court to request compensation. Where certain circumstances are satisfied, the court may order the enforcement authority to pay compensation to the applicant.</p>

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	<p>necessary for the purpose of ascertaining whether an offence under section 4, [section to be inserted by amendment 149], 5, [section to be inserted by amendment 150], 11 or [section to be inserted by amendment 158] had been committed, and</p> <p>(b) the loss or damage is not attributable to the neglect or default of P.</p> <p>(3) The court may order the enforcement authority to pay compensation to P.’.</p>	<p>yn angenrheidiol gwneud hynny at ddiben canfod a oedd trosedd o dan adran 4, [yr adran sy'n cael ei mewnosod gan welliant 149], 5, [yr adran sy'n cael ei mewnosod gan welliant 150], 11 neu [yr adran sy'n cael ei mewnosod gan welliant 158] wedi ei chyflawni, a</p> <p>(b) na ellir priodoli'r golled neu'r difrod i esgeulustod neu ddiffyg P.</p> <p>(3) Caiff y llys orchymyn i'r awdurdod gorfodi ddigolledu P.’.</p>	
167.	Section 19, page 11, line 22, leave out '(2)' and insert '[section to be inserted by amendment 149] (1)'.	Adran 19, tudalen 11, llinell 24, hepgorer '(2)' a mewnosoder '[yr adran sy'n cael ei mewnosod gan welliant 149] (1)'.	Consequential to amendment 149.
168.	Section 19, page 11, line 23, after '11(4)', insert 'or [section to be inserted by amendment 158] (5)'.	Adran 19, tudalen 11, llinell 25, ar ôl '11(4)', mewnosoder 'neu [yr adran sy'n cael ei mewnosod gan welliant 158] (5)'.	Consequential to amendment 158.
169.	Section 19, page 11, line 26, after '5(3)', insert 'or [section to be inserted by amendment 150] (3)'.	Adran 19, tudalen 11, llinell 29, ar ôl '5(3)', mewnosoder 'neu [yr adran sy'n cael ei mewnosod gan welliant 158] (3)'.	Consequential to amendment 150.

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170.	Section 20, page 12, after line 14, insert— “child” (“ <i>plentyn</i> ”) means a person aged under 18;’.	Adran 20, tudalen 12, ar ôl llinell 28, mewnosoder— ‘ystyr “ <i>plentyn</i> ” (“ <i>child</i> ”) yw person o dan 18 oed;’.	The purpose of this amendment is to insert a definition of the term “child” into the Interpretation provisions for this Chapter. The effect of this amendment is to provide additional clarity about the meaning of this term, and how it applies within this Chapter.
171.	Section 20, page 12, after line 26, insert— “school” (“ <i>ysgol</i> ”) has the meaning given by section 4 of the Education Act 1996 (c.56);’.	Adran 20, tudalen 12, ar ôl llinell 30, mewnosoder— ‘mae i “ <i>ysgol</i> ” (“ <i>school</i> ”) yr ystyr a roddir i “school” gan adran 4 o Ddeddf Addysg 1996 (c.56);’.	The purpose of this amendment is to insert a definition of the term “school” into the Interpretation provisions for this Chapter. The effect of this amendment is to provide additional clarity about the meaning of this term, and how it applies within this Chapter. The definition of “school” is consistent with that in the Education Act 1996.
172.	Section 20, page 12, line 28, leave out ‘is to be read in accordance with section 9(4)’ and insert ‘includes a train, tram, vessel, hovercraft and aircraft’.	Adran 20, tudalen 12, llinell 15, hepgorer ‘i gael ei ddarllen yn unol ag adran 9(4)’ a mewnosoder ‘yn cynnwys trê, tram, cwch neu long, hofrenfad ac awyren’.	The purpose of this amendment is to modify the definition of “vehicle” (“ <i>cerbyd</i> ”) within the Interpretation provisions of this Chapter. It replaces a similar definition which will be removed by amendment 152. The effect of this amendment is to provide clarity about the types of vehicle that are captured by the definition, and includes trains, trams, vessels, hovercraft and aircraft.
173.	Section 20, page 12, after line 33, insert—	Adran 20, tudalen 12, ar ôl llinell 35, mewnosoder—	The purpose of this amendment is to insert

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	<p>(3) References in this Chapter, however expressed, to premises or vehicles which are (or are not) NID-free (or treated as NID-free) are to those premises or vehicles so far as they are (or are not) NID-free (or treated as NID-free) under or by virtue of this Chapter.</p> <p>(4) Regulations may specify for the purpose of this Chapter what “enclosed”, “substantially enclosed” and “not enclosed or substantially enclosed” mean.’.</p>	<p>(3) Mae cyfeiriadau yn y Bennod hon, sut bynnag y’u mynegir, at fangreoedd neu gerbydau sy’n ddi-DMN (neu nad ydynt yn ddi-DMN) (neu sy’n cael eu trin fel pe baent yn ddi-DMN) yn gyfeiriadau at y mangreoedd neu’r cerbydau hynny i’r graddau y maent yn ddi-DMN (neu nad ydynt yn ddi-DMN) (neu’n cael eu trin fel pe baent yn ddi-DMN) o dan y Bennod hon neu yn rhinwedd y Bennod hon.</p> <p>(4) Caiff rheoliadau bennu at ddiben y Bennod hon ystyr “caeedig”, “sylweddol gaeedig” ac “nad yw’n gaeedig nac yn sylweddol gaeedig”.’.</p>	<p>new subsections in section 20, to provide clarity that the references to premises or vehicles that are, or are not, NID-free are to premises that are, or are not, NID-free by virtue of this Chapter; and to provide that the Welsh Ministers may make regulations to provide the meaning of “enclosed”, “substantially enclosed” and “not substantially enclosed” for the purposes of this Chapter.</p> <p>The effect of this amendment is to enable the Welsh Ministers to make regulations to provide greater clarity on the premises or vehicles that are captured by the smoke-free requirements or NID-free requirements.</p>
174.	<p>Section 23, page 14, after line 39, insert—</p> <p>() Before making regulations under this section, the Welsh Ministers must—</p> <p>(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</p> <p>(b) carry out consultation with any representative persons whom</p>	<p>Adran 23, tudalen 14, ar ôl llinell 37, mewnosoder—</p> <p>() Cyn gwneud rheoliadau o dan yr adran hon, rhaid i Weinidogion Cymru—</p> <p>(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</p> <p>(b) cynnal ymgynghoriad ag unrhyw bersonau</p>	<p>The purpose of this amendment is to insert a new subsection within section 23 to place consultation-related requirements on the Welsh Ministers before they may make regulations under section 23(3).</p> <p>The effect of this amendment is to require the Welsh Ministers, before making regulations under section 23(3), to consider whether there are persons who appear to them to be representative of the interests of those likely to be affected by the regulations, and if so, to carry out consultation with any such persons whom the Welsh Ministers consider it appropriate to consult.</p>

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	the Welsh Ministers consider it appropriate to consult.’	cynrychiadol y mae Gweinidogion Cymru yn ystyried ei bod yn briodol ymgynghori â hwy.’	
175.	<p>Section 35, page 19, line 11, after ‘it’, insert —</p> <p>‘; and</p> <p>() identifying the person to whom a request for the return of the property may be made’.</p>	<p>Adran 35, tudalen 19, llinell 13, ar ôl ‘ohono’, mewnosoder—</p> <p>‘, a</p> <p>() sy’n nodi’r person y caniateir gofyn iddo i’r eiddo gael ei ddychwelyd’.</p>	<p>The purpose of this amendment is to insert additional text into the powers of inspection provision, to require that when leaving a statement of particulars of anything that has been taken from premises, an authorised officer must also provide details about who should be contacted to make a request for return of the property.</p> <p>The effect of the amendment is to provide an additional safeguard to the powers of inspection provisions, to ensure that persons affected by the removal of property have sufficient information about who to contact to make a request to have the property returned.</p>
176.	<p>Page 20, after line 4, insert a new section—</p> <p>[] Retained property: appeals</p> <p>(1) A person (“P”) with an interest in anything taken away under section 35(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.</p> <p>(2) If on an application under this section the</p>	<p>Tudalen 20, ar ôl llinell 4, mewnosoder adran newydd—</p> <p>[] Eiddo a gedwir: apelau</p> <p>(1) Caiff person (“P”) a chanddo fuddiant mewn unrhyw beth yr eir ymaith ag ef o dan adran 35(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.</p>	<p>The purpose of this amendment is to insert a new section providing a right of appeal for a person affected by the removal of property under section 35(1)(c).</p> <p>The effect of the amendment is to provide an additional safeguard relating to the powers of entry and inspection provisions. It provides a mechanism whereby a person affected by the removal of property under these provisions can apply to any magistrates’ court to request</p>

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	<p>court is satisfied that the continued retention of the retained property is not necessary for the purpose of ascertaining whether an offence under section 29(1), (2) or (4) has been committed, it may make an order requiring the release of the retained property.</p> <p>(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)).</p> <p>(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 further order, if it considers it appropriate to do so.</p> <p>(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.'.</p>	<p>(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 29(1), (2) neu (4) wedi ei chyflawni, caiff wneud gorchymyn sy'n ei gwneud yn ofynnol i'r eiddo a gedwir gael ei ryddhau.</p> <p>(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.</p> <p>(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 gorchymyn pellach, os yw'n ystyried ei bod yn briodol gwneud hynny.</p> <p>(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</p>	<p>the release of the property. Depending on the court's consideration of an application, it may make an order requiring the release of the retained property.</p>

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		Heddlu (Eiddo) 1897.1.	
177.	<p>Page 20, after line 4, insert a new section—</p> <p>[] Appropriated property: compensation</p> <p>(1) A person (“P”) with an interest in anything of which an authorised officer of a local authority has taken possession under section 35(1)(c) (“appropriated property”) may apply by way of complaint to any magistrates’ court for compensation.</p> <p>(2) Subsection (3) applies if on an application under this section the court is satisfied that—</p> <p>(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 29(1), (2) or (4) had been committed, and</p> <p>(b) the loss or damage is not attributable to the neglect or</p>	<p>Tudalen 20, ar ôl llinell 4, mewnosoder adran newydd—</p> <p>[] Eiddo a gyfeddir: digolledu</p> <p>(1) Caiff person (“P”) a chanddo fuddiant mewn unrhyw beth y mae swyddog awdurdodedig i awdurdod lleol wedi cymryd meddiant ohono o dan adran 35(1)(c) (“eiddo a gyfeddir”) wneud cais drwy gŵyn i unrhyw lys ynadon i gael ei ddigolledu.</p> <p>(2) Mae is-adran (3) yn gymwys os yw’r llys, ar gais o dan yr adran hon, wedi ei fodloni—</p> <p>(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 29(1), (2) neu (4) wedi ei chyflawni, a</p> <p>(b) na ellir priodoli’r golled neu’r difrod i esgeulustod neu ddiffyg P.</p>	<p>The purpose of this amendment is to insert a new section providing a right for a person affected by the taking possession of property under section 35 (1)(c) to apply to a magistrates’ court for compensation.</p> <p>The effect of the amendment is to provide an additional safeguard relating to the powers of entry and inspection provisions. It provides a mechanism whereby a person affected by an authorised officer’s taking possession of property under these provisions can apply to any magistrates’ court to request compensation. Where certain circumstances are satisfied, the court may order the enforcement authority to pay compensation to the applicant.</p>

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	<p style="text-align: center;">default of P.</p> <p>(3) The court may order the local authority to pay compensation to P.’.</p>	<p>(3) Caiff y llys orchymyn i’r awdurdod lleol ddigolledu P.’.</p>	
178.	<p>Section 40, page 21, after line 26, insert—</p> <p>() Before making regulations under subsection (1A), the Welsh Ministers must—</p> <p>(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</p> <p>(b) carry out consultation with any representative persons whom the Welsh Ministers consider it appropriate to consult.’</p>	<p>Adran 40, tudalen 21, ar ôl llinell 31, mewnosoder—</p> <p>() Before making regulations under subsection (1A), the Welsh Ministers must—</p> <p>(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</p> <p>(b) carry out consultation with any representative persons whom the Welsh Ministers consider it appropriate to consult.’</p>	<p>The purpose of this amendment is to insert a new subsection within section 40 to place consultation-related requirements on the Welsh Ministers before they may make regulations under section 12D(1A) of the Children and Young Persons Act 1933.</p> <p>The effect of this amendment is to require the Welsh Ministers, before making regulations under section 12D(1A) of the Children and Young Persons Act 1933, to consider whether there are any persons who appear to them to be representative of the interests of those likely to have an interest in the regulations, and if so, to carry out consultation with any such persons whom the Welsh Ministers consider it appropriate to consult.</p>
179.	<p>Section 51, page 27, line 7, after ‘application’, insert ‘by an individual (an “applicant”)’.</p>	<p>Adran 51, tudalen 27, llinell 7, ar ôl ‘gais’, mewnosoder ‘gan unigolyn (“ceisydd”)’.</p>	<p>The purpose of this amendment is to insert the words ‘by an individual (“an applicant”)’ in connection with the regulations associated with the licensing criteria for special procedures licences.</p>

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			The effect of this amendment is to clarify that an application for a special procedure licence will be made by an individual applicant (“an applicant”).
180.	<p>Section 51, page 27, after line 8, insert—</p> <p>() The licensing criteria specified in the regulations must be such as to require the applicant, in order for the application to be granted, to demonstrate knowledge of—</p> <p>(a) infection control and first aid, in the context of the special procedure to which the application relates;</p> <p>(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.’</p>	<p>Adran 51, tudalen 27, ar ôl llinell 8, mewnosoder—</p> <p>() Rhaid i'r meini prawf trwyddedu a bennir yn y rheoliadau fod yn rhai sy'n ei gwneud yn ofynnol i'r ceisydd, er mwyn i'r cais gael ei ganiatáu, ddangos gwybodaeth am—</p> <p>(a) rheoli heintiau a chymorth cyntaf, yng nghyd-destun y driniaeth arbennig y mae'r cais yn ymwneud â hi;</p> <p>(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.’</p>	<p>The purpose of this amendment is to insert a new subsection in relation to the licensing criteria for special procedures licences.</p> <p>The effect of the amendment is that the licensing criteria, to be specified in regulations, must require the applicant to demonstrate knowledge of infection control and first aid in the context of the special procedure to which the application for a licence relates, as well as knowledge of the duties imposed on them as a person authorised to perform a special procedure.</p> <p>These duties include the requirements in relation to age verification (for tattooing and intimate piercing). These criteria, amongst others to be specified in the regulations, must be met as part of an application for a special procedures licence, in order for the application to be granted by the local authority.</p>
181.	Section 51, page 27, line 9, leave out ‘Licensing criteria may’ and insert ‘The licensing criteria may also’.	Adran 51, tudalen 27, llinell 9, hepgorer ‘meini prawf trwyddedu’ a mewnosoder ‘y meini prawf trwyddedu hefyd’.	The purpose of this amendment is to replace wording in connection with the regulations which will set the licensing criteria for special procedures licences.

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			<p>The effect of this amendment is to clarify that the licensing criteria, to be specified in regulations, may also cover other matters in addition to those to be included on the face of the Bill by amendment 180.</p>
182.	<p>Section 52, page 27, after line 33, insert—</p> <p>() The mandatory licensing conditions specified in the regulations must include conditions imposing requirements in connection with—</p> <p>(a) the verification of the age of an individual on whom a special procedure is to be performed;</p> <p>(b) infection control, standards of hygiene, and first aid;</p> <p>(c) consultation to be carried out before and after a special procedure is performed;</p> <p>(d) record keeping.</p> <p>() 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</p>	<p>Adran 52, tudalen 27, ar ôl llinell 33, mewnosoder—</p> <p>() Rhaid i'r amodau trwyddedu mandadol a bennir yn y rheoliadau gynnwys amodau sy'n gosod gofynion mewn cysylltiad—</p> <p>(a) â dilysu oedran unigolyn y mae triniaeth arbennig i gael ei rhoi iddo ;</p> <p>(b) â rheoli heintiau, safonau hylendid, a chymorth cyntaf;</p> <p>(c) â'r ymgynghori sydd i'w gynnal cyn ac ar ôl rhoi triniaeth arbennig;</p> <p>(d) â chadw cofnodion.</p> <p>() 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</p>	<p>The purpose of this amendment is to insert two new subsections in connection with the regulations which will set the mandatory licensing conditions that are to apply to special procedures licences.</p> <p>The effect of the amendment is to provide certainty that the mandatory licensing conditions, to be specified in regulations, must include conditions covering specific issues. These include the verification of the age of an individual on whom a special procedure is to be performed (for example in relation to tattooing and intimate piercing), infection control and first aid.</p> <p>The mandatory licensing conditions to be specified in regulations must also relate to intoxication, thereby preventing a licence holder from performing a special procedure on an individual who is, or appears to be intoxicated by virtue of drink, drugs, or any other means.</p>

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	performed is, or appears to be, intoxicated, whether by virtue of drink, drugs, or any other means.’	diod, cyffuriau neu unrhyw fodd arall.’	
183.	Section 52, page 27, line 34, leave out ‘(among other things) relate to’ and’ insert ‘also make further provision relating to (among other things)’.	Adran 52, tudalen 27, llinell 34, hepgorer ‘(ymhlith pethau eraill) ymwneud’ a mewnosoder ‘hefyd wneud darpariaeth bellach sy’n ymwneud (ymhlith pethau eraill)’.	<p>The purpose of this amendment is to replace wording in connection with the regulations which will set the mandatory licensing conditions for special procedure licences.</p> <p>The effect of this amendment is to clarify that the mandatory licensing conditions to be specified in regulations may also cover other matters additional to those included on the face of the Bill by amendment 182.</p>
184.	Section 52, page 27, line 38, leave out ‘cleaning and maintenance, and standards of hygiene’ and insert ‘and cleaning and maintenance’.	Adran 52, tudalen 27, llinell 38, hepgorer ‘glanhau a chynnal a chadw, a safonau hylendid)’ a mewnosoder ‘a glanhau a chynnal a chadw’.	<p>The purpose of this amendment is to replace wording in the provisions relating to the mandatory licensing conditions for special procedure licences.</p> <p>The effect of the amendment is that ‘standards of hygiene’ is removed from the list of matters that the discretionary mandatory licensing conditions regulations may cover; with this matter required to be included in the mandatory licensing conditions.</p> <p>It therefore provides certainty that the licensing conditions relating to premises, vehicles and equipment will cover standards of hygiene rather than leaving it to the discretion of the Welsh Ministers.</p>

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			This amendment should be considered alongside amendment 182.
185.	Section 52, page 28, line 3, leave out 'standards of hygiene,'.	Adran 52, tudalen 28, llinell 3, hepgorer 'safonau hylendid,'.	<p>The purpose of this amendment is to remove the words 'standards of hygiene' from section 52(2).</p> <p>The effect of the amendment is that 'standards of hygiene' is removed from the list of matters that the discretionary mandatory licensing conditions may cover, with this matter required to be included in the mandatory licensing conditions.</p> <p>It therefore provides certainty that the licensing conditions relating to the way in which a special procedure is to be carried out will cover standards of hygiene rather than leaving it to the discretion of the Welsh Ministers.</p> <p>This amendment should be considered alongside amendment 182.</p>
186.	Section 52, page 28, line 4, leave out 'and to the licence holder, and consultation to be carried out,' and insert 'a licence holder (whether by display or otherwise), and to a licence holder,'.	Adran 52, tudalen 28, llinell 4, hepgorer 'y drwydded ac i ddeiliad y drwydded, a'r ymgynghori sydd i'w gynnal' a mewnosoder 'trwydded (pa un ai drwy arddangos yr wybodaeth neu fel arall), ac i ddeiliad trwydded'.	<p>The purpose of this amendment is to replace wording in section 52(2) relating to the details which may be covered in the regulations specifying the mandatory licensing conditions for special procedure licences.</p> <p>The effect of this amendment is to enable</p>

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			information to be provided to a client by a licence holder by way of display (for example by a written statement stating the circumstances in which a special procedure will not be performed, such as if a person is intoxicated), as well as by other means (for example verbally or during consultation).
187.	Section 52, page 28, leave out line 6.	Adran 52, tudalen 28, hepgorer llinell 6.	<p>The purpose of this amendment is to remove the words 'record keeping' from section 52(2).</p> <p>The effect of the amendment is that 'record keeping' is removed from the list of matters that the discretionary mandatory licensing conditions regulations may cover, with this matter required to be included in the mandatory licensing conditions. It therefore provides certainty that the licensing conditions will cover record keeping rather than leaving it to the discretion of the Welsh Ministers.</p> <p>This amendment should be considered alongside amendment 182.</p>
188.	Section 52, page 28, after line 7, insert— () information to be provided to a local authority in the case of the conviction of a licence holder for a relevant offence;’.	Adran 52, tudalen 28, ar ôl llinell 7, mewnosoder— () â'r wybodaeth sydd i'w darparu i awdurdod lleol yn achos collfarnu deiliad trwydded o drosedd berthnasol;’.	<p>The purpose of this amendment is to insert wording under section 52(2), relating to relevant offences, which may be covered in the regulations specifying the mandatory licensing conditions for special procedure licences.</p> <p>The effect of this amendment is to enable the</p>

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			<p>regulations specifying the mandatory licensing conditions to cover the information to be provided to a local authority in the case of the conviction of a licence holder for a relevant offence. Relevant offences are specified in section 55(3).</p>
189.	<p>Section 55, page 29, line 12, after 'fit', insert 'having regard to the nature of the offence and any special procedure to which the application relates'.</p>	<p>Adran 55, tudalen 29, llinell 12, ar ôl 'addas', mewnosoder 'gan roi sylw i natur y drosedd ac unrhyw driniaeth arbennig y mae'r cais yn ymwneud â hi'.</p>	<p>The purpose of this amendment is to insert wording in connection with a local authority's discretion to grant or refuse a special procedure licence when the applicant has been convicted of a relevant offence.</p> <p>The effect of this amendment is to require a local authority to have regard to the nature of an applicant's offence and the special procedure to which the application relates, when considering whether or not to exercise its discretion to issue a special procedure licence. It provides additional clarity for both the applicant and the local authority regarding how a relevant offence should be considered in the context of an application for a special procedure licence.</p> <p>The amendment should be considered alongside amendment 190.</p>
190.	<p>Section 55, page 29, line 13, leave out 'a procedure specified in the application' and insert 'the procedure'.</p>	<p>Adran 55, tudalen 29, llinell 13, hepgorer 'rhoi triniaeth a bennir yn y cais' a mewnosoder 'rhoi'r driniaeth'.</p>	<p>The purpose of this amendment is to replace wording in section 55(2).</p> <p>The effect of this amendment is to require a</p>

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			<p>local authority to have regard to the nature of an applicant's offence and the special procedure to which the application relates, when considering whether or not to exercise its discretion to issue a special procedure licence. It provides additional clarity for both the applicant and the local authority regarding how a relevant offence should be considered in the context of an application for a special procedure licence.</p> <p>The amendment should be considered alongside amendment 189.</p>
191.	Section 55, page 29, line 18, after 'offence', insert ' for the purposes of this Part'.	Adran 55, tudalen 29, llinell 19, ar ôl 'berthnasol', mewnosoder ' , at ddibenion y Rhan hon'.	<p>The purpose of this amendment is to insert wording to limit a local authority's consideration of an applicant's unspent conviction for a relevant offence to Part 3.</p> <p>The effect of this amendment is to make clear that the relevant offences listed in section 55(3) only relate to a local authority's discretion to grant a special procedure licence under Part 3, and not for any other purpose.</p>
192.	Section 55, page 29, line 24, after 'disregarded', insert 'for the purposes of this Part'.	Adran 55, tudalen 29, llinell 25, ar ôl 'diystyru', mewnosoder 'at ddibenion y Rhan hon'.	<p>The purpose of this amendment is to insert wording to ensure spent convictions for a relevant offence listed in section 55 are only disregarded for the purposes of Part 3 of the Bill (Special Procedures).</p> <p>The effect of this amendment is to make clear</p>

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			that a conviction for a relevant offence, listed in section 55, (but spent for the purposes of the Rehabilitation of Offenders Act 1974), should be disregarded by a local authority when considering an application for a special procedures licence under Part 3.
193.	Section 55, page 29, after line 25, insert— ‘(5) Regulations may amend subsection (3) by adding, varying or removing a description of offence.’	Adran 55, tudalen 29, ar ôl llinell 26, mewnosoder— ‘(5) Caiff rheoliadau ddiwygio is-adran (3) drwy ychwanegu, amrywio neu ddileu disgrifiad o drosedd.’	The purpose of this amendment is to insert a new subsection which allows the Welsh Ministers to amend by regulations the list of relevant offences which apply to applications for special procedure licences. The effect of this amendment is to provide a regulation making power to the Welsh Ministers to amend the list of relevant offences which a local authority must have regard to when considering whether or not to exercise its discretion to issue a special procedure licence. These regulations will be subject to the affirmative procedure.
194.	Section 57, page 29, line 31, leave out ‘both of’.	Adran 57, tudalen 29, llinell 32, hepgorer ‘y ddau amod’ a mewnosoder ‘yr amodau’.	The purpose of this amendment is to remove the words ‘both of’ from section 57(1). The effect of this amendment is to enable the grounds upon which a local authority may revoke a special procedure licence to be widened, to include a conviction for a relevant offence that the local authority was unaware of at the time of granting the licence, or where the conviction did not precede the issue of the

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			<p>licence.</p> <p>This amendment should be considered alongside amendments 195 and 196.</p>
195.	<p>Section 57, page 29, line 31, after 'met,' insert 'or that those in subsection (<i>[subsection to be inserted by amendment 196]</i>) are met,'.</p>	<p>Adran 57, tudalen 29, llinell 32, ar ôl 'bodloni,' mewnoder 'neu fod yr amodau yn is-adran (<i>[yr is-adran sy'n cael ei mewnosod gan welliant 196]</i>) wedi eu bodloni,'.</p>	<p>The purpose of this amendment is to insert wording to widen the grounds upon which a local authority may revoke a special procedure licence.</p> <p>The effect of this amendment is to enable a local authority to give notice to a licence holder revoking a special procedure licence, either on the grounds that the licence holder has failed to comply with an applicable mandatory licensing condition and the non-compliance presents, or could present, significant risk of harm to human health; or in relation to additional matters to be inserted by amendment 196.</p> <p>This amendment is consequential to amendment 196.</p>
196.	<p>Section 57, page 30, after line 5, insert—</p> <p>() The conditions are—</p> <p>(a) that the licence holder has been convicted of a relevant offence;</p> <p>(b) that the licence was issued to</p>	<p>Adran 57, tudalen 30, ar ôl llinell 5, mewnosoder—</p> <p>() Yr amodau yw—</p> <p>(a) bod deiliad y drwydded wedi ei gollfarnu o drosedd berthnasol;</p> <p>(b) bod y drwydded wedi ei</p>	<p>The purpose of this amendment is to insert a new subsection to widen the grounds upon which a local authority may revoke a special procedure licence.</p> <p>The effect of this amendment is to allow a local authority to consider a conviction for a relevant offence as grounds to give notice to a</p>

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	<p>the licence holder without regard having been had by the local authority to the nature of that offence, as described in section 55(2)(a), either because the local authority was unaware of the conviction, or because the conviction did not precede the issue of the licence;</p> <p>(c) that, had the authority had regard to the nature of that offence, as described in section 55(2)(a), for the purposes of the issue of the licence, the licence would either not have been issued at all (in the case or 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).’.</p>	<p>dyroddi i ddeiliad y drwydded heb i'r awdurdod lleol roi sylw i natur y drosedd, fel y'i disgrifir yn adran 55(2)(a), naill ai oherwydd nad oedd yr awdurdod lleol yn ymwybodol o'r gollfarn, neu oherwydd na chafwyd y gollfarn cyn dyroddi'r drwydded;</p> <p>(c) naill ai na fyddai'r drwydded, pe bai'r awdurdod wedi rhoi sylw i natur y drosedd, fel y'i disgrifir yn adran 55(2)(a), 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).’.</p>	<p>licence holder either revoking a special procedure licence or revoking the licence in so far as it authorises the performance of a particular special procedure by that licence holder. The grounds for revocation include a conviction for a relevant offence which the local authority was either unaware of at the time of granting the licence, or where the conviction did not precede the issue of the licence.</p> <p>This amendment should be considered alongside amendment 195.</p>
197.	<p>Section 59, page 32, after line 21, insert—</p> <p>() Regulations making provision as described in subsection (7)(a) may</p>	<p>Adran 59, tudalen 32, ar ôl llinell 23, mewnosoder—</p> <p>() Caiff rheoliadau sy'n gwneud darpariaeth fel y'i disgrifir yn is-adran</p>	<p>The purpose of this amendment is to insert a new subsection relating to the areas that may be covered by regulations on the fees for applications for special procedures to be</p>

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	<p>include (among other things)—</p> <p>(a) provision about how a local authority is to determine the amount of a fee payable in respect of an application;</p> <p>(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).¹</p>	<p>(7)(a) gynnwys (ymhlith pethau eraill)—</p> <p>(a) darpariaeth ynghylch sut y mae awdurdod lleol i ddyfarnu ar swm ffi sy'n daladwy mewn cysylltiad â chais;</p> <p>(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).¹</p>	<p>performed from premises or vehicles.</p> <p>The effect of this amendment is to enable regulations to provide detail of how a local authority is to determine the fee that must be paid by an applicant when applying for a premises or vehicle approval, as well as detail of the consequences of failure to comply with the requirement to pay a fee.</p>
198.	<p>Page 34, after line 19, insert a new section—</p> <p style="text-align: center;"><i>Fees</i></p> <p>[] Fees</p> <p>(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.</p> <p>(2) A local authority that has approved premises or a vehicle under section 59 may charge the person on whose application the approval was granted a</p>	<p>Tudalen 34, ar ôl llinell 20, mewnosoder adran newydd—</p> <p style="text-align: center;"><i>'Ffioedd</i></p> <p>[] Ffioedd</p> <p>(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.</p> <p>(2) Caiff awdurdod lleol sydd wedi cymeradwyo mangre neu gerbyd o dan adran 59 godi ffi ar y person y</p>	<p>The purpose of this amendment is to insert a new section in relation to fees for special procedures licences and premises and vehicle approvals.</p> <p>The effect of the amendment is to provide a local authority with the ability to charge a fee to the holder of a special procedure licence or a premises or vehicle approval. This fee may be applied either periodically or otherwise for as long as the licence/approval has effect. Regulations may make provision about the way in which a local authority is to determine the amount of the fee charged, having regard to the costs incurred or expected to be incurred by the authority in connection with</p>

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	<p>fee, either periodically or otherwise, for so long as the approval continues to have effect.</p> <p>(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.</p> <p>(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.</p> <p>(5) Regulations may make other provision in respect of fees charged under this section, including (among other things) in connection with—</p> <p>(a) the way in which a fee is to be paid;</p> <p>(b) repayment of a fee (or a proportion of it) in cases of overpayment;</p> <p>(c) recovery of a fee due to an authority and unpaid.’.</p>	<p>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.</p> <p>(3) Yr awdurdod sydd i ddyfarnu ar swm ffi a godir gan awdurdod lleol o dan yr adran hon, 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.</p> <p>(4) Caiff rheoliadau wneud darpariaeth ynghylch y ffordd y mae awdurdod lleol (yn ddarostyngedig i is-adran (3)) i ddyfarnu ar swm y ffi.</p> <p>(5) Caiff rheoliadau wneud darpariaeth arall mewn cysylltiad â ffioedd a godir o dan yr adran hon, gan gynnwys (ymhlith pethau eraill) mewn cysylltiad—</p> <p>(a) â’r ffordd y mae ffi i gael ei thalu;</p> <p>(b) ag ad-dalu ffi (neu gyfran ohoni) mewn achosion o or-dalu;</p> <p>(c) ag adennill ffi sy’n ddyledus i awdurdod ac nad yw wedi ei thalu.’.</p>	<p>this Part, as well as the way the fee is paid, repaid or recovered if unpaid.</p>

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199.	Section 67, page 39, line 2, leave out 'not exceeding level 3 on the standard scale'.	Adran 67, tudalen 39, llinell 2, hepgorer 'nad yw'n uwch na lefel 3 ar y raddfa safonol'.	<p>The purpose of this amendment is to remove the words 'not exceeding level 3 on the standard scale' from section 67(9) in relation to the offences under Part 3.</p> <p>The effect of this amendment is to increase the penalty for the offences relating to the special procedures system, from a level 3 fine to an unlimited fine, in order to better reflect the seriousness of the offences.</p>
200.	Section 68, page 39, line 5, leave out '75' and insert '[section to be inserted by amendment 203]'.	Adran 68, tudalen 39, llinell 5, hepgorer '75' a mewnosoder '[yr adran sy'n cael ei mewnosod gan welliant 203]'.	<p>The purpose of this amendment is to replace a cross-reference between sections of the Bill.</p> <p>The effect of this amendment is to make a technical change which ensures correct cross-referencing between sections of the Bill as amended.</p>
201.	<p>Section 73, page 41, line 23, after 'it', insert—</p> <p>‘; and</p> <p>() identifying the person to whom a request for the return of the property may be made’.</p>	<p>Adran 73, tudalen 41, llinell 27, ar ôl 'ohono', mewnosoder—</p> <p>‘, a</p> <p>() sy'n nodi'r person y caniateir gofyn iddo i'r eiddo gael ei ddychwelyd’.</p>	<p>The purpose of this amendment is to insert additional text into the powers of inspection provision, to require that when leaving a statement of particulars of anything that has been taken from premises, an authorised officer must also provide details about who should be contacted to make a request for return of the property.</p> <p>The effect of the amendment is to provide an additional safeguard to the powers of inspection provisions, to ensure that persons</p>

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			affected by the removal of property have sufficient information about who to contact to make a request to have the property returned.
202.	<p>Page 42, after line 19, insert a new section—</p> <p>[] Retained property: appeals</p> <p>(1) A person (“P”) with an interest in anything taken away under section 73(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.</p> <p>(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.</p> <p>(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)).</p>	<p>Tudalen 42, ar ôl llinell 22, mewnosoder adran newydd—</p> <p>[] Eiddo a gedwir: apelau</p> <p>(1) Caiff person (“P”) a chanddo fuddiant mewn unrhyw beth yr eir ymaith ag ef o dan adran 73(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.</p> <p>(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.</p> <p>(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</p>	<p>The purpose of this amendment is to insert a new section providing a right of appeal for a person affected by the removal of property under section 73(1)(c).</p> <p>The effect of the amendment is to provide an additional safeguard relating to the powers of entry and inspection provisions. It provides a mechanism whereby a person affected by the removal of property under these provisions can apply to any magistrates’ court to request the release of the property. Depending on the court’s consideration of an application, it may make an order requiring the release of the retained property.</p>

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	<p>(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 further order, if it considers it appropriate to do so.</p> <p>(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.’.</p>	<p>adran 111 o Ddeddf Llysoedd Ynadon 1980 (p.43)) gael ei gwneud a dyfarnu arni.</p> <p>(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 gorchymyn pellach, os yw'n ystyried ei bod yn briodol gwneud hynny.</p> <p>(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>	
203.	<p>Page 42, after line 19, insert a new section —</p> <p>[] Appropriated property: compensation</p> <p>(1) A person (“P”) with an interest in anything of which an authorised officer of a local authority has taken possession under section 73(1)(c) (“appropriated property”) may apply by way of complaint to any magistrates’ court for compensation.</p> <p>(2) Subsection (3) applies if on an</p>	<p>Tudalen 42, ar ôl llinell 22, mewnosoder adran newydd—</p> <p>[] Eiddo a gyfeddir: digolledu</p> <p>(1) Caiff person (“P”) a chanddo fuddiant mewn unrhyw beth y mae swyddog awdurdodedig i awdurdod lleol wedi cymryd meddiant ohono o dan adran 73(1)(c) (“eiddo a gyfeddir”) wneud cais drwy gŵyn i unrhyw lys ynadon i gael ei ddiogolledu.</p>	<p>The purpose of this amendment is to insert a new section providing a right for a person affected by the taking possession of property under section 73(1)(c) to apply to a magistrates’ court for compensation.</p> <p>The effect of the amendment is to provide an additional safeguard relating to the powers of entry and inspection provisions. It provides a mechanism whereby a person affected by an authorised officer’s taking possession of property under these provisions can apply to any magistrates’ court to request</p>

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	<p>application under this section the court is satisfied that—</p> <p>(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</p> <p>(b) the loss or damage is not attributable to the neglect or default of P.</p> <p>(3) The court may order the local authority to pay compensation to P.'.</p>	<p>(2) Mae is-adran (3) yn gymwys os yw'r llys, ar gais o dan yr adran hon, wedi ei fodloni—</p> <p>(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</p> <p>(b) na ellir priodoli'r golled neu'r difrod i esgeulustod neu ddiffyg P.</p> <p>(3) Caiff y llys orchymyn i'r awdurdod lleol ddigolledu P.'.</p>	<p>compensation. Where certain circumstances are satisfied, the court may order the local authority to pay compensation to the applicant.</p>
204.	<p>Section 76, page 43, after line 2, insert—</p> <p>'(4) Before making regulations under this section, the Welsh Ministers must—</p> <p>(a) consider whether there are persons who appear to be representative of the interests of those likely to be affected</p>	<p>Adran 76, tudalen 43, ar ôl llinell 1, mewnosoder—</p> <p>'(4) Cyn gwneud rheoliadau o dan yr adran hon, rhaid i Weinidogion Cymru—</p> <p>(a) ystyried a oes personau yr ymddengys eu bod yn cynrychioli buddiannau'r</p>	<p>The purpose of this amendment is to insert a subsection in connection with the regulations associated with the power to amend the list of special procedures in section 46.</p> <p>The effect of this amendment is to require that before any regulations under section 76 are made, the Welsh Ministers must carry out consultation with any representative persons</p>

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	<p>by the regulations (“representative persons”), and</p> <p>(b) carry out consultation with any representative persons whom the Welsh Ministers consider it appropriate to consult.’</p>	<p>rheini y mae'r rheoliadau yn debygol o effeithio arnynt (“personau cynrychiadol”), a</p> <p>(b) cynnal ymgynghoriad ag unrhyw bersonau cynrychiadol y mae Gweinidogion Cymru yn ystyried ei bod yn briodol ymgynghori â hwy.’</p>	<p>whom the Welsh Ministers consider it appropriate to consult. This provides additional certainty that any changes to the list of special procedures covered by the Bill will be the subject of appropriate consultation.</p>
205.	<p>Section 77, page 43, after line 27, insert</p> <p>“relevant offence” (“<i>trosedd berthnasol</i>”) means an offence listed in section 55(3);’.</p>	<p>Adran 77, tudalen 43, ar ôl llinell 31, mewnosoder—</p> <p>‘ystyr “<i>trosedd berthnasol</i>” (“<i>relevant offence</i>”) yw trosedd a restrir yn adran 55(3);’.</p>	<p>The purpose of this amendment is to insert a definition of the term “relevant offence” into the interpretation provisions.</p> <p>The effect of this amendment is to provide clarity about the meaning of this term for the purpose of Part 3, by defining “relevant offence” as being an offence listed in section 55(3).</p>
206.	<p>Section 78, page 45, after line 4, insert—</p> <p>() 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—</p>	<p>Adran 78, tudalen 45, ar ôl llinell 4, mewnosoder—</p> <p>() 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—</p>	<p>The purpose of this amendment is to insert two new subsections providing a defence for a person charged with an offence under section 78 in relation to performing or making arrangements to perform an intimate piercing on a child.</p> <p>The effect of the amendment is to provide a defence to the offence of the intimate piercing of a child or making arrangements to perform an intimate piercing on a child.</p>

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	<p>(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 16 or over, and</p> <p>(b) either—</p> <p>(i) that the accused had taken reasonable steps to establish the age of that person, or</p> <p>(ii) that nobody could reasonably have suspected from that person's appearance that the person was under the age of 16.</p> <p>() For the purposes of subsection (<i>[the first subsection to be inserted by this amendment]</i>)(b)(i), the accused (in the case of an offence under subsection (1)(a)) is treated as having taken reasonable steps to establish the age of another person if—</p> <p>(a) the accused asked that person</p>	<p>(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 16 oed neu'n hŷn, a</p> <p>(b) naill ai—</p> <p>(i) bod y cyhuddedig wedi cymryd camau rhesymol i gadarnhau oedran y person hwnnw, neu</p> <p>(ii) na allai neb fod wedi amau'n rhesymol o olwg y person hwnnw fod y person o dan 16 oed.</p> <p>() At ddibenion is-adran (<i>[yr is-adran gyntaf sy'n cael ei mewnosod gan y gwelliant hwn]</i>)(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—</p> <p>(a) os gofynnodd y cyhuddedig</p>	<p>This defence has two elements – the first is that the accused believed the child was aged over 16. The second is that either -</p> <p>i. the accused had taken reasonable steps to establish a person's age, or</p> <p>ii. nobody could reasonably have suspected from the person's appearance that they were under the age of 16.</p> <p>In relation to situations where the accused has committed the offence of intimately piercing a child, they can demonstrate that they had taken reasonable steps to establish the person's age if they can show that they asked for evidence of that person's age and that evidence would have convinced a reasonable person. The defence reflects that outlined in section 146 of the Licensing Act 2003.</p>

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	<p>for evidence of that person's age, and</p> <p>(b) the evidence would have convinced a reasonable person.'</p>	<p>i'r person hwnnw am dystiolaeth o oedran y person hwnnw, a</p> <p>(b) pe bai'r dystiolaeth wedi argyhoeddi person rhesymol.'</p>	
207.	<p>Section 78, page 45, line 5, leave out 'It is a defence for a person charged with an offence under this section to show that the person' and insert '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 accused'.</p>	<p>Adran 78, tudalen 45, llinell 5, hepgorer 'Mae'n amddiffyniad i berson sydd wedi ei gyhuddo o drosedd o dan yr adran hon ddangos i'r person' a mewnosoder '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 a gyhuddwyd'</p>	<p>The purpose of this amendment is to replace wording in section 78(3) in relation to the due diligence defence for the offence of performing or making arrangements to perform an intimate piercing on a child.</p> <p>The effect of the amendment is that a due diligence defence is available to a person charged with the offence of the intimate piercing on a child, or making arrangements to perform an intimate piercing on a child, by reason of an act or default of another person. This amendment clarifies the defence and position in relation to aiding and abetting.</p>
208.	<p>Section 86, page 48, line 20, after 'it', insert—</p> <p>‘, and</p> <p>() identifying the person to whom a request for the return of the property may be made'.</p>	<p>Adran 86, tudalen 48, llinell 22, ar ôl 'ohono', mewnosoder—</p> <p>‘, a</p> <p>() sy'n nodi'r person y caniateir gofyn iddo i'r eiddo gael ei ddychwelyd'.</p>	<p>The purpose of this amendment is to insert additional text into the powers of inspection provision, to require that when leaving a statement of particulars of anything that has been taken from premises, an authorised officer must also provide details about who should be contacted to make a request for return of the property.</p> <p>The effect of the amendment is to provide an</p>

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			additional safeguard to the powers of inspection provisions, to ensure that persons affected by the removal of property have sufficient information about who to contact to make a request to have the property returned.
209.	<p>Page 49, after line 13, insert a new section—</p> <p>[] Retained property: appeals</p> <p>(1) A person (“P”) with an interest in anything taken away under section 86(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.</p> <p>(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 78 has been committed, it may make an order requiring the release of the retained property.</p> <p>(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)).</p>	<p>Tudalen 49, ar ôl llinell 14, mewnosoder adran newydd—</p> <p>[] Eiddo a gedwir: apelau</p> <p>(1) Caiff person (“P”) a chanddo fuddiant mewn unrhyw beth yr eir ymaith ag ef o dan adran 86(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.</p> <p>(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 78 wedi ei chyflawni, caiff wneud gorchymyn sy’n ei gwneud yn ofynnol i’r eiddo a gedwir gael ei ryddhau.</p> <p>(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</p>	<p>The purpose of this amendment is to insert a new section providing a right of appeal for a person affected by the removal of property under section 86(1)(c).</p> <p>The effect of the amendment is to provide an additional safeguard relating to the powers of entry and inspection provisions. It provides a mechanism whereby a person affected by the removal of property under these provisions can apply to any magistrates’ court to request the release of the property. Depending on the court’s consideration of an application, it may make an order requiring the release of the retained property.</p>

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	<p>(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 further order, if it considers it appropriate to do so.</p> <p>(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.'</p>	<p>adran 111 o Ddeddf Llysoedd Ynadon 1980 (p.43)) gael ei gwneud a dyfarnu arni.</p> <p>(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 gorchymyn pellach, os yw'n ystyried ei bod yn briodol gwneud hynny.</p> <p>(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>	
210.	<p>Page 49, after line 13, insert a new section -</p> <p>[] Appropriated property: compensation</p> <p>(1) A person ("P") with an interest in anything of which an authorised officer of a local authority or a constable ("an enforcement officer") has taken possession under section 86(1)(c), ("appropriated property") may apply by way of complaint to any magistrates' court for compensation.</p>	<p>Tudalen 49, ar ôl llinell 14, mewnosoder adran newydd—</p> <p>‘[] Eiddo a gyfeddir: digolledu</p> <p>(1) Caiff person ("P") a chanddo fuddiant mewn unrhyw beth y mae swyddog awdurdodedig i awdurdod lleol neu gwnstabl ("swyddog gorfodi") wedi cymryd meddiant ohono o dan adran 86(1)(c) ("eiddo a gyfeddir") wneud cais drwy gŵyn i unrhyw lys ynadon i gael ei ddigolledu.</p>	<p>The purpose of this amendment is to insert a new section providing a right for a person affected by the taking possession of property under section 86 (1)(c) to apply to a magistrates' court for compensation.</p> <p>The effect of the amendment is to provide an additional safeguard relating to the powers of entry and inspection provisions. It provides a mechanism whereby a person affected by an enforcement officer's taking possession of property under these provisions can apply to any magistrates' court to request</p>

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	<p>(2) Subsection (3) applies if on an application under this section the court is satisfied that—</p> <p>(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 78 had been committed, and</p> <p>(b) the loss or damage is not attributable to the neglect or default of P.</p> <p>(3) The court may order compensation to be paid to P —</p> <p>(a) where the enforcement officer is an authorised officer of a local authority, by the local authority, or</p> <p>(b) where the enforcement officer is a constable, by the chief constable of the police force of which the constable is a member.</p>	<p>(2) Mae is-adran (3) yn gymwys os yw'r llys, ar gais o dan yr adran hon, wedi ei fodloni—</p> <p>(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 78 wedi ei chyflawni, a</p> <p>(b) na ellir priodoli'r golled neu'r difrod i esgeulustod neu ddiffyg P.</p> <p>(3) Caiff y llys orchymyn i P gael ei ddigolledu—</p> <p>(a) pan fo'r swyddog gorfodi yn swyddog awdurdodedig i awdurdod lleol, gan yr awdurdod lleol, neu</p> <p>(b) pan fo'r swyddog gorfodi yn gwnstabl, gan brif gwnstabl yr heddlu y mae'r cwnstabl yn aelod ohono.</p> <p>(4) Mae'r cyfeiriad yn is-adran (3) at</p>	<p>compensation. Where certain circumstances are satisfied, the court may order the enforcement authority to pay compensation to the applicant.</p>

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	(4) The reference in subsection (3) to a “police force” is to a police force for a police area listed under the heading “Wales” in Schedule 1 to the Police Act 1996 (c.16).’.	“heddlu” yn gyfeiriad at heddlu ar gyfer ardal heddlu a restrir o dan y pennawd “Wales” yn Atodlen 1 i Ddeddf yr Heddlu 1996 (p.16).’.	
211.	Section 91, page 52, line 30, leave out ‘may’ and insert ‘must’.	Adran 91, tudalen 52, llinell 30, hepgorer ‘Caiff Gweinidogion’ a mewnosoder ‘Rhaid i Weinidogion’	<p>The purpose of this amendment is to replace wording in section 91 to require the Welsh Ministers to issue guidance to local authorities about the matters they should take into consideration when preparing, reviewing or publishing a local toilets strategy.</p> <p>The effect of this amendment is to remove the discretion provided to the Welsh Ministers to issue guidance to local authorities, and replace it with a mandatory duty to do so.</p>
212.	Section 91, page 52, after line 33, insert— () consulting on a local toilets strategy under section 92, or ’.	Adran 91, tudalen 52, ar ôl llinell 33, mewnosoder— () ymgynghori ar strategaeth toiledau lleol o dan adran 92, neu’.	<p>The purpose of this amendment is to insert the words “consulting on a local toilets strategy” to provide that the Welsh Ministers must issue guidance to local authorities on the matters they should consider when consulting on their local toilets strategies.</p> <p>The effect of this amendment is to require the Welsh Ministers to issue guidance to local authorities about the matters which they should consider when consulting on their local toilets strategies. A local authority must have regard to this guidance when fulfilling their</p>

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			duties under section 92 to consult any person it considers is likely to be interested on the provision of toilets in its area that are available for use by the public.
213.	<p>Section 91, page 52, after line 34, insert—</p> <p>() Guidance issued by the Welsh Ministers under subsection (8) must make provision about (among other things)—</p> <p>(a) the assessment of the need—</p> <p>(i) for toilets to be available for use by users of highways;</p> <p>(ii) for toilets located in premises that are publicly funded (whether wholly or in part) to be available for use by the public, and</p> <p>(b) promoting public awareness of toilets available for use by the public.</p> <p>() In subsection (<i>[the first sub-section to be inserted by this amendment]</i>) “highway” has the meaning given by</p>	<p>Adran 91, tudalen 52, ar ôl llinell 34, mewnosoder—</p> <p>() Rhaid i ganllawiau a ddyroddir gan Weinidogion Cymru o dan is-adran (8) wneud darpariaeth ynghylch (ymhlith pethau eraill)—</p> <p>(a) yr asesiad o'r angen—</p> <p>(i) i doiledau fod ar gael i ddefnyddwyr priffyrdd eu defnyddio;</p> <p>(ii) 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, a</p> <p>(b) hybu ymwybyddiaeth gyhoeddus o doiledau sydd ar gael i'r cyhoedd eu defnyddio.</p>	<p>The purpose of this amendment is to insert new subsections to make it explicit that the guidance issued by the Welsh Ministers relating to local toilets strategies must cover specified matters.</p> <p>The effect of this amendment is to specify the matters that the guidance to local authorities must make provision about, including toilets for use by highway users and those in publicly funded premises, and the promotion of toilets available for use by the public. It therefore provides additional certainty that these matters will be covered in the guidance produced by the Welsh Ministers.</p>

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	section 328 of the Highways Act 1980 (c.66).’.	() Yn is-adran (<i>[yr is-adran sy'n cael ei mewnosod gan y gwelliant hwn]</i>) mae i “priffordd” yr ystyr a roddir i “highway” gan adran 328 o Ddeddf Priffyrdd 1980 (p.66).’.	
214.	<p>Page 53, after line 2, insert a new section—</p> <p>[] Local toilets strategies: interim progress statement</p> <p>(1) A local authority that has published a local toilets strategy under section 91 (whether pursuant to a review of the strategy or otherwise) must prepare and publish an interim progress statement in accordance with this section.</p> <p>(2) A local authority that has reviewed its local toilets strategy under section 91(4) but not revised it must also prepare and publish an interim progress statement in accordance with this section.</p> <p>(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—</p>	<p>Tudalen 53, ar ôl llinell 2, mewnosoder adran newydd—</p> <p>[] Strategaethau toiledau lleol: datganiad cynnydd interim</p> <p>(1) Rhaid i awdurdod lleol sydd wedi cyhoeddi strategaeth toiledau lleol o dan adran 91 (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.</p> <p>(2) Rhaid i awdurdod lleol sydd wedi adolygu ei strategaeth toiledau lleol o dan adran 91(4), ond nad yw wedi ei diwygio, lunio a chyhoeddi datganiad cynnydd interim hefyd yn unol â'r adran hon.</p> <p>(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—</p>	<p>The purpose of this amendment is to insert a new section to require local authorities to publish an interim progress statement in relation to their local toilets strategies.</p> <p>The effect of this amendment is to require a local authority to prepare and publish an interim progress statement setting out the steps that the authority has taken in accordance with its local toilets strategy during the statement period. The interim progress statement must be published no later than six months after the last day of the statement period. The Welsh Ministers must issue guidance to local authorities about the matters which they should take into consideration when preparing an interim progress statement. The requirements relating to the interim progress statements strengthen the local accountability mechanisms relating to the toilets strategies by strengthening the information to be provided to local populations.</p>

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	<p>(a) in the case of a requirement imposed by subsection (1), the authority last published that strategy;</p> <p>(b) in the case of a requirement imposed by subsection (2), the authority last reviewed that strategy.</p> <p>(4) A local authority must publish its interim progress statement no later than six months after the last day of the statement period.</p> <p>(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.’.</p>	<p>(a) y cyhoeddwyd y strategaeth honno ddiwethaf gan yr awdurdod, yn achos gofyniad a osodir gan is-adran (1);</p> <p>(b) yr adolygwyd y strategaeth honno ddiwethaf gan yr awdurdod, yn achos gofyniad a osodir gan is-adran (2).</p> <p>(4) Rhaid i awdurdod lleol gyhoeddi ei ddatganiad cynnydd interim heb fod yn hwyrach na chwe mis ar ôl diwrnod olaf cyfnod y datganiad.</p> <p>(5) Rhaid i Weinidogion Cymru ddyroddi canllawiau i awdurdodau lleol ynghylch y materion y dylent eu hystyried wrth lunio datganiad cynnydd interim.’.</p>	
215.	Section 93, page 53, line 32, leave out ‘328 of the Highways Act 1980 (c.66)’ and insert ‘91(<i>the second subsection to be inserted by amendment 213</i>)’.	Adran 93, tudalen 53, llinell 37, hepgorer ‘328 o Ddeddf Priffyrdd 1980 (p.66)’ a mewnosoder ‘91(<i>yr ail is-adran sy’n cael ei mewnsodi gan welliant 213</i>)’.	<p>The purpose of this amendment is to remove a reference to section 328 of the Highways Act 1980.</p> <p>The effect of the amendment is to remove a superfluous reference to the Highways Act 1980.</p> <p>Consequential to amendment 213.</p>

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216.	<p>Page 54, after line 12, insert a new section—</p> <p style="text-align: center;">'PART 7</p> <p style="text-align: center;">MISCELLANEOUS</p> <p>[] Fixed penalty receipts for food hygiene rating offences</p> <p>In section 22 of the Food Hygiene Rating (Wales) Act 2013 (anaw 2), for subsection (1) substitute—</p> <p style="padding-left: 40px;">“(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.”.</p>	<p>Tudalen 54, ar ôl llinell 12, mewnosoder adran newydd—</p> <p style="text-align: center;">'RHAN 7</p> <p style="text-align: center;">AMRYWIOL</p> <p>[] Derbyniadau cosb benodedig ar gyfer troseddau sgorio hylendid bwyd</p> <p>Yn adran 22 o Ddeddf Sgorio Hylendid Bwyd (Cymru) 2013 (dccc 2), yn lle is-adran (1) rhodder—</p> <p style="padding-left: 40px;">“(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.”.</p>	<p>The purpose of this amendment is to insert a new section relating to the use of fixed penalty receipts in relation to offences under the Food Hygiene Rating (Wales) Act 2013.</p> <p>The effect of this amendment is to repeal section 22(1) of the Food Hygiene Rating (Wales) Act 2013 and replace it with a provision to enable the 'food authority' to use monies received from fixed penalties issued under section 21 of that Act, for the purposes of enforcing the Act. Section 2 of the Act defines "food authority" as "the county council or county borough council of the area in Wales in which the establishment is located (or a port health authority in the circumstances prescribed by section 5(3) of the Food Safety Act 1990)."</p>
217.	<p>Section 98, page 55, line 25, leave out '8, 9, 10, 11(3)' and insert '[the section to be inserted by amendment 150](2), 8, 9, 10, [the section to be inserted by amendment 154] (5), [the section to be inserted by amendment 155] (2), [the section to be inserted by amendment 156] (7), [the section to be inserted by amendment 157], 11(3), [the section to be inserted by amendment 158](3), 20[the second sub-section to be inserted by amendment 173]’.</p>	<p>Adran 98, tudalen 55, llinell 27, hepgorer '8, 9, 10, 11(3)' a mewnosoder '[yr adran sy'n cael ei mewnosod gan welliant 150](2), 8, 9, 10, [yr adran sy'n cael ei mewnosod gan welliant 154] (5), [yr adran sy'n cael ei mewnosod gan welliant 155] (2), [yr adran sy'n cael ei mewnosod gan welliant 156] (7), [yr adran sy'n cael ei mewnosod gan welliant 157], 11(3), [yr adran sy'n cael ei mewnosod gan welliant 158](3), 20[yr ail is-adran sy'n cael ei mewnosod gan welliant 173]’.</p>	<p>The purpose of this amendment is to update cross-referencing in the list of regulations which will be subject to the affirmative procedure.</p> <p>The effect of this amendment is that these regulations relating to Part 2 will be required to be laid before, and approved by resolution of, the National Assembly for Wales. The use of the affirmative procedure reflects the significance of the issues to be covered by the</p>

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			regulations.
218.	Section 98, page 55, line 27, after '52,' insert '55(<i>the subsection to be inserted by amendment 193</i>)'.	Adran 98, tudalen 55, llinell 29, ar ôl '52,' mewnosoder '55(<i>yr is-adran sy'n cael ei mewnosod gan welliant 193</i>)'.	<p>The purpose of this amendment is to insert regulations that add, vary or remove a description of relevant offences into the list of regulations which will be subject to the affirmative procedure.</p> <p>The effect of this amendment is that regulations that add, vary or remove a description of relevant offences will be required to be laid before, and approved by resolution of, the National Assembly for Wales. The use of the affirmative procedure reflects the significance of the issue to be covered by the regulations.</p>
219.	Section 98, page 55, line 27, after '52,' insert '58(6)'.	Adran 98, tudalen 55, llinell 29, ar ôl '52,' mewnosoder '58(6)'.	<p>The purpose of this amendment is to insert a new cross-reference into the list of regulations which will be subject to the affirmative procedure.</p> <p>The effect of this amendment is that regulations relating to the exemption from the approval requirements will be required to be laid before, and approved by resolution of, the National Assembly for Wales. The use of the affirmative procedure reflects the significance of the issue to be covered by the regulations.</p>
220.	Section 98, page 55, line 27, leave out 'or 76' and insert '76 or 77(1)'.	Adran 98, tudalen 55, llinell 29, hepgorer 'neu 76' a mewnosoder '76 neu 77(1)'.	The purpose of this amendment is to insert a new cross-reference into the list of regulations

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			<p>which will be subject to the affirmative procedure.</p> <p>The effect of this amendment is that regulations which add or remove special procedures, or amend the definition of body piercing will be required to be laid before, and approved by resolution of, the National Assembly for Wales. The use of the affirmative procedure reflects the significance of the issue to be covered by the regulations.</p>
221.	<p>Page 56, after line 34, insert a new schedule—</p> <p style="text-align: center;">‘SCHEDULE [] (introduced by section [section to be inserted by amendment 154])</p> <p style="text-align: center;">NID-FREE PREMISES</p> <p style="text-align: center;">PART 1</p> <p style="text-align: center;">NID-FREE PREMISES: DESIGNATION NOT PERMISSIBLE</p> <p style="text-align: center;"><i>Childcare</i></p> <p>1 (1) Premises at which childcare is provided, other than premises within sub-paragraph (2).</p> <p>(2) Premises within this sub-paragraph are—</p>	<p>Tudalen 56, ar ôl llinell 37, mewnosoder atodlen newydd—</p> <p style="text-align: center;">‘ATODLEN [] (a gyflwynir gan adran [yr adran sy'n cael ei mewnosod gan welliant 154])</p> <p style="text-align: center;">MANGROEDD DI-DMN</p> <p style="text-align: center;">RHAN 1</p> <p style="text-align: center;">MANGROEDD DI-DMN: NI CHANIATEIR EU DYNODI</p> <p style="text-align: center;"><i>Gofal plant</i></p> <p>1 (1) Mangre lle y darperir gofal plant, ac eithrio mangroedd o fewn is-baragraff (2).</p> <p>(2) Y mangroedd o fewn yr is-baragraff hwn yw—</p>	<p>The purpose of this amendment is to insert a new Schedule which provides a list of types of premises which are to be NID-free - some where areas within the premises can be designated as being not NID-free, and some which cannot. The Schedule also provides a list of general exemptions from the NID-free requirements and some Interpretation provisions.</p> <p>The effect of this amendment is to make specified settings NID-free, meaning that use of a NID will be prohibited. Childcare premises, educational institutions, food establishments and public transport facilities will be made NID-free, with no ability for areas within these settings to be designated as non-NID-free. Hospitals premises are to be NID-free where they are open to the public and/or providing care to patients; but the person in charge of those premises may designate</p>

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	<p>(a) premises at which a residential family centre service within the meaning of paragraph 3 of Schedule 1 to the Regulation and Inspection of Social Care (Wales) Act 2016 (anaw 2) is provided;</p> <p>(b) premises consisting of a hospital;</p> <p>(c) premises consisting of youth detention accommodation.</p>	<p>(a) mangre lle y darperir gwasanaeth canolfan breswyl i deuluoedd o fewn ystyr paragraff 3 o Atodlen 1 i Ddeddf Rheoleiddio ac Arolygu Gofal Cymdeithasol (Cymru) 2016 (dccc 2);</p> <p>(b) mangre sy'n ysbyty;</p> <p>(c) mangre sy'n llety cadw ieuenctid.</p>	<p>areas in the premises where NID use is permitted. Adult hospices and adult care homes are exempted from the NID-free provisions, meaning that NIDs can be used in all parts of these premises.</p> <p>Definitions are provided for clarity for the terms "adult care home", "adult hospice", "childcare", "further education institution", "hospital", "parent", "registered pupil", "relative" and "youth detention accommodation" ("llety cadw ieuenctid") and how they apply to the NID-free requirements.</p>
2	<p>(1) If only part of the premises is used for the purpose of providing childcare, the premises are NID-free only to that extent.</p> <p>(2) The premises are NID-free only when being used for the purpose of providing childcare, and in the case of premises used as a dwelling only when the childcare is provided there by a person in return for payment of money.</p> <p>(3) The premises are NID-free only in those areas that are enclosed or substantially enclosed.</p> <p><i>Educational institutions</i></p>	<p>(1) Os dim ond rhan o'r fangre sy'n cael ei defnyddio at ddiben darparu gofal plant, dim ond i'r graddau hynny y mae'r fangre yn ddi-DMN.</p> <p>(2) Dim ond pan yw mangre yn cael ei defnyddio at ddiben darparu gofal plant, ac yn achos mangre sy'n cael ei defnyddio fel annedd, dim ond pan ddarperir y gofal plant yno gan berson yn gyfnewid am daliad o arian, y mae'r fangre yn ddi-DMN.</p> <p>(3) Dim ond yn yr ardaloedd hynny sy'n gaeedig neu'n sylweddol gaeedig y mae'r fangre yn ddi-DMN.</p> <p><i>Sefydliadau addysgol</i></p>	<p>The term "parent" is consistent with section 3 of the Children Act 1989. The definition of "registered pupil" is consistent with that in the Education Act 1996.</p>
3	<p>Premises consisting of a school or a further education institution.</p>	<p>Mangre sy'n ysgol neu'n sefydliad addysg</p>	

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4	<p>(1) The premises are NID-free only when being used for the purpose of providing education.</p> <p>(2) The premises are NID-free only in those areas that are enclosed or substantially enclosed.</p>	<p>bellach.</p> <p>4 (1) Dim ond pan yw mangre yn cael ei defnyddio at ddiben darparu addysg y mae'r fangre yn ddi-DMN.</p> <p>(2) Dim ond yn yr ardaloedd hynny sy'n gaeedig neu'n sylweddol gaeedig y mae'r fangre yn ddi-DMN.</p>	
5	<p><i>Food establishments</i></p> <p>(1) Premises consisting of food business establishments that—</p> <p>(a) are required to be registered under Article 6 of Regulation (EC) No 852/2004, and</p> <p>(b) supply food direct to consumers,</p> <p>other than a food business establishment within sub-paragraph (2).</p> <p>(2) A food business establishment is within this sub-paragraph if the establishment consists of premises within section 145(4) of the Licensing Act 2003 (c.17) (premises from which unaccompanied children are prohibited).</p>	<p><i>Sefydliadau bwyd</i></p> <p>5 (1) Mangreoedd sy'n sefydliadau busnes bwyd—</p> <p>(a) y mae'n ofynnol iddynt fod yn gofrestredig o dan Erthygl 6 o Reoliad (EC) Rhif 852/2004, a</p> <p>(b) sy'n cyflenwi bwyd yn uniongyrchol i ddefnyddwyr,</p> <p>ac eithrio sefydliad busnes bwyd o fewn is-baragraff (2).</p> <p>(2) Mae sefydliad busnes bwyd o fewn yr is-baragraff hwn os yw'r sefydliad yn fangre sy'n dod o fewn adran 145(4) o Ddeddf Trwyddedu 2003 (p.17) (mangreoedd y mae plant sydd ar eu pennau eu hunain wedi eu gwahardd rhag mynd iddynt).</p>	
6	<p>(1) The premises are NID-free only when open to the public and only in those areas that are open to the public.</p>	<p>6 (1) Dim ond pan yw mangre ar agor i'r</p>	

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7	<p>(2) The premises are NID-free only in those areas that are enclosed or substantially enclosed.</p> <p><i>Public transport facilities</i></p> <p>Premises consisting of—</p> <p>(a) train stations;</p> <p>(b) bus stations;</p> <p>(c) bus shelters;</p> <p>(d) ticket offices, waiting rooms and terminal buildings connected with vehicles within section [section to be inserted by amendment 156](2).</p>	<p>cyhoedd a dim ond yn yr ardaloedd hynny sydd ar agor i'r cyhoedd y mae'r fangre yn ddi-DMN.</p> <p>(2) Dim ond yn yr ardaloedd hynny sy'n gaeedig neu'n sylweddol gaeedig y mae'r fangre yn ddi-DMN.</p> <p><i>Cyfleusterau trafnidiaeth gyhoeddus</i></p> <p>Mangreoedd sy'n—</p> <p>(a) gorsafoedd trenau;</p> <p>(b) gorsafoedd bysiau;</p> <p>(c) arosfannau bysiau;</p> <p>(d) swyddfeydd tocynnau, ystafelloedd aros a therfynfeydd sy'n gysylltiedig â cherbydau o fewn adran [yr adran sy'n cael ei mewnosod gan welliant 156](2).</p>	
8	<p>(1) The premises are NID-free only when open to the public and only in those areas that are open to the public.</p> <p>(2) The premises are NID-free only in those areas that are enclosed or substantially enclosed.</p> <p>PART 2</p> <p>NID-FREE PREMISES: DESIGNATION PERMISSIBLE</p> <p><i>Hospitals etc</i></p>	<p>(1) Dim ond pan yw mangreoedd ar agor i'r cyhoedd a dim ond yn yr ardaloedd hynny sydd ar agor i'r cyhoedd y mae'r mangreoedd yn ddi-DMN.</p> <p>(2) Dim ond yn yr ardaloedd hynny sy'n gaeedig neu'n sylweddol gaeedig y mae'r fangre yn ddi-DMN.</p>	

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9	Premises consisting of hospitals.	RHAN 2	
10	<p>(1) The premises are NID-free only in those parts that are either or both—</p> <p>(a) open to the public;</p> <p>(b) used for the purpose of providing care to patients.</p> <p>(2) The premises are NID-free only in those areas that are enclosed or substantially enclosed.</p>	<p>MANGREOEDD DI-DMN: CANIATEIR EU DYNODI</p> <p><i>Ysbytai etc</i></p> <p>9 Mangreoedd sy'n ysbytai.</p> <p>10 (1) Dim ond pan fo naill ai paragraff (a) neu baragraff (b) yn gymwys, neu pan fo'r ddau baragraff yn gymwys, y mae'r mangreoedd yn ddi-DMN—</p> <p>(a) maent ar agor i'r cyhoedd;</p> <p>(b) maent yn cael eu defnyddio at ddiben darparu gofal i gleifion.</p> <p>(2) Dim ond yn yr ardaloedd hynny sy'n gaeedig neu'n sylweddol gaeedig y mae'r fangre yn ddi-DMN.</p>	
	<p>PART 3</p> <p>GENERAL EXEMPTIONS</p>	RHAN 3	
11	Premises consisting of adult hospices.		
12	Premises consisting of adult care homes.		
13	<p>(1) Premises used as a dwelling.</p> <p>(2) But if used for the provision of childcare by a person in return for payment of money, the premises are not to be treated as a dwelling for the purpose of this paragraph in those parts or at those times they are so used.</p>	<p>ESEMPTIADAU CYFFREDINOL</p> <p>11 Mangreoedd sy'n hosbisau i oedolion.</p> <p>12 Mangreoedd sy'n gartrefi gofal i oedolion.</p> <p>13 (1) Mangre sy'n cael ei defnyddio fel annedd.</p>	
	<p>PART 4</p> <p>INTERPRETATION OF SCHEDULE</p>		

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	<p>14 (1) In this Schedule—</p> <p>“adult care home” (<i>“cartref gofal i oedolion”</i>) 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;</p> <p>“adult hospice” (<i>“hosbis i oedolion”</i>) means an establishment the primary function of which is the provision of palliative care to persons aged 18 or over who are suffering from a progressive disease in its final stages;</p> <p>“childcare” (<i>“gofal plant”</i>) means (subject to sub-paragraph (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—</p> <p>(a) education for a child, and</p> <p>(b) any other supervised activity for a child;</p> <p>“further education institution” (<i>“sefydliad addysg bellach”</i>) means an institution within the further education sector (within the meaning given by section 91</p>	<p>(2) Ond os y'i defnyddir i ddarparu gofal plant gan berson yn gyfnewid am daliad o arian, nid yw'r fangre i gael ei thrin fel annedd at ddiben y paragraff hwn yn y rhannau hynny neu ar yr adegau hynny y'i defnyddir felly.</p> <p style="text-align: center;">RHAN 4</p> <p style="text-align: center;">DEHONGLI'R ATODLEN</p> <p>14 (1) Yn yr Atodlen hon—</p> <p>ystyr “cartref gofal i oedolion” (<i>“adult care home”</i>) 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;</p> <p>mae i “disgybl cofrestredig” yr ystyr a roddir i “registered pupil” gan adran 434(5) o Ddeddf Addysg 1996 (p.56);</p> <p>ystyr “gofal plant” (<i>“childcare”</i>) (yn ddarostyngedig i is-baragraff (2)) yw unrhyw ffurf ar ofal ar gyfer plentyn, ac eithrio gofal a ddarperir ar gyfer plentyn gan riant, perthynas neu riant maeth y plentyn; ac mae'n cynnwys—</p> <p>(a) addysg ar gyfer plentyn, a</p>	

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	<p>of the Further and Higher Education Act 1992 (c.13));</p> <p>“hospital” (“<i>ysbyty</i>”) has the meaning given by section 206 of the National Health Service (Wales) Act 2006 (c.42);</p> <p>“parent” (“<i>rhiant</i>”) includes any person who has parental responsibility (within the meaning of section 3 of the Children Act 1989 (c.41)) for a child;</p> <p>“registered pupil” (“<i>disgybl cofrestredig</i>”) has the meaning given by section 434(5) of the Education Act 1996 (c.56);</p> <p>“relative” (“<i>perthynas</i>”), 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);</p> <p>“youth detention accommodation” (“<i>llety cadw ieuenctid</i>”) means—</p> <p>(a) a secure accommodation service (within the meaning given by paragraph 2 of Schedule 1 to the Regulation and Inspection of Social Care (Wales) Act 2016 (anaw 2));</p>	<p>(b) unrhyw weithgaredd arall o dan oruchwyliaeth ar gyfer plentyn;</p> <p>ystyr “hosbis i oedolion” (“<i>adult hospice</i>”) yw sefydliad â'i brif swyddogaeth yw 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;</p> <p>ystyr “llety cadw ieuenctid” (“<i>youth detention accommodation</i>”) yw—</p> <p>(a) gwasanaeth llety diogel (o fewn yr ystyr a roddir gan baragraff 2 o Atodlen 1 i Ddeddf Rheoleiddio ac Arolygu Gofal Cymdeithasol (Cymru) 2016 (dccc 2);</p> <p>(b) canolfan hyfforddi ddiogel;</p> <p>(c) coleg diogel;</p> <p>(d) sefydliad troseddwr ifanc;</p> <p>(e) llety sy'n cael ei ddarparu, ei gyfarparu a'i gynnal gan Weinidogion Cymru o dan adran 82(5) o Ddeddf Plant 1989 (p.41) at ddiben cyfyngu ar ryddid plant;</p>	

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	<p>(b) a secure training centre;</p> <p>(c) a secure college;</p> <p>(d) a young offender institution;</p> <p>(e) accommodation provided, equipped and maintained by the Welsh Ministers under section 82(5) of the Children Act 1989 (c.41) for the purpose of restricting the liberty of children;</p> <p>(f) accommodation, or accommodation of a description, for the time being specified by order under section 107(1)(e) of the Powers of Criminal Courts (Sentencing) Act 2000 (c.6) (youth detention accommodation for purposes of detention and training orders).</p> <p>(2) References in this Schedule to “childcare” do not include—</p> <p>(a) education (or any other supervised activity) provided by a school during school hours for a registered pupil, or</p>	<p>(f) llety, neu lety o ddisgrifiad, a bennir am y tro drwy orchymyn o dan adran 107(1)(e) o Ddeddf Pwerau Llysoedd Troseddol (Dedfrydu) 2000 (p.6) (llety cadw ieuencid at ddibenion gorchmynion cadw a hyfforddi);</p> <p>ystyr “perthynas” (“<i>relative</i>”), 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);</p> <p>mae “rhiant” (“<i>parent</i>”) 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;</p> <p>ystyr “sefydliad addysg bellach” (“<i>further education institution</i>”) yw sefydliad o fewn y sector addysg bellach (o fewn yr ystyr a roddir i “further education sector” gan adran 91 o Ddeddf Addysg Bellach ac Uwch 1992 (p.13));</p>	

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	<p>(b) any form of health care for a child.</p> <p>(3) For the purposes of sub-paragraph (1) a person is a foster parent in relation to a child if the person—</p> <p>(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</p> <p>(b) fosters the child privately.’</p>	<p>mae i “ysbyty” yr ystyr a roddir i “hospital” gan adran 206 o Ddeddf y Gwasanaeth Iechyd Gwladol (Cymru) 2006 (p.42).</p> <p>(2) Nid yw cyfeiriadau yn yr Atodlen hon at “gofal plant” yn cynnwys—</p> <p>(a) addysg (neu unrhyw weithgaredd arall o dan oruchwyliaeth) a ddarperir gan ysgol yn ystod oriau ysgol ar gyfer disgybl cofrestredig, neu</p> <p>(b) unrhyw ffurf ar ofal iechyd ar gyfer plentyn.</p> <p>(3) At ddibenion is-baragraff (1) mae person yn rhiant maeth mewn perthynas â phlentyn os yw'r person—</p> <p>(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</p> <p>(b) yn maethu'r plentyn yn breifat.’</p>	

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222.	<p>Schedule 3, page 62, after line 22, insert—</p> <p>‘(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.’</p>	<p>Atodlen 3, tudalen 62, ar ôl llinell 25, mewnosoder—</p> <p>‘(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.’</p>	<p>The purpose of the amendment is to insert wording to clarify the scope of the regulation making power in relation to fees for applications for a special procedure licence.</p> <p>The effect of this amendment is that regulations may make provision about the way in which a local authority is to determine the amount of fee that is to accompany an application for a special procedure licence, having regard to the costs incurred or expected to be incurred by the authority in connection with dealing with applications.</p>
223.	<p>Schedule 3, page 63, line 6, after ‘may’, insert ‘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;’.</p>	<p>Atodlen 3, tudalen 63, llinell 6, ar ôl ‘rheoliadau’, mewnosoder ‘gwneud darpariaeth ynghylch y ffordd y mae awdurdod lleol i ddyfarnu ar swm y ffi sydd i ddod gyda chais a wneir iddo;’.</p>	<p>The purpose of the amendment is to insert wording to widen the scope of the regulation making power in relation to applications for a special procedure licence.</p> <p>The effect of this amendment is that regulations may make provision about the way in which a local authority is to determine the amount of fee that is to accompany an application for a special procedure licence. This will ensure that the licence fee structure reflects the range of special procedures covered by the Bill.</p>