

HYSBYSIAD YNGHYLCH GWELLIANNAU NOTICE OF AMENDMENTS

Cyflwynwyd rhwng 14 Rhagfyr 2015 a 21 Ionawr
2016

Tabled on 14 December 2015 and 21 January 2016

Public Health (Wales) Bill Bil Iechyd y Cyhoedd (Cymru)

Mae'r gwelliannau â * ar eu pwys yn rhai newydd neu'n rhai sydd wedi'u haddasu.
Amendments marked * are new or have been altered.

Amendments marked 'R' mean that the Member has declared either a registrable interest under Standing Order 2 or relevant interest under Standing Orders 13 or 17 when tabling the amendment.

Mae gwelliannau a nodir ag 'R' yn dynodi bod yr Aelod wedi datgan buddiant cofrestradwy o dan Reol Sefydlog 2 neu fuddiant perthnasol o dan Reolau Sefydlog 13 neu 17 wrth gyflwyno'r gwelliant.

Kirsty Williams

1

Gyda chefnogaeth/ Supported by: Darren Millar

Long title, page 1, line 1, leave out 'and the use of nicotine inhaling devices'.

Teitl hir, tudalen 1, llinell 1, hepgorer 'a'r defnydd o ddyfeisiau mewnanadlu nicotin'.

Kirsty Williams

2

Gyda chefnogaeth/ Supported by: Darren Millar

Section 1, page 1, line 14, leave out 'and the use of nicotine inhaling devices'.

Adran 1, tudalen 1, llinell 14, hepgorer 'a'r defnydd o ddyfeisiau mewnanadlu nicotin'.



Kirsty Williams

3

Gyda chefnogaeth/ Supported by: Darren Millar

Section 1, page 1, line 16, leave out 'and the use of nicotine inhaling devices'.

Adran 1, tudalen 1, llinell 16, hepgorer 'a'r defnydd o ddyfeisiau mewnanadlu nicotin'.

Kirsty Williams

4

Gyda chefnogaeth/ Supported by: Darren Millar

Section 2, page 2, line 28, leave out subsections (2) to (3).

Adran 2, tudalen 2, llinell 32, hepgorer is-adrannau (2) hyd at (3).

Kirsty Williams

5

Gyda chefnogaeth/ Supported by: Darren Millar

Page 3, line 4, leave out section 3.

Tudalen 3, llinell 4, hepgorer adran 3.

Kirsty Williams

6

Gyda chefnogaeth/ Supported by: Darren Millar

Section 4, page 3, line 21, leave out subsection (2).

Adran 4, tudalen 3, llinell 22, hepgorer is-adran (2).

Kirsty Williams

7

Gyda chefnogaeth/ Supported by: Darren Millar

Section 5, page 4, leave out lines 6 to 7.

Adran 5, tudalen 4, hepgorer llinellau 7 hyd at 8.

Kirsty Williams

8

Gyda chefnogaeth/ Supported by: Darren Millar

Section 5, page 4, line 8, leave out '(1)(a) or (b)' and insert '(1)'.

Adran 5, tudalen 4, llinell 9, hepgorer '(1)(a) neu (b)' a mewnosoder '(1)'.



Kirsty Williams

9

Gyda chefnogaeth/ Supported by: Darren Millar

Section 5, page 4, line 13, leave out '(1)(a) or (b)' and insert '(1)'.

Adran 5, tudalen 4, llinell 14, hepgorer '(1)(a) neu (b)' a mewnosoder '(1)'.

Kirsty Williams

10

Gyda chefnogaeth/ Supported by: Darren Millar

Section 5, page 4, line 17, leave out 'or using a nicotine inhaling device'.

Adran 5, tudalen 4, llinell 19, hepgorer 'neu'n defnyddio dyfais mewnanadlu nicotin'.

Kirsty Williams

11

Gyda chefnogaeth/ Supported by: Darren Millar

Section 8, page 6, line 3, leave out 'or using a nicotine inhaling device'.

Adran 8, tudalen 6, llinell 4, hepgorer 'neu ddefnyddio dyfais mewnanadlu nicotin'.

Kirsty Williams

12

Gyda chefnogaeth/ Supported by: Darren Millar

Section 10, page 7, line 10, leave out 'or using a nicotine inhaling device'.

Adran 10, tudalen 7, llinell 10, hepgorer 'neu ddefnyddio dyfais mewnanadlu nicotin'.

Kirsty Williams

13

Gyda chefnogaeth/ Supported by: Darren Millar

Section 10, page 7, line 11, leave out subsections (5) to (6).

Adran 10, tudalen 7, llinell 12, hepgorer is-adrannau (5) hyd at (6).

Kirsty Williams

14

Gyda chefnogaeth/ Supported by: Darren Millar

Section 19, page 11, line 22, leave out 'or (2)'.

Adran 19, tudalen 11, llinell 24, hepgorer 'neu (2)'.



Kirsty Williams

15

Gyda chefnogaeth / Supported by: Darren Millar

Section 20, page 12, leave out lines 17 to 19.

Adran 20, tudalen 12, hepgorer llinellau 18 hyd at 20.

Kirsty Williams

16

Gyda chefnogaeth / Supported by: Darren Millar

Section 98, page 55, line 25, leave out '3,'.

Adran 98, tudalen 55, llinell 27, hepgorer '3,'.

WITHDRAWN/TYNNWYD YN ÔL

Mark Drakeford

17

Section 6, page 5, line 7, leave out 'section 7 (premises that are open to the public) what "enclosed" and "' and insert 'sections 7 to 9 what "enclosed", "substantially enclosed" and "not enclosed or'.

Adran 6, tudalen 5, llinell 7, hepgorer 'adran 7 (mangreoddd sydd ar agor i'r cyhoedd) ystyr "caeedig" a "' a mewnosoder 'adrannau 7 i 9 ystyr "caeedig", "sylweddol gaeedig" ac "nad ydynt yn gaeedig nac yn'.

Mark Drakeford

18

Section 8, page 6, line 1, leave out 'conditions requiring the person in charge of the place, or place falling within the description, to designate' and insert –

'specified conditions to be satisfied in order for an exemption to apply.

- () The conditions that may be specified under subsection (5) may include a condition that the person in charge of the place, or place falling within the description, has designated'.

Adran 8, tudalen 6, llinell 2, hepgorer 'sy'n ei gwneud yn ofynnol i'r person a chanddo ofal am y man, neu am fan sy'n dod o fewn y disgrifiad, ddynodi' a mewnosoder –

'penodedig i gael eu bodloni er mwyn i esemptiad fod yn gymwys.

- () Caiff yr amodau y caniateir iddynt gael eu pennu o dan is-adran (5) gynnwys amod bod y person a chanddo ofal am y man, neu am fan sy'n dod o fewn y disgrifiad, wedi dynodi'.

Mark Drakeford

19

Section 8, page 6, line 5, leave out subsection (6).

Adran 8, tudalen 6, llinell 5, hepgorer is-adran (6).



Mark Drakeford

20

Page 6, after line 7, insert a new section –

[] Further provision about additional smoke-free premises: dwellings

- (1) Regulations under section 8 that provide for premises used as a dwelling that are not smoke-free by virtue of section 6 or 7 to be treated as smoke-free premises for the purposes of this Chapter must comply with this section.
- (2) The regulations may only make provision in relation to those areas of such premises that are not enclosed or substantially enclosed.
- (3) The regulations may not provide for those areas to be treated as smoke-free premises unless –
 - (a) they are workplaces (within the meaning of section 6(2)), or
 - (b) they are open to the public (within the meaning of section 7(2)).
- (4) The regulations must provide that –
 - (a) those areas are to be treated as smoke-free premises only when –
 - (i) they are used as a place of work or open to the public, and
 - (ii) a person aged under 18 is present, and
 - (b) if only part of an area is used as a place of work or is open to the public, the area is to be treated as smoke-free only to that extent, and only if a person under 18 is present in that part.’.

Tudalen 6, ar ôl llinell 6, mewnosoder adran newydd –

[] Darpariaeth bellach ynghylch mangreoedd di-fwg ychwanegol: anheddau

- (1) Rhaid i reoliadau o dan adran 8 sy'n darparu i fangre a ddefnyddir fel annedd nad yw'n ddi-fwg yn rhinwedd adran 6 neu 7 gael ei thrin fel mangre ddi-fwg at ddibenion y Bennod hon gydymffurfio â'r adran hon.
- (2) Dim ond mewn perthynas â'r ardaloedd hynny o fangreoedd o'r fath nad ydynt yn gaeedig nac yn sylweddol gaeedig y caiff y rheoliadau wneud darpariaeth.
- (3) Ni chaiff y rheoliadau ddarparu i'r ardaloedd hynny gael eu trin fel mangreoedd di-fwg oni bai –
 - (a) eu bod yn weithleoedd (o fewn ystyr adran 6(2)), neu
 - (b) eu bod ar agor i'r cyhoedd (o fewn ystyr adran 7(2)).
- (4) Rhaid i'r rheoliadau ddarparu –
 - (a) nad yw'r ardaloedd hynny i gael eu trin fel mangreoedd di-fwg ond –
 - (i) pan y'u defnyddir fel man gwaith neu pan ydynt ar agor i'r cyhoedd, a
 - (ii) pan yw person o dan 18 oed yn bresennol, a
 - (b) os dim ond rhan o ardal a ddefnyddir fel man gwaith neu sydd ar agor i'r cyhoedd, mai dim ond i'r graddau hynny y mae'r ardal i gael ei thrin fel pe bai'n ddi-fwg, a dim ond os yw person o dan 18 oed yn bresennol yn y rhan honno.’.



Mark Drakeford

21

Section 10, page 7, line 8, leave out 'specified under subsection (3)(c) may include conditions requiring the person in charge of the premises to designate' and insert 'that may be specified under subsection (3)(c) may include a condition that the person in charge of the premises has designated'.

Adran 10, tudalen 7, llinell 8, hepgorer 'a bennir o dan is-adran (3)(c) gynnwys amodau sy'n ei gwneud yn ofynnol i'r person a chanddo ofal am y fangre ddynodi' a mewnosoder 'y caniateir iddynt gael eu pennu o dan is-adran (3)(c) gynnwys amod bod y person a chanddo ofal am fangre wedi dynodi'.

Mark Drakeford

22

Section 11, page 7, after line 31, insert –

'() Regulations under subsection (1) or (3) may include provision about the signs to be displayed in premises, areas of premises or vehicles that, by virtue of regulations under section 8(5), 9(3)(d) or 10 (exemptions), are to be treated as not being smoke-free, but that would otherwise be smoke-free under or by virtue of this Chapter.'

Adran 11, tudalen 7, ar ôl llinell 33, mewnosoder –

'() Caiff rheoliadau o dan is-adran (1) neu (3) gynnwys darpariaeth ynghylch yr arwyddion sydd i gael eu harddangos mewn mangreoedd, ardaloedd o fangreoedd neu gerbydau sydd, yn rhinwedd rheoliadau o dan adran 8(5), 9(3)(d) neu 10 (esemptiadau), i gael eu trin fel pe na baent yn ddi-fwg, ond a fyddai fel arall yn ddi-fwg o dan y Bennod hon neu yn rhinwedd y Bennod hon.'

Mark Drakeford

23

Section 16, page 10, after line 7, insert –

'() If premises that an authorised officer is authorised to enter by a warrant under section 14 or 15 are unoccupied, or if the occupier is temporarily absent, then on leaving the premises the officer must leave them as effectively secured against unauthorised entry as the officer found them.'

Adran 16, tudalen 10, ar ôl llinell 7, mewnosoder –

'() Os nad yw mangre y mae swyddog awdurdodedig wedi ei awdurdodi i fynd i mewn iddi drwy warant o dan adran 14 neu 15 wedi ei meddiannu, neu os yw'r meddiannydd yn absennol dros dro, yna wrth adael y fangre rhaid i'r swyddog ei gadael wedi ei diogelu rhag mynediad anawdurdodedig yr un mor effeithiol ag yr oedd pan aeth y swyddog iddi.'



Mark Drakeford 24

Section 17, page 10, line 25, leave out 'possession of anything' and insert 'anything away from the premises'.

Adran 17, tudalen 10, llinell 26, hepgorer 'meddiant o unrhyw beth' a mewnosoder 'unrhywbeth o'r fangre'.

Mark Drakeford 25

Section 19, page 11, line 26, leave out 'private vehicle' and insert 'vehicle being used for the purposes mentioned in subsection ((*subsection to be inserted by amendment 26*))'.

Adran 19, tudalen 11, llinell 29, hepgorer 'preifat' a mewnosoder 'sy'n cael ei ddefnyddio at y dibenion a grybwyllir yn is-adran ((*yr is-adran sy'n cael ei mewnosod gan welliant 26*))'.

Mark Drakeford 26

Section 19, page 11, line 31, leave out subsections (4) to (5) and insert –

'() The purposes are the social, domestic or other private purposes of the person believed by the authorised officer to have committed the offence.'

Adran 19, tudalen 11, llinell 35, hepgorer is-adrannau (4) hyd at (5) a mewnosoder –

'() Y dibenion yw dibenion cymdeithasol, domestig neu ddibenion preifat eraill y person y mae'r swyddog awdurdodedig yn credu ei fod wedi cyflawni'r drosedd.'

Mark Drakeford 27

Section 19, page 12, after line 8, insert –

'() In this section, "partnership" means –

(a) a partnership within the Partnership Act 1890 (c.39), or

(b) a limited partnership registered under the Limited Partnerships Act 1907 (c.24).'

Adran 19, tudalen 12, ar ôl llinell 8, mewnosoder –

'() Yn yr adran hon, ystyr "partneriaeth" yw—

(a) partneriaeth o fewn Deddf Partneriaethau 1890 (p.39), neu

(b) partneriaeth gyfyngedig sydd wedi ei chofrestru o dan Ddeddf Partneriaethau Cyfyngedig 1907 (p.24).'

Mark Drakeford 28

Section 20, page 12, line 31, after 'are', insert '(or are not)'.

Adran 20, tudalen 12, llinell 33, ar ôl 'ddi-fwg' yn y lle cyntaf y mae'n ymddangos, mewnosoder '(neu nad ydynt yn ddi-fwg)'.



Mark Drakeford 29

Section 20, page 12, line 32, after 'are' at the second place where it appears, insert '(or are not)'.

Adran 20, tudalen 12, llinell 34, ar ôl 'ddi-fwg', mewnosoder '(neu nad ydynt yn ddi-fwg)'.

Mark Drakeford 30

Section 22, page 13, line 23, after 'name', insert 'and, if different, the individual's trading name,'.

Adran 22, tudalen 13, llinell 23, ar ôl 'unigolyn' yn yr ail le y mae'n ymddangos, mewnosoder 'ac, os yw'n wahanol, enw masnachu'r unigolyn,'.

Mark Drakeford 31

Section 22, page 13, line 25, after 'name', insert 'and, if different, its trading name,'.

Adran 22, tudalen 13, llinell 25, ar ôl 'enw', mewnosoder 'ac, os yw'n wahanol, ei enw masnachu,'.

Mark Drakeford 32

Section 22, page 13, line 26, after 'partnership', insert 'other than a limited liability partnership'.

Adran 22, tudalen 13, llinell 26, ar ôl 'partneriaeth', mewnosoder 'ac eithrio partneriaeth atebolrwydd cyfyngedig'.

Mark Drakeford 33

Section 22, page 13, line 26, after 'partner', insert 'and, if different, the partnership's trading name,'.

Adran 22, tudalen 13, llinell 26, ar ôl 'partner', mewnosoder 'ac, os yw'n wahanol, enw masnachu'r bartneriaeth,'.

Mark Drakeford 34

Section 22, page 13, after line 27, insert –

'(d) in the case of a limited liability partnership –

- (i) its registered name and, if different, its trading name, and
- (ii) the address of its registered office.'

Adran 22, tudalen 13, ar ôl llinell 27, mewnosoder –

'(d) yn achos partneriaeth atebolrwydd cyfyngedig –

- (i) ei henw cofrestredig ac, os yw'n wahanol, ei henw masnachu, a
- (ii) cyfeiriad ei swyddfa gofrestredig.'



Mark Drakeford 35

Section 23, page 14, line 9, after 'register', insert –

, or

- () in the case of premises consisting of a moveable structure, a stall, a tent or a vehicle, to add another local authority to the person's entry in the register'.

Adran 23, tudalen 14, llinell 9, ar ôl 'gofrestr', mewnosoder –

, neu

- () yn achos mangre sy'n strwythur symudol, stondin, pabell neu gerbyd, i ychwanegu awdurdod lleol arall at gofnod y person yn y gofrestr'.

Mark Drakeford 36

Section 23, page 14, line 11, after 'name', insert 'and, if different, the individual's trading name,'.

Adran 23, tudalen 14, llinell 11, ar ôl 'unigolyn' yn yr ail le y mae'n ymddangos, mewnosoder 'ac, os yw'n wahanol, enw masnachu'r unigolyn,'.

Mark Drakeford 37

Section 23, page 14, line 13, after 'name', insert 'and, if different, its trading name,'.

Adran 23, tudalen 14, llinell 13, ar ôl 'enw', mewnosoder 'ac, os yw'n wahanol, ei enw masnachu,'.

Mark Drakeford 38

Section 23, page 14, line 14, after 'partnership', insert 'other than a limited liability partnership'.

Adran 23, tudalen 14, llinell 14, ar ôl 'bartneriaeth', mewnosoder 'ac eithrio partneriaeth atebolrwydd cyfyngedig'.

Mark Drakeford 39

Section 23, page 14, line 14, after 'partner', insert 'and, if different, the partnership's trading name,'.

Adran 23, tudalen 14, llinell 14, ar ôl 'partner', mewnosoder 'ac, os yw'n wahanol, enw masnachu'r bartneriaeth,'.

Mark Drakeford 40

Section 23, page 14, after line 15, insert –

- () if the applicant is a limited liability partnership, state –
 - (i) its registered name and, if different, its trading name, and
 - (ii) the address of its registered office;'



Adran 23, tudalen 14, ar ôl llinell 15, mewnosoder –

- () os yw'r ceisydd yn bartneriaeth atebolrwydd cyfyngedig, ddatgan –
- (i) ei enw cofrestredig ac, os yw'n wahanol, ei enw masnachu, a
 - (ii) cyfeiriad ei swyddfa gofrestrdig'.

Mark Drakeford

41

Section 23, page 14, line 33, after 'vehicle', insert –

' –

- () if the application is made under subsection (1)(a)'.

Adran 23, tudalen 14, llinell 31, ar ôl 'gerbyd', mewnosoder –

' –

- () os gwneir y cais o dan is-adran (1)(a)'.

Mark Drakeford

42

Section 23, page 14, line 34, after 'business', insert –

', and

- () if the application is made under subsection (1)(b)(*sub-paragraph to be inserted by amendment 35*), state the name of each additional local authority in whose area the applicant proposes to carry on a tobacco or nicotine business'.

Adran 23, tudalen 14, llinell 33, ar ôl 'ardal', mewnosoder –

', a

- () os gwneir y cais o dan is-adran (1)(b)(*yr is-baragraff sy'n cael ei fewnosod gan welliant 35*), ddatgan enw pob awdurdod lleol ychwanegol y mae'r ceisydd yn bwriadu cynnal busnes tybaco neu nicotin yn ei ardal'.

Mark Drakeford

43

Section 25, page 15, line 28, leave out –

', or

- (ii) if the person begins to carry on the business in the area of a local authority other than one stated in the person's entry in the register'.

Adran 25, tudalen 15, llinell 28, hepgorer –

', neu

- (ii) os yw'r person yn dechrau cynnal y busnes yn ardal awdurdod lleol ac eithrio un a ddatgenir yng nghofnod y person yn y gofrestr'.



Mark Drakeford 44

Page 16, after line 28, insert a new section –

[] Excepted premises

The provisions of this Chapter do not apply in relation to a person who carries on a tobacco or nicotine business at premises of a description specified in regulations.’

Tudalen 16, ar ôl llinell 28, mewnosoder adran newydd –

[] Mangreoedd a eithrir

Nid yw darpariaethau’r Bennod hon yn gymwys mewn perthynas â pherson sy’n cynnal busnes tybaco neu nicotin mewn mangre o ddisgrifiad a bennir mewn rheoliadau.’

Mark Drakeford 45

Section 34, page 18, after line 31, insert –

‘() If premises that an authorised officer is authorised to enter by a warrant under section 32 or 33 are unoccupied, or if the occupier is temporarily absent, then on leaving the premises the officer must leave them as effectively secured against unauthorised entry as the officer found them.’

Adran 34, tudalen 18, ar ôl llinell 31, mewnosoder –

‘() Os nad yw mangre y mae swyddog awdurdodedig wedi ei awdurdodi i fynd i mewn iddi drwy warant o dan adran 32 neu 33 wedi ei meddiannu, neu os yw’r meddiannydd yn absennol dros dro, yna wrth adael y fangre rhaid i’r swyddog ei gadael wedi ei diogelu rhag mynediad anawdurdodedig yr un mor effeithiol ag yr oedd pan aeth y swyddog iddi.’

Mark Drakeford 46

Section 35, page 19, line 9, leave out ‘possession of anything’ and insert ‘anything away from the premises’.

Adran 35, tudalen 19, llinell 10, hepgorer ‘meddiant o unrhyw beth’ a mewnosoder ‘unrhywbeth o’r fangre’.

Mark Drakeford 47

Section 38, page 20, after line 17, insert –

‘() In this section, “partnership” means –

- (a) a partnership within the Partnership Act 1890 (c.39), or
- (b) a limited partnership registered under the Limited Partnerships Act 1907 (c.24).’



Adran 38, tudalen 20, ar ôl llinell 18, mewnosoder –

‘() Yn yr adran hon, ystyr “partneriaeth” yw—

- (a) partneriaeth o fewn Deddf Partneriaethau 1890 (p.39), neu
- (b) partneriaeth gyfyngedig sydd wedi ei chofrestru o dan Ddeddf Partneriaethau Cyfyngedig 1907 (p.24).’.

Mark Drakeford

48

Section 39, page 20, after line 24, insert –

“limited liability partnership” (“*partneriaeth atebolrwydd cyfyngedig*”) means a limited liability partnership formed under the Limited Liability Partnerships Act 2000 (c.12);’.

Adran 39, tudalen 20, ar ôl llinell 34, mewnosoder –

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

Mark Drakeford

49

Section 39, page 21, after line 1, insert –

“trading name” (“*enw masnachu*”) means a name under which a person carries on a tobacco or nicotine business.’.

Adran 39, tudalen 20, ar ôl llinell 30, mewnosoder –

‘ystyr “enw masnachu” (“*trading name*”) yw enw y mae person yn cynnal busnes tybaco neu nicotin odano;’.

WITHDRAWN/TYNNWYD YN ÔL

Mark Drakeford

50

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, before and after a special procedure is performed;

- () consultation to be carried out by 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 ei harddangos neu fel arall), ac i ddeiliad trwydded, cyn ac ar ôl thoi triniaeth arbennig;

- () â’r ymgynghori sydd i’w gynnal gan ddeiliad trwydded’.



Mark Drakeford

51

Section 54, page 28, line 38, leave out 'procedure' and insert 'performance of the procedure, on the basis specified in the application and at or in any premises or vehicle specified in the application'.

Adran 54, tudalen 28, llinell 36, hepgorer 'â'r driniaeth' a mewnosoder 'â rhoi'r driniaeth, ar y sail a bennir yn y cais ac mewn unrhyw fangre neu gerbyd a bennir yn y cais'.

Mark Drakeford

52

Section 54, page 28, line 39, after 'procedure', insert 'on that basis and at or in the premises or vehicle'.

Adran 54, tudalen 28, llinell 37, ar ôl 'honno', mewnosoder 'ar y sail honno ac yn y fangre neu'r cerbyd'.

Mark Drakeford

53

Section 54, page 29, line 2, leave out 'procedure' at the first place where it appears and insert 'performance of the procedure, on the basis specified in the application and at or in any premises or vehicle specified in the application'.

Adran 54, tudalen 29, llinell 2, hepgorer 'â'r driniaeth' a mewnosoder 'â rhoi'r driniaeth, ar y sail a bennir yn y cais ac mewn unrhyw fangre neu gerbyd a bennir yn y cais'.

Mark Drakeford

54

Section 54, page 29, line 3, leave out 'the basis specified in the application' and insert 'that basis and at or in the premises or vehicle'.

Adran 54, tudalen 29, llinell 3, hepgorer 'a bennir yn y cais' a mewnosoder 'honno ac yn y fangre neu'r cerbyd'.

Mark Drakeford

55

Section 58, page 30, line 34, leave out 'that the premises or vehicle, once approved under section 59, comply' and insert 'compliance'.

Adran 58, tudalen 30, llinell 34, hepgorer 'bod y fangre neu'r cerbyd, unwaith y'i cymeradwyir o dan adran 59, yn cydymffurfio' a mewnosoder 'cydymffurfedd'.



Mark Drakeford

56

Section 58, page 30, line 39, leave out subsection (5) and insert –

- ‘() Subsections ((*second subsection to be inserted by amendment 56*)) and ((*third subsection to be inserted by amendment 56*)) apply in the case of an exhibition, entertainment or other event –
- (a) to which members of the public have access, and
 - (b) at which a special procedure is performed by a person in the course of a business.
- () The person who organises the exhibition, entertainment or event is to be treated for the purposes of this section as carrying on a business in the course of which the special procedure is performed.
- () The premises at which the exhibition, entertainment or event is held are to be treated for the purposes of this section as being the premises at which the special procedure is performed in the course of that business.’.

Adran 58, tudalen 30, llinell 39, hepgorer is-adran (5) a mewnosoder –

- ‘() Mae is-adrannau ((*yr ail is-adran sy'n cael ei mewnosod gan welliant 56*)) ac ((*y drydedd is-adran sy'n cael ei mewnosod gan welliant 56*)) yn gymwys yn achos arddangosfa, adloniant neu ddigwyddiad arall –
- (a) y mae gan aelodau o'r cyhoedd fynediad iddo, a
 - (b) lle y rhoddir triniaeth arbennig gan berson yng nghwrs busnes.
- () Mae'r person sy'n trefnu'r arddangosfa, yr adloniant neu'r digwyddiad i gael ei drin at ddibenion yr adran hon fel pe bai'n cynnal busnes y rhoddir y driniaeth arbennig yng nghwrs y busnes hwnnw.
- () Mae'r fangre lle y cynhelir yr arddangosfa, yr adloniant neu'r digwyddiad i gael ei thrin at ddibenion yr adran hon fel y fangre lle y rhoddir y driniaeth arbennig yng nghwrs y busnes.’.

Mark Drakeford

57

Section 58, page 31, line 5, leave out ‘may provide’.

Adran 58, tudalen 31, llinell 5, hepgorer ‘ddarparu’.

Mark Drakeford

58

Section 58, page 31, at the beginning of line 6, insert ‘may provide’.

Adran 58, tudalen 31, ar ddechrau llinell 6, mewnosoder ‘darparu’.



Mark Drakeford

59

Section 58, page 31, line 8, leave out 'that subsection (5) does not apply' and insert 'may provide for any one or more of subsections ((*first subsection to be inserted by amendment 56*)) to ((*third subsection to be inserted by amendment 56*)) to apply with modifications, or not to apply,'.

Adran 58, tudalen 31, llinell 9, hepgorer 'nad yw is-adran (5) yn gymwys' a mewnosoder 'darparu i unrhyw un neu ragor o is-adrannau ((*yr is-adran gyntaf sy'n cael ei mewnosod gan welliant 56*)) i ((*y drydedd is-adran sy'n cael ei mewnosod gan welliant 56*)) fod yn gymwys gydag addasiadau, neu beidio â bod yn gymwys'.

Mark Drakeford

60

Section 59, page 31, line 28, after 'area,', insert 'by issuing a certificate under this section (an "approval certificate"),'.

Adran 59, tudalen 31, llinell 33, ar ôl 'hwynnw,', mewnosoder 'drwy ddyroddi tystysgrif o dan yr adran hon ("tystysgrif gymeradwyo"),'.

Mark Drakeford

61

Section 59, page 32, line 8, after 'section', insert ', and the display of an approval certificate'.

Adran 59, tudalen 32, llinell 8, ar ôl 'hon', mewnosoder ', ac arddangos tystysgrif gymeradwyo'.

Mark Drakeford

62

Section 59, page 32, line 9, leave out –

'under this section is to have effect either –

- (a) for a period of no more than seven days, beginning with the date of approval, or
- (b) for a period of three years, beginning with the date of approval.

- (6) An approval under this section is to be subject to the mandatory approval conditions that apply in respect of the approval concerned'

And insert –

'certificate must specify a period for which, in the absence of any previous expiry under section (*section to be inserted by amendment 64*) or 60, the approval to which it relates is to have effect, being either –

- () a period of no more than seven days, beginning with the date on which the approval certificate is issued (the "approval date"), or
- () a period of three years, beginning with the approval date.
- () Unless it previously ceases to have effect under section (*section to be inserted by amendment 64*) or 60, approval under this section ceases to have effect with the expiry of that period'.



Adran 59, tudalen 32, llinell 9, hepgorer is-adrannau (5) hyd at (6) a mewnosoder –

- () Rhaid i dystysgrif gymeradwyo bennu cyfnod, os nad yw'r gymeradwyaeth wedi dod i ben yn flaenorol o dan adran (*yr adran sy'n cael ei mewnosod gan welliant 64*) neu 60, y mae'r gymeradwyaeth y mae'n ymwneud â hi i gael effaith ar ei gyfer, sef naill ai –
- (a) cyfnod nad yw'n hwy na saith niwrnod, sy'n dechrau â'r dyddiad y dyroddir y dystysgrif gymeradwyo (y "dyddiad cymeradwyo"), neu
 - (b) cyfnod o dair blynedd, sy'n dechrau â'r dyddiad cymeradwyo.
- () Oni bai ei bod yn peidio â chael effaith cyn hynny o dan adran (*yr adran sy'n cael ei mewnosod gan welliant 64*) neu 60, mae cymeradwyaeth o dan yr adran hon yn peidio â chael effaith pan ddaw'r cyfnod hwnnw i ben.'

Mark Drakeford

63

Page 32, after line 31, insert a new section –

[] Approval certificates

- (1) An approval certificate must state –
- (a) the approval date;
 - (b) the special procedure in respect of which the premises or vehicle concerned are approved;
 - (c) the date with the expiry of which the approval will, unless it previously ceases to have effect under section ((*section to be inserted by amendment 64*)) or 60, expire under section 59(*subsection to be inserted by amendment 62*)).
- (2) In the case of approval of premises, an approval certificate must also state the address of the premises.
- (3) In the case of approval of a vehicle, an approval certificate must also –
- (a) if the vehicle has a registration number, state that number;
 - (b) if the vehicle does not have a registration number, identify the vehicle in whatever way the authority issuing the certificate considers appropriate.
- (4) Regulations may make further provision about the form and content of approval certificates.
- (5) In this section, "approval date" has the same meaning as in section 59.'

Tudalen 32, ar ôl llinell 33, mewnosoder adran newydd –

[] Tystysgrifau cymeradwyo

- (1) Rhaid i dystysgrif gymeradwyo ddatgan –
- (a) y dyddiad cymeradwyo;
 - (b) y driniaeth arbennig y mae'r fangre neu'r cerbyd o dan sylw wedi ei chymeradwyo neu wedi ei gymeradwyo mewn cysylltiad â hi;



- (c) y dyddiad, pan ddaw i ben, y bydd y gymeradwyaeth, oni bai ei bod yn peidio â chael effaith cyn hynny o dan adran ((*yr adran sy'n cael ei mewnosod gan welliant 64*)) neu 60, yn dod i ben o dan adran 59(*yr is-adran sy'n cael ei mewnosod gan welliant 62*)).
- (2) Yn achos cymeradwyo mangre, rhaid i dystysgrif gymeradwyo hefyd ddatgan cyfeiriad y fangre.
- (3) Yn achos cymeradwyo cerbyd, rhaid i dystysgrif gymeradwyo hefyd –
 - (a) os oes gan y cerbyd rif cofrestru, ddatgan y rhif hwnnw;
 - (b) os nad oes gan y cerbyd rif cofrestru, nodi'r cerbyd ym mha ffordd bynnag y mae'r awdurdod sy'n dyroddi'r dystysgrif yn ystyried ei bod yn briodol.
- (4) Caiff rheoliadau wneud darpariaeth bellach ynghylch ffurf a chynnwys tystysgrifau cymeradwyo.
- (5) Yn yr adran hon, mae i "dyddiad cymeradwyo" yr un ystyr ag yn adran 59.'

Mark Drakeford

64

Page 32, after line 31, insert a new section –

[] Voluntary termination of approval

- (1) Where a person on whose application a local authority has approved premises or a vehicle under section 59, in respect of a special procedure, wishes the approval to cease to have effect, the person may give notice to that effect to the authority under this section.
- (2) The notice must state the date with the expiry of which approval is to cease to have effect.
- (3) Subject to any earlier expiry under section 59(*subsection to be inserted by amendment 62*) or 60, the approval ceases to have effect with the expiry of the date specified in the notice.
- (4) An authority to which notice under this section is given must take reasonable steps for bringing the notice to the attention of any persons the authority thinks likely to be affected by the notice.
- (5) Regulations may make further provision about notice under this section, including (among other things) about information to be included in notice under this section.'

Tudalen 32, ar ôl llinell 33, mewnosoder adran newydd –

[] Terfynu cymeradwyaeth yn wirfoddol

- (1) Pan fo person y mae awdurdod lleol wedi cymeradwyo mangre neu gerbyd yn unol â'i gais o dan adran 59, mewn cysylltiad â thriniaeth arbennig, yn dymuno i'r gymeradwyaeth beidio â chael effaith, caiff y person roi hysbysiad i'r perwyl hwnnw i'r awdurdod o dan yr adran hon.
- (2) Rhaid i'r hysbysiad ddatgan y dyddiad, pan ddaw i ben, y mae'r gymeradwyaeth i beidio â chael effaith.



- (3) Yn ddarostyngedig i unrhyw gymeradwyaeth sy'n dod i ben yn gynharach o dan adran 59(*yr is-adran sy'n cael ei mewnosod gan welliant 62*) neu 60, mae'r gymeradwyaeth yn peidio â chael effaith pan ddaw'r dyddiad a bennir yn yr hysbysiad i ben.
- (4) Rhaid i awdurdod y rhoddir hysbysiad iddo o dan yr adran hon gymryd camau rhesymol i ddwyn yr hysbysiad i sylw unrhyw bersonau y mae'r awdurdod yn meddwl ei fod yn debygol o effeithio arnynt.
- (5) Caiff rheoliadau wneud darpariaeth bellach ynghylch hysbysiad o dan yr adran hon, gan gynnwys (ymhlith pethau eraill) ynghylch gwybodaeth sydd i'w chynnwys mewn hysbysiad o dan yr adran hon.'

Mark Drakeford

65

Section 60, page 33, after line 12, insert –

- '(4) The revocation has effect –
- (a) from the beginning of the day following the day on which the period for bringing an appeal under Schedule 3 (as applied by subsection (3)) in respect of the revocation expires, if no appeal is brought under that Schedule within that period;
 - (b) with the date of the withdrawal of any appeal or further appeal brought in respect of the revocation, or the date of final determination of any unsuccessful appeal or further appeal brought in respect of the revocation, where the appeal or further appeal has been brought under Schedule 3 (as applied by subsection (3)) and no further appeal under that Schedule is available;
 - (c) with the expiry of the period for bringing a further appeal under Schedule 3, where an appeal brought under Schedule 3 (as applied by subsection (3)) in respect of the revocation is withdrawn or unsuccessful, and a further appeal under Schedule 3 is available but is not brought within that period.'

Adran 60, tudalen 33, ar ôl llinell 12, mewnosoder –

- '(4) Mae'r dirymiad yn cael effaith –
- (a) o ddechrau'r diwrnod sy'n dilyn y diwrnod pan ddaw'r cyfnod ar gyfer dwyn apêl o dan Atodlen 3 (fel y'i cymhwysir gan is-adran (3)) mewn cysylltiad â'r dirymiad i ben, os na chaiff apêl ei dwyn o dan yr Atodlen honno o fewn y cyfnod hwnnw;
 - (b) â'r dyddiad y tynnir yn ôl unrhyw apêl neu apêl bellach a gaiff ei dwyn mewn cysylltiad â'r dirymiad, neu ddyddiad dyfarniad terfynol ar unrhyw apêl neu apêl bellach aflwyddiannus a gaiff ei dwyn mewn cysylltiad â'r dirymiad, pan fo'r apêl neu'r apêl bellach wedi ei dwyn o dan Atodlen 3 (fel y'i cymhwysir gan is-adran (3)) a phan na fo apêl bellach ar gael o dan yr Atodlen honno;
 - (c) pan ddaw'r cyfnod ar gyfer dwyn apêl bellach o dan Atodlen 3 i ben, pan fo apêl a gaiff ei dwyn o dan Atodlen 3 (fel y'i cymhwysir gan is-adran (3)) mewn cysylltiad â'r dirymiad wedi ei thynnu'n ôl neu'n aflwyddiannus, ac mae apêl bellach o dan Atodlen 3 ar gael ond ni chaiff ei dwyn o fewn y cyfnod hwnnw.'



Mark Drakeford

66

Page 33, after line 12, insert a new section –

[] Revocation of approval: notification requirements

- (1) A local authority that gives notice under one of the provisions specified in subsection (2) to a person in respect of a revocation, or a proposed revocation, of approval under section 59 must take reasonable steps for bringing the notice to the attention of any persons the authority thinks likely to be affected by the notice.
- (2) The provisions are paragraph 15(3) or [*paragraph to be inserted by amendment 102*] of Schedule 3 (as applied by section 60(3)), and section 60.’.

Tudalen 33, ar ôl llinell 12, mewnosoder adran newydd –

[] Dirymu cymeradwyaeth: gofynion hysbysu

- (1) Rhaid i awdurdod lleol sy’n rhoi hysbysiad o dan un o’r darpariaethau a bennir yn is-adran (2) i berson mewn cysylltiad â dirymiad, neu ddirymiad arfaethedig, o gymeradwyaeth o dan adran 59 gymryd camau rhesymol i ddwyn yr hysbysiad i sylw unrhyw bersonau y mae’r awdurdod yn meddwl ei fod yn debygol o effeithio arnynt.
- (2) Y darpariaethau yw paragraff 15(3) neu [*y paragraff sy’n cael ei fewnosod gan welliant 102*] o Atodlen 3 (fel y’i cymhwysir gan adran 60(3)), ac adran 60.’.

Mark Drakeford

67

Section 61, page 33, line 17, leave out ‘expired’ and insert ‘ceased to have effect’.

Adran 61, tudalen 33, llinell 18, hepgorer ‘dod i ben’ a mewnosoder ‘peidio â chael effaith’.

Mark Drakeford

68

Section 62, page 34, line 34, after ‘P’, insert ‘anywhere in Wales’.

Adran 62, tudalen 34, llinell 35, ar ôl ‘sylw’, mewnosoder ‘yn unrhyw le yng Nghymru’.

Mark Drakeford

69

Section 62, page 34, line 38, after ‘performance’, insert ‘anywhere in Wales’.

Adran 62, tudalen 34, llinell 38, ar ôl ‘rhoi’, mewnosoder ‘yn unrhyw le yng Nghymru’.

Mark Drakeford

70

Section 62, page 35, line 1, leave out subsection (5).

Adran 62, tudalen 35, llinell 1, hepgorer is-adran (5).



Mark Drakeford

71

Section 63, page 35, line 10, leave out 'of the matters in subsection (2)' and insert 'that the licence holder is in breach of an applicable mandatory licensing condition'.

Adran 63, tudalen 35, llinell 10, hepgorer 'o ran y materion yn is-adran (2)' a mewnosoder 'bod deiliad y drwydded yn torri amod trwyddedu mandadol cymwys'.

Mark Drakeford

72

Section 63, page 35, line 12, leave out subsection (2).

Adran 63, tudalen 35, llinell 12, hepgorer is-adran (2).

Mark Drakeford

73

Section 63, page 35, line 30, leave out 'A' and insert 'If the authority is satisfied that the breach of the condition presents, or could present, significant risk of harm to human health, the'.

Adran 63, tudalen 35, llinell 29, hepgorer 'Caiff' a mewnosoder 'Os yw'r awdurdod wedi ei fodloni bod torri'r amod yn peri risg sylweddol, neu y gallai beri risg sylweddol, o niwed i iechyd dynol, caiff yr'.

Mark Drakeford

74

Section 64, page 36, line 28, leave out 'A' at the first place where it appears and insert 'If the authority is satisfied that the breach of the requirement presents, or could present, significant risk of harm to human health, the'.

Adran 64, tudalen 36, llinell 29, hepgorer 'Caiff' a mewnosoder 'Os yw'r awdurdod wedi ei fodloni bod torri'r gofyniad yn peri risg sylweddol, neu y gallai beri risg sylweddol, o niwed i iechyd dynol, caiff yr'.

Mark Drakeford

75

Section 64, page 37, after line 5, insert—

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

Adran 64, tudalen 37, ar ôl llinell 6, mewnosoder—

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



Mark Drakeford 76

Section 65, page 37, after line 21, insert –

- '(7) A local authority that gives a certificate or notice under this section must take reasonable steps for bringing the certificate or notice to the attention of any persons the authority thinks likely to be affected by it.'

Adran 65, tudalen 37, ar ôl llinell 22, mewnosoder –

- '(7) Rhaid i awdurdod lleol sy'n rhoi tystysgrif neu hysbysiad o dan yr adran hon gymryd camau rhesymol i ddwyn y dystysgrif neu'r hysbysiad i sylw unrhyw bersonau y mae'r awdurdod yn meddwl ei fod yn debygol o effeithio arnynt.'

Mark Drakeford 77

Section 67, page 38, line 27, after 'who', insert ', without reasonable cause,'.

Adran 67, tudalen 38, llinell 26, hepgorer 'sy'n' a mewnosoder 'sydd, heb achos rhesymol, yn'.

Mark Drakeford 78

Section 67, page 38, line 28, after 'who', insert ', without reasonable cause,'.

Adran 67, tudalen 38, llinell 27, hepgorer 'sy'n' a mewnosoder 'sydd, heb achos rhesymol, yn'.

Mark Drakeford 79

Section 67, page 38, line 29, after 'who', insert ', without reasonable cause,'.

Adran 67, tudalen 38, llinell 28, hepgorer 'sy'n' a mewnosoder 'sydd, heb achos rhesymol, yn'.

Mark Drakeford 80

Section 67, page 38, line 31, after 'who', insert ', without reasonable cause,'.

Adran 67, tudalen 38, llinell 30, hepgorer 'sy'n' a mewnosoder 'sydd, heb achos rhesymol, yn'.

Mark Drakeford 81

Section 73, page 41, line 21, leave out 'possession of anything' and insert 'anything away from the premises'.

Adran 73, tudalen 41, llinell 24, hepgorer 'meddiant o unrhyw beth' a mewnosoder 'unrhywbeth o'r fangre'.



Mark Drakeford

82

Section 77, page 43, after line 10, insert –

“approval certificate” (“*tystysgrif gymeradwyo*”) has the meaning given in section 59’.

Adran 77, tudalen 44, ar ôl llinell 1, mewnosoder –

‘mae i “tystysgrif gymeradwyo” (“*approval certificate*”) yr ystyr a roddir yn adran 59.’.

Mark Drakeford

83

Section 77, page 43, line 14, leave out –

‘another object, to be attached to the individual’s body, or

(b) jewellery, or another object of a description prescribed in or under regulations, to be implanted in’

And insert –

‘() an object of a description prescribed in or under regulations, to be attached to, implanted in, or removed from’.

Adran 77, tudalen 43, llinell 37, hepgorer –

‘wrthrych arall, gael ei atodi i gorff yr unigolyn, neu

(b) i emwaith, neu wrthrych arall o ddisgrifiad a ragnodir mewn rheoliadau neu o dan reoliadau, gael ei fewnblannu yng nghorff’

A mewnosoder –

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

Mark Drakeford

84

Section 77, page 43, line 26, leave out ‘(but does not include a vehicle or other moveable structure’ and insert ‘or moveable facility (but does not include a vehicle’.

Adran 77, tudalen 43, llinell 23, hepgorer ‘(ond nid yw’n cynnwys cerbyd neu strwythur symudol arall’ a mewnosoder ‘neu gyfleuster symudol (ond nid yw’n cynnwys cerbyd’.

Mark Drakeford

85

Section 77, page 43, line 32, after ‘skin’, insert ‘, or mucous membrane,’.

Adran 77, tudalen 43, llinell 28, ar ôl ‘nghroen’, mewnosoder ‘, neu ym mhilen fwcaidd,’.



Mark Drakeford

86

Section 77, page 44, line 4, leave out –

‘subsection (1), “jewellery” includes (among other things) a bead, bar, rod or plug of any shape or material’

And insert –

‘the definition of “body piercing” in subsection (1) the reference to perforating an individual’s skin or mucous membrane includes a reference to breaching the integrity of the skin or mucous membrane in any way, including (among other things) by way of puncture or incision.

- () Regulations under subsection (1) may prescribe an object or description of object by reference to (among other things) the part of the body on which the perforation is performed’.

Adran 77, tudalen 44, llinell 2, hepgorer –

‘is-adran (1), mae “gemwaith” yn cynnwys (ymhlith pethau eraill) glain, bar, rhoden neu blwg o unrhyw siâp neu ddeunydd’

A mewnosoder –

‘y diffiniad o “tyllu’r corff” yn is-adran (1), mae’r cyfeiriad at wneud trydylliad yng nghroen neu ym mhilen fwcaidd unigolyn yn cynnwys cyfeiriad at wneud bwllch yng nghyfanrwydd y croen neu’r bilen fwcaidd mewn unrhyw ffordd, gan gynnwys (ymhlith pethau eraill) drwy bric neu endoriad.

- () Caiff rheoliadau o dan is-adran (1) ragnodi gwrthrych neu ddisgrifiad o wrthrych drwy gyfeirio at (ymhlith pethau eraill) y rhan o’r corff y mae’r trydylliad yn cael ei roi ynddi’.

Mark Drakeford

87

Section 78, page 45, line 4, leave out ‘not exceeding level 4 on the standard scale’.

Adran 78, tudalen 45, llinell 4, hepgorer ‘nad yw’n uwch na lefel 4 ar y raddfa safonol’.

Mark Drakeford

88

Section 78, page 45, line 8, leave out subsection (4).

Adran 78, tudalen 45, llinell 8, hepgorer is-adran (4).



Mark Drakeford

89

Section 79, page 45, line 11, leave out –

‘the perforation of the skin or mucous membrane of an intimate body part listed in subsection (2), where performed otherwise than in the course of a medical procedure, and with a view to enabling –

- (a) jewellery, or another object, to be attached to the body part, or
- (b) jewellery, or another object of a description prescribed in or under regulations under section 77(1) (definition of body piercing), to be implanted in the body part’

And insert –

‘a body piercing performed on an intimate body part listed in subsection (2), where performed otherwise than in the course of a medical procedure’.

Adran 79, tudalen 45, llinell 11, hepgorer –

‘trydyllu croen neu bilen fwcaidd rhan bersonol o’r corff a restrir yn is-adran (2), pan fo’n cael ei roi ac eithrio yng nghwrs triniaeth feddygol, a chyda golwg ar alluogi –

- (a) i emwaith, neu wrthrych arall, gael ei atodi i’r rhan o’r corff, neu
- (b) i emwaith, neu wrthrych arall o ddisgrifiad a ragnodir mewn rheoliadau neu o dan reoliadau o dan adran 77(1) (diffinio tyllu’r corff), gael ei fewnblannu yn y rhan o’r corff’

A mewnosoder –

‘tyllu’r corff mewn rhan bersonol a restrir yn is-adran (2), pan fo’n cael ei roi ac eithrio yng nghwrs triniaeth feddygol’.

Mark Drakeford

90

Section 79, page 45, after line 25, insert –

‘() tongue;’.

Adran 79, tudalen 45, ar ôl llinell 26, mewnosoder –

‘() y tafod;’.

Mark Drakeford

91

Section 79, page 45, after line 26, insert –

‘() In this section “body piercing” is to be read in accordance with section 77.’.

Adran 79, tudalen 45, ar ôl llinell 27, mewnosoder –

‘() Yn yr adran hon, mae “tyllu’r corff” i gael ei ddarllen yn unol ag adran 77.’.



Mark Drakeford 92

Section 79, page 45, line 33, leave out subsection (4).

Adran 79, tudalen 45, llinell 34, hepgorer is-adran (4).

Mark Drakeford 93

Section 86, page 48, line 17, leave out 'possession of anything' and insert 'anything away from the premises'.

Adran 86, tudalen 48, llinell 20, hepgorer 'meddiant o unrhyw beth' a mewnosoder 'unrhywbeth o'r fangre'.

Mark Drakeford 94

Section 96, page 55, line 1, leave out 'section 97' and insert 'sections 97 and ((section to be inserted by amendment 95))'.

Adran 96, tudalen 55, llinell 1, hepgorer 'adran 97' a mewnosoder 'adrannau 97 a ((yr adran sy'n cael ei mewnosod gan welliant 95))'.

Mark Drakeford 95

Page 55, after line 15, insert a new section –

[] Giving notices

- (1) This section applies where a provision of this Act or of regulations made under it requires or authorises a person to give a notice to another person ("P").
- (2) The notice must be in writing.
- (3) The notice may be given to P in any one of the following ways –
 - (a) by delivering it to P;
 - (b) by leaving it at or posting it to any address specified by P as an address for giving notices, or (if P has not specified an address for this purpose) by leaving it at or posting it to P's usual address;
 - (c) subject to subsections (5) and (6), by sending it to P electronically.
- (4) P's usual address, for this purpose, is –
 - (a) if P is a body corporate, the address of the registered or principal office of the body;
 - (b) if P is acting in his or her capacity as a partner in a partnership, the address of the principal office of the partnership;
 - (c) if P is a local authority, the principal office of the local authority;
 - (d) in any other case, the last known residence or place of business of P.
- (5) The notice may not be given to P by sending it electronically unless –



- (a) P has agreed that the notice may be sent to P electronically;
 - (b) the notice is received by P in legible form.
- (6) A fixed penalty notice given under section 19 or 38 may not be given to P by sending it electronically.
- (7) The reference in subsection (3)(a) to delivering a notice to P is –
- (a) if P is a body corporate, a reference to delivering it to the secretary or clerk of that body;
 - (b) if P is a partnership, a reference to delivering it to a partner or a person having the control or management of the partnership business.
- (8) A notice that is given to P by leaving it at a place in accordance with subsection (3)(b) is to be treated as having been given at the time at which it was left at that place.’.

Tudalen 55, ar ôl llinell 17, mewnosoder adran newydd –

[] **Rhoi hysbysiadau**

- (1) Mae’r adran hon yn gymwys pan fo darpariaeth yn y Ddeddf hon neu mewn rheoliadau a wneir odani yn ei gwneud yn ofynnol i berson roi hysbysiad i berson arall (“P”) neu’n awdurdodi person i wneud hynny.
- (2) Rhaid i’r hysbysiad fod yn ysgrifenedig.
- (3) Caniateir i’r hysbysiad gael ei roi i P mewn unrhyw un o’r ffyrdd a ganlyn –
 - (a) drwy ei ddanfôn at P;
 - (b) drwy ei adael mewn unrhyw gyfeiriad a bennir gan P yn gyfeiriad ar gyfer rhoi hysbysiadau neu ei bostio i gyfeiriad o’r fath, neu (os nad yw P wedi pennu cyfeiriad at y diben hwn) drwy ei adael yng nghyfeiriad arferol P neu ei bostio i’r cyfeiriad hwnnw;
 - (c) yn ddarostyngedig i is-adrannau (5) a (6), drwy ei anfon yn electronig at P.
- (4) Cyfeiriad arferol P, at y diben hwn, yw –
 - (a) os yw P yn gorff corfforaethol, cyfeiriad swyddfa gofrestredig neu brif swyddfa’r corff;
 - (b) os yw P yn gweithredu yn rhinwedd ei swydd fel partner mewn partneriaeth, cyfeiriad prif swyddfa’r bartneriaeth;
 - (c) os yw P yn awdurdod lleol, prif swyddfa’r awdurdod lleol;
 - (d) mewn unrhyw achos arall, preswylfa neu fan busnes hysbys diwethaf P.
- (5) Ni chaniateir i’r hysbysiad gael ei roi i P drwy ei anfon yn electronig oni bai –
 - (a) bod P wedi cytuno y caniateir i’r hysbysiad gael ei anfon yn electronig at P;
 - (b) bod P yn cael yr hysbysiad ar ffurf ddarllenadwy.
- (6) Ni chaniateir i hysbysiad cosb benodedig a roddir o dan adran 19 neu 38 gael ei roi i P drwy ei anfon yn electronig.
- (7) Mae’r cyfeiriad yn is-adran (3)(a) at ddanfôn hysbysiad at P –



- (a) os yw P yn gorff corfforaethol, yn gyfeiriad at ddanfon yr hysbysiad at ysgrifennydd neu glerc y corff hwnnw;
 - (b) os yw P yn bartneriaeth, yn gyfeiriad at ddanfon yr hysbysiad at bartner neu berson y mae busnes y bartneriaeth o dan ei reolaeth neu sy'n rheoli busnes y bartneriaeth.
- (8) Mae hysbysiad a roddir i P drwy ei adael mewn man yn unol ag is-adran (3)(b) i gael ei drin fel pe bai wedi ei roi ar yr adeg y'i gadawyd yn y man hwnnw.'

Mark Drakeford **96**

Section 99, page 56, leave out line 1.

Adran 99, tudalen 56, hepgorer llinell 3.

Mark Drakeford **97**

Schedule 1, page 57, line 9, leave out '37' and insert '38'.

Atodlen 1, tudalen 57, llinell 14, hepgorer '37' a mewnosoder '38'.

Mark Drakeford **98**

Schedule 1, page 57, line 10, leave out '29' and insert '30'.

Atodlen 1, tudalen 57, llinell 15, hepgorer '29' a mewnosoder '30'.

Mark Drakeford **99**

Schedule 1, page 57, line 14, leave out '37' and insert '38'.

Atodlen 1, tudalen 57, llinell 9, hepgorer '37' a mewnosoder '38'.

Mark Drakeford **100**

Schedule 3, page 63, line 6, leave out 'the procedure for dealing with applications' and insert 'applications (including among other things about the way in which an application is to be made, the information to be provided, and the way in which an application is to be dealt with by an authority)'.

Atodlen 3, tudalen 63, llinell 6, hepgorer 'y weithdrefn ar gyfer delio â cheisiadau' a mewnosoder 'ceisiadau (gan gynnwys ymhlith pethau eraill ynghylch y ffordd y mae cais i gael ei wneud, yr wybodaeth sydd i gael ei darparu, a'r ffordd y mae awdurdod i ddelio â chais)'.



Mark Drakeford 101

Schedule 3, page 66, line 32, leave out ‘, 57 or 60’ and insert ‘or 57’.

Atodlen 3, tudalen 66, llinell 35, hepgorer ‘, 57 neu 60’ a mewnosoder ‘neu 57’.

Mark Drakeford 102

Schedule 3, page 67, after line 2, insert –

[] If, having complied with the requirements of paragraph 15, a local authority decides not to take the action set out in the warning notice, the authority must give notice of the decision to A.’.

Atodlen 3, tudalen 67, ar ôl llinell 2, mewnosoder –

[] Os yw awdurdod lleol, ar ôl cydymffurfio â gofynion paragraff 15, yn penderfynu peidio â chymryd y camau a nodir yn yr hysbysiad rhybuddio, rhaid i’r awdurdod roi hysbysiad o’r penderfyniad i A.’.

Mark Drakeford 103

Schedule 3, page 68, after line 27, insert –

‘Consequential amendments

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



Atodlen 3, tudalen 68, ar ôl llinell 31, mewnosoder –

‘Diwygiadau canlyniadol

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

Darren Millar

104

Gyda chefnogaeth/ Supported by: Lindsay Whittle, Kirsty Williams

Section 91, page 52, line 10, leave out ‘an’ and insert ‘a fair and reasonable’.

Adran 91, tudalen 52, llinell 10, ar ôl ‘asesiad’, mewnosoder ‘teg a rhesymol’.

Darren Millar

105

Gyda chefnogaeth/ Supported by: Lindsay Whittle, Kirsty Williams

Section 91, page 52, line 12, leave out ‘setting out the steps which the local authority proposes to take to meet that need’ and insert ‘specifying how the local authority will address that need in an effective way, including the timescale for doing so’.

Adran 91, tudalen 52, llinell 12, hepgorer ‘nodi’r camau y mae’r awdurdod lleol yn bwriadu eu cymryd i ddiwallu’r angen hwnnw’ a mewnosoder ‘pennu sut y bydd yr awdurdod lleol yn mynd i’r afael â’r angen hwnnw mewn ffordd effeithiol, gan gynnwys yr amserlen ar gyfer gwneud hynny’.



Darren Millar

106

Gyda chefnogaeth / Supported by: Lindsay Whittle, Kirsty Williams

Section 91, page 52, after line 14, insert—

- ‘() The timescale specified under subsection 2(b) must be a reasonable timescale having regard to the circumstances.
- () A local authority must implement its local toilets strategy in full within the timescale specified in the strategy.’.

Adran 91, tudalen 52, ar ôl llinell 14, mewnosoder—

- ‘() Rhaid i’r amserlen a bennir o dan is-adran 2(b) fod yn amserlen resymol sy’n rhoi sylw i’r amgylchiadau.
- () Rhaid i awdurdod lleol roi ei strategaeth toiledau lleol ar waith yn llawn o fewn yr amserlen a bennir yn y strategaeth.’.

Darren Millar

107

Gyda chefnogaeth / Supported by: Lindsay Whittle, Kirsty Williams

Section 91, page 52, after line 32, insert—

- ‘() implementing a local toilets strategy,’.

Adran 91, tudalen 52, ar ôl llinell 32, mewnosoder—

- ‘() rhoi strategaeth toiledau lleol ar waith,’.

Kirsty Williams

108

Gyda chefnogaeth / Supported by: Darren Millar

Long title, page 1, line 6, after ‘toilets;’, insert ‘about maximising the health of people in Wales, and health impact assessments;’.

Teitl hir, tudalen 1, llinell 6, ar ôl ‘cyhoeddus;’, mewnosoder ‘ynghylch gwneud yn fawr o iechyd pobl yng Nghymru, ac asesiadau o’r effaith ar iechyd;’.



Kirsty Williams

109

Gyda chefnogaeth/ Supported by: Darren Millar

Section 1, page 2, after line 14, insert –

‘() Part [Part to be inserted by amendment 110] makes provision about maximising the health of people in Wales and carrying out health impact assessments.’.

Adran 1, tudalen 2, ar ôl llinell 16, mewnosoder –

‘() Mae Rhan [Y Rhan sy'n cael ei mewnosod gan welliant 110] yn gwneud darpariaeth ynghylch gwneud yn fawr o iechyd pobl yng Nghymru a chynnal asesiadau o'r effaith ar iechyd.’.

Kirsty Williams

110

Gyda chefnogaeth/ Supported by: Darren Millar

Page 54, after line 12, insert a new section –

‘PART []

DUTY TO MAXIMISE HEALTH, AND HEALTH IMPACT ASSESSMENTS

[] Duty to maximise health

- (1) When exercising its functions in relation to policies and proposals specified in regulations made under subsection (2), a public body must have regard to the need to maximise the health of the people in Wales who the public body considers are likely to be affected by its exercise of those functions.
- (2) The Welsh Ministers must by regulations specify policies and proposals for the purposes of subsection (1).
- (3) The first regulations specifying such policies and proposals must be made within 12 months of the date of this Act receiving Royal Assent.
- (4) Before making regulations under this section, the Welsh Ministers must consult such persons as they think appropriate.’.

Tudalen 54, ar ôl llinell 12, mewnosoder adran newydd –

‘RHAN []

DYLETSWYDD I WNEUD YN FAWR O IECHYD, AC ASESADAU O'R EFFAITH AR IECHYD

[] Dyletswydd i wneud yn fawr o iechyd



- (1) Wrth arfer ei swyddogaethau mewn perthynas â pholisïau a chynigion a bennir mewn rheoliadau a wneir o dan is-adran (2), rhaid i gorff cyhoeddus roi sylw i'r angen i wneud yn fawr o iechyd y bobl hynny yng Nghymru y mae arfer y swyddogaethau hynny, ym marn y corff cyhoeddus, yn debygol o effeithio arnynt.
- (2) Rhaid i Weinidogion Cymru drwy reoliadau bennu polisïau a chynigion at ddibenion is-adran (1).
- (3) Rhaid gwneud y rheoliadau cyntaf sy'n pennu polisïau a chynigion o'r fath o fewn 12 mis i'r dyddiad y caiff y Ddeddf hon Gydsyniad Brenhinol.
- (4) Cyn gwneud rheoliadau o dan yr adran hon, rhaid i Weinidogion Cymru ymgynghori â'r cyfryw bersonau sy'n briodol yn eu barn hwy.'

Kirsty Williams

111

Gyda chefnogaeth / Supported by: Darren Millar

Page 54, after line 12, insert a new section –

[] Health impact assessments

- (1) A public body must make such arrangements as it considers appropriate for –
 - (a) assessing the exercise of its functions in relation to the specified policies and proposals on its ability to comply with the duty in section [section to be inserted by amendment 110],
 - (b) assessing the impact of any –
 - (i) review of its exercise of functions in relation to the specified policies and proposals, and
 - (ii) revision that the public body proposes to make to the exercise of its functions in relation to the specified policies and proposals,on its ability to comply with that duty,
 - (c) monitoring the impact of the exercise of its functions in relation to the specified policies and proposals on its ability to comply with that duty, and
 - (d) publishing reports in respect of any assessment that –
 - (i) is referred to in paragraph (a) or (b), and
 - (ii) shows that the impact or likely impact (as the case may be) on the public body's ability to comply with that duty is substantial.
- (2) When considering what arrangements are appropriate under this section, public bodies must consult such persons as they consider appropriate.'

Tudalen 54, ar ôl llinell 12, mewnosoder adran newydd –

[] Aseidiadau o'r effaith ar iechyd

- (1) Rhaid i gorff cyhoeddus wneud y trefniadau hynny sy'n briodol yn ei farn ef o ran –



- (a) asesu'r modd yr arferir ei swyddogaethau mewn perthynas â'r polisïau a'r cynigion penodedig ar ei allu i gydymffurfio â'r ddyletswydd yn adran [yr adran sy'n cael ei mewnosod gan welliant 110],
 - (b) asesu effaith unrhyw –
 - (i) adolygiad o'r modd yr arferir ei swyddogaethau mewn perthynas â'r polisïau a'r cynigion penodedig, a
 - (ii) diwygiad y mae'r corff cyhoeddus yn bwriadu ei wneud i'r modd yr arferir ei swyddogaethau mewn perthynas â'r polisïau a'r cynigion penodedig, ar ei allu i gydymffurfio â'r ddyletswydd honno,
 - (c) monitro effaith arfer ei swyddogaethau mewn perthynas â'r polisïau a'r cynigion penodedig ar ei allu i gydymffurfio â'r ddyletswydd honno, a
 - (d) cyhoeddi adroddiadau mewn cysylltiad ag unrhyw asesiad –
 - (i) y cyfeirir ato ym mharagraff (a) neu (b), a
 - (ii) sy'n dangos bod yr effaith neu'r effaith bosibl (yn ôl y digwydd) ar allu'r corff cyhoeddus i gydymffurfio â'r ddyletswydd honno yn sylweddol.
- (2) Wrth ystyried pa drefniadau sy'n briodol o dan yr adran hon, rhaid i gyrrff cyhoeddus ymgynghori â'r cyfryw bersonau sy'n briodol yn eu barn hwy.'

Kirsty Williams

112

Gyda chefnogaeth/ Supported by: Darren Millar

Page 54, after line 12, insert a new section –

[] Health impact assessment: guidance

- (1) The Welsh Ministers must issue guidance (including guidance about co-operation) about –
 - (a) complying with the duty in section [section to be inserted by amendment 110], and
 - (b) the arrangements required under section [section to be inserted by amendment 111].
- (2) A public body must have regard to such guidance.'

Tudalen 54, ar ôl llinell 12, mewnosoder adran newydd –

[] Asesiad o'r effaith ar iechyd: canllawiau

- (1) Rhaid i Weinidogion Cymru ddyroddi canllawiau (gan gynnwys canllawiau am gydweithredu) ynghylch –
 - (a) cydymffurfio â'r ddyletswydd yn adran [yr adran sy'n cael ei mewnosod gan welliant 110], a
 - (b) y trefniadau sy'n ofynnol o dan adran [yr adran sy'n cael ei mewnosod gan welliant 111].
- (2) Rhaid i gorff cyhoeddus roi sylw i ganllawiau o'r fath.'



Kirsty Williams

113

Gyda chefnogaeth / Supported by: Darren Millar

Page 54, after line 12, insert a new section –

[] Meaning of public body

- (1) Each of the following is a “public body” for the purposes of this Part –
 - (a) the Welsh Ministers;
 - (b) a local authority;
 - (c) a Local Health Board;
 - (d) the following NHS Trusts –
 - (i) Public Health Wales;
 - (ii) Velindre NHS Trust;
 - (iii) Welsh Ambulance Services NHS Trust.
- (2) The Welsh Ministers may by regulations amend subsection (1) by adding a person to the list.’.

Tudalen 54, ar ôl llinell 12, mewnosoder adran newydd –

[] Ystyr corff cyhoeddus

- (1) Mae pob un o’r canlynol yn “gorff cyhoeddus” at ddibenion y Rhan hon –
 - (a) Gweinidogion Cymru;
 - (b) awdurdod lleol;
 - (c) Bwrdd Iechyd Lleol;
 - (d) Yr Ymddiriedolaethau GIG a ganlyn –
 - (i) Iechyd Cyhoeddus Cymru;
 - (ii) Ymddiriedolaeth GIG Felindre;
 - (iii) Ymddiriedolaeth GIG Gwasanaethau Ambiwlans Cymru.
- (2) Caiff Gweinidogion Cymru drwy reoliadau ddiwygio is-adran (1) drwy ychwanegu person at y rhestr.’.

Kirsty Williams

114

Gyda chefnogaeth / Supported by: Darren Millar

Section 98, page 55, after line 27, insert –

- ‘() regulations made under section [section to be inserted by amendment 110](2) or [section to be inserted by amendment 113](2);’.

Adran 98, tudalen 55, ar ôl llinell 29, mewnosoder –

- ‘() rheoliadau a wneir o dan adran [yr adran sy’n cael ei mewnosod gan welliant 110](2) neu [yr adran sy’n cael ei mewnosod gan welliant 113](2);’.



Darren Millar

115

Page 38, after line 19, insert a new section –

[] Performing special procedure on intoxicated persons

- (1) An individual who performs a special procedure on someone else in the course of a business commits an offence if the individual knowingly performs the special procedure on someone whose awareness is impaired by intoxication.
- (2) 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.
- (3) It is a defence for a person charged with an offence under this section to show that the person took reasonable precautions and exercised due diligence to avoid committing the offence.
- (4) In this section, “intoxication” means any intoxication, whether caused by drink, drugs, psychoactive substances or other means, or by a combination of means.’.

Tudalen 38, ar ôl llinell 19, mewnosoder adran newydd –

[] Rhoi triniaeth arbennig i bersonau meddw

- (1) Mae unigolyn sy’n rhoi triniaeth arbennig i berson arall yng nghwrs busnes yn cyflawni trosedd os yw’r unigolyn yn rhoi’r driniaeth arbennig, gan wybod ei fod yn gwneud hynny, i rywun y mae meddwdod yn amharu ar ei ymwybyddiaeth.
- (2) 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.
- (3) Mae’n amddiffyniad i berson sydd wedi ei gyhuddo o drosedd o dan yr adran hon ddangos i’r person gymryd rhagofalon rhesymol ac arfer diwydrwydd dyladwy i osgoi cyflawni’r drosedd.
- (4) Yn yr adran hon, ystyr “meddwdod” yw unrhyw feddwdod, ni waeth ai diodydd, cyffuriau, sylweddau seicoweithredol neu fodd arall neu gyfuniad o foddau sy’n gyfrifol am hyn.’.

Darren Millar

116

Page 53, after line 37, insert a new section –

[] Clear information as to location of public toilets

Where a local authority makes arrangements for the provision of toilets for use by the public, the local authority must make arrangements for the public to be informed clearly as to the location of those toilets.’.



Tudalen 53, ar ôl llinell 38, mewnosoder adran newydd –

[] Gwybodaeth glir o ran lleoliad toiledau cyhoeddus

Pan fo awdurdod lleol yn gwneud trefniadau ar gyfer darparu toiledau i'r cyhoedd eu defnyddio, rhaid i'r awdurdod lleol wneud trefniadau i hysbysu'r cyhoedd yn glir am leoliad y toiledau hynny.'

Darren Millar 117

Section 46, page 24, leave out line 6.

Adran 46, tudalen 24, hepgorer llinell 6.

Darren Millar 118

Section 46, page 24, after line 7, insert –

'() branding;'

Adran 46, tudalen 24, ar ôl llinell 7, mewnosoder –

'() brandio;'

Darren Millar 119

Section 46, page 24, after line 8, insert –

'() scarification;'

Adran 46, tudalen 24, ar ôl llinell 8, mewnosoder –

'() creithio;'

Darren Millar 120

Section 46, page 24, after line 8, insert –

'() stretching;'

Adran 46, tudalen 24, ar ôl llinell 8, mewnosoder –

'() ymestyn;'

Darren Millar 121

Section 46, page 24, after line 8, insert –

'() sub-dermal implantation;'

Adran 46, tudalen 24, ar ôl llinell 8, mewnosoder –

'() mewnblannu o dan y croen;'



Darren Millar 122

Section 46, page 24, after line 9, insert –

‘() tongue splitting.’

Adran 46, tudalen 24, ar ôl llinell 9, mewnosoder –

‘() holli’r tafod.’

Darren Millar 123

Section 77, page 43, leave out lines 6 to 8.

Adran 77, tudalen 43, hepgorer llinellau 5 hyd at 7.

Darren Millar 124

Section 77, page 43, after line 16, insert –

“branding” (“*brandio*”) means the semi-permanent or permanent marking, by burning, of the skin of an individual for aesthetic purposes;’.

Adran 77, tudalen 43, ar ôl llinell 11, mewnosoder –

‘ystyr “brandio” (“*brandio*”) yw marcio croen unigolyn yn barhaol neu’n lled-barhaol drwy ei losgi, a hynny at ddibenion esthetig;’.

Darren Millar 125

Section 77, page 43, after line 27, insert –

“scarification” (“*creithio*”) means the semi-permanent or permanent scarring, by scratching, of the skin of an individual for aesthetic purposes;’.

Adran 77, tudalen 43, ar ôl llinell 18, mewnosoder –

‘ystyr “creithio” (“*scarification*”) yw creithio croen unigolyn yn barhaol neu’n lled-barhaol drwy ei grafu, a hynny at ddibenion esthetig;’.

Darren Millar 126

Section 77, page 43, after line 30, insert –

“stretching” (“*ymestyn*”) means the semi-permanent or permanent stretching of an individual’s body piercing, with a view to enabling –

- (a) jewellery, or another object, to be attached to the individual’s body, or
- (b) jewellery, or another object of a description prescribed in or under regulations, to be implanted in the individual’s body;’.



Adran 77, tudalen 44, ar ôl llinell 1, mewnosoder –

‘ystyr “ymestyn” (“*stretching*”) yw ymestyn trydylliad yng nghroen unigolyn yn barhaol neu’n lled-barhaol, gyda golwg ar alluogi –

- (a) i emwaith, neu wrthrych arall, gael ei atodi i gorff yr unigolyn, neu
- (b) i emwaith, neu wrthrych arall o ddisgrifiad a ragnodir mewn rheoliadau neu o dan reoliadau, gael ei fewnblannu yng nghorff yr unigolyn.’

Darren Millar

127

Section 77, page 43, after line 30, insert –

“sub-dermal implantation” (“*mewnblannu o dan y croen*”) means the semi-permanent or permanent implantation of material beneath the skin of an individual for aesthetic purposes;’.

Adran 77, tudalen 43, ar ôl llinell 25, mewnosoder –

‘ystyr “mewnblannu o dan y croen” (“*sub-dermal implantation*”) yw mewnblannu deunydd o dan groen unigolyn yn barhaol neu’n lled-barhaol, a hynny at ddibenion esthetig;’.

Darren Millar

128

Page 54, after line 10, insert a new section –

‘National toilets strategy

[] National toilets strategy: preparation, publication and review

- (1) The Welsh Ministers must prepare and publish a national toilets strategy.
- (2) The national toilets strategy must include –
 - (a) a fair and reasonable assessment of the need for toilets on or near national sites to be available for use by the public,
 - (b) a statement specifying how the Welsh Ministers will address that need in an effective way, including the timescale for doing so, and
 - (c) any other information which the Welsh Ministers consider appropriate.
- (3) The timescale specified under subsection (2)(b) must be a reasonable timescale having regard to the circumstances.
- (4) The Welsh Ministers must publish the national toilets strategy no later than one year after the deadline specified in section 91(3) for local authorities to publish local toilets strategies.
- (5) Subsequently, the Welsh Ministers must review the strategy no later than one year after the deadline specified in section 91(4) for local authorities to review local toilets strategies.
- (6) The Welsh Ministers may also review the strategy at any time.



- (7) When the Welsh Ministers review the strategy they must publish a statement of the steps which they have taken in accordance with the strategy during the period –
 - (a) beginning with the date on which the strategy was last published, and
 - (b) ending with the date on which that review commenced.
- (8) When the Welsh Ministers review the strategy and consider that a change is needed, they must –
 - (a) revise the strategy, and
 - (b) publish the revised strategy.
- (9) In this Part, “national sites” includes –
 - (a) buildings, conservation areas, monuments, parks, gardens and sites of architectural or historic interest;
 - (b) National Parks;
 - (c) trunk roads;in Wales.’.

Tudalen 54, ar ôl llinell 10, mewnosoder adran newydd –

‘Strategaeth toiledau genedlaethol

[] Strategaeth toiledau genedlaethol: llunio, cyhoeddi ac adolygu

- (1) Rhaid i Weinidogion Cymru lunio a chyhoeddi strategaeth toiledau genedlaethol.
- (2) Rhaid i’r strategaeth toiledau genedlaethol gynnwys –
 - (a) asesiad teg a rhesymol o’r angen i doiledau ar neu ger safleoedd cenedlaethol fod ar gael i’r cyhoedd gael eu defnyddio,
 - (b) datganiad sy’n pennu sut y bydd Gweinidogion Cymru yn mynd i’r afael â’r angen hwnnw mewn ffordd effeithiol, gan gynnwys amserlen ar gyfer gwneud hynny, ac
 - (c) unrhyw wybodaeth arall y mae Gweinidogion Cymru yn ystyried ei bod yn briodol.
- (3) Rhaid i’r amserlen a nodir o dan is-adran (2)(b) fod yn amserlen resymol sy’n rhoi sylw i’r amgylchiadau.
- (4) Rhaid i Weinidogion Cymru gyhoeddi’r strategaeth toiledau genedlaethol erbyn un flwyddyn fan bellaf ar ôl y dyddiad a nodir yn adran 91(3) i awdurdodau lleol gyhoeddi strategaethau toiledau lleol.
- (5) Wedi hynny, rhaid i Weinidogion Cymru adolygu’r strategaeth erbyn un flwyddyn fan bellaf ar ôl y dyddiad a nodir yn adran 91(4) i awdurdodau lleol adolygu strategaethau toiledau lleol.
- (6) Caiff Gweinidogion Cymru hefyd adolygu’r strategaeth ar unrhyw adeg.
- (7) Pan yw Gweinidogion Cymru yn adolygu’r strategaeth, rhaid iddynt gyhoeddi datganiad o’r camau y maent wedi eu cymryd yn unol â’r strategaeth yn ystod y cyfnod –



- (a) sy'n dechrau â'r dyddiad y cyhoeddwyd y strategaeth ddiwethaf, a
 - (b) sy'n dod i ben â'r dyddiad y dechreuodd yr adolygiad hwnnw.
- (8) Pan yw Gweinidogion Cymru yn adolygu'r strategaeth ac yn ystyried bod angen ei newid, rhaid iddynt –
- (a) adolygu'r strategaeth, a
 - (b) cyhoeddi'r strategaeth ddiwygiedig.
- (9) Yn y Rhan hon, mae “safleoedd cenedlaethol” yn cynnwys –
- (a) adeiladau, ardaloedd cadwraeth, henebion, parciau, gerddi a safleoedd o ddiddordeb pensaernïol neu hanesyddol;
 - (b) Parciau Cenedlaethol;
 - (c) cefnffyrdd;
- yng Nghymru.’.

Darren Millar

129

Page 54, after line 10, insert a new section –

[] National toilets strategy: implementation

The Welsh Ministers must implement the strategy in full within the timescale specified in the strategy.’.

Tudalen 54, ar ôl llinell 10, mewnosoder adran newydd –

[] Strategaeth toiledau genedlaethol: gweithredu

Rhaid i Weinidogion Cymru weithredu'r strategaeth yn llawn o fewn yr amserlen a nodir yn y strategaeth.’.

Darren Millar

130

Page 54, after line 10, insert a new section –

[] National toilets strategy: consultation

- (1) The Welsh Ministers must consult any person they consider is likely to be interested in the provision of toilets in Wales for use by the public before they publish the national toilets strategy under –
- (a) section ([*section to be inserted by amendment 128*])(1), or
 - (b) section ([*section to be inserted by amendment 128*])(8)(b).
- (2) The Welsh Ministers must make available to each person consulted under subsection (1) the strategy which they are proposing to publish.’.



Tudalen 54, ar ôl llinell 10, mewnosoder adran newydd –

[] Strategaeth toiledau genedlaethol: ymgynghori

- (1) Rhaid i Weinidogion Cymru ymgynghori ag unrhyw berson y maent yn ystyried sy'n debygol o fod â buddiant yn y ddarpariaeth o doiledau yng Nghymru sydd ar gael i'r cyhoedd eu defnyddio cyn iddynt gyhoeddi'r strategaeth toiledau genedlaethol o dan –
 - (a) adran ([yr adran sy'n cael ei mewnosod gan welliant 128])(1), neu
 - (b) adran ([yr adran sy'n cael ei mewnosod gan welliant 128])(8)(b).
- (2) Rhaid i Weinidogion Cymru roi ar gael i bob person yr ymgynghorir ag ef o dan is-adran (1) y strategaeth y maent yn bwriadu ei chyhoeddi.'.

Darren Millar

131

Page 54, after line 10, insert a new section –

[] Clear information about location of public toilets on or near national sites

- (1) The Welsh Ministers must make arrangements for clear information to be given to the public about the location of toilets on or near national sites for use by the public.
- (2) In this section, “national sites” includes –
 - (a) buildings, conservation areas, monuments, parks, gardens and sites of architectural or historic interest;
 - (b) National Parks;
 - (c) trunk roads;in Wales.'.

Tudalen 54, ar ôl llinell 10, mewnosoder adran newydd –

[] Gwybodaeth glir ynghylch lleoliad toiledau cyhoeddus ar neu ger safleoedd cenedlaethol

- (1) Rhaid i Weinidogion Cymru wneud trefniadau ar gyfer sicrhau bod gwybodaeth glir yn cael ei rhoi i'r cyhoedd ynghylch lleoliad toiledau ar neu ger safleoedd cenedlaethol i'r cyhoedd gael eu defnyddio.
- (2) Yn yr adran hon, mae “safleoedd cenedlaethol” yn cynnwys –
 - (a) adeiladau, ardaloedd cadwraeth, henebion, parciau, gerddi a safleoedd o ddiddordeb pensaernïol neu hanesyddol;
 - (b) Parciau Cenedlaethol;
 - (c) cefnffyrdd;yng Nghymru.'.



Darren Millar

132

Section 77, page 43, after line 34, insert –

“tongue splitting” (“*holhti’r tafod*”) means splitting part of an individual’s tongue into two or more parts for aesthetic purposes;’.

Adran 77, tudalen 43, ar ôl llinell 22, mewnosoder –

‘ystyr “*holhti’r tafod* (“*tongue splitting*”) yw holhti rhan o dafod unigolyn yn ddwy ran neu ragor at ddibenion estheteg;’.

WITHDRAWN/TYNNWYD YN ÔL

Darren Millar

133

Section 1, page 1, after line 15, insert –

‘() makes provision restricting smoking in children’s play areas and the grounds of hospitals and schools;’.

Adran 1, tudalen 1, ar ôl llinell 15, mewnosoder –

‘() gwneud darpariaeth sy’n cyfyngu ar ysmegu mewn mannau chwarae plant ac ar dir ysbytai ac ysgolion;’.

Darren Millar

134

Section 4, page 3, after line 23, insert –

‘() But subsection (2)(a) does not apply to areas and grounds listed in section ([*section to be inserted by amendment 137*])(2).’.

Adran 4, tudalen 3, ar ôl llinell 25, mewnosoder –

‘() Ond nid yw is-adran (2)(a) yn gymwys i’r mannau a’r tiroedd a restrir yn adran ([*yr adran sy’n cael ei mewnosod gan welliant 137*])(2).’.

Darren Millar

135

Section 5, page 4, line 4, leave out ‘or 7 (premises that are open to the public)’ and insert ‘, section 7 (premises that are open to the public) or section ([*section to be inserted by amendment 137*]) (children’s play areas, hospital grounds and school grounds: restriction on smoking only)’.

Adran 5, tudalen 4, llinell 4, hepgorer ‘neu 7 (mangreoedd sydd ar agor i’r cyhoedd)’ a mewnosoder ‘, adran 7 (mangreoedd sydd ar agor i’r cyhoedd) neu adran ([*yr adran sy’n cael ei mewnosod gan welliant 137*]) (mannau chwarae plant, tir ysbytai a thir ysgolion: cyfyngiad ar ysmegu yn unig)’.



Darren Millar

136

Section 5, page 4, after line 7, insert –

‘() But subsection 1(b) does not apply to areas and grounds listed in section ([*section to be inserted by amendment 137*])(2).’.

Adran 5, tudalen 4, ar ôl llinell 8, mewnosoder –

‘() Ond nid yw is-adran (1)(b) yn gymwys i’r mannau a’r tiroedd a restrir yn adran ([*yr adran sy’n cael ei mewnosod gan welliant 137*])(2).’.

Darren Millar

137

Page 5, after line 21, insert a new section –

[] Children’s play areas, hospital grounds and school grounds: restriction on smoking only

- (1) So far as they are not smoke-free by virtue of section 6 (workplaces) or section 7 (premises that are open to the public), the areas and grounds listed in subsection (2) are smoke free in relation to smoking only.
- (2) The areas and grounds are –
 - (a) children’s play areas,
 - (b) hospital grounds, and
 - (c) school grounds,in Wales.
- (3) The areas and grounds are smoke-free in relation to smoking all the time.
- (4) In this section –
 - (a) “children’s play areas” means areas where play facilities are made available for children and which are open to the public;
 - (b) “hospital grounds” means the grounds of a hospital (and “hospital” includes a hospital within the meaning of section 206(1) of the National Health Service (Wales) Act 2006 (c.42) and an independent hospital within the meaning of section 2 of the Care Standards Act 2000 (c.14));
 - (c) “school grounds” means the grounds of a school (and “school” includes any relevant place within the meaning of sections 1(4)(a) to (i) of the Learner Travel (Wales) Measure 2008 (nawm 2)).
- (5) For the purposes of subsection (4)(a), a children’s play area is open to the public if the public or a section of the public has access to it, whether by invitation or not, and whether on payment or not.
- (6) See section 10 for exemptions.’.



Tudalen 5, ar ôl llinell 22, mewnosoder adran newydd –

[] Mannau chwarae plant, tir ysbytai a thir ysgolion: cyfyngiad ar ysmegu yn unig

- (1) I'r graddau nad ydynt yn ddi-fwg yn rhinwedd adran 6 (gweithleoedd) neu adran 7 (mangreoedd sydd ar agor i'r cyhoedd), mae'r manau a'r tiroedd a restrir yn is-adran (2) yn ddi-fwg mewn perthynas ag ysmegu yn unig.
- (2) Y manau a'r tiroedd yw –
 - (a) manau chwarae plant,
 - (b) tir ysbytai, ac
 - (c) tir ysgolion,yng Nghymru.
- (3) Mae'r manau a'r tiroedd yn ddi-fwg mewn perthynas ag ysmegu drwy'r amser.
- (4) Yn yr adran hon –
 - (a) ystyr "manau chwarae plant" yw manau ble mae cyfleusterau chwarae ar gael i plant ac sydd ar agor i'r cyhoedd;
 - (b) ystyr "tir ysbytai" yw tir ysbyty (ac mae "ysbyty" yn cynnwys ysbyty o fewn ystyr adran 206(1) o Ddeddf y Gwasanaeth Iechyd Gwladol (Cymru) 2006 (p.42) ac ysbyty annibynnol o fewn ystyr adran 2 o Ddeddf Safonau Gofal 2000 (p.14));
 - (c) ystyr "tir ysgolion" yw tir ysgol (ac mae "ysgol" yn cynnwys unrhyw fan perthnasol o fewn ystyr adrannau 1(4)(a) hyd at (i) o Fesur Teithio gan Ddysgwyr (Cymru) 2008 (mccc 2)).
- (5) At ddibenion is-adran (4)(a), mae man chwarae plant yn agored i'r cyhoedd os oes gan y cyhoedd neu garfan o'r cyhoedd fynediad iddo, pa un ai drwy wahoddiad ai peidio, a pha un a delir am fynediad ai peidio.
- (6) Gweler adran 10 am esemptiadau.'.

Darren Millar

138

Section 8, page 5, line 24, leave out 'or 7 (premises that are open to the public)' and insert ', section 7 (premises that are open to the public) or section ([*section to be inserted by amendment 137*]) (children's play areas, hospital grounds and school grounds: restriction on smoking only)'.

Adran 8, tudalen 5, llinell 25, hepgorer 'neu 7 (mangreoedd sydd ar agor i'r cyhoedd)' a mewnosoder ', adran 7 (mangreoedd sydd ar agor i'r cyhoedd) neu adran ([*yr adran sy'n cael ei mewnosod gan welliant 137*]) (manau chwarae plant, tir ysbytai a thir ysgolion: cyfyngiad ar ysmegu yn unig)'.



Darren Millar

139

Section 10, page 6, line 33, leave out 'or 7 (premises that are open to the public)' and insert ', section 7 (premises that are open to the public) or section ([section to be inserted by amendment 137]) (children's play areas, hospital grounds and school grounds: restriction on smoking only)'.

Adran 10, tudalen 6, llinell 32, hepgorer 'neu 7 (mangroedd sydd ar agor i'r cyhoedd)' a mewnosoder ', adran 7 (mangroedd sydd ar agor i'r cyhoedd) neu adran ([yr adran sy'n cael ei mewnosod gan welliant 137]) (mannau chwarae plant, tir ysbytai a thir ysgolion: cyfyngiad ar ysmegu yn unig)'.

Darren Millar

140

Section 89, page 49, after line 34, insert –

'() make provision requiring a Local Health Board, when preparing, publishing, reviewing and revising its assessment to consider the impact the assessment may have on the services of a person who has entered into a general medical services contract with the Local Health Board.'

Adran 89, tudalen 49, ar ôl llinell 36, mewnosoder –

'() make provision requiring a Local Health Board, when preparing, publishing, reviewing and revising its assessment to consider the impact the assessment may have on the services of a person who has entered into a general medical services contract with the Local Health Board.'

Darren Millar

141

Page 52, after line 3, insert a new section –

'[] Timescale for determining pharmaceutical services applications

After section 84 of the National Health Service (Wales) Act 2006 (c.42), insert –

"84A Timescale for determining pharmaceutical services applications

- (1) A Local Health Board must determine applications that are within subsection (2) within 6 weeks, beginning with the day the application was received by the Local Health Board.
- (2) Applications are within this subsection if they are applications to a Local Health Board where a person –
 - (a) wishes to be included in a pharmaceutical list maintained by the Local Health Board,



- (b) is already included in a pharmaceutical list maintained by the Local Health Board but wishes, within the Board's area, to—
 - (i) open additional premises from which to provide the same or different pharmaceutical services;
 - (ii) relocate to different premises, and at those premises to provide the same or different pharmaceutical services;
 - (iii) provide from the listed premises pharmaceutical services that are of a different description to those services already listed in relation to that person, or
 - (c) is already included in a pharmaceutical list maintained by a neighbouring Local Health Board but wishes to relocate to different premises in the area of the Local Health Board to which the application is made, and at those premises to provide the same pharmaceutical services.
- (3) The Welsh Ministers may by regulations amend the timescale in subsection (1).
- (4) Subsection (1) is without prejudice to the power to make regulations under section 83(6)(j).'

Tudalen 52, ar ôl llinell 3, mewnosoder adran newydd—

[] **Amserlen ar gyfer dyfarnu ceisiadau gwasanaethau fferyllol**

Ar ôl adran 84 o Ddeddf y Gwasanaeth Iechyd Gwladol (Cymru) 2006 (p.42), mewnosoder—

“84A Timescale for determining pharmaceutical services applications

- (1) A Local Health Board must determine applications that are within subsection (2) within 6 weeks, beginning with the day the application was received by the Local Health Board.
- (2) Applications are within this subsection if they are applications to a Local Health Board where a person—
 - (a) wishes to be included in a pharmaceutical list maintained by the Local Health Board,
 - (b) is already included in a pharmaceutical list maintained by the Local Health Board but wishes, within the Board's area, to—
 - (i) open additional premises from which to provide the same or different pharmaceutical services;
 - (ii) relocate to different premises, and at those premises to provide the same or different pharmaceutical services;
 - (iii) provide from the listed premises pharmaceutical services that are of a different description to those services already listed in relation to that person, or



- (c) is already included in a pharmaceutical list maintained by a neighbouring Local Health Board but wishes to relocate to different premises in the area of the Local Health Board to which the application is made, and at those premises to provide the same pharmaceutical services.
- (3) The Welsh Ministers may by regulations amend the timescale in subsection (1).
- (4) Subsection (1) is without prejudice to the power to make regulations under section 83(6)(j).'

Mark Drakeford

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;'

Mark Drakeford

143

Section 1, page 1, line 14, leave out –

'and the use of nicotine inhaling devices in workplaces and public places;

- (b) confers power on the Welsh Ministers to make regulations restricting smoking and the use of nicotine inhaling devices in other premises, and in'

And insert –

'in workplaces and public places, and confers power on the Welsh Ministers to make regulations restricting smoking in other premises, and in vehicles;

- () makes provision restricting the use of nicotine inhaling devices in premises listed in Schedule [*Schedule to be inserted by amendment 221*] 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'

Adran 1, tudalen 1, llinell 14, hepgorer –

'a'r defnydd o ddyfeisiau mewnanadlu nicotin mewn gweithleoedd a manau cyhoeddus;

- (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'

A mewnosoder –

'mewn gweithleoedd a manau cyhoeddus, ac mae'n rhoi pŵer i Weinidogion Cymru i wneud rheoliadau sy'n cyfyngu ar ysmegu mewn mangroedd eraill, ac mewn cerbydau;



- () gwneud darpariaeth sy'n cyfyngu ar y defnydd o ddyfeisiau mewnanadlu nicotin mewn mangreoedd a restrir yn Atodlen [*yr Atodlen sy'n cael ei mewnosod gan welliant 221*] ac mewn cerbydau penodol a ddefnyddir ar gyfer trafndiaeth gyhoeddus a chlodiant 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'

Mark Drakeford

144

Section 1, page 2, after line 14, insert –

- '() Part [*Part to be inserted by amendment 216*] makes provision about the use of fixed penalty receipts in respect of food hygiene rating offences.'

Adran 1, tudalen 2, ar ôl llinell 16, mewnosoder –

- '() Mae Rhan [*y Rhan sy'n cael ei mewnosod gan welliant 216*] yn gwneud darpariaeth ynghylch y defnydd a wneir o dderbyniadau cosb benodedig mewn cysylltiad â throseddau sgorio hylendid bwyd.'

Mark Drakeford

145

Section 2, page 2, line 28, leave out 'are to a device 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).'

Adran 2, tudalen 2, llinell 32, hepgorer 'yn gyfeiriadau at 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'.

Mark Drakeford

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'.

Mark Drakeford

147

Section 2, page 3, line 2, after 'vapour', insert 'or aerosol'.

Adran 2, tudalen 3, llinell 2, ar ôl 'anwedd', mewnosoder 'neu erosol'.



Mark Drakeford

148

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' and insert –

' , or descriptions of devices, to which this Chapter is to apply.

- () Regulations under subsection (1) may only specify devices, or descriptions of devices, that enable the inhalation of a substance.
- () The regulations may make different provision in respect of different substances or descriptions of substances'.

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' a mewnosoder –
' , neu ddisgrifiadau o ddyfeisiau, y mae'r Bennod hon i fod yn gymwys iddynt.

- () Ni chaiff rheoliadau o dan is-adran (1) ond pennu dyfeisiau neu ddisgrifiadau o ddyfeisiau sy'n galluogi i sylwedd gael ei fewnanadlu.
- () Caiff y rheoliadau wneud darpariaeth wahanol mewn cysylltiad â sylweddau gwahanol neu ddisgrifiadau gwahanol o sylweddau'.

Mark Drakeford

149

Page 3, after line 34, insert a new section –

[] Offence of using a nicotine inhaling device in NID-free premises or vehicle

- (1) A person commits an offence if the person uses a nicotine inhaling device –
 - (a) in NID-free premises;
 - (b) in a NID-free vehicle.
- (2) For provision about NID-free premises, see section [section to be inserted by amendment 154].
- (3) For provision about NID-free vehicles, see sections [section to be inserted by amendment 156] and [section to be inserted by amendment 157].
- (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.
- (5) If a person charged with an offence under this section relies on the defence in subsection (4), and evidence is adduced which is sufficient to raise an issue with respect to that defence, the court must assume that the defence is satisfied unless the prosecution proves beyond reasonable doubt that it is not.
- (6) A person guilty of an offence under this section is liable on summary conviction to a fine not exceeding level 1 on the standard scale.'

Tudalen 3, ar ôl llinell 37, mewnosoder adran newydd –

[] Y drosedd o ddefnyddio dyfais mewnanadlu nicotin mewn mangre ddi-DMN neu gerbyd di-DMN



- (1) Mae person yn cyflawni trosedd os yw'r person yn defnyddio dyfais mewnanadlu nicotin—
 - (a) mewn mangre ddi-DMN;
 - (b) mewn cerbyd di-DMN.
- (2) Am ddarpariaeth ynghylch mangreoedd di-DMN, gweler adran [yr adran sy'n cael ei mewnosod gan welliant 154].
- (3) Am ddarpariaeth ynghylch cerbydau di-DMN, gweler adrannau [yr adran sy'n cael ei mewnosod gan welliant 156] ac [yr adran sy'n cael ei mewnosod gan welliant 157].
- (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.
- (5) Os yw person sydd wedi ei gyhuddo o drosedd o dan yr adran hon yn dibynnu ar yr amddiffyniad yn is-adran (4), ac y dygir tystiolaeth sy'n ddigonol i godi mater mewn cysylltiad â'r amddiffyniad hwnnw, rhaid i'r llys gymryd bod yr amddiffyniad wedi ei fodloni oni bai bod yr erlyniad yn profi y tu hwnt i amheuaeth resymol nad yw wedi ei fodloni.
- (6) Mae person sy'n euog o drosedd o dan yr adran hon yn agored ar gollfarn ddiannod i ddirwy nad yw'n uwch na lefel 1 ar y raddfa safonol.'

Mark Drakeford

150

Page 4, after line 23, insert a new section—

[] **Offence of failing to prevent use of a nicotine inhaling device in NID-free premises**

- (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.
- (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 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.
- (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.
- (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.
- (5) If a person charged with an offence under this section relies on the defence in subsection (4), and evidence is adduced which is sufficient to raise an issue with respect to that defence, the court must assume that the defence is satisfied unless the prosecution proves beyond reasonable doubt that it is not.
- (6) A person guilty of an offence under this section is liable on summary conviction to a fine not exceeding level 3 on the standard scale.'



Tudalen 4, ar ôl llinell 26, mewnosoder adran newydd –

[] Y drosedd o fethu ag atal y defnydd o ddyfais mewnanadlu nicotin mewn mangre ddi-DMN

- (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.
- (2) Caiff rheoliadau 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 adran sy'n cael ei mewnosod gan welliant 157], ar berson, neu ddisgrifiad o berson, a bennir yn y rheoliadau.
- (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.
- (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.
- (5) Os yw person sydd wedi ei gyhuddo o drosedd o dan yr adran hon yn dibynnu ar yr amddiffyniad yn is-adran (4), ac y dygir tystiolaeth sy'n ddigonol i godi mater mewn cysylltiad â'r amddiffyniad hwnnw, rhaid i'r llys gymryd bod yr amddiffyniad wedi ei fodloni oni bai bod yr erlyniad yn profi y tu hwnt i amheuaeth resymol nad yw wedi ei fodloni.
- (6) Mae person sy'n euog o drosedd o dan yr adran hon yn agored ar gollfarn ddiannod i ddirwy nad yw'n uwch na lefel 3 ar y raddfa safonol.'

Mark Drakeford

151

Section 6, page 5, line 7, leave out subsection (7).

Adran 6, tudalen 5, llinell 7, hepgorer is-adran (7).

Mark Drakeford

152

Section 9, page 6, line 22, leave out subsection (4).

Adran 9, tudalen 6, llinell 21, hepgorer is-adran (4).

Mark Drakeford

153

Section 9, page 6, line 24, leave out 'But'.

Adran 9, tudalen 6, llinell 23, hepgorer 'Ond'.



Mark Drakeford

154

Page 7, after line 18, insert a new section –

'NID-free premises

[] NID-free premises

- (1) Schedule [*Schedule to be inserted by amendment 221*] makes provision about NID-free premises.
- (2) Premises in Wales listed in Part 1 of Schedule [*Schedule to be inserted by amendment 221*] are NID-free for the purposes of this Chapter to the extent mentioned in that Part (but see subsection (4)).
- (3) So far as they are not NID-free by virtue of subsection (2), premises in Wales listed in Part 2 of Schedule [*Schedule to be inserted by amendment 221*] are NID-free for the purposes of this Chapter to the extent mentioned in that Part (but see subsection (4)).
- (4) So far as premises listed in Part 1 or Part 2 of Schedule [*Schedule to be inserted by amendment 221*] come within Part 3 of that Schedule, the premises are not NID-free for the purposes of this Chapter.
- (5) Regulations may amend Schedule [*Schedule to be inserted by amendment 221*] by –
 - (a) adding premises to Part 1, Part 2 or Part 3 of the Schedule;
 - (b) removing premises from Part 1, Part 2 or Part 3 of the Schedule;
 - (c) varying a description of premises in Part 1, Part 2 or Part 3 of the Schedule.
- (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 –
 - (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
 - (b) the Welsh Ministers are satisfied that adding the premises in question to the Part concerned is likely to contribute towards the promotion of the health of the people of Wales.'

Tudalen 7, ar ôl llinell 20, mewnosoder adran newydd –

'Mangreoedd di-DMN

[] Mangreoedd di-DMN

- (1) Mae Atodlen [*yr Atodlen sy'n cael ei mewnosod gan welliant 221*] yn gwneud darpariaeth ynghylch mangreoedd di-DMN.
- (2) Mae mangre yng Nghymru a restrir yn Rhan 1 o Atodlen [*yr Atodlen sy'n cael ei mewnosod gan welliant 221*] yn ddi-DMN at ddibenion y Bennod hon i'r graddau a grybwyllir yn y Rhan honno (ond gweler is-adran (4)).



- (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 [yr Atodlen sy'n cael ei mewnosod gan welliant 221] yn ddi-DMN at ddibenion y Bennod hon i'r graddau a grybwyllir yn y Rhan honno (ond gweler is-adran (4)).
- (4) I'r graddau y mae mangreoedd a restrir yn Rhan 1 neu Ran 2 o Atodlen [yr Atodlen sy'n cael ei mewnosod gan welliant 221] yn dod o fewn Rhan 3 o'r Atodlen honno, nid yw'r fangre yn ddi-DMN at ddibenion y Bennod hon.
- (5) Caiff rheoliadau ddiwygio Atodlen [yr Atodlen sy'n cael ei mewnosod gan welliant 221] drwy –
 - (a) ychwanegu mangre at Ran 1, Rhan 2 neu Ran 3 o'r Atodlen;
 - (b) dileu mangre oddi ar Ran 1, Rhan 2 neu Ran 3 o'r Atodlen;
 - (c) amrywio disgrifiad o fangre yn Rhan 1, Rhan 2 neu Ran 3 o'r Atodlen.
- (6) Ond nid yw mangre i gael ei hychwanegu at Ran 1 neu Ran 2 o Atodlen [yr Atodlen sy'n cael ei mewnosod gan welliant 221] drwy reoliadau o dan is-adran (5) oni bai –
 - (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
 - (b) bod Gweinidogion Cymru 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.'.

Mark Drakeford

155

Page 7, after line 18, insert a new section –

[] NID-free premises: designation of premises in Part 2 of Schedule [Schedule to be inserted by amendment 221]

- (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.
- (2) Regulations may make provision –
 - (a) specifying conditions to be met before any room or area may be designated under subsection (1),
 - (b) requiring the keeping of records of designations, and
 - (c) about the circumstances in which a designation is to cease to have effect.'.



Tudalen 7, ar ôl llinell 20, mewnosoder adran newydd –

[] Mangreoedd di-DMN: dynodi mangreoedd yn Rhan 2 o Atodlen [yr Atodlen sy'n cael ei mewnosod gan welliant 221]

- (1) Caiff y person a chanddo ofal am fangre a restrir yn Rhan 2 o Atodlen [yr Atodlen 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 ddibenion y Bennod hon.
- (2) Caiff rheoliadau wneud darpariaeth –
 - (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),
 - (b) sy'n ei gwneud yn ofynnol cadw cofnodion o ddynodiadau, ac
 - (c) ynghylch yr amgylchiadau y mae dynodiad i beidio â chael effaith odanynt'.

Mark Drakeford

156

Page 7, after line 18, insert a new section –

'NID-free vehicles

[] Vehicles used for public transport and school transport

- (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.
- (2) A vehicle is being used for public transport for the purpose of this section if –
 - (a) it is a tram or train that is being used for the transport of members of the public, or
 - (b) it is being used in the provision of a local service.
- (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).
- (4) A vehicle is being used for school transport for the purpose of this section if –
 - (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
 - (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.
- (5) In subsection (4) –

"proprietor" ("perchennog") has the meaning given by section 579(1) of the Education Act 1996 (c.56);



“vehicle” (“*cerbyd*”) does not include an aircraft nor does it include a ship or hovercraft within subsection (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).
- (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.
- (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 –
 - (a) in specified circumstances,
 - (b) at specified times,
 - (c) in specified areas, or
 - (d) if specified conditions are satisfied,or any combination of these.’.

Tudalen 7, ar ôl llinell 20, mewnosoder adran newydd –

‘Cerbydau di-DMN

[] Cerbydau a ddefnyddir ar gyfer trafndiaeth gyhoeddus a chludiant i’r ysgol

- (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.
- (2) Mae cerbyd yn cael ei ddefnyddio ar gyfer trafndiaeth gyhoeddus at ddiben yr adran hon –
 - (a) os yw’n dram neu’n drên sy’n cael ei ddefnyddio i gludo aelodau o’r cyhoedd, neu
 - (b) os yw’n cael ei ddefnyddio i ddarparu gwasanaeth lleol.
- (3) Yn is-adran (2)(b), mae i “gwasanaeth lleol” yr ystyr a roddir i “local service” gan adran 2 o Ddeddf Trafndiaeth 1985 (p.67) (darparu gwasanaethau lleol gan gerbydau gwasanaeth cyhoeddus).
- (4) Mae cerbyd yn cael ei ddefnyddio ar gyfer cludiant i’r ysgol at ddiben yr adran hon –
 - (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
 - (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 ddiwyddiadau eraill sy’n gysylltiedig â’r ysgol.
- (5) Yn is-adran (4) –

nid yw “cerbyd” (“*vehicle*”) yn cynnwys awyren ac nid yw’n cynnwys llong na hofrenfad o fewn is-adran (6);



mae i “perchennog” yr ystyr a roddir i “proprietor” gan adran 579(1) o Ddeddf Addysg 1996 (p.56).

- (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).
- (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.
- (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 –
 - (a) o dan amgylchiadau penodedig,
 - (b) ar adegau penodedig,
 - (c) mewn ardaloedd penodedig, neu
 - (d) os yw amodau penodedig wedi eu bodloni,neu unrhyw gyfuniad o’r rhain.’.

Mark Drakeford

157

Page 7, after line 18, insert a new section –

[] Additional NID-free vehicles

- (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.
- (2) The regulations may not provide for a vehicle, or description of vehicle, to be treated as a NID-free vehicle unless –
 - (a) the vehicle, or vehicles of the description concerned, are smoke-free by virtue of section 9, and
 - (b) the Welsh Ministers are satisfied that providing for the vehicle, or vehicles of that description, to be treated as NID-free is likely to contribute towards the promotion of the health of the people of Wales.
- (3) The regulations may, among other things, make provision –
 - (a) for the circumstances in which vehicles are to be treated as NID-free (including by reference to the age of any person in the vehicle);
 - (b) for vehicles to be treated as NID-free only in specified areas, or except in specified areas;
 - (c) for exemptions.
- (4) The power to make regulations under this section may not be exercised so as to provide for a ship or hovercraft within subsection (5) to be treated as a NID-free vehicle.



- (5) A ship or hovercraft is within this subsection if regulations could be made in relation to it under section 85 of the Merchant Shipping Act 1995 (c.21) including that section as applied by any Order in Council under section 1(1)(h) of the Hovercraft Act 1968 (c.59).’.

Tudalen 7, ar ôl llinell 20, mewnosoder adran newydd –

[] Cerbydau di-DMN ychwanegol

- (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.
- (2) Ni chaiff y rheoliadau ddarparu i gerbyd, neu ddisgrifiad o gerbyd, gael ei drin fel cerbyd di-DMN oni bai –
- (a) bod y cerbyd, neu’r cerbydau o’r disgrifiad o dan sylw, yn ddi-fwg yn rhinwedd adran 9, a
- (b) bod Gweinidogion Cymru wedi eu bodloni bod darparu i’r cerbyd gael ei drin fel cerbyd di-fwg, neu ddarparu i’r cerbydau o’r disgrifiad hwnnw gael eu trin fel cerbydau di-fwg, yn debygol o gyfrannu at hybu iechyd pobl Cymru.
- (3) Caiff y rheoliadau, ymhlith pethau eraill, wneud darpariaeth –
- (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);
- (b) i gerbydau gael eu trin fel pe baent yn ddi-DMN mewn ardaloedd penodedig yn unig, neu ac eithrio mewn ardaloedd penodedig;
- (c) ar gyfer esemptiadau.
- (4) Ni chaniateir i’r pŵer i wneud rheoliadau o dan yr adran hon gael ei arfer er mwyn darparu i long neu hofrenfad o fewn is-adran (5) gael ei drin fel cerbyd di-DMN.
- (5) Mae llong neu hofrenfad o fewn yr is-adran hon os gellid gwneud rheoliadau mewn perthynas ag ef o dan adran 85 o Ddeddf Llongau Masnach 1995 (p.21) gan gynnwys yr adran honno fel y’i cymhwysir gan unrhyw Orchymyn yn y Cyfrin Gyngor o dan adran 1(1)(h) o Ddeddf Hofrenfadau 1968 (p.59).’.

Mark Drakeford

158

Page 8, after line 15, insert a new section –

[] Signs: NID-free premises

- (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.
- (2) Regulations under subsection (1) may make provision as to how the signs are to be displayed and may specify requirements to which the signs must conform (for example, requirements as to content, size, design, colour, or wording).



- (3) Regulations under this subsection may provide for a duty corresponding to that mentioned in subsection (1) 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 amendment 157], on a person, or person of a description, specified in the regulations.
- (4) Regulations under subsection (1) or (3) may include provision about the signs to be displayed in premises, areas of premises or vehicles that by virtue of –
 - (a) a designation made in accordance with section [section to be inserted by amendment 155], or
 - (b) regulations under section [section to be inserted by amendment 156](7) or [section to be inserted by amendment 157](3)(c),are to be treated as not being NID-free, but that would otherwise be NID-free under or by virtue of this Chapter.
- (5) A person who fails to comply with the duty in subsection (1), or any corresponding duty in regulations under subsection (3), commits an offence.
- (6) It is a defence for a person charged with an offence under this section to show –
 - (a) that the person did not know, and could not reasonably have been expected to know, that the premises or vehicle were NID-free or to be treated as NID-free,
 - (b) that the person did not know, and could not reasonably have been expected to know, that signs complying with the requirements of this section were not being displayed in accordance with the requirements of this section, or
 - (c) that on other grounds it was reasonable for the person not to comply with the duty.
- (7) If a person charged with an offence under this section relies on a defence in subsection (6), and evidence is adduced which is sufficient to raise an issue with respect to that defence, the court must assume that the defence is satisfied unless the prosecution proves beyond reasonable doubt that it is not.
- (8) 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.’.

Tudalen 8, ar ôl llinell 17, mewnosoder adran newydd –

[] Arwyddion: mangreodded di-DMN

- (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.
- (2) Caiff rheoliadau o dan is-adran (1) wneud darpariaeth ynghylch sut y mae'r arwyddion i gael eu harddangos a chânt bennu gofynion y mae rhaid i'r arwyddion gydymffurfio â hwy (er enghraifft, gofynion o ran cynnwys, maint, dyluniad, lliw neu eiriad).



- (3) Caiff rheoliadau o dan yr is-adran hon ddarparu i ddyletswydd sy'n cyfateb i'r un a grybwyllir yn is-adran (1) 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 adran sy'n cael ei mewnosod gan welliant 157], ar berson, neu berson o ddisgrifiad, a bennir yn y rheoliadau.
- (4) Caiff rheoliadau o dan is-adran (1) neu (3) gynnwys darpariaeth ynghylch yr arwyddion sydd i gael eu harddangos mewn mangreoedd, ardaloedd o fangreoedd neu gerbydau sydd yn rhinwedd –
 - (a) dynodiad a wneir yn unol ag adran [yr adran sy'n cael ei mewnosod gan welliant 155], neu
 - (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),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.
- (5) Mae person sy'n methu â chydymffurfio â'r ddyletswydd yn is-adran (1), neu unrhyw ddyletswydd gyfatebol mewn rheoliadau o dan is-adran (3), yn cyflawni trosedd.
- (6) Mae'n amddiffyniad i berson sydd wedi ei gyhuddo o drosedd o dan yr adran hon ddangos –
 - (a) nad oedd y person yn gwybod, ac na ellid bod wedi disgwyl yn rhesymol iddo wybod, fod y fangre neu'r cerbyd yn ddi-DMN neu i gael ei drin fel pe bai'n ddi-DMN,
 - (b) nad oedd y person yn gwybod, ac na ellid bod wedi disgwyl yn rhesymol iddo wybod, nad oedd arwyddion sy'n cydymffurfio â gofynion yr adran hon yn cael eu harddangos yn unol â gofynion yr adran hon, neu
 - (c) ei bod, ar seiliau eraill, yn rhesymol i'r person beidio â chydymffurfio â'r ddyletswydd.
- (7) Os yw person sydd wedi ei gyhuddo o drosedd o dan yr adran hon yn dibynnu ar amddiffyniad yn is-adran (6), ac y dygir tystiolaeth sy'n ddigonol i godi mater mewn cysylltiad â'r amddiffyniad hwnnw, rhaid i'r llys gymryd bod yr amddiffyniad wedi ei fodloni oni bai bod yr erlyniad yn profi y tu hwnt i amheuaeth resymol nad yw wedi ei fodloni.
- (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.'

Mark Drakeford

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]'



Mark Drakeford **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]'.

Mark Drakeford **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]'.

Mark Drakeford **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 gan welliant 158]'.

Mark Drakeford **163**

Section 17, page 10, 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 17, tudalen 10, llinell 23, 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]'.

Mark Drakeford **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'.



Mark Drakeford

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

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



Mark Drakeford

166

Page 11, after line 17, insert a new section –

[] Appropriated property: compensation

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

Tudalen 11, ar ôl llinell 19, mewnosoder adran newydd –

[] Eiddo a gyfeddir: digolledu

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

Mark Drakeford

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)’.



Mark Drakeford 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)'.

Mark Drakeford 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 150](3)'.

Mark Drakeford 170

Section 20, page 12, after line 14, insert –

“child” (“plentyn”) means a person aged under 18;’.

Adran 20, tudalen 12, ar ôl llinell 28, mewnosoder –

‘ystyr “plentyn” (“child”) yw person o dan 18 oed;’.

Mark Drakeford 171

Section 20, page 12, after line 26, insert –

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

Mark Drakeford 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 trên, tram, cwch neu long, hofrenfad ac awyren’.



Mark Drakeford

173

Section 20, page 12, after line 33, insert –

- (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.
- (4) Regulations may specify for the purpose of this Chapter what “enclosed”, “substantially enclosed” and “not enclosed or substantially enclosed” mean.’.

Adran 20, tudalen 12, ar ôl llinell 35, mewnosoder –

- (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.
- (4) Caiff rheoliadau bennu at ddiben y Bennod hon ystyr “caeedig”, “sylweddol gaeedig” ac “nad yw’n gaeedig nac yn sylweddol gaeedig”.’.

Mark Drakeford

174

Section 23, page 14, after line 39, insert –

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

Adran 23, tudalen 14, ar ôl llinell 37, mewnosoder –

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



Mark Drakeford

175

Section 35, page 19, line 11, after 'it', insert –
, and

- () identifying the person to whom a request for the return of the property may be made'.

Adran 35, tudalen 19, llinell 13, ar ôl 'ohono', mewnosoder –
, a

- () sy'n nodi'r person y caniateir gofyn iddo i'r eiddo gael ei ddychwelyd'.

Mark Drakeford

176

Page 20, after line 4, insert a new section –

[] Retained property: appeals

- (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.
- (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 29(1), (2) or (4) has been committed, it may make an order requiring the release of the retained property.
- (3) An order under this section may contain whatever provision the court thinks appropriate for delaying its coming into force pending the making and determination of an appeal (including an application under section 111 of the Magistrates' Courts Act 1980 (c.43)).
- (4) If the court adjourns the hearing of an application under this section, it may make an order in respect of the retained property that lasts until the final hearing of the application or until further order, if it considers it appropriate to do so.
- (5) Nothing in this section affects any other power of the court to make an order in respect of the retained property, including any power to make an order under section 1 of the Police (Property) Act 1897'.

Tudalen 20, ar ôl llinell 4, mewnosoder adran newydd –

[] Eiddo a gedwir: apelau

- (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 gwyn i unrhyw lys ynadon am orchymyn sy'n ei gwneud yn ofynnol iddo gael ei ryddhau, naill ai i P neu i berson arall.
- (2) Os yw'r llys, ar gais o dan yr adran hon, wedi ei fodloni nad yw'n angenrheidiol parhau i gadw'r eiddo a gedwir at ddiben canfod a yw trosedd o dan adran 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.



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

Mark Drakeford

177

Page 20, after line 4, insert a new section –

[] **Appropriated property: compensation**

- (1) A person (“P”) with an interest in anything of which an authorised officer of a local authority has taken possession under section 35(1)(c) (“appropriated property”) may apply by way of complaint to any magistrates’ court for compensation.
- (2) Subsection (3) applies if on an application under this section the court is satisfied that –
 - (a) P has suffered loss or damage in consequence of the authorised officer’s taking possession of the appropriated property, or retaining it, in circumstances where doing so was not necessary for the purpose of ascertaining whether an offence under section 29(1), (2) or (4) had been committed, and
 - (b) the loss or damage is not attributable to the neglect or default of P.
- (3) The court may order the local authority to pay compensation to P’.

Tudalen 20, ar ôl llinell 4, mewnosoder adran newydd –

[] **Eiddo a gyfeddir: digolledu**

- (1) Caiff person (“P”) a chanddo fuddiant mewn unrhyw beth y mae swyddog awdurdodedig i awdurdod lleol wedi cymryd meddiant ohono o dan adran 35(1)(c) (“eiddo a gyfeddir”) wneud cais drwy gŵyn i unrhyw lys ynadon i gael ei ddigolledu.
- (2) Mae is-adran (3) yn gymwys os yw'r llys, ar gais o dan yr adran hon, wedi ei fodloni –
 - (a) bod P wedi dioddef colled neu ddifrod oherwydd bod y swyddog awdurdodedig wedi cymryd meddiant o'r eiddo a gyfeddir, neu ei gadw, o dan amgylchiadau pan nad oedd yn angenrheidiol gwneud hynny at ddiben canfod a oedd trosedd o dan adran 29(1), (2) neu (4) wedi ei chyflawni, a
 - (b) na ellir priodoli'r golled neu'r difrod i esgeulustod neu ddiffyg P.
- (3) Caiff y llys orchymyn i'r awdurdod lleol ddigolledu P’.



Mark Drakeford

178

Section 40, page 21, after line 26, insert –

- ‘() Before making regulations under subsection (1A), the Welsh Ministers must –
 - (a) consider whether there are persons who appear to be representative of the interests of those likely to have an interest in the regulations (“representative persons”), and
 - (b) carry out consultation with any representative persons whom the Welsh Ministers consider it appropriate to consult.’.

Adran 40, tudalen 21, ar ôl llinell 31, mewnosoder –

- ‘() Before making regulations under subsection (1A), the Welsh Ministers must –
 - (a) consider whether there are persons who appear to be representative of the interests of those likely to have an interest in the regulations (“representative persons”), and
 - (b) carry out consultation with any representative persons whom the Welsh Ministers consider it appropriate to consult.’.

Mark Drakeford

179

Section 51, page 27, line 7, after ‘application’, insert ‘by an individual (an “applicant”)’.

Adran 51, tudalen 27, llinell 7, ar ôl ‘gais’, mewnosoder ‘gan unigolyn (“ceisydd”)’.

Mark Drakeford

180

Section 51, page 27, after line 8, insert –

- ‘() 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 –
 - (a) infection control and first aid, in the context of the special procedure to which the application relates;
 - (b) duties imposed, under or by virtue of this Part, on a person authorised by a special procedure licence to perform the special procedure to which the application relates.’.

Adran 51, tudalen 27, ar ôl llinell 8, mewnosoder –

- ‘() 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 –
 - (a) rheoli heintiau a chymorth cyntaf, yng nghyd-destun y driniaeth arbennig y mae’r cais yn ymwneud â hi;



- (b) y dyletswyddau a osodir, o dan y Rhan hon neu yn rhinwedd y Rhan hon, ar berson sydd wedi ei awdurdodi gan drwydded triniaeth arbennig i roi'r driniaeth arbennig y mae'r cais yn ymwneud â hi.'.

Mark Drakeford

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'.

Mark Drakeford

182

Section 52, page 27, after line 33, insert—

- () The mandatory licensing conditions specified in the regulations must include conditions imposing requirements in connection with—
- (a) the verification of the age of an individual on whom a special procedure is to be performed;
 - (b) infection control, standards of hygiene, and first aid;
 - (c) consultation to be carried out before and after a special procedure is performed;
 - (d) record keeping.
- () The conditions specified in the regulations must also include a condition prohibiting the performance of a special procedure in circumstances where the individual on whom the procedure would otherwise be performed is, or appears to be, intoxicated, whether by virtue of drink, drugs or any other means.'

Adran 52, tudalen 27, ar ôl llinell 33, mewnosoder—

- () Rhaid i'r amodau trwyddedu mandadol a bennir yn y rheoliadau gynnwys amodau sy'n gosod gofynion mewn cysylltiad—
- (a) â dilysu oedran unigolyn y mae triniaeth arbennig i gael ei rhoi iddo ;
 - (b) â rheoli heintiau, safonau hylendid, a chymorth cyntaf;
 - (c) â'r ymgynghori sydd i'w gynnal cyn ac ar ôl rhoi triniaeth arbennig;
 - (d) â chadw cofnodion.
- () Rhaid i'r amodau a bennir yn y rheoliadau hefyd gynnwys amod sy'n gwahardd rhoi triniaeth arbennig o dan amgylchiadau pan fo'r unigolyn y byddai'r driniaeth fel arall yn cael ei rhoi iddo yn feddw, neu yr ymddengys ei fod yn feddw, pa un ai yn rhinwedd diod, cyffuriau neu unrhyw fodd arall.'



Mark Drakeford 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)'.

Mark Drakeford 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'.

Mark Drakeford 185

Section 52, page 28, line 3, leave out 'standards of hygiene,'.

Adran 52, tudalen 28, llinell 3, hepgorer 'safonau hylendid,'.

Mark Drakeford 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'.

Mark Drakeford 187

Section 52, page 28, leave out line 6.

Adran 52, tudalen 28, hepgorer llinell 6.

Mark Drakeford 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;'



Mark Drakeford 189

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'.

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'.

Mark Drakeford 190

Section 55, page 29, line 13, leave out 'a procedure specified in the application' and insert 'the procedure'.

Adran 55, tudalen 29, llinell 13, hepgorer 'rhoi triniaeth a bennir yn y cais' a mewnosoder 'rhoi'r driniaeth'.

Mark Drakeford 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,'.

Mark Drakeford 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'.

Mark Drakeford 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.'

Mark Drakeford 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'.



Mark Drakeford

195

Section 57, page 29, line 31, after 'met,', insert 'or that those in subsection ([*subsection to be inserted by amendment 196*]) are met,'.

Adran 57, tudalen 29, llinell 32, ar ôl 'bodloni,', mewnosoder 'neu fod yr amodau yn is-adran ([*yr is-adran sy'n cael ei mewnosod gan welliant 196*]) wedi eu bodloni,'.

Mark Drakeford

196

Section 57, page 30, after line 5, insert—

'() The conditions are—

- (a) that the licence holder has been convicted of a relevant offence;
- (b) that the licence was issued to 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;
- (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 of revocation as described in subsection (1)(a)), or would not have been issued in so far as it relates to the performance of a particular procedure (in the case of revocation as described in subsection (1)(b) in respect of the performance of that procedure).'

Adran 57, tudalen 30, ar ôl llinell 5, mewnosoder—

'() Yr amodau yw—

- (a) bod deiliad y drwydded wedi ei gollfarnu o drosedd berthnasol;
- (b) bod y drwydded wedi ei 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;
- (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).'



Mark Drakeford

197

Section 59, page 32, after line 21, insert –

- ‘() Regulations making provision as described in subsection (7)(a) may include (among other things) –
- (a) provision about how a local authority is to determine the amount of a fee payable in respect of an application;
 - (b) provision about the consequences of failure to comply with a requirement to pay a fee (including provision permitting the local authority to decline to proceed with the application).’.

Adran 59, tudalen 32, ar ôl llinell 23, mewnosoder –

- ‘() Caiff rheoliadau sy’n gwneud darpariaeth fel y’i disgrifir yn is-adran (7)(a) gynnwys (ymhlith pethau eraill) –
- (a) darpariaeth ynghylch sut y mae awdurdod lleol i ddyfarnu ar swm ffi sy’n daladwy mewn cysylltiad â chais;
 - (b) darpariaeth ynghylch canlyniadau methu â chydymffurfio â gofyniad i dalu ffi (gan gynnwys darpariaeth sy’n caniatáu i’r awdurdod lleol wrthod bwrw ymlaen â’r cais).’.

Mark Drakeford

198

Page 34, after line 19, insert a new section –

‘Fees

[] Fees

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



Tudalen 34, ar ôl llinell 20, mewnosoder adran newydd –

'Ffioedd

[] Ffioedd

- (1) Caiff awdurdod lleol sydd wedi dyroddi trwydded triniaeth arbennig godi ffi ar ddeiliad y drwydded, naill ai'n gyfnodol neu fel arall, am gyhyd ag y mae'r drwydded yn parhau i gael effaith.
- (2) Caiff awdurdod lleol sydd wedi cymeradwyo mangre neu gerbyd o dan adran 59 godi ffi ar y person y rhoddwyd y gymeradwyaeth i'w gais, naill ai'n gyfnodol neu fel arall, am gyhyd ag y mae'r gymeradwyaeth yn parhau i gael effaith.
- (3) 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.
- (4) Caiff rheoliadau wneud darpariaeth ynghylch y ffordd y mae awdurdod lleol (yn ddarostyngedig i is-adran (3)) i ddyfarnu ar swm y ffi.
- (5) Caiff rheoliadau wneud darpariaeth arall mewn cysylltiad â ffioedd a godir o dan yr adran hon, gan gynnwys (ymhlith pethau eraill) mewn cysylltiad –
 - (a) â'r ffordd y mae ffi i gael ei thalu;
 - (b) ag ad-dalu ffi (neu gyfran ohoni) mewn achosion o or-dalu;
 - (c) ag adennill ffi sy'n ddyledus i awdurdod ac nad yw wedi ei thalu.'

Mark Drakeford

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'.

Mark Drakeford

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]'.

Mark Drakeford

201

Section 73, page 41, line 23, after 'it', insert –
, and

- () identifying the person to whom a request for the return of the property may be made'.



Adran 73, tudalen 41, llinell 27, ar ôl 'ohono', mewnosoder –
, a

- () sy'n nodi'r person y caniateir gofyn iddo i'r eiddo gael ei ddychwelyd'.

Mark Drakeford

202

Page 42, after line 19, insert a new section –

[] Retained property: appeals

- (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.
- (2) If on an application under this section the court is satisfied that the continued retention of the retained property is not necessary for the purpose of the exercise of the authority's functions under or by virtue of this Part, it may make an order requiring the release of the retained property.
- (3) An order under this section may contain whatever provision the court thinks appropriate for delaying its coming into force pending the making and determination of an appeal (including an application under section 111 of the Magistrates' Courts Act 1980 (c.43)).
- (4) If the court adjourns the hearing of an application under this section, it may make an order in respect of the retained property that lasts until the final hearing of the application or until further order, if it considers it appropriate to do so.
- (5) Nothing in this section affects any other power of the court to make an order in respect of the retained property, including any power to make an order under section 1 of the Police (Property) Act 1897.'

Tudalen 42, ar ôl llinell 22, mewnosoder adran newydd –

[] Eiddo a gedwir: apelau

- (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 gwyn i unrhyw lys ynadon am orchymyn sy'n ei gwneud yn ofynnol iddo gael ei ryddhau, naill ai i P neu i berson arall.
- (2) Os yw'r llys, ar gais o dan yr adran hon, wedi ei fodloni nad yw'n angenrheidiol parhau i gadw'r eiddo a gedwir at ddiben 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.
- (3) Caiff gorchymyn o dan yr adran hon gynnwys pa ddarpariaeth bynnag y mae'r llys yn meddwl ei bod yn briodol er mwyn gohirio ei ddwyn i rym wrth aros i apel (gan gynnwys cais o dan adran 111 o Ddeddf Llysoedd Ynadon 1980 (p.43)) gael ei gwneud a dyfarnu arni.



- (4) Os yw'r llys yn gohirio gwrandawriad cais o dan yr adran hon, caiff wneud gorchymyn mewn cysylltiad â'r eiddo a gedwir sy'n para tan wrandawriad terfynol y cais neu hyd nes y gwneir gorchymyn pellach, os yw'n ystyried ei bod yn briodol gwneud hynny.
- (5) Nid oes dim byd yn yr adran hon sy'n effeithio ar unrhyw bŵer arall sydd gan y llys i wneud gorchymyn mewn cysylltiad â'r eiddo a gedwir, gan gynnwys unrhyw bŵer i wneud gorchymyn o dan adran 1 o Ddeddf yr Heddlu (Eiddo) 1897'.

Mark Drakeford

203

Page 42, after line 19, insert a new section –

[] Appropriated property: compensation

- (1) A person ("P") with an interest in anything of which an authorised officer of a local authority has taken possession under section 73(1)(c) ("appropriated property") may apply by way of complaint to any magistrates' court for compensation.
- (2) Subsection (3) applies if on an application under this section the court is satisfied that –
 - (a) P has suffered loss or damage in consequence of the authorised officer's taking possession of the appropriated property, or retaining it, in circumstances where doing so was not necessary for the purpose of the exercise of the local authority's functions under or by virtue of this Part, and
 - (b) the loss or damage is not attributable to the neglect or default of P.
- (3) The court may order the local authority to pay compensation to P'.

Tudalen 42, ar ôl llinell 22, mewnosoder adran newydd –

[] Eiddo a gyfeddir: digolledu

- (1) Caiff person ("P") a chanddo fuddiant mewn unrhyw beth y mae swyddog awdurdodedig i awdurdod lleol wedi cymryd meddiant ohono o dan adran 73(1)(c) ("eiddo a gyfeddir") wneud cais drwy gŵyn i unrhyw lys ynadon i gael ei ddigolledu.
- (2) Mae is-adran (3) yn gymwys os yw'r llys, ar gais o dan yr adran hon, wedi ei fodloni –
 - (a) bod P wedi dioddef colled neu ddifrod oherwydd bod y swyddog awdurdodedig wedi cymryd meddiant o'r eiddo a gyfeddir, neu ei gadw, o dan amgylchiadau pan nad oedd yn angenrheidiol gwneud hynny at ddiben arfer swyddogaethau'r awdurdod lleol o dan y Rhan hon neu yn rhinwedd y Rhan hon, a
 - (b) na ellir priodoli'r golled neu'r difrod i esgeulustod neu ddiffyg P.
- (3) Caiff y llys orchymyn i'r awdurdod lleol ddigolledu P'.



Mark Drakeford

204

Section 76, page 43, after line 2, insert –

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

Adran 76, tudalen 43, ar ôl llinell 1, mewnosoder –

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

Mark Drakeford

205

Section 77, page 43, after line 27, insert –

“relevant offence” (“*trosedd berthnasol*”) means an offence listed in section 55(3);’.

Adran 77, tudalen 43, ar ôl llinell 31, mewnosoder –

‘ystyr “*trosedd berthnasol*” (“*relevant offence*”) yw trosedd a restrir yn adran 55(3);’.

Mark Drakeford

206

Section 78, page 45, after line 4, insert –

- () Where a person (“the accused”) is charged with an offence under this section by reason of the accused’s own conduct (and otherwise than by virtue of the application of section 44 of the Magistrates’ Courts Act 1980 (c.43) (aiders and abettors)) it is a defence for the accused to show –
- (a) that the accused believed that the person on whom the piercing referred to in subsection (1)(a) was performed, or in respect of whom the arrangements referred to in subsection (1)(b) were made, was aged 16 or over, and
 - (b) either –
 - (i) that the accused had taken reasonable steps to establish the age of that person, or
 - (ii) that nobody could reasonably have suspected from that person’s appearance that the person was under the age of 16.



- () For the purposes of subsection (*[the first subsection to be inserted by this amendment]*)(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 –
- (a) the accused asked that person for evidence of that person’s age, and
 - (b) the evidence would have convinced a reasonable person.’.

Adran 78, tudalen 45, ar ôl llinell 4, mewnosoder –

- () Pan fo person (“y cyhuddedig”) wedi ei gyhuddo o drosedd o dan yr adran hon oherwydd ymddygiad y cyhuddedig ei hun (ac eithrio yn rhinwedd cymhwyso adran 44 o Ddeddf Llysoedd Ynadon 1980 (p.43) (helpwyr ac anogwyr)) mae’n amddiffyniad i’r cyhuddedig ddangos –
- (a) bod y cyhuddedig yn credu bod y person y rhoddwyd y twll y cyfeirir ato yn is-adran (1)(a) iddo, neu y gwnaed y trefniadau y cyfeirir atynt yn is-adran (1)(b) mewn cysylltiad ag ef, yn 16 oed neu’n hŷn, a
 - (b) naill ai –
 - (i) bod y cyhuddedig wedi cymryd camau rhesymol i gadarnhau oedran y person hwnnw, neu
 - (ii) na allai neb fod wedi amau’n rhesymol o olwg y person hwnnw fod y person o dan 16 oed.
- () At ddibenion is-adran (*[yr is-adran gyntaf sy’n cael ei mewnosod gan y gwelliant hwn]*)(b)(i), mae’r cyhuddedig (yn achos trosedd o dan is-adran (1)(a)) i gael ei drin fel pe bai wedi cymryd camau rhesymol i gadarnhau oedran person arall –
- (a) os gofynnodd y cyhuddedig i’r person hwnnw am dystiolaeth o oedran y person hwnnw, a
 - (b) pe bai’r dystiolaeth wedi argyhoeddi person rhesymol.’.

Mark Drakeford

207

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’.

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’.



Mark Drakeford

208

Section 86, page 48, line 20, after 'it', insert –
, and

- () identifying the person to whom a request for the return of the property may be made'.

Adran 86, tudalen 48, llinell 22, ar ôl 'ohono', mewnosoder –
, a

- () sy'n nodi'r person y caniateir gofyn iddo i'r eiddo gael ei ddychwelyd'.

Mark Drakeford

209

Page 49, after line 13, insert a new section –

[] Retained property: appeals

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

Tudalen 49, ar ôl llinell 14, mewnosoder adran newydd –

[] Eiddo a gedwir: apelau

- (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.
- (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.



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

Mark Drakeford

210

Page 49, after line 13, insert a new section –

[] Appropriated property: compensation

- (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.
- (2) Subsection (3) applies if on an application under this section the court is satisfied that –
 - (a) P has suffered loss or damage in consequence of the enforcement officer's taking possession of the appropriated property, or retaining it, in circumstances where doing so was not necessary for the purpose of ascertaining whether an offence under section 78 had been committed, and
 - (b) the loss or damage is not attributable to the neglect or default of P.
- (3) The court may order compensation to be paid to P –
 - (a) where the enforcement officer is an authorised officer of a local authority, by the local authority, or
 - (b) where the enforcement officer is a constable, by the chief constable of the police force of which the constable is a member.
- (4) The reference in subsection (3) to a "police force" is to a police force for a police area listed under the heading "Wales" in Schedule 1 to the Police Act 1996 (c.16).'

Tudalen 49, ar ôl llinell 14, mewnosoder adran newydd –

[] Eiddo a gyfeddir: digolledu

- (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 gwyn i unrhyw lys ynadon i gael ei ddigolledu.
- (2) Mae is-adran (3) yn gymwys os yw'r llys, ar gais o dan yr adran hon, wedi ei fodloni –



- (a) bod P wedi dioddef colled neu ddifrod oherwydd bod y swyddog gorfodi wedi cymryd meddiant o'r eiddo a gyfeddir, neu ei gadw, o dan amgylchiadau pan nad oedd yn angenrheidiol gwneud hynny at ddiben canfod a oedd trosedd o dan adran 78 wedi ei chyflawni, a
 - (b) na ellir priodoli'r golled neu'r difrod i esgeulustod neu ddiffyg P.
- (3) Caiff y llys orchymyn i P gael ei ddiogledu –
- (a) pan fo'r swyddog gorfodi yn swyddog awdurdodedig i awdurdod lleol, gan yr awdurdod lleol, neu
 - (b) pan fo'r swyddog gorfodi yn gwnstabl, gan brif gwnstabl yr heddlu y mae'r cwnstabl yn aelod ohono.
- (4) Mae'r cyfeiriad yn is-adran (3) at "heddlu" yn gyfeiriad at heddlu ar gyfer ardal heddlu a restrir o dan y pennawd "Wales" yn Atodlen 1 i Ddeddf yr Heddlu 1996 (p.16).'

Mark Drakeford

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'.

Mark Drakeford

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'.

Mark Drakeford

213

Section 91, page 52, after line 34, insert –

- '() Guidance issued by the Welsh Ministers under subsection (8) must make provision about (among other things) –
- (a) the assessment of the need –
 - (i) for toilets to be available for use by users of highways;
 - (ii) for toilets located in premises that are publicly funded (whether wholly or in part) to be available for use by the public, and
 - (b) promoting public awareness of toilets available for use by the public.
- () In subsection (*[the first subsection to be inserted by this amendment]*) "highway" has the meaning given by section 328 of the Highways Act 1980 (c.66).'



Adran 91, tudalen 52, ar ôl llinell 34, mewnosoder –

- () Rhaid i ganllawiau a ddyroddir gan Weinidogion Cymru o dan is-adran (8) wneud darpariaeth ynghylch (ymhlith pethau eraill) –
- (a) yr asesiad o’r angen –
 - (i) i doiledau fod ar gael i ddefnyddwyr priffyrdd eu defnyddio;
 - (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
 - (b) hybu ymwybyddiaeth gyhoeddus o doiledau sydd ar gael i’r cyhoedd eu defnyddio.
- () Yn is-adran ([*yr is-adran gyntaf sy’n cael ei mewnosod gan y gwelliant hwn*]) mae i “priffordd” yr ystyr a roddir i “highway” gan adran 328 o Ddeddf Priffyrdd 1980 (p.66).’.

Mark Drakeford

214

Page 53, after line 2, insert a new section –

[] Local toilets strategies: interim progress statement

- (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.
- (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.
- (3) An interim progress statement is a statement of the steps that the authority has taken in accordance with its local toilets strategy during the period (the “statement period”) of 2 years beginning with the date on which –
 - (a) in the case of a requirement imposed by subsection (1), the authority last published that strategy;
 - (b) in the case of a requirement imposed by subsection (2), the authority last reviewed that strategy.
- (4) A local authority must publish its interim progress statement no later than six months after the last day of the statement period.
- (5) The Welsh Ministers must issue guidance to local authorities about the matters which they should take into consideration when preparing an interim progress statement.’.

Tudalen 53, ar ôl llinell 2, mewnosoder adran newydd –

[] Strategaethau toiledau lleol: datganiad cynnydd interim

- (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.



- (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.
- (3) Mae datganiad cynnydd interim yn ddatganiad o'r camau y mae'r awdurdod wedi eu cymryd yn unol â'i strategaeth toiledau lleol yn ystod y cyfnod ("cyfnod y datganiad") o 2 flynedd sy'n dechrau â'r dyddiad –
 - (a) y cyhoeddwyd y strategaeth honno ddiwethaf gan yr awdurdod, yn achos gofyniad a osodir gan is-adran (1);
 - (b) yr adolygwyd y strategaeth honno ddiwethaf gan yr awdurdod, yn achos gofyniad a osodir gan is-adran (2).
- (4) Rhaid i awdurdod lleol gyhoeddi ei ddatganiad cynnydd interim heb fod yn hwyrach na chwe mis ar ôl diwrnod olaf cyfnod y datganiad.
- (5) Rhaid i Weinidogion Cymru ddyroddi canllawiau i awdurdodau lleol ynghylch y materion y dylent eu hystyried wrth lunio datganiad cynnydd interim.'.

Mark Drakeford

215

Section 93, page 53, line 32, leave out '328 of the Highways Act 1980 (c.66)' and insert '91([*the second subsection to be inserted by amendment 213*])'.

Adran 93, tudalen 53, llinell 37, hepgorer '328 o Ddeddf Priffyrdd 1980 (p.66)' a mewnosoder '91([*yr ail is-adran sy'n cael ei mewnosod gan welliant 213*])'.

Mark Drakeford

216

Page 54, after line 12, insert a new section –

'PART 7

MISCELLANEOUS

[] Fixed penalty receipts for food hygiene rating offences

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

“(1) 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.”.



Tudalen 54, ar ôl llinell 12, mewnosoder adran newydd –

‘RHAN 7

AMRYWIOL

[] Derbyniadau cosb benodedig ar gyfer troseddau sgorio hylendid bwyd

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

“(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.”’.

Mark Drakeford

217

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 subsection to be inserted by amendment 173])’.

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])’.

Mark Drakeford

218

Section 98, page 55, line 27, after ‘52,’ , insert ‘55([the subsection to be inserted by amendment 193])’,.

Adran 98, tudalen 55, llinell 29, ar ôl ‘52,’ , mewnosoder ‘55([yr is-adran sy’n cael ei mewnosod gan welliant 193])’,.

Mark Drakeford

219

Section 98, page 55, line 27, after ‘52,’ , insert ‘58(6),’.

Adran 98, tudalen 55, llinell 29, ar ôl ‘52,’ , mewnosoder ‘58(6),’.

Mark Drakeford

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)’.



Mark Drakeford

221

Page 56, after line 34, insert a new schedule –

‘SCHEDULE []

(introduced by section [section to be inserted by amendment 154]

NID-FREE PREMISES

PART 1

NID-FREE PREMISES: DESIGNATION NOT PERMISSIBLE

Childcare

- 1 (1) Premises at which childcare is provided, other than premises within sub-paragraph (2).
- (2) Premises within this sub-paragraph are –
 - (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;
 - (b) premises consisting of a hospital;
 - (c) premises consisting of youth detention accommodation.
- 2 (1) If only part of the premises is used for the purpose of providing childcare, the premises are NID-free only to that extent.
- (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.
- (3) The premises are NID-free only in those areas that are enclosed or substantially enclosed.

Educational institutions

- 3 Premises consisting of a school or a further education institution.
- 4 (1) The premises are NID-free only when being used for the purpose of providing education.
- (2) The premises are NID-free only in those areas that are enclosed or substantially enclosed.

Food establishments

- 5 (1) Premises consisting of food business establishments that –
 - (a) are required to be registered under Article 6 of Regulation (EC) No 852/2004, and
 - (b) supply food direct to consumers,other than a food business establishment within sub-paragraph (2).
- (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).



- 6 (1) The premises are NID-free only when open to the public and only in those areas that are open to the public.
- (2) The premises are NID-free only in those areas that are enclosed or substantially enclosed.

Public transport facilities

- 7 Premises consisting of –
- (a) train stations;
 - (b) bus stations;
 - (c) bus shelters;
 - (d) ticket offices, waiting rooms and terminal buildings connected with vehicles within section [section to be inserted by amendment 156](2).
- 8 (1) The premises are NID-free only when open to the public and only in those areas that are open to the public.
- (2) The premises are NID-free only in those areas that are enclosed or substantially enclosed.

PART 2

NID-FREE PREMISES: DESIGNATION PERMISSIBLE

Hospitals etc

- 9 Premises consisting of hospitals.
- 10 (1) The premises are NID-free only in those parts that are either or both –
- (a) open to the public;
 - (b) used for the purpose of providing care to patients.
- (2) The premises are NID-free only in those areas that are enclosed or substantially enclosed.

PART 3

GENERAL EXEMPTIONS

- 11 Premises consisting of adult hospices.
- 12 Premises consisting of adult care homes.
- 13 (1) Premises used as a dwelling.
- (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.

PART 4

INTERPRETATION OF SCHEDULE

- 14 (1) In this Schedule –



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

“adult hospice” (*“hosbis i oedolion”*) means 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;

“childcare” (*“gofal plant”*) 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 –

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

“further education institution” (*“sefydliad addysg bellach”*) means an institution within the further education sector (within the meaning given by section 91 of the Further and Higher Education Act 1992 (c.13));

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

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

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

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

“youth detention accommodation” (*“llety cadw ieuenctid”*) means –

- (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));
- (b) a secure training centre;
- (c) a secure college;
- (d) a young offender institution;
- (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;
- (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).

(2) References in this Schedule to “childcare” do not include –

- (a) education (or any other supervised activity) provided by a school during school hours for a registered pupil, or



- (b) any form of health care for a child.
- (3) For the purposes of sub-paragraph (1) a person is a foster parent in relation to a child if the person –
 - (a) is a local authority foster parent (within the meaning given by section 197 of the Social Services and Well-being (Wales) Act 2014 (anaw 4)), or
 - (b) fosters the child privately.’.

Tudalen 56, ar ôl llinell 37, mewnosoder atodlen newydd –

‘ATODLEN []

(a gyflwynir gan adran [yr adran sy’n cael ei mewnosod gan welliant 154])

MANGREOEDD DI-DMN

RHAN 1

MANGREOEDD DI-DMN: NI CHANIATEIR EU DYNODI

Gofal plant

- 1 (1) Mangre lle y darperir gofal plant, ac eithrio mangreoedd o fewn is-baragraff (2).
- (2) Y mangreoedd o fewn yr is-baragraff hwn yw –
 - (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);
 - (b) mangre sy’n ysbyty;
 - (c) mangre sy’n llety cadw ieuencid.
- 2 (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.
- (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.
- (3) Dim ond yn yr ardaloedd hynny sy’n gaeedig neu’n sylweddol gaeedig y mae’r fangre yn ddi-DMN.

Sefydliadau addysgol

- 3 Mangre sy’n ysgol neu’n sefydliad addysg bellach.
- 4 (1) Dim ond pan yw mangre yn cael ei defnyddio at ddiben darparu addysg y mae’r fangre yn ddi-DMN.
- (2) Dim ond yn yr ardaloedd hynny sy’n gaeedig neu’n sylweddol gaeedig y mae’r fangre yn ddi-DMN.

Sefydliadau bwyd

- 5 (1) Mangreoedd sy’n sefydliadau busnes bwyd –



- (a) y mae'n ofynnol iddynt fod yn gofrestredig o dan Erthygl 6 o Reoliad (EC) Rhif 852/2004, a
 - (b) sy'n cyflenwi bwyd yn uniongyrchol i ddefnyddwyr, ac eithrio sefydliad busnes bwyd o fewn is-baragraff (2).
- (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).
- 6 (1) Dim ond pan yw mangre ar agor i'r cyhoedd a dim ond yn yr ardaloedd hynny sydd ar agor i'r cyhoedd y mae'r fangre yn ddi-DMN.
- (2) Dim ond yn yr ardaloedd hynny sy'n gaeedig neu'n sylweddol gaeedig y mae'r fangre yn ddi-DMN.

Cyfleusterau trafniadaeth gyhoeddus

- 7 Mangreoedd sy'n—
- (a) gorsafoedd trenau;
 - (b) gorsafoedd bysiau;
 - (c) arosfannau bysiau;
 - (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).
- 8 (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.
- (2) Dim ond yn yr ardaloedd hynny sy'n gaeedig neu'n sylweddol gaeedig y mae'r fangre yn ddi-DMN.

RHAN 2

MANGREOEDD DI-DMN: CANIATEIR EU DYNODI

Ysbytai etc

- 9 Mangreoedd sy'n ysbytai.
- 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—
- (a) maent ar agor i'r cyhoedd;
 - (b) maent yn cael eu defnyddio at ddiben darparu gofal i gleifion.
- (2) Dim ond yn yr ardaloedd hynny sy'n gaeedig neu'n sylweddol gaeedig y mae'r fangre yn ddi-DMN.

RHAN 3

ESEMPTIADAU CYFFREDINOL

- 11 Mangreoedd sy'n hosbisau i oedolion.



- 12 Mangreoedd sy'n gartrefi gofal i oedolion.
- 13 (1) Mangre sy'n cael ei defnyddio fel annedd.
- (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.

RHAN 4

DEHONGLI'R ATODLEN

- 14 (1) Yn yr Atodlen hon—

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

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

ystyr “gofal plant” (“*childcare*”) (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—

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

ystyr “hosbis i oedolion” (“*adult hospice*”) 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;

ystyr “llety cadw ieuentid” (“*youth detention accommodation*”) yw—

- (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));
- (b) canolfan hyfforddi ddiogel;
- (c) coleg diogel;
- (d) sefydliad troseddwr ifanc;
- (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;
- (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 ieuentid at ddibenion gorchmynion cadw a hyfforddi);

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



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

ystyr "sefydliad addysg bellach" ("further education institution") 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));

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

- (2) Nid yw cyfeiriadau yn yr Atodlen hon at "gofal plant" yn cynnwys –
- (a) addysg (neu unrhyw weithgaredd arall o dan oruchwyliaeth) a ddarperir gan ysgol yn ystod oriau ysgol ar gyfer disgybl cofrestredig, neu
 - (b) unrhyw ffurf ar ofal iechyd ar gyfer plentyn.
- (3) At ddibenion is-baragraff (1) mae person yn rhiant maeth mewn perthynas â phlentyn os yw'r person –
- (a) yn rhiant maeth awdurdod lleol (o fewn yr ystyr a roddir gan adran 197 o Ddeddf Gwasanaethau Cymdeithasol a Llesiant (Cymru) 2014 (dccc 4)), neu
 - (b) yn maethu'r plentyn yn breifat.'.

Mark Drakeford

222

Schedule 3, page 62, after line 22, insert –

'(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.'

Atodlen 3, tudalen 62, ar ôl llinell 25, mewnosoder –

'(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.'

Mark Drakeford

223

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';

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';



Darren Millar

224

Section 1, page 1, after line 17, insert—

‘() provides that the Assembly may pass a resolution for Chapter 1 of Part 2 to cease to have effect in so far as it applies to nicotine inhaling devices;’.

Adran 1, tudalen 1, ar ôl llinell 18, mewnosoder—

‘() darparu y caiff y Cynulliad basio penderfyniad i Bennod 1 o Ran 2 beidio â chael effaith i’r graddau y mae’n gymwys i ddyfeisiau mewnanadlu nicotin;’.

Darren Millar

225

Page 12, after line 9, insert a new section—

[] Review of Chapter in relation to nicotine inhaling devices

- (1) Within three years of section 4 coming into force, the Welsh Ministers must arrange for a person with appropriate professional expertise to carry out an independent review of the operation of the provisions of this Chapter in so far as they apply to nicotine inhaling devices.
- (2) The person must report on the operation of those provisions, including how (if at all) they have affected public health in Wales.
- (3) The Welsh Ministers must lay a copy of the report before the National Assembly for Wales as soon as is reasonably practicable after the report has been completed.
- (4) Any time after a copy of the report has been laid under subsection (3), the Welsh Ministers may arrange for persons with appropriate professional expertise to carry out further independent reviews of the operation of the provisions of this Chapter in so far as they apply to nicotine inhaling devices.
- (5) Subsections (2) and (3) apply to arrangements made under subsection (4) as they apply to arrangements made under subsection (1).’.

Tudalen 12, ar ôl llinell 9, mewnosoder adran newydd—

[] Adolygu Pennod mewn perthynas â dyfeisiau mewnanadlu nicotin

- (1) O fewn tair blynedd i adran 4 ddod i rym, rhaid i Weinidogion Cymru drefnu i berson sydd ag arbenigedd proffesiynol priodol gynnal adolygiad annibynnol o’r modd y gweithredir darpariaethau’r Bennod hon i’r graddau y maent yn gymwys i ddyfeisiau mewnanadlu nicotin.
- (2) Rhaid i’r person adrodd ar y modd y gweithredir y darpariaethau hyn, gan gynnwys sut (os o gwbl) y maent wedi effeithio ar iechyd y cyhoedd yng Nghymru.
- (3) Rhaid i Weinidogion Cymru osod copi o’r adroddiad gerbron Cynulliad Cenedlaethol Cymru cyn gynted ag y bo’n rhesymol ymarferol ar ôl cwblhau’r adroddiad.



- (4) Ar unrhyw adeg ar ôl gosod copi o'r adroddiad o dan is-adran (3), caiff Gweinidogion Cymru drefnu i bersonau sydd ag arbenigedd proffesiynol priodol gynnal adolygiadau annibynnol pellach o'r modd y gweithredir darpariaethau'r bennod hon i'r graddau y maent yn gymwys i ddyfeisiau mewnanadlu nicotin.
- (5) Mae is-adrannau (2) a (3) yn gymwys i drefniadau a wneir o dan is-adran (4) fel y maent yn gymwys i drefniadau a wneir o dan is-adran (1).'

Darren Millar

226

Page 12, after line 9, insert a new section –

[] Resolution for this Chapter to cease to have effect in so far as it applies to nicotine inhaling devices

- (1) The National Assembly for Wales may resolve that this Chapter ceases to have effect in so far as it applies to nicotine inhaling devices.
- (2) A motion for a resolution under subsection (1) may be tabled by any Assembly Member.
- (3) Only one motion for a resolution may be tabled under subsection (1) for each report laid under section [section to be inserted by amendment 225](3) or (5).
- (4) No amendment may be tabled to a motion tabled under this section.
- (5) A resolution under subsection (1) must –
 - (a) be passed on a vote in which the majority of the members of the Assembly present and voting at a meeting of the Assembly vote in favour of it, and
 - (b) not be passed before a period of one month after a copy of a report under section [section to be inserted by amendment 225](3) or (5) is laid before the Assembly.
- (6) If the resolution is passed, this Chapter ceases to have effect, in so far as it applies to nicotine inhaling devices, 6 months after the date of the vote.'

Tudalen 12, ar ôl llinell 9, mewnosoder adran newydd –

[] Penderfyniad i'r Bennod hon beidio â chael effaith i'r graddau y mae'n gymwys i ddyfeisiau mewnanadlu nicotin

- (1) Caiff Gweinidogion Cymru benderfynu bod y Bennod hon yn peidio â chael effaith i'r graddau y mae'n gymwys i ddyfeisiau mewnanadlu nicotin.
- (2) Caiff unrhyw Aelod Cynulliad osod cynnig am benderfyniad o dan is-adran (1).
- (3) Dim ond un cynnig am benderfyniad y caniateir ei osod o dan is-adran (1) ar gyfer pob adroddiad a osodir o dan adran [yr adran sy'n cael ei mewnosod gan welliant 225](3) neu (5).
- (4) Ni chaniateir gosod gwelliant i gynnig a osodir o dan yr adran hon.
- (5) O ran penderfyniad o dan is-adran(1) –
 - (a) rhaid ei basio drwy bleidlais lle y bydd y rhan fwyaf o aelodau'r Cynulliad sy'n bresennol ac yn pleidleisio mewn cyfarfod o'r Cynulliad yn pleidleisio o'i blaid, a



(b) rhaid peidio â'i basio cyn cyfnod o un mis ar ôl i gopi o adroddiad o dan adran [*yr adran sy'n cael ei mewnosod gan welliant 225*](3) neu (5) gael ei osod gerbron y Cynulliad.

(6) Os caiff y penderfyniad ei basio, bydd y Bennod hon yn peidio â chael effaith, i'r graddau y mae'n gymwys i ddyfeisiau mewnanadlu nicotin, 6 mis ar ôl dyddiad y bleidlais.'

Darren Millar

227

Section 101, page 56, after line 23, insert—

'() section [*section to be inserted by amendment 226*];'

Adran 101, tudalen 56, ar ôl llinell 26, mewnosoder—

'() adran [*yr adran sy'n cael ei mewnosod gan welliant 226*];'

Darren Millar

228

Section 101, page 56, after line 28, insert—

'() But see section [*section to be inserted by amendment 226*] with regard to Chapter 1 of Part 2 ceasing to have effect.'

Adran 101, tudalen 56, ar ôl llinell 31, mewnosoder—

'() Ond gweler adran [*yr adran sy'n cael ei mewnosod gan welliant 226*] o ran Pennod 1 o Ran 1 yn peidio â chael effaith.'

Darren Millar

182A

As an amendment to amendment 182, leave out lines 8 to 11.

Fel gwelliant i welliant 182, hepgorer llinellau 7 hyd at 10.

Darren Millar

229

Section 1, page 1, after line 17, insert—

'() makes provision restricting smoking in children's play areas and the grounds of hospitals and schools;'

Adran 1, tudalen 1, ar ôl llinell 18, mewnosoder—

'() gwneud darpariaeth sy'n cyfyngu ar ysmegu mewn mannau chwarae plant ac ar dir ysbytai ac ysgolion;'

