

# HYSBYSIAD YNGHYLCH GWELLIANNAU NOTICE OF AMENDMENTS

Cyflwynwyd ar 27 Ebrill 2017  
Tabled on 27 April 2017

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

### **Rhun ap Iorwerth**

1

Long title, page 1, line 1, after 'provision', insert 'for a national strategy on tackling obesity';

Teitl hir, tudalen 1, llinell 1, ar ôl 'darpariaeth', mewnosoder 'ar gyfer strategaeth genedlaethol ar fynd i'r afael â gordewdra';

### **Rhun ap Iorwerth**

2

Section 1, page 1, after line 13, insert—

'() Part [*Part inserted by amendment 3*] makes provision for a national strategy on tackling obesity.'

Adran 1, tudalen 1, ar ôl llinell 13, mewnosoder—

'() Mae Rhan [*Rhan a fewnosodir gan welliant 3*] yn gwneud darpariaeth ar gyfer strategaeth genedlaethol ar fynd i'r afael â gordewdra.'

### **Rhun ap Iorwerth**

3

Page 2, after line 21, insert a new section—

## **'PART []**

## **OBESITY**

### **[] National strategy on preventing and reducing obesity: publication and review**

- (1) The Welsh Ministers must publish a national strategy on preventing obesity, and reducing obesity levels, in Wales.
- (2) The strategy must—



- (a) specify objectives the Welsh Ministers consider will, if achieved, contribute towards preventing obesity;
  - (b) specify objectives the Welsh Ministers consider will, if achieved, contribute towards reducing obesity levels;
  - (c) identify how the Welsh Ministers propose to achieve the specified objectives.
- (3) The Welsh Ministers must review the strategy –
- (a) at the end of the period of three years beginning with the date of first publication of the strategy, and
  - (b) at the end of each subsequent period of three years.
- (4) The Welsh Ministers may revise the strategy at any time.
- (5) If the Welsh Ministers revise the strategy, they must publish the revised strategy as soon as it is reasonably practicable to do so.
- (6) The Welsh Ministers must consult such persons as they consider appropriate –
- (a) before they first publish the strategy, and
  - (b) subsequently, before each review under subsection (3).

Tudalen 2, ar ôl llinell 24, mewnosoder adran newydd –

## **‘RHAN [ ]**

### **GORDEWDRA**

#### **[ ] Strategaeth genedlaethol ar atal a lleihau gordewdra: cyhoeddi ac adolygu**

- (1) Rhaid i Weinidogion Cymru gyhoeddi strategaeth genedlaethol ar atal gordewdra, a lleihau lefelau gordewdra, yng Nghymru.
- (2) Rhaid i’r strategaeth –
  - (a) pennu amcanion y mae Gweinidogion Cymru yn ystyried y byddant, os y’u cyflawnir, yn cyfrannu at atal gordewdra;
  - (b) pennu amcanion y mae Gweinidogion Cymru yn ystyried y byddant, os y’u cyflawnir, yn cyfrannu at leihau lefelau gordewdra;
  - (c) nodi sut y mae Gweinidogion Cymru yn bwriadu cyflawni’r amcanion penodedig.
- (3) Rhaid i Weinidogion Cymru adolygu’r strategaeth –
  - (a) ar ddiwedd y cyfnod o dair blynedd sy’n dechrau â’r dyddiad y cyhoeddir y strategaeth am y tro cyntaf, a
  - (b) ar ddiwedd pob cyfnod dilynol o dair blynedd.
- (4) Caiff Gweinidogion Cymru ddiwygio’r strategaeth ar unrhyw adeg.
- (5) Os yw Gweinidogion Cymru yn diwygio’r strategaeth, rhaid iddynt gyhoeddi’r strategaeth ddiwygiedig cyn gynted ag y bo’n rhesymol ymarferol gwneud hynny.



- (6) Rhaid i Weinidogion Cymru ymgynghori ag unrhyw bersonau y maent yn ystyried eu bod yn briodol –
- (a) cyn iddynt gyhoeddi'r strategaeth am y tro cyntaf, a
  - (b) ar ôl hynny, cyn pob adolygiad o dan is-adran (3).'

## Rhun ap Iorwerth

4

Page 2, after line 21, insert a new section –

### [ ] **Implementation of national strategy**

- (1) The Welsh Ministers must take all reasonable steps to achieve the objectives specified in the most recently published strategy under section [New section inserted by amendment 3].
- (2) Following each review of the strategy under section [New section inserted by amendment 3] (3) the Welsh Ministers must publish a progress report.
- (3) A progress report is a report on progress made in achieving objectives specified in the strategy.'

Tudalen 2, ar ôl llinell 24, mewnosoder adran newydd –

### [ ] **Gweithredu'r strategaeth genedlaethol**

- (1) Rhaid i Weinidogion Cymru gymryd pob cam rhesymol i gyflawni'r amcanion a bennir yn y strategaeth a gyhoeddwyd yn fwyaf diweddar o dan adran [Adran newydd a fewnosodir gan welliant 3].
- (2) Yn dilyn pob adolygiad o'r strategaeth o dan adran [Adran newydd a fewnosodir gan welliant 3](3) rhaid i Weinidogion Cymru gyhoeddi adroddiad cynnydd.
- (3) Mae adroddiad cynnydd yn adroddiad ar y cynnydd a wnaed o ran cyflawni'r amcanion a bennir yn y strategaeth.'

## Rebecca Evans

5

Section 1, page 1, line 15, after 'places,', insert 'outdoor care settings for children,'.

Adran 1, tudalen 1, llinell 16, ar ôl 'cyhoedus,', mewnosoder 'mewn lleoliadau gofal awyr agored i blant,'.

## Rebecca Evans

6

Section 4, page 3, after line 20, insert –

- '( ) A person who controls or is concerned in the management of premises within section [New section inserted by amendment 8](3) (registered day care premises) that are smoke free by virtue of section [New section inserted by amendment 8] must take reasonable steps to cause a person smoking there to stop smoking.



- ( ) A person registered to act as a child minder under Part 2 of the Children and Families (Wales) Measure 2010 (nawm 1) must take reasonable steps to cause a person smoking in premises within subsection (*Third subsection inserted by this amendment*) to stop smoking.
- ( ) Premises are within this subsection if –
  - (a) they form part of premises that are the usual place of residence of the registered person referred to in subsection (*Second subsection inserted by this amendment*), and
  - (b) they are smoke free by virtue of section [*New section inserted by amendment 8*].’.

Adran 4, tudalen 3, ar ôl llinell 22, mewnosoder –

- ‘( ) Rhaid i berson a chanddo reolaeth dros fangre, neu sy’n ymwneud â rheoli mangre, o fewn adran [*Adran newydd a fewnosodir gan welliant 8*](3) (mangreodd gofal dydd cofrestredig) sy’n ddi-fwg yn rhinwedd adran [*Adran newydd a fewnosodir gan welliant 8*] gymryd camau rhesymol i beri i berson sy’n ysmegu yno beidio ag ysmegu.
- ( ) Rhaid i berson sydd wedi ei gofrestru i weithredu fel gwarchodwr plant o dan Ran 2 o Fesur Plant a Theuluoedd (Cymru) 2010 (mccc 1) gymryd camau rhesymol i beri i berson sy’n ysmegu mewn mangre o fewn is-adran (*yr drydedd is-adran a fewnosodir gan y gwelliant hwn*) beidio ag ysmegu.
- ( ) Mae mangre o fewn yr is-adran hon –
  - (a) os yw’n rhan o fangre sy’n fan preswyllo arferol y person cofrestredig y cyfeirir ato yn is-adran (*yr ail is-adran a fewnosodir gan y gwelliant hwn*), a
  - (b) os yw’n ddi-fwg yn rhinwedd adran [*Adran newydd a fewnosodir gan welliant 8*].’.

**Rebecca Evans**

7

Section 4, page 3, line 27, leave out ‘the duty in subsection (1)’ and insert ‘a duty in subsection (1), (*first subsection inserted by amendment 6*) or (*second subsection inserted by amendment 6*)’.

Adran 4, tudalen 3, llinell 29, hepgorer ‘â’r ddyletswydd yn is-adran (1)’ a mewnosoder ‘â dyletswydd yn is-adran (1), (*yr is-adran gyntaf a fewnosodir gan welliant 6*) neu (*yr ail is-adran a fewnosodir gan welliant 6*)’.

**Rebecca Evans**

8

Page 4, after line 32, insert a new section –

**[ ] Outdoor care settings for children**

- (1) Outdoor care settings in Wales are smoke free for the purposes of this Chapter.
- (2) Premises are an outdoor care setting so far as –
  - (a) they are not enclosed or substantially enclosed, and
  - (b) they are within subsection (3) or (4).
- (3) Premises are within this subsection if –



- (a) they are registered under Part 2 of the Children and Families (Wales) Measure 2010 (nawm 1) (the “2010 Measure”) as being premises at which a person is authorised to provide day care for children, or
  - (b) they form part of premises that are so registered.
- (4) Premises are within this section if they form part of premises (the “domestic premises”) that are the usual place of residence of a person registered to act as a child minder under Part 2 of the 2010 Measure.
- (5) An outdoor care setting within subsection (3) is smoke free by virtue of this section only when day care for children is being provided –
- (a) in the outdoor care setting, or
  - (b) in premises registered under Part 2 of the 2010 Measure (whether or not enclosed or substantially enclosed) of which the outdoor care setting forms part.
- (6) An outdoor care setting within subsection (4) is smoke free by virtue of this section only when –
- (a) the child minder is acting as a child minder in the domestic premises (whether or not in a part of them that is enclosed or substantially enclosed) for at least one child, and
  - (b) that child or, as the case may be, at least one of those children is in the outdoor care setting.
- (7) For the purposes of this section, references to providing day care and acting as a child minder have the same meaning as in the 2010 Measure.
- (8) Premises are not to be treated as being within subsection (3) or (4) so far as they consist of the grounds of a school (for which see section 7 (school grounds)).’.

Tudalen 4, ar ôl llinell 38, mewnosoder adran newydd –

#### [ ] **Lleoliadau gofal awyr agored i blant**

- (1) Mae lleoliadau gofal awyr agored yng Nghymru yn ddi-fwg at ddibenion y Bennod hon.
- (2) Mae mangre yn lleoliad gofal awyr agored i’r graddau –
  - (a) nad yw’n gaeedig nac yn sylweddol gaeedig, a
  - (b) y mae o fewn is-adran (3) neu (4).
- (3) Mae mangre o fewn yr is-adran hon –
  - (a) os yw wedi ei chofrestru o dan Ran 2 o Fesur Plant a Theuluoedd (Cymru) 2010 (mccc 1) (“Mesur 2010”) fel mangre y mae person wedi ei awdurdodi i ddarparu gofal dydd i blant ynddi, neu
  - (b) os yw’n rhan o fangre sydd wedi ei chofrestru yn y modd hwnnw.
- (4) Mae mangre o fewn yr adran hon os yw’n rhan o fangre (y “mangre ddomestig”) sy’n fan preswyllo arferol person sydd wedi ei gofrestru i weithredu fel gwarchodwr plant o dan Ran 2 o Fesur 2010.
- (5) Nid yw lleoliad gofal awyr agored o fewn is-adran (3) yn ddi-fwg yn rhinwedd yr adran hon ond pan yw gofal dydd i blant yn cael ei ddarparu –



- (a) yn y lleoliad gofal awyr agored, neu
  - (b) mewn mangre sydd wedi ei chofrestru o dan Ran 2 o Fesur 2010 (pa un a yw'n gaeedig neu'n sylweddol gaeedig ai peidio) y mae'r lleoliad gofal awyr agored yn rhan ohoni.
- (6) Nid yw lleoliad gofal awyr agored o fewn is-adran (4) yn ddi-fwg yn rhinwedd yr adran hon ond—
- (a) pan yw'r gwarchodwr plant yn gweithredu fel gwarchodwr plant yn y fangre ddomestig (pa un ai mewn rhan ohoni sy'n gaeedig neu'n sylweddol gaeedig ai peidio) ar gyfer o leiaf un plentyn, a
  - (b) pan yw'r plentyn hwnnw neu, yn ôl y digwydd, o leiaf un o'r plant hynny yn y lleoliad gofal awyr agored.
- (7) At ddibenion yr adran hon, mae i'r cyfeiriadau at ddarparu gofal dydd a gweithredu fel gwarchodwr plant yr un ystyr ag ym Mesur 2010.
- (8) Nid yw mangre i gael ei thrin fel pe bai o fewn is-adran (3) neu (4) i'r graddau y mae'n dir ysgol (gweler adran 7 (tir ysgolion) am hyn).'

**Rebecca Evans**

9

Section 10, page 6, line 27, leave out 'section 5, 6, 7, 8 or' and insert 'sections 5 to'.

Adran 10, tudalen 6, llinell 29, hepgorer 'adran 5, 6, 7, 8 neu' a mewnosoder 'adrannau 5 i'.

**Rebecca Evans**

10

Section 10, page 7, after line 7, insert—

- '(7) Regulations under this section may not make provision in respect of premises used wholly or mainly as a dwelling; and to the extent that they make provision for premises used partly as a dwelling to be treated as smoke-free premises, regulations under this section must comply with section 11.'

Adran 10, tudalen 7, ar ôl llinell 8, mewnosoder—

- '(7) Ni chaiff rheoliadau o dan yr adran hon wneud darpariaeth mewn cysylltiad â mangre a ddefnyddir yn gyfan gwbl neu'n bennaf fel annedd; ac i'r graddau y maent yn gwneud darpariaeth i fangre a ddefnyddir yn rhannol fel annedd gael ei thrin fel mangre ddi-fwg, rhaid i reoliadau o dan yr adran hon gydymffurfio ag adran 11.'

**Rebecca Evans**

11

Section 11, page 7, line 9, leave out 'to any extent' and insert 'partly'.

Adran 11, tudalen 7, llinell 10, hepgorer 'i unrhyw raddau' a mewnosoder 'yn rhannol'.



**Rebecca Evans** 12

Section 11, page 7, line 11, leave out 'this section' and insert 'the following requirements'.  
Adran 11, tudalen 7, llinell 12, hepgorer 'adran hon' a mewnosoder 'gofynion a ganlyn'.

**Rebecca Evans** 13

Section 11, page 7, leave out line 21.  
Adran 11, tudalen 7, hepgorer llinell 22.

**Rebecca Evans** 14

Section 11, page 7, line 23, leave out ', and only if a person under 18 is present in that part'.  
Adran 11, tudalen 7, llinell 25, hepgorer ', a dim ond os yw person o dan 18 oed yn bresennol yn y rhan honno'.

**Rebecca Evans** 15

Section 15, page 9, line 28, after 'is', insert 'authorised to act as'.  
Adran 15, tudalen 9, llinell 31, hepgorer 'yn' a mewnosoder 'wedi ei awdurdodi i weithredu fel'.

**Rebecca Evans** 16

Section 15, page 9, line 31, after 'be', insert 'authorised to act as'.  
Adran 15, tudalen 9, llinell 33, hepgorer 'fod yn' a mewnosoder 'gael ei awdurdodi i weithredu fel'.

**Rebecca Evans** 17

Section 15, page 9, line 33, leave out 'it is an enforcement authority' and insert ', by virtue of this section, it is authorised to act'.  
Adran 15, tudalen 9, llinell 36, hepgorer 'mae'n awdurdod gorfodi' a mewnosoder 'mae, yn rhinwedd yr adran hon, wedi ei awdurdodi i weithredu'.

**Rebecca Evans** 18

Section 24, page 13, line 35, leave out 'designated' and insert 'authorised to act'.  
Adran 24, tudalen 13, llinell 37, hepgorer 'ddynodi' a mewnosoder 'awdurdodi i weithredu'.



**Rebecca Evans**

**19**

Section 24, page 14, line 4, leave out 'designated' and insert 'authorised to act'.

Adran 24, tudalen 14, llinell 5, hepgorer 'ddynodi' a mewnosoder 'awdurdodi i weithredu'.

**Rebecca Evans**

**20**

Section 25, page 15, line 1, leave out 'means a person, or description of person, specified in regulations under' and insert 'is to be interpreted in accordance with'.

Adran 25, tudalen 14, llinell 29, hepgorer 'ystyr "awdurdod gorfodi" ("*enforcement authority*") yw person, neu ddisgrifiad o berson, a bennir mewn rheoliadau o dan' a mewnosoder 'mae "awdurdod gorfodi" ("*enforcement authority*") i gael ei ddehongli yn unol ag'.

**Rebecca Evans**

**21**

Section 28, page 18, line 28, after 'application', insert '(including, in the case of an application by a person who proposes to carry on a tobacco or nicotine business as described in subsection (2)(e), information relating to the nature of the arrangements concerned)'.

Adran 28, tudalen 18, llinell 24, ar ôl 'cais', mewnosoder '(gan gynnwys, yn achos cais gan berson sy'n bwriadu cynnal busnes tybaco neu nicotin fel y'i disgrifir yn is-adran (2)(e), wybodaeth sy'n ymwneud â natur y trefniadau o dan sylw)'.

**Rebecca Evans**

**22**

Section 60, page 34, after line 29, insert –

- '( ) standards of competence relevant to performing a special procedure (including standards specified by reference to, among other things, qualifications or experience), or performing a special procedure upon a specified part of an individual's body;'

Adran 60, tudalen 34, ar ôl llinell 27, mewnosoder –

- '( ) â safonau cymhwysedd sy'n berthnasol i roi triniaeth arbennig (gan gynnwys safonau a bennir drwy gyfeirio at, ymhlith pethau eraill, gymwysterau neu brofiad), neu roi triniaeth arbennig i ran benodedig o gorff unigolyn;'

**Rebecca Evans**

**23**

Section 63, page 37, line 2, after 'whether', insert ', and, if so, to what extent,'.

Adran 63, tudalen 37, llinell 2, ar ôl 'chodi', mewnosoder ', ac os felly, i ba raddau,'.





**Rebecca Evans** 24

Section 65, page 37, line 34, leave out ‘, in a material particular,’.

Nid oes angen diwygio’r fersiwn Cymraeg. There is no need to amend the Welsh version.

**Rebecca Evans** 25

Section 72, page 43, line 4, after ‘maintain’, insert ‘and publish’.

Adran 72, tudalen 43, llinell 4, ar ôl ‘gynnal’, mewnosoder ‘a chyhoeddi’.

**Rebecca Evans** 26

Section 72, page 43, line 35, leave out subsection (5).

Adran 72, tudalen 43, llinell 35, hepgorer is-adran (5).

**Rebecca Evans** 27

Section 110, page 68, after line 35, insert—

‘(c) collaboration between local authorities.’.

Adran 110, tudalen 68, ar ôl llinell 37, mewnosoder—

‘(c) cydweithredu rhwng awdurdodau lleol.’.

**Rebecca Evans** 28

Schedule 1, page 75, line 13, leave out ‘specified in regulations under section 15(1)’ and insert ‘authorised by virtue of section 15’.

Atodlen 1, tudalen 75, llinell 8, hepgorer ‘a bennir mewn rheoliadau o dan adran 15(1)’ a mewnosoder ‘sydd wedi ei awdurdodi yn rhinwedd adran 15’.

**Rebecca Evans** 29

Schedule 1, page 77, line 20, leave out ‘Where regulations under section 15 specify a local authority as an enforcement authority, the local’ and insert ‘An enforcement authority which is a local’.

Atodlen 1, tudalen 77, llinell 23, hepgorer ‘Pan fo rheoliadau o dan adran 15 yn pennu awdurdod lleol yn awdurdod gorfodi, ni chaiff yr’ a mewnosoder ‘Ni chaiff awdurdod gorfodi sy’n’.

