

HYSBYSIAD YNGHYLCH GWELLIANNAU NOTICE OF AMENDMENTS

Cyflwynwyd ar 19 Ionawr 2016
Tabled on 19 January 2016

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

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

Mark Drakeford

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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 'cyhoedus;', mewnosoder 'ynghylch derbyniadau cosb benodedig ar gyfer troseddau sgorio hylendid bwyd;'

Mark Drakeford

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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 cyhoedus;



- (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 mangroedd 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 mangroedd a cherbydau eraill'

Mark Drakeford

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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

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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

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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

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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

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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

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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

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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 ddigwyddiadau 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 –
- o dan amgylchiadau penodedig,
 - ar adegau penodedig,
 - mewn ardaloedd penodedig, neu
 - os yw amodau penodedig wedi eu bodloni,
- neu unrhyw gyfuniad o’r rhain.’.

Mark Drakeford

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

[] Additional NID-free vehicles

- 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.
- The regulations may not provide for a vehicle, or description of vehicle, to be treated as a NID-free vehicle unless –
 - the vehicle, or vehicles of the description concerned, are smoke-free by virtue of section 9, and
 - 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.
- The regulations may, among other things, make provision –
 - 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);
 - 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: mangreodd 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

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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

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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 trê, 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 fangreoeedd 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 mangreoeedd 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

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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

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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 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 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

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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

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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 or revocation as described in subsection (1)(a)), or would not have been issued in so far as it relates to the performance of a particular procedure (in the case of revocation as described in subsection (1)(b) in respect of the performance of that procedure).’.

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 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

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 ddigolledu –
 - (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 mangroedd 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 trafnidiaeth 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 troseddwywyr 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.'.



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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.’.

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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’.

