

PUBLIC HEALTH (WALES) BILL – STAGE 2 GOVERNMENT AMENDMENTS

This table provides information about the amendments tabled in the name of Rebecca Evans AM on 13 March 2017.

No.	GOVERNMENT AMENDMENT	GWELLIANT Y LLYWODRAETH	PURPOSE AND EFFECT
19.	<p>Section 15, page 9, line 28, leave out subsections (1) to (2) and insert—</p> <p>(1) Each local authority is an enforcement authority in relation to premises, places and vehicles that are within its area.</p> <p>(2) Regulations may make provision for the chief officer of police for a police area, in addition, to be an enforcement authority in relation to vehicles that are in that police area.’</p>	<p>Adran 15, tudalen 9, llinell 31, hepgorer is-adrannau (1) hyd at (2) a mewnosoder—</p> <p>(1) Mae pob awdurdod lleol yn awdurdod gorfodi mewn perthynas â mangreoedd, mannau a cherbydau sydd yn ei ardal.</p> <p>(2) Caiff rheoliadau wneud darpariaeth i brif swyddog heddlu ardal heddlu, yn ogystal, fod yn awdurdod gorfodi mewn perthynas â cherbydau sydd yn yr ardal heddlu honno.’</p>	<p>The purpose of this amendment is to replace two subsections in order to specify the enforcement authorities for this part of the Bill.</p> <p>The effect of this amendment is to limit the enforcement authorities for Chapter 1 of Part 2 to local authorities, and the chief officer of police in relation to smoking in vehicles if the Welsh Ministers make regulations designating him/her.</p>
20.	<p>Section 15, page 9, line 34, leave out ‘designated’ and insert ‘an enforcement authority’.</p>	<p>Adran 15, tudalen 9, llinell 36, hepgorer ‘mae wedi ei ddynodi’ a mewnosoder ‘mae’n awdurdod gorfodi’.</p>	<p>The purpose of this amendment is to replace the word ‘designated’ with the words ‘the enforcement authority’ within section 15.</p> <p>The effect of this amendment is to ensure the accuracy of section 15 as a result of amendment 19, which provides that local authorities are the enforcement authorities for this part of the Bill, and that the chief officer of police may be designated in relation to smoking in vehicles if the Welsh Ministers make regulations to do so.</p>

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21.	Section 17, page 10, line 22, leave out 'by warrant signed by the justice authorise' and insert 'issue a warrant authorising'.	Adran 17, tudalen 10, llinell 25, hepgorer 'drwy warant sydd wedi ei llofnodi gan yr ynad' a mewnosoder 'ddyroddi gwarant sy'n'.	<p>The purpose of this amendment is to replace the words 'by warrant signed by the justice authorise' with the words 'issue a warrant authorising' within section 17.</p> <p>The effect of this amendment is to ensure the Bill takes account of possible changes of practice in relation to the issuing of warrants to enter dwellings, which may not always be issued and signed in hard copy format only.</p>
22.	Section 17, page 10, line 25, leave out 'the justice signs it' and insert 'it was issued'.	Adran 17, tudalen 10, llinell 28, hepgorer 'y mae'r ynad yn ei llofnodi' a mewnosoder 'y'i dyroddwyd'.	<p>The purpose of this amendment is to replace the words 'the justice signs it' with the words 'it was issued' within section 17.</p> <p>The effect of this amendment is to allow flexibility in relation to the way in which a warrant to enter dwellings is issued. This allows for methods other than a hard copy signed document, such as electronic versions.</p>
23.	Section 18, page 11, line 1, leave out 'by warrant signed by the justice authorise' and insert 'issue a warrant authorising'.	Adran 18, tudalen 11, llinell 1, hepgorer 'drwy warant sydd wedi ei llofnodi gan yr ynad' a mewnosoder 'ddyroddi gwarant sy'n'.	<p>The purpose of this amendment is to replace the words 'by warrant signed by the justice authorise' with the words 'issue a warrant authorising' within section 18.</p> <p>The effect of this amendment is to ensure the Bill</p>

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			takes account of possible changes of practice in relation to the issuing and signing of warrants to enter other premises, which may not always be issued and signed in hard copy format only.
24.	Section 18, page 11, line 12, leave out 'the justice signs it' and insert 'it was issued'.	Adran 18, tudalen 11, llinell 12, hepgorer 'y mae'r ynad yn ei llofnodi' a mewnosoder 'y'i dyroddwyd'.	<p>The purpose of this amendment is to replace the words 'the justice signs it' with the words 'it was issued' within section 18.</p> <p>The effect of this amendment is to allow flexibility in relation to the way in which a warrant to enter other premises is issued. This allows for methods other than a hard copy signed document, such as electronic versions.</p>
25.	<p>Section 19, page 11, after line 17, insert—</p> <p>() If the occupier of premises that an authorised officer is authorised to enter by a warrant under section 17 or 18 is present at the time the authorised officer seeks to execute the warrant—</p> <p>(a) the occupier must be told the officer's name;</p> <p>(b) the officer must produce to the occupier documentary evidence that the officer is an authorised officer;</p> <p>(c) the officer must produce the warrant to the occupier;</p> <p>(d) the officer must supply the</p>	<p>Adran 19, tudalen 11, ar ôl llinell 17, mewnosoder—</p> <p>() Os yw meddiannydd mangre y mae swyddog awdurdodedig wedi ei awdurdodi i fynd i mewn iddi drwy warant o dan adran 17 neu 18 yn bresennol ar yr adeg y mae'r swyddog awdurdodedig yn ceisio gweithredu'r warant—</p> <p>(a) rhaid rhoi enw'r swyddog i'r meddiannydd;</p> <p>(b) rhaid i'r swyddog gyflwyno i'r meddiannydd dystiolaeth ddogfennol bod y swyddog yn swyddog awdurdodedig;</p> <p>(c) rhaid i'r swyddog gyflwyno'r</p>	<p>The purpose of this amendment is to insert an additional subsection in section 19.</p> <p>The effect of this amendment is to provide further detail about how powers of entry are to be exercised by authorised officers.</p>

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	occupier with a copy of it.’.	<p>warrant i'r meddiannydd;</p> <p>(d) rhaid i'r swyddog gyflenwi copi ohoni i'r meddiannydd.’.</p>	
26.	Section 38, page 21, line 34, leave out 'by warrant signed by the justice authorise' and insert 'issue a warrant authorising'.	Adran 38, tudalen 21, llinell 38, hepgorer 'drwy warrant sydd wedi ei llofnodi gan yr ynad' a mewnosoder 'ddyroddi gwarant sy'n'.	<p>The purpose of this amendment is to replace the words 'by warrant signed by the justice authorise' with the words 'issue a warrant authorising' within section 38.</p> <p>The effect of this amendment is to ensure the Bill takes account of possible changes of practice in relation to the issuing of warrants to enter dwellings, which may not always be issued and signed in hard copy format only.</p>
27.	Section 38, page 22, line 2, leave out 'the justice signs it' and insert 'it was issued'.	Adran 38, tudalen 22, llinell 2, hepgorer 'y mae'r ynad yn ei llofnodi' a mewnosoder 'y'i dyroddwyd'.	<p>The purpose of this amendment is to replace the words 'the justice signs it' with the words 'it was issued' within section 38.</p> <p>The effect of this amendment is to allow flexibility in relation to the way in which a warrant to enter dwellings is issued. This allows for methods other than a hard copy signed document, such as an electronic version.</p>

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28.	Section 39, page 22, line 20, leave out 'by warrant signed by the justice authorise' and insert 'issue a warrant authorising'.	Adran 39, tudalen 22, llinell 20, hepgorer 'drwy warant sydd wedi ei llofnodi gan yr ynad' a mewnosoder 'ddyroddi gwarant sy'n'.	<p>The purpose of this amendment is to replace the words 'by warrant signed by the justice authorise' with the words 'issue a warrant authorising' within section 39.</p> <p>The effect of this amendment is to ensure the Bill takes account of possible changes of practice in relation to the issuing of warrants to enter other premises, which may not always be issued and signed in hard copy format only.</p>
29.	Section 39, page 22, line 23, leave out 'the justice signs it' and insert 'it was issued'.	Adran 39, tudalen 22, llinell 23, hepgorer 'y mae'r ynad yn ei llofnodi' a mewnosoder 'y'i dyroddwyd'.	<p>The purpose of this amendment is to replace the words 'the justice signs it' with the words 'it was issued' within section 39.</p> <p>The effect of this amendment is to allow flexibility in relation to the way in which a warrant to enter other premises is issued. This allows for methods other than a hard copy signed document, such as an electronic version.</p>
30.	<p>Section 40, page 22, after line 27, insert—</p> <p>() If the occupier of premises that an authorised officer is authorised to enter by a warrant under section 38 or 39 is present at the time the authorised officer seeks to execute the warrant—</p> <p>(a) the occupier must be told the</p>	<p>Adran 40, tudalen 22, ar ôl llinell 27, mewnosoder—</p> <p>() Os yw meddiannydd mangre y mae swyddog awdurdodedig wedi ei awdurdodi i fynd i mewn iddi drwy warant o dan adran 38 neu 39 yn bresennol ar yr adeg y mae'r swyddog awdurdodedig yn ceisio gweithredu'r warant—</p>	<p>The purpose of this amendment is to insert an additional subsection in section 40.</p> <p>The effect of this amendment is to provide further detail about how powers of entry are to be exercised by authorised officers.</p>

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	<p>officer's name;</p> <p>(b) the officer must produce to the occupier documentary evidence that the officer is an authorised officer;</p> <p>(c) the officer must produce the warrant to the occupier;</p> <p>(d) the officer must supply the occupier with a copy of it.'</p>	<p>(a) rhaid rhoi enw'r swyddog i'r meddiannydd;</p> <p>(b) rhaid i'r swyddog gyflwyno i'r meddiannydd dystiolaeth ddogfennol bod y swyddog yn swyddog awdurdodedig;</p> <p>(c) rhaid i'r swyddog gyflwyno'r warant i'r meddiannydd;</p> <p>(d) rhaid i'r swyddog gyflenwi copi ohoni i'r meddiannydd.'</p>	
31.	Section 49, page 27, at the beginning of line 5, insert 'in connection with arrangements under section 50.	Adran 49, tudalen 27, llinell 5, ar ôl 'A', mewnosoder 'mewn cysylltiad â threfniadau o dan adran 50'.	<p>The purpose of this amendment is to insert the words 'in connection with arrangements under section 50' into section 49(1).</p> <p>The effect of this amendment is to make a technical change to wording as a result of changes made by amendments 32, 33 and 34.</p>
32.	Section 49, page 27, line 5, leave out 'knowingly'.	Adran 49, tudalen 27, llinell 5, hepgorer 'gan wybod ei fod yn gwneud hynny,'.	<p>The purpose of this amendment is to remove the word 'knowingly' from section 49(1)(a).</p> <p>The effect of this amendment is to make a technical change to wording as the previous wording is no longer required due to changes made by amendments 34 and 38.</p>
33.	Section 49, page 27, line 6, leave out 'who is unaccompanied'.	Adran 49, tudalen 27, llinell 6, hepgorer 'sydd ar ei ben ei hun'.	<p>The purpose of this amendment is to remove the words 'who is unaccompanied' from section 49(1)(a).</p> <p>The effect of this amendment is to make a technical</p>

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			change by removing wording which is no longer required due to changes made by amendment 34.
34.	<p>Section 49, page 27, line 7, leave out 'takes place in connection with arrangements within section 50' and insert— 'does not take place either—</p> <p>(i) in the course of B's trade, profession, business or employment, or</p> <p>(ii) in the presence of another person who is aged 18 or over,</p> <p>(c) at the time of the handing over, A knows that tobacco or cigarette papers or nicotine products (whichever is the case) are being handed over'.</p>	<p>Adran 49, tudalen 27, llinell 8, hepgorer 'yw'r rhoi yn digwydd mewn cysylltiad â threfniadau o fewn adran 50' a mewnosoder— 'nad yw'r rhoi yn digwydd naill ai—</p> <p>(i) yng nghwrs crefft, proffesiwn, busnes neu gyflogaeth B, neu</p> <p>(ii) yng ngŵydd person arall sy'n 18 oed neu'n hŷn,</p> <p>(c) os yw A, ar adeg y rhoi, yn gwybod bod tybaco neu bapurau sigarêts neu gynhyrchion nicotin (pa un bynnag sy'n gymwys) yn cael eu rhoi'.</p>	<p>The purpose of this amendment is to replace text within section 49(1)(b) and to insert a new subsection which provides additional clarity on the circumstances in which a person would not be committing an offence under this provision.</p> <p>The effect of this amendment is to ensure any person who is handing over tobacco or nicotine products is clear under what circumstances they would be committing an offence. The amendment also prevents situations where an offence could technically be committed but that would not be consistent with the policy – for example where an employee hands tobacco or nicotine products to a colleague aged under 18 to take to another part of the shop, such as from the warehouse/ storage area to the tobacco kiosk.</p>
35.	<p>Section 49, page 27, line 12, leave out 'on it a person's name and address which are on the package for the purposes of' and insert 'an address on it, for the purpose of its delivery to that address in accordance with'.</p>	<p>Adran 49, tudalen 27, llinell 12, hepgorer 'ag enw a chyfeiriad person arno sydd ar y pecyn at ddibenion trefniadau' a mewnosoder 'â chyfeiriad arno, at ddiben ei ddanfôn i'r cyfeiriad hwnnw yn unol â threfniadau'.</p>	<p>The purpose of this amendment is to replace wording within section 49(1)(c).</p> <p>The effect of this amendment is to make a technical change which provides clarity as to the packages that are caught within the offence of handing over tobacco or nicotine products. The amendment removes the requirement for a person's name to be included on the packaging.</p>
36.	<p>Section 49, page 27, line 14, leave out subsection (2).</p>	<p>Adran 49, tudalen 27, llinell 14, hepgorer is-adran (2).</p>	<p>The purpose of this amendment is to remove subsection (2) from section 49.</p>

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			The effect is to make a technical change to remove wording which is no longer required due to changes introduced by amendments 33 and 34.
37.	Section 49, page 27, line 18, after 'of', insert 'retail'.	Adran 49, tudalen 27, llinell 19, ar ôl 'gwerthu', mewnosoder 'drwy fanwerthu'.	<p>The purpose of this amendment is to insert the word 'retail' in section 49(3).</p> <p>The effect of this amendment is to provide clarity that the term 'package' covers any packaging used by manufacturers for the purpose of retail sale.</p>
38.	<p>Section 49, page 27, after line 21, insert—</p> <p>'(5) 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 section 44 of the Magistrates' Courts Act 1980 (c.43) (aiders and abettors)) it is a defence for the accused to show—</p> <p>(a) that the accused believed, when the handing over took place, that the person to whom the tobacco, cigarette papers or nicotine products were handed over, or another person present at the time of the handing over, was aged 18 or over, and</p> <p>(b) either—</p> <p>(i) that the accused had taken reasonable steps to establish the age of that person, or</p> <p>(ii) that nobody could</p>	<p>Adran 49, tudalen 27, ar ôl llinell 21, mewnosoder—</p> <p>'(5) 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 adran 44 o Ddeddf Llysoedd Ynadon 1980 (p.43) (helpwyr ac anogwyr)) mae'n amddiffyniad i'r cyhuddedig ddangos—</p> <p>(a) bod y cyhuddedig yn credu, pan ddigwyddodd y rhoi, fod y person y rhoddwyd y tybaco, y papurau sigarêts neu'r cynhyrchion nicotin iddo, neu berson arall a oedd yn bresennol ar adeg y rhoi, yn 18 oed neu'n hŷn, a</p> <p>(b) naill ai—</p> <p>(i) bod y cyhuddedig wedi cymryd camau rhesymol i gadarnhau oedran y person hwnnw, neu</p>	<p>The purpose of this amendment is to insert new subsections in section 49.</p> <p>The effect of this amendment is to provide defences to delivery agents who are charged with an offence under section 49.</p> <p>The amendment includes for example, a defence that the delivery agent believed that at the time when the handing over took place the person to whom the products were handed over was aged 18 or over, and that the delivery agent had taken reasonable steps to establish the age of the person (i.e. age verification check), or that nobody could have reasonably thought that the person was under 18.</p> <p>The amendment also provides a definition of 'employment' for the purposes of this Chapter.</p>

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	<p>reasonably have suspected from that person's appearance that the person was aged under 18.</p> <p>(6) For the purposes of subsection (5)(b), the accused is to be treated as having taken reasonable steps to establish the age of a person if—</p> <p>(a) the accused asked that person for evidence of that person's age, and</p> <p>(b) the evidence would have convinced a reasonable person.</p> <p>(7) 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 person took reasonable precautions and exercised due diligence to avoid committing the offence.</p> <p>(8) In this section, "employment" means any employment, whether paid or unpaid, and includes—</p> <p>(a) work under a contract for services or as an office holder, and</p> <p>(b) work experience provided pursuant to a training course or programme or in the course of training for employment.'</p>	<p>(ii) na allai neb fod wedi amau'n rhesymol o olwg y person hwnnw fod y person o dan 18 oed.</p> <p>(6) At ddibenion is-adran (5)(b), mae'r cyhuddedig i gael ei drin fel pe bai wedi cymryd camau rhesymol i gadarnhau oedran person—</p> <p>(a) os gofynnodd y cyhuddedig i'r person hwnnw am dystiolaeth o oedran y person hwnnw, a</p> <p>(b) pe bai'r dystiolaeth wedi argyhoeddi person rhesymol.</p> <p>(7) Pan fo person wedi ei gyhuddo o drosedd o dan yr adran hon oherwydd gweithred neu ddiffyg person arall, neu yn rhinwedd cymhwysu adran 44 o Ddeddf Llysoedd Ynadon 1980 (p.43) (helpwyr ac anogwyr), mae'n amddiffyniad dangos i'r person gymryd rhagofalon rhesymol ac arfer diwydrwydd dyladwy i osgoi cyflawni'r drosedd.</p> <p>(8) Yn yr adran hon, ystyr "cyflogaeth" yw unrhyw gyflogaeth, pa un ai â thâl neu'n ddi-dâl, ac mae'n cynnwys—</p> <p>(a) gwaith o dan gontract am wasanaethau neu fel deiliad swydd, a</p> <p>(b) profiad gwaith a ddarperir yn</p>	

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		unol â chwrs neu raglen hyfforddi neu yng nghwrs hyfforddiant ar gyfer cyflogaeth.’.	
39.	Section 63, page 34, after line 39, insert— () For the purpose of determining whether an applicant has been convicted of a relevant offence, a conviction is to be taken to include a conviction by or before a court outside England and Wales; and references in this Part to a conviction, or to a person’s having been convicted of an offence, are to be interpreted accordingly.’.	Adran 63, tudalen 34, ar ôl llinell 37, mewnosoder— () At ddiben dyfarnu a yw ceisydd wedi ei euogfarnu o drosedd berthnasol, mae euogfarn i gael ei chymryd i gynnwys euogfarn gan neu gerbron llys y tu allan i Gymru a Lloegr; ac mae cyfeiriadau yn y Rhan hon at euogfarn, neu at berson sydd wedi ei euogfarnu o drosedd, i gael eu dehongli yn unol â hynny.’.	The purpose of this amendment is to insert a new subsection in section 63. The effect of this amendment is to provide that local authorities will be able to consider relevant offences committed by applicants outside England and Wales, when considering applications for special procedures licences. This means that an applicant who has committed a relevant offence outside of England and Wales would have to declare that conviction if they applied for a special procedure licence in Wales.
40.	Section 63, page 35, line 2, leave out— (a) may nevertheless, if it thinks fit having regard to the nature of the offence and any special procedure to which the application relates, issue a special procedure licence to the applicant in respect of the performance of the procedure, but (b) if it decides not to issue a licence under paragraph (a) in respect of the performance of a procedure specified in the application,’	Adran 63, tudalen 35, llinell 2, hepgorer pob gair ar ôl a chan gynnwys— (a) caiff yr awdurdod, er hynny, os yw’n meddwl bod hynny’n addas gan roi sylw i natur y drosedd ac unrhyw driniaeth arbennig y mae’r cais yn ymwneud â hi, ddyroddi trwydded triniaeth arbennig i’r ceisydd mewn cysylltiad â rhoi’r driniaeth, ond (b) rhaid i’r awdurdod, os yw’n penderfynu peidio â dyroddi trwydded o dan paragraff (a) mewn cysylltiad â rhoi triniaeth a bennir yn y cais,’	The purpose of this amendment is to replace wording within section 63. The effect of this amendment is to provide further clarity as to the discretion of local authorities in deciding whether or not to grant a special procedure licence. In exercising its discretion the local authority must decide whether the applicant’s fitness to perform a procedure has been called into question to such an extent that it would be inappropriate to issue the licence. In reaching its decision, the local authority will be required to have regard to the nature and circumstances of the relevant offence, and guidance issued by the Welsh Ministers. If the local authority

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	<p>and insert-</p> <p>'must decide whether the applicant's fitness to perform a procedure to which the application relates has been called into question to such an extent that it would be inappropriate to issue the licence in respect of the performance of that procedure.</p> <p>() In reaching its decision, the authority must have regard to—</p> <p>(a) the nature and circumstances of the offence, and</p> <p>(b) guidance issued by the Welsh Ministers under subsection [subsection inserted by amendment 43].</p> <p>() If the local authority decides that the applicant's fitness has not been called into question as described in subsection (2) in respect of the performance of a procedure specified in the application, it must issue the licence in respect of the performance of that procedure.</p> <p>() If the local authority decides that the applicant's fitness has been called into question as described in subsection (2) in respect of the performance of a procedure specified in the application—</p> <p>(a) it must not issue the licence in respect of the performance of that procedure, and</p> <p>(b) it '.</p>	<p>a mewnosoder-</p> <p>' , rhaid i'r awdurdod benderfynu a oes amheuaeth wedi ei chodi ynghylch addasrwydd y ceisydd i roi triniaeth y mae'r cais yn ymwneud â hi i'r graddau y byddai'n amhriodol dyroddi'r drwydded mewn cysylltiad â rhoi'r driniaeth honno.'</p> <p>() Wrth wneud ei benderfyniad, rhaid i'r awdurdod roi sylw i—</p> <p>(a) natur ac amgylchiadau'r drosedd, a</p> <p>(b) canllawiau a ddyroddir gan Weinidogion Cymru o dan is-adran [yr is-adran a fewnosodir gan welliant 43].</p> <p>() Os yw'r awdurdod lleol yn penderfynu nad oes amheuaeth wedi ei chodi ynghylch addasrwydd y ceisydd fel y'i disgrifir yn is-adran (2) mewn cysylltiad â rhoi triniaeth a bennir yn y cais, rhaid iddo ddyroddi'r drwydded mewn cysylltiad â rhoi'r driniaeth honno.</p> <p>() Os yw'r awdurdod lleol yn penderfynu bod amheuaeth wedi ei chodi ynghylch addasrwydd y ceisydd fel y'i disgrifir yn is-adran (2) mewn cysylltiad â rhoi triniaeth a bennir yn y cais—</p> <p>(a) ni chaiff ddyroddi'r drwydded mewn cysylltiad â rhoi'r driniaeth honno, a</p> <p>(b) rhaid iddo '.</p>	<p>decides that the applicant's fitness to perform the procedure has not been called into question, it must issue the licence in respect of the performance of that procedure. If the local authority decides that the applicant's fitness has been called into question it must not issue the licence and it must give notice to the applicant that the application is refused.</p>

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41.	<p>Section 63, page 35, after line 9, insert—</p> <p>() But subsection [<i>last subsection inserted by amendment 40</i>] is subject to the requirements set out in paragraphs 15 and 16 of Schedule 3.’.</p>	<p>Adran 63, tudalen 35, ar ôl llinell 10, mewnosoder—</p> <p>() Ond mae is-adran [<i>yr is-adran olaf a fewnosodir gan welliant 40</i>] yn ddarostyngedig i’r gofynion a nodir ym mharagraffau 15 ac 16 o Atodlen 3.’.</p>	<p>The purpose of this amendment is to insert a new subsection in section 63.</p> <p>The effect of this amendment is to clarify that the procedural requirements set out in Schedule 3 to the Bill apply to any notice given refusing an application for a licence. Schedule 3 requires a local authority proposing to refuse an application for a licence to issue the applicant with a ‘warning notice’ setting out what the authority proposes to do and why. The warning notice advises the applicant of their ability to make representations about the local authority’s proposal.</p>
42.	<p>Section 63, page 35, line 10, leave out subsection (3) and insert—</p> <p>() For the purposes of this Part, each of the following is a relevant offence-</p> <p>(a) ‘an offence under this Part or under Part 4 (intimate piercing);</p> <p>(b) an offence (whether under the law of England and Wales or elsewhere) that—</p> <p>(i) involves violence,</p> <p>(ii) is of a sexual nature, or relates to sexual material or images,</p> <p>(iii) consists of tattooing a</p>	<p>Adran 63, tudalen 35, llinell 11, hepgorer is-adran (3) a mewnosoder—</p> <p>() At ddibenion y Rhan hon, mae pob un o’r canlynol yn drosedd berthnasol-</p> <p>(a) trosedd o dan y Rhan hon neu o dan Ran 4 (rhoi twll mewn rhan bersonol o’r corff);</p> <p>(b) trosedd (pa un ai o dan gyfraith Cymru a Lloegr neu rywle arall) sydd—</p> <p>(i) yn ymwneud â thrais,</p> <p>(ii) o natur rywiol, neu sy’n ymwneud â deunydd</p>	<p>The purpose of this amendment is to replace wording within section 63.</p> <p>The effect of this amendment is to replace the narrow list of relevant offences with a wider list of categories of offences. This approach captures a wide range of offences including those involving violence, those of a sexual nature, tattooing a child under 18, health and safety at work and those involving a failure to comply with a licensing scheme regulating the performance of a special procedure. This approach also provides a local authority with the ability to consider convictions for relevant offences committed outside England and Wales. The amendment therefore enables local authorities to take account of a broader range of offences when considering an application for a special</p>

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	<p>child under the age of 18,</p> <p>(iv) relates to health and safety at work, or</p> <p>(v) consists of a failure to comply with a requirement of a scheme for licensing or otherwise permitting or regulating the performance of an activity which is a special procedure for the purposes of this Act.’</p>	<p>neu ddelweddau rhywiol,</p> <p>(iii) yn golygu tatwio plentyn o dan 18 oed,</p> <p>(iv) yn ymwneud ag iechyd a diogelwch yn y gwaith, neu</p> <p>(v) yn golygu methiant i gydymffurfio â gofyniad mewn cynllun ar gyfer trwyddedu neu fel arall ganiatáu neu reoleiddio cyflawni gweithgaredd sy’n driniaeth arbennig at ddibenion y Ddeddf hon’.</p>	<p>procedure licence.</p>
43.	<p>Section 63, page 35, after line 22, insert—</p> <p>‘(6) The Welsh Ministers must give guidance to local authorities about matters to be taken into account in deciding whether an applicant’s fitness to perform a special procedure has been called into question.’</p>	<p>Adran 63, tudalen 35, ar ôl llinell 23, mewnosoder—</p> <p>‘(6) Rhaid i Weinidogion Cymru roi canllawiau i awdurdodau lleol ynghylch materion sydd i gael eu hystyried wrth benderfynu a oes amheuaeth wedi ei chodi ynghylch addasrwydd ceisydd i roi triniaeth arbennig.’</p>	<p>The purpose of this amendment is to insert a new subsection in section 63.</p> <p>The effect of this amendment is to require Welsh Ministers to provide guidance to local authorities about the matters to be taken into account in deciding whether an applicant’s fitness to perform a special procedure has been called into question due to a conviction for a relevant offence. It therefore provides certainty to local authorities that specific guidance on this issue will be made available to them.</p>
44.	<p>Section 65, page 35, line 28, after ‘(3)’, insert ‘or [subsection inserted by amendment 50]’.</p>	<p>Adran 65, tudalen 35, llinell 29, ar ôl ‘(3)’, mewnosoder ‘neu [yr is-adran a fewnosodir gan</p>	<p>The purpose of this amendment is to insert new</p>

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		<i>welliant 50</i>].	wording in section 65. The effect of this amendment is to ensure accuracy of the cross-references in this section, taking account of amendment 50 which adds a new subsection to section 65.
45.	Section 65, page 36, line 4, leave out 'a relevant offence' and insert 'an offence that is a relevant offence (and which was a relevant offence as at the date on which the licence in question was issued)'	Adran 65, tudalen 36, llinell 4, hepgorer 'berthnasol' a mewnosoder 'sy'n drosedd berthnasol (ac a oedd yn drosedd berthnasol ar y dyddiad y dyroddwyd y drwydded o dan sylw)'	The purpose of this amendment is to replace wording in section 65. The effect of this amendment is to make it clear that a local authority may only revoke a special procedure licence if a licence holder commits a relevant offence that was a relevant offence at the time the licence was issued. This gives a licence holder certainty that a local authority could not retrospectively reconsider the grant of a licence if new offences are added to the list of "relevant offences" during the three year licence term. However, it should be noted that when a licence is due for renewal, all relevant offences listed at the time of renewal will be taken into consideration by the local authority when deciding whether or not to renew the licence.
46.	Section 65, page 36, line 6, after 'nature', insert 'and circumstances'	Adran 65, tudalen 36, llinell 6, hepgorer 'y' a mewnosoder 'ac amgylchiadau'r'	The purpose of this amendment is to insert new wording in section 65(3)(b). The effect of this amendment is to enable a local authority to revoke a licence if a person committed a relevant offence and the licence was issued to the licence holder without the local authority having regard to the nature "and circumstances" of that

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			<p>offence. This may be the case where the local authority was unaware of the conviction, or because the conviction did not precede the issue of the licence and had the authority had regard to the nature and circumstances of that offence the licence would not have been issued at all or would not have been issued in as far as it related to the performance of a particular procedure.</p> <p>The reference to “circumstances” has been added as, in accordance with amendment 40, where an applicant for a licence has committed a relevant offence a local authority must, when exercising its discretion whether or not to grant a licence, have regard to “the nature and circumstances of the offence”.</p>
47.	Section 65, page 36, line 6, leave out ‘63(2)(a)’ and insert ‘63’.	Adran 65, tudalen 36, llinell 6, hepgorer ‘63(2)(a)’ a mewnosoder ‘63’.	<p>The purpose of this amendment is to replace cross-referencing in section 65.</p> <p>The effect of this technical amendment is to ensure correct cross-referencing which reflects amendments made to section 63.</p>
48.	Section 65, page 36, line 9, after ‘nature’, insert ‘and circumstances’.	Adran 65, tudalen 36, llinell 9, hepgorer ‘y’ a mewnosoder ‘ac amgylchiadau’.	<p>The purpose of this amendment is to insert new wording in section 65.</p> <p>The effect of this amendment is to allow a local authority to revoke a licence where, had the local authority had regard to the nature and “circumstances” of a relevant offence, a special procedures licence either would not have been issued at all or a licence would not have been issued in so far as it related to the performance of a particular special procedure.</p>

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49.	Section 65, page 36, line 10, leave out '63(2)(a)' and insert '63.'	Adran 65, tudalen 36, llinell 10, hepgorer '63(2)(a)' a mewnosoder '63'.	<p>The purpose of this amendment is to replace cross-referencing in section 65.</p> <p>The effect of this technical amendment is to ensure correct cross-referencing which reflects amendments made to section 63.</p>
50.	<p>Section 65, page 36, after line 14, insert—</p> <p>() The conditions are—</p> <p>(a) that the licence holder made a statement that was false or misleading, in a material particular, in connection with an application for the issue, variation or renewal of a special procedure licence, and</p> <p>(b) had the authority known that the statement was false or misleading, the licence would either not have been issued at all (in the case of revocation as described in subsection (1)(a)), or would not have been issued in so far as it relates to the performance of a particular procedure (in the case of revocation as described in subsection (1)(b)).'</p>	<p>Adran 65, tudalen 36, ar ôl llinell 14, mewnosoder—</p> <p>() Yr amodau yw—</p> <p>(a) i ddeiliad y drwydded wneud datganiad a oedd yn anwir neu'n gamarweiniol mewn cysylltiad â chais i ddyroddi, amrywio neu adnewyddu trwydded triniaeth arbennig, a</p> <p>(b) naill ai na fyddai'r drwydded, pe bai'r awdurdod wedi gwybod bod y datganiad yn anwir neu'n gamarweiniol, 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)).'</p>	<p>The purpose of this amendment is to insert a new subsection into section 65.</p> <p>The effect of this amendment is to allow a local authority to revoke a special procedure licence if the local authority is satisfied that a licence holder made a statement that was false or misleading in connection with an application for the issue, variation or renewal of a licence. The local authority would have to be satisfied that had they known the statement was false or misleading the licence would not have been issued at all or would not have been issued in so far as it relates to the performance of a particular procedure. The statement would have to be false or misleading in a "material particular" for example failing to declare a relevant offence.</p>
51.	Section 82, page 48, line 22, leave out 'by warrant signed by the justice authorise' and insert 'issue a warrant authorising'.	Adran 82, tudalen 48, llinell 26, hepgorer 'drwy warant sydd wedi ei llofnodi gan yr ynad' a mewnosoder 'ddyroddi gwarant sy'n'.	The purpose of this amendment is to replace the words 'by warrant signed by the justice authorise' with the words 'issue a warrant authorising within section

No.	GOVERNMENT AMENDMENT	GWELLIANT Y LLYWODRAETH	PURPOSE AND EFFECT
			<p>82'.</p> <p>The effect of this amendment is to ensure the Bill takes account of possible changes of practice in relation to the issuing of warrants to enter dwellings, which may not always be issued and signed in hard copy format only.</p>
52.	<p>Section 82, page 48, line 25, leave out 'the justice signs it' and insert 'it was issued'.</p>	<p>Adran 82, tudalen 48, llinell 29, hepgorer 'y mae'r ynad yn ei llofnodi' a mewnosoder 'y'i dyroddwyd'.</p>	<p>The purpose of this amendment is to replace the words 'the justice signs it' with the words 'it was issued within section 82'.</p> <p>The effect of this amendment is to allow flexibility in relation to the way in which a warrant to enter dwellings is issued. This allows for methods other than a hard copy signed document such as an electronic document.</p>
53.	<p>Section 83, page 48, line 34, leave out 'by warrant signed by the justice authorise' and insert 'issue a warrant authorising'.</p>	<p>Adran 83, tudalen 48, llinell 38, hepgorer 'drwy warant sydd wedi ei llofnodi gan yr ynad' a mewnosoder 'ddyroddi gwarant sy'n'.</p>	<p>The purpose of this amendment is to replace the words 'by warrant signed by the justice authorise' with the words 'issue a warrant authorising' within section 83'.</p> <p>The effect of this amendment is to ensure the Bill takes account of possible changes of practice in relation to the issuing of warrants to enter other premises, which may not always be issued and signed in hard copy format only.</p>

No.	GOVERNMENT AMENDMENT	GWELLIANT Y LLYWODRAETH	PURPOSE AND EFFECT
54.	Section 83, page 49, line 14, leave out 'the justice signs it' and insert 'it was issued'.	Adran 83, tudalen 49, llinell 14, hepgorer 'y mae'r ynad yn ei llofnodi' a mewnosoder 'y'i dyroddwyd'.	<p>The purpose of this amendment is to replace the words 'the justice signs it' with the words 'it was issued' within section 83.</p> <p>The effect of this amendment is to allow flexibility in relation to the way in which a warrant to enter other premises is issued. This allows for methods other than a hard copy signed document, such as an electronic document.</p>
55.	<p>Section 84, page 49, after line 19, insert—</p> <p>'() If the occupier of premises that an authorised officer is authorised to enter by a warrant under section 82 or 83 is present at the time the authorised officer seeks to execute the warrant—</p> <ul style="list-style-type: none"> (a) the occupier must be told the officer's name; (b) the officer must produce to the occupier documentary evidence that the officer is an authorised officer; (c) the officer must produce the warrant to the occupier; (d) the officer must supply the occupier with a copy of it.' 	<p>Adran 84, tudalen 49, ar ôl llinell 19, mewnosoder—</p> <p>'() Os yw meddiannydd mangre y mae swyddog awdurdodedig wedi ei awdurdodi i fynd i mewn iddi drwy warant o dan adran 82 neu 83 yn bresennol ar yr adeg y mae'r swyddog awdurdodedig yn ceisio gweithredu'r warant—</p> <ul style="list-style-type: none"> (a) rhaid rhoi enw'r swyddog i'r meddiannydd; (b) rhaid i'r swyddog gyflwyno i'r meddiannydd dystiolaeth ddogfennol bod y swyddog yn swyddog awdurdodedig; (c) rhaid i'r swyddog gyflwyno'r warant i'r meddiannydd; (d) rhaid i'r swyddog gyflenwi copi ohoni i'r meddiannydd.' 	<p>The purpose of this amendment is to insert an additional subsection in section 84.</p> <p>The effect of this amendment is to provide further detail about how powers of entry are to be exercised by authorised officers.</p>

No.	GOVERNMENT AMENDMENT	GWELLIANT Y LLYWODRAETH	PURPOSE AND EFFECT
56.	Section 97, page 57, line 14, leave out 'by warrant signed by the justice authorise' and insert 'issue a warrant authorising'.	Adran 97, tudalen 57, llinell 16, hepgorer 'drwy warant sydd wedi ei llofnodi gan yr ynad' a mewnosoder 'ddyroddi gwarant sy'n'.	<p>The purpose of this amendment is to replace the words 'by warrant signed by the justice authorise' with the words 'issue a warrant authorising' within section 97.</p> <p>The effect of this amendment is to ensure the Bill takes account of possible changes of practice in relation to the issuing of warrants to enter dwellings, which may not always be issued and signed in hard copy format only</p>
57.	Section 97, page 57, line 17, leave out 'the justice signs it' and insert 'it was issued'.	Adran 97, tudalen 57, llinell 19, hepgorer 'y mae'r ynad yn ei llofnodi' a mewnosoder 'y'i dyroddwyd'.	<p>The purpose of this amendment is to replace the words 'the justice signs it' with the words 'it was issued' within section 97.</p> <p>The effect of this amendment is to allow flexibility in relation to the way in which a warrant to enter dwellings is issued. This allows for methods other than a hard copy signed document, such as an electronic document.</p>
58.	Section 98, page 57, line 27, leave out 'by warrant signed by the justice authorise' and insert 'issue a warrant authorising'.	Adran 98, tudalen 57, llinell 28, hepgorer 'drwy warant sydd wedi ei llofnodi gan yr ynad' a mewnosoder 'ddyroddi gwarant sy'n'.	<p>The purpose of this amendment is to replace the words 'by warrant signed by the justice authorise' with the words 'issue a warrant authorising' within section 98.</p> <p>The effect of this amendment is to ensure the Bill takes account of possible changes of practice in relation to the issuing of warrants to enter other</p>

No.	GOVERNMENT AMENDMENT	GWELLIANT Y LLYWODRAETH	PURPOSE AND EFFECT
			premises, which may not always be issued and signed in hard copy format only
59.	Section 98, page 58, line 5, leave out 'the justice signs it' and insert 'it was issued'.	Adran 98, tudalen 58, llinell 5, hepgorer 'y mae'r ynad yn ei llofnodi' a mewnosoder 'y'i dyroddwyd'.	<p>The purpose of this amendment is to replace the words 'the justice signs it' with the words 'it was issued' within section 98.</p> <p>The effect of this amendment is to allow flexibility in relation to the way in which a warrant to enter other premises is issued. This allows for methods other than a hard copy signed document, such as an electronic document.</p>
60.	<p>Section 99, page 58, after line 9, insert—</p> <p>() If the occupier of premises that a person is authorised to enter by a warrant under section 97 or 98 is present at the time the person seeks to execute the warrant—</p> <p>(a) the occupier must be told the person's name;</p> <p>(b) if not a constable in uniform, the person must produce to the occupier documentary evidence that the person is a constable or authorised officer;</p> <p>(c) the person must produce the warrant to the occupier;</p> <p>(d) the person must supply the occupier with a copy of it.'</p>	<p>Adran 99, tudalen 58, ar ôl llinell 9, mewnosoder—</p> <p>() Os yw meddiannydd mangre y mae person wedi ei awdurdodi i fynd i mewn iddi drwy warant o dan adran 97 neu 98 yn bresennol ar yr adeg y mae'r person yn ceisio gweithredu'r warant—</p> <p>(a) rhaid rhoi enw'r person i'r meddiannydd;</p> <p>(b) os nad yw'n gwnstabl mewn lifrai, rhaid i'r person gyflwyno i'r meddiannydd dystiolaeth ddogfennol bod y person yn gwnstabl neu'n swyddog awdurdodedig;</p> <p>(c) rhaid i'r person gyflwyno'r warant i'r meddiannydd;</p>	<p>The purpose of this amendment is to insert an additional subsection in section 99.</p> <p>The effect of this amendment is to provide further detail about how powers of entry are to be exercised by authorised officers.</p>

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		(d) rhaid i'r person gyflenwi copi ohoni i'r meddiannydd.'	
61.	Schedule 3, page 79, line 5, after 'require', insert ' , which may, for instance, include information about any offence of which the applicant has been convicted (whether or not committed under the law of England and Wales)'	Atodlen 3, tudalen 79, llinell 4, ar ôl 'sylw', mewnosoder ' , a gaiff, er enghraifft, gynnwys gwybodaeth am unrhyw drosedd y mae'r ceisydd wedi ei euogfarnu ohoni (pa un a'i cyflawnwyd o dan gyfraith Cymru a Lloegr ai peidio)'	<p>The purpose of this amendment is to insert new wording into paragraph 4(1)(g) of Schedule 3 to the Bill.</p> <p>The effect of this amendment is to allow a local authority to require information about previous convictions for any offences, and not just 'relevant offences'. This avoids a situation where an applicant would have to determine for themselves whether a previous conviction fell within the definition of a "relevant offence". The amendment allows a local authority to analyse the nature of any previous conviction in order to decide whether it constituted a relevant offence before deciding whether the applicant's fitness to perform a special procedure had been called into question.</p>