



# Deddf Is-ddeddfau Llywodraeth Leol (Cymru) 2012

2012 dccc 2

# Local Government Byelaws (Wales) Act 2012

2012 anaw 2

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Lluniwyd Nodiadau Esboniadol yn gymorth i ddeall y Ddeddf hon ac maent ar gael ar wahân.

Explanatory Notes have been produced to assist in the understanding of this Act and are available separately.

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# Local Government Byelaws (Wales) Act 2012

2012 anaw 2

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# Deddf Is-ddeddfau Llywodraeth Leol (Cymru) 2012

Deddf gan Gynulliad Cenedlaethol Cymru i wneud darpariaeth ar gyfer pwerau cynghorau sir, cynghorau bwrdeistref sirol, cynghorau cymuned a chyrff cyhoeddus eraill i wneud is-ddeddfau; y weithdrefn ar gyfer gwneud is-ddeddfau; gorfodi is-ddeddfau; ac at ddibenion cysylltiedig.

**Gan ei fod wedi ei basio gan Gynulliad Cenedlaethol Cymru a chael cydsyniad Ei Mawrhydi, deddfir fel a ganlyn:**

## *Cyflwyniad*

### **1 Trosolwg**

Mae'r Ddeddf hon -

- (a) yn diwygio gweithdrefnau ar gyfer gwneud is-ddeddfau yng Nghymru, gan gynnwys tynnu ymaith ofyniad am gadarnhau is-ddeddfau gan Weinidogion Cymru;
- (b) yn galluogi i is-ddeddfau penodol gael eu gorfodi drwy hysbysiadau cosbau penodedig;
- (c) yn ei gwneud hi'n ofynnol i unrhyw awdurdodau sy'n gwneud is-ddeddfau roi sylw i unrhyw ganllawiau ar weithdrefn a roddir gan Weinidogion Cymru;
- (d) yn ailddatgan i Gymru pŵer cyffredinol i wneud is-ddeddfau.

## *Y pŵer i wneud is-ddeddfau*

### **2 Is-ddeddfau ar gyfer rheolaeth dda a llywodraeth ac atal niwsansau**

- (1) Caiff cyngor ar gyfer sir neu fwrdeistref sirol yng Nghymru wneud is-ddeddfau -
  - (a) ar gyfer rheolaeth dda a llywodraeth y cyfan neu unrhyw ran o'i ardal;
  - (b) ar gyfer rhwystro ac atal niwsansau yn ei ardal.
- (2) Ond ni chaiff is-ddeddfau wneud darpariaeth -
  - (a) a wnaed gan Ddeddf Seneddol, Mesur neu Ddeddf y Cynulliad;



# Local Government Byelaws (Wales) Act 2012

An Act of the National Assembly for Wales to make provision for the powers of county councils, county borough councils, community councils and other public bodies to make byelaws; the procedure for making byelaws; the enforcement of byelaws; and for connected purposes.

**Having been passed by the National Assembly for Wales and having received the assent of Her Majesty, it is enacted as follows:**

## *Introduction*

### **1 Overview**

This Act –

- (a) reforms procedures for making byelaws in Wales, including removing a requirement for confirmation of byelaws by the Welsh Ministers;
- (b) enables certain byelaws to be enforced by fixed penalty notices;
- (c) requires authorities that make byelaws to have regard to any guidance given by the Welsh Ministers on procedure;
- (d) restates for Wales a general power to make byelaws.

## *Power to make byelaws*

### **2 Byelaws for good rule and government and suppression of nuisances**

- (1) A council for a county or county borough in Wales may make byelaws –
  - (a) for the good rule and government of the whole or any part of its area;
  - (b) for the prevention and suppression of nuisances in its area.
- (2) But byelaws may not make provision which –
  - (a) is made by an Act of Parliament, Assembly Measure or Act of the Assembly;



- (b) a wnaed, neu a gellid ei wneud, gan is-ddeddfwriaeth (sy'n golygu deddfwriaeth a wneir gan offeryn statudol).

*Dehongli*

### **3 Ystyr "awdurdod deddfu"**

Mae pob un o'r canlynol yn awdurdod deddfu at ddibenion y Ddeddf hon -

- (a) cyngor ar gyfer sir neu fwrdeistref sirol yng Nghymru;
- (b) cyngor cymuned;
- (c) awdurdod Parc Cenedlaethol yng Nghymru;
- (d) Cyngor Cefn Gwlad Cymru.

*Dirymu is-ddeddfau*

### **4 Dirymu gan awdurdod deddfu**

- (1) Caiff awdurdod deddfu wneud is-ddeddf i ddirymu is-ddeddf a wnaed yn flaenorol ganddo.
- (2) Ond caniateir arfer y pŵer hwn dim ond pan nad oes pŵer arall gan yr awdurdod i ddiddymu is-ddeddf.

### **5 Dirymu gan Weinidogion Cymru**

- (1) Caiff Gweinidogion Cymru drwy orchymyn ddirymu unrhyw is-ddeddf a wnaed gan awdurdod deddfu y maent wedi penderfynu ei bod yn anarferedig.
- (2) Cyn gwneud gorchymyn, rhaid i Weinidogion Cymru ymgynghori ag unrhyw berson (gan gynnwys cyngor cymuned) y maent o'r farn ei bod yn debygol y bydd ganddo ddiddordeb yn nirywiad yr is-ddeddf neu a effeithir gan y dirymiad.
- (3) Caiff gorchymyn wneud darpariaeth wahanol ar gyfer ardaloedd gwahanol, gan gynnwys darpariaeth wahanol ar gyfer broydd gwahanol ac ar gyfer awdurdodau gwahanol.

*Y weithdrefn ar gyfer is-ddeddfau*

### **6 Is-ddeddfau pan na fo cadarnhad yn ofynnol**

- (1) Mae'r adran hon yn gymwys i is-ddeddfau a wneir gan awdurdod deddfu o dan y deddfiadau a restrir yn Rhan 1 o Atodlen 1, gan gynnwys is-ddeddfau sy'n diwygio neu'n dirymu is-ddeddfau a wnaed ganddo'n flaenorol.
- (2) Cyn iddo wneud is-ddeddf, rhaid i awdurdod -
  - (a) cyhoeddi datganiad ysgrifenedig cychwynnol ar wefan yr awdurdod sy'n disgrifio'r mater y mae'r awdurdod o'r farn y gallai gwneud is-ddeddf fynd i'r afael ag ef;
  - (b) ymgynghori ag unrhyw berson (gan gynnwys cyngor cymuned pan fo hynny'n gymwys) y mae'r awdurdod o'r farn ei fod yn debygol o fod â diddordeb yn y mater neu'n cael eu heffeithio ganddo.
- (3) Yn dilyn yr ymgynghoriad, rhaid i'r awdurdod ystyried yr ymatebion a phenderfynu ai gwneud is-ddeddf yw'r dull mwyaf priodol o fynd i'r afael â'r mater.

- (b) is made, or could be made, by subordinate legislation (which means legislation made by statutory instrument).

*Interpretation*

**3 Meaning of “legislating authority”**

Each of the following is a legislating authority for the purposes of this Act –

- (a) a council for a county or county borough in Wales;
- (b) a community council;
- (c) a National Park authority in Wales;
- (d) the Countryside Council for Wales.

*Revocation of byelaws*

**4 Revocation by a legislating authority**

- (1) A legislating authority may make a byelaw to revoke a byelaw previously made by it.
- (2) But this power may be exercised only where the authority has no other power to revoke the byelaw.

**5 Revocation by the Welsh Ministers**

- (1) The Welsh Ministers may by order revoke any byelaw made by a legislating authority which they conclude is obsolete.
- (2) Before making an order, the Welsh Ministers must consult any person (including a community council) who they think is likely to be interested in, or affected by, the revocation of the byelaw.
- (3) An order may make different provision for different areas, including different provision for different localities and for different authorities.

*Procedure for byelaws*

**6 Byelaws not requiring confirmation**

- (1) This section applies to byelaws made by a legislating authority under the enactments listed in Part 1 of Schedule 1, including byelaws which amend or revoke byelaws previously made by it.
- (2) Before it makes a byelaw, an authority must –
  - (a) publish on the authority’s website an initial written statement which describes the issue which the authority thinks may be addressed by making a byelaw;
  - (b) consult any person (including, where applicable, a community council) who the authority thinks is likely to be interested in, or affected by, the issue.
- (3) Following the consultation, the authority must consider the responses and decide whether making a byelaw is the most appropriate way of addressing the issue.

- (4) Yna rhaid i'r awdurdod gyhoeddi ail ddatganiad ysgrifenedig ar ei wefan sy'n cynnwys –
  - (a) y datganiad ysgrifenedig cychwynnol;
  - (b) crynodeb o'r ymgynghoriad a'r ymatebion;
  - (c) ei benderfyniad;
  - (d) y rhesymau am y penderfyniad hwnnw.
- (5) O leiaf chwe wythnos cyn bod yr is-ddeddf yn cael ei gwneud, rhaid cyhoeddi hysbysiad o'r bwriad i wneud yr is-ddeddf –
  - (a) mewn un neu fwy o bapurau newyddion lleol sy'n cylchredeg yn yr ardal y mae'r is-ddeddf i fod yn gymwys iddi;
  - (b) ar wefan yr awdurdod.
- (6) Am o leiaf chwe wythnos cyn bod yr is-ddeddf yn cael ei gwneud, rhaid i'r awdurdod sicrhau –
  - (a) bod drafft o'r is-ddeddf yn cael ei gyhoeddi ar wefan yr awdurdod;
  - (b) bod copi o'r drafft yn cael ei adneuo mewn man yn ardal yr awdurdod;
  - (c) bod copi ar gael i'w weld gan y cyhoedd ar bob adeg resymol yn ddi-dâl;
  - (d) pan fo'n gymwys, bod copi yn cael ei anfon at bob cyngor cymuned y mae'r awdurdod o'r farn ei bod yn debygol yr effeithir ar ei ardal gan yr is-ddeddf.
- (7) Rhaid i'r awdurdod roi copi o'r is-ddeddf ar ffurf ddrafft i unrhyw berson sy'n gwneud cais amdano, ar yr amod bod y person hwnnw'n talu ffi resymol a godir gan yr awdurdod (os oes un).
- (8) Ni chaiff awdurdod wneud is-ddeddf yn hwyrach na 6 mis ar ôl dyddiad yr hysbysiad yn is-adran (5).

## **7 Is-ddeddfau pan fo cadarnhad yn ofynnol**

- (1) Mae'r adran hon yn gymwys i is-ddeddfau a wneir gan awdurdod deddfu o dan unrhyw ddeddfiad ar wahân i'r rhai a restrir yn Rhan 1 o Atodlen 1, gan gynnwys is-ddeddfau sy'n diwygio neu'n dirymu is-ddeddfau a wnaed ganddo'n flaenorol.
- (2) Ond nid yw'r adran hon yn gymwys i'r graddau bod y deddfiad sy'n rhoi'r pŵer i wneud is-ddeddf yn gwneud darpariaeth wahanol mewn perthynas ag un neu ragor o'r canlynol –
  - (a) gofyniad i gyflwyno is-ddeddfau ar gyfer cael cadarnhad;
  - (b) cyhoeddi hysbysiad o fwriad i wneud yr is-ddeddf;
  - (c) cyhoeddi'r is-ddeddf;
  - (d) trefnu bod copïau o'r is-ddeddf ar gael.
- (3) Cyn iddo wneud is-ddeddf y mae'r adran hon yn gymwys iddi, rhaid i awdurdod –
  - (a) cyhoeddi ar wefan yr awdurdod ddatganiad ysgrifenedig cychwynnol sy'n disgrifio'r mater y mae'r awdurdod o'r farn y gellir mynd i'r afael ag ef drwy wneud is-ddeddf;

- (4) The authority must then publish on its website a second written statement which contains –
  - (a) the initial written statement;
  - (b) a summary of the consultation and the responses;
  - (c) its decision;
  - (d) the reasons for that decision.
- (5) At least six weeks before the byelaw is made, notice of the intention to make the byelaw must be published –
  - (a) in one or more local newspapers circulating in the area to which the byelaw is to apply;
  - (b) on the authority’s website.
- (6) For at least six weeks before making the byelaw, the authority must ensure that –
  - (a) a draft of the byelaw is published on the authority’s website;
  - (b) a copy of the draft is deposited at a place in the authority’s area;
  - (c) a copy is open to public inspection at all reasonable hours without payment;
  - (d) where applicable, a copy is sent to all community councils whose areas the authority thinks are likely to be affected by the byelaw.
- (7) The authority must give a copy of the draft byelaw to any person who applies for it, subject to that person paying such reasonable fee charged by the authority (if any).
- (8) An authority may not make a byelaw later than six months after the date of the notice under subsection (5).

**7 Byelaws requiring confirmation**

- (1) This section applies to byelaws made by a legislating authority under any enactment other than those listed in Part 1 of Schedule 1, including byelaws which amend or revoke byelaws previously made by it.
- (2) But this section does not apply to the extent that the enactment conferring the power to make a byelaw makes different provision in relation to one or more of the following –
  - (a) a requirement to submit byelaws for confirmation;
  - (b) publication of a notice of intent to make the byelaw;
  - (c) publication of the byelaw;
  - (d) making copies of the byelaw available.
- (3) Before it makes a byelaw to which this section applies, an authority must –
  - (a) publish on the authority’s website an initial written statement which describes the issue which the authority thinks may be addressed by making a byelaw;

- (b) ymgynghori ag unrhyw berson (gan gynnwys cyngor cymuned pan fo'n gymwys) y mae'r awdurdod o'r farn ei fod yn debygol o fod â diddordeb yn y mater neu'n gael ei effeithio ganddo.
- (4) Yn dilyn yr ymgynghoriad, rhaid i'r awdurdod ystyried yr ymatebion a phenderfynu ai gwneud is-ddeddf yw'r dull mwyaf priodol o fynd i'r afael â'r mater.
- (5) Yna rhaid i'r awdurdod gyhoeddi ail ddatganiad ysgrifenedig ar ei wefan sy'n cynnwys -
- (a) y datganiad ysgrifenedig cychwynnol;
  - (b) crynodeb o'r ymgynghoriad a'r ymatebion;
  - (c) ei benderfyniad;
  - (d) y rhesymau am y penderfyniad hwnnw.
- (6) Rhaid i is-ddeddfau a wnaed gan yr awdurdod deddfu gael eu cyflwyno i'r awdurdod cadarnhau ac nid ydynt yn cael effaith oni chânt a nes y cânt eu cadarnhau gan yr awdurdod cadarnhau.
- (7) O leiaf chwe wythnos cyn cyflwyno is-ddeddf ar gyfer cael cadarnhad, rhaid cyhoeddi hysbysiad o fwriad yr awdurdod deddfu i wneud hynny -
- (a) mewn un neu fwy o bapurau newyddion lleol sy'n cylchredeg yn yr ardal y mae'r is-ddeddf i fod yn gymwys iddi;
  - (b) ar wefan yr awdurdod.
- (8) Am o leiaf chwe wythnos cyn cyflwyno'r is-ddeddf ar gyfer cael cadarnhad, rhaid i'r awdurdod deddfu sicrhau -
- (a) bod yr is-ddeddf yn cael ei chyhoeddi ar wefan yr awdurdod;
  - (b) bod copi o'r is-ddeddf yn cael ei adneuo mewn man yn ardal yr awdurdod (ac, yn achos is-ddeddf a wnaed gan Gyngor Cefn Gwlad Cymru o dan Ddeddf Parciau Cenedlaethol a Mynediad i Gefn Gwlad 1949, mewn man yn ardal pob cyngor ar gyfer sir neu fwrdeistref sirol mae'r is-ddeddf yn gymwys i'w ardal);
  - (c) pan fo'n gymwys, bod copi yn cael ei anfon at bob cyngor cymuned y mae'r awdurdod o'r farn ei bod yn debygol yr effeithir ar ei ardal gan yr is-ddeddf;
  - (d) bod copi ar gael i'w weld gan y cyhoedd ar bob adeg resymol yn ddi-dâl.
- (9) Rhaid i'r awdurdod deddfu roi copi o'r is-ddeddf i unrhyw berson sy'n gwneud cais amdano ar yr amod bod y person hwnnw'n talu ffi resymol a godir gan yr awdurdod (os oes un).
- (10) Caiff yr awdurdod cadarnhau gadarnhau, neu wrthod cadarnhau, unrhyw is-ddeddf a gyflwynir iddo o dan yr adran hon.
- (11) At ddibenion y Ddeddf hon, yr awdurdod cadarnhau yw -
- (a) y person a bennir yn y deddfiad y gwneir yr is-ddeddfau odano fel y person sydd i gadarnhau'r is-ddeddfau, neu
  - (b) os na phennir unrhyw berson, Gweinidogion Cymru.

- (b) consult any person (including, where applicable, a community council) who the authority thinks is likely to be interested in, or affected by, the issue.
- (4) Following the consultation, the authority must consider the responses and decide whether making a byelaw is the most appropriate way of addressing the issue.
- (5) The authority must then publish on its website a second written statement which contains –
  - (a) the initial written statement;
  - (b) a summary of the consultation and the responses;
  - (c) its decision;
  - (d) the reasons for that decision.
- (6) Byelaws made by the legislating authority must be submitted to the confirming authority and do not have effect unless and until they are confirmed by the confirming authority.
- (7) At least six weeks before the byelaw is submitted for confirmation, notice of the legislating authority's intention to do so must be published –
  - (a) in one or more local newspapers circulating in the area to which the byelaw is to apply;
  - (b) on the authority's website.
- (8) For at least six weeks before the byelaw is submitted for confirmation, the legislating authority must ensure that –
  - (a) the byelaw is published on the authority's website;
  - (b) a copy of the byelaw is deposited at a place in the authority's area (and, in the case of a byelaw made by the Countryside Council for Wales under the National Parks and Access to the Countryside Act 1949, at a place in the area of each council of a county or county borough to whose area the byelaw applies);
  - (c) where applicable, a copy is sent to all community councils whose area the authority thinks is likely to be affected by the byelaw;
  - (d) a copy is open to public inspection at all reasonable hours without payment.
- (9) The legislating authority must give a copy of the byelaw to any person who applies for it, subject to that person paying such reasonable fee charged by the authority (if any).
- (10) The confirming authority may confirm, or refuse to confirm, any byelaw submitted to it under this section.
- (11) For the purposes of this Act, the confirming authority is –
  - (a) the person specified in the enactment under which the byelaws are made as the person who is to confirm the byelaws, or
  - (b) if no person is specified, the Welsh Ministers.

- (12) Mae swyddogaethau Gweinidogion Cymru o dan is-adran (11)(b) yn arferadwy yn gyfredol â'r Ysgrifennydd Gwladol.

## **8 Materion ffurfiol, cychwyn a chyhoeddi is-ddeddfau**

- (1) Mae'r adran hon yn gymwys i is-ddeddfau a wnaed gan awdurdod deddfu o dan unrhyw ddeddfiad.
- (2) Ond nid yw'r adran hon yn gymwys i'r graddau bod y deddfiad sy'n rhoi'r pŵer i wneud is-ddeddf yn gwneud darpariaeth wahanol mewn perthynas ag un neu ragor o'r canlynol -
- (a) llofnodi'r is-ddeddf neu roi sêl arni;
  - (b) cyhoeddi'r is-ddeddf;
  - (c) trefnu bod copïau o'r is-ddeddf ar gael.
- (3) Rhaid i is-ddeddfau a wneir gan awdurdod deddfu gael eu gwneud o dan sêl gyffredin yr awdurdod, neu, yn achos is-ddeddfau a wneir gan gyngor cymuned nad oes sêl ganddo, wedi'i lofnodi gan ddau aelod o'r cyngor.
- (4) Mae is-ddeddfau yn dod yn effeithiol ar y dyddiad a bennir gan yr awdurdod deddfu, neu, os oes angen eu cadarnhau, y dyddiad a bennir gan yr awdurdod cadarnhau. Os na phennir dyddiad, maent yn dod yn effeithiol ar ddiwedd un mis ar ôl y dyddiad y'u gwnaed (neu'r dyddiad y'u cadarnhawyd, fel y bo'n gymwys).
- (5) Rhaid i'r awdurdod deddfu sy'n gwneud yr is-ddeddf -
- (a) cyhoeddi'r is-ddeddf pan wnaed hi ar wefan yr awdurdod, neu os oes angen iddi gael ei chadarnhau, pan gafodd ei chadarnhau;
  - (b) adneuo copi o'r is-ddeddf mewn man yn ardal yr awdurdod;
  - (c) sicrhau bod y copi ar gael i'w weld gan y cyhoedd ar bob adeg resymol yn ddi-dâl;
  - (d) rhoi copi o'r is-ddeddf i unrhyw berson sy'n gwneud cais amdano, ar yr amod bod y person hwnnw'n talu ffi resymol a godir gan yr awdurdod (os oes un).
- (6) Rhaid i swyddog priodol cyngor bwrdeistref sirol neu gyngor sir yng Nghymru anfon copi o is-ddeddf cyn gynted â'i bod wedi ei gwneud, neu pan fo'n ofynnol cyn gynted â'i bod wedi ei chadarnhau, at swyddog priodol cyngor pob cymuned y mae'r is-ddeddf yn gymwys iddi.
- (7) Yn achos is-ddeddfau a wnaed gan awdurdod Parc Cenedlaethol, rhaid i swyddog priodol yr awdurdod anfon copi o is-ddeddf cyn gynted â'i bod wedi ei gwneud, neu pan fo'n ofynnol cyn gynted â'i bod wedi ei chadarnhau, at swyddog priodol -
- (a) cyngor pob bwrdeistref sirol neu sir y mae ei ardal yn cynnwys y cyfan neu ran o'r Parc Cenedlaethol;
  - (b) cyngor pob cymuned y mae ei ardal yn cynnwys y cyfan neu ran o'r Parc Cenedlaethol.
- (8) Yn achos is-ddeddfau a wnaed gan Gyngor Cefn Gwlad Cymru o dan Ddeddf Parciau Cenedlaethol a Mynediad i Gefn Gwlad 1949, rhaid i'r Cyngor sicrhau ei fod yn anfon copi o is-ddeddf cyn gynted â'i bod wedi ei gwneud, neu pan fo'n ofynnol cyn gynted â'i bod wedi ei chadarnhau, at swyddog priodol -



- (12) The functions of the Welsh Ministers under subsection (11)(b) are exercisable concurrently with the Secretary of State.

## **8 Formalities, commencement and publication of byelaws**

- (1) This section applies to byelaws made by a legislating authority under any enactment.
- (2) But this section does not apply to the extent that the enactment conferring the power to make the byelaw makes different provision in relation to one or more of the following –
- (a) signature or sealing of the byelaw;
  - (b) publication of the byelaw;
  - (c) making copies of the byelaw available.
- (3) Byelaws made by a legislating authority must be made under the common seal of the authority, or, in the case of byelaws made by a community council not having a seal, signed by two members of the council.
- (4) Byelaws come into effect on the date fixed by the legislating authority, or if they require confirmation, by the confirming authority. If no date is fixed, they come into effect at the end of one month from the date they are made (or confirmed, as applicable).
- (5) The legislating authority which makes the byelaw must –
- (a) publish the byelaw on the authority’s website when made, or if it requires confirmation, when confirmed;
  - (b) deposit a copy of the byelaw at a place in the authority’s area;
  - (c) ensure that the copy is open to public inspection at all reasonable hours without payment;
  - (d) give a copy of the byelaw to a person who requests it, subject to that person paying such reasonable fee charged by the authority (if any).
- (6) The proper officer of a county borough council or county council must send a copy of a byelaw once made, or where required once confirmed, to the proper officer of the council of every community to which the byelaw applies.
- (7) In the case of byelaws made by a National Park authority, the proper officer of the authority must send a copy of a byelaw once made, or where required once confirmed, to the proper officer of –
- (a) the council for every county borough or county whose area includes the whole or part of the National Park;
  - (b) the council of every community whose area includes the whole or part of the National Park.
- (8) In the case of byelaws made by the Countryside Council for Wales under the National Parks and Access to the Countryside Act 1949, the Council must ensure that it sends a copy of a byelaw once made, or where required once confirmed, to the proper officer of –



- (a) cyngor pob bwrdeistref sirol neu sir y mae'r is-ddeddf yn gymwys i'w ardal;
  - (b) cyngor pob cymuned y mae'r is-ddeddf yn gymwys i'w ardal.
- (9) Rhaid i swyddog priodol y cyngor cymuned –
- (a) trefnu bod copi o'r is-ddeddf a anfonwyd at y swyddog yn cael ei adneuo gyda dogfennau cyhoeddus y gymuned;
  - (b) sicrhau bod y copi ar gael i'w weld gan y cyhoedd ar bob adeg resymol yn ddi-dâl.
- (10) Yn is-adrannau (6) i (9) y "swyddog priodol" yw'r swyddog a awdurdodwyd yn briodol at y diben hwnnw gan y corff hwnnw.

## **9 Y pŵer i ddiwygio Rhan 1 o Atodlen 1**

Caiff Gweinidogion Cymru drwy orchymyn ddiwygio Rhan 1 o Atodlen 1 (is-ddeddfau pan na fo cadarnhad yn ofynnol) drwy ychwanegu at y rhestr o ddeddfiadau neu dynnu oddi arni, neu drwy ddiwygio'r math o awdurdod a gaiff wneud is-ddeddfau heb iddynt gael eu cadarnhau.

*Gorfodi is-ddeddfau*

## **10 Tramgwyddau yn erbyn is-ddeddfau**

- (1) Caiff is-ddeddfau a wneir gan awdurdod deddfu o dan unrhyw ddeddfiad ddarparu bod personau sy'n mynd yn groes i'r is-ddeddfau yn atebol ar gollfarn ddiannod i ddirwy.
- (2) Rhaid i'r ddirwy beidio â bod yn uwch na'r canlynol, naill ai –
- (a) y swm a bennir gan y deddfiad sy'n rhoi'r pŵer i wneud yr is-ddeddfau, neu
  - (b) os na phennir y swm felly, lefel 2 ar y raddfa safonol.
- (3) Yn achos tramgwydd sy'n parhau, caiff yr is-ddeddfau ddarparu bod y tramgwyddwr yn atebol ar gollfarn ddiannod i ddirwy bellach.
- (4) Rhaid i'r ddirwy bellach beidio â bod yn uwch na'r canlynol, naill ai –
- (a) y swm a bennir gan y deddfiad sy'n rhoi'r pŵer i wneud yr is-ddeddfau, neu
  - (b) os na phennir swm felly, y swm o £5 am bob diwrnod y mae'r tramgwydd yn parhau ar ôl collfarn am y tramgwydd hwnnw.

## **11 Is-ddeddfau adran 2; pwerau ymafael etc**

Caiff is-ddeddf a wnaed o dan adran 2 gynnwys darpariaeth ar gyfer neu mewn cysylltiad â'r canlynol –

- (a) ymafael mewn unrhyw eiddo a'i gadw mewn cysylltiad ag unrhyw doriad o'r is-ddeddf, a
- (b) fforffedu unrhyw eiddo o'r fath pan gaiff person ei gollfarnu o dramgwydd am dorri'r is-ddeddf.

- (a) the council of every county borough or county to whose area the byelaw applies;
  - (b) the council of every community to whose area the byelaw applies.
- (9) The proper officer of the community council must –
- (a) arrange for a copy of a byelaw sent to the officer to be deposited with the public documents of the community;
  - (b) ensure that the copy is open to public inspection at all reasonable hours without payment.
- (10) In subsections (6) to (9) the “proper officer” is the officer duly authorised for that purpose by that body.

## **9 Power to amend Part 1 of Schedule 1**

The Welsh Ministers may by order amend Part 1 of Schedule 1 (byelaws not requiring confirmation) by adding to or subtracting from the list of enactments, or by amending the type of authority that may make byelaws without confirmation.

### *Enforcement of byelaws*

## **10 Offences against byelaws**

- (1) Byelaws made by a legislating authority under any enactment may provide that persons contravening the byelaws are liable on summary conviction to a fine.
- (2) The fine must not exceed either –
- (a) the sum fixed by the enactment which confers the power to make the byelaws, or
  - (b) if no sum is so fixed, level 2 on the standard scale.
- (3) In the case of a continuing offence, the byelaws may provide that the offender is liable on summary conviction to a further fine.
- (4) The further fine must not exceed either –
- (a) the sum fixed by the enactment which confers the power to make the byelaws, or
  - (b) if no sum is so fixed, the sum of £5 for each day during which the offence continues after conviction for that offence.

## **11 Section 2 byelaws; powers of seizure etc**

A byelaw made under section 2 may include provision for or in connection with –

- (a) the seizure and retention of any property in connection with any contravention of the byelaw, and
- (b) the forfeiture of any such property on a person’s conviction of an offence of contravention of the byelaw.

*Hysbysiadau cosbau penodedig***12 Y pŵer i gynnig cosbau penodedig am dramgwyddau yn erbyn is-ddeddfau penodol**

- (1) Mae'r adran hon yn gymwys i is-ddeddfau a wnaed gan awdurdod deddfu o dan y deddfiadau a restrir yn Rhan 2 o Atodlen 1 (is-ddeddfau y caniateir dyroddi cosbau penodedig mewn perthynas â hwy).
- (2) Pan fo gan swyddog a awdurdodwyd gan awdurdod deddfu reswm dros gredu bod person wedi cyflawni tramgwydd yn erbyn is-ddeddf a wnaed gan yr awdurdod hwnnw, i'r swyddog roi hysbysiad i'r person hwnnw yn cynnig y cyfle iddo fodloni unrhyw atebolrwydd i gollfarn am y tramgwydd drwy dalu cosb benodedig.
- (3) Pan fo swyddog a awdurdodwyd gan gyngor cymuned reswm dros gredu bod person wedi cyflawni tramgwydd yn ei ardal yn erbyn is-ddeddf a wnaed gan awdurdod deddfu heblaw'r cyngor cymuned, i'r swyddog roi hysbysiad i'r person hwnnw yn cynnig y cyfle iddo fodloni unrhyw atebolrwydd i gollfarn am y tramgwydd drwy dalu cosb benodedig.
- (4) Mae cosb benodedig o dan yr adran hon yn daladwy i awdurdod y swyddog a roddodd yr hysbysiad.
- (5) Pan roddir hysbysiad i berson o dan yr adran hon mewn perthynas â thramgwydd –
  - (a) ni chaniateir cychwyn achos am y tramgwydd cyn diwedd y cyfnod o 14 o ddiwrnodau ar ôl dyddiad yr hysbysiad, a
  - (b) ni chaniateir collfarnu'r person am y tramgwydd os bydd y person yn talu'r gosb benodedig cyn diwedd y cyfnod hwnnw.
- (6) Rhaid i hysbysiad o dan y rheoliad hwn roi'r manylion hynny am yr amgylchiadau yr honnir eu bod yn ffurfio tramgwydd fel sy'n angenrheidiol i esbonio paham fod tramgwydd wedi digwydd.
- (7) Rhaid i hysbysiad o dan yr adran hon hefyd ddatgan –
  - (a) o fewn pa gyfnod, yn rhinwedd is-adran (5), ni ddygir achos am y tramgwydd;
  - (b) swm y gosb benodedig;
  - (c) enw'r person y caniateir i'r gosb benodedig gael ei thalu iddo a'r cyfeiriad lle y caniateir iddi gael ei thalu.
- (8) Heb ragfarnu taliad drwy unrhyw ddull arall, caniateir talu cosb benodedig drwy ragdaliad a phostio llythyr sy'n cynnwys swm y gosb (mewn arian parod neu fel arall) i'r person y cyfeirir ato yn yr hysbysiad yn y cyfeiriad a roddir ynddo.
- (9) Os anfonir llythyr bernir bod taliad wedi ei wneud ar yr amser y byddid yn traddodi'r llythyr hwnnw yn nhrefn arferol y post.
- (10) Caiff Gweinidogion Cymru drwy reoliadau bennu ffurf hysbysiad o dan yr adran hon.
- (11) Mewn unrhyw achos mae tystysgrif –
  - (a) sy'n honni ei bod wedi ei llofnodi ar ran prif swyddog cyllid awdurdod, a

*Fixed penalty notices*

**12 Power to offer fixed penalties for offences against certain byelaws**

- (1) This section applies to byelaws made by a legislating authority under the enactments listed in Part 2 of Schedule 1 (byelaws in relation to which fixed penalties may be issued).
- (2) If an authorised officer of a legislating authority has reason to believe that a person has committed an offence against a byelaw made by that authority, the officer may give a notice to the person offering the opportunity of discharging any liability to conviction for the offence by payment of a fixed penalty.
- (3) If an authorised officer of a community council has reason to believe that a person has committed an offence in its area against a byelaw made by a legislating authority other than the community council, the officer may give that person a notice offering the person the opportunity of discharging any liability to conviction for the offence by payment of a fixed penalty.
- (4) A fixed penalty under this section is payable to the authority whose officer gave the notice.
- (5) Where a person is given a notice under this section in respect of an offence –
  - (a) no proceedings may be instituted for the offence before the end of the period of 14 days following the date of the notice, and
  - (b) the person may not be convicted of the offence if the person pays the fixed penalty before the end of that period.
- (6) A notice under this section must give such particulars of the circumstances alleged to constitute the offence as are necessary to explain why an offence has occurred.
- (7) A notice under this section must also state –
  - (a) the period under subsection (5) during which proceedings will not be taken for the offence;
  - (b) the amount of the fixed penalty;
  - (c) the person to whom and the address at which the fixed penalty may be paid.
- (8) Without prejudice to payment by any other method, payment of the fixed penalty may be made by pre-paying and posting a letter containing the amount of the penalty (in cash or otherwise) to the person referred to, at the address provided, in the notice.
- (9) If a letter is sent, payment is to be regarded as having been made at the time at which that letter would be delivered in the ordinary course of post.
- (10) The Welsh Ministers may by regulations specify the form of a notice under this section.
- (11) In any proceedings a certificate which –
  - (a) purports to be signed on behalf of the chief finance officer of an authority, and

- (b) sy'n datgan y daeth neu na ddaeth taliad o gosb benodedig i law erbyn y dyddiad a bennwyd yn y dystysgrif,  
yn dystiolaeth o'r ffeithiau a ddatganwyd.
- (12) Yn yr adran hon -
- ystyr "swyddog awdurdodedig", mewn perthynas ag awdurdod, yw -
- (a) cyflogai i'r awdurdod a awdurdodwyd yn ysgrifenedig gan yr awdurdod at ddibenion rhoi hysbysiadau o dan yr adran hon,
  - (b) unrhyw berson y mae ganddo, yn unol â threfniadau a wnaed gyda'r awdurdod, y swyddogaeth o roi hysbysiadau o'r fath ac sydd wedi ei awdurdodi'n ysgrifenedig gan yr awdurdod i gyflawni'r swyddogaeth, ac
  - (c) unrhyw gyflogai i berson o'r fath sydd wedi ei awdurdodi'n ysgrifenedig gan yr awdurdod at ddibenion rhoi hysbysiadau o'r fath;
- ystyr "prif swyddog cyllid", mewn perthynas ag awdurdod, yw'r person sydd â'r cyfrifoldeb am faterion ariannol yr awdurdod.
- (13) Caiff Gweinidogion Cymru drwy reoliadau ragnodi'r amodau sydd i'w bodloni gan berson cyn y caiff cyngor cymuned awdurdodi'r person yn ysgrifenedig at ddibenion rhoi hysbysiadau o dan yr adran hon.

### **13 Swm cosb benodedig**

- (1) Caiff awdurdod deddfu -
- (a) pennu swm y gosb benodedig sy'n daladwy yn unol â hysbysiad o dan adran 12;
  - (b) pennu symiau gwahanol mewn perthynas ag is-ddeddfau gwahanol.
- (2) Os na phennir unrhyw swm felly, swm y gosb benodedig yw £75.
- (3) Caiff Gweinidogion Cymru drwy reoliadau wneud darpariaeth mewn cysylltiad â'r pwerau o dan is-adran (1).
- (4) Caiff Rheoliadau o dan is-adran (3), yn benodol -
- (a) ei gwneud yn ofynnol bod swm a bennir o dan is-adran (1)(a) yn dod o fewn ystod a ragnodir yn y rheoliadau;
  - (b) cyfyngu ar y rhychwant y caiff awdurdod wneud darpariaeth o dan is-adran (1)(b) a chyfyngu ar yr amgylchiadau pan all wneud hynny.
- (5) Caiff Gweinidogion Cymru, drwy orchymyn roi swm arall yn lle'r swm a bennir am y tro yn is-adran (2).

### **14 Y pŵer i ofyn am enw a chyfeiriad mewn cysylltiad â chosb benodedig**

- (1) Os bydd swyddog awdurdodedig yn bwriadu rhoi hysbysiad i berson o dan adran 12, caniateir i'r swyddog ei gwneud yn ofynnol bod y person yn rhoi ei enw a'i gyfeiriad.
- (2) Mae person yn cyflawni tramgwydd os yw'r person hwnnw -

- (b) states that payment of a fixed penalty was or was not received by a date specified in the certificate,  
is evidence of the facts stated.
- (12) In this section –
- “authorised officer”, in relation to an authority, means –
- (a) an employee of the authority who is authorised in writing by the authority for the purpose of giving notices under this section,
  - (b) any person who, in pursuance of arrangements made with the authority, has the function of giving such notices and is authorised in writing by the authority to perform the function, and
  - (c) any employee of such a person who is authorised in writing by the authority for the purpose of giving such notices;
- “chief finance officer”, in relation to an authority, means the person having responsibility for the financial affairs of the authority.
- (13) The Welsh Ministers may by regulations prescribe conditions to be satisfied by a person before a community council may authorise the person in writing for the purpose of giving notices under this section.

### **13 Amount of fixed penalty**

- (1) A legislating authority may –
- (a) specify the amount of a fixed penalty payable in pursuance of a notice under section 12;
  - (b) specify different amounts in relation to different byelaws.
- (2) If no amount is so specified, the amount of the fixed penalty is £75.
- (3) The Welsh Ministers may by regulations make provision in connection with the powers under subsection (1).
- (4) Regulations under subsection (3) may, in particular –
- (a) require an amount specified under subsection (1)(a) to fall within a range prescribed in the regulations;
  - (b) restrict the extent to which, and the circumstances in which, an authority can make provision under subsection (1)(b).
- (5) The Welsh Ministers may by order substitute a different amount for the amount for the time being specified in subsection (2).

### **14 Power to require name and address in connection with fixed penalty**

- (1) If an authorised officer proposes to give a person a notice under section 12, the officer may require the person to give his or her name and address.
- (2) A person commits an offence if that person –

- (a) heb esgus rhesymol yn methu â rhoi ei enw a'i gyfeiriad pan fo hynny'n ofynnol, neu
  - (b) os yw'n rhoi enw neu gyfeiriad anwir neu anghywir wrth ymateb i ofyniad o dan yr is-adran honno.
- (3) Mae person sy'n euog o dramgwydd o dan is-adran (2) yn atebol ar gollfarn ddiannod i ddirwy nad yw'n uwch na lefel 3 ar y raddfa safonol.
- (4) Yn yr adran hon mae i "swyddog awdurdodedig" yr un ystyr ag sydd ganddo yn adran 12.

#### **15 Y defnydd o dderbyniadau am gosbau penodedig**

- (1) Rhaid i'r awdurdod roi sylw i'r dymunoldeb o ddefnyddio ei dderbyniadau am gosbau penodedig at ddibenion mynd i'r afael ag unrhyw niwsans y gwnaed is-ddeddf gan yr awdurdod er mwyn ei atal.
- (2) Ystyr "derbyniadau am gosbau penodedig" yw symiau a dalwyd i awdurdod yn unol â hysbysiadau o dan adran 12.

#### **16 Y pŵer i ddiwygio Rhan 2 o Atodlen 1**

Caiff Gweinidogion Cymru drwy orchymyn ddiwygio Rhan 2 o Atodlen 1 (is-ddeddfau y caniateir dyroddi hysbysiadau cosbau penodedig mewn perthynas â hwy) drwy ychwanegu at y rhestr o ddeddfiadau neu dynnu oddi arni, neu drwy ddiwygio'r math o awdurdod a gaiff gynnig hysbysiadau cosbau penodedig.

#### **17 Swyddogion Cymorth Cymunedol etc**

- (1) Mae Deddf Diwygio'r Heddlu 2002 wedi ei diwygio fel a ganlyn.
- (2) Yn Atodlen 4 (pwerau sy'n cael eu harfer gan heddlu sy'n sifiliaid) -
  - (a) ym mharagraff 1ZA(3) ar ôl "1972" mewnosoder "or under section 12 of the Local Government Byelaws (Wales) Act 2012";
  - (b) ym mharagraff 1ZA(5)(a) ar ôl "1972" mewnosoder "or to which section 12 of the Local Government Byelaws (Wales) Act 2012 applies".
- (3) Yn Atodlen 5 (pwerau sy'n cael eu harfer gan bersonau achrededig) -
  - (a) ym mharagraff 1A(3) ar ôl "1972" mewnosoder "or under section 12 of the Local Government Byelaws (Wales) Act 2012";
  - (b) ym mharagraff 1A(5)(a) ar ôl "1972" mewnosoder "or to which section 12 of the Local Government Byelaws (Wales) Act 2012 applies".

*Amrywiol a chyffredinol*

#### **18 Canllawiau**

- (1) Caiff Gweinidogion Cymru roi canllawiau i awdurdodau deddfu ynghylch -
  - (a) gwneud is-ddeddfau y mae adran 6 neu 7 yn gymwys iddynt;
  - (b) y weithdrefn ar gyfer gwneud is-ddeddfau;
  - (c) gorfodi is-ddeddfau;
  - (d) unrhyw beth sy'n ymwneud â'r materion hyn gan gynnwys -



- (a) without reasonable excuse, fails to give his or her name and address when required to do so, or
  - (b) gives a false or inaccurate name or address in response to a requirement under that subsection.
- (3) A person guilty of an offence under subsection (2) is liable on summary conviction to a fine not exceeding level 3 on the standard scale.
- (4) In this section, “authorised officer” has the same meaning as in section 12.

## **15 Use of fixed penalty receipts**

- (1) The authority must have regard to the desirability of using its fixed penalty receipts for the purpose of combating a nuisance for the prevention of which a byelaw was made by the authority.
- (2) “Fixed penalty receipts” means amounts paid to an authority in pursuance of notices under section 12.

## **16 Power to amend Part 2 of Schedule 1**

The Welsh Ministers may by order amend Part 2 of Schedule 1 (byelaws in relation to which fixed penalty notices may be issued) by adding to or subtracting from the list of enactments, or by amending the type of authority that may offer fixed penalty notices.

## **17 Community Support Officers etc**

- (1) The Police Reform Act 2002 is amended as follows.
- (2) In Schedule 4 (powers exercised by police civilians) –
- (a) in paragraph 1ZA(3) after “1972” insert “or under section 12 of the Local Government Byelaws (Wales) Act 2012”;
  - (b) in paragraph 1ZA(5)(a) after “1972” insert “or to which section 12 of the Local Government Byelaws (Wales) Act 2012 applies”.
- (3) In Schedule 5 (powers exercised by accredited persons) –
- (a) in paragraph 1A(3) after “1972” insert “or under section 12 of the Local Government Byelaws (Wales) Act 2012”;
  - (b) in paragraph 1A(5)(a) after “1972” insert “or to which section 12 of the Local Government Byelaws (Wales) Act 2012 applies”.

### *Miscellaneous and general*

## **18 Guidance**

- (1) The Welsh Ministers may give guidance to legislating authorities about –
- (a) the making of byelaws to which section 6 or 7 applies;
  - (b) the procedure for making byelaws;
  - (c) the enforcement of byelaws;
  - (d) anything related to these matters including –



- (i) gofynion ymgynghori a chyhoeddi;
  - (ii) y defnydd o gosbau penodedig.
- (2) Rhaid i awdurdod deddfu roi sylw i'r canllawiau wrth wneud neu wrth orfodi is-ddeddfau.

## 19 Tystiolaeth o is-ddeddfau

- (1) Mae dangos copi ardystiedig o is-ddeddf sy'n honni iddi gael ei gwneud gan awdurdod deddfu, nes profir i'r gwrthwyneb, yn dystiolaeth ddigonol o'r ffeithiau a ddatgenir yn y dystysgrif.
- (2) At ddibenion yr adran hon, copi ardystiedig o is-ddeddf yw copi wedi ei argraffu o'r is-ddeddf a arnodwyd ynghyd â thystysgrif sy'n honni iddi gael ei llofnodi gan swyddog priodol awdurdod deddfu sy'n datgan –
- (a) bod yr is-ddeddf wedi cael ei gwneud gan yr awdurdod;
  - (b) bod y copi yn gopi gwir o'r is-ddeddf;
  - (c) bod yr is-ddeddf wedi ei chadarnhau ar ddiwrnod penodedig gan yr awdurdod a enwir yn y dystysgrif neu, yn ôl y digwydd, wedi cael ei hanfon at yr awdurdod cadarnhau a heb gael ei gwrthod;
  - (d) y dyddiad, os oes un, a bennwyd gan yr awdurdod cadarnhau i'r is-ddeddf ddod yn effeithiol.
- (3) Nid yw'r gofynion ym mharagraffau (c) a (d) o is-adran (2) yn gymwys os nad oedd yr is-ddeddf yn ddarostyngedig i gadarnhad ar ôl iddi gael ei gwneud.

## 20 Diwygiadau canlyniadol

Mae Atodlen 2 (mân ddiwygiadau a diwygiadau canlyniadol) yn cael effaith.

## 21 Gorchymynion a rheoliadau

- (1) Mae pŵer i wneud gorchymyn neu reoliadau o dan y Ddeddf hon (ac eithrio gorchymyn o dan adran 22 (cychwyn)) yn cynnwys pŵer i wneud darpariaeth gysylltiedig, darpariaeth ganlyniadol, darpariaeth drosiannol neu ddarpariaeth atodol sy'n briodol yn nhyb Gweinidogion Cymru.
- (2) Yn achos y pŵer o dan adrannau 9 ac 16, mae'r ddarpariaeth hon yn cynnwys diwygio, diddymu neu ddirymu deddfiadau.
- (3) Mae unrhyw bŵer sydd gan Weinidogion Cymru i wneud gorchymyn neu reoliadau o dan y Ddeddf hon yn arferadwy drwy offeryn statudol.
- (4) Ni chaniateir i offeryn statudol sy'n cynnwys gorchymyn o dan adran 9, 13(5) neu 16 gael ei wneud onid oes drafft o'r offeryn wedi ei osod gerbron Cynulliad Cenedlaethol Cymru, a'i gymeradwyo ganddo drwy benderfyniad.
- (5) Mae unrhyw offeryn statudol arall sy'n cynnwys gorchymyn neu reoliadau o dan y Ddeddf hon, ac eithrio offeryn nad yw ond yn cynnwys gorchymyn o dan adran 22 (cychwyn), yn ddarostyngedig i'w ddiddymu yn unol â phenderfyniad gan Gynulliad Cenedlaethol Cymru.

- (i) consultation and publication requirements;
  - (ii) the use of fixed penalties.
- (2) A legislating authority must have regard to the guidance when making or enforcing byelaws.

**19 Evidence of byelaws**

- (1) The production of a certified copy of a byelaw purporting to be made by a legislating authority is, until the contrary is proved, sufficient evidence of the facts stated in the certificate.
- (2) For the purposes of this section, a certified copy of a byelaw is a printed copy of the byelaw that is endorsed with a certificate purporting to be signed by the proper officer of a legislating authority stating –
  - (a) that the byelaw was made by the authority;
  - (b) that the copy is a true copy of the byelaw;
  - (c) that on a specified date the byelaw was confirmed by the authority named in the certificate or, as the case may be, was sent to the confirming authority and has not been disallowed;
  - (d) the date, if any, fixed by the confirming authority for the coming into effect of the byelaw.
- (3) The requirements in paragraphs (c) and (d) of subsection (2) do not apply if the byelaw was not subject to confirmation after it was made.

**20 Consequential amendments**

Schedule 2 (minor and consequential amendments) has effect.

**21 Orders and regulations**

- (1) A power to make an order or regulations under this Act (apart from an order under section 22 (commencement)) includes power to make such incidental, consequential, transitional or supplemental provision as the Welsh Ministers consider appropriate.
- (2) In the case of the power under sections 9 and 16, this provision includes provision amending, repealing or revoking enactments.
- (3) Any power of the Welsh Ministers to make an order or regulations under this Act is exercisable by statutory instrument.
- (4) A statutory instrument containing an order under section 9, 13(5) or 16 may not be made unless a draft of the instrument has been laid before, and approved by a resolution of, the National Assembly for Wales.
- (5) Any other statutory instrument containing an order or regulations under this Act, apart from an instrument containing only an order under section 22 (commencement), is subject to annulment in pursuance of a resolution of the National Assembly for Wales.

**22 Cychwyn**

- (1) Daw'r darpariaethau canlynol i rym drannoeth y diwrnod y caiff y Ddeddf hon Gydsyniad Brenhinol -
  - (a) adran 18(1);
  - (b) adran 21;
  - (c) yr adran hon;
  - (d) adran 23.
- (2) Daw darpariaethau eraill y Ddeddf hon i rym ar ddyddiad a bennir gan Weinidogion Cymru drwy orchymyn.
- (3) Caiff gorchymyn o dan is-adran (2) -
  - (a) penodi diwrnodau gwahanol at ddibenion gwahanol;
  - (b) cynnwys darpariaeth drosiannol, darpariaeth arbed neu ddarpariaeth ddarfodol.

**23 Enw byr**

Enw byr y Ddeddf hon yw Deddf Is-ddeddfau Llywodraeth Leol (Cymru) 2012.

**22 Commencement**

- (1) The following provisions come into force on the day after the day on which this Act receives Royal Assent –
  - (a) section 18(1);
  - (b) section 21;
  - (c) this section;
  - (d) section 23.
- (2) The other provisions of this Act come into force on such day as the Welsh Ministers may by order appoint.
- (3) An order under subsection (2) –
  - (a) may appoint different days for different purposes;
  - (b) may include transitional, saving or transitory provision.

**23 Short title**

The short title of this Act is the Local Government Byelaws (Wales) Act 2012.

ATODLEN 1  
(a gyflwynwyd gan adrannau 6 a 12)

RHESTRAU O BWERAU I WNEUD IS-DDEDDFAU

RHAN 1

IS-DDEDDFAU PAN NA FO CADARNHAD YN OFYNNOL

- 1 Mae adran 6 yn gymwys i is-ddeddfau a wnaed –
- (a) o dan y deddfiadau a restrir yng ngholofn gyntaf tabl 1,
  - (b) mewn perthynas â'r pwnc a restrir yn ail golofn tabl 1,
  - (c) gan y math o awdurdod a restrir yn nhrydedd golofn tabl 1.

**TABL 1**

<b>Y deddfiad y gwneir is-ddeddfau odano</b>	<b>Pwnc yr is-ddeddfau</b>	<b>Y math o awdurdod sy'n gwneud yr is-ddeddfau</b>
Adran 68 o Ddeddf Cyfrifoldebau Heddluoedd Trefol 1847	Rheoleiddio cerbydau hacnai	Cyngor sir a chyngor bwrdeistref sirol
Adran 164 o Ddeddf Iechyd y Cyhoedd 1875	Rhodfeydd cyhoeddus a thiroedd hamdden	Cyngor sir, cyngor bwrdeistref sirol a chyngor cymuned
Adran 6 o Ddeddf Cyfrifoldebau Heddluoedd Trefol 1889	Rheoleiddio bysiau a dynnir gan geffylau	Cyngor sir a chyngor bwrdeistref sirol
Adrannau 12 a 15 o Ddeddf Mannau Agored 1906	Mannau agored a mynwentydd	Cyngor sir, cyngor bwrdeistref sirol a chyngor cymuned
Adran 82 o Ddeddf Diwygio Deddfau Iechyd y Cyhoedd 1907	Glan y môr	Cyngor sir a chyngor bwrdeistref sirol
Adran 83 o Ddeddf Diwygio Deddfau Iechyd y Cyhoedd 1907	Promenadau	Cyngor sir a chyngor bwrdeistref sirol
Adran 81 o Ddeddf Iechyd y Cyhoedd 1936	Atal niwsansau penodol	Cyngor sir a chyngor bwrdeistref sirol
Adran 82 o Ddeddf Iechyd y Cyhoedd 1936	Symud mater neu hylif annymunol drwy strydoedd	Cyngor sir a chyngor bwrdeistref sirol

**SCHEDULE 1**  
*(introduced by sections 6 and 12)*

**LISTS OF BYELAW MAKING POWERS**

**PART 1**

**BYELAWS NOT REQUIRING CONFIRMATION**

- 1 Section 6 applies to byelaws made –
- (a) under the enactments listed in the first column of table 1,
  - (b) in relation to the subject matter listed in the second column of table 1,
  - (c) by the type of authority listed in the third column of table 1.

**TABLE 1**

<b>Enactment under which byelaws are made</b>	<b>Subject-matter of byelaws</b>	<b>Type of authority by whom the byelaws are made</b>
Section 68 of the Town Police Clauses Act 1847	Regulation of hackney carriages	County council and county borough council
Section 164 of the Public Health Act 1875	Public walks and pleasure grounds	County council, county borough council and community council
Section 6 of the Town Police Clauses Act 1889	Regulation of horse drawn omnibuses	County council and county borough council
Sections 12 and 15 of the Open Spaces Act 1906	Open spaces and burial grounds	County council, county borough council and community council
Section 82 of the Public Health Acts Amendment Act 1907	Sea-shore	County council and county borough council
Section 83 of the Public Health Acts Amendment Act 1907	Promenades	County council and county borough council
Section 81 of the Public Health Act 1936	Prevention of certain nuisances	County council and county borough council
Section 82 of the Public Health Act 1936	Removal through streets of offensive matter or liquid	County council and county borough council

Adran 87 o Ddeddf Iechyd y Cyhoedd 1936	Darparu cyfleusterau cyhoeddus	Cyngor sir, cyngor bwrdeistref sirol a chyngor cymuned
Adran 198 o Ddeddf Iechyd y Cyhoedd 1936	Darparu marwdai ac ystafelloedd post-mortem	Cyngor sir, cyngor bwrdeistref sirol a chyngor cymuned
Adran 223 o Ddeddf Iechyd y Cyhoedd 1936	Rheoleiddio baddonau, ymolchfeydd, pyllau nofio etc	Cyngor sir, cyngor bwrdeistref sirol a chyngor cymuned
Adran 231 o Ddeddf Iechyd y Cyhoedd 1936	Baddonau cyhoeddus	Cyngor sir, cyngor bwrdeistref sirol a chyngor cymuned
Adran 233 o Ddeddf Iechyd y Cyhoedd 1936	O ran pyllau nofio a baddonau nad ydynt o dan reolaeth awdurdod lleol	Cyngor sir, cyngor bwrdeistref sirol a chyngor cymuned
Adran 268 o Ddeddf Iechyd y Cyhoedd 1936	Atal niwsansau mewn cysylltiad â defnyddio pebyll, faniau etc	Cyngor sir a chyngor bwrdeistref sirol
Adran 270 o Ddeddf Iechyd y Cyhoedd 1936	Lletya casglwyr hopys a phersonau a gymerir ymlaen i wneud gwaith tebyg	Cyngor sir a chyngor bwrdeistref sirol
Adran 75 o Ddeddf Iechyd y Cyhoedd 1961	Ffeiriau pleser a rhinciau sglefrolio	Cyngor sir a chyngor bwrdeistref sirol
Adran 76 o Ddeddf Iechyd y Cyhoedd 1961	Cychod neu fadau pleser glan y môr	Cyngor sir a chyngor bwrdeistref sirol
Adran 77 o Ddeddf Iechyd y Cyhoedd 1961	Trinwyr gwallt a barbwyr	Cyngor sir a chyngor bwrdeistref sirol
Adran 19 o Ddeddf Llyfrgelloedd ac Amgueddfeydd Cyhoeddus 1964	Rheoleiddio ymddygiad personau mewn llyfrgelloedd ac amgueddfeydd a defnyddio'r cyfleusterau hynny	Cyngor sir a chyngor bwrdeistref sirol
Adran 35 o Ddeddf Priffyrdd 1980	Rheoleiddio rhodfeydd	Cyngor sir a chyngor bwrdeistref sirol
Adran 114 o Ddeddf Priffyrdd 1980	Ymddygiad personau sy'n defnyddio neu'n mynd i gyfleusterau cyhoeddus a ddarperir gan awdurdodau priffyrdd	Cyngor sir a chyngor bwrdeistref sirol

Section 87 of the Public Health Act 1936	Provision of public conveniences	County council, county borough council and community council
Section 198 of the Public Health Act 1936	Provision of mortuaries and post-mortem rooms	County council, county borough council and community council
Section 223 of the Public Health Act 1936	Regulation of baths, washhouses, swimming baths etc	County council, county borough council and community council
Section 231 of the Public Health Act 1936	Public bathing	County council, county borough council and community council
Section 233 of the Public Health Act 1936	With respect to swimming baths and bathing pools not under the management of a local authority	County council, county borough council and community council
Section 268 of the Public Health Act 1936	Prevention of nuisances in connection with the use of tents, vans etc	County council and county borough council
Section 270 of the Public Health Act 1936	Accommodation of hop-pickers and persons engaged in similar work	County council and county borough council
Section 75 of the Public Health Act 1961	Pleasure fairs and roller skating rinks	County council and county borough council
Section 76 of the Public Health Act 1961	Seaside pleasure boats	County council and county borough council
Section 77 of the Public Health Act 1961	Hairdressers and barbers	County council and county borough council
Section 19 of the Public Libraries and Museums Act 1964	Regulating the conduct of persons in libraries and museums and the use of those facilities	County council and county borough council
Section 35 of the Highways Act 1980	Regulation of walkways	County council and county borough council
Section 114 of the Highways Act 1980	Conduct of persons using or entering public conveniences provided by highway authorities	County council and county borough council



Adran 14 o Ddeddf Llywodraeth Leol (Darpariaethau Amrywiol) 1982	Aciwbigo	Cyngor sir a chyngor bwrdeistref sirol
Adran 15 o Ddeddf Llywodraeth Leol (Darpariaethau Amrywiol) 1982	Tatwio, lliwio croen yn lled-barhaol, tyllu cosmetig ac electrolysis	Cyngor sir a chyngor bwrdeistref sirol
Adran 60 o Ddeddf Bwyd 1984	Rheoleiddio ac atal niwsansau mewn marchnadoedd	Cyngor sir, cyngor bwrdeistref sirol a chyngor cymuned
Adran 31 o Ddeddf Rheoleiddio Traffig Ffyrdd 1984	Defnyddio ffordd fel lle chwarae i blan	Cyngor sir a chyngor bwrdeistref sirol
Adran 57(7) o Ddeddf Rheoleiddio Traffig Ffyrdd 1984	Defnydd o fannau parcio	Cynghorau cymuned
Adran 23 o Ddeddf Tai 1985	Rheoli, defnyddio a rheoleiddio tai awdurdod lleol, y defnydd o dir a ddarperir mewn cysylltiad â thai ac mewn perthynas â thai llety awdurdod lleol	Cyngor sir a chyngor bwrdeistref sirol
Adran 16 o Ddeddf Morglawdd Bae Caerdydd 1993	Rheolaeth dda a llywodraeth o faeau mewndirol a harbyrau	Cyngor Sir (Caerdydd)
Adran 2 o'r Ddeddf hon	Rheolaeth dda a llywodraeth	Cyngor sir a chyngor bwrdeistref sirol
Adran 4(1) o'r Ddeddf hon i'r graddau y mae'n gymwys i is-ddeddfau a wnaed o dan unrhyw un neu ragor o'r deddfiadau a restrir yn Rhan 1 o Atodlen 1.	Y pŵer i ddiddymu is-ddeddfau	Awdurdod deddfu

Section 14 of the Local Government (Miscellaneous Provisions) Act 1982	Acupuncture	County council and county borough council
Section 15 of the Local Government (Miscellaneous Provisions) Act 1982	Tattooing, semi-permanent skin colouring, cosmetic piercing and electrolysis	County council and county borough council
Section 60 of the Food Act 1984	Regulation and prevention of nuisances in market places	County council, county borough council and community council
Section 31 of the Road Traffic Regulation Act 1984	Use of a road as a playground for children	County council and county borough council
Section 57(7) of the Road Traffic Regulation Act 1984	Use of parking places	Community council
Section 23 of the Housing Act 1985	Management, use and regulation of local authority houses, the use of land provided in connection with housing and as respects local authority lodging houses	County council and county borough council
Section 16 of the Cardiff Bay Barrage Act 1993	Good rule and government of inland bay and harbour	County Council (Cardiff)
Section 2 of this Act	Good rule and government	County council and county borough council
Section 4(1) of this Act in so far as it applies to byelaws made under any of the enactments listed in Part 1 of Schedule 1	Power to revoke byelaws	Legislating authority

## RHAN 2

## IS-DDEDDFAU Y CANIATEIR DYRODDI COSBAU PENODEDIG MEWN PERTHYNAS Â HWY

- 2 Mae adran 12 yn gymwys i is-ddeddfau a wnaed –
- (a) o dan y deddfiadau a restrir yng ngholofn gyntaf tabl 2,
  - (b) mewn perthynas â'r pwnc a restrir yn ail golofn tabl 2,
  - (c) gan y math o awdurdod a restrir yn nhrydedd golofn tabl 2.

TABL 2

Y deddfiad y gwneir is-ddeddfau odano	Pwnc yr is-ddeddfau	Y math o awdurdod sy'n gwneud yr is-ddeddfau
Adran 68 o Ddeddf Cyfrifoldebau Heddluoedd Trefol 1847	Rheoleiddio cerbydau hacnai	Cyngor sir a chyngor bwrdeistref sirol
Adran 164 o Ddeddf Iechyd y Cyhoedd 1875	Rhodfeydd cyhoeddus a thiroedd hamdden	Cyngor sir, cyngor bwrdeistref sirol a chyngor cymuned
Adran 6 o Ddeddf Cyfrifoldebau Heddluoedd Trefol 1889	Rheoleiddio bysiau a dynnir gan geffylau	Cyngor sir a chyngor bwrdeistref sirol
Adrannau 12 a 15 o Ddeddf Mannau Agored 1906	Mannau agored a mynwentydd	Cyngor sir, cyngor bwrdeistref sirol a chyngor cymuned
Adran 82 o Ddeddf Diwygio Deddfau Iechyd y Cyhoedd 1907	Glan y môr	Cyngor sir a chyngor bwrdeistref sirol
Adran 83 o Ddeddf Diwygio Deddfau Iechyd y Cyhoedd 1907	Promenadau	Cyngor sir a chyngor bwrdeistref sirol
Adran 18 o Ddeddf Plant a Phobl Ifanc 1933	Cyfyngiadau ar gyflogi plant	Cyngor sir a chyngor bwrdeistref sirol
Adran 20 o Ddeddf Plant a Phobl Ifanc 1933	Cyfyngiadau ar gymryd plant ymlaen neu gyflogi plant wrth farchnata ar strydoedd	Cyngor sir a chyngor bwrdeistref sirol
Adran 81 o Ddeddf Iechyd y Cyhoedd 1936	Atal niwsansau penodol	Cyngor sir a chyngor bwrdeistref sirol
Adran 82 o Ddeddf Iechyd y Cyhoedd 1936	Symud mater neu hylif annymunol drwy strydoedd	Cyngor sir a chyngor bwrdeistref sirol

## PART 2

## BYELAWS IN RELATION TO WHICH FIXED PENALTIES MAY BE ISSUED

- 2 Section 12 applies to byelaws made –
- (a) under the enactments listed in the first column of table 2,
  - (b) in relation to the subject matter listed in the second column of table 2,
  - (c) by the type of authority listed in the third column of table 2.

TABLE 2

<b>Enactment under which byelaws are made</b>	<b>Subject-matter of byelaws</b>	<b>Type of authority by whom the byelaws are made</b>
Section 68 of the Town Police Clauses Act 1847	Regulation of hackney carriages	County council and county borough council
Section 164 of the Public Health Act 1875	Public walks and pleasure grounds	County council, county borough council and community council
Section 6 of the Town Police Clauses Act 1889	Regulation of horse drawn omnibuses	County council and county borough council
Sections 12 and 15 of the Open Spaces Act 1906	Open spaces and burial grounds	County council, county borough council and community council
Section 82 of the Public Health Acts Amendment Act 1907	Sea-shore	County council and county borough council
Section 83 of the Public Health Acts Amendment Act 1907	Promenades	County council and county borough council
Section 18 of the Children and Young Persons Act 1933	Restrictions on employment of children	County council and county borough council
Section 20 of the Children and Young Persons Act 1933	Restrictions on the engagement or employment of children in street trading	County council and county borough council
Section 81 of the Public Health Act 1936	Prevention of certain nuisances	County council and county borough council
Section 82 of the Public Health Act 1936	Removal through streets of offensive matter or liquid	County council and county borough council

Adran 87 o Ddeddf Iechyd y Cyhoedd 1936	Darparu cyfleusterau cyhoeddus	Cyngor sir, cyngor bwrdeistref sirol a chyngor cymuned
Adran 198 o Ddeddf Iechyd y Cyhoedd 1936	Darparu marwdai ac ystafelloedd post-mortem	Cyngor sir, cyngor bwrdeistref sirol a chyngor cymuned
Adran 223 o Ddeddf Iechyd y Cyhoedd 1936	Rheoleiddio baddonau, ymolchfeydd, pyllau nofio etc	Cyngor sir, cyngor bwrdeistref sirol a chyngor cymuned
Adran 231 o Ddeddf Iechyd y Cyhoedd 1936	Baddonau cyhoeddus	Cyngor sir, cyngor bwrdeistref sirol a chyngor cymuned
Adran 233 o Ddeddf Iechyd y Cyhoedd 1936	O ran pyllau nofio a baddonau nad ydynt o dan reolaeth awdurdod lleol;	Cyngor sir, cyngor bwrdeistref sirol a chyngor cymuned
Adran 268 o Ddeddf Iechyd y Cyhoedd 1936	Atal niwsansau mewn cysylltiad â defnyddio pebyll, faniau etc	Cyngor sir a chyngor bwrdeistref sirol
Adran 270 o Ddeddf Iechyd y Cyhoedd 1936	Lletya casglwyr hopys a phersonau a gymerir ymlaen i wneud gwaith tebyg	Cyngor sir a chyngor bwrdeistref sirol
Adran 75 o Ddeddf Iechyd y Cyhoedd 1961	Ffeiriau pleser a rhinciau sgleffrolio	Cyngor sir a chyngor bwrdeistref sirol
Adran 76 o Ddeddf Iechyd y Cyhoedd 1961	Cychod neu fadau pleser glan y môr	Cyngor sir a chyngor bwrdeistref sirol
Adran 77 o Ddeddf Iechyd y Cyhoedd 1961	Trinwyr gwallt a barbwyrr	Cyngor sir a chyngor bwrdeistref sirol
Adran 19 o Ddeddf Llyfrgelloedd ac Amgueddfeydd Cyhoeddus 1964	Rheoleiddio ymddygiad personau mewn llyfrgelloedd ac amgueddfeydd a defnyddio'r cyfleusterau hynny	Cyngor sir a chyngor bwrdeistref sirol
Adran 35 o Ddeddf Priffyrdd 1980	Rheoleiddio rhodfeydd	Cyngor sir a chyngor bwrdeistref sirol
Adran 114 o Ddeddf Priffyrdd 1980	Ymddygiad personau sy'n defnyddio neu'n mynd i gyfleusterau cyhoeddus a ddarperir gan awdurdodau priffyrdd	Cyngor sir a chyngor bwrdeistref sirol

Section 87 of the Public Health Act 1936	Provision of public conveniences	County council, county borough council and community council
Section 198 of the Public Health Act 1936	Provision of mortuaries and post-mortem rooms	County council, county borough council and community council
Section 223 of the Public Health Act 1936	Regulation of baths, washhouses, swimming baths etc	County council, county borough council and community council
Section 231 of the Public Health Act 1936	Public bathing	County council, county borough council and community council
Section 233 of the Public Health Act 1936	With respect to swimming baths and bathing pools not under the management of a local authority	County council, county borough council and community council
Section 268 of the Public Health Act 1936	Prevention of nuisances in connection with the use of tents, vans etc	County council and county borough council
Section 270 of the Public Health Act 1936	Accommodation of hop-pickers and persons engaged in similar work	County council and county borough council
Section 75 of the Public Health Act 1961	Pleasure fairs and roller skating rinks	County council and county borough council
Section 76 of the Public Health Act 1961	Seaside pleasure boats	County council and county borough council
Section 77 of the Public Health Act 1961	Hairdressers and barbers	County council and county borough council
Section 19 of the Public Libraries and Museums Act 1964	Regulating the conduct of persons in libraries and museums and the use of those facilities	County council and county borough council
Section 35 of the Highways Act 1980	Regulation of walkways	County council and county borough council
Section 114 of the Highways Act 1980	Conduct of persons using or entering public conveniences provided by highway authorities	County council and county borough council

Adran 14 o Ddeddf Llywodraeth Leol (Darpariaethau Amrywiol) 1982	Aciwbigo	Cyngor sir a chyngor bwrdeistref sirol
Adran 15 o Ddeddf Llywodraeth Leol (Darpariaethau Amrywiol) 1982	Tatwio, lliwio croen yn lled-barhaol, tyllu cosmetig ac electrolysis	Cyngor sir a chyngor bwrdeistref sirol
Adran 60 o Ddeddf Bwyd 1984	Rheoleiddio ac atal niwsansau mewn marchnadoedd	Cyngor sir, cyngor bwrdeistref sirol a chyngor cymuned
Adran 31 o Ddeddf Rheoleiddio Traffig Ffyrdd 1984	Defnyddio ffordd fel lle chwarae i blant	Cyngor sir a chyngor bwrdeistref sirol
Adran 57(7) o Ddeddf Rheoleiddio Traffig Ffyrdd 1984	Defnydd o fannau parcio	Cynghorau cymuned
Adran 23 o Ddeddf Tai 1985	Rheoli, defnyddio a rheoleiddio tai awdurdod lleol, y defnydd o dir a ddarperir mewn cysylltiad â thai ac mewn perthynas â thai llety awdurdod lleol	Cyngor sir a chyngor bwrdeistref sirol
Adran 16 o Ddeddf Morglawdd Bae Caerdydd 1993	Rheolaeth dda a llywodraeth o faeau mewndirol a harbyrau	Cyngor Sir (Caerdydd)
Adran 2 o'r Ddeddf hon	Rheolaeth dda a llywodraeth	Cyngor sir a chyngor bwrdeistref sirol

Section 14 of the Local Government (Miscellaneous Provisions) Act 1982	Acupuncture	County council and county borough council
Section 15 of the Local Government (Miscellaneous Provisions) Act 1982	Tattooing, semi-permanent skin colouring, cosmetic piercing and electrolysis	County council and county borough council
Section 60 of the Food Act 1984	Regulation and prevention of nuisances in market places	County council, county borough council and community council
Section 31 of the Road Traffic Regulation Act 1984	Use of a road as a playground for children	County council and county borough council
Section 57(7) of the Road Traffic Regulation Act 1984	Use of parking places	Community council
Section 23 of the Housing Act 1985	Management, use and regulation of local authority houses, the use of land provided in connection with housing and as respects local authority lodging houses	County council and county borough council
Section 16 of the Cardiff Bay Barrage Act 1993	Good rule and government of inland bay and harbour	County Council (Cardiff)
Section 2 of this Act	Good rule and government	County council and county borough council



ATODLEN 2  
(a gyflwynwyd gan adran 20)

MÂN DDIWYGIADAU A DIWYGIADAU CANLYNIADOL

*Deddf Iechyd y Cyhoedd 1875*

- 1 Yn adran 184 o Ddeddf Iechyd y Cyhoedd 1875 (cadarnhad o is-ddeddfau) ar ôl “local authority” mewnosoder “in England”.

*Deddf Tiroedd Comin 1899*

- 2 (1) Mae adran 10 o Ddeddf Tiroedd Comin 1899 (is-ddeddfau) (fel y'i diwygiwyd gan adran 50(7) o Ddeddf Tiroedd Comin 2006 pan gaiff ei dwyn i rym) wedi ei diwygio fel a ganlyn.
- (2) Yn is-adran (2), ar ôl “apply” hepgorer “all byelaws under this section” a mewnosoder “byelaws under this section made by a council in England”.
- (3) Ar ôl is-adran (2) mewnosoder –
- “(3) Sections 7, 8, 10 and 19 of the Local Government Byelaws (Wales) Act 2012 (which relate to the procedure for making byelaws, authorise byelaws to impose fines not exceeding level 2 on the standard scale, and provide proof of byelaws in legal proceedings) apply to byelaws under this section made by a council in Wales.”.

*Deddf Mannau Agored 1906*

- 3 Yn adran 15(2) o Ddeddf Mannau Agored 1906 (is-ddeddfau) ar ôl “any local authority” mewnosoder “in England”.

*Deddf Diwygio Deddfau Iechyd y Cyhoedd 1907*

- 4 (1) Mae Deddf Diwygio Deddfau Iechyd y Cyhoedd 1907 wedi ei diwygio fel a ganlyn.
- (2) Yn adran 9 (is-ddeddfau) ar ôl “byelaws made” mewnosoder “by a local authority in England”.
- (3) Yn adran 82 (is-ddeddfau ynghylch glan y môr), ar ôl y geiriau “Provided that” mewnosoder “, in the case of byelaws made by a local authority in England,”.

*Deddf Parciau Cenedlaethol a Mynediad i Gefn Gwlad 1949*

- 5 (1) Mae Deddf Parciau Cenedlaethol a Mynediad i Gefn Gwlad 1949 wedi ei diwygio fel a ganlyn.
- (2) Yn adran 106 (darpariaethau atodol ynghylch is-ddeddfau) ar ôl is-adran (4) mewnosoder –
- “(5) This section does not apply to byelaws made under this Act by the Countryside Council for Wales.”.

SCHEDULE 2  
*(introduced by section 20)*

MINOR AND CONSEQUENTIAL AMENDMENTS

*Public Health Act 1875*

- 1 In section 184 of the Public Health Act 1875 (confirmation of byelaws) after “local authority” insert “in England”.

*Commons Act 1899*

- 2 (1) Section 10 of the Commons Act 1899 (byelaws) (as amended by section 50(7) of the Commons Act 2006 when brought into force) is amended as follows.
- (2) In subsection (2), after “apply” omit “all byelaws under this section” and insert “byelaws under this section made by a council in England”.
- (3) After subsection (2) insert –
- “(3) Sections 7, 8, 10 and 19 of the Local Government Byelaws (Wales) Act 2012 (which relate to the procedure for making byelaws, authorise byelaws to impose fines not exceeding level 2 on the standard scale, and provide proof of byelaws in legal proceedings) apply to byelaws under this section made by a council in Wales.”.

*Open Spaces Act 1906*

- 3 In section 15(2) of the Open Spaces Act 1906 (byelaws) after “any local authority” insert “in England”.

*Public Health Acts Amendment Act 1907*

- 4 (1) The Public Health Acts Amendment Act 1907 is amended as follows.
- (2) In section 9 (byelaws) after “byelaws made” insert “by a local authority in England”.
- (3) In section 82 (byelaws as to sea-shore), after the words “Provided that” insert “, in the case of byelaws made by a local authority in England,”.

*National Parks and Access to the Countryside Act 1949*

- 5 (1) The National Parks and Access to the Countryside Act 1949 is amended as follows.
- (2) In section 106 (supplementary provisions as to byelaws) after subsection (4) insert –
- “(5) This section does not apply to byelaws made under this Act by the Countryside Council for Wales.”.

(3) Ar ôl adran 106 mewnosoder -

**“106A Supplementary provisions as to byelaws made by the Countryside Council for Wales**

- (1) Sections 3 to 19 of the Local Government Byelaws (Wales) Act 2012 shall apply to all byelaws made by the Countryside Council for Wales this Act.
- (2) The confirming authority for the purposes of section 7 of the 2012 Act is the Welsh Ministers.”.

*Deddf Iechyd y Cyhoedd 1961*

6 (1) Mae Deddf Iechyd y Cyhoedd 1961 wedi ei diwygio fel a ganlyn.

(2) Yn adran 75 (is-ddeddfau ynghylch ffeiriau pleser a rhinciau sglefrolio) -

(a) yn is-adran (8) ar ôl y geiriau “as respects byelaws” mewnosoder “made by a local authority in England”.

(b) ar ôl is-adran (8) mewnosoder -

“(9) A local authority in Wales which proposes to make a byelaw under this section must consult the appropriate representative bodies on the matters dealt with by the proposed byelaw.

(10) For the purposes of subsection (9), “the appropriate representative bodies” are those bodies which appear to the authority to be representative of the interests of those who carry on pleasure fairs and entertainments to which this section applies.

(11) A local authority in Wales making a byelaw in pursuance of subsection (1)(d) of this section must consult the relevant fire and rescue authority on the matters dealt with by the proposed byelaw.

(12) For the purposes of subsection (11) “the fire and rescue authority” is the fire and rescue authority under the Fire and Rescue Act 2004 for the area to which the byelaw applies.”.

(3) Yn adran 76(2) (is-ddeddfau ynghylch cychod neu fadau pleser glan y môr) ar ôl y geiriau “byelaws made” mewnosoder “by a local authority in England”.

(4) Yn adran 77(3) (is-ddeddfau ynghylch trinwyr gwallt a barbwyr) ar ôl “byelaws” mewnosoder “made by a local authority in England”.

*Deddf Llyfrgelloedd ac Amgueddfeydd Cyhoeddus 1964*

7 (1) Mae adran 19 o Ddeddf Llyfrgelloedd ac Amgueddfeydd Cyhoeddus 1964 (is-ddeddfau mewn perthynas â llyfrgelloedd ac amgueddfeydd) wedi ei diwygio fel a ganlyn.

(2) Yn is-adran (1) ar ôl y geiriau “so made” mewnosoder “by a local authority in England”.

(3) Yn is-adran (2) ar ôl y geiriau mewn cromfachau mewnosoder “and section 10 of the Local Government Byelaws (Wales) Act 2012”.

(3) After section 106 insert –

**“106A Supplementary provisions as to byelaws made by the Countryside Council for Wales**

- (1) Sections 3 to 19 of the Local Government Byelaws (Wales) Act 2012 shall apply to all byelaws made by the Countryside Council for Wales under this Act.
- (2) The confirming authority for the purposes of section 7 of the 2012 Act is the Welsh Ministers.”.

*Public Health Act 1961*

6 (1) The Public Health Act 1961 is amended as follows.

(2) In section 75 (byelaws as to pleasure fairs and roller skating rinks) –

(a) in subsection (8) after the words “as respects byelaws” insert “made by a local authority in England”.

(b) after subsection (8) insert –

“(9) A local authority in Wales which proposes to make a byelaw under this section must consult the appropriate representative bodies on the matters dealt with by the proposed byelaw.

(10) For the purposes of subsection (9), “the appropriate representative bodies” are those bodies which appear to the authority to be representative of the interests of those who carry on pleasure fairs and entertainments to which this section applies.

(11) A local authority in Wales making a byelaw in pursuance of subsection (1)(d) of this section must consult the relevant fire and rescue authority on the matters dealt with by the proposed byelaw.

(12) For the purposes of subsection (11) “the relevant fire and rescue authority” is the fire and rescue authority under the Fire and Rescue Services Act 2004 for the area to which the byelaw applies.”.

(3) In section 76(2) (byelaws as to seaside pleasure boats) after the words “byelaws made” insert “by a local authority in England”.

(4) In section 77(3) (byelaws as to hairdressers and barbers) after “byelaws” insert “made by a local authority in England”.

*Public Libraries and Museums Act 1964*

7 (1) Section 19 of the Public Libraries and Museums Act 1964 (byelaws in relation to libraries and museums) is amended as follows.

(2) In subsection (1) after the words “so made” insert “by a local authority in England”.

(3) In subsection (2) after the words in brackets insert “and section 10 of the Local Government Byelaws (Wales) Act 2012”.

- (4) Yn is-adran (3) ar ôl y geiriau mewn cromfachau mewn nosoder “and section 8(5) of the Local Government Byelaws (Wales) Act 2012 (as applicable)”.

*Deddf Cefn Gwlad 1968*

- 8 (1) Mae Deddf Cefn Gwlad 1968 wedi ei diwygio fel a ganlyn.
- (2) Yn adran 8 (parciau gwledig: hwylio, cychio, ymdrochi a physgota) –
- (a) yn is-adran (5), hepgorer “Section 106 of the Act of 1949 (supplementary provisions as to byelaws) shall have effect as if byelaws under this subsection were byelaws under that Act.”,
- (b) ar ôl is-adran (5), mewn nosoder –
- “(5A) In the case of byelaws made by a local authority in England, section 106 of the Act of 1949 (supplementary provisions as to byelaws) shall have effect as if byelaws under subsection (5) were byelaws under that Act.
- (5B) In the case of byelaws made by a local authority in Wales –
- (a) sections 3 to 19 of the Local Government Byelaws (Wales) Act 2012 apply, and
- (b) the confirming authority for the purposes of section 7 of that Act is the Welsh Ministers.”.
- (3) Yn adran 12 (cyfleusterau mewn Parciau Cenedlaethol neu gerllaw iddynt) –
- (a) yn is-adran (5), hepgorer “Section 106 of the Act of 1949 (supplementary provisions as to byelaws) shall have effect as if byelaws under this subsection were byelaws under that Act.”,
- (b) ar ôl is-adran (5), mewn nosoder –
- “(5A) In the case of byelaws made by a local planning authority in England, section 106 of the Act of 1949 (supplementary provisions as to byelaws) shall have effect as if byelaws under subsection (5) were byelaws under that Act.
- (5B) In the case of byelaws made by a local planning authority in Wales –
- (a) sections 3 to 19 of the Local Government Byelaws (Wales) Act 2012 apply, and
- (b) the confirming authority for the purposes of section 7 of that Act is the Welsh Ministers.”.
- (4) Yn adran 13 (llynnoedd mewn Parciau Cenedlaethol: rheoli cychod etc) –
- (a) yn is-adran (8), ar y dechrau, mewn nosoder “In the case of byelaws made by a local planning authority in England,”,
- (b) ar ôl is-adran (8), mewn nosoder –
- “(8A) In the case of byelaws made by a local planning authority in Wales –

- (4) In subsection (3) after the words in brackets insert “and section 8(5) of the Local Government Byelaws (Wales) Act 2012 (as applicable)”.

*Countryside Act 1968*

- 8 (1) The Countryside Act 1968 is amended as follows.
- (2) In section 8 (country parks: sailing, boating, bathing and fishing) –
- (a) in subsection (5), omit “Section 106 of the Act of 1949 (supplementary provisions as to byelaws) shall have effect as if byelaws under this subsection were byelaws under that Act.”,
- (b) after subsection (5), insert –
- “(5A) In the case of byelaws made by a local authority in England, section 106 of the Act of 1949 (supplementary provisions as to byelaws) shall have effect as if byelaws under subsection (5) were byelaws under that Act.
- (5B) In the case of byelaws made by a local authority in Wales –
- (a) sections 3 to 19 of the Local Government Byelaws (Wales) Act 2012 apply, and
- (b) the confirming authority for the purposes of section 7 of that Act is the Welsh Ministers.”.
- (3) In section 12 (facilities in or near National Parks) –
- (a) in subsection (5), omit “Section 106 of the Act of 1949 (supplementary provisions as to byelaws) shall have effect as if byelaws under this subsection were byelaws under that Act.”,
- (b) after subsection (5), insert –
- “(5A) In the case of byelaws made by a local planning authority in England, section 106 of the Act of 1949 (supplementary provisions as to byelaws) shall have effect as if byelaws under subsection (5) were byelaws under that Act.
- (5B) In the case of byelaws made by a local planning authority in Wales –
- (a) sections 3 to 19 of the Local Government Byelaws (Wales) Act 2012 apply, and
- (b) the confirming authority for the purposes of section 7 of that Act is the Welsh Ministers.”.
- (4) In section 13 (lakes in National Parks: control of boats etc) –
- (a) in subsection (8), at the beginning, insert “In the case of byelaws made by a local planning authority in England,”,
- (b) after subsection (8), insert –
- “(8A) In the case of byelaws made by a local planning authority in Wales –

- (a) sections 3 to 19 of the Local Government Byelaws (Wales) Act 2012 apply, and
  - (b) the confirming authority for the purposes of section 7 of that Act is the Welsh Ministers.”.
- (5) Yn adran 41 (pŵer i wneud is-ddeddfau a darpariaethau cysylltiedig ynghylch wardeniaid) -
- (a) yn is-adran (7), ar y dechrau, mewnosoder “In the case of byelaws made by a local planning authority in England, or by Natural England,”,
  - (b) ar ôl is-adran (7), mewnosoder -
    - “(7A) In the case of byelaws made by a local planning authority in Wales, or by the Council -
      - (a) sections 3 to 19 of the Local Government Byelaws (Wales) Act 2012 apply, and
      - (b) the confirming authority for the purposes of section 7 of that Act is the Welsh Ministers.”.

*Deddf Llywodraeth Leol 1972*

- 9 (1) Mae Deddf Llywodraeth Leol 1972 wedi ei diwygio fel a ganlyn.
- (2) Yn adran 235(1) (pwerau cynghorau i wneud is-ddeddfau ar gyfer rheolaeth dda a llywodraeth etc) -
- (a) hepgorer “the council of a principal area in Wales”;
  - (b) ar ôl yr ail “district” hepgorer “principal area”.
- (3) Yn adran 236 (y weithdrefn etc ar gyfer is-ddeddfau) -
- (a) yn is-adran (1) ar ôl “local authority” ym mhob achos mewnosoder “in England”;
  - (b) yn is-adran (3), hepgorer “or community”;
  - (c) yn is-adran (9) -
    - (i) hepgorer “or in Wales of a principal council”;
    - (ii) hepgorer y geiriau “or community” ym mhob achos lle y maent yn ymddangos;
  - (d) hepgorer is-adran (10A).
- (4) Yn adran 236A (y weithdrefn amgen ar gyfer is-ddeddfau penodol) -
- (a) yn is-adran (1)(a) ar ôl “local authority” mewnosoder “in England”;
  - (b) yn is-adran (4) -
    - (i) hepgorer paragraff (a);
    - (ii) ym mharagraff (b), hepgorer “in relation to any other byelaw,”;
  - (c) hepgorer is-adrannau (6), (10) ac (11).
- (5) Yn adran 238 (tystiolaeth o is-ddeddfau) ar ôl “local authority” mewnosoder “in England”.



- (a) sections 3 to 19 of the Local Government Byelaws (Wales) Act 2012 apply, and
  - (b) the confirming authority for the purposes of section 7 of that Act is the Welsh Ministers.”.
- (5) In section 41 (powers to make byelaws and related provisions about wardens) –
- (a) in subsection (7), at the beginning, insert “In the case of byelaws made by a local planning authority in England, or by Natural England,”,
  - (b) after subsection (7), insert –
    - “(7A) In the case of byelaws made by a local planning authority in Wales, or by the Council –
    - (a) sections 3 to 19 of the Local Government Byelaws (Wales) Act 2012 apply, and
    - (b) the confirming authority for the purposes of section 7 of that Act is the Welsh Ministers.”.

*Local Government Act 1972*

- 9 (1) The Local Government Act 1972 is amended as follows.
- (2) In section 235(1) (powers of councils to make byelaws for good rule and government etc) –
- (a) omit “the council of a principal area in Wales”;
  - (b) after the second “district” omit “principal area”.
- (3) In section 236 (procedure etc for byelaws) –
- (a) in subsection (1) after “local authority” in each case insert “in England”;
  - (b) in subsection (3), omit “or community”;
  - (c) in subsection (9) –
    - (i) omit “or in Wales of a principal council”;
    - (ii) omit the words “or community” in each case where they appear;
  - (d) omit subsection (10A).
- (4) In section 236A (alternative procedure for certain byelaws) –
- (a) in subsection (1)(a) after “local authority” insert “in England”;
  - (b) in subsection (4) –
    - (i) omit paragraph (a);
    - (ii) in paragraph (b), omit “in relation to any other byelaw,”;
  - (c) omit subsections (6), (10) and (11).
- (5) In section 238 (evidence of byelaws) after “local authority” insert “in England”.



*Deddf Llywodraeth Leol (Darpariaethau Amrywiol) 1976*

- 10 (1) Mae adran 65 o Ddeddf Llywodraeth Leol (Darpariaethau Amrywiol) 1976 (pennu prisiau tocynnau ar gyfer cerbydau hacni) wedi ei diwygio fel a ganlyn.
- (2) Yn is-adran (7) -
- (a) ar ôl "this section" mewnosoder "by a district council in England";
- (b) ar ôl "district council" mewnosoder "in England".
- (3) Ar ôl is-adran (7) mewnosoder -
- "(7A) Section 8(5) and section 19 of the Local Government Byelaws (Wales) Act 2012 shall extend and apply to a table of fares made or varied under this section by a council for a county or county borough in Wales as they apply to byelaws made by a council for a county or county borough in Wales."

*Deddf Bywyd Gwyllt a Chefn Gwlad 1981*

- 11 (1) Mae adran 37 o Ddeddf Bywyd Gwyllt a Chefn Gwlad 1981 (is-ddeddfau i amddiffyn gwarchodfeydd natur morol) wedi ei diwygio fel a ganlyn.
- (2) Yn is-adran (5) ar ôl "byelaws under this section" mewnosoder " , other than byelaws made by the Countryside Council for Wales".
- (3) Ar ôl is-adran (5) mewnosoder -
- "(5A) Sections 3 to 19 of the Local Government Byelaws (Wales) Act 2012 apply to byelaws made by the Countryside Council for Wales under this section, subject to such modifications (including modifications increasing the maximum fines which the byelaws may impose) as may be prescribed by regulations made by the Welsh Ministers.
- (5B) Regulations under subsection (5A) shall be made by statutory instrument which shall be subject to annulment in pursuance of a resolution of the National Assembly for Wales."

*Deddf Bwyd 1984*

- 12 Yn adran 121(1) o Ddeddf Bwyd 1984 (is-ddeddfau) ar ôl "Act" mewnosoder "by a local authority in England".

*Deddf Rheoleiddio Traffig Ffyrdd 1984*

- 13 (1) Mae Deddf Rheoleiddio Traffig Ffyrdd 1984 wedi ei diwygio fel a ganlyn.
- (2) Yn adran 31(2) (is-ddeddfau ynghylch ffyrdd a ddefnyddir fel lleoedd chwarae) ar ôl "this section" mewnosoder "made by a local traffic authority in England".
- (3) Yn adran 57(7) (is-ddeddfau ynghylch defnyddio manau parcio) ar ôl "Secretary of State" mewnosoder " , in the case of byelaws made by a parish council".

*Deddf Draenio Tir 1991*

- 14 (1) Mae adran 66 o Ddeddf Draenio Tir 1991 (pwerau i wneud is-ddeddfau) wedi ei diwygio fel a ganlyn.

*Local Government (Miscellaneous Provisions) Act 1976*

- 10 (1) Section 65 of the Local Government (Miscellaneous Provisions) Act 1976 (fixing fares for hackney carriages) is amended as follows.
- (2) In subsection (7) -
- (a) after “this section” insert “by a district council in England”;
- (b) after “district council” insert “in England”.
- (3) After subsection (7) insert -
- “(7A) Section 8(5) and section 19 of the Local Government Byelaws (Wales) Act 2012 shall extend and apply to a table of fares made or varied under this section by a council for a county or county borough in Wales as they apply to byelaws made by a council for a county or county borough in Wales.”.

*Wildlife and Countryside Act 1981*

- 11 (1) Section 37 of the Wildlife and Countryside Act 1981 (byelaws for protection of marine nature reserves) is amended as follows.
- (2) In subsection (5) after “byelaws under this section” insert “, other than byelaws made by the Countryside Council for Wales”.
- (3) After subsection (5) insert -
- “(5A) Sections 3 to 19 of the Local Government Byelaws (Wales) Act 2012 apply to byelaws made by the Countryside Council for Wales under this section, subject to such modifications (including modifications increasing the maximum fines which the byelaws may impose) as may be prescribed by regulations made by the Welsh Ministers.
- (5B) Regulations under subsection (5A) shall be made by statutory instrument which shall be subject to annulment in pursuance of a resolution of the National Assembly for Wales.”

*Food Act 1984*

- 12 In section 121(1) of the Food Act 1984 (byelaws) after “Act” insert “by a local authority in England”.

*Road Traffic Regulation Act 1984*

- 13 (1) The Road Traffic Regulation Act 1984 is amended as follows.
- (2) In section 31(2) (byelaws with respect to roads used as playgrounds) after “this section” insert “made by a local traffic authority in England”.
- (3) In section 57(7) (byelaws with respect to the use of parking places) after “Secretary of State” insert “, in the case of byelaws made by a parish council”.

*Land Drainage Act 1991*

- 14 (1) Section 66 of the Land Drainage Act 1991 (powers to make byelaws) is amended as follows.

(2) Yn is-adran (5) hepgorer paragraff (c).

(3) Ar ôl is-adran (5) mewnosoder -

“(5A) In the case of byelaws made by a local authority in relation to any area of Wales, byelaws under this section shall not be valid until they are confirmed by the Welsh Ministers.

(5B) Sections 7 and 8 of the Local Government Byelaws (Wales) Act 2012 shall have effect in relation to byelaws under this section made by a local authority in Wales.”.

*Deddf Morglawdd Bae Caerdydd 1993*

15 Yn adran 16 o Ddeddf Morglawdd Bae Caerdydd 1993 (is-ddeddfau), hepgorer is-adrannau (8), (9) a (10).

*Deddf yr Amgylchedd 1995*

16 (1) Mae paragraff 17 o Atodlen 7 i Ddeddf yr Amgylchedd 1995 (dogfennau, hysbysiadau, cofnodion, is-ddeddfau etc) wedi ei ddiwygio fel a ganlyn.

(2) Yn is-baragraff 2(e) ar ôl “Act,” mewnosoder “in the case of National Park authorities in England,”.

(3) Yn is-baragraff (5) ar ôl “National Park authority” mewnosoder “in England”.

*Gorchymyn Cynulliad Cenedlaethol Cymru (Trosglwyddo Swyddogaethau) 1999 (OS 1999/672)*

17 (1) Mae Atodlen 1 i Orchymyn Cynulliad Cenedlaethol Cymru (Trosglwyddo Swyddogaethau) 1999 (OS 1999/672) (deddfiadau sy'n rhoi swyddogaethau yn cael eu trosglwyddo gan erthygl 2) wedi ei diwygio fel a ganlyn.

(2) O dan y pennawd “Local Government Act 1972” -

(a) hepgorer y geiriau “It is directed that the functions of the Secretary of State under section 236(11) and paragraph 25 of Schedule 14 shall be exercisable by the Assembly concurrently with the Secretary of State”;

(b) hepgorer y geiriau “Section 238 shall have effect as if after “the Secretary of State” there were inserted “or, as the case may be, the National Assembly for Wales””.

*Deddf Cefn Gwlad a Hawliau Tramwy 2000*

18 (1) Mae adran 17 o Ddeddf Cefn Gwlad a Hawliau Tramwy 2000 (is-ddeddfau) wedi ei diwygio fel a ganlyn.

(2) Yn is-adran (5) ar ôl “this section” mewnosoder “made by an access authority in England”.

(3) Ar ôl is-adran (5) mewnosoder -

“(5A) Sections 7, 8, 10 and 19 of the Local Government Byelaws (Wales) Act 2012 apply to all byelaws under this section made by an access authority in Wales.”.

(2) In subsection (5) omit paragraph (c).

(3) After subsection (5) insert –

“(5A) In the case of byelaws made by a local authority in relation to any area of Wales, byelaws under this section shall not be valid until they are confirmed by the Welsh Ministers.

(5B) Sections 7 and 8 of the Local Government Byelaws (Wales) Act 2012 shall have effect in relation to byelaws under this section made by a local authority in Wales.”.

*Cardiff Bay Barrage Act 1993*

15 In section 16 of the Cardiff Barrage Act 1993 (byelaws) omit subsections (8), (9) and (10).

*Environment Act 1995*

16 (1) Paragraph 17 of Schedule 7 to the Environment Act 1995 (documents, notices, records, byelaws etc) is amended as follows.

(2) In sub-paragraph 2(e) after “Act,” insert “in the case of National Park authorities in England,”.

(3) In sub-paragraph (5) after “National Park authority” insert “in England”.

*National Assembly for Wales (Transfer of Functions) Order 1999 (SI 1999/672)*

17 (1) Schedule 1 to the National Assembly for Wales (Transfer of Functions) Order 1999 (SI 1999/672) (enactments conferring functions transferred by article 2) is amended as follows.

(2) Under the heading “Local Government Act 1972” –

(a) omit the words “It is directed that the functions of the Secretary of State under section 236(11) and paragraph 25 of Schedule 14 shall be exercisable by the Assembly concurrently with the Secretary of State”;

(b) omit the words “Section 238 shall have effect as if after “the Secretary of State” there were inserted “or, as the case may be, the National Assembly for Wales””.

*Countryside and Rights of Way Act 2000*

18 (1) Section 17 of the Countryside and Rights of Way Act 2000 (byelaws) is amended as follows.

(2) In subsection (5) after “this section” insert “made by an access authority in England”.

(3) After subsection (5) insert –

“(5A) Sections 7, 8, 10 and 19 of the Local Government Byelaws (Wales) Act 2012 apply to all byelaws under this section made by an access authority in Wales.”.







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