



Deddf Rheoli Ceffylau (Cymru) 2014

2014 dccc 3

Control of Horses (Wales) Act 2014

2014 anaw 3

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.

£5.75



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2014 dccc 3

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Control of Horses (Wales) Act 2014

2014 anaw 3

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Deddf Rheoli Ceffylau (Cymru) 2014

Deddf gan Gynulliad Cenedlaethol Cymru i wneud darpariaeth ar gyfer gweithredu mewn perthynas â cheffylau sydd mewn mannau cyhoeddus heb awdurdod cyfreithlon neu sydd ar dir arall heb ganiatâd, ac mewn cysylltiad â hynny. [27 Ionawr 2014]

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

1 Trosolwg

Mae'r Ddeddf hon yn gwneud darpariaeth i awdurdodau lleol ymafael mewn ceffylau, cadw ceffylau a gwaredu ceffylau sydd –

- (a) mewn mannau cyhoeddus heb awdurdod cyfreithlon, neu
- (b) ar dir arall heb ganiatâd meddiannydd y tir.

2 Pŵer awdurdod lleol i ymafael mewn ceffylau

- (1) Caiff awdurdod lleol ymafael mewn ceffyl a chadw ceffyl sydd ar unrhyw briffordd, neu mewn unrhyw fan cyhoeddus arall, yn ardal yr awdurdod lleol os oes gan yr awdurdod lleol sail resymol dros gredu bod y ceffyl yno heb awdurdod cyfreithlon.
- (2) Caiff awdurdod lleol ymafael mewn ceffyl a chadw ceffyl sydd ar unrhyw dir arall yn ardal yr awdurdod lleol os oes gan yr awdurdod lleol sail resymol i gredu –
 - (a) yn achos tir y mae'r awdurdod lleol yn feddiannydd arno, bod y ceffyl yno heb ganiatâd yr awdurdod lleol, neu
 - (b) yn achos tir arall yn ardal yr awdurdod lleol, bod y ceffyl yno heb ganiatâd meddiannydd y tir a bod y meddiannydd yn caniatáu i'r awdurdod lleol ymafael ynddo a'i gadw.



Control of Horses (Wales) Act 2014

An Act of the National Assembly for Wales to make provision for and in connection with the taking of action in relation to horses which are in public places without lawful authority or which are on other land without consent. [27 January 2014]

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

1 Overview

This Act makes provision for local authorities to seize, impound and dispose of horses which—

- (a) are in public places without lawful authority, or
- (b) are on other land without the consent of the occupier of the land.

2 Power of local authority to seize horses

- (1) A local authority may seize and impound a horse which is on any highway, or in any other public place, in the local authority's area if the local authority has reasonable grounds for believing that the horse is there without lawful authority.
- (2) A local authority may seize and impound a horse which is on any other land in the local authority's area if the local authority has reasonable grounds for believing—
 - (a) in the case of land of which the local authority is the occupier, that the horse is there without the local authority's consent, or
 - (b) in the case of other land in the local authority's area, that the horse is there without the consent of the occupier of the land and that the occupier consents to the local authority seizing and impounding it.

3 Hysbysiadau ynghylch ymafael etc.

- (1) Rhaid i awdurdod lleol, o fewn 24 awr i ymafael mewn ceffyl o dan adran 2, osod mewn lle amlwg yn y man yr ymafaelwyd ynddo, neu gerllaw'r man hwnnw, hysbysiad ysgrifenedig—
 - (a) yn datgan yr ymafaelwyd yn y ceffyl a'r dyddiad a'r amser yr ymafaelwyd ynddo, a
 - (b) yn rhoi manylion ynghylch sut y gellir cysylltu â'r awdurdod lleol.
- (2) Rhaid i awdurdod lleol, cyn gynted ag y bo'n rhesymol ymarferol ar ôl ymafael mewn ceffyl o dan adran 2, gymryd camau rhesymol i ddarganfod pwy yw perchennog y ceffyl.
- (3) Rhaid i awdurdod lleol, o fewn 24 awr i ymafael mewn ceffyl o dan adran 2, roi hysbysiad ysgrifenedig i—
 - (a) cwnstabl, a
 - (b) os ymddengys i'r awdurdod lleol fod person yn berchennog y ceffyl neu'n gweithredu ar ran y perchennog mewn perthynas â'r ceffyl, y person hwnnw.
- (4) Pan fo awdurdod lleol yn darganfod, o fewn y cyfnod o 7 niwrnod gan ddechrau gyda'r diwrnod yr ymafaelir yn y ceffyl o dan adran 2, mai person na roddwyd hysbysiad ysgrifenedig iddo o dan is-adran (3)(b) yw perchennog y ceffyl, rhaid i'r awdurdod lleol, o fewn 24 awr, roi hysbysiad ysgrifenedig i'r person hwnnw.
- (5) Rhaid i hysbysiad o dan is-adran (3) neu (4) fod yn ddyddiedig a chynnwys—
 - (a) disgrifiad byr o'r ceffyl,
 - (b) datganiad ynghylch y dyddiad, yr amser a'r man yr ymafaelwyd yn y ceffyl, a
 - (c) manylion ynghylch sut y gellir cysylltu â'r awdurdod lleol.
- (6) Rhaid i hysbysiad o dan is-adran (3)(b) neu (4) ddatgan hefyd—
 - (a) pam yr ymddengys i'r awdurdod lleol mai'r derbynnydd yw perchennog y ceffyl neu ei fod yn gweithredu ar ran y perchennog mewn perthynas â'r ceffyl, a
 - (b) effaith gweithredu adran 5 mewn perthynas â'r ceffyl (gan gynnwys pryd y bydd y pwerau a roddir gan is-adran (3) o'r adran honno yn dod ar gael).
- (7) Rhaid i hysbysiad o dan is-adran (3)(a) ddatgan hefyd pwy y rhoddwyd hysbysiad iddo o dan is-adran (3)(b) mewn perthynas â'r ceffyl.

4 Costau ymafael etc.

- (1) Mae perchennog ceffyl yr ymafaelir ynddo gan awdurdod lleol o dan adran 2 yn atebol i dalu i'r awdurdod lleol gostau a dynnir yn rhesymol wrth ymafael yn y ceffyl a'i gadw ac wrth ei fwydo a'i gynnal tra bo'n cael ei gadw.
- (2) Nid yw'n ofynnol i'r awdurdod lleol ddychwelyd y ceffyl hyd nes y bydd y costau a dynnwyd yn y fath fodd wedi eu talu.
- (3) Rhaid i'r awdurdod lleol roi hysbysiad i'r perchennog sy'n datgan y swm y mae'r awdurdod lleol o'r farn bod y perchennog yn atebol i'w dalu o dan is-adran (1) ac yn cynnwys esboniad o—
 - (a) sut y pennwyd y swm hwnnw, a

3 Notices about seizure etc.

- (1) A local authority must, within 24 hours of seizing a horse under section 2, place in a conspicuous position at or near the place where it was seized, a written notice –
 - (a) stating that the horse has been seized and the date and time at which it was seized, and
 - (b) giving details of how contact can be made with the local authority.
- (2) A local authority must, as soon as reasonably practicable after seizing a horse under section 2, take reasonable steps to ascertain who is the owner of the horse.
- (3) A local authority must, within 24 hours of seizing a horse under section 2, give a written notice to –
 - (a) a constable, and
 - (b) if any person appears to the local authority to be the owner of the horse or to be acting on behalf of the owner in relation to the horse, that person.
- (4) Where, within the period of 7 days beginning with that on which a horse is seized under section 2, a local authority ascertains that a person who has not been given a written notice under subsection (3)(b) is the owner of the horse, the local authority must, within 24 hours, give a written notice to that person.
- (5) A notice under subsection (3) or (4) must be dated and include –
 - (a) a brief description of the horse,
 - (b) a statement of the date, time and place at which the horse was seized, and
 - (c) details of how contact can be made with the local authority.
- (6) A notice under subsection (3)(b) or (4) must also state –
 - (a) why the recipient appears to the local authority to be the owner of the horse or to be acting on behalf of the owner in relation to the horse, and
 - (b) the effect of the operation of section 5 in relation to the horse (including when the power conferred by subsection (3) of that section will become available).
- (7) A notice under subsection (3)(a) must also state who has been given a notice under subsection (3)(b) in relation to the horse.

4 Costs of seizure etc.

- (1) The owner of a horse seized by a local authority under section 2 is liable to pay to the local authority costs reasonably incurred in the seizure and impounding of the horse and in feeding and maintaining it while it is impounded.
- (2) The local authority is not required to return the horse until the costs so incurred have been paid.
- (3) The local authority must give to the owner a notice stating the amount that it considers the owner is liable to pay under subsection (1) and containing an explanation of –
 - (a) how that amount was arrived at, and

- (b) yr hawl i gyfeirio anghydfod i'w ddatrys gan Weinidogion Cymru a sut i arfer yr hawl honno.

5 Gwaredu ceffylau sydd wedi eu cadw

- (1) Yn ddarostyngedig i adran 7, mae'r adran hon yn gymwys, ar ôl i awdurdod lleol ymafael mewn ceffyl o dan adran 2—
 - (a) os nad yw perchennog y ceffyl na pherson sy'n gweithredu ar ran perchennog y ceffyl wedi cysylltu â'r awdurdod lleol cyn pen y cyfnod o 7 niwrnod gan ddechrau gyda'r diwrnod perthnasol, neu
 - (b) os yw perchennog y ceffyl neu berson sy'n gweithredu ar ran perchennog y ceffyl wedi cysylltu â'r awdurdod lleol cyn pen y cyfnod hwnnw, er iddo gael hysbysiad o dan is-adran (3) o adran 4, wedi methu â chydymffurfio ag is-adran (1) o'r adran honno cyn pen y cyfnod o 7 niwrnod gan ddechrau gyda'r diwrnod pan gafwyd yr hysbysiad.
- (2) Ystyr y "diwrnod perthnasol" —
 - (a) os yw'r awdurdod lleol yn rhoi hysbysiad o dan adran 3(4), yw'r dyddiad y rhoddir yr hysbysiad hwnnw, a
 - (b) fel arall, y dyddiad y mae'r awdurdod lleol yn gosod yr hysbysiad o dan adran 3(1).
- (3) Caiff yr awdurdod lleol werthu'r ceffyl neu ei waredu fel arall (gan gynnwys drwy drefnu i'w ddifa).
- (4) Pan nad oes unrhyw enillion yn codi o'r gwarediad, neu pan fo swm y costau a dynnir mewn cysylltiad â'r gwarediad yn fwy na swm y cyfryw enillion, mae perchennog y ceffyl yn atebol i dalu i'r awdurdod lleol swm unrhyw gostau a dynnwyd mewn cysylltiad â'r gwarediad, neu'r swm hwnnw sydd dros ben.
- (5) Pan fo swm unrhyw enillion sy'n codi o'r gwarediad yn fwy na swm y costau a dynnwyd mewn cysylltiad â'r gwarediad, mae'r awdurdod lleol yn atebol i dalu'r swm sydd dros ben i berchennog y ceffyl.
- (6) Ond nid yw is-adran (5) yn ei gwneud yn ofynnol talu unrhyw swm i berson os yw'r awdurdod lleol wedi talu'r swm hwnnw yn flaenorol i berson yr oedd yn credu'n rhesymol mai hwnnw oedd perchennog y ceffyl.
- (7) Rhaid i'r awdurdod lleol roi hysbysiad i'r perchennog sy'n datgan y swm y mae'r awdurdod lleol o'r farn bod y perchennog yn atebol i'w dalu o dan is-adran (4) neu y mae'r awdurdod lleol yn atebol i'w dalu o dan is-adran (5) ac yn cynnwys esboniad o—
 - (a) sut y pennwyd y swm hwnnw, a
 - (b) yr hawl i gyfeirio anghydfod i'w ddatrys gan Weinidogion Cymru a sut i arfer yr hawl honno.

- (b) the right to refer a dispute for resolution by the Welsh Ministers and how to exercise it.

5 Disposal of impounded horses

- (1) Subject to section 7, this section applies if, after a horse has been seized by a local authority under section 2—
 - (a) neither the owner of the horse nor a person acting on behalf of the owner of the horse has contacted the local authority before the end of the period of 7 days beginning with the relevant day, or
 - (b) the owner of the horse or a person acting on behalf of the owner of the horse has contacted the local authority before the end of that period but, having been given notice under subsection (3) of section 4, has failed to comply with subsection (1) of that section before the end of the period of 7 days beginning with the day on which the notice was received.
- (2) The “relevant day” means—
 - (a) if the local authority gives notice under section 3(4), the day on which that notice is given, and
 - (b) otherwise, the day on which the local authority places the notice under section 3(1).
- (3) The local authority may sell or otherwise dispose of the horse (including by arranging for its destruction).
- (4) Where there are no proceeds arising from the disposal, or the amount of the costs incurred in connection with the disposal exceeds the amount of such proceeds, the owner of the horse is liable to pay to the local authority the amount of any costs incurred in connection with the disposal, or the amount of that excess.
- (5) Where the amount of any proceeds arising from the disposal exceeds the amount of the costs incurred in connection with the disposal, the local authority is liable to pay the excess to the owner of the horse.
- (6) But subsection (5) does not require the payment of any amount to a person if the local authority has previously paid that amount to a person whom it reasonably believed to be the owner of the horse.
- (7) The local authority must give to the owner notice stating the amount that it considers the owner is liable to pay under subsection (4) or that it is liable to pay under subsection (5) and containing an explanation of—
 - (a) how that amount was arrived at, and
 - (b) the right to refer a dispute for resolution by the Welsh Ministers and how to exercise it.

6 Cofnod o'r ceffylau yr ymdriniwyd â hwy

- (1) Rhaid i awdurdod lleol gadw cofrestr o'r holl geffylau y mae wedi ymafael ynddynt o dan adran 2.
- (2) Rhaid i'r gofrestr gynnwys, mewn perthynas â phob ceffyl—
 - (a) disgrifiad byr o'r ceffyl,
 - (b) datganiad ynghylch y dyddiad, yr amser a'r man yr ymafaelwyd ynddo,
 - (c) datganiad ynghylch pryd y cafodd ei gadw, a
 - (d) manylion y camau a gymerwyd i ddarganfod pwy yw ei berchennog,ac, os yw'r ceffyl wedi ei waredu o dan adran 5, manylion y modd y'i gwaredwyd.
- (3) Rhaid i'r gofrestr fod yn agored i'r cyhoedd ei gweld (p'un ai yn bersonol neu ar y rhyngwrwyd) ar bob adeg resymol.

7 Datrys anghydfodau am symiau taladwy

- (1) Mae'r adran hon yn gymwys pan fo anghydfod yn codi rhwng perchennog ceffyl ac awdurdod lleol o ran—
 - (a) y swm y mae perchennog y ceffyl yn atebol i'w dalu i'r awdurdod lleol o dan adran 4(1) neu 5(4), neu
 - (b) y swm y mae'r awdurdod lleol yn atebol i'w dalu i berchennog y ceffyl o dan adran 5(5).
- (2) Caiff perchennog y ceffyl, o fewn cyfnod o 7 niwrnod gan ddechrau gyda'r diwrnod y mae'r perchennog yn cael hysbysiad o dan adran 4(3) neu 5(7), gyfeirio'r anghydfod i'w ddatrys gan Weinidogion Cymru drwy roi hysbysiad i Weinidogion Cymru sy'n cynnwys datganiad o'r rhesymau dros godi anghydfod am y swm.
- (3) Pan fo Gweinidogion Cymru yn cael hysbysiad o dan is-adran (2) rhaid iddynt anfon yr hysbysiad ymlaen i'r awdurdod lleol.
- (4) Caiff yr awdurdod lleol gyflwyno sylwadau i Weinidogion Cymru o fewn y cyfnod o 7 niwrnod gan ddechrau gyda'r diwrnod y caiff yr hysbysiad a anfonwyd ymlaen iddo o dan is-adran (3).
- (5) Caniateir i Weinidogion Cymru ei gwneud yn ofynnol i'r awdurdod lleol ddarparu unrhyw wybodaeth a all yn eu barn hwy eu cynorthwyo wrth iddynt ddatrys yr anghydfod.
- (6) Rhaid i Weinidogion Cymru ddatrys yr anghydfod drwy benderfynu ar swm yr atebolrwydd cyn gynted ag y bo'n ymarferol o dan yr holl amgylchiadau.
- (7) Pan fo'r anghydfod yn ymwneud ag atebolrwydd o dan adran 4(1), ni chaiff yr awdurdod waredu'r ceffyl tra bo'r anghydfod yn aros iddo gael ei ddatrys gan Weinidogion Cymru.

6 Record of horses dealt with

- (1) A local authority must keep a register of all horses seized by it under section 2.
- (2) The register must contain, in relation to each horse –
 - (a) a brief description of the horse,
 - (b) a statement of the date, time and place at which it was seized,
 - (c) a statement of when it was impounded, and
 - (d) details of the steps taken to ascertain the identity of its owner,and, if the horse has been disposed of under section 5, particulars of the manner in which it was disposed of.
- (3) The register must be open for inspection by the public (whether in person or via the internet) at all reasonable times.

7 Resolution of disputes about amounts payable

- (1) This section applies where a dispute arises between the owner of a horse and a local authority as to –
 - (a) the amount that the owner of the horse is liable to pay to the local authority under section 4(1) or 5(4), or
 - (b) the amount that the local authority is liable to pay to the owner of the horse under section 5(5).
- (2) The owner of the horse may, within the period of 7 days beginning with that on which the owner receives notice under section 4(3) or 5(7), refer the dispute for resolution by the Welsh Ministers by giving to the Welsh Ministers notice containing a statement of the reasons for disputing the amount.
- (3) Where the Welsh Ministers receive a notice under subsection (2) they must forward the notice to the local authority.
- (4) The local authority may make representations to the Welsh Ministers within the period of 7 days beginning with that on which it receives the notice forwarded under subsection (3).
- (5) The Welsh Ministers may require the local authority to provide any information which they consider may assist them in resolving the dispute.
- (6) The Welsh Ministers must resolve the dispute by determining the amount of the liability as soon as is reasonably practicable in all the circumstances.
- (7) Where the dispute relates to liability under section 4(1), the local authority may not dispose of the horse while the dispute is awaiting resolution by the Welsh Ministers.

8 Diddymiadau canlyniadol

Mae'r canlynol yn peidio â chael effaith—

- (a) adran 29 o Ddeddf Cyngor Dinas Caerdydd 1984 (p. xv);
- (b) yn adran 15(8) o Ddeddf Cyngor Sir Morgannwg Ganol 1987 (p. vii), y geiriau "horses (including ponies, mules, jennets),"; ac
- (c) yn adran 35(7) o Ddeddf Gorllewin Morgannwg 1987 (p. viii), y gair "horses,".

9 Dehongli

Yn y Ddeddf hon—

ystyr "awdurdod lleol" (*"local authority"*) yw cyngor sir neu fwrdeistref sirol yng Nghymru;

mae "ceffyl" (*"horse"*) yn cynnwys merlen, asyn neu ful neu unrhyw anifail ceffylaidd arall.

10 Cychwyn ac enw byr

- (1) Daw'r Ddeddf hon i rym y diwrnod ar ôl y diwrnod y caiff Gydsyniad Brenhinol.
- (2) Enw byr y Ddeddf hon yw Deddf Rheoli Ceffylau (Cymru) 2014.

8 Consequential repeals

The following cease to have effect—

- (a) section 29 of the Cardiff City Council Act 1984 (c. xv);
- (b) in section 15(8) of the Mid Glamorgan County Council Act 1987 (c. vii), the words “horses (including ponies, mules, jennets),”; and
- (c) in section 35(7) of the West Glamorgan Act 1987 (c. viii), the word “horses,”.

9 Interpretation

In this Act—

“horse” (“*ceffyl*”) includes a pony, donkey or mule or any other equine animal;

“local authority” (“*awdurdod lleol*”) means the council of a Welsh county or county borough.

10 Commencement and short title

- (1) This Act comes into force on the day after the day on which it receives Royal Assent.
- (2) The short title of this Act is the Control of Horses (Wales) Act 2014.

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