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OFFERYNNAU STATUDOL  
CYMRU

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WELSH  
STATUTORY INSTRUMENTS

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**2009 Rhif 3050 (Cy.267)**

**2009 No. 3050 (W.267)**

**CYFRAITH TROSEDD,  
CYMRU**

**CRIMINAL LAW,  
WALES**

Gorchymyn Strategaethau  
Troseddau ac Anhrefn  
(Disgrifiadau Rhagnodedig)  
(Cymru) 2009

The Crime and Disorder Strategies  
(Prescribed Descriptions) (Wales)  
Order 2009

**NODYN ESBONIADOL**

**EXPLANATORY NOTE**

*(Nid yw'r nodyn hwn yn rhan o'r Gorchymyn)*

*(This note is not part of the Order)*

Mae erthygl 2 o'r Gorchymyn hwn yn rhagnodi disgrifiadau o bersonau neu o gyrff y mae'n ofynnol i awdurdodau cyfrifol (a ddiffinnir yn adran 5(1) o Ddeddf Troseddau ac Anhrefn 1998) gydweithredu â hwy wrth arfer swyddogaethau llunio a gweithredu strategaethau i ostwng troseddau ac anhrefn a brwydro yn erbyn camddefnyddio cyffuriau o fewn ardaloedd llywodraeth leol (a ddiffinnir yn adran 5(4)(b) o'r Ddeddf honno) yng Nghymru. Mae erthygl 3 yn rhagnodi disgrifiadau o bersonau ac o gyrff y mae'n rhaid gwahodd o leiaf un o bob disgrifiad ohonynt i gymryd rhan wrth arfer y swyddogaethau hynny.

Article 2 of this Order prescribes descriptions of persons or bodies with whom responsible authorities (defined in section 5(1) of the Crime and Disorder Act 1998) are required to co-operate in the exercise of formulating and implementing strategies for the reduction of crime and disorder and for combating drug misuse within local government areas (defined in section 5(4)(b) of that Act) in Wales. Article 3 prescribes descriptions of persons and bodies of whom at least one of each description must be invited to participate in the exercise of those functions.

Mae erthygl 4 o'r Gorchymyn hwn yn dirymu, i'r graddau y maent yn gymwys i Gymru, y Gorchymynion a bennir ym mharagraffau (a) i (ch).

Article 4 of this Order revokes, in so far as they apply to Wales, the Orders specified in paragraphs (a) to (d).

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*Gwnaed* 16 Tachwedd 2009

*Made* 16 November 2009

*Gosodwyd gerbron Cynulliad  
Cenedlaethol Cymru* 19 Tachwedd 2009

*Laid before the National  
Assembly for Wales* 19 November 2009

*Yn dod i rym* 28 Rhagfyr 2009

*Coming into force* 28 December 2009

Mae Gweinidogion Cymru, drwy arfer y pwerau a roddwyd i Gynulliad Cenedlaethol Cymru gan adrannau 5(2) a (3), ac 114 o Ddeddf Troseddau ac Anhrefn 1998(1) ac a freiniwyd bellach ynddynt hwy(2), yn gwneud y Gorchymyn a ganlyn:

The Welsh Ministers, in exercise of the powers conferred on the National Assembly for Wales by sections 5(2) and (3) and 114 of the Crime and Disorder Act 1998(1) and now vested in them(2), make the following Order:

**Enwi, cymhwyso a chychwyn**

**Title, application and commencement**

1.–(1) Enw'r Gorchymyn hwn yw Gorchymyn Strategaethau Troseddau ac Anhrefn (Disgrifiadau Rhagnodedig) (Cymru) 2009.

1.–(1) The title of this Order is The Crime and Disorder Strategies (Prescribed Descriptions) (Wales) Order 2009.

(2) Mae'r Gorchymyn hwn yn gymwys o ran Cymru ac yn dod i rym ar 28 Rhagfyr 2009.

(2) This Order applies in relation to Wales and comes into force on 28 December 2009.

**Disgrifiadau rhagnodedig o bersonau neu o gyrff  
at ddibenion adran 5(2) o Ddeddf Troseddau ac  
Anhrefn 1998**

**Prescribed descriptions of persons or bodies for  
the purposes of section 5(2) of the Crime and  
Disorder Act 1998**

2.–(1) Mae'r erthygl hon yn rhagnodi, at ddibenion adran 5(2) o Ddeddf Troseddau ac Anhrefn 1998, y disgrifiadau o bersonau neu o gyrff y mae'n ofynnol i awdurdodau cyfrifol gydweithredu â hwy wrth iddynt arfer y swyddogaethau a roddwyd gan adran 6 o'r Ddeddf honno.

2.–(1) This article prescribes for the purposes of section 5(2) of the Crime and Disorder Act 1998 the descriptions of persons or bodies with whom responsible authorities are required to act in co-operation in their exercise of the functions conferred by section 6 of that Act.

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(1) 1998 p.37. Diwygiwyd adran 5(2) gan adran 97(4) o Ddeddf Diwygio'r Heddlu 2002 (p.30) a pharagraff 13(2) o Atodlen 1 i Ddeddf Rheoli Tramgwyddwyr 2007 (Diwygiadau Canlyniadol) 2008 (O.S. 2008/912). Diwygiwyd adran 5(3) gan adran 97(5) o Ddeddf Diwygio'r Heddlu 2002. Amnewidiwyd adran 6 gan baragraff 3 o Atodlen 9 i Ddeddf yr Heddlu a Chyfiawnder 2006 (p.48).

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(1) 1998 c.37. Section 5(2) was amended by section 97(4) of the Police Reform Act 2002 (c.30) and paragraph 13(2) of Schedule 1 to the Offender Management Act 2007 (Consequential Amendments) Order 2008 (S.I. 2008/912). Section 5(3) was amended by section 97(5) of the Police Reform Act 2002. Section 6 was substituted by paragraph 3 of Schedule 9 to the Police and Justice Act 2006 (c.48).

(2) Trosglwyddwyd y pwerau a roddwyd gan adran 5(2) a (3) o Ddeddf 1998 i Gynulliad Cenedlaethol Cymru i Weinidogion Cymru yn rhinwedd adran 162 o Ddeddf Llywodraeth Cymru 2006 (p.32) a pharagraff 30 o Atodlen 11 iddi.

(2) The powers conferred by section 5(2) and (3) of the 1998 Act on the National Assembly for Wales transferred to the Welsh Ministers by virtue of section 162 of, and paragraph 30 of Schedule 11 to, the Government of Wales Act 2006 (c.32).

(2) Y personau neu'r cyrff hynny, o ran pob ardal llywodraeth leol yng Nghymru, yw—

- (a) cyngor cymuned yn yr ardal honno;
- (b) Ymddiriedolaeth Gwasanaeth Iechyd Gwladol a sefydlwyd o dan Ran 1 o Ddeddf y Gwasanaeth Iechyd Gwladol a Gofal yn y Gymuned 1990(1) neu Ran 2 o Ddeddf y Gwasanaeth Iechyd Gwladol (Cymru) 2006(2);
- (c) corff llywodraethu ysgol, o fewn ystyr adran 4(1) o Ddeddf Addysg 1996(3), yn yr ardal honno, a honno'n ysgol a gynhelir gan awdurdod addysg lleol;
- (ch) perchennog ysgol annibynnol, o fewn ystyr adran 463 o'r Ddeddf honno, yn yr ardal honno;
- (d) corff llywodraethu sefydliad o fewn y sector addysg bellach, fel y'i diffinnir yn adran 91 o Ddeddf Addysg Bellach ac Uwch 1992(4), yn yr ardal honno;
- (dd) Gweinidogion Cymru;
- (e) landlord cymdeithasol, sydd wedi ei gofrestru o dan Ran 1 o Ddeddf Tai 1996(5), sy'n landlord llety yn yr ardal honno.

#### **Disgrifiadau rhagnodedig o bersonau neu gyrff at ddibenion adran 5(3) o Ddeddf Troseddau ac Anhrefn 1998**

3.–(1) Mae'r erthygl hon yn rhagnodi, at ddibenion adran 5(3) o Ddeddf Troseddau ac Anhrefn 1998, y disgrifiadau o bersonau neu o gyrff y mae'n rhaid i o leiaf un o bob disgrifiad ohonynt gael ei wahodd gan awdurdodau cyfrifol i gymryd rhan wrth iddynt arfer y swyddogaethau a roddwyd gan adran 6 o'r Ddeddf honno.

(2) Y personau neu'r cyrff hynny, o ran pob ardal llywodraeth leol yng Nghymru, yw—

- (a) Asiantaeth yr Amgylchedd;
- (b) sefydliad gwirfoddol sy'n gweithredu yn yr ardal honno a'i amcanion yw rhoi cymorth i bobl ifanc drwy waith ieuenctid neu addysg anffurfiol;
- (c) Gwasanaeth Erlyn y Goron;
- (ch) Rheolwr Llys yn Llys y Goron;
- (d) yr Arglwydd Ganghellor;
- (dd) cynrychiolydd Cynlluniau Gwarchod Cymdogaeth yn yr ardal honno;

(2) Those persons or bodies are, as respects each local government area in Wales—

- (a) a community council in that area;
- (b) a National Health Service Trust established under Part 1 of the National Health Service and Community Care Act 1990(1) or Part 2 of the National Health Service (Wales) Act 2006(2);
- (c) the governing body of a school, within the meaning of section 4(1) of the Education Act 1996(3), in that area which is maintained by a local education authority;
- (d) the proprietor of an independent school, within the meaning of section 463 of that Act, in that area;
- (e) the governing body of an institution within the further education sector, as defined in section 91 of the Further and Higher Education Act 1992(4), in that area;
- (f) the Welsh Ministers;
- (g) a social landlord, registered under Part 1 of the Housing Act 1996(5), which is a landlord of accommodation in that area.

#### **Prescribed descriptions of persons or bodies for the purposes of section 5(3) of the Crime and Disorder Act 1998**

3.–(1) This article prescribes for the purposes of section 5(3) of the Crime and Disorder Act 1998 the descriptions of persons or bodies at least one of each of which must be invited by responsible authorities to participate in their exercise of the functions conferred by section 6 of that Act.

(2) Those persons or bodies are, as respects each local government area in Wales—

- (a) the Environment Agency;
- (b) a voluntary organisation operating in that area whose objects are to provide assistance to young persons through youth work or informal education;
- (c) the Crown Prosecution Service;
- (d) a Court Manager of the Crown Court;
- (e) the Lord Chancellor;
- (f) a representative of Neighbourhood Watch Schemes in that area;

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(1) 1990 p.19.

(2) 2006 p.42.

(3) 1996 p.56.

(4) 1992 p.13.

(5) 1996 p.52.

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(1) 1990 c.19.

(2) 2006 c.42.

(3) 1996 c.56.

(4) 1992 c.13.

(5) 1996 c.52.

- (e) aelod o Gynllun Cymorth i Ddiodefwyr yn yr ardal honno sy'n gysylltiedig â Chymdeithas Genedlaethol Cynlluniau Cymorth i Ddiodefwyr;
- (f) heddlu'r lluoedd fel y'i diffinnir ym mharagraff (3), os oes unrhyw sefydliad milwrol o fewn yr ardal honno;
- (ff) heddlu'r Weinyddiaeth Amddiffyn, os oes unrhyw fan y mae adran 2(2) o Ddeddf Heddlu'r Weinyddiaeth Amddiffyn 1987(1) yn gymwys iddi o fewn yr ardal honno;
- (g) corff sy'n darparu cludiant i'r ysgol o fewn yr ardal honno;
- (ng) corff sy'n darparu neu'n gweithredu trafniadaeth gyhoeddus o fewn yr ardal honno;
- (h) o ran pob un o'r disgrifiadau a ganlyn, corff sy'n hybu buddiannau pobl o'r disgrifiad hwnnw o fewn yr ardal honno, neu sy'n darparu gwasanaethau iddynt—
- (i) menywod;
- (ii) yr ieuanc, gan gynnwys plant;
- (iii) yr henoed;
- (iv) y rheini ag anabledd corfforol a'r rheini ag anabledd meddyliol;
- (v) y rheini o grwpiau hiliol gwahanol o fewn ystyr adran 3(1) o Ddeddf Cysylltiadau Hiliol 1976(2);
- (vi) gwrygydwyr;
- (vii) preswylwyr;
- (i) corff nad yw'n dod o fewn is-baragraff (h) uchod, ac y mae gostwng troseddau ac anhrefn yn yr ardal honno yn un o'i ddibenion;
- (j) corff a sefydlwyd at ddibenion crefyddol o fewn yr ardal honno;
- (l) cwmni neu bartneriaeth sydd â man busnes o fewn yr ardal honno;
- (ll) corff a sefydlwyd i hybu busnesau manwerthu yn yr ardal honno;
- (m) undeb llafur, o fewn ystyr adran 1 o Ddeddf Undebau Llafur a Chysylltiadau Llafur (Cydgrynhoi) 1992(3);
- (n) ymarferydd meddygol cofrestredig—
- (i) sy'n darparu gwasanaethau meddygol cyffredinol yn yr ardal honno yn unol â threfniadau a wnaed o dan Ran 4 o Ddeddf y Gwasanaeth Iechyd Gwladol (Cymru) 2006; neu
- (ii) sy'n cyflawni gwasanaethau meddygol sylfaenol yn yr ardal honno yn unol â threfniadau a wnaed o dan Ran 4 o Ddeddf y Gwasanaeth Iechyd Gwladol (Cymru) 2006;
- (g) a member of a Victim Support Scheme in that area which is affiliated to the National Association of Victim Support Schemes;
- (h) the service police as defined in paragraph (3), where any military establishment is within that area;
- (i) the Ministry of Defence police, where any place to which section 2(2) of the Ministry of Defence Police Act 1987(1) applies is within that area;
- (j) a body which provides school transport within that area;
- (k) a body which provides or operates public transport within that area;
- (l) in respect of each of the following descriptions, a body which promotes the interests of, or provides services to, persons of that description within that area—
- (i) women;
- (ii) the young, including children;
- (iii) the elderly;
- (iv) the physically and mentally disabled;
- (v) those of different racial groups within the meaning of section 3(1) of the Race Relations Act 1976(2);
- (vi) homosexuals;
- (vii) residents;
- (m) a body not falling within sub-paragraph (l) above, one of whose purposes is to reduce crime and disorder in that area;
- (n) a body established for religious purposes within that area;
- (o) a company or partnership which has a place of business within that area;
- (p) a body established to promote retail business in that area;
- (q) a trade union, within the meaning of section 1 of the Trade Union and Labour Relations (Consolidation) Act 1992(3);
- (r) a registered medical practitioner who is—
- (i) providing general medical services in that area in accordance with arrangements made under Part 4 of the National Health Service (Wales) Act 2006; or
- (ii) performing primary medical services in that area in accordance with arrangements made under Part 4 of the National Health Service (Wales) Act 2006;

(1) 1987 p.4.

(2) 1976 p.74.

(3) 1992 p.52.

(1) 1987 c.4.

(2) 1976 c.74.

(3) 1992 c.52.

- (o) corff sy'n cynrychioli ymarferwyr meddygol cofrestredig—
  - (i) sy'n darparu gwasanaethau meddygol cyffredinol yn yr ardal honno; neu
  - (ii) sy'n cyflawni gwasanaethau meddygol sylfaenol yn yr ardal honno;
- (p) corff llywodraethu sefydliad o fewn y sector addysg uwch, fel y'i diffinnir yn adran 91 o Ddeddf Addysg Bellach ac Uwch 1992, yn yr ardal honno;
- (ph) prif swyddog y gwasanaeth tân ac achub y mae unrhyw ran o'i ardal o fewn yr ardal honno;
- (r) Yr Heddlu Trafnidiaeth Prydeinig.

(3) Ym mharagraff (2)(f) uchod, ystyr "heddlu'r lluoedd" yw Heddlu'r Llynges Frenhinol, Heddlu'r Fyddin Frenhinol, Heddlu'r Awyrlu Brenhinol neu Brofost Milwrol yr Awyrlu Brenhinol.

### Dirymu

4. Mae'r Gorchymynion a ganlyn wedi eu dirymu drwy hyn i'r graddau y maent yn gymwys i Gymru—

- (a) Gorchymyn Strategaethau Troseddau ac Anhrefn (Disgrifiadau Rhagnodedig) 1998(1);
- (b) Gorchymyn Strategaethau Troseddau ac Anhrefn (Disgrifiadau Rhagnodedig) (Diwygio) 1998(2);
- (c) Gorchymyn Strategaethau Troseddau ac Anhrefn (Disgrifiadau Rhagnodedig) (Diwygio) 1999(3); ac
- (ch) Gorchymyn Strategaethau Troseddau ac Anhrefn (Disgrifiadau Rhagnodedig) (Diwygio) 2000(4).

- (s) a body which is representative of registered medical practitioners who are—
  - (i) providing general medical services in that area; or
  - (ii) performing primary medical services in that area;
- (t) a governing body of an institution within the higher education sector, as defined in section 91 of the Further and Higher Education Act 1992, in that area;
- (u) the chief officer of the fire and rescue service any part of whose area lies within that area;
- (v) the British Transport Police.

(3) In paragraph (2)(h) above, "service police" means the Royal Navy Police, the Royal Military Police, the Royal Air Force Police or the Royal Air Force Provost Marshall.

### Revocation

4. The following Orders are hereby revoked to the extent that they apply to Wales—

- (a) the Crime and Disorder Strategies (Prescribed Descriptions) Order 1998(1);
- (b) the Crime and Disorder Strategies (Prescribed Descriptions) (Amendment) Order 1998(2);
- (c) the Crime and Disorder Strategies (Prescribed Descriptions) (Amendment) Order 1999(3); and
- (d) the Crime and Disorder Strategies (Prescribed Descriptions) (Amendment) Order 2000(4).

*Brian Gibbons*

Y Gweinidog dros Gyfiawnder Cymdeithasol a Llywodraeth Leol, un o Weinidogion Cymru

Minister for Social Justice and Local Government, one of the Welsh Ministers

16 Tachwedd 2009

16 November 2009

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Printed and Published in the UK by the Stationery Office Limited under the authority and superintendence of Carol Tullo, Controller of Her Majesty's Stationery Office and Queen's Printer of Acts of Parliament.

- (1) O.S. 1998/2452.
- (2) O.S. 1998/2513.
- (3) O.S. 1999/483.
- (4) O.S. 2000/300.

- (1) S.I. 1998/2452.
- (2) S.I. 1998/2513.
- (3) S.I. 1999/483.
- (4) S.I. 2000/300.





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£4.00

W579/12/09

ON

ISBN 978-0-348-10103-4



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