OFFERYNNAU STATUDOL CYMRU

# 2011 Rhif 2498 (Cy.271)

# PLANT A PHOBL IFANC, CYMRU

## Rheoliadau Amddiffyn rhag Tybaco (Gwerthiannau o Beiriannau Gwerthu) (Cymru) 2011

### NODYN ESBONIADOL

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

Mae'r Rheoliadau hyn yn gwahardd gwerthu tybaco o beiriant awtomatig.

Mae rheoliad 2 yn gwahardd gwerthu tybaco o beiriant awtomatig. Gwneir y person sydd â rheolaeth ar y fangre y lleolir y peiriant awtomatig ynddi, neu sy'n rheoli'r fangre honno, yn atebol am doriad o'r gwaharddiad hwn.

Hysbyswyd y Comisiwn Ewropeaidd am ddrafft o'r Rheoliadau hyn fel safon dechnegol yn unol â Chyfarwyddeb 98/34/EC Senedd Ewrop a'r Cyngor (OJ Rhif L204, 21.7.1998, t.37) sy'n gosod gweithdrefn ar gyfer darparu gwybodaeth ym maes safonau a rheoliadau technegol, fel y'i diwygiwyd.

Paratowyd asesiad effaith rheoleiddiol llawn o effaith yr offeryn hwn ar gostau busnes, a rhoddwyd ef yn llyfrgell Cynulliad Cenedlaethol Cymru. Gellir cael copïau ohono o'r Gangen Ymddygiadau Risg i Iechyd, Parc Cathays, Caerdydd, CF10 3NQ.

WELSH STATUTORY INSTRUMENTS

# 2011 No. 2498 (W.271)

# CHILDREN AND YOUNG PERSONS, WALES

## The Protection from Tobacco (Sales from Vending Machines) (Wales) Regulations 2011

### EXPLANATORY NOTE

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

These Regulations prohibit the sale of tobacco from an automatic machine.

Regulation 2 prohibits the sale of tobacco from an automatic machine. Liability for a breach of this prohibition will fall on the person who controls or manages the premises in which the automatic machine is located.

A draft of these Regulations has been notified to the European Commission as a technical standard pursuant to Directive 98/34/EC of the European Parliament and the Council (OJ No L204, 21.7.1998, p.37), laying down a procedure for the provision of information in the field of technical standards and regulations, as amended.

A full regulatory impact assessment of the effect that this instrument will have on the costs of business has been prepared and has been placed in the library of the National Assembly for Wales. Copies may be obtained from the Health Risk Behaviours Branch, Cathays Park, Cardiff, CF10 3NQ.

OFFERYNNAU STATUDOL CYMRU

# 2011 Rhif 2498 (Cy.271)

# PLANT A PHOBL IFANC, CYMRU

## Rheoliadau Amddiffyn rhag Tybaco (Gwerthiannau o Beiriannau Gwerthu) (Cymru) 2011

| | |
|---|---|
| *Gwnaed* | *18 Hydref 2011* |
| *Yn dod i rym* | *1 Chwefror 2012* |

Mae Gweinidogion Cymru yn gwneud y Rheoliadau canlynol drwy arfer y pwerau a roddwyd gan adran 3A o Ddeddf Plant a Phobl Ifanc (Amddiffyn rhag Tybaco) 1991(**1**).

Mae drafft o'r Rheoliadau hyn wedi ei osod gerbron Cynulliad Cenedlaethol Cymru ac wedi ei gymeradwyo drwy benderfyniad ganddo yn unol ag adran 3A(7)(b) o'r Ddeddf honno.

**Enwi, cychwyn a chymhwyso**

**1**.—(1) Enw'r Rheoliadau hyn yw Rheoliadau Amddiffyn rhag Tybaco (Gwerthiannau o Beiriannau Gwerthu) (Cymru) 2011 a deuant i rym ar 1 Chwefror 2012.

(2) Mae'r Rheoliadau hyn yn gymwys o ran Cymru.

**Gwahardd gwerthu tybaco o beiriannau gwerthu**

**2**.—(1) Gwaherddir gwerthu tybaco(**2**) o beiriant awtomatig.

(**1**) 1991 p.23. Mewnosodwyd adran 3A gan Ddeddf Iechyd 2009 (p.21), adran 22. *Gweler* adran 3A(8) am y diffiniad o "the appropriate national authority".

(**2**) Mae i'r term "tybaco" yr un ystyr â "tobacco" yn adran 7 o Ddeddf Plant a Phobl Ifanc 1933 (p.12).

WELSH STATUTORY INSTRUMENTS

# 2011 No. 2498 (W.271)

# CHILDREN AND YOUNG PERSONS, WALES

## The Protection from Tobacco (Sales from Vending Machines) (Wales) Regulations 2011

| | |
|---|---|
| *Made* | *18 October 2011* |
| *Coming into force* | *1 February 2012* |

The Welsh Ministers make the following Regulations in exercise of the powers conferred by section 3A of the Children and Young Persons (Protection from Tobacco) Act 1991(**1**).

A draft of these Regulations was laid before, and approved by resolution of, the National Assembly for Wales in accordance with section 3A(7)(b) of that Act.

**Title, commencement, and application**

**1**.—(1) The title of these Regulations is the Protection from Tobacco (Sales from Vending Machines) (Wales) Regulations 2011 and they come into force on 1 February 2012.

(2) These Regulations apply in relation to Wales.

**Prohibition of the sale of tobacco from vending machines**

**2**.—(1) The sale of tobacco(**2**) from an automatic machine is prohibited.

(**1**) 1991 c.23. Section 3A was inserted by the Health Act 2009 (c.21), section 22. *See* section 3A(8) for the definition of "the appropriate national authority".

(**2**) "Tobacco" has the same meaning as in section 7 of the Children and Young Persons Act 1933 (c.12).

(2) Bydd y person sydd â rheolaeth ar y fangre y lleolir y peiriant awtomatig ynddi, neu sy'n ymwneud â rheoli'r fangre honno, yn atebol am doriad o baragraff (1)(**1**).

(3) Yn y rheoliad hwn, mae "mangre" ("*premises*") yn cynnwys unrhyw le ac unrhyw gerbyd, llong, hofrenfad, stondin neu adeiledd symudol.

(2) The person who controls, or is concerned with the management of, the premises where the automatic machine is located will be liable for a breach of paragraph (1)(**1**).

(3) In this regulation "premises" ("*mangre*") includes any place and any vehicle, vessel, hovercraft, stall or moveable structure.

*Lesley Griffiths*

Y Gweinidog Iechyd a Gwasanaethau Cymdeithasol, un o Weinidogion Cymru

Minister for Health and Social Services, one of the Welsh Ministers

18 Hydref 2011

18 October 2011

©ⓗ Hawlfraint y Goron 2011

Argraffwyd a chyhoeddwyd yn y Deyrnas Unedig gan The Stationery Office Limited o dan awdurdod ac arolygiaeth Carol Tullo, Rheolwr Gwasg Ei Mawrhydi ac Argraffydd Deddfau Seneddol y Frenhines.

© Crown copyright 2011

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**) Yn unol ag adran 3A(3) o Ddeddf Plant a Phobl Ifanc (Amddiffyn rhag Tybaco) 1991, bydd y cyfryw berson yn euog o dramgwydd os caiff y gwaharddiad yn rheoliad 2(1) ei dorri. Yn unol ag adran 3A(4) o'r Ddeddf honno, mae person sy'n euog o dramgwydd o dan adran 3A(3) yn agored, o'i gollfarnu'n ddiannod, i ddirwy na fydd yn fwy na lefel 4 ar y raddfa safonol.

(**1**) In accordance with section 3A(3) of the Children and Young Persons (Protection from Tobacco) Act 1991, such person will be guilty of an offence if the prohibition in regulation 2(1) is breached. Pursuant to section 3A(4) of that Act a person guilty of an offence under section 3A(3) is liable on summary conviction to a fine not exceeding level 4 on the standard scale.

OFFERYNNAU STATUDOL CYMRU

**2011 Rhif 2498 (Cy.271)**

**PLANT A PHOBL IFANC, CYMRU**

Rheoliadau Amddiffyn rhag Tybaco (Gwerthiannau o Beiriannau Gwerthu) (Cymru) 2011

WELSH STATUTORY INSTRUMENTS

**2011 No. 2498 (W.271)**

**CHILDREN AND YOUNG PERSONS, WALES**

The Protection from Tobacco (Sales from Vending Machines) (Wales) Regulations 2011

£4.00

W1058/11/11 ON