



OFFERYNNAU STATUDOL CYMRU

2020 Rhif 1211 (Cy. 273)

IECHYD Y CYHOEDD, CYMRU

Rheoliadau Mangroedd a Cherbydau Di-fwg (Cymru) 2020

Gwnaed

26 Hydref 2020

Yn dod i rym

1 Mawrth 2021

WELSH STATUTORY INSTRUMENTS

2020 No. 1211 (W. 273)

PUBLIC HEALTH, WALES

The Smoke-free Premises and Vehicles (Wales) Regulations 2020

Made

26 October 2020

Coming into force

1 March 2021

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CYMRU

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**Rheoliadau Mangreoedd a
Cherbydau Di-fwg (Cymru) 2020**

**The Smoke-free Premises and
Vehicles (Wales) Regulations 2020**

NODYN ESBONIADOL

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

Mae'r Rheoliadau hyn yn dirymu ac yn disodli Rheoliadau Mangreoedd etc. Di-fwg (Cymru) 2007(1).

Mae Pennod 1 o Ran 3 o Ddeddf Iechyd y Cyhoedd (Cymru) 2017 ("y Ddeddf")(2) yn gwneud darpariaeth sy'n cyfyngu ar ysmegu mewn gweithleoedd a mannau cyhoeddus (ymhlith mannau eraill). Mae "ysmygu" i'w ddarllen yn unol ag adran 4 o'r Ddeddf.

Mae'r Rheoliadau hyn yn esemptio mangreoedd penodol o'r gofyniad i fod yn ddi-fwg o dan y Ddeddf ac maent yn nodi'r amgylchiadau y mae cerbydau i'w trin fel pe baent yn ddi-fwg odanynt. Mae i "mangre" yr ystyr a roddir gan adran 28 o'r Ddeddf. Mae'r Rheoliadau hefyd yn gwneud darpariaeth ynghylch arddangos arwyddion a darpariaeth sy'n ymwneud â gorfodi.

Mae rheoliad 3 yn diffinio "caeedig" a "sylweddol gaeedig". O dan y Ddeddf, gosodir y gofyniad i fod yn ddi-fwg mewn perthynas â gweithleoedd a mangreoedd sydd ar agor i'r cyhoedd sy'n gaeedig neu'n sylweddol gaeedig.

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations revoke and replace the Smoke-free Premises etc. (Wales) Regulations 2007(1).

Chapter 1 of Part 3 of the Public Health (Wales) Act 2017 ("the Act")(2) makes provision restricting smoking in workplaces and public places (among other places). "Smoking" is to be read in accordance with section 4 of the Act.

These Regulations exempt certain premises from the requirement to be smoke-free under the Act and set out the circumstances in which vehicles are to be treated as being smoke-free. "Premises" has the meaning given by section 28 of the Act. The Regulations also make provision about displaying signs and provision relating to enforcement.

Regulation 3 defines "enclosed" and "substantially enclosed". Under the Act, the requirement to be smoke-free is imposed in relation to workplaces and premises open to the public that are enclosed or substantially enclosed.

(1) O.S. 2007/787 (Cy. 68) a ddiwygiwyd gan O.S. 2015/1363 (Cy. 133), O.S. 2016/118 (Cy. 55) ac O.S. 2018/48 (Cy. 15).

(2) 2017 decc 2.

(1) S.I. 2007/787 (W. 68) amended by S.I. 2015/1363 (W. 133), S.I. 2016/118 (W. 55) and S.I. 2018/48 (W. 15).

(2) 2017 anaw 2.

Mae rheoliad 4(1) yn darparu nad yw mangreoddedd a ddefnyddir i unrhyw raddau fel anheddau i'w trin fel pe baent yn ddi-fwg oni bai bod rheoliad 4(2) neu 4(5) yn gymwys (aneddau penodol a ddefnyddir fel manau gwaith).

Mae rheoliad 5 yn darparu bod llety gwyliau a llety dros dro i'w trin fel pe na baent yn ddi-fwg. Mae'r rheoliad hwn yn gymwys i fangreoddedd nad ydynt yn anheddau (oherwydd bod unrhyw fangreoddedd o'r fath yn dod o fewn rheoliad 4). Mae'r rheoliad hwn yn peidio â chael effaith 12 mis ar ôl i'r Rheoliadau hyn ddod i rym.

Mae rheoliadau 6 i 9 yn darparu y caniateir i ystafelloedd mewn cartrefi gofal i oedolion, hosbisau i oedolion (rheoliad 6), cyfleusterau ymchwilio a phrofi (rheoliad 7) ac unedau iechyd meddwl (rheoliad 8) ac ystafelloedd gwely mewn gwystai, tai llety, tafarnau, hostelau a chlybiau aelodau (rheoliad 9) sy'n bodloni amodau penodol gael eu dynodi yn ystafelloedd y caniateir ysmegu ynddynt. Ond mae dynodiad o ystafell mewn uned iechyd meddwl yn peidio â chael effaith 18 mis ar ôl i'r Rheoliadau hyn ddod i rym ac mae dynodiad o ystafell wely mewn gwesty, tŷ llety, tafarn, hostel a chlwb aelodau yn peidio â chael effaith 12 mis ar ôl i'r Rheoliadau hyn ddod i rym. Mae adrannau 10 i 12 o'r Ddeddf yn darparu i dir ysbytai, tir ysgolion a meysydd chwarae cyhoeddus fod yn ddi-fwg. Mae rheoliadau 10 ac 11 yn darparu'r amodau y mae rhaid eu bodloni cyn y caniateir i ardal yn nhir ysgol sy'n darparu llety preswyl ac yn nhir ysbyty gael ei dynodi yn ardal y caniateir ysmegu ynddi.

Mae rheoliad 12 yn darparu bod rhaid i berson a chanddo reolaeth dros fangre ddi-fwg neu sy'n ymwneud â rheoli mangre ddi-fwg gymryd camau rhesymol i beri i berson sy'n ysmegu yno beidio ag ysmegu.

Mae rheoliad 13 yn ei gwneud yn ofynnol i arwyddion gael eu harddangos mewn mangreoddedd sy'n weithleoedd neu sydd ar agor i'r cyhoedd ac mae'n pennu eu cynnwys.

Mae rheoliad 14 yn ei gwneud yn ofynnol i arwyddion gael eu harddangos yn nhir ysgolion, yn nhir ysbytai ac mewn meysydd chwarae cyhoeddus ac mae'n pennu eu cynnwys.

Mae rheoliad 15 yn darparu bod cerbydau penodol yn cael eu trin fel pe baent yn ddi-fwg. Mae cerbydau a ddefnyddir yn gyfan gwbl neu'n bennaf yng nghwrs gwaith gan fwy nag un person neu i gludo aelodau o'r cyhoedd yn ddi-fwg drwy'r amser. Nid yw cerbydau eraill nad ydynt yn ddi-fwg drwy'r amser ond yn ddi-fwg pan yw person yn y cerbyd yn cael nwyddau neu wasanaethau oddi wrth berson arall sydd hefyd yn y cerbyd a phan yw plentyn yn y cerbyd. Mae rheoliad

Regulation 4(1) provides that premises used to any extent as dwellings are not to be treated as being smoke-free unless regulation 4(2) or 4(5) applies (certain dwellings which are used as places of work).

Regulation 5 provides that holiday and temporary accommodation are to be treated as not being smoke-free. This regulation applies to premises that are not dwellings (because any such premises fall within regulation 4). This regulation ceases to have effect 12 months after these Regulations come into force.

Regulations 6 to 9 provide that rooms in adult care homes, adult hospices (regulation 6), research and testing facilities (regulation 7) and mental health units (regulation 8) and bedrooms in hotels, guesthouses, inns, hostels and members' clubs (regulation 9) which meet certain conditions may be designated as rooms in which smoking is permitted. But a designation of a room in a mental health unit ceases to have effect 18 months after these Regulations come into force and a designation of a bedroom in a hotel, guesthouse, inn, hostel and a members' club ceases to have effect 12 months after these Regulations come into force. Sections 10 to 12 of the Act provide for hospital grounds, school grounds and public playgrounds to be smoke-free. Regulations 10 and 11 provide the conditions which must be met before an area in the grounds of a school that provides residential accommodation and in hospital grounds may be designated as an area in which smoking is permitted.

Regulation 12 provides that a person who controls or is concerned in the management of smoke-free premises has to take reasonable steps to cause a person smoking there to stop smoking.

Regulation 13 requires signs to be displayed in premises which are workplaces or open to the public and specifies their content.

Regulation 14 requires signs to be displayed in school grounds, hospital grounds and public playgrounds and specifies their content.

Regulation 15 provides that certain vehicles are treated as being smoke-free. Vehicles used wholly or mainly in the course of work by more than one person or to transport members of the public are smoke-free all the time. Other vehicles which are not smoke-free all the time are smoke-free only when a person in the vehicle is receiving goods or services from another person also in the vehicle and when a child is in the vehicle. Regulation 16 provides an exemption from

16 yn darparu esemptiad o hyn. Yn y Rheoliadau hyn, mae “plentyn” yn berson o dan 18 oed (gweler adran 28 o’r Ddeddf).

Mae rheoliad 17 yn darparu bod gan yrrwr, gweithredwr neu berson sy’n ymwneud â rheoli cerbyd di-fwg ddyletswydd i atal ysmegu yn y cerbyd hwnnw.

Mae rheoliad 18 yn ei gwneud yn ofynnol i arwyddion gael eu harddangos mewn cerbydau di-fwg penodol ac mae’n pennu eu cynnwys.

Mae rheoliad 19 yn dynodi prif swyddog heddlu ardal heddlu yn awdurdod gorfodi mewn perthynas â cherbydau sy’n ddi-fwg yn rhinwedd eu defnyddio at ddibenion cymdeithasol, domestig neu ddibenion preifat eraill pan fo plentyn yn bresennol. Mae awdurdodau lleol eisoes yn awdurdodau gorfodi o dan adran 18 o’r Ddeddf mewn perthynas â mangreoedd, manau a cherbydau yn eu hardaloedd.

Mae rheoliad 20 yn darparu symiau’r gosb benodedig mewn cysylltiad â throseddau penodol, ac mae rheoliad 21 yn darparu’r symiau cosb gostyngol mewn cysylltiad â throseddau penodol. Mae rheoliad 22 yn cyflwyno ffurflen hysbysiadau cosb benodedig y mae rhaid i’r awdurdodau gorfodi ei defnyddio.

Ystyriwyd Cod Ymarfer Gweinidogion Cymru ar gynnal Aseidiadau Effaith Rheoleiddiol mewn perthynas â’r Rheoliadau hyn. O ganlyniad, lluniwyd aseiad effaith rheoleiddiol o’r costau a’r manteision sy’n debygol o ddeillio o gydymffurfio â’r Rheoliadau hyn. Gellir cael copi oddi wrth: Yr Is-adran Iechyd y Cyhoedd, Llywodraeth Cymru, Parc Cathays, Caerdydd CF10 3NQ.

this. In these Regulations, a “child” is a person aged under 18 (see section 28 of the Act).

Regulation 17 provides that a driver, an operator or a person who is concerned in the management of a smoke-free vehicle has a duty to prevent smoking in that vehicle.

Regulation 18 requires signs be displayed in certain smoke-free vehicles and specifies their content.

Regulation 19 designates the chief officer of police for a police area as an enforcement authority in relation to vehicles which are smoke-free by virtue of being used for social, domestic or other private purposes where a child is present. Local authorities are already enforcement authorities under section 18 of the Act in relation to premises, places and vehicles in their areas.

Regulation 20 provides the fixed penalty amounts in respect of certain offences, and regulation 21 provides the discounted penalty amounts in respect of certain offences. Regulation 22 introduces the form of fixed penalty notices the enforcement authorities must use.

The Welsh Ministers’ Code of Practice on the carrying out of Regulatory Impact Assessments was considered in relation to these Regulations. As a result a regulatory impact assessment has been prepared as to the likely costs and benefits of complying with these Regulations. A copy can be obtained from the Public Health Division, Welsh Government, Cathays Park, Cardiff CF10 3NQ.

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PUBLIC HEALTH, WALES

**Rheoliadau Mangreoedd a
Cherbydau Di-fwg (Cymru) 2020**

**The Smoke-free Premises and
Vehicles (Wales) Regulations 2020**

Gwnaed 26 Hydref 2020

Made 26 October 2020

Yn dod i rym 1 Mawrth 2021

Coming into force 1 March 2021

Mae Gweinidogion Cymru, drwy arfer y pwerau a roddir gan adrannau 6(5), 10(6), 11(5), 15(1), 16(1), 17(1), 17(3), 18(2), 28(7) a 123(1) o Ddeddf Iechyd y Cyhoedd (Cymru) 2017(1) a pharagraffau 5, 6 a 9 o Atodlen 1 iddi, yn gwneud y Rheoliadau a ganlyn.

The Welsh Ministers, in exercise of the powers conferred by sections 6(5), 10(6), 11(5), 15(1), 16(1), 17(1), 17(3), 18(2), 28(7) and 123(1) of, and paragraphs 5, 6 and 9 of Schedule 1 to the Public Health (Wales) Act 2017(1), make the following Regulations.

Yn unol ag adran 123(2) o Ddeddf Iechyd y Cyhoedd (Cymru) 2017, gosodwyd drafft o'r Rheoliadau hyn gerbron Senedd Cymru(2) ac fe'i cymeradwywyd ganddi drwy benderfyniad.

In accordance with section 123(2) of the Public Health (Wales) Act 2017, a draft of these Regulations was laid before, and approved by, resolution of Senedd Cymru(2).

**RHAN 1
CYFFREDINOL**

**PART 1
GENERAL**

Enwi, cychwyn a dehongli

Title, commencement and interpretation

1.—(1) Enw'r Rheoliadau hyn yw Rheoliadau Mangreoedd a Cherbydau Di-fwg (Cymru) 2020.

1.—(1) The title of these Regulations is the Smoke-free Premises and Vehicles (Wales) Regulations 2020.

(2) Daw'r Rheoliadau hyn i rym ar 1 Mawrth 2021.

(2) These Regulations come into force on 1 March 2021.

2.—(1) Yn y Rheoliadau hyn—
nid yw “cherbyd” (“*vehicle*”) yn cynnwys—
(a) awyren, na

2.—(1) In these Regulations—
“the Act” (“*y Ddeddf*”) means the Public Health (Wales) Act 2017;

(1) 2017 decc 2.

(2) Mae'r cyfeiriad yn adran 123 o Ddeddf Iechyd y Cyhoedd (Cymru) 2017 at Gynulliad Cenedlaethol Cymru bellach yn cael effaith fel cyfeiriad at Senedd Cymru yn rhinwedd adran 150A(2) o Ddeddf Llywodraeth Cymru 2006 (p. 32).

(1) 2017 anaw 2.

(2) The reference in section 123 of the Public Health (Wales) Act 2017 to the National Assembly for Wales now has effect as a reference to Senedd Cymru by virtue of section 150A(2) of the Government of Wales Act 2006 (c. 32).

- (b) llong neu hofrenfad y gellid gwneud rheoliadau mewn perthynas ag ef o dan adran 85 o Ddeddf Llongau Masnach 1995(1) gan gynnwys yr adran honno fel y'i cymhwysir gan unrhyw Orchymyn yn y Cyfrin Gyngor o dan adran 1(1)(h) o Ddeddf Hofrenfadau 1968(2);

ystyr “y Ddeddf” (“*the Act*”) yw Deddf Iechyd y Cyhoedd (Cymru) 2017.

(2) Mae i ymadroddion a ddefnyddir yn y Rheoliadau hyn yr un ystyr ag yn y Ddeddf.

Ystyr “caeedig”, “sylweddol gaeedig” ac “nad yw’n gaeedig nac yn sylweddol gaeedig”

3.—(1) At ddibenion Pennod 1 o Ran 3 o’r Ddeddf—

- (a) mae mangre, neu ran o fangre, yn gaeedig—
- (i) os oes ganddi nenfwd neu do, a
 - (ii) ac eithrio drysau, ffenestri a choridorau, os yw’n gwbl gaeedig naill ai’n barhaol neu dros dro;
- (b) mae cerbyd, neu ran o gerbyd, yn gaeedig—
- (i) os oes ganddo do, a
 - (ii) ac eithrio drysau a ffenestri, os yw’n gwbl gaeedig naill ai’n barhaol neu dros dro.

(2) At ddibenion Pennod 1 o Ran 3 o’r Ddeddf, mae mangre, neu ran o fangre, yn sylweddol gaeedig—

- (a) os oes ganddi nenfwd neu do, a
- (b) os yw cyfanswm arwynebedd unrhyw agoriadau yn y waliau yn llai na hanner arwynebedd y waliau, gan gynnwys strwythurau eraill sy’n cyflawni diben waliau ac yn ffurfio perimedr y fangre.

(3) Wrth gyfrifo cyfanswm arwynebedd unrhyw agoriadau at ddibenion paragraff (2)(b), nid yw agoriadau y mae drysau, ffenestri neu ffitiadau eraill ynddynt y gellir eu hagor a’u cau i’w hystyried.

(4) Yn y rheoliad hwn, mae “to” yn cynnwys unrhyw strwythur gosodedig neu symudol neu ddyfais osodedig neu symudol sy’n gallu gorchuddio’r cyfan neu ran o’r fangre neu’r cerbyd fel to.

“vehicle” (“*cerbyd*”) does not include—

- (a) aircraft, nor
- (b) a ship or hovercraft in relation to which regulations could be made under section 85 of the Merchant Shipping Act 1995(1) including that section as applied by any Order in Council under section 1(1)(h) of the Hovercraft Act 1968(2).

(2) Expressions used in these Regulations have the same meaning as in the Act.

Meaning of “enclosed”, “substantially enclosed” and “not enclosed or substantially enclosed”

3.—(1) For the purposes of Chapter 1 of Part 3 of the Act—

- (a) premises, or parts of premises, are enclosed if—
- (i) they have a ceiling or a roof, and
 - (ii) except for doors, windows and passageways, they are wholly enclosed either permanently or temporarily;
- (b) a vehicle, or part of a vehicle, is enclosed if—
- (i) it has a roof, and
 - (ii) except for doors and windows, it is wholly enclosed either permanently or temporarily.

(2) For the purposes of Chapter 1 of Part 3 of the Act, premises, or parts of premises, are substantially enclosed if—

- (a) they have a ceiling or a roof, and
- (b) any openings in the walls have a total area which is less than half the area of the walls, including other structures which serve the purpose of walls and constitute the perimeter of the premises.

(3) In calculating the total area of any openings for the purposes of paragraph (2)(b), no account is to be taken of openings in which there are doors, windows or other fittings which can be opened and shut.

(4) In this regulation, “roof” includes any fixed or moveable structure or device capable of covering all or part of the premises or vehicle as a roof.

(1) 1995 p. 21. Diwygiwyd adran 85 gan adran 2 o Ddeddf Tiriogaethau Prydeinig Tramor 2002 (p. 8) a chan adran 8 o Ddeddf Llongau Masnach a Diogelwch Morol 1997 (p. 28).

(2) 1968 p. 59. Diwygiwyd adran 1(1)(h) gan baragraff 1(2) o Atodlen 11 i Ddeddf Diwygio Cyfansoddiadol 2005 a chan adran 152 o Ddeddf y Goruchaf Lys 1981 (p. 54). Ailenwyd Deddf y Goruchaf Lys 1981 yn Ddeddf Uwchlysoedd 1981 gan adran 59 o Ddeddf Diwygio Cyfansoddiadol 2005 (p. 4).

(1) 1995 c. 21. Section 85 was amended by the British Overseas Territories Act 2002 (c. 8), section 2 and by the Merchant Shipping and Maritime Security Act 1997 (c. 28), section 8.

(2) 1968 c. 59. Section 1(1)(h) was amended by the Constitutional Reform Act 2005, Schedule 11 paragraph 1(2) and by the Supreme Court Act 1981 (c. 54), section 152. The Supreme Court Act 1981 was renamed the Senior Courts Act 1981 by the Constitutional Reform Act 2005 (c. 4), section 59.

(5) At ddibenion Pennod 1 o Ran 3 o'r Ddeddf, nid yw mangre neu ran o fangre "yn gaeedig nac yn sylweddol gaeedig" os nad yw'n gaeedig nac yn sylweddol gaeedig o fewn ystyr paragraffau (1) a (2).

RHAN 2

MANGREOEDD DI-FWG: ESEMPTIADAU AC ARWYDDION

PENNOD 1

Esemptiadau

Anheddau: esemptiadau

4.—(1) Mae mangre a ddefnyddir i unrhyw raddau fel annedd, neu ran o fangre o'r fath, a fyddai (oni bai am y rheoliad hwn) yn ddi-fwg yn rhinwedd adran 7 neu 8 o'r Ddeddf i'w thrin fel pe na bai'n ddi-fwg oni bai bod y fangre yn dod o fewn paragraff (2) neu (5).

(2) Mae mangreoedd yn dod o fewn y paragraff hwn os ydynt yn ddi-fwg oherwydd eu bod yn weithleoedd o fewn adran 7(2)(a) o'r Ddeddf a bod naill ai amod 1 neu 2 wedi ei fodloni.

(3) Mae amod 1 wedi ei fodloni os nad yw un neu ragor o'r personau sy'n gweithio yn y fangre yn byw yn yr annedd.

(4) Mae amod 2 wedi ei fodloni os yw'r personau sy'n gweithio yn y fangre i gyd yn byw yn yr annedd ac y gallai aelodau o'r cyhoedd fynd i'r annedd at ddibenion ceisio neu gael nwyddau neu wasanaethau oddi wrth berson sy'n gweithio yn yr annedd.

(5) Mae mangreoedd yn dod o fewn y paragraff hwn os ydynt yn ddi-fwg oherwydd eu bod yn weithleoedd o fewn adran 7(2)(b) o'r Ddeddf.

Llety gwyliau neu lety dros dro: esemptiadau

5.—(1) Mae mangreoedd—

- (a) nas defnyddir i unrhyw raddau fel annedd, a
- (b) sy'n llety preswyl hunangynhwysol a fyddai (oni bai am y rheoliad hwn) yn ddi-fwg yn rhinwedd adran 7 neu 8 o'r Ddeddf,

i'w trin fel pe na baent yn ddi-fwg ar unrhyw adeg y defnyddir y mangreoedd fel llety at ddibenion gwyliau neu at ddibenion dros dro.

(2) Mae paragraff (1) yn peidio â chael effaith ar ddiwedd y cyfnod o 12 mis sy'n dechrau â'r diwrnod y daw'r Rheoliadau hyn i rym.

(5) For the purposes of Chapter 1 of Part 3 of the Act, premises or parts of premises are "not enclosed or substantially enclosed" if they are not enclosed or not substantially enclosed within the meaning of paragraphs (1) and (2).

PART 2

SMOKE-FREE PREMISES: EXEMPTIONS AND SIGNS

CHAPTER 1

Exemptions

Dwellings: exemptions

4.—(1) Premises used to any extent as a dwelling, or part of such premises, which would (but for this regulation) be smoke-free by virtue of section 7 or 8 of the Act are to be treated as not being smoke-free unless the premises come within paragraph (2) or (5).

(2) Premises come within this paragraph if they are smoke-free because they are workplaces within section 7(2)(a) of the Act and either condition 1 or 2 is met.

(3) Condition 1 is met if one or more of the persons who work at the premises do not live in the dwelling.

(4) Condition 2 is met if the persons who work at the premises all live in the dwelling and members of the public might attend the dwelling for the purposes of seeking or receiving goods or services from a person working from the dwelling.

(5) Premises come within this paragraph if they are smoke-free because they are workplaces within section 7(2)(b) of the Act.

Holiday or temporary accommodation: exemptions

5.—(1) Premises that—

- (a) are not used to any extent as a dwelling, and
- (b) consist of self-contained residential accommodation that would (but for this regulation) be smoke-free by virtue of section 7 or 8 of the Act,

are to be treated as not being smoke-free at any time during which they are being used as accommodation for holiday or temporary purposes.

(2) Paragraph (1) ceases to have effect at the end of the period of 12 months beginning with the day on which these Regulations come into force.

Cartrefi gofal i oedolion a hosbisau i oedolion: ystafelloedd dynodedig

6.—(1) Mae ystafell mewn mangre sy'n gartref gofal i oedolion neu'n hosbis i oedolion a fyddai (oni bai am y rheoliad hwn) yn ddi-fwg yn rhinwedd adran 7 neu 8 o'r Ddeddf i'w thrin fel pe na bai'n ddi-fwg os yw amodau 1 a 2 wedi eu bodloni.

(2) Amod 1 yw bod y person a chanddo ofal am y fangre—

- (a) yn dynodi'r ystafell yn un y caniateir i breswylwyr y cartref gofal i oedolion neu'r hosbis i oedolion sy'n 18 oed neu'n hŷn (a dim personau eraill) ysmegu ynddi, a
- (b) yn cadw cofnod o bob ystafell sydd wedi ei dynodi felly.

(3) Amod 2 yw—

- (a) bod gan yr ystafell nenfwd a'i bod, ac eithrio drysau a ffenestri, yn gwbl gaeedig ar bob ochr gan waliau solet o'r llawr i'r nenfwd,
- (b) nad oes gan yr ystafell system awyru sy'n awyru i ran ddi-fwg o'r fangre,
- (c) nad oes gan yr ystafell ddrysau nad ydynt yn cau'n fecanyddol yn union ar ôl eu defnyddio os ydynt yn agor i ardaloedd di-fwg, a
- (d) bod yr ystafell wedi ei marcio'n glir yn ystafell y caniateir ysmegu ynddi.

(4) Caiff y person a chanddo ofal am y fangre dynnu dynodiad yn ôl ar unrhyw adeg.

Cyfleusterau ymchwilio a phrofi: ystafelloedd dynodedig

7.—(1) Mae ystafell mewn mangre sy'n gyfleuster ymchwilio a phrofi a fyddai (oni bai am y rheoliad hwn) yn ddi-fwg yn rhinwedd adran 7 neu 8 o'r Ddeddf i'w thrin fel pe na bai'n ddi-fwg os yw amodau 1, 2 a 3 wedi eu bodloni.

(2) Amod 1 yw bod y person a chanddo ofal am y fangre—

- (a) yn dynodi'r ystafell yn un y caniateir ysmegu ynddi, a
- (b) yn cadw cofnod o bob ystafell sydd wedi ei dynodi felly.

(3) Amod 2 yw bod yr ystafell yn cael ei defnyddio ar gyfer profion ac ymchwil sy'n ymwneud â'r canlynol—

- (a) allyriadau ysmegu,
- (b) datblygu cynhyrchion ar gyfer ysmegu â llai o berygl o ran tân,

Adult care homes and adult hospices: designated rooms

6.—(1) A room in premises consisting of an adult care home or an adult hospice that would (but for this regulation) be smoke-free by virtue of section 7 or 8 of the Act is to be treated as not being smoke-free if conditions 1 and 2 are met.

(2) Condition 1 is that the person in charge of the premises—

- (a) designates the room as one in which residents of the adult care home or adult hospice who are aged 18 or over (and no other persons) are permitted to smoke, and
- (b) keeps a record of all rooms that have been so designated.

(3) Condition 2 is that the room—

- (a) has a ceiling and, except for doors and windows, is completely enclosed on all sides by solid floor to ceiling walls,
- (b) does not have a ventilation system that ventilates into a smoke-free part of the premises,
- (c) does not have doors which do not mechanically close immediately after use if they open into smoke-free areas, and
- (d) is clearly marked as a room in which smoking is permitted.

(4) The person in charge of the premises may withdraw a designation at any time.

Research and testing facilities: designated rooms

7.—(1) A room in premises consisting of research and testing facilities that would (but for this regulation) be smoke-free by virtue of section 7 or 8 of the Act is to be treated as not being smoke-free if conditions 1, 2 and 3 are met.

(2) Condition 1 is that the person in charge of the premises—

- (a) designates the room as one in which smoking is permitted, and
- (b) keeps a record of all rooms that have been so designated.

(3) Condition 2 is that the room is used for tests and research which relate to—

- (a) emissions from smoking,
- (b) developing products for smoking with lower fire hazard,

- (c) cynnal profion diogelwch tân ar ddeunyddiau sy'n ymwneud â chynhyrchion ar gyfer ysmegu,
- (d) datblygu cynhyrchion ysmegu neu fferyllol a allai olygu gweithgynhyrchu cynhyrchion llai peryglus ar gyfer ysmegu, neu
- (e) rhaglenni rhoi'r gorau i ysmegu.

(4) Amod 3 yw—

- (a) bod gan yr ystafell nenfwd a'i bod, ac eithrio drysau a ffenestri, yn gwbl gaeedig ar bob ochr gan waliau solet o'r llawr i'r nenfwd,
- (b) nad oes gan yr ystafell system awyru sy'n awyru i ran ddi-fwg o'r fangre,
- (c) nad oes gan yr ystafell ddrysau nad ydynt yn cau'n fecanyddol yn union ar ôl eu defnyddio os ydynt yn agor i ardaloedd di-fwg, a
- (d) bod yr ystafell wedi ei marcio'n glir yn ystafell y caniateir ysmegu ynddi.

(5) Nid yw'r ystafell i'w thrin fel pe na bai'n ddi-fwg ond pan y'i defnyddir at ddibenion y profion a'r ymchwil y cyfeirir atynt ym mharagraff (3).

(6) Caiff y person a chanddo ofal am y fangre dynnu dynodiad yn ôl ar unrhyw adeg.

Unedau iechyd meddwl: esemptiad dros dro

8.—(1) Mae ystafell mewn mangre sy'n uned iechyd meddwl a fyddai (oni bai am y rheoliad hwn) yn ddi-fwg yn rhinwedd adran 7 neu 8 o'r Ddeddf i'w thrin fel pe na bai'n ddi-fwg os yw amodau 1 a 2 wedi eu bodloni.

(2) Amod 1 yw bod y person a chanddo ofal am y fangre—

- (a) yn dynodi'r ystafell yn un y caniateir i gleifion yr uned iechyd meddwl sy'n 18 oed neu'n hŷn (a dim person arall) ysmegu ynddi, a
- (b) yn cadw cofnod o bob ystafell sydd wedi ei dynodi felly.

(3) Amod 2 yw—

- (a) bod gan yr ystafell nenfwd a'i bod, ac eithrio drysau a ffenestri, yn gwbl gaeedig ar bob ochr gan waliau solet o'r llawr i'r nenfwd,
- (b) nad oes gan yr ystafell system awyru sy'n awyru i ran ddi-fwg o'r fangre,
- (c) nad oes gan yr ystafell ddrysau nad ydynt yn cau'n fecanyddol yn union ar ôl eu defnyddio os ydynt yn agor i ardaloedd di-fwg, a
- (d) bod yr ystafell wedi ei marcio'n glir yn ystafell y caniateir ysmegu ynddi.

- (c) fire safety testing of materials involving products for smoking,

- (d) development of smoking or pharmaceutical products that could result in the manufacture of less dangerous products for smoking, or

- (e) smoking cessation programmes.

(4) Condition 3 is that the room—

- (a) has a ceiling and, except for doors and windows, is completely enclosed on all sides by solid floor to ceiling walls,
- (b) does not have a ventilation system that ventilates into a smoke-free part of the premises,
- (c) does not have doors which do not mechanically close immediately after use if they open into smoke-free areas, and
- (d) is clearly marked as a room in which smoking is permitted.

(5) The room is to be treated as not being smoke-free only when used for the purposes of the tests and research referred to in paragraph (3).

(6) The person in charge of the premises may withdraw a designation at any time.

Mental health units: temporary exemption

8.—(1) A room in premises consisting of a mental health unit that would (but for this regulation) be smoke-free by virtue of section 7 or 8 of the Act is to be treated as not being smoke-free if conditions 1 and 2 are met.

(2) Condition 1 is that the person in charge of the premises—

- (a) designates the room as one in which patients of the mental health unit who are aged 18 or over (and no other person) are permitted to smoke, and
- (b) keeps a record of all rooms that have been so designated.

(3) Condition 2 is that the room—

- (a) has a ceiling and, except for doors and windows, is completely enclosed on all sides by solid floor to ceiling walls,
- (b) does not have a ventilation system that ventilates into a smoke-free part of the premises,
- (c) does not have doors which do not mechanically close immediately after use if they open into smoke-free areas, and
- (d) is clearly marked as a room in which smoking is permitted.

(4) Caiff y person a chanddo ofal am y fangre dynnu dynodiad yn ôl ar unrhyw adeg.

(5) Yn y rheoliad hwn, ystyr “uned iechyd meddwl” yw mangre, neu ran o fangre, a gynhelir yn gyfan gwbl neu’n bennaf ar gyfer derbyn a thrin personau sy’n dioddef o anhwylder meddyliol fel y diffinnir “mental disorder” yn adran 1(2) o Ddeddf Iechyd Meddwl 1983(1) ond nid yw’n cynnwys cartref gofal i oedolion.

(6) Mae paragraffau (1) i (5) yn peidio â chael effaith ar ddiwedd y cyfnod o 18 mis sy’n dechrau â’r diwrnod y daw’r Rheoliadau hyn i rym.

Gwestai, tai llety, tafarnau, hostelau a chlybiau aelodau: esemptiad dros dro

9.—(1) Mae ystafell wely mewn mangre sy’n westy, tŷ llety, tafarn, hostel neu glwb aelodau a fyddai (oni bai am y rheoliad hwn) yn ddi-fwg yn rhinwedd adran 7 neu 8 o’r Ddeddf i’w thrin fel pe na bai’n ddi-fwg os yw amodau 1 a 2 wedi eu bodloni.

(2) Amod 1 yw bod y person a chanddo ofal am y fangre—

- (a) yn dynodi’r ystafell wely yn un y caniateir ysmegu ynddi, a
- (b) yn cadw cofnod o bob ystafell sydd wedi ei dynodi felly.

(3) Amod 2 yw—

- (a) bod gan yr ystafell wely nenfwd a’i bod, ac eithrio drysau a ffenestri, yn gwbl gaeedig ar bob ochr gan waliau solet o’r llawr i’r nenfwd,
- (b) nad oes gan yr ystafell wely system awyru sy’n awyru i ran ddi-fwg o’r fangre,
- (c) nad oes gan yr ystafell wely ddrysau nad ydynt yn cau’n fecanyddol yn union ar ôl eu defnyddio os ydynt yn agor i ardaloedd di-fwg, a
- (d) bod yr ystafell wely wedi ei marcio’n glir yn ystafell y caniateir ysmegu ynddi.

(4) Caiff y person a chanddo ofal am y fangre dynnu dynodiad yn ôl ar unrhyw adeg.

(5) Mae paragraffau (1) i (4) yn peidio â chael effaith ar ddiwedd y cyfnod o 12 mis sy’n dechrau â’r diwrnod y daw’r Rheoliadau hyn i rym.

(4) The person in charge of the premises may withdraw a designation at any time.

(5) In this regulation, “mental health unit” means premises, or part of premises, maintained wholly or mainly for the reception and treatment of persons suffering from a mental disorder as defined in section 1(2) of the Mental Health Act 1983(1) but does not include an adult care home.

(6) Paragraphs (1) to (5) cease to have effect at the end of the period of 18 months beginning with the day on which these Regulations come into force.

Hotels, guesthouses, inns, hostels and members’ clubs: temporary exemption

9.—(1) A bedroom in premises consisting of a hotel, guesthouse, inn, hostel or members’ club that would (but for this regulation) be smoke-free by virtue of section 7 or 8 of the Act is to be treated as not being smoke-free if conditions 1 and 2 are met.

(2) Condition 1 is that the person in charge of the premises—

- (a) designates the bedroom as one in which smoking is permitted, and
- (b) keeps a record of all rooms that have been so designated.

(3) Condition 2 is that the bedroom—

- (a) has a ceiling and, except for doors and windows, is completely enclosed on all sides by solid floor to ceiling walls,
- (b) does not have a ventilation system that ventilates into a smoke-free part of the premises,
- (c) does not have doors which do not mechanically close immediately after use if they open into smoke-free areas, and
- (d) is clearly marked as a room in which smoking is permitted.

(4) The person in charge of the premises may withdraw a designation at any time.

(5) Paragraphs (1) to (4) cease to have effect at the end of the period of 12 months beginning with the day on which these Regulations come into force.

(1) 1983 p. 20. Diwygiwyd adran 1(2) gan baragraff 2 o Atodlen 10 i Ddeddf Iechyd Meddwl 2007 (p. 12).

(1) 1983 c. 20. Section 1(2) was amended by the Mental Health Act 2007 (c. 12), Schedule 10, paragraph 2.

Tir ysgolion sy'n darparu llety preswyl i ddisgyblion: ardaloedd dynodedig

10.—(1) Cyn y caniateir i ardal o fewn paragraff (2) gael ei dynodi o dan adran 10(5) o'r Ddeddf yn ardal y caniateir ysmegu ynddi ac felly y'i trinnir fel pe na bai'n ddi-fwg, rhaid bodloni amodau 1 a 2.

(2) Mae ardal o fewn y paragraff hwn os yw'n ardal mewn mangre sy'n dir sy'n cydffinio ag ysgol sy'n darparu llety preswyl i ddisgyblion a fyddai (oni bai am y rheoliad hwn) yn ddi-fwg yn rhinwedd adran 10 o'r Ddeddf.

(3) Amod 1 yw bod y person a chanddo ofal am y fangre yn pennu personau neu ddisgrifiadau o bersonau ("person a ganiateir") a gaiff ddefnyddio'r ardal ond ni chaniateir pennu plentyn.

(4) Amod 2 yw—

- (a) nad yw'r ardal yn fwy nag 8.25 metr sgwâr,
- (b) bod yr ardal o leiaf 10 metr o unrhyw fangre arall sy'n ddi-fwg yn rhinwedd y Ddeddf (ac eithrio'r fangre o fewn paragraff (2)), ac
- (c) bod yr ardal wedi ei marcio'n glir yn ardal y caiff person a ganiateir ysmegu ynddi.

(5) Rhaid i'r person a chanddo ofal am y fangre gadw cofnod o bob un o'r ardaloedd sydd wedi eu dynodi o dan adran 10(5) o'r Ddeddf ac o bersonau a ganiateir.

(6) Caiff y person a chanddo ofal am y fangre amrywio dynodiad neu ei dynnu'n ôl ar unrhyw adeg.

Tir ysbytai: ardaloedd dynodedig

11.—(1) Cyn y caniateir i ardal o fewn paragraff (2) gael ei dynodi o dan adran 11(4) o'r Ddeddf yn ardal y caniateir ysmegu ynddi ac felly y'i trinnir fel pe na bai'n ddi-fwg, rhaid bodloni amodau 1 a 2.

(2) Mae ardal o fewn y paragraff hwn os yw'n ardal mewn mangre sy'n dir ysbyty⁽¹⁾ a fyddai (oni bai am y rheoliad hwn) yn ddi-fwg yn rhinwedd adran 11 o'r Ddeddf.

(3) Amod 1 yw bod y person a chanddo ofal yn pennu personau neu ddisgrifiadau o bersonau ("person a ganiateir") a gaiff ddefnyddio'r ardal ond ni chaniateir pennu plentyn.

(4) Amod 2 yw—

- (a) nad yw'r ardal yn fwy nag 8.25 metr sgwâr,

Grounds of schools that provide residential accommodation to pupils: designated areas

10.—(1) Before an area within paragraph (2) may be designated under section 10(5) of the Act as an area in which smoking is permitted and so treated as not being smoke-free, conditions 1 and 2 must be met.

(2) An area is within this paragraph if it is an area in premises consisting of grounds that adjoin a school that provides residential accommodation to pupils that would (but for this regulation) be smoke-free by virtue of section 10 of the Act.

(3) Condition 1 is that the person in charge of the premises specifies persons or descriptions of persons ("permitted persons") who may use the area but a child may not be specified.

(4) Condition 2 is that the area—

- (a) is no more than 8.25 square metres,
- (b) is at least 10 metres away from any other premises that are smoke-free by virtue of the Act (other than the premises within paragraph (2)), and
- (c) is clearly marked as an area in which a permitted person may smoke.

(5) The person in charge of the premises must keep a record of all of the areas which have been designated under section 10(5) of the Act and of permitted persons.

(6) The person in charge of the premises may vary or withdraw a designation at any time.

Hospital grounds: designated areas

11.—(1) Before an area within paragraph (2) may be designated under section 11(4) of the Act as an area in which smoking is permitted and so treated as not being smoke-free, conditions 1 and 2 must be met.

(2) An area is within this paragraph if it is an area in premises consisting of the grounds of a hospital⁽¹⁾ that would (but for this regulation) be smoke-free by virtue of section 11 of the Act.

(3) Condition 1 is that the person in charge of the premises specifies persons or descriptions of persons ("permitted persons") who may use the area but a child may not be specified.

(4) Condition 2 is that the area—

- (a) is not more than 8.25 square metres,

⁽¹⁾ Diffinnir "ysbyty" gan adran 28 o'r Ddeddf fel bod iddo'r ystyr a roddir i "hospital" gan adran 206 o Ddeddf y Gwasanaeth Iechyd Gwladol (Cymru) 2006 (p. 42), ac mae uned iechyd meddwl (o fewn yr ystyr a roddir gan reoliad 8(5)) yn dod o fewn y diffiniad hwnnw.

⁽¹⁾ "Hospital" is defined by section 28 of the Act as having the meaning given by section 206 of the National Health Service (Wales) Act 2006 (c. 42), and a mental health unit (within the meaning given by regulation 8(5)) falls within that definition.

(b) bod yr ardal o leiaf 10 metr o unrhyw fangre arall sy'n ddi-fwg yn rhinwedd y Ddeddf (ac eithrio'r fangre o fewn paragraff (2)), ac

(c) bod yr ardal wedi ei marcio'n glir yn ardal y caiff person a ganiateir ysmegu ynddi.

(5) Rhaid i'r person a chanddo ofal am y fangre gadw cofnod o bob un o'r ardaloedd sydd wedi eu dynodi o dan adran 11(4) o'r Ddeddf ac o bersonau a ganiateir.

(6) Caiff y person a chanddo ofal am y fangre amrywio dynodiad neu ei dynnu'n ôl ar unrhyw adeg.

(b) is at least 10 metres away from any other premises that are smoke-free by virtue of the Act (other than the premises within paragraph (2)), and

(c) is clearly marked as an area in which a permitted person may smoke.

(5) The person in charge of the premises must keep a record of all of the areas which have been designated under section 11(4) of the Act and of permitted persons.

(6) The person in charge of the premises may vary or withdraw a designation at any time.

Dyletswydd i atal ysmegu yn nhir ysgolion, yn nhir ysbytai ac mewn meysydd chwarae cyhoeddus

12. Rhaid i berson a chanddo reolaeth dros fangre, neu sy'n ymwneud â rheoli mangre, sy'n ddi-fwg yn rhinwedd adran 10 (tir ysgolion), 11 (tir ysbytai) neu 12 (meysydd chwarae cyhoeddus) o'r Ddeddf gymryd camau rhesymol i beri i berson sy'n ysmegu yno beidio ag ysmegu.

Duty to prevent smoking in school grounds, hospital grounds and public playgrounds

12. A person who controls or is concerned in the management of premises which are smoke-free by virtue of section 10 (school grounds), 11 (hospital grounds) or 12 (public playgrounds) of the Act must take reasonable steps to cause a person smoking there to stop smoking.

PENNOD 2

Arwyddion

Mangreodd di-fwg sy'n weithleoedd neu sydd ar agor i'r cyhoedd: arwyddion

13.—(1) Mae'r rheoliad hwn yn gymwys i fangreodd sy'n ddi-fwg yn rhinwedd adran 7 neu adran 8 o'r Ddeddf.

(2) Rhaid arddangos o leiaf un arwydd at ddibenion adran 17(1) o'r Ddeddf a rhaid iddo gynnwys darlun graffig eglur o sigarét yn llosgi o fewn cylch gyda bar ar draws y cylch sy'n croesi symbol y sigarét.

(3) Nid yw'r rheoliad hwn yn gymwys i fangreodd a ddefnyddir i unrhyw raddau fel annedd.

Tir ysgolion, tir ysbytai, a meysydd chwarae cyhoeddus: arwyddion

14.—(1) Mae'r rheoliad hwn yn gymwys i'r canlynol—

(a) mangreodd sy'n ddi-fwg yn rhinwedd adran 10 o'r Ddeddf ac sy'n cydffinio â'r ysgol o dan sylw ("tir ysgolion"),

(b) mangreodd sy'n ddi-fwg yn rhinwedd adran 11 o'r Ddeddf ("tir ysbytai"), ac

(c) mangreodd sy'n ddi-fwg yn rhinwedd adran 12 o'r Ddeddf ("meysydd chwarae cyhoeddus").

CHAPTER 2

Signs

Smoke-free premises which are workplaces or open to the public: signs

13.—(1) This regulation applies to premises that are smoke-free by virtue of section 7 or 8 of the Act.

(2) At least one sign must be displayed for the purposes of section 17(1) of the Act and it must contain a legible graphic representation of a burning cigarette enclosed in a circle with a bar across the circle which crosses the cigarette symbol.

(3) This regulation does not apply to premises used to any extent as a dwelling.

School grounds, hospital grounds, and public playgrounds: signs

14.—(1) This regulation applies to—

(a) premises that are smoke-free by virtue of section 10 of the Act and that adjoin the school concerned ("school grounds"),

(b) premises that are smoke-free by virtue of section 11 of the Act ("hospital grounds"), and

(c) premises that are smoke-free by virtue of section 12 of the Act ("public playgrounds").

(2) Rhaid arddangos o leiaf un arwydd yn y fangre at ddibenion adran 17(1) o'r Ddeddf a rhaid iddo—

- (a) cynnwys darlun graffig eglur o sigarét yn llosgi o fewn cylch gyda bar ar draws y cylch sy'n croesi symbol y sigarét,
- (b) cael ei arddangos—
 - (i) yn achos tir ysgolion, tir ysbytai a meysydd chwarae cyhoeddus o fewn ffiniau sydd wedi eu marcio'n glir, mewn lle amlwg wrth neu gerllaw'r brif fynedfa, neu os oes mwy nag un brif fynedfa, bob un ohonynt, a
 - (ii) yn achos meysydd chwarae cyhoeddus nad ydynt o fewn ffiniau sydd wedi eu marcio'n glir, mewn lle amlwg gerllaw'r maes chwarae, ac
- (c) cynnwys y testun rhybuddio priodol.

(3) Y "testun rhybuddio priodol" yw—

- (a) ar gyfer tir ysgolion, "Mae ysmegu yn nhir yr ysgol hon yn erbyn y gyfraith/It is against the law to smoke in these school grounds";
- (b) ar gyfer tir ysbytai, "Mae ysmegu yn nhir yr ysbyty hwn yn erbyn y gyfraith/It is against the law to smoke in these hospital grounds";
- (c) ar gyfer meysydd chwarae cyhoeddus o fewn ffiniau sydd wedi eu marcio'n glir, "Mae ysmegu yn y maes chwarae hwn yn erbyn y gyfraith/It is against the law to smoke in this playground";
- (d) ar gyfer meysydd chwarae cyhoeddus nad ydynt o fewn ffiniau sydd wedi eu marcio'n glir, "Mae ysmegu o fewn 5 metr i'r cyfarpar chwarae hwn yn erbyn y gyfraith/It is against the law to smoke within 5 metres of this play equipment".

RHAN 3

CERBYDAU DI-FWG

Cerbydau di-fwg

15.—(1) Mae cerbyd sy'n gaeedig, ac unrhyw ran o gerbyd sy'n gaeedig, i'w drin fel pe bai'n ddi-fwg os yw paragraff (2) neu (3) yn gymwys.

(2) Mae'r paragraff hwn yn gymwys os yw'r cerbyd yn un a ddefnyddir yn gyfan gwbl neu'n bennaf yng nghwrs gwaith am dâl neu waith gwirfoddol ac y'i defnyddir—

(2) At least one sign must be displayed at the premises for the purposes of section 17(1) of the Act and it must—

- (a) contain a legible graphic representation of a burning cigarette enclosed in a circle with a bar across the circle which crosses the cigarette symbol,
- (b) be displayed—
 - (i) in the case of school grounds, hospital grounds and public playgrounds within clearly marked boundaries, in a prominent position at or near the main entrance, or if there is more than one main entrance, each of them, and
 - (ii) in the case of public playgrounds not within clearly marked boundaries in a prominent position near the playground, and
- (c) include the appropriate warning text.

(3) The "appropriate warning text" is—

- (a) for school grounds, "It is against the law to smoke in these school grounds/Mae ysmegu yn nhir yr ysgol hon yn erbyn y gyfraith";
- (b) for hospital grounds, "It is against the law to smoke in these hospital grounds/Mae ysmegu yn nhir yr ysbyty hwn yn erbyn y gyfraith";
- (c) for public playgrounds within clearly marked boundaries, "It is against the law to smoke in this playground/Mae ysmegu yn y maes chwarae hwn yn erbyn y gyfraith";
- (d) for public playgrounds not within clearly marked boundaries, "It is against the law to smoke within 5 metres of this play equipment/Mae ysmegu o fewn 5 metr i'r cyfarpar chwarae hwn yn erbyn y gyfraith".

PART 3

SMOKE-FREE VEHICLES

Smoke-free vehicles

15.—(1) A vehicle which is enclosed, and any part of a vehicle which is enclosed, is to be treated as being smoke-free if paragraph (2) or (3) applies.

(2) This paragraph applies if the vehicle is one that is used wholly or mainly in the course of paid or voluntary work and it is used—

- (a) gan fwy nag un person (hyd yn oed os yw'r personau sy'n ei ddefnyddio yn gwneud hynny ar adegau gwahanol neu'n ysbeidiol), neu
- (b) i gludo aelodau o'r cyhoedd neu garfan o'r cyhoedd.

(3) Mae'r paragraff hwn yn gymwys os nad yw'r cerbyd o fewn paragraff (2) ac y'i defnyddir—

- (a) yng nghwrs gwaith am dâl neu waith gwirfoddol a bod mwy nag un person yn bresennol yn y cerbyd a bod un o'r rheini yn bresennol at ddiben cael nwyddau neu wasanaethau oddi wrth y person sy'n defnyddio'r cerbyd, neu
- (b) at ddibenion cymdeithasol, domestig neu ddibenion preifat eraill a bod mwy nag un person yn bresennol yn y cerbyd a bod un o'r personau hynny yn blentyn.

(4) Mae cerbyd sy'n ddi-fwg yn rhinwedd paragraff (2) yn ddi-fwg drwy'r amser.

(5) Nid yw cerbyd sy'n ddi-fwg yn rhinwedd paragraff (3) ond yn ddi-fwg pan yw'r cerbyd yn cael ei ddefnyddio fel y'i disgrifir yn y paragraff hwnnw.

Cerbydau di-fwg: esemptiadau

16.—(1) Nid yw cerbyd i'w drin fel pe bai'n ddi-fwg yn rhinwedd rheoliad 15(3)(b) os yw'n garafán neu'n garafán fodur—

- (a) sy'n sefydlog ac nad yw ar ffordd, neu
- (b) sy'n sefydlog, sydd ar ffordd ac sy'n cael ei defnyddio fel llety preswyl.

(2) Yn y rheoliad hwn—

ystyr “carafán” (“*caravan*”) yw trelar sydd wedi ei ddylunio i'w ddefnyddio ar y ffordd ac sy'n darparu llety preswyl symudol;

ystyr “carafán fodur” (“*motor caravan*”) yw cerbyd modur sydd wedi ei adeiladu neu ei addasu er mwyn cludo teithwyr a'u heiddo personol ac sy'n cynnwys, yn offer sydd wedi eu gosod yn barhaol, y cyfleusterau sy'n rhesymol angenrheidiol i alluogi'r cerbyd i ddarparu llety preswyl symudol i'w ddefnyddwyr;

mae i “ffordd” yr ystyr a roddir i “road” gan adran 192(1) o Ddeddf Traffig Ffyrdd 1988(1).

- (a) by more than one person (even if the persons who use it do so at different times or intermittently), or

- (b) to transport members of the public or a section of the public.

(3) This paragraph applies if the vehicle is not within paragraph (2) and it is used—

- (a) in the course of paid or voluntary work and more than one person is present in the vehicle and one of those is present for the purpose of receiving goods or services from the person using the vehicle, or
- (b) for social, domestic or other private purposes and more than one person is present in the vehicle and one of those persons is a child.

(4) A vehicle which is smoke-free by virtue of paragraph (2) is smoke-free all the time.

(5) A vehicle which is smoke-free by virtue of paragraph (3) is smoke-free only when the vehicle is being used as described in that paragraph.

Smoke-free vehicles: exemptions

16.—(1) A vehicle is not to be treated as being smoke-free by virtue of regulation 15(3)(b) if it is a caravan or motor caravan that is—

- (a) stationary and not on a road, or
- (b) stationary, is on a road and is being used as living accommodation.

(2) In this regulation—

“caravan” (“*carafán*”) means a trailer which is designed for road use and provides mobile living accommodation;

“motor caravan” (“*carafán fodur*”) means a motor vehicle which is constructed or adapted for the carriage of passengers and their effects and which contains, as permanently installed equipment, the facilities which are reasonably necessary for enabling the vehicle to provide mobile living accommodation for its users;

“road” (“*ffordd*”) has the meaning given by section 192(1) of the Road Traffic Act 1988(1).

(1) 1988 p. 52. Diwygiwyd y diffiniad o “road” gan baragraff 78 o Atodlen 4 i Ddeddf Traffig Ffyrdd 1991 (p. 40).

(1) 1988 c. 52. The definition of “road” was amended by the Road Traffic Act 1991 (c. 40), paragraph 78 of Schedule 4.

Dyletswydd i atal ysmegu mewn cerbyd di-fwg

17. Rhaid i'r personau a ganlyn gymryd camau rhesymol i beri i berson sy'n ysmegu mewn cerbyd a drinnir fel pe bai'n ddi-fwg yn rhinwedd rheoliad 15 beidio ag ysmegu—

- (a) gyrrwr neu weithredwr cerbyd a drinnir fel pe bai'n ddi-fwg yn rhinwedd rheoliad 15, a
- (b) person sy'n ymwneud â rheoli cerbyd o'r fath.

Cerbydau di-fwg: arwyddion

18.—(1) Rhaid i yrrwr a gweithredwr cerbyd a drinnir fel pe bai'n gerbyd di-fwg yn rhinwedd rheoliad 15(2), a pherson sy'n ymwneud â rheoli cerbyd o'r fath, sicrhau bod arwydd yn cael ei arddangos yn y cerbyd yn unol â pharagraff (2).

(2) Rhaid i'r arwydd gynnwys darlun graffig eglur o sigarét yn llosgi o fewn cylch gyda bar ar draws y cylch sy'n croesi symbol y sigarét.

RHAN 4 GORFODI

Awdurdod gorfodi: yr heddlu

19. Mae prif swyddog heddlu ardal heddlu wedi ei awdurdodi i weithredu fel awdurdod gorfodi mewn perthynas â cherbydau yn ei ardal sy'n ddi-fwg yn rhinwedd rheoliad 15(3)(b) (cerbydau sy'n cael eu defnyddio at ddibenion cymdeithasol, domestig neu ddibenion preifat eraill pan fo plentyn yn bresennol).

Symiau'r gosb benodedig

20. Symiau'r gosb benodedig a bennir at ddibenion paragraff 6 o Atodlen 1 i'r Ddeddf yw—

- (a) mewn cysylltiad â throsedd o dan adran 17(5) o'r Ddeddf (y drosedd o fethu ag arddangos arwydd), £200,
- (b) mewn cysylltiad â throsedd o dan adran 5(1) o'r Ddeddf (y drosedd o ysmegu mewn mangre ddi-fwg neu mewn cerbyd di-fwg), £100, ac
- (c) mewn cysylltiad â throsedd o dan adran 6(6) o'r Ddeddf mewn perthynas â cherbyd sy'n cael ei ddefnyddio at y dibenion a grybwyllir yn adran 27(4) o'r Ddeddf (y drosedd o fethu ag atal ysmegu mewn cerbyd sy'n cael ei ddefnyddio at ddibenion cymdeithasol, domestig neu ddibenion preifat eraill pan fo plentyn yn bresennol), £100.

Duty to prevent smoking in a smoke-free vehicle

17. The following persons must take reasonable steps to cause a person smoking in a vehicle which is treated as being smoke-free by virtue of regulation 15 to stop smoking—

- (a) a driver or operator of a vehicle which is treated as being smoke-free by virtue of regulation 15, and
- (b) a person who is concerned in the management of such a vehicle.

Smoke-free vehicles: signs

18.—(1) The driver, operator and person who is concerned in the management of a vehicle which is treated as a smoke-free vehicle by virtue of regulation 15(2) must make sure that a sign is displayed in the vehicle in accordance with paragraph (2).

(2) The sign must contain a legible graphic representation of a burning cigarette enclosed in a circle with a bar across the circle which crosses the cigarette symbol.

PART 4 ENFORCEMENT

Enforcement authority: police

19. The chief officer of police for a police area is authorised to act as an enforcement authority in relation to vehicles in its area that are smoke-free by virtue of regulation 15(3)(b) (vehicles being used for social, domestic or other private purposes where a child is present).

Fixed penalty amounts

20. The fixed penalty amounts specified for the purposes of paragraph 6 of Schedule 1 to the Act are—

- (a) in respect of an offence under section 17(5) of the Act (offence of failing to display a sign), £200,
- (b) in respect of an offence under section 5(1) of the Act (offence of smoking in smoke-free premises or in a smoke-free vehicle), £100, and
- (c) in respect of an offence under section 6(6) of the Act in relation to a vehicle being used for the purposes mentioned in section 27(4) of the Act (offence of failing to prevent smoking in vehicle being used for social, domestic or other private purposes where a child is present), £100.

Symiau'r gosb benodedig: symiau gostyngol

21. Y symiau gostyngol a bennir at ddibenion paragraff 9 o Atodlen 1 i'r Ddeddf yw—

- (a) mewn cysylltiad â throedd o dan adran 17(5) o'r Ddeddf (y droedd o fethu ag arddangos arwydd), £150,
- (b) mewn cysylltiad â throedd o dan adran 5(1) o'r Ddeddf (y droedd o ysmegu mewn mangre ddi-fwg neu mewn cerbyd di-fwg), £75, ac
- (c) mewn cysylltiad â throedd o dan adran 6(6) o'r Ddeddf mewn perthynas â cherbyd sy'n cael ei ddefnyddio at y dibenion a grybwyllir yn adran 27(4) o'r Ddeddf (y droedd o fethu ag atal ysmegu mewn cerbyd sy'n cael ei ddefnyddio at ddibenion cymdeithasol, domestig neu ddibenion preifat eraill pan fo plentyn yn bresennol), £75.

Ffurf hysbysiadau cosb benodedig

22.—(1) Rhaid i hysbysiad cosb benodedig fod ar y ffurf a bennir yn Atodlen 1 mewn cysylltiad â throedd o dan adran 17(5) o'r Ddeddf (y droedd o fethu ag arddangos arwydd).

(2) Rhaid i hysbysiad cosb benodedig fod ar y ffurf a bennir yn Atodlen 2 mewn cysylltiad â throedd o dan—

- (a) adran 5(1) o'r Ddeddf (y droedd o ysmegu mewn mangre ddi-fwg neu mewn cerbyd di-fwg), a
- (b) adran 6(6) o'r Ddeddf (y droedd o fethu ag atal ysmegu mewn cerbyd sy'n cael ei ddefnyddio at ddibenion cymdeithasol, domestig neu ddibenion preifat eraill pan fo plentyn yn bresennol).

(3) Nid yw paragraffau (1) a (2) yn atal awdurdod gorfodi rhag cynnwys ar ffurflen hysbysiad cosb benodedig—

- (a) gwybodaeth am y dull talu,
- (b) gwybodaeth i hwyluso prosesu ariannol a gweinyddol y ffurflenni, ac
- (c) arfbeisiau, logos neu ddyfeisiau eraill i gynrychioli'r awdurdod.

Fixed penalty amounts: discounted amounts

21. The discounted amounts specified for the purposes of paragraph 9 of Schedule 1 to the Act are—

- (a) in respect of an offence under section 17(5) of the Act (offence of failing to display a sign), £150,
- (b) in respect an offence under section 5(1) of the Act (offence of smoking in smoke-free premises or in a smoke-free vehicle), £75, and
- (c) in respect of an offence under section 6(6) of the Act in relation to a vehicle being used for the purposes mentioned in section 27(4) of the Act (offence of failing to prevent smoking in vehicle being used for social, domestic or other private purposes where a child is present), £75.

Form of fixed penalty notices

22.—(1) A fixed penalty notice must be in the form set out in Schedule 1 in respect of an offence under section 17(5) of the Act (offence of failing to display a sign).

(2) A fixed penalty notice must be in the form set out in Schedule 2 in respect of an offence under—

- (a) section 5(1) of the Act (offence of smoking in a smoke-free vehicle or in smoke-free premises), and
- (b) section 6(6) of the Act (offence of failing to prevent smoking in vehicle being used for social, domestic or other private purposes where a child is present).

(3) Paragraphs (1) and (2) do not prevent an enforcement authority from including on a fixed penalty notice form—

- (a) information about the method of payment,
- (b) information to facilitate financial and administrative processing of the forms, and
- (c) coats of arms, logos or other devices to represent the authority.

RHAN 5

DIWYGIADAU CANLYNIADOL A DIRYMIADAU

Diwygio Rheoliadau Di-fwg (Cosbau a Symiau Gostyngol) 2007

23.—(1) Mae Rheoliadau Di-fwg (Cosbau a Symiau Gostyngol) 2007(1) wedi eu diwygio fel a ganlyn.

(2) Yn rheoliad 1—

(a) yn lle paragraff (2), rhodder—

“(2) These regulations only apply to premises, places and vehicles in England.”;

(b) ym mharagraff (3), hepgorer “and in Wales on 2nd April 2007”.

Diwygio Rheoliadau Deddf Rheoleiddio ac Arolygu Gofal Cymdeithasol (Cymru) 2016 (Diwygiadau Canlyniadol i Is-ddeddfwriaeth) 2018

24. Hefgorer paragraff 16 o Atodlen 1 i Reoliadau Deddf Rheoleiddio ac Arolygu Gofal Cymdeithasol (Cymru) 2016 (Diwygiadau Canlyniadol i Is-ddeddfwriaeth) 2018(2).

Dirymiadau

25. Mae'r Rheoliadau a ganlyn wedi eu dirymu—

(a) Rheoliadau Mangreoedd etc. Di-fwg (Cymru) 2007(3);

(b) Rheoliadau Mangreoedd etc. Di-fwg (Cymru) (Diwygio) 2015(4);

(c) Rheoliadau Mangreoedd etc. Di-fwg (Cymru) (Diwygio) 2016(5).

PART 5

CONSEQUENTIAL AMENDMENTS AND REVOCATIONS

Amendment of the Smoke-free (Penalties and Discounted Amounts) Regulations 2007

23.—(1) The Smoke-free (Penalties and Discounted Amounts) Regulations 2007(1) are amended as follows.

(2) In regulation 1—

(a) for paragraph (2), substitute—

“(2) These regulations only apply to premises, places and vehicles in England.”;

(b) in paragraph (3), omit “and in Wales on 2nd April 2007”.

Amendment of the Regulation and Inspection of Social Care (Wales) Act 2016 (Consequential Amendments to Secondary Legislation) Regulations 2018

24. Omit paragraph 16 of Schedule 1 to the Regulation and Inspection of Social Care (Wales) Act 2016 (Consequential Amendments to Secondary Legislation) Regulations 2018(2).

Revocations

25. The following regulations are revoked—

(a) the Smoke-free Premises etc. (Wales) Regulations 2007(3);

(b) the Smoke-free Premises etc. (Wales) (Amendment) Regulations 2015(4);

(c) the Smoke-free Premises etc. (Wales) (Amendment) Regulations 2016(5).

Eluned Morgan

Y Gweinidog Iechyd Meddwl, Llesiant a'r Gymraeg,
un o Weiniogion Cymru
26 Hydref 2020

Minister for Mental Health, Wellbeing and Welsh
Language, one of the Welsh Ministers
26 October 2020

(1) O.S. 2007/764.
(2) O.S. 2018/48 (Cy. 15).
(3) O.S. 2007/787 (Cy. 68).
(4) O.S. 2015/1363 (Cy. 133).
(5) O.S. 2016/118 (Cy. 55).

(1) S.I. 2007/764.
(2) S.I. 2018/48 (W. 15).
(3) S.I. 2007/787 (W. 68).
(4) S.I. 2015/1363 (W. 133).
(5) S.I. 2016/118 (W. 55).

YR ATODLENNI SCHEDULES

ATODLEN 1 Rheoliad 22(1)

Ffurflen Hysbysiad Cosb Benodedig
Methu ag arddangos arwyddion yn unol â
rheoliadau a wnaed o dan adran 17.

[ENW'R AWDURDOD GORFODI]

[CYFEIRIAD YR AWDURDOD GORFODI]

**DEDDF IECHYD Y CYHOEDD (CYMRU)
2017:**

**ADRAN 17 (METHU AG ARDDANGOS
ARWYDDION YN UNOL Â RHEOLIADAU
A WNAED GAN NEU O DAN ADRAN 17)**

HYSBYSIAD COSB BENODEDIG

SWM Y GOSB £200

RHAN 1:

COPI'R DERBYNNYDD

**Rhif yr hysbysiad cosb
benodedig** _____

**Enw llawn y troseddwr
honedig** _____

**Cyfeiriad y troseddwr
honedig** _____

Cod post _____

Dyddiad geni (os yw'n hysbys) _____

Mae gennyf i, _____

, un o swyddogion
awdurdodedig [enw'r awdurdod
gorfodi] yn rhinwedd adran 18 o

SCHEDULE 1 Regulation 22(1)

Fixed Penalty Notice Form
Failing to display signs in accordance with
regulations made under section 17.

[NAME OF ENFORCEMENT AUTHORITY]

[ADDRESS OF ENFORCEMENT
AUTHORITY]

PUBLIC HEALTH (WALES) ACT 2017:

**SECTION 17 (FAILING TO DISPLAY
SIGNS IN ACCORDANCE WITH
REGULATIONS MADE BY OR UNDER
SECTION 17)**

FIXED PENALTY NOTICE

PENALTY AMOUNT £200

PART 1:

RECIPIENT COPY

Fixed penalty notice number

Full name of alleged offender

Address of alleged offender

Post code

Date of birth (if known)

I,

, an authorised officer of the
[name of enforcement authority]
by virtue of section 18 of the

Ddeddf Iechyd y Cyhoedd (Cymru) 2017, reswm dros gredu ichi gyflawni trosedd o dan adran 17 o Ddeddf Iechyd y Cyhoedd (Cymru) 2017 (methu ag arddangos arwyddion yn unol â rheoliadau a wnaed o dan adran 17) mewn mangre neu gerbyd y mae gan [enw'r awdurdod gorfodi] gyfrifoldebau gorfodi mewn cysylltiad â hi neu ag ef.

Public Health (Wales) Act 2017, have reason to believe that you committed an offence under section 17 of the Public Health (Wales) Act 2017 (failing to display signs in accordance with regulations made under section 17) within premises or vehicle in respect of which [name of enforcement authority] has enforcement responsibilities.

Yr amgylchiadau yr honnir eu bod yn drosedd yw eich bod chi, am (*amser*)

The circumstances alleged to constitute the offence are that at (*time*)

o'r gloch, ar (*dyddiad*)

hours, on (*date*)

yn y fangre neu'r cerbyd a ganlyn (*lle y digwyddodd y drosedd honedig, gan gynnwys y cyfeiriad*)

you, at/on the following premises or vehicle (*where alleged offence took place, including address*)

sef mangre neu gerbyd y mae adran 17 o Ddeddf Iechyd y Cyhoedd (Cymru) 2017 yn gymwys iddi neu iddo (*manylion y drosedd*)

being premises or a vehicle to which section 17 of the Public Health (Wales) Act 2017 applies allegedly (*details of offence*)

Mae'r hysbysiad hwn yn rhoi'r cyfle ichi i ryddhau unrhyw atebolrwydd am euogfarn am y drosedd honno drwy dalu cosb benodedig o **£200 (dau gan punt)**. Ni ddygir achos am y drosedd hon cyn diwedd 29 o ddiwrnodau sy'n dechrau â (*y dyddiad y rhoddir yr hysbysiad hwn*).

This notice offers you the opportunity of discharging any liability for conviction for that offence by payment of a fixed penalty of **£200 (two hundred pounds)**. No proceedings will be taken for this offence before the end of 29 days beginning with (*the date on which this notice is given*).

Ni fyddwch yn agored i euogfarn am y drosedd os byddwch yn talu'r gosb benodedig o fewn y cyfnod hwnnw. Yn y ffurflen hon, cyfeirir at y cyfnod hwn fel y cyfnod 29 o ddiwrnodau.

You will not be liable to conviction for the offence if you pay the fixed penalty within that period. In this form, this period is referred to as the 29 day period.

Gallwch dalu swm gostyngol o £150 (cant a hanner o bunnoedd) os byddwch yn talu o fewn 15 niwrnod sy'n dechrau â (*y dyddiad y rhoddir yr hysbysiad hwn*).

You can pay a discounted amount of £150 (one hundred and fifty pounds) if you pay within 15 days beginning with (*date on which this notice is given*).

Os nad yw'r 15fed diwrnod yn ddiwrnod gwaith,

If the 15th day is not a working day, you may pay

cewch dalu ar y diwrnod gwaith nesaf. Ystyr “diwrnod gwaith” yw unrhyw ddiwrnod nad yw’n ddydd Sadwrn, dydd Sul, Dydd Nadolig, Dydd Gwener y Groglith nac yn ddiwrnod sy’n wyl banc yng Nghymru a Lloegr o dan Ddeddf Bancio a Thrafodion Ariannol 1971. Yn y ffurflen hon, cyfeirir at y cyfnod hwn fel y cyfnod 15 niwrnod.

on the next working day. “Working day” means any day which is not Saturday, Sunday, Christmas Day, Good Friday or a day which is a bank holiday in England and Wales under the Banking and Financial Dealings Act 1971. In this form, this period is referred to as the 15 day period.

Ceir gwybodaeth at sylw di-oed y person y dyroddwyd yr hysbysiad cosb benodedig hwn iddo yn Rhan 2 o’r hysbysiad hwn. Ceir manylion ynghylch sut i dalu’r gosb benodedig hon yn Rhan 3 o’r hysbysiad hwn. Ceir manylion ynghylch sut i ofyn am wrandawriad llys mewn perthynas â’r drosedd honedig hon yn Rhan 4 o’r hysbysiad hwn.

Information for the immediate attention of the person who has been issued this fixed penalty notice is at Part 2 of this notice. Details about how to pay this fixed penalty are at Part 3 of this notice. Details about how to request a court hearing in relation to this alleged offence are at Part 4 of this notice.

Os oes gennych unrhyw gwestiynau, neu os ydych yn dymuno trafod yr hysbysiad hwn, cysylltwch â: [enw a chyfeiriad yr awdurdod gorfodi a manylion cyswllt].

If you have any questions, or if you wish to discuss this notice, please contact [name and address of enforcement authority and contact details].

*Llofnod y swyddog
awdurdodedig*

Signature of authorised officer

Dyddiad dyroddi (dd/mm/yyyy)

Date of issue (dd/mm/yyyy)

Rhan 2

Part 2

GWYBODAETH AT SYLW DI-OED Y PERSON Y DYRODDWYD YR HYSBYSIAD HWN IDDO:

INFORMATION FOR THE IMMEDIATE ATTENTION OF THE PERSON WHO HAS BEEN ISSUED WITH THIS NOTICE:

Rydych wedi cael yr hysbysiad hwn oherwydd bod gan swyddog awdurdodedig [enw'r awdurdod gorfodi] a enwir yn Rhan 1 o'r hysbysiad hwn reswm dros gredu eich bod wedi cyflawni'r drosedd o fethu ag arddangos arwyddion yn unol â rheoliadau a wnaed o dan adran 17 o Ddeddf Iechyd y Cyhoedd (Cymru) 2017 fel y'i disgrifir yn Rhan 1. O fewn y **cyfnod 29 o ddiwrnodau a bennir yn Rhan 1, rhaid ichi naill ai talu'r gosb neu ofyn bod llys yn gwrando ar y mater. Ni chewch wneud y ddau beth.**

You have received this notice because the authorised officer of [name of enforcement authority] named in Part 1 of this notice has reason to believe that you have committed the offence of failing to display signs in accordance with regulations made under section 17 of the Public Health (Wales) Act 2017 as described in Part 1. Within the **29 day period specified in Part 1, you must either pay the penalty or request that the matter be heard by a court. You may not do both.**

Os byddwch yn methu â gwneud y naill neu'r llall, caiff [enw'r awdurdod gorfodi], ac yntau'n awdurdod gorfodi yn rhinwedd adran 18 o Ddeddf Iechyd y Cyhoedd (Cymru) 2017, ddwyn y mater hwn gerbron llys. Mae person a ddyfernir yn euog o'r drosedd o fethu ag arddangos arwyddion yn unol â rheoliadau a wnaed o dan adran 17 o Ddeddf Iechyd y Cyhoedd (Cymru) 2017 yn agored ar euogfarn ddiannod i ddirwy nad yw'n uwch na lefel 3 ar y raddfa safonol.

If you fail to do either, [name of enforcement authority] as an enforcement authority by virtue of section 18 of the Public Health (Wales) Act 2017, may pursue this matter in court. A person found guilty of the offence of failing to display signs in accordance with regulations made under section 17 of the Public Health (Wales) Act 2017 is liable on summary conviction to a fine not exceeding level 3 on the standard scale.

TALU'R GOSB

PAYING THE PENALTY

Swm y gosb benodedig yw **£200 (dau gan punt)**. Rhaid ei dalu o fewn y cyfnod 29 o ddiwrnodau a bennir yn Rhan 1.

The amount of the fixed penalty is **£200 (two hundred pounds)**. It must be paid within the 29 day period which is specified in Part 1.

Gallwch dalu swm gostyngol o **£150 (cant a hanner o bunnoedd)** os byddwch yn talu o fewn y cyfnod 15 niwrnod a bennir yn Rhan 1.

You can pay a discounted amount of **£150 (one hundred and fifty pounds)** if you pay within the 15 day period which is specified in Part 1.

Os byddwch yn dewis talu'r gosb benodedig hon, ni chymerir unrhyw gamau pellach mewn cysylltiad â'r drosedd honedig a ddisgrifir yn Rhan 1 o'r hysbysiad hwn. Nid yw talu'r gosb yn golygu eich bod yn cyfaddef eich bod yn euog ac ni fydd yn arwain at gofnod o euogfarn droseddol yn eich erbyn. Caniateir talu drwy gwblhau Rhan 3A isod a'i hanfon ynghyd â thaliad i'r cyfeiriad a nodir yn y Rhan honno, neu drwy gwblhau Rhan 3A isod a thalu'n bersonol yn [enw a chyfeiriad yr awdurdod gorfodi].

If you choose to pay this fixed penalty, no further action will be taken in respect of the alleged offence described at Part 1 of this notice. The payment of the penalty involves no admission of guilt and will not result in a record of criminal conviction being made against you. Payment may be made by completing Part 3A below and sending it with payment to the address stated in that Part, or by completing Part 3A below and paying in person at [name and address of enforcement authority].

Mae'r dulliau talu derbyniol yn cynnwys arian parod, siec, archeb bost neu archeb arian, neu daliad ar-lein yn y cyfeiriad gwe a ganlyn [cyfeiriad ar gyfer gwneud taliadau ar-lein]. Dylid gwneud sieciau, archebion post neu archebion arian yn daladwy i [enw'r awdurdod gorfodi]. Os byddwch yn dewis talu'r gosb benodedig hon mewn arian parod drwy'r post, rhaid ei anfon drwy'r post cofrestredig, a rhaid cadw prawf o bostio. Os bydd amoch angen derbynneb am dalu'r gosb, rhaid ichi ofyn amdani pan fyddwch yn talu, ac os byddwch yn talu drwy'r post, rhaid ichi ddarparu amlen ac arni stamp a'ch cyfeiriad eich hun.

Acceptable methods of payment include cash, cheque, postal order or money order or online at the following web address [address for making online payments]. Cheques, postal orders or money orders should be made payable to [name of enforcement authority]. If you choose to pay this fixed penalty in cash by post, this must be sent by registered post, and proof of posting must be retained. If you require a receipt for the payment of the penalty, you must ask for one at the time of payment, and if paying by post, you must provide a stamped, self-addressed envelope.

RHYBUDD: NI DDERBYNNIR TALIAD HWYR. NID ANFONIR NODYN I'CH ATGOFFA.

WARNING: LATE PAYMENT WILL NOT BE ACCEPTED. YOU WILL NOT BE SENT A REMINDER.

Rhan 3A

Part 3A

TALU COSB BENODEDIG A DDYRODDWYD O DAN ADRAN 27 O DDEDDF IECHYD Y CYHOEDD (CYMRU) 2017 MEWN CYSYLLTIAD Â THROSEDD O DAN ADRAN 17(5) O'R DDEDDF HONNO (METHU AG ARDDANGOS ARWYDDION YN UNOL Â RHEOLIADAU A WNAED O DAN ADRAN 17)

PAYMENT OF FIXED PENALTY ISSUED UNDER SECTION 27 OF THE PUBLIC HEALTH (WALES) ACT 2017 IN RESPECT OF AN OFFENCE UNDER SECTION 17(5) OF THAT ACT (FAILING TO DISPLAY SIGNS IN ACCORDANCE WITH REGULATIONS MADE UNDER SECTION 17)

Rhaid amgáu'r slip hwn gyda phob taliad
[Enw'r awdurdod gorfodi a'r _____]

This slip must accompany all payments
[Name and address at _____]

cyfeiriad lle y dylid anfon y taliad]

enforcement authority where payment should be sent]

Rhif yr hysbysiad cosb benodedig

Fixed penalty notice number

Rwyf yn amgáu'r swm o:
(*ticiwch un blwch*)

I enclose the amount of:
(*tick one box*)

(os gwneir y taliad o fewn y cyfnod 15 niwrnod a bennir yn Rhan 1)

£150

(if the payment is made within the 15 day period specified in Part 1)

(os gwneir y taliad o fewn y cyfnod 29 o ddiwrnodau a bennir yn Rhan 1)

£200

(if the payment is made within the 29 day period specified in Part 1)

Enw llawn y troseddwr honedig

Full name of the alleged offender

Cyfeiriad y troseddwr honedig

Address of the alleged offender

Cod post

Post code

Llofnod

Signature

Dyddiad (*dd/mm/bbbb*)

Date (*dd/mm/yyyy*)

RHAN 4**PART 4****GOFYN AM WRANDAWIAD LLYS****REQUESTING A COURT HEARING**

Os byddwch yn dewis gofyn am wrandawriad llys, **rhaidd** ichi wneud hynny o fewn y cyfnod 29 o ddiwrnodau drwy gwblhau Rhan 4A a'i hanfon at [enw'r awdurdod gorfodi], neu drwy ysgrifennu at [enw'r awdurdod gorfodi] yn y cyfeiriad a nodir yn Rhan 4A, gan roi eich manylion, rhif yr hysbysiad cosb benodedig (a geir yn Rhan 1 o'r hysbysiad hwn) a chyfeiriad lle y gellir cyflwyno gwys ichi. Bydd yr wys yn rhoi gwybod ichi pryd i fynd i'r llys ac ym mhle y mae'r llys. Dim ond derbynnydd yr hysbysiad hwn (y person a enwir yn Rhan 1) a gaiff ofyn am wrandawriad llys.

If you choose to request a court hearing, you **must** do so within the 29 day period by completing Part 4A and sending it to [name of enforcement authority], or by writing to [name of enforcement authority] at the address stated in Part 4A, giving your details, the fixed penalty notice number (which can be found in Part 1 of this notice) and an address at which a summons can be served on you. The summons will tell you when and where to attend court. Only the recipient of this notice (the person named at Part 1) may request a court hearing.

Rhan 4A**Part 4A**

**DEDDF IECHYD Y CYHOEDD (CYMRU) 2017:
METHU AG ARDDANGOS ARWYDDION
YN UNOL Â RHEOLIADAU A WNAED O
DAN ADRAN 17**

**PUBLIC HEALTH (WALES) ACT 2017:
FAILING TO DISPLAY SIGNS IN
ACCORDANCE WITH REGULATIONS
MADE UNDER SECTION 17**

**CAIS I LYS BARN YMDRIN Â THROSEDD
HONEDIG**

**REQUEST FOR ALLEGED OFFENCE TO
BE DEALT WITH BY A COURT OF LAW**

At
[Enw'r awdurdod gorfodi a'r
cyfeiriad y dylid anfon Rhan 4
iddo].

To
[Name and address at
enforcement authority to which
Part 4 should be sent]

**Rhif yr hysbysiad cosb
benodedig**

Fixed penalty notice number

Rwyf yn dymuno i lys barn ymdrin â mi mewn
cysylltiad â'r drosedd honedig.

I wish to be dealt with by a court of law for the
alleged offence.

**Enw llawn y troseddwr
honedig**

Full name of alleged offender

**Cyfeiriad y troseddwr
honedig**

Address of alleged offender

Cod post

Post code

Llofnod

Signature

Dyddiad

Date

ATODLEN 2 Rheoliad 22(2)

Ffurflen Hysbysiad Cosb Benodedig
Ysmygu mewn mangre ddi-fwg neu mewn cerbyd di-fwg.
Methu ag atal ysmygu mewn cerbyd sy'n cael ei ddefnyddio at ddibenion cymdeithasol, domestig neu ddibenion preifat eraill pan fo plentyn yn bresennol.

[ENW'R AWDURDOD GORFODI]

[CYFEIRIAD YR AWDURDOD GORFODI]

**DEDDF IECHYD Y CYHOEDD (CYMRU)
2017:**

**ADRAN 5(1) (YSMYGU MEWN MANGRE
DDI-FWG NEU MEWN CERBYD DI-FWG)**

**ADRAN 6(6) (METHU AG ATAL YSMYGU
MEWN CERBYD SY'N CAEL EI
DDEFNYDDIO AT DDIBENION
CYMDEITHASOL, DOMESTIG NEU
DDIBENION PREIFAT ERAILL PAN FO
PLENTYN YN BRESENNOL)**

HYSBYSIAD COSB BENODEDIG

SWM Y GOSB £100

RHAN 1:

COPI'R DERBYNNYDD

**Rhif yr hysbysiad cosb _____
benodedig**

**Enw llawn y troseddwr
honedig _____**

**Cyfeiriad y troseddwr
honedig _____

_____**

Cod post _____

SCHEDULE 2 Regulation 22(2)

Fixed Penalty Notice Form
Smoking in smoke-free premises or in a smoke-free vehicle.
Failing to prevent smoking in a vehicle being used for social, domestic or other private purposes where a child is present.

[NAME OF ENFORCEMENT AUTHORITY]

[ADDRESS OF ENFORCEMENT
AUTHORITY]

PUBLIC HEALTH (WALES) ACT 2017:

**SECTION 5(1) (SMOKING IN SMOKE-
FREE PREMISES OR IN A SMOKE-FREE
VEHICLE)**

**SECTION 6(6) (FAILING TO PREVENT
SMOKING IN A VEHICLE BEING USED
FOR SOCIAL, DOMESTIC OR OTHER
PRIVATE PURPOSES WHERE A CHILD IS
PRESENT)**

FIXED PENALTY NOTICE

PENALTY AMOUNT £100

PART 1:

RECIPIENT COPY

Fixed penalty notice number

Full name of alleged offender

Address of alleged offender

Post code

Dyddiad geni (os yw'n hysbys)

Date of birth (if known)

Mae gennyf i,

I,

, un o swyddogion awdurdodedig [enw'r awdurdod gorfodi] yn rhinwedd adran 18 o Ddeddf Iechyd y Cyhoedd (Cymru) 2017, reswm dros gredu ichi gyflawni trosedd o dan:

, an authorised officer of the [name of enforcement authority] by virtue of section 18 of the Public Health (Wales) Act 2017, have reason to believe that you committed an offence under:

(ticiwch un blwch)

(tick one box)

adran 5(1) o Ddeddf Iechyd y Cyhoedd (Cymru) 2017 (ysmygu mewn mangre ddi-fwg neu mewn cerbyd di-fwg), neu

section 5(1) of the Public Health (Wales) Act 2017 (smoking in smoke-free premises or in a smoke-free vehicle), or

adran 6(6) o Ddeddf Iechyd y Cyhoedd (Cymru) 2017 (methu ag atal ysmegu mewn cerbyd sy'n cael ei ddefnyddio at ddibenion cymdeithasol, domestig neu breifat pan fo plentyn yn bresennol)

section 6(6) of the Public Health (Wales) Act 2017 (failing to prevent smoking in a vehicle being used for social, domestic or private purposes where a child is present)

mewn mangre neu gerbyd y mae gan [enw'r awdurdod gorfodi] gyfrifoldebau gorfodi mewn perthynas ag ef.

within premises or vehicle in relation to which [name of enforcement authority] has enforcement responsibilities.

Amgylchiadau'r drosedd honedig yw eich bod chi, am *(amser)*

The circumstances of the alleged offence are that at *(time)*

o'r gloch, ar *(dyddiad)*

hours, on *(date)*

yn y fangre neu'r cerbyd a ganlyn *(lle y digwyddodd y drosedd honedig, gan gynnwys y cyfeiriad os oes un)*

you, at/on the following premises or vehicle *(where alleged offence took place, including address, if any)*

sef mangre neu gerbyd y mae darpariaethau adran 5(1) neu 6(6) o Ddeddf Iechyd y Cyhoedd (Cymru) 2017 yn gymwys iddi neu iddo *(manylion y drosedd)*

being premises or vehicle to which the provisions of section 5(1) or 6(6) of the Public Health (Wales) Act 2017 apply, allegedly *(details of the offence)*

Mae'r hysbysiad hwn yn rhoi'r cyfle ichi i ryddhau unrhyw atebolrwydd am euogfarn am y drosedd honno drwy dalu cosb benodedig o **£100 (canpunt)**. Ni ddygir achos am y drosedd hon cyn diwedd 29 o ddiwrnodau sy'n dechrau â (y dyddiad y rhoddir yr hysbysiad hwn).

This notice offers you the opportunity of discharging any liability for conviction for that offence by payment of a fixed penalty of **£100 (one hundred pounds)**. No proceedings will be taken for this offence before the end of 29 days beginning with (date on which this notice is given).

Ni fyddwch yn agored i euogfarn am y drosedd os byddwch yn talu'r gosb benodedig o fewn y cyfnod hwnnw. Yn y ffurflen hon, cyfeirir at y cyfnod hwn fel y cyfnod 29 o ddiwrnodau.

You will not be liable to conviction for the offence if you pay the fixed penalty within that period. In this form, this period is referred to as the 29 day period.

Gallwch dalu swm gostyngol o £75 (pymtheg a thrigain o bunnoedd) os byddwch yn talu o fewn y cyfnod o 15 niwrnod sy'n dechrau â (y dyddiad y rhoddir yr hysbysiad hwn).

You can pay a discounted amount of £75 (seventy five pounds) if you pay within the period of 15 days beginning with (date on which this notice is given).

Os nad yw'r 15fed diwrnod yn ddiwrnod gwaith, cewch dalu ar y diwrnod gwaith nesaf. Ystyr "diwrnod gwaith" yw unrhyw ddiwrnod nad yw'n ddydd Sadwrn, dydd Sul, Dydd Nadolig, Dydd Gwener y Grogolith nac yn ddiwrnod sy'n wyl banc yng Nghymru a Lloegr o dan Ddeddf Bancio a Thrafodion Ariannol 1971. Yn y ffurflen hon, cyfeirir at y cyfnod hwn fel y cyfnod 15 niwrnod.

If the 15th day is not a working day, you may pay on the next working day. "Working day" means any day which is not Saturday, Sunday, Christmas Day, Good Friday or a day which is a bank holiday in England and Wales under the Banking and Financial Dealings Act 1971. In this form, this period is referred to as the 15 day period.

Ceir gwybodaeth at sylw di-oed y person y dyroddwyd yr hysbysiad cosb benodedig hwn iddo yn Rhan 2 o'r hysbysiad hwn. Ceir manylion ynghylch sut i dalu'r gosb benodedig hon yn Rhan 3 o'r hysbysiad hwn. Ceir manylion ynghylch sut i ofyn am wrandawriad llys mewn perthynas â'r drosedd honedig hon yn Rhan 4 o'r hysbysiad hwn. **Os oes gennych unrhyw gwestiynau, neu os ydych yn dymuno trafod yr hysbysiad hwn, cysylltwch â: [enw a chyfeiriad yr awdurdod gorfodi a manylion cyswllt].**

Information for the immediate attention of the person who has been issued this fixed penalty notice is at Part 2 of this notice. Details about how to pay this fixed penalty are at Part 3 of this notice. Details about how to request a court hearing in relation to this alleged offence are at Part 4 of this notice. **If you have any questions, or if you wish to discuss this notice, please contact [name and address of enforcement authority and contact details].**

*Llofnod y swyddog
awdurdodedig*

Signature of authorised officer

Dyddiad dyroddi (dd/mm/bbbb)

Date of issue (dd/mm/yyyy)

Rhan 2

Part 2

GWYBODAETH AT SYLW DI-OED Y PERSON Y DYRODDWYD YR HYSBYSIAD HWN IDDO:

INFORMATION FOR THE IMMEDIATE ATTENTION OF THE PERSON WHO HAS BEEN ISSUED WITH THIS NOTICE:

Rydych wedi cael yr hysbysiad hwn oherwydd bod gan swyddog awdurdodedig [enw'r awdurdod gorfodi] a enwir yn Rhan 1 o'r hysbysiad hwn reswm dros gredu eich bod wedi cyflawni'r drosedd o:

You have received this notice because the authorised officer of [name of enforcement authority] named in Part 1 of this notice has reason to believe that you have committed the offence of:

- i. ysmegu mewn mangre ddi-fwg neu mewn cerbyd di-fwg; neu
- ii. methu ag atal ysmegu mewn cerbyd sy'n cael ei ddefnyddio at ddibenion cymdeithasol, domestig neu ddibenion preifat eraill pan fo plentyn yn bresennol,

- i. smoking in smoke-free premises or in a smoke-free vehicle; or
- ii. failing to prevent smoking in a vehicle being used for social, domestic or other private purposes where a child is present,

fel y'i disgrifir yn Rhan 1. O fewn y **cyfnod 29 o ddiwrnodau a bennir yn Rhan 1, rhaid ichi naill ai** talu'r gosb **neu** ofyn bod llys yn gwrandao ar y mater. Ni chewch wneud y ddau beth.

as described in Part 1. Within the **29 day period specified in Part 1, you must either** pay the penalty **or** request that the matter be heard by a court. You may not do both.

Os byddwch yn methu â gwneud y naill neu'r llall, caiff [enw'r awdurdod gorfodi], ac yntau'n awdurdod gorfodi yn rhinwedd adran 18 o Ddeddf Iechyd y Cyhoedd (Cymru) 2017, ddwyn y mater hwn gerbron llys. Mae person a ddyfermir yn euog o'r drosedd o ysmegu mewn man di-fwg yn agored ar euogfarn ddiannod i ddirwy nad yw'n uwch na lefel 1 ar y raddfa safonol. Mae person a ddyfermir yn euog o'r drosedd o fethu ag atal ysmegu mewn cerbyd sy'n cael ei ddefnyddio at ddibenion cymdeithasol, domestig neu ddibenion preifat eraill pan fo plentyn yn bresennol yn agored ar euogfarn ddiannod i ddirwy nad yw'n uwch na lefel 4 ar y raddfa safonol.

If you fail to do either, [name of enforcement authority] as an enforcement authority by virtue of section 18 of the Public Health (Wales) Act 2017, may pursue this matter in court. A person found guilty of the offence of smoking in a smoke-free place is liable on summary conviction to a fine not exceeding level 1 on the standard scale. A person found guilty of the offence of failing to prevent smoking in a vehicle being used for social, domestic or other private purposes where a child is present is liable on summary conviction to a fine not exceeding level 4 on the standard scale.

Rhan 3

Part 3

TALU'R GOSB

PAYING THE PENALTY

Swm y gosb benodedig yw **£100 (canpunt)**. Rhaid ei dalu o fewn y cyfnod 29 o ddiwrnodau a bennir yn Rhan 1.

The amount of the fixed penalty is **£100 (one hundred pounds)**. It must be paid within the 29 day period which is specified in Part 1.

Gallwch dalu swm gostyngol o **£75 (pymtheg a thrigain o bunnoedd)** os byddwch yn talu o fewn y cyfnod 15 niwrnod a bennir yn Rhan 1.

You can pay a discounted amount of **£75 (seventy five pounds)** if you pay within the 15 day period which is specified in Part 1.

Os byddwch yn dewis talu'r gosb benodedig hon,

If you choose to pay this fixed penalty, no further

ni chymerir unrhyw gamau pellach mewn cysylltiad â'r drosedd honedig a ddisgrifir yn Rhan 1 o'r hysbysiad hwn. Nid yw talu'r gosb yn golygu eich bod yn cyfaddef eich bod yn euog ac ni fydd yn arwain at gofnod o euogfarn droseddol yn eich erbyn. Caniateir talu drwy gwblhau Rhan 3A isod a'i hanfon ynghyd â thaliad i'r cyfeiriad a nodir yn y Rhan honno, neu drwy gwblhau Rhan 3A isod a thalu'n bersonol yn [enw a chyfeiriad yr awdurdod gorfodi].

action will be taken in respect of the alleged offence described at Part 1 of this notice. The payment of the penalty involves no admission of guilt and will not result in a record of criminal conviction being made against you. Payment may be made by completing Part 3A below and sending it with payment to the address stated in that Part, or by completing Part 3A below and paying in person at [name and address of enforcement authority].

Mae'r dulliau talu derbynol yn cynnwys arian parod, siec, archeb bost neu archeb arian, neu daliad ar-lein yn y cyfeiriad gwe a ganlyn [cyfeiriad ar gyfer gwneud taliadau ar-lein]. Dylid gwneud sieciau, archebion post neu archebion arian yn daladwy i [enw'r awdurdod gorfodi]. Os byddwch yn dewis talu'r gosb benodedig hon mewn arian parod drwy'r post, rhaid ei anfon drwy'r post cofrestredig, a rhaid cadw prawf o bostio. Os bydd arnoch angen derbynneb am dalu'r gosb, rhaid ichi ofyn amdani pan fyddwch yn talu, ac os byddwch yn talu drwy'r post, rhaid ichi ddarparu amlen ac arni stamp a'ch cyfeiriad eich hun.

Acceptable methods of payment include cash, cheque, postal order or money order or online at the following web address [address for making online payments]. Cheques, postal orders or money orders should be made payable to [name of enforcement authority]. If you choose to pay this fixed penalty in cash by post, this must be sent by registered post, and proof of posting must be retained. If you require a receipt for the payment of the penalty, you must ask for one at the time of payment, and if paying by post, you must provide a stamped, self-addressed envelope.

**RHYBUDD: NI DDERBYNNIR TALIAD
HWYR. NID ANFONIR NODYN I'CH
ATGOFFA.**

**WARNING: LATE PAYMENT WILL NOT
BE ACCEPTED. YOU WILL NOT BE SENT
A REMINDER.**

**Rhan 3A
TALU COSB BENODEDIG A
DDYRODDWYD O DAN ADRAN 27 O
DDEDDF IECHYD Y CYHOEDD (CYMRU)
2017 MEWN CYSYLLTIAD Â THROSEDD
O DAN:**

**Part 3A
PAYMENT OF FIXED PENALTY ISSUED
UNDER SECTION 27 OF THE PUBLIC
HEALTH (WALES) ACT 2017 IN RESPECT
OF AN OFFENCE UNDER:**

**ADRAN 5(1) (YSMYGU MEWN MANGRE
DDI-FWG NEU MEWN CERBYD DI-FWG)
O'R DDEDDF HONNO**

**SECTION 5(1) (SMOKING IN A SMOKE-
FREE PREMISES OR IN A SMOKE-FREE
VEHICLE) OF THAT ACT**

NEU

OR

**ADRAN 6(6) (METHU AG ATAL YSMYGU
MEWN CERBYD SY'N CAEL EI
DDEFNYDDIO AT DDIBENION
CYMDEITHASOL, DOMESTIG NEU
DDIBENION PREIFAT ERAILL PAN FO
PLENTYN YN BRESENNOL) O'R DDEDDF
HONNO**

**SECTION 6(6) (FAILING TO PREVENT
SMOKING IN A VEHICLE BEING USED
FOR FOR SOCIAL, DOMESTIC OR
OTHER PRIVATE PURPOSES WHERE A
CHILD IS PRESENT) OF THAT ACT**

Rhaid amgáu'r slip hwn gyda phob taliad

This slip must accompany all payments

At
[Enw'r awdurdod gorfodi a'r
cyfeiriad lle y dylid anfon y
taliad]

To
[Name and address at
enforcement authority where
payment should be remitted]

**Rhif yr hysbysiad cosb
benodedig**

Fixed penalty notice number

Rwyf yn amgáu'r swm o
(*ticiwch un blwch*)

I enclose the amount of (*tick
one box*)

(os gwneir y taliad o fewn y
cyfnod 15 niwrnod a bennir yn
Rhan 1)

£75

(if the payment is made within
the 15 day period specified in
Part 1)

(os gwneir y taliad o fewn y
cyfnod 29 o ddiwrnodau a
bennir yn Rhan 1)

£100

(if the payment is made within
the 29 day period specified in
Part 1)

Enw llawn y troseddwr honedig

Full name of alleged offender

Cyfeiriad y troseddwr honedig

Address of alleged offender

Cod post

Post code

Llofnod

Signature

Dyddiad (*dd/mm/bbbb*)

Date (*dd/mm/yyyy*)

RHAN 4

PART 4

GOFYN AM WRANDAWIAD LLYS

REQUESTING A COURT HEARING

Os byddwch yn dewis gofyn am wrandawriad llys, **rhaidd** ichi wneud hynny o fewn y cyfnod 29 o ddiwrnodau drwy gwblhau Rhan 4A a'i hanfon at [enw'r awdurdod gorfodi], neu drwy ysgrifennu at [enw'r awdurdod gorfodi] yn y cyfeiriad a nodir yn Rhan 4A, gan roi eich manylion, rhif yr hysbysiad cosb (a geir yn Rhan 1 o'r hysbysiad hwn) a chyfeiriad lle y gellir cyflwyno gwys ichi. Bydd yr wys yn rhoi gwybod ichi pryd i fynd i'r llys ac ym mhle y mae'r llys. Dim ond derbynnydd yr hysbysiad hwn (y person a enwir yn Rhan 1) a gaiff ofyn am wrandawriad llys.

If you choose to request a court hearing, you **must** do so within the 29 day period by completing Part 4A and sending it to [name of enforcement authority], or by writing to [name of enforcement authority] at the address stated in Part 4A, giving your details, the penalty notice number (which can be found in Part 1 of this notice) and an address at which a summons can be served on you. The summons will tell you when and where to attend court. Only the recipient of this notice (the person named at Part 1) may request a court hearing.

Rhan 4A

Part 4A

**DEDDF IECHYD Y CYHOEDD (CYMRU)
2017**

PUBLIC HEALTH (WALES) ACT 2017

**CAIS I LYS BARN YMDRIN Â THROSEDD
HONEDIG**

**REQUEST FOR ALLEGED OFFENCE TO
BE DEALT WITH BY A COURT OF LAW**

At
[Enw'r awdurdod gorfodi a'r
cyfeiriad lle y dylid anfon Rhan
4A]

To
[Name and address of
enforcement authority where
Part 4A should be sent]

**Rhif yr hysbysiad cosb
benodedig**

Fixed penalty notice number

Rwyf yn dymuno i lys barn ymdrin â mi mewn
cysylltiad â'r drosedd honedig.

I wish to be dealt with by a court of law for the
alleged offence.

Enw llawn y troseddwr honedig

Full name of alleged offender

Cyfeiriad y troseddwr honedig

Address of alleged offender

Cod post

Post code

Llofnod

Signature

Dyddiad

Date

YR ATODLENNI
SCHEDULES

ATODLEN 1 Rheoliad 22(1)

Ffurflen Hysbysiad Cosb Benodedig
Methu ag arddangos arwyddion yn unol â
rheoliadau a wnaed o dan adran 17.

[ENW'R AWDURDOD GORFODI]

[CYFEIRIAD YR AWDURDOD GORFODI]

DEDDF IECHYD Y CYHOEDD (CYMRU)
2017:

ADRAN 17 (METHU AG ARDDANGOS
ARWYDDION YN UNOL Â RHEOLIADAU
A WNAED GAN NEU O DAN ADRAN 17)

HYSBYSIAD COSB BENODEDIG

SWM Y GOSB £200

RHAN 1:

COPI'R DERBYNNYDD

Rhif yr hysbysiad cosb _____
benodedig

Enw llawn y troseddwr _____
honedig

Cyfeiriad y troseddwr _____
honedig _____

Cod post _____

Dyddiad geni (os yw'n hysbys) _____

Mae gennyf i, _____

, un o swyddogion
awdurdodedig [enw'r awdurdod

SCHEDULE 1 Regulation 22(1)

Fixed Penalty Notice Form
Failing to display signs in accordance with
regulations made under section 17.

[NAME OF ENFORCEMENT AUTHORITY]

[ADDRESS OF ENFORCEMENT
AUTHORITY]

PUBLIC HEALTH (WALES) ACT 2017:

SECTION 17 (FAILING TO DISPLAY
SIGNS IN ACCORDANCE WITH
REGULATIONS MADE BY OR UNDER
SECTION 17)

FIXED PENALTY NOTICE

PENALTY AMOUNT £200

PART 1:

RECIPIENT COPY

Fixed penalty notice number

Full name of alleged offender

Address of alleged offender

Post code

Date of birth (if known)

I,

, an authorised officer of the
[name of enforcement authority]

gorfodi] yn rhinwedd adran 18 o Ddeddf Iechyd y Cyhoedd (Cymru) 2017, reswm dros gredu ichi gyflawni trosedd o dan adran 17 o Ddeddf Iechyd y Cyhoedd (Cymru) 2017 (methu ag arddangos arwyddion yn unol â rheoliadau a wnaed o dan adran 17) mewn mangre neu gerbyd y mae gan [enw'r awdurdod gorfodi] gyfrifoldebau gorfodi mewn cysylltiad â hi neu ag ef.

by virtue of section 18 of the Public Health (Wales) Act 2017, have reason to believe that you committed an offence under section 17 of the Public Health (Wales) Act 2017 (failing to display signs in accordance with regulations made under section 17) within premises or vehicle in respect of which [name of enforcement authority] has enforcement responsibilities.

Yr amgylchiadau yr honnir eu bod yn drosedd yw eich bod chi, am (*amser*)

The circumstances alleged to constitute the offence are that at (*time*)

o'r gloch, ar (*dyddiad*)

hours, on (*date*)

yn y fangre neu'r cerbyd a ganlyn (*lle y digwyddodd y drosedd honedig, gan gynnwys y cyfeiriad*)

you, at/on the following premises or vehicle (*where alleged offence took place, including address*)

sef mangre neu gerbyd y mae adran 17 o Ddeddf Iechyd y Cyhoedd (Cymru) 2017 yn gymwys iddi neu iddo (*manylion y drosedd*)

being premises or a vehicle to which section 17 of the Public Health (Wales) Act 2017 applies allegedly (*details of offence*)

Mae'r hysbysiad hwn yn rhoi'r cyfle ichi i ryddhau unrhyw atebolrwydd am euogfarn am y drosedd honno drwy dalu cosb benodedig o **£200 (dau gan punt)**. Ni ddygir achos am y drosedd hon cyn diwedd 29 o ddiwrnodau sy'n dechrau â (*y dyddiad y rhoddir yr hysbysiad hwn*).

This notice offers you the opportunity of discharging any liability for conviction for that offence by payment of a fixed penalty of **£200 (two hundred pounds)**. No proceedings will be taken for this offence before the end of 29 days beginning with (*the date on which this notice is given*).

Ni fyddwch yn agored i euogfarn am y drosedd os byddwch yn talu'r gosb benodedig o fewn y cyfnod hwnnw. Yn y ffurflen hon, cyfeirir at y cyfnod hwn fel y cyfnod 29 o ddiwrnodau.

You will not be liable to conviction for the offence if you pay the fixed penalty within that period. In this form, this period is referred to as the 29 day period.

Gallwch dalu swm gostyngol o £150 (cant a hanner o bunnoedd) os byddwch yn talu o fewn 15 niwrnod sy'n dechrau â (*y dyddiad y rhoddir yr hysbysiad hwn*).

You can pay a discounted amount of £150 (one hundred and fifty pounds) if you pay within 15 days beginning with (*date on which this notice is given*).

Os nad yw'r 15fed diwrnod yn ddiwrnod gwaith, cewch dalu ar y diwrnod gwaith nesaf. Ystyr "diwrnod gwaith" yw unrhyw ddiwrnod nad yw'n ddydd Sadwrn, dydd Sul, Dydd Nadolig, Dydd Gwener y Groglith nac yn ddiwrnod sy'n wyl banc yng Nghymru a Lloegr o dan Ddeddf Bancio a Thrafodion Ariannol 1971. Yn y ffurflen hon, cyfeirir at y cyfnod hwn fel y cyfnod 15 niwrnod.

If the 15th day is not a working day, you may pay on the next working day. "Working day" means any day which is not Saturday, Sunday, Christmas Day, Good Friday or a day which is a bank holiday in England and Wales under the Banking and Financial Dealings Act 1971. In this form, this period is referred to as the 15 day period.

Ceir gwybodaeth at sylw di-oed y person y dyroddwyd yr hysbysiad cosb benodedig hwn iddo yn Rhan 2 o'r hysbysiad hwn. Ceir manylion ynghylch sut i dalu'r gosb benodedig hon yn Rhan 3 o'r hysbysiad hwn. Ceir manylion ynghylch sut i ofyn am wrandawriad llys mewn perthynas â'r drosedd honedig hon yn Rhan 4 o'r hysbysiad hwn.

Information for the immediate attention of the person who has been issued this fixed penalty notice is at Part 2 of this notice. Details about how to pay this fixed penalty are at Part 3 of this notice. Details about how to request a court hearing in relation to this alleged offence are at Part 4 of this notice.

Os oes gennych unrhyw gwestiynau, neu os ydych yn dymuno trafod yr hysbysiad hwn, cysylltwch â: [enw a chyfeiriad yr awdurdod gorfodi a manylion cyswllt].

If you have any questions, or if you wish to discuss this notice, please contact [name and address of enforcement authority and contact details].

*Llofnod y swyddog
awdurdodedig*

Signature of authorised officer

Dyddiad dyroddi (dd/mm/yyyy)

Date of issue (dd/mm/yyyy)

GWYBODAETH AT SYLW DI-OED Y PERSON Y DYRODDWYD YR HYSBYSIAD HWN IDDO:

INFORMATION FOR THE IMMEDIATE ATTENTION OF THE PERSON WHO HAS BEEN ISSUED WITH THIS NOTICE:

Rydych wedi cael yr hysbysiad hwn oherwydd bod gan swyddog awdurdodedig [enw'r awdurdod gorfodi] a enwir yn Rhan 1 o'r hysbysiad hwn reswm dros gredu eich bod wedi cyflawni'r drosedd o fethu ag arddangos arwyddion yn unol â rheoliadau a wnaed o dan adran 17 o Ddeddf Iechyd y Cyhoedd (Cymru) 2017 fel y'i disgrifir yn Rhan 1. O fewn y **cyfnod 29 o ddiwrnodau a bennir yn Rhan 1, rhaid ichi naill ai talu'r gosb neu ofyn bod llys yn gwrando ar y mater. Ni chewch wneud y ddau beth.**

You have received this notice because the authorised officer of [name of enforcement authority] named in Part 1 of this notice has reason to believe that you have committed the offence of failing to display signs in accordance with regulations made under section 17 of the Public Health (Wales) Act 2017 as described in Part 1. Within the **29 day period specified in Part 1, you must either pay the penalty or request that the matter be heard by a court. You may not do both.**

Os byddwch yn methu â gwneud y naill neu'r llall, caiff [enw'r awdurdod gorfodi], ac yntau'n awdurdod gorfodi yn rhinwedd adran 18 o Ddeddf Iechyd y Cyhoedd (Cymru) 2017, ddwyn y mater hwn gerbron llys. Mae person a ddyfernir yn euog o'r drosedd o fethu ag arddangos arwyddion yn unol â rheoliadau a wnaed o dan adran 17 o Ddeddf Iechyd y Cyhoedd (Cymru) 2017 yn agored ar euogfarn ddiannod i ddirwy nad yw'n uwch na lefel 3 ar y raddfa safonol.

If you fail to do either, [name of enforcement authority] as an enforcement authority by virtue of section 18 of the Public Health (Wales) Act 2017, may pursue this matter in court. A person found guilty of the offence of failing to display signs in accordance with regulations made under section 17 of the Public Health (Wales) Act 2017 is liable on summary conviction to a fine not exceeding level 3 on the standard scale.

TALU'R GOSB

PAYING THE PENALTY

Swm y gosb benodedig yw **£200 (dau gan punt)**. Rhaid ei dalu o fewn y cyfnod 29 o ddiwrnodau a bennir yn Rhan 1.

The amount of the fixed penalty is **£200 (two hundred pounds)**. It must be paid within the 29 day period which is specified in Part 1.

Gallwch dalu swm gostyngol o **£150 (cant a hanner o bunnoedd)** os byddwch yn talu o fewn y cyfnod 15 niwrnod a bennir yn Rhan 1.

You can pay a discounted amount of **£150 (one hundred and fifty pounds)** if you pay within the 15 day period which is specified in Part 1.

Os byddwch yn dewis talu'r gosb benodedig hon, ni chymerir unrhyw gamau pellach mewn cysylltiad â'r drosedd honedig a ddisgrifir yn Rhan 1 o'r hysbysiad hwn. Nid yw talu'r gosb yn golygu eich bod yn cyfaddef eich bod yn euog ac ni fydd yn arwain at gofnod o euogfarn droseddol yn eich erbyn. Caniateir talu drwy gwblhau Rhan 3A isod a'i hanfon ynghyd â thaliad i'r cyfeiriad a nodir yn y Rhan honno, neu drwy gwblhau Rhan 3A isod a thalu'n bersonol yn [enw a chyfeiriad yr awdurdod gorfodi].

If you choose to pay this fixed penalty, no further action will be taken in respect of the alleged offence described at Part 1 of this notice. The payment of the penalty involves no admission of guilt and will not result in a record of criminal conviction being made against you. Payment may be made by completing Part 3A below and sending it with payment to the address stated in that Part, or by completing Part 3A below and paying in person at [name and address of enforcement authority].

Mae'r dulliau talu derbyniol yn cynnwys arian parod, siec, archeb bost neu archeb arian, neu daliad ar-lein yn y cyfeiriad gwe a ganlyn [cyfeiriad ar gyfer gwneud taliadau ar-lein]. Dylid gwneud sieciau, archebion post neu archebion arian yn daladwy i [enw'r awdurdod gorfodi]. Os byddwch yn dewis talu'r gosb benodedig hon mewn arian parod drwy'r post, rhaid ei anfon drwy'r post cofrestredig, a rhaid cadw prawf o bostio. Os bydd amoch angen derbynneb am dalu'r gosb, rhaid ichi ofyn amdani pan fyddwch yn talu, ac os byddwch yn talu drwy'r post, rhaid ichi ddarparu amlen ac arni stamp a'ch cyfeiriad eich hun.

Acceptable methods of payment include cash, cheque, postal order or money order or online at the following web address [address for making online payments]. Cheques, postal orders or money orders should be made payable to [name of enforcement authority]. If you choose to pay this fixed penalty in cash by post, this must be sent by registered post, and proof of posting must be retained. If you require a receipt for the payment of the penalty, you must ask for one at the time of payment, and if paying by post, you must provide a stamped, self-addressed envelope.

RHYBUDD: NI DDERBYNNIR TALIAD HWYR. NID ANFONIR NODYN I'CH ATGOFFA.

WARNING: LATE PAYMENT WILL NOT BE ACCEPTED. YOU WILL NOT BE SENT A REMINDER.

Rhan 3A

Part 3A

TALU COSB BENODEDIG A DDYRODDWYD O DAN ADRAN 27 O DDEDDF IECHYD Y CYHOEDD (CYMRU) 2017 MEWN CYSYLLTIAD Â THROSEDD O DAN ADRAN 17(5) O'R DDEDDF HONNO (METHU AG ARDDANGOS ARWYDDION YN UNOL Â RHEOLIADAU A WNAED O DAN ADRAN 17)

PAYMENT OF FIXED PENALTY ISSUED UNDER SECTION 27 OF THE PUBLIC HEALTH (WALES) ACT 2017 IN RESPECT OF AN OFFENCE UNDER SECTION 17(5) OF THAT ACT (FAILING TO DISPLAY SIGNS IN ACCORDANCE WITH REGULATIONS MADE UNDER SECTION 17)

Rhaid amgáu'r slip hwn gyda phob taliad
[Enw'r awdurdod gorfodi a'r _____]

This slip must accompany all payments
[Name and address at _____]

cyfeiriad lle y dylid anfon y taliad]

enforcement authority where payment should be sent]

Rhif yr hysbysiad cosb benodedig

Fixed penalty notice number

Rwyf yn amgáu'r swm o:
(*ticiwch un blwch*)

I enclose the amount of:
(*tick one box*)

(os gwneir y taliad o fewn y cyfnod 15 niwrnod a bennir yn Rhan 1)

£150

(if the payment is made within the 15 day period specified in Part 1)

(os gwneir y taliad o fewn y cyfnod 29 o ddiwrnodau a bennir yn Rhan 1)

£200

(if the payment is made within the 29 day period specified in Part 1)

Enw llawn y troseddwr honedig

Full name of the alleged offender

Cyfeiriad y troseddwr honedig

Address of the alleged offender

Cod post

Post code

Llofnod

Signature

Dyddiad (*dd/mm/bbbb*)

Date (*dd/mm/yyyy*)

RHAN 4

PART 4

GOFYN AM WRANDAWIAD LLYS

REQUESTING A COURT HEARING

Os byddwch yn dewis gofyn am wrandawriad llys, **rhaidd** ichi wneud hynny o fewn y cyfnod 29 o ddiwrnodau drwy gwblhau Rhan 4A a'i hanfon at [enw'r awdurdod gorfodi], neu drwy ysgrifennu at [enw'r awdurdod gorfodi] yn y cyfeiriad a nodir yn Rhan 4A, gan roi eich manylion, rhif yr hysbysiad cosb benodedig (a geir yn Rhan 1 o'r hysbysiad hwn) a chyfeiriad lle y gellir cyflwyno gwys ichi. Bydd yr wys yn rhoi gwybod ichi pryd i fynd i'r llys ac ym mhle y mae'r llys. Dim ond derbynnydd yr hysbysiad hwn (y person a enwir yn Rhan 1) a gaiff ofyn am wrandawriad llys.

If you choose to request a court hearing, you **must** do so within the 29 day period by completing Part 4A and sending it to [name of enforcement authority], or by writing to [name of enforcement authority] at the address stated in Part 4A, giving your details, the fixed penalty notice number (which can be found in Part 1 of this notice) and an address at which a summons can be served on you. The summons will tell you when and where to attend court. Only the recipient of this notice (the person named at Part 1) may request a court hearing.

Rhan 4A

Part 4A

**DEDDF IECHYD Y CYHOEDD (CYMRU) 2017:
METHU AG ARDDANGOS ARWYDDION
YN UNOL Â RHEOLIADAU A WNAED O
DAN ADRAN 17**

**PUBLIC HEALTH (WALES) ACT 2017:
FAILING TO DISPLAY SIGNS IN
ACCORDANCE WITH REGULATIONS
MADE UNDER SECTION 17**

**CAIS I LYS BARN YMDRIN Â THROSEDD
HONEDIG**

**REQUEST FOR ALLEGED OFFENCE TO
BE DEALT WITH BY A COURT OF LAW**

At
[Enw'r awdurdod gorfodi a'r
cyfeiriad y dylid anfon Rhan 4
iddo].

To
[Name and address at
enforcement authority to which
Part 4 should be sent]

**Rhif yr hysbysiad cosb
benodedig**

Fixed penalty notice number

Rwyf yn dymuno i lys barn ymdrin â mi mewn
cysylltiad â'r drosedd honedig.

I wish to be dealt with by a court of law for the
alleged offence.

**Enw llawn y troseddwr
honedig**

Full name of alleged offender

**Cyfeiriad y troseddwr
honedig**

Address of alleged offender

Cod post

Post code

Llofnod

Signature

Dyddiad

Date

ATODLEN 2 Rheoliad 22(2)

SCHEDULE 2 Regulation 22(2)

Ffurflen Hysbysiad Cosb Benodedig
Ysmygu mewn mangre ddi-fwg neu mewn cerbyd di-fwg.
Methu ag atal ysmygu mewn cerbyd sy'n cael ei ddefnyddio at ddibenion cymdeithasol, domestig neu ddibenion preifat eraill pan fo plentyn yn bresennol.

Fixed Penalty Notice Form
Smoking in smoke-free premises or in a smoke-free vehicle.
Failing to prevent smoking in a vehicle being used for social, domestic or other private purposes where a child is present.

[ENW'R AWDURDOD GORFODI]

[NAME OF ENFORCEMENT AUTHORITY]

[CYFEIRIAD YR AWDURDOD GORFODI]

[ADDRESS OF ENFORCEMENT AUTHORITY]

DEDDF IECHYD Y CYHOEDD (CYMRU) 2017:

PUBLIC HEALTH (WALES) ACT 2017:

ADRAN 5(1) (YSMYGU MEWN MANGRE DDI-FWG NEU MEWN CERBYD DI-FWG)

SECTION 5(1) (SMOKING IN SMOKE-FREE PREMISES OR IN A SMOKE-FREE VEHICLE)

ADRAN 6(6) (METHU AG ATAL YSMYGU MEWN CERBYD SY'N CAEL EI DDEFNYDDIO AT DDIBENION CYMDEITHASOL, DOMESTIG NEU DDIBENION PREIFAT ERAILL PAN FO PLENTYN YN BRESENNOL)

SECTION 6(6) (FAILING TO PREVENT SMOKING IN A VEHICLE BEING USED FOR SOCIAL, DOMESTIC OR OTHER PRIVATE PURPOSES WHERE A CHILD IS PRESENT)

HYSBYSIAD COSB BENODEDIG

FIXED PENALTY NOTICE

SWM Y GOSB £100

PENALTY AMOUNT £100

RHAN 1:

PART 1:

COPI'R DERBYNNYDD

RECIPIENT COPY

Rhif yr hysbysiad cosb benodedig _____

Fixed penalty notice number

Enw llawn y troseddwr honedig _____

Full name of alleged offender

Cyfeiriad y troseddwr honedig

Address of alleged offender

Cod post _____

Post code

Dyddiad geni (os yw'n hysbys)

Date of birth (if known)

Mae gennyf i,

I,

, un o swyddogion awdurdodedig [enw'r awdurdod gorfodi] yn rhinwedd adran 18 o Ddeddf Iechyd y Cyhoedd (Cymru) 2017, reswm dros gredu ichi gyflawni trosedd o dan:
(*ticiwch un blwch*)

, an authorised officer of the [name of enforcement authority] by virtue of section 18 of the Public Health (Wales) Act 2017, have reason to believe that you committed an offence under:
(*tick one box*)

adran 5(1) o Ddeddf Iechyd y Cyhoedd (Cymru) 2017 (ysmygu mewn mangre ddi-fwg neu mewn cerbyd di-fwg), neu

section 5(1) of the Public Health (Wales) Act 2017 (smoking in smoke-free premises or in a smoke-free vehicle), or

adran 6(6) o Ddeddf Iechyd y Cyhoedd (Cymru) 2017 (methu ag atal ysmegu mewn cerbyd sy'n cael ei ddefnyddio at ddibenion cymdeithasol, domestig neu breifat pan fo plentyn yn bresennol)

section 6(6) of the Public Health (Wales) Act 2017 (failing to prevent smoking in a vehicle being used for social, domestic or private purposes where a child is present)

mewn mangre neu gerbyd y mae gan [enw'r awdurdod gorfodi] gyfrifoldebau gorfodi mewn perthynas ag ef.

within premises or vehicle in relation to which [name of enforcement authority] has enforcement responsibilities.

Amgylchiadau'r drosedd honedig yw eich bod chi, am (*amser*)

The circumstances of the alleged offence are that at (*time*)

o'r gloch, ar (*dyddiad*)

hours, on (*date*)

yn y fangre neu'r cerbyd a ganlyn (*lle y digwyddodd y drosedd honedig, gan gynnwys y cyfeiriad os oes un*)

you, at/on the following premises or vehicle (*where alleged offence took place, including address, if any*)

sef mangre neu gerbyd y mae darpariaethau adran 5(1) neu 6(6) o Ddeddf Iechyd y Cyhoedd (Cymru) 2017 yn gymwys iddi neu iddo (*manylion y drosedd*)

being premises or vehicle to which the provisions of section 5(1) or 6(6) of the Public Health (Wales) Act 2017 apply, allegedly (*details of the offence*)

Mae'r hysbysiad hwn yn rhoi'r cyfle ichi i ryddhau unrhyw atebolrwydd am euogfarn am y drosedd honno drwy dalu cosb benodedig o **£100 (canpunt)**. Ni ddygir achos am y drosedd hon cyn diwedd 29 o ddiwrnodau sy'n dechrau â (y dyddiad y rhoddir yr hysbysiad hwn).

This notice offers you the opportunity of discharging any liability for conviction for that offence by payment of a fixed penalty of **£100 (one hundred pounds)**. No proceedings will be taken for this offence before the end of 29 days beginning with (date on which this notice is given).

Ni fyddwch yn agored i euogfarn am y drosedd os byddwch yn talu'r gosb benodedig o fewn y cyfnod hwnnw. Yn y ffurflen hon, cyfeirir at y cyfnod hwn fel y cyfnod 29 o ddiwrnodau.

You will not be liable to conviction for the offence if you pay the fixed penalty within that period. In this form, this period is referred to as the 29 day period.

Gallwch dalu swm gostyngol o £75 (pymtheg a thrigain o bunnoedd) os byddwch yn talu o fewn y cyfnod o 15 niwrnod sy'n dechrau â (y dyddiad y rhoddir yr hysbysiad hwn).

You can pay a discounted amount of £75 (seventy five pounds) if you pay within the period of 15 days beginning with (date on which this notice is given).

Os nad yw'r 15fed diwrnod yn ddiwrnod gwaith, cewch dalu ar y diwrnod gwaith nesaf. Ystyr "diwrnod gwaith" yw unrhyw ddiwrnod nad yw'n ddydd Sadwrn, dydd Sul, Dydd Nadolig, Dydd Gwener y Grogolith nac yn ddiwrnod sy'n wyl banc yng Nghymru a Lloegr o dan Ddeddf Bancio a Thrafodion Ariannol 1971. Yn y ffurflen hon, cyfeirir at y cyfnod hwn fel y cyfnod 15 niwrnod.

If the 15th day is not a working day, you may pay on the next working day. "Working day" means any day which is not Saturday, Sunday, Christmas Day, Good Friday or a day which is a bank holiday in England and Wales under the Banking and Financial Dealings Act 1971. In this form, this period is referred to as the 15 day period.

Ceir gwybodaeth at sylw di-oed y person y dyroddwyd yr hysbysiad cosb benodedig hwn iddo yn Rhan 2 o'r hysbysiad hwn. Ceir manylion ynghylch sut i dalu'r gosb benodedig hon yn Rhan 3 o'r hysbysiad hwn. Ceir manylion ynghylch sut i ofyn am wrandawriad llys mewn perthynas â'r drosedd honedig hon yn Rhan 4 o'r hysbysiad hwn. **Os oes gennych unrhyw gwestiynau, neu os ydych yn dymuno trafod yr hysbysiad hwn, cysylltwch â: [enw a chyfeiriad yr awdurdod gorfodi a manylion cyswllt].**

Information for the immediate attention of the person who has been issued this fixed penalty notice is at Part 2 of this notice. Details about how to pay this fixed penalty are at Part 3 of this notice. Details about how to request a court hearing in relation to this alleged offence are at Part 4 of this notice. **If you have any questions, or if you wish to discuss this notice, please contact [name and address of enforcement authority and contact details].**

*Llofnod y swyddog
awdurdodedig*

Signature of authorised officer

Dyddiad dyroddi (dd/mm/bbbb)

Date of issue (dd/mm/yyyy)

Rhan 2

Part 2

GWYBODAETH AT SYLW DI-OED Y PERSON Y DYRODDWYD YR HYSBYSIAD HWN IDDO:

INFORMATION FOR THE IMMEDIATE ATTENTION OF THE PERSON WHO HAS BEEN ISSUED WITH THIS NOTICE:

Rydych wedi cael yr hysbysiad hwn oherwydd bod gan swyddog awdurdodedig [enw'r awdurdod gorfodi] a enwir yn Rhan 1 o'r hysbysiad hwn reswm dros gredu eich bod wedi cyflawni'r drosedd o:

You have received this notice because the authorised officer of [name of enforcement authority] named in Part 1 of this notice has reason to believe that you have committed the offence of:

- i. ysmegu mewn mangre ddi-fwg neu mewn cerbyd di-fwg; neu
- ii. methu ag atal ysmegu mewn cerbyd sy'n cael ei ddefnyddio at ddibenion cymdeithasol, domestig neu ddibenion preifat eraill pan fo plentyn yn bresennol,

- i. smoking in smoke-free premises or in a smoke-free vehicle; or
- ii. failing to prevent smoking in a vehicle being used for social, domestic or other private purposes where a child is present,

fel y'i disgrifir yn Rhan 1. O fewn y **cyfnod 29 o ddiwrnodau a bennir yn Rhan 1, rhaid ichi naill ai** talu'r gosb **neu** ofyn bod llys yn gwrandao ar y mater. Ni chewch wneud y ddau beth.

as described in Part 1. Within the **29 day period specified in Part 1, you must either** pay the penalty **or** request that the matter be heard by a court. You may not do both.

Os byddwch yn methu â gwneud y naill neu'r llall, caiff [enw'r awdurdod gorfodi], ac yntau'n awdurdod gorfodi yn rhinwedd adran 18 o Ddeddf Iechyd y Cyhoedd (Cymru) 2017, ddwyn y mater hwn gerbron llys. Mae person a ddyfermir yn euog o'r drosedd o ysmegu mewn man di-fwg yn agored ar euogfarn ddiannod i ddirwy nad yw'n uwch na lefel 1 ar y raddfa safonol. Mae person a ddyfermir yn euog o'r drosedd o fethu ag atal ysmegu mewn cerbyd sy'n cael ei ddefnyddio at ddibenion cymdeithasol, domestig neu ddibenion preifat eraill pan fo plentyn yn bresennol yn agored ar euogfarn ddiannod i ddirwy nad yw'n uwch na lefel 4 ar y raddfa safonol.

If you fail to do either, [name of enforcement authority] as an enforcement authority by virtue of section 18 of the Public Health (Wales) Act 2017, may pursue this matter in court. A person found guilty of the offence of smoking in a smoke-free place is liable on summary conviction to a fine not exceeding level 1 on the standard scale. A person found guilty of the offence of failing to prevent smoking in a vehicle being used for social, domestic or other private purposes where a child is present is liable on summary conviction to a fine not exceeding level 4 on the standard scale.

Rhan 3

Part 3

TALU'R GOSB

PAYING THE PENALTY

Swm y gosb benodedig yw **£100 (canpunt)**. Rhaid ei dalu o fewn y cyfnod 29 o ddiwrnodau a bennir yn Rhan 1.

The amount of the fixed penalty is **£100 (one hundred pounds)**. It must be paid within the 29 day period which is specified in Part 1.

Gallwch dalu swm gostyngol o **£75 (pymtheg a thrigain o bunnoedd)** os byddwch yn talu o fewn y cyfnod 15 niwrnod a bennir yn Rhan 1.

You can pay a discounted amount of **£75 (seventy five pounds)** if you pay within the 15 day period which is specified in Part 1.

Os byddwch yn dewis talu'r gosb benodedig hon,

If you choose to pay this fixed penalty, no further

ni chymerir unrhyw gamau pellach mewn cysylltiad â'r drosedd honedig a ddisgrifir yn Rhan 1 o'r hysbysiad hwn. Nid yw talu'r gosb yn golygu eich bod yn cyfaddef eich bod yn euog ac ni fydd yn arwain at gofnod o euogfarn droseddol yn eich erbyn. Caniateir talu drwy gwblhau Rhan 3A isod a'i hanfon ynghyd â thaliad i'r cyfeiriad a nodir yn y Rhan honno, neu drwy gwblhau Rhan 3A isod a thalu'n bersonol yn [enw a chyfeiriad yr awdurdod gorfodi].

action will be taken in respect of the alleged offence described at Part 1 of this notice. The payment of the penalty involves no admission of guilt and will not result in a record of criminal conviction being made against you. Payment may be made by completing Part 3A below and sending it with payment to the address stated in that Part, or by completing Part 3A below and paying in person at [name and address of enforcement authority].

Mae'r dulliau talu derbynol yn cynnwys arian parod, siec, archeb bost neu archeb arian, neu daliad ar-lein yn y cyfeiriad gwe a ganlyn [cyfeiriad ar gyfer gwneud taliadau ar-lein]. Dylid gwneud sieciau, archebion post neu archebion arian yn daladwy i [enw'r awdurdod gorfodi]. Os byddwch yn dewis talu'r gosb benodedig hon mewn arian parod drwy'r post, rhaid ei anfon drwy'r post cofrestredig, a rhaid cadw prawf o bostio. Os bydd arnoch angen derbynneb am dalu'r gosb, rhaid ichi ofyn amdani pan fyddwch yn talu, ac os byddwch yn talu drwy'r post, rhaid ichi ddarparu amlen ac arni stamp a'ch cyfeiriad eich hun.

Acceptable methods of payment include cash, cheque, postal order or money order or online at the following web address [address for making online payments]. Cheques, postal orders or money orders should be made payable to [name of enforcement authority]. If you choose to pay this fixed penalty in cash by post, this must be sent by registered post, and proof of posting must be retained. If you require a receipt for the payment of the penalty, you must ask for one at the time of payment, and if paying by post, you must provide a stamped, self-addressed envelope.

**RHYBUDD: NI DDERBYNNIR TALIAD
HWYR. NID ANFONIR NODYN I'CH
ATGOFFA.**

**WARNING: LATE PAYMENT WILL NOT
BE ACCEPTED. YOU WILL NOT BE SENT
A REMINDER.**

**Rhan 3A
TALU COSB BENODEDIG A
DDYRODDWYD O DAN ADRAN 27 O
DDEDDF IECHYD Y CYHOEDD (CYMRU)
2017 MEWN CYSYLLTIAD Â THROSEDD
O DAN:
ADRAN 5(1) (YSMYGU MEWN MANGRE
DDI-FWG NEU MEWN CERBYD DI-FWG)
O'R DDEDDF HONNO**

**Part 3A
PAYMENT OF FIXED PENALTY ISSUED
UNDER SECTION 27 OF THE PUBLIC
HEALTH (WALES) ACT 2017 IN RESPECT
OF AN OFFENCE UNDER:
SECTION 5(1) (SMOKING IN A SMOKE-
FREE PREMISES OR IN A SMOKE-FREE
VEHICLE) OF THAT ACT**

NEU

OR

**ADRAN 6(6) (METHU AG ATAL YSMYGU
MEWN CERBYD SY'N CAEL EI
DDEFNYDDIO AT DDIBENION
CYMDEITHASOL, DOMESTIG NEU
DDIBENION PREIFAT ERAILL PAN FO
PLENTYN YN BRESENNOL) O'R DDEDDF
HONNO**

**SECTION 6(6) (FAILING TO PREVENT
SMOKING IN A VEHICLE BEING USED
FOR FOR SOCIAL, DOMESTIC OR
OTHER PRIVATE PURPOSES WHERE A
CHILD IS PRESENT) OF THAT ACT**

Rhaid amgáu'r slip hwn gyda phob taliad

This slip must accompany all payments

At
[Enw'r awdurdod gorfodi a'r
cyfeiriad lle y dylid anfon y
taliad]

To
[Name and address at
enforcement authority where
payment should be remitted]

**Rhif yr hysbysiad cosb
benodedig**

Fixed penalty notice number

Rwyf yn amgáu'r swm o
(*ticiwch un blwch*)

I enclose the amount of (*tick
one box*)

(os gwneir y taliad o fewn y
cyfnod 15 niwrnod a bennir yn
Rhan 1)

£75

(if the payment is made within
the 15 day period specified in
Part 1)

(os gwneir y taliad o fewn y
cyfnod 29 o ddiwrnodau a
bennir yn Rhan 1)

£100

(if the payment is made within
the 29 day period specified in
Part 1)

Enw llawn y troseddwr honedig

Full name of alleged offender

Cyfeiriad y troseddwr honedig

Address of alleged offender

Cod post

Post code

Llofnod

Signature

Dyddiad (*dd/mm/bbbb*)

Date (*dd/mm/yyyy*)

RHAN 4**PART 4****GOFYN AM WRANDAWIAD LLYS****REQUESTING A COURT HEARING**

Os byddwch yn dewis gofyn am wrandawriad llys, **rhaid** ichi wneud hynny o fewn y cyfnod 29 o ddiwrnodau drwy gwblhau Rhan 4A a'i hanfon at [enw'r awdurdod gorfodi], neu drwy ysgrifennu at [enw'r awdurdod gorfodi] yn y cyfeiriad a nodir yn Rhan 4A, gan roi eich manylion, rhif yr hysbysiad cosb (a geir yn Rhan 1 o'r hysbysiad hwn) a chyfeiriad lle y gellir cyflwyno gwys ichi. Bydd yr wys yn rhoi gwybod ichi pryd i fynd i'r llys ac ym mhle y mae'r llys. Dim ond derbynnydd yr hysbysiad hwn (y person a enwir yn Rhan 1) a gaiff ofyn am wrandawriad llys.

If you choose to request a court hearing, you **must** do so within the 29 day period by completing Part 4A and sending it to [name of enforcement authority], or by writing to [name of enforcement authority] at the address stated in Part 4A, giving your details, the penalty notice number (which can be found in Part 1 of this notice) and an address at which a summons can be served on you. The summons will tell you when and where to attend court. Only the recipient of this notice (the person named at Part 1) may request a court hearing.

Rhan 4A**Part 4A****DEDDF IECHYD Y CYHOEDD (CYMRU)
2017****PUBLIC HEALTH (WALES) ACT 2017****CAIS I LYS BARN YMDRIN Â THROSEDD
HONEDIG****REQUEST FOR ALLEGED OFFENCE TO
BE DEALT WITH BY A COURT OF LAW**

At
[Enw'r awdurdod gorfodi a'r
cyfeiriad lle y dylid anfon Rhan
4A]

To
[Name and address of
enforcement authority where
Part 4A should be sent]

**Rhif yr hysbysiad cosb
benodedig**

Fixed penalty notice number

Rwyf yn dymuno i lys barn ymdrin â mi mewn
cysylltiad â'r drosedd honedig.

I wish to be dealt with by a court of law for the
alleged offence.

Enw llawn y troseddwr honedig

Full name of alleged offender

Cyfeiriad y troseddwr honedig

Address of alleged offender

Cod post

Post code

Llofnod

Signature

Dyddiad

Date

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Blwch Post 29, Norwich, NR3 1GN

Archebionf ffôn/ Ymholiadau cyffredinol 0333 202 5070

Archebion ffacs: 0333 202 5080

E-bost: customer.services@tso.co.uk

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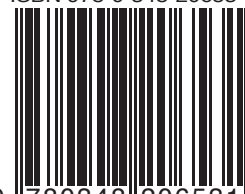
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