

## Y Pwyllgor Materion Cyfansoddiadol a Deddfwriaethol

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Lleoliad:  
Ystafell Bwyllgora 2 – y Senedd

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Dyddiad:  
Dydd Llun, 24 Mehefin 2013

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Amser:  
14:15

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Cynulliad  
Cenedlaethol  
Cymru

National  
Assembly for  
Wales



I gael rhagor o wybodaeth, cysylltwch â:

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### Agenda

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**1 Cyflwyniad, ymddiheuriadau, dirprwyon a datganiadau o fuddiant**

**2 Offerynnau nad ydynt yn cynnwys unrhyw faterion i'w codi o dan Reol Sefydlog 21.2 neu 21.3**

*Amser dangosol: 14.15 – 14.20*

Offerynnau'r Weithdrefn Penderfyniad Negyddol

**CLA247 – Rheoliadau Dileu Atebolrwydd dros Fenthyciadau i Fyfyrrwyr at Gostau Byw (Cymru) 2013**

Y weithdrefn negyddol: Fe'u gwnaed ar: 3 Mehefin 2013; Fe'u gosodwyd ar: 7 Mehefin 2013; Yn dod i rym ar: 1 Awst 2013

<http://www.cynulliadcymru.org/bus-home/bus-legislation/bus-fourth-legislation-sub/bus-legislation-sub-annulment-fourth.htm>

## Offerynnau'r Weithdrefn Penderfyniad Cadarnhaol

### **CLA275 – Gorchymyn Deddf Ymddygiad Gwrthgymdeithasol 2003 (Diwygio Deddf Addysg 1996) (Cymru) 2013**

Y weithdrefn gadarnhaol: Fe'i gwnaed ar: dyddiad heb ei nodi; Fe'i gosodwyd ar: 11 Mehefin 2013; Yn dod i rym yn unol ag erthygl 1

<http://www.cynulliadcymru.org/bus-home/bus-fourth-legislation-sub/bus-legislation-sub-approval-fourth.htm>

### **3 Offerynnau sy'n cynnwys materion i gyflwyno adroddiad arnynt i'r Cynulliad o dan Reol Sefydlog 21.2 neu 21.3**

*Amser dangosol: 14.20 – 14.30*

## Offerynnau'r Weithdrefn Penderfyniad Cadarnhaol

### **CLA276 – Rheoliadau Lles Anifeiliaid (Bridio Cŵn) (Cymru) 2013 (Tudalennau 1 – 44)**

Y weithdrefn negyddol: Fe'u gwnaed ar: dyddiad heb ei nodi; Fe'u gosodwyd ar: dyddiad heb ei nodi; Yn dod i rym ar: 1 Ionawr 2014

CLA(4) 17–13(p1) – Adroddiad

CLA(4) 17–13(p2) – Rheoliadau

CLA(4) 17–13(p3) – Memorandwm Esboniadol

CLA(4) 17–13(p4) – Llythyr gan Cariad

CLA(4) 17–13(p5) – Llythyr gan RSPCA Cymru

<http://www.cynulliadcymru.org/bus-home/bus-fourth-legislation-sub/bus-legislation-sub-approval-fourth.htm>

### **4 Gorchymynion Cychwyn**

*Amser dangosol: 14.30 – 14.35*

### **Gorchymyn Deddf Tai ac Adfywio 2008 (Cychwyn Rhif 3 a Darpariaethau Trosiannol, Dros Dro ac Arbed) (Cymru) 2013 (Tudalennau 45 – 60)**

CLA(4) 17–13(p6) – Gorchymyn Deddf Tai ac Adfywio 2008 (Cychwyn Rhif 3 a Darpariaethau Trosiannol, Dros Dro ac Arbed) (Cymru) 2013

<http://www.senedd.cynulliadcymru.org/mglIssueHistoryHome.aspx?lId=4668>

**Gorchymyn Deddf Archwilio Cyhoeddus (Cymru) 2013 (Cychwyn, Diwygiadau Canlyniadol a Darpariaethau Trosiannol ac Arbed) (Cymru) 2013** (Tudalennau 61 – 69)

**CLA(4) 17-13(p7)** – Gorchymyn Deddf Archwilio Cyhoeddus (Cymru) 2013 (Cychwyn, Diwygiadau Canlyniadol a Darpariaethau Trosiannol ac Arbed) (Cymru) 2013

<http://www.senedd.cynulliadcymru.org/mglIssueHistoryHome.aspx?lId=4668>

## **5 Cynnig o dan Reol Sefydlog 17.42 i benderfynu gwahardd y cyhoedd o'r cyfarfod ar gyfer y canlynol:**

*Amser dangosol: 14.30 – 15.00*

(ix) lle mae unrhyw fater sy'n ymwneud â busnes mewnol y pwyllgor, neu fusnes mewnol y Cynulliad, i gael ei drafod.

**Ystyried Memoranda Cydsyniad Deddfwriaethol** (Tudalennau 70 – 84)

**CLA(4)-17-13(px)** – Memoranda Cydsyniad Deddfwriaethol

## **6 Tystiolaeth mewn perthynas â'r Bil Cartrefi Symudol (Cymru) ar ôl Cyfnod 2** (Tudalennau 85 – 94)

*Cyfarfod cyhoeddus*

*Amser dangosol: 15.00 – 15.35*

Peter Black AC, yr Aelod sy'n gyfrifol am y Bil Cartrefi Symudol (Cymru)  
Gwyn Griffiths, y Gwasanaethau Cyfreithiol

<http://www.senedd.cynulliadcymru.org/mglIssueHistoryHome.aspx?lId=4729>

*Amser dangosol: 15.45 – 16.30 (linc fideo)*

Carl Sargeant AC, y Gweinidog Tai ac Adfywio

Helen Kellaway, Gwasanaethau Cyfreithiol Llywodraeth Cymru  
Ton Taylor, Polisi Tai, Llywodraeth Cymru

**CLA(4)-17-13(p9)** - Llythyr gan y Gweinidog Tai ac Adfywio

**7 Cynnig o dan Reol Sefydlog 17.42 i benderfynu gwahardd y cyhoedd o'r cyfarfod ar gyfer y canlynol:**

(vi) lle mae'r pwyllgor yn cyd-drafod cynnwys, casgliadau neu argymhellion adroddiad y mae'n bwriadu ei gyhoeddi; neu'n ymbaratoi i gael tystiolaeth gan unrhyw berson;

**Ystyried yr Adroddiad drafft ar y Bil Gwasanaethau Cymdeithasol a Llesiant (Cymru)** (Tudalennau 95 - 140)

**CLA(4)-17-13(px)** - Yr Adroddiad drafft ar y Bil Gwasanaethau Cymdeithasol a Llesiant (Cymru)

# Eitem 3.1

## **Adroddiad Drafft y Pwyllgor Materion Cyfansoddiadol a Deddfwriaethol Y Pwyllgor Materion Cyfansoddiadol a Deddfwriaethol**

### **Teitl: Rheoliadau Lles Anifeiliaid (Bridio Cŵn) (Cymru) 2013**

Mae'r Rheoliadau hyn yn darparu ar gyfer trwyddedu personau sy'n ymwneud â bridio cŵn Mae Rhan 2 o'r Rheoliadau yn diffinio bridio cŵn at ddibenion adran 13(1) o Ddeddf Lles Anifeiliaid 2006. Canlyniad y dynodiad hwnnw, yn ddarostyngedig i griteria cymhwyso, yw bod rhaid i unrhyw berson sy'n dymuno bridio cŵn yng Nghymru gael trwydded gan ei awdurdod lleol o dan y Rheoliadau hyn. Mae'r gofyniad hwn yn disodli'r gofyniad i gael trwydded o dan Ddeddf Bridio Cŵn 1973 yng Nghymru.

### **Gweithdrefn: Cadarnhaol**

### **Materion craffu: technegol**

O dan Reol Sefydlog 21.2, gwahoddir y Cynulliad i roi sylw arbennig i'r offeryn a ganlyn:-

1. Mae Rheoliad 24 yn cymhwyso nifer o bwerau ôl-gollfarnau perthnasol a fyddai'n gymwys mewn perthynas â cholffarn am drosedd o dorri amod trwydded. Y bwerau hyn yw gwahardd, canslo trwydded a / neu wahardd rhag dal trwydded ac atafaelu anifeiliaid. Caiff 'pŵer ôl-gollfarnau perthnasol' ei ddiffinio yn Adran 62 o Ddeddf Lles Anifeiliaid 2006 er ei fod yn cynnwys adrannau 34 (gwaharddiad) a 42 (gorchmynion o ran trwyddedau), nid yw'n cynnwys Adran 35 (atafaelau). Fodd bynnag, byddai Adran 35, er nad yw'n 'bŵer ôl-gollfarnau perthnasol' ar gael i Lys pe bai Gorchymyn yn cael ei wneud o dan Adran 34 o Ddeddf Lles Anifeiliaid 2006

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**23 (vi) – ei bod yn ymddangos bod gwaith drafftio'r offeryn neu'r drafft yn ddiffygiol neu ei fod yn methu â bodloni gofynion statudol**

### **Rhinweddau: craffu**

O dan Reol Sefydlog 21.3, gwahoddir y Cynulliad i roi sylw arbennig i'r offeryn a ganlyn:-

1. Y ddeddfwriaeth bresennol ar gyfer bridio cŵn yw Deddf Bridio Cŵn 1973 fel y'i diwygiwyd; mae'r gofynion ar gyfer bridio yn seiliedig ar fridiwr sy'n cynhyrchu 5 neu fwy o dorllwythi y flwyddyn. Mae'r Rheoliadau hyn yn dirymu'r gyfundrefn drwydded bresennol ac yn gorfodi cyfundrefn newydd. Mae'r memorandwm esboniadol yn datgan bod y prif gynigion polisi o fewn y Rheoliadau newydd yn cynnwys:

- meini prawf trwyddedu mwy caeth;
- y gofyniad i osod microsglodyn ym mhob ci cyn ei fod yn 56 diwrnod oed neu cyn gadael y man bridio, pa un bynnag sydd hwyraf;
- cymhareb staff:ci sydd yn bodloni'r isafswm staffio;
- safoni'r isafswm oedran y gall ci bach adael y man bridio; a'r
- angen i sefydliadau bridio gyflwyno rhaglenni cymdeithasu a rhaglenni cyfoethogi a gwella'r amgylchedd.

### **21.3(ii) - ei fod o bwysigrwydd gwleidyddol neu gyfreithiol neu ei fod yn codi materion polisi cyhoeddus sy'n debyg o fod o ddiddordeb i'r Cynulliad**

2. Mae Rheoliad 8 (2) yn darparu ar gyfer cymhareb staff:ci o 1 gofalydd llawn amser ar gyfer pob 20 ci a gedwir neu un gofalydd rhan-amser ar gyfer pob 10 ci a gedwir Ni chaiff 'cŵn' eu diffinio'n benodol naill ai yn y Rheoliadau nac yn Neddf Lles Anifeiliaid 2006. Gan fod cŵn bach, geist bridio a chŵn gre i gyd yn cael eu cyfeirio atynt fel cŵn yn rheoliad 3, byddai'r gofyniad yn rheoliad 8 (2) yn golygu bod un gofalydd llawn amser yn gyfrifol am 20 ci, gan gynnwys cŵn bach. Ymddengys o [Ddatganiad y Gweinidog](#) ar 11 Mehefin 2013 bod y ffigur o 20 ci yn eithrio unrhyw gŵn bach a gaiff eu geni i'r anifeiliaid hynny. Yn ogystal, mae'r Asesiad Effaith Rheoleiddiol ar dudalen 5 o'r Memorandwm Esboniadol yn costio'r cynigion ar y sail bod 1 person yn gyfrifol am 20 ci, gan gynnwys eu cŵn bach, ond nid dyna y mae'r ddeddfwriaeth yn darparu ar ei gyfer.

### **21.3 (v) – nad yw'n gwireddu ei amcanion polisi yn berffaith**

#### **Cynghorwyr Cyfreithiol**

Y Pwyllgor Materion Cyfansoddiadol a Deddfwriaethol  
**Mehefin 2013**

**Ymateb Llywodraeth Cymru i ddilyn:**

*Rheoliadau drafft a osodir gerbron Cynulliad Cenedlaethol Cymru o dan adran 61(2) o Ddeddf Lles Anifeiliaid 2006 (a pharagraff 34 o Atodlen 11 i Ddeddf Llywodraeth Cymru 2006), ar gyfer eu cymeradwyo drwy benderfyniad y Cynulliad.*

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OFFERYNNAU STATUDOL  
CYMRU DRAFFT

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**2013 Rhif (Cy. )**

**ANIFEILIAID, CYMRU**

**LLES ANIFEILIAID**

**Rheoliadau Lles Anifeiliaid (Bridio  
Cŵn) (Cymru) 2013**

**NODYN ESBONIADOL**

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

Mae'r Rheoliadau hyn yn darparu ar gyfer trwyddedu personau sy'n ymwneud â bridio cŵn. Mae Rhan 2 o'r Rheoliadau yn diffinio bridio cŵn at ddibenion adran 13(1) o Ddeddf Lles Anifeiliaid 2006 (p.45) ("y Ddeddf"). Canlyniad y dynodiad hwnnw, yn ddarostyngedig i griteria cymhwyso, yw bod rhaid i unrhyw berson sy'n dymuno bridio cŵn yng Nghymru gael trwydded gan ei awdurdod lleol o dan y Rheoliadau hyn. Mae'r gofyniad hwn yn disodli'r gofyniad i gael trwydded o dan Ddeddf Bridio Cŵn 1973 yng Nghymru.

Mae person sy'n bridio cŵn yng Nghymru heb drwydded o dan y Rheoliadau hyn yn cyflawni trosedd o dan adran 13(6) o Ddeddf Lles Anifeiliaid 2006 ac yn agored i gael ei garcharu am gyfnod hyd at 6 mis neu gael dirwy heb fod yn fwy na lefel 5 ar y raddfa safonol neu'r ddau. O dan adran 30 o Ddeddf Lles Anifeiliaid 2006 caiff awdurdodau lleol erlyn am unrhyw drosedd o dan y Ddeddf.

Mae Rhan 3 o'r Rheoliadau yn pennu sut y gall person wneud cais i'r awdurdod lleol am drwydded ac mae'n pennu materion y mae'n rhaid i awdurdod lleol fodloni ei hunan ynglŷn â hwy wrth ystyried rhoi ac adnewyddu trwydded. Mae'n darparu y caiff awdurdod lleol godi ffioedd i ddiwallu unrhyw dreuliau rhesymol a dynnir wrth gyflawni'r swyddogaeth hon, ac wrth fonitro cydymffurfiaeth â'r Rheoliadau hyn. Mae'n ei gwneud yn ofynnol i awdurdod lleol roi sylw i

ganllawiau a ddyroddir gan Weinidogion Cymru wrth gyflawni eu swyddogaethau o dan y Rheoliadau hyn.

Mae Rhan 4 yn pennu o dan ba amgylchiadau y ceir atal dros dro, amrywio neu ddirymu trwydded. Mae Rhan 5 hefyd yn darparu ar gyfer apelau yn erbyn penderfyniadau trwyddedu gan awdurdodau lleol.

Mae Rhan 6 yn darparu bod torri amod trwydded a roddir o dan y Rheoliadau hyn yn drosedd. Mae'n darparu pwerau i arolygwyr gymryd samplau a mynd i mewn i fangreoedd ac yn cymhwyso pwerau perthnasol, yn dilyn collfarn, sydd wedi eu cynnwys yn y Ddeddf. Mae'n darparu ar gyfer gorfodi'r Rheoliadau hyn gan yr awdurdodau lleol. Mae'n darparu bod trwyddedau a roddir o dan Ddeddf Bridio Cŵn 1973 yn parhau i gael effaith fel pe baent yn cael eu rhoi o dan y Rheoliadau hyn.

Mae Atodlen 1 i'r Rheoliadau hyn yn pennu'r amodau trwydded gorfodol y mae'n rhaid eu gosod ar bob trwydded a roddir gan awdurdod lleol.

Mae Atodlen 2 i'r Rheoliadau hyn yn diwygio Deddf Bridio Cŵn 1973 ac yn diwygio cyfeiriadau ati mewn pedair Deddf o ganlyniad i'w diddymiad mewn perthynas â Chymru.

Ystyriwyd Cod Ymarfer Gweinidogion Cymru ar wneud Asesiadau Effaith Rheoleiddiol mewn perthynas â'r Rheoliadau hyn. O ganlyniad, paratowyd Asesiad Effaith Rheoleiddiol o'r costau a'r buddiannau sy'n debygol o ddeillio o gydymffurfio â'r Rheoliadau hyn. Gellir cael copi ohono gan Lywodraeth Cymru, Parc Cathays, Caerdydd, CF10 3NQ.



*Rheoliadau drafft a osodir gerbron Cynulliad Cenedlaethol Cymru o dan adran 61(2) o Ddeddf Lles Anifeiliaid 2006 (a pharagraff 34 o Atodlen 11 i Ddeddf Llywodraeth Cymru 2006), ar gyfer eu cymeradwyo drwy benderfyniad y Cynulliad.*

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OFFERYNNAU STATUDOL  
CYMRUDRAFFT

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**2013 Rhif (Cy.)**

**ANIFEILIAID, CYMRU**

**LLES ANIFEILIAID**

**Rheoliadau Lles Anifeiliaid (Bridio  
Cŵn) (Cymru) 2013**

*Gwnaed*

*Yn dod i rym*

*1 Ionawr 2014*

Mae Gweinidogion Cymru, sef yr awdurdod cenedlaethol priodol mewn perthynas â Chymru(1), yn gwneud y Rheoliadau canlynol drwy arfer y pwerau a roddir gan adrannau 13(2), (7), (8)(e) a (10) o Ddeddf Lles Anifeiliaid 2006(2) a Rhannau 1 a 3 o Atodlen 1 i'r Ddeddf honno.

Yn unol ag adran 13(9) o'r Ddeddf honno, mae Gweinidogion Cymru, fel yr ystyrient yn briodol, wedi ymgynghori â'r personau hynny yr oedd yn ymddangos iddynt eu bod yn cynrychioli'r buddiannau y mae'r Rheoliadau hyn yn ymwneud â hwy.

Yn unol ag adran 61(2) o'r Ddeddf honno(3), mae drafft o'r offeryn hwn wedi ei osod gerbron Cynulliad

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(1) Diffinnir "appropriate national authority" yn adran 62(1) o Ddeddf Lles Anifeiliaid 2006. Mae swyddogaethau a roddwyd i Gynulliad Cenedlaethol Cymru wedi eu breinio bellach yng Ngweinidogion Cymru yn rhinwedd adran 162 o Ddeddf Llywodraeth Cymru 2006 (p.32) a pharagraffau 30 a 32 o Atodlen 11 i'r Ddeddf honno.

(2) 2006 p.45.

(3) 2006 p.45. Yn rhinwedd adran 162 o Ddeddf Llywodraeth Cymru 2006 (p.32) a pharagraff 34 o Atodlen 11 i'r Ddeddf honno, mae'r cyfeiriad at "House of Parliament" yn adran 61(2) yn cynnwys Cynulliad Cenedlaethol Cymru.

Cenedlaethol Cymru ac wedi ei gymeradwyo drwy benderfyniad y Cynulliad.

## RHAN 1

### Cyflwyniad

#### Enwi, cymhwyso a chychwyn

1.—(1) Enw'r Rheoliadau hyn yw Rheoliadau Lles Anifeiliaid (Bridio Cŵn) (Cymru) 2013.

(2) Maent yn gymwys o ran Cymru ac yn dod i rym ar 1 Ionawr 2014.

#### Diddymu adran 1 (1) o Ddeddf Bridio Cŵn 1973

2. Mae adran 1(1) o Ddeddf Bridio Cŵn 1973 wedi ei diddymu.

#### Dehongli

##### 3. Yn y Rheoliadau hyn—

ystyr “amodau trwydded” (“*licence conditions*”) yw'r amodau a bennir yn Atodlen 1 i'r Rheoliadau hyn ac unrhyw amodau ychwanegol a osodir ynghlwm wrth drwydded gan yr awdurdod lleol;

ystyr “arolygydd” (“*inspector*”) yw unrhyw berson sydd ag awdurdodiad ysgrifenedig gan awdurdod lleol i weithredu mewn materion sy'n codi o dan, neu mewn cysylltiad â'r Ddeddf neu'r Rheoliadau hyn;

ystyr “awdurdod lleol” (“*local authority*”) yw'r cyngor sir neu'r cyngor bwrdeistref sirol lle y mae'r ceisydd am y drwydded o dan reoliad 7 yn cynnal y gweithgaredd o fridio cŵn yn ei ardal;

ystyr “ci bach” (“*puppy*”) yw ci sy'n iau na 6 mis oed;

ystyr “ci gre” (“*stud dog*”) yw ci gwryw heb ei ysbaddu, sy'n hŷn na 6 mis oed;

ystyr “y Ddeddf” (“*the Act*”) yw Deddf Lles Anifeiliaid 2006;

ystyr “gast fridio” (“*breeding bitch*”) yw gast heb ei hysbaddu, sy'n hŷn na 6 mis oed;

ystyr “gweinydd llawn-amser” (“*full-time attendant*”) yw person sy'n gweithio, naill ai am dâl neu'n ddi-dâl, am o leiaf 37 awr yr wythnos;

ystyr “gweinydd rhan-amser” (“*part-time attendant*”) yw person sy'n gweithio rhwng 18.5 a 37 awr bob wythnos, naill ai am dâl neu'n ddi-dâl;

ystyr “rhaglen gymdeithasoli” (“*socialisation programme*”) yw dogfen a gymeradwywyd mewn ysgrifan gan yr awdurdod lleol, sy'n manylu ar sut y gwneir i gŵn bach i ymgynffwrdd â chael eu trin

gan bobl, amgylcheddau domestig, a chwarae, a sut i'w paratoi ar gyfer eu gwahanu oddi wrth y fam.

ystyr “rhaglen gymdeithasoli ddrafft” (*“draft socialisation programme”*) yw dogfen sy'n manylu ar sut y gwneir i gŵn ymgynffwrdd â chael eu trin gan bobl, amgylcheddau domestig, a chwarae, a sut i'w paratoi ar gyfer gwahanu oddi wrth y fam, a gyflwynir gan y ceisydd i'r awdurdod lleol o dan reoliad 7;

ystyr “rhaglen wella a chyfoethogi” (*“enhancement and enrichment programme”*) yw dogfen a gymeradwywyd mewn ysgrifenedig gan yr awdurdod lleol, sy'n manylu ar y modd y rhoddir cyfleoedd i gŵn fynegi eu patrymau ymddygiad normal;

ystyr “rhaglen wella a chyfoethogi ddrafft” (*“draft enhancement and enrichment programme”*) yw dogfen sy'n manylu ar sut y bydd cŵn yn cael cyfleoedd i fynegi patrymau ymddygiad normal a gyflwynwyd gan y ceisydd i'r awdurdod lleol o dan reoliad 7;

ystyr “trwydded” (*“licence”*) yw trwydded a roddir o dan reoliad 8;

## RHAN 2

### Gofyniad i ddal trwydded

#### **Trwyddedu bridwyr cŵn**

4. Mae bridio cŵn yn weithgaredd penodedig, at ddibenion adran 13(1) o'r Ddeddf.

#### **Bridio cŵn: dehongli**

5.—(1) Mae person yn cynnal y gweithgaredd o fridio cŵn at ddibenion adran 13(1) o'r Ddeddf os yw'n cadw 3 neu ragor o eist bridio mewn mangre, ac—

- (a) yn bridio, yn y fangre honno, 3 neu ragor o dorllwythi gwahanol o gŵn bach mewn unrhyw gyfnod o 12 mis;
- (b) yn hysbysebu ar werth o'r fangre honno gi neu gŵn bach, a anwyd o 3 neu ragor o dorllwythi o gŵn bach a roddwyd ar werth yn ystod unrhyw gyfnod o 12 mis;
- (c) yn cyflenwi o'r fangre honno gi neu gŵn bach, a anwyd o 3 neu ragor o dorllwythi o gŵn bach yn ystod unrhyw gyfnod o 12 mis;
- (d) yn hysbysebu busnes o fridio neu o werthu cŵn bach o'r fangre honno; neu

(e) yn meddiannu mangre sydd â chaniatâd cynllunio sy'n awdurdodi bridio cŵn ynddi.

(2) At ddibenion paragraff (1) rhagdybir bod unrhyw gi a ganfyddir mewn mangre yn cael ei gadw gan berchennog y fangre honno nes profir i'r gwrthwyneb.

(3) At ddibenion paragraffau (1) (a) i (c) nid yw'n berthnasol a yw'r torllwythi o gŵn bach wedi eu bridio o'r geist bridio y cyfeirir atynt ym mharagraff 5 (1), ai peidio.

(4) Mae'r rheoliad hwn yn ddarostyngedig i reoliad 6.

### **Bridio cŵn: eithrio**

6.—(1) Nid yw person yn cynnal y gweithgaredd o fridio cŵn at ddibenion adran 13(1) o'r Ddeddf os yw'r cŵn a grybwyllwyd yn rheoliad 5 yn cael eu bridio—

- (a) i'w defnyddio mewn gweithdrefnau a reoleiddir, a
- (b) mewn lle a bennir yn nhrwydded adran 2C yn rhinwedd adran 2B(2) (b) o Ddeddf Anifeiliaid (Gweithdrefnau Gwyddonol) 1986.

(2) Yn isadran (1) mae i "gweithdrefn a reoleiddir" a "trwydded adran 2C" yr ystyr a roddir i "regulated procedure" a "section 2C licence" gan adran 30 o'r Ddeddf honno.

## **RHAN 3**

### **Trwyddedau**

#### **Cais am drwydded**

7.—(1) Er mwyn gwneud cais am drwydded o dan y Rheoliadau hyn, rhaid i geisydd gyflwyno—

- (a) cais ar ffurf ac mewn modd a gymeradwywyd gan yr awdurdod lleol;
- (b) rhaglen wella a chyfoethogi ddrafft;
- (c) rhaglen gymdeithasoli ddrafft; a
- (d) y dogfennau ategol hynny sy'n rhesymol ofynnol gan yr awdurdod.

(2) Rhaid i'r ceisydd dalu ffi briodol yn unol â rheoliad 12.

#### **Rhoi neu adnewyddu trwyddedau**

8.—(1) Wrth gael cais sy'n cydymffurfio â rheoliad 7, rhaid i awdurdod lleol archwilio mangre'r ceisydd, ac os bydd wedi ei fodloni—

- (a) bod amodau'r drwydded naill ai wedi eu bodloni neu y byddant yn cael eu bodloni;
- (b) gyda'r rhaglen wella a chyfoethogi;
- (c) gyda'r rhaglen gymdeithasoli; a
- (d) gydag unrhyw faterion eraill y mae'r awdurdod lleol yn eu hystyried yn berthnasol; caiff roi trwydded i'r ceisydd.

(2) Ynglwm wrth bob trwydded a roddir, rhaid i'r awdurdod lleol roi—

- (a) yr amodau a gaiff eu cynnwys yn Atodlen 1 i'r Rheoliadau hyn;
- (b) amod sy'n pennu'r nifer uchaf o gŵn sydd i'w cadw o dan delerau'r drwydded; ac
- (c) amod sy'n pennu cymhareb nifer y staff i nifer y cŵn a fydd yn sicrhau, fel isafswm staffio—
  - (i) 1 gweinydd llawn-amser am bob 20 ci a gedwir; neu
  - (ii) 1 gweinydd rhan-amser am bob 10 ci a gedwir.

(3) Caiff yr awdurdod lleol roi neu adnewyddu trwydded am unrhyw gyfnod i fyny hyd at 1 flwyddyn.

### **Ystyried ceisiadau am drwyddedau**

**9.**—(1) Wrth ystyried a ddylid rhoi neu adnewyddu trwydded, rhaid i'r awdurdod lleol fod wedi ei fodloni—

- (a) bod y cŵn yn cael eu cadw bob amser mewn llety o wneuthuriad a maint priodol, gyda chyfleusterau ymarfer, tymheredd, goleuo, awyru a glanweithdra priodol;
- (b) bod cyfleusterau esgor priodol ar gael;
- (c) bod y cŵn yn cael cyflenwad addas o fwyd, diod a gwasarn;
- (d) bod y cŵn yn cael cyfleusterau digonol i'w galluogi i arddangos patrymau ymddygiad normal.

(2) Cyn rhoi neu adnewyddu trwydded, bydd hawl gan awdurdod lleol, wrth ystyried a yw amodau'r drwydded wedi eu bodloni, i roi sylw i ymddygiad y ceisydd, neu i unrhyw amgylchiadau eraill a ystyrir yn berthnasol gan yr awdurdod lleol.

### **Pobl na chaniateir iddynt wneud cais am drwydded**

**10.** Ni chaiff neb wneud cais am drwydded os yw wedi ei anghymhwysu o dan—

- (a) adran 33 o Ddeddf Lles Anifeiliaid (Gogledd Iwerddon) 2011(1);
- (b) adran 34 o'r Ddeddf;
- (c) adran 40(1) a (2) o Ddeddf Iechyd a Lles Anifeiliaid (Yr Alban) 2006(2)
- (d) adran 33A o Orchymyn Cŵn (Gogledd Iwerddon) 1983(3)
- (e) adran 3(3) o Ddeddf Bridio Cŵn 1973(4) rhag cadw sefydliad bridio;
- (f) adran 4(3) o Ddeddf Sefydliadau Marchogaeth 1964 rhag cadw sefydliad marchogaeth(5);
- (g) adran 3(3) o Ddeddf Sefydliadau Lletya Anifeiliaid 1963 rhag cadw sefydliad lletya(6);
- (h) adran 1(1) o Ddeddf Diogelu Anifeiliaid (Diwygio) 1954 rhag gwarchod anifail(7);
- (i) adran 5(3) o Ddeddf Anifeiliaid Anwes 1951 rhag cadw siop anifeiliaid anwes(8); neu
- (j) adran 6(2) o Ddeddf Anifeiliaid Gwyllt Peryglus 1976 rhag bod yn berchen anifail(9); anifail(9);

ac y mae unrhyw drwydded a ddyroddir i berson sydd wedi ei anghymhwysu felly yn annilys.

### Marwolaeth deiliad trwydded

#### 11.—

(1) Os bydd y deiliad trwydded yn marw, rhagdybir bod y drwydded honno wedi ei rhoi i gynrychiolwyr personol y deiliad trwydded, ar yr amod nad oes yr un o'r cynrychiolwyr personol yn destun gorchymyn anghymhwysu o dan unrhyw un o'r darpariaethau a bennir yn rheoliad 10, a bydd y drwydded yn parhau mewn grym am gyfnod o 3 mis, sy'n cychwyn gyda dyddiad y farwolaeth, ond yn parhau'n ddarostyngedig i'r darpariaethau yn Rhan 3.

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- (1) 2011 p. 16.
  - (2) 2006 dsa 11.
  - (3) 1983/764 (G.I. 8).
  - (4) 1973 p.60 Diwygiwyd adran 3(3) gan adran 5(1) o Ddeddf Bridio a Gwerthu Cŵn (Lles) 1999 (p.11).
  - (5) 1964 p. 70 Diwygiwyd adran 4(3) gan adran 64 o Ddeddf Lles Anifeiliaid 2006 a pharagraff 6(2) o Atodlen 3 i'r Ddeddf honno.
  - (6) 1963 p. 43 Diwygiwyd adran 3(3) gan adran 64 o Ddeddf Lles Anifeiliaid 2006 a pharagraff 5(2) o Atodlen 3 i'r Ddeddf honno.
  - (7) 1954 p.40. Diddymwyd adran 1 gan adran 65 o Ddeddf Lles Anifeiliaid 2006 ac Atodlen 4 i'r Ddeddf honno.
  - (8) 1951 p.35 Diwygiwyd adran 5(3) gan adran 64 o Ddeddf Lles Anifeiliaid 2006 a pharagraff 3(2) o Atodlen 3 i'r Ddeddf honno.
  - (9) 1976 p.38 Diwygiwyd adran 6(2) gan adran 64 o Ddeddf Lles Anifeiliaid 2006 a pharagraff 9 o Atodlen 3 i'r Ddeddf honno.

(2) Rhaid i'r cynrychiolwyr personol hysbysu'r awdurdod lleol a roddodd y drwydded, fod y drwydded wedi ei breinio ynddynt hwy, o fewn 4 wythnos ar ôl marwolaeth y deiliad trwydded.

(3) Caiff awdurdod lleol, ar gais y cynrychiolwyr personol hynny, estyn y cyfnod o 3 mis y cyfeirir ato ym mharagraff (1) os bodlonir yr awdurdod lleol fod yr estyniad yn angenrheidiol at y diben o ddirwyn i ben ystâd yr ymadawedig, ac nad oes amgylchiad arall sy'n peri y byddai'n annymunol caniatáu estyniad.

### **Ffioedd**

**12.**—(1) Caiff awdurdod lleol godi'r cyfryw ffioedd a ystyria'n angenrheidiol—

- (a) am ystyried cais am drwydded; ac
- (b) am roi neu adnewyddu trwydded.

(2) Ni chaiff y ffi a godir am ystyried cais am drwydded fod yn fwy na chostau rhesymol cyflawni'r ystyriaeth honno.

(3) Ni chaiff y ffi a godir am roi neu adnewyddu trwydded fod yn fwy na swm y costau am roi neu adnewyddu a'r costau disgwylidig rhesymol am fonitro cydymffurfiaeth y deiliad trwydded â'r Rheoliadau hyn ac amodau'r drwydded yn y dyfodol.

### **Canllawiau**

**13.** Rhaid i'r awdurdod lleol, wrth gyflawni ei swyddogaethau o dan y Rheoliadau hyn, roi sylw i unrhyw ganllawiau a ddyroddir gan Weinidogion Cymru.

## **RHAN 4**

### **Atal Dros Dro, Amrywio a Dirymu Trwydded**

#### **Seiliau ar gyfer atal dros dro ac amrywio trwydded**

**14.** Caiff awdurdod lleol atal dros dro neu amrywio trwydded ar unrhyw adeg os bodlonir yr awdurdod lleol—

- (a) nad yw'r materion y cyfeirir atynt yn rheoliad 9(1)(a) i (d) wedi eu bodloni;
- (b) na chydymffurfir ag amodau'r drwydded;
- (c) y cyflawnwyd toriad o'r Rheoliadau hyn;
- (d) bod gwybodaeth a gyflenwyd gan y deiliad trwydded yn ffug; neu
- (e) bod atal dros dro neu amrywio'n angenrheidiol er mwyn diogelu lles anifail.

## **Y weithdrefn ar gyfer atal dros dro ac amrywio**

**15.**—(1) Bydd atal dros dro neu amrywio trwydded o dan reoliad 14 yn cael effaith ar ddiwedd y cyfnod o 7 diwrnod sy'n cychwyn gyda diwrnod cyflwyno'r hysbysiad o'r ataliad neu'r amrywiad.

(2) Os yw'n angenrheidiol er mwyn diogelu lles anifail, caiff yr awdurdod lleol bennu yn yr hysbysiad fod yr ataliad dros dro neu'r amrywiad i gael effaith ar unwaith.

(3) Rhaid i hysbysiad o ataliad dros dro neu amrywiad—

- (a) datgan seiliau'r awdurdod lleol dros atal dros dro neu amrywio;
- (b) datgan pa bryd y daw'r ataliad neu'r amrywiad i rym;
- (c) pennu pa gamau, ym marn yr awdurdod lleol, y mae'n angenrheidiol eu cymryd er mwyn ymateb i'r seiliau; a
- (d) esbonio bod hawl gan y deiliad trwydded i wneud sylwadau ysgrifenedig o dan baragraff (4), rhoi iddo fanylion y person y dylid cyflwyno'r sylwadau hynny iddo, a datgan erbyn pa ddyddiad y mae'n rhaid eu cyflwyno.

(4) Os nad yw'r hysbysiad i gael effaith ar unwaith, caiff y deiliad trwydded gyflwyno sylwadau ysgrifenedig yn gwrthwynebu'r hysbysiad, i'r awdurdod lleol o fewn cyfnod o 7 diwrnod sy'n cychwyn gyda dyddiad cyflwyno'r hysbysiad.

(5) Os gwneir sylwadau o dan baragraff (4), ni fydd yr ataliad dros dro neu'r amrywiad yn cael effaith hyd nes bo'r awdurdod lleol wedi ystyried y sylwadau ac wedi penderfynu arnynt yn unol â pharagraff (6).

(6) Rhaid i'r awdurdod lleol wneud penderfyniad ar y sylwadau, a hysbysu'r deiliad trwydded o'r penderfyniad hwnnw mewn ysgrifen, gan roi rhesymau, o fewn cyfnod o 7 diwrnod sy'n cychwyn gyda'r diwrnod y mae'r awdurdod yn cael y sylwadau hynny.

(7) Os yw trwydded wedi ei hatal dros dro am fwy nag 28 diwrnod, rhaid i'r awdurdod lleol—

- (a) adfer trwydded a ataliwyd dros dro, neu
- (b) dirymu trwydded a ataliwyd dro dro.

## **Adfer trwydded**

**16.**—(1) Rhaid i awdurdod lleol, drwy hysbysiad, adfer trwydded a ataliwyd dros dro, unwaith y bodlonir yr awdurdod fod y seiliau a bennwyd yn yr hysbysiad o ataliad dros dro wedi eu datrys, neu y byddant yn cael eu datrys.



(2) Wrth adfer trwydded o dan baragraff (1) ceir amrywio'r cyfnod y dyroddir y drwydded ar ei gyfer.

### **Seiliau ar gyfer dirymu trwydded**

**17.**—(1) Caiff awdurdod lleol ddirymu trwydded os bodlonir yr awdurdod lleol—

- (a) nad yw'r materion y cyfeirir atynt yn rheoliad 9(1)(a) i (d) wedi eu bodloni;
- (b) na chydymffurfir ag amodau'r drwydded;
- (c) y cyflawnwyd toriad o'r Rheoliadau hyn;
- (d) bod gwybodaeth a gyflenwyd gan y deiliad trwydded yn ffug; neu
- (e) bod dirymu'n angenrheidiol er mwyn diogelu lles anifail.

(2) Os anghymhwysir deiliad trwydded o dan unrhyw un o'r deddfiadau yn rheoliad 10, di-rymir trwydded y deiliad hwnnw yn awtomatig pan fo'r cyfnod o amser a ganiateir ar gyfer unrhyw apêl yn dod i ben, neu os gwneir apêl, pan wrthodir yr apêl honno.

### **Hysbysiad o ddirymu**

**18.**— Rhaid i hysbysiad dirymu—

- (a) datgan seiliau'r awdurdod lleol dros ddirymu;
- (b) datgan pa bryd y daw'r dirymiad i rym; a
- (c) nodi bod hawl i apelio i lys ynadon.

## **RHAN 5**

### **Apelau**

#### **Hawl i Apelio**

**19.**—(1) Caiff unrhyw berson a dramgwyddir oherwydd gwrthod rhoi neu adnewyddu trwydded, neu benderfyniad i ddirymu trwydded, apelio i lys ynadon.

(2) Bydd y weithdrefn mewn apêl i lys ynadon o dan baragraff (1) ar ffurf cwyn, a bydd Deddf Llysoedd Ynadon 1980(1) yn gymwys i'r achos.

(3) Y cyfnod a ganiateir ar gyfer dwyn apêl yw cyfnod o 28 diwrnod sy'n cychwyn gyda'r diwrnod sy'n dilyn y diwrnod y rhoddir hysbysiad o'r penderfyniad.

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(1) 1980 p. 43.

## RHAN 6

### Darpariaethau amrywiol

#### **Pŵer i gymryd samplau**

20. Caiff arolygydd, at y diben o sicrhau y cydymffurfir â darpariaethau'r Rheoliadau hyn, gymryd samplau o boer neu o flew unrhyw gi sydd mewn mangre a feddiennir gan y deiliad trwydded, ar gyfer cynnal profion DNA.

#### **Dyletswydd i gynorthwyo gyda chymryd samplau**

21. Rhaid i'r deiliad trwydded gydymffurfio ag unrhyw gais rhesymol gan arolygydd, i hwyluso adnabod ac archwilio ci a chymryd samplau yn unol â rheoliad 20 ac, yn benodol, trefnu i gorlannu ci os gofynnir iddo wneud hynny gan arolygydd.

#### **Troseddau**

22. Cyflawnir trosedd os yw person, heb awdurdod cyfreithiol nac esgus, yn mynd yn groes i unrhyw amod trwyddedu, ac yn dilyn collfarn ddiannod, bydd person sy'n euog o drosedd o'r fath yn atebol i ddirwy o ddim mwy na lefel 5 ar y raddfa safonol, neu gyfnod o garchar na fydd yn hwy na 6 mis, neu'r ddau.

#### **Pwerau mynediad**

23. Rhaid trin toriad o amod trwydded fel trosedd berthnasol yn yr ystyr a roddir i "relevant offence" at ddibenion adran 23 o'r Ddeddf (mynd i mewn a chwilio o dan warant mewn cysylltiad â throseddau).

#### **Pwerau sy'n dilyn collfarn**

24. Mae'r pwerau perthnasol sy'n dilyn collfarn, a gynhwysir yn adrannau 34, 35 a 42 o'r Ddeddf, yn gymwys mewn perthynas â chollfarn am drosedd o dorri amod trwydded a roddir o dan y Rheoliadau hyn.

#### **Darpariaethau trosiannol**

25. Bydd trwydded a roddwyd o dan Ddeddf Bridio Cŵn 1973 yn parhau i gael effaith fel pe bai'n drwydded a roddwyd o dan reoliad 5.

#### **Diwygiadau canlyniadol**

26. Mae Atodlen 2 (diwygiadau canlyniadol) yn cael effaith.

## Gorfodi

27. Gorfodir y Rheoliadau hyn gan yr awdurdod lleol.

Gweinidog Cyfoeth Naturiol a Bwyd , un o Weinidogion Cymru

Date

# ATODLENNI

## ATODLEN 1

Rheoliad 8(2)

### RHAN 1

#### Amodau Trwydded

Amod 1: Gwella a Chyfoethogi

1. Rhaid i'r deiliad trwydded weithredu rhaglen wella a chyfoethogi a gymeradwyir gan yr awdurdod lleol.

Amod 2: Cymdeithasoli

2. Rhaid i'r deiliad trwydded weithredu rhaglen gymdeithasoli a gymeradwyir gan yr awdurdod lleol.

Amod 3: Iechyd

3. Rhaid i'r deiliad trwydded gymryd pob cam rhesymol i ddiogelu cŵn rhag poen, dioddefaint, anaf a chlefyd.

Amod 4: Paru

4. Rhaid i'r deiliad trwydded sicrhau nad yw gast fridio—

- (a) yn cael ei pharu cyn ei bod yn 12 mis oed;
- (b) yn rhoi genedigaeth i fwy nag un torllwyth o gŵn bach o fewn cyfnod o 12 mis; nac
- (c) yn rhoi genedigaeth i gyfanswm o fwy na 6 torllwyth o gŵn bach.

Amod 5: Newid perchnogaeth ci bach

5. Rhaid i'r deiliad trwydded barhau'n berchennog ac yn feddiannwr unrhyw gi bach hyd nes bo'r ci bach yn 56 diwrnod oed, o leiaf.

Amod 6: Adnabod geist bridio a chŵn gre

6.—(1) Rhaid i'r deiliad trwydded sicrhau bod pob gast fridio a chi gre yn cynnwys microsglodyn i alluogi eu hadnabod.

(2) Rhaid i'r microsglodyn y cyfeirir ato yn isbaragraff (1)—

- (a) ddwyn rhif unigryw;
- (b) cydymffurfio â naill ai'r safon ISO 11784:1996 neu Atodiad A i'r safon ISO 11785:1996 o safonau'r Sefydliad Safonau Rhyngwladol ar gyfer microsglodion; ac
- (c) cael ei gofrestru, o fewn 7 diwrnod ar ôl ei fewnblannu, mewn cronfa ddata y mae'r deiliad trwydded yn credu'n rhesymol sy'n cofnodi'n fanwl gywir y manylion canlynol:
  - (i) enw, cyfeiriad a rhif teleffon perchennog y ci;
  - (ii) enw'r ci;
  - (iii) brid y ci;
  - (iv) rhyw'r ci;
  - (v) dyddiad geni'r ci; a
  - (vi) rhif unigryw'r microsglodyn.

Amod 7: Adnabod cŵn bach

7.—(1) Rhaid i'r deiliad trwydded sicrhau bod pob ci bach yn cynnwys microsglodyn ar gyfer ei adnabod, cyn bo'r ci bach—

- (a) yn 56 diwrnod oed; neu
- (b) yn gadael y fangre a feddiennir gan y deiliad trwydded, gyda golwg ar newid perchnogaeth y ci bach;

pa un bynnag yw'r diweddaraf.

(2) Rhaid i'r microsglodyn y cyfeirir ato yn isbaragraff (1) gydymffurfio â pharagraff 6(2) uchod.

(3) Rhaid i'r deiliad trwydded ymrestru fel perchennog cofrestredig cyntaf pob ci bach, yn y gronfa ddata a ddefnyddir i gofrestru microsglodyn y ci, yn unol â pharagraff 6(2)(c)—

- (i) cyn bo'r ci bach yn gadael y fangre a feddiennir gan y deiliad trwydded gyda golwg ar newid ei berchnogaeth; neu
- (ii) cyn bo'r deiliad trwydded yn trosglwyddo perchnogaeth y ci bach i drydydd parti;

pa un bynnag yw'r cynharaf.

(4) Wrth drosglwyddo perchnogaeth ci bach, rhaid i'r deiliad trwydded ddarparu, mewn perthynas â'r perchennog newydd, yr wybodaeth a restrir ym mharagraff 6(2)(c)(i), i'r gronfa ddata a ddefnyddiwyd gan y deiliad trwydded i gofrestru microsglodyn y ci yn unol â pharagraff 6(2)(c),.

Amod 8 : Gofynion cofnodi geist bridio

8.—(1) Rhaid i'r deiliad trwydded gynnal cofnod ysgrifenedig mewn perthynas â phob gast fridio a gedwir, gan nodi—

- (a) ei henw;
- (b) ei dyddiad geni;
- (c) ei brid;
- (d) disgrifiad ffisegol ohoni, gan gynnwys ei lliw a'i nodweddion adnabod;
- (e) ei statws iechyd;
- (f) ei rhif microsglodyn unigryw;
- (g) manylion paru, gan gynnwys;
  - (i) enw, brid a rhif microsglodyn unigryw y tad; a'r
  - (ii) manylion canlynol mewn perthynas â phob ci bach a anwyd—
    - (aa) dyddiad geni;
    - (bb) rhif microsglodyn unigryw ; ac
    - (cc) pa bryd y trosglwyddwyd perchnogaeth, ac enw a chyfeiriad y perchennog newydd.

(2) Pan drosglwyddir perchnogaeth gast fridio, rhaid i'r deiliad trwydded gofnodi enw, cyfeiriad a rhif teleffon y perchennog newydd yn y cofnod y cyfeirir ato yn is-baragraff (1); rhaid i'r deiliad trwydded ddarparu copi o'r cofnod hwnnw i'r perchennog newydd, a chadw copi ohono ei hunan.

(3) Rhaid i'r cofnod y cyfeirir ato yn is-baragraff (1) fod ar gael i'w archwilio, a rhaid i'r deiliad trwydded ddal gafael ynddo drwy gydol oes yr ast fridio.

Amod 9 : Gofynion cofnod cŵn bach

9.—(1) Rhaid i'r deiliad trwydded gynnal cofnod ysgrifenedig sy'n cadarnhau'r manylion canlynol mewn perthynas â phob ci bach:

- (a) rhyw;
- (b) dyddiad geni;
- (c) brid;
- (d) disgrifiad ffisegol gan gynnwys lliw a nodweddion adnabod;
- (e) statws iechyd;
- (f) rhif microsglodyn unigryw;
- (g) enw, brid a rhif microsglodyn unigryw'r fam; a
- (h) enw, brid a rhif microsglodyn unigryw'r tad.

(2) Pan drosglwyddir perchnogaeth ci bach, rhaid i'r deiliad trwydded gofnodi enw, cyfeiriad a rhif teleffon y perchennog newydd yn y cofnod y cyfeirir ato yn is-baragraff (1); rhaid i'r deiliad trwydded ddarparu copi

o'r cofnod hwnnw i'r perchennog newydd, a chadw copi ohono ei hunan.

(3) Rhaid i'r cofnod y cyfeirir ato yn is-baragraff (1) fod ar gael i'w archwilio gan yr awdurdod lleol ar unrhyw adeg, a rhaid i'r deiliad trwydded ddal gafael ynddo am 3 blynedd ar ôl geni'r ci bach.

## ATODLEN 2

### Diwygio Offerynnau Statudol

Rheoliad 2(4)

#### **Deddf Bridio Cŵn 1973**

1.—(1) Mae Deddf Bridio Cŵn 1973 wedi ei diwygio fel a ganlyn.

(2) Yn adran 1 (trwyddedu sefydliadau bridio ar gyfer cŵn), ar ôl is-adran (1) mewnosoder—

“(1A) Subsection (1) does not apply in relation to Wales.”

(3) Yn adran 5 (dehongli), yn is-adran (2), yn y diffiniad o “local authority”, hepgorer “and in Wales the council of a county or county borough”.

#### **Deddf Llywodraeth Leol (Cymru) 1974**

2. Yn Atodlen 16 o Ddeddf Llywodraeth Leol (Cymru) 1994 (diwygiadau canlyniadol eraill), hepgorer paragraff 42.

#### **Deddf Cŵn Gwarchod 1975**

3. Yn adran 3 o Ddeddf Cŵn Gwarchod 1975 (trwyddedau cwbiau cŵn gwarchod), o flaen is-adran 6, mewnosoder—

“(5B) Where a person is convicted of an offence under section 13(6) of the Animal Welfare Act 2006 arising from the contravention of section 13(1) of that Act in relation to dog breeding in Wales, or of an offence under the Animal Welfare (Breeding of Dogs) (Wales) Regulations 2013, subsections (4) and (5) apply as they do to convictions under this Act”.

## **Deddf Anifeiliaid Gwyllt Peryglus 1976**

**4.** Ar ddiwedd adran 6 o Ddeddf Anifeiliaid Gwyllt Peryglus 1976 (cosbau) mewnosoder—

“(3B) Where a person is convicted of an offence under section 13(6) of the Animal Welfare Act 2006 arising from the contravention of section 13(1) of that Act in relation to dog breeding in Wales, or of an offence under the Animal Welfare (Breeding of Dogs) (Wales) Regulations 2013, subsections (2) and (3) apply as they do to convictions under this Act”.

## **Deddf Trwyddedu Swau 1981**

5. Yn adran 4 o Ddeddf Trwyddedu Swau 1981 (rhoi neu wrthod trwydded) yn is-adran (5), mewnosoder ar y diwedd—

““section 13(6) of the Animal Welfare Act 2006, so far as the offence arises from the contravention of section 13(1) of that Act in relation to dog breeding in Wales;

the Animal Welfare (Breeding of Dogs) (Wales) Regulations 2013.”



## **Explanatory Memorandum to**

This Explanatory Memorandum has been prepared by the Office of the Chief Veterinary Officer and is laid before the National Assembly for Wales in conjunction with the above subordinate legislation and in accordance with:

Standing Order 27.1.

### **Minister's Declaration**

In my view, this Explanatory Memorandum gives a fair and reasonable view of the expected impact of the Animal Welfare (Breeding of Dogs) (Wales) Regulations 2013. I am satisfied that the benefits outweigh any costs.

A handwritten signature in black ink, appearing to read 'Alun Davies', with a long horizontal flourish underneath.

Alun Davies AM  
Minister for Natural Resources and Food

DATE: 12 June 2013

## **1. Description**

There is a high level of public concern about the welfare of dogs and puppies in some breeding establishments in Wales. Research carried out under the Companion Animal Welfare Enhancement Scheme (CAWES) identified that there was an inconsistent approach to licensing by Local Authorities, as well as several gaps between the requirements of the Breeding of Dogs Act 1973 (as amended) and the Animal Welfare Act 2006. It was agreed, therefore, that updated legislation is required to ensure the welfare needs of the animals at these premises are suitably met. Consequently these Regulations provide requirements for local authorities to develop new licensing requirements for licensing dog breeding establishments.

## **2. Matters of special interest to the Constitutional and Legislative Affairs Committee**

The draft Regulations are subject to approval of the National Assembly by affirmative resolution by virtue of section 61 of the Animal Welfare Act 2006 and section 162 of and paragraph 34 of Schedule 11 to the Government of Wales Act 2006.

The draft Regulations repeal section 1(1) of the Breeding of Dogs Act 1973 and make consequential amendments to 4 other Acts.

## **3. Legislative background**

Section 13 of the Animal Welfare Act 2006 ("the Act") created the power for the National Assembly for Wales to repeal the Breeding of Dogs Act 1973 and replace it with new regulations in relation to Wales. Those powers now vest in the Welsh Ministers by operation of section 162 of and paragraph 30 of Schedule 11 to the Government of Wales Act 2006.

The power to make new Regulations must be exercised for the purpose of promoting the welfare of animals. Section 13 also requires that the Welsh Ministers consult with persons appearing to them to represent any interests concerned prior to exercising the power.

## **4. Purpose & intended effect of the legislation**

The existing legislation for dog breeding is the Breeding of Dogs Act 1973 as amended; the requirements for licensing are based upon a breeder producing 5 or more litters per annum.

The existing Regulations were made 40 years ago and modern science suggests that greater animal welfare standards are required. Dog breeding establishments have come under intense scrutiny in recent years due to the increased number of high profile incidents where puppies were being bred in inappropriate conditions. Television programmes such as *Byd Ar Bedwar*, *The One Show*, *Week In Week Out* and *Rogue Traders* have all investigated allegedly unscrupulous breeders across Wales. Campaign groups such as *Puppy Love*, *Puppy Alert*, *CARIAD* and the *Advisory Council on the Welfare*

Issues of Dog Breeding have been set up to raise awareness of puppy breeding with the general public and put pressure on Governments. There has also been a strong veterinary input via the British Veterinary Association and others to the debate.

Research carried out under the Companion Animal Welfare Enhancement Scheme (CAWES) reported that, as of 31<sup>st</sup> March 2011, there were 251 licensed dog breeding establishments in Wales, along with 149 unlicensed premises and 1587 that were exempt from the current legislative requirements. The majority of these are based in the West Wales counties of Carmarthenshire, Pembrokeshire and Ceredigion.

The Animal Welfare Act 2006 came into force in Wales on 27<sup>th</sup> March 2007. The proposed Regulations are coming forward under Section 13 of that Act and the overarching policy objective is to improve the welfare standards within dog breeding establishments.

The main policy proposals within the new Regulations include:

- tighter licensing criteria;
- the requirement to microchip all dogs before they are 56 days old or leave the breeding premises, whichever is later;
- a staff: dog ratio which has a minimum staff requirement;
- standardising the minimum age a pup can leave the breeding premises; and
- the need for breeding establishments to introduce socialisation, and environmental enrichment and enhancement programmes.

In developing the above policy proposals, the Welsh Government has strived to find the right balance between introducing unnecessary or onerous requirements upon legitimate dog breeders while providing much needed provisions to protect the health and welfare of breeding bitches, stud dogs and their offspring and deter individuals from operating any illegal dog breeding activity.

## **5. Consultation**

Details of consultations undertaken are included in the Regulatory Impact Assessment below.

## **PART 2 – REGULATORY IMPACT ASSESSMENT**

### **Options**

The main options considered were:

- Option 1: No change.
- Option 2: Licensing of all dog breeders in Wales.
- Option 3: Licensing of all dog breeders in Wales that operate above a determined threshold.

#### Option 1

Evidence gathered through the Welsh Government's Companion Animal Welfare Enhancement Scheme (CAWES) suggested that updated legislation was required to govern dog breeding in Wales. In addition, ad hoc evidence has been received by the Welsh Government that would support this research. The general public feel strongly that stricter welfare requirements are needed and therefore, Option 1 is not viable.

#### Option 2

The Task and Finish Group on Dog Breeding initially considered the viability of introducing Regulations that would make anybody who bred just one litter eligible for licensing. However, this would have massive implications for enforcement officials who are already stretched, and could result in dog owners who have breeding bitches that are mated accidentally, requiring a licence. Whilst it would perhaps encourage owners that do not want a licence to neuter their animals neutered or employ better standards of husbandry, this was not seen as a realistic option due to the enforcement problems.

#### Option 3

It is therefore considered that the introduction of Regulations to impose licences on dog breeders that operate above a determined threshold was the only logical approach. This is consistent with the structure of the current legislation, the Breeding of Dogs Act 1973 (as amended), but stricter licensing requirements would meet the objective of raising welfare standards.

### **Costs & benefits**

For Local Authorities, this should be a cost-neutral programme. Evidence was submitted as a case study by one local authority, Pembrokeshire, who stated that, whilst their licence fees were increasing in 2013/14, this was part of a planned 3-year increase and not as a result of the new Regulations.

#### Example 1

An example of how the legislation could affect breeders financially was submitted during the first consultation process. This is based on the proposal to introduce a minimum staff: dog ratio of 1 full-time worker per 20 dogs.

#### Welsh Association of Licensed Kennels (WALK)

**Based on 20 dogs kept at premises:**

2 stud dogs

2 young bitches (under 12 months - not whelping age)

16 breeding bitches, which will have 1 litter each per year (average 4 pups sold per bitch)

Sales (64 pups at £180 each)

**Costs**

Employment - £11,430

(37 hrs @ £5.92 min wage inc. an allowance for NI/Tax)<sup>1</sup>

Vaccination of adult dogs - £300

(£15 each per annum)

Food for adults and puppies – £2,500

Bedding - £400

Vaccination of puppies - £640

Vet Bills - £1,000

(e.g. worming, fleas, caesareans, hernias etc.)

Overheads - £1,000

(e.g. electricity, water, fuel)

Total - £17,270

**Loss (£5,750)**

This does not take into account the following:-

- Repair and Maintenance of kennels
- Cost of replacement of bitches
- Rates of Kennels
- The costs involved with the proposed legislation regarding micro chipping.
- How many people would work for the minimum wage of £5.92 per hour?
- There could be a couple of retirement bitches in the total number

Example 2

A submission received in the second consultation<sup>2</sup> suggested that the 'income' figures cited in Example 1 were very conservative. A selection of prices charged for puppies on a typical Internet site, epupz.com, were provided. It demonstrated that average prices for commonly sold breeds were:

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<sup>1</sup> This is at 2011 prices

<sup>2</sup> At 2012 prices

<b>Breed</b>	<b>First 10 prices for puppies from a search on epupz.co.uk using breed name on 22<sup>nd</sup> May 2012</b>	<b>Average puppy price</b>
Bichon Frise	£375, £550, £700, £500, £380, £450, £150, £375, £350, £350	£418
Cavalier King Charles Spaniel	£625, £695, £375, £600, £300, £600, £500, £550, £400, £600	£525
Boxer	£600, £650, £595, £500, £800, £800, £800, £350, £800, £650	£655
Springer Spaniel	£350, £500, £550, £300, £550, £400, £450, £450, £450, £150	£415
German Shepherd	£650, £650, £800, £400, £400, £450, £400, £550, £350, £800	£545

There will be a range of costs depending on what breeds are being sold, the latest “fashions” and demand for animals e.g. if based on the “epupz” web site the range of prices average out from £415 to £655 at the top end. It is noted that some dogs will cost considerably more e.g. British Bulldogs can vary from £1,500 to £4,000, mastiffs up to £1,800 and others considerably less.

However, it is recognised that the figures quoted in the epupz web site are selling direct to the consumer. A number of licenced breeders sell directly to other parties and the consequent sale costs are lower. But no figures have been produced from that sector. Consequently we can only stress that potential costs range from the example cited to a top end. It will be for individual breeders to decide how they want to profile their business activities.

### **Tightening the licensing criteria**

The new Regulations, as currently drafted, tighten the licensing criteria currently set by the Breeding of Dogs Act 1973 (as amended). They require anybody who owns 3 or more breeding bitches and meets one or more of a list of criteria (breeds 3 or more litters per year, or advertises or supplies pups for sale from those premises, or supplies from those premises a puppy or puppies from three or more litters in a 12 month period, or advertises a business of selling puppies) to be licensed by their Local Authority. It is expected that this will result in an increase in the number of breeders eligible for licensing in Wales.

Data gathered under the Companion Animal Welfare Enhancement Scheme (CAWES) showed that at 31<sup>st</sup> March 2011, there were 251 licensed dog

breeders in Wales as well as 149 unlicensed and 1587 exempt (i.e. they do not meet the current licensing criteria).

Since the publication of the CAWES report, local authorities have been taking steps to ensure that all those breeders that should be licensed under the current regulations are indeed licensed. The only **additional** breeders that will require a licence under the new regulations are those with 3 or 4 breeding bitches. It is not currently known how many breeders fall into this category nor how they will react to the change in regulations (for example, they could reduce the number of breeding bitches they have or cease breeding altogether), however, the best estimate is that between 10 and 25% of the currently exempt breeders will need a licence from their local authority. Based on an estimated licence fee of £80 per annum, this suggests a cost to the industry of between £12,500 and £32,000 per annum.

<b>Cost Impact</b>	<b>Benefit</b>
Additional licence cost to breeder. A report produced by Pembrokeshire Local Authority in 2009 stated that licensing fees by Local Authorities in Wales varied from £56.50 to £305 per annum.	Greater enforcement power by Local Authorities. It is an offence to prevent a licensing officer from entering commercial premises for inspection purposes.
Requirement to microchip all dogs on premises and puppies prior to rehoming (cost benefit analysis below).	Reassurance for the public as the Local Authority would be able to handle any complaints/concerns and breeders would be inspected at least annually.
Requirement to improve standards to meet the new welfare conditions (cost benefit analysis below).	Breeders would have to meet certain standards to retain their breeding licence.

### **Improvements to Premises**

The Breeding of Dogs Act 1973 (as amended) provides basic details on the construction and operation of dog breeding establishments. However there is a lack of clarity on the requirement in the 1973 Act. The new Regulations help to address this issue through the Welsh Ministers Guidance. It is important that all breeding establishments ensure they meet the “five needs” as set out in the Animal Welfare Act 2006. An animal’s needs shall be taken to include:

1. Its need for a suitable environment.
2. Its need for a suitable diet.
3. Its need to be able to exhibit normal behaviour patterns.
4. Any need it has to be housed with, or apart from other animals.
5. Its need to be protected from pain, suffering, injury and disease.

It is expected that in general a good dog breeder should already be complying with all those needs; therefore it is hoped that the new requirements should not impose a significant additional financial burden. However, those establishments shown not to meet the requirements will incur the cost associated with raising their standards. It has not been possible to produce an estimate of this cost based upon the available information.

Welsh Ministers Guidance has set out the minimum standards expected.

<b>Cost Impact</b>	<b>Benefit</b>
<p>Engagement with stakeholders from organisations that represent breeders are of the view that most registered breeders already operate to higher standards than those currently specified.</p> <p>It is recognised that poorer breeding establishments will have to upgrade their existing premises to comply, although as this could differ between such establishments it is impossible to determine.</p>	<p>Raising the minimum standard for breeding establishments will greatly enhance the conditions some breeding bitches are kept in.</p> <p>Improved health and well being of the resident dogs and puppies.</p> <p>Setting minimum standards will allow local authorities to take a more critical position of facilities provided and therefore improve conditions on the ground.</p>

### **Microchipping**

As part of a wider intent, action is being taken forward to make microchipping compulsory for all animals in due course. The intent is that all dogs in Wales will need microchipping by the 1 March 2015.

In the meantime, there is no current requirement for breeding establishments to microchip any dogs kept on their premises, or any of the puppies that they sell. However, we are aware that many breeders already microchip pups prior to sale.

These draft Regulations will require a breeder to have all their animals microchipped either at 56 days or before they leave the premises, whichever is the later.

The purpose of microchipping puppies is to ensure an audit trail from the breeding establishment to the new owner. Should welfare or medical problems arise in the future which indicate that the source of the problem emanates from the breeding establishment/processes, it would be possible to establish that link and take the necessary action to ensure there is no future reoccurrence.

The Regulations also require that all dogs used for the purposes of breeding (both the sire and dam) will have to be microchipped. This will ensure an audit trail of how many litters the dam has had and the frequency along with details of age and ownership.



<b>Cost Impact</b>	<b>Benefit</b>
<p data-bbox="225 273 608 338">Additional cost to breeding establishments.</p> <p data-bbox="225 383 762 595">Microchipping could be undertaken in several ways – by a veterinary surgeon, by the breeders themselves if appropriately trained, or by another person/organisation offering an implant service.</p> <p data-bbox="225 640 778 741">The approximate cost of microchipping by a veterinary surgeon varies but has been quoted from £10-£30 per dog.</p> <p data-bbox="225 786 767 999">If breeders choose to implant the microchips themselves, they would need to attend a training course and be certified. The one-off cost of training would be in the region of £70-£100.</p> <p data-bbox="225 1043 770 1290">A scanner and microchips would need to be purchased. A scanner retails from approximately £80-100 upwards. In respect of microchips it would be expected that breeders would purchase in bulk and that attracts discount. Prices do vary per supplier.</p> <p data-bbox="225 1335 416 1368">For example:</p> <p data-bbox="225 1413 767 1480">10 chips retail at approx £6-7 per chip including online registration</p> <p data-bbox="225 1525 767 1592">25 chips retail at approx £5-6 per chip including online registration</p> <p data-bbox="225 1637 735 1704">100 chips retail at approx £4-£5 per chip including online registration.</p> <p data-bbox="225 1749 778 1883">Dog breeding establishments have the recourse of reclaiming the cost of microchipping from a buyer when they sell a pup.</p>	<p data-bbox="810 273 1361 562">Microchipping is a way of achieving a relatively painless and permanent method of identification, unlike ID tags which can be removed. The microchip is very small and is injected with a needle. Discomfort should be momentary and is similar to a dog receiving a vaccination.</p> <p data-bbox="810 607 1342 819">It is a relatively inexpensive process. Most suppliers offer low-cost microchipping and, for a small outlay in respect of training and a scanner, any breeding establishment would be able to undertake this in-house.</p> <p data-bbox="810 864 1361 1043">Identification details can be easily updated. As the information is kept on a computer database, a simple notification is all that is required to update details of ownership.</p> <p data-bbox="810 1088 1342 1267">As a microchip is a permanent record that the dog belongs to a particular person, it is likely that this would be a disincentive to any one intending to steal a dog.</p> <p data-bbox="810 1312 1302 1413">Where a dog is lost, microchipping greatly increases the chances of it being returned to the owner.</p> <p data-bbox="810 1458 1361 1995">Unfortunately, some animals do get injured and die. When a vet or the council comes to retrieve or treat the pet they will check the microchip and be able to trace the owner and inform the owner of what has happened. Over half the animals found as strays are not returned to their owners. Many often having to be put to sleep. Consequently, a microchipped animal has a significant welfare benefit if it is able to be returned promptly. Kennels, even when properly run can create significant welfare disbenefits for a dog.</p>

	<p>The Minister for Natural Resources and Food made an announcement on the 26<sup>th</sup> April that he intended proceeding with the compulsory microchipping of all dogs will be required by the 1 March 2015, therefore breeders would not be at a disadvantage commercially to unlicensed breeders, who otherwise would not be required to microchip their animals. With these proposals animals coming from Wales will already be microchipped and initially will be a useful selling point.</p>
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### **Monitoring**

There will be an additional cost to local authorities associated with monitoring the tighter licensing criteria, however, as noted above the impact on local authorities is expected to be cost neutral with the additional monitoring cost covered by the additional revenue from licences.,

### **Communications costs**

There will be a cost to the Welsh Government associated with informing local authorities and dog breeders about the change in regulations. The cost of this is expected to be approximately £500.

### **Consultation**

The first consultation on the draft Animal Welfare (Breeding of Dogs) (Wales) Regulations 2011 took place over 12 weeks between 21<sup>st</sup> October 2010 and 13<sup>th</sup> January 2011. The groups consulted were those that had an interest in the policy area and included:

- Other UK Administrations;
- All Welsh Local Authorities;
- Environment Agency;
- HMRC;
- Animal Health Veterinary Laboratories Agency;
- All member organisations of Animal Welfare Network Wales with a vested interest in the policy area;
- Wales Council for Voluntary Action;
- Representative bodies for veterinarians;
- Federation of Small Businesses;
- Police;
- Pet Industry Unions;

- Ad hoc members of the public who had written to the Welsh Government about dog breeding and had asked to be kept informed of developments;
- Welfare organisations;
- The Kennel Club;
- Agricultural organisations;
- Countryside Council for Wales;
- Animal Health & Welfare Strategy Steering Group;
- All Party Group for Animal Welfare;
- Hunt Committees; and
- Members of the Task for Finish Review Group on Dog Breeding.

The consultation pack was also available to download from the Welsh Government website.

It was clear that there were a number of key areas of concern:

- Irresponsible breeding in so called “puppy farms” should be brought to an end;
- The welfare of all breeding dogs (stud dogs and bitches) and their offspring is paramount;
- Some of the criteria for being licensed was too narrow;
- There was strong support for microchipping to become compulsory, but there were issues that needed to be clarified.

Discussions have taken place with organisations that expressed an interest in meeting to discuss the concerns they raised during the consultation process.

They were split into four groups, namely:

- Welfare campaigners;
- Countryside, working dog and Hunt sector;
- Licensed breeders; and
- Hobby breeders.

We have taken the outputs of the discussions and applied them against the existing proposed Regulations. It was clear that across the board there were a number of areas where we were asked to make changes to the proposed Regulations. Key changes sought were:

- The point at which a person become qualified to be licensed in terms of the number of breeding bitches and the number of litters;
- Anybody advertising or supplying dogs for sale and has more than four breeding bitches should be caught by the licensing regime;
- A specific exemption for hunt packs affiliated to the Council for Hunting Associations and the Masters of Draghounds and Bloodhounds Associations; and
- A tighter definition of ‘full time attendant’.

#### Major change

The inclusion of a staff: dog ratio was broadly accepted, however the ratio was changed from 1:20 to a minimum of 1:30 for the second consultation on the

basis that Local Authorities would be able to reduce this ratio if they believed that the licence applicant was unable to meet the standards required.

A second consultation took place in November 2012, with the same groups consulted as above, plus individuals who had expressed an interest in being contacted.

It was clear that the amended staff: dog ratio (1:30 instead of 1:20 for full-time workers, and 1:15 instead of 1:10 for part-time workers) was inappropriate.

Of the 137 consultation responses who actually answered the questions in the consultation, 78% did not agree with the change. Critically in addition to this the British Veterinary Association (BVA) and the British Small Animal Veterinary Association (BSAVA) have since revised their stance. Originally they set out a position of a ratio of 1:30 on this proposal, but after considerable internal discussion, their advice now reflects our original policy and recommends a ratio of no more than 20 dogs to one full time member of staff (or 10 dogs to one part time staff).

Other welfare experts and in particular the Advisory Council on the Welfare Issues of Dog Breeding (set up following the Bateson Report), calculated that it was impossible for one person to have control of 30 dogs and all their puppies and be able to satisfy reasonably the requirements laid out in the Animal Welfare Act and indeed the Welsh Government's Code of practice on dogs.

An example of time allocation was provided by a number of respondents based on the 1:30 staff: dog ratio. The figures were based on the interpretation of a full-time worker in the Regulations as 'a person who works at least 37 hours per week', split over 7 days a week. It was suggested that this would result in approx 5.5 hours for care each day, an average of approximately 11 minutes per dog per day (assuming continuous effort and totally undivided focus on the dogs).

However, the following was provided, based on conservative estimates reflecting a respondent's personal dog care experience in rescues:

Cleaning of kennel	(say) 15 minutes
Assume 3 dogs in kennel	min. 5 minutes per dog/day
Replacement of bedding material	min.3 minutes per dog/day
<i>(note, most 'volume' breeders use shredded paper or sawdust which would require changing daily)</i>	
Cleaning of individual food and water bowls	min. 2 minutes per dog/day
Food preparation and replacement of water bowls	min. 5 minutes per dog/day
Grooming (for required breeds)	weekly 15 minute grooming session - averaging min. 2 minutes per dog/day

Routine cleaning, feeding and grooming tasks are likely, then, to take a minimum of 17 minutes per dog per day, on the above conservative analysis.

Based on the above examples it suggests that a minimum staff/dog ratio of 1:30 does not allow time even for this to be done in a thorough way.

### Minor changes

Some minor changes have been made on the Welsh Minister's Guidance following comments on the Consultation:

- Adding the following sentence to the requirement for water in section 2.1: *“Where there is more than one dog in a kennel and there are no automatic drinking facilities, it is advisable to provide a number of drinking bowls and checked at least twice daily to ensure adequate access to fresh water at all times”.*
- Adding the following sentence about waste management: *“Licensee should check with Natural Resources Wales for current guidance on the appropriate means of disposal.”*
- The addition of a Schedule containing a template for breeding bitch logbooks.

### **Competition Assessment**

A competition filter can be found at Appendix A.

### **Post implementation review**

It would be appropriate to consider starting a review of legislation three years after the legislation is made and brought into effect. There is at least one organisation which is seeking UKAS accreditation on breeding standards and it would be appropriate to consider that position in any review but after legislation has settled down.

## APPENDIX A

### The Competition Assessment

#### The competition filter test

The competition filter test is set out below, together with points raised

The competition filter test	
Question	Answer yes or no
<b>Q1:</b> In the market(s) affected by the new regulation, does any firm have more than 10% market share?	No
<b>Q2:</b> In the market(s) affected by the new regulation, does any firm have more than 20% market share?	No
<b>Q3:</b> In the market(s) affected by the new regulation, do the largest three firms together have at least 50% market share?	No
<b>Q4:</b> Would the costs of the regulation affect some firms substantially more than others?	Yes
<b>Q5:</b> Is the regulation likely to affect the market structure, changing the number or size of businesses/organisation?	Yes
<b>Q6:</b> Would the regulation lead to higher set-up costs for new or potential suppliers that existing suppliers do not have to meet?	No
<b>Q7:</b> Would the regulation lead to higher ongoing costs for new or potential suppliers that existing suppliers do not have to meet?	No
<b>Q8:</b> Is the sector characterised by rapid technological change?	No
<b>Q9:</b> Would the regulation restrict the ability of suppliers to choose the price, quality, range or location of their products?	No

#### Questions 1 to 3: the market

No one firm will have at least 10% of the market. At the last Companion Animal Welfare Assessment in March 2011 there were some 251 licensed premises in Wales and 1587 premises which breed animals but which are not under current Regulations eligible to be licensed.

#### Question 4: substantially different effect on businesses/organisation

All businesses should already be complying with the Animal Welfare Act (the Act) and the duty of care; however we are aware that some businesses are not

meeting the current standard of welfare of the Act. All businesses should have met the duty of care requirements of the Act, which sets up framework provisions. These Regulations provide for the detail to ensure animal welfare standards are not compromised. We have had no figures supplied to us from the industry on potential infrastructure changes that might be needed, despite two consultations and meeting with them. Some local authorities have been in discussion with licensed breeders since February on potential changes that might occur.

#### **Question 5: changes to market structure**

A yes answer is given but that is by no means a certainty. If these regulations penalise certain firms it is because the welfare of the animals may have become compromised and investment is needed to ensure an animal's welfare is not compromised. This could result in some businesses ceasing to trade. But from the figures that have been supplied, it is clear a different business strategy produces far higher returns.

A by-product of these Regulations could also be an increase in activity in the Microchipping sector. As demand grows, so more individuals and businesses may choose to train to become implanters to provide this required service.

#### **Questions 6 and 7: penalising new suppliers**

There will be a delay of some three months to allow local authorities and licensed breeders to consider these Regulations further. However, after commencement the new standards will be applied at the next licensing for new premises. If a premises is due to be renewed the day following implementation the local authority must issue a licence if they comply or if they believe they will comply. Likewise premises whose licensing is not due, for example, until 9 months time will not be affected until then. New applications should be in a position to comply at the beginning of their licensing cycle regardless of when that is.

#### **Question 8: technological change**

A no answer is given. Change of animal welfare standards can take some time to evolve through research and development.

#### **Question 9: restrictions on suppliers**

Whilst we do not agree that the proposals will restrict breeders, it is possible that new standards may cause existing prices to rise. The Welsh Association of Licensed Kennels argue that the traceability of puppies to Wales, because of its reputation as 'the puppy farming capital of the UK', may deter potential buyers. However, if positive marketing is undertaken there will be an indication that Welsh breeders will be working to higher standards than are required in other parts of the UK. Responsible licensed breeders in our discussions welcomed this positively.







## **The Campaign to End Puppy Farming.**

By email

Mr. David Melding A.M.  
Chair  
Constitutional and Legislative Affairs Committee  
National Assembly for Wales  
Cardiff Bay  
Cardiff  
CF99 1NA

20 June 2013

Dear Mr. Melding

C.A.R.I.A.D. is a coalition of 28 dog rescue and welfare organisations across Wales which campaigns for improvements in welfare standards in dog breeding and specifically for the ending of puppy farming. We would be grateful if the Committee would consider a number of concerns we have about the Animal Welfare (Breeding of Dogs) (Wales) Regulations, 2013, as drafted, that we feel have the potential to undermine the achievement of Government policy objectives to ensure adequate protection of dog welfare.

### **1 Background**

1.1 Our experience is that there are a large number of dog breeding establishments in Wales, concentrated in the south-west, with many having poor welfare conditions for dogs kept. Many breeding establishments are of a large size. In Carmarthenshire, for example, the average number of breeding dogs kept in licensed dog-breeding establishments was 39 in 2012. This does not include puppies produced. There are a significant minority of establishments with over 100 breeding dogs kept.

1.2 Conditions found in many dog breeding establishments based on RSPCA inspector reports, local authority official visits, reports of those visiting establishments for purchase and some undercover investigations undertaken and published, frequently include the following :

- permanent kennelling of dogs in barren kennels
- lack of adequate provision of bedding
- failure to ensure adequate protection from heat or cold
- very limited or no exercise of dogs
- failure to socialise puppies
- failure to provide veterinary care
- repetitive breeding from breeding bitches to exhaustion
- disposal of breeding dogs no longer required with these most often unaccounted for
- failure to provide veterinary care

**C.A.R.I.A.D.**

Care And Respect Includes All Dogs

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1.3 Unfortunately, our experience is that such conditions are frequently found not only in those premises avoiding scrutiny by local authorities i.e. unlicensed premises, but in many premises which are licensed and 'approved'. The process of licensing by local authorities frequently appears to focus almost exclusively on basic structural features of the kennel environment (e.g. materials used etc) and on the carrying out of very basic procedures to prevent disease spread. There appears often to be insufficient attention paid to those conditions that relate to the behavioural and psychological needs of dogs such as adequate opportunity for exercise, variety and stimulation, and interaction with carers. Moreover, there is often only cursory attention to health needs. We have undertaken analyses of license reports produced by some authorities which strongly support this view.

1.4 While many ex-breeding dogs are never accounted for, some find their way into rescue organisations. Most often such dogs exhibit a range of health problems invariably untreated. These include eye infections, ear infections, skin allergies, mammary tumours and others which have been caused by the conditions under which dogs have been kept, and the failure to treat. Scientific evidence attests to these consequences with findings that ex-puppy farm dogs are significantly more likely to have health problems and to display behavioural problems including high anxiety, fearfulness, and passivity.

## **2 The draft Animal Welfare (Breeding of Dogs) (Wales) Regulations 2013**

2.1 We have closely followed the development of the proposed Animal Welfare (Breeding of Dogs) Wales Regulations over recent years and have been hopeful that, when finally implemented, these Regulations would represent a significant step forward for the welfare of dogs and puppies involved in breeding.

2.2 Features of the proposed Regulations that we view as potentially positive and progressive include the following :

- the requirement that licensed breeders supply and implement programmes relating to both 'enhancement and enrichment' of the dogs environment and experience (including exercise provision), and to the proper socialisation of puppies, which is critical to their development.
- the requirement for micro-chipping of breeding dogs and puppies
- the introduction of a minimum staff to dog ratio
- the giving of powers to local authorities to suspend or revoke licenses – where previously this required going to a magistrates court
- the extension of the range of breeders requiring licensing to those with 3 or more breeding bitches
- the inclusion of statutory Guidance

2.3 We note that it is critical that any regulations adopted are properly and consistently enforced. For the Regulations to be successful they must be drafted in such a way that clear conditions may be defined that licensees must meet, and that local authorities are both fully committed and able to apply and enforce. Too often, we have found where there are significant breaches of even the minimal conditions currently required that no action is taken.

## **3 Concerns raised in relation to our understanding of the Committee's remit**

3.1 With respect to the Committee's remit, we have some concerns on 'technical' grounds believing that the form or meaning of some of the draft text needs further explanation (Standing Order 21.2(v)), or is defective (Standing Order 21.2 (vi)). Moreover, we have certain concerns with respect to the 'merits' of the draft text relating particularly to Standing Order 21.3 (v) as aspects of the draft Regulations may, in our view, undermine their ability to achieve the policy objectives stated in the Explanatory Memorandum and expressed elsewhere (e.g. in consultation documents).

## 4 Matters of concern regarding the Regulations as drafted

### A) Removal of local authority power to define license conditions

4.1 Our primary concern, we understand to be a 'merits' concern (re S.O. 21.3(v)). This concern relates to what appears to be an important omission in the draft Regulations text which may undermine the ability of local authorities to specify enforceable license conditions relating to the range of criteria the Regulations require to be fulfilled. This may undermine the potential of the Regulations to achieve meaningful improvements in dog welfare – a core policy intention.

4.2 In the Breeding of Dogs Act, 1973, which the current Regulations are intended to replace, clause 1(4) stated the following,

*'In determining whether to grant a licence for the keeping of a breeding establishment for dogs by any person at any premises, a local authority shall in particular (but without prejudice to their discretion to withhold a licence on other grounds) have regard to the need for securing :*

- a) that the dogs will at all times be kept in accommodation suitable as respects construction, size of quarters, number of occupants, exercising facilities, temperature, lighting, ventilation, and cleanliness;*
- b) that the dogs will be adequately supplied with suitable food, drink and bedding material, adequately exercised and (so far as necessary) visited at suitable intervals;*
- c) that all reasonable precautions will be taken to prevent and control the spread of infectious or contagious diseases;*
- d) that appropriate steps will be taken for the protection of the dogs in case of fire or other emergency;*
- e) that all appropriate steps will be taken to secure that the dogs will be provided with suitable food, drink and bedding material and adequately exercised when being transported to or from the breeding establishment;*

*and shall specify such conditions in the licence, if granted by them, as appear to the local authority necessary or expedient in the particular case for securing all the objects specified in paragraphs (a) to (e)'* (underlining added)

The underlined text has provided the explicit basis for local authorities to define licence conditions consistent with the core requirements (a to e) that they may then use as the criteria against which applications for licenses are appraised.

4.3 The current draft Regulations include a section, Section 9, which is broadly equivalent to Section 1,4 of the 1973 Act above as follows :

*'9. – 1) When considering whether to grant or renew a licence the local authority must be satisfied that –*

- a) dogs are at all times kept in accommodation that is of an appropriate construction and size, with appropriate exercise facilities, temperature, lighting, ventilation, and cleanliness;*
- b) appropriate whelping facilities are available*
- c) dogs are supplied with suitable food, drink and bedding*
- d) dogs are supplied with adequate facilities to enable them to exhibit normal behaviour patterns.'*

4.4 However, we wish to draw the attention of the Committee to the fact that no equivalent text or clause is now included in the Regulations to the underlined text above in the 1973 Act. This, we feel, creates an uncertainty or ambiguity as to whether a local authority does have the continued power to define conditions relating to the core requirements specified under Section 9. We note, further, that in the earlier draft Breeding of Dogs (Wales) Regulations 2011 (now superseded), a related clause was included (Section 5,1 e) : *'specify such conditions in the licence as appear to it (the local authority) necessary to ensure the matters set out ,,, are met'*). However, this did not appear in either the subsequent 2012 or 2013 drafts. It is not clear why.

4.5 We are aware that there have been steps taken by a number of authorities in Wales to introduce improved license conditions which are more consistent with a current understanding of what appropriate accommodation, exercise facilities etc should mean and which incorporate Animal Welfare Act criteria (as do the current draft Regulations). These new model conditions, developed initially by Pembrokeshire County Council, are consistent with the extant regulations and have been recommended for adoption by the Welsh Local Government Association (please see attached letter from Mr Steven Thomas, Chief Executive of the WLGA). Much preparatory work has, we understand, been undertaken by Pembrokeshire County Council and others to prepare breeders for their adoption. It would be anticipated that the model licence conditions now being promoted by the WLGA may be readily updated to incorporate the new provisions under the draft Regulations.

4.6 While the sum of the draft text might be interpreted to imply that local authorities continue to be able to define licence conditions relating to the criteria referred to, there appears to us now to be an uncertainty concerning the local authorities powers which could lead to challenge by a breeder e.g. where a license is refused on grounds of breach of license conditions defined by a local authority. Moreover, local authorities could adopt the view they have the legal power only to adopt those licensing conditions included in Schedule 1. This may inhibit development of what appears to be a productive approach by certain local authorities in Wales with respect to the new model licensing conditions. This would be straightforwardly remedied by retention under Section 9,1 of the new Regulations of the 1973 clause (or similar), e.g. *'and shall specify such conditions in the licence, if granted by them, as appear to the local authority necessary or expedient in the particular case for securing all the objects specified in paragraphs (a) to (d).'*

4.7 We would draw attention of the Committee further to Section 8 (2) of the draft Regulations which may contribute to the ambiguity. This states that,

- 2) The local authority must attach to each licence granted –*
- a) the conditions contained in Schedule 1 to these Regulations;*
  - b) a condition specifying the maximum number of dogs to be kept under the terms of the licence*
  - c) a condition specifying a staff to dog ratio which must ensure as a minimum staff requirement –*
    - (i) 1 full-time attendant per 20 dogs kept; or*
    - (ii) 1 part-time attendant per 10 dogs kept.'*

4.8 The conditions under 'Schedule 1' are the compulsory conditions. There is no reference to attachment of any other licence conditions. While Section 8(2) may not preclude attachment of other conditions, with the failure to refer to these explicitly in combination with lack of specific reference to an authority's power to define associated licence conditions, an important ambiguity remains. We recommend that Section 2 be extended to include a fourth possible attachment, e.g. *'d) and any other conditions the local authority may specify'*.

4.9 Finally, on this issue, we note that under 'Interpretation' in Section 3 of the draft Regulations, *'licence conditions'* are defined as follows, *'those conditions set out in Schedule 1 to these Regulations and any further conditions attached to a licence by the local authority'*. This appears to us to predicate the inclusion of a clause empowering authorities to specify conditions relating to criteria under Section 9. The definition is not sufficient for this in itself, however.

## **B) Ambiguity in conditions determining eligibility for licensing**

4.10 It is very important that it is clear who is eligible for licensing under the Regulations. The criteria for this are defined in Part 2, Section 5. We believe a technical matter arises here of a requirement for further explanation to clarify meaning.

4.11 Section 5(1) states that, 'A person carries on the activity of dog breeding for the purposes of Section 13(1) of the Act if that person keeps on premises 3 or more breeding bitches and – ..'. Five conditions a) to e) are then listed. It is unclear from this wording whether one or all of the further conditions need to be met. However, the Explanatory Memorandum is clear (p.6) that 'anybody who owns 3 or more breeding bitches and meets one or more of a list of criteria ...etc' is required to be licensed by the local authority. While the Explanatory Memorandum is unambiguous, the Regulations are not. They need to state clearly that, one or more of the conditions a) to e) is required along with possession of 3 breeding bitches. Otherwise some breeders will argue that all the criteria do not apply to them and that they are therefore not required to be licensed.

### **C) Requirement for development of the associated statutory Guidance**

4.12 Under Section 13 of the draft Regulations there is the requirement that, 'The local authority must have regard in the carrying out of its functions under these Regulations to such guidance as may be issued by the Welsh Ministers'. We note that this is a very important provision from the point of view of properly fulfilling the policy intention of the Regulations.

4.13 A key problem with the extant regulations is that the criteria set have been both limited and poorly defined. Our experience is that ambiguous terms that had the potential to allow for ensuring appropriate minimum standards – e.g. 'suitable accommodation', 'exercising facilities' have often been very conservatively interpreted with, for example, small barren kennels, sheds or even lorry trailers being viewed as acceptable accommodation, while tiny mesh enclosed concrete areas or brief release into a small concrete yard have been taken to represent adequate exercise facilities.

4.14 In 2000, a number of bodies (the RSPCA, the British Veterinary Association, the Chartered Institute of Environmental Health and the Local Government Association) published 'guidance' to support local authority officers in interpretation of the Breeding of Dogs Act, 1973 and subsequent dog breeding regulations. This is often referred to as the 'CIEH Guidance'. The availability of this was communicated to local authorities in a Home Office circular. We have found again and again that this guidance has been ignored. For example, it recommended (at the time) a staff to dog ratio of 1 to 30 (n.b. later veterinary advice supersedes this). We are aware of premises licensed in west Wales where the ratio is 1 to 120. When challenged, the licensing authority replied – 'the guidance is not statutory'.

4.15 That the Guidance associated with the Regulations will be statutory is an important step forwards. However, the Guidance needs to be comprehensive, appropriate and clearly defined. Our view is that work is still needed on this in advance of implementation of the Regulations. In particular, the draft Regulations require that a potential licensee submits a draft 'Enhancement and enrichment programme' and a draft 'Socialisation Programme' and that these be implemented. At the moment, there is almost no guidance that relates to what this might cover. A particular issue requiring clarification is what may be minimally acceptable in each of these areas as specification of this will be essential for local authorities to be able to enforce requirements to implement these programmes.

4.16 We hope that as a 'merits' matter, relating to Standing Order 21.3 (v) – the need to ensure that the Regulations will achieve their policy objectives - and given the critical role of the Statutory Guidance in achieving the policy objectives, that the Committee will consider making the recommendation that the Guidance associated with the Regulations is further developed with clear indications of minimum expectations to which local authorities must have regard in all relevant areas by the proposed implementation date of 1<sup>st</sup> January 2014.

## 5 Other matters

5.1 While we understand that these matters are likely to be outside the remit of the Committee, we would like to take the opportunity to alert members to certain further conditions or circumstances that we feel are likely to be necessary to ensure that new Regulations do have a widespread effect on improving breeding dog and puppy welfare in Wales. These are :

- a) that local authorities take advantage of provisions in the draft Regulations under Section 12 to obtain sufficient funds through licensing charges to enable them to properly assess, monitor and enforce licence conditions.
- b) that officers charged with undertaking licensing duties receive full training with respect to the animal welfare matters they are required to evaluate, as well as to the Regulations themselves. Officers will be required to make judgements about such matters as adequacy of conditions and exercise for various dog breeds, appropriate socialisation activities, and facilities and actions that will provide enrichment and stimulation for dogs.
- c) that local authorities make publicly available (e.g. on authority web-sites) details of breeders who have met licensing requirements. This is a reasonable expectation of the public – i.e. as to whether a breeder has met statutory requirements. It is likely to facilitate enforcement - breeders operating without a licence would be more readily identifiable - and may facilitate redress under trading standards regulations where puppies purchased develop later health or behavioural problems.
- d) the setting up of an inspectorate, possibly part-time and funded from licence fees, that can review and report on local authority practice on a regular basis to ensure minimum standards are applied and that there is consistency in approach between authorities.

Thank you and Committee members for your kind attention.

Yours sincerely,

David Grimsell  
On behalf of C.A.R.I.A.D.

**Attachment** – copy of letter from Mr. Steven Thomas, Chief Executive of the WLGA concerning the new model licence conditions recently developed by Pembrokeshire County Council.

**Our Ref/Ein Cyf:**  
**Your Ref/Eich Cyf:**  
**Date/Dyddiad:**  
**Please ask for/Gofynnwch am:**  
**Direct line/Llinell uniongyrchol:**  
**Email/Ebost:**

ST/SW

10<sup>th</sup> May 2013  
Simon Wilkinson  
029 2046 8657  
simon.wilkinson@wlga.gov.uk



WLGA • CLILC

Mr D Grimsell  
C.A.R.I.A.D.  
P.O. Box 60  
Lampeter  
Ceredigion  
SA48 9BE

Dear Mr Grimsell

### **Animal establishment licence conditions**

Once again, may I apologise for the delay in responding to your letter.

The WLGA is encouraged by the work that Pembrokeshire has carried out in improving the current licence conditions. We are further encouraged that the local authority is willing to share this work with all other local authorities in Wales, in order to assist the uniformity of approach that businesses should expect from local authorities.

We also see this as an excellent opportunity to ensure there is a clear and level fair playing field for businesses in providing consistency to those using their services.

Currently, we are in the process of an assessment of the uptake by local authorities in Wales of the new conditions as put forward.

With Pembrokeshire's permission, it is intended to rebadged the suite of licences with the WLGA logo, and encourage all local authorities in Wales to adopt them as soon as is practicable.

The WLGA has already been party to a number of discussions with the Wales Heads of Trading Standards, and the Directors of Public Protection Wales regarding the conditions. Hopefully it will be possible to provide Wales wide coverage and implementation in as short a time as is practicable.

Yours sincerely

**Steve Thomas CBE**  
Chief Executive / Prif Weithredwr

Steve Thomas CBE  
Chief Executive  
Prif Weithredwr

Welsh Local Government  
Association  
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Cymdeithas Llywodraeth  
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Rhodfa Drake  
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[www.wlga.gov.uk](http://www.wlga.gov.uk)

Tudalen 43



# Cymdeithas Frenhinol Atal Creulondeb i Anifeiliaid Royal Society for the Prevention of Cruelty to Animals

20th June 2013

David Melding AM  
Chair of the Constitutional & Legislative Affairs Committee  
National Assembly for Wales  
Cardiff Bay  
CF99 1NA

Dear David Melding AM,

## **Re: Animal Welfare (Breeding of Dogs) (Wales) Regulations 2013**

As you will be aware, on Tuesday June 11th, the Minister for Natural Resources and Food laid before the National Assembly for Wales draft regulations in relation to the breeding of dogs.

I understand the Constitutional & Legislative Affairs Committee is to consider these draft regulations prior to a motion to approve them in the Senedd on July 2nd. Furthermore, I also understand that it is within the remit of the Committee to deliberate on the merits of the draft regulations.

Whilst we welcome the Welsh Government's decision to bring forward regulations and welcome much of their contents, RSPCA Cymru is very concerned about the Welsh Government's supporting, associated statements which raise serious questions regarding interpretation.

The draft regulations state that one full-time attendant may look after a maximum of 20 dogs, which, although not perfect, RSPCA Cymru broadly welcomes.

However, we are deeply concerned by a discrepancy contained within supporting statements - indicating that this figure excludes any puppies born to those dogs. Consequently, depending on the size of a breeding bitch's litter, one attendant faces the prospect of caring for hundreds of dogs at any one time.

That situation, we believe, would mean attendants will not have the time or resources to ensure dogs have opportunities to express normal behaviour or be handled or socialised appropriately. It would also mean attendants would not have the time to carry out the very duties and requirements outlined elsewhere within the regulations and guidance. Subsequently, therefore, the regulations would fail to guarantee appropriate welfare standards for dogs.

Crucially, however, we believe the content of the draft regulations laid contradicts these supporting statements.

Under Part 3, 8(2)(c)(i), the regulations state the "minimum staff requirement" is "1 full-time attendant per 20 dogs kept" or "1 part-time attendant per 10

### **RSPCA Cymru**

10 Cwrt Ty Nant/ Ty Nant Court  
Treforgan /Morganstown  
Caerdydd /Cardiff  
CF15 8LW

Cruelty Line  
0300 1234 999

Elusen a gofrestrwyd yng Nghymru  
a Lloegr Rhif. 219099  
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Wales Charity no. 219099

[www.rspca.org.uk/wales](http://www.rspca.org.uk/wales)

Noddwr Ei Mawrhydi Y Frenhines  
Patron HM The Queen

Is-noddwr Ei Ras Archesgob  
Caergaint  
Vice Patron His Grace  
The Archbishop of Canterbury

**Chris O'Brien, Public Affairs Manager**

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# Cymdeithas Frenhinol Atal Creulondeb i Anifeiliaid Royal Society for the Prevention of Cruelty to Animals

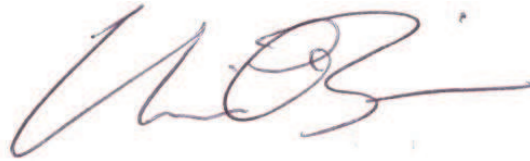
dogs kept". The regulations do not appear to make any reference to this excluding puppies – unlike the Minister's accompanying Written Statement. The regulations clearly define a puppy as a "**dog** under the age of 6 months" – suggesting that puppies should be included, rather than excluded, from the proposed 1 to 20 ratio.

Clearly, addressing this apparent discrepancy is pivotal in assessing whether these regulations will sufficiently improve guaranteed welfare standards for dogs based in breeding establishments. Therefore, we urge the Committee to look closely at this issue which requires much-needed clarity.

RSPCA Cymru also believes that, should the interpretation contained within Welsh Government supporting statements be judged to be correct, the Constitutional & Legislative Affairs Committee is well-placed to deliver a powerful statement to the Welsh Government stating that these draft regulations are insufficient in addressing the welfare needs of dogs based in breeding establishments.

Should you require any further information, please do not hesitate to get in touch.

Yours Sincerely,



**Chris O'Brien**  
Public Affairs Manager, RSPCA Cymru

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Chris O'Brien, Public Affairs Manager

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# Eitem 4.1

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OFFERYNNAU STATUDOL  
CYMRU

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**2013 Rhif 1469 (Cy. 140) (C. 57)**

## **TAI, CYMRU**

**Gorchymyn Deddf Tai ac Adfywio  
2008 (Cychwyn Rhif 3 a  
Darpariaethau Trosiannol, Darfodol  
ac Arbed) (Cymru) 2013**

### **NODYN ESBONIADOL**

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

Mae erthygl 2 o'r Gorchymyn hwn yn pennu mai 10 Gorffennaf 2013 yw'r diwrnod y bydd adran 318 (safleoedd cartrefi symudol gwarchoddedig i gynnwys safleoedd ar gyfer sipswyn a theithwyr) o Ddeddf Tai ac Adfywio 2008 ("Deddf 2008") a diddymiadau perthynol yn Atodlen 16 i'r Ddeddf honno yn cael eu dwyn i rym mewn perthynas â Chymru.

Canlyniad cychwyn adran 318, fydd gwneud cytundebau mewn perthynas â lleiniau ar gyfer sipswyn a theithwyr ar safleoedd awdurdodau lleol yng Nghymru yn ddarostyngedig i Ddeddf Cartrefi Symudol 1983 ("Deddf 1983"). Mae hyn yn efelychu'r hyn a wnaed yn Lloegr gan Orchymyn Deddf Tai ac Adfywio 2008 (Cychwyn Rhif 8 a Darpariaethau Trosiannol, Darfodol ac Arbed) 2011(1), a gychwynnodd adran 318 o Ddeddf 2008 mewn perthynas â Lloegr ar 30 Ebrill 2011.

Mae erthyglau 3 i 7 yn gwneud darpariaethau trosiannol, darfodol ac arbed mewn perthynas â chytundebau ynghylch lleiniau ar gyfer sipswyn a theithwyr ar safleoedd awdurdodau lleol. Mae erthygl 3 yn arbed datgymwysiadau o ddarpariaethau penodol ynglŷn â chytundebau ynghylch lleiniau pontio. Yn fras, mae'r datgymwysiadau hyn yn peri nad yw'r terfyn amser o 28 diwrnod ar gyfer darparu datganiad ysgrifenedig, yr hawl i geisio gorchymyn tribiwnlys mewn perthynas â rhoi datganiad ysgrifenedig a'r hawl i wneud cais i'r tribiwnlys am ddiwygio telerau cytundeb o'r fath, yn gymwys i'r cytundebau hynny.

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(1) O.S. 2011/1002.

Mae erthygl 4 yn darparu y bydd Deddf 1983 yn gymwys i bob cytundeb ar gyfer gosod cartref symudol ar safle sipsiwn a theithwyr awdurdod lleol sy'n bodoli yng Nghymru pan gychwynnir adran 318 o Ddeddf 2008, fel y byddai'n gymwys i unrhyw gytundeb o'r fath a wneid ar ôl y cychwyn. O ganlyniad, bydd y telerau a bennir yn Atodlen 1 i Ddeddf 1983, fel y'u mewnosodwyd gan Orchymyn Deddf Cartrefi Symudol 1983 (Diwygio Atodlen 1) (Cymru) 2013, yn oblygedig mewn cytundebau o'r fath.

Mae erthygl 5 yn datgymhwyso, mewn perthynas â chytundeb presennol, ddarpariaethau penodol yn adrannau 1 a 2 o Ddeddf 1983 ac Atodlen 1 i'r Ddeddf honno (a fewnosodwyd yn Neddf 1983 gan Orchymyn Deddf Cartrefi Symudol 1983 (Diwygio Atodlen 1) (Cymru) 2013).

Mae erthygl 6 yn ddarpariaeth ddarfodol sy'n gwneud yn ofynnol bod awdurdodau lleol yn rhoi datganiad ysgrifenedig i feddianwyr lleiniau parhaol o fewn 28 diwrnod i'r diwrnod penodedig; ac y mae'r erthygl (a'r Atodlen i'r Gorchymyn) yn pennu'r hyn y mae'n rhaid i'r datganiad ei gynnwys.

Mae erthygl 7 yn ddarpariaeth arbed gyffredinol, sy'n sicrhau nad effeithir ar hawliau a rhwymedigaethau o dan y cytundebau presennol, o ganlyniad i gymhwyso Deddf 1983 i'r trefniadau presennol.

## **NODYN YNGHYLCH GORCHMYNION CYCHWYN BLAENOROL**

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

Mae'r darpariaethau o Ddeddf Tai ac Adfywio 2008 ("Deddf 2008") yn y tabl isod wedi eu dwyn i rym mewn perthynas â Chymru gan Orchymynion Cychwyn a wnaed cyn dyddiad y Gorchymyn hwn.

Mae amryw o ddarpariaethau Deddf 2008 hefyd wedi eu dwyn i rym mewn perthynas â Lloegr yn unig gan yr Offerynnau Statudol canlynol:

O.S. 2008/3068, O.S. 2009/803, O.S. 2009/2096 ac O.S. 2011/1002.

*Gweler* hefyd adran 325(6) o Ddeddf 2008 am y darpariaethau a ddaeth i rym ar 22 Gorffennaf 2008 (y diwrnod y pasiwyd Deddf 2008).

*Gweler* hefyd adran 325(2) o Ddeddf 2008 am y darpariaethau a ddaeth i rym ar 22 Medi 2008 (sef ar ddiwedd cyfnod o 2 fis ar ôl pasio Deddf 2008).

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<i>Darpariaeth</i>	<i>Dyddiad</i>	<i>Rhifyr O.S.</i>
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	<i>Cychwyn</i>	
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adran 308	19 Awst 2011	O.S. 2011/1863 (Cy. 201)
adran 309 (yn rhannol)	26 Gorffennaf 2011	O.S. 2011/1863 (Cy. 201)
adran 309 (yn llawn)	19 Awst 2011	O.S. 2011/1863 (Cy. 201)
adran 315 (yn rhannol)	30 Mawrth 2009	O.S. 2009/773 (Cy. 65)

Mae'r darpariaethau yn Neddf 2008 sydd yn y tabl isod wedi eu dwyn i rym o ran Cymru a Lloegr gan yr Ysgrifennydd Gwladol cyn dyddiad y Gorchymyn hwn.

<i>Darpariaeth</i>	<i>Dyddiad Cychwyn</i>	<i>Rhifyr O.S.</i>
adrannau 1 i 3 ac Atodlen 1	8 Medi 2008	O.S. 2008/2358
adran 4	8 Medi 2008, 1 Rhagfyr 2008 ac 1 Ebrill 2010	O.S. 2008/2358, O.S. 2008/3068 ac O.S. 2010/862
adrannau 5 i 18 ac Atodlenni 2 i 4	1 Rhagfyr 2008	O.S. 2008/3068
adran 19	1 Rhagfyr 2008 ac 1 Ebrill 2010	O.S. 2008/3068 ac O.S. 2010/862
adrannau 20 i 30	1 Rhagfyr 2008	O.S. 2008/3068
adran 31	1 Ebrill 2010	O.S. 2010/862
adrannau 32 a 33	1 Ebrill 2009 ac 1 Ebrill 2010	O.S. 2009/803 ac O.S. 2010/862
adran 34	1 Ebrill 2009	O.S. 2009/803
adran 35	1 Ebrill 2010	O.S. 2010/862
adran 36	1 Ebrill 2009	O.S. 2009/803
adran 37	8 Medi 2008	O.S. 2008/2358
adrannau 38 i 43	1 Rhagfyr 2008	
adran 44	8 Medi 2008	O.S. 2008/2358
adran 45	1 Rhagfyr 2008	
adrannau 46 a 47	8 Medi 2008	O.S. 2008/2358
adran 48	1 Rhagfyr 2008	O.S. 2008/3068
adran 49	8 Medi 2008	O.S. 2008/2358
adran 50 ac Atodlen 5	8 Medi 2008, 1 Rhagfyr 2008 ac 1 Ebrill 2009	O.S. 2008/2358, O.S. 2008/3068 ac O.S. 2009/803
adran 51 ac Atodlenni 6 a 7	8 Medi 2008	O.S. 2008/2358
adrannau 52 i 55	8 Medi 2008	O.S. 2008/2358
adran 56 ac Atodlen 8	8 Medi 2008, 1 Rhagfyr 2008, 1 Ebrill 2009 ac 1 Ebrill 2010	O.S. 2008/2358, O.S. 2008/3068, O.S. 2009/803 ac O.S.

		2010/862
adran 57	8 Medi 2008, 1 Rhagfyr 2008 ac 1 Ebrill 2010	O.S. 2008/2358, O.S. 2008/3068 ac O.S. 2010/862
adran 58	8 Medi 2008, 1 Rhagfyr 2008, 1 Ebrill 2009 ac 1 Ebrill 2010	O.S. 2008/2358, O.S. 2009/803 ac O.S. 2010/862
adran 59	8 Medi 2008	O.S. 2008/2358
adrannau 60 i 63	1 Ebrill 2010	O.S. 2010/862
adran 64	16 Chwefror 2009 ac 1 Ebrill 2010	O.S. 2009/363 ac O.S. 2010/862
adrannau 65 i 71 ac Atodlenni 6 a 7	8 Medi 2008 ac 1 Ebrill 2010	O.S. 2008/2358 ac O.S. 2010/862
adran 72	8 Medi 2008	O.S. 2008/2358
adrannau 73 i 80	8 Medi 2008 ac 1 Ebrill 2010	O.S. 2008/2358 ac O.S. 2010/862
adrannau 81 i 85	8 Medi 2008	O.S. 2008/2358
adran 86	8 Medi 2008 ac 1 Ebrill 2010	O.S. 2008/2358 ac O.S. 2010/862
adrannau 87 i 92	8 Medi 2008	O.S. 2008/2358
adran 93	8 Medi 2008 ac 1 Ebrill 2010	O.S. 2008/2358 ac O.S. 2009/803
adran 94	1 Ebrill 2010	O.S. 2010/862
adrannau 95 i 98	8 Medi 2008 ac 1 Ebrill 2010	O.S. 2008/2358 ac O.S. 2010/862
adrannau 99 i 104	8 Medi 2008	O.S. 2008/2358
adran 105	8 Medi 2008	O.S. 2008/2358
adrannau 106 i 111	1 Ebrill 2010	O.S. 2010/862
adrannau 112 a 113	8 Medi 2008 ac 1 Ebrill 2010	O.S. 2008/2358 ac O.S. 2010/862
adran 114	8 Medi 2008 ac 7 Medi 2009	O.S. 2008/2358 ac O.S. 2009/2096
adran 115	1 Ebrill 2010	O.S. 2010/862
adran 116	8 Medi 2008 ac 1 Ebrill 2010	O.S. 2008/2358 ac O.S. 2010/862
adran 117	8 Medi 2008 ac 1 Ebrill 2010	O.S. 2008/2358 ac O.S. 2010/862
adran 118	1 Ebrill 2010	O.S. 2010/862
adran 119	8 Medi 2008 ac 1 Ebrill 2010	O.S. 2008/2358 ac O.S. 2010/862
adrannau 120 i	1 Ebrill 2010	O.S. 2010/862

126			
adran 127	8 Medi 2008 ac 1 Ebrill 2010	O.S. 2008/2358 ac O.S. 2010/862	
adrannau 128 i 130	1 Ebrill 2010	O.S. 2010/862	
adran 131	8 Medi 2008 ac 1 Ebrill 2010	O.S. 2008/2358 ac O.S. 2010/862	
adrannau 132 i 143	1 Ebrill 2010	O.S. 2010/862	
adrannau 144 a 145	1 Ebrill 2009 ac 1 Ebrill 2010	O.S. 2009/803 ac O.S. 2010/862	
adrannau 146 i 173	1 Ebrill 2009 ac 1 Ebrill 2010	O.S. 2009/803 ac O.S. 2010/862	
adran 174	8 Medi 2008 ac 1 Ebrill 2010	O.S. 2008/2358 ac O.S. 2010/862	
adrannau 175 i 191	1 Ebrill 2010	O.S. 2010/862	
adrannau 192 i 197	8 Medi 2008	O.S. 2008/2358	
adran 198	8 Medi 2008 ac 1 Ebrill 2010	O.S. 2008/2358 ac O.S. 2010/862	
adrannau 199 i 201	1 Ebrill 2010	O.S. 2010/862	
adran 202	8 Medi 2008 ac 1 Ebrill 2010	O.S. 2008/2358 ac O.S 2010/862	
adrannau 203 i 211	1 Ebrill 2010	O.S. 2010/862	
adran 212	8 Medi 2008 ac 1 Ebrill 2010	O.S. 2008/2358 ac O.S 2010/862	
adran 213	1 Ebrill 2010	O.S. 2010/862	
adran 214	8 Medi 2008 ac 1 Ebrill 2010	O.S. 2008/2358 ac O.S. 2010/862	
adran 215	8 Medi 2008 ac 1 Ebrill 2010	O.S. 2008/2358 ac O.S. 2010/862	
adran 216	8 Medi 2008	O.S. 2008/2358	
adrannau 217 i 227	1 Ebrill 2010	O.S. 2010/862	
adran 228	1 Ebrill 2009 ac 1 Ebrill 2010	O.S. 2009/803 ac O.S. 2010/862	
adrannau 229 i 233	1 Ebrill 2010	O.S. 2010/862	
adran 234	1 Ebrill 2009 ac 1 Ebrill 2010	O.S. 2009/803 ac O.S. 2010/862	
adrannau 235 i 239	1 Ebrill 2010	O.S. 2010/862	

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adran 240	1 Ebrill 2009 ac 1 Ebrill 2010	O.S. 2009/803 ac O.S. 2010/862
adrannau 241 i 243	1 Ebrill 2010	O.S. 2010/862
adran 244	1 Ebrill 2009 ac 1 Ebrill 2010	O.S. 2009/803 ac O.S. 2010/862
adrannau 245 i 274	1 Ebrill 2010	O.S. 2010/862
adrannau 275 a 276	8 Medi 2008 ac 1 Ebrill 2010	O.S. 2008/2358, O.S. 2010/862
adran 277 ac Atodlen 9	8 Medi 2008, 1 Rhagfyr 2008, 1 Ebrill 2009 ac 1 Ebrill 2010	O.S. 2008/2358, O.S. 2008/3068, O.S. 2009/803 ac O.S. 2010/862
adran 278	1 Ebrill 2010	O.S. 2010/862
adran 299 ac Atodlen 11	1 Rhagfyr 2008 ac 20 Mai 2009	O.S. 2008/3068, O.S. 2009/1261
adran 311 ac Atodlen 14	1 Rhagfyr 2008	O.S. 2008/3068
adran 314 ac Atodlen 15 (yn rhannol)	2 Mawrth 2009	O.S. 2009/415
adran 316	7 Medi 2009	O.S. 2009/2096
adran 317	22 Medi 2008	O.S. 2008/2358
adran 321 ac Atodlen 16 (yn rhannol)	22 Medi 2008, 1 Rhagfyr 2008, 2 Mawrth 2009, 1 Ebrill 2009, 20 Mai 2009 ac 7 Medi 2009	O.S. 2008/2358, O.S. 2008/3068, O.S. 2009/415, O.S. 2009/803, O.S. 2009/1261 ac O.S. 2009/2096

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## 2013 Rhif 1469 (Cy. 140) (C. 57)

### TAI, CYMRU

#### Gorchymyn Deddf Tai ac Adfywio 2008 (Cychwyn Rhif 3 a Darpariaethau Trosiannol, Darfodol ac Arbed) (Cymru) 2013

*Gwnaed*

*12 Mehefin 2013*

Mae Gweinidogion Cymru, drwy arfer y pwerau a roddwyd gan adrannau 322(2) a 325(3) a (4) o Ddeddf Tai ac Adfywio 2008(1), yn gwneud y Gorchymyn canlynol.

#### Enwi a dehongli

1.—(1) Enw'r Gorchymyn hwn yw Gorchymyn Deddf Tai ac Adfywio 2008 (Cychwyn Rhif 3 a Darpariaethau Trosiannol, Darfodol ac Arbed) (Cymru) 2013.

(2) Yn y Gorchymyn hwn—

ystyr “cytundeb awdurdod lleol” (“*local authority agreement*”) yw cytundeb y mae gan berson hawl oddi tano i osod cartref symudol ar safle sipsiwn a theithwyr awdurdod lleol yng Nghymru;

ystyr “cytundeb presennol” (“*existing agreement*”) yw cytundeb awdurdod lleol a wnaed cyn y diwrnod penodedig;

ystyr “Deddf 1983” (“*the 1983 Act*”) yw Deddf Cartrefi Symuol 1983(2);

ystyr “Deddf 2008” (“*the 2008 Act*”) yw Deddf Tai ac Adfywio 2008;

ystyr “diwrnod penodedig” (“*appointed day*”) yw'r diwrnod a bennir gan erthygl 2;

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(1) 2008 p.17.  
(2) 1983 p.34.



ystyr “llain” (“*pitch*”) yw tir, sy’n ffurfio rhan o safle sipsiwn a theithwyr awdurdod lleol yng Nghymru, ac sy’n cynnwys unrhyw ran ar gyfer gardd, y mae hawl gan berson i osod cartref symudol arno;

ystyr “llain parhaol” (“*permanent pitch*”) yw llain y mae hawl gan berson i osod cartref symudol arni o dan delerau cytundeb y mae Deddf 1983 yn gymwys iddo ac nad yw’n llain bontio;

ystyr “llain bontio” (“*transit pitch*”) yw llain y mae hawl gan berson i osod cartref symudol arni o dan delerau cytundeb y mae Deddf 1983 yn gymwys iddo, am gyfnod penodedig o hyd at 3 mis:

ystyr “safle sipsiwn a theithwyr awdurdod lleol” (“*local authority gypsy and traveller site*”) yw unrhyw dir a feddiennir gan awdurdod lleol fel safle carafannau sy’n darparu llety i sipsiwn a theithwyr; ac

ystyr “sipsiwn a theithwyr” (“*gypsies and travellers*”) yw personau sydd ag arferion byw nomadig, beth bynnag fo’u hil neu’u tarddiad, ond nid yw’n cynnwys aelodau o grŵp trefnedig o bobl sioe neu bobl sy’n ymwneud â syrzasau teithiol ac yn cyd-deithio fel y cyfryw(1).

(3) Mae i ymadroddion eraill, a ddefnyddir ond nas diffinnir yn y Gorchymyn hwn, ac y defnyddir yr ymadroddion Saesneg sy’n cyfateb iddynt yn Neddf 1983 yn ogystal, yr un ystyron yn y Gorchymyn hwn â’r ymadroddion Saesneg hynny yn Neddf 1983.

### **Diwrnod penodedig: safleoedd sipsiwn a theithwyr awdurdod lleol**

2.—(1) 10 Gorffennaf 2013 yw’r diwrnod penodedig ar gyfer dwyn i rym y darpariaethau canlynol, i’r graddau y maent yn gymwys i Gymru—

- (a) adran 318 (safleoedd cartrefi symudol gwarchoddedig i gynnwys safleoedd ar gyfer sipsiwn a theithwyr) of the 2008 Act;
- (b) adran 321(1) (diddymiadau) o Ddeddf 2008 ac Atodlen 16 iddi, i’r graddau y mae a wnelont â’r diddymiadau canlynol—

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(1) Mae adran 5 o Ddeddf Cartrefi Symudol 1983, cyn ei diwygio gan adran 318 o Ddeddf Tai ac Adfywio 2008 (p.17), yn darparu nad yw Deddf 1983 yn gymwys i dir a feddiennir gan awdurdod lleol fel safle carafannau sy’n darparu llety i ‘gypsies’. Diddymwyd y diffiniad o ‘gypsies’ y dibynnai’r eithriad hwnnw arno gan adran 80 o Ddeddf Cyfiawnder Troseddol a Threfn Gyhoeddus 1994 (p. 33), er diffiniad gael ei arbed at y diben o ddehongli adran 5. Mae’r diffiniad hwn o ‘sipsiwn a theithwyr’ yn deillio o’r diffiniad hwnnw a arbedwyd.

<i>Enw</i>	<i>Diddymiad</i>
Deddf Cartrefi Symudol 1983 (p.34)	Yn adran 5(1), yn y diffiniad o “protected site”, y geiriau o “does not include” i “that,”;
Deddf Cyfiawnder Troseddol a Threfn Gyhoeddus 1994 (p.33)	Yn adran 80(4), y geiriau o “in the definition” i “1983 or”.

(2) Mae paragraff (1) yn ddarostyngedig i erthyglau 3 i 7.

### **Lleiniau pontio: arbedion at ddibenion penodol o Ddeddf 1983**

3. Nid yw'r diddymiadau a wneir gan y darpariaethau a ddygir i rym gan erthygl 2 yn gymwys at ddibenion adrannau 1(3), (4) a (6) a 2(2) i (4) o Ddeddf 1983(1), i'r graddau y maent yn ymwneud â llain bontio.

### **Cytundebau presennol: darpariaeth drosiannol gyffredinol**

4. Mae Deddf 1983 yn gymwys i gytundeb presennol fel y byddai'n gymwys i gytundeb awdurdod lleol a wnaed wedi i'r darpariaethau a ddygir i rym gan erthygl 2 a Gorchymyn Deddf Cartrefi Symudol 1983 Ddiwygio Atodlen 1 a Diwygiadau Canlyniadol (Cymru) 2013(2) ddod i rym, ond mae hyn yn ddarostyngedig i erthygl 5.

### **Cytundebau presennol: datgymwysiadau trosiannol o delerau a rhwymedigaethau penodol**

5.—(1) Nid yw adrannau 1(2) i (9) a 2(2) i (4) o Ddeddf 1983 yn gymwys i gytundeb presennol.

(2) Mewn perthynas â chytundeb presennol—

- (i) os cychwynnir achos cyfreithiol y mae terfynu'r cytundeb yn fater sy'n codi ynddo cyn y diwrnod penodedig, nid yw paragraffau 3 a 4 (terfynu) o Bennod 3, na pharagraffau 3 i 6 o Bennod 4, o Ran 1 o Atodlen 1 i Ddeddf 1983 (pa bynnag Bennod sy'n gymwys yn yr achos penodol dan sylw) yn gymwys;
- (ii) nid yw paragraff 8 (ailosod cartref symudol) o Bennod 4 o Ran 1 o'r Atodlen honno yn gymwys i ofyniad bod hawl y meddiannydd i osod y cartref

(1) 1983 p.34. Yng Nghymru a Lloegr, amnewidiwyd adran 1 a diwygiwyd adran 2 gan adrannau 206 a 265 o Ddeddf Tai 2004 (p.34) a pharagraff 9 o Atodlen 15 i'r Ddeddf honno.

(2) O.S. 2012/xxxx. (Cy [redacted])

symudol yn arferadwy, am unrhyw gyfnod, mewn perthynas â llain arall os gwneir y gofyniad cyn y diwrnod penodedig;

- (iii) nid yw paragraff 15(2) a (6) i (11) (ffi llain) o Bennod 4 o Ran 1 o'r Atodlen honno yn gymwys mewn perthynas â'r adolygiad cyntaf o'r ffi llain o dan y cytundeb hwnnw os yw dyddiad adolygu'r ffi llain, ar gyfer yr adolygiad hwnnw, o fewn 28 diwrnod i'r diwrnod penodedig;
- (iv) nid yw paragraff 16 (ffi llain) o Bennod 4 o Ran 1 o'r Atodlen honno yn gymwys os cyflawnwyd gwaith mewn perthynas â gwelliant cyn y diwrnod penodedig;
- (v) ni cheir gorfodi paragraff 19(c) a (d) (ymrwmiadau'r meddiannydd) o Bennod 4 o Ran 1 o'r Atodlen honno mewn perthynas ag unrhyw doriad o'r cytundeb sy'n digwydd o fewn 3 mis i'r diwrnod penodedig;
- (vi) nid yw paragraff 19(e) (ymrwmiadau'r meddiannydd) o Bennod 4 o Ran 1 o'r Atodlen honno yn gymwys mewn perthynas â chostau a threuliau a dynnwyd cyn y diwrnod penodedig;
- (vii) nid yw paragraff 20(f) (ymrwmiadau'r meddiannydd) o Bennod 4 o Ran 1 o'r Atodlen honno yn gymwys pan fo gwaith mewn perthynas â'r gwelliannau yn cychwyn cyn y diwrnod penodedig, neu o fewn y cyfnod o 28 diwrnod sy'n cychwyn gyda'r diwrnod penodedig; a
- (viii) nid yw paragraff 20(g) (ymrwmiadau'r meddiannydd) o Bennod 4 o Ran 1 o'r Atodlen honno yn gymwys mewn perthynas ag unrhyw fater sy'n codi cyn y diwrnod penodedig, neu o fewn y cyfnod o 28 diwrnod sy'n cychwyn gyda'r diwrnod penodedig.

### **Cytundebau presennol: dyletswydd awdurdod lleol i ddarparu datganiad ysgrifenedig**

6.—(1) Mewn perthynas â chytundeb presennol ynghylch llain sydd, yn rhinwedd y Gorchymyn hwn, yn dod yn llain barhaol, rhaid i'r awdurdod lleol, o fewn y cyfnod o 28 diwrnod sy'n cychwyn gyda'r diwrnod penodedig, roi i'r parti arall i'r cytundeb ddatganiad ysgrifenedig sy'n cydymffurfio â'r paragraffau canlynol.

(2) Rhaid i'r datganiad ysgrifenedig—

- (a) nodi enwau a chyfeiriadau'r partïon;

- (b) cynnwys manylion am y llain sy'n ddigonol ar gyfer ei hadnabod;
- (c) nodi'r telerau a gynhwysir yn benodol yn y cytundeb;
- (d) nodi'r telerau a fydd yn oblygedig yn rhinwedd cymhwyso Deddf 1983 i'r cytundeb; ac
- (e) bod yn y ffurf a bennir yn yr Atodlen i'r Gorchymyn hwn neu ffurf sydd â'r un effaith o ran ei sylwedd.

(3) Yn ddarostyngedig i baragraff (4), bydd unrhyw deler penodol a gynhwysir yn y cytundeb yn anorfodadwy gan awdurdod lleol neu gan unrhyw berson o fewn adran 3(1) o Ddeddf 1983, oni fydd y teler hwnnw wedi ei nodi mewn datganiad ysgrifenedig a roddwyd i'r parti arall yn unol â pharagraff (1).

(4) Os yw'r awdurdod lleol yn methu â rhoi i'r parti arall i'r cytundeb ddatganiad ysgrifenedig yn unol â pharagraff (1), caiff y parti arall, ar unrhyw adeg wedi i'r cyfnod o 28 diwrnod y cyfeirir ato yn y paragraff hwnnw ddod i ben, wneud cais i dribiwnlys am orchymyn sy'n gwneud yn ofynnol bod yr awdurdod lleol—

- (a) yn rhoi i'r parti hwnnw ddatganiad ysgrifenedig sy'n cydymffurfio â pharagraff (2)(a) i (e), a
- (b) yn gwneud hynny ddim hwyrach na'r cyfryw ddyddiad a bennir yn y gorchymyn.

(5) Ym mharagraff (4), mae i "tribiwnlys" yr ystyr a roddir i "tribunal" yn Neddf 1983 ac y mae awdurdodaeth tribiwnlys o dan y paragraff hwnnw i'w thrin fel awdurdodaeth o dan Ddeddf 1983.

(6) Ceir cyflwyno datganiad y mae'n ofynnol ei roi i berson o dan yr erthygl hon naill ai i'r person hwnnw'n bersonol neu ei anfon drwy'r post.

(7) Rhaid peidio â thrin datganiad ysgrifenedig o dan yr erthygl hon fel pe bai'n ddatganiad ysgrifenedig at ddibenion adran 1 neu 2 o Ddeddf 1983.

(8) Rhaid peidio â thrin datganiad ysgrifenedig o dan yr erthygl hon fel pe bai'n ddatganiad ysgrifenedig at ddibenion Pennod 4 o Ran 1 o Atodlen 1 i Ddeddf 1983.

### **Cytundebau presennol: arbediad cyffredinol**

7. Nid yw'r diddymiadau a wneir gan y darpariaethau a ddygir i rym gan erthygl 2 yn effeithio ar unrhyw hawl neu rwymedigaeth sydd wedi cronni mewn perthynas â chytundeb presennol, nac unrhyw rwymedi mewn perthynas ag unrhyw hawl neu rwymedigaeth o'r fath.

*Huw Lewis*

Y Gweinidog Cymunedau a Threchu Tlodi, un o  
Weinidogion Cymru

12 Mehefin 2013

YR ATODLEN Erthygl 6(2)

Datganiad Ysgrifenedig mewn perthynas  
â Deddf Cartrefi Symudol 1983

PWYSIG – OS GWELWCH YN DDA, DYLECH DDARLLEN Y DATGANIAD HWN YN OFALUS A'I GADW MEWN LLE DIOGEL. MAE'N NODI AR BA DELERAU Y MAE HAWL GENNYCH I GADW EICH CARTREF SYMUDOL AR Y SAFLE, AC YN RHOI GWYBOD AM YR HAWLIAU A RODDIR ICHI GAN Y GYFRAITH. OS OES RHYWBETH NAD YDYCH YN EI DDEALL, DYLECH OFYN AM GYNGOR (ER ENGHRAIFFT GAN GYFREITHIWR NEU GANOLFAN CYNGOR AR BOPETH).

RHAN 1

Telerau Penodol (ac eithrio'r rhai a bennir yn Rhan 4)

1. Mae Deddf Cartrefi Symudol 1983 ("Deddf 1983") yn gymwys i'r cytundeb.

**Partïon i'r cytundeb**

2. Y partïon i'r cytundeb yw—

.....  
.....

*(Enw a chyfeiriad person sydd â hawl i osod cartref symudol ar y llain)*

.....  
.....

*(Enw a chyfeiriad yr awdurdod lleol)*

**Dyddiad cychwyn**

3. Dechreuodd y cytundeb ar.....  
*(Mewnoder dyddiad)*

**Manylion am y llain**

4. Manylion y tir lle mae hawl gennych i osod eich cartref symudol yw—

.....  
.....  
.....  
.....

.....  
.....

**Plan**

5. Mae plan wedi ei atodi i'r datganiad hwn, sy'n dangos—

- (a) maint a lleoliad y llain;
- (b) maint y sylfaen y gosodir y cartref symudol arni; ac
- (c) mesuriadau o'r pellteroedd rhwng y llain a'r sylfaen a phwyntiau sefydlog y gellir eu hadnabod ar y safle.

**Buddiant yr awdurdod lleol**

6. Bydd ystâd neu fuddiant yr awdurdod lleol yn y tir yn dod i ben ar.....  
*(Os yw'r datganiad hwn yn gymwys, mewnosoder dyddiad); neu*

Bydd caniatâd cynllunio'r awdurdod lleol ar gyfer y safle yn dod i ben ar.....  
*(Os yw'r datganiad hwn yn gymwys, mewnosoder dyddiad)*

Mae hyn yn golygu na fydd eich hawl i aros ar y safle yn parhau y tu hwnt i'r naill neu'r llall o'r dyddiadau hyn, oni fydd buddiant yr awdurdod lleol neu'r caniatâd cynllunio yn cael ei estyn. *(Os un, yn unig o'r datganiadau hyn sy'n gymwys, dilëwch y geiriau nad ydynt yn gymwys. Os nad oes yr un o'r datganiadau hyn yn gymwys, dilëwch y paragraff hwn).*

**Ffi llain**

7. Mae'r ffi llain yn daladwy yn wythnosol/ misol/ chwarterol /blynyddol. *(Dileer y geiriau nad ydynt yn gymwys)*

Y ffi llain yw.....

Mae'r gwasanaethau canlynol wedi eu cynnwys yn y ffi llain—

Dŵr

Carthffosiaeth

.....  
.....

*(Dilëwch y gwasanaethau nad ydynt wedi eu cynnwys ac ychwanegwch unrhyw wasanaethau eraill sydd wedi eu cynnwys yn y ffi llain)*

## **Adolygu'r ffi llain**

8. Bydd y ffi llain yn cael ei hadolygu ar .....

Y dyddiad hwn yw'r dyddiad adolygu.

## **Ffioedd ychwanegol**

9. Codir ffi ychwanegol am y materion canlynol—

.....  
.....  
.....

*(Rhestrwch y materion y codir ffi ychwanegol amdanynt)*

## **RHAN 2**

Gwybodaeth am eich hawliau

### **Deddf 1983**

1. Oherwydd bod gennych gytundeb gydag awdurdod lleol sy'n rhoi ichi'r hawl i gadw eich cartref symudol ar safle'r awdurdod ac i fyw ynddo fel cartref i chi, mae gennych hawliau penodol o dan Ddeddf 1983, sy'n effeithio'n benodol ar ddiogelwch eich deiliadaeth ac ar yr adolygiad o'r ffi llain.

### **Telerau goblygedig**

2. Mae'r hawliau hyn, sy'n gynwysedig yn y telerau goblygedig a nodir yn Rhan 3 o'r datganiad hwn, yn gymwys yn awtomatig, ac ni ellir eu gwrthwneud, cyhyd ag y bydd eich cytundeb yn parhau'n gytundeb y mae Deddf 1983 yn gymwys iddo.

### **Telerau penodol**

3. Os nad ydych yn fodlon ar unrhyw un o'r telerau penodol yn eich cytundeb (fel y'u nodir yn Rhan 4 o'r datganiad hwn), dylech eu trafod gyda'r awdurdod lleol, a allai gytuno i'w newid.

### **Telerau annheg**

4. Os ydych o'r farn bod unrhyw un o delerau penodol y cytundeb (fel y'u nodir yn Rhan 4 o'r datganiad hwn) yn annheg, cewch gwyno yn unol â darpariaethau Rheoliadau Telerau Annheg mewn Contractau Defnyddwyr 1999(1), wrth y Swyddfa Masnachu Teg neu wrth unrhyw gorff cymwys.

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(1) O.S. 1999/2083.



## RHAN 3

### Telerau Goblygedig

O dan Ddeddf 1983, mae rhai telerau wedi eu cynnwys yn awtomatig yn eich cytundeb. Pennir y telerau hyn yn Rhan 1 o Atodlen 1 i Ddeddf 1983.

*(Y telerau goblygedig i'w mewnosod gan yr awdurdod lleol)*

## RHAN 4

### Telerau penodol y cytundeb

Mae'r rhan hon o'r cytundeb ysgrifenedig yn nodi telerau eraill y cytundeb, a gytunwyd rhyngoch chi a'r awdurdod lleol, yn ychwanegol at y telerau goblygedig.

*(Y telerau penodol i'w mewnosod gan yr awdurdod lleol)*

# Eitem 4.2

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OFFERYNNAU STATUDOL  
CYMRU

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**2013 Rhif 1466 (Cy. 138) (C.56)**

## **ARCHWILIO CYHOEDDUS, CYMRU**

Gorchymyn Deddf Archwilio  
Cyhoeddus (Cymru) 2013  
(Cychwyn, Diwygiadau  
Canlyniadol, Darpariaethau  
Trosiannol ac Arbed) (Cymru) 2013

### **NODYN ESBONIADOL**

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

Mae'r Gorchymyn hwn wedi ei wneud o ganlyniad i Ddeddf Archwilio Cyhoeddus (Cymru) 2013 ("y Ddeddf"), sy'n gwneud darpariaeth sy'n diwygio'r trefniadau archwilio cyhoeddus yng Nghymru.

Mae Rhan 1 o'r Ddeddf yn ymwneud ag Archwilydd Cyffredinol Cymru ("yr Archwilydd Cyffredinol"). Mae Rhan 2 yn sefydlu corff corfforaethol newydd, sef Swyddfa Archwilio Cymru ("SAC"), ac mae'n nodi ei berthynas â'r Archwilydd Cyffredinol.

Mae erthygl 2 o'r Gorchymyn hwn yn dwyn darpariaethau penodol o'r Ddeddf i rym ar 4 Gorffennaf 2013, i alluogi i benodiadau penodol i SAC gael eu gwneud ac er mwyn i waith paratoi gael ei wneud cyn i swyddogaethau SAC ddod yn gyfan gwbl arferadwy ar 1 Ebrill 2014.

Mae holl ddarpariaethau eraill y Ddeddf yn cael eu dwyn i rym ar 1 Ebrill 2014 drwy erthygl 3, i'r graddau nad ydynt eisoes mewn grym ar y dyddiad hwnnw. Mae erthygl 3 hefyd yn dwyn i rym ddiwygiadau canlyniadol penodol i is-ddeddfwriaeth ar 1 Ebrill 2014 i ddileu cyfeiriadau at archwilwyr a benodwyd gan yr Archwilydd Cyffredinol, ac i gynnwys cyfeiriadau at SAC pan fo hynny'n briodol.

Mae erthygl 4 yn darparu, pan fo archwilydd corff llywodraeth leol wedi ei benodi gan yr Archwilydd Cyffredinol, y bydd darpariaethau'r rheoliadau a bennir yn parhau i gael effaith tan i benodiad yr archwilydd hwnnw ddod i ben, fel petai'r addasiadau a wnaed gan y Gorchymyn hwn heb gael eu gwneud.

Mae'n darparu, pan fo person wedi ei benodi yn archwilydd o dan adran 145B(5)(b) o Ddeddf Llywodraeth Cymru 1998, y bydd y penodiad hwnnw yn parhau i gael effaith (yn ddarostyngedig i derfynu'n gynnar).

Mae hefyd yn darparu, pan ymrwymwyd i gontract o dan erthygl 4(2)(c)(v) o Orchymyn Hepgor Contractau Adeiladu (Cymru a Lloegr) 1998, ar 31 Mawrth 2014 neu cyn hynny, y bydd y contract hwnnw yn parhau i gael effaith fel petai'r erthygl honno heb gael ei diwygio gan y Gorchymyn hwn.

Mae erthygl 5 yn gwneud darpariaeth arbed mewn perthynas â'r cyfrifon blynyddol y mae rhaid i'r Archwilydd Cyffredinol eu paratoi. Mae paragraffau 13, 14 a 15 o Atodlen 8 i Ddeddf Llywodraeth Cymru 2006 wedi eu harbed at ddibenion y flwyddyn ariannol 2013-2014.

**2013 Rhif 1466 (Cy. 138) (C.56)**

**ARCHWILIO CYHOEDDUS,  
CYMRU**

**Gorchymyn Deddf Archwilio  
Cyhoeddus (Cymru) 2013  
(Cychwyn, Diwygiadau  
Canlyniadol, Darpariaethau  
Trosiannol ac Arbed) (Cymru) 2013**

*Gwnaed*

*11 Mehefin 2013*

Mae Gweinidogion Cymru, drwy arfer y pwerau a roddwyd gan adran 35(2) a (3) o Ddeddf Archwilio Cyhoeddus (Cymru) 2013(1), yn gwneud y Gorchymyn a ganlyn:

**Enwi, cychwyn, cymhwyso a dehongli**

1.—(1) Enw'r Gorchymyn hwn yw Gorchymyn Deddf Archwilio Cyhoeddus (Cymru) 2013 (Cychwyn, Diwygiadau Canlyniadol, Darpariaethau Trosiannol ac Arbed) (Cymru) 2013 a daw i rym yn unol ag erthyglau 2 a 3.

(2) Mae'r Gorchymyn hwn yn gymwys o ran Cymru.

(3) Yn y Gorchymyn hwn ystyr "y Ddeddf" yw Deddf Archwilio Cyhoeddus (Cymru) 2013.

**Darpariaethau sy'n dod i rym ar 4 Gorffennaf 2013**

2. Daw darpariaethau canlynol y Ddeddf i rym ar 4 Gorffennaf 2013—

- (a) adran 1 (trosolwg);
- (b) adran 8 (sut y mae swyddogaethau i gael eu harfer), i'r graddau y mae'n angenrheidiol er mwyn paratoi'r cod ymarfer, y cod ymarfer archwilio, y cynllun blynyddol ac amcangyfrif o incwm a gwariant ar gyfer y flwyddyn ariannol 2014-15;

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(1) 2013 decc 3.

- (c) adran 10 (cod ymarfer archwilio);
- (d) adran 12 (trosoglwyddo etc swyddogaethau goruchwyliol Gweinidogion Cymru: ymgynghori);
- (e) adran 13 (ymgorffori Swyddfa Archwilio Cymru) ac eithrio mewn cysylltiad â darpariaethau sy'n ymwneud ag aelodau sy'n gyflogeion;
- (f) adran 14 (pwerau);
- (g) adran 15 (effeithlonrwydd);
- (h) adran 16 (y berthynas â'r Archwilydd Cyffredinol);
- (i) adran 17(2) a (3) (SAC i fonitro a darparu cyngor) i'r graddau y mae'n angenrheidiol er mwyn paratoi'r cod ymarfer, y cynllun blynyddol ac amcangyfrif o incwm a gwariant ar gyfer y flwyddyn ariannol 2014-15;
- (j) adran 18 (dirprwyo swyddogaethau'r Archwilydd Cyffredinol a'u harfer ar y cyd) i'r graddau y mae'n angenrheidiol er mwyn paratoi'r cynllun dirprwyo;
- (k) adran 20 (gwariant) dim ond i'r graddau y mae'n ymwneud â'r flwyddyn ariannol 2014-2015;
- (l) adran 24 (cynllun ar gyfer codi ffioedd);
- (m) adran 25 (cynllun blynyddol);
- (n) adran 26 (cynllun blynyddol: y Cynulliad Cenedlaethol);
- (o) adran 27 (cynllun blynyddol: effaith);
- (p) adran 28 (swyddogaethau'r Cynulliad Cenedlaethol);
- (q) adran 29(1), (2), (3)(b) ac (c) a (4) (indemnïo);
- (r) adran 31 (cyfarwyddiadau);
- (s) adran 32 (dehongli);
- (t) adran 33 (darpariaethau trosiannol, atodol ac arbed etc);
- (u) yn Atodlen 1 (ymgorffori Swyddfa Archwilio Cymru)—
  - (i) paragraff 1 (aelodaeth) ac eithrio mewn cysylltiad â darpariaethau sy'n ymwneud â'r aelodau sy'n gyflogeion;
  - (ii) paragraff 2 (penodi aelodau anweithredol ac aelodau sy'n gyflogeion) ac eithrio mewn cysylltiad â darpariaethau sy'n ymwneud â'r aelodau sy'n gyflogeion;
  - (iii) paragraff 3 (statws) ac eithrio mewn cysylltiad â darpariaethau sy'n ymwneud â'r aelodau sy'n gyflogeion;

- (iv) paragraff 4 (penodi aelodau anweithredol);
- (v) paragraff 5 (penodi cadeirydd ar SAC);
- (vi) paragraff 6 (cyfnod penodi ac ailbenodi);
- (vii) paragraff 7 (trefniadau talu cydnabyddiaeth);
- (viii) paragraff 8 (telerau penodi eraill);
- (ix) paragraff 9 (ymgyngori);
- (x) paragraffau 10, 11 a 12 (dod â phenodiadau i ben);
- (xi) paragraff 13 (talw cydnabyddiaeth ychwanegol i'r Archwilydd Cyffredinol);
- (xii) paragraff 26 (anghymhwysu fel aelod o SAC neu gyflogai iddi ac eithrio mewn cysylltiad â darpariaethau sy'n ymwneud â'r aelodau sy'n gyflogeion);
- (xiii) paragraff 27 (cyffredinol);
- (xiv) paragraff 28 (cworwm ar gyfer cyfarfodydd SAC);
- (xv) paragraff 29(1) (pwyllgorau);
- (xvi) paragraff 30 (cynnal pleidleisiau);
- (xvii) paragraff 31 (dilysrwydd); a
- (xviii) paragraff 32 (dirprwyo swyddogaethau ac eithrio mewn cysylltiad â'r aelodau sy'n gyflogeion a chyflogeion);
- (v) yn Atodlen 2 (y berthynas rhwng yr Archwilydd Cyffredinol a SAC)—
  - (i) paragraff 1 (paratoi a chymeradwyo etc);
  - (ii) paragraff 2 (cynnwys); a
  - (iii) paragraffau 5 i 14 (person arall, dros dro, yn arfer swyddogaethau'r Archwilydd Cyffredinol);
- (w) yn Atodlen 3 (darpariaethau trosiannol, atodol ac arbed)—
  - (i) paragraff 4 (rheolau gweithdrefnol SAC cyn i reolau gael eu gwneud o dan baragraff 27 o Atodlen 1); a
  - (ii) paragraff 13 (indemnïo); ac
- (x) paragraff 79(2) o Atodlen 4 (mân ddiwygiadau a diwygiadau canlyniadol) i'r graddau y mae'n ymwneud â pharagraff 12 o Atodlen 8 i Ddeddf Llywodraeth Cymru 2006(1).

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(1) 2006 p.32.

### Darpariaethau sy'n dod i rym ar 1 Ebrill 2014

3.—(1) Daw pob un o ddarpariaethau eraill y Ddeddf i rym ar 1 Ebrill 2014 i'r graddau nad ydynt wedi eu cychwyn yn unol ag erthygl 2.

(2) Mae'r Atodlen i'r Gorchymyn hwn yn darparu ar gyfer diwygiadau canlyniadol a ddaw i rym ar 1 Ebrill 2014.

### Darpariaethau Trosiannol

4.—(1) Mewn perthynas â'r cyfnod pan fo penodiad archwilydd o dan adran 13 o Ddeddf Archwilio Cyhoeddus (Cymru) 2004(1) yn cael ei barhau gan baragraff 2(2) o Atodlen 3 i'r Ddeddf, mae'r canlynol yn cael effaith fel petaent heb eu diwygio gan y Gorchymyn hwn—

- (a) y diffiniad o “the auditor” yn rheoliad 2 o Reoliadau Awdurdodau Lleol (Contractau) 1997(2);
- (b) rheoliad 6(5)(b) o Reoliadau Grantiau Safonau Addysg (Cymru) 2002(3);
- (c) rheoliad 5(4)(b) o Reoliadau Addysg (Grantiau Cyfalaf) (Cymru) 2002(4);
- (d) rheoliad 6(6)(b) o Reoliadau Addysg (Cynllun Grant Dysgu'r Cynulliad) (Cymru) 2002(5); ac
- (e) Rheoliadau Cyfrifon ac Archwilio (Cymru) 2005(6).

(2) Mae penodiad unrhyw berson fel archwilydd o dan adran 145B(5)(b) o Ddeddf Llywodraeth Cymru 1998(7) yn parhau i gael effaith tan ddiwedd y cyfnod y gwnaed y penodiad ar ei gyfer (yn ddarostyngedig i derfynu'n gynnar).

(3) Nid yw'r diwygiadau sydd wedi eu gwneud i erthygl 4(2)(c)(v) o Orchymyn Hepgor Contractau Adeiladu (Cymru a Lloegr) 1998(8) gan y Gorchymyn hwn yn gymwys i gcontractau yr ymrwymwyd iddynt ar 31 Mawrth 2014 neu cyn hynny.

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- (1) 2004 p. 23.
  - (2) O.S. 1997/2862 fel y'i diwygiwyd gan O.S. 2005/761 (Cy. 65). Mae offerynnau diwygio eraill nad ydynt yn berthnasol i'r Gorchymyn hwn.
  - (3) O.S. 2002/438 (Cy. 56) fel y'i diwygiwyd gan O.S. 2005/761 (Cy. 65).
  - (4) O.S. 2002/679 (Cy. 76) fel y'i diwygiwyd gan O.S. 2005/761 (Cy. 65).
  - (5) O.S. 2002/1857 (Cy. 181) fel y'i diwygiwyd gan O.S. 2005/761 (Cy. 65). Mae offerynnau diwygio eraill nad ydynt yn berthnasol i'r Gorchymyn hwn.
  - (6) O.S. 2005/368 (Cy. 34) y mae iddo ddiwygiadau nad ydynt yn berthnasol i'r Gorchymyn hwn.
  - (7) 1998 p.38.
  - (8) O.S. 1998/648 fel y'i diwygiwyd gan O.S. 2005/757 (Cy. 62). Mae offeryn diwygio arall nad yw'n berthnasol i'r Gorchymyn hwn.

## **Darpariaeth Arbed**

5. Mae paragraffau 13, 14 a 15 o Atodlen 8 i Ddeddf Llywodraeth Cymru 2006 wedi eu harbed at ddibenion cyfrifon Archwilydd Cyffredinol Cymru ar gyfer blwyddyn ariannol 2013-2014.

*Jane Hutt*

Gweinidog dros Cyllid, un o Weinidogion Cymru

11 Mehefin 2013



# YR ATODLEN

Erthygl 3(2)

## Diwygiadau Canlyniadol

### **Rheoliadau Awdurdodau Lleol (Contractau) 1997**

1. Yn rheoliad 2 o Reoliadau Awdurdodau Lleol (Contractau) 1997 yn lle “the auditor appointed under section 13 of that Act to audit the accounts of the authority in accordance with Chapter 1 of Part 2 of that Act” rhodder “the Auditor General for Wales”.

### **Gorchymyn Hefgor Contractau Adeiladu (Cymru a Lloegr) 1998**

2. Yn erthygl 4(2)(c)(v) o Orchymyn Hefgor Contractau Adeiladu (Cymru a Lloegr) 1998 ar ôl “the Audit Commission or” mewnosoder “a local government body in Wales whose accounts are audited by”.

### **Rheoliadau Atebolrwydd Cyflogwyr (Yswiriant Gorfodol) 1998**

3. Ym mharagraff 16 o Atodlen 2 (Cyflogwyr sy'n esempt o yswiriant) i Reoliadau Atebolrwydd Cyflogwyr (Yswiriant Gorfodol) 1998(1) yn lle “The Auditor General for Wales” rhodder “The Wales Audit Office”.

### **Rheoliadau Grantiau Safonau Addysg (Cymru) 2002**

4. Yn rheoliad 6(5)(b) o Reoliadau Grantiau Safonau Addysg (Cymru) 2002 hepgorer—

- (a) “archwilydd a benodwyd gan”; a
- (b) “i archwilio cyfrifon yr awdurdod neu unrhyw archwilydd sydd â chymhwyster i gael ei benodi yn rhinwedd adran 14(4) a (9) o Ddeddf Archwilio Cyhoeddus (Cymru) 2004”.

### **Rheoliadau Addysg (Grantiau Cyfalaf) (Cymru) 2002**

5. Yn rheoliad 5(4)(b) o Reoliadau Addysg (Grantiau Cyfalaf) (Cymru) 2002 hepgorer—

- (a) “archwilydd a benodwyd gan”; a
- (b) “i archwilio cyfrifon yr awdurdod neu unrhyw archwilydd sydd â chymhwyster i gael ei

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(1) O.S. 1998/2573 fel y'i diwygiwyd gan O.S. 2011/686. Mae offerynnau diwygio eraill nad ydynt yn berthnasol i'r Gorchymyn hwn.

benodi yn rhinwedd adran 14(4) a (9) o Ddeddf Archwilio Cyhoeddus (Cymru) 2004”.

### **Rheoliadau Addysg (Cynllun Grant Dysgu'r Cynulliad) (Cymru) 2002**

6. Yn rheoliad 6(6)(b) o Rheoliadau Addysg (Cynllun Grant Dysgu'r Cynulliad) (Cymru) 2002 hepgorer—

- (a) “archwilydd a benodir gan”; a
- (b) “i archwilio cyfrifon yr awdurdod neu unrhyw archwilydd sydd â chymhwyster i gael ei benodi yn rhinwedd adran 14(4) a (9) o Ddeddf Archwilio Cyhoeddus (Cymru) 2004”.

### **Rheoliadau Cyfrifon ac Archwilio (Cymru) 2005**

7.—(1) Mae Rheoliadau Cyfrifon ac Archwilio (Cymru) 2005 wedi eu diwygio fel a ganlyn.

(2) Yn lle pob cyfeiriad at “yr archwilydd” rhodder “Archwilydd Cyffredinol Cymru”.

(3) Yn lle rheoliad 15(2)(c) rhodder—

“(c) yr archwilydd yw Archwilydd Cyffredinol Cymru a chynnwys cyfeiriad Archwilydd Cyffredinol Cymru;”.

(4) Yn rheoliad 20 yn lle “cyfarwyddo archwilydd i gynnal” rhodder “cynnal”.

### **Rheoliadau Enwau Cwmnïau, Partneriaethau Atebolrwydd Cyfyngedig a Busnesau (Awdurdodau Cyhoeddus) 2009**

8.—(1) Mae Rheoliadau Enwau Cwmnïau, Partneriaethau Atebolrwydd Cyfyngedig a Busnesau (Awdurdodau Cyhoeddus) 2009(1) wedi eu diwygio fel a ganlyn.

(2) Yng Ngholofn 1 o'r Atodlen (“awdurdodau cyhoeddus” penodedig a rhestr o adrannau eraill o'r Llywodraeth a chyrrff eraill y mae rhaid ceisio eu barn) mewnosoder yn y man priodol—

“Wales Audit Office (known in Welsh as “Swyddfa Archwilio Cymru”)”.

(3) Yng Ngholofn 2 o'r Atodlen (“awdurdodau cyhoeddus” penodedig a rhestr o adrannau eraill o'r Llywodraeth a chyrrff eraill y mae rhaid ceisio eu barn) mewnosoder yn y man priodol—

“Wales Audit Office (known in Welsh as “Swyddfa Archwilio Cymru”)”.

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(1) O.S. 2009/2982 y mae iddo ddiwygiadau nad ydynt yn berthnasol i'r Gorchymyn hwn.

# Eitem 5.1

Yn rhinwedd paragraff(au) ix o Reol Sefydlog 17.42

Mae cyfyngiadau ar y ddogfen hon

# Eitem 6

Carl Sargeant AC / AM  
Y Gweinidog Tai ac Adfywio  
Minister for Housing and Regeneration



Llywodraeth Cymru  
Welsh Government

Ein cyf/Our ref: LF/CS/0521/13

David Melding AM  
Chair  
Constitutional and Legislative Affairs Committee  
Cardiff Bay  
CARDIFF  
CF99 1NA

17<sup>th</sup> June 2013

Dear David

## Mobile Homes (Wales) Bill

In its Stage 1 report on the Regulated Mobile Home Sites (Wales) Bill (“the original Bill”) your Committee recommended that if the current Bill were changed significantly following Stage 2 proceedings, it would scrutinise the Bill further with a view to providing a supplementary report prior to the start of Stage 3 proceedings.

You will be aware that the Government tabled over one hundred amendments at Stage 2, developed in conjunction with the Member in Charge, Peter Black AM. Following scrutiny on 13 June the original Bill has changed significantly.

As a consequence the Bill, now called the Mobile Homes (Wales) Bill, restates the Caravan Sites and Control of Development Act 1960, the Mobile Homes Act 1983 and the Caravan Sites Act 1968 and incorporates additional provisions from the Bill as introduced and elsewhere. We believe that the result is a more comprehensive Bill, where provisions regarding residential mobile homes and sites can be found in one place within the Welsh statute book. Without this consolidation, those affected would have had to read across these three Acts and the Mobile Homes Act 2013.

Overall the Bill retains provisions which:

- establish a new, 5 year licensing regime for residential mobile home sites in Wales;
- ensure that in order to be granted a site licence, an owner and in some cases a manager will need to satisfy local authorities that they are a fit and proper person.
- end the effective ‘veto’ currently held by mobile homes owners over the sales of mobile homes on their land;

Bae Caerdydd • Cardiff Bay  
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**Tudalen 86**  
Wedi'i argraffu ar bapur wedi'i ailgylchu (100%)

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Llinell Ymholiadau Cymraeg 0845 010 4400  
Correspondence: Carl.Sargeant@wales.gsi.gov.uk  
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- enable Local Authorities to charge fees for site licences and thereby fund an enhanced regulation and enforcement regime. (The ability to charge a fee for a site licence application is replicated from the Mobile Homes Act 2013, but maintains the policy intent of the Assembly Bill as introduced);
- enable Local Authorities to better enforce the conditions of site licenses using new fixed penalty notices, compliance notices, powers to take action and the ability to charge costs of work required back to site owners;
- enable site owners and residents to appeal to the Residential Property Tribunal in certain circumstances.

Other changes include:

- enabling Local Authorities to issue fixed penalty notices up to the maximum fine on level 1 of the standard scale for minor breaches of a site licence condition. This will be possible as an alternative to issuing a compliance notice;
- including firearms offences within the list of evidence for the fit and proper person test;
- requiring mobile home owners to display utility bills in a prominent place for residents to view, providing transparency of charges;
- requiring mobile home owners to consult with residents upon any change of use of the protected site, for example, from a residential home site to holiday home site.

In addition to this the Government took the opportunity to consider the provisions of the Mobile Homes Act 2013, which amends the legislation in respect of mobile home sites in England, and has included some of these in the Bill. These will ensure a consistent approach and workability of the legislation in practice by:

- strengthening provisions regarding breaches of condition where an owner has failed to comply with a condition of the site licence;
- giving owners the right to appeal to the Residential Property Tribunal rather than the Magistrates Court against a condition attached to a site licence that they feel is unduly burdensome;
- providing new regulation-making powers to set procedural requirements to be followed in connection with the sale and the gifting of a mobile home;
- ensuring that where an offence is committed and the site owner/manager is part of corporate body, that both the individual officer as well as the corporate body may be guilty of the offence;
- providing for the Residential Property Tribunal to give a direction in respect of compensation;
- increasing fines from level 1 to level 4 on the standard scale, where there is a willful obstruction of local authority officers to enter the site;
- making it an offence to knowingly provide misleading information or make a false representation

Following Stage 2 the subordinate legislation powers in the Bill have also changed considerably. For your information I am enclosing a copy of the draft subordinate legislation table to be included in the revised Explanatory Memorandum to be tabled under Standing Order 26.27.

The Bill now contains a great deal more detail on its face, in line with the first recommendation of your committee at Stage 1, for example with regard to local authority obligations relating to site licences and breaches of the conditions of site licences. We have done so by broadly continuing the approach in the 1960 Act so as to:

- remove Welsh Ministers' powers to make regulations in respect of the revocation of site licences;
- remove the duty on Welsh Ministers to make provisions with regard to licence applications;
- enable Local authorities to administer their own application procedures and review their own fees for an application in line with a published policy.

With specific regard to your second recommendation at Stage 1 to set out in detail standards for the stationing of mobile homes, I believe that the Bill now does this. Sections 9 to 14 set out how a local authority can set the standards for the stationing of mobile homes.

With regard to recommendations 3 to 7, as stated above, the Bill now preserves a *single* licensing regime with some new provisions added, such as a fit and proper persons test. There are no powers for Welsh Ministers with regard to grant or refusal of licenses or appeals and other determinations, with the detail of these restated from existing law on the face of the Bill. We have responded to recommendation 6 by ensuring that the level of fixed penalties are not set by Ministers but are aligned to the standard scale.

During Stage 1, the then Minister for Housing, Regeneration and Heritage expressed concerns about the number of subordinate legislation provisions and said that the Welsh Government would aim to reduce those powers where there was existing provision in law. The benefit of the approach taken by the Welsh Government is that most of the regulation making powers in the Bill are now either restated from existing law or are necessary technical provisions, such as commencement.

The new powers relate to two key policy areas – the procedures around the setting of site rules (sections 52 and 53) and the procedures around sales and gifting (Schedule 2). In including these we have looked to ensure that the regulation making powers have clear principles attached to them, as per the recommendations of your committee at Stage 1. As a consequence of doing this, the actual number of regulations has increased. Nevertheless, these only refer to two new policy areas, considered to be key to the application of the legislation.

I trust the above is useful to you and I look forward to giving evidence to the Committee on 24 June. I am copying this letter to Peter Black, AM.



**Carl Sargeant AC / AM**

Y Gweinidog Tai ac Adfywio

Minister for Housing and Regeneration

Tudalen 88

**Power to make subordinate legislation**

The Bill makes a range of provisions for subordinate legislation. The following table sets out in relation to each provision:

- the person upon whom, or the body upon which, the power is conferred;
- the form in which the power is to be exercised;
- the appropriateness of the delegated power; and
- the applied procedure (affirmative, negative, no procedure) if any.

Section	Power conferred on	Form	Appropriateness	Procedure	Reason for procedure
Section 29(5)	Welsh Ministers	Regulations by statutory instrument	The evidence to be considered by local authorities when deciding if someone is a fit and proper person is set out on the face of the Bill. Suitable for regulations as it provides Welsh Ministers with the ability to amend this section to vary the list of evidence to be considered.	Affirmative	Amends an Act of the Assembly and relates to a requirement on members of the public to demonstrate they are a fit and proper person.
Section 50(1)(e)	Welsh Ministers	Regulations by statutory instrument	Suitable for regulations as it provides the flexibility to set out requirements for the content of written statements in addition to those on the face of the Bill	Negative	These regulations will prescribe technical matters of detail which may change from time to time.
Section 52(1)	Welsh Ministers	Order by statutory instrument	Suitable for order as it provides the flexibility to amend the implied terms of mobile home agreements set out in Schedule 2, except those in paragraph 10	Affirmative	These regulations have the ability to change terms of mobile home agreements.
Section 53(2)	Welsh	Regulations	Suitable for regulations as it will enable Welsh	Negative	These regulations

Tudalen 89

Section	Power conferred on	Form	Appropriateness	Procedure	Reason for procedure
	Ministers	by statutory instrument	Ministers to set out administrative details regarding the making of site rules which govern the proper management and conduct of sites.		will prescribe technical matters of detail which may change from time to time.
Section 53(2)(b)	Welsh Ministers	Regulations by statutory instrument	Suitable for regulations as it will enable Welsh Ministers to set out other matters which site rules may cover, beyond the management and conduct of sites.	Negative	These regulations will prescribe technical matters of detail which may change from time to time.
Section 53(3)	Welsh Ministers	Regulations by statutory instrument	Suitable for regulations as it will enable Welsh Ministers to set out the time period after which site rules made under existing legislation will cease to have effect once this section of the Bill comes into force.	Negative	These regulations will prescribe technical matters of detail which may change from time to time.
Section 53(4)	Welsh Ministers	Regulations by statutory instrument	Suitable for regulations as it will enable Welsh Ministers to set out administrative details regarding the time period following commencement of consultation with occupiers that a site rule comes into force.	Negative	These regulations will prescribe technical matters of detail which may change from time to time.
Section 53(5)	Welsh Ministers	Regulations by statutory instrument	Suitable for regulations as it will enable Welsh Ministers to set out administrative details regarding the time period following commencement of consultation with occupiers that a variation of a site rule comes into force.	Negative	These regulations will prescribe technical matters of detail which may change from time to time.
Section 53(5)(a)	Welsh Ministers	Regulations by statutory instrument	Suitable for regulations as it will enable Welsh Ministers to set out administrative details regarding the procedure to be followed to delete a site rule.	Negative	These regulations will prescribe technical matters of detail which may change from time to time.
Section 53(6)	Welsh	Regulations	Suitable for regulations as it will enable Welsh	Negative	These regulations



Section	Power conferred on	Form	Appropriateness	Procedure	Reason for procedure
	Ministers	by statutory instrument	Ministers to set out administrative details regarding the time period following commencement of consultation with occupiers that deletion of a site rule comes into force.		will prescribe technical matters of detail which may change from time to time.
Section 53(6)(a)	Welsh Ministers	Regulations by statutory instrument	Suitable for regulations as it will enable Welsh Ministers to set out administrative details regarding the procedure to be followed to delete a site rule.	Negative	These regulations will prescribe technical matters of detail which may change from time to time.
Section 53(7)	Welsh Ministers	Regulations by statutory instrument	Suitable for regulations as it will enable Welsh Ministers to set out administrative details regarding how occupiers are notified of proposals to make, vary or delete a site rule.	Negative	These regulations will prescribe technical matters of detail which may change from time to time.
Section 53(8)	Welsh Ministers	Regulations by statutory instrument	Suitable for regulations as it will enable Welsh Ministers to set out matters that cannot be included in site rules.	Negative	These regulations will prescribe technical matters of detail which may change from time to time.
Section 53(9)	Welsh Ministers	Regulations by statutory instrument	Suitable for regulations as it will enable Welsh Ministers to set out administrative details regarding how disputes regarding the making, varying or deletion a site rule or their deposit with a local authority are to be resolved.	Negative	These regulations will prescribe technical matters of detail which may change from time to time.
Section 53(11)	Welsh Ministers	Regulations by statutory instrument	Suitable for regulations as it will enable Welsh Ministers to set out administrative details regarding the keeping of a register of site rules by local authorities and the charging of fees for the deposit of site rules.	Negative	These regulations will prescribe technical matters of detail which may change from time to time.
Section 58(2)	Local	Order	Suitable for order as it will enable local authorities to	No procedure	Local order, not

Section	Power conferred on	Form	Appropriateness	Procedure	Reason for procedure
	Authorities		make an order prohibiting the stationing of a mobile home on specified areas of common land.		made by statutory instrument.
Section 59(3) –	Welsh Ministers	Order by statutory instrument	Suitable for order as it enables Welsh Ministers to make consequential, transitional, transitory and saving provisions	Affirmative if amending primary legislation  Negative if amending other legislation	Affirmative procedure is appropriate where orders affect primary legislation Negative procedure is appropriate for other orders which make technical provision only.
Section 61(4) –	Welsh Ministers	Order by statutory instrument	Suitable for order as it will enable Welsh Ministers to amend administrative details regarding the size of mobile homes covered by the Bill.	Negative	These orders will prescribe technical matters of detail which may change from time to time.
Section 65(2) –	Welsh Ministers	Order by statutory instrument	Suitable for order because this provision enables Welsh Ministers to provide for commencement of the Bill.	No procedure	These orders will be confined to commencement and are technical in nature.
Schedule 1 paragraph 3(2)	Welsh Ministers	Order by statutory instrument	Suitable for order as it will enable Welsh Ministers to amend administrative details regarding the size of certain sites which are not to be a regulated site.	No procedure	These orders will prescribe technical matters of detail which may change from time to time.
Schedule 1 paragraph 14(1)	Welsh Ministers	Order	Suitable for order as it will enable Welsh Ministers to specify that exemptions contained in Schedule 1 do not apply in specified areas, at the request of a local authority	No procedure	Local order, not made by statutory instrument.
Schedule 2 paragraph 8(4)	Welsh Ministers	Regulations by statutory	Suitable for regulations as it will enable Welsh Ministers to set out the maximum commission rate	Negative	These regulations will prescribe

Section	Power conferred on	Form	Appropriateness	Procedure	Reason for procedure
		instrument	new occupiers will be required to pay site owners under new agreements.		technical matters of detail which may change from time to time.
Schedule 2 paragraph 8(6)	Welsh Ministers	Regulations by statutory instrument	Suitable for regulations as it will enable Welsh Ministers to set out administrative details regarding the procedures for the sale of mobile homes, assignment of agreements and payment of commission where a new agreement is in place.	Negative	These regulations will prescribe technical matters of detail which may change from time to time.
Schedule 2 paragraph 9(5)	Welsh Ministers	Regulations by statutory instrument	Suitable for regulations as it will enable Welsh Ministers to set out administrative details regarding the content of a notice of sale required where other agreements are in place.	Negative	These regulations will prescribe technical matters of detail which may change from time to time.
Schedule 2 paragraph 9(7)	Welsh Ministers	Regulations by statutory instrument	Suitable for regulations as it will enable Welsh Ministers to set out the grounds on which an application for a refusal order preventing a sale of a mobile home and assignment of an agreement	Negative	These regulations will prescribe technical matters of detail which may change from time to time.
Schedule 2 paragraph 9(8)	Welsh Ministers	Regulations by statutory instrument	Suitable for regulations as it will enable Welsh Ministers to set out the maximum commission rate new occupiers will be required to pay site owners under other agreements.	Negative	These regulations will prescribe technical matters of detail which may change from time to time.
Schedule 2 paragraph 9(10)	Welsh Ministers	Regulations by statutory instrument	Suitable for regulations as it will enable Welsh Ministers to set out administrative details regarding the procedures for the sale of mobile homes, assignment of agreements and payment of commission where an agreement other than a new agreement is in place.	Negative	These regulations will prescribe technical matters of detail which may change from time to time.
Schedule 2 paragraph 10(2)(a)	Welsh Ministers	Regulations by statutory	Suitable for regulations as it will enable Welsh Ministers to set out administrative details regarding	Negative for first regulations	These regulations will prescribe

Section	Power conferred on	Form	Appropriateness	Procedure	Reason for procedure
		instrument	the information, and form it is to take, that an occupier must provide a proposed occupier before the completion of a sale of a mobile home and assignment of an agreement.		technical matters of detail which may change from time to time.
Schedule 2 paragraph 11(2)(a)	Welsh Ministers	Regulations by statutory instrument	Suitable for regulations as it will enable Welsh Ministers to set out administrative details regarding the evidence of family connection an occupier is required to provide a site owner when they are proposing to use exercise their entitlement to gift a mobile home and assign an agreement to a family member.	Negative	These regulations will prescribe technical matters of detail which may change from time to time.
Schedule 2 paragraph 11(5)	Welsh Ministers	Regulations by statutory instrument	Suitable for regulations as it will enable Welsh Ministers to set out administrative details regarding the procedure to follow when gifting a mobile home and assigning an agreement to a family member where a new agreement is in place.	Negative	These regulations will prescribe technical matters of detail which may change from time to time.
Schedule 2 paragraph 12(5)(b)	Welsh Ministers	Regulations by statutory instrument	Suitable for regulations as it will enable Welsh Ministers to set out administrative details regarding information, other than evidence of family, to be included in a notice that an occupier must serve on a site owner when proposing to gift a mobile home and assign an agreement to a family member where an other agreement is in place.	Negative	These regulations will prescribe technical matters of detail which may change from time to time.
Schedule 2 paragraph 12(7).	Welsh Ministers	Regulations by statutory instrument	Suitable for regulations as it will enable Welsh Ministers to set out the grounds on which an application for a refusal order preventing the gift of a mobile home and assignment of an agreement	Negative	These regulations will prescribe technical matters of detail which may change from time to time.
Schedule 2 paragraph 12(9)	Welsh Ministers	Regulations by statutory instrument	Suitable for regulations as it will enable Welsh Ministers to set out administrative details regarding the procedure to follow when gifting a mobile home and assigning an agreement to a family member where an other agreement is in place.	Negative	These regulations will prescribe technical matters of detail which may change from time to time.

Section	Power conferred on	Form	Appropriateness	Procedure	Reason for procedure
Schedule 2 paragraph 22(a)	Welsh Ministers	Regulations by statutory instrument	Suitable for regulations as it will enable Welsh Ministers to set out administrative details regarding the form the notice a site owner must serve on an occupier informing them of a proposed change in pitch fee.	Negative for first regulations	These regulations will prescribe technical matters of detail which may change from time to time.

# Eitem 7.1

Yn rhinwedd paragraff(au) vi o Reol Sefydlog 17.42

Mae cyfyngiadau ar y ddogfen hon