



Llywodraeth Cymru
Welsh Government

DATGANIAD YSGRIFENEDIG GAN LYWODRAETH CYMRU

TEITL Rheoliadau Gorfodi'r Gyfraith a Diogelwch (Diwygio) (Ymadael â'r UE) 2019

DYDDIAD 3 Mai 2019

GAN Rebecca Evans AC, y Gweinidog Cyllid a'r Trefnydd

Rheoliadau Gorfodi'r Gyfraith a Diogelwch (Diwygio) (Ymadael â'r UE) 2019

Y Gyfraith sy'n cael ei diwygio:

Deddfwriaeth Sylfaenol

- Deddf Terfysgaeth 2000
- Deddf Rheoleiddio Pwerau Ymchwilio 2000
- Deddf Sylweddau Seicoweithredol 2016
- Deddf Gwrthderfysgaeth, Trosedd a Diogelwch 2001
- Deddf Ymddygiad Gwrthgymdeithasol, Trosedd a Phlisma 2014
- Deddf Arfau Tanio 1968
- Deddf Arfau Tanio (Diwygio) 1988
- Deddf yr Heddlu 1996
- Deddf yr Heddlu (Gogledd Iwerddon) 1998
- Deddf Diwygio'r Heddlu a Tân (yr Alban) 2012
- Deddf Troseddu a'r Llysoedd 2013
- Deddf Cyfiawnder Troseddol 1987
- Deddf Cyfiawnder Troseddol 1988
- Deddf Gweithdrefn Droseddol (yr Alban) 1995
- Deddf Gyfraith Droseddol (Cydgrynhai) (yr Alban) 1995
- Deddf Cyfiawnder Troseddol a'r Heddlu 2001
- Deddf Cyfiawnder Troseddol 2003
- Deddf Pwerau Ymchwilio 2016
- Deddf Enillion Troseddau 2002
- Deddf Troseddu Cyfundrefnol Difrifol a'r Heddlu 2005

- Deddf Cyllid Troseddol 2017
- Deddf Troseddau Difrifol 2007
- Deddf Llywodraeth Leol (Darpariaethau Amrywiol) 1982
- Deddf Trwyddedu 2003
- Deddf Ymddygiad Gwrthgymdeithasol, Trosedd a Phlisma 2014
- Deddf Masnachu Pobl a Chamfanteisio (Cyfiawnder Troseddol a Chymorth i Ddiodefwr) (Gogledd Iwerddon) 2015
- Y Ddeddf Plisma a Throsedd 2017

Is-ddeddfwriaeth

- Electronic Commerce Directive (Terrorism Act 2006) Regulations 2007
- Controlled Drugs (Drug Precursors) (Intra-Community Trade) Regulations 2008
- Controlled Drugs (Drug Precursors) (Community External Trade) Regulations 2008
- The European Police College (Immunities and Privileges) Order 2004
- Criminal Justice and Data Protection (Protocol No 36) Regulations 2014
- Working with Children (Exchange of Criminal Conviction Information) (England and Wales and Northern Ireland) Regulations 2013
- Control of Explosives Precursors etc. Regulations (Northern Ireland) 2014
- Control of Poisons and Explosives Precursors Regulations 2015
- Extradition Act 2003 (Designation of Part 1 Territories) Order 2003
- Extradition Act 2003 (Designation of Part 2 Territories) Order 2003
- Firearms Acts (Amendment) Regulations 1992
- Firearms (Amendment) Act 1988 (Amendment) Regulations 2011
- Firearms (Northern Ireland) Order 2004
- International Joint Investigation Teams (International Agreement) Order 2004
- Criminal Justice (Evidence) (Northern Ireland) Order 2004
- Crime (International Co-operation) Act 2003 (Designation of Participating Countries) (England, Wales and Northern Ireland) Order 2009
- Crime (International Co-operation) Act 2003 (Designation of Participating Countries) (England, Wales and Northern Ireland) (No. 2) Order 2009
- Crime (International Co-operation) Act 2003 (Designation of Participating Countries) (Scotland) Order 2009
- Crime (International Co-operation) Act 2003 (Designation of Participating Countries) (Scotland) (No. 2) Order 2009
- Crime (International Co-operation) Act 2003 (Designation of Participating Countries) (Scotland) (No. 3) Order 2009
- Crime (International Co-operation) Act 2003 (Designation of Participating Countries) (England, Wales and Northern Ireland) Order 2010
- Crime (International Co-operation) Act 2003 (Designation of Participating Countries) (Scotland) Order 2011
- Crime (International Co-operation) Act 2003 (Designation of Participating Countries) (England, Wales and Northern Ireland) (No. 2) Order 2011
- Investigatory Powers (Consequential Amendments etc.) Regulations 2018
- Immigration and Police (Passenger, Crew and Service Information) Order 2008
- Passenger Name Record Data and Miscellaneous Amendments Regulations 2018
- Police Pensions (Additional Voluntary Contributions) Regulations 1991

- Electronic Commerce Directive (Trafficking People for Exploitation) Regulations 2013
- Police Pensions Regulations 2015
- Investigatory Powers (Interception by Businesses etc. for Monitoring and Record-keeping Purposes) Regulations 2018

Penderfyniadau'r UE

- Council Decision 2005/681/JHA of 20 September 2005 establishing the European Police College (CEPOL) and repealing Decision 2000/820/JHA
- Council Decision 2009/316/JHA of 6 April 2009 on the establishment of the European Criminal Records Information System (ECRIS) in application of Article 11 of Framework Decision 2009/315/JHA
- Council Decision 2010/779/EU of 14 December 2010 concerning the request of the
- United Kingdom of Great Britain and Northern Ireland to take part in some of the provisions of the Schengen acquis relating to the establishment of a European Agency for the operational management of large-scale IT systems in the area of freedom, security and justice;
- Council Decision (EU) 2018/1600 of 28 September 2018 concerning the request of the United Kingdom of Great Britain and Northern Ireland to take part in some of the provisions of the Schengen acquis relating to the establishment of a European Union
- Agency for the operational management of large-scale IT systems in the area of freedom, security and justice (eu-LISA).
Council Decision 2008/976/JHA of 16 December 2008 on the European Judicial Network
- Council Decision 2009/371/JHA of 6 April 2009 establishing the European Police Office (Europol);
- Council Decision 2009/934/JHA of 30 November 2009 adopting the implementing rules governing Europol's relations with partners, including the exchange of personal data and classified information;
- Council Decision 2009/935/JHA of 30 November 2009 determining the list of third States and organisations with which Europol shall conclude agreements;
- Council Decision 2009/936/JHA of 30 November 2009 adopting the implementing rules for Europol analysis work files;
- Council Decision 2009/968/JHA of 30 November 2009 adopting the rules on the confidentiality of Europol information.
- Commission Decision (EU) 2017/388 of 6 March 2017 confirming the participation of the United Kingdom of Great Britain and Northern Ireland in Regulation (EU) 2016/794 of the European Parliament and of the Council on the European Union Agency for Law Enforcement Cooperation (Europol)
- Council Decision 2000/375/JHA of 29 May 2000 to combat child pornography on the internet
- Council Decision 2002/348/JHA of 25 April 2002 concerning security in connection with football matches with an international dimension;
- Council Decision 2007/412/JHA of 12 June 2007 amending Decision 2002/348/JHA concerning security in connection with football matches with an international dimension.

- Council Decision 2000/365/EC of 29 May 2000 concerning the request of the United Kingdom of Great Britain and Northern Ireland to take part in some of the provisions of the Schengen acquis;
- Council Decision 2004/926/EC of 22 December 2004 on the putting into effect of parts of the Schengen acquis by the United Kingdom of Great Britain and Northern Ireland;
- Council Decision 2014/857/EU of 1 December 2014 concerning the notification of the United Kingdom of Great Britain and Northern Ireland of its wish to take part in some of the provisions of the Schengen acquis which are contained in acts of the Union in the field of police cooperation and judicial cooperation in criminal matters and amending Decisions 2000/365/EC and 2004/926/EC.
- Council Decision 2012/381/EU of 13 December 2011 on the conclusion of the Agreement between the European Union and Australia on the processing and transfer of Passenger Name Record (PNR) data by air carriers to the Australian Customs and Border Protection Service;
- Council Decision 2012/472/EU of 26 April 2012 on the conclusion of the Agreement between the United States of America and the European Union on the use and transfer of passenger name records to the United States Department of Homeland Security.
- Commission Implementing Decision (EU) 2017/759 of 28 April 2017 on the common protocols and data formats to be used by air carriers when transferring PNR data to Passenger Information Units is revoked.
- Council Decision 2000/642/JHA of 17 October 2000 concerning arrangements for cooperation between financial intelligence units of the Member States in respect of exchanging information;
- Council Decision 2007/845/JHA of 6 December 2007 concerning cooperation between Asset Recovery Offices of the Member States in the field of tracing and identification of proceeds from, or other property related to, crime.
- Council Decision 2008/615/JHA of 23 June 2008 on the stepping up of cross-border cooperation, particularly in combating terrorism and cross-border crime.
- Council Decision 2008/616/JHA of 23 June 2008 on the implementation of Decision 2008/615/JHA on the stepping up of cross-border cooperation, particularly in combating terrorism and cross-border crime;
- Council Decision 2014/836/EU of 27 November 2014 determining certain consequential and transitional arrangements concerning the cessation of the participation of the United Kingdom of Great Britain and Northern Ireland in certain acts of the Union in the field of police cooperation and judicial cooperation in criminal matters adopted before the entry into force of the Treaty of Lisbon;
- Council Decision 2014/837/EU of 27 November 2014 determining certain direct financial consequences incurred as a result of the cessation of the participation of the United Kingdom of Great Britain and Northern Ireland in certain acts of the Union in the field of police cooperation and judicial cooperation in criminal matters adopted before the entry into force of the Treaty of Lisbon.

- Commission Decision (EU) 2016/809 of 20 May 2016 on the notification by the United Kingdom of Great Britain and Northern Ireland of its wish to participate in certain acts of the Union in the field of police cooperation
- Council Decision 2000/365/EC of 29 May 2000 concerning the request of the United Kingdom of Great Britain and Northern Ireland to take part in some of the provisions of the Schengen acquis;
- Council Decision 2004/926/EC of 22 December 2004 on the putting into effect of parts of the Schengen acquis by the United Kingdom of Great Britain and Northern Ireland;
- Council Decision 2014/857/EU of 1 December 2014 concerning the notification of the United Kingdom of Great Britain and Northern Ireland of its wish to take part in some of the provisions of the Schengen acquis which are contained in acts of the Union in the field of police cooperation and judicial cooperation in criminal matters and amending Decisions 2000/365/EC and 2004/926/EC.
- Commission Decision 2007/171/EC of 16 March 2007 laying down the network requirements for the Schengen Information System II (3rd pillar);
- Council Decision 2007/533/JHA of 12 June 2007 on the establishment, operation and use of the second generation Schengen Information System (SIS II);
- Commission Implementing Decision 2013/115/EU of 26 February 2013 on the Sirene
- Manual and other implementing measures for the second generation Schengen Information System (SIS II);
- Council Decision 2013/157/EU of 7 March 2013 fixing the date of application of Decision 2007/533/JHA on the establishment, operation and use of the second generation Schengen Information System (SIS II);
- Council Implementing Decision (EU) 2015/215 of 10 February 2015 on the putting into effect of the provisions of the Schengen acquis on data protection and on the provisional putting into effect of parts of the provisions of the Schengen acquis on the Schengen Information System for the United Kingdom of Great Britain and Northern Ireland;
- Commission Implementing Decision (EU) 2015/450 of 16 March 2015 laying down test requirements for Member States integrating into the second generation Schengen Information System (SIS II) or changing substantially their directly related national systems;
- Commission Implementing Decision (EU) 2016/1345 of 4 August 2016 on minimum data quality standards for fingerprint records within the second generation Schengen Information System (SIS II).
- Council Decision 2008/617/JHA of 23 June 2008 on the improvement of cooperation between the special intervention units of the Member States of the European Union in crisis situations

Rheoliadau'r UE

- Council Regulation (EC) 273/2004 on drug precursors
- Council Regulation (EC) 111/2005 of 22 December 2004 laying down rules for the monitoring of trade between the Union and third countries in drug precursors
- Commission Delegated Regulation (EU) 2015/1011 of 24 April 2015 supplementing Regulation (EC) No 273/2004 of the European Parliament and of

- the Council on drug precursors and Council Regulation (EC) 111/2005 laying down rules for the monitoring of trade between the Union and third countries in drug precursors, and repealing Commission Regulation (EC) 1277/2005
- Commission Implementing Regulation (EU) 2015/1013 of 25 June 2015 laying down rules in respect of Regulation (EC) No 273/2004 of the European Parliament and of the Council on drug precursors and of Council Regulation (EC) No 111/2005 laying down rules for the monitoring of trade between the Union and third countries in drug precursors
 - Regulation (EC) No 1920/2006 of the European Parliament and of the Council of 12 December 2006 on the European Monitoring Centre for Drugs and Drug Addiction (recast)
 - Regulation (EU) 2017/2101 of the European Parliament and of the Council of 15 November 2017 amending Regulation (EC) No 1920/2006 as regards information exchange on, and an early warning system and risk assessment procedure for, new psychoactive substances
 - Regulation (EU) 2018/1726 of the European Parliament and of the Council of 14 November 2018 on the European Union Agency for the Operational Management of Large-Scale IT Systems in the Area of Freedom, Security and Justice (eu-LISA), and amending Regulation (EC) No 1987/2006 and Council Decision 2007/533/JHA and repealing Regulation (EU) No 1077/2011
 - Regulation (EU) 2016/794 of the European Parliament and of the Council of 11 May 2016 on the European Union Agency for Law Enforcement Cooperation (Europol) and replacing and repealing Council Decisions 2009/371/JHA, 2009/934/JHA, 2009/935/JHA, 2009/936/JHA and 2009/968/JHA
 - Regulation (EU) No 98/2013 of the European Parliament and of the Council of 15 January 2013 on the marketing and use of explosives precursors
 - Commission Implementing Regulation (EU) No 2015/2403 of 15 December 2015 establishing common guidelines on deactivation standards and techniques for ensuring that deactivated firearms are rendered irreversibly inoperable
 - Council Regulation (EU) No 331/2014 of the European Parliament and of the Council of 11 March 2014 establishing an exchange, assistance and training programme for the protection of the euro against counterfeiting (the 'Pericles 2020' programme) and repealing Council Decisions 2001/923/EC, 2001/924/EC, 2006/75/EC, 2006/76/EC, 2006/849/EC and 2006/850/EC

Unrhyw effaith y gall yr OS ei chael ar gymhwysedd deddfwriaethol y Cynulliad a/neu ar gymhwysedd gweithredol Gweinidogion Cymru

Nid yw'r OS hwn yn cael unrhyw effaith ar gymhwysedd deddfwriaethol y Cynulliad nac ar gymhwysedd gweithredol Gweinidogion Cymru

Diben y diwygiadau

Mae'r deddfwriaeth sylfaenol a chyfraith uniongyrchol berthnasol yr UE a gaiff eu diwygio gan yr OS hwn yn cynnwys darpariaethau a fyddai'n ddiffygiol ar ôl i'r Deyrnas Unedig ymadael â'r Undeb Ewropeaidd. Mae'r deddfwriaeth yn ymwneud â phlisma, ymchwiliadau troseddol, gorfodi'r gyfraith a diogelwch.

Pwrpas y diwygiadau hyn yw cywiro'r diffygion hyn. Mae'r offeryn yn cynnwys hefyd ddarpariaethau trosiannol a darpariaethau arbed i sicrhau bod y ddeddfwriaeth yn gweithio'n effeithiol ar ôl y diwrnod ymadael.

Mae'r OS a'r Memorandwm Esboniadol sy'n mynd gydag ef, sy'n nodi effaith yr OS, i'w gweld yma:

<https://www.legislation.gov.uk/cy/ukdsi/2019/9780111178102/contents>

Materion o ddiddordeb arbennig i'r Pwyllgor Materion Cyfansoddiadol a Deddfwriaethol

Mae Llywodraeth y DU o'r farn bod yr OS cyfan wedi'i gadw'n ôl, ac felly ni ofynnwyd am gydsyniad Gweinidogion Cymru wrth gyflwyno'r OS hwn. Fodd bynnag, mae Gweinidogion Cymru o'r farn bod diwygiadau i Ddeddf Llywodraeth Leol (Darpariaethau Amrywiol) 1982 yn dod o fewn maes lle y mae cymhwysedd wedi ei ddatganoli, ac felly dylid fod wedi ceisio cydsyniad Gweinidogion Cymru ar gyfer yr OS hwn. Mae'r Gweinidog Tai a Llywodraeth Leol wedi ysgrifennu at Lywodraeth y DU ynghylch hyn, ac wedi ysgrifennu llythyr at y Pwyllgor Materion Cyfansoddiadol a Deddfwriaethol yn nodi safbwyntiau Llywodraeth Cymru. Er na ofynnwyd am gydsyniad ar y pryd, mae Gweinidogion Cymru yn fodlon â'r OS, a byddent wedi cydsynio.

Pam y rhoddwyd cydsyniad

Nid oes gwahaniaeth rhwng Llywodraeth Cymru a Llywodraeth y DU o ran y polisi sy'n gysylltiedig â'r diwygio, ac nid yw sylwedd y diwygiadau'n sensitif yn wleidyddol. Byddai gwneud OS ar wahân yng Nghymru ac yn Lloegr yn arwain at ddyblygu gwaith a chymhlethdod diangen i'r llyfr statud. Mae cydsynio i OS ar draws y DU yn sicrhau bod un fframwaith deddfwriaethol ar draws y DU sy'n hybu eglurder a hygyrchedd yn ystod y cyfnod hwn o newid. O dan yr amgylchiadau eithriadol hyn, mae Llywodraeth Cymru yn ystyried ei bod yn briodol i Lywodraeth y DU ddeddfu ar ein rhan yn yr achos hwn.

Mae Memorandwm Cydsyniad Offeryn Statudol hefyd wedi'i osod yn y Cynulliad Cenedlaethol mewn perthynas â'r diwygiadau i Ddeddf Llywodraeth Leol (Darpariaethau Amrywiol) 1982.