

PUBLIC HEALTH (WALES) BILL – STAGE 2 GOVERNMENT AMENDMENTS

This table provides information about the amendments tabled in the name of Mark Drakeford AM on 9 December 2015; further amendments for consideration at Stage 2 will be tabled by the Minister for Health and Social Services

| No. | GOVERNMENT AMENDMENT | GWELLIANT Y LLYWODRAETH | PURPOSE AND EFFECT |
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| 17. | <p>Section 6, page 5, line 7, leave out 'section 7 (premises that are open to the public) what "enclosed" and' and insert 'sections 7 to 9 what "enclosed", "substantially enclosed" and "not enclosed or".'</p> | <p>Adran 6, tudalen 5, llinell 7, hepgorer 'adran 7 (mangreoedd sydd ar agor i'r cyhoedd) ystyr "caeedig" a' a mewnosoder 'adrannau 7 i 9 ystyr "caeedig", "sylweddol gaeedig" ac "nad ydynt yn gaeedig nac yn'.</p> | <p>The purpose of this amendment is to make clear that the regulations which may be made under section 6(7) can provide the meaning of "enclosed" and "substantially enclosed" for the purposes of sections 8 and 9 in addition to what it means for the purposes of sections 6 and 7. The regulations may also provide the meaning of "not enclosed or substantially enclosed" for the purposes of sections 6 to 9.</p> <p>The effect of this amendment is to enable regulations made by the Welsh Ministers to provide greater clarity on the premises that are captured by the smoke-free requirements in relation to work places, premises that are open to the public, additional smoke-free premises and vehicles.</p> |
| 18. | <p>Section 8, page 6, line 1, leave out "conditions requiring the person in charge of the place, or place falling within the description, to designate" and insert "specified conditions to be satisfied in order for an exemption to apply.</p> <p>() The conditions that may be specified under subsection (5) may include a condition that the person in charge of the place, or</p> | <p>Adran 8, tudalen 6, llinell 2, hepgorer 'sy'n ei gwneud yn ofynnol i'r person a chanddo ofal am y man, neu am fan sy'n dod o fewn y disgrifiad, ddynodi' a mewnosoder 'penodedig i gael eu bodloni er mwyn i esemptiad fod yn gymwys.</p> <p>() Caiff yr amodau y caniateir iddynt gael eu pennu o dan is-adran (5) gynnwys amod bod y person a chanddo ofal am y man, neu am fan</p> | <p>The purpose of this amendment is to revise the wording of the power to exempt additional smoke-free premises from the smoke-free requirements.</p> <p>The effect of this amendment is to make it clear that, in relation to additional smoke-free premises, an exception from the smoke-free requirements may be conditional and that one</p> |

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| | place falling within the description, has designated”. | sy'n dod o fewn y disgrifiad, wedi dynodi’. | of the conditions may be that the manager of the premises designates them as not being smoke-free. |
| 19. | Section 8, page 6, line 5, leave out subsection (6). | Adran 8, tudalen 6, llinell 5, hepgorer is-adran (6). | Consequential to amendment 20. |
| 20. | <p>Page 6, after line 7, insert a new section—</p> <p>‘[] Further provision about additional smoke-free premises: dwellings</p> <p>(1) Regulations under section 8 that provide for premises used as a dwelling that are not smoke-free by virtue of section 6 or 7 to be treated as smoke-free premises for the purposes of this Chapter must comply with this section.</p> <p>(2) The regulations may only make provision in relation to those areas of such premises that are not enclosed or substantially enclosed.</p> <p>(3) The regulations may not provide for those areas to be treated as smoke-free premises unless—</p> <p>(a) they are workplaces (within the meaning of section 6(2)), or</p> <p>(b) they are open to the public (within the meaning of section 7(2)).</p> | <p>Tudalen 6, ar ôl llinell 6, mewnosoder adran newydd—</p> <p>‘[] Darpariaeth bellach ynghylch mangreoedd di-fwg ychwanegol: anheddau</p> <p>(1) Rhaid i reoliadau o dan adran 8 sy'n darparu i fangre a ddefnyddir fel annedd nad yw'n ddi-fwg yn rhinwedd adran 6 neu 7 gael ei thrin fel mangre ddi-fwg at ddibenion y Bennod hon gydymffurfio â'r adran hon.</p> <p>(2) Dim ond mewn perthynas â'r ardaloedd hynny o fangreoedd o'r fath nad ydynt yn gaeedig nac yn sylweddol gaeedig y caiff y rheoliadau wneud darpariaeth.</p> <p>(3) Ni chaiff y rheoliadau ddarparu i'r ardaloedd hynny gael eu trin fel mangreoedd di-fwg oni bai—</p> <p>(a) eu bod yn weithleoedd (o fewn ystyr adran 6(2)), neu</p> <p>(b) eu bod ar agor i'r cyhoedd (o fewn ystyr adran 7(2)).</p> <p>(4) Rhaid i'r rheoliadau ddarparu—</p> <p>(a) nad yw'r ardaloedd hynny i</p> | <p>The purpose of this amendment is to insert a new section that sets out the limits on the Welsh Ministers' power to designate gardens etc. of dwellings as being smoke-free in regulations made under section 8.</p> <p>The effect of this amendment is to limit the power to designate additional smoke-free premises when being used in relation to gardens etc. of a private dwelling. This ensures that they may only be designated as smoke-free by the Welsh Ministers to the extent that they are workplaces or open to the public (and only those areas used as a workplace or open to the public), and only if a person under the age 18 is present.</p> |

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| | <p>(4) The regulations must provide that—</p> <p>(a) those areas are to be treated as smoke-free premises only when—</p> <p>(i) they are used as a place of work or open to the public, and</p> <p>(ii) a person aged under 18 is present, and</p> <p>(b) if only part of an area is used as a place of work or is open to the public, the area is to be treated as smoke-free only to that extent, and only if a person under 18 is present in that part.’</p> | <p>gael eu trin fel mangreoedd di-fwg ond—</p> <p>(i) pan y'u defnyddir fel man gwaith neu pan ydynt ar agor i'r cyhoedd, a</p> <p>(ii) pan yw person o dan 18 oed yn bresennol, a</p> <p>(b) os dim ond rhan o ardal a ddefnyddir fel man gwaith neu sydd ar agor i'r cyhoedd, mai dim ond i'r graddau hynny y mae'r ardal i gael ei thrin fel pe bai'n ddi-fwg, a dim ond os yw person o dan 18 oed yn bresennol yn y rhan honno.’</p> | |
| 21. | <p>Section 10, page 7, line 8, leave out ‘specified under subsection (3)(c) may include conditions requiring the person in charge of the premises to designate’ and insert ‘that may be specified under subsection (3)(c) may include a condition that the person in charge of the premises has designated’.</p> | <p>Adran 10, tudalen 7, llinell 8, hepgorer ‘a bennir o dan is-adran (3)(c) gynnwys amodau sy'n ei gwneud yn ofynnol i'r person a chanddo ofal am y fangre ddynodi’ a mewnosoder ‘y caniateir iddynt gael eu pennu o dan is-adran (3)(c) gynnwys amod bod y person a chanddo ofal am fangre wedi dynodi’.</p> | <p>The purpose of this amendment is to make changes relating to the conditions that may be specified to any exemption for smoke-free premises.</p> <p>The effect of this amendment is to make clear that the conditions to which the exemptions may be subject may include that the manager of the premises must designate part of the premises before the exemption is to have effect.</p> |

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| 22. | <p>Section 11, page 7, after line 31, insert -</p> <p>‘() Regulations under subsection (1) or (3) may include provision about the signs to be displayed in premises, areas of premises or vehicles that, by virtue of regulations under section 8(5), 9(3)(d) or 10 (exemptions), are to be treated as not being smoke-free, but that would otherwise be smoke-free under or by virtue of this Chapter.’</p> | <p>Adran 11, tudalen 7, ar ôl llinell 33, mewnosoder—</p> <p>‘() Caiff rheoliadau o dan is-adran (1) neu (3) gynnwys darpariaeth ynghylch yr arwyddion sydd i gael eu harddangos mewn mangreoedd, ardaloedd o fangreoedd neu gerbydau sydd, yn rhinwedd rheoliadau o dan adran 8(5), 9(3)(d) neu 10 (esemptiadau), i gael eu trin fel pe na baent yn ddi-fwg, ond a fyddai fel arall yn ddi-fwg o dan y Bennod hon neu yn rhinwedd y Bennod hon.’</p> | <p>The purpose of this amendment is to insert a new subsection which enables the Welsh Ministers to require the managers of exempted premises to display signs indicating that smoking is permitted.</p> <p>The effect of the amendment is that regulations made under section 11(1) may require the managers of premises exempted from the extended smoke-free requirements to display signs to designate areas where smoking is permitted, and therefore provide greater clarity for both enforcement authorities and members of the public using such premises.</p> |
| 23. | <p>Section 16, page 10, after line 7, insert –</p> <p>‘() If premises that an authorised officer is authorised to enter by a warrant under section 14 or 15 are unoccupied, or if the occupier is temporarily absent, then on leaving the premises the officer must leave them as effectively secured against unauthorised entry as the officer found them.’</p> | <p>Adran 16, tudalen 10, ar ôl llinell 7, mewnosoder—</p> <p>‘() Os nad yw mangre y mae swyddog awdurdodedig wedi ei awdurdodi i fynd i mewn iddi drwy warant o dan adran 14 neu 15 wedi ei meddiannu, neu os yw'r meddiannydd yn absennol dros dro, yna wrth adael y fangre rhaid i'r swyddog ei gadael wedi ei diogelu rhag mynediad anawdurdodedig yr un mor effeithiol ag yr oedd pan aeth y swyddog iddi.’</p> | <p>The purpose of this amendment is to insert a new subsection requiring enforcement officers to leave any unoccupied premises that they enter as effectively secured against unauthorised entry as the officer found them.</p> <p>The effect of this amendment is to provide an additional safeguard to the security of unoccupied premises by requiring an authorised officer entering such premises to leave the premises as effectively secured against unauthorised entry as he/she found them.</p> |
| 24. | <p>Section 17, page 10, line 25, leave out ‘possession of anything’ and insert ‘anything away from the premises’.</p> | <p>Adran 17, tudalen 10, llinell 26, hepgorer ‘meddiant o unrhyw beth’ a mewnosoder ‘unrhywbeth o'r fangre’.</p> | <p>The purpose of this amendment is to replace wording concerning the operation of powers of</p> |

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| | | | <p>inspection by authorised officers.</p> <p>The effect of this amendment is to provide additional clarity in relation to the requirement that an authorised officer must leave a statement giving details of what has been taken, if removing anything from premises.</p> |
| 25. | <p>Section 19, page 11, line 26, leave out ‘private vehicle’ and insert ‘vehicle being used for the purposes mentioned in subsection ((<i>subsection to be inserted by amendment 26</i>)),’.</p> | <p>Adran 19, tudalen 11, llinell 29, hepgorer ‘preifat’ a mewnosoder ‘sy’n cael ei ddefnyddio at y dibenion a grybwyllir yn is-adran ((<i>yr is-adran sy’n cael ei mewnosod gan welliant 26</i>)),’.</p> | <p>Consequential to amendment 26.</p> |
| 26. | <p>Section 19, page 11, line 31, leave out subsections (4) to (5) and insert—</p> <p>‘() The purposes are the social, domestic or other private purposes of the person believed by the authorised officer to have committed the offence.’</p> | <p>Adran 19, tudalen 11, llinell 35, hepgorer is-adrannau (4) hyd at (5) a mewnosoder—</p> <p>‘() Y dibenion yw dibenion cymdeithasol, domestig neu ddibenion preifat eraill y person y mae’r swyddog awdurdodedig yn credu ei fod wedi cyflawni’r drosedd.’</p> | <p>The purpose of this amendment is to replace subsections (4) and (5) with a new subsection providing clarity as to the types of vehicles covered under subsection (2).</p> <p>The effect of this amendment is to make clear that, in relation to vehicles, a fixed penalty notice for the offence of failing to prevent a person from smoking may only be issued in relation to vehicles that are used for social, domestic and other private purposes (i.e. non work purposes).</p> |
| 27. | <p>Section 19, page 12, after line 8, insert—</p> <p>‘() In this section “partnership”</p> | <p>Adran 19, tudalen 12, ar ôl llinell 8, mewnosoder—</p> <p>‘() Yn yr adran hon, ystyr “partneriaeth” yw—</p> | <p>The purpose of this amendment is to insert a new subsection to define the term ‘partnership’ within section 19.</p> |

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| | <p>means—</p> <p>(a) a partnership within the Partnership Act 1890 (c.39), or</p> <p>(b) a limited partnership registered under the Limited Partnerships Act 1907 (c.24).’.</p> | <p>(a) partneriaeth o fewn Deddf Partneriaethau 1890 (p.39), neu</p> <p>(b) partneriaeth gyfyngedig sydd wedi ei chofrestru o dan Ddeddf Partneriaethau Cyfyngedig 1907 (p.24).’.</p> | <p>The effect of this amendment is to ensure limited liability partnerships are not captured within the definition of partnership in relation to the issuing of fixed penalty notices. Limited liability partnerships may be issued with fixed penalty notices by virtue of being a ‘person’ for the purposes of section 19(1).</p> |
| 28. | <p>Section 20, page 12, line 31, after ‘are’, insert ‘(or are not)’.</p> | <p>Adran 20, tudalen 12, llinell 33, ar ôl ‘ddi-fwg’ yn y lle cyntaf y mae'n ymddangos, mewnosoder ‘(neu nad ydynt yn ddi-fwg)’.</p> | <p>The purpose of this amendment is to provide clarity that the references in Chapter 1 of Part 2 to premises or vehicles that are not smoke-free are to premises that are not smoke-free under or by virtue of that Chapter.</p> |
| 29. | <p>Section 20, page 12, line 32, after ‘are’ at the second place where it appears, insert ‘(or are not)’.</p> | <p>Adran 20, tudalen 12, llinell 34, ar ôl ‘ddi-fwg’, mewnosoder ‘(neu nad ydynt yn ddi-fwg)’.</p> | <p>The purpose of this amendment is to provide clarity that the references in Chapter 1 of Part 2 to premises or vehicles that are not smoke-free are to premises that are not smoke-free under or by virtue of that Chapter.</p> |
| 30. | <p>Section 22, page 13, line 23, after ‘name’, insert ‘and, if different, the individual’s trading name.’.</p> | <p>Adran 22, tudalen 13, llinell 23, ar ôl ‘unigolyn’ yn yr ail le y mae'n ymddangos, mewnosoder ‘ac, os yw'n wahanol, enw masnachu'r unigolyn.’.</p> | <p>The purpose of this amendment is to amend section 22(5)(a) to provide for an entry in the register of retailers of tobacco and nicotine products to include an individual’s trading name if appropriate.</p> <p>The effect of this amendment is to ensure the trading name of an individual is captured in an entry to the register of retailers of tobacco and nicotine products if it is different to the person’s name. This will help enforcement authorities to more effectively identify a</p> |

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| | | | retailer. |
| 31. | Section 22, page 13, line 25, after 'name', insert 'and, if different, its trading name,'. | Adran 22, tudalen 13, llinell 25, ar ôl 'enw', mewnosoder 'ac, os yw'n wahanol, ei enw masnachu,'. | <p>The purpose of this amendment is to amend section 22(5)(b) to provide for an entry in the register of retailers of tobacco and nicotine products to include a company's trading name if appropriate.</p> <p>The effect of this amendment is to ensure the trading name of a company is captured in an entry to the register if it is different to its name. This will help enforcement authorities to more effectively identify a retailer.</p> |
| 32. | Section 22, page 13, line 26, after 'partnership', insert 'other than a limited liability partnership'. | Adran 22, tudalen 13, llinell 26, ar ôl 'partneriaeth', mewnosoder 'ac eithrio partneriaeth atebolrwydd cyfyngedig'. | <p>The purpose of this amendment is to insert the words 'other than a limited liability partnership' in section 22(5)(c).</p> <p>The effect of this amendment is to clarify that the reference to a partnership in section 22(5)(c) does not include a limited liability partnership. The registration of limited liability partnerships is dealt with separately to the registration of other types of partnerships for the purpose of this Chapter. This amendment should be read in conjunction with amendment 34.</p> |
| 33. | Section 22, page 13, line 26, after 'partner', insert 'and, if different, the partnership's trading name,'. | Adran 22, tudalen 13, llinell 26, ar ôl 'partner', mewnosoder 'ac, os yw'n wahanol, enw masnachu'r bartneriaeth,'. | The purpose of this amendment is to amend section 22(5)(c) to provide for an entry in the register of retailers of tobacco and nicotine products to include a partnership's trading |

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| | | | <p>name if appropriate.</p> <p>The effect of this amendment is to ensure the trading name of a partnership is captured in an entry to the register if it is different to the partners' names. This will help enforcement authorities to more effectively identify a retailer.</p> |
| 34. | <p>Section 22, page 13, after line 27, insert—</p> <p>‘(d) in the case of a limited liability partnership—</p> <p>(i) its registered name and, if different, its trading name, and</p> <p>(ii) the address of its registered office.’.</p> | <p>Adran 22, tudalen 13, ar ôl llinell 27, mewnosoder—</p> <p>‘(d) yn achos partneriaeth atebolrwydd cyfyngedig—</p> <p>(i) ei henw cofrestredig ac, os yw'n wahanol, ei henw masnachu, a</p> <p>(ii) cyfeiriad ei swyddfa gofrestredig.’.</p> | <p>The purpose of this amendment is to insert a new subsection to capture separately limited liability partnerships on the register of retailers of tobacco and nicotine products.</p> <p>The effect of this amendment is to ensure that limited liability partnerships are included separately to partnerships on an entry in the register of retailers of tobacco and nicotine products. This amendment should be read in conjunction with amendment 32.</p> |
| 35. | <p>Section 23, page 14, line 9, after ‘register’, insert—</p> <p>‘, or</p> <p>() in the case of premises consisting of a moveable structure, a stall, a tent or a vehicle, to add another local authority to the person’s entry in the register’.</p> | <p>Adran 23, tudalen 14, llinell 9, ar ôl ‘gofrestr’, mewnosoder—</p> <p>‘, neu</p> <p>() yn achos mangre sy'n strwythur symudol, stondin, pabell neu gerbyd, i ychwanegu awdurdod lleol arall at gofnod y person yn y gofrestr’.</p> | <p>The purpose of this amendment is to set out that a registered mobile retailer may apply to add a new local authority to its entry on the register of retailers of tobacco and nicotine products.</p> <p>The effect of this amendment is to provide that a mobile retailer who wishes to start operating in a local authority area other than the one(s) listed in its entry in the register of retailers of</p> |

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| | | | tobacco and nicotine products may apply to add the new local authority area to its entry on the register. Section 29(4) provides that it is an offence for a mobile retailer to carry on a tobacco or nicotine business in the area of a local authority other than the one stated in the retailer's entry on the register. |
| 36. | Section 23, page 14, line 11, after 'name', insert 'and, if different, the individual's trading name,'. | Adran 23, tudalen 14, llinell 11, ar ôl 'unigolyn' yn yr ail le y mae'n ymddangos, mewnosoder 'ac, os yw'n wahanol, enw masnachu'r unigolyn,'. | <p>The purpose of this amendment is to amend section 23(2)(a) to provide for an application for entry on the register of retailers of tobacco and nicotine products to include an individual's trading name if appropriate.</p> <p>The effect of the amendment is to ensure the trading name of an individual is included in an application for entry on the register if it is different to the person's name. This ensures that applicants are clear about the detail required as part of an application.</p> |
| 37. | Section 23, page 14, line 13, after 'name', insert 'and, if different, its trading name,'. | Adran 23, tudalen 14, llinell 13, ar ôl 'enw', mewnosoder 'ac, os yw'n wahanol, ei enw masnachu,'. | <p>The purpose of this amendment is to amend section 23(2)(b) to provide for an application for entry on the register of retailers of tobacco and nicotine products to include a company's trading name if appropriate.</p> <p>The effect of this amendment is to ensure the trading name of a company is included in an application for entry on the register if it is different to the company name. This ensures that applicants are clear about the detail</p> |

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| 38. | Section 23, page 14, line 14, after 'partnership', insert 'other than a limited liability partnership'. | Adran 23, tudalen 14, llinell 14, ar ôl 'bartneriaeth', mewnosoder 'ac eithrio partneriaeth atebolrwydd cyfyngedig'. | <p>required as part of an application.</p> <p>The purpose of this amendment is to insert the words 'other than a limited liability partnership' in section 23(2)(c).</p> <p>The effect of this amendment is to clarify that the reference to a partnership in section 23(2)(c) does not include a limited liability partnership. The registration of limited liability partnerships is dealt with separately to the registration of other types of partnerships for the purpose of this Chapter. This amendment should be read in conjunction with amendment 40.</p> |
| 39. | Section 23, page 14, line 14, after 'partner', insert 'and, if different, the partnership's trading name,'. | Adran 23, tudalen 14, llinell 14, ar ôl 'partner', mewnosoder 'ac, os yw'n wahanol, enw masnachu'r bartneriaeth,'. | <p>The purpose of this amendment is to amend section 23(2)(c) to provide for an application for entry on the register of retailers of tobacco and nicotine products to include a partnership's trading name if appropriate.</p> <p>The effect of this amendment is to ensure the trading name of a partnership is included in an application for entry in the register if it is different to the partners' names. This ensures that applicants are clear about the detail required as part of an application.</p> |
| 40. | Section 23, page 14, after line 15, insert— ' () if the applicant is a limited liability partnership, state— (i) its registered name and, if | Adran 23, tudalen 14, ar ôl llinell 15, mewnosoder— ' () os yw'r ceisydd yn bartneriaeth atebolrwydd cyfyngedig, ddatgan— (i) ei enw cofrestredig ac, os | The purpose of this amendment is to insert a new subsection to capture separately applications by limited liability partnerships for entry on the register of retailers of tobacco |

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| | <p>different, its trading name, and</p> <p>(ii) the address of its registered office;’.</p> | <p>yw’n wahanol, ei enw masnachu, a</p> <p>(ii) cyfeiriad ei swyddfa gofrestredig;’.</p> | <p>and nicotine products.</p> <p>The effect of this amendment is to ensure that applications by limited liability partnerships include their registered names, and if different, their trading names, and the addresses of their registered offices. This amendment should be read in conjunction with amendment 38.</p> |
| 41. | <p>Section 23, page 14, line 33, after ‘vehicle,’ insert—</p> <p>‘—</p> <p>() if the application is made under subsection (1)(a),’.</p> | <p>Adran 23, tudalen 14, llinell 31, ar ôl ‘gerbyd,’ mewnosoder—</p> <p>‘—</p> <p>() os gwneir y cais o dan is-adran (1)(a),’.</p> | Consequential to amendment 35. |
| 42. | <p>Section 23, page 14, line 34, after ‘business’, insert—</p> <p>‘, and</p> <p>() if the application is made under subsection (1)(b)(<i>second sub-paragraph to be inserted by amendment 35</i>), state the name of each additional local authority in whose area the applicant proposes to carry on a tobacco or nicotine business’.</p> | <p>Adran 23, tudalen 14, llinell 33, ar ôl ‘ardal,’ mewnosoder—</p> <p>‘, a</p> <p>() os gwneir y cais o dan is-adran (1)(b) (<i>yr is-barafraff sy’n cael ei fewnosod gan welliant 35</i>), ddatgan enw pob awdurdod lleol ychwanegol y mae’r ceisydd yn bwriadu cynnal busnes tybaco neu nicotin yn ei ardal’.</p> | Consequential to amendment 35. |

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| 43. | <p>Section 25, page 15, line 28, leave out -</p> <p>‘, or</p> <p>(ii) if the person begins to carry on the business in the area of a local authority other than one stated in the person’s entry in the register’.</p> | <p>Adran 25, tudalen 15, llinell 28, hepgorer</p> <p>‘, neu</p> <p>(ii) os yw’r person yn dechrau cynnal y busnes yn ardal awdurdod lleol ac eithrio un a ddatgenir yng nghofnod y person yn y gofrestr.’</p> | <p>The purpose of this amendment is to remove section 25(1)(d)(ii) as it is being replaced by the new requirement to apply to amend the entry to the register introduced by amendment 35.</p> <p>The effect of this amendment is to remove the requirement for a person who begins to carry on a business in an additional local authority area to its entry on the register to give the registration authority notice of the change.</p> |
| 44. | <p>Page 16, after line 28, insert a new section—</p> <p>‘[] Excepted premises</p> <p>The provisions of this Chapter do not apply in relation to a person who carries on a tobacco or nicotine business at premises of a description specified in regulations.’</p> | <p>Tudalen 16, ar ôl llinell 28, mewnosoder adran newydd—</p> <p>‘[] Mangreoedd a eithrir</p> <p>Nid yw darpariaethau’r Bennod hon yn gymwys mewn perthynas â pherson sy’n cynnal busnes tybaco neu nicotin mewn mangre o ddisgrifiad a bennir mewn rheoliadau.’</p> | <p>The purpose of this amendment is to insert a new section to provide that the Welsh Ministers can make regulations to exempt certain premises from the register of retailers of tobacco and nicotine products.</p> <p>The effect of this amendment is that the Welsh Ministers will be able to exempt certain premises from the requirements to be on the register of retailers of tobacco and nicotine products. This would enable, for example, premises where the only customers will be over the age of 18 to be exempted from the requirements.</p> |
| 45. | <p>Section 34, page 18, after line 31, insert—</p> <p>‘() If premises that an authorised officer is authorised to enter by a warrant under section 32 or 33 are unoccupied, or if</p> | <p>Adran 34, tudalen 18, ar ôl llinell 31, mewnosoder—</p> <p>‘() Os nad yw mangre y mae swyddog awdurdodedig wedi ei awdurdodi i fynd i mewn iddi drwy warant o dan adran 32 neu 33 wedi ei meddiannu,</p> | <p>The purpose of this amendment is to insert a new subsection within section 34 requiring enforcement officers to leave any unoccupied premises that they enter as effectively secured against unauthorised entry as the officer found</p> |

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| | the occupier is temporarily absent, then on leaving the premises the officer must leave them as effectively secured against unauthorised entry as the officer found them.’. | neu os yw'r meddiannydd yn absennol dros dro, yna wrth adael y fangre rhaid i'r swyddog ei gadael wedi ei diogelu rhag mynediad anawdurdodedig yr un mor effeithiol ag yr oedd pan aeth y swyddog iddi.’. | them. The effect of this amendment is to provide an additional safeguard to the security of unoccupied premises by requiring an authorised officer entering such premises to leave the premises as effectively secured against unauthorised entry as he/she found them. |
| 46. | Section 35, page 19, line 9, leave out 'possession of anything' and insert 'anything away from the premises’. | Adran 35, tudalen 19, llinell 10, hepgorer 'meddiant o unrhyw beth' a mewnosoder 'unrhywbeth o'r fangre’. | The purpose of this amendment is to replace wording within subsection (3) of section 35 regarding the operation of powers of inspection by authorised officers. The effect of this amendment is to provide additional clarity in relation to the requirement that an authorised officer must leave a statement giving details of what has been taken, if removing anything from premises. |
| 47. | Section 38, page 20, after line 17, insert— () In this section “partnership” means— (a) a partnership within the Partnership Act 1890 (c.39), or (b) a limited partnership registered under the Limited Partnerships Act 1907 (c.24).’. | Adran 38, tudalen 20, ar ôl llinell 18, mewnosoder— () Yn yr adran hon, ystyr “partneriaeth” yw— (a) partneriaeth o fewn Deddf Partneriaethau 1890 (p.39), neu (b) partneriaeth gyfyngedig sydd wedi ei chofrestru o dan Ddeddf Partneriaethau Cyfyngedig 1907 (p.24).’. | The purpose of this amendment is to insert a new subsection to define the meaning of “partnership” within section 38. The effect of this amendment is to ensure limited liability partnerships are not captured within the meaning of a partnership in relation to fixed penalty notices. ‘Limited liability partnerships may be issued with fixed penalty notices by virtue of being a ‘person’ for the purposes of section 38(1).’ |

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| 48. | <p>Section 39, page 20, after line 24, insert—</p> <p>“limited liability partnership” (“<i>partneriaeth atebolrwydd cyfyngedig</i>”) means a limited liability partnership formed under the Limited Liability Partnerships Act 2000 (c.12);’.</p> | <p>Adran 39, tudalen 20, ar ôl llinell 34, mewnosoder—</p> <p>‘ystyr “<i>partneriaeth atebolrwydd cyfyngedig</i>” (“<i>limited liability partnership</i>”) yw partneriaeth atebolrwydd cyfyngedig sydd wedi ei ffurfio o dan Ddeddf Partneriaethau Atebolrwydd Cyfyngedig 2000 (p.12);’.</p> | <p>The purpose of this amendment is to insert a definition of ‘limited liability partnership’.</p> <p>The effect of this amendment is to provide clarity about what is meant by this term within this Chapter.</p> |
| 49. | <p>Section 39, page 21, after line 1, insert—</p> <p>“trading name” (“<i>enw masnachu</i>”) means a name under which a person carries on a tobacco or nicotine business.’.</p> | <p>Adran 39, tudalen 20, ar ôl llinell 30, mewnosoder—</p> <p>‘ystyr “<i>enw masnachu</i>” (“<i>trading name</i>”) yw enw y mae person yn cynnal busnes tybaco neu nicotin odano;’.</p> | <p>The purpose of this amendment is to insert a definition of ‘trading name’ to the list of terms defined in section 39.</p> <p>The effect of this amendment is that additional clarity is provided about the meaning of this term within this Chapter.</p> |
| 50. | <p>Section 52, page 28, line 4, leave out ‘and to the licence holder, . . . and consultation to be carried out,’ and insert—</p> <p>‘a licence holder (whether by display or otherwise), and to a licence holder, before and after a special procedure is performed;</p> <p>() consultation to be carried out by a licence holder’.</p> | <p>Adran 52, tudalen 28, llinell 4, hepgorer ‘y drwydded ac i ddeiliad y drwydded, a’r ymgynghori sydd i’w gynnal,’ a mewnosoder—</p> <p>‘trwydded (pa un ai drwy ei harddangos neu fel arall), ac i ddeiliad trwydded, cyn ac ar ôl rhoi triniaeth arbennig;</p> <p>() â’r ymgynghori sydd i’w gynnal gan ddeiliad trwydded’.</p> | <p>The purpose of this amendment is to replace wording under section 52(2) relating to the details which may be covered in mandatory licensing conditions for special procedure licences.</p> <p>The effect of this amendment is to enable information to be provided to a client by a licence holder by way of display (for example by a written statement stating the circumstances in which a special procedure will not be performed, such as if a person is intoxicated), as well as by other means (for example verbally or during consultation).</p> |

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| 51. | Section 54, page 28, line 38, leave out 'procedure' and insert 'performance of the procedure, on the basis specified in the application and at or in any premises or vehicle specified in the application'. | Adran 54, tudalen 28, llinell 36, hepgorer 'â'r driniaeth' a mewnosoder 'â rhoi'r driniaeth, ar y sail a bennir yn y cais ac mewn unrhyw fangre neu gerbyd a bennir yn y cais'. | <p>The purpose of this amendment is to replace wording under section 54(2) relating to how an application for a special procedure licence is considered by a local authority.</p> <p>The effect of this amendment is to provide local authorities with the flexibility to grant a special procedure licence in circumstances where one or more premises or vehicles are listed on the application, but not all premises/vehicles meet the approval requirements. The person will therefore only be licenced to practice from the approved premises/vehicle.</p> |
| 52. | Section 54, page 28, line 39, after 'procedure', insert 'on that basis and at or in the premises or vehicle'. | Adran 54, tudalen 28, llinell 37, ar ôl 'honno', mewnosoder 'ar y sail honno ac yn y fangre neu'r cerbyd'. | <p>The purpose of this amendment is to insert the words 'on that basis and at or in the premises or vehicle' into section 54(2).</p> <p>The effect of this amendment is to provide local authorities with the flexibility to grant a special procedure licence in circumstances where one or more premises or vehicles are listed on the application but not all premises/vehicles meet the approval requirements. The person will therefore only be licenced to practice from the approved premises/vehicle.</p> |
| 53. | Section 54, page 29, line 2, leave out 'procedure' at the first place where it appears and insert 'performance of the procedure, on the basis specified in the application and at | Adran 54, tudalen 29, llinell 2, hepgorer 'â'r driniaeth' a mewnosoder 'â rhoi'r driniaeth, ar y sail a bennir yn y cais ac mewn unrhyw fangre neu gerbyd a bennir yn y | The purpose of this amendment is to replace wording under section 54(3) relating to how an application for a special procedure licence is |

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| | or in any premises or vehicle specified in the application’. | cais’. | <p>considered by a local authority.</p> <p>The effect of this amendment is to provide local authorities with the flexibility to grant a special procedure licence in circumstances where one or more premises or vehicles are listed on the application, but not all premises/vehicles meet the approval requirements. The person will therefore only be licenced to practice from the approved premises/vehicle.</p> |
| 54. | Section 54, page 29, line 3, leave out ‘the basis specified in the application’ and insert ‘that basis and at or in the premises or vehicle’. | Adran 54, tudalen 29, llinell 3, hepgorer ‘a bennir yn y cais’ a mewnosoder ‘honno ac yn y fangre neu’r cerbyd’. | <p>The purpose of this amendment is to replace wording under section 54(3) relating to how an application for a special procedure licence is considered by a local authority.</p> <p>The effect of this amendment is to provide local authorities with the flexibility to grant a special procedure licence in circumstances where one or more premises or vehicles are listed on the application but not all premises/vehicles meet the approval requirements. The person will therefore only be licenced to practice from the approved premises/vehicle.</p> |
| 55. | Section 58, page 30, line 34, leave out ‘that the premises or vehicle, once approved under section 59, comply’ and insert ‘compliance’. | Adran 58, tudalen 30, llinell 34, hepgorer ‘bod y fangre neu’r cerbyd, unwaith y’i cymeradwyir o dan adran 59, yn cydymffurfio’ a mewnosoder ‘cydymffurfedd’. | <p>The purpose of this amendment is to replace wording under section 58(3) in relation to approval requirements for premises and vehicles.</p> <p>The effect of this amendment is that it will be</p> |

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| 56. | <p>Section 58, page 30, line 39, leave out subsection (5) and insert—</p> <p>() Subsections (<i>second subsection to be inserted by amendment 56</i>) and (<i>third subsection to be inserted by amendment 56</i>) apply in the case of an exhibition, entertainment or other event—</p> <p>(a) to which members of the public have access, and</p> <p>(b) at which a special procedure is performed by a person in the course of a business.</p> <p>() The person who organises the exhibition, entertainment or event is to be treated for the purposes of this section as carrying on a business in the course of which the special procedure is performed.</p> <p>() The premises at which the exhibition, entertainment or event is held are to be treated for the purposes of this section as being the premises at which the special procedure is performed in the course of that business.’</p> | <p>Adran 58, tudalen 30, llinell 39, hepgorer is-adran (5) a mewnosoder—</p> <p>() Mae is-adrannau (<i>yr ail is-adran sy'n cael ei mewnosod gan welliant 56</i>) ac (<i>yr is-adran trydedd sy'n cael ei mewnosod gan welliant 56</i>) yn gymwys yn achos arddangosfa, adloniant neu ddigwyddiad arall—</p> <p>(a) y mae gan aelodau o'r cyhoedd fynediad iddo, a</p> <p>(b) lle y rhoddir triniaeth arbennig gan berson yng nghwrs busnes.</p> <p>() Mae'r person sy'n trefnu'r arddangosfa, yr adloniant neu'r digwyddiad i gael ei drin at ddibenion yr adran hon fel pe bai'n cynnal busnes y rhoddir y driniaeth arbennig yng nghwrs y busnes hwnnw.</p> <p>() Mae'r fangre lle y cynhelir yr arddangosfa, yr adloniant neu'r digwyddiad i gael ei thrin at ddibenion yr adran hon fel y fangre lle y rhoddir y driniaeth arbennig yng nghwrs y busnes.’</p> | <p>the person carrying on a business in the course of which a special procedure is performed that is responsible for ensuring compliance with the applicable mandatory conditions of approval.</p> <p>The purpose of this amendment is to remove subsection (5) of section 58 and insert new subsections in relation to enabling special procedures to take place at an exhibition, entertainment or other event.</p> <p>The effect of this amendment is to require that the person who organises the exhibition, entertainment or event is responsible for ensuring the premises is approved and the applicable mandatory conditions of approval are complied with. It also clarifies that it is the premises itself, rather than the individual businesses operating from that premises, which must be approved. An example may be where an exhibition taking place in hotel is attended by individual businesses operating at tables; in this instance, the hotel premises would be required to be approved rather than the individual stalls.</p> |

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| 57. | Section 58, page 31, line 5, leave out 'may provide'. | Adran 58, tudalen 31, llinell 5, hepgorer 'ddarparu'. | <p>The purpose of this amendment is to remove the words 'may provide' in connection with the regulations associated with the approval requirements for performance of special procedures in the course of business.</p> <p>The effect of this amendment is to provide additional clarity to the provision.</p> |
| 58. | Section 58, page 31, at the beginning of line 6, insert 'may provide'. | Adran 58, tudalen 31, ar ddechrau llinell 6, mewnosoder 'darparu'. | <p>The purpose of this amendment is to insert the words 'may provide' in connection with the regulations associated with the approval requirements for performance of special procedures in the course of business.</p> <p>The effect of this amendment is to provide additional clarity to the provision. The amendment should be considered alongside amendment 57.</p> |
| 59. | Section 58, page 31, line 8, leave out 'that subsection (5) does not apply' and insert 'may provide for any one or more of subsections (<i>first subsection to be inserted by amendment 56</i>) to (<i>third subsection to be inserted by amendment 56</i>) to apply with modifications, or not to apply, '. | Adran 58, tudalen 31, llinell 9, hepgorer 'nad yw is-adran (5) yn gymwys' a mewnosoder 'darparu i unrhyw un neu ragor o is-adrannau (<i>yr is-adran cyntaf sy'n cael ei mewnosod gan welliant 56</i>) i (<i>y trydydd is-adran sy'n cael ei mewnosod gan welliant 56</i>) fod yn gymwys gydag addasiadau, neu beidio â bod yn gymwys,'. | <p>The purpose of this amendment is to replace wording in connection with the regulations associated with the approval requirements for performance of special procedures in the course of business.</p> <p>The effect of this amendment is to provide increased flexibility in relation to the disapplication of approval requirements.</p> |

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| 60. | Section 59, page 31, line 28, after 'area,' insert 'by issuing a certificate under this section (an "approval certificate"),'. | Adran 59, tudalen 31, llinell 33, ar ôl 'hwynnw,' , mewnosoder 'drwy ddyroddi tystysgrif o dan yr adran hon ("tystysgrif gymeradwyo"),'. | <p>The purpose of this amendment is to insert the words 'by issuing a certificate under this section (an "approval certificate")'.</p> <p>The effect of this amendment is to enable a local authority to issue an approval certificate to a person carrying on a business in the course of which a special procedure is or is likely to be performed. This enables a local authority to approve special procedure(s) to be performed at the premises or vehicle.</p> |
| 61. | Section 59, page 32, line 8, after 'section', insert ', and the display of an approval certificate'. | Adran 59, tudalen 32, llinell 8, ar ôl 'hon', mewnosoder ', ac arddangos tystysgrif gymeradwyo'. | <p>The purpose of this amendment is to insert in section 59(4) ',and the display of an approval certificate'.</p> <p>The effect of this amendment is to enable regulations relating to the mandatory approval conditions to make provision about the display of approval certificates. This is designed to allow members of the public to ascertain whether or not a premises /vehicle is approved for special procedures.</p> |
| 62. | <p>Section 59, page 32, line 9, leave out –</p> <p>“under this section is to have effect either—</p> <p>(a) for a period of no more than seven days, beginning with</p> | <p>Adran 59, tudalen 32, llinell 9, hepgorer is-adrannau (5) hyd at (6) a mewnosoder—</p> <p>() Rhaid i dystysgrif gymeradwyo bennu cyfnod, os nad yw'r gymeradwyaeth wedi dod i ben yn flaenorol o dan</p> | <p>The purpose of this amendment is make changes to section 59 subsections (5) and (6) in relation to the effect of the premises or vehicle approval.</p> |

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| | <p>the date of approval, or</p> <p>(b) for a period of three years, beginning with the date of approval.</p> <p>(6) An approval under this section is to be subject to the mandatory approval conditions that apply in respect of the approval concerned.”</p> <p>and insert—</p> <p>‘certificate must specify a period for which, in the absence of any previous expiry under section (<i>section to be inserted by amendment 64</i>) or 60, the approval to which it relates is to have effect, being either –</p> <p>() a period of no more than seven days, beginning with the date on which the approval certificate is issued (the “approval date”), or</p> <p>() a period of three years, beginning with the approval date.</p> <p>() Unless it previously ceases to have effect under section (<i>section to be inserted by amendment 64</i>) or 60, approval under this section ceases to have effect with the expiry of that period.’.</p> | <p>adran (<i>yr adran sy'n cael ei mewnosod gan welliant 64</i>) neu 60, y mae'r gymeradwyaeth y mae'n ymwneud â hi i gael effaith ar ei gyfer, sef naill ai—</p> <p>(a) cyfnod nad yw'n hwy na saith niwrnod, sy'n dechrau â'r dyddiad y dyroddir y dystysgrif gymeradwyo (y “dyddiad cymeradwyo”), neu</p> <p>(b) cyfnod o dair blynedd, sy'n dechrau â'r dyddiad cymeradwyo.</p> <p>() Oni bai ei bod yn peidio â chael effaith cyn hynny o dan adran (<i>yr adran sy'n cael ei mewnosod gan welliant 64</i>) neu 60, mae cymeradwyaeth o dan yr adran hon yn peidio â chael effaith pan ddaw'r cyfnod hwnnw i ben’.</p> | <p>The effect of this amendment is to provide greater confidence to members of the public by requiring that an approval certificate specifies the maximum period for which an approval is to have effect, and the circumstances under which an approval certificate will expire.</p> |
| 63. | Page 32, after line 31, insert a new section— | <p>Tudalen 32, ar ôl llinell 33, mewnosoder adran newydd—</p> <p>{ } Tystysgrifau cymeradwyo</p> | <p>The purpose of this amendment is to insert a new section in relation to approval certificates.</p> <p>The effect of this amendment is to make</p> |

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| | <p data-bbox="280 231 616 263">[] Approval certificates</p> <p data-bbox="369 279 896 798">(1) An approval certificate must state—</p> <p data-bbox="459 327 896 518">(a) the approval date;</p> <p data-bbox="459 375 896 518">(b) the special procedure in respect of which the premises or vehicle concerned are approved;</p> <p data-bbox="459 534 896 798">(c) the date with the expiry of which the approval will, unless it previously ceases to have effect under section ((<i>section to be inserted by amendment 64</i>)) or 60, expire under section 59 ((<i>subsection to be inserted by amendment 62</i>)).</p> <p data-bbox="369 813 896 917">(2) In the case of approval of premises, an approval certificate must also state the address of the premises.</p> <p data-bbox="369 933 896 997">(3) In the case of approval of a vehicle, an approval certificate must also—</p> <p data-bbox="459 1013 896 1085">(a) if the vehicle has a registration number, state that number;</p> <p data-bbox="459 1101 896 1300">(b) if the vehicle does not have a registration number, identify the vehicle in whatever way the authority issuing the certificate considers appropriate.</p> <p data-bbox="324 1316 896 1380">(4) Regulations may make further provision about the form and content of approval</p> | <p data-bbox="985 239 1523 311">(1) Rhaid i dystysgrif gymeradwyo ddatgan—</p> <p data-bbox="1097 319 1523 359">(a) y dyddiad cymeradwyo;</p> <p data-bbox="1097 367 1523 534">(b) y driniaeth arbennig y mae'r fangre neu'r cerbyd o dan sylw wedi ei chymeradwyo neu wedi ei gymeradwyo mewn cysylltiad â hi;</p> <p data-bbox="1097 542 1523 885">(c) y dyddiad, pan ddaw i ben, y bydd y gymeradwyaeth, oni bai ei bod yn peidio â chael effaith cyn hynny o dan adran ((<i>yr adran sy'n cael ei mewnosod gan welliant 64</i>)) neu 60, yn dod i ben o dan adran 59 ((<i>yr is-adran sy'n cael ei mewnosod gan welliant 62</i>)).</p> <p data-bbox="985 893 1523 997">(2) Yn achos cymeradwyo mangre, rhaid i dystysgrif gymeradwyo hefyd ddatgan cyfeiriad y fangre.</p> <p data-bbox="985 1005 1523 1077">(3) Yn achos cymeradwyo cerbyd, rhaid i dystysgrif gymeradwyo hefyd—</p> <p data-bbox="1097 1085 1523 1189">(a) os oes gan y cerbyd rif cofrestru, ddatgan y rhif hwnnw;</p> <p data-bbox="1097 1197 1523 1372">(b) os nad oes gan y cerbyd rif cofrestru, nodi'r cerbyd ym mha ffordd bynnag y mae'r awdurdod sy'n dyroddi'r dystysgrif yn ystyried ei bod</p> | <p data-bbox="1545 231 2049 630">provision about the form and content of approval certificates, such as the inclusion of the date the approval was provided and the special procedure in respect of which the premises or vehicle is approved. The amendment also provides the Welsh Ministers with a regulation making power to make further provision about the form and content of approval certificates. Approval certificates are designed to allow members of the public to ascertain whether or not a premises /vehicle is approved for special procedure(s).</p> |

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| | <p>certificates.</p> <p>(5) In this section, “approval date” has the same meaning as in section 59.’.</p> | <p>yn briodol.</p> <p>(4) Caiff rheoliadau wneud darpariaeth bellach ynghylch ffurf a chynnwys tystysgrifau cymeradwyo.</p> <p>(5) Yn yr adran hon, mae i “dyddiad cymeradwyo” yr un ystyr ag yn adran 59.’.</p> | |
| 64. | <p>Page 32, after line 31, insert a new section—</p> <p>‘[] Voluntary termination of approval</p> <p>(1) Where a person on whose application a local authority has approved premises or a vehicle under section 59, in respect of a special procedure, wishes the approval to cease to have effect, the person may give notice to that effect to the authority under this section.</p> <p>(2) The notice must state the date with the expiry of which approval is to cease to have effect.</p> <p>(3) Subject to any earlier expiry under section 59(<i>subsection to be inserted by amendment 62</i>) or 60, the approval ceases to have effect with the expiry of the date specified in the notice.</p> <p>(4) An authority to which notice under this</p> | <p>Tudalen 32, ar ôl llinell 33, mewnosoder adran newydd—</p> <p>‘[] Terfynu cymeradwyaeth yn wirfoddol</p> <p>(1) Pan fo person y mae awdurdod lleol wedi cymeradwyo mangre neu gerbyd yn unol â'i gais o dan adran 59, mewn cysylltiad â thriniaeth arbennig, yn dymuno i'r gymeradwyaeth beidio â chael effaith, caiff y person roi hysbysiad i'r perwyl hwnnw i'r awdurdod o dan yr adran hon.</p> <p>(2) Rhaid i'r hysbysiad ddatgan y dyddiad, pan ddaw i ben, y mae'r gymeradwyaeth i beidio â chael effaith.</p> <p>(3) Yn ddarostyngedig i unrhyw gymeradwyaeth sy'n dod i ben yn gynharach o dan adran 59(<i>yr is-adran sy'n cael ei mewnosod gan welliant 62</i>) neu 60, mae'r gymeradwyaeth yn peidio â chael effaith pan ddaw'r</p> | <p>The purpose of this amendment is to insert a new section in relation to the voluntary termination of a premises/vehicle approval.</p> <p>The effect of this amendment is to provide flexibility for those who hold premises/vehicle approvals if their circumstances change. The amendment makes provision about how a person who had previously applied for a premises or vehicle approval can give notice to the local authority that they wish for the approval to cease to have effect, and provides details about the information that must be provided in that notice. The local authority to which the notice is given must take reasonable steps to bring the notice to the attention of persons it thinks likely to be affected (for example, licence holders listed as operating from the premises or vehicle).</p> |

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| | <p>section is given must take reasonable steps for bringing the notice to the attention of any persons the authority thinks likely to be affected by the notice.</p> <p>(5) Regulations may make further provision about notice under this section, including (among other things) about information to be included in notice under this section.’</p> | <p>dyddiad a bennir yn yr hysbysiad i ben.</p> <p>(4) Rhaid i awdurdod y rhoddir hysbysiad iddo o dan yr adran hon gymryd camau rhesymol i ddwyn yr hysbysiad i sylw unrhyw bersonau y mae'r awdurdod yn meddwl ei fod yn debygol o effeithio arnynt.</p> <p>(5) Caiff rheoliadau wneud darpariaeth bellach ynghylch hysbysiad o dan yr adran hon, gan gynnwys (ymhlith pethau eraill) ynghylch gwybodaeth sydd i'w chynnwys mewn hysbysiad o dan yr adran hon.’</p> | |
| 65. | <p>Section 60, page 33, after line 12, insert—</p> <p>(4) The revocation has effect—</p> <p>(a) from the beginning of the day following the day on which the period for bringing an appeal under Schedule 3 (as applied by subsection (3)) in respect of the revocation expires, if no appeal is brought under that Schedule within that period;</p> <p>(b) with the date of the withdrawal of any appeal or further appeal brought in respect of the</p> | <p>Adran 60, tudalen 33, ar ôl llinell 12, mewnosoder—</p> <p>(4) Mae'r dirymiad yn cael effaith—</p> <p>(a) o ddechrau'r diwrnod sy'n dilyn y diwrnod pan ddaw'r cyfnod ar gyfer dwyn apêl o dan Atodlen 3 (fel y'i cymhwysir gan is-adran (3)) mewn cysylltiad â'r dirymiad i ben, os na chaiff apêl ei dwyn o dan yr Atodlen honno o fewn y cyfnod hwnnw;</p> <p>(b) â'r dyddiad y tynnir yn ôl unrhyw apêl neu apêl bellach a gaiff ei dwyn mewn cysylltiad â'r dirymiad, neu ddyddiad dyfarniad terfynol</p> | <p>The purpose of this amendment is to insert a new subsection about the effect of the revocation of a premises or vehicle approval.</p> <p>The effect of this amendment is that additional clarity is provided about the timescales relating to the revocation of a premises or vehicle approval. A revocation by a local authority will have effect from a specified date, taking into account the appeal timescales set out in Schedule 3.</p> |

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| | <p>revocation, or the date of final determination of any unsuccessful appeal or further appeal brought in respect of the revocation, where the appeal or further appeal has been brought under Schedule 3 (as applied by subsection (3)) and no further appeal under that Schedule is available;</p> <p>(c) with the expiry of the period for bringing a further appeal under Schedule 3, where an appeal brought under Schedule 3 (as applied by subsection (3)) in respect of the revocation is withdrawn or unsuccessful, and a further appeal under Schedule 3 is available but is not brought within that period.’.</p> | <p>ar unrhyw apêl neu apêl bellach aflwyddiannus a gaiff ei dwyn mewn cysylltiad â'r dirymiad, pan fo'r apêl neu'r apêl bellach wedi ei dwyn o dan Atodlen 3 (fel y'i cymhwysir gan is-adran (3)) a phan na fo apêl bellach ar gael o dan yr Atodlen honno;</p> <p>(c) pan ddaw'r cyfnod ar gyfer dwyn apêl bellach o dan Atodlen 3 i ben, pan fo apêl a gaiff ei dwyn o dan Atodlen 3 (fel y'i cymhwysir gan is-adran (3)) mewn cysylltiad â'r dirymiad wedi ei thynnu'n ôl neu'n aflwyddiannus, ac mae apêl bellach o dan Atodlen 3 ar gael ond ni chaiff ei dwyn o fewn y cyfnod hwnnw.’.</p> | |
| 66. | <p>Page 33, after line 12, insert a new section—</p> <p>‘[] Revocation of approval: notification requirements</p> <p>(1) A local authority that gives notice</p> | <p>Tudalen 33, ar ôl llinell 12, mewnosoder adran newydd—</p> <p>‘[] Dirymu cymeradwyaeth: gofynion hysbysu</p> <p>(1) Rhaid i awdurdod lleol sy'n rhoi</p> | <p>The purpose of this amendment is to insert a new section in relation to the notification requirements for the revocation of premises or vehicle approvals.</p> <p>The effect of this amendment is to provide</p> |

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| | <p>under one of the provisions specified in subsection (2) to a person in respect of a revocation, or a proposed revocation, of approval under section 59 must take reasonable steps for bringing the notice to the attention of any persons the authority thinks likely to be affected by the notice.</p> <p>(2) The provisions are paragraph 15(3) or [paragraph to be inserted by amendment 102] of Schedule 3 (as applied by section 60(3)), and section 60. '.</p> | <p>hysbysiad o dan un o'r darpariaethau a bennir yn is-adran (2) i berson mewn cysylltiad â dirymiad, neu ddirymiad arfaethedig, o gymeradwyaeth o dan adran 59 gymryd camau rhesymol i ddwyn yr hysbysiad i sylw unrhyw bersonau y mae'r awdurdod yn meddwl ei fod yn debygol o effeithio arnynt.</p> <p>(2) Y darpariaethau yw paragraff 15(3) neu [y paragraff sy'n cael ei fewnosod gan welliant 102] o Atodlen 3 (fel y'i cymhwysir gan adran 60(3)), 60. '.</p> | <p>clarity about how a local authority must give notice to a person in respect of a revocation, or proposed revocation, of a premises or vehicle approval. The local authority must take reasonable steps for bringing the notice to the attention of any persons it thinks likely to be affected by the revocation (for example, licence holders listed as operating from the affected premises or vehicle).</p> |
| 67. | <p>Section 61, page 33, line 17, leave out 'expired' and insert 'ceased to have effect'</p> | <p>Adran 61, tudalen 33, llinell 18, hepgorer 'dod i ben' a mewnosoder 'peidio â chael effaith'.</p> | <p>The purpose of this amendment is to replace 'expired' with 'ceased to have effect'.</p> <p>The effect of this amendment is to provide additional clarity to the provision. It ensures that those special procedures licences that are revoked (i.e. not expired) are no longer included in the register of licences maintained by a local authority.</p> |
| 68. | <p>Section 62, page 34, line 34, after 'P', insert 'anywhere in Wales'.</p> | <p>Adran 62, tudalen 34, llinell 35, ar ôl 'sylv', mewnosoder 'yn unrhyw le yng Nghymru'.</p> | <p>The purpose of this amendment is to insert 'anywhere in Wales' in relation to stop notices under section 62(4)(b).</p> <p>The effect of this amendment is to prevent a</p> |

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| | | | person subject to a stop notice performing the special procedure anywhere in Wales. This is to ensure that the stop notice is not limited to a local authority area and aims to prevent the “moving of a problem” between local authority boundaries. |
| 69. | Section 62, page 34, line 38, after ‘performance’, insert ‘anywhere in Wales’. | Adran 62, tudalen 34, llinell 38, ar ôl ‘rhoi’, mewnosoder ‘yn unrhyw le yng Nghymru’. | <p>The purpose of this amendment is to insert ‘anywhere in Wales’ in relation to stop notices.</p> <p>The effect of this amendment is to prevent a person subject to a stop notice performing the special procedure anywhere in Wales. This is to ensure that the stop notice is not limited to a local authority area and aims to prevent the “moving of a problem” between local authority boundaries.</p> |
| 70. | Section 62, page 35, line 1, leave out subsection (5). | Adran 62, tudalen 35, llinell 1, hepgorer is-adran (5). | <p>The purpose of this amendment is to remove subsection (5) from section 62.</p> <p>The effect of this amendment is to prevent a person subject to a stop notice performing the special procedure anywhere in Wales. This is to ensure that the stop notice is not limited to a local authority area and aims to prevent the “moving of a problem” between local authority boundaries.</p> |
| 71. | Section 63, page 35, line 10, leave out ‘of the matters in subsection (2)’ and insert ‘that the licence holder is in breach of an applicable mandatory licensing condition’. | Adran 63, tudalen 35, llinell 10, hepgorer ‘o ran y materion yn is-adran (2)’ a mewnosoder ‘bod deiliad y drwydded yn torri amod trwyddedu mandadol cymwys’. | The purpose of this amendment is to remove reference to section 63(2) and insert the words ‘that the licence holder is in breach of |

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| | | | <p>an applicable mandatory licensing condition’.</p> <p>The effect of this amendment is to ensure that local authorities have an appropriate enforcement action available to them in relation to all breaches of mandatory licensing conditions (including for example failure to display a licence).</p> |
| 72. | Section 63, page 35, line 12, leave out subsection (2). | Adran 63, tudalen 35, llinell 12, hepgorer is-adran (2). | <p>The purpose of this amendment is to remove section 63(2).</p> <p>The effect of this amendment is to ensure that local authorities have an appropriate enforcement action available to them in relation to all breaches of mandatory licensing conditions (including for example failure to display a licence).</p> |
| 73. | Section 63, page 35, line 30, leave out ‘A’ and insert ‘If the authority is satisfied that the breach of the condition presents, or could present, significant risk of harm to human health, the’. | Adran 63, tudalen 35, llinell 29, hepgorer ‘Caiff’ a mewnosoder ‘Os yw’r awdurdod wedi ei fodloni bod torri’r amod yn peri risg sylweddol, neu y gallai beri risg sylweddol, o niwed i iechyd dynol, caiff yr’. | <p>The purpose of this amendment is to insert a requirement that if a local authority is to serve a licence holder with a remedial action notice that prohibits the performance of a procedure, there must be a significant risk of harm to human health.</p> <p>The effect of this amendment is that an additional safeguard is provided which</p> |

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| | | | ensures that a remedial action notice can only prohibit the performance of a special procedure in circumstances where there is a risk of significant harm to human health. |
| 74. | Section 64, page 36, line 28, leave out 'A' at the first place where it appears, and insert 'If the authority is satisfied that the breach of the requirement presents, or could present, significant risk of harm to human health, the'. | Adran 64, tudalen 36, llinell 29, hepgorer 'Caiff' a mewnosoder 'Os yw'r awdurdod wedi ei fodloni bod torri'r gofyniad yn peri risg sylweddol, neu y gallai beri risg sylweddol, o niwed i iechyd dynol, caiff yr'. | <p>The purpose of this amendment is to insert a requirement that if a local authority is to serve a licence holder with a remedial action notice that prohibits the performance of a procedure, there must be a significant risk of harm to human health.</p> <p>The effect of this amendment is that an additional safeguard is provided which ensures that a remedial action notice can only prohibit the performance of a special procedure in circumstances where there is a risk of significant harm to human health.</p> |
| 75. | Section 64, page 37, after line 5, insert— (9) If a premises remedial action notice given to a person prohibits the performance of a special procedure as described in subsection (5), the authority by which it was given must take reasonable steps for bringing the notice to the attention of any persons the authority thinks likely to be affected by the notice.' | Adran 64, tudalen 37, ar ôl llinell 6, mewnosoder— (9) Os yw hysbysiad camau adfer ar gyfer mangre a roddir i berson yn gwahardd rhoi triniaeth arbennig fel y'i disgrifir yn is-adran (5), rhaid i'r awdurdod a'i rhoddodd gymryd camau rhesymol i ddwyn yr hysbysiad i sylw unrhyw bersonau y mae'r awdurdod yn meddwl ei fod yn debygol o effeithio arnynt.' | <p>The purpose of this amendment is to insert a new subsection under section 64 in relation to notice requirements for remedial action notices.</p> <p>The effect of this amendment is that a local authority that serves a premises remedial action notice prohibiting the performance of a special procedure must take reasonable steps to bring the notice to the attention of any</p> |

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| | | | persons it thinks are likely to be affected (for example, licence holders listed as operating from the premises or vehicle). This will ensure that people who are licensed to perform special procedures from the premises/vehicle do not inadvertently commit an offence by breaching the prohibition. |
| 76. | <p>Section 65, page 37, after line 21, insert –</p> <p>(7) A local authority that gives a certificate or notice under this section must take reasonable steps for bringing the certificate or notice to the attention of any persons the authority thinks likely to be affected by it.’</p> | <p>Adran 65, tudalen 37, ar ôl llinell 22, mewnosoder—</p> <p>(7) Rhaid i awdurdod lleol sy'n rhoi tystysgrif neu hysbysiad o dan yr adran hon gymryd camau rhesymol i ddwyn y dystysgrif neu'r hysbysiad i sylw unrhyw bersonau y mae'r awdurdod yn meddwl ei fod yn debygol o effeithio arnynt.’</p> | <p>The purpose of this amendment is to insert a new subsection under section 65 in relation to completion certificates.</p> <p>The effect of the amendment is that a local authority that serves a certificate or notice under section 65 must take reasonable steps to bring it to the attention of any persons it thinks are likely to be affected. It therefore provides consistency with other related requirements in Part 3.</p> |
| 77. | <p>Section 67, page 38, line 27, after ‘who’, insert ‘, without reasonable cause,’.</p> | <p>Adran 67, tudalen 38, llinell 26, hepgorer ‘sy'n’ a mewnosoder ‘sydd, heb achos rhesymol, yn’.</p> | <p>The purpose of this amendment is to insert a defence to the offence of contravening the requirement in section 58(2).</p> <p>The effect of this amendment is that if a person has a reasonable cause for performing a special procedure from premises or a vehicle that is not approved, this may be put forward as a defence in Court.</p> |
| 78. | <p>Section 67, page 38, line 28, after ‘who’, insert ‘, without</p> | <p>Adran 67, tudalen 38, llinell 27, hepgorer ‘sy'n’ a</p> | <p>The purpose of this amendment is to insert a</p> |

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| | reasonable cause,'. | mewnosoder 'sydd, heb achos rhesymol, yn'. | <p>defence to the offence of contravening the requirement in section 62.</p> <p>The effect of this amendment is that if a person has a reasonable cause for performing a special procedure from premises or a vehicle that is not approved, this may be put forward as a defence in Court.</p> |
| 79. | Section 67, page 38, line 29, after 'who', insert ', without reasonable cause,'. | Adran 67, tudalen 38, llinell 28, hepgorer 'sy'n' a mewnosoder 'sydd, heb achos rhesymol, yn'. | <p>The purpose of this amendment is to insert a defence to the offence of contravening the requirement in section 63.</p> <p>The effect of this amendment is that if a person has a reasonable cause for performing a special procedure from premises or a vehicle that is not approved, this may be put forward as a defence in Court.</p> |
| 80. | Section 67, page 38, line 31, after 'who', insert ', without reasonable cause,'. | Adran 67, tudalen 38, llinell 30, hepgorer 'sy'n' a mewnosoder 'sydd, heb achos rhesymol, yn'. | <p>The purpose of this amendment is to insert a defence to the offence of contravening the requirement in section 64.</p> <p>The effect of this amendment is that if a person has a reasonable cause for performing a special procedure from premises or a vehicle that is not approved, this may be put forward as a defence in Court.</p> |

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| 81. | Section 73, page 41, line 21, leave out 'possession of anything' and insert 'anything away from the premises'. | Adran 73, tudalen 41, llinell 24, hepgorer 'meddiant o unrhyw beth' a mewnosoder 'unrhywbeth o'r fangre'. | <p>The purpose of this amendment is to replace wording concerning the operation of powers of inspection by authorised officers.</p> <p>The effect of this amendment is to provide additional clarity in relation to the requirement that an authorised officer must leave a statement giving details of what has been taken, if removing anything from the premises.</p> |
| 82. | Section 77, page 43, after line 10, insert— “approval certificate” (“ <i>tystysgrif gymeradwyo</i> ”) has the meaning given in section 59;’. | Adran 77, tudalen 44, ar ôl llinell 1, mewnosoder— ‘mae i “tystysgrif gymeradwyo” (“ <i>approval certificate</i> ”) yr ystyr a roddir yn adran 59.’. | <p>The purpose of the amendment is to insert a definition of “approval certificate” into the interpretation provisions.</p> <p>The effect of this amendment is that greater clarity is provided to the provisions by cross referencing to section 59, which sets out the details relating to approval certificates.</p> |
| 83. | Section 77, page 43, line 14, leave out – ‘another object, to be attached to the individual’s body, or (b) jewellery, or another object of a description prescribed in or under regulations, to be implanted in’ | Adran 77, tudalen 43, llinell 37, hepgorer – ‘wrthrych arall, gael ei atodi i gorff yr unigolyn, neu (b) i emwaith, neu wrthrych arall o ddisgrifiad a ragnodir mewn rheoliadau neu o dan reoliadau, gael | <p>The purpose of this amendment is to make changes to the definition of “body piercing” under section 77(1)(a).</p> <p>The effect of the amendment is to provide clarity in relation to the meaning of ‘body piercing’ within the Bill and to ensure the</p> |

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| | <p>And insert—</p> <p>() an object of a description prescribed in or under regulations, to be attached to, implanted in, or removed from .’.</p> | <p>ei fewnblannu yng nghorff</p> <p>A mewnosoder—</p> <p>() i wrthrych o ddisgrifiad a ragnodir mewn rheoliadau neu o dan reoliadau, gael ei atodi i gorff yr unigolyn, ei fewnblannu yng nghorff yr unigolyn neu ei dynnu o gorff.</p> | <p>definition captures the attachment to, implantation of or removal of jewellery or objects from an individual's body.</p> |
| 84. | <p>Section 77, page 43, line 26, leave out ‘(but does not include a vehicle or other moveable structure’, and insert ‘or moveable facility (but does not include a vehicle’.</p> | <p>Adran 77, tudalen 43, llinell 23, hepgorer ‘(ond nid yw’n cynnwys cerbyd neu strwythur symudol arall’, a mewnosoder ‘neu gyfleuster symudol (ond nid yw’n cynnwys cerbyd’.</p> | <p>The purpose of this amendment is to revise the wording in the definition of “premises”.</p> <p>The effect of this amendment is that moveable facilities such as stalls or tents are captured within the definition of “premises” and therefore the special procedures licensing system.</p> |
| 85. | <p>Section 77, page 43, line 32, after ‘skin’, insert ‘or mucous membrane,’.</p> | <p>Adran 77, tudalen 43, llinell 28, ar ôl ‘nghroen’, mewnosoder ‘, neu ym mhilen fwcaidd,’.</p> | <p>The purpose of the amendment is to insert ‘or mucous membrane,’ into the definition of “tattooing”.</p> <p>The effect of the amendment is that the term “tattooing” within the Bill includes mucous membranes as well as skin, and therefore extends the sites in the body captured by the definition.</p> |

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| 86. | <p>Section 77, page 44, line 4, leave out –</p> <p style="padding-left: 40px;">'subsection (1), "jewellery" includes (among other things) a bead, bar, rod or plug of any shape or material'</p> <p>And insert—</p> <p style="padding-left: 40px;">'the definition of "body piercing" in subsection (1) the reference to perforating an individual's skin or mucous membrane includes a reference to breaching the integrity of the skin or mucous membrane in any way, including (among other things) by way of puncture or incision.</p> <p style="padding-left: 40px;">() Regulations under subsection (1) may prescribe an object or description of object by reference to (among other things) the part of the body on which the perforation is performed.'</p> | <p>Adran 77, tudalen 44, llinell 2, hepgorer -</p> <p style="padding-left: 40px;">'is-adran (1), mae "gemwaith" yn cynnwys (ymhlith pethau eraill) glain, bar, rhoden neu blwg o unrhyw siap neu ddeunydd'</p> <p>A mewnosoder—</p> <p style="padding-left: 40px;">'y diffiniad o "tyllu'r corff" yn is-adran (1), mae'r cyfeiriad at wneud trydylliad yng nghroen neu ym mhilen fwcaidd unigolyn yn cynnwys cyfeiriad at wneud bwlch yng nghyfanrwydd y croen neu'r bilen fwcaidd mewn unrhyw ffordd, gan gynnwys (ymhlith pethau eraill) drwy bric neu endoriad.</p> <p style="padding-left: 40px;">() Caiff rheoliadau o dan is-adran (1) ragnodi gwrthrych neu ddisgrifiad o wrthrych drwy gyfeirio at (ymhlith pethau eraill) y rhan o'r corff y mae'r trydylliad yn cael ei roi ynddi.'</p> | <p>The purpose of this amendment is to remove a subsection and insert two subsections into section 77.</p> <p>The effect of removing the definition of jewellery is that "jewellery" will be given its ordinary meaning.</p> <p>The effect of the new subsections is that "body piercing" means the breaching of the integrity of the skin or mucous membranes in any way including (among other things) by way of puncture or incision (which may be necessary to insert some objects into an individual's skin or mucous membranes).</p> <p>The amendment also clarifies that regulations prescribing objects which would be caught within the definition of body piercing may prescribe such objects by reference to (among other things) the part of the body where the perforation is performed.</p> |
| 87. | <p>Section 78, page 45, line 4, leave out 'not exceeding level 4 on the standard scale'.</p> | <p>Adran 78, tudalen 45, llinell 4, hepgorer 'nad yw'n uwch na lefel 4 ar y raddfa safonol'.</p> | <p>The purpose of this amendment is to remove the text 'not exceeding level 4 on the standard scale' from section 78(2) in relation to the offence of performing or making arrangements to perform an intimate piercing on a child.</p> |

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| | | | <p>The effect of this amendment is to increase the penalty for the offence, from a level 4 to an unlimited fine, in order to reflect the seriousness of the offence.</p> |
| 88. | <p>Section 78, page 45, line 8, leave out subsection (4).</p> | <p>Adran 78, tudalen 45, llinell 8, hepgorer is-adran (4).</p> | <p>The purpose of this amendment is to remove reference to section 158(1) of the Government of Wales Act 2006 from section 78.</p> <p>The effect of this amendment is to ensure that there is always an enforcement authority (i.e. the local authority) for this Part.</p> |
| 89. | <p>Section 79, page 45, line 11, leave out –</p> <p>“the perforation of the skin or mucous membrane of an intimate body part listed in subsection (2), where performed otherwise than in the course of a medical procedure, and with a view to enabling—</p> <p>(a) jewellery, or another object, to be attached to the body part, or</p> <p>(b) jewellery, or another object of a description prescribed in or under regulations under section 77(1) (definition of body piercing), to be</p> | <p>Adran 79, tudalen 45, llinell 11, hepgorer -</p> <p>‘trydyllu croen neu bilen fwcaidd rhan bersonol o’r corff a restrir yn is-adran (2), pan fo’n cael ei roi ac eithrio yng nghwrs triniaeth feddygol, a chyda golwg ar alluogi—</p> <p>(a) i emwaith, neu wrthrych arall, gael ei atodi i’r rhan o’r corff, neu</p> <p>(b) i emwaith, neu wrthrych arall o ddisgrifiad a ragnodir mewn rheoliadau neu o dan reoliadau o dan adran 77(1) (diffinio tyllu’r corff), gael ei</p> | <p>The purpose of this amendment is to make changes to the explanation of what is meant by an intimate piercing for the purposes of the Bill.</p> <p>The effect of the amendment is that the same definition of body piercing is used throughout Parts 3 and 4 of the Bill and therefore greater clarity and consistency is achieved.</p> |

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| | <p>implanted in the body part.”</p> <p>And insert – ‘a body piercing performed on an intimate body part listed in subsection (2), where performed otherwise than in the course of a medical procedure.’.</p> | <p>fewnblannu yn y rhan o'r corff.’</p> <p>A mewnosoder— ‘tyllu'r corff mewn rhan bersonol a restrir yn is-adran (2), pan fo'n cael ei roi ac eithrio yng nghwrs triniaeth feddygol.’.</p> | |
| 90. | <p>Section 79, page 45, after line 25, insert— ‘() tongue;’.</p> | <p>Adran 79, tudalen 45, ar ôl llinell 26, mewnosoder— ‘() y tafod;’.</p> | <p>The purpose of this amendment to insert the tongue into the list of intimate body parts in relation to intimate piercing.</p> <p>The effect of the amendment is to bring tongue piercing within the scope of Part 4, meaning that it will be an offence to perform or make arrangements to perform a tongue piercing on a child under the age of sixteen.</p> |
| 91. | <p>Section 79, page 45, after line 26, insert— ‘() In this section “body piercing” is to be read in accordance with section 77.’.</p> | <p>Adran 79, tudalen 45, ar ôl llinell 27, mewnosoder— ‘() Yn yr adran hon, mae “tyllu'r corff” i gael ei ddarllen yn unol ag adran 77.’.</p> | <p>The purpose of this amendment is to insert a new subsection to clarify what is meant by the term “body piercing” within section 79.</p> <p>The effect of this amendment is that the same definition of body piercing is used throughout Parts 3 and 4 of the Bill and therefore greater clarity and consistency is achieved.</p> |
| 92. | <p>Section 79, page 45, line 33, leave out subsection (4).</p> | <p>Adran 79, tudalen 45, llinell 34, hepgorer is-adran (4).</p> | <p>The purpose of this amendment is to remove reference to the definition of “jewellery” from</p> |

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| | | | <p>section 79.</p> <p>The effect of this amendment is that the same definition of body piercing and jewellery are used throughout Parts 3 and 4 of the Bill and therefore greater clarity and consistency is achieved.</p> |
| 93. | <p>Section 86, page 48, line 17, leave out ‘possession of anything’ and insert ‘anything away from the premises’.</p> | <p>Adran 86, tudalen 48, llinell 20, hepgorer ‘meddiant o unrhyw beth’ a mewnosoder ‘unrhywbeth o’r fangre’.</p> | <p>The purpose of this amendment is to replace wording concerning the operation of powers of inspection by authorised officers.</p> <p>The effect of this amendment is to provide additional clarity in relation to the requirement that an authorised officer must leave a statement giving details of what has been taken, if removing anything from the premises.</p> |
| 94. | <p>Section 96, page 55, line 1, leave out ‘section 97’ and insert ‘sections 97 and ((<i>section to be inserted by amendment 95</i>))’.</p> | <p>Adran 96, tudalen 55, llinell 1, hepgorer ‘adran 97’ a mewnosoder ‘adrannau 97 a ((<i>yr adran sy’n cael ei mewnodod gan welliant 95</i>))’.</p> | <p>Consequential to amendment 95.</p> |
| 95. | <p>Page 55, after line 15, insert a new section—</p> <p>[] Giving notices</p> <p>(1) This section applies where a</p> | <p>Tudalen 55, ar ôl llinell 17, mewnosoder adran newydd—</p> <p>[] Rhoi hysbysiadau</p> <p>(1) Mae’r adran hon yn gymwys pan</p> | <p>The purpose of this amendment is to insert a new section to provide additional detail about how a notice is to be given from a person to another person, when this is done under the Bill or regulations made under it.</p> |

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| | <p>provision of this Act or of regulations made under it requires or authorises a person to give a notice to another person (“P”).</p> <p>(2) The notice must be in writing.</p> <p>(3) The notice may be given to P in any one of the following ways—</p> <p>(a) by delivering it to P;</p> <p>(b) by leaving it at or posting it to any address specified by P as an address for giving notices and documents, or (if P has not specified an address for this purpose) by leaving it at or posting it to P’s usual address;</p> <p>(c) subject to subsections (5) and (6), by sending it to P electronically.</p> <p>(4) P’s usual address, for this purpose, is—</p> <p>(a) if P is a body corporate, the address of the registered or principal</p> | <p>fo darpariaeth yn y Ddeddf hon neu mewn rheoliadau a wneir odani yn ei gwneud yn ofynnol i berson roi hysbysiad i berson arall (“P”) neu’n awdurdodi person i wneud hynny.</p> <p>(2) Rhaid i’r hysbysiad fod yn ysgrifenedig.</p> <p>(3) Caniateir i’r hysbysiad gael ei roi i P mewn unrhyw un o’r ffyrdd a ganlyn—</p> <p>(a) drwy ei ddanfôn at P;</p> <p>(b) drwy ei adael mewn unrhyw gyfeiriad a bennir gan P yn gyfeiriad ar gyfer rhoi hysbysiadau neu ei bostio i gyfeiriad o’r fath, neu (os nad yw P wedi pennu cyfeiriad at y diben hwn) drwy ei adael yng nghyfeiriad arferol P neu ei bostio i’r cyfeiriad hwnnw;</p> <p>(c) yn ddarostyngedig i</p> | <p>The effect of the amendment is to provide greater clarity about how notices are given under the Bill as a whole. This clarity relates to the required form of the notice and the method by which a notice is delivered. The section provides additional clarity for both the person giving the notice and the person receiving the notice.</p> |

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| | <p>office of the body;</p> <p>(b) if P is acting in his or her capacity as a partner in a partnership, the address of the principal office of the partnership;</p> <p>(c) if P is a local authority, the principal office of the local authority;</p> <p>(d) in any other case, the last known residence or place of business of P.</p> | <p>is-adrannau (5) a (6), drwy ei anfon yn electronig at P.</p> <p>(4) Cyfeiriad arferol P, at y diben hwn, yw—</p> <p>(a) os yw P yn gorff corfforaethol, cyfeiriad swyddfa gofrestredig neu brif swyddfa'r corff;</p> <p>(b) os yw P yn gweithredu yn rhinwedd ei swydd fel partner mewn partneriaeth, cyfeiriad prif swyddfa'r bartneriaeth;</p> <p>(c) os yw P yn awdurdod lleol, prif swyddfa'r awdurdod lleol;</p> <p>(d) mewn unrhyw achos arall, preswylfa neu fan busnes hysbys diwethaf P.</p> | |
| (5) | <p>The notice may not be given to P by sending it electronically unless—</p> <p>(a) P has agreed that the notice may be sent to P electronically;</p> <p>(b) the notice is received by P in legible form.</p> | | |
| (6) | <p>A fixed penalty notice given under section 19 or 38 may not be given to P by sending it electronically.</p> | (5) | <p>Ni chaniateir i'r hysbysiad gael ei roi i P drwy ei anfon yn electronig oni bai—</p> <p>(a) bod P wedi cytuno y caniateir i'r</p> |
| (7) | <p>The reference in subsection (3)(a) to delivering a notice to P is—</p> <p>(a) if P is a body</p> | | |

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| | <p>corporate, a reference to delivering it to the secretary or clerk of that body;</p> <p>(b) if P is a partnership, a reference to delivering it to a partner or a person having the control or management of the partnership business.</p> <p>(8) A notice that is given to P by leaving it at a place in accordance with subsection (3)(b) is to be treated as having been given at the time at which it was left at that place.’.</p> | <p>hysbysiad gael ei anfon yn electronig at P;</p> <p>(b) bod P yn cael yr hysbysiad ar ffurf ddarllenadwy.</p> <p>(6) Ni chaniateir i hysbysiad cosb benodedig a roddir o dan adran 19 neu 38 gael ei roi i P drwy ei anfon yn electronig.</p> <p>(7) Mae'r cyfeiriad yn is-adran (3)(a) at ddanfon hysbysiad at P—</p> <p>(a) os yw P yn gorff corfforaethol, yn gyfeiriad at ddanfon yr hysbysiad at ysgrifennydd neu glerc y corff hwnnw;</p> <p>(b) os yw P yn bartneriaeth, yn gyfeiriad at ddanfon yr hysbysiad at bartner neu berson y mae busnes y bartneriaeth o dan ei reolaeth neu sy'n rheoli busnes y bartneriaeth.</p> <p>(8) Mae hysbysiad a roddir i P drwy ei adael mewn man yn</p> | |

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| | | unol ag is-adran (3)(b) i gael ei drin fel pe bai wedi ei roi ar yr adeg y'i gadawyd yn y man hwnnw.'. | |
| 96. | Section 99, page 56, leave out line 1. | Adran 99, tudalen 56, hepgorer llinell 3. | Consequential to amendment 95. |
| 97. | Schedule 1, page 57, line 9, leave out '37' and insert '38'. | Atodlen 1, tudalen 57, llinell 14, hepgorer '37' a mewnosoder '38'. | This amendment corrects a previous incorrect cross-reference. |
| 98. | Schedule 1, page 57, line 10, leave out '29' and insert '30'. | Atodlen 1, tudalen 57, llinell 15, hepgorer '29' a mewnosoder '30'. | This amendment corrects a previous incorrect cross-reference. |
| 99. | Schedule 1, page 57, line 14, leave out '37' and insert '38'. | Atodlen 1, tudalen 57, llinell 9, hepgorer '37' a mewnosoder '38'. | This amendment corrects a previous incorrect cross-reference. |
| 100. | Schedule 3, page 63, line 6, leave out 'the procedure for dealing with applications' and insert 'applications (including among other things about the way in which an application is to made, the information to be provided, and the way in which an application is to be dealt with by an authority)'. | Atodlen 3, tudalen 63, llinell 6, hepgorer 'y weithdrefn ar gyfer delio â cheisiadau' a mewnosoder 'ceisiadau (gan gynnwys ymhlith pethau eraill ynghylch y ffordd y mae cais i gael ei wneud, yr wybodaeth sydd i gael ei darparu, a'r ffordd y mae awdurdod i ddelio â chais)'. | <p>The purpose of this amendment is to widen the scope of the regulation making power in relation to applications for a special procedure licence.</p> <p>The effect of this amendment is that regulations may make provision about matters including the way in which an application is to be made, the information to be provided and the way in which they are to be dealt with by the local authority.</p> |
| 101. | Schedule 3, page 66, line 32, leave out ', 57 or 60' and insert 'or 57'. | Atodlen 3, tudalen 66, llinell 35, hepgorer ', 57 neu 60' a mewnosoder 'neu 57'. | The purpose of this amendment is to remove a reference to section 60. |

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| | | | The effect of this amendment is that a superfluous reference to section 60 in paragraph 16(2) is removed. |
| 102. | Schedule 3, page 67, after line 2, insert - '[] If, having complied with the requirements of paragraph 15, a local authority decides not to take the action set out in the warning notice, the authority must give notice of the decision to A.' | Atodlen 3, tudalen 67, ar ôl llinell 2, mewnosoder— '[] Os yw awdurdod lleol, ar ôl cydymffurfio â gofynion paragraff 15, yn penderfynu peidio â chymryd y camau a nodir yn yr hysbysiad rhybuddio, rhaid i'r awdurdod roi hysbysiad o'r penderfyniad i A.' | The purpose of this amendment is to ensure local authorities notify an applicant or licence holder if they decide not to take the action set out in the warning notice. The effect of this amendment is to place a duty on local authorities to notify an applicant or licence holder of their decision not to take the action set out in the warning notice. This ensures that an applicant or licence holder is informed of the outcome in all scenarios. |
| 103. | Schedule 3, page 68, after line 27, insert— 'Consequential amendments 21 (1) The Local Government (Miscellaneous Provisions) Act 1982 (c.30) is amended as follows. (2) In section 13(11)(meaning of "local authority" in Part 8), in paragraph (a) after "district" insert "in England". (3) In section 14— (a) in subsection (1) after "any | Atodlen 3, tudalen 68, ar ôl llinell 31, mewnosoder 'Diwygiadau canlyniadol 21 (1) Mae Deddf Llywodraeth Leol (Darpariaethau Amrywiol) 1982 (p.30) wedi ei diwygio fel a ganlyn. (2) Yn adran 13(11) (ystyr "local authority" yn Rhan 8), ym mharagraff (a) ar ôl "district" mewnosoder "in England". (3) Yn adran 14— (a) yn is-adran (1) ar ôl "any area" mewnosoder "in | The purpose of this amendment is to repeal provisions in Part 8 of the Local Government (Miscellaneous Provisions) Act 1982 in relation to Wales, so that the current registration system applying to acupuncture, tattooing, semi-permanent skin colouring, cosmetic piercing and electrolysis will no longer apply. The references to sections 14 and 15 of the Local Government (Miscellaneous Provisions) Act 1982 will also be removed from the Schedule to the Local Government Byelaws (Wales) Act 2012. |

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| 22 | <p>area" insert "in England", and</p> <p>(b) in subsection (2) after "any area" insert "in England".</p> <p>(4) In section 15—</p> <p>(a) in subsection (1) after "any area" insert "in England", and</p> <p>(b) in subsection (2) after "any area" insert "in England".</p> <p>In the Local Government Byelaws (Wales) Act 2012 (anaw 2), in each table in Schedule 1 (byelaw making powers) omit the entry relating to—</p> <p>(a) section 14 of the Local Government (Miscellaneous Provisions) Act 1982 (c.30);</p> <p>(b) section 15 of the Local Government (Miscellaneous Provisions) Act 1982 (c.30).'</p> | <p>England", a</p> <p>(b) yn is-adran (2) ar ôl "any area" mewnosoder "in England".</p> <p>(4) Yn adran 15—</p> <p>(a) yn is-adran (1) ar ôl "any area" mewnosoder "in England", a</p> <p>(b) yn is-adran (2) ar ôl "any area" mewnosoder "in England".</p> <p>Yn Neddff Is-ddeddfau Llywodraeth Leol (Cymru) 2012 (dccc.2), ym mhob tabl yn Atodlen 1 (pwerau i wneud is-ddeddfau) hepgorer y cofnod sy'n ymwneud—</p> <p>(a) ag adran 14 o Ddeddf Llywodraeth Leol (Darpariaethau Amrywiol) 1982 (p.30);</p> <p>(b) ag adran 15 o Ddeddf Llywodraeth Leol (Darpariaethau Amrywiol) 1982 (p.30).'</p> | <p>The effect of this amendment is that local authorities will be unable to run parallel systems which address the same concerns. This provides clarity for both local authorities and practitioners as to which scheme is in operation.</p> |