CYNULLIAD CENEDLAETHOL CYMRU

OFFERYNNAU STATUDOL

2004 Rhif 999 (Cy.105) (C.43)

DIOGELU'R AMGYLCHEDD, CYMRU

CYFRAITH TROSEDD, CYMRU

YMDDYGIAD GWRTHGYMDEITHASOL, CYMRU

Gorchymyn Deddf Ymddygiad Gwrthgymdeithasol 2003 (Cychwyn Rhif 1) (Cymru) 2004

NODYN ESBONIADOL

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

Mae'r Gorchymyn hwn yn dwyn i rym ar 31 Mawrth 2004, mewn perthynas â Chymru, ddarpariaethau penodol o Ran 6 o Ddeddf Ymddygiad Gwrthgymdeithasol 2003 (" y Ddeddf"), sef:

(a) adran 40, sy'n rhoi pŵer i awdurdodau lleol i wneud gorchmynion cau mewn perthynas â mangreoedd swnllyd;

(b) adran 41, sy'n gwneud darpariaethau atodol mewn perthynas â gorchmynion cau;

(c) adran 42, sy'n diwygio Deddf Sŵn 1996 i estyn y cymhwysiad adrannau 2 i 9 o'r Ddeddf honno at ardal pob awdurdod lleol, i roi disgresiwn i ymchwilio i gwynion am sŵn yn y nos yn lle'r ddyletswydd y mae awdurdodau lleol ar hyn o bryd yn ddarostyngedig iddi, ac i roi pŵer i wneud darpariaeth, drwy reoliadau, ar gyfer pa ddibenion y ceir defnyddio'r derbyniadau cosb sy'n dod i law o dan adran 8 o'r Ddeddf honno;

(ch) adran 43, sy'n rhoi pŵer i awdurdodau lleol i

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ENVIRONMENTAL PROTECTION, WALES

CRIMINAL LAW, WALES

ANTI-SOCIAL BEHAVIOUR, WALES

The Anti-Social Behaviour Act 2003 (Commencement No.1) (Wales) Order 2004

EXPLANATORY NOTE

(This note is not part of the Order)

This Order brings into force on 31st March 2004, in relation to Wales, certain provisions of Part 6 of the Anti-Social Behaviour Act 2003 ("the Act"), namely:

(a) section 40, which confers a power on local authorities to make closure orders in relation to noisy premises;

(b) section 41, which makes supplemental provision in respect of closure orders;

(c) section 42, which amends the Noise Act 1996 to extend the application of sections 2 to 9 of that Act to the area of every local authority, to substitute a discretion to investigate complaints of night noise from dwellings for the duty to which local authorities are currently subject, and to confer a power to make provision, by regulations, as to the purposes for which penalty receipts received under section 8 of that Act may be put;

(d) section 43, which confers a power on local

ddyroddi hysbysiadau cosbau penodedig i bersonau sydd wedi cyflawni tramgwydd perthnasol yn ardal yr awdurdod;

(d) adran 44, sy'n diffinio ystyr "relevant offence" at ddibenion adran 43;

(dd) adran 45, sy'n gwneud darpariaeth mewn perthynas â'r cosbau sy'n daladwy yn unol â'r hysbysiadau cosbau penodedig o dan adran 43;

(e) adran 47, sy'n gwneud darpariaeth o ran dehongli termau penodol ac sy'n rhoi pŵer i'r person priodol (a ddiffinnir, mewn perthynas â Chymru, fel Cynulliad Cenedlaethol Cymru) i gyhoeddi canllawiau mewn perthynas â hysbysiadau cosbau penodedig o dan adran 43;

(f) adran 48, sy'n rhoi pŵer i awdurdodau lleol gyflwyno hysbysiadau cael gwared ar graffiti i bersonau sy'n gyfrifol am arwynebau a ddifwynwyd gan graffiti;

(ff) adran 49, sy'n rhoi pŵer i awdurdodau lleol adennill oddi wrth y personau y cyflwynwyd hysbysiadau cael gwared ar graffiti iddynt unrhyw wariant a dynnwyd yn rhesymol gan yr awdurdod wrth gael gwared ar y difwyniad;

(g) adran 50, sy'n gosod dyletswydd ar Gynulliad Cenedlaethol Cymru i gyhoeddi canllawiau i awdurdodau lleol yng Nghymru at ddibenion adrannau 48 a 49, ac sy'n gosod dyletswydd ar yr awdurdodau lleol hynny i roi sylw i'r canllawiau hynny;

(ng) adran 51, sy'n gwneud darpariaeth ar gyfer apelau yn erbyn hysbysiadau cael gwared ar graffiti;

(h) adran 52, sy'n eseptio awdurdodau lleol a phersonau penodol rhag atebolrwydd dros ddifrod a ddaw o arfer neu honni arfer pwerau penodol ynghylch hysbysiadau cael gwared ar graffiti;

(i) adran 55, sy'n diwygio Deddf Rheoli Llygredd (Diwygio) 1989 a Deddf yr Amgylchedd 1995 i estyn pwerau gorfodi awdurdodau casglu gwastraff, ac sy'n mewnosod darpariaethau newydd yn Neddf Diogelu'r Amgylchedd 1990 i roi pwerau i'r Ysgrifennydd Gwladol gyhoeddi cyfarwyddiadau ynghylch y categorïau o wastraff a ddylai gael blaenoriaeth o dan adran 59 o'r Ddeddf honno a dyroddi hysbysiadau yn ei gwneud yn ofynnol i ddarparu gwybodaeth mewn perthynas ag arfer pwerau o dan adrannau 33(1) a 59 o'r Ddeddf honno; ac

(l) adran 56, sy'n diwygio adran 92 o Ddeddf Diogelu'r Amgylchedd 1990 i estyn y categorïau o dir y caiff prif awdurdodau sbwriel gymryd camau mewn perthynas â hwy.

authorities to issue fixed penalty notices to persons who have committed a relevant offence in the authority's area;

(e) section 44, which defines the meaning of "relevant offence" for the purposes of section 43;

(f) section 45, which makes provision in respect of the penalties which are payable in pursuance of fixed penalty notices under section 43;

(g) section 47, which makes provision as to the interpretation of certain terms and confers a power upon the appropriate person (defined, in relation to Wales, as the National Assembly for Wales) to issue guidance in respect of fixed penalty notices under section 43;

(h) section 48, which confers a power on local authorities to serve graffiti removal notices upon persons responsible for surfaces which have been defaced by graffiti;

(i) section 49, which confers a power upon local authorities to recover from persons upon whom graffiti removal notices are served any expenditure reasonably incurred by the authority in removing the defacement;

(j) section 50, which places a duty on the National Assembly for Wales to issue guidance to local authorities in Wales for the purposes of sections 48 and 49, and which places a duty on those local authorities to have regard to such guidance;

(k) section 51, which makes provision for appeals against graffiti removal notices;

(l) section 52, which exempts local authorities and certain specified persons from liability for damage arising out of the exercise or purported exercise of certain powers relating to graffiti removal notices;

(m) section 55, which amends the Control of Pollution (Amendment) Act 1989 and the Environment Act 1995 to extend the enforcement powers of waste collection authorities, and which inserts new provisions into the Environmental Protection Act 1990 to confer powers upon the Secretary of State to issue directions regarding the categories of waste which should be given priority under section 59 of that Act and to issue notices requiring the provision of information in respect of the exercise of powers under sections 33(1) and 59 of that Act; and

(n) section 56, which amends section 92 of the Environmental Protection Act 1990 to extend the categories of land in relation to which principal litter authorities may take action.

NODYN AR Y GORCHYMYN CYCHWYN BLAENOROL

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

Mae darpariaethau'r Ddeddf y cyfeirir atynt yn y tabl isod wedi cael neu yn cael eu dwyn i rym mewn perthynas â Chymru yn ogystal â Lloegr gan Orchymyn Cychwyn a wnaed cyn dyddiad y Gorchymyn hwn.

Adran neu Atodlen	*Dyddiad cychwyn*	*Rhif O.S.*
1 i 11	20 Ionawr 2004	2003/3300
18	27 Chwefror 2004	2003/3300
23	27 Chwefror 2004	2003/3300
25 i 29	27 Chwefror 2004	2003/3300
30 i 38	20 Ionawr 2004	2003/3300
39(1), (2), (3) (yn rhannol), (4), (5) a (6)	20 Ionawr 2004	2003/3300
39(3) (y gweddill)	30 Ebrill 2004	2003/3300
53	20 Ionawr 2004	2003/3300
57 i 59	20 Ionawr 2004	2003/3300
60 i 64	27 Chwefror 2004	2003/3300
85(1), (2), (3) a (4) (yn rhannol)	20 Ionawr 2004	2003/3300
85(8)	27 Chwefror 2004	2003/3300
86(3) (yn rhannol)	20 Ionawr 2004	2003/3300
87	20 Ionawr 2004	2003/3300
89(1), (2), (3), (4), (6) a (7)	20 Ionawr 2004	2003/3300
92 (yn rhannol)	20 Ionawr 2004	2003/3300
Atodlen 3 (yn rhannol)	20 Ionawr 2004	2003/3300

NOTE AS TO EARLIER COMMENCEMENT ORDER

(This note is not part of the Order)

The provisions of the Act which are referred to in the table below have been or are being brought into force in relation to both Wales and England by a Commencement Order made before the date of this Order.

Section or Schedule	*Date of commencement*	*S.I. Number*
1 to 11	20 January 2004	2003/3300
18	27 February 2004	2003/3300
23	27 February 2004	2003/3300
25 to 29	27 February 2004	2003/3300
30 to 38	20 January 2004	2003/3300
39(1), (2), (3) (in part), (4), (5) and (6)	20 January 2004	2003/3300
39(3) (remainder)	30 April 2004	2003/3300
53	20 January 2004	2003/3300
57 to 59	20 January 2004	2003/3300
60 to 64	27 February 2004	2003/3300
85(1), (2), (3) and (4) (in part)	20 January 2004	2003/3300
85(8)	27 February 2004	2003/3300
86(3) (in part)	20 January 2004	2003/3300
87	20 January 2004	2003/3300
89(1), (2), (3), (4), (6) and (7)	20 January 2004	2003/3300
92 (in part)	20 January 2004	2003/3300
Schedule 3 (in part)	20 January 2004	2003/3300

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CYFRAITH TROSEDD, CYMRU

YMDDYGIAD GWRTHGYMDEITHASOL, CYMRU

Gorchymyn Deddf Ymddygiad Gwrthgymdeithasol 2003 (Cychwyn Rhif 1) (Cymru) 2004

Wedi'i wneud *30 Mawrth 2004*

Mae Cynulliad Cenedlaethol Cymru, drwy arfer y pwerau a roddwyd iddo gan adran 93(2) o Ddeddf Ymddygiad Gwrthgymdeithasol 2003(**a**), drwy hyn yn gwneud y Gorchymyn canlynol:

Enwi a chymhwyso

1. Enw'r Gorchymyn hwn yw Gorchymyn Deddf Ymddygiad Gwrthgymdeithasol 2003 (Cychwyn Rhif 1) (Cymru) 2004.

Darpariaethau sy'n dod i rym ar 31 Mawrth 2004

2. Mae darpariaethau canlynol Rhan 6 o Ddeddf Ymddygiad Gwrthgymdeithasol 2003 yn dod i rym ar 31 Mawrth 2004 mewn perthynas â Chymru -

(a) adran 40 (cau mangreoedd swnllyd);

(b) adran 41 (cau mangreoedd swnllyd: atodol);

(c) adran 42 (ymdrin â sŵn yn y nos);

(ch) adran 43 (hysbysiadau cosbau ar gyfer graffiti a gosod posteri);

(d) adran 44 (ystyr tramgwydd perthnasol);

(dd) adran 45 (derbynebau a derbyniadau cosbau);

(e) adran 47 (dehongli etc.);

(f) adran 48 (hysbysiadau cael gwared ar graffiti);

(ff) adran 49 (adennill gwariant);

(a) 2003 p. 38.

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CRIMINAL LAW, WALES

ANTI-SOCIAL BEHAVIOUR, WALES

The Anti-Social Behaviour Act 2003 (Commencement No.1) (Wales) Order 2004

Made *30th March 2004*

The National Assembly for Wales, in exercise of the powers conferred upon it by section 93(2) of the Anti-Social Behaviour Act 2003(**a**), hereby makes the following Order:

Citation and application

1. This Order may be cited as the Anti-Social Behaviour Act 2003 (Commencement No.1) (Wales) Order 2004.

Provisions coming into force on 31 March 2004

2. The following provisions of Part 6 of the Anti-Social Behaviour Act 2003 come into force on 31st March 2004 in relation to Wales -

(a) section 40 (closure of noisy premises);

(b) section 41 (closure of noisy premises: supplemental);

(c) section 42 (dealing with noise at night);

(d) section 43 (penalty notices for graffiti and fly-posting);

(e) section 44 (meaning of relevant offence);

(f) section 45 (penalty receipts);

(g) section 47 (interpretation etc.);

(h) section 48 (graffiti removal notices);

(i) section 49 (recovery of expenditure);

(a) 2003 c. 38.

(g) adran 50 (canllawiau);

(ng) adran 51 (apelau);

(h) adran 52 (esemptiad rhag atebolrwydd mewn perthynas â hysbysiadau cael gwared ar graffiti);

(i) adran 55 (gwastraff a adawyd yn anghyfreithiol etc.); ac

(l) adran 56 (estyn pwerau awdurdod sbwriel i gymryd camau adfer).

(j) section 50 (guidance);

(k) section 51 (appeals);

(l) section 52 (exemption from liability in relation to graffiti removal notices);

(m) section 55 (unlawfully deposited waste etc.); and

(n) section 56 (extension of litter authority powers to take remedial action).

Llofnodwyd ar ran Cynulliad Cenedlaethol Cymru o dan adran 66(1) o Ddeddf Llywodraeth Cymru 1998(**a**)

Signed on behalf of the National Assembly for Wales under section 66(1) of the Government of Wales Act 1998(**a**)

30 Mawrth 2004

30th March 2004

D. Elis-Thomas

Llywydd y Cynulliad Cenedlaethol

The Presiding Officer of the National Assembly

(a) 1998 p.38.

(a) 1998 c.38.

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