OFFERYNNAU STATUDOL CYMRU

WELSH STATUTORY INSTRUMENTS

2024 Rhif 682 (Cy. 94)

2024 No. 682 (W. 94)

ANIFEILIAID, CYMRU

ANIMALS, WALES

Rheoliadau Defnydd Mandadol o Deledu Cylch Cyfyng mewn Lladd-dai (Cymru) 2024

The Mandatory Use of Closed Circuit Television in Slaughterhouses (Wales) Regulations 2024

NODYN ESBONIADOL

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

Mae'r Rheoliadau hyn yn gwneud darpariaeth sy'n ategu Gorchymyn Lles Anifeiliaid (Cludo) (Cymru) 2007 ("Gorchymyn 2007"), Rheoliad yr UE 1099/2009 ar ddiogelu anifeiliaid adeg eu lladd ("Rheoliad yr UE") a Rheoliadau Lles Anifeiliaid Adeg eu Lladd (Cymru) 2014 ("Rheoliadau 2014").

Mae'r Rheoliadau hyn yn cyflwyno gofynion ar weithredwyr lladd-dai ("gweithredwyr busnes") yng Nghymru i osod a gweithredu system teledu cylch cyfyng ("TCC") ym mhob ardal lle mae anifeiliaid byw yn bresennol (rheoliad 3). Mae rheoliad 4 yn ei gwneud yn ofynnol i weithredwyr busnes gadw lluniau TCC a data cysylltiedig am gyfnod o 90 o ddiwrnodau. Rhoddir pwerau i arolygwyr i'w gwneud yn ofynnol cydymffurfio â'r Rheoliadau hyn. Mae hyn yn cynnwys pwerau arolygu ac ymafael pan fo arolygydd wedi cael mynediad i fangre i weithredu a gorfodi Rheoliadau 2014, Rheoliad yr UE neu Orchymyn 2007 (rheoliad 5) a phwerau i ddyroddi hysbysiadau gorfodi (rheoliad 6). Mae rheoliad 7 yn gwneud darpariaeth ar gyfer apelau sy'n ymwneud â hysbysiadau o dan reoliad 6, ac mae rheoliad 8 yn gwneud darpariaeth bellach mewn perthynas â hysbysiadau. Mae rheoliadau 9 a 10 yn darparu bod torri rheoliadau 3 a 4, methu â chydymffurfio â hysbysiad gorfodi a rhwystro arolygwyr yn droseddau. Mae rheoliadau 11 i 14 yn gwneud darpariaeth bellach mewn perthynas â throseddau ac erlyniadau.

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations make provision complementary to the Welfare of Animals (Transport) (Wales) Order 2007 ("the 2007 Order"), EU Regulation 1099/2009 on the protection of animals at the time of killing ("the EU Regulation") and the Welfare of Animals at the Time of Killing (Wales) Regulations 2014 ("the 2014 Regulations").

These Regulations introduce requirements on operators of slaughterhouses ("business operators") in Wales to install and operate a closed circuit television ("CCTV") system in all areas where live animals are present (regulation 3). Regulation 4 requires business operators to retain CCTV footage and associated data for a period of 90 days. Inspectors are given powers to require compliance with these Regulations. This includes powers of inspection and seizure where an inspector has entered premises for the purposes of executing and enforcing the 2014 Regulations, the EU Regulation or the 2007 Order (regulation 5) and powers to issue enforcement notices (regulation 6). Regulation 7 makes provision for appeals relating to notices under regulation 6, and regulation 8 makes further provision in relation to notices. Regulations 9 and 10 provide that contravention of regulations 3 and 4, failure to comply with an enforcement notice and obstructing inspectors are offences. Regulations 11 to 14 make further provision in relation to offences and prosecutions.

Ystyriwyd Cod Ymarfer Gweinidogion Cymru ar gynnal Asesiadau Effaith Rheoleiddiol mewn perthynas â'r Rheoliadau hyn. O ganlyniad, lluniwyd asesiad effaith rheoleiddiol o'r costau a'r manteision sy'n debygol o ddeillio o gydymffurfio â'r Rheoliadau hyn. Gellir cael copi oddi wrth: Llywodraeth Cymru, Parc Cathays, Caerdydd, CF10 3NQ ac mae wedi ei gyhoeddi ar www.llyw.cymru.

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

2024 Rhif 682 (Cy. 94)

ANIFEILIAID, CYMRU

Rheoliadau Defnydd Mandadol o Deledu Cylch Cyfyng mewn Lladd-dai (Cymru) 2024

Gwnaed *22 Mai 2024*

Yn dod i rym

At ddibenion Rheoliadau 1 i 4

1 Mehefin 2024

At bob diben arall

1 Rhagfyr 2024

Mae Gweinidogion Cymru, drwy arfer y pwerau a roddir iddynt gan adran 12 o Ddeddf Lles Anifeiliaid 2006(**1**), yn gwneud y Rheoliadau a ganlyn.

Yn unol ag adran 12(6) o Ddeddf Lles Anifeiliaid 2006, mae Gweinidogion Cymru wedi ymgynghori â'r personau hynny, yr ymddengys iddynt hwy eu bod yn cynrychioli buddiannau y mae'r Rheoliadau hyn yn ymwneud â hwy, fel yr oedd Gweinidogion Cymru yn ystyried ei bod yn briodol.

(**1**) 2006 p. 45. Mae adran 62(1) yn diffinio "appropriate national authority". Yn rhinwedd adran 162 o Ddeddf Llywodraeth Cymru 2006 (p. 32), a pharagraff 30 o Atodlen 11 iddi, trosglwyddwyd swyddogaethau Cynulliad Cenedlaethol Cymru i Weinidogion Cymru ac maent bellach wedi eu breinio ynddynt.

2024 No. 682 (W. 94)

ANIMALS, WALES

The Mandatory Use of Closed Circuit Television in Slaughterhouses (Wales) Regulations 2024

Made *22 May 2024*

Coming into force

For the purposes of regulations 1 to 4

1 June 2024

For all other purposes

1 December 2024

The Welsh Ministers, in exercise of the powers conferred on them by section 12 of the Animal Welfare Act 2006(**1**), make the following Regulations.

In accordance with section 12(6) of the Animal Welfare Act 2006, the Welsh Ministers have consulted such persons, appearing to them to represent interests with which these Regulations are concerned, as the Welsh Ministers considered appropriate.

(**1**) 2006 c. 45. Section 62(1) defines the "appropriate national authority". By virtue of section 162 of, and paragraph 30 of Schedule 11 to, the Government of Wales Act 2006 (c. 32), the functions of the National Assembly for Wales were transferred to and now vest in the Welsh Ministers.

Yn unol ag adran 61(2) o Ddeddf Lles Anifeiliaid 2006, gosodwyd drafft o'r Rheoliadau hyn gerbron Senedd Cymru ac fe'i cymeradwywyd ganddi drwy benderfyniad(**1**).

In accordance with section 61(2) of the Animal Welfare Act 2006 a draft of these Regulations was laid before Senedd Cymru and approved by a resolution of Senedd Cymru(**1**).

Enwi, cymhwyso a chychwyn

1.—(1) Enw'r Rheoliadau hyn yw Rheoliadau Defnydd Mandadol o Deledu Cylch Cyfyng mewn Lladd-dai (Cymru) 2024.

(2) Mae'r Rheoliadau hyn yn gymwys o ran Cymru.

(3) Daw'r rheoliad hwn a rheoliadau 2 i 4 i rym ar 1 Mehefin 2024.

(4) Daw rheoliadau 5 i 14 i rym ar 1 Rhagfyr 2024.

Title, application and commencement

1.—(1) The title of these Regulations is the Mandatory Use of Closed Circuit Television in Slaughterhouses (Wales) Regulations 2024.

(2) These Regulations apply in relation to Wales.

(3) This regulation and regulations 2 to 4 come into force on 1 June 2024.

(4) Regulations 5 to 14 come into force on 1 December 2024.

Dehongli

2. Yn y Rheoliadau hyn—

ystyr "arolygydd" ("*inspector*") yw person a benodir o dan reoliad 34 o Reoliadau Lles Anifeiliaid Adeg eu Lladd (Cymru) 2014(**2**) neu berson a benodir yn arolygydd o dan adran 51 o Ddeddf Lles Anifeiliaid 2006;

mae i "gweithredwr busnes" yr ystyr a roddir i "business operator" yn Erthygl 2(1)(l) o Reoliad yr UE;

mae i "lladd" yr ystyr a roddir i "killing" yn Erthygl 2(1)(a) o Reoliad yr UE;

mae i "lladd-dy" yr ystyr a roddir i "slaughterhouse" yn Erthygl 2(1)(k) o Reoliad yr UE;

mae "mangre" ("*premises*") yn cynnwys unrhyw dir, adeilad, sied, lloc, daliedydd neu gerbyd o unrhyw ddisgrifiad;

ystyr "prosesu" ("*processing*") yw—

(a) cael, cofnodi, storio, gwirio, ac adalw, a

(b) datgelu drwy drosglwyddo, lledaenu neu fel arall wneud ar gael;

Interpretation

2. In these Regulations—

"business operator" ("*gweithredwr busnes*") has the meaning given in Article 2(1)(l) of the EU Regulation;

"a CCTV system" ("*system TCC*") means a closed circuit television system and a system for processing images or information obtained by such a system;

"EU Regulation" ("*Rheoliad yr UE*") means Council Regulation (EC) No 1099/2009 of 24 September 2009 on the protection of animals at the time of killing(**2**);

"inspector" ("*arolygydd*") means a person appointed under regulation 34 of the Welfare of Animals at the Time of Killing (Wales) Regulations 2014(**3**) or a person appointed as an inspector under section 51 of the Animal Welfare Act 2006;

"killing" ("*lladd*") has the meaning given in Article 2(1)(a) of the EU Regulation;

"premises" ("*mangre*") includes any land, building, shed, pen, receptacle or vehicle of any description;

(**1**) 2006 p. 45. Yn rhinwedd adran 162 o Ddeddf Llywodraeth Cymru 2006 (p. 32), a pharagraff 34 o Atodlen 11 iddi, mae'r cyfeiriad yn adran 61(2) at "House of Parliament" yn cynnwys Cynulliad Cenedlaethol Cymru. Mae'r cyfeiriad ym mharagraff 34 at Gynulliad Cenedlaethol Cymru bellach yn cael effaith fel cyfeiriad at Senedd Cymru, yn rhinwedd adran 150A(2) o Ddeddf Llywodraeth Cymru 2006 (p. 32).

(**2**) O.S. 2014/951 (Cy. 92), fel y'i diwygiwyd gan O.S. 2019/684 (Cy. 131).

(**1**) 2006 c. 45. By virtue of section 162 of, and paragraph 34 of Schedule 11 to, the Government of Wales Act 2006 (c. 32), the reference in section 61(2) to "House of Parliament" includes the National Assembly for Wales. The reference in paragraph 34 to the National Assembly for Wales now has effect as a reference to Senedd Cymru by virtue of section 150A(2) of the Government of Wales Act 2006 (c. 32).

(**2**) OJ No. L 303, 18.11.2009, p. 1.

(**3**) S.I. 2014/951 (W. 92) as amended by S.I. 2019/684 (W. 131).

ystyr "Rheoliad yr UE" ("*EU Regulation*") yw Rheoliad y Cyngor (EC) Rhif 1099/2009 dyddiedig 24 Medi 2009 ar ddiogelu anifeiliaid adeg eu lladd(**1**);

ystyr "system TCC" ("*a CCTV system*") yw system teledu cylch cyfyng a system ar gyfer prosesu delweddau neu wybodaeth a geir gan system o'r fath.

Dyletswydd i osod a gweithredu system TCC

3.—(1) Rhaid i weithredwr busnes lladd-dy sicrhau bod system TCC yn cael ei gosod sy'n darparu delwedd gyflawn a chlir o ladd a gweithrediadau cysylltiedig ym mhob ardal o'r lladd-dy lle mae anifeiliaid byw yn bresennol.

(2) Rhaid i'r gweithredwr busnes sicrhau bod y system TCC y cyfeirir ati ym mharagraff (1)—

(a) yn gallu cynhyrchu delweddau a gwybodaeth i'w harolygu ac i ymafael ynddynt heb amharu ar weithrediad y system, a

(b) yn gallu prosesu delweddau a gwybodaeth o'r un ansawdd â'r delweddau gwreiddiol a'r wybodaeth wreiddiol.

(3) Rhaid i'r gweithredwr busnes sicrhau bod y system TCC y cyfeirir ati ym mharagraff (1) yn weithredol a'i bod yn cael ei chadw mewn cyflwr gweithiol da bob amser pan fo anifeiliaid byw yn bresennol yn y lladd-dy.

(4) Yn y rheoliad hwn mae i "gweithrediadau cysylltiedig" yr ystyr a roddir i "related operations" yn Erthygl 2(1)(b) o Reoliad yr UE.

Dyletswydd i gadw delweddau a gwybodaeth TCC

4.—(1) Rhaid i'r gweithredwr busnes wneud trefniadau i gadw a storio unrhyw ddelweddau a gwybodaeth a geir gan system TCC y cyfeirir ati yn rheoliad 3 am 90 o ddiwrnodau gan ddechrau â'r dyddiad y ceir y delweddau neu'r wybodaeth.

(2) Rhaid i'r gweithredwr busnes sicrhau bod y trefniadau o dan baragraff (1) yn briodol i gynnal uniondeb ac ansawdd y delweddau a'r wybodaeth a gedwir.

"processing" ("*prosesu*") means—

(a) receiving, recording, storing, checking, and retrieving, and

(b) disclosure by transmission, dissemination or otherwise making available;

"slaughterhouse" ("*lladd-dy*") has the meaning given in Article 2(1)(k) of the EU Regulation.

Duty to install and operate a CCTV system

3.—(1) A business operator of a slaughterhouse must ensure that a CCTV system is installed that provides a complete and clear image of killing and related operations in all areas of the slaughterhouse where live animals are present.

(2) The business operator must ensure that the CCTV system referred to in paragraph (1)—

(a) is capable of producing images and information for inspection and seizure without interrupting the operation of the system, and

(b) is capable of processing images and information of the same quality as the original images and information.

(3) The business operator must ensure that the CCTV system referred to in paragraph (1) is operational and kept in good working order at all times when live animals are present at the slaughterhouse.

(4) In this regulation "related operations" has the meaning given in Article 2(1)(b) of the EU Regulation.

Duty to retain CCTV images and information

4.—(1) The business operator must make arrangements for the retention and storage of any images and information obtained by a CCTV system referred to in regulation 3 for 90 days beginning with the date the images or information are obtained.

(2) The business operator must ensure that the arrangements under paragraph (1) are appropriate to maintain the integrity and quality of the images and information retained.

(**1**) OJ Rhif L 303, 18.11.2009, t. 1.

Pŵer i arolygu ac ymafael

5.—(1) Caiff arolygydd sydd wedi cael mynediad i fangre i weithredu a gorfodi Rheoliadau Lles Anifeiliaid Adeg eu Lladd (Cymru) 2014 neu Reoliad yr UE neu Orchymyn Lles Anifeiliaid (Cludo) (Cymru) 2007(**1**), at y dibenion hynny, neu i weithredu a gorfodi'r Rheoliadau hyn—

(a) arolygu system TCC y cyfeirir ati yn rheoliad 3 ar y mangreoedd hynny ac unrhyw ddelweddau neu wybodaeth a geir gan system TCC o'r fath,

(b) ymafael yn unrhyw ddelweddau neu wybodaeth a geir gan system TCC o'r fath neu gymryd copi ohonynt,

(c) ymafael yn unrhyw offer TCC, gan gynnwys cyfrifiaduron a chyfarpar cysylltiedig, a osodir fel rhan o system TCC o'r fath nad yw'n cydymffurfio â rheoliad 3(2)(a), at ddibenion copïo delweddau neu wybodaeth,

(d) ei gwneud yn ofynnol i unrhyw berson ddarparu mynediad at system TCC y cyfeirir ati yn rheoliad 3 ar gais at ddibenion gweld delweddau a gwybodaeth a geir gan y system honno,

(e) ei gwneud yn ofynnol i unrhyw berson ddangos unrhyw ddelweddau neu wybodaeth sy'n cael eu cadw a'u storio a sicrhau eu bod ar gael i'w harolygu fel sy'n ofynnol gan reoliad 4 ar gais,

(f) gwneud unrhyw ymholiadau, a chymryd recordiadau neu ffotograffau,

(g) ei gwneud yn ofynnol dangos unrhyw ddogfen neu gofnod yn ddi-oed ac arolygu dogfen neu gofnod o'r fath a chymryd copi neu ddarn ohonynt, a

(h) ei gwneud yn ofynnol i unrhyw berson ddarparu unrhyw gymorth, gwybodaeth, cyfleusterau neu gyfarpar fel sy'n rhesymol, yn ddi-oed.

(2) Rhaid i arolygydd—

(a) cyn gynted ag y bo'n rhesymol ymarferol, ddarparu i'r person yr ymddengys ei fod yn gyfrifol am unrhyw eitemau y mae'r swyddog yn ymafael ynddynt o dan baragraff (1) dderbynneb ysgrifenedig yn nodi'r eitemau hynny, a

(**1**) O.S. 2007/1047 (Cy. 105).

Power to inspect and seize

5.—(1) An inspector who has entered premises for the purposes of executing and enforcing the Welfare of Animals at the Time of Killing (Wales) Regulations 2014 or the EU Regulation or the Welfare of Animals (Transport) (Wales) Order 2007(**1**) may for those purposes, or the purposes of executing and enforcing these Regulations—

(a) inspect a CCTV system referred to in regulation 3 on those premises and any images or information obtained by such a CCTV system,

(b) seize or take a copy of any images or information obtained by such a CCTV system,

(c) seize any CCTV equipment, including computers and associated equipment, installed as part of such a CCTV system which does not comply with regulation 3(2)(a), for the purposes of copying images or information,

(d) require any person to provide access to a CCTV system referred to in regulation 3 on request for the purposes of viewing images and information obtained by that system,

(e) require any person to produce or make available for inspection any images or information retained and stored as required by regulation 4 on request,

(f) make any enquiries, and take recordings or photographs,

(g) require the production of any document or record without delay and inspect and take a copy of or extract from such document or record, and

(h) require any person to provide such assistance, information, facilities or equipment as is reasonable, without delay.

(2) An inspector must—

(a) as soon as reasonably practicable, provide to the person appearing to be responsible for any items that the inspector seizes under paragraph (1) a written receipt identifying those items, and

(**1**) S.I. 2007/1047 (W. 105).

(b) cyn gynted ag y bo'n rhesymol ymarferol ar ôl penderfynu nad yw'r eitemau hynny yn ofynnol mwyach, eu dychwelyd i'r person hwnnw, ar wahân i'r eitemau hynny sydd i'w defnyddio fel tystiolaeth mewn achos llys.

(3) Pan fo arolygydd wedi ymafael mewn eitemau o dan baragraff (1) i'w defnyddio fel tystiolaeth mewn achos llys ac—

(a) penderfynir yn ddiweddarach—

(i) nad oes achos llys i gael ei ddwyn, neu

(ii) nad oes angen yr eitemau hynny mwyach fel tystiolaeth mewn achos llys, neu

(b) cwblheir yr achos llys heb i'r llys wneud unrhyw orchymyn mewn perthynas â'r eitemau hynny,

rhaid i arolygydd ddychwelyd yr eitemau i'r person sy'n ymddangos yn gyfrifol amdanynt cyn gynted ag y bo'n rhesymol ymarferol.

Hysbysiadau gorfodi

6.—(1) Hysbysiad gorfodi yw hysbysiad ysgrifenedig sy'n—

(a) ei gwneud yn ofynnol bod person yn cymryd camau penodedig i unioni toriad o'r Rheoliadau hyn,

(b) ei gwneud yn ofynnol i berson leihau cyfradd gweithredu lladd-dy i'r fath raddau a bennir yn yr hysbysiad hyd nes bod y person hwnnw wedi cymryd camau penodedig i unioni achos o dorri'r Rheoliadau hyn, neu

(c) gwahardd person rhag cyflawni unrhyw weithgaredd, proses neu weithrediad, neu ddefnyddio cyfleusterau neu gyfarpar, fel y'i pennir yn yr hysbysiad hyd nes y bydd y person wedi cymryd camau penodedig i unioni achos o dorri'r Rheoliadau hyn.

(2) Caiff arolygydd sydd o'r farn bod person wedi torri neu yn torri'r Rheoliadau hyn gyflwyno hysbysiad gorfodi i'r person hwnnw.

(3) Rhaid i hysbysiad gorfodi—

(a) datgan bod yr arolygydd o'r farn bod person wedi torri neu yn torri'r Rheoliadau hyn,

(b) datgan dyddiad ac amser cyflwyno'r hysbysiad,

(c) nodi derbynnydd yr hysbysiad,

(d) pennu'r materion sy'n ffurfio'r toriad,

(e) pennu'r camau y mae rhaid eu cymryd i unioni'r toriad,

(b) as soon as reasonably practicable after deciding that those items are no longer required, return them to that person, apart from those to be used as evidence in court proceedings.

(3) Where an inspector has seized items under paragraph (1) for use in evidence in court proceedings and—

(a) it is subsequently decided—

(i) that no court proceedings are to be brought, or

(ii) that those items are no longer needed as evidence in court proceedings, or

(b) the court proceedings are completed and no order in relation to those items has been made by the court,

an inspector must return the items to the person appearing to be responsible for them as soon as is reasonably practicable.

Enforcement notices

6.—(1) An enforcement notice is a notice in writing—

(a) requiring a person to take specified steps to remedy a contravention of these Regulations,

(b) requiring a person to reduce the rate of operation of a slaughterhouse to such extent as is specified in the notice until that person has taken specified steps to remedy a contravention of these Regulations, or

(c) prohibiting a person from carrying on such activity, process or operation, or using facilities or equipment, as may be specified in the notice until the person has taken specified steps to remedy a contravention of these Regulations.

(2) An inspector who is of the opinion that a person has contravened or is contravening these Regulations may serve on that person an enforcement notice.

(3) An enforcement notice must—

(a) state that the inspector is of the opinion that a person has contravened or is contravening these Regulations,

(b) state the date and time of service of the notice,

(c) identify the recipient of the notice,

(d) specify the matters constituting the contravention,

(e) specify the steps that must be taken to remedy the contravention,

(f) pennu'r cyfnod y mae rhaid i'r camau hynny gael eu cymryd ynddo, a

(g) rhoi manylion yr hawl i apelio yn erbyn yr hysbysiad.

(4) Rhaid i berson y cyflwynir hysbysiad gorfodi iddo gydymffurfio ag ef ar ei draul ei hun.

(5) Os na chydymffurfir â hysbysiad gorfodi, caiff arolygydd drefnu cydymffurfedd ag ef ar draul y person y cafodd ei gyflwyno iddo.

(6) Rhaid i arolygydd gyflwyno hysbysiad cwblhau i berson os yw arolygydd, ar ôl cyflwyno hysbysiad gorfodi i'r person hwnnw, yn fodlon bod y person hwnnw wedi cymryd y camau a bennir yn yr hysbysiad i unioni'r toriad.

(7) Os na fydd arolygydd wedi ei fodloni, fel y darperir ar ei gyfer ym mharagraff (6), erbyn diwedd y cyfnod a bennir o dan baragraff (3)(f), neu unrhyw gyfnod arall a gaiff ei bennu mewn unrhyw amrywiad i'r hysbysiad gorfodi o dan baragraff (9), ni chaiff yr arolygydd gyflwyno hysbysiad cwblhau, a rhaid i'r arolygydd gyflwyno hysbysiad ysgrifenedig, y mae rhaid iddo—

(a) rhoi rhesymau dros y penderfyniad i beidio â chyflwyno hysbysiad cwblhau, a

(b) rhoi manylion yr hawl i apelio yn erbyn y penderfyniad.

(8) Mae hysbysiad gorfodi yn peidio â chael effaith pan ddyroddir hysbysiad cwblhau.

(9) Caiff arolygydd dynnu'n ôl neu amrywio hysbysiad gorfodi yn ysgrifenedig ar unrhyw adeg.

Apelau yn erbyn hysbysiadau gorfodi

7.—(1) Caiff person a dramgwyddir gan—

(a) penderfyniad arolygydd i gyflwyno hysbysiad gorfodi, neu

(b) penderfyniad arolygydd i beidio â dyroddi hysbysiad cwblhau,

apelio yn ei erbyn.

(2) Mae'r hawl i apelio i'r Tribiwnlys Haen Gyntaf.

(3) Nid yw hysbysiad gorfodi wedi ei atal dros dro wrth aros am apêl oni bai bod y Tribiwnlys Haen Gyntaf yn gorchymyn fel arall.

(4) Ar apêl caiff y Tribiwnlys Haen Gyntaf naill ai ganslo neu gadarnhau'r hysbysiad gorfodi, gan ei addasu neu heb ei addasu, neu wneud y gorchymyn hwnnw sy'n briodol yn ei farn ef o ran penderfyniad i beidio â chyflwyno neu ddyroddi hysbysiad cwblhau.

(f) specify the period within which those steps must be taken, and

(g) give details of the right of appeal against the notice.

(4) A person on whom an enforcement notice is served must comply with it at that person's own expense.

(5) If an enforcement notice is not complied with, an inspector may arrange for it to be complied with at the expense of the person on whom it was served.

(6) An inspector must serve a completion notice on a person if, after service of an enforcement notice on that person, an inspector is satisfied that that person has taken the steps specified in the notice to remedy the contravention.

(7) In the event of an inspector not being satisfied, as provided for in paragraph (6), by the end of the period specified under paragraph (3)(f), or such other period as may be specified in any variation of the enforcement notice under paragraph (9), the inspector may not serve a completion notice, and must serve a notice in writing, which must—

(a) give reasons for the decision not to serve a completion notice, and

(b) give details for the right of appeal against the decision.

(8) An enforcement notice ceases to have effect upon the issue of a completion notice.

(9) An inspector may at any time withdraw or vary an enforcement notice in writing.

Appeals against enforcement notices

7.—(1) A person who is aggrieved by—

(a) a decision of an inspector to serve an enforcement notice, or

(b) a decision of an inspector not to issue a completion notice,

may appeal against it.

(2) The right of appeal is to the First-tier Tribunal.

(3) An enforcement notice is not suspended pending an appeal unless the First-tier Tribunal orders otherwise.

(4) On appeal the First-tier Tribunal may either cancel or confirm the enforcement notice, with or without modification, or make such order as it thinks fit as regards a decision not to serve or issue a completion notice.

Hysbysiadau

8.—(1) Caniateir i unrhyw hysbysiad y mae'n ofynnol ei gyflwyno neu yr awdurdodir ei gyflwyno o dan y Rheoliadau hyn i unrhyw berson gael ei gyflwyno drwy—

(a) ei draddodi i'r person,

(b) ei adael yng nghyfeiriad priodol y person, neu

(c) ei anfon drwy'r post at y person yn y cyfeiriad hwnnw.

(2) Caniateir cyflwyno unrhyw hysbysiad o'r fath—

(a) yn achos corff corfforedig, i un o swyddogion y corff, neu

(b) yn achos partneriaeth atebolrwydd cyfyngedig, i bartner neu berson a chanddo reolaeth o fusnes y bartneriaeth, neu sy'n ei reoli.

(3) At ddibenion y rheoliad hwn ac adran 13 o Ddeddf Deddfwriaeth (Cymru) 2019(**1**) (cyflwyno dogfennau drwy'r post neu'n electronig) yn ei gymhwysiad i'r rheoliad hwn, cyfeiriad priodol unrhyw berson y mae hysbysiad i'w gyflwyno iddo yw—

(a) yn achos corff corfforedig, gyfeiriad swyddfa gofrestredig neu brif swyddfa'r corff,

(b) yn achos partneriaeth atebolrwydd cyfyngedig, gyfeiriad swyddfa gofrestredig neu brif swyddfa'r bartneriaeth,

(c) yn achos person y cyflwynir yr hysbysiad iddo gan ddibynnu ar baragraff (2), gyfeiriad swyddfa gofrestredig neu brif swyddfa'r corff corfforedig neu'r bartneriaeth o dan sylw, a

(d) mewn unrhyw achos arall, gyfeiriad hysbys diwethaf y person o dan sylw.

(4) Os yw person y mae hysbysiad i'w gyflwyno iddo o dan y Rheoliadau hyn wedi pennu cyfeiriad ar gyfer cyflwyno hysbysiad o'r fath, mae'r cyfeiriad hwnnw i'w drin, at ddibenion y rheoliad hwn ac adran 13 o Ddeddf Deddfwriaeth (Cymru) 2019 yn ei gymhwysiad i'r rheoliad hwn, fel cyfeiriad priodol y person hwnnw.

(5) Os na ellir dod o hyd i enw a chyfeiriad unrhyw feddiannydd mangre y mae hysbysiad i'w gyflwyno iddo o dan y Rheoliadau hyn, ar ôl gwneud ymholiadau rhesymol, caniateir cyflwyno'r hysbysiad drwy ei adael wedi ei roi yn sownd yn y fangre neu wrthrych ar y fangre mewn man amlwg.

(6) Yn y rheoliad hwn, nid yw "corff corfforedig" yn cynnwys partneriaeth atebolrwydd cyfyngedig.

Notices

8.—(1) Any notice required or authorised to be served under these Regulations on any person may be served by—

(a) delivering it to the person,

(b) leaving it at the person's proper address, or

(c) sending it by post to the person at that address.

(2) Any such notice may—

(a) in the case of a body corporate, be served on an officer of the body, or

(b) in the case of a limited liability partnership, be served on a partner or a person having the control or management of the partnership business.

(3) For the purposes of this regulation and section 13 of the Legislation (Wales) Act 2019(**1**) (service of documents by post or electronically) in its application to this regulation, the proper address of any person on whom a notice is to be served is—

(a) in the case of a body corporate, the address of the registered or principal office of the body,

(b) in the case of a limited liability partnership, the address of the registered or principal office of the partnership,

(c) in the case of a person on whom the notice is served in reliance on paragraph (2), the address of the registered or principal office of the body corporate or partnership in question, and

(d) in any other case, the last known address of the person in question.

(4) If a person on whom a notice is to be served under these Regulations has specified an address for service of such a notice, that address is to be treated, for the purposes of this regulation and section 13 of the Legislation (Wales) Act 2019 in its application to this regulation, as that person's proper address.

(5) If the name and address of any occupier of premises on whom a notice is to be served under these Regulations cannot, after reasonable inquiry, be ascertained, the notice may be served by leaving it conspicuously affixed to the premises or an object on the premises.

(6) In this regulation "body corporate" does not include a limited liability partnership.

(**1**) 2019 dccc 4.

(**1**) 2019 anaw 4.

Troseddau: cyffredinol

9.—(1) Mae'n drosedd torri, neu achosi neu ganiatáu i berson dorri—

(a) rheoliad 3 (Dyletswydd i osod a gweithredu system TCC), neu

(b) rheoliad 4 (Dyletswydd i gadw delweddau a gwybodaeth TCC).

(2) Mae'n drosedd i berson fethu â chydymffurfio â hysbysiad gorfodi a ddyroddir o dan reoliad 6.

Troseddau rhwystro

10. Mae'n drosedd—

(a) rhwystro'n fwriadol unrhyw berson sy'n gweithredu i roi'r Rheoliadau hyn ar waith,

(b) heb achos rhesymol, fethu â rhoi i unrhyw berson o'r fath yn ddi-oed—

(i) unrhyw gymorth neu wybodaeth sy'n rhesymol ofynnol gan y person, neu

(ii) mynediad at system TCC y cyfeirir ati yn rheoliad 3 ar gais at ddibenion gweld delweddau a gwybodaeth a geir gan y system honno,

(c) darparu i unrhyw berson o'r fath unrhyw wybodaeth gan wybod ei bod yn anwir neu'n gamarweiniol, neu

(d) methu â dangos dogfen neu gofnod, neu unrhyw ddelweddau neu wybodaeth sy'n cael eu cadw a'u storio fel sy'n ofynnol gan reoliad 4, yn ddi-oed i unrhyw berson o'r fath pan fo'n ofynnol gwneud hynny.

Troseddau gan gyrff corfforedig

11.—(1) Pan fo corff corfforedig yn euog o drosedd o dan y Rheoliadau hyn, a phrofir bod y drosedd honno wedi ei chyflawni gyda chydsyniad neu ymoddefiad, neu wedi ei phriodoli i unrhyw esgeulustod ar ran—

(a) cyfarwyddwr, rheolwr, ysgrifennydd neu swyddog tebyg arall i'r corff corfforedig, neu

(b) person a oedd yn honni ei fod yn gweithredu yn rhinwedd unrhyw swyddogaeth o'r fath,

bydd y person hwnnw, yn ogystal â'r corff corfforedig, yn euog o'r drosedd.

(2) Ym mharagraff (1) mae "cyfarwyddwr", mewn perthynas â chorff corfforedig y mae ei faterion yn cael eu rheoli gan ei aelodau, yn cynnwys aelod o'r corff corfforedig.

Offences: general

9.—(1) It is an offence to contravene, or to cause or permit a person to contravene—

(a) regulation 3 (Duty to install and operate a CCTV system), or

(b) regulation 4 (Duty to retain CCTV images and information).

(2) It is an offence for a person to fail to comply with an enforcement notice issued under regulation 6.

Obstruction offences

10. It is an offence—

(a) intentionally to obstruct any person acting in the execution of these Regulations,

(b) without reasonable cause, to fail to give to any such person without delay—

(i) any assistance or information that the person may reasonably require, or

(ii) access to a CCTV system referred to in regulation 3 on request for the purposes of viewing images and information obtained by that system,

(c) to furnish to any such person any information knowing it to be false or misleading, or

(d) to fail to produce a document or record, or any images or information retained and stored as required by regulation 4, without delay to any such person when required to do so.

Offences by bodies corporate

11.—(1) Where a body corporate is guilty of an offence under these Regulations, and that offence is proved to have been committed with the consent or connivance of, or to have been attributable to any neglect on the part of—

(a) a director, manager, secretary or other similar officer of the body corporate, or

(b) a person who was purporting to act in any such capacity,

that person, as well as the body corporate, is guilty of the offence.

(2) In paragraph (1) "director", in relation to a body corporate whose affairs are managed by its members, includes a member of the body corporate.

Cosbau

12. Mae person sy'n euog o drosedd o dan reoliadau 9 neu 10 yn agored, ar euogfarn ddiannod, i ddirwy nad yw'n uwch na lefel 5 ar y raddfa safonol.

Pŵer awdurdod lleol i erlyn

13.—(1) Caiff awdurdod lleol erlyn unrhyw drosedd o dan y Rheoliadau hyn.

(2) Yn y rheoliad hwn ystyr "awdurdod lleol" yw cyngor sir neu gyngor bwrdeistref sirol yng Nghymru.

Terfyn amser ar gyfer erlyniadau

14.—(1) Er gwaethaf adran 127(1) o Ddeddf Llysoedd Ynadon 1980(**2**), caiff llys ynadon roi ar brawf wybodaeth sy'n ymwneud â throsedd o dan y Rheoliadau hyn os yw'r wybodaeth yn cael ei gosod—

(a) cyn diwedd y cyfnod o dair blynedd sy'n dechrau â'r dyddiad y cyflawnir y drosedd, a

(b) cyn diwedd y cyfnod o chwe mis sy'n dechrau â'r dyddiad y bydd tystiolaeth sy'n ddigonol ym marn yr erlynydd i gyfiawnhau'r achos cyfreithiol yn dod yn hysbys i'r erlynydd.

(2) At ddibenion paragraff (1)(b)—

(a) mae tystysgrif a lofnodwyd gan yr erlynydd neu ar ei ran ac sy'n datgan y dyddiad y daeth tystiolaeth o'r fath yn hysbys i'r erlynydd yn dystiolaeth derfynol o'r ffaith honno, a

(b) trinnir bod tystysgrif sy'n datgan y mater hwnnw ac sy'n honni ei bod wedi ei llofnodi felly yn dystysgrif a lofnodwyd felly oni phrofir i'r gwrthwyneb.

Penalties

12. A person guilty of an offence under regulation 9 or 10 is liable on summary conviction to a fine not exceeding level 5 on the standard scale.

Power of local authority to prosecute

13.—(1) A local authority may prosecute any offence under these Regulations.

(2) In this regulation "local authority" means a county council or a county borough council in Wales.

Time limit for prosecutions

14.—(1) Notwithstanding section 127(1) of the Magistrates' Courts Act 1980(**1**), a magistrates' court may try an information relating to an offence under these Regulations if the information is laid—

(a) before the end of the period of three years beginning with the date of the commission of the offence, and

(b) before the end of the period of six months beginning with the date on which evidence which the prosecutor thinks is sufficient to justify the proceedings comes to the prosecutor's knowledge.

(2) For the purposes of paragraph (1)(b)—

(a) a certificate signed by or on behalf of the prosecutor and stating the date on which such evidence came to the prosecutor's knowledge is conclusive evidence of that fact, and

(b) a certificate stating that matter and purporting to be so signed is treated as so signed unless the contrary is proved.

Huw Irranca-Davies

Ysgrifennydd y Cabinet dros Newid Hinsawdd a Materion Gwledig, un o Weinidogion Cymru
22 Mai 2024

Cabinet Secretary for Climate Change and Rural Affairs, one of the Welsh Ministers
22 May 2024

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(**2**) 1980 p. 43.

(**1**) 1980 c. 43.

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