



OFFERYNNAU STATUDOL
CYMRU

WELSH STATUTORY
INSTRUMENTS

2022 Rhif 367 (Cy. 89)

2022 No. 367 (W. 89)

**LLYWODRAETH LEOL,
CYMRU**

**LOCAL GOVERNMENT,
WALES**

**CYFRAITH TROSEDD,
CYMRU**

CRIMINAL LAW, WALES

**Gorchymyn Deddf Trosedd ac
Anhrefn 1998 (Awdurdod
Ychwanegol) (Cymru) 2022**

**The Crime and Disorder Act 1998
(Additional Authority) (Wales)
Order 2022**

NODYN ESBONIADOL

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

Mae'r Gorchymyn hwn yn diwygio adran 17(2) o Ddeddf Trosedd ac Anhrefn 1998 (p. 37) ("y Ddeddf") i ychwanegu cyd-bwyllgorau corfforedig a sefydlir o dan Ran 5 o Ddeddf Llywodraeth Leol ac Etholiadau (Cymru) 2021 (dsc 1) at y rhestr o awdurdodau yn adran 17(2) o'r Ddeddf, ac fel y cyfryw maent yn agored i gydymffurfio ag adran 17(1).

Mae adran 17(1) o'r Ddeddf yn ei gwneud yn ofynnol i awdurdodau sy'n ddarostyngedig iddi, i roi sylw dyladwy i effaith debygol arfer eu swyddogaethau ar droseddu ac anhrefn yn eu hardaloedd, camddefnyddio cyffuriau, alcohol a sylweddau eraill yn eu hardaloedd, ac aildroseddu yn eu hardaloedd, a'r angen i wneud popeth y gellir yn rhesymol ei wneud i atal y pethau hynny.

Mae'r Rheoliadau hyn yn gysylltiedig â rheoliadau a sefydlodd gyd-bwyllgorau corfforedig penodol o dan Ran 5 o Ddeddf Llywodraeth Leol ac Etholiadau (Cymru) 2021. Ystyriwyd Cod Ymarfer Gweinidogion Cymru ar gynnal Asesiadau Effaith Rheoleiddiol mewn perthynas â'r rheoliadau sy'n sefydlu cyd-bwyllgorau corfforedig a gorchymynion a rheoliadau cysylltiedig. O ganlyniad, lluniwyd asesiad effaith rheoleiddiol ar yr adeg y gwnaed y rheoliadau sefydlu hynny, a dibynnir ar yr asesiad hwnnw at ddiben y Gorchymyn hwn. Gellir cael copi oddi wrth: Yr Is-adran Cyllid Strategol Llywodraeth Leol, Llywodraeth Cymru, Parc Cathays, Caerdydd, CF10 3NQ.

EXPLANATORY NOTE

(This note is not part of the Order)

This Order amends section 17(2) of the Crime and Disorder Act 1998 (c. 37) ("the Act") to add corporate joint committees established under Part 5 of the Local Government and Elections (Wales) Act 2021 (asc 1) to the list of authorities in section 17(2) of the Act and as such are liable to comply with section 17(1).

Section 17(1) of the Act requires authorities that are subject to it, to have due regard to the likely effect of the exercise of their functions on, and the need to do all that it reasonably can to prevent crime and disorder in its area, the misuse of drugs, alcohol and other substances in its area, and reoffending in its area.

These Regulations are connected with regulations which established certain corporate joint committees under Part 5 of the Local Government and Elections (Wales) Act 2021. The Welsh Ministers' Code of Practice on the carrying out of Regulatory Impact Assessments was considered in relation to the regulations which establish corporate joint committees and connected orders and regulations. As a result, a regulatory impact assessment was prepared at the time of making those establishment regulations and is relied upon for the purpose of this Order. A copy can be obtained from the Local Government Strategic Finance Division, Welsh Government, Cathays Park, Cardiff, CF10 3NQ.

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**The Crime and Disorder Act 1998
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Order 2022**

Gwnaed 23 Mawrth 2022
Yn dod i rym 25 Mawrth 2022

Made 23 March 2022
Coming into force 25 March 2022

Mae Gweinidogion Cymru, drwy arfer y pwerau a roddir i Gynulliad Cenedlaethol Cymru gan adran 17(4) o Ddeddf Trosedd ac Anhrefn 1998(1), ac a freiniwyd bellach ynddynt hwy(2), yn gwneud y Gorchymyn a ganlyn.

The Welsh Ministers, in exercise of the powers conferred on the National Assembly for Wales by section 17(4) of the Crime and Disorder Act 1998(1), and now vested in them(2), make the following Order.

Gosodwyd drafft o'r offeryn hwn gerbron Senedd Cymru, ac fe'i cymeradwywyd ganddi drwy benderfyniad yn unol ag adran 114(3)(3) o'r Ddeddf honno.

A draft of this instrument has been laid before, and approved by a resolution of, Senedd Cymru in accordance with section 114(3)(3) of that Act.

Enwi a dod i rym

1.—(1) Enw'r Gorchymyn hwn yw Gorchymyn Deddf Trosedd ac Anhrefn 1998 (Awdurdod Ychwanegol) (Cymru) 2022.

Title and coming into force

1.—(1) The title of this Order is the Crime and Disorder Act 1998 (Additional Authority) (Wales) Order 2022.

- (1) 1998 p. 37. Mewnosodwyd adran 17(4) gan Ddeddf yr Heddlu a Chyfiawnder 2006 (p. 48).
- (2) Trosglwyddwyd y pŵer a roddir i Gynulliad Cenedlaethol Cymru gan adran 17(4) o Ddeddf Trosedd ac Anhrefn 1998, fel "the appropriate authority" yn unol ag adrannau 5(7) a 17(5) o'r Ddeddf honno, i Weiniogion Cymru yn rhinwedd adran 162 o Ddeddf Llywodraeth Cymru 2006 (p. 32) a pharagraff 30 o Atodlen 11 iddi.
- (3) Diwygiwyd adran 114(3) gan Ddeddf yr Heddlu a Chyfiawnder 2006. Mae diwygiadau eraill ond nid yw'r un ohonynt yn berthnasol.

- (1) 1998 c. 37. Section 17(4) was inserted by the Police and Justice Act 2006 (c. 48).
- (2) The power conferred by section 17(4) of the Crime and Disorder Act 1998 on the National Assembly for Wales, as "the appropriate authority" in accordance with sections 5(7) and 17(5) of that Act, was transferred to the Welsh Ministers by virtue of section 162 of, and paragraph 30 of Schedule 11 to, the Government of Wales Act 2006 (c. 32).
- (3) Section 114(3) was amended by the Police and Justice Act 2006. There are other amendments but none is relevant.

(2) Daw'r Gorchymyn hwn i rym ar 25 Mawrth 2022.

Diwygio adran 17 o Ddeddf Trosedd ac Anhrefn 1998

2. Yn adran 17(2)(1) o Ddeddf Trosedd ac Anhrefn 1998, ar ôl “a joint authority;” mewnosoder “a corporate joint committee established by regulations made under Part 5 of the Local Government and Elections (Wales) Act 2021 (asc 1);”.

(2) This Order comes into force on 25 March 2022.

Amendment of section 17 of the Crime and Disorder Act 1998

2. In section 17(2)(1) of the Crime and Disorder Act 1998, after “a joint authority;” insert “a corporate joint committee established by regulations made under Part 5 of the Local Government and Elections (Wales) Act 2021 (asc 1);”.

Rebecca Evans

Y Gweinidog Cyllid a Llywodraeth Leol, un o
Weinidogion Cymru
23 Mawrth 2022

Minister for Finance and Local Government, one of
the Welsh Ministers
23 March 2022

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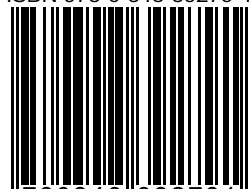
(1) Diwygiwyd adran 17 gan Ddeddf yr Heddlu a Chyfiawnder 2006; Deddf Plismona a Throseddu 2009 (p. 26); Deddf Democratiaeth Leol, Datblygu Economaidd ac Adeiladu 2009 (p. 20); Deddf Plismona a Throseddu 2017 (p. 3); Deddf Diwygio'r Heddlu a Chyfrifoldeb Cymdeithasol 2011 (p. 13); O.S. 2008/78; a Deddf Lleoliaeth 2011 (p. 20). Ceir diwygiadau eraill ond nid ydynt yn berthnasol i'r Gorchymyn hwn.

(1) Section 17 has been amended by the Police and Justice Act 2006; the Policing and Crime Act 2009 (c. 26); the Local Democracy, Economic Development and Construction Act 2009 (c. 20); the Policing and Crime Act 2017 (c. 3); the Police Reform and Social Responsibility Act 2011 (c. 13); S.I. 2008/78; and the Localism Act 2011 (c. 20). There are other amendments but they are not relevant to this Order.

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