



RHESTR O WELLIANNAU WEDI'U DIDOLI MARSHALLED LIST OF AMENDMENTS

Bil Is-ddeddfau Llywodraeth Leol (Cymru) Local Government Byelaws (Wales) Bill

Mae'r gwelliannau â * ar eu pwys yn rhai newydd neu'n rhai sydd wedi'u haddasu
Amendments marked * are new or have been altered

Caiff y Mesur ei ystyried yn y drefn a ganlyn –
The Measure will be considered in the following order –

Sections 1-23	Adrannau 1-23
Schedule 1	Atodlen 1
Schedule 2	Atodlen 2

-
- Carl Sargeant** 1
Section 2, page 1, line 17, after 'council', insert 'for a county or county borough'.
Adran 2, tudalen 1, llinell 19, ar ôl 'cyngor', mewnosoder 'ar gyfer sir neu fwrdeistref sirol'.
- Carl Sargeant** 2
Section 2, page 1, line 24, leave out subsection (3).
Adran 2, tudalen 1, llinell 26, hepgorer is-adran (3).
- Carl Sargeant** 3
Section 3, page 2, line 3, leave out 'in Wales'.
Nid oes angen diwygio'r fersiwn Cymraeg. There is no need to amend the Welsh version

Carl Sargeant

4

Section 3, page 2, leave out lines 4 to 5 and insert –

‘() a council for a county or county borough in Wales’.

Adran 3, tudalen 2, hepgorer llinellau 4 hyd at 5 a mewnosoder –

‘() cyngor ar gyfer sir neu fwrdeistref sirol yng Nghymru’.

Carl Sargeant

5

Section 3, page 2, line 7, after ‘authority’, insert ‘in Wales’.

Adran 3, tudalen 2, llinell 7, ar ôl ‘Cenedlaethol’, mewnosoder ‘yng Nghymru’.

Carl Sargeant

6

Section 4, page 2, line 11, leave out ‘or amend’.

Adran 4, tudalen 2, llinell 11, hepgorer ‘neu ddiwygio’.

Carl Sargeant

7

Section 4, page 2, line 14, leave out ‘or amend’.

Adran 4, tudalen 2, llinell 14, hepgorer ‘neu ddiwygio’.

Carl Sargeant

8

Section 4, page 2, line 15, leave out subsection (3).

Adran 4, tudalen 2, llinell 15, hepgorer is-adran (3).

Carl Sargeant

9

Section 5, page 2, line 19, leave out ‘think’ and insert ‘conclude’.

Adran 5, tudalen 2, llinell 19, hepgorer ‘o'r farn’ a mewnosoder ‘wedi penderfynu’.

Janet Finch-Saunders

44

Section 5, page 2, line 19, after ‘obsolete’, insert ‘having considered the period of time since the byelaw was relied upon’.

Adran 5, tudalen 2, llinell 19, ar ôl ‘anarferedig’, mewnosoder ‘, ar ôl ystyried y cyfnod o amser ers defnyddio’r is-ddeddf’.

Carl Sargeant 10

Section 5, page 2, after line 19, insert –

‘() Before making an order, the Welsh Ministers must consult any person (including a community council) who they think is likely to be interested in, or affected by, the revocation of the byelaw.’.

Adran 5, tudalen 2, ar ôl llinell 19, mewnosoder –

‘() Cyn gwneud gorchymyn, rhaid i Weinidogion Cymru ymgynghori ag unrhyw berson (gan gynnwys cyngor cymuned) y maent o'r farn ei bod yn debygol y bydd ganddo ddiddordeb yn nirywiad yr is-ddeddf neu a effeithir gan y dirymiad.’.

Carl Sargeant 11

Section 6, page 2, line 25, after ‘1’ at the second place where it appears, insert ‘, including byelaws which amend or revoke byelaws previously made by it’.

Adran 6, tudalen 2, llinell 25, ar ôl ‘1’ yn yr ail lle y mae'n ymddangos, mewnosoder ‘, gan gynnwys is-ddeddfau sy'n diwygio neu'n dirymu is-ddeddfau a wnaed ganddo'n flaenorol’.

Carl Sargeant 12

Section 6, page 2, line 29, leave out ‘persons who the authority thinks are’ and insert ‘any person (including, where applicable, a community council) who the authority thinks is’.

Adran 6, tudalen 2, llinell 30, hepgorer ‘â phersonau y mae'r awdurdod o'r farn eu bod’ a mewnosoder ‘ag unrhyw berson (gan gynnwys cyngor cymuned pan fo hynny'n gymwys) y mae'r awdurdod o'r farn ei fod’.

Carl Sargeant 13

Section 6, page 3, line 7, leave out ‘one month’ and insert ‘six weeks’.

Adran 6, tudalen 3, llinell 7, hepgorer ‘un mis’ a mewnosoder ‘chwe wythnos’.

Janet Finch-Saunders 45

Section 6, page 3, line 11, after ‘website’, insert ‘or in the case of community councils that do not have a website, on the website of the county or county borough council in which the community council is located and the county and county borough council must cooperate with the community council to allow this to happen’.

Adran 6, tudalen 3, llinell 11, ar ôl ‘awdurdod’, mewnosoder ‘neu yn achos cynghorau cymuned nad oes ganddynt wefan, ar wefan y cyngor sir neu’r cyngor bwrdeistref sirol y mae’r cyngor cymuned wedi’i leoli a rhaid i’r cyngor sir neu’r cyngor bwrdeistref sirol gydweithredu â’r cyngor cymuned i ganiatáu i hynny ddigwydd’.

Carl Sargeant **14**

Section 6, page 3, line 12, leave out 'one month' and insert 'six weeks'.

Adran 6, tudalen 3, llinell 12, hepgorer 'un mis' a mewnosoder 'chwe wythnos'.

Carl Sargeant **15**

Section 6, page 3, line 14, leave out 'its principal office' and insert 'a place in the authority's area'.

Adran 6, tudalen 3, llinell 14, hepgorer 'yn ei brif swyddfa' a mewnosoder 'mewn man yn ardal yr awdurdod'.

Janet Finch-Saunders **46**

Section 6, page 3, line 14, after 'office', insert 'and at a place to which the byelaw is to apply'.

Adran 6, tudalen 3, llinell 14, ar ôl 'swyddfa', mewnosoder 'ac mewn man y bydd yr is-ddeddf yn gymwys iddo'.

Carl Sargeant **16**

Section 6, page 3, after line 15, insert—

'(d) where applicable, a copy is sent to all community councils whose areas the authority thinks are likely to be affected by the byelaw.'

Adran 6, tudalen 3, ar ôl llinell 15, mewnosoder—

'(d) pan fo'n gymwys, bod copi yn cael ei anfon at bob cyngor cymuned y mae'r awdurdod o'r farn ei bod yn debygol yr effeithir ar ei ardal gan yr is-ddeddf. '

Carl Sargeant **17**

Section 7, page 3, line 22, after '1' at the second place where it appears, insert ', including byelaws which amend or revoke byelaws previously made by it'.

Adran 7, tudalen 3, llinell 23, ar ôl '1' yn yr ail lle y mae'n ymddangos, mewnosoder ', gan gynnwys is-ddeddfau sy'n diwygio neu'n dirymu is-ddeddfau a wnaed ganddo'n flaenorol'.

Carl Sargeant

18

Section 7, page 3, after line 28, insert –

- '() Before it makes a byelaw to which this section applies, an authority must –
 - (a) publish on the authority's website an initial written statement which describes the issue which the authority thinks may be addressed by making a byelaw;
 - (b) consult any person (including, where applicable, a community council) who the authority thinks is likely to be interested in, or affected by, the issue;
- () Following the consultation, the authority must consider the responses and decide whether making a byelaw is the most appropriate way of addressing the issue.
- () The authority must then publish on its website a second written statement which contains –
 - (a) the initial written statement;
 - (b) a summary of the consultation and the responses;
 - (c) its decision;
 - (d) the reasons for that decision.'

Adran 7, tudalen 3, ar ôl llinell 30, mewnosoder –

- '() Cyn iddo wneud is-ddeddf y mae'r adran hon yn gymwys iddi, rhaid i awdurdod –
 - (a) cyhoeddi ar wefan yr awdurdod ddatganiad ysgrifenedig cychwynnol sy'n disgrifio'r mater y mae'r awdurdod o'r farn y gellir mynd i'r afael ag ef drwy wneud is-ddeddf;
 - (b) ymgynghori ag unrhyw berson (gan gynnwys cyngor cymuned pan fo'n gymwys) y mae'r awdurdod o'r farn ei fod yn debygol o fod â diddordeb yn y mater neu'n gael ei effeithio ganddo;
- () Yn dilyn yr ymgynghoriad, rhaid i'r awdurdod ystyried yr ymatebion a phenderfynu ai gwneud is-ddeddf yw'r dull mwyaf priodol o fynd i'r afael â'r mater.
- () Yna rhaid i'r awdurdod gyhoeddi ail ddatganiad ysgrifenedig ar ei wefan sy'n cynnwys –
 - (a) y datganiad ysgrifenedig cychwynnol;
 - (b) crynodeb o'r ymgynghoriad a'r ymatebion;
 - (c) ei benderfyniad;
 - (d) y rhesymau am y penderfyniad hwnnw.'

Carl Sargeant

19

Section 7, page 3, line 31, leave out 'one month' and insert 'six weeks'.

Adran 7, tudalen 3, llinell 34, hepgorer 'un mis' a mewnosoder 'chwe wythnos'.

Carl Sargeant

20

Section 7, page 4, line 1, leave out 'one month' and insert 'six weeks'.

Adran 7, tudalen 4, llinell 1, hepgorer 'un mis' a mewnosoder 'chwe wythnos'.

Carl Sargeant

21

Section 7, page 4, line 4, leave out 'its principal office' and insert 'a place in the authority's area'.

Adran 7, tudalen 4, llinell 4, hepgorer 'yn ei brif swyddfa' a mewnosoder 'mewn man yn ardal yr awdurdod'.

Carl Sargeant

22

Section 7, page 4, line 6, leave out 'the principal office' and insert 'a place in the area'.

Adran 7, tudalen 4, llinell 6, hepgorer 'ym mhrif swyddfa cyngor pob sir neu fwrdeistref sirol y mae'r is-ddeddf yn gymwys iddo' a mewnosoder 'mewn man yn ardal pob cyngor ar gyfer sir neu fwrdeistref sirol mae'r is-ddeddf yn gymwys i'w ardal'.

Carl Sargeant

23

Section 7, page 4, after line 7, insert—

'() where applicable, a copy is sent to all community councils whose area the authority thinks is likely to be affected by the byelaw;'

Adran 7, tudalen 4, ar ôl llinell 7, mewnosoder—

'() pan fo'n gymwys, bod copi yn cael ei anfon at bob cyngor cymuned y mae'r awdurdod o'r farn ei bod yn debygol yr effeithir ar ei ardal gan yr is-ddeddf;'

Carl Sargeant

24

Section 8, page 4, line 35, leave out 'its principal office' and insert 'a place in the authority's area'.

Adran 8, tudalen 4, llinell 39, hepgorer 'yn ei brif swyddfa' a mewnosoder 'mewn man yn ardal yr awdurdod'.

Janet Finch-Saunders

47

Section 12, page 6, after line 25, insert—

'() Authorised officers of a legislating authority must exercise restraint in the use of fixed penalty notices to ensure that fixed penalties are not used by that authority as an additional revenue stream.'

Adran 12, tudalen 6, ar ôl llinell 27, mewnosoder –

‘() Rhaid i swyddogion a awdurdodwyd gan awdurdod deddfu arfer pwyll wrth ddefnyddio hysbysiadau cosbau penodedig er mwyn sicrhau na ddefnyddir cosbau penodedig gan awdurdod fel ffrwd referniw ychwanegol.’.

Janet Finch-Saunders

48

Section 12, page 7, after line 24, insert –

‘() The authority must make freely available and publish on its website a list of the employees authorised under paragraph 12(a).’.

Adran 12, tudalen 7, ar ôl llinell 25, mewnosoder –

‘() Rhaid i’r awdurdod sicrhau bod rhestr o’r cyflogeion a awdurdodir o dan baragraff 12(a) ar gael i bawb a bod yr wybodaeth yn cael ei chyhoeddi ar ei wefan.’.

Carl Sargeant

25

Section 18, page 9, after line 5, insert –

‘(a) the making of byelaws to which section 6 or 7 applies;’.

Adran 18, tudalen 9, ar ôl llinell 5, mewnosoder –

‘(a) gwneud is-ddeddfau y mae adran 6 neu 7 yn gymwys iddynt;’.

Carl Sargeant

26

Section 18, page 9, line 6, leave out ‘the byelaws to which section 6 or 7 applies’ and insert ‘byelaws’.

Adran 18, tudalen 9, llinell 6, hepgorer ‘yr is-ddeddfau y mae adran 6 neu 7 yn gymwys iddi’ a mewnosoder ‘is-ddeddfau’.

Janet Finch-Saunders

49

Section 21, page 10, line 3, after ‘9’, insert ‘, 12(13)’.

Adran 21, tudalen 10, llinell 3, ar ôl ‘9’, mewnosoder ‘, 12(13)’.

Carl Sargeant

27

Schedule 1, page 12, Table, after line 6, column 1, insert –
‘Section 31 of the Road Traffic Regulation Act 1984’.

Atodlen 1, tudalen 12, Tabl, ar ôl llinell 6, colofn 1, mewnosoder –

‘Adran 31 o Ddeddf Rheoleiddio Traffig Ffyrdd 1984’.

Carl Sargeant

28

Schedule 1, page 12, Table, after line 6, column 2, insert –
'Use of a road as a playground for children'.

Atodlen 1, tudalen 12, Tabl, ar ôl llinell 6, colofn 2, mewnosoder –
'Defnyddio ffordd fel lle chwarae i blant'.

Carl Sargeant

29

Schedule 1, page 12, Table, after line 6, column 3, insert –
'County council and county borough council'.

Atodlen 1, tudalen 12, Tabl, ar ôl llinell 6, colofn 3, mewnosoder –
'Cyngor sir a chyngor bwrdeistref sirol'.

Carl Sargeant

30

Schedule 1, page 13, Table, line 18, column 1, after 'Act', insert 'in so far as it applies to byelaws made under any of the enactments listed under Part 1 of Schedule 1'.

Atodlen 1, tudalen 13, Tabl, llinell 21, colofn 1, ar ôl 'hon', mewnosoder 'i'r graddau y mae'n gymwys i is-ddeddfau a wnaed o dan unrhyw un neu ragor o'r deddfiadau a restrir yn Rhan 1 o Atodlen 1'.

Carl Sargeant

31

Schedule 1, page 15, Table, after line 21, column 1, insert –
'Section 31 of the Road Traffic Regulation Act 1984'.

Atodlen 1, tudalen 15, Tabl, ar ôl llinell 26, colofn 1, mewnosoder –
'Adran 31 o Ddeddf Rheoleiddio Traffig Ffyrdd 1984'.

Carl Sargeant

32

Schedule 1, page 15, Table, after line 21, column 2, insert –
'Use of a road as a playground for children'.

Atodlen 1, tudalen 15, Tabl, ar ôl llinell 26, colofn 2, mewnosoder –
'Defnyddio ffordd fel lle chwarae i blant'.

Carl Sargeant

33

Atodlen 1, tudalen 15, Tabl, ar ôl llinell 26, colofn 3, mewnosoder –
'Cyngor sir a chyngor bwrdeistref sirol'.

Schedule 1, page 15, Table, after line 21, column 3, insert –
'County council and county borough council'.

Carl Sargeant

34

Schedule 2, page 16, after line 6, insert –

‘Commons Act 1899

- [] (1) Section 10 of the Commons Act 1899 (byelaws) (as amended by section 50(7) of the Commons Act 2006 when brought into force) is amended as follows.
- (2) In subsection (2), after “apply” omit “all byelaws under this section” and insert “byelaws under this section made by a council in England”.
- (3) After subsection (2) insert –
- “(3) Sections 7, 8, 10 and 19 of the Local Government Byelaws (Wales) Act 2012 (which relate to the procedure for making byelaws, authorise byelaws to impose fines not exceeding level 2 on the standard scale, and provide proof of byelaws in legal proceedings) apply to byelaws under this section made by a council in Wales.”.

Atodlen 2, tudalen 16, ar ôl llinell 6, mewnosoder –

‘Deddf Tiroedd Comin 1899

- [] (1) Mae adran 10 o Ddeddf Toroedd Comin 1899 (is-ddeddfau) (fel y'i diwygiwyd gan adran 50(7) o Ddeddf Tiroedd Comin 2006 pan gaiff ei dwyn i rym) wedi ei diwygio fel a ganlyn
- (2) Yn is-adran (2), ar ôl “apply” hepgorer “all byelaws under this section” a mewnosoder “byelaws under this section made by a council in England”.
- (3) Ar ôl is-adran (2) mewnosoder –
- “(3) Sections 7, 8, 10 and 19 of the Local Government Byelaws (Wales) Act 2012 (which relate to the procedure for making byelaws, authorise byelaws to impose fines not exceeding level 2 on the standard scale, and provide proof of byelaws in legal proceedings) apply to byelaws under this section made by a council in Wales.”.

Carl Sargeant

35

Schedule 2, page 16, line 24, after ‘made’, insert ‘by’.

Atodlen 2, tudalen 16, llinell 27, ar ôl ‘made’, mewnosoder ‘by’.

Carl Sargeant

36

Schedule 2, page 17, line 15, after ‘ “ ’, insert ‘the’.

Atodlen 2, tudalen 17, llinell 15, ar ôl ‘ “ ’, mewnosoder ‘the’.

Carl Sargeant

37

Schedule 2, page 17, line 23, leave out paragraph 6 and insert –

- ‘6 (1) Section 19 of the Public Libraries and Museums Act 1964 (byelaws in relation to libraries and museums) is amended as follows.
- (2) In subsection (1) after the words "so made" insert "by a local authority in England".
- (3) In subsection (2) after the words in brackets insert "and section 10 of the Local Government Byelaws (Wales) Act 2012".
- (4) In subsection (3) after the words in brackets insert "and section 8(5) of the Local Government Byelaws (Wales) Act 2012 (as applicable)".’.

Atodlen 2, tudalen 17, llinell 23, hepgorer paragraff 6 a mewnosoder –

- ‘6 (1) Mae adran 19 o Ddeddf Llyfrgelloedd ac Amgueddfeydd Cyhoeddus 1964 (is-ddeddfau mewn perthynas â llyfrgelloedd ac amgueddfeydd) wedi ei diwygio fel a ganlyn.
- (2) Yn is-adran (1) ar ôl y geiriau “so made” mewnosoder “by a local authority in England”.
- (3) Yn is-adran (2) ar ôl y geiriau mewn cromfachau mewnosoder “and section 10 of the Local Government Byelaws (Wales) Act 2012”.
- (4) Yn is-adran (3) ar ôl y geiriau mewn cromfachau mewnosoder “and section 8(5) of the Local Government Byelaws (Wales) Act 2012 (as applicable)”.’.

Carl Sargeant

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Schedule 2, page 18, line 1, leave out ‘236B’ and insert ‘236A’.

Atodlen 2, tudalen 18, llinell 1, hepgorer ‘236B’ a mewnosoder ‘236A’.

Carl Sargeant

39

Schedule 2, page 18, after line 7, insert –

‘Local Government (Miscellaneous Provisions) Act 1976

- [] (1) Section 65 of the Local Government (Miscellaneous Provisions) Act 1976 (fixing fares for hackney carriages) is amended as follows.
- (2) In subsection (7) –
- (a) after “this section” insert “by a district council in England”;
- (b) after “district council” insert “in England”.
- (3) After subsection (7) insert –
- “(7A) Section 8(5) and section 19 of the Local Government Byelaws (Wales) Act 2012 shall extend and apply to a table of fares made or varied under this section by a council for a county or county borough in Wales as they apply to byelaws made by a council for a county or county borough in Wales.”’.

Atodlen 2, tudalen 18, ar ôl llinell 8, mewnosoder –

'Deddf Llywodraeth Leol (Darpariaethau Amrywiol) 1976

- [] (1) Mae adran 65 o Ddeddf Llywodraeth Leol (Darpariaethau Amrywiol) 1976 (pennu prisiau tocynnau ar gyfer cerbydau hacni) wedi ei diwygio fel a ganlyn.
- (2) Yn is-adran (7) –
- (a) ar ôl “this section” mewnosoder “by a district council in England”;
- (b) ar ôl “district council” mewnosoder “in England”.
- (3) Ar ôl is-adran (7) mewnosoder –
- “(7A) Section 8(5) and section 19 of the Local Government Byelaws (Wales) Act 2012 shall extend and apply to a table of fares made or varied under this section by a council for a county or county borough in Wales as they apply to byelaws made by a council for a county or county borough in Wales.”.

Carl Sargeant

40

Schedule 2, page 18, line 26, leave out paragraph 10 and insert –

- [] (1) The Road Traffic Regulation Act 1984 is amended as follows.
- (2) In section 31(2) (byelaws with respect to roads used as playgrounds) after “this section” insert “made by a local traffic authority in England”.
- (3) In section 57(7) (byelaws with respect to the use of parking places) after “Secretary of State” insert “, in the case of byelaws made by a parish council”.

Land Drainage Act 1991

- [] (1) Section 66 of the Land Drainage Act 1991 (powers to make byelaws) is amended as follows.
- (2) In subsection (5) omit paragraph (c).
- (3) After subsection (5) insert –
- “(5A) In the case of byelaws made by a local authority in relation to any area of Wales, byelaws under this section shall not be valid until they are confirmed by the Welsh Ministers.
- (5B) Sections 7 and 8 of the Local Government Byelaws (Wales) Act 2012 shall have effect in relation to byelaws under this section made by a local authority in Wales.”.

Atodlen 2, tudalen 18, llinell 26, hepgorer paragraff 10 a mewnosoder –

- [] (1) Mae Deddf Rheoleiddio Traffig Ffyrdd 1984 wedi ei diwygio fel a ganlyn.
- (2) Yn adran 31(2) (is-ddeddfau ynghylch ffyrdd a ddefnyddir fel lleoedd chwarae) ar ôl “this section” mewnosoder “made by a local traffic authority in England”.

- (3) Yn adran 57(7) (is-ddeddfau ynghylch defnyddio manau parcio) ar ôl “Secretary of State” mewnosoder “, in the case of byelaws made by a parish council”.

Deddf Draenio Tir 1991

- [] (1) Mae adran 66 o Ddeddf Draenio Tir 1991 (pwerau i wneud is-ddeddfau) wedi ei diwygio fel a ganlyn.
- (2) Yn is-adran (5) hepgorer paragraff (c).
- (3) Ar ôl is-adran (5) mewnosoder –
- “(5A) In the case of byelaws made by a local authority in relation to any area of Wales, byelaws under this section shall not be valid until they are confirmed by the Welsh Ministers.
- (5B) Sections 7 and 8 of the Local Government Byelaws (Wales) Act 2012 shall have effect in relation to byelaws under this section made by a local authority in Wales.”.

Carl Sargeant 41

Schedule 2, page 18, line 32, leave out ‘17’ at the second place where it appears and insert ‘7’.

Atodlen 2, tudalen 18, llinell 31, hepgorer ‘17’ yn yr ail lle y mae'n ymddangos a mewnosoder ‘7’.

Carl Sargeant 42

Schedule 2, page 18, line 34, leave out ‘sub-sub-paragraph (e)’ and insert ‘sub-paragraph 2(e)’.

Atodlen 2, tudalen 18, llinell 33, hepgorer ‘is-is-baragraff (e)’ a mewnosoder ‘is-baragraff 2(e)’.

Carl Sargeant 43

Schedule 2, page 19, after line 11, insert –

‘Countryside and Rights of Way Act 2000

- 14 (1) Section 17 of the Countryside and Rights of Way Act 2000 (byelaws) is amended as follows.
- (2) In subsection (5) after “this section” insert “made by an access authority in England”.
- (3) After subsection (5) insert –
- “(5A) Sections 7, 8, 10 and 19 of the Local Government Byelaws (Wales) Act 2012 apply to all byelaws under this section made by an access authority in Wales.”.

Atodlen 2, tudalen 19, ar ôl llinell 10, mewnosoder –

'Deddf Cefn Gwlad a Hawliau Tramwy 2000

- 14 (1) Mae adran 17 o Ddeddf Cefn Gwlad a Hawliau Tramwy 2000 (is-ddeddfau) wedi ei diwygio fel a ganlyn.
- (2) Yn is-adran (5) ar ôl "this section" mewnosoder "made by an access authority in England".
- (3) Ar ôl is-adran (5) mewnosoder –
- “(5A) Sections 7, 8, 10 and 19 of the Local Government Byelaws (Wales) Act 2012 apply to all byelaws under this section made by an access authority in Wales.”.