

Rheoliadau Drafft a osodwyd gerbron Cynulliad Cenedlaethol Cymru i'w cymeradwyo drwy benderfyniad Cynulliad Cenedlaethol Cymru yn unol ag adran 59(3) o Ddeddf Llywodraeth Cymru 2006.

OFFERYNNAU STATUDOL
CYMRU

2017 Rhif (Cy.)

**DIOGELU'R AMGYLCHEDD,
CYMRU**

**Rheoliadau Dyddodi Gwastraff Heb
Awdurdod (Cosbau Penodedig)
(Cymru) 2017**

NODYN ESBONIADOL

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

Mae'r Rheoliadau hyn yn mewnosod adran newydd 33ZB yn Rhan II (Gwastraff ar Dir) o Ddeddf Diogelu'r Amgylchedd 1990 (p. 43) ("y Ddeddf") er mwyn galluogi swyddog awdurdodedig o awdurdod casglu gwastraff yng Nghymru i ddyroddi hysbysiad cosb benodedig am fynd yn groes i adran 33(1)(a) o'r Ddeddf yn ardal yr awdurdod.

Mae adran 33(1)(a), yn ddarostyngedig i esemptiadau penodol, yn gwahardd dyddodi gwastraff a reolir neu wastraff echdynnol yn neu ar unrhyw dir ac eithrio yn unol â thrwydded amgylcheddol. Mae mynd yn groes i'r adran honno yn drosedd.

Mae adran 33ZB yn caniatáu i awdurdod casglu gwastraff yng Nghymru bennu cosb benodedig heb fod yn llai na £150 a heb fod yn fwy na £400. Os na fydd yr awdurdod casglu gwastraff yn pennu swm, swm y gosb benodedig fydd £200. Caiff awdurdod casglu gwastraff yng Nghymru hefyd wneud darpariaeth ar gyfer gostyngiad am dalu cosb benodedig yn gynnar.

Lluniwyd asesiad effaith rheoleiddiol, o ran Cymru, o'r costau a'r manteision sy'n debygol o ddeillio o gydymffurfio â'r Rheoliadau hyn. Gellir cael copi oddi wrth Lywodraeth Cymru, Parc Cathays, Caerdydd, CF10 3NQ ac mae wedi ei gyhoeddi ar www.llyw.cymru.

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Gwnaed

Yn dod i rym yn unol â rheoliad 1(2)

Mae Gweinidogion Cymru wedi eu dynodi at ddibenion adran 2(2) o Ddeddf y Cymunedau Ewropeaidd 1972 mewn perthynas ag atal, lleihau a rheoli gwastraff(1) ac yn gwneud y Rheoliadau hyn drwy arfer y pwerau a roddir gan yr adran honno(2).

Yn unol ag adran 59(3) o Ddeddf Llywodraeth Cymru 2006(3), gosodwyd drafft o'r Rheoliadau hyn gerbron Cynulliad Cenedlaethol Cymru ac fe'i cymeradwywyd ganddo drwy benderfyniad.

Enwi, cychwyn a rhychwantu

1.—(1) Enw'r Rheoliadau hyn yw Rheoliadau Dyddodi Gwastraff Heb Awdurdod (Cosbau Penodedig) (Cymru) 2017.

(2) Daw'r Rheoliadau hyn i rym drannoeth y diwrnod y'u gwneir.

(3) Mae'r Rheoliadau hyn yn rhychwantu Cymru a Lloegr.

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- (1) O.S. 2010/1552. Yn rhinwedd adran 59(2) o Ddeddf Llywodraeth Cymru 2006 (p. 32) caiff Gweinidogion Cymru arfer y pŵer a roddir gan adran 2(2) o Ddeddf y Cymunedau Ewropeaidd 1972 (p. 68) mewn perthynas ag unrhyw fater, neu at unrhyw ddiben, os ydynt wedi eu dynodi mewn perthynas â'r mater hwnnw, neu at y diben hwnnw.
- (2) 1972 p. 68. Diwygiwyd adran 2(2) gan Ran 1 o'r Atodlen i Ddeddf yr Undeb Ewropeaidd (Diwygio) 2008 (p. 7).
- (3) 2006 (p. 32).

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Diwygio Deddf Diogelu'r Amgylchedd 1990

2.—(1) Mae Rhan II o Ddeddf Diogelu'r Amgylchedd 1990 (Gwastraff ar Dir)(1) wedi ei diwygio fel a ganlyn.

(2) Ar ôl adran 33ZA (hysbysiadau cosb benodedig am fynd yn groes i adran 33(1)(a): Lloegr) mewnosoder—

“33ZB Fixed penalty notices for contravention of section 33(1)(a): Wales

(1) Where an authorised officer of a Welsh waste collection authority has reason to believe that a person has committed a waste deposit offence in the area of the authority, the officer may give the person a notice under this section in respect of the offence.

(2) In subsection (1), “waste deposit offence” means an offence under section 33 in respect of a contravention of subsection (1)(a) of that section.

(3) A notice under this section is a notice offering the opportunity of discharging any liability to conviction for the offence to which it relates by payment of a fixed penalty.

(4) Where a person is given a notice under this section in respect of an offence—

(a) no proceedings may be instituted for the offence before the end of the period of 14 days following the date of the notice, and

(b) the person may not be convicted of the offence if the person pays the fixed penalty before the end of that period.

(5) A notice under this section must give such particulars of the circumstances alleged to constitute the offence as are necessary for giving reasonable information about the offence and must state—

(a) the period during which, by virtue of subsection (4)(a), proceedings will not be taken for the offence,

(b) the amount of the fixed penalty, and

(c) the person to whom and the address at which the fixed penalty may be paid.

(1) 1990 (p. 43). Diwygiwyd adran 33(1)(a) gan O.S. 2009/1799.

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(6) If an authorised officer proposes to give a person a notice under this section, the officer may require the person to give the person's name and address.

(7) It is an offence to—

(a) fail to give a name or address when required to do so under subsection (6), or

(b) give a false or inaccurate name or address in response to a requirement under that subsection.

(8) A person guilty of an offence under subsection (7) is liable on summary conviction to a fine not exceeding level 3 on the standard scale.

(9) The fixed penalty payable in pursuance of a notice under this section—

(a) is an amount not less than £150 and not more than £400, as specified by the Welsh waste collection authority whose authorised officer gave the notice, or

(b) if no amount is specified by that authority, is £200.

(10) A Welsh waste collection authority to whom a fixed penalty is payable pursuant to a notice under this section may make provision for treating the fixed penalty as having been paid if a lesser amount of not less than £120 is paid before the end of the period of 10 days following the date of the notice.

(11) In any proceedings, a certificate which—

(a) purports to be signed by or on behalf of the chief finance officer of a Welsh waste collection authority to whom a fixed penalty is payable pursuant to a notice under this section, and

(b) states that the payment of a fixed penalty was or was not received by a date specified in the certificate,

is evidence of the facts stated.

(12) In this section—

“authorised officer” in relation to a Welsh waste collection authority, means—

(a) an employee of the authority who is authorised in writing by the authority for the purposes of giving notices under this section;

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(b) a person who, in pursuance of arrangements made with the authority, has the function of giving such notices and is authorised in writing by the authority to perform that function;

(c) an employee of such a person who is authorised in writing by the authority for the purpose of giving such notices;

“chief finance officer”, in relation to a Welsh waste collection authority, means the person having responsibility for the financial affairs of the authority;

“Welsh waste collection authority” means a waste collection authority whose area is in Wales.”

(3) Yn adran 73A (defnyddio derbyniadau cosb benodedig)(1), yn is-adran (2) ar ôl “33ZA,” mewnosoder “33ZB,”.

Ysgrifennydd y Cabinet dros yr Amgylchedd a Materion Gwledig, un o Weinidogion Cymru

Dyddiad

(1) Mewnosodwyd adran 73A gan adran 52 o Ddeddf Cymdogaethau Glân a'r Amgylchedd 2005 (p. 16).