



Deddf Diogelu'r Amgylchedd  
(Cynhyrchion Plastig Untro) (Cymru)  
2023

2023 dsc 2

The Environmental Protection (Single-use  
Plastic Products) (Wales) Act 2023

2023 asc 2

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Lluniwyd Nodiadau Esboniadol yn gymorth i ddeall y Ddeddf hon ac maent ar gael ar wahân.

Explanatory Notes have been produced to assist in the understanding of this Act and are available separately.

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# The Environmental Protection (Single-use Plastic Products) (Wales) Act 2023

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# Deddf Diogelu'r Amgylchedd (Cynhyrchion Plastig Untro) (Cymru) 2023

Deddf gan Senedd Cymru i wahardd cyflenwi cynhyrchion plastig untro penodol, i alluogi gwahardd cyflenwi cynhyrchion plastig untro ychwanegol, ac at ddibenion cysylltiedig.  
[6 Mehefin 2023]

**Gan ei fod wedi ei basio gan Senedd Cymru ac wedi derbyn cydsyniad Ei Fawrhydi, deddfir fel a ganlyn:**

*Gwaharddiad ar gyflenwi cynhyrchion plastig untro penodol*

## 1 Cysyniadau allweddol: "cynnyrch plastig", "untro" a "plastig"

- (1) Mae'r adran hon yn diffinio cysyniadau allweddol penodol at ddibenion y Ddeddf hon.
- (2) Ystyr "cynnyrch plastig" yw cynnyrch –
  - (a) y mae ei holl brif gydrannau strwythurol, neu unrhyw un neu ragor o'r prif gydrannau hynny, wedi ei wneud o blastig yn gyfan gwbl neu'n rhannol, neu
  - (b) sydd â leinin neu araen sydd wedi ei gwneud o blastig yn gyfan gwbl neu'n rhannol.
- (3) Ystyr "untro", mewn perthynas â chynnyrch plastig, yw cynnyrch nad yw wedi ei ddylunio neu ei weithgynhyrchu i'w ddefnyddio at y diben y'i dyluniwyd neu y'i gweithgynhyrchwyd ar ei gyfer fwy nag unwaith (neu ar fwy nag un achlysur) cyn ei waredu.
- (4) Ystyr "plastig" yw deunydd ar ffurf polymer, ac eithrio adlyn, paent neu inc, ac mae'n cynnwys deunydd ar ffurf polymer sydd â sylweddau eraill wedi eu hychwanegu ato.
- (5) Yn is-adran (4), o ran y cyfeiriad at "polymer" –
  - (a) mae'n golygu polymer sy'n gallu gweithredu fel prif gydran strwythurol cynnyrch;
  - (b) nid yw'n cynnwys polymer naturiol nad yw wedi ei addasu yn gemegol.





# The Environmental Protection (Single-use Plastic Products) (Wales) Act 2023

An Act of Senedd Cymru to prohibit supply of certain single-use plastic products, to enable supply of additional single-use plastic products to be prohibited, and for connected purposes.  
[6 June 2023]

**Having been passed by Senedd Cymru and having received the assent of His Majesty, it is enacted as follows:**

## *Prohibition on the supply of certain single-use plastic products*

### **1 Key concepts: “plastic product”, “single-use” and “plastic”**

- (1) This section defines certain key concepts for the purposes of this Act.
- (2) A “plastic product” is a product—
  - (a) of which all or any of the main structural components are made wholly or partly of plastic, or
  - (b) that has a lining or coating made wholly or partly of plastic.
- (3) “Single-use”, in relation to a plastic product, means a product that is not designed or manufactured to be used for the purpose for which it was designed or manufactured more than once (or on more than one occasion) before being disposed of.
- (4) “Plastic” means a material consisting of a polymer, other than an adhesive, paint or ink, and includes a material consisting of a polymer that has other substances added to it.
- (5) In subsection (4), the reference to “polymer”—
  - (a) means a polymer that can function as the main structural component of a product;
  - (b) does not include a natural polymer that has not been chemically modified.

- (6) At ddibenion is-adran (3), ystyrir bod bag siopa wedi ei ddylunio i'w ddefnyddio i gludo nwyddau fwy nag unwaith cyn ei waredu oni bai ei fod wedi ei wneud o ffilm blastig o ddim mwy na 49 micron o drwch (ac os felly caiff ei ystyried yn gynnyrch plastig untro).

## **2 Cynhyrchion plastig untro gwaharddedig**

- (1) At ddibenion y Ddeddf hon, mae cynnyrch plastig untro wedi ei wahardd –
- (a) os yw'n gynnyrch a restrir yng ngholofn 1 o'r Tabl ym mharagraff 1 o'r Atodlen, a
  - (b) os nad yw unrhyw esemptiad mewn cofnod cyfatebol yng ngholofn 2 o'r Tabl hwnnw yn gymwys mewn cysylltiad â'r cynnyrch hwnnw.
- (2) Yn y Ddeddf hon cyfeirir at gynnyrch sy'n dod o fewn is-adran (1) fel "cynnyrch plastig untro gwaharddedig".
- (3) Rhaid i Weinidogion Cymru baratoi a chyhoeddi canllawiau ynghylch –
- (a) y cynhyrchion plastig untro sydd wedi eu gwahardd o dan y Ddeddf hon;
  - (b) cymhwysio unrhyw esemptiadau a restrir yng ngholofn 2 o'r Tabl ym mharagraff 1 o'r Atodlen

## **3 Cynhyrchion plastig untro gwaharddedig: pŵer i ddiwygio**

- (1) Caiff Gweinidogion Cymru drwy reoliadau ddiwygio'r Atodlen –
- (a) i ychwanegu cynnyrch at golofn 1 o'r Tabl ym mharagraff 1, neu i ddileu cynnyrch o'r golofn honno;
  - (b) i ychwanegu esemptiad at golofn 2 o'r Tabl ym mharagraff 1, neu i ddileu esemptiad o'r golofn honno, neu i ddiwygio esemptiad yn y golofn honno;
  - (c) i ychwanegu diffiniad at baragraff 2, neu i ddileu diffiniad o'r paragraff hwnnw, neu i ddiwygio diffiniad yn y paragraff hwnnw.
- (2) Cyn gwneud rheoliadau o dan yr adran hon rhaid i Weinidogion Cymru ymgynghori ag –
- (a) awdurdodau lleol;
  - (b) Corff Adnoddau Naturiol Cymru ac unrhyw berson arall y mae Gweinidogion Cymru yn ystyried ei fod yn ymwneud â hybu diogelu'r amgylchedd yng Nghymru;
  - (c) y personau hynny y mae Gweinidogion Cymru yn ystyried eu bod yn cynrychioli buddiannau cynhyrchwyr neu gyflenwyr cynhyrchion plastig untro yng Nghymru;
  - (d) y personau hynny y mae Gweinidogion Cymru yn ystyried eu bod yn cynrychioli buddiannau pobl sydd â nodwedd warchoddedig o fewn yr ystyr a roddir i "protected characteristics" yn adran 4 o Ddeddf Cydraddoldeb 2010 (p.15), ac y gall y rheoliadau gael effaith benodol arnynt am y rheswm hwnnw;
  - (e) y personau eraill hynny y mae Gweinidogion Cymru yn ystyried eu bod yn briodol.

## **4 Pŵer i ddiwygio: dyletswyddau sy'n ymwneud â datblygu cynaliadwy ac adrodd**

- (1) Wrth ystyried pa un ai i arfer y pŵer yn adran 3, rhaid i Weinidogion Cymru ystyried eu dyletswydd i –

- (6) For the purposes of subsection (3), a carrier bag is deemed to have been designed to be used to carry goods more than once before being disposed of unless it is made of plastic film no greater than 49 microns in thickness (in which case it is considered to be a plastic product that is single-use).

## **2 Prohibited single-use plastic products**

- (1) For the purposes of this Act, a single-use plastic product is prohibited if—
  - (a) it is a product that is listed in column 1 of the Table in paragraph 1 of the Schedule, and
  - (b) no exemption in a corresponding entry in column 2 of that Table applies in respect of that product.
- (2) A product that falls within subsection (1) is referred to in this Act as a “prohibited single-use plastic product”.
- (3) The Welsh Ministers must prepare and publish guidance about—
  - (a) the single-use plastic products that are prohibited under this Act;
  - (b) the application of any exemptions listed in column 2 of the Table in paragraph 1 of the Schedule.

## **3 Prohibited single-use plastic products: power to amend**

- (1) The Welsh Ministers may by regulations amend the Schedule—
  - (a) to add a product to, or remove a product from, column 1 of the Table in paragraph 1;
  - (b) to add an exemption to, or remove an exemption from, column 2 of the Table in paragraph 1, or to amend an exemption in that column;
  - (c) to add a definition to, or remove a definition from, paragraph 2, or to amend a definition in that paragraph.
- (2) Before making regulations under this section the Welsh Ministers must consult—
  - (a) local authorities;
  - (b) the Natural Resources Body for Wales and any other person that the Welsh Ministers consider to be concerned with promoting the protection of the environment in Wales;
  - (c) such persons as the Welsh Ministers consider represent the interests of producers or suppliers of single-use plastic products in Wales;
  - (d) such persons as the Welsh Ministers consider represent the interests of people who have a protected characteristic within the meaning given in section 4 of the Equality Act 2010 (c. 15), and on whom the regulations may have a particular impact for that reason;
  - (e) such other persons as the Welsh Ministers consider appropriate.

## **4 Power to amend: duties relating to sustainable development and reporting**

- (1) In considering whether to exercise the power in section 3, the Welsh Ministers must take into account their duty—

- (a) hybu datblygu cynaliadwy o dan adran 79(1) o Ddeddf Llywodraeth Cymru 2006 (p. 32), a
  - (b) ymgymryd â datblygu cynaliadwy o dan Ddeddf Llesiant Cenedlaethau'r Dyfodol (Cymru) 2015 (dccc 2).
- (2) Yn yr adroddiad y mae'n ofynnol iddynt ei gyhoeddi o dan adran 79(2) o Ddeddf Llywodraeth Cymru 2006, rhaid i Weinidogion Cymru nodi gwybodaeth am eu hystyriaeth ynghylch pa un ai i arfer y pŵer yn adran 3 gan gynnwys ond heb fod yn gyfyngedig i'w hystyriaeth ynghylch pa un ai –
- (a) i ychwanegu weips a bagiau bach o saws at golofn 1 o'r Tabl ym mharagraff 1 o'r Atodlen;
  - (b) i ddileu esemptiad o golofn 2 o'r Tabl ym mharagraff 1 o'r Atodlen, neu ddiwygio esemptiad yn y golofn honno mewn cysylltiad â chwpanau, cynhwysyddion cludfwyd a chaeadau ar gyfer y cynhyrchion hyn nad ydynt wedi eu gwneud o bolystyren.

*Trosedd***5 Y drosedd o gyflenwi cynhyrchion plastig untro gwaharddedig**

- (1) Mae person o ddisgrifiad y cyfeirir ato yn is-adran (2) ("P") yn cyflawni trosedd os yw'r person hwnnw –
- (a) yn cyflenwi (ynglŷn â hynny gweler is-adran (3)) gynnyrch plastig untro gwaharddedig i ddefnyddiwr sydd yng Nghymru, ac mae hyn yn cynnwys trefnu i ddanfôn y cynnyrch at ddefnyddiwr mewn cyfeiriad yng Nghymru;
  - (b) yn cynnig mewn mangre yng Nghymru (ynglŷn â hynny gweler is-adran (4)) cyflenwi cynnyrch plastig untro gwaharddedig i ddefnyddiwr.
- (2) Y disgrifiadau o berson a all gyflawni trosedd o dan yr adran hon yw –
- (a) corff corfforedig (gan gynnwys corff sy'n arfer unrhyw swyddogaeth o natur gyhoeddus);
  - (b) partneriaeth;
  - (c) cymdeithas anghorfforedig;
  - (d) person sy'n gweithredu fel unig fasnachwr.
- (3) Mae P yn cyflenwi cynnyrch plastig untro gwaharddedig os yw P, neu unrhyw berson sy'n atebol i P –
- (a) yn gwerthu'r cynnyrch, neu
  - (b) yn darparu'r cynnyrch am ddim.
- (4) Mae P yn cynnig cyflenwi cynnyrch plastig untro gwaharddedig os yw P, neu unrhyw berson sy'n atebol i P –
- (a) yn arddangos y cynnyrch yn y fangre, neu
  - (b) fel arall yn cadw'r cynnyrch yn y fangre yn y fath fodd fel ei fod yn hygyrch i ddefnyddiwr, neu ar gael i ddefnyddiwr, yn y fangre.
- (5) Mae person yn atebol i P –
- (a) os yw'r person hwnnw –

- (a) to promote sustainable development under section 79(1) of the Government of Wales Act 2006 (c. 32), and
  - (b) to carry out sustainable development under the Well-being of Future Generations (Wales) Act 2015 (anaw 2).
- (2) In the report they are required to publish under section 79(2) of the Government of Wales Act 2006, the Welsh Ministers must set out information about their consideration of whether to exercise the power in section 3 including but not limited to their consideration of whether to—
- (a) add wet wipes and sauce sachets to column 1 of the Table in paragraph 1 of the Schedule;
  - (b) remove an exemption from, or amend an exemption in, column 2 of the Table in paragraph 1 of the Schedule in respect of cups, takeaway food containers and lids for these products that are not made of polystyrene.

*Offence*

**5 Offence of supplying prohibited single-use plastic product**

- (1) A person of a description referred to in subsection (2) (“P”) commits an offence if that person—
- (a) supplies (as to which see subsection (3)) a prohibited single-use plastic product to a consumer who is in Wales, and this includes arranging for the delivery of the product to a consumer at an address in Wales;
  - (b) offers on premises in Wales (as to which see subsection (4)) to supply a prohibited single-use plastic product to a consumer.
- (2) The descriptions of person that may commit an offence under this section are—
- (a) a body corporate (including a body exercising any function of a public nature);
  - (b) a partnership;
  - (c) an unincorporated association;
  - (d) a person acting as a sole trader.
- (3) P supplies a prohibited single-use plastic product if P, or any person accountable to P—
- (a) sells the product, or
  - (b) provides the product free of charge.
- (4) P offers to supply a prohibited single-use plastic product if P, or any person accountable to P—
- (a) displays the product on the premises, or
  - (b) otherwise keeps the product on the premises such that it is accessible by, or available to, a consumer at the premises.
- (5) A person is accountable to P if—
- (a) that person—

- (i) yn gyflogai i P,
- (ii) â contract ar gyfer gwasanaethau gyda P,
- (iii) yn asiant i P, neu
- (iv) fel arall yn ddarostyngedig i reoli, rheolaeth neu oruchwyliaeth P, a
- (b) os yw'r person hwnnw –
  - (i) yn gweithredu yng nghwsr busnes, crefft neu broffesiwn P,
  - (ii) yn gweithredu mewn perthynas ag arfer swyddogaethau P gan P,
  - (iii) yn gweithredu mewn perthynas ag amcanion neu ddibenion P, neu
  - (iv) fel arall yn gweithredu o dan reoli, rheolaeth neu oruchwyliaeth P.
- (6) Pan ddangosir bod P wedi trefnu i ddanfôn cynnyrch at ddefnyddiwr mewn cyfeiriad yng Nghymru cymerir bod y cynnyrch wedi ei gyflenwi gan P i'r defnyddiwr hwnnw hyd yn oed os (am ba reswm bynnag) –
  - (a) danfonwyd y cynnyrch i gyfeiriad gwahanol, neu
  - (b) na ddanfônwyd y cynnyrch i unrhyw gyfeiriad hysbys.
- (7) Mewn achos am drosedd o dan is-adran (1), mae'n amddiffyniad i P ddangos bod P wedi arfer pob diwydrwydd dyladwy ac wedi cymryd pob rhagofal rhesymol i osgoi cyflawni'r drosedd.
- (8) Cymerir bod P wedi dangos bod P wedi arfer pob diwydrwydd dyladwy ac wedi cymryd pob rhagofal rhesymol i osgoi cyflawni'r drosedd –
  - (a) os dygir tystiolaeth ddigonol o hyn i godi mater yn ei gylch, a
  - (b) os na phrofir i'r gwrthwyneb y tu hwnt i amheuaeth resymol.
- (9) Mewn achos am drosedd o dan is-adran (1), bydd honiad bod cynnyrch yn gynnyrch plastig untro o fath a restrir yng ngholofn 1 o'r Tabl ym mharagraff 1 o'r Atodlen yn cael ei dderbyn fel ei fod wedi ei brofi yn absenoldeb tystiolaeth i'r gwrthwyneb.
- (10) Pan gyflenwir dau neu ragor o gynhyrchion plastig untro gwaharddedig, neu pan gynigir cyflenwi dau neu ragor o gynhyrchion plastig untro gwaharddedig, gyda'i gilydd, at ddibenion is-adran (1) mae hyn i'w drin fel un weithred gyflenwi, neu gynnig i gyflenwi, cynnyrch plastig untro gwaharddedig.
- (11) Yn yr adran hon, ystyr "defnyddiwr" yw unigolyn sy'n gweithredu at ddibenion sy'n gyfan gwbl neu'n bennaf y tu allan i grefft, busnes neu broffesiwn yr unigolyn hwnnw (pa un ai'r unigolyn a brynodd y cynnyrch ai peidio).

## 6 Trosedd: dull treial a chosb

Mae person sy'n euog o drosedd o dan adran 5 yn agored ar euogfarn ddiannod i ddirwy.

*Gorfodi*

## 7 Camau gorfodi gan awdurdod lleol

### (1) Caiff awdurdod lleol –

- (a) ymchwilio i gwynion mewn cysylltiad â throseddau o dan adran 5 yr honnir eu bod wedi eu cyflawni yn ei ardal;

- (i) is an employee of P,
  - (ii) has a contract for services with P,
  - (iii) is an agent of P, or
  - (iv) is otherwise subject to the management, control or oversight of P, and
- (b) that person –
  - (i) is acting in the course of P's business, trade or profession,
  - (ii) is acting in relation to the exercise by P of P's functions,
  - (iii) is acting in relation to P's objects or purposes, or
  - (iv) is otherwise acting under the management, control or oversight of P.
- (6) Where P is shown to have arranged for a product to be delivered to a consumer at an address in Wales the product is taken to have been supplied by P to that consumer even if (for whatever reason) –
  - (a) the product was delivered to a different address, or
  - (b) the product was not delivered to any known address.
- (7) In proceedings for an offence under subsection (1), it is a defence for P to show that P exercised all due diligence and took all reasonable precautions to avoid committing the offence.
- (8) P is taken to have shown that P exercised all due diligence and took all reasonable precautions to avoid committing the offence if –
  - (a) sufficient evidence of this is adduced to raise an issue with respect to it, and
  - (b) the contrary is not proved beyond reasonable doubt.
- (9) In proceedings for an offence under subsection (1), an allegation that a product was a single-use plastic product of a kind listed in column 1 of the Table in paragraph 1 of the Schedule will be accepted as proved in the absence of evidence to the contrary.
- (10) Where two or more prohibited single-use plastic products are supplied, or offered for supply, together, for the purposes of subsection (1) this is to be treated as a single act of supply, or offering to supply, of a prohibited single-use plastic product.
- (11) In this section, "consumer" means an individual acting for purposes that are wholly or mainly outside that individual's trade, business or profession (whether or not the individual purchased the product).

## **6 Offence: mode of trial and penalty**

A person guilty of an offence under section 5 is liable on summary conviction to a fine.

### *Enforcement*

## **7 Enforcement action by local authorities**

- (1) A local authority may –
  - (a) investigate complaints in respect of offences under section 5 alleged to have been committed in its area;

- (b) dwyn erlyniadau mewn cysylltiad â throeddau o dan adran 5 a gyflawnwyd yn ei ardal;
  - (c) cymryd unrhyw gamau eraill gyda'r nod o leihau mynychder troeddau o dan adran 5 yn ei ardal.
- (2) Mae cyfeiriadau yn y Ddeddf hon at swyddog awdurdodedig awdurdod lleol yn gyfeiriadau at unrhyw berson a awdurdodir gan awdurdod lleol at ddibenion y Ddeddf hon.

## **8 Pŵer i wneud pryniannau prawf**

Caiff swyddog awdurdodedig awdurdod lleol wneud y pryniannau hynny a'r trefniadau hynny, a sicrhau y darperir y gwasanaethau hynny, y mae'r swyddog yn ystyried eu bod yn angenrheidiol at ddibenion arfer swyddogaethau'r awdurdod lleol o dan y Ddeddf hon.

## **9 Pŵer mynediad**

- (1) Caiff swyddog awdurdodedig awdurdod lleol fynd i fangre ar unrhyw adeg resymol –
- (a) os oes gan y swyddog seiliau rhesymol dros gredu bod troedd o dan adran 5 wedi ei chyflawni yn ardal yr awdurdod lleol, a
  - (b) os yw'r swyddog yn ystyried ei bod yn angenrheidiol mynd i'r fangre at ddiben canfod a yw troedd o'r fath wedi ei chyflawni.
- (2) Nid yw hyn yn gymwys mewn perthynas â mangre breswyl.
- (3) Ni chaiff swyddog awdurdodedig awdurdod lleol fynd i fangre drwy rym o dan yr adran hon.
- (4) Cyn mynd i fangre o dan yr adran hon rhaid i swyddog awdurdodedig, os gofynnir iddo wneud hynny, ddangos tystiolaeth ddogfennol o'r awdurdodiad y cyfeirir ato yn adran 7(2).
- (5) At ddibenion yr adran hon ac adrannau 10 ac 11, ystyr "mangre breswyl" yw mangre, neu unrhyw ran o fangre, a ddefnyddir yn gyfan gwbl neu'n bennaf fel annedd.

## **10 Pŵer mynediad: mangreoedd preswyl**

- (1) Caiff ynad heddwch ddyroddi gwarant yn awdurdodi swyddog awdurdodedig awdurdod lleol i fynd i fangre breswyl, drwy rym os oes angen, os yw wedi ei fodloni ar sail gwybodaeth ysgrifenedig ar lw –
- (a) bod seiliau rhesymol dros gredu bod troedd o dan adran 5 wedi ei chyflawni yn ardal yr awdurdod lleol, a
  - (b) ei bod yn angenrheidiol mynd i'r fangre at ddiben canfod a yw'r drosedd honno wedi ei chyflawni.
- (2) Mae'r warant yn parhau i fod mewn grym hyd ddiwedd y cyfnod o 28 o ddiwrnodau sy'n dechrau â'r dyddiad y'i dyroddwyd.

## **11 Pŵer mynediad: amgylchiadau eraill pan fo gwarant yn angenrheidiol**

- (1) Caiff ynad heddwch ddyroddi gwarant sy'n awdurdodi swyddog awdurdodedig awdurdod lleol i fynd i fangre, ac eithrio mangre breswyl, drwy rym os oes angen, os yw wedi ei fodloni ar sail gwybodaeth ysgrifenedig ar lw –



- (b) bring prosecutions in respect of offences under section 5 committed in its area;
- (c) take any other steps with a view to reducing the incidence of offences under section 5 in its area.

- (2) References in this Act to an authorised officer of a local authority are to any person authorised by a local authority for the purposes of this Act.

## **8 Power to make test purchases**

An authorised officer of a local authority may make such purchases and arrangements, and secure the provision of such services, as the officer considers necessary for the purpose of the exercise of the local authority's functions under this Act.

## **9 Power of entry**

- (1) An authorised officer of a local authority may enter premises at any reasonable time if the officer—
  - (a) has reasonable grounds for believing that an offence under section 5 has been committed in the area of the local authority, and
  - (b) considers it necessary to enter the premises for the purpose of ascertaining whether such an offence has been committed.
- (2) This does not apply in relation to residential premises.
- (3) An authorised officer of a local authority may not enter premises by force under this section.
- (4) Before entering premises under this section an authorised officer must, if asked to do so, show documentary evidence of the authorisation referred to in section 7(2).
- (5) For the purposes of this section and sections 10 and 11, “residential premises” means premises, or any part of premises, used wholly or mainly as a dwelling.

## **10 Power of entry: residential premises**

- (1) A justice of the peace may issue a warrant authorising an authorised officer of a local authority to enter residential premises, by force if necessary, if satisfied on sworn information in writing—
  - (a) that there are reasonable grounds for believing that an offence under section 5 has been committed in the area of the local authority, and
  - (b) that it is necessary to enter the premises for the purpose of ascertaining whether such an offence has been committed.
- (2) The warrant continues in force until the end of the period of 28 days beginning with the date it was issued.

## **11 Power of entry: other circumstances requiring warrant**

- (1) A justice of the peace may issue a warrant authorising an authorised officer of a local authority to enter premises, other than residential premises, by force if necessary, if satisfied on sworn information in writing that—

- (a) bod seiliau rhesymol dros gredu bod trosedd o dan adran 5 wedi ei chyflawni yn ardal yr awdurdod lleol,
  - (b) ei bod yn angenrheidiol mynd i'r fangre at ddiben canfod a yw'r drosedd honno wedi ei chyflawni, ac
  - (c) bod gofyniad a nodir yn is-adran (2) neu (3) wedi ei fodloni.
- (2) Y gofyniad yw –
- (a) bod gofyn am fynd i'r fangre wedi ei wrthod, neu'n debygol o gael ei wrthod, a
  - (b) bod hysbysiad o fwriad i wneud cais am warant o dan yr adran hon wedi ei roi i'r meddiannydd, neu i berson yr ymddengys yn rhesymol i'r awdurdod lleol ei fod yn ymwneud â rheoli'r fangre.
- (3) Y gofyniad yw bod gofyn am fynd i'r fangre, neu roi hysbysiad o fwriad i wneud cais am warant o dan yr adran hon, yn debygol o danseilio diben y mynediad.
- (4) Mae'r warant yn parhau mewn grym hyd ddiwedd y cyfnod o 28 o ddiwrnodau sy'n dechrau â'r dyddiad y'i dyroddwyd.

## **12 Pwerau mynediad: atodol**

- (1) Caiff swyddog awdurdodedig awdurdod lleol sy'n mynd i fangre o dan adran 9, 10 neu 11, neu yn rhinwedd yr adrannau hynny, fynd ag unrhyw bersonau eraill ac unrhyw gyfarpar y mae'r swyddog yn ystyried eu bod yn briodol.
- (2) Mae'r pwerau mynediad sy'n arferadwy o dan adran 9, 10 neu 11, neu yn rhinwedd yr adrannau hynny, yn gymwys i gerbyd fel pe bai'n fangre.
- (3) Os yw meddiannydd mangre yn bresennol ar yr adeg y mae'r swyddog awdurdodedig yn ceisio gweithredu gwarant o dan adran 10 neu 11 a mynd i'r fangre, rhaid i'r swyddog –
- (a) hysbysu'r meddiannydd ynghylch enw'r swyddog;
  - (b) cyflwyno tystiolaeth ddogfennol i'r meddiannydd o awdurdodiad y swyddog;
  - (c) cyflenwi copi o'r warant i'r meddiannydd.
- (4) Os nad yw mangre y mae swyddog awdurdodedig wedi ei awdurdodi i fynd iddi gan warant o dan adran 10 neu 11 wedi ei meddiannu, neu os yw'r meddiannydd yn absennol dros dro, yna wrth adael y fangre rhaid i'r swyddog ei gadael wedi ei diogelu yr un mor effeithiol rhag mynediad anawdurdodedig ag yr oedd pan aeth y swyddog iddi.

## **13 Pŵer arolygu**

- (1) Caiff swyddog awdurdodedig awdurdod lleol sy'n mynd i fangre o dan adran 9, 10 neu 11, neu yn rhinwedd yr adrannau hynny, wneud unrhyw un neu ragor o'r canlynol os yw'r swyddog yn ystyried ei bod yn angenrheidiol at ddiben canfod a yw trosedd o dan adran 5 wedi ei chyflawni –
- (a) cynnal arolygiadau ac archwiliadau yn y fangre;
  - (b) ei gwneud yn ofynnol cyflwyno unrhyw beth yn y fangre, ei arolygu, a chymryd a chadw samplau ohono neu echdynion ohono am gyhyd ag y mae'r swyddog yn ystyried ei bod yn angenrheidiol at y diben hwnnw;
  - (c) cymryd meddiant o unrhyw beth yn y fangre, a'i gadw am gyhyd ag y mae'r swyddog yn ystyried ei bod yn angenrheidiol at y diben hwnnw;

- (a) there are reasonable grounds for believing that an offence under section 5 has been committed in the area of the local authority,
  - (b) it is necessary to enter the premises for the purpose of ascertaining whether such an offence has been committed, and
  - (c) a requirement set out in subsection (2) or (3) is met.
- (2) The requirement is that –
- (a) a request to enter the premises has been, or is likely to be, refused, and
  - (b) notice of intention to apply for a warrant under this section has been given to the occupier, or to a person who reasonably appears to the local authority to be concerned in the management of the premises.
- (3) The requirement is that requesting to enter the premises, or the giving of notice of intention to apply for a warrant under this section, is likely to defeat the purpose of the entry.
- (4) The warrant continues in force until the end of the period of 28 days beginning with the date on which it was issued.

## **12 Powers of entry: supplementary**

- (1) An authorised officer of a local authority entering premises under or by virtue of section 9, 10 or 11 may take such other persons and such equipment as the officer considers appropriate.
- (2) The powers of entry exercisable under or by virtue of section 9, 10 or 11 apply in relation to a vehicle as if it were premises.
- (3) If the occupier of premises is present at the time the authorised officer seeks to execute a warrant under section 10 or 11 and enter the premises, the officer must –
- (a) inform the occupier of the officer's name;
  - (b) produce documentary evidence to the occupier of the officer's authorisation;
  - (c) supply a copy of the warrant to the occupier.
- (4) If premises that an authorised officer is authorised to enter by a warrant under section 10 or 11 are unoccupied, or if the occupier is temporarily absent, then on leaving the premises the officer must leave them as effectively secured against unauthorised entry as when the officer found them.

## **13 Power of inspection**

- (1) An authorised officer of a local authority entering premises under or by virtue of section 9, 10 or 11 may do any of the following if the officer considers it necessary for the purpose of ascertaining whether an offence under section 5 has been committed –
- (a) carry out inspections and examinations on the premises;
  - (b) require the production of anything on the premises, inspect it, and take and retain samples of or extracts from it for as long as the officer considers necessary for that purpose;
  - (c) take possession of anything on the premises, and retain it for as long as the officer considers necessary for that purpose;

- (d) ei gwneud yn ofynnol i unrhyw berson roi gwybodaeth am faterion sydd o fewn rheolaeth y person, neu ddarparu cyfleusterau a chymorth mewn cysylltiad â hwy.
- (2) Os yw swyddog awdurdodedig awdurdod lleol yn ystyried ei bod yn angenrheidiol at ddiben canfod a yw trosedd o dan adran 5 wedi ei chyflawni, caiff y swyddog drefnu i unrhyw beth a gyflwynir o dan is-adran (1)(b) neu unrhyw beth y mae'r swyddog wedi cymryd meddiant ohono o dan is-adran (1)(c) gael ei ddadansoddi.
- (3) Os yw swyddog awdurdodedig awdurdod lleol, yn rhinwedd is-adran (1)(c), yn cymryd unrhyw beth o'r fangre, rhaid i'r swyddog adael yn y fangre ddatganiad –
  - (a) sy'n rhoi manylion yr hyn sydd wedi ei gymryd ac sy'n datgan bod y swyddog wedi cymryd meddiant ohono, a
  - (b) sy'n nodi'r person y caniateir gofyn iddo i'r eiddo gael ei ddychwelyd.
- (4) Mae'r pwerau a roddir gan yr adran hon yn cynnwys y pŵer –
  - (a) i gopïo dogfennau y deuir o hyd iddynt yn y fangre;
  - (b) i osod gofynion o ran sut y darperir dogfennau (a gaiff gynnwys gofynion i ddarparu copïau darllenadwy o ddogfennau y deuir o hyd iddynt yn y fangre ac a gedwir yn electronig).
- (5) At y diben hwn, mae "dogfennau" yn cynnwys gwybodaeth sydd wedi ei chofnodi ar unrhyw ffurf; ac mae cyfeiriadau at ddogfennau y deuir o hyd iddynt yn y fangre yn cynnwys –
  - (a) dogfennau a gedwir ar gyfrifiaduron neu ddyfeisiau electronig eraill yn y fangre, a
  - (b) dogfennau a gedwir yn rhywle arall ac y gellir cael mynediad iddynt drwy gyfrifiaduron neu ddyfeisiau electronig eraill yn y fangre.
- (6) Nid yw'r adran hon yn ei gwneud yn ofynnol i berson ateb unrhyw gwestiwn neu gyflwyno unrhyw ddogfen y byddai hawl gan y person i wrthod ei ateb neu wrthod ei chyflwyno mewn achos mewn llys yng Nghymru neu yn Lloegr neu at ddibenion achos o'r fath.
- (7) Mae'r adran hon yn gymwys i gerbyd fel pe bai'n fangre.

#### **14 Y drosedd o rwystro etc. swyddogion**

- (1) Mae person sy'n rhwystro yn fwriadol swyddog awdurdodedig awdurdod lleol sy'n arfer swyddogaethau o dan adrannau 9 i 13 yn cyflawni trosedd.
- (2) Mae unrhyw berson sydd, heb achos rhesymol yn methu â chydymffurfio â gofyniad o dan adran 13(1)(b) neu (d) neu 13(4)(b) yn cyflawni trosedd.
- (3) Mae person sy'n euog o drosedd o dan yr adran hon yn agored ar euogfarn ddiannod i ddirwy nad yw'n uwch na lefel 3 ar y raddfa safonol.
- (4) Pan na fo person yn ateb unrhyw gwestiwn neu gyflwyno unrhyw ddogfen y byddai hawl gan y person i wrthod ei ateb neu wrthod ei chyflwyno mewn achos mewn llys yng Nghymru neu yn Lloegr neu at ddibenion achos o'r fath (gweler adran 13(6)), nid yw hyn yn gyfystyr â rhwystro o dan yr adran hon.

- (d) require any person to give information about, or afford facilities and assistance with respect to, matters within the person's control.
- (2) If an authorised officer of a local authority considers it necessary for the purpose of ascertaining whether an offence under section 5 has been committed, the officer may arrange for anything produced under subsection (1)(b) or anything that the officer has taken possession of under subsection (1)(c) to be analysed.
- (3) If by virtue of subsection (1)(c) the authorised officer of a local authority takes anything away from the premises, the officer must leave on the premises a statement –
  - (a) giving particulars of what has been taken and stating that the officer has taken possession of it, and
  - (b) identifying the person to whom a request for the return of the property may be made.
- (4) The powers conferred by this section include the power –
  - (a) to copy documents found on the premises;
  - (b) to impose requirements as to how documents are provided (which may include requirements to provide legible copies of documents found on the premises that are stored electronically).
- (5) For this purpose, “documents” includes information recorded in any form; and references to documents found on the premises include –
  - (a) documents stored on computers or other electronic devices on the premises, and
  - (b) documents stored elsewhere that can be accessed by computers or other electronic devices on the premises.
- (6) A person is not required by this section to answer any question or produce any document that the person would be entitled to refuse to answer or produce in or for the purposes of proceedings in a court in Wales or in England.
- (7) This section applies to a vehicle as if it were premises.

#### **14 Offence of obstruction etc. of officers**

- (1) A person who intentionally obstructs an authorised officer of a local authority exercising functions under sections 9 to 13 commits an offence.
- (2) Any person who without reasonable cause fails to comply with a requirement under section 13(1)(b) or (d) or 13(4)(b) commits an offence.
- (3) A person guilty of an offence under this section is liable on summary conviction to a fine not exceeding level 3 on the standard scale.
- (4) Where a person does not answer any question or produce any document that the person would be entitled to refuse to answer or produce in or for the purposes of proceedings in a court in Wales or in England (see section 13(6)), this does not amount to obstruction under this section.

**15 Eiddo a gedwir: apelau**

- (1) Caiff person ("A") a chanddo fuddiant mewn unrhyw beth yr eir ymaith ag ef o dan adran 13(1)(c) ("eiddo a gedwir") wneud cais drwy gŵyn i unrhyw lys ynadon am orchymyn sy'n ei gwneud yn ofynnol i'r eiddo a gedwir gael ei ryddhau, naill ai i A neu i berson arall.
- (2) Os yw'r llys, ar gais o dan yr adran hon, wedi ei fodloni nad yw'n angenrheidiol parhau i gadw'r eiddo a gedwir at ddiben canfod a oes trosedd o dan adran 5 wedi ei chyflawni, caiff wneud gorchymyn sy'n ei gwneud yn ofynnol i'r eiddo a gedwir gael ei ryddhau.
- (3) Caiff gorchymyn o dan yr adran hon gynnwys pa ddarpariaeth bynnag y mae'r llys yn meddwl ei bod yn briodol er mwyn gohirio ei ddwyn i rym wrth aros i apêl (gan gynnwys cais o dan adran 111 o Ddeddf Llysoedd Ynadon 1980 (p. 43)) gael ei gwneud a dyfarnu arni.
- (4) Os yw'r llys yn gohirio gwrandawriad cais o dan yr adran hon, caiff wneud gorchymyn mewn cysylltiad â'r eiddo a gedwir sy'n para tan wrandawriad terfynol y cais neu hyd nes y gwneir unrhyw orchymyn pellach, os yw'n ystyried ei bod yn briodol gwneud hynny.
- (5) Nid oes dim yn yr adran hon sy'n effeithio ar unrhyw bŵer arall sydd gan y llys i wneud gorchymyn mewn cysylltiad â'r eiddo a gedwir, gan gynnwys unrhyw bŵer i wneud gorchymyn o dan adran 1 o Ddeddf yr Heddlu (Eiddo) 1897 (p. 30) (pŵer i wneud Gorchymyn mewn cysylltiad ag eiddo sydd ym meddiant yr heddlu).

**16 Eiddo a gyfeddir: digolledu**

- (1) Caiff person ("A") a chanddo fuddiant mewn unrhyw beth y mae swyddog awdurdodedig awdurdod lleol wedi cymryd meddiant ohono o dan adran 13(1)(c) ("eiddo a gyfeddir") wneud cais drwy gŵyn i unrhyw lys ynadon i gael ei ddigolledu.
- (2) Mae is-adran (3) yn gymwys os yw'r llys, ar gais o dan yr adran hon, wedi ei fodloni –
  - (a) bod A wedi dioddef colled neu ddifrod oherwydd bod y swyddog awdurdodedig wedi cymryd meddiant o'r eiddo a gyfeddir, neu ei gadw, o dan amgylchiadau pan nad oedd yn angenrheidiol gwneud hynny at ddiben canfod a oedd trosedd o dan adran 5 wedi ei chyflawni, a
  - (b) na ellir priodoli'r golled neu'r difrod i esgeulustod neu ddiffyg A.
- (3) Caiff y llys orchymyn i'r awdurdod lleol dalu digollediad i A.

**17 Sancsiynau sifil**

- (1) Yn yr adran hon, ystyr "Deddf 2008" yw Deddf Gorfodi Rheoleiddiol a Sancsiynau 2008 (p. 13).
- (2) Caiff Gweinidogion Cymru drwy reoliadau wneud unrhyw ddarpariaeth, mewn perthynas â'r drosedd o dan adran 5, y gellid ei gwneud o dan Ran 3 o Ddeddf 2008 (sancsiynau sifil) –
  - (a) os oedd awdurdod lleol yn rheoleiddiwr at ddibenion Rhan 3 o'r Ddeddf honno, a
  - (b) os oedd y drosedd yn drosedd berthnasol mewn perthynas â swyddog gorfodi at ddibenion Rhan 3 o'r Ddeddf honno.
- (3) Mae adrannau 63 i 70 o Ddeddf 2008 (canllawiau; arfer pwerau; talu i'r Gronfa Gyfunol) yn gymwys i ddarpariaeth a wneir o dan yr adran hon fel y maent yn gymwys i ddarpariaeth a wneir o dan Ran 3 o'r Ddeddf honno.

**15 Retained property: appeals**

- (1) A person (“A”) with an interest in anything taken away under section 13(1)(c) (“retained property”) may apply by way of complaint to any magistrates’ court for an order requiring the retained property to be released, either to A or to another person.
- (2) If, on an application under this section, the court is satisfied that the continued retention of the retained property is not necessary for the purpose of ascertaining whether an offence under section 5 has been committed, it may make an order requiring the release of the retained property.
- (3) An order under this section may contain whatever provision the court thinks appropriate for delaying its coming into force pending the making and determination of an appeal (including an application under section 111 of the Magistrates’ Courts Act 1980 (c. 43)).
- (4) If the court adjourns the hearing of an application under this section, it may make an order in respect of the retained property that lasts until the final hearing of the application or until any further order is made, if it considers it appropriate to do so.
- (5) Nothing in this section affects any other power of the court to make an order in respect of the retained property, including any power to make an order under section 1 of the Police (Property) Act 1897 (c. 30) (power to make order with respect to property in possession of police).

**16 Appropriated property: compensation**

- (1) A person (“A”) with an interest in anything of which an authorised officer of a local authority has taken possession under section 13(1)(c) (“appropriated property”) may apply by way of complaint to any magistrates’ court for compensation.
- (2) Subsection (3) applies if, on an application under this section, the court is satisfied that –
  - (a) A has suffered loss or damage in consequence of the authorised officer’s taking possession of the appropriated property, or retaining it, in circumstances where doing so was not necessary for the purpose of ascertaining whether an offence under section 5 had been committed, and
  - (b) the loss or damage is not attributable to the neglect or default of A.
- (3) The court may order the local authority to pay compensation to A.

**17 Civil sanctions**

- (1) In this section, “the 2008 Act” means the Regulatory Enforcement and Sanctions Act 2008 (c. 13).
- (2) The Welsh Ministers may by regulations make any provision, in relation to the offence under section 5, that could be made under Part 3 of the 2008 Act (civil sanctions) if –
  - (a) a local authority was a regulator for the purposes of Part 3 of that Act, and
  - (b) the offence was a relevant offence in relation to a local authority for the purposes of Part 3 of that Act.
- (3) Sections 63 to 70 of the 2008 Act (guidance; exercise of powers; payment into Consolidated Fund) apply to provision made under this section as they apply to provision made under Part 3 of that Act.

- (4) Mae adran 60(1) a (2) o Ddeddf 2008 (ymgyngori) yn gymwys i reoliadau o dan is-adran (1) fel y maent yn gymwys i orchymyn o dan Ran 3 o'r Ddeddf honno.
- (5) At ddibenion is-adran (3) a (4), mae cyfeiriadau at reoleiddiwr yn adrannau 60 a 63 i 70 o Ddeddf 2008 i'w darllen fel cyfeiriadau at awdurdod lleol.

## **18 Troseddau a gyflawnir gan bartneriaethau a chymdeithasau anghorfforedig eraill**

- (1) Mae achos am drosedd o dan y Ddeddf hon yr honnir ei bod wedi ei chyflawni gan bartneriaeth i gael ei ddwyn yn enw'r bartneriaeth (ac nid yn enw unrhyw un neu ragor o'r partneriaid).
- (2) Mae achos am drosedd o dan y Ddeddf hon yr honnir ei bod wedi ei chyflawni gan gymdeithas anghorfforedig ac eithrio partneriaeth i gael ei ddwyn yn enw'r gymdeithas (ac nid yn enw unrhyw un neu ragor o'i haelodau).
- (3) Mae rheolau llys sy'n ymwneud â chyflwyno dogfennau yn cael effaith fel pe bai'r bartneriaeth neu'r gymdeithas anghorfforedig yn gorff corfforedig.
- (4) Mae Atodlen 3 i Ddeddf Llysoedd Ynadon 1980 (p. 43) yn gymwys mewn achos am drosedd a ddygir yn erbyn partneriaeth neu gymdeithas anghorfforedig ac eithrio partneriaeth fel y mae yn gymwys mewn perthynas â chorff corfforedig.
- (5) Mae dirwy a osodir ar bartneriaeth ar ei euogfarn am drosedd o dan y Ddeddf hon i'w thalu o asedau'r bartneriaeth.
- (6) Mae dirwy a osodir ar gymdeithas anghorfforedig ac eithrio partneriaeth ar ei euogfarn am drosedd o dan y Ddeddf hon i'w thalu o gronfeydd y gymdeithas.

## **19 Atebolrwydd troseddol uwch-swyddogion etc.**

- (1) Mae'r adran hon yn gymwys pan fo trosedd o dan y Ddeddf hon yn cael ei chyflawni gan —
  - (a) corff corfforedig;
  - (b) partneriaeth;
  - (c) cymdeithas anghorfforedig ac eithrio partneriaeth.
- (2) Os profir bod y drosedd wedi ei chyflawni gan y canlynol, neu gyda chydysyniad neu ymoddefiad y canlynol, neu y gellir ei phriodoli i esgeulustod ar ran y canlynol —
  - (a) un o uwch-swyddogion y corff corfforedig neu'r bartneriaeth neu'r gymdeithas anghorfforedig, neu
  - (b) unrhyw berson sy'n honni ei fod yn gweithredu mewn rhinwedd a grybwyllir ym mharagraff (a),

mae'r uwch-swyddog hwnnw neu'r person hwnnw (yn ogystal â'r corff corfforedig, y bartneriaeth neu'r gymdeithas) yn euog o'r drosedd ac yn agored i gael ei erlyn a'i gosbi yn unol â hynny.

- (3) Yn yr adran hon, ystyr "uwch-swyddog" yw —
  - (a) mewn perthynas â chorff corfforedig, cyfarwyddwr, rheolwr, ysgrifennydd neu swyddog tebyg arall i'r corff corfforedig;
  - (b) mewn perthynas â phartneriaeth, partner yn y bartneriaeth;



- (4) Section 60(1) and (2) of the 2008 Act (consultation) apply to regulations under subsection (1) as they apply to an order under Part 3 of that Act.
- (5) For the purposes of subsections (3) and (4), references to a regulator in sections 60 and 63 to 70 of the 2008 Act are to be read as references to a local authority.

## **18 Offences committed by partnerships and other unincorporated associations**

- (1) Proceedings for an offence under this Act alleged to have been committed by a partnership are to be brought in the name of the partnership (and not in that of any of the partners).
- (2) Proceedings for an offence under this Act alleged to have been committed by an unincorporated association other than a partnership are to be brought in the name of the association (and not in that of any of its members).
- (3) Rules of court relating to the service of documents have effect as if the partnership or unincorporated association were a body corporate.
- (4) Schedule 3 to the Magistrates' Courts Act 1980 (c. 43) applies in proceedings for an offence brought against a partnership or an unincorporated association other than a partnership as it applies in relation to a body corporate.
- (5) A fine imposed on a partnership on its conviction for an offence under this Act is to be paid out of the partnership's assets.
- (6) A fine imposed on an unincorporated association other than a partnership on its conviction for an offence under this Act is to be paid out of the funds of the association.

## **19 Criminal liability of senior officers etc.**

- (1) This section applies where an offence under this Act is committed by –
  - (a) a body corporate;
  - (b) a partnership;
  - (c) an unincorporated association other than a partnership.
- (2) If the offence is proved to have been committed by, or with the consent or connivance of, or to be attributable to neglect on the part of –
  - (a) a senior officer of the body corporate or partnership or unincorporated association, or
  - (b) any person purporting to act in a capacity mentioned in paragraph (a),that senior officer or person (as well as the body corporate, partnership or association) is guilty of the offence and liable to be proceeded against and punished accordingly.
- (3) In this section, "senior officer" means –
  - (a) in relation to a body corporate, a director, manager, secretary or other similar officer of the body corporate;
  - (b) in relation to a partnership, a partner in the partnership;

- (c) mewn perthynas â chymdeithas anghorfforedig ac eithrio partneriaeth, unrhyw swyddog i'r gymdeithas neu unrhyw aelod o'i gorff llywodraethu.
- (4) Yn is-adran (3), ystyr "cyfarwyddwr", mewn perthynas â chorff corfforedig y rheolir ei faterion gan ei aelodau, yw aelod o'r corff corfforedig.

### Cyffredinol

## 20 Dehongli

Yn y Ddeddf hon—

ystyr "awdurdod lleol" (*"local authority"*) yw cyngor sir neu gyngor bwrdeistref sirol ar gyfer ardal yng Nghymru;

mae i "bag siopa" (*"carrier bag"*) yr ystyr a roddir ym mharagraff 2 o'r Atodlen;

mae i "cynnyrch plastig" (*"plastic product"*) yr ystyr a roddir yn adran 1(2);

mae i "cynnyrch plastig untro gwaharddedig" (*"prohibited single-use plastic product"*) yr ystyr a roddir yn adran 2(2);

mae i "defnyddiwr" (*"consumer"*) yr ystyr a roddir yn adran 5(11);

ystyr "partneriaeth" (*"partnership"*) yw —

(a) partneriaeth o fewn Deddf Partneriaeth 1890 (p. 39), neu

(b) partneriaeth gyfyngedig sydd wedi ei chofrestru o dan Ddeddf Partneriaethau Cyfyngedig 1907 (p. 24);

mae i "plastig" (*"plastic"*) yr ystyr a roddir yn adran 1(4);

mae i "swyddog awdurdodedig awdurdod lleol" (*"authorised officer of a local authority"*) yr ystyr a roddir yn adran 7(2);

mae i "untro" (*"single-use"*), mewn perthynas â chynnyrch plastig, yr ystyr a roddir yn adran 1(3).

## 21 Rheoliadau

- (1) Mae pŵer i wneud rheoliadau o dan y Ddeddf hon yn arferadwy drwy offeryn statudol.
- (2) Mae pŵer i wneud rheoliadau o dan y Ddeddf hon yn cynnwys pŵer—
- (a) i wneud darpariaeth wahanol at ddibenion gwahanol;
- (b) i wneud darpariaeth atodol, darpariaeth ddeilliadol, darpariaeth ganlyniadol, darpariaeth drosiannol, darpariaeth ddarfodol neu ddarpariaeth arbed, gan gynnwys darpariaeth sy'n diwygio'r Ddeddf hon.
- (3) Ni chaniateir i offeryn statudol a wneir o dan y Ddeddf hon gael ei wneud oni bai bod drafft o'r offeryn wedi ei osod gerbron Senedd Cymru ac wedi ei gymeradwyo ganddi drwy benderfyniad.

## 22 Dod i rym

- (1) Daw'r adran hon, ac adrannau 3, 4, 17, 21, a 23 i rym ar y diwrnod drannoeth y diwrnod y mae'r Ddeddf hon yn cael y Cydsyniad Brenhinol.
- (2) Daw darpariaethau eraill y Ddeddf hon i rym ar ddiwrnod a bennir gan Weinidogion Cymru mewn gorchymyn a wneir drwy offeryn statudol.

- (c) in relation to an unincorporated association other than a partnership, any officer of the association or any member of its governing body.
- (4) In subsection (3), “director”, in relation to a body corporate whose affairs are managed by its members, means a member of the body corporate.

*General*

## 20 Interpretation

In this Act-

“authorised officer of a local authority” (*“swyddog awdurdodedig awdurdod lleol”*) has the meaning given in section 7(2);

“carrier bag” (*“bag siopa”*) has the meaning given in paragraph 2 of the Schedule;

“consumer” has the meaning given in section 5(11);

“local authority” (*“awdurdod lleol”*) means a county council or county borough council for an area in Wales;

“partnership” (*“partneriaeth”*) means –

- (a) a partnership within the Partnership Act 1890 (c. 39), or
- (b) a limited partnership registered under the Limited Partnerships Act 1907 (c. -24);

“plastic” (*“plastig”*) has the meaning given in section 1(4);

“plastic product” (*“cynnyrch plastig”*) has the meaning given in section 1(2);

“prohibited single-use plastic product” (*“cynnyrch plastig untro gwaharddedig”*) has the meaning given in section 2(2);

“single-use” (*“untro”*), in relation to a plastic product, has the meaning given in section 1(3).

## 21 Regulations

- (1) A power to make regulations under this Act is exercisable by statutory instrument.
- (2) A power to make regulations under this Act includes a power –
  - (a) to make different provision for different purposes;
  - (b) to make supplementary, incidental, consequential, transitional, transitory or saving provision, including provision amending this Act.
- (3) A statutory instrument made under this Act may not be made unless a draft of the instrument has been laid before, and approved by a resolution of, Senedd Cymru.

## 22 Coming into force

- (1) This section and sections 3, 4, 17, 21 and 23 come into force on the day after the day on which this Act receives Royal Assent.
- (2) The other provisions of this Act come into force on a day appointed by the Welsh Ministers in an order made by statutory instrument.

- (3) Caiff gorchymyn o dan is-adran (2)–
- (a) gwneud darpariaeth drosiannol, darpariaeth ddarfodol neu ddarpariaeth arbed;
  - (b) pennu diwrnodau gwahanol at ddibenion gwahanol.

**23 Enw byr**

Enw byr y Ddeddf hon yw Deddf Diogelu'r Amgylchedd (Cynhyrchion Plastig Untro) (Cymru) 2023.

- (3) An order under subsection (2) –
  - (a) may make transitional, transitory or saving provision;
  - (b) may appoint different days for different purposes.

**23 Short title**

The short title of this Act is the Environmental Protection (Single-use Plastic Products) (Wales) Act 2023.

## ATODLEN

A gyflwynir gan adran 2

## CYNHYRCHION PLASTIG UNTRO GWAHARDDDEDIG

1 Hwn yw'r Tabl y cyfeirir ato yn adran 2.

TABL

Cynnyrch	Esemptiad
<i>Cynhyrchion ar gyfer bwyta bwyd ac yfed diod</i>	
Caeadau ar gyfer cwpanau neu gynhwysyddion cludfwyd	Caead nad yw wedi ei wneud o bolystyren.
Cwpanau	Cwpan nad yw wedi ei wneud o bolystyren ehangedig neu bolystyren allwthiedig ewynnog.
Cynhwysyddion cludfwyd	Cynhwysydd cludfwyd nad yw wedi ei wneud o bolystyren ehangedig neu bolystyren allwthiedig ewynnog.
Cytleri	
Gwellt	<p><i>Esemptiad 1</i></p> <p>Mewn cysylltiad â gwerthu gwelltyn gan berson ("P") sy'n cynnal yn gyfreithlon fusnes fferyllfa fanwerthu –</p> <p>(a) pan –</p> <p>(i) fo P yn unig fasnachwr a'r trafodiad yn cael ei gynnal gan P ei hun, neu'n cael ei gynnal ar ran P gan fferylllydd neu unigolyn sy'n gweithredu o dan oruchwyliaeth fferylllydd (gan gynnwys P), neu</p> <p>(ii) na fo P yn unig fasnachwr a'r trafodiad yn cael ei gynnal ar ran P gan fferylllydd neu unigolyn sy'n gweithredu o dan oruchwyliaeth fferylllydd, a</p> <p>(b) pan fo'r defnyddiwr y mae P yn cyflenwi'r gwelltyn iddo yn datgan ei fod ef angen y gwelltyn, neu fod person y byddant yn rhoi'r gwelltyn iddo angen y gwelltyn, am resymau iechyd neu anabledd.</p>

SCHEDULE  
Introduced by section 2

PROHIBITED SINGLE-USE PLASTIC PRODUCTS

1 This is the Table referred to in section 2.

TABLE

Product	Exemption
<i>Products for consumption of food and drink</i>	
Cups	A cup that is not made of expanded or foamed extruded polystyrene.
Cutlery	
Drink-stirrers	
Lids for cups or takeaway food containers	A lid that is not made of polystyrene.
Straws	<p><i>Exemption 1</i></p> <p>In respect of the sale of a straw by a person (“P”) who is lawfully conducting a retail pharmacy business where—</p> <p>(a) P—</p> <p style="padding-left: 2em;">(i) is a sole trader and the transaction is carried out by P personally, or is carried out on behalf of P by a pharmacist or an individual acting under the supervision of a pharmacist (including P), or</p> <p style="padding-left: 2em;">(ii) is not a sole trader and the transaction is carried out on behalf of P by a pharmacist or an individual acting under the supervision of a pharmacist, and</p> <p>(b) the consumer to whom P supplies the straw declares that they need the straw, or a person to whom they will give the straw needs the straw, for health or disability reasons.</p> <p><i>Exemption 2</i></p> <p>In respect of the provision of a straw free of charge by a person (“P”), where the consumer to whom P supplies the straw (“A”)—</p> <p>(a) is in P’s care, and</p> <p>(b) P, or an individual providing care to A on behalf of P, reasonably believes that A needs the straw for health or disability reasons.</p>

	<p><i>Esemptiad 2</i> Mewn cysylltiad â darparu gwelltyn am ddim gan berson ("P"), pan fo'r defnyddiwr y mae P yn cyflenwi'r gwelltyn iddo ("A") –</p> <ul style="list-style-type: none"> <li>(a) yng ngofal P, a</li> <li>(b) pan fo P, neu unigolyn sy'n darparu gofal i A ar ran P, yn credu yn rhesymol fod angen y gwelltyn ar A am resymau iechyd neu anabledd.</li> </ul> <p><i>Esemptiad 3</i> Mewn cysylltiad â darparu gwelltyn am ddim gan berson ("P"), pan fo'r defnyddiwr y mae P yn cyflenwi'r gwelltyn iddo yn datgan ei fod angen y gwelltyn, neu fod unigolyn y bydd y person yn rhoi'r gwelltyn iddo angen y gwelltyn, am resymau iechyd neu anabledd.</p> <p><i>Esemptiad 4</i> Gwelltyn a gyflenwir am bwrpas sy'n gysylltiedig â darparu gofal meddygol neu driniaeth feddygol.</p>
Platiau	
Tröydd diod	
<i>Cynhyrchion eraill</i>	
Bagiau siopa	<p><i>Esemptiad 1</i> Bag siopa –</p> <ul style="list-style-type: none"> <li>(a) sydd ag uchafswm dimensiynau o 125mm (uchder) x 125mm (lled),</li> <li>(b) nad oes ganddo gwysed, ac</li> <li>(c) nad oes ganddo handlenni.</li> </ul> <p><i>Esemptiad 2</i> Bag siopa, o faint sy'n gymesur â maint neu natur yr eitemau sydd i'w cludo, a gyflenwir at ddiben cludo eitemau o'r disgrifiad a ganlyn –</p> <ul style="list-style-type: none"> <li>(a) pysgod amrwd, cig amrwd neu ddofednod amrwd (gan gynnwys cynhyrchion pysgod amrwd, cynhyrchion cig amrwd neu gynhyrchion dofednod amrwd) i'w bwyta gan bobl neu anifeiliaid (pa un a yw'r eitem wedi ei becynnu ai peidio);</li> <li>(b) unrhyw fwyd arall i'w fwyta gan bobl neu anifeiliaid sydd heb ei becynnu;</li> <li>(c) bwyd i'w fwyta gan bobl neu anifeiliaid (i'r graddau nad yw'r eitem yn dod o fewn paragraff (a) neu (b)) a ddarperir am ddim;</li> </ul>



	<p><i>Exemption 3</i> In respect of the provision of a straw free of charge by a person (“P”), where the consumer to whom P supplies the straw declares that they need the straw, or an individual to whom they will give the straw needs the straw, for health or disability reasons.</p> <p><i>Exemption 4</i> A straw that is supplied for a purpose connected to the provision of medical care or treatment.</p>
Plates	
Takeaway food containers	A takeaway food container that is not made of expanded or foamed extruded polystyrene.
<i>Other products</i>	
Balloon sticks	
Carrier bags	<p><i>Exemption 1</i> A carrier bag that—</p> <ul style="list-style-type: none"> <li>(a) has maximum dimensions of 125mm (height) x 125mm (width),</li> <li>(b) does not have a gusset, and</li> <li>(c) does not have handles.</li> </ul> <p><i>Exemption 2</i> A carrier bag, of a size commensurate to the size or nature of the items to be carried, supplied for the purpose of carrying items of the following description—</p> <ul style="list-style-type: none"> <li>(a) raw fish, meat or poultry (including raw fish, meat or poultry products) for human or animal consumption (whether or not the item is packaged);</li> <li>(b) any other food for human or animal consumption that is unpackaged;</li> <li>(c) food for human or animal consumption (to the extent the item does not fall within paragraph (a) or (b)) provided free of charge;</li> <li>(d) unpackaged seeds, bulbs, corms or rhizomes;</li> <li>(e) unpackaged goods contaminated by soil;</li> <li>(f) unpackaged blades or bladed articles;</li> <li>(g) unpackaged items made of paper;</li> <li>(h) personal hygiene products provided free of charge;</li> <li>(i) live aquatic creatures in water.</li> </ul>

	<p>(d) hadau, bylbiau, cormau neu risomau heb eu pecynnu;</p> <p>(e) nwyddau heb eu pecynnu a halogwyd gan bridd;</p> <p>(f) llafnau neu eitemau â llafnau heb eu pecynnu;</p> <p>(g) eitemau heb eu pecynnu a wnaed o bapur;</p> <p>(h) cynhyrchion hylendid personol a ddarperir am ddim;</p> <p>(i) creaduriaid dyfrol byw mewn dŵr.</p> <p><i>Esemptiad 3</i>          Bag siopa a gyflenwir at ddiben cludo alcohol neu dybaco mewn ardal a ddynodwyd yn ardal o dan gyfyngiad diogelwch o dan adran 11A o Ddeddf Diogelwch wrth Hedfan 1982 (p. 36).</p>
Ffyn balwnau	
Ffyn cotwm	
<i>Cynhyrchion a wnaed o blastig oco-ddiraddiadwy</i>	
Unrhyw gynnyrch a wnaed o gynnyrch plastig oco-ddiraddiadwy –	
<p>(a) pa un a yw'r cynnyrch hwnnw yn ymddangos yn rhywle arall yn y tabl hwn ai peidio, a</p> <p>(b) pa un a fyddai'r math penodol o gynnyrch, neu'r diben y cyflenwir y cynnyrch hwnnw (neu fath penodol o gynnyrch) ar ei gyfer, fel arall wedi ei esemptio oherwydd cofnod yng ngholofn 2 ai peidio.</p>	

## 2 At ddibenion y Tabl –

ystyr "bag siopa" ("*carrier bag*") yw bag, gyda handlenni neu hebddynt, a ddarperir at ddiben cludo eitemau a werthwyd neu a ddarparwyd gyda'r bag (a gweler hefyd adran 1(6));

ystyr "busnes fferyllfa fanwerthu" ("*retail pharmacy business*") yw busnes (ac eithrio practis proffesiynol sy'n cael ei gynnal gan feddyg neu ddeintydd) ar ffurf, neu sy'n cynnwys, manwerthu cynhyrchion meddyginiaethol nad ydynt ar werth yn gyffredinol;

ystyr "caead" ("*lid*") yw clawr a ddyluniwyd i gadw'r cynnwys mewn cwpan neu gynhwysydd cludfwyd neu i helpu i gynnal tymheredd cynnwys y cwpan neu'r cynhwysydd cludfwyd;

ystyr "cwpan" ("*cup*") yw cwpan a ddyluniwyd i ddal bwyd hylifol neu ddiod i'w yfed;

	<i>Exemption 3</i> A carrier bag that is supplied for the purpose of carrying alcohol or tobacco in an area designated as a security restricted area under section 11A of the Aviation Security Act 1982 (c. 36).
Cotton buds	
<i>Products made of oxo-degradable plastic</i>	
Any product made of oxo-degradable plastic, whether or not— (a) that product appears elsewhere in this table, and (b) the particular type of the product, or the purpose for which that product (or particular type of product) is supplied, would otherwise be exempted by way of an entry in column 2.	

2 For the purposes of the Table—

“balloon stick” (*“ffon balwŷn”*) means a stick, including any attached mechanisms, designed to be attached to a balloon so that it may be carried or supported;

“carrier bag” (*“bag siopa”*) means a bag, with or without handles, supplied for the purpose of carrying items sold or provided with the bag (and see also section 1(6));

“cotton bud” (*“ffon gotwm”*) means a small, thin stick with cotton wool attached around one or both tips, designed to be used for cosmetic applications or personal or animal hygiene;

“cup” (*“cwpan”*) means a cup designed to be used to hold liquid food or drink for consumption;

“cutlery” (*“cytleri”*) means a fork, knife, spoon, chopstick or other utensil designed to be used for consuming or serving food;

“drink-stirrer” (*“tröydd diod”*) means a stick designed to be used for stirring drink and liquid food;

“expanded or foamed extruded polystyrene” (*“polystyren ehangedig neu bolystyren allwthiedig ewynnog”*) means polystyrene where the polymeric material is expanded at any point during its manufacture by any means (such as heat from steam and expansion during cooling) using any blowing agent (such as butane, pentane and propane);

“lid” (*“caead”*) means a cover designed to retain the content in a cup or takeaway food container or to help maintain the temperature of the content of the cup or takeaway food container;

“oxo-degradable plastic” (*“plastig ocsoddiraddiadwy”*) means plastic containing any substance added for the purpose of accelerating the oxidation and fragmentation of the plastic when exposed to heat or light (whether or not this is, or may be, followed by partial or complete breakdown of the material by microbial action);

ystyr "cynhwysydd cludfwyd" ("*takeaway food container*") yw daliedydd ac eithrio plât (er enghraifft bowlen, bocs, côn neu hambwrdd), a ddyluniwyd neu a weithgynhyrchwyd i'w ddefnyddio i fynd â bwyd i ffwrdd o'r fan lle y'i darperir, a bod y bwyd hwnnw –

- (a) yn barod i'w fwyta heb unrhyw baratoi pellach, megis coginio, berwi neu wresogi, a
- (b) fel arfer yn cael ei fwyta ar unwaith;

ystyr "cytleri" ("*cutlery*") yw fforc, cyllell, llwy, gweillen fwyta neu declyn arall a ddyluniwyd i'w ddefnyddio neu ei defnyddio i fwyta bwyd neu weini bwyd;

ystyr "fferylllydd" ("*pharmacist*") yw –

- (a) mewn perthynas â Phrydain Fawr, person sydd wedi ei gofrestru yn Rhan 1 o'r gofrestr o fferyllwyr a thechnegwyr fferyllol a gynhelir o dan erthygl 19(2) o Orchymyn Fferylliaeth 2010 (O.S. 2010/231), a
- (b) mewn perthynas â Gogledd Iwerddon, person sydd wedi ei gofrestru yn y gofrestr o gemegwyr fferyllol ar gyfer Gogledd Iwerddon a gynhelir o dan erthyglau 6 a 9 o Orchymyn Fferylliaeth (Gogledd Iwerddon) 1976 (O.S. 1976/123 (G.I. 22));

ystyr "ffon balŵn" ("*balloon stick*") yw ffon, gan gynnwys unrhyw fecanweithiau cysylltiedig, a ddyluniwyd i fod yn gysylltiedig â balŵn fel y gellir ei gario neu ei gynnal;

ystyr "ffon gotwm" ("*cotton bud*") yw ffon fach, denau gyda gwllân cotwm yn gysylltiedig o amgylch un pen neu'r ddau ben, a ddyluniwyd at ddibenion defnydd cosmetig neu ar gyfer hylendid personol neu hylendid anifeiliaid;

ystyr "gwelltyn" ("*straw*") yw gwelltyn a ddyluniwyd i'w ddefnyddio ar gyfer yfed diod a bwyd hylifol;

ystyr "plastig oco-ddiraddiadwy" ("*oxo-degradable plastic*") yw plastig sy'n cynnwys unrhyw sylwedd a ychwanegir at ddiben cyflymu'r broses o ocsideiddio a darnio'r plastig wrth iddo ddod i gysylltiad â gwres neu olau (pa un a ddilynir hyn, neu y gellir dilyn hyn, gan ddadfeiliad rhannol neu ddadfeiliad llwyr y deunydd drwy weithgarwch microbaidd ai peidio);

ystyr "plât" ("*plate*") yw daliedydd gwastad a ddyluniwyd i ddal bwyd i'w fwyta ond nid i'w weini;

ystyr "polystyren ehangedig neu bolystyren allwthiedig ewynnog" ("*expanded or foamed extruded polystyrene*") yw polystyren lle mae'r deunydd polymerig yn cael ei ehangu ar unrhyw adeg mewn unrhyw ffordd (megis gwres o stêm ac ehangu wrth oeri) yn ystod ei weithgynhyrchu gan ddefnyddio unrhyw asiant chwythu (megis bwtan, pentan a phropan);

ystyr "tröydd diod" ("*drink-stirrer*") yw ffon a ddyluniwyd i'w defnyddio i droi diod a bwyd hylifol.

“retail pharmacy business” (*“busnes fferyllfa fanwerthu”*) means a business (other than a professional practice carried on by a doctor or dentist) which consists of, or includes, the retail sale of medicinal products that are not subject to general sale;

“pharmacist” (*“fferyllydd”*) means –

- (a) in relation to Great Britain, a person registered in Part 1 of the register of pharmacists and pharmacy technicians maintained under article 19(2) of the Pharmacy Order 2010 (S.I. 2010/231), and
- (b) in relation to Northern Ireland, a person registered in the register of pharmaceutical chemists for Northern Ireland maintained under Articles 6 and 9 of the Pharmacy (Northern Ireland) Order 1976 (S.I. 1976/123 (N.I. 22));

“plate” (*“plât”*) means a flat receptacle designed to hold food for eating but not for serving;

“straw” (*“gwelltyn”*) means a straw designed to be used for consuming drink and liquid food;

“takeaway food container” (*“cynhwysydd cludfwyd”*) means a receptacle other than a plate (for example a bowl, box, cone, or tray), designed or manufactured to be used to take food away from the place where it is provided, and that food –

- (a) is ready to be consumed without any further preparation, such as cooking, boiling or heating, and
- (b) is normally consumed immediately.







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