



CYNULLIAD CENEDLAETHOL CYMRU

NATIONAL ASSEMBLY FOR WALES

OFFERYNNAU STATUDOL

STATUTORY INSTRUMENTS

2005 Rhif 1806 (Cy.138)

2005 No. 1806 (W.138)

**DIOGELU'R AMGYLCHEDD,
CYMRU**

**ENVIRONMENTAL
PROTECTION, WALES**

**Rheoliadau Gwastraff Peryglus
(Cymru) 2005**

**The Hazardous Waste (Wales)
Regulations 2005**

NODYN ESBONIADOL

EXPLANATORY NOTE

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

(This note is not part of the Regulations)

Mae'r Rheoliadau hyn yn nodi'r gyfundrefn ar gyfer rheoli ac olrhain gwaith symud gwastraff peryglus at ddibenion gweithredu'r Gyfarwyddeb Gwastraff Peryglus (Cyfarwyddeb 91/689/EC). Mae'r Rheoliadau yn gymwys o ran Cymru.

These Regulations set out the regime for the control and tracking of the movement of hazardous waste for the purpose of implementing the Hazardous Waste Directive (Directive 91/689/EC). The Regulations apply in relation to Wales.

Gwastraff Peryglus

Hazardous Waste

Mae'r Gyfarwyddeb Fframwaith Gwastraff (Cyfarwyddeb 75/442/EEC) yn rheoleiddio, yn ddarostyngedig i eithriadau penodol, y broses o reoli pob math o wastraff ("gwastraff y Gyfarwyddeb"). Mae'r Gyfarwyddeb Gwastraff Peryglus yn ategu'r Gyfarwyddeb Fframwaith Gwastraff drwy osod gofynion ychwanegol o ran gwastraff y Gyfarwyddeb sy'n amlygu nodweddion peryglus penodol. Mae'r gofynion hyn wedi'u trosi o'r blaen gan Reoliadau Gwastraff Arbennig 1996, drwy reolaethau ar "wastraff arbennig". Mae'r Rheoliadau hyn yn diddymu Rheoliadau Gwastraff Arbennig 1996 ac yn rhoi'r term "gwastraff peryglus" ("hazardous waste") yn lle'r term "gwastraff arbennig" ("special waste").

The Waste Framework Directive (Directive 75/442/EEC) regulates, subject to certain exclusions, the management of all types of waste ("Directive waste"). The Hazardous Waste Directive supplements the Waste Framework Directive by imposing additional requirements in relation to Directive waste which displays certain hazardous properties. These requirements have previously been transposed by the Special Waste Regulations 1996, through controls on "special waste". These Regulations repeal the Special Waste Regulations 1996 and replace the term "special waste" with "hazardous waste".

Mae Rhannau 1 i 3 o'r Rheoliadau yn diffinio gwastraff peryglus ac yn nodi sut mae'r Rheoliadau yn gymwys i'r gwastraff hwnnw. Mae'r diffiniad o wastraff peryglus yn rheoliad 6 yn cyfeirio at y rhestr o wastraffoedd peryglus a nodir yn Rheoliadau'r Rhestr Wastraffoedd (Cymru) 2005 (O.S. 2005/1820 (Cy.148)) sy'n cael eu gwneud ar yr un dyddiad â'r Rheoliadau hyn.

Parts 1 to 3 of the Regulations define hazardous waste and set out how the Regulations apply to that waste. The definition of hazardous waste in regulation 6 refers to the list of hazardous wastes set out in the List of Wastes (Wales) Regulations 2005 (S.I.2005/1820 (W.148)) which are made on the same date as these Regulations.

Mae eithriad rhag y rheolaethau hyn ar gyfer gwastraff domestig sy'n amlygu nodweddion peryglus ond nid os yw wedi'i ffurfio o wastraff asbestos neu'n cael ei gasglu ar wahân. Yn y naill achos a'r llall, nid yw'r rheoliadau yn gosod rhwymedigaethau yn uniongyrchol ar ddeiliaid tai.

Gwahardd Cymysgu

Mae Rhan 4 yn gwahardd cymysgu gwastraff peryglus onid yw wedi'i ganiatáu fel rhan o weithrediad gwaredu neu adfer yn unol â'r Gyfarwyddeb Fframwaith Gwastraff. Mae'n gosod dyletswydd hefyd i wahanu gwahanol gategoriâu o Wastraff Peryglus pan fo hynny'n dechnegol ddichonadwy.

Hysbysu

Mae Rhan 5 yn ei gwneud yn dramgwydd i symud gwastraff peryglus o fangre na hysbyswyd Asiantaeth yr Amgylchedd ohoni, onid yw'n fangre esempt neu onid yw'r gwastraff wedi'i dipio'n anghyfreithlon. Rhaid i gynhyrchydd y gwastraff neu'r traddodwr (y person sy'n trefnu ar gyfer symud y gwastraff) hysbysu pob mangre lle mae gwastraff peryglus yn cael ei gynhyrchu neu ei symud. Mae hysbysiad yn para 12 mis ac ar ôl hynny rhaid hysbysu'r fangre eto. Mae ffi yn daladwy i Asiantaeth yr Amgylchedd pan hysbysir mangre.

Symud Gwastraff Peryglus

Mae Rhan 6 yn ei gwneud yn ofynnol i ddogfennau gael eu cwblhau pryd bynnag y mae gwastraff peryglus yn cael ei symud o fangre (sy'n cynnwys ei symud o longau a'i symud drwy biblinell). Mae'r amrywiol fathau o ffurflen i'w gweld yn Atodlenni 4 i 6. Diben hyn yw sicrhau bod disgrifiad cywir o lwythi gwastraff yn mynd gyda hwy pryd bynnag y byddant yn symud. Mae hyn yn ychwanegol at unrhyw ofynion i sicrhau bod gwastraff peryglus yn cael ei becynnu a'i labelu'n briodol (gweler yn benodol Reoliadau Pecynnu (Gofynion Hanfodol) 2003 (O.S. 2003/1941).

Mae'n ofynnol i gynhyrchwyr, deiliaid, cludwyr, traddodwyr a thraddodeion gwblhau gwahanol rannau o'r ffurflenni. Os bydd y traddodai yn gwrthod y gwastraff, rhaid gwneud trefniadau amgen addas. Mae Atodlen 7 yn ymdrin â throsglwyddiadau trawsffiniol o fewn y Deyrnas Unedig a Gibraltar.

Cofnodion ac Atebion

Mae Rhan 7 yn ei gwneud yn ofynnol i gynhyrchwyr, deiliaid, cludwyr, traddodwyr a thraddodeion gadw cofnodion. Rhaid iddynt gael eu cadw am 3 blynedd o leiaf ac eithrio yn achos cludwyr pan fo'r cyfnod yn gyfnod o 12 mis. Mae'n ofynnol i draddodeion roi i Asiantaeth yr Amgylchedd atebion chwarterol sy'n nodi'r llwythi y maent wedi'u cael yn ystod y cyfnod hwnnw. Gall fod yn ofynnol i draddodeion dalu ffi i Asiantaeth yr Amgylchedd ond rhoddir hawl iddynt ei

There is an exclusion from these controls for domestic waste which displays hazardous properties but not if it comprises asbestos waste or is collected separately. In both cases, the regulations do not impose obligations directly on householders.

Mixing Ban

Part 4 bans the mixing of hazardous waste unless it is permitted as part of a disposal or recovery operation in accordance with the Waste Framework Directive. It also imposes a duty to separate different categories of Hazardous Waste where technically feasible.

Notification

Part 5 makes it an offence to remove hazardous waste from premises which have not been notified to the Environment Agency, unless they are exempt premises or the waste has been flytipped. All premises at which hazardous waste is produced or removed must be notified by the producer of the waste or the consignor (the person who arranges for the removal of the waste). Notification lasts 12 months after which the premises must be notified again. A fee is payable to the Environment Agency on notification of premises.

Movement of Hazardous Waste

Part 6 requires documents to be completed whenever hazardous waste is removed from premises (which includes removal from ships and removal by pipeline). The various types of form are set out in Schedules 4 to 6. This is to ensure that an accurate description of consignments of waste accompanies them whenever they move. This is in addition to any requirements to ensure hazardous waste is properly packaged and labelled (see in particular the Packaging (Essential Requirements) Regulations 2003 (S.I. 2003/1941).

Producers, holders, carriers, consignors and consignees are all required to complete various parts of the forms. If the consignee rejects the waste, suitable alternative arrangements must be made. Schedule 7 deals with cross border transfers within the United Kingdom and Gibraltar.

Records and Returns

Part 7 requires producers, holders, carriers, consignors and consignees to keep records. These must be kept for a minimum of 3 years except in the case of carriers where the period is 12 months. Consignees are required to provide the Environment Agency with a quarterly return setting out the consignments they have received during that period. Consignees may be required to pay a fee to the Environment Agency but are given a right

hadennill oddi wrth y traddodwyr a anfonodd y gwastraff atynt. Mae'n ofynnol hefyd iddynt anfon ateb at y cynhyrchwyr neu'r deiliaid a anfonodd wastraff atynt. Mae Atodlen 9 yn nodi cynllun trosiannol ar gyfer ffioedd.

Swyddogaethau'r Asiantaeth

Mae Rhan 8 yn nodi swyddogaethau'r Asiantaeth. Yn benodol, mae'n ofynnol i'r Asiantaeth arolygu cynhyrchwyr gwastraff peryglus o bryd i'w gilydd a chadw unrhyw gofnodion a anfonwyd ati yn unol â Rhan 7 am 3 blynedd o leiaf.

Argyfyngau a Pherygl Difrifol

Mae Rhan 9 yn gosod dyletswyddau ar ddeiliaid gwastraff peryglus ac Asiantaeth yr Amgylchedd os bydd argyfwng neu berygl difrifol sy'n deillio o wastraff peryglus.

Gorfodi

Mae Rhan 10 yn ei gwneud yn dramgwydd i fethu â chydymffurfio â gofynion y Rheoliadau hyn. Lefel 5 ar y raddfa safonol (£5000 ar hyn o bryd) yw'r gosb uchaf am fethu â chydymffurfio â gofyniad a osodwyd gan neu o dan y rheoliadau a nodir yn rheoliad 69(1). Caiff yr Asiantaeth ddyroddi hysbysiadau cosbau penodedig o £300 yn lle ceisio sicrhau collfarniad am dramgwyddau o'r fath. Mae tramgwyddau eraill o dan y Rheoliadau (gan gynnwys darparu gwybodaeth anwir) yn ddarostyngedig i'r ddirwy uchaf, sef lefel 5, os ydynt yn destun prawf diannod, ac yn ddarostyngedig i ddirwyon uwch a charchariad hefyd os ydynt yn destun prawf ar ddiad.

Diwygiadau i reoliadau eraill

Mae Atodlen 11 yn gwneud diwygiadau canlyniadol i reoliadau fel bod cyfeiriadau at wastraff arbennig yn cael eu hepgor a bod cyfeiriadau at wastraff peryglus yn cael eu diweddarau i fod yn gyson â'r Rheoliadau hyn.

Darpariaeth drosiannol

Mae Atodlen 12 yn gwneud darpariaeth drosiannol. Mae'n darparu ar gyfer hysbysu cyn bod y rheoliadau yn llwyr ddod i rym. Mae'n gwneud darpariaeth drosiannol hefyd ar gyfer yr achosion hynny lle byddai'r newid i wastraff peryglus o wastraff arbennig yn golygu na fyddai person wedi'i awdurdodi mwyach i waredu neu adfer gwastraff.

Mae arfarniad rheoliadol wedi'i baratoi. Gellir cael copïau o Is-adran yr Amgylchedd - Diogelu ac Ansawdd, Cynulliad Cenedlaethol Cymru, Parc Cathays, Caerdydd CF10 3NQ.

to recover from consignors who sent the waste to them. They are also required to send a return to producers or holders who sent waste to them. Schedule 9 sets out a transitional scheme for fees.

The Agency's functions

Part 8 sets out the Agency's functions. In particular, the Agency is required to inspect producers of hazardous waste periodically and to keep any records sent to it pursuant to Part 7 for a minimum of 3 years.

Emergencies and Grave Danger

Part 9 imposes duties on holders of hazardous waste and the Environment Agency in the event of an emergency or grave danger which arises from hazardous waste.

Enforcement

Part 10 makes it an offence for failure to comply with the requirements of these Regulations. The maximum penalty for failure to comply with a requirement imposed by or under the regulations set out in regulation 69(1) is level 5 on the standard scale (currently £5000). The Agency may issue fixed penalty notices of £300 instead of seeking conviction in relation to such offences. Other offences under the Regulations (including the provision of false information) are subject to a maximum fine of level 5 if tried summarily and higher fines and also imprisonment if tried on indictment.

Amendments to other legislation

Schedule 11 makes consequential amendments to legislation so that references to special waste are omitted and references to hazardous waste are updated so that they are consistent with these Regulations.

Transitional provision

Schedule 12 makes transitional provision. It provides for notification in advance of the regulations fully coming into force. It also makes transitional provision for those cases where the change to hazardous waste from special waste would mean that a person would no longer be authorised to dispose or recover waste.

A regulatory appraisal has been prepared. Copies can be obtained from the Environment - Protection and Quality Division, National Assembly for Wales, Cathays Park, Cardiff CF10 3NQ.

Mae'r gyfrol sy'n dwyn y teitl "Indexes to the United Kingdom Standard Industrial Classification of Economic Activities 2003", ac y cyfeirir ati yn y diffiniad o "SIC", ar gael oddi wrth y Stationery Office Limited drwy ffonio 0870 600 552.

The volume entitled "Indexes to the United Kingdom Standard Industrial Classification of Economic Activities 2003", referred to in the definition of "SIC", is available from the Stationery Office Limited on 0870 600 552.

2005 Rhif 1806 (Cy.138)

**DIOGELU'R AMGYLCHEDD,
CYMRU**

**Rheoliadau Gwastraff Peryglus
(Cymru) 2005**

Wedi'u gwneud *5 Gorffennaf 2005*
Yn dod i rym *yn unol â rheoliad 1(1)*

TREFN Y RHEOLIADAU

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5. Dehongli'n Gyffredinol

RHAN 2

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NAD YW'N BERYGLUS**

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8. Gwastraff penodol sydd i'w drin fel gwastraff peryglus
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2005 No. 1806 (W.138)

**ENVIRONMENTAL
PROTECTION, WALES**

**The Hazardous Waste (Wales)
Regulations 2005**

Made *5 July 2005*
Coming into force *in accordance with*
regulation 1(1)

ARRANGEMENT OF REGULATIONS

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10. Provisions common to regulations 8 and 9
11. Requisite bodies

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14. Ffracsiynau domestig a gasglwyd ar wahân
15. Gwastraff ymbelydrol
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17. Gwastraff mwynloddiâu a chwareli

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22. Gwahardd symud gwastraff peryglus o fangre oni roddwyd hysbysiad neu onid yw'n esempt
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24. Hysbysiad gan gynhyrchydd
25. Hysbysiad gan draddodwr
26. Darpariaethau cyffredin ynghylch hysbysiadau
27. Cod mangre
28. Yr amser effeithiol
29. Gwasanaethau symudol
30. Y terfynau cymwys
31. Cyfyngiad y ddeiliadaeth
32. Dehongli'n gyffredinol Ran 5

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34. Codau traddodi
- Y dogfennau sydd i'w cwblhau ar gyfer llwythi
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41. Symud gwastraff drwy biblinell

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44. Y weithdrefn ar gyfer llwyth amlgasgliad a wrthodwyd

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48. Cofnodion gwaredu neu adfer gwastraff peryglus drwy ddulliau eraill

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49. Cofnodion cynhyrchwyr, deiliaid a thraddodwyr
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| | |
|------------|--|
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| | |
|-------------|------------------------------------|
| SCHEDULE 9 | Transitional charges by the Agency |
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Mae Cynulliad Cenedlaethol Cymru, gan ei fod wedi'i ddynodi(1) at ddibenion adran 2(2) o Ddeddf y Cymunedau Ewropeaidd 1972(2) o ran mesurau sy'n ymwneud ag atal, lleihau a dileu llygredd sy'n cael ei achosi gan wastraff, drwy arfer y pwerau a roddwyd iddo gan adran 2(2) o'r Ddeddf honno, yn gwneud y Rheoliadau canlynol:

The National Assembly for Wales, being designated(1) for the purposes of section 2(2) of the European Communities Act 1972(2) in relation to measures relating to the prevention, reduction and elimination of pollution caused by waste, in exercise of the powers conferred on it by section 2(2) of that Act, makes the following Regulations:

RHAN 1 CYFFREDINOL

PART 1 GENERAL

Enwi, cychwyn a chymhwyso

1.-(1) Teitl y Rheoliadau hyn yw Rheoliadau Gwastraff Peryglus (Cymru) 2005.

(2) Daw'r Rheoliadau hyn i rym fel a ganlyn -

- (a) Rhannau 1, 2, paragraff 1 o Ran 1 o Atodlen 12 ac, at ddibenion y paragraff hwnnw yn unig, yn Rhan 5, rheoliadau 59(3) ac Atodlen 9 a rheoliad 74 ar 6 Gorffennaf 2005; a
- (b) y gweddi, ar 16 Gorffennaf 2005.

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

Y Gyfarwyddeb Wastraff ac ystyr Gwastraff

2.-(1) At ddibenion y Rheoliadau hyn -

- (a) ystyr "y Gyfarwyddeb Wastraff" ("*the Waste Directive*") yw Cyfarwyddeb y Cyngor 75/442/EEC(3) ar wastraff fel y'i diwygiwyd gan -
 - (i) Cyfarwyddebau'r Cyngor 91/156/EEC(4) a 91/692/EEC(5);
 - (ii) Penderfyniad y Comisiwn 96/350/EC(6); a
 - (iii) Rheoliad (EC)Rhif 1882/2003(7); a

Title, commencement, and application

1. -(1) The title of these Regulations is the Hazardous Waste (Wales) Regulations 2005.

(2) These Regulations come into force as follows-

- (i) Parts 1, 2, paragraph 1 of Part 1 of Schedule 12 and, for the purposes of that paragraph only, in Part 5, regulation 59(3) and Schedule 9 and regulation 74 on 6 July 2005; and
- (ii) the remainder, on 16 July 2005.

(3) These regulations apply in relation to Wales.

The Waste Directive and the meaning of Waste

2.-(1) For the purposes of these Regulations -

- (a) "the Waste Directive" ("*y Gyfarwyddeb Wastraff*") means Council Directive 75/442/EEC(3) on waste as amended by -
 - (i) Council Directives 91/156/EEC(4) and 91/692/EEC(5);
 - (ii) Commission Decision 96/350/EC(6); and
 - (iii) Regulation (EC) No 1882/2003(7); and

(1) S.I. 2005/850.

(2) 1972 p.68.

(3) OJ Rhif L 194, 25.7.1975, t.39.

(4) OJ Rhif L 78, 26.3.1991, t.32.

(5) OJ Rhif L 377, 31.12.1991, t.48 (fel y'i diwygiwyd drwy Gorigendwm, OJ Rhif L 146, 13.6.2003, t.52).

(6) OJ. Rhif L 135, 6.6.1996, t.32.

(7) OJ Rhif L 284, 31.10.2003, t.1.

(1) S.I. 2005/850.

(2) 1972 c.68.

(3) OJ No. L 194, 25.7.1975, p.39.

(4) OJ No. L 78, 26.3.1991, p.32.

(5) OL No. L 377.31.12.1991, p.48 (as corrected by Corrigendum, OJ No. L 146, 13.6.2003, p.52).

(6) OJ. No. L 135, 6.6.1996, p.32.

(7) OJ No. L 284, 31.10.2003, p.1.

- (b) ystyr "gwastraff" ("*waste*") yw unrhyw beth-
- (i) sy'n wastraff(1) at ddibenion y Gyfarwyddeb Wastraff; a
 - (ii) yn ddarostyngedig i reoliad 15, nas gwaharddwyd o rychwant y Gyfarwyddeb honno gan Erthygl 2 o'r Gyfarwyddeb honno.

(2) Yn y Rheoliadau hyn, mae cyfeiriad at amodau'r Gyfarwyddeb Wastraff yn gyfeiriad at yr amodau a osodwyd yn Erthygl 4 o'r Gyfarwyddeb honno, sef, sicrhau bod gwastraff yn cael ei adfer neu ei waredu heb beryglu iechyd dynol a heb ddefnyddio prosesau neu ddulliau a allai niweidio'r amgylchedd ac yn benodol-

- (a) heb beri risg i ddŵr, aer, pridd a phlanhigion ac anifeiliaid;
- (b) heb beri niwsans drwy sŵn neu arogleuon; ac
- (c) heb effaith andwyol ar gefn gwlad neu fannau o ddiddordeb arbennig.

Y Gyfarwyddeb Gwastraff Peryglus

3.-(1) Yn y Rheoliadau hyn, ystyr "y Gyfarwyddeb Gwastraff Peryglus" ("*the Hazardous Waste Directive*") yw Cyfarwyddeb y Cyngor 91/689/EEC(2) ar wastraff peryglus, fel y'i diwygiwyd gan Gyfarwyddeb y Cyngor 94/31/EC(3).

(2) Mae cyfeiriad yn y Rheoliadau hyn at-

- (a) Atodiad I, Atodiad II neu Atodiad III yn gyfeiriad at yr atodiad i'r Gyfarwyddeb Gwastraff Peryglus a rifwyd felly, fel y nodir yr atodiad hwnnw yn y Rheoliadau hyn fel a ganlyn-
 - (i) Atodlen 1, sy'n dangos Atodiad I (Categoriâu neu fathau generig o wastraff peryglus a restrwyd yn ôl eu natur neu'r gweithgaredd a'u cynhyrchodd);
 - (ii) Atodlen 2, sy'n nodi Atodiad II (Cyfansoddion gwastraffoedd yn Atodiad I.B sy'n eu gwneud yn beryglus pan fydd ganddynt y nodweddion a ddisgrifir yn Atodiad III); a
 - (iii) Atodlen 3, sy'n nodi Atodiad III (Nodweddion gwastraffoedd sy'n eu gwneud yn beryglus);
- (b) mae nodweddion peryglus yn gyfeiriad at y nodweddion a geir ac a nodir yn Atodiad III.

- (b) "waste" ("*gwastraff*") means anything that-
- (i) is waste(1) for the purposes of the Waste Directive; and
 - (ii) subject to regulation 15, is not excluded from the scope of that Directive by Article 2 of that Directive.

(2) In these Regulations, a reference to the Waste Directive conditions is a reference to the conditions laid down in Article 4 of that Directive, that is to say, to ensure that waste is recovered or disposed of without endangering human health and without using processes or methods which could harm the environment and in particular-

- (a) without risk to water, air, soil and plants and animals;
- (b) without causing a nuisance through noise or odours; and
- (c) without adversely affecting the countryside or places of special interest.

The Hazardous Waste Directive

3.-(1) In these Regulations, "the Hazardous Waste Directive" means Council Directive 91/689/EEC(2) on hazardous waste, as amended by Council Directive 94/31/EC(3).

(2) A reference in these Regulations to-

- (a) Annex I, Annex II or Annex III is a reference to the annex to the Hazardous Waste Directive so numbered, as that annex is set out in these Regulations as follows-
 - (i) Schedule 1, which sets out Annex I (Categories or generic types of hazardous waste listed according to their nature or the activity which generated them);
 - (ii) Schedule 2, which sets out Annex II (Constituents of the wastes in Annex I.B which render them hazardous when they have the properties described in Annex III); and
 - (iii) Schedule 3, which sets out Annex III (Properties of wastes which render them hazardous);
- (b) hazardous properties is a reference to the properties in Annex III as so set out.

(1) Mae Erthygl 1(a) o'r Gyfarwyddeb Wastraff yn diffinio "waste" fel unrhyw sylwedd neu eitem yn y categorïau a nodir yn Atodlen I (Categoriâu o Wastraff) i'r Gyfarwyddeb honno y mae'r deiliad yn cael gwared arno neu arni neu'n bwriadu gwneud hynny neu y mae'n ofynnol iddo gael gwared arno neu arni.

(2) OJ Rhif L 377, 31.12.1991, t.20 (fel y'i cywirwyd drwy Gorigendwm i Gyfarwyddeb 91/689/EC (OJ Rhif L 23, 30.1.1998 t.39).

(3) OJ Rhif L 168, 2.7.1994, t.28.

(1) Article 1(a) of the Waste Directive defines waste as any substance or object in the categories set out in Annex I (Categories of Waste) to that Directive which the holder discards or intends or is required to discard.

(2) OJ No. L 377, 31.12.1991, p.20 (as corrected by Corrigendum to Directive 91/689/EC (OJ No. L 23 30.1.1998 p.39).

(3) OJ No. L 168, 2.7.1994, p.28.

Y Rhestr Wastraffoedd

4.-(1) Yn y Rheoliadau hyn-

ystyr "Penderfyniad y Rhestr Wastraffoedd" ("*the List of Wastes Decision*") yw Penderfyniad y Comisiwn 2000/532/EC(1) ar 3 Mai 2000 yn disodli Penderfyniad 94/3/EC sy'n sefydlu rhestr wastraffoedd yn unol ag Erthygl 1(a) o Gyfarwyddeb y Cyngor 75/442/EEC ar wastraff a Phenderfyniad y Cyngor 94/904/EC sy'n sefydlu rhestr o wastraffoedd peryglus yn unol ag Erthygl 1(4) o Gyfarwyddeb y Cyngor 91/689/EEC ar wastraff peryglus, fel y'i diwygiwyd gan y diwygiadau i hynny sy'n effeithiol o dro i dro o ran Cymru yn unol â Rheoliadau'r Rhestr Wastraffoedd;

ystyr "Rheoliadau'r Rhestr Wastraffoedd" ("*the List of Wastes Regulations*") yw Rheoliadau'r Rhestr Wastraffoedd (Cymru) 2005(2); ac

ystyr "y Rhestr Wastraffoedd" ("*the List of Wastes*") yw'r rhestr wastraffoedd a nodir ym Mhenderfyniad y Rhestr Wastraffoedd fel y'i nodir o bryd i'w gilydd yn Rheoliadau'r Rhestr Wastraffoedd, sef y rhestr y cyfeirir ati yn indent cyntaf Erthygl 1(4) o'r Gyfarwyddeb Gwastraff Peryglus a luniwyd ar sail Atodiadau I a II, a honno'n rhestr a chanddi un neu fwy o'r nodweddion a restrir yn Atodiad III, gan gymryd i ystyriaeth darddiad a chyfansoddiad y gwastraff ac, os oes angen, gwerthoedd terfyn y crynodiad.

(2) Mae cyfeiriad yn y Rheoliadau hyn ynglŷn â'r ffaith bod unrhyw wastraff-

- (a) "wedi'i restru fel gwastraff" ac "wedi'i restru fel gwastraff peryglus" yn cyfeirio at y ffaith bod y gwastraff hwnnw wedi'i restru fel gwastraff, neu fel gwastraff peryglus, yn ôl y digwydd, yn y Rhestr Wastraffoedd, ar yr amod, yn achos gwastraff y mae gwerth terfyn o grynodiad yn gymwys iddo, mai dim ond pan fo'r gwerth terfyn perthnasol o grynodiad wedi'i fodloni y dylid barnu ei fod wedi'i restru fel gwastraff peryglus;
- (b) "heb ei restru fel gwastraff peryglus" yn cyfeirio at y ffaith bod y gwastraff hwnnw heb ei restru fel gwastraff peryglus yn y Rhestr Wastraffoedd, p'un a ydyw wedi'i restru fel gwastraff ai peidio, neu p'un a ydyw fel arall yn wastraff peryglus ai peidio yn unol â'r Rheoliadau hyn;

ac mae ymadroddion cytras i'w dehongli yn unol â hynny.

The List of Wastes

4.-(1) In these Regulations-

"the List of Wastes Decision" ("*Penderfyniad y Rhestr Wastraffoedd*") means Commission Decision 2000/532/EC(1) of 3 May 2000 replacing Decision 94/3/EC establishing a list of wastes pursuant to Article 1(a) of Council Directive 75/442/EEC on waste and Council Decision 94/904/EC establishing a list of hazardous waste pursuant to Article 1(4) of Council Directive 91/689/EEC on hazardous waste, as amended by amendments thereto which have effect from time to time in relation to Wales pursuant to the List of Wastes Regulations;

"the List of Wastes Regulations" ("*Rheoliadau'r Rhestr Wastraffoedd*") means the List of Wastes (Wales) Regulations 2005(2); and

"the List of Wastes" ("*y Rhestr Wastraffoedd*") means the list of wastes set out in the List of Wastes Decision as it is from time to time set out in the List of Wastes Regulations, being the list referred to in the first indent of Article 1(4) of the Hazardous Waste Directive drawn up on the basis of Annexes I and II, having one or more of the properties listed in Annex III, taking account of the origin and composition of the waste and, where necessary, limit values of concentration.

(2) A reference in these Regulations in relation to any waste to-

- (a) being "listed as a waste" and "listed as a hazardous waste" refers to that waste being listed as a waste, or as a hazardous waste, as the case may be, in the List of Wastes, provided, in the case of a waste to which a limit value of concentration applies, it is only to be considered to be listed as a hazardous waste where the relevant limit value of concentration is satisfied;
- (b) being "not listed as hazardous" refers to that waste being not listed as a hazardous waste in the List of Wastes, whether or not it is listed as a waste, and whether or not it is otherwise a hazardous waste pursuant to these Regulations;

and cognate expressions are to be construed accordingly.

(1) OJ Rhif L 226, 6.9.2000, t.3.

(2) O.S. 2005/1820 (Cy.148).

(1) OJ No. L 226, 6.9.2000, p.3.

(2) S.I. 2005/1820 (W.148).

Dehongli'n Gyffredinol

5.-(1) Yn y Rheoliadau hyn-

mae i "amlogasgliad" ("*multiple collection*") yr ystyr a roddir gan reoliad 38;

mae i "ardal harbwr" yr un ystyr â "*harbour area*" yn Rheoliadau Sylweddau Peryglus mewn Ardaloedd Harbwr 1987(1);

mae i "argyfwng neu berygl difrifol" ("*emergency or grave danger*") yr ystyr a roddir gan reoliad 61;

ystyr "yr Asiantaeth" ("*the Agency*") yw Asiantaeth yr Amgylchedd;

ystyr "atodlen y cludwyr" ("*schedule of carriers*") yw'r ffurf ar atodlen a nodir yn Atodlen 5 ac y mae'n ofynnol ei chwblhau pan fo mwy nag un cludwr yn cludo, neu i gludo, y llwyth;

ystyr "cludwr" ("*carrier*"), mewn perthynas â llwyth o wastraff peryglus, yw person sy'n cymryd un neu fwy o'r camau canlynol, sef, casglu'r llwyth o'r fangre lle cafodd ei gynhyrchu neu o'r fangre lle mae'n cael ei gadw, ei draddodi i'r traddodai, neu ei gludo wrth ei drosglwyddo o'r fangre honno i'r traddodai;

ystyr "cod chwe digid" ("*six digit code*") yw'r cod chwe digid sy'n cyfeirio at fath o wastraff yn unol â'r Rhestr Wastraffoedd, ac mewn perthynas â gwastraff peryglus, mae'n cynnwys y seren;

mae "cod traddodi" ("*consignment code*") i'w ddehongli'n unol â rheoliad 34(1);

mae "cymysgu" ("*mixing*") i'w ddehongli'n unol â rheoliad 18;

ystyr "y Cynulliad" ("*the Assembly*") yw Cynulliad Cenedlaethol Cymru;

ystyr "chwarter" ("*quarter*") yw unrhyw gyfnod o dri mis sy'n dod i ben ar 31 Mawrth, 30 Mehefin, 30 Medi neu 31 Rhagfyr;

ystyr "Deddf 1990" ("*the 1990 Act*") yw Deddf Diogelu'r Amgylchedd 1990(2);

ystyr "Deddf 1995" ("*the 1995 Act*") yw Deddf yr Amgylchedd 1995(3);

ystyr "diwrnod busnes" ("*business day*") yw unrhyw ddiwrnod heblaw-

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- (1) O.S. 1987/37, y mae diwygiadau iddo nad ydynt yn berthnasol i'r Rheoliadau hyn.
(2) 1990 p. 43.
(3) 1995 p. 25.

General Interpretation

5.-(1) In these Regulations-

"the 1990 Act" ("*Deddf 1990*") means the Environmental Protection Act 1990(1);

"the 1995 Act" ("*Deddf 1995*") means the Environment Act 1995(2);

"the 1994 Regulations" ("*Rheoliadau 1994*") means the Waste Management Licensing Regulations 1994(3);

"the 1996 Regulations" ("*Rheoliadau 1996*") means the Special Waste Regulations 1996(4);

"the Agency" ("*yr Asiantaeth*") means the Environment Agency;

"asbestos waste" ("*gwastraff asbestos*") means waste which contains or is contaminated by asbestos;

"the Assembly" ("*y Cynulliad*") means the National Assembly for Wales;

"authorised person" ("*person awdurdodedig*") has the meaning given by section 108(15) of the 1995 Act;

"business day" ("*diwrnod busnes*") means any day other than any-

- (a) Saturday or Sunday;
(b) Good Friday or Christmas Day;
(c) day which is a bank holiday in England and Wales under the Banking and Financial Dealings Act 1971(5); or
(d) other public holiday;

"carrier" ("*cludwr*"), in relation to a consignment of hazardous waste, means a person who takes one or more of the following actions, that is to say, collects the consignment from the premises at which it was produced or premises at which it is being held, delivers it to the consignee, or transports it in the course of its transfer from those premises to the consignee;

"consignee" ("*traddodai*"), in relation to a consignment of hazardous waste, means the person to whom the waste is or is to be transferred for recovery or disposal;

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- (1) 1990 c.43.
(2) 1995 c.25.
(3) S.I. 1994/1056. Relevant amending instruments are S.I. 1994/1137; 1995/288, 1995/1950, 1996/634, 1996/972, 1996/1279, 1997/2203, 1998/606, 1998/2746, 2000/1973, 2001/503, 2002/674, 2002/1559 and 2005/883.
(4) SI 1996/972 as amended by S.I. 1996/2019, 1997/251, 2001/3148.
(5) 1971 c.80.

- (a) unrhyw ddydd Sadwrn neu unrhyw ddydd Sul;
- (b) unrhyw ddydd Gwener y Groglith neu unrhyw ddydd Nadolig;
- (c) unrhyw ddiwrnod sy'n wyl banc yng Nghymru a Lloegr o dan Ddeddf Bancio a Thrafodion Ariannol 1971(1); neu
- (ch) unrhyw wyl gyhoeddus arall;

ystyr "SIC" ("*SIC*") yw'r cyhoeddiad sy'n dwyn y teitl "the UK Standard Industrial Classification of Economic Activities 2003" a baratowyd gan y Swyddfa Ystadegau Gwladol a'i gyhoeddi gan Wasg ei Mawrhydi ar 31 Rhagfyr 2002 ac a weithredwyd ar 1 Ionawr 2003(2);

ystyr "esemptiad cofrestredig" ("*registered exemption*") yw gweithgaredd a nodir yn Atodlen 3 i Reoliadau 1994 ac sydd wedi'i gofrestru gyda'r awdurdod cofrestru priodol yn unol â'r Rheoliadau hynny;

ystyr "gwasanaethau brys" ("*emergency services*") yw gwasanaeth yr heddlu, y gwasanaeth tân a'r gwasanaeth ambiwlans y mae'n debygol y byddai'n rhaid iddynt ymateb i argyfwng;

ystyr "gwasanaeth symudol" ("*mobile service*") yw gwasanaeth sy'n cael ei weithredu o fangre ac sy'n cynnwys un neu ragor o'r gweithgareddau canlynol, sef, adeiladu, cynnal a chadw neu drwsio unrhyw fangre arall, neu sy'n cynnwys unrhyw osodion, ffitiadau neu gyfarpar a leolir yn y fangre arall honno, a hwnnw'n wasanaeth y mae gweithredydd y gwasanaeth yn cynhyrchu gwastraff peryglus wrth gynnal y gwasanaeth hwnnw yn y fangre arall honno;

ystyr "gwastraff asbestos" ("*asbestos waste*") yw gwastraff sy'n cynnwys asbestos neu a halogwyd ganddo;

mae i "gwastraff nad yw'n beryglus" ("*non-hazardous waste*") yr ystyr a roddir iddo gan reoliad 7;

mae "gwastraff peryglus" ("*hazardous waste*") i'w ddehongli yn unol â rheoliad 6;

ystyr "llong" ("*ship*") yw cwch o unrhyw fath gan gynnwys cwch ymsuddol, cwch arnofiol ac unrhyw strwythur sy'n llwyfan gosodedig neu arnofiol;

mae i "llong y Deyrnas Unedig" yr ystyr a roddir i "*United Kingdom ship*" yn adran 1 o Ddeddf Llongau Masnachol 1995(3);

"consignment code" ("*cod traddodi*") is to be construed in accordance with regulation 34(1);

"consignment note" ("*nodyn traddodi*"), in relation to a consignment of hazardous waste, means the identification form which is required to accompany the hazardous waste when it is transferred pursuant to Article 5(3)(1) of the Hazardous Waste Directive;

"consignor" ("*traddodwr*"), in relation to a consignment of hazardous waste, means the person who causes that waste to be removed from the premises at which it was produced or is being held;

"emergency or grave danger" ("*argyfwng neu berygl difrifol*") has the meaning given by regulation 61;

"emergency services" ("*gwasanaethau brys*") means those police, fire and ambulance services who are liable to be required to respond to an emergency;

"harbour area" ("*ardal harbwr*") has the same meaning as in the Dangerous Substances in Harbour Areas Regulations 1987(2);

"hazardous waste" ("*gwastraff peryglus*") is to be construed in accordance with regulation 6;

"mixing" ("*cymysgu*") is to be construed in accordance with regulation 18;

"mobile service" ("*gwasanaeth symudol*") means a service operated from premises which consists of any one or more of the following activities, that is to say, the construction, maintenance or repair of any other premises, or of any fixtures, fittings or equipment located on those other premises, being a service in the course of which the operator of the service produces hazardous waste at those other premises;

"multiple collection" ("*amlgasgliad*") has the meaning given by regulation 38;

"multiple collection consignment note" ("*nodyn traddodi amlgasgliad*") means the consignment note set out in Schedule 6 and required to be used in relation to multiple collections;

"non-hazardous waste" ("*gwastraff nad yw'n beryglus*") has the meaning given by regulation 7;

"premises" ("*mangre*") includes any ship and any other means of transport from which a mobile service is operated;

(1) 1971 p.80.

(2) ISBN 0116216417.

(3) 1995 p. 21.

(1) The consignment note is required by Article 5(3) to contain the details specified in Commission Decision 94/774/EC (OJ No. L 310, 3/12/1994 p.70; this decision is expected to be replaced in June 2005). The relevant requirements are contained in Schedule 4 to these Regulations.

(2) S.I. 1987/37, to which there are amendments not relevant to these Regulations.

mae "mangre" ("*premises*") yn cynnwys unrhyw long ac unrhyw gyfrwng cludo arall y mae gwasanaeth symudol yn cael ei weithredu ohono;

ystyr "nodyn traddodi" ("*consignment note*"), mewn perthynas â llwyth o wastraff peryglus, yw ffurflen adnabod y mae'n ofynnol iddi fynd gyda'r gwastraff peryglus pan drosglwyddir ef yn unol ag Erthygl 5(3)(1) o'r Gyfarwyddeb Gwastraff Peryglus;

ystyr "nodyn traddodi amlgasgliad" ("*multiple collection consignment note*") yw'r nodyn traddodi a nodir yn Atodlen 6 ac y mae'n ofynnol ei ddefnyddio mewn perthynas ag amlgasgliadau;

mae i "person awdurdodedig" yr ystyr a roddir i "authorised person" gan adran 108(15) o Ddeddf 1995;

ystyr "Rheoliadau 1994" ("*the 1994 Regulations*") yw Rheoliadau Trwyddedu Rheoli Gwastraff 1994(2);

ystyr "Rheoliadau 1996" ("*the 1996 Regulations*") yw Rheoliadau Gwastraff Arbennig 1996(3);

ystyr "SEPA" yw Asiantaeth Diogelu Amgylchedd yr Alban;

ystyr "traddodai" ("*consignee*"), mewn perthynas â llwyth o wastraff peryglus, yw'r person y mae'r gwastraff yn cael neu i'w drosglwyddo iddo i'w adfer neu ei waredu;

ystyr "traddodwr" ("*consignor*"), mewn perthynas â llwyth o wastraff peryglus, yw'r person sy'n peri bod y gwastraff hwnnw'n cael ei symud o'r fangre lle cafodd y gwastraff ei gynhyrchu neu lle cedwir ef;

mae i "trwydded gwastraff" yr un ystyr â "waste permit" yn Atodlen 4 i Reoliadau 1994; ac

mae i "trwydded rheoli gwastraff" yr ystyr a roddir i "waste management licence" gan adran 35(1) o Ddeddf 1990.

(2) Yn y Rheoliadau hyn, mae gan yr ymadroddion canlynol (sef yr ymadroddion a ddiffinnir yn Erthygl 1(b) i (g) o'r Gyfarwyddeb Wastraff) yr ystyron sydd ganddynt yn y gyfarwyddeb honno, sef -

ystyr "cynhyrchydd" ("*producer*") yw unrhyw un y mae ei weithgareddau yn cynhyrchu gwastraff ("y cynhyrchydd gwreiddiol" ("*the original producer*")) neu unrhyw un sy'n gwneud gwaith

- (1) O dan Erthygl 5(3) mae'n ofynnol i'r nodyn traddodi gynnwys y manylion a bennir ym Mhenderfyniad y Comisiwn 94/774/EC (OJ Rhif L 310, 3/12/1994 t. 70; disgwylir y caiff y penderfyniad hwn ei newid ym Mehefin 2005). Ceir y gofynion perthnasol yn Atodlen 4 i'r Rheoliadau hyn.
- (2) O.S. 1994/1056. Yr offerynnau diwygio perthnasol yw O.S. 1994/1137; 1995/288, 1995/1950, 1996/634, 1996/972, 1996/1279, 1997/2203, 1998/606, 1998/2746, 2000/1973, 2001/503, 2002/674, 2002/1559 a 2005/883.
- (3) O.S. 1996/972 fel y'i diwygiwyd gan O.S. 1996/2019, 1997/251, 2001/3148.

"quarter" ("*chwarter*") means any period of three months ending on 31 March, 30 June, 30 September or 31 December;

"registered exemption" ("*esemptiad cofrestredig*") means an activity set out in Schedule 3 to the 1994 Regulations which is registered with the appropriate registration authority in accordance with those Regulations;

"schedule of carriers" ("*atodlen y cludwyr*") means the form of schedule set out in Schedule 5 and required to be completed where more than one carrier transports, or is to transport, the consignment;

"SEPA" ("*SEPA*") means the Scottish Environment Protection Agency;

"ship" ("*llong*") means a vessel of any type whatsoever including submersible craft, floating craft and any structure which is a fixed or floating platform;

"six digit code" ("*cod chwe digid*") means the six digit code referable to a type of waste in accordance with the List of Wastes, and in relation to hazardous waste, includes the asterisk;

"SIC" ("*SIC*") means the publication entitled "the UK Standard Industrial Classification of Economic Activities 2003" prepared by the Office of National Statistics and published by Her Majesty's Stationery Office on 31 December 2002 and implemented on 1 January 2003(1);

"United Kingdom ship" ("*llong y Deyrnas Unedig*") has the meaning given by section 1 of the Merchant Shipping Act 1995(2);

"waste management licence" ("*trwydded rheoli gwastraff*") has the meaning given by section 35(1) of the 1990 Act;

"waste permit" ("*trwydded gwastraff*") has the same meaning as in Schedule 4 to the 1994 Regulations.

(2) In these Regulations, the following expressions (being the expressions defined in Article 1(b) to (g) of the Waste Directive) have the same meanings as they have in that directive, that is to say -

"producer" ("*cynhyrchydd*") means anyone whose activities produce waste ("original producer") or anyone who carries out pre-processing, mixing or

(1) ISBN 0116216417.

(2) 1995 c.21.

rhabrosesu, cymysgu neu weithrediadau eraill sy'n golygu bod newid yn natur neu yng nghyfansoddiad y gwastraff hwn;

ystyr "deiliad" ("*holder*") yw cynhyrhydd y gwastraff neu'r person y mae'r gwastraff yn ei feddiant;

ystyr "rheoli" ("*management*") yw casglu, cludo, adfer a gwaredu gwastraff, gan gynnwys goruchwyllo gweithrediadau o'r fath ac ôl-gofal ar safleoedd gwaredu;

ystyr "gwaredu" ("*disposal*") yw unrhyw un o'r gweithrediadau y darperir ar eu cyfer yn Atodiad IIA o'r Gyfarwyddeb Wastraff;

ystyr "adfer" ("*recovery*") yw unrhyw rai o'r gweithrediadau y darperir ar eu cyfer yn Atodiad IIB o'r Gyfarwyddeb Wastraff(1); ac

ystyr "casglu" ("*collection*") yw crynhoi, sortio neu gymysgu gwastraff neu unrhyw un neu fwy o'r gweithrediadau hynny, at ddibenion cludo,

ac mae ymadroddion cytras i'w dehongli yn unol â hynny.

(3) Yn y Rheoliadau hyn-

- (a) caniateir i unrhyw ddogfen sydd i'w darparu neu i'w rhoi i unrhyw berson (heblaw hysbysiad cosb benodedig o dan Ran 10) gael ei darparu neu ei rhoi i'r person hwnnw ar ffurf electronig os oes modd i'r testun hwnnw gael ei gynhyrchu gan y person hwnnw ar ffurf dogfen sy'n weladwy ac yn ddarllenadwy;
 - (b) caiff unrhyw ofyniad i wneud neu gadw cofnod neu i ddal gafael ar gofnod neu i gadw cofrestr ei fodloni ar ffurf electronig os oes modd i'r testun hwnnw gael ei gynhyrchu gan y person hwnnw ar ffurf dogfen sy'n weladwy ac yn ddarllenadwy;
 - (c) caiff unrhyw ofyniad i lofnodi hysbysiad, nodyn traddodi, atodlen y cludwyr neu nodyn traddodi amlgasgliad ei fodloni gan lofnod electronig wedi ei ymgorffori yn y ddogfen; ac
- (ch)ystyr "llofnod electronig" ("*electronic signature*") yw data ar ffurf electronig sydd wedi'i atodi i ddata electronig arall neu wedi'i gysylltu'n rhesymegol ag ef ac sy'n gweithredu fel dull dilysu.

other operations resulting in a change in the nature or composition of this waste;

"holder" ("*deiliad*") means the producer of the waste or the person who is in possession of it;

"management" ("*rheoli*") means the collection, transport, recovery and disposal of waste, including the supervision of such operations and after-care of disposal sites;

"disposal" ("*gwaredu*") means any of the operations provided for in Annex IIA of the Waste Directive;

"recovery" ("*adfer*") means any of the operations provided for in Annex IIB of the Waste Directive(1);

"collection" ("*casglu*") means the gathering, sorting or mixing of waste or any one or more of those operations, for the purpose of transport,

and expressions cognate to these expressions are to be construed accordingly.

(3) In these Regulations-

- (a) any document which is to be provided or given to any person (other than a fixed penalty notice under Part 10) may be provided or given to that person in electronic form if the text is capable of being produced by that person in a visible and legible documentary form;
- (b) any requirement to make, keep or retain a record or to maintain a register may be satisfied in electronic form if the text is capable of being produced by that person in a visible and legible documentary form;
- (c) any requirement for a signature on a notification, consignment note, schedule of carriers or multiple collection consignment note, may be satisfied by an electronic signature incorporated into the document; and
- (d) "electronic signature" ("*llofnod electronig*") means data in electronic form which are attached to or logically associated with other electronic data and which serve as a method of authentication.

(1) Dehonglwyd ystyron "gwaredu" ("*disposal*") ac "adfer" ("*recovery*") gan Lys Cyfiawnder Ewrop yn C-6/00. Dyfarnodd y Llys (ym mharagraff 60 o'r dyfarniad) fel a ganlyn: "...the intention of Annexes II A and II B to the Directive is to list the most common disposal and recovery operations and not precisely and exhaustively to specify all the disposal and recovery operations covered by the Directive."

(1) The meaning of "disposal" and "recovery" has been interpreted by the European Court of Justice in C-6/00. The Court held (at paragraph 60 of the judgment) "...the intention of Annexes II A and II B to the Directive is to list the most common disposal and recovery operations and not precisely and exhaustively to specify all the disposal and recovery operations covered by the Directive."

RHAN 2

GWASTRAFF PERYGLUS A GWASTRAFF NAD YW'N BERYGLUS

Gwastraff peryglus

6. Yn ddarostyngedig i reoliad 9, mae gwastraff yn wastraff peryglus os yw-

- (a) wedi'i restru fel gwastraff peryglus yn y Rhestr Wastraffoedd(1);
- (b) wedi'i restru mewn rheoliadau a wnaed o dan adran 62A(1) o Ddeddf 1990; neu
- (c) yn swp penodol o wastraff y penderfynwyd yn unol â rheoliad 8 ei fod yn wastraff peryglus,

ac mae'r term "peryglus" ac ymadroddion cytras i'w dehongli yn unol â hynny.

Gwastraff nad yw'n beryglus

7. Nid yw'r canlynol yn wastraff peryglus-

- (a) gwastraff nad yw'n wastraff peryglus yn unol â rheoliad 6; neu
- (b) swp penodol o wastraff y penderfynwyd yn unol â rheoliad 9 ei fod yn wastraff nad yw'n beryglus,

ac mae'r ymadrodd "nad yw'n beryglus" ac ymadroddion cytras i'w dehongli yn unol â hynny.

Gwastraff penodol sydd i'w drin fel gwastraff peryglus

8.-(1) Caiff y Cynulliad, gan ystyried Atodiadau I, II a III a gwerthoedd terfyn y crynodiad yn y Rhestr Wastraffoedd, benderfynu, mewn achosion eithriadol, bod swp penodol o wastraff yng Nghymru-

- (a) nad yw wedi'i restru yn y Rhestr Wastraffoedd;
- (b) nad yw wedi'i restru mewn rheoliadau a wnaed o dan adran 62A(1) o Ddeddf 1990; neu
- (c) sy'n cael ei drin, er ei fod o fath sydd wedi'i restru fel gwastraff peryglus yn y Rhestr Wastraffoedd, fel gwastraff nad yw'n beryglus yn unol â rheoliad 9(2),

yn amlygu un neu ragor o'r nodweddion peryglus, ac felly ei fod i'w drin i bob pwrpas fel gwastraff peryglus.

(2) Mae swp penodol o wastraff a gynhyrchwyd yn Lloegr, yr Alban neu Ogledd Iwerddon ac nad yw wedi'i restru fel gwastraff peryglus yn y Rhestr Wastraffoedd ac y penderfynir am y tro gan yr Ysgrifennydd Gwladol, Gweithrediaeth yr Alban, neu

(1) Mae gwastraffoedd a restrir yn wastraffoedd peryglus yn y Rhestr Wastraffoedd yn cael eu hystyried yn beryglus yn unol ag indent cyntaf Erthygl 1.4 o'r Gyfarwyddeb Gwastraff Peryglus.

PART 2

HAZARDOUS AND NON-HAZARDOUS WASTE

Hazardous waste

6. Subject to regulation 9, a waste is a hazardous waste if it is-

- (a) listed as a hazardous waste in the List of Wastes(1);
- (b) listed in regulations made under section 62A(1) of the 1990 Act; or
- (c) a specific batch of waste which is determined pursuant to regulation 8 to be a hazardous waste,

and the term "hazardous" and cognate expressions are to be construed accordingly.

Non-hazardous waste

7. The following are non-hazardous waste-

- (a) a waste which is not a hazardous waste pursuant to regulation 6; or
- (b) a specific batch of waste which is determined pursuant to regulation 9 to be a non-hazardous waste,

and the expression "non-hazardous" and cognate expressions are to be construed accordingly.

Specific waste to be treated as hazardous

8.-(1) The Assembly, having regard to Annexes I, II and III and the limit values of concentration in the List of Wastes, may determine, in exceptional cases, that a specific batch of waste in Wales which--

- (a) is not listed in the List of Wastes;
- (b) is not listed in regulations made under section 62A(1) of the 1990 Act; or
- (c) though of a type listed as a hazardous waste in the List of Wastes, is treated as non-hazardous pursuant to regulation 9(2),

displays one or more of the hazardous properties, and accordingly that it is to be treated for all purposes as hazardous waste.

(2) A specific batch of waste produced in England, Scotland or Northern Ireland and not listed as hazardous in the List of Wastes and which is for the time being determined by the Secretary of State, the Scottish Executive or the Northern Ireland Department

(1) Wastes listed as hazardous in the List of Wastes are considered hazardous pursuant to the first indent of Article 1.4 of the Hazardous Waste Directive.

Adran yr Amgylchedd yng Ngogledd Iwerddon, yn ôl y digwydd, ei fod yn wastraff peryglus yn unol ag Erthygl 3 o Benderfyniad y Rhestr Wastraffoedd, i'w drin i bob pwrpas fel gwastraff peryglus yng Nghymru.

Gwastraff penodol i'w drin fel gwastraff nad yw'n beryglus

9.-(1) Caiff y Cynulliad benderfynu, mewn achosion eithriadol, ar sail tystiolaeth ddogfennol a ddarparwyd gan y deiliad, a chan ystyried Atodiadau I, II a III a gwerthoedd terfyn crynodiad yn y Rhestr Wastraffoedd, nad yw swp penodol o wastraff yng Nghymru sydd-

- (a) wedi'i restru fel gwastraff peryglus yn y Rhestr Wastraffoedd;
- (b) wedi'i restru mewn rheoliadau a wnaed o dan adran 62A(1) o Ddeddf 1990; neu
- (c) sy'n cael ei drin, er ei fod o fath nad yw wedi'i restru fel gwastraff peryglus yn y Rhestr Wastraffoedd, fel gwastraff peryglus yn unol â rheoliad 8(2),

yn amlygu unrhyw un o'r nodweddion a restrir yn Atodiad III i'r Gyfarwyddeb Gwastraff Peryglus, ac felly ei fod i'w drin i bob pwrpas fel gwastraff nad yw'n beryglus yng Nghymru.

(2) Mae swp penodol o wastraff a gynhyrchwyd yn Lloegr, yr Alban neu Ogledd Iwerddon ac sydd wedi'i restru fel gwastraff peryglus yn y Rhestr Wastraffoedd ac y penderfynir am y tro gan yr Ysgrifennydd Gwladol, Gweithrediaeth yr Alban, neu Adran yr Amgylchedd yng Ngogledd Iwerddon, yn ôl y digwydd, ei fod yn wastraff nad yw'n beryglus yn unol ag Erthygl 3 o Benderfyniad y Rhestr Wastraffoedd, i'w drin, yn ddarostyngedig i unrhyw benderfyniad a wneir o dan reoliad 8, i bob pwrpas fel gwastraff nad yw'n beryglus yng Nghymru.

Darpariaethau sy'n gyffredin i reoliadau 8 a 9

10.-(1) Caiff y Cynulliad ddirymu penderfyniad a wnaed o dan reoliad 8 neu 9.

(2) Rhaid i'r Cynulliad, cyn gwneud penderfyniad o dan reoliad 8 neu 9 neu ddirymu penderfyniad o'r fath, ac eithrio os yw o'r farn nad yw'n briodol i wneud hynny oherwydd natur argyfwng neu berygl difrifol, ymgynghori â'r canlynol-

- (a) y cyrff angenrheidiol;
- (b) deiliad y swp penodol o wastraff; ac
- (c) unrhyw berson arall y mae'n ymddangos iddo-
 - (i) bod ganddo fuddiant yn y gwastraff penodol; neu
 - (ii) yr effeithir arno fel arall yn uniongyrchol gan y penderfyniad.

(3) Rhaid i'r Cynulliad roi hysbysiad o unrhyw benderfyniad a wnaed o dan reoliad 8 neu 9 neu

of the Environment, as the case may be, to be hazardous pursuant to Article 3 of the List of Wastes Decision, is to be treated for all purposes as hazardous waste in Wales.

Specific waste to be treated as non-hazardous

9.-(1) The Assembly may decide, in exceptional cases, on the basis of documentary evidence provided by the holder, and having regard to Annexes I, II and III and the limit values of concentration in the List of Wastes, that a specific batch of waste in Wales which-

- (a) is listed as hazardous waste in the List of Wastes;
- (b) is listed in regulations made under section 62A(1) of the 1990 Act; or
- (c) through of a type not listed as a hazardous waste in the List of Wastes, is treated as hazardous pursuant to regulation 8(2),

does not display any of the properties listed in Annex III to the Hazardous Waste Directive and accordingly that it is to be treated for all purposes as non-hazardous in Wales.

(2) A specific batch of waste produced in England, Scotland or Northern Ireland and listed as a hazardous waste in the List of Wastes and which is for the time being determined by the Secretary of State, the Scottish Executive, or the Northern Ireland Department of the Environment, as the case may be, to be non-hazardous pursuant to Article 3 of the List of Wastes Decision, is, subject to any determination made under regulation 8, to be treated for all purposes as non-hazardous in Wales.

Provisions common to regulations 8 and 9

10.-(1) The Assembly may revoke a determination made under regulation 8 or 9.

(2) The Assembly must, before making a determination under regulation 8 or 9 or revoking such a determination, except where it considers it inappropriate to do so on account of the nature of any emergency or grave danger, consult-

- (a) the requisite bodies;
- (b) the holder of the specific batch of waste; and
- (c) any other person appearing to it-
 - (i) to have an interest in the specific waste; or
 - (ii) to be otherwise directly affected by the determination.

(3) The Assembly must give notice of any determination made under regulation 8 or 9 or

ddirymiad a wnaed o dan reoliad 8 neu 9 i'r canlynol-

- (a) y cyrff angenrheidiol;
- (b) deiliad y swp o wastraff penodol o dan sylw; ac
- (c) unrhyw berson yr ymgynghorodd ag ef yn unol â pharagraff (2)(c).

(4) Rhaid rhoi rhesymau yn yr hysbysiad dros y penderfyniad neu'r dirymiad, yn ôl y digwydd.

Y cyrff angenrheidiol

11. At ddibenion y Rhan hon, dyma'r "cyrff angenrheidiol"-

- (a) yr Asiantaeth;
- (b) SEPA;
- (c) Yr Ysgrifennydd Gwladol;
- (ch) Gweithrediaeth yr Alban;
- (d) Adran yr Amgylchedd yng Ngogledd Iwerddon(1);
- (dd) Awdurdod Gweithredol Iechyd a Diogelwch; ac
- (e) unrhyw gorff y mae'n ymddangos i'r Cynulliad ei fod yn cynrychioli personau y mae'n debygol yr effeithir arnynt gan y penderfyniad perthnasol neu'r dirymiad perthnasol o benderfyniad, yn ôl y digwydd.

RHAN 3

CYMHWYSO RHANNAU 4 I 10

Cymhwyso cyffredinol ar Rannau 4 i 10

12.-(1) Yn ddarostyngedig i baragraffau (2) i (4), mae'r Rheoliadau hyn yn gymwys i wastraff peryglus.

(2) Ac eithrio'r darpariaethau yn rheoliad 13 (cymhwyso i wastraff asbestos) ac 14 (cymhwyso i ffracsionau a gesglir ar wahân), nid yw'r Rheoliadau hyn yn gymwys i wastraff domestig(2).

(3) Nid oes dim sydd yn Rhan 6 o'r Rheoliadau hyn (symud gwastraff peryglus) yn gymwys mewn perthynas â thrawslwytho gwastraff y mae darpariaethau Rheoliad y Cyngor 259/93/EEC(3), heblaw Teitl III o'r rheoliad hwnnw, yn gymwys iddo.

(1) Mae Adran yr Amgylchedd yng Ngogledd Iwerddon yn cynnwys ei hasiantaeth weithredol, y Gwasanaeth Treftadaeth Amgylcheddol.

(2) Mae Erthygl 1(5) o'r Gyfarwydddeb Gwastraff Peryglus wedi darparu ar gyfer rheolau penodol sydd i'w gwneud gan y Gymuned Ewropeaidd gan ystyried natur benodol gwastraff domestig; ni chafodd y cyfryw reolau, ar ddyddiad gwneud y Rheoliadau hyn, eu mabwysiadu.

(3) OJ Rhif L 30, 6.2.1993, t.1.

revocation made under regulation 8 or 9 to-

- (a) the requisite bodies;
- (b) the holder of the batch of waste concerned; and
- (c) any person it has consulted pursuant to paragraph (2)(c).

(4) The notice must give reasons for the determination or revocation, as the case may be.

Requisite bodies

11. For the purposes of this Part, the "requisite bodies" are-

- (a) the Agency;
- (b) SEPA;
- (c) The Secretary of State;
- (d) the Scottish Executive;
- (e) the Northern Ireland Department of the Environment(1);
- (f) the Health and Safety Executive; and
- (g) any organisation appearing to the Assembly to be representative of persons likely to be affected by the relevant determination, or revocation of a determination, as the case may be.

PART 3

APPLICATION OF PARTS 4 TO 10

General application of Parts 4 to 10

12.-(1) Subject to paragraphs (2) to (4), these Regulations apply to hazardous waste.

(2) Except as provided in regulations 13 (application to asbestos waste) and 14 (application to separately collected fractions), these Regulations do not apply to domestic waste(2).

(3) Nothing in Part 6 of these Regulations (movement of hazardous waste) applies in relation to shipments of waste to which the provisions of Council Regulation 259/93/EEC(3), other than Title III of that Regulation, apply.

(1) The Northern Ireland Department of the Environment includes its executive agency the Environmental Heritage Service.

(2) Article 1(5) of the Hazardous Waste Directive made provision for specific rules to be made by the European Community taking into consideration the particular nature of domestic waste; no such rules have, at the date of making these Regulations, been adopted.

(3) OJ No. L 30, 6.2.1993, p.1.

(4) Mae'r Rheoliadau hyn yn gymwys i wastraff peryglus yng Nghymru er gwaethaf y ffaith bod gwastraff-

- (a) wedi cael ei gynhyrchu ar fangre neu ei symud oddi yno yn yr Alban, Lloegr, Gogledd Iwerddon neu Gibraltar; neu
- (b) yn cael ei gludo, neu i'w gludo, o fangre yng Nghymru i fangre yn un o'r lleoedd hynny.

(5) Er mwyn osgoi amheuaeth, wrth eu cymhwyso-

- (a) i wastraff llongau, mae'r Rheoliadau hyn yn gymwys i unrhyw long;
- (b) i ddyfroedd mewnol a môr tiriogaethol y Deyrnas Unedig sy'n cydffinio â Chymru, mae'r Rheoliadau hyn yn gymwys, heb leihau effaith paragraff (3), i lwyth o wastraff a gludir mewn unrhyw long,

ym mhob achos (p'un a yw'r llong yn llong y Deyrnas Unedig neu fel arall ac, os llong y Deyrnas Unedig ydyw, p'un a gofrestrwyd hi yng Nghymru neu fel arall).

Gwastraff asbestos

13.-(1) Mae'r Rheoliadau hyn yn gymwys i wastraff asbestos sy'n wastraff domestig ac eithrio i'r graddau y byddent, heblaw am y paragraff hwn, yn gosod rhwymedigaethau ar berson y mae paragraff (2) yn gymwys iddo.

(2) Mae'r paragraff hwn yn gymwys i berson sydd yn gynhyrchydd gwreiddiol y gwastraff domestig a hefyd naill ai-

- (a) i berson sy'n preswyllo yn y fangre ddomestig lle ceir y gwastraff asbestos; neu
- (b) i berson sy'n gweithredu ar ran person o'r fath yn ddi-dâl.

(3) Mae'r Rheoliadau hyn yn gweithredu mewn perthynas â gwastraff asbestos nad yw'n wastraff domestig a gynhyrchir yn ystod unrhyw rai o weithgareddau adeiladu, addasu, trwsio a chynnal a chadw (gan gynnwys gwaith strwythurol) neu ddymchwel mangre ddomestig neu unrhyw ran ohoni, fel y byddant yn trin unrhyw gontractiwr sy'n cael ei gymryd ymlaen gan feddiannydd domestig-

- (i) fel y cynhyrchydd; a,
- (ii) os nad yw'r contractiwr yn cymryd person arall ymlaen fel traddodwr, fel y traddodwr,

o'r gwastraff asbestos heb gynnwys y meddiannydd.

(4) These Regulations apply to hazardous waste in Wales notwithstanding that the waste-

- (a) was produced on or removed from premises in Scotland, England, Northern Ireland or Gibraltar; or
- (b) is, or is to be, transported from premises in Wales to premises located in one of those places.

(5) For the avoidance of doubt, in their application to-

- (a) ships' waste, these Regulations apply to any ship;
- (b) the internal waters and the territorial sea of the United Kingdom adjacent to Wales, these Regulations apply, without prejudice to paragraph (3), to a consignment of waste transported in any ship,

in each case (whether the ship is a United Kingdom ship or otherwise and, if a United Kingdom ship, whether registered in Wales or otherwise).

Asbestos waste

13.-(1) These Regulations apply to asbestos waste which is domestic waste except in so far as they would, apart from this paragraph, impose obligations on a person to whom paragraph (2) applies.

(2) This paragraph applies to a person who is both the original producer of the domestic waste and either-

- (a) a person who resides at the domestic premises at which the asbestos waste arises; or
- (b) a person who is acting on behalf of such a person without reward.

(3) These Regulations operate in relation to asbestos waste not being domestic waste which is produced in the course of any of the activities of construction, modification, repair and maintenance (including structural works) or demolition of domestic premises or any part thereof, so as to treat any contractor engaged by a domestic occupier-

- (a) as the producer; and,
- (b) where the contractor does not engage another person as consignor, as the consignor,

of the asbestos waste to the exclusion of the occupier.

Ffracsiynau domestig a gasglwyd ar wahân

14.-(1) Mae'r rheoliad hwn yn gymwys i ffracsiynau domestig a gasglwyd ar wahân, sef, gwastraff peryglus-

- (a) sy'n wastraff domestig; a
- (b) a gasglwyd o'r fangre lle cynhyrchwyd ef ar wahân i'r casgliad o wastraff arall o'r fangre honno.

(2) At ddibenion paragraff (1), ceir ystyried bod gwastraff peryglus wedi'i gasglu ar wahân i'r casgliad o wastraff arall er gwaethaf y ffaith iddo gael ei gasglu ar yr un pryd neu ar yr un cerbyd neu'r ddau, ar yr amod nad yw'r gwastraff peryglus yn cael ei gymysgu gyda'r gwastraff arall.

(3) Yn ddarostyngedig i baragraff (4), mae'r Rheoliadau hyn yn gymwys i ffracsiynau a gesglir ar wahân.

(4) Ni fydd dim yn y Rheoliadau hyn yn gymwys i ffracsiynau a gesglir ar wahân tan y caiff y gwastraff hwnnw ei symud o'r fangre lle cafodd ei gynhyrchu i fangre ar gyfer casglu, gwaredu neu adfer.

(5) Mae'r sefydliad neu'r ymgymeriad sy'n derbyn y gwastraff hwnnw yn y fangre honno i'w drin fel cynhyrchydd y gwastraff at ddibenion y Rheoliadau hyn.

Gwastraff ymbelydrol

15.-(1) Mae'r rheoliad hwn yn gymwys o ran wastraff ymbelydrol o fewn ystyr adran 2 o Ddeddf Sylweddau Ymbelydrol 1993(1)-

- (a) pan fydd yn esempt am y tro rhag gofynion-
 - (i) adran 13 (gwaredu gwastraff ymbelydrol); neu
 - (ii) adran 14 (cronni gwastraff ymbelydrol),

o'r Ddeddf honno gan adran 15 o'r Ddeddf honno neu yn unol â hi; a

- (b) pan fydd un neu fwy o nodweddion peryglus yn codi heb fod o'i natur ymbelydrol.

(2) Er gwaethaf rheoliad 2(1)(b)(ii), trinnir gwastraff ymbelydrol y mae'r rheoliad hwn yn gymwys iddo fel gwastraff at ddibenion y Rheoliadau hyn, ac yn unol â hynny trinnir ef fel gwastraff peryglus ac mae'r Rheoliadau hyn yn gymwys i'r gwastraff hwnnw.

Gwastraff amaethyddol

16.-(1) Nid yw'r Rheoliadau hyn yn gymwys i wastraff amaethyddol cyn 1 Medi 2006, ond maent yn gymwys ar ac ar ôl y dyddiad hwnnw i wastraff amaethyddol pryd bynnag y daeth yn wastraff.

(1) 1993 p. 12.

Separately collected domestic fractions

14.-(1) This regulation applies to separately collected domestic fractions, that is to say, hazardous waste which is-

- (a) domestic waste; and
- (b) collected from the premises on which it is produced separately from the collection of other waste from those premises.

(2) For the purposes of paragraph (1), hazardous waste may be considered to be collected separately from the collection of other waste notwithstanding that it is collected at the same time or on the same vehicle or both, provided that the hazardous waste is not mixed with the other waste.

(3) Subject to paragraph (4), these Regulations apply to separately collected fractions.

(4) Nothing in these Regulations applies to separately collected fractions until such waste has been removed from the premises at which it was produced and taken to premises for collections, disposal or recovery.

(5) The establishment or undertaking which accepts such waste at those premises is to be treated as producer of the waste for the purposes of these Regulations.

Radioactive waste

15.-(1) This regulation applies where radioactive waste within the meaning of section 2 of the Radioactive Substances Act 1993(1)-

- (a) is exempt for the time being from the requirements of-
 - (i) section 13 (disposal of radioactive waste); or
 - (ii) section 14 (accumulation of radioactive waste),

of that Act by or pursuant to section 15 of that Act; and

- (b) has one or more hazardous properties arising other than from its radioactive nature.

(2) Notwithstanding regulation 2(1)(b)(ii), radioactive waste to which this regulation applies is treated as waste for the purposes of these Regulations, and accordingly it is treated as hazardous waste and these Regulations apply to that waste.

Agricultural waste

16.-(1) These Regulations do not apply to agricultural waste before 1 September 2006, but apply on and after that date to agricultural waste whenever it became waste.

(1) 1993 c. 12.

(2) At ddibenion y Rheoliad hwn, ystyr "gwastraff amaethyddol" yw gwastraff o fangre a ddefnyddir ar gyfer amaethyddiaeth o fewn ystyr Deddf Amaethyddiaeth 1947(1).

Gwastraff mwngloddiau a chwareli

17. Nid yw'r Rheoliadau hyn yn gymwys i wastraff o fwynglawdd neu chwarel cyn 1 Medi 2006, ond maent yn gymwys ar ac ar ôl y dyddiad hwnnw i'r gwastraff hwnnw pa bryd bynnag y daeth yn wastraff.

RHAN 4

CYMYSGU GWASTRAFF PERYGLUS

Ystyr cymysgu gwastraff peryglus

18.-(1) At ddibenion y Rheoliadau hyn, ystyrir bod gwastraff peryglus o unrhyw ddisgrifiad wedi'i gymysgu os cymysgwyd ef â'r canlynol-

- (a) categori gwahanol o wastraff peryglus;
- (b) gwastraff nad yw'n beryglus; neu
- (c) unrhyw sylwedd neu ddeunydd arall.

Gwahardd cymysgu gwastraff peryglus heb drwydded

19.-(1) Yn ddarostyngedig i baragraffau (2) a (3), ni chaiff unrhyw sefydliad neu ymgymeriad sy'n gwaredu neu'n adfer gwastraff peryglus, neu sy'n cynhyrchu, casglu neu gludo gwastraff peryglus gymysgu unrhyw wastraff peryglus.

(2) Nid yw paragraff (1) yn gymwys fel y byddai'n gwahardd proses a ddefnyddir i gynhyrchu gwastraff ac sy'n golygu cynhyrchu gwastraffoedd cymysg, sef proses heblaw un sy'n cymysgu gwastraff gydag unrhyw wastraff, sylwedd neu ddeunydd arall, sy'n golygu-

- (a) newid yn natur neu gyfansoddiad y gwastraff hwnnw; neu
- (b) cynhyrchu gwastraff arall.

(3) Nid yw paragraff (1) yn gymwys i'r graddau y mae'r cymysgu'n rhan o weithrediad gwaredu neu adfer a'i fod wedi'i awdurdodi gan drwydded gwastraff neu esemptiad cofrestredig, ac yn cael ei gyflawni yn unol â gofynion y drwydded honno neu'r esemptiad hwnnw (sut bynnag y mynegir y gofynion hynny).

Dyletswydd i wahanu gwastraffoedd a gymysgwyd

20.-(1) Mae'r rheoliad hwn yn gymwys i'r deiliad-

- (a) pan fo'r gwastraff peryglus wedi'i gymysgu heblaw o dan ac yn unol â thrwydded gwastraff neu esemptiad cofrestredig, p'un ai gan y

(2) For the purpose of this Regulation, "agricultural waste" means waste from premises used for agriculture within the meaning of the Agriculture Act 1947(1).

Mines and quarries waste

17. These Regulations do not apply to waste from a mine or quarry before 1 September 2006, but apply on and after that date to such waste whenever it became waste.

PART 4

MIXING HAZARDOUS WASTE

Meaning of mixing hazardous waste

18.-(1) For the purposes of these Regulations, hazardous waste of any description is considered to have been mixed if it has been mixed with-

- (a) a different category of hazardous waste;
- (b) a non-hazardous waste; or
- (c) any other substance or material.

Prohibition on mixing hazardous waste without a permit

19.-(1) Subject to paragraphs (2) and (3), no establishment or undertaking which carries out the disposal or recovery of hazardous waste, or which produces, collects or transports hazardous waste, may mix any hazardous waste.

(2) Paragraph (1) does not apply so as to prohibit a process by which waste is produced and which results in the production of mixed wastes, being a process other than one which mixes a waste with any other waste, substance or material, resulting in-

- (a) a change in the nature or composition of that waste; or
- (b) the production of another waste.

(3) Paragraph (1) does not apply to the extent that the mixing is part of a disposal or recovery operation and is authorised by, and is conducted in accordance with, the requirements (howsoever expressed) of a waste permit or a registered exemption.

Duty to separate mixed wastes

20.-(1) This regulation applies to the holder where-

- (a) the hazardous waste has been mixed other than under and in accordance with a waste permit or a registered exemption, whether by the holder

(1) 1947 p.48 (*gweler* adran 109(3)).

(1) 1947 c.48 (*see* section 109(3)).

deiliad neu gan ddeiliad blaenorol; a

(b) pan fo'r gwahanu-

- (i) yn dechnegol ac yn economaidd ddichonadwy; a
- (ii) yn angenrheidiol er mwyn cydymffurfio ag amodau'r Gyfarwyddeb Wastraff.

(2) Rhaid i'r deiliad drefnu bod gwaith gwahanu'r gwastraff yn cael ei wneud yn unol â thrwydded gwastraff neu esemptiad cofrestredig cyn gynted ag y bo'n rhesymol ymarferol.

(3) Yn y Rheoliad hwn ystyr "gwahanu" yw gwahanu gwastraff oddi wrth unrhyw wastraff, sylwedd neu ddeunydd arall a gymysgwyd ag ef.

or a previous holder; and

(b) separation is both-

- (i) technically and economically feasible; and
- (ii) necessary in order to comply with the Waste Directive conditions.

(2) The holder must make arrangements for separation of the waste to be carried out in accordance with a waste permit or registered exemption as soon as reasonably practicable.

(3) In this Regulation "separation" means separation of a waste from any other waste, substance, or material with which it has been mixed.

RHAN 5

HYSBYSUR FANGRE

Gofyniad i hysbysu'r fangre

21.-(1) Pan fo gwastraff peryglus yn cael ei gynhyrchu mewn unrhyw fangre heblaw mangre esempt neu'n cael ei symud oddi yno, rhaid hysbysu'r fangre i'r Asiantaeth yn unol â gofynion y Rhan hon.

(2) Mae mangre a hysbyswyd yn briodol i'r Asiantaeth yn unol â'r Rhan hon yn fangre a hysbyswyd at ddibenion y Rheoliadau hyn am y cyfnod o ddeuddeg mis ("cyfnod yr hysbysiad") sy'n dechrau ar yr amser effeithiol ac yn dod i ben ar ddiwedd diwrnod olaf y cyfnod hwnnw o ddeuddeg mis.

(3) Mae'n ddyletswydd ar gynhyrchydd gwastraff peryglus i hysbysu'r fangre berthnasol yn unol â rheoliadau 24 a 26 os nad yw wedi'i hysbysu fel arall eisoes.

(4) Heb leihau effaith paragraff (3), caiff traddodwr, yn yr amgylchiadau a ddisgrifir yn rheoliad 25, hysbysu mangre'r safle yn unol â'r rheoliad hwnnw a rheoliad 26.

Gwahardd symud gwastraff peryglus o fangre oni roddwyd hysbysiad neu onid yw'n esempt

22.-(1) Yn ddarostyngedig i baragraff (2), ni chaiff neb symud, na pheri symud, na chludo gwastraff peryglus o unrhyw fangre, onid yw'r fangre honno, pan symudir y gwastraff, yn fangre a hysbyswyd neu'n fangre esempt.

(2) Nid yw paragraff (1) yn gymwys i symud neu gludo gwastraff peryglus o unrhyw fangre os oedd y gwastraff hwnnw wedi'i ddyddodi yn y fangre honno yn groes i adran 33 o Ddeddf 1990 heblaw drwy honni cydymffurfedd â thrwydded rheoli gwastraff neu

PART 5

NOTIFICATION OF PREMISES

Requirement to notify premises

21.-(1) Where hazardous waste is produced at, or removed from, any premises other than exempt premises, the premises must be notified to the Agency in accordance with the requirements of this Part.

(2) Premises duly notified to the Agency in accordance with this Part are notified premises for the purposes of these Regulations for the period of twelve months ("the period of notification") commencing at the effective time and ending at the end of the last day of that twelve month period.

(3) It is the duty of a hazardous waste producer to notify the relevant premises in accordance with regulations 24 and 26 if they have not otherwise already been notified.

(4) Without prejudice to paragraph (3), a consignor may, in the circumstances described in regulation 25, notify the site premises in accordance with that regulation and regulation 26.

Prohibition on removal of hazardous waste from premises unless notified or exempt

22.-(1) Subject to paragraph (2), no person may remove, or cause to be removed, or transport hazardous waste from any premises unless those premises are, at the time of removal of the waste, notified premises or exempt premises.

(2) Paragraph (1) does not apply to the removal or transport of hazardous waste from any premises if the waste was deposited at those premises in contravention of section 33 of the 1990 Act other than in purported compliance with a waste management licence or

esemptiad cofrestredig.

Esemtiad rhag y gofyniad i hysbysu

23.-(1) Nid oes angen hysbysu mangre esempt i'r Asiantaeth yn unol â'r Rhan hon.

(2) Mae mangre o ddisgrifiad y cyfeirir ato ym mharagraff (3), i'r graddau a bennir yn y paragraff hwnnw, yn fangre esempt am y tro-

- (a) os cedwir y terfyn cymwys (heblaw mewn perthynas â llong); a
- (b) os na symudir gwastraff peryglus o'r fangre gan unrhyw berson heblaw-
 - (i) cludwr cofrestredig; neu
 - (ii) cludwr sy'n esempt rhag y gofyniad i gofrestru fel cludwr cofrestredig yn unol â Deddf Rheoli Llygredd (Diwygio) 1989(1).

(3) Dyma'r disgrifiadau o fangreoedd-

- (a) mangre swyddfa, i'r graddau bod y gwastraff peryglus yn deillio wrth ddefnyddio'r fangre fel swyddfa;
- (b) mangre siop, i'r graddau bod y gwastraff peryglus yn deillio wrth ddefnyddio'r fangre fel siop;
- (c) mangre sy'n cael ei defnyddio ar gyfer amaethyddiaeth o fewn ystyr Deddf Amaethyddiaeth 1947(2), i'r graddau bod gwastraff peryglus yn deillio wrth ddefnyddio'r fangre ar gyfer amaethyddiaeth;
- (ch) mangre o ddisgrifiad a restrir-
 - (i) ym mharagraffau (a) i (e) o adran 75(5) o Ddeddf 1990; neu
 - (ii) yn Atodlen 1 i Reoliadau Gwastraff a Reolir 1992(3),
- (d) mangre lle mae cyfarpar gwastraff trydanol ac electronig yn cael ei gasglu, i'r graddau y mae'r fangre yn cael ei defnyddio at y diben hwnnw;
- (dd) mangre sy'n cael ei defnyddio gan bractis deintyddol, milfeddygol neu feddygol i'r graddau y mae'r fangre yn cael ei defnyddio at y diben hwnnw; ac
- (e) unrhyw long.

registered exemption.

Exemption from the requirement to notify

23.-(1) Exempt premises need not be notified to the Agency pursuant to this Part.

(2) Premises of a description referred to in paragraph (3) are, to the extent specified in that paragraph, exempt premises for the time being if-

- (a) (other than in relation to a ship), the qualifying limitation is observed; and
- (b) no hazardous waste is removed from the premises by any person other than-
 - (i) a registered carrier; or
 - (ii) a carrier exempt from the requirement to register as a registered carrier pursuant to the Control of Pollution (Amendment) Act 1989(1).

(3) The descriptions of premises are-

- (a) office premises, to the extent that the hazardous waste arises from the use of the premises as an office;
- (b) shop premises, to the extent that the hazardous waste arises from the use of the premises as a shop;
- (c) premises used for agriculture within the meaning of the Agriculture Act 1947(2), to the extent that the hazardous waste arises from the use of the premises for agriculture;
- (d) premises of a description listed in-
 - (i) paragraphs (a) to (e) of section 75(5) of the 1990 Act; or
 - (ii) Schedule 1 to the Controlled Waste Regulations 1992(3),
- (e) premises at which waste electrical and electronic equipment is collected, to the extent that the premises are used for that purpose;
- (f) premises used by a dental, veterinary or medical practice, to the extent that the premises are used for that purpose; and
- (g) any ship.

(1) 1989 p.14.

(2) 1947 p.48.

(3) O.S. 1992/588. Diwygiwyd rheoliad 2 gan reoliad 24(3) o O.S. 1994/1056; mae diwygiadau eraill i O.S. 1992/588 nad ydynt yn berthnasol i'r Rheoliadau hyn.

(1) 1989 c.14.

(2) 1947 c.48.

(3) S.I. 1992/588. Regulation 2 was amended by regulation 24(3) of S.I. 1994/1056; there are other amendments to S.I. 1992/588 not relevant to these Regulations.

Hysbysiad gan gynhyrchydd

24.-(1) Yn ddarostyngedig i baragraff (2), rhaid i gynhyrchydd gwastraff peryglus hysbysu mangre'r safle i'r Asiantaeth neu, os yw'n gweithredu gwasanaeth symudol ac yn dewis trin mangre'r gwasanaeth fel y fangre berthnasol mewn perthynas ag unrhyw fangre gysylltiedig, mangre'r gwasanaeth-

- (a) cyn y tro cyntaf y mae'n cynhyrchu gwastraff peryglus ar fangre'r safle, neu, yn achos hysbysu mangre'r gwasanaeth ar unrhyw un o'r mangreoedd perthnasol ar safle, yn ôl gofynion yr achos;
- (b) os oedd y fangre berthnasol cyn hynny yn fangre a hysbyswyd, ond bod cyfnod yr hysbysiad wedi dod i ben, cyn y tro nesaf y bydd yn cynhyrchu gwastraff peryglus ar fangre'r safle neu unrhyw un o fangreoedd cysylltiedig, yn ôl gofynion yr achos;
- (c) pan fo'r fangre yn peidio â bod yn fangre esempt, cyn y tro nesaf y bydd yn cynhyrchu gwastraff peryglus ar y safle honno; neu
- (ch) os bydd y fangre a hysbyswyd yn peidio â bod yn fangre'r gwasanaeth mewn perthynas ag unrhyw fangre gysylltiedig o ran mynd dros y terfynau cymwys y darperir ar eu cyfer yn rheoliad 30 mewn perthynas â'r fangre gysylltiedig honno, cyn mynd dros y terfynau hynny.

(2) Os na ellir yn rhesymol ragweld y bydd gweithgareddau'r cynhyrchydd yn cynhyrchu gwastraff peryglus, mae paragraff (1) yn gymwys fel pe rhoddid yn lle "cyn" bob tro y mae'n digwydd, "cyn gynted ag y bo'n rhesymol ymarferol wedyn".

Hysbysiad gan draddodwr

25.-(1) Rhaid i draddodwr sy'n bwriadu symud, neu beri symud, unrhyw wastraff peryglus o unrhyw fangre hysbysu'r fangre honno i'r Asiantaeth-

- (a) os y fangre honno yw mangre'r safle ac os na wyddys pwy yw'r cynhyrchydd, neu os na ellir dod o hyd iddo heb anhwylystod afresymol neu dreuliau afresymol; neu
- (b) os na chynhyrchwyd y gwastraff ar y fangre honno.

Darpariaethau cyffredin ynghylch hysbysiaidau

26.-(1) Mae'r rheoliad hwn yn gymwys p'un a roddir hysbysiad gan neu ar ran y cynhyrchydd neu'r traddodwr.

(2) Gellir rhoi hysbysiad o'r fangre berthnasol yn ysgrifenedig neu dros y ffôn.

Notification by producer

24.-(1) Subject to paragraph (2), a hazardous waste producer must notify to the Agency the site premises or, where he or she operates a mobile service and elects to treat service premises as the relevant premises in relation to any related premises, the service premises-

- (a) before the first occasion on which he or she produces hazardous waste on the site premises, or, in the case of notification of service premises, on any of the related site premises, as the case may require;
- (b) where the relevant premises have previously been notified premises, but the period of notification has expired, before the next occasion on which he or she produces hazardous waste on the site premises or any of the related premises, as the case may require;
- (c) where the premises cease to be exempt premises, before the next occasion on which he or she produces hazardous waste on those premises; or
- (d) where the notified premises cease to be service premises in relation to any related premises on account of the qualifying limitation provided for in regulation 30 being exceeded in relation to those related premises, before those limitations are exceeded.

(2) Where it is not reasonably foreseeable that the producer's activities will produce hazardous waste, paragraph (1) applies as if for "before" on each occasion that it occurs, there were substituted "as soon as reasonably practicable after".

Notification by consignor

25.-(1) A consignor who proposes to remove, or cause to be removed, any hazardous waste from any premises must notify those premises to the Agency if-

- (a) they are the site premises and the producer is not known or cannot be located without unreasonable inconvenience or expense; or
- (b) the waste was not produced at those premises.

Common provisions on notifications

26.-(1) This regulation applies whether notification is given by or on behalf of the producer or consignor.

(2) Notification of the relevant premises may be given in writing or by telephone.

(3) Ni cheir rhoi hysbysiad heb gydsyniad yr Asiantaeth fwy nag un mis ymlaen llaw i'r amser y bydd yn effeithiol.

(4) Rhaid i'r person sy'n rhoi'r hysbysiad roi'r wybodaeth ganlynol i'r Asiantaeth-

(a) ei enw a'i gyfeiriad a manylion sut y gellir cysylltu ag ef, ac os yw'n hysbysu ar ran person arall, enw a chyfeiriad y person hwnnw a manylion sut y gellir cysylltu â'r person hwnnw;

(b) cyfeiriad y fangre sy'n cael ei hysbysu;

(c) dosbarthiad y fangre yn unol â'r SIC; ac

(ch) unrhyw wybodaeth arall y gall yr Asiantaeth yn rhesymol ofyn amdani mewn cysylltiad â'i swyddogaethau monitro symud gwastraff peryglus, neu arolygu yn unol â rheoliad 56 o'r Rheoliadau hyn neu baragraff 13 o Atodlen 4 i Reoliadau 1994.

(5) Os bydd unrhyw newidiadau yn yr wybodaeth sy'n cael ei darparu yn unol â pharagraff (4) yn ystod y cyfnod hysbysu, nid yw'r fangre i'w thrin fel mangre sydd wedi'i hysbysu tan fydd yr Asiantaeth wedi cael yr wybodaeth sydd wedi'i diweddarau yn y fath fodd ag i fodloni gofynion paragraff (4).

(6) Caiff yr Asiantaeth ragnodi model wedi ei fformadu i hysbysu mangre yn ysgrifenedig ac, os rhagnodir fformat am y tro yn unol â'r paragraff hwn-

(a) rhaid i'r Asiantaeth gyhoeddi'r model wedi'i fformadu ar ei gwefan ac mewn modd arall y mae'n ystyried sy'n briodol i hysbysu personau y mae'n ofynnol iddynt hysbysu'r fangre o'i gynnwys; a

(b) nid yw'r Asiantaeth yn gorfod ystyried unrhyw hysbysiad oni chafodd ei wneud yn y model hwnnw a fformadwyd, neu mewn fformat ag effaith sylweddol debyg.

(7) Rhaid i'r person sy'n hysbysu dalu i'r Asiantaeth y ffi berthnasol sy'n daladwy ar gyfer hysbysu'r fangre ar yr un pryd ag y rhoddir yr hysbysiad (ond nid oes unrhyw ffioedd yn daladwy mewn perthynas â gwybodaeth a ddarperir yn unol â pharagraff (5)).

(8) Os gofynnir iddi wneud hynny, rhaid i'r Asiantaeth hysbysu person sy'n ddeiliad gwastraff peryglus neu sy'n cynnal busnes traddodi neu gasglu gwastraff peryglus p'un a yw unrhyw fangre lle mae'r person hwnnw yn bwriadu symud, peri symud neu gludo unrhyw wastraff peryglus yn fangre a hysbyswyd, ac os felly, y manylion sydd gan yr Asiantaeth ynghylch y person a hysbysodd y fangre ac amser effeithiol yr hysbysiad.

(3) Notification may not without the consent of the Agency be given more than one month in advance of the effective time.

(4) The person giving notification must provide to the Agency the following information-

(a) his or her name and address and details of how he or she can be contacted, and where he or she is giving notification on behalf of another person, the name and address of that person and details of how that person can be contacted;

(b) the address of the premises being notified;

(c) the classification of the premises in accordance with the SIC; and

(d) such other information as the Agency may reasonably require in connection with its functions of monitoring the movement of hazardous waste, or carrying out inspections pursuant to regulation 56 of these Regulations or paragraph 13 of Schedule 4 to the 1994 Regulations.

(5) If there are any changes in the information provided pursuant to paragraph (4) during the period of notification, the premises are not to be treated as notified until the Agency have received the updated information such that the requirements of paragraph (4) are met.

(6) The Agency may prescribe a model format for notifications of premises in writing and, where for the time being a format is prescribed pursuant to this paragraph-

(a) the Agency must publish the model format on its website and in such other manner as it may consider appropriate for informing persons required to notify premises of its content; and

(b) the Agency is not obliged to consider any notification unless it is made in that model format, or in a format substantially to like effect.

(7) The person giving notification must pay to the Agency the relevant fee payable in respect of the notification of premises at the same time as giving notification (but no fees are payable in relation to information provided pursuant to paragraph (5)).

(8) The Agency must inform on request a person who is the holder of hazardous waste or who carries on the business of consigning or collecting hazardous waste whether any premises from which that person proposes to remove, cause to be removed or transport any hazardous waste, and if so, the particulars held by the Agency concerning the person who notified the premises and the effective time of notification.

Cod mangre

27.-(1) Pan hysbysir mangre berthnasol yn briodol i'r Asiantaeth, a bod yr Asiantaeth yn cael y ffi berthnasol, rhaid iddi wrth ei derbyn ddyroddi i'r person sy'n hysbysu god cofrestru, sef cod unigryw ar gyfer y fangre honno ("cod mangre").

(2) Caniateir i'r cod mangre gynnwys llythrennau, rhifau neu symbolau, neu unrhyw gyfuniad o lythrennau, rhifau a symbolau.

Yr amser effeithiol

28.-(1) Yn ddarostyngedig i baragraff (2) o'r Rheoliad hwn a heb leihau effaith rheoliad 26(3), yr amser y mae'r hysbysiad yn cymryd effaith ("yr amser effeithiol") yw-

- (a) os oes cyfnod o hysbysiad blaenorol yn parhau mewn grym, pan ddaw'r cyfnod hwnnw i ben;
- (b) os yw'r person sy'n rhoi'r hysbysiad yn gofyn am ddyddiad ar gyfer cychwyn, ar ddechrau'r dyddiad y gofynnwyd amdano;
- (c) ym mhob achos arall, ar ddechrau'r pedwerydd diwrnod busnes ar ôl y diwrnod y rhoddir yr hysbysiad.

(2) Ni all hysbysiad ddod yn effeithiol cyn yr amser y bydd yr Asiantaeth yn dyroddi'r cod mangre ar gyfer y cyfnod y mae'r hysbysiad yn ymdrin ag ef.

Gwasanaethau symudol

29.-(1) Os yw cynhyrchydd gwastraff peryglus yn gweithredu gwasanaeth symudol, y fangre berthnasol mewn perthynas ag unrhyw fangre gysylltiedig yw mangre y mae paragraff (2) yn gymwys iddi ("mangre'r gwasanaeth") tra gweithredir y gwasanaeth symudol hwnnw o fewn y terfynau cymwys ac yr ufuddheir i'r cyfyngiad deiliadaeth o ran pob mangre gysylltiedig.

(2) Dyma'r mangreoedd y mae'r paragraff hwn yn gymwys iddynt-

- (a) y fangre lle gweithredir y gwasanaeth symudol; neu
- (b) os gweithredir y gwasanaeth symudol o fwy nag un set o fangreoedd, prif le busnes y cynhyrchydd.

(3) Os yw unrhyw fangre-

- (a) yn fangre safle ar wahân i'r gwasanaeth symudol; a hefyd
- (b) yn fangre mewn perthynas â'r gwasanaeth symudol,

caniateir gwneud un hysbysiad unigol.

Premises code

27.-(1) When notification of relevant premises is duly made to and the relevant fee received by the Agency, it must on receipt thereof issue to the person making the notification a registration code, being a code unique to those premises (a "premises code").

(2) The premises code may consist of letters, numbers or symbols, or any combination of letters, numbers and symbols.

Effective time

28.-(1) Subject to paragraph (2) of this Regulation and without prejudice to regulation 26(3), the time at which notification takes effect ("the effective time") is-

- (a) where a previous period of notification remains in force, on the expiration of that period;
- (b) where the person giving notification requests a date for commencement, at the beginning of the date so requested;
- (c) in any other case, at the beginning of the fourth business day following the day on which notification is given.

(2) A notification cannot take effect before the time at which the Agency issues the premises code for the period covered by the notification.

Mobile services

29.-(1) Where the producer of the hazardous waste operates a mobile service, premises to which paragraph (2) applies ("service premises") are the relevant premises in relation to any related premises whilst that mobile service is operated within the qualifying limitation and the tenure restriction is observed in relation to each related premises.

(2) The premises to which this paragraph applies are-

- (a) the premises from which the mobile service is operated; or
- (b) where the mobile service is operated from more than one set of premises, the producer's principal place of business.

(3) Where any premises are both-

- (a) site premises apart from the mobile service; and
- (b) service premises in relation to the mobile service,

a single notification may be made.

Y terfynau cymwys

30.-(1) Y terfynau cymwys ar gyfer-

- (a) gwasanaeth symudol yw bod cyfanswm maint y gwastraff peryglus a gynhyrchir wrth gynnal y gwasanaeth hwnnw mewn unrhyw set unigol o fangreodd cysylltiedig yn llai na 200kg mewn unrhyw gyfnod o ddeuddeg mis; a
- (b) unrhyw fangre esempt yw bod cyfanswm y gwastraff peryglus a gynhyrchwyd yn y fangre yn llai na 200kg mewn unrhyw gyfnod o ddeuddeg mis.

(2) Mae gwastraff peryglus a gynhyrchir ar fangre siop gan gwsmeriaid y meddiannydd i'w drin fel pes cynhyrchwyd gan y meddiannydd at ddibenion y Rheoliad hwn.

Cyfyngiad y ddeiliadaeth

31. Cyfyngiad y ddeiliadaeth yw nad yw gweithredydd y gwasanaeth symudol naill ai'n berchen nac yn feddiannydd y mangreodd cysylltiedig hynny.

Dehongli'n gyffredinol Ran 5

32. Yn y Rhan hon-

mae i "amser effeithiol" ("*effective time*") yr ystyr a roddir gan reoliad 28;

ystyr "cludwr cofrestredig" ("*registered carrier*") yw cludwr a gofrestrwyd yn unol â Deddf Rheoli Llygredd (Diwygio) 1989(1);

mae i "cyfnod hysbysu" ("*period of notification*") yr ystyr a roddir gan reoliad 21(2);

ystyr "Deddf 1963" ("*the 1963 Act*") yw Deddf Swyddfeydd, Siopau a Mangreodd Rheilffyrdd 1963(2);

ystyr "ffi berthnasol" ("*relevant fee*") yw'r ffi sy'n daladwy yn ôl cynllun a wnaed yn unol ag adran 41 o Ddeddf 1995;

mae i "cyfarpar gwastraff trydanol ac electronig" yr ystyr a roddir i "*waste electrical and electronic equipment*" yng Nghyfarwyddeb 2002/96/EC(3);

mae i "mangre a hysbyswyd" ("*notified premises*") yr ystyr a roddir gan reoliad 21(2);

ystyr "mangre berthnasol" ("*relevant premises*") yw'r fangre y mae'n ofynnol i'r cynhyrchydd neu'r traddodwr ei hysbysu;

mae i "mangre esempt" ("*exempt premises*") yr ystyr a roddir gan reoliad 23;

mae i "mangre gwasanaeth" ("*service premises*") yr ystyr a roddir gan reoliad 29(1);

(1) 1989 p.14.

(2) 1963 p.41.

(3) OJ Rhif L 037, 13.12.2003, t.24.

The qualifying limitation

30.-(1) The qualifying limitation for-

- (a) a mobile service is that the total quantity of hazardous waste produced in the course of that service at any one set of related premises is less than 200kg in any period of twelve months; and
- (b) any exempt premises is that the total quantity of hazardous waste produced at the premises is less than 200kg in any period of twelve months.

(2) Hazardous waste produced at shop premises by customers of the occupier are to be treated as being produced by the occupier for the purposes of this Regulation.

The tenure restriction

31. The tenure restriction is that the operator of the mobile service neither owns nor occupies those related premises.

General interpretation of Part 5

32. In this Part-

"the 1963 Act" ("*Deddf 1963*") means the Offices, Shops and Railway Premises Act 1963(1);

"effective time" ("*amser effeithiol*") has the meaning given by regulation 28;

"exempt premises" ("*mangre esempt*") has the meaning given by regulation 23;

"notified premises" ("*mangre a hysbyswyd*") has the meaning given by regulation 21(2);

"office premises" ("*mangre swyddfa*") has the meaning given by section 1(2)(a) of the 1963 Act;

"period of notification" ("*cyfnod hysbysu*") has the meaning given by regulation 21(2);

"registered carrier" ("*cludwr cofrestredig*") means a carrier registered pursuant to the Control of Pollution (Amendment) Act 1989(2);

"related premises" ("*mangre gysylltiedig*") means the site premises at which a mobile service produces waste for which relevant premises are service premises in accordance with regulation 29;

"relevant premises" ("*mangre berthnasol*") means the premises which the producer or consignor is required to notify;

"relevant fee" ("*ffi berthnasol*") means the fee payable in accordance with a scheme made pursuant to section 41 of the 1995 Act;

(1) 1963 c.41.

(2) 1989 c.14.

ystyr "mangre gysylltiedig" ("*related premises*") yw mangre safle lle mae gwasanaeth symudol yn cynhyrchu gwastraff y mae mangre safle yn fangre berthnasol ar ei gyfer yn unol â rheoliad 29;

ystyr "mangre safle" ("*site premises*") yw mangre lle mae gwastraff peryglus yn cael ei gynhyrchu;

mae i "mangre siop" yr ystyr a roddir i "*shop premises*" gan adran 1(3) o Ddeddf 1963; a

mae i "mangre swyddfa" yr ystyr a roddir i "office premises" gan adran 1(2)(a) o Ddeddf 1963.

"service premises" ("*mangre gwasanaeth*") has the meaning given by regulation 29(1);

"shop premises" ("*mangre siop*") has the meaning given by section 1(3) of the 1963 Act;

"site premises" ("*mangre safle*") means the premises at which hazardous waste is produced; and

"waste electrical and electronic equipment" ("*cyfarpar gwastraff trydanol ac electronig*") has the same meaning as in Directive 2002/96/EC(1).

RHAN 6

SYMUD GWASTRAFF PERYGLUS

Codau traddodi

Safon codio

33.-(1) Dyletswydd yr Asiantaeth o dro i dro yw dynodi safon, ac ar bob adeg gynnal mewn grym ddynodiad ar safon, (y cyfeirir ati yn y Rheoliadau hyn fel "safon codio"), sy'n darparu ar gyfer cyfansoddiad codau traddodi at ddibenion y Rhan hon.

(2) Rhaid i'r safon codio alluogi pob llwyth o wastraff peryglus gael cod traddodi unigryw.

(3) Rhaid i'r safon ddarparu ar gyfer codau gwahanol i nodiadau traddodi a gwblhawyd mewn perthynas â gwastraff peryglus a symudwyd drwy biblinell yn unol â rheoliad 41, pan fo pibellau yn para am fwy na chwarter.

(4) Rhaid i'r safon ddarparu ar gyfer codau traddodi gael eu ffurfio o lythrennau, rhifau neu symbolau, neu unrhyw gyfuniad o lythrennau, rhifau a symbolau.

Codau traddodi

34.-(1) Dyletswydd-

(a) y cynhyrchydd, o ran-

- (i) llwyth o wastraff peryglus sydd i'w symud o fangre (heblaw llong) lle mae'r gwastraff yn cael ei gynhyrchu;
- (ii) gwastraff peryglus sydd i'w symud drwy biblinell o fangre (heblaw llong) mewn achos y mae rheoliad 41 yn gymwys iddo; neu
- (iii) gwastraff peryglus sydd i'w ddyddodi o fewn cwrtil y fangre lle'i cynhyrchwyd;

PART 6

MOVEMENT OF HAZARDOUS WASTE

Consignment codes

Coding standard

33.-(1) It is the duty of the Agency from time to time to designate, and at all times to maintain in force a designation of, a standard (in these Regulations referred to as a "coding standard"), making provision for the composition of consignment codes for the purposes of this Part.

(2) The coding standard must enable each consignment of hazardous waste to be given a unique consignment code.

(3) The standard must make provision for different codes for consignment notes completed in relation to hazardous waste removed by pipeline pursuant to regulation 41, where piping is continuous for more than one quarter.

(4) The standard must make provision for consignment codes to consist of letters, numbers or symbols, or any combination of letters, numbers and symbols.

Consignment codes

34.-(1) It is the duty of-

(a) the producer, in relation to--

- (i) a consignment of hazardous waste to be removed from premises at which the waste is produced (other than a ship);
- (ii) hazardous waste to be removed by pipeline from premises (other than a ship) situated in a case to which regulation 41 applies; or
- (iii) hazardous waste to be deposited within the curtilage of premises at which it was produced;

(1) OJ No. L 037, 13.12.2003, p.24.

- (b) meistr y llong, o ran unrhyw wastraff peryglus sy'n cael ei symud o long yn ardal harbwr (gan gynnwys gwastraff a ollyngwyd drwy ddamwain ar dir sy'n gyfagos â'r llong); ac
- (c) y traddodwr, o ran unrhyw lwyth arall o wastraff peryglus,

yw rhoi i'r gwastraff peryglus god unigryw yn unol â'r safon codio sydd mewn grym ar y pryd.

(2) Y cod a roddir yn unol â pharagraff (1) fydd y cod traddodi gwastraff peryglus o dan sylw at ddibenion y Rheoliadau hyn.

Y dogfennau sydd i'w cwblhau ar gyfer llwythi

Cwblhau nodiadau traddodi

35.-(1) Pan symudir gwastraff peryglus o unrhyw fangre-

- (a) rhaid cwblhau nodyn traddodi yn unol â pharagraff (3) o'r rheoliad hwn a gofynion y rheoliad perthnasol os yw un o'r rheoliadau canlynol yn gymwys-
 - (i) rheoliad 36 (y weithdrefn safonol);
 - (ii) rheoliad 39 (symud gwastraff llong i gyfleusterau derbyn);
 - (iii) rheoliad 40 (symud gwastraff llong heblaw i gyfleusterau derbyn);
 - (iv) rheoliad 41 (symud gwastraff drwy biblinell); neu
 - (v) pan wrthodir y llwyth neu unrhyw ran ohono gan y traddodai, ym mhob achos yn unol â rheoliad 42 a 43;
- (b) os bydd rheoliad 37 (Atodlen y cludwyr) yn gymwys, rhaid cwblhau atodlen y cludwyr yn unol â'r rheoliad hwnnw a pharagraff (3) o'r rheoliad hwn; ac
- (c) os bydd rheoliad 38 (amlogasgliad) neu reoliad 44 (gweithdrefn amlogasglu ar gyfer llwythi a wrthodwyd) yn gymwys, rhaid cwblhau nodyn traddodi amlogasgliad yn unol â'r rheoliad cymwysadwy hwnnw a pharagraff (4) o'r rheoliad hwn.

(2) Mae ffurf y nodyn traddodi a geir yn Atodlen 4, neu ffurf sydd yn gofyn am yr un wybodaeth yn yr un fformat ar y cyfan, i gael ei defnyddio a rhaid ei chwblhau fel y bydd yn cynnwys (lle dangosir yn y ffurf) yr holl wybodaeth y darparwyd ar ei chyfer yn yr Atodlen honno sy'n gymwys i'r achos.

(3) Mae ffurf atodlen y cludwyr a geir yn Atodlen 5, neu ffurf sydd yn gofyn am yr un wybodaeth yn yr un fformat ar y cyfan, i gael ei defnyddio a rhaid ei chwblhau fel y bydd yn cynnwys (lle dangosir yn y ffurf) yr holl wybodaeth y darparwyd ar ei chyfer yn yr Atodlen honno sy'n gymwys i'r achos.

- (b) the master of the ship, in relation to any hazardous waste removed from a ship in a harbour area (including waste accidentally spilled on land adjacent to the ship); and
- (c) the consignor, in relation to any other consignment of hazardous waste,

to assign to the hazardous waste a unique code in accordance with the coding standard for the time being in force.

(2) The code assigned pursuant to paragraph (1) is to be the consignment code of the hazardous waste concerned for the purposes of these Regulations.

Documents to be completed for consignments

Completion of the consignment note

35.-(1) Where hazardous waste is removed from any premises-

- (a) a consignment note must be completed in accordance with paragraph (3) of this regulation and the requirements of the relevant regulation if one of the following regulations applies-
 - (i) regulation 36 (standard procedure);
 - (ii) regulation 39 (removal of ship's waste to reception facilities);
 - (iii) regulation 40 (removal of ship's waste other than to reception facilities);
 - (iv) regulation 41 (removal of waste by pipeline); or
 - (v) where the consignment or any part thereof is rejected by the consignee, in accordance in each case with regulation 42 and 43;
- (b) if regulation 37 (Schedule of carriers) applies, a schedule of carriers must be completed in accordance with that regulation and paragraph (3) of this regulation; and
- (c) if regulation 38 (multiple collection) or regulation 44 (multiple collection procedure for rejected consignments) applies, a multiple collection consignment note must be completed in accordance with the applicable regulation and paragraph (4) of this regulation.

(2) The form of consignment note set out in Schedule 4, or a form requiring the same information in substantially the same format, is to be used and must be completed so as to contain (in the place indicated in the form) all the information provided for in that Schedule which is applicable to the case.

(3) The form of the schedule of carriers set out in Schedule 5, or a form requiring the same information in substantially the same format, is to be used and must be completed so as to contain (in the place indicated in the form) all the information provided for in that Schedule which is applicable to the case.

(4) Mae ffurf y nodyn traddodi amlgasgliad a geir yn Atodlen 6, neu ffurf sy'n gofyn am yr un wybodaeth yn yr un fformat ar y cyfan, i gael ei defnyddio a rhaid ei chwblhau fel y bydd yn cynnwys (lle dangosir yn y ffurf) yr holl wybodaeth y darparwyd ar ei chyfer yn yr Atodlen honno sy'n gymwys i'r achos.

(5) Yn y Rhan hon, mae cyfeiriad at ran o nodyn traddodi, atodlen y cludwyr neu nodyn traddodi amlgasgliad wrth ei rhif neu ddisgrifiad yn gyfeiriad at y rhan honno fel y mae'n ofynnol iddi gael ei rhifo neu ei disgrifio yn ôl y digwydd yn y ffurf yn Atodlen 4, 5 neu 6 yn ôl y gofyn.

Y weithdrefn safonol

36.-(1) Mae'r rheoliad hwn yn gymwys ym mhob achos lle mae llwyth o wastraff peryglus i'w symud o fangre ac eithrio mewn achosion y mae unrhyw rai o reoliadau 38 i 41 yn gymwys iddynt.

(2) Cyn symud y llwyth-

- (a) rhaid i gynhyrhydd, neu ddeiliad, y gwastraff peryglus yn ôl y digwydd-
 - (i) paratoi copi o'r nodyn traddodi ar gyfer pob un o'r canlynol: cynhyrhydd neu ddeiliad y gwastraff peryglus (os yw'n wahanol i'r traddodwr); y traddodwr; y cludwr; a'r traddodai;
 - (ii) cwblhau Rhannau A a B ar bob copi; a
 - (iii) rhoi pob copi i'r cludwr;
- (b) rhaid i'r cludwr gwblhau Rhan C ar bob copi a rhoi pob copi i'r traddodwr;
- (c) rhaid i'r traddodwr-
 - (i) cwblhau Rhan D ar bob copi;
 - (ii) os nad y cynhyrhydd neu ddeiliad y gwastraff peryglus, yn ôl y digwydd, yw'r traddodwr, rhoi un copi iddo;
 - (iii) cadw un copi; a
 - (iv) rhoi pob copi sy'n weddill i'r cludwr.

(3) Rhaid i'r cludwr sicrhau bod pob copi a dderbyniodd-

- (a) yn teithio gyda'r llwyth; a
- (b) yn cael ei roi i'r traddodai pan draddodir y llwyth.

(4) Yn ddarostyngedig i reoliad 42, wrth dderbyn y llwyth, rhaid i'r traddodai-

- (a) cwblhau Rhan E ar y ddau gopi; a
- (b) rhoi un copi i'r cludwr.

Atodlen y cludwyr

37.-(1) Mae'r rheoliad hwn yn gymwys ym mhob achos (p'un ai o dan reoliad 36, neu reoliad 40) os oes mwy nag un cludwr yn cludo'r llwyth, neu i gludo'r llwyth.

(4) The form of multiple collection consignment note set out in Schedule 6, or a form requiring the same information in substantially the same format, is to be used and must be completed so as to contain (in the place indicated in the form) all the information provided for in that Schedule which is applicable to the case.

(5) In this Part, a reference to a part of a consignment note, schedule of carriers or multiple collection consignment note by its number or description is a reference to that part as it is required to be so numbered or described as the case may be in the form in Schedule 4, 5 or 6 as the case may require.

Standard procedure

36.-(1) This regulation applies in all cases where a consignment of hazardous waste is to be removed from premises except in cases to which any of regulations 38 to 41 apply.

(2) Before the consignment is removed-

- (a) the hazardous waste producer, or holder, as the case may be, must-
 - (i) prepare a copy of the consignment note for each of the following: the hazardous waste producer or holder (where different from the consignor); the consignor; the carrier; and the consignee;
 - (ii) complete Parts A and B on each copy; and
 - (iii) give every copy to the carrier;
- (b) the carrier must complete Part C on each copy and give every copy to the consignor;
- (c) the consignor must-
 - (i) complete Part D on each copy;
 - (ii) where the hazardous waste producer or holder, as the case may be, is not the consignor, give one copy to him or her;
 - (iii) retain one copy; and
 - (iv) give every remaining copy to the carrier.

(3) The carrier must ensure that every copy which he or she has received-

- (a) travels with the consignment; and
- (b) is given to the consignee on delivery of the consignment.

(4) Subject to regulation 42, on receiving the consignment the consignee must-

- (a) complete Part E on both copies; and
- (b) give one copy to the carrier.

Schedule of carriers

37.-(1) This regulation applies in all cases (whether under regulation 36, or regulation 40) where more than one carrier transports, or is to transport, the consignment.

(2) Cyn symud y llwyth-

- (a) rhaid i'r traddodwr-
 - (i) paratoi copi o atodlen y cludwyr i gynhyrchydd neu ddeiliad y gwastraff peryglus (os yw'n wahanol i'r traddodwr), y traddodwr, pob cludwr a'r traddodai; a
 - (ii) rhoi pob copi i'r cludwr cyntaf;
- (b) rhaid i'r cludwr cyntaf sicrhau bod pob copi y mae wedi'i dderbyn yn teithio gyda'r llwyth;
- (c) wrth draddodi llwyth i bob cludwr dilynol-
 - (i) rhaid i'r cludwr blaenorol roi i'r cludwr dilynol bob copi o'r atodlen y mae wedi'i gael;
 - (ii) rhaid i'r cludwr dilynol gwblhau'r dystysgrif berthnasol ar bob copi, rhoi un i'r cludwr blaenorol a rhaid iddo gadw'r copi, a sicrhau bod pob copi sy'n weddill ac y mae wedi'i dderbyn yn teithio gyda'r llwyth; a
 - (iii) pan draddodir llwyth i draddodai, rhaid i'r cludwr gadw un copi o atodlen y cludwyr a rhoi pob copi sy'n weddill i'r traddodai.

(3) Pan fo-

- (a) trefniadau ar gyfer cludo'r llwyth heb eu gwneud gyda'r holl gludwyr y bwriedir iddynt fod yn ymwneud ag ef cyn cychwyn cludo; neu
- (b) bod newid mewn unrhyw drefniadau o'r fath am unrhyw reswm ar ôl i'r cludo ddechrau,

mae paragraff (2) yn gymwys fel pe bai'r cludwr mewn meddiant o'r llwyth pan wneir trefniadau pellach, yn achos paragraff (a), neu'n effeithiol, yn achos paragraff (b), yn draddodwr a phe bai'r cludwr nesaf yn gludwr cyntaf.

(4) Pan fydd y rheoliad hwn yn gymwys, heblaw mewn achos o lwyth o wastraff peryglus a wrthodwyd, mae rheoliad 36 yn effeithiol fel pe bai-

- (a) cyfeiriad at wastraff peryglus yn cael ei symud yn cynnwys cyfeiriad at ei feddiant yn cael ei drosglwyddo i'r cludwr nesaf;
- (b) ym mharagraff (2)(a)(i), y cyfeiriad at "y cludwr" yn gyfeiriad at "bob cludwr";
- (c) ym mharagraff (2)(a)(iii), 2(b) a (2)(c)(iv), y cyfeiriad at "y cludwr" yn gyfeiriad at "y cludwr cyntaf";
- (ch) ym mharagraff (3)(b) mewn perthynas â chludwr nad yw'n gludwr olaf, y cyfeiriad at "y traddodai" yn gyfeiriad at "y cludwr dilynol";

(2) Before the consignment is removed-

- (a) the consignor must-
 - (i) prepare a copy of the schedule of carriers for the hazardous waste producer or holder (where different from the consignor), the consignor, every carrier and the consignee; and
 - (ii) give every copy to the first carrier;
- (b) the first carrier must ensure that every copy he or she has received travels with the consignment;
- (c) on delivery of the consignment to each subsequent carrier-
 - (i) the previous carrier must give the subsequent carrier every copy of the schedule which he or she has received;
 - (ii) the subsequent carrier must complete the relevant certificate on each copy, give one to the previous carrier who must retain it, and ensure that every remaining copy which he or she has received travels with the consignment; and
 - (iii) when the consignment is delivered to a consignee, the carrier must retain one copy of the carrier's schedule and give every remaining copy to the consignee.

(3) Where-

- (a) arrangements for the transport of the consignment have not been made with all carriers intended to be involved before transport commences; or
- (b) there is a change in any such arrangements after transport commences for any reason,

paragraph (2) applies as if the carrier in possession of the consignment when further arrangements are made, in the case of paragraph (a), or take effect, in the case of paragraph (b), were the consignor and the next carrier were the first carrier.

(4) Where this Regulation applies, other than in the case of a rejected consignment of hazardous waste, regulation 36 has effect as if-

- (a) a reference to the hazardous waste being removed includes reference to its possession being transferred to the next carrier;
- (b) in paragraph (2)(a)(i), the reference to "the carrier" were a reference to "every carrier";
- (c) in paragraphs (2)(a)(iii), 2(b) and (2)(c)(iv), the reference to "the carrier" were a reference to "the first carrier";
- (d) in paragraph (3)(b), in relation to a carrier who is not the final carrier, the reference to "the consignee" were a reference to "the subsequent carrier";

(d) ym mharagraff (4)(b), y cyfeiriad at "y cludwr" yn gyfeiriad at "y cludwr olaf".

(e) in paragraph (4)(b), the reference to "the carrier" were a reference to "the final carrier".

Amlgasgliadau

38.-(1) Mae'r rheoliad hwn yn gymwys i daith a wneir gan gludwr unigol sy'n bodloni'r amodau canlynol-

- (a) bod y cludwr yn casglu mwy nag un llwyth o wastraff peryglus yn ystod y daith;
- (b) bod pob llwyth yn cael ei gasglu o fangre wahanol (nad yw unrhyw un ohonynt yn llong);
- (c) bod pob mangre y cesglir ohoni yng Nghymru; ac
- (ch) bod pob llwyth a gesglir yn cael ei gludo gan y cludwr hwnnw yn ystod y daith at yr un traddodai,

a chyfeirir at daith sy'n bodloni'r amodau hyn yn y Rheoliadau hyn fel "amgasgliad".

(2) Os yw'r cludwr yn dewis cymhwyso'r weithdrefn amgasgliad a nodir yn y rheoliad hwn i amgasgliad, mae gofynion y rheoliad hwn yn gymwys i'r cludwr, ac i'r cynhyrchwyr, deiliaid a thraddodwyr y llwythi a gesglir yn ystod y cylch casglu.

(3) Cyn y casgliad cyntaf, rhaid i'r cludwr-

- (a) paratoi dau gopi o'r nodyn casglu amgasgliadau, a chopi pellach ar gyfer pob cynhyrchydd neu ddeiliad gwastraff peryglus, yn ôl y digwydd, y cesglir y gwastraff oddi wrtho yn ystod y cylch, ac un copi i bob traddodwr, mewn achosion pan nad cynhyrchydd, neu ddeiliad y gwastraff peryglus, yn ôl y digwydd, yw'r traddodwr;
- (b) cwblhau Rhannau A a B ar bob copi.

(4) Cyn symud gwastraff o bob set o fangreoedd lle gwneir casgliad-

- (a) rhaid i'r cynhyrchydd, neu'r deiliad, gwblhau'r atodlen i'r nodyn traddodi ar gyfer amgasgliadau ar bob copi;
- (b) rhaid i'r traddodwr a'r cludwr lofnodi eu priod ddatganiadau yn yr atodiad i'r nodyn traddodi ar gyfer amgasgliadau ar bob copi o'r nodyn; ac
- (c) rhaid i'r cludwr drosglwyddo copi sydd wedi'i gwblhau i'r cynhyrchydd neu'r deiliad ym mhob achos (ac os nad y cynhyrchydd na'r deiliad yw'r traddodwr, i'r traddodwr).

(5) Ar ôl casglu'r llwyth olaf ond cyn ei gyflwyno i'r traddodai, rhaid i'r cludwr gwblhau'r manylion sydd i'w cwblhau gan y cludwr yn adran C ar y ddau gopi sy'n weddill o'r nodyn traddodi.

Multiple collections

38.-(1) This regulation applies to a journey made by a single carrier which meets the following conditions-

- (a) the carrier collects more than one consignment of hazardous waste in the course of the journey;
- (b) each consignment is collected from different premises (none of which is a ship);
- (c) all the premises from which a collection is made are in Wales; and
- (d) all consignments collected are transported by that carrier in the course of the journey to the same consignee,

and a journey which meets these conditions is referred to in these Regulations as a "multiple collection".

(2) Where the carrier elects to apply the multiple collection procedure set out in this regulation to a multiple collection, the requirements of this regulation apply to the carrier, and to the producers, holders and consignors of the consignments collected in the course of the round.

(3) Before the first collection, the carrier must-

- (a) prepare two copies of the multiple consignment collection note plus one copy for each hazardous waste producer or holder, as the case may be, from whom waste is to be collected during the round, and one copy for each consignor, in cases where the hazardous waste producer, or holder, as the case may be, is not the consignor; and
- (b) complete Parts A and B on each copy.

(4) Before the removal of waste from each set of premises from which a collection is made--

- (a) the producer, or holder, must complete the annex to the multiple collection consignment note on each copy;
- (b) the consignor and carrier must sign their respective declarations to the annex to the multiple collection consignment note on each copy of the note; and
- (c) the carrier must pass a completed copy to the producer or holder in each case (and where the producer or holder is not the consignor, the consignor).

(5) After collection of the last consignment but before delivery to the consignee, the carrier must complete the particulars for completion by the carrier in section C on both remaining copies of the consignment note.

(6) Yn ddarostyngedig i reoliad 42, pan fydd y gwastraff wedi'i draddodi-

- (a) rhaid i'r cludwr drosglwyddo i'r traddodai y ddau gopi sy'n weddill o'r nodyn;
- (b) rhaid i'r traddodai gwblhau'r manylion sydd i'w cwblhau gan y traddodai yn Adran C a chwblhau'r dystysgrif yn rhan D o'r nodyn ar y ddau gopi; ac
- (c) rhaid i'r traddodai ddychwelyd un copi o'r nodyn sydd wedi'i gwblhau i'r cludwr.

Symud gwastraffoedd llongau i gyfleusterau derbyn

39.-(1) Mae'r Rheoliad hwn yn gymwys os symudir gwastraff peryglus o long (gan gynnwys gormodedd neu ollyngiadau drwy lwytho neu ddadlwytho, a gafodd eu gollwng yn ddamweiniol ar dir yn gyfagos â'r llong) mewn ardal harbwr-

- (a) i gyfleusterau derbyn a ddarperir yn yr ardal harbwr honno; neu
- (b) drwy biblinell i unrhyw gyfleusterau o'r fath a ddarperir y tu allan i ardal harbwr.

(2) Cyn bod y gwastraff yn cael ei symud o'r llong rhaid i feistr y llong-

- (a) paratoi dau gopi o'r nodyn traddodi;
- (b) cwblhau Rhannau A, B a D ar bob copi;
- (c) cadw un copi; ac
- (ch) rhoi un copi i weithredydd y cyfleusterau.

(3) Yn ddarostyngedig i reoliad 42, wrth dderbyn llwyth o wastraff peryglus rhaid i weithredydd y cyfleusterau gwblhau Rhan E ar y copi a dderbyniodd.

Symud gwastraffoedd llongau heblaw i gyfleusterau derbyn

40.-(1) Mae'r rheoliad hwn yn gymwys os symudir gwastraff peryglus o long mewn ardal harbwr heblaw mewn achos y mae rheoliad 39 yn gymwys iddi.

(2) Cyn symud y llwyth-

- (a) rhaid i feistr y llong-
 - (i) paratoi tri chopi o'r nodyn traddodi;
 - (ii) cwblhau Rhannau A a B ar bob copi; a
 - (iii) rhoi pob copi i'r cludwr;
- (b) rhaid i'r cludwr gwblhau Rhan C ar bob copi;
- (c) rhaid i feistr y llong-
 - (i) cwblhau Rhan D ar bob copi;
 - (ii) cadw un copi; a
 - (iii) rhoi pob copi sy'n weddill i'r cludwr;
- (ch) rhaid i'r cludwr sicrhau bod pob copi a dderbyniodd-

(6) Subject to regulation 42, on delivery of the waste-

- (a) the carrier must pass to the consignee both remaining copies of the note;
- (b) the consignee must complete the particulars for completion by the consignee in Section C and complete the certificate in part D of the note on both copies; and
- (c) the consignee must return one copy of the completed note to the carrier.

Removal of ships' wastes to reception facilities

39.-(1) This Regulation applies where hazardous waste is removed from a ship (including excesses or spillage from loading or unloading, which have been accidentally spilled on land adjacent to the ship) in a harbour area-

- (a) to reception facilities provided within that harbour area; or
- (b) by pipeline to any such facilities provided outside a harbour area.

(2) Before the waste is removed from the ship the master of the ship must-

- (a) prepare two copies of the consignment note;
- (b) complete Parts A, B and D on each copy;
- (c) retain one copy; and
- (d) give one copy to the operator of the facilities.

(3) Subject to regulation 42, on receiving a consignment of hazardous waste the operator of the facilities must complete Part E on the copy which he or she has received.

Removal of ships' wastes other than to reception facilities

40.-(1) This regulation applies where hazardous waste is removed from a ship in a harbour area other than in a case to which regulation 39 applies.

(2) Before the consignment is removed-

- (a) the master of the ship must-
 - (i) prepare three copies of the consignment note;
 - (ii) complete Parts A and B on each copy; and
 - (iii) give every copy to the carrier;
- (b) the carrier must complete Part C on each copy;
- (c) the master of the ship must-
 - (i) complete Part D on each copy;
 - (ii) retain one copy; and
 - (iii) give every remaining copy to the carrier;
- (d) the carrier must ensure that every copy which he or she has received-

- (i) yn mynd gyda'r llwyth; a
- (ii) yn cael ei roi i'r traddodai pan draddodir y llwyth.

(3) Yn ddarostyngedig i reoliad 42, wrth dderbyn y llwyth, rhaid i'r traddodai-

- (a) cwblhau Rhan E ar y ddau gopi; a
- (b) rhoi un copi i'r cludwr.

Symud gwastraff drwy biblinell

41.-(1) Mae'r rheoliad hwn yn gymwys os symudir gwastraff peryglus o unrhyw fangre (heblaw llong), lle caiff ei gynhyrchu neu ei storio, drwy biblinell.

(2) Cyn rhoi'r gwastraff mewn piblinell, ac, os yw'r piblinellu'n barhaus, ar ddechrau pob chwarter rhaid i'r cynhyrchydd, neu'r deiliad, yn ôl y digwydd-

- (a) paratoi un copi o'r nodyn traddodi ar gyfer pob un o'r canlynol: y cynhyrchydd neu'r deiliad, yn ôl y digwydd (os yw'n wahanol i'r traddodwr), y traddodwr a'r traddodai;
- (b) cwblhau Rhannau A, B a D ar bob copi, gyda'r ddarpariaeth bod yn rhaid cofnodi cyfradd y llif cyfartalog yn Rhan B3, ynghyd ag amcangyfrif o gyfanswm cyfaint y gwastraff sydd i'w biblinellu fesul wythnos neu fis calendr.

(3) Rhaid i'r traddodai gwblhau Rhan E ar bob copi gyda'r addasiadau canlynol-

- (a) yn Rhan E1, bernir bod y cyfeiriad at y dyddiad pan dderbyniwyd y gwastraff yn gyfeiriad at y dyddiad diwethaf pan dderbyniwyd y gwastraff gan y traddodai yn unol â'r nodyn traddodi hwnnw; a
- (b) yn Rhan E2, nid oes angen manylion cofrestru'r cerbyd.

(4) Rhaid i'r traddodai gadw un copi a sicrhau bod copi yn cael ei roi i'r traddodwr, ac i gynhyrchydd neu ddeiliad y gwastraff peryglus, os yw'n wahanol i'r traddodwr.

Llwythi a wrthodwyd

Dyletswydd traddodai nad yw'n derbyn y llwyth

42.-(1) Mae'r rheoliad hwn a rheoliadau 43 a 44 yn gymwys pan nad yw'r traddodai yn derbyn traddodi llwyth o wastraff peryglus, p'un ai yn gyfan neu'n rhannol.

(2) Nid yw gofynion rheoliad 36(4), 38(6)(b) ac (c), 39(3), neu 40(3) (sy'n ymwneud â dyletswyddau'r traddodai wrth dderbyn y llwyth) yn ôl y digwydd, yn gymwys i draddodai mewn perthynas â llwyth, neu ran ohono, a wrthodwyd.

- (i) accompanies the consignment; and
- (ii) is given to the consignee on delivery of the consignment.

(3) Subject to regulation 42, on receiving the consignment the consignee must-

- (a) complete Part E on both copies; and
- (b) give one copy to the carrier.

Removal of wastes by pipeline

41.-(1) This regulation applies where hazardous waste is removed from any premises (other than a ship) on which it is produced or stored by pipeline.

(2) Before the waste is piped, and, where the piping is continuous, at the commencement of each quarter, the producer, or holder, as the case may be, must-

- (a) prepare one copy of the consignment note for each of the following: the producer or holder, as the case may be (where different from the consignor), the consignor and the consignee;
- (b) complete Parts A, B and D on each copy, provided that in Part B3 the average flow rate must be recorded, together with an estimate of the total volume of waste to be piped per week or calendar month.

(3) The consignee must complete Part E on each copy with the following modifications-

- (a) in Part E1, the reference to the date on which the waste was received is to be taken to be a reference to the last date on which waste was received by the consignee pursuant to that consignment note; and
- (b) in Part E2, the particulars of the vehicle registration are not required.

(4) The consignee must retain one copy and ensure that a copy is given to the consignor, and to the hazardous waste producer or holder (where different from the consignor).

Rejected consignments

Duty of consignee not accepting delivery

42.-(1) This regulation and regulations 43 and 44 apply where the consignee does not accept delivery of a consignment of hazardous waste, whether wholly or in part.

(2) The requirements of regulation 36(4), 38(6)(b) and (c), 39(3) or 40(3) (which relate to the duties of the consignee on acceptance of the consignment) as the case may be, do not apply to the consignee in respect of a consignment, or part thereof, which has been rejected.

(3) Os rhoddwyd copiâu o'r nodyn traddodi ynglyn â llwyth a wrthodwyd i'r traddodai, rhaid iddo-

- (a) dangos ar Ran E o bob copi y mae'n ei gael nad yw'n derbyn y llwyth, neu ran o'r llwyth yn ôl y digwydd, a'r rhesymau pam nad yw'n derbyn y llwyth neu ran o'r llwyth;
- (b) cadw un copi;
- (c) rhoi un copi i'r cludwr; a
- (ch) cyn gynted ag y bo'n rhesymol ymarferol, anfon copi at y traddodwr, ac (os yw'n wahanol i'r traddodwr) y cynhyrchydd neu'r deiliad, os yw'n hysbys.

(4) Os na roddwyd copiâu o'r nodyn traddodi i'r traddodai rhaid iddo-

- (a) paratoi esboniad ysgrifenedig o'i resymau dros beidio â derbyn y traddodi, gan gynnwys y manylion sy'n hysbys iddo am y llwyth, cynhyrchydd neu ddeiliad y gwastraff peryglus, y traddodwr a'r cludwr;
- (b) rhoi'r cyfryw esboniad ysgrifenedig i'r cludwr;
- (c) cyn gynted ag y bo'n rhesymol ymarferol, anfon un copi at y traddodwr, ac (os yw'n wahanol i'r traddodwr) y cynhyrchydd neu'r deiliad, os yw'n hysbys; ac
- (ch) cadw copi o'i esboniad ysgrifenedig.

(5) Wrth gael ei hysbysu nad yw'r traddodai yn derbyn traddodi'r llwyth neu ran o'r llwyth, rhaid i'r cludwr-

- (a) hysbysu'r Asiantaeth;
- (b) gofyn am gyfarwyddiadau gan gynhyrchydd neu ddeiliad y gwastraff peryglus; ac
- (c) cymryd pob cam rhesymol i sicrhau bod y cyfarwyddiadau hynny yn cael eu cyflawni (gan gynnwys cwblhau unrhyw nodyn traddodi ar eu rhan).

(6) Mae'n ddyletswydd ar gynhyrchydd neu ddeiliad y gwastraff peryglus, yn ôl y digwydd, a enwir yn y rhan berthnasol o'r nodyn traddodi-

- (a) i wneud trefniadau cyn gynted ag y bo'n rhesymol ymarferol i drosglwyddo'r llwyth neu'r rhan o'r llwyth a wrthodwyd i draddodai penodedig arall sy'n dal trwydded gwastraff neu sydd wedi'i gofrestru i gyflawni gweithgaredd esempt ar gyfer adfer neu waredu'r gwastraff; a
- (b) i roi, ar unwaith-
 - (i) cyfarwyddiadau i'r cludwr yn unol â hynny; a
 - (ii) hysbysiad i'r Asiantaeth o'r trefniadau a'r cyfarwyddiadau.

(3) If copies of the consignment note relating to a rejected consignment have been given to the consignee he or she must-

- (a) indicate on Part E of each copy that he or she receives that he or she does not accept the consignment, or part of the consignment, as the case may be, and the reasons why he or she does not accept the consignment or part;
- (b) retain one copy;
- (c) give one copy to the carrier; and
- (d) as soon as reasonably practicable, send a copy to the consignor, and (if different from the consignor), the producer or holder, where known.

(4) If no copy of the consignment note has been given to the consignee he or she must-

- (a) prepare a written explanation of his or her reasons for not accepting delivery, including such details of the consignment, the hazardous waste producer or holder, the consignor and the carrier as are known to him or her;
- (b) give such written explanation to the carrier;
- (c) as soon as reasonably practicable, send one copy to the consignor, and (if different from the consignor) the producer or holder, where known; and
- (d) retain a copy of his or her written explanation.

(5) On being informed that the consignee will not accept delivery of the consignment or part, the carrier must-

- (a) inform the Agency;
- (b) seek instructions from the hazardous waste producer or holder; and
- (c) take all reasonable steps to ensure those instructions are fulfilled (including completing any consignment note on their behalf).

(6) It is the duty of the hazardous waste producer or holder identified in the relevant part of the consignment note, as the case may be, to-

- (a) make arrangements as soon as reasonably practicable for the transfer of the rejected consignment or part to another specified consignee who holds a waste permit or is registered to carry on an exempt activity for the recovery or disposal of the waste; and
- (b) forthwith-
 - (i) give instructions to the carrier accordingly; and
 - (ii) inform the Agency of the arrangements and instructions.

(7) Mewn unrhyw achos o fewn paragraff (6)(a), os na ellir dod o hyd i unrhyw draddodai amgen o fewn 5 niwrnod busnes, rhaid i gynhyrchydd neu ddeiliad y gwastraff peryglus a enwir yn y rhan berthnasol o'r nodyn traddodi wneud trefniadau i ddychwelyd y gwastraff i'r fangre y cafodd ei symud ohoni i'w storio yn unol ag amodau'r Gyfarwyddeb Wastraff hyd nes y deuir o hyd i draddodai addas.

Nodyn traddodi pellach ar gyfer llwyth a wrthodwyd

43.-(1) Mae'r rheoliad hwn yn gymwys i symud unrhyw lwyth ar ôl iddo gael ei wrthod gan y traddodai ac eithrio mewn achos y mae rheoliad 44 yn gymwys iddo.

(2) Cyn symud y llwyth neu ran o'r llwyth o'r lle traddodi gwreiddiol, rhaid i gynhyrchydd neu ddeiliad y gwastraff peryglus a enwir yn y rhan berthnasol o'r nodyn traddodi gwreiddiol sicrhau bod copi o nodyn traddodi newydd wedi'i baratoi mewn perthynas â'r llwyth neu'r rhanlwyth a wrthodwyd i bob un o'r canlynol:

- (a) cynhyrchydd y gwastraff peryglus;
- (b) os nad cynhyrchydd neu ddeiliad y gwastraff peryglus yw'r traddodwr, y traddodwr;
- (c) y cludwr; ac
- (ch) y traddodai newydd.

(3) Rhaid i'r cynhyrchydd neu'r deiliad -

- (a) cwblhau Rhannau A a B ar bob copi o'r nodyn fel a ganlyn-
 - (i) dylid copïo'r wybodaeth y mae ei hangen i gwblhau Rhan A o'r nodyn traddodi gwreiddiol gan gynnwys y cod traddodi perthnasol a rhaid ychwanegu'r llythyren 'R' at ddiwedd y cod;
 - (ii) rhaid rhoi enw a chyfeiriad y traddodai newydd (gan gynnwys y cod post) yn Rhan A4; a
 - (iii) yn ddarostyngedig i baragraff (4), rhaid copïo'r wybodaeth berthnasol a geir yn Rhan B o'r nodyn traddodi gwreiddiol (os gwrthodir rhan o'r llwyth, i'r graddau y mae'n ymwneud â'r rhan honno) i Ran B; a
- (b) rhoi pob copi i'r cludwr.

(4) Os yw'r traddodai a wrthododd y llwyth neu ran o'r llwyth yn datgan yn ei esboniad ysgrifenedig bod y disgrifiad o'r gwastraff yn y nodyn traddodi gwreiddiol yn anghywir, rhaid i'r cynhyrchydd neu'r deiliad gynnwys yn lle hynny ddisgrifiad cywir o'r gwastraff yn y nodyn traddodi newydd.

(5) Rhaid i'r cludwr gwblhau Rhan C ar bob copi.

(6) Rhaid i'r cynhyrchydd neu'r deiliad a enwir yn y rhan berthnasol o'r nodyn traddodi gwreiddiol-

- (a) cwblhau Rhan D ar bob copi;

(7) If in any case within paragraph (6)(a) no alternative consignee can be found within 5 business days, the hazardous waste producer or holder identified in the relevant part of the consignment note must make arrangements to return the waste to premises from which it was removed for its storage in accordance with the Waste Directive conditions until a suitable consignee can be found.

Further consignment note for rejected consignment

43.-(1) This regulation applies to the removal of any consignment following rejection by the consignee other than in a case to which regulation 44 applies.

(2) Before the consignment or part is moved from the original place for delivery, the hazardous waste producer or holder identified in the relevant part of the original consignment note must ensure that a copy of a new consignment note is prepared in respect of the rejected consignment or part for each of the following:

- (a) the hazardous waste producer;
- (b) where the hazardous waste producer or holder is not the consignor, the consignor;
- (c) the carrier; and
- (d) the new consignee.

(3) The producer or holder must -

- (a) complete Parts A and B on each copy of the note as follows-
 - (i) the information required to complete Part A should be copied from the original consignment note, including the relevant consignment code to which the letter 'R' must be added to the end;
 - (ii) the new consignee's name and address (including the postcode) must be entered in Part A4; and
 - (iii) subject to paragraph (4), the relevant information from the original consignment note must (where part of the load is rejected, in so far as it relates to that part) be copied to Part B; and
- (b) give every copy to the carrier.

(4) Where the consignee who rejected the consignment or part states in his or her written explanation that the description of the waste in the original consignment note is incorrect, the producer or holder must instead include an accurate description of the waste in the new consignment note.

(5) The carrier must complete Part C on each copy.

(6) The producer or holder identified in the relevant part of the original consignment note must-

- (a) complete Part D on each copy;

- (b) os nad y cynhyrchydd neu'r deiliad yw'r traddodwr, rhoi un copi i'r cynhyrchydd neu'r deiliad yn ôl y digwydd; ac
 - (c) rhoi pob copi sy'n weddill i'r cludwr.
- (7) Rhaid i'r cludwr sicrhau bod pob copi o'r nodyn traddodi newydd a dderbyniodd-
- (a) yn teithio gyda'r llwyth neu'r rhanlwyth;
 - (b) yn cael ei roi i'r traddodai newydd pan draddodir y llwyth neu'r rhanlwyth.
- (8) Rhaid i'r traddodai newydd-
- (a) cwblhau Rhan E ar y ddau gopi o'r nodyn traddodi newydd; a
 - (b) rhoi un copi i'r cludwr.
- (9) Os oes mwy nag un cludwr i fod-
- (a) ym mharagraffau (3)(b), (5) a (6)(c), mae cyfeiriadau at y cludwr i'w trin fel cyfeiriadau at y cludwr cyntaf;
 - (b) ym mharagraffau (2)(c) a (7) mae cyfeiriadau at y cludwr i'w trin fel cyfeiriadau at bob cludwr;
 - (c) ym mharagraff (7)(b), o ran cludwr nad yw'n gludwr olaf, mae'r cyfeiriad at "y traddodai newydd" i'w drin fel cyfeiriad at "y cludwr dilynol"; ac
 - (ch) ym mharagraff (8)(b) mae'r cyfeiriad at y cludwr i'w drin fel cyfeiriad at y cludwr olaf.

- (b) where the producer or holder is not the consignor, give one copy to the producer or holder as the case may be; and
 - (c) give every remaining copy to the carrier.
- (7) The carrier must ensure that every copy of the new consignment note which he or she has received-
- (a) travels with the rejected consignment or part; and
 - (b) is given to the new consignee on delivery of the consignment or part.
- (8) The new consignee must-
- (a) complete Part E on both copies of the new consignment note; and
 - (b) give one copy to the carrier.
- (9) Where there is to be more than one carrier-
- (a) in paragraphs (3)(b), (5) and (6)(c), references to the carrier are to be treated as references to the first carrier;
 - (b) in paragraphs 2(c) and (7), references to the carrier are to be treated as references to each carrier;
 - (c) in paragraph (7)(b), in relation to a carrier who is not the final carrier, the reference to "the new consignee" is to be treated as a reference to "the subsequent carrier"; and
 - (d) in paragraph (8)(b) the reference to the carrier is to be treated as a reference to the final carrier.

Y weithdrefn ar gyfer llwythi amlgasgliad a wrthodwyd

44.-(1) Pan fo dau lwyth neu fwy sy'n ffurfio rhan o amlgasgliad yn cael eu gwrthod a'u bod i gael eu traddodi i'r un traddodai, os yw'r cludwr yn dewis cymhwyso'r weithdrefn amlgasglu a nodir yn rheoliad 38 i draddodi o'r fath, mae'r gofynion canlynol yn gymwys-

- (a) rhaid i'r cludwr-
 - (i) paratoi dau gopi o'r nodyn traddodi amlgasgliad, ynghyd ag un copi ar gyfer pob cynhyrchydd neu ddeiliad gwastraff peryglus, yn ôl y digwydd, y mae ei lwyth wedi'i wrthod, ac un copi ar gyfer pob traddodwr, mewn achosion lle nad y traddodwr yw'r cynhyrchydd neu ddeiliad y gwastraff peryglus, yn ôl y digwydd; a
 - (ii) cwblhau Rhannau A a B ar bob copi;
- (b) cyn symud y gwastraff o'r fangre lle cafodd ei draddodi'n wreiddiol-
 - (i) rhaid i'r cynhyrchydd, neu'r deiliad, gwblhau'r atodiad i'r nodyn traddodi amlgasgliad ar bob copi a baratowyd gan y cludwr;

Procedure for rejected multiple collection consignments

44.-(1) Where two or more consignments comprising part of a multiple collection are rejected and are to be delivered to the same consignee, if the carrier elects to apply the multiple collection procedure set out in regulation 38 to such a delivery, the following requirements apply-

- (a) the carrier must-
 - (i) prepare two copies of the multiple consignment collection note, plus one copy for each hazardous waste producer or holder, as the case may be, from whose consignment has been rejected, and one copy for each consignor, in cases where the hazardous waste producer, or holder, as the case may be, is not the consignor; and
 - (ii) complete Parts A and B on each copy;
- (b) before the removal of waste from the original delivery premises-
 - (i) the producer, or holder, must complete the annex to the multiple collection consignment note on each copy prepared by the carrier;

- (ii) rhaid i'r traddodwr a'r cludwr lofnodi eu priod ddatganiadau i'r atodiad i'r nodyn traddodi amlgasgliad ar bob copi a baratowyd gan y cludwr;
 - (iii) rhaid i'r cludwr drosglwyddo copi sydd wedi'i gwblhau i'r cynhyrchydd neu'r deiliad ym mhob achos (ac os nad y cynhyrchydd yw'r traddodwr, i'r traddodwr).
- (c) wrth draddodi'r gwastraff i'r traddodai newydd-
- (i) rhaid i'r cludwr gwblhau'r manylion sydd i'w cwblhau gan y cludwr yn adran C ar bob copi o'r nodyn traddodi;
 - (ii) rhaid i'r cludwr drosglwyddo i'r traddodai bob copi o'r nodyn;
 - (iii) rhaid i'r traddodai gwblhau'r manylion sydd i'w cablhu gan y traddodai yn Adran C a chwblhau'r dystysgrif yn Rhan D o'r nodyn ar bob copi o'r nodyn; a
 - (iv) rhaid i'r traddodai ddychwelyd un copi o'r nodyn a gwblhawyd i'r cludwr.

Dyletswydd i draddodi o fewn terfyn amser

Dyletswydd i draddodi llwyth yn brydlon

45. Dyletswydd y cludwr yw traddodi'r llwyth i'r traddodai yn brydlon a heb oedi'n ormodol.

Symudiadau trawsffiniol

Symud trawsffiniol o wastraff peryglus

46. Mae Atodlen 7 yn effeithiol mewn cysylltiad ag adnabod cilyddol ar nodiadau traddodi a symud trawsffiniol o wastraff peryglus rhwng Cymru a Lloegr, yr Alban, Gogledd Iwerddon a Gibraltar.

RHAN 7

COFNODION AC ATEBION

Cofnodion safle

Cofnodion gwastraff peryglus sydd wedi'i dipio (ei ollwng)

47.(1) Rhaid i unrhyw berson sy'n tipio (neu'n gollwng) gwastraff peryglus (p'un ai wrth ei waredu neu ei storio) yn neu ar unrhyw dir gofnodi ac enwi'r gwastraff yn unol â gofynion canlynol y rheoliad hwn a rheoliad 51.

- (ii) the consignor and carrier must sign their respective declarations to the annex to the multiple consignment note on each copy of the note prepared by the carrier;
 - (iii) the carrier must pass a completed copy to the producer or holder in each case (and where the producer is not the consignor, to the consignor);
- (c) on delivery of the waste to the new consignee-
- (i) the carrier must complete the particulars for completion by the carrier in section C on every copy of the consignment note;
 - (ii) the carrier must pass to the consignee every copy of the note;
 - (iii) the consignee must complete the particulars for completion by the consignee in Section C and complete the certificate in Part D of the note on every copy of the note; and
 - (iv) the consignee must return one copy of the completed note to the carrier.

Duty to deliver within time limit

Duty to deliver consignment promptly

45. It is the duty of the carrier to deliver the consignment to the consignee promptly and without undue delay.

Cross-border movements

Cross-border movement of hazardous waste

46. Schedule 7 has effect in connection with the mutual recognition of consignment notes and the cross border movement of hazardous waste between England and Wales, Scotland, Northern Ireland and Gibraltar.

PART 7

RECORDS AND RETURNS

Site records

Records of tipped (discharged) hazardous waste

47.(1) Any person who tips (discharges) hazardous waste (whether by way of disposal or storage) in or on any land must record and identify the waste in accordance with the following requirements of this regulation and regulation 51.

- (2) Rhaid i gofnod gynnwys naill ai-
- cynllun safle wedi'i farcio â grid, neu
 - cynllun safle â throsgaenau lle dangosir dyddodion y gwastraff sy'n cael ei dipio (ei ollwng) mewn perthynas â chyfuchliniau'r safle.
- (3) Mae cofnodion a wneir o dan y rheoliad hwn i'w cadw mewn cofrestr.
- (4) Rhaid enwi'r dyddodion drwy gyfeirio at-
- y disgrifiad perthnasol a'r cod chwe digid yn y Rhestr Wastraffoedd, ynghyd â disgrifiad o gyfansoddiad y gwastraff; a
 - y nodyn traddodi sy'n ymwneud â'r gwastraff hwnnw, ac eithrio lle gwaredir gwastraff o fewn cwrtil y fangre lle cynhyrchir ef, pan mae'n rhaid disgrifio'r dyroddion drwy gyfeirio at yr ateb chwarterol a roddir i'r Asiantaeth gan gynhyrchydd y gwastraff peryglus o dan reoliad 53.
- (5) Rhaid i berson y mae'n ofynnol iddo wneud neu gadw cofrestr yn unol â'r rheoliad hwn-
- diweddarau'r gofrestr cyn gynted ag y bo'n rhesymol ymarferol a beth bynnag o fewn 24 awr ar ôl derbyn y gwastraff, neu'r dyddodion, yn ôl y digwydd;
 - cadw'r gofrestr ar y safle lle mae'r tipio'n digwydd; ac
 - cadw'r cofnodion-
 - am dair blynedd ar ôl dyddodi'r gwastraff; neu
 - os oes ganddo drwydded gwastraff y gweithredir y safle yn unol â hi, hyd nes y bydd y drwydded honno wedi'i hildio neu wedi'i dirymu.
- (6) Wrth gyfrifo unrhyw gyfnod o oriau at ddibenion y rheoliad hwn neu reoliad 48, dim ond y diwrnodau neu oriau unrhwy ddiwrnod busnes sydd i'w cyfrif.

Cofnodion gwaredu neu adfer gwastraff peryglus drwy ddulliau eraill

48.-(1) Rhaid i unrhyw berson sydd-

- yn gwaredu gwastraff peryglus yn neu ar dir (ac eithrio unrhyw waredu y mae rheoliad 47 yn ymdrin ag ef);
- yn adfer gwastraff peryglus yn neu ar dir; neu
- yn derbyn gwastraff peryglus mewn gorsaf drosglwyddo,

gofnodi ac enwi unrhyw wastraff peryglus a dderbyniwyd yn unol â gofynion canlynol y rheoliad hwn a rheoliad 51.

(2) Rhaid enwi'r gwastraff yn y cofnod drwy gyfeirio at y disgrifiad perthnasol yn y Rhestr Wastraffoedd a'r

- (2) A record must include either-
- a site plan marked with a grid, or
 - a site plan with overlays on which the deposits of the tipped (discharged) waste are shown in relation to the contours of the site.
- (3) Records made under this regulation are to be kept in a register.
- (4) Deposits must be identified by reference to both-
- the relevant description and six digit code in the List of Wastes, together with a description of the composition of the waste; and
 - the consignment note relating to such waste, save that where waste is disposed of within the curtilage of the premises at which it is produced the deposits must be described by reference to the quarterly return made to the Agency by the hazardous waste producer under regulation 53.
- (5) A person who is required to compile or retain a register pursuant to this regulation must-
- update the register as soon as reasonably practicable and in any event within 24 hours of the receipt, or deposit, as the case may be, of the waste;
 - keep the register on the site where the tipping takes place; and
 - retain the records-
 - for three years after deposit of the waste; or
 - if he or she has a waste permit pursuant to which the site is operated, until that permit is surrendered or revoked.
- (6) In reckoning any period of hours for the purposes of this regulation or regulation 48, only the days or hours of any business day are to be counted.

Records of disposal or recovery by other means

48.-(1) Any person who-

- disposes of hazardous waste in or on land (other than any disposal covered by regulation 47);
- recovers hazardous waste in or on land; or
- receives hazardous waste at a transfer station,

must record and identify any hazardous waste received in accordance with the following requirements of this regulation and regulation 51.

(2) The waste must be identified in the record by reference to the relevant description in the List of

cod chwe digid, a rhaid i'r hyn a gofnodir gynnwys disgrifiad o gyfansoddiad y gwastraff.

(3) Rhaid i'r cofnod gynnwys-

- (a) maint, natur a tharddiad unrhyw wastraff o'r fath;
- (b) y nodweddion peryglus perthnasol;
- (c) pan fo'n gymwys, y dull adfer mewn perthynas â'r gwastraff drwy gyfeirio at y rhif a'r disgrifiad cymwys yn unol ag Atodiad IIB o'r Gyfarwydddeb Wastraff; a

(ch) stocrestr yn dangos y lleoliad penodol lle delir y gwastraff.

(4) Rhaid i gofnodion a wneir o dan y rheoliad hwn gael eu cadw mewn cofrestr.

(5) Rhaid diweddarau'r gofrestr cyn gynted ag y bo'n rhesymol ymarferol a beth bynnag dim hwyrach na 24 awr ar ôl-

- (a) derbyn llwyth o wastraff peryglus;
- (b) unrhyw waith adfer neu waredu a wnaed neu ar ôl rhoi unrhyw wastraff peryglus i'w storio yn yr orsaf drosglwyddo, yn ôl y digwydd; neu
- (c) symud unrhyw wastraff peryglus o'r fangre.

(6) Rhaid i berson y mae'n ofynnol iddo wneud neu gadw cofnodion yn unol â'r rheoliad hwn-

(a) cadw'r gofrestr o'r cofnodion ar y safle lle gwneir unrhyw waith adfer neu lle gweithredir yr orsaf drosglwyddo, yn ôl y digwydd; a

(b) cadw'r cofnodion-

- (i) lle'r adferir y gwastraff peryglus yn llawn, neu lle mae'n aros yn yr orsaf drosglwyddo, yn ôl y digwydd, nes y bydd yn gadael y safle ac am dair blynedd wedyn; neu
- (ii) os oes ganddo drwydded gwastraff y gweithredir y safle yn unol â hi, hyd nes y bydd y drwydded honno wedi'i hildio neu wedi'i dirymu.

Cofnodion cynhyrchydd a chofnodion cludo

Cofnodion cynhyrchwyr, deiliaid a thraddodwyr

49.-(1) Rhaid i gynhyrchydd neu ddeiliad gwastraff peryglus, ac, os yw'n wahanol i'r cynhyrchydd, traddodwr gwastraff peryglus, gadw cofnod o faint, natur, tarddiad ac, os yw'n berthnasol, cyrchfan, amledd casglu, cyfrwng cludo a dull trin y gwastraff.

(2) Os cludir y gwastraff, mae'r ddyletswydd ym mharagraff (1) yn cynnwys gofyniad i gadw cofnod o fanylion sy'n ddigonol i wybod pwy yw'r cludwr.

Wastes and six digit code, and the entry must include a description of the composition of the waste.

(3) The record must include-

- (a) the quantity, nature and origin of any such waste;
- (b) the relevant hazardous properties;
- (c) where applicable, the recovery method in respect of the waste by reference to the numbering and description applicable in accordance with Annex IIB of the Waste Directive; and
- (d) an inventory showing the specific location at which the waste is being held.

(4) Records made under this regulation must be kept in a register.

(5) The register must be updated as soon as reasonably practicable and in any event no later than 24 hours after-

- (a) a consignment of hazardous waste is received;
- (b) any recovery or disposal operations are carried out or any hazardous waste is placed in storage at the transfer station, as the case may be; or
- (c) any hazardous waste is removed from the premises.

(6) A person who is required to make or retain records pursuant to this regulation must-

- (a) keep the register of the records on the site where the recovery operations take place or the transfer station is operated, as the case may be; and
- (b) retain the records-
 - (i) where the hazardous waste is fully recovered, or remains at a transfer station, as the case may be, until it leaves the site and for three years thereafter; or
 - (ii) if he or she has a waste permit pursuant to which the site is operated, until that permit is surrendered or revoked.

Producer and transport records

Producers', holders' and consignors' records

49.-(1) A producer or holder of hazardous waste, and where different from the producer, a consignor of hazardous waste, must keep a record of the quantity, nature, origin and, where relevant, the destination, frequency of collection, mode of transport and treatment method of the waste.

(2) Where the waste is transported the duty in paragraph (1) includes a requirement to keep a record of particulars sufficient to identify the carrier.

(3) Rhaid i'r cynhyrchydd, y deiliad neu'r traddodwr, yn ôl y digwydd, gadw'r cofnodion sydd i'w gwneud yn unol â'r rheoliad hwn tra bydd yn parhau i fod yn ddeiliad y gwastraff a hynny am o leiaf dair blynedd wedyn gan ddechrau ar y dyddiad pan drosglwyddir y gwastraff i berson arall.

(4) Rhaid cofnodi'r wybodaeth sydd i'w chofnodi yn unol â'r darpariaethau blaenorol yn y rheoliad hwn mewn cofrestr a gedwir gan y cynhyrchydd, y deiliad neu'r traddodwr, yn ôl y digwydd, at y diben.

(5) Rhaid i'r gofrestr y mae'n ofynnol ei chadw a'i diogelu gan gynhyrchydd, deiliad neu draddodwr o dan baragraff (4) o'r rheoliad hwn gael ei chadw-

- (a) o ran y gofrestr y mae'n ofynnol i gynhyrchydd neu ddeiliaid ei chadw-
 - (i) yn y fangre a hysbyswyd yn unol â rheoliad 24;
 - (ii) os nad yw'n meddiannu'r fangre honno bellach, yn ei brif le busnes (neu unrhyw gyfeiriad arall y cytunir arno gyda'r Asiantaeth at y diben hwnnw); neu
 - (iii) os na hysbyswyd unrhyw fangre mewn perthynas â'r gwastraff, yn ei brif le busnes (neu unrhyw gyfeiriad arall y cytunir arno gyda'r Asiantaeth at y diben hwnnw).
- (b) rhaid i'r gofrestr y mae'n ofynnol i draddodwr heblaw'r cynhyrchydd neu'r deiliad ei chadw gael ei chadw yn ei brif le busnes.

(6) Os yw'r cynhyrchydd neu'r deiliad yn rhoi'r gorau i feddiannu'r fangre a hysbyswyd cyn y daw'r cyfnod y cyfeirir ato ym mharagraff (3) i ben, rhaid iddo hysbysu'r Asiantaeth ar unwaith.

Cofnodion cludwyr

50.-(1) Rhaid i sefydliad neu ymgymeriad sy'n cludo gwastraff peryglus gadw cofnodion o faint, natur, tarddiad ac, os yw'n berthnasol, cyrchfan, amledd casglu, cyfrwng cludo a dull trin y gwastraff yn unol â gofynion canlynol y rheoliad hwn.

(2) Rhaid i'r sefydliad neu'r ymgymeriad gadw'r cofnodion sydd i'w gwneud yn unol â'r rheoliad hwn am o leiaf ddeuddeng mis gan ddechrau ar y dyddiad y traddodir y gwastraff i'w gyrchfan.

(3) Rhaid cofnodi'r wybodaeth sydd i'w chofnodi yn unol â pharagraff (1) mewn cofrestr a rhaid cadw'r gofrestr ym mhrif le busnes y cludwr.

Cofrestrau a chofnodion: darpariaethau cyffredin

51.-(1) Mae darpariaethau canlynol y rheoliad hwn yn gymwys mewn perthynas â chofrestrau y mae'n ofynnol eu cadw o dan reoliadau 47 i 50.

(2) Rhaid i berson y mae'n ofynnol iddo gadw cofrestr roi yn y gofrestr bob copi y mae'n ei gael o'r canlynol-

(3) The producer, holder or consignor, as the case may be, must preserve the records to be made pursuant to this regulation whilst he or she remains the holder of the waste and for at least three years afterwards commencing on the date on which the waste is transferred to another person.

(4) The information to be recorded pursuant to the foregoing provisions of this regulation must be recorded in a register kept by the producer, holder or consignor, as the case may be, for the purpose.

(5) The register required to be kept and retained by a producer, holder or consignor under paragraph (4) of this regulation must be kept-

- (a) in relation to the register required to be kept by a producer or holder-
 - (i) at the premises notified pursuant to regulation 24;
 - (ii) if he or she no longer occupies those premises, at his or her principal place of business (or such other address as agreed with the Agency for that purpose); or
 - (iii) if no premises were notified in relation to the waste, at his or her principal place of business (or such other address as agreed with the Agency for that purpose).
- (b) the register required to be kept by a consignor other than the producer or holder must be kept at his or her principal place of business.

(6) If the producer or holder ceases to occupy the notified premises before the period referred to in paragraph (3) expires, he or she must inform the Agency forthwith.

Carrier's records

50.-(1) An establishment or undertaking which transports hazardous waste must keep a record of the quantity, nature, origin and, where relevant, the destination, frequency of collection, mode of transport and treatment method of the waste in accordance with the following requirements of this regulation.

(2) The establishment or undertaking must keep the records to be made pursuant to this regulation for at least twelve months commencing on the date of delivery of the waste to its destination.

(3) The information required to be recorded pursuant to paragraph (1) must be entered in a register and the register kept at the carrier's principal place of business.

Registers and records: common provisions

51.-(1) The following provisions of this regulation apply in relation to registers required to be kept under regulations 47 to 50.

(2) A person who is required to keep a register must enter in the register each copy received by them of-

- (a) unrhyw nodyn traddodi (gan gynnwys nodiadau amltraddodi a phan na dderbynnir llwythi, y nodyn gwreiddiol, copi o unrhyw esboniad o'r rhesymau dros wrthod a baratowyd yn unol â rheoliad 42 a'r nodyn traddodi a baratowyd yn unol â rheoliad 43 neu 44);
- (b) ateb unrhyw draddodai i'r cynhyrchydd, y deiliad neu'r traddodwr a'i derbyniodd yn unol â rheoliad 54; ac
- (c) unrhyw atodlen cludwr a roddwyd iddo yn unol â rheoliad 37.

(3) Rhaid i berson y mae'n ofynnol iddo gadw cofrestr neu gadw cofnodion hyd nes y bydd ei drwydded gwastraff wedi'i hildio neu wedi'i dirymu anfon y cofnodion hynny neu'r gofrestr honno i'r Asiantaeth pan ildir neu ddirymir y drwydded.

(4) O ran pob cofrestr a gedwir neu gofnod a wneir yn unol â rheoliad 15 neu 16 o Reoliadau 1996, a phob cofnod a wneir yn unol â rheoliad 13 neu 14 o Reoliadau Rheoli Llygredd (Gwastraff Arbennig) 1980-

- (a) rhaid eu cadw gyda'r gofrestr a gedwir yn unol â rheoliad 47 i 49 gan y person y mae'n ofynnol iddo gadw'r cofrestr honno, am y cyfnod a grybwyllir yn y rheoliad perthnasol; a
- (b) rhaid eu hanfon gan y person hwnnw ynghyd â'r gofrestr honno os anfonir hi at yr Asiantaeth.

Hawl deiliad blaenorol i gael gwybodaeth

52.-(1) Mae dyletswydd gan sefydliad neu ymgymeriad y traddodir gwastraff peryglus iddo ar gyfer gwaredu neu adfer, yn ôl y digwydd, i unrhyw ddeiliad blaenorol y gwastraff, i roi i'r deiliad blaenorol hwnnw dystiolaeth ddogfennol pan ofynnir amdani bod y gweithrediad gwaredu neu adfer o dan sylw wedi'i gyflawni, sy'n dangos, pan fo'n gymwys, yr eitem berthnasol a restrir yn Atodiad IIA neu Atodiad IIB, yn ôl y digwydd, i'r Gyfarwyddeb Wastraff.

(2) Rhaid i unrhyw gais am wybodaeth o dan y rheoliad hwn fod yn ysgrifenedig a rhaid iddo bennu o fewn pa gyfnod (na chaniateir iddo fod yn llai na saith niwrnod) y mae'r wybodaeth i'w darparu.

Atebion chwarterol traddodai ac atebion hunanwaredu chwarterol

53.-(1) Rhaid i bob traddodai roi ateb, y cyfeirir ato yn y Rheoliadau hyn fel ateb chwarterol y traddodai, i'r Asiantaeth o wybodaeth sy'n ymwneud â holl lwythi gwastraff peryglus a dderbyniwyd ganddo yn unrhyw chwarter yn unol â pharagraff (4).

- (2) Rhaid i'r ateb gynnwys-
 - (a) llwythi a wrthodwyd;
 - (b) gwastraff peryglus a draddodwyd drwy

- (a) any consignment note (including multiple consignment notes and, where consignments are not accepted, the original note, a copy of any explanation of the reasons for rejection prepared pursuant to regulation 42 and the consignment note prepared pursuant regulation 43 or 44),
- (b) any consignee's return to the producer, holder or consignor received pursuant to regulation 54; and
- (c) any carrier's schedule given to him or her pursuant to regulation 37.

(3) A person who is required to keep a register or retain records until his or her waste permit is surrendered or revoked must send those records or that register to the Agency when the permit is surrendered or revoked.

(4) Every register kept or record made pursuant to regulation 15 or 16 of the 1996 Regulations, and every record made pursuant to regulation 13 or 14 of the Control of Pollution (Special Waste) Regulations 1980, must-

- (a) be kept with the register kept pursuant to regulation 47 to 49 by the person required to keep that register for so long as is mentioned in the relevant regulation; and
- (b) be sent by that person together with that register if it is sent to the Agency.

Previous holder's right to information

52.-(1) An establishment or undertaking to which hazardous waste is delivered for disposal or recovery, as the case may be, has the duty, owed to any previous holder of the waste, to supply to that previous holder on request documentary evidence that the disposal or recovery operation concerned has been carried out, indicating where applicable, the relevant entry listed in Annex IIA or Annex IIB, as the case may be, to the Waste Directive.

(2) Any request for information under this regulation must be in writing and must specify the period (which may not be less than seven days) within which the information is to be supplied.

Consignee and self-disposal quarterly returns

53.-(1) Every consignee must make a return, in these Regulations referred to as a consignee quarterly return, to the Agency of information relating to all consignments of hazardous waste received by him or her in any quarter in accordance with paragraph (4).

- (2) The return must include-
 - (a) rejected consignments;
 - (b) hazardous waste delivered by pipeline where

biblinell os yw rheoliad 41 yn gymwys; ac

- (c) yn achos amlgasgliadau, pob llwyth unigol a gasglwyd.

(3) Mewn unrhyw chwarter os gwaredir gwastraff peryglus drwy ei ddodi yng nghwrtel y fangre lle'i cynhyrchir, rhaid i'r cynhyrchydd roi ateb mewn perthynas â'r chwarter hwnnw o wybodaeth sy'n ymwneud â'r dyddodi i'r Asiantaeth, yn unol â pharagraff (4).

(4) Rhaid i ateb a roddir yn unol â'r rheoliad hwn mewn perthynas â chwarter gael ei dychwelyd dim hwyrach na'r amser a bennir yn y golofn ar y llaw dde yn y tabl isod mewn perthynas â'r chwarter a bennir yn y golofn ar y llaw chwith:

| Y chwarter pan dderbyniwyd, neu pan ddyddodwyd y gwastraff peryglus, yn ôl y digwydd | Yr ateb i ddod i law'r Asiantaeth ddim hwyrach na |
|---|--|
| Diwedd ar 31 Mawrth | 30 Ebrill yn yr un flwyddyn pan fo'r chwarter yn digwydd |
| Diwedd ar 30 Mehefin | 31 Gorffennaf yn yr un flwyddyn pan fo'r chwarter yn digwydd |
| Diwedd ar 30 Medi | 31 Hydref yn yr un flwyddyn pan fo'r chwarter yn digwydd |
| Diwedd ar 31 Rhagfyr | 31 Ionawr yn y flwyddyn nesaf ar ôl i'r chwarter ddigwydd |

(5) Caiff yr Asiantaeth ragnodi fformat ar gyfer rhoi atebion o dan y rheoliad hwn ac, os rhagnodir fformat am y tro yn unol â'r paragraff hwn-

- (a) rhaid i'r Asiantaeth gyhoeddi'r fformat ar ei gwefan ac mewn unrhyw fodd arall yr ystyria'n briodol i hysbysu personau y mae'n ofynnol iddynt gyflwyno atebion o'r fath iddynt o'i chynnwys; a
- (b) nid yw'r Asiantaeth yn gorfod barnu bod ateb wedi'i roi yn briodol at ddibenion y Rheoliadau hyn oni chafodd ei roi yn y fformat hwnnw, neu mewn fformat sylweddol o ran effaith.

(6) Os bydd yr Asiantaeth yn rhagnodi ffi sy'n daladwy gan draddodai drwy gynllun codi tâl a wnaed o dan adran 41 o Ddeddf yr Amgylchedd 1995 fel dull o adennill ei chostau a dynnwyd wrth iddi gyflawni swyddogaethau o ran y llwythi sydd wedi'u cynnwys mewn atebion chwarterol y traddodai, caiff traddodai adennill o draddodwr unrhyw ffioedd a dalwyd o dan y Rheoliadau hyn o ran llwythi a anfonwyd gan y traddodwr hwnnw.

regulation 41 applies; and

- (c) in the case of multiple collections, each individual consignment collected.

(3) Where in any quarter hazardous waste is disposed of by depositing it within the curtilage of the premises at which it is produced, the producer must make a return in respect of that quarter of information relating to the deposit to the Agency, in accordance with paragraph (4).

(4) A return to be made pursuant to this regulation in respect of a quarter must be made no later than the time specified in the right hand column of the table below in relation to the quarter specified in the left hand column:

| Quarter in which the hazardous waste was received, or deposited, as the case may be | Return to be received by the Agency not later than |
|--|---|
| Ending on 31 March | 30 April in the same year as the quarter falls |
| Ending on 30 June | 31 July in the same year as the quarter falls |
| Ending on 30 September | 31 October in the same year as the quarter falls |
| Ending on 31 December | 31 January in the year next following the year in which quarter falls |

(5) The Agency may prescribe a format for returns to be made under this regulation and, where for the time being a format is prescribed pursuant to this paragraph-

- (a) the Agency must publish the format on its website and in such other manner as it may consider appropriate for informing persons required to submit such returns of its content; and
- (b) the Agency is not obliged to consider a return as properly made for the purposes of these Regulations unless it is made in that format, or in a format substantially to like effect.

(6) If the Agency prescribes a fee payable by a consignee by charging scheme made under section 41 of the Environment Act 1995 as a means of recovering its costs incurred in performing functions in relation to the consignments included on the consignee quarterly returns, a consignee may recover from a consignor any fees paid under these Regulations in relation to consignments sent by that consignor.

Atebion y traddodai i'r cynhyrchydd, y deiliad neu'r traddodwr

54. Heb leihau effaith unrhyw ddyletswydd o dan y Rheoliadau hyn ar ran y traddodai i anfon unrhyw ddogfen neu gopi ohoni at y cynhyrchydd, y deiliad neu'r traddodwr, rhaid i draddodai anfon at gynhyrchydd neu ddeiliad a enwir yn y rhan berthnasol o nodyn traddodi-

- (a) ateb ar ffurf sy'n cyfateb i'r ffurf a welir yn Atodlen 8 neu mewn ffurf sylweddol debyg ei heffaith o fewn un mis o ddiwedd y chwarter y derbyniwyd y gwastraff o dan sylw; neu
- (b) copi o'r nodyn traddodi ynghyd â disgrifiad o'r dull gwaredu neu adfer a ddefnyddiwyd mewn perthynas â'r gwastraff o fewn un mis i ddiwedd y chwarter y cafodd y gwastraff o dan sylw ei dderbyn.

(2) Os traddodwyd gwastraff peryglus drwy biblinell mewn achos y mae rheoliad 41 yn gymwys iddo, mae paragraff (1) yn gymwys fel bod yr ateb sy'n ofynnol o dan is-baragraff (a) neu'r wybodaeth sy'n ofynnol o dan is-baragraff (b) i'w ddarparu o fewn un mis i ddiwedd y chwarter y rhoddwyd y gwastraff o dan sylw mewn piblinell.

(3) Os yw rheoliad 42 yn gymwys, nid yw'r rheoliad hwn yn gymwys i'r llwyth neu'r rhanlwyth o dan sylw.

Dyletswyddau i roi gwybodaeth

55.-(1) Rhaid i berson y mae'n ofynnol iddo gadw unrhyw gofnod yn unol ag unrhyw rai o'r darpariaethau blaenorol yn y Rhan hon, ar unrhyw adeg yn ystod y cyfnod y mae'n ofynnol cadw'r cofnod, ddangos y cofnod hwnnw i'r Asiantaeth neu'r gwasanaethau brys pan ofynnir amdano.

(2) Rhaid i gynhyrchydd, deiliad, deiliad blaenorol, traddodwr, cludwr neu draddodai gwastraff peryglus roi i'r Asiantaeth pan ofynnir amdani yr wybodaeth honno y gall yr Asiantaeth fod ei hangen yn rhesymol at ddibenion cyflawni ei swyddogaethau mewn cysylltiad â'r Rheoliadau hyn ac at ddibenion monitro cynhyrchiant, symud, storio, trin, adfer a gwaredu gwastraff peryglus.

(3) Mae gan sefydliad neu ymgymeriad y traddodir gwastraff peryglus iddo i'w adfer neu i'w waredu, yn ôl y digwydd, y ddyletswydd i roi i'r Asiantaeth pan ofynnir amdani dystiolaeth ddogfennol bod y gweithrediad gwaredu neu adfer o dan sylw wedi'i gyflawni, sy'n dangos, pan fo'n gymwys, yr eitem berthnasol a restrir yn Atodiad IIA neu Atodiad IIB, yn ôl y digwydd o'r Gyfarwyddeb Wastraff.

(4) Rhaid i berson y mae'n ofynnol iddo roi gwybodaeth i'r Asiantaeth yn unol â'r rheoliad hwn roi'r wybodaeth honno yn y ffurf y gall yr Asiantaeth yn rhesymol ofyn amdani.

Consignee's return to the producer, holder or consignor

54.-(1) Without prejudice to any duty under these Regulations on the part of the consignee to send any document or copy thereof to the producer, holder or consignor, a consignee must send to a producer or holder identified in the relevant part of a consignment note-

- (a) a return in a form corresponding to that set out in Schedule 8 or a form substantially to like effect within one month of the end of the quarter in which the waste concerned was accepted; or
- (b) a copy of the consignment note together with a description of the method of disposal or recovery undertaken in relation to the waste, within one month of the end of the quarter in which the waste concerned was accepted.

(2) Where hazardous waste was delivered by pipeline in a case to which regulation 41 applies, paragraph (1) applies so that the return required under sub-paragraph (a) or the information required under sub-paragraph (b) is to be supplied within one month of the end of the quarter in which the waste concerned was piped.

(3) Where regulation 42 applies, this regulation does not apply to the consignment or part concerned.

Duties to supply information

55.-(1) A person who is required to retain any record pursuant to any of the foregoing provisions of this Part must, at any time during the period in which the record is required to be retained produce that record to the Agency or emergency services on request.

(2) A producer, holder, previous holder, consignor, carrier or consignee of hazardous waste must supply to the Agency on request such information as the Agency may reasonably require for the purposes of performing its functions in connection with these Regulations and for the purposes of monitoring the production, movement, storage, treatment, recovery and disposal of hazardous waste.

(3) An establishment or undertaking to which hazardous waste is delivered for recovery or disposal, as the case may be, has the duty to supply to the Agency on request documentary evidence that the disposal or recovery operation concerned has been carried out, indicating, where applicable, the relevant entry listed in Annex IIA or Annex IIB, as the case may be, of the Waste Directive.

(4) A person who is required to supply information to the Agency pursuant to this regulation must supply that information in such form as the Agency may reasonably request.

(5) Mae'r pŵer a roddir gan baragraff (4) yn cynnwys pŵeri'w gwneud yn ofynnol i ddangos ar ffurf weladwy a darllenadwy unrhyw wybodaeth a ddelir ar ffurf electronig.

(6) Mae unrhyw gais am wybodaeth o dan y rheoliad hwn i fod yn ysgrifenedig a rhaid iddo bennu o fewn pa gyfnod y mae'r wybodaeth i'w darparu.

RHAN 8

SWYDDOGAETHAU'R ASiantAETH

Arolygu cynhyrchwyr gwastraff peryglus

56. Dyletswydd yr Asiantaeth yw cyflawni arolygiadau o dro i dro priodol ar gynhyrchwyr gwastraff peryglus.

Arolygu gweithrediadau casglu a chludo

57.-(1) Mewn perthynas ag arolygiadau priodol o dro i dro ar weithrediadau casglu a chludo y mae angen eu cynnal yn unol ag Erthygl 13 o'r Gyfarwyddeb Wastraff gan yr Asiantaeth(1), heb leihau yn gyffredinol effaith y gofyniad i gynnal arolygiadau o'r fath, dyletswydd yr Asiantaeth i'r graddau y mae'r arolygiadau'n ymwneud â gwastraff peryglus yw cynnal yr arolygiadau fel eu bod yn ymwneud yn benodol â tharddiad a chyrchfan y gwastraff peryglus.

(2) Ym mharagraff (1), mae "gweithrediadau casglu a chludo" yn cynnwys gweithrediadau lle cludir y gwastraff peryglus ar ôl ei drosglwyddo rhwng gwahanol gludwyr.

Asiantaeth i gadw cofrestrau etc

58. Rhaid i'r Asiantaeth gadw cofrestrau a anfonwyd ati ac unrhyw gofnodion sy'n dod gyda'r cofrestrau hynny yn unol â rheoliad 51(3), am gyfnod nad yw'n llai na thair blynedd ac sy'n dechrau pan dderbynnir hwy gan yr Asiantaeth.

Ffioedd

59.-(1) Diwygir adran 41 o Ddeddf 1995 (pŵer i wneud cynlluniau sy'n gosod taliadau) fel a ganlyn.

(2) Yn lle is-adran (1)(c) rhodder-

"(c) as a means of recovering costs incurred by it in performing functions conferred by regulations made for the purpose of implementing Council Directive 91/689/EEC the Agency may require the payment to it of such charges as may

(5) The power conferred by paragraph (4) includes power to require the production in a visible and legible documentary form of any information held in electronic form.

(6) Any request for information under this regulation is to be in writing and must specify the period within which the information is to be supplied.

PART 8

THE AGENCY'S FUNCTIONS

Inspections

Inspections of hazardous waste producers

56. It is the duty of the Agency to carry out appropriate periodic inspections of hazardous waste producers.

Inspections of collection and transport operations

57.-(1) In relation to the appropriate periodic inspections of collection and transport operations which are required to be conducted pursuant to Article 13 of the Waste Directive by the Agency(1), without prejudice to the generality of the requirement to conduct such inspections, it is the duty of the Agency insofar as the inspections relate to hazardous waste to conduct the inspections so that they cover more particularly the origin and destination of the hazardous waste.

(2) In paragraph (1), "collection and transport operations" includes operations where the hazardous waste is transported following transfer between different carriers.

Agency to retain registers etc

58. The Agency must retain registers and any accompanying records sent to it pursuant to regulation 51(3) for a period of not less than three years commencing with the receipt thereof by the Agency.

Fees

59.-(1) Section 41 of the 1995 Act (power to make schemes imposing charges) is amended as follows.

(2) For subsection (1)(c) substitute-

"(c) as a means of recovering costs incurred by it in performing functions conferred by regulations made for the purpose of implementing Council Directive 91/689/EEC the Agency may require the payment to it of such charges as may

(1) *Gweler* paragraff 13 o Atodlen 4 i'r Rheoliadau.

(1) *See* paragraph 13 of Schedule 4 to the 1994 Regulations.

from time to time be prescribed;"

(3) Mae Atodlen 9 yn effeithiol i wneud darpariaeth mewn perthynas â ffioedd sydd i'w codi gan yr Asiantaeth mewn cysylltiad â'r Rheoliadau hyn nes y daw cynllun codi tâl o dan adran 41 o Ddeddf 1995 i adennill y costau a dynnir gan yr Asiantaeth wrth iddi gyflawni ei swyddogaethau o dan y Rheoliadau hyn yn effeithiol.

Darparu gwybodaeth i'r Cynulliad Cenedlaethol

60.-(1) Rhaid i'r Asiantaeth hysbysu'r Cynulliad bob blwyddyn o unrhyw newidiadau yn yr wybodaeth ganlynol ar gyfer pob sefydliad neu ymgymeriad sy'n gwaredu neu adfer gwastraff peryglus yn bennaf ar ran trydydd partion ac sydd yn debygol o ffurfio rhan o'r rhwydwaith integredig y cyfeirir ati yn Erthygl 5 o'r Gyfarwyddeb Wastraff-

- (a) enw a chyfeiriad;
- (b) y dull a ddefnyddir i drin gwastraff; ac
- (c) y mathau a'r meintiau o wastraff y gellir eu trin.

(2) Rhaid i'r Asiantaeth ddarparu'r wybodaeth sy'n ofynnol gan baragraff (1) yn y fformat a ddarperir yn unol â phedwerydd paragraff Erthygl 8(3) o'r Gyfarwyddeb Gwastraff Peryglus.

RHAN 9

ARGYFYNGAU A PHERYGL DIFRIFOL

Cyffredinol

61.-(1) Mae'r Rhan hon yn effeithiol at ddibenion gwneud darpariaeth ar gyfer argyfwng neu berygl difrifol.

(2) At ddibenion y Rheoliadau hyn, mae "argyfwng neu berygl difrifol" yn sefyllfa bresennol neu sefyllfa a fygythir sy'n codi o sylwedd neu wrthrych sydd yn wastraff peryglus, neu fod sail resymol dros gredu hynny, ac mae'r sefyllfa yn fygythiad i'r boblogaeth neu'r amgylchedd yn unrhyw le.

Dyletswyddau cyffredinol y deiliad os bydd argyfwng neu berygl difrifol

62.-(1) Mewn achosion o argyfwng neu berygl difrifol, rhaid i ddeiliad gwastraff peryglus-

- (a) cymryd pob cam cyfreithlon a rhesymol i osgoi argyfwng neu berygl difrifol; neu
- (b) os nad yw'n rhesymol ymarferol i gydymffurfio â pharagraff (a), cymryd pob cam cyfreithlon a rhesymol i liniaru'r argyfwng neu berygl difrifol.

from time to time be prescribed;"

(3) Schedule 9 has effect to make provision in relation to fees to be charged by the Agency in connection with these Regulations until a charging scheme under section 41 of the 1995 Act to recover the costs incurred by the Agency in performing functions under these Regulations takes effect.

Provision of information to the National Assembly

60.-(1) The Agency must inform the Assembly each year of any changes in the following information for every establishment or undertaking which carries out disposal or recovery of hazardous waste principally on behalf of third parties and which is likely to form part of the integrated network referred to in Article 5 of the Waste Directive-

- (a) name and address;
- (b) the method used to treat waste; and
- (c) the types and quantities of waste which can be treated.

(2) The Agency must provide the information required by paragraph (1) in the format provided for pursuant to the fourth paragraph of Article 8(3) of the Hazardous Waste Directive.

PART 9

EMERGENCIES AND GRAVE DANGER

General

61.-(1) This Part has effect for the purpose of making provision for an emergency or grave danger.

(2) For the purposes of these Regulations, an "emergency or grave danger" is a present or threatened situation arising from a substance or object which is, or which there are reasonable grounds to believe is, hazardous waste, and the situation constitutes a threat to the population or the environment in any place.

General duties on the holder in the event of an emergency or grave danger

62.-(1) In cases of emergency or grave danger, a holder of hazardous waste must-

- (a) take all lawful and reasonable steps to avert the emergency or grave danger; or
- (b) where it is not reasonably practicable to comply with paragraph (a), take all lawful and reasonable steps to mitigate the emergency or grave danger.

(2) At ddibenion paragraff (1), gellid ystyried gweithred neu anweithred yn gyfreithlon er y byddai, heblaw am y rheoliad hwn, yn ffurfio toriad yn y Rheoliadau hyn.

(3) Os yw deiliad gwastraff peryglus yn gwybod neu os oes ganddo sail resymol dros gredu bod argyfwng neu berygl difrifol wedi codi, rhaid iddo hysbysu'r Asiantaeth o'r amgylchiadau cyn gynted ag y bo'n rhesymol ymarferol.

(4) Os bydd y deiliad yn cymryd unrhyw gam sy'n cydymffurfio â pharagraff (1), rhaid iddo, oni fydd y cam hwnnw wedi llwyr osgoi'r argyfwng neu'r perygl difrifol heb dorri'r Rheoliadau hyn, hysbysu'r Asiantaeth cyn gynted ag y bo'n rhesymol ymarferol.

(5) At ddibenion paragraff (4), bernir na fydd argyfwng neu berygl difrifol wedi cael ei osgoi'n llwyr os rhyddhawyd unrhyw sylwedd neu wrthrych sydd yn wastraff peryglus, neu os oes sail resymol dros gredu hynny, p'un a yw'r deiliad yn credu ai peidio ei fod wedi llwyr ddifetha'r sylwedd neu'r gwrthrych, eu hadennill neu beri nad oes dim niwed ynddynt.

(6) Os digwydd hysbysiad yn unol â pharagraff (3) neu (4) os hysbysir yn llafar, rhaid i'r deiliad gadarnhau yn ysgrifenedig i'r Asiantaeth y materion a hysbyswyd o fewn un wythnos ar ôl yr hysbysiad llafar.

(7) At ddibenion y rheoliad hwn nid yw person i'w ryddhau o unrhyw ofyniad a osodir gan y rheoliad hwn ddim ond am ei fod wedi peidio â bod yn ddeiliad oherwydd bod y gwastraff wedi mynd o'i feddiant neu ei reolaeth oherwydd y rhyddhad.

Dyletswyddau cyffredinol yr Asiantaeth

63.-(1) Rhaid i'r Asiantaeth arfer ei swyddogaethau (p'un ai o dan y Rheoliadau hyn neu fel arall) fel y bydd yn cymryd pob cam rhesymol ymarferol sy'n angenrheidiol neu'n hwylus i osgoi neu liniaru argyfwng neu berygl difrifol.

(2) Rhaid i berson awdurdodedig wrth arfer swyddogaethau mewn perthynas ag argyfwng neu berygl difrifol arfer ei bwerau o dan adrannau 108 a 109 o Ddeddf 1995 er mwyn cymryd pob cam sy'n rhesymol ymarferol i osgoi neu liniaru'r argyfwng neu'r perygl difrifol.

RHAN 10 GORFODI

Gorfodi

64.-(1) Yn ddarostyngedig i baragraff (2), dyletswydd yr Asiantaeth yw gorfodi'r Rheoliadau hyn.

(2) For the purposes of paragraph (1), an act or omission may be considered lawful notwithstanding that it would, apart from this regulation, constitute a breach of these Regulations.

(3) Where the holder of hazardous waste knows or has reasonable grounds to believe that an emergency or grave danger has arisen, he or she must notify the Agency as soon as reasonably practicable of the circumstances.

(4) Where the holder takes any step in compliance with paragraph (1), he or she must, save where such step has completely averted the emergency or grave danger without breach of these Regulations, notify the Agency as soon as reasonably practicable.

(5) For the purposes of paragraph (4), an emergency or grave danger is not considered to have been completely averted if any release has taken place of a substance or object which is, or which there are reasonable grounds to believe is, hazardous waste, whether or not the holder believes he or she has completely destroyed, retrieved or rendered harmless the substance or object.

(6) In the event of notification pursuant to paragraph (3) or (4) being made orally, the holder must confirm in writing to the Agency the matters notified within one week of the oral notification.

(7) For the purposes of this regulation a person is not to be released from any requirement imposed by this regulation merely because he or she has ceased to be the holder through the waste having left his or her possession or control due to the release.

General duties of the Agency

63.-(1) The Agency must exercise its functions (whether under these Regulations or otherwise) so as to take all reasonably practicable steps necessary or expedient to avert or mitigate an emergency or grave danger.

(2) An authorised person must, in exercising functions in relation to an emergency or grave danger, so exercise his or her powers under sections 108 and 109 of the 1995 Act as to take all reasonably practicable steps to avert or mitigate the emergency or grave danger.

PART 10 ENFORCEMENT

Enforcement

64.-(1) Subject to paragraph (2), it is the duty of the Agency to enforce these Regulations.

(2) Nid yw paragraff (1) yn rhagfarnu unrhyw hawl i ddwyn achos a all fod gan unrhyw berson sy'n codi ar wahân i'r Rheoliadau hyn, neu unrhyw hawl, pŵer neu ddyletswydd arall gan unrhyw berson naill ai yn y gyfraith neu'n codi yn unol ag unrhyw gytundeb neu drefniad (yn ddatganedig neu ymhlyg) neu o ganlyniad i unrhyw weithred neu anweithred.

Tramgwyddau

65. Mae'n dramgwydd i berson fethu â chydymffurfio â gofyniad a osodwyd ar y person hwnnw gan neu o dan y darpariaethau canlynol o'r Rheoliadau hyn-

- (a) Rhan 4;
- (b) rheoliadau 21, 22, 24, 25 a 26;
- (c) rheoliadau 34 i 44;
- (ch) rheoliadau 46 ac Atodlen 7;
- (d) Rhan 7 (ac eithrio rheoliad 52); ac
- (dd) rheoliad 62.

Amddiffyniadau

66. Mae'n amddiffyniad i berson a gyhuddir o dramgwydd o dan reoliad 65 i brofi-

- (a) nad oedd yn rhesymol yn gallu cydymffurfio â'r ddarpariaeth o dan sylw oherwydd argyfwng neu berygl difrifol a'i fod wedi cymryd pob cam a oedd yn rhesymol ymarferol o dan yr amgylchiadau-
 - (i) i gadw i'r lleiaf posibl unrhyw fygythiad i'r cyhoedd neu'r amgylchedd; a
 - (ii) i sicrhau cydymffurfedd â'r ddarpariaeth o dan sylw cyn gynted ag y bo'n rhesymol ymarferol ar ôl y digwyddiad; neu
- (b) os nad oes unrhyw argyfwng neu berygl difrifol, ei fod wedi cymryd pob rhagofal rhesymol ac arfer diwydrwydd dyladwy i osgoi cyflawni tramgwydd.

Atebolrwydd personau heblaw'r prif dramgwyddwr

67.-(1) Os cyflawnir tramgwydd gan unrhyw berson o dan y Rhan hon oherwydd gweithred neu ddiffyg rhyw berson arall, gellir cyhuddo'r person arall hwnnw o dramgwydd a'i gollfarnu yn rhinwedd y paragraff hwn p'un a ddygwyd achos yn erbyn y person a grybwyllwyd gyntaf ai peidio.

(2) Os cyflawnwyd tramgwydd o dan y Rhan hon gan gorff corfforaethol a phrofir iddo gael ei gyflawni gyda chydysyniad neu ymoddefiad, neu wedi'i briodoli i unrhyw esgeulustod ar ran cyfarwyddwr, rheolwr, ysgrifennydd neu swyddog cyffelyb o'r corff corfforaethol, neu unrhyw berson a oedd yn cymryd arno ei fod yn gweithredu mewn swydd o'r fath, bydd

(2) Paragraph (1) is without prejudice to any right of action which any person may have arising apart from these Regulations, or any other right, power or duty of any person either at law or arising pursuant to any agreement or arrangement (expressly or impliedly) or in consequence of any act or omission.

Offences

65. It is an offence for a person to fail to comply with any requirement imposed on that person by or under the following provisions of these Regulations-

- (a) Part 4;
- (b) regulations 21, 22, 24, 25 and 26;
- (c) regulations 34 to 44;
- (d) regulation 46 and Schedule 7;
- (e) Part 7 (with the exception of regulation 52); and
- (f) regulation 62.

Defences

66. It is a defence for a person charged with an offence under regulation 65 to prove that-

- (a) he or she was not reasonably able to comply with the provision in question by reason of an emergency or grave danger and that he or she took all steps as were reasonably practicable in the circumstances for-
 - (i) minimising any threat to the public or the environment; and
 - (ii) ensuring that the provision in question was complied with as soon as reasonably practicable after the event; or
- (b) if there is no emergency or grave danger, he or she took all reasonable precautions and exercised all due diligence to avoid the commission of the offence.

Liability of persons other than the principal offender

67.-(1) Where the commission by any person of an offence under this Part is due to the act or default of some other person, that other person may be charged with and convicted of an offence by virtue of this paragraph whether or not proceedings are taken against the first-mentioned person.

(2) Where an offence under this Part which has been committed by a body corporate is proved to have been committed with the consent or connivance of, or to have been attributable to, any neglect on the part of a director, manager, secretary or other similar officer of the body corporate, or any person who was purporting to act in any such capacity, that person, as well as the

y person hwnnw, yn ogystal â'r corff corfforaethol, yn agored i gael ei erlyn a'i gosbi'n unol â hynny.

(3) Pan fydd materion corff corfforaethol yn cael eu rheoli gan ei aelodau, mae paragraff (2) yn gymwys i weithredoedd a diffyg gweithredoedd aelod mewn cysylltiad â'i swyddogaethau rheoli fel pe bai'n gyfarwyddwr y corff corfforaethol.

Gwybodaeth anwir a chamarweiniol

68.-(1) Bydd unrhyw berson sydd, wrth gymryd arno ei fod yn cydymffurfio â gofyniad a osodwyd gan neu o dan unrhyw rai o ddarpariaethau blaenorol y Rheoliadau hyn i roi unrhyw wybodaeth, yn gwneud a datganiad y mae'n gwybod ei bod yn anwir neu'n gamarweiniol mewn manylyn o bwys, neu'n gwneud unrhyw ddatganiad yn ddi-hid sy'n anwir neu'n gamarweiniol mewn manylyn o bwys, yn cyflawni tramgwydd.

(2) Mae person sy'n fwiadol yn gwneud cofnod anwir mewn unrhyw gofnod neu gofrestr y mae'n ofynnol eu cadw yn rhinwedd unrhyw ddarpariaethau blaenorol yn y Rheoliadau hyn yn cyflawni tramgwydd.

Cosbau

69.-(1) Mae person sy'n cyflawni tramgwydd o dan reoliad 65 mewn cysylltiad ag unrhyw un o'r rheoliadau canlynol, sef-

- (a) rheoliad 21 (gofyniad i hysbysu mangre);
- (b) rheoliad 22 (gwahardd symud gwastraff o fangre oni roddwyd hysbysiad neu onid yw'n esempt);
- (c) rheoliadau 24 i 26 (hysbysiaidau);
- (ch) rheoliad 34 (codau traddodi);
- (d) rheoliadau 35 i 44 (nodiadau traddodi);
- (dd) rheoliad 46 ac Atodlen 7 (llwythi trawsffiniol);
- (e) rheoliad 53 (atebion chwarterol traddodai ac atebion hunanwaredu chwarterol);
- (f) rheoliad 54 (atebion y traddodai i'r cynhyrhydd, y deiliad neu'r traddodwr); neu
- (ff) rheoliad 55 (dyletswyddau i ddarparu gwybodaeth),

yn atebol, o'i gollfarnu'n ddiannod, i ddirwy nad yw'n uwch na lefel 5 ar y raddfa safonol.

(2) Mae person sy'n cyflawni tramgwydd o dan reoliad 65 neu 68 mewn cysylltiad ag unrhyw ofyniad arall o dan y Rheoliadau hyn yn atebol-

- (a) o'i gollfarnu'n ddiannod, i ddirwy nad yw'n fwy na'r uchafswm statudol; neu
- (b) o'i gollfarnu ar ddiad, i ddirwy neu garchariad am gyfnod nad yw'n hwy na dwy flynedd, neu'r ddau.

body corporate, is liable to be proceeded against and punished accordingly.

(3) Where the affairs of a body corporate are managed by its members, paragraph (2) applies in relation to the acts or defaults of a member in connection with his or her functions of management as if he or she were a director of the body corporate.

False and misleading information

68.-(1) Any person who, in purported compliance with a requirement imposed by or under any of the foregoing provisions of these Regulations to furnish any information, makes a statement which he or she knows to be false or misleading in a material particular, or recklessly makes any statement which is false or misleading in a material particular, commits an offence.

(2) A person who intentionally makes a false entry in any record or register required to be kept by virtue of any of the foregoing provisions of these Regulations commits an offence.

Penalties

69.-(1) A person who commits an offence under regulation 65 in connection with any of the following regulations-

- (a) regulation 21 (requirement to notify premises);
- (b) regulation 22 (prohibition on removal of waste from premises unless notified or exempt);
- (c) regulations 24 to 26 (notifications);
- (d) regulation 34 (consignment codes);
- (e) regulations 35 to 44 (consignment notes);
- (f) regulation 46 and Schedule 7 (cross-border consignments);
- (g) regulation 53 (consignee and self-disposal quarterly returns);
- (h) regulation 54 (consignee's return to the producer, holder or consignor); or
- (i) regulation 55 (duties to supply information),

is liable on summary conviction, to a fine not exceeding level 5 on the standard scale.

(2) A person who commits an offence under regulation 65 or 68 in connection with any other requirement under these Regulations is liable-

- (a) on summary conviction, to a fine not exceeding the statutory maximum; or
- (b) on conviction on indictment, to a fine or to imprisonment for a term not exceeding two years, or to both.

Cosbau benodedig

70.-(1) Pan fydd gan berson awdurdodedig sy'n gweithredu ar ran yr Asiantaeth reswm i gredu bod person wedi cyflawni tramgwydd o dan reoliad 65 y mae'r rheoliad hwn yn gymwys iddo, caiff y person awdurdodedig roi hysbysiad i'r person hwnnw yn cynnig cyfle iddo ryddhau ei hun oddi wrth unrhyw atebolrwydd i gollfarn am y tramgwydd hwnnw drwy dalu cosb benodedig.

(2) Mae'r rheoliad hwn yn gymwys i dramgwydd sy'n golygu-

- (a) methiant i gydymffurfio ag unrhyw ofyniad mewn unrhyw un o'r rheoliadau a restrir yn rheoliad 69(1)(a) i (ff); neu
- (b) gwneud datganiad anwir neu gamarweiniol gan honni cydymffurfio ag unrhyw un o'r rheoliadau a restrir yn rheoliad 69(1)(a) i (ff).

(3) Os rhoddir hysbysiad i berson o dan y rheoliad hwn mewn perthynas â thramgwydd-

- (a) ni ellir dwyn achos am y tramgwydd hwnnw cyn pen wyth diwrnod ar hugain ar ôl dyddiad yr hysbysiad; a
- (b) ni cheir ei gollfarnu o'r tramgwydd hwnnw os yw'n talu'r gosb benodedig cyn diwedd y cyfnod hwnnw.

(4) Rhaid i hysbysiad o dan y rheoliad hwn roi'r manylion hynny am yr amgylchiadau yr honnir eu bod yn golygu tramgwydd fel sy'n angenrheidiol ar gyfer rhoi gwybodaeth resymol am y tramgwydd a rhaid iddo ddatgan-

- (a) o fewn pa gyfnod, yn rhinwedd paragraff (3), ni ddygir achos am y tramgwydd;
- (b) swm y gosb benodedig; ac
- (c) enw'r person y telir y gosb benodedig iddo a'r cyfeiriad lle gellir talu.

(5) Heb leihau effaith talu drwy unrhyw ddull arall, ceir talu cosb benodedig drwy anfon llythyr y talwyd amdano ymlaen llaw a'i bostio at y person hwnnw yn y cyfeiriad hwnnw sy'n cynnwys swm y gosb (mewn arian parod neu fel arall).

(6) Os anfonir llythyr yn unol â pharagraff (5) bernir bod taliad wedi'i wneud ar yr amser y byddid yn traddodi'r llythyr hwnnw yn nhrefn arferol y post.

(7) Rhaid anfon hysbysiad o gosb benodedig a ddyroddwyd yn unol â'r adran hon yn y ffurf a osodir yn Atodlen 10.

(8) Y gosb benodedig sy'n daladwy yn unol â hysbysiad o dan y rheoliad hwn yw £300; ac o ran y symiau a dderbynnir gan neu ar ran yr Asiantaeth, rhaid talu'r symiau hynny i'r Cynulliad.

Fixed penalties

70.-(1) Where an authorised person acting on behalf of the Agency has reason to believe that a person has committed an offence under regulation 65 to which this regulation applies, the authorised person may give that person a notice offering that person the opportunity of discharging any liability to conviction for that offence by payment of a fixed penalty.

(2) This regulation applies to an offence consisting of-

- (a) a failure to comply with any requirement of; or
- (b) making a false or misleading statement in purported compliance with,

any of the regulations listed in regulation 69(1)(a) to (i).

(3) Where a person is given a notice under this regulation in respect of an offence-

- (a) no proceedings may be instituted for that offence before the expiration of twenty eight days following the date of the notice; and
- (b) he or she may not be convicted of that offence if he or she pays the fixed penalty before the expiration of that period.

(4) A notice under this regulation must give such particulars of the circumstances alleged to constitute the offence as are necessary for giving reasonable information of the offence and must state-

- (a) the period during which, by virtue of paragraph (3), proceedings will not be taken for the offence;
- (b) the amount of the fixed penalty; and
- (c) the name of the person to whom and the address at which the fixed penalty may be paid.

(5) Without prejudice to payment by any other method, payment of the fixed penalty may be made by pre-paying and posting to that person at that address a letter containing the amount of the penalty (in cash or otherwise).

(6) Where a letter is sent in accordance with paragraph (5) payment is regarded as having been made at the time at which that letter would be delivered in the ordinary course of post.

(7) A fixed penalty notice issued pursuant to this section must be in the form set out in Schedule 10.

(8) The fixed penalty payable in pursuance of a notice under this regulation is £300; and as respects the sums received by or on behalf of the Agency, those sums must be paid to the Assembly.

- (9) Mewn unrhyw achos mae tystysgrif-
- (a) sy'n cymryd arni ei bod wedi'i llofnodi gan neu ar ran prif swyddog cyllid yr Asiantaeth;
 - (b) sy'n datgan y daeth neu na ddaeth taliad o gosb benodedig i law ai peidio erbyn y dyddiad a bennwyd yn y dystysgrif,

yn dystiolaeth o'r ffeithiau a ddatganwyd.

(10) Ym mharagraff (9), ystyr "prif swyddog cyllid" yw'r person sydd â'r cyfrifoldeb dros faterion ariannol yr Asiantaeth.

- (9) In any proceedings a certificate which-
- (a) purports to be signed by or on behalf of the chief finance officer of the Agency;
 - (b) states that payment of a fixed penalty was or was not received by a date specified in the certificate,

is evidence of the facts stated.

(10) In paragraph (9), "chief finance officer" means the person having responsibility for the financial affairs of the Agency.

RHAN 11

DARPARIAETHAU TERFYNOL

Arbedion i freintiau penodol

71.-(1) Ni ddylid ystyried bod dim yn y Rheoliadau hyn yn ei gwneud yn ofynnol i unrhyw berson i ddangos unrhyw ddogfennau neu gofnodion pe byddai hawl ganddo i wrthod dangos y dogfennau neu'r cofnodion hynny yn unrhyw achos mewn unrhyw lys ar y sail eu bod yn destun braint broffesiynol gyfreithiol, neu'n awdurdodi unrhyw berson i gymryd meddiant o unrhyw ddogfennau neu gofnodion sydd ym meddiant person a fyddai â'r hawl honno.

(2) Ac eithrio fel a ddarperir ym mharagraff (3), ni ddylid dehongli dim yn y Rheoliadau hyn fel pe bai'n ei gwneud yn ofynnol i berson ateb unrhyw gwestiwn neu roi unrhyw wybodaeth pe byddai gwneud hynny'n argyhuddo'r person hwnnw neu briod y person hwnnw.

(3) Rhaid i berson gydymffurfio â chais gan yr Asiantaeth i roi gwybodaeth yn unol â rheoliad 55(2), er y byddai gwneud hynny'n argyhuddo'r person hwnnw neu briod y person hwnnw, ond ni chaniateir i wybodaeth a roddir yn ymateb i gais o'r fath gael ei chyflwyno yn dystiolaeth mewn unrhyw achos troseddol yn erbyn y person hwnnw neu briod y person hwnnw.

Dirymiadau ac arbedion

72.-(1) Yn ddarostyngedig i'r paragraffau canlynol, dirymir Rheoliadau 1996.

(2) Os symudwyd llwyth o fangre cyn i'r Rheoliadau hyn ddod i rym, a bod nodyn traddodi wedi'i godi mewn perthynas â'r llwyth hwnnw o dan Reoliadau 1996, yna-

- (a) am gyfnod o 72 awr ar ôl i'r Rheoliadau hyn ddod i rym yn eu cyfanrwydd-
- (i) mae Rheoliadau 1996 yn parhau i fod yn gymwys ym mhob ffordd arall i'r llwyth hwnnw;

PART 11

FINAL PROVISIONS

Savings for certain privileges

71.-(1) Nothing in these Regulations is to be taken as requiring any person to produce any documents or records if he or she would be entitled to refuse to produce those documents or records in any proceedings in any court on the grounds that they are the subject of legal professional privilege, or as authorising any person to take possession of any documents or records which are in the possession of a person who would be so entitled.

(2) Except as provided in paragraph (3), nothing in these Regulations may be construed as requiring a person to answer any question or give any information if to do so would incriminate that person or that person's spouse.

(3) A person must comply with a request from the Agency to give information pursuant to regulation 55(2), notwithstanding that to do so may incriminate that person or that person's spouse, but information given in response to such a request may not be given in evidence in any criminal proceedings against that person or that person's spouse.

Revocations and savings

72.-(1) Subject to the following paragraphs, the 1996 Regulations are revoked.

(2) Where a consignment has been removed from premises before these Regulations come into force, and a consignment note has been raised in relation to that consignment under the 1996 Regulations, then-

- (a) for a period of 72 hours after these Regulations come into force entirely-
- (i) the 1996 Regulations continue to apply in all other respects to that consignment;

- (ii) nid yw darpariaethau'r Rheoliadau hyn (heblaw am reoliad 62 (dyletswyddau cyffredinol y deiliad ar achlysur argyfwng neu berygl difrifol)) yn gymwys i'r llwyth hwnnw yn ystod y cyfnod hwnnw;
- (b) ar ôl hynny-
 - (i) mae'r Rheoliadau hyn yn gymwys i'r llwyth hwnnw ac eithrio nad yw'r gofyniad i roi ateb chwarterol traddodai mewn perthynas â'r llwyth hwnnw yn unol â rheoliad 53 yn codi; a
 - (ii) mae'r gofyniad i'r traddodai anfon copi o'r nodyn traddodi a anfonwyd i'r Asiantaeth yn parhau i fod yn gymwys mewn perthynas ag unrhyw lwyth a anfonwyd yn unol â Rheoliadau 1996.

Diwygiadau Canlyniadol

73. Mae Atodlen 11 (sy'n gwneud diwygiadau canlyniadol i'r ddeddfwriaeth) yn effeithiol.

Darpariaethau Trosiannol

74. Mae Atodlen 12 (sy'n gwneud darpariaethau trosiannol cyn i'r Rheoliadau hyn ddod i rym) yn effeithiol.

Llofnodwyd ar ran Cynulliad Cenedlaethol Cymru o dan adran 66(1) o Ddeddf Llywodraeth Cymru 1998(1)

5 Gorffennaf 2005

D. Elis-Thomas

Llywydd y Cynulliad Cenedlaethol

- (ii) the provisions of these Regulations (other than regulation 62 (general duties on the holder in the event of an emergency or grave danger)) do not apply to that consignment during that period;
- (b) thereafter-
 - (i) these Regulations apply to that consignment except that the requirement to make a consignee quarterly return in relation to that consignment pursuant to regulation 53 does not arise; and
 - (ii) the requirement on the consignee to send a copy of the consignment note sent to the Agency continues to apply in relation to any consignment sent pursuant to the 1996 Regulations.

Consequential Amendments

73. Schedule 11 (which makes consequential amendments to legislation) has effect.

Transitional Provisions

74. Schedule 12 (which makes provisions transitional upon these Regulations coming into force) has effect.

Signed on behalf of the National Assembly for Wales under section 66(1) of the Government of Wales Act 1998(1)

5 July 2005

The Presiding Officer of the National Assembly

Rheoliad 3(2)(a)(i)

Regulation 3(2)(a)(i)

"ANNEX I

CATEGORIES OR GENERIC TYPES OF HAZARDOUS WASTE LISTED ACCORDING TO
THEIR NATURE OR THE ACTIVITY WHICH GENERATED THEM (*) (WASTE MAY BE
LIQUID, SLUDGE OR SOLID IN FORM)

ANNEX I.A.

Wastes displaying any of the properties listed in Annex III and which consist of:

1. anatomical substances; hospital and other clinical wastes;
2. pharmaceuticals, medicines and veterinary compounds;
3. wood preservatives;
4. biocides and phyto-pharmaceutical substances;
5. residue from substances employed as solvents;
6. halogenated organic substances not employed as solvents excluding inert polymerized materials;
7. tempering salts containing cyanides;
8. mineral oils and oily substances (e.g. cutting sludges, etc.);
9. oil/water, hydrocarbon/water mixtures, emulsions;
10. substances containing PCBs and/or PCTs (e.g. dielectrics etc.);
11. tarry materials arising from refining, distillation and any pyrolytic treatment(e.g. still bottoms, etc.);
12. inks, dyes, pigments, paints, lacquers, varnishes;
13. resins, latex, plasticizers, glues/adhesives;
14. chemical substances arising from research and development or teaching activities which are not identified and/or are new and whose effects on man and/or the environment are not known (e.g. laboratory residues, etc.);
15. pyrotechnics and other explosive materials;
16. photographic chemicals and processing materials;
17. any material contaminated with any congener of polychlorinated dibenzo-furan;
18. any material contaminated with any congener of polychlorinated dibenzo-p-dioxin.

ANNEX I.B.

Wastes which contain any of the constituents listed in Annex II and having any of the properties listed in Annex III and consisting of:

19. animal or vegetable soaps, fats, waxes;

20. non-halogenated organic substances not employed as solvents;
21. inorganic substances without metals or metal compounds;
22. ashes and/or cinders;
23. soil, sand, clay including dredging spoils;
24. non-cyanidic tempering salts;
25. Metallic dust, powder;
26. Spent catalyst materials;
27. liquids or sludges containing metals or metal compounds;
28. residue from pollution control operations (e.g. baghouse dusts, etc.) except (29), (30) and (33);
29. scrubber sludges;
30. sludges from water purification plants;
31. decarbonization residue;
32. ion-exchange column residue;
33. sewage sludges, untreated or unsuitable for use in agriculture;
34. residue from cleaning of tanks and/or equipment;
35. contaminated equipment;
36. contaminated containers (e.g. packaging, gas cylinders, etc.) whose contents included one or more of the constituents listed in Annex II;
37. batteries and other electrical cells;
38. vegetable oils;
39. materials resulting from selective waste collections from households and which exhibit any of the characteristics listed in Annex III;
40. any other wastes which contain any of the constituents listed in Annex II and any of the properties listed in Annex III."

(*) Certain duplications of entries found in Annex II are intentional.

Rheoliad 3(2)(a)(ii)

Regulation 3(2)(a)(ii)

"ANNEX II

CONSTITUENTS OF THE WASTES IN ANNEX I.B WHICH RENDER THEM HAZARDOUS WHEN THEY HAVE THE PROPERTIES DESCRIBED IN ANNEX III (*)

Wastes having as constituents:

- C1 beryllium; beryllium compounds;
- C2 vanadium compounds;
- C3 chromium (VI) compounds;
- C4 cobalt compounds;
- C5 nickel compounds;
- C6 copper compounds;
- C7 zinc compounds;
- C8 arsenic; arsenic compounds;
- C9 selenium; selenium compounds;
- C10 silver compounds;
- C11 cadmium; cadmium compounds;
- C12 tin compounds;
- C13 antimony; antimony compounds;
- C14 tellurium; tellurium compounds;
- C15 barium compounds; excluding barium sulfate;
- C16 mercury; mercury compounds;
- C17 thallium; thallium compounds;
- C18 lead; lead compounds;
- C19 inorganic sulphides;
- C20 inorganic fluorine compounds, excluding calcium fluoride;
- C21 inorganic cyanides;
- C22 the following alkaline or alkaline earth metals: lithium, sodium, potassium, calcium, magnesium in uncombined form;
- C23 acidic solutions or acids in solid form;
- C24 basic solutions or bases in solid form;
- C25 asbestos (dust and fibres);
- C26 phosphorus: phosphorus compounds, excluding mineral phosphates;

- C27 metal carbonyls;
- C28 peroxides;
- C29 chlorates;
- C30 perchlorates;
- C31 azides;
- C32 PCBs and/or PCTs;
- C33 pharmaceutical or veterinary compounds;
- C34 biocides and phyto-pharmaceutical substances (e.g. pesticides, etc.);
- C35 infectious substances;
- C36 creosotes;
- (*) Certain duplications of generic types of hazardous wastes listed in Annex I are intentional.
- C37 isocyanates; thiocyanates;
- C38 organic cyanides (e.g. nitriles, etc.);
- C39 phenols; phenol compounds;
- C40 halogenated solvents;
- C41 organic solvents, excluding halogenated solvents;
- C42 organohalogen compounds, excluding inert polymerized materials and other substances referred to in this Annex;
- C43 aromatic compounds; polycyclic and heterocyclic organic compounds;
- C44 aliphatic amines;
- C45 aromatic amines;
- C46 ethers;
- C47 substances of an explosive character, excluding those listed elsewhere in this Annex;
- C48 sulphur organic compounds;
- C49 any congener of polychlorinated dibenzo-furan;
- C50 any congener of polychlorinated dibenzo-p-dioxin;
- C51 hydrocarbons and their oxygen; nitrogen and/or sulphur compounds not otherwise taken into account in this Annex."

ATODIAD III I'R GYFARWYDDEB
GWASTRAFF PERYGLUSANNEX III OF THE HAZARDOUS WASTE
DIRECTIVE

Rheoliad 3(2)(a)(iii)

Regulation 3(2)(a)(iii)

"ANNEX III

PROPERTIES OF WASTES WHICH RENDER THEM HAZARDOUS

- H1 'Explosive': substances and preparations which may explode under the effect of flame or which are more sensitive to shocks or friction than dinitrobenzene.
- H2 'Oxidizing': substances and preparations which exhibit highly exothermic reactions when in contact with other substances, particularly flammable substances.
- H3-A 'Highly flammable':
- liquid substances and preparations having a flash point below 21 °C (including extremely flammable liquids), or
 - substances and preparations which may become hot and finally catch fire in contact with air at ambient temperature without any application of energy, or
 - solid substances and preparations which may readily catch fire after brief contact with a source of ignition and which continue to burn or to be consumed after removal of the source of ignition, or
 - gaseous substances and preparations which are flammable in air at normal pressure, or
 - substances and preparations which, in contact with water or damp air, evolve highly flammable gases in dangerous quantities.
- H3-B and 'Flammable': liquid substances and preparations having a flash point equal to or greater than 21 °C less than or equal to 55 °C.
- H4 'Irritant': non-corrosive substances and preparations which, through immediate, prolonged or repeated contact with the skin or mucous membrane, can cause inflammation.
- H5 'harmful': substances and preparations which, if they are inhaled or ingested or if they penetrate the skin, may involve limited health risks.
- H6 'Toxic': substances and preparations (including very toxic substances and preparations) which, if they are inhaled or ingested or if they penetrate the skin, may involve serious, acute or chronic health risks and even death.
- H7 'Carcinogenic': substances and preparations which, if they are inhaled or ingested or if they penetrate the skin, may induce cancer or increase its incidence.
- H8 'Corrosive': substances and preparations which may destroy living tissue on contacts.
- H9 'Infectious': substances containing viable micro-organisms or their toxins which are known or reliably believed to cause disease in man or other living organisms.
- H10 'Teratogenic': substances and preparations which, if they are inhaled or ingested or if they penetrate the skin, may induce non-hereditary congenital malformations or increase their incidence.
- H11 'Mutagenic': substances and preparations which, if they are inhaled or ingested or if they penetrate the skin, may induce hereditary genetic defects or increase their incidence.
- H12 Substances and preparations which release toxic or very toxic gases in contact with water, air or an acid.
- H13 Substances and preparations capable by any means, after disposal, of yielding another substance, e.g. a leachate, which possesses any of the characteristics listed above.
- H14 'Ecotoxic': substances and preparations which present or may present immediate or delayed risks for

one or more sectors of the environment.

Notes

1. Attribution of the hazard properties 'toxic' (and 'very toxic'), 'harmful', 'corrosive' and 'irritant' is made on the basis of the criteria laid down by Annex VI, part I A and part II B, of Council Directive 67/548/EEC of 27 June 1967 of the approximation of laws, regulations and administrative provisions relating to the classification, packaging and labelling of dangerous substances (1), in the version as amended by Council Directive 79/831/EEC (2).

2. With regard to attribution of the properties 'carcinogenic', 'teratogenic' and 'mutagenic', and reflecting the most recent findings, additional criteria are contained in the Guide to the classification and labelling of dangerous substances and preparations of Annex VI (part II D) to Directive 67/548/EEC in the version as amended by Commission Directive 83/467/EEC (3).

Test methods

The test methods serve to give specific meaning to the definitions given in Annex III.

The methods to be used are those described in Annex V to Directive 67/548/EEC, in the version as amended by Commission Directive 84/449/EEC (4), or by subsequent Commission Directives adapting Directive 67/548/EEC to technical progress. These methods are themselves based on the work and recommendations of the competent international bodies, in particular the OECD.

(1) OJ No L 196, 16. 8. 1967, p. 1.

(2) OJ No L 259, 15. 10. 1979, p. 10.

(3) OJ No L 257, 16.9.1983, p.1.

(4) OJ No L 251, 19.9.1984, p.1.

SCHEDULE 4/ATODLEN 4

Regulation/Rheoliad 35(2)

FORM OF CONSIGNMENT NOTE/FFURF NODYN TRADDODI

HAZARDOUS WASTE (WALES) REGULATIONS 2005
RHEOLIADAU GWASTRAFF PERYGLUS (CYMRU) 2005

Part A NOTIFICATION DETAILS
Rhan A MANYLION HYSBYSU

Sheet/Dalen _____ of/o _____

1. **Consignment Note Code/Cod Nodyn Traddodi:** _____

2. **The waste described below is to be removed from (name, address, postcode, telephone, e-mail, facsimile)/ Mae'r gwastraff a ddisgrifir isod i'w gludo o (enw, cyfeiriad, cod post, ffôn, e-bost, ffacs):**

3. **Premises Code (where applicable)/Cod y Fangre: (os yw'n gymwys):**

4. **The waste will be taken to (address & postcode)/Cludir y gwastraff i (cyfeiriad a chod post):**

5. **The waste producer was (if different from 2) (name, address, postcode, telephone, e-mail, facsimile)/ Cynhyrhydd y gwastraff oedd (os yw'n wahanol i 2) (enw, cyfeiriad, cod post, ffôn, e-bost, ffacs):**

Part B DESCRIPTION OF THE WASTE
Rhan B DISGRIFIAD O'R GWASTRAFF

1. **The process giving rise to the waste(s) was/ Y broses a roes fod i'r gwastraff(oedd) oedd:**
2. **SIC for the process giving rise to the waste/ SIC am y broses a roes fod i'r gwastraff:**

WASTE DETAILS (where more than one waste type is collected all of the information given below must be completed for each EWC identified).

MANYLION AM Y GWASTRAFF (os cesglir mwy nag un math o wastraff rhaid cwblhau'r holl wybodaeth a nodir isod ar gyfer pob EWC a ddynodwyd).

3. The waste(s) is/are
Dyma'r gwastraff(oedd):

| List of Wastes (EWC) Code (6 digits) | Quantity (kg) | The chemical/biological components of the waste and their concentrations are | | Physical Form (gas, liquid, solid, powder, sludge, or mixed) | Hazard code(s) | Container type, no & size |
|---|---------------------|--|--------------------------------|---|-----------------------|--|
| <i>Cod Rhestr y Gwastraffoedd (EWC) (6 digid)</i> | <i>Cyfaint (kg)</i> | <i>Dyma gyfansoddion cemegol /biolegol y gwastraff a'u crynodiadau</i> | | <i>Ffur ffisegol (nwy, hylif, solid, powdwr, llaca, neu gymysgfa)</i> | <i>Cod(au) perygl</i> | <i>Math, rhif a maint y cynhwysydd</i> |
| | | Component | Concentration (% or mg/kg) | | | |
| | | <i>Cyfansoddyn</i> | <i>Crynodiad (% neu mg/kg)</i> | | | |
| | | | | | | |
| | | | | | | |

The information given below is to be completed for each EWC identified
Mae'r wybodaeth a roddir isod i'w chwblhau ar gyfer pob EWC a ddynodwyd

1. **Packing Group(s)/ Grwp neu grwpiau pecynnu**
2. **UN identification number(s)/ Rhif neu rifau adnabod UN**
3. **Proper Shipping Name(s)/ Enw(au) priodol y llwyth**
4. **UN class(es)/ Dosbarth(au) UN**
5. **Special handling requirements/ Gofynion trafod arbennig**

PART C CARRIER'S CERTIFICATE
(If more than one carrier is used, please attach Schedule for subsequent carriers)

RHAN C TYSTYSGRIF Y CLUDWR
(Os defnyddir mwy nag un cludwr, amgawch Atodlen ar gyfer cludwyr dilynol)

If a schedule of carriers is attached, tick here.

Os amgaeir atodlen o gludwyr, ticiwch fan hyn.

I certify that I today collected the consignment and that the details in A2, A4, and B3 are correct and I have been advised of any specific handling requirements.

Yr wyf yn ardystio fy mod heddiw wedi casglu'r llwyth a bod y manylion yn A2, A4 a B3 yn gywir a fy mod wedi cael fy hysbysu o unrhyw ofynion trafod arbennig.

1. Carrier name
Enw'r cludwr

On behalf of (company)(name, address & postcode, telephone, e-mail, facsimile)
Ar ran (cwmni)(enw, cyfeiriad a chod post, ffôn, e-bost, ffacs)

2. Carrier registration no/reason for exemption/
Rhif cofrestru'r cludwr /rheswm dros esemptiad

3. Vehicle registration no (or mode of transport if not road)
Rhif cofrestru'r cerbyd (neu'r cyfrwng cludo os nad ar ffordd)

Signature/*Llofnod*

Date/*Dyddiad*

at/am

hrs/o'r gloch.

PART D CONSIGNOR'S CERTIFICATE
RHAN D TYSTYSGRIF Y TRADDODWR

I certify that the information in A, B and C above are correct, that the carrier is registered or exempt and was advised of the appropriate precautionary measures. All of the waste is packaged and labelled correctly and the carrier has been advised of any special handling requirements.

Yr wyf yn ardystio bod yr wybodaeth yn A, B ac C uchod yn gywir, bod y cludwr wedi'i gofrestru neu'n esempt a'i fod wedi cael ei hysbysu o'r mesurau rhagofalu priodol. Cafodd yr holl wastraff ei becynnu a'i labelu yn gywir a chafodd y cludwr ei hysbysu o unrhyw ofynion trafod arbennig.

Name/Enw

On behalf of (company name, address, postcode, telephone, e-mail, and facsimile)

Ar ran (enw'r cwmni, cyfeiriad, cod post, ffôn, e-bost, a ffacs)

Signature/Llofnod

Date/Dyddiad

at/am

hrs/o'r gloch

PART E CONSIGNEE'S CERTIFICATE
RHAN E TYSTYSGRIF Y TRADDODAI

Where more than one waste type is collected all of the information given below must be completed for each EWC.
Os cesglir mwy nag un math o wastraff rhaid cwblhau'r holl wybodaeth a roddir isod ar gyfer pob EWC.

Individual EWC code(s) received/ *Cod(au) EWC unigol a dderbyniwyd*
Quantity of each EWC code received (kg)/ *Cyfaint pob cod EWC a dderbyniwyd (kg)*
EWC code accepted/rejected/ *Cod EWC a dderbyniwyd/a wrthodwyd*
Waste management operation (R or D code)/ *Gweithrediad rheoli gwastraff (cod R neu D)*

- 1. I received this waste at the address given in A4 on** at hrs
Daeth y gwastraff hwn i law yn y cyfeiriad a roddir yn A4 ar am o'r gloch
- 2. Vehicle registration no/ Rhif cofrestru'r cerbyd:**
- 3. Where waste is rejected, please provide details below/**
Os gwrthodir y gwastraff, rhowch y manylion isod:

I certify that waste management licence/permit/authorised exemption no(s) given below authorise(s) the management of the waste described in B at the address given in A4/

Yr wyf yn ardystio bod y drwydded rheoli gwastraff/ caniatâd/ esemptiad a awdurdodwyd sy'n dwyn y rhif a roddir isod yn awdurdodi rheoli'r gwastraff a ddisgrifir yn B at y cyfeiriad a roddir yn A4:

Name/Enw:

On behalf of (company name, address, postcode, telephone, e-mail, facsimile)/
Ar ran (enw'r cwmni, cyfeiriad, cod post, ffôn, e-bost, ffacs):

Signature/Llofnod

Date/Dyddiad at/am hrs/o'r gloch.

On behalf of (company)(name, address & postcode, telephone, e-mail, facsimile)/*Ar ran (cwmni)(enw, cyfeiriad, cod post, ffôn, e-bost, ffacs):*

Signature/*Llofnod:*

Date/*Dyddiad:* at/am hrs/o'r gloch.

1. Carrier registration no/reason for exemption/ *Rhif cofrestru'r cludwr/rheswm dros yr esemptiad:*
2. Vehicle registration no (or mode of transport if not road)/ *Rhif cofrestru'r cerbyd (neu'r cyfrwng cludo os nad ar ffordd):*
3. Original consignment note number/ *Rhif y nodyn traddodi gwreiddiol:*

FOURTH CARRIER'S CERTIFICATE/ TYSTYSGRIF Y PEDWERYDD CLUDWR

I certify that the following carrier/ *Y'r wyf yn ardystio bod y cludwr [enter details as appropriate/rhowch y manylion priodol]:*

transferred the waste identified in B3 to me today for onward transportation to (delete as appropriate below):
/wedi trosglwyddo'r gwastraff a enwir yn B3 i mi heddiw i'w gludo ymlaen i (dileer fel y bo'n briodol isod):

- a) another carrier/ *gludwr arall*
- b) the consignee listed in A4/ *y traddodai a restrir yn A4*

The quantity transferred is/*Dyma'r cyfaint a drosglwyddwyd:*

Name/*Enw:*

On behalf of (company)(name, address & postcode, telephone, e-mail, facsimile)/*Ar ran (cwmni)(enw, cyfeiriad, cod post, ffôn, e-bost, ffacs):*

Signature/*Llofnod:*

Date/*Dyddiad:* at/am hrs/o'r gloch.

1. Carrier registration no/reason for exemption/ *Rhif cofrestru'r cludwr/rheswm dros yr esemptiad:*
2. Vehicle registration no (or mode of transport if not road)/ *Rhif cofrestru'r cerbyd (neu'r cyfrwng cludo os nad ar ffordd):*
3. Original consignment note number/ *Rhif y nodyn traddodi gwreiddiol:*

ANNEX TO MULTIPLE COLLECTION CONSIGNMENT NOTE/ *ATODIAD I'R NODYN TRADDODI AMLGASGLIAD*

HAZARDOUS WASTE (WALES) REGULATIONS 2005
RHEOLIADAU GWASTRAFF PERYGLUS (CYMRU) 2005

Sheet /Dalen _____ of/o _____

CONSIGNMENT DETAILS/ *MANYLION Y LLWYTH:*

COLLECTION No (i.e. 1st, 2nd etc)/ *Rhif CASGLU (h.y. 1, 2 etc)*

I. Notification Details/ *Manylion hysbysu*

1. Consignment Note Code/ *Cod Nodyn Traddodi:*

2. The waste described below is to be removed from (name, address & postcode, telephone, e-mail, facsimile)/ *Mae'r gwastraff a ddisgrifir isod i'w gludo o (enw, cyfeiriad a chod post, ffôn, e-bost, ffacs):*

3. Premises Code (where applicable)/ *Cod y Fangre (os yw'n gymwys):*

4. The waste producer was (if different from above) (name, address, postcode, telephone, e-mail, facsimile)/ *Cynhyrchydd y gwastraff oedd (os yw'n wahanol i'r uchod) (enw, cyfeiriad, cod post, ffôn, e-bost, ffacs):*

II. Description of the waste/ *Disgrifiad o'r gwastraff*

1. The process giving rise to the waste(s) was/ *Y broses a roes fod i'r gwastraff(oedd) oedd:*

2. SIC for the process giving rise to the waste/ *SIC am y broses a roes fod i'r gwastraff:*

3. WASTE DETAILS/ *MANYLION AM Y GWASTRAFF*

where more than one waste type is collected all of the information given below must be completed for each EWC identified/ *os cesglir mwy nag un math o wastraff rhaid cwblhau'r holl wybodaeth a roddir isod ar gyfer pob EWC a ddynodwyd.*

The waste(s) is/are:

Dyma'r gwastraff(oedd):

| List of Wastes (EWC) Code (6 digits) <i>Cod Rhestr y Gwastraffoedd (EWC) (6 digid)</i> | Quantity (kg) <i>Cyfaint (kg)</i> | The chemical/biological components of the waste and their concentrations are <i>Dyma gyfansoddion cemegol/biolegol y gwastraff a'u crynodiadau</i> | | Physical Form (gas, liquid, solid, powder, sludge, or mixed) <i>Ffurf Ffisegol (nwy, hylif, solid, powdwr, llaca, neu gymysgfa)</i> | Hazard code(s) <i>Cod(au) perygl</i> | Container type, no & size <i>Math rhif a maint y cynhwysydd</i> |
|---|--------------------------------------|---|--|--|---|--|
| | | Component <i>Cyfansoddyn</i> | Concentration (% or mg/kg) <i>Crynodiad (% neu mg/kg)</i> | | | |
| | | | | | | |
| | | | | | | |
| | | | | | | |

Extra rows should be added for more EWC codes collected/ *Dylid ychwanegu rhesi ar gyfer mwy o godau EWC a gasglwyd.*

Additional carriage information (the information given below must be completed for each EWC identified)/ *Gwybodaeth ychwanegol am y cludo (rhaid cwblhau'r holl wybodaeth a roddir isod ar gyfer pob EWC a ddynodwyd).*

4. **Packing Group(s)/ Grwp neu grwpiau pecynnu**
5. **UN identification number(s)/ Rhif neu rifau adnabod UN**
6. **Proper Shipping Name(s)/ Enw(au) priodol y llwyth**
7. **UN class(es)/ Dosbarth(au) UN**
8. **Special handling requirements/ Gofynion trafod arbennig**

CONSIGNOR'S DECLARATION:

I certify that the information provided for my consignment is correct, that the carrier is registered or exempt and was advised of the appropriate precautionary measures. All of the waste is packaged and labelled correctly and the carrier has been informed of any specific handling requirements.

DATGANIAD Y TRADDODWR:

Yr wyf ardystio bod yr wybodaeth a roddwyd ar gyfer fy llwyth yn gywir, bod y cludwr wedi'i gofrestru neu'n esempt a'i fod wedi cael ei hysbysu o'r mesurau rhagofalu priodol. Cafodd yr holl wastraff ei becynnu a'i labelu yn gywir a chafodd y cludwr ei hysbysu o unrhyw ofynion trafod arbennig.

Name (Consignor)/Enw (Traddodwr):

Signature/ Llofnod:

Date/Dyddiad:

at/am

hrs/o'r gloch.

CARRIER'S DECLARATION:

I certify that today I collected the quantity of waste given on this part of the form from the address given on this part of the form and will take it to the address given in Part A.

DATGANIAD Y CLUDWR :

Yr wyf yn ardystio fy mod heddiw wedi casglu'r maint o wastraff a roddir ar y rhan hon o'r ffurflen o'r cyfeiriad a roddir ar y rhan hon o'r ffurflen ac y byddaf yn ei gludo i'r cyfeiriad a roddir yn Rhan A.

Name (Carrier)/Enw (Cludwr):

Signature/Llofnod:

Date/Dyddiad:

at/am

hrs/o'r gloch.

SYMUD TRAWSFFINIOL YN Y DU O WASTRAFF PERYGLUS

UK CROSS-BORDER MOVEMENT OF HAZARDOUS WASTE

Adnabod nodiadau traddodi trawsffiniol y DU

1. Yn ddarostyngedig i baragraff 4 a pharagraff 7, os yw gwastraff peryglus yn cael ei symud o fangre yn Lloegr, yr Alban, Gogledd Iwerddon neu Gibraltar a'i gludo i Gymru ("nodyn traddodi trawsffiniol i Gymru"), ni fydd unrhyw ofyniad i nodyn traddodi fynd gyda'r gwastraff o dan Ran 6 yn gymwys-

- (a) os bydd nodyn traddodi sydd wedi'i gwblhau yn Lloegr, yr Alban, Gogledd Iwerddon neu Gibraltar yn mynd gyda'r gwastraff; a
- (b) os yw'r nodyn yn cynnwys yr wybodaeth sy'n ofynnol gan y nodyn traddodi safonol a welir yn yr Atodiad i Benderfyniad y Comisiwn 94/774 dyddiedig 24 Tachwedd 1994(1) ("nodyn traddodi trawsffiniol").

2. Caiff unrhyw ofyniad yn Rhan 6 i gwblhau nodyn traddodi ar gyfer llwyth trawsffiniol ei fodloni drwy gynnwys yr wybodaeth -

- (a) ar y nodyn traddodi trawsffiniol; neu
- (b) lle nad yw hynny'n bosibl, ar ffurflen ar wahân a baratowyd at y diben hwnnw.

3. Caiff unrhyw ofyniad i gadw copi o nodyn traddodi ar gyfer llwyth trawsffiniol neu i roi copi o'r nodyn i berson arall ei fodloni drwy gadw copi o'r nodyn traddodi trawsffiniol neu roi copi o'r nodyn i'r person arall hwnnw.

Llwythi trawsffiniol y DU i mewn i Gymru

4.-(1) Os yw llwyth trawsffiniol i mewn i Gymru yn cael ei wrthod yn gyfan gwbl neu'n rhannol, rhaid i'r traddodai-

- (a) dangos ar y nodyn traddodi trawsffiniol (os yw wedi cael un) neu darparu mewn modd arall gofnod ysgrifenedig o'r ffaith ei fod wedi gwrthod y llwyth (neu ran ohono) a'r rhesymau dros ei wrthod;
- (b) cadw copi o'r nodyn neu'r cofnod;
- (c) rhoi copi i'r cludwr; ac
- (ch) cyn gynted ag y bo'n rhesymol ymarferol, anfon copi at y traddodwr, ac (os yw'n wahanol i'r traddodwr) y cynhyrchydd neu'r deiliad sydd wedi'i nodi ar y nodyn traddodi trawsffiniol.

Recognition of cross border UK consignment notes

1. Subject to paragraph 4 and paragraph 7, where hazardous waste is removed from premises situated in England, Scotland, Northern Ireland or Gibraltar and is transported into Wales ("a cross-border consignment note into Wales"), no requirement for a consignment note to accompany the waste under Part 6 applies if-

- (a) a consignment note which is completed in England, Scotland, Northern Ireland or Gibraltar accompanies the waste; and
- (b) the note contains the information required by the standard consignment note set out in the Annex to Commission Decision 94/774 of 24 November 1994(1) ("a cross-border consignment note").

2. Any requirement in Part 6 to complete a consignment note for a cross-border consignment may be satisfied by including the information-

- (a) on the cross-border consignment note; or
- (b) where that is not possible, on a separate form prepared for that purpose.

3. Any requirement to keep a copy of a consignment note for a cross-border consignment or to give a copy of the note to another person may be satisfied by keeping a copy of the cross-border consignment note or giving a copy of the note to that person.

UK cross-border Consignments into Wales

4.-(1) If a cross-border consignment into Wales is rejected wholly or in part, the consignee must-

- (a) indicate on the cross-border consignment note (if he or she has received one) or otherwise provide a written record of his or her rejection of the consignment (or part of it) and the reasons for such rejection;
- (b) retain a copy of the note or record;
- (c) give a copy to the carrier; and
- (d) as soon as reasonably practicable, send a copy to the consignor, and (if different from the consignor) the producer or holder indicated on the cross-border consignment note.

(1) OJ Rhif L310, 03.12.1994, t.70.

(1) OJ No. L310, 03.12.1994 p.70.

(2) Wrth gael ei hysbysu nad yw'r traddodai yn derbyn traddodi'r llwyth trawsffiniol i mewn i Gymru neu ran o'r llwyth, rhaid i'r cludwr-

- (a) hysbysu'r Asiantaeth; a
- (b) gofyn am gyfarwyddiadau gan gynhyrchydd neu ddeiliad y gwastraff peryglus y mae ei enw wedi'i nodi ar y nodyn traddodi trawsffiniol a chymryd pob cam rhesymol i sicrhau y cânt eu bodloni.

(3) Cyn bod llwyth trawsffiniol i mewn i Gymru sydd wedi'i wrthod yn cael ei symud o'r gyrchfan draddodi wreiddiol, rhaid i'r cludwr sicrhau-

- (a) bod nodyn traddodi yn cael ei gwblhau'n unol â rheoliad 43 neu 44; a
- (b) bod copi o'r nodyn traddodi yn cael ei anfon at SEPA (os cludir y gwastraff o'r Alban) neu at Adran yr Amgylchedd yng Ngogledd Iwerddon (os traddodir y gwastraff o Ogledd Iwerddon).

(4) Os derbynnir llwyth trawsffiniol i mewn i Gymru o'r Alban neu Ogledd Iwerddon, rhaid i'r traddodwr anfon copi o'r nodyn traddodi trawsffiniol at SEPA (os traddodir y gwastraff o'r Alban) neu at Adran yr Amgylchedd yng Ngogledd Iwerddon (os traddodir y gwastraff o Ogledd Iwerddon).

Llwythi trawsffiniol y DU allan o Gymru

5.-(1) Pan fo llwyth trawsffiniol allan o Gymru yn cael ei draddodi i fangre yn yr Alban neu Ogledd Iwerddon, mae'r gofynion canlynol yn gymwys yn ychwanegol at y rhai yn Rhan 6.

(2) Cyn i'r gwastraff peryglus gael ei symud-

- (a) rhaid i gynhyrchydd neu ddeiliad y gwastraff peryglus, yn ôl fel y digwydd, neu (yn achos amlgasgliad o wastraff peryglus) y cludwr, sicrhau-
 - (i) bod copi o'r nodyn traddodi perthnasol wedi'i baratoi ar gyfer SEPA (pan fo'r gwastraff i'w draddodi i draddodai yn yr Alban), neu ar gyfer Adran yr Amgylchedd yng Ngogledd Iwerddon (pan fo'r gwastraff i'w draddodi i draddodai yng Ngogledd Iwerddon); a
 - (ii) bod copi ychwanegol yn cael ei ddarparu ar gyfer y traddodai.
- (b) rhaid i'r copiâu o'r nodyn traddodi perthnasol a baratowyd yn unol â pharagraff (a) gael eu cwblhau yn unol â Rhan 6; ac
- (c) rhaid i'r traddodwr (neu'r cynhyrchydd neu'r deiliad, yn ôl fel y digwydd), neu yn achos amlgasgliad o wastraff peryglus, y cludwr, anfon y copi o'r nodyn a baratowyd yn unol â pharagraff (a)(i) at yr awdurdod perthnasol o leiaf 72 awr cyn symud y llwyth neu, os nad

(2) On being informed that the consignee will not accept delivery of a cross-border consignment into Wales or part, the carrier must-

- (a) inform the Agency; and
- (b) seek instructions from the hazardous waste producer or holder indicated on the cross-border consignment note and take all reasonable steps to ensure they are fulfilled.

(3) Before a rejected cross-border consignment into Wales is moved from the original delivery destination, the carrier must ensure that-

- (a) a consignment note is completed in accordance with regulation 43 or 44; and
- (b) a copy of the note is sent to SEPA (where the waste is transported from Scotland) or the Northern Ireland Department of the Environment (where the waste is transported from Northern Ireland).

(4) Where a cross-border consignment into Wales from Scotland or Northern Ireland is accepted, the consignee must send a copy of the cross-border consignment note to SEPA (where the waste is transported from Scotland) or the Northern Ireland Department of the Environment (where the waste is transported from Northern Ireland).

UK cross-border Consignments out of Wales

5.-(1) Where a cross-border consignment out of Wales is consigned to premises in Scotland or Northern Ireland, the following requirements apply in addition to those in Part 6.

(2) Before the hazardous waste is removed-

- (a) the hazardous waste producer, or holder, as the case may be, or (in the case of a multiple collection of hazardous waste) the carrier, must ensure that-
 - (i) a copy of the relevant consignment note is prepared for SEPA (where the waste is to be consigned to a consignee in Scotland), or for the Northern Ireland Department of the Environment (where the waste is to be consigned to a consignee in Northern Ireland); and
 - (ii) an additional copy is provided for the consignee.
- (b) the copies of the relevant consignment note prepared pursuant to paragraph (a) must be completed in accordance with Part 6; and
- (c) the consignor (or the producer or holder, as the case may be) or, in the case of a multiple collection of hazardous waste, the carrier, must send the copy of the note prepared pursuant to paragraph (a)(i) to the relevant authority at least 72 hours before removal of the

yw hynny'n bosibl, cyn gynted ag y bo'n rhesymol ymarferol ar ôl hynny.

(3) Rhaid i'r cludwr sicrhau bod y copi ychwanegol o'r nodyn a baratowyd ar gyfer traddodai yn teithio gyda'r llwyth ac yn cael ei roi i'r traddodai wrth draddodi'r llwyth.

Amlgasgliadau yng Nghymru a Lloegr

6.-(1) Mae'r paragraff hwn yn gymwys i daith a wneir gan gludwr a honno'n daith sy'n bodloni'r amodau a nodir yn rheoliad 38(1) ac eithrio bod o leiaf un casgliad yn cael ei wneud yn Lloegr.

(2) Mae taith y mae'r paragraff hwn yn gymwys iddo i'w thrin fel amlgasgliad at ddibenion y Rheoliadau hyn ond o ran unrhyw gasgliadau a wneir yn Lloegr, rhaid i'r cludwr sicrhau bod y nodyn traddodi amlgasgliad yn cael ei gwblhau cyn bod y gwastraff yn cael ei draddodi i'r traddodai.

(3) Pan fo'r traddodai ar gyfer taith y mae'r paragraff hwn yn gymwys iddo wedi'i leoli yn Lloegr, mae rheoliad 38 yn gymwys i gasglu unrhyw lwythi a gesglir yng Nghymru.

consignment or if that is not possible, as soon as reasonably practicable thereafter.

(3) The carrier must ensure the additional copy of the note prepared for consignee travels with the consignment and is given to the consignee on delivery of the consignment.

Multiple Collections in Wales and England

6.-(1) This paragraph applies to a journey made by a carrier which meets the conditions set out in regulation 38(1) except that at least one collection is made in England.

(2) A journey to which this paragraph applies is to be treated as a multiple collection for the purposes of these Regulations but in relation to any collections made in England, the carrier must ensure that the multiple collection consignment note is completed before the waste is delivered to the consignee.

(3) Where the consignee for a journey to which this paragraph applies is located in England, regulation 38 applies to the collection of any consignments collected in Wales.

SCHEDULE 8/ATODLEN 8

Regulation/Rheoliad 54

FORM OF CONSIGNEE'S RETURN TO PRODUCER OR HOLDER/ FFURF AR ATEB Y TRADDODAI I'R CYNHYRCHYDD NEU'R DEILIAD

Hazardous waste producer returns form
Ffurflen atebion cynhyrchydd gwastraff peryglus

1. Consignee details/ *Manylion y traddodai*

| Name of Consignee/ <i>Enw'r traddodai</i> | Postcode/ <i>Cod Post</i> | Consignee hazardous waste ID code <i>Cod adnabod gwastraff peryglus y traddodai</i> | Date/ <i>Dyddiad (1)</i> |
|--|---------------------------|--|--------------------------|
| | | | |

2. Waste return/ *Atebion ynglyn â gwastraff*

| Consignment Note number <i>Rhif nodyn traddodi</i> | Date Received <i>Dyddiad dod i law</i> | Mode of Transport <i>Cyfrwng cludo</i> | Frequency of collection <i>Amledd casglu (2)</i> | EWC code(s) <i>Cod(au) EWC (3)</i> | Hazards <i>Peryglon (4)</i> | Physical form <i>Ffurf ffisegol (5)</i> | Quantity (kg) <i>Maint (kg)</i> | Mode of disposal /recovery <i>Dull gwaredu /adfer (6)</i> |
|---|---|---|---|---------------------------------------|--------------------------------|--|------------------------------------|--|
| | | | | | | | | |
| | | | | | | | | |

(1) Date of submission of the return by the consignee/ *Dyddiad cyflwyno'r ateb gan y traddodai*

(2) Where relevant/ *Pan fo'n briodol*

(3) There may be more than one waste stream for each consignment note. All relevant EWC Codes must be recorded./ *Gall fod mwy nag un ffrwd wastraff ar gyfer pob nodyn traddodi. Rhaid cofnodi pob cod EWC sy'n berthnasol.*

(4) **Hazard:** each individual EWC code may have more than one hazard. Each appropriate hazard for a particular EWC code must be entered. Choose all of the appropriate hazards for the particular waste:

Perygl: gall pob cod EWC unigol gwmpasu mwy nag un perygl. Rhaid cofnodi pob perygl priodol ar gyfer cod EWC penodol. Dewiser pob un o'r peryglon priodol ar gyfer y gwastraff penodol:

- H1 Explosive/ *Ffrwydrol*
- H2 Oxidising/ *Ocsideiddiol*
- H3A Highly flammable/ *Tra fflamadwy*
- H3B Flammable/ *Fflamadwy*
- H4 Irritant/ *Llidiol*
- H5 Harmful/ *Niweidiol*
- H6 Toxic/ *Gwenwynig*
- H7 Carcinogenic/ *Carsinogenig*
- H8 Corrosive/ *Cyrydol*
- H9 Infectious/ *Heintus*
- H10 Toxic for Reproduction/Teratogenic
Gwenwynig ar gyfer Atgenhedliad/Teratogenig
- H11 Mutagenic/ *Mwtagenig*
- H12 Substances and preparations which release toxic or very toxic gases in contact with water, air or an acid
Sylweddau a chymysgeddau sy'n gollwng nwyon gwenwynig neu wenwynig iawn wrth gyffwrdd â dŵr, aer neu asid
- H13 Substances and preparations capable by any means, after disposal, of yielding another substance, e.g. a leachate, which possesses any characteristics listed above
Sylweddau a chymysgeddau sy'n gallu drwy unrhyw fodd, ar ôl eu gwaredu, cynhyrchu sylwedd arall, e.e. trwytholch, sy'n meddu ar unrhyw un o'r nodweddion a restrir uchod
- H14 Ecotoxic/ *Ecowenwynig*

(5) **Physical form:** Choose one option from the list as appropriate.

Furf ffisegol: Dewiswch un opsiwn o'r rhestr fel y bo'n briodol.

Gas/ *Nwy*

Liquid/ *Hylif*

Mixed/ *Cymysgedd*

Powder/ *Powdwr*

Sludge/ *Llaca*

Solid/ *Solid*

⁽⁶⁾ **Mode of disposal/recovery or rejected** : use the appropriate Rxx/Dxx code for the operation performed on the waste or insert REJ if the waste has been rejected

Dull gwaredu/adfer neu wedi'i wrthod : defnyddier y cod Rxx/Dxx priodol ar gyfer y gweithrediad y parwyd i'r gwastraff fynd drwyddo neu mewnosoder REJ os yw'r gwastraff wedi'i wrthod

Code/Cod Disposal operation/ Gweithrediad gwaredu

- D01 Deposit into or onto land/ *Dyddodi i mewn neu ar dir*
D02 Land Treatment/ *Trin tir*
D03 Deep injection/ *Chwistrellu'n ddwfn*
D04 Surface impoundment/ *Cronni ar y wyneb*
D05 Specially engineered landfill/ *Tirlenwi wedi'i beiriannu'n unswydd*
D06 Release into a water body except seas/oceans/ *Rhyddhau i gorff dŵr ac eithrio moroedd/cefnforoedd*
D07 Release into seas/oceans including seabed insertion/ *Rhyddhau i foroedd/cefnforoedd gan gynnwys doddi yng ngwely'r môr*
D08 Biological treatment not specified elsewhere which results in final compounds or mixtures which are disposed of by any of the operations numbered D01 to D12
Triniaeth fiolegol nad yw wedi'i phennu yn unman arall ac sy'n arwain at gyfansoddion neu gymysgeddau terfynol y ceir gwared arnynt drwy unrhyw un o'r gweithrediadau sydd a rifwyd D01 i D12
D09 Physic-chemical treatment not specified elsewhere which results in final compounds or mixtures which are disposed of by any of the operations numbered D01 to D12
Triniaeth ffisegol-gemegol nad yw wedi'i phennu yn unman arall ac ac sy'n arwain at gyfansoddion neu gymysgeddau terfynol y ceir gwared arnynt drwy unrhyw un o'r gweithrediadau a rifwyd D01 i D12
D10 Incineration on land/ *Hylosgi ar dir*
D11 Incineration at sea/ *Hylosgi ar y môr*
D12 Permanent storage/ *Storio'n barhaol*
D13 Blending or mixing prior to submission to any of the operations numbered D01 to D12
Blendio neu gymysgu cyn peri i'r gwastraff fynd drwy unrhyw un o'r gweithrediadau a rifwyd D01 i D12
D14 Repackaging prior to submission to any of the operations numbered D01 to D12/ *Ailbecynnu cyn peri i'r gwastraff fynd drwy unrhyw un o'r gweithrediadau a rifwyd D01 i D12*
D15 Storage pending any of the operations numbered D01 to D14 (excluding temporary storage, pending collection, on the site where it is produced).
Storio tra'n aros am unrhyw un o'r gweithrediadau a rifwyd D01 i D14 (heb gynnwys ei storio dros dro, tra'n aros iddo gael ei gasglu, ar y safle lle mae'n cael ei gynhyrchu).

Recovery operation/ Gweithrediad adfer

- R01 Use principally as a fuel or other means to generate energy/
Defnyddio'r gwastraff yn bennaf fel tanwydd neu fel dull arall o gynhyrchu ynni
R02 Solvent reclamation/regeneration
Adennill/Atgynhyrchu toddyddion
R03 Recycling/reclamation of organic substances which are not used as solvents (including composting and other biological transformation processes)
Ailgylchu/adennill sylweddau organig nad ydynt yn cael eu defnyddio fel toddyddion (gan gynnwys compostio a phrosesau trawsnewid biolegol eraill)
R04 Recycling/reclamation of metals and metal compounds/
Ailgylchu/adennill metelau a chyfansoddion metel
R05 Recycling/reclamation of other inorganic materials/ailgylchu/adennill deunyddiau anorganig eraill
R06 Regeneration of acids or bases/atgynhyrchu asidau neu fasau
R07 Recovery of components used for pollution abatement/Adfer cyfansoddion a ddefnyddir ar gyfer atal llygredd
R08 Recovery of components from catalysts/Adfer cyfansoddion o gatalyddion
R09 Oil refining or other re-uses of oil/ *Puro olew neu ddulliau eraill o aildefnyddio olew*
R10 Land treatment resulting in benefit to agriculture or ecological improvement
Trin tir sy'n arwain at les i amaethyddiaeth neu at welliant ecolegol
R11 Use of wastes obtained from any of the operations numbered R01 to R11
Defnyddio gwastraffoedd a geir drwy unrhyw un o'r gweithrediadau a rifwyd R01 i R11
R12 Exchange of wastes for submission to any of the operations numbered R01 to R11
Cyfnewid gwastraffoedd er mwyn iddynt fynd drwy unrhyw un o'r gweithrediadau a rifwyd R01 i R11
R13 Storage of wastes pending any of the operations numbered R01 to R12 (excluding temporary storage, pending collection, on the site where it is produced)
Storio gwastraffoedd tra'n aros am unrhyw un o'r gweithrediadau a rifwyd R01 i R12 (heb gynnwys eu storio dros dro, tra'n aros iddynt gael eu casglu, ar y safle lle mae'n cael ei gynhyrchu)

Y FFIOEDD TROSIANNOL A GODIR GAN
YR ASIANTAETH

Rheoliad 59

1. Mae'r paragraffau canlynol yn effeithiol mewn perthynas â'r ffioedd sy'n daladwy i'r Asiantaeth o dan y Rheoliadau hyn.

2. Y ffi sydd i'w thalu wrth roi hysbysiad am fangre yn unol â rheoliad 26 yw-

- (a) £28 am bob set o fangreoedd a hysbysir yn ysgrifenedig;
- (b) £23 am bob set o fangreoedd a hysbysir dros y ffôn; ac
- (c) £18 am bob set o fangreoedd a hysbysir ar ffurf electronig.

3. Mae'r ffi sydd i'w thalu gan draddodai mewn perthynas ag unrhyw atebion chwarterol traddodai a roddir yn unol â rheoliad 53 fel a ganlyn-

- (a) am unrhyw ateb a roddir yn ysgrifenedig, swm y meintiau canlynol ar gyfer pob llwyth a dderbyniwyd gan y traddodai yn ystod y chwarter-
 - (i) £10 am bob llwyth sy'n ffurfio rhan o amlgasgliad; a
 - (ii) £19 am unrhyw lwyth arall; a
- (b) am unrhyw ateb a roddir ar ffurf electronig, swm y meintiau canlynol ar gyfer pob llwyth a dderbyniwyd gan y traddodai yn ystod y chwarter-
 - (i) £5 am bob llwyth sy'n ffurfio rhan o amlgasgliad; a
 - (ii) £10 am unrhyw lwyth arall.

4. Y ffi sydd i'w thalu gan gynhyrchydd mewn perthynas ag unrhyw ateb hunanwaredu a wneir yn unol â rheoliad 53 yw-

- (a) am unrhyw ateb a roddir yn ysgrifenedig, £19; a
- (b) am unrhyw ateb a roddir ar ffurf electronig, £10.

5. Yr amser i dalu'r ffi sy'n ofynnol o dan baragraff 3 a 4 yw'r dyddiad diweddaraf o'r 30 niwrnod sy'n dilyn -

- (a) diwrnod olaf y chwarter y mae'r ateb i'w gwmpasu os na chyflwynir ateb yn unol â rheoliad 53; neu
- (b) y dyddiad y cyflwynwyd yr ateb yn unol â rheoliad 53.

6. Caiff traddodai adennill o draddodwr unrhyw ffioedd a dalwyd o dan baragraff 3 o ran llwythi a anfonwyd gan y traddodwr hwnnw.

TRANSITIONAL CHARGES BY THE
AGENCY

Regulation 59

1. The following paragraphs have effect in relation to the charges payable to the Agency under these Regulations.

2. The charge to be paid on the notification of premises pursuant to regulation 26 is-

- (a) £28 for each set of premises notified in writing;
- (b) £23 for each set of premises notified by telephone; and
- (c) £18 for each set of premises notified in electronic form.

3. The charge to be paid by a consignee in respect of any consignee quarterly returns made pursuant to regulation 53 is-

- (a) for any return made in writing, the sum of the following amounts for each consignment accepted by the consignee during the quarter-
 - (i) £10 for each consignment forming part of a multiple collection; and
 - (ii) £19 for any other consignment; and
- (b) for any return made in electronic form, the sum of the following amounts for each consignment accepted by the consignee during the quarter-
 - (i) £5 for each consignment forming part of a multiple collection; and
 - (ii) £10 for any other consignment.

4. The charge to be paid by a producer in respect of any self disposal return made pursuant to regulation 53 is-

- (a) for any return made in writing, £19; and
- (b) for any return made in electronic form, £10.

5. The time for payment of the fee required under paragraph 3 and 4 is the later of 30 days following-

- (a) the last day of the quarter to be covered by the return if a return is not submitted in accordance with regulation 53; or
- (b) submission of the return in accordance with regulation 53.

6. A consignee may recover from a consignor any fees paid under paragraph 3 in relation to consignments sent by that consignor.

SCHEDULE 10/ATODLEN 10

Regulation/Rheoliad 70(7)

FORM OF FIXED PENALTY NOTICES/

FFURF HYSBYSIADAU COSBAU PENODEDIG

HAZARDOUS WASTE (WALES) REGULATIONS 2005, SCHEDULE 10
RHEOLIADAU GWASTRAFF PERYGLUS (CYMRU) 2005, ATODLEN 10

Notice Number/ Rhif Hysbysiad:

Name of alleged offender/ Enw'r tramgwyddwr honedig:

Address/ Cyfeiriad:

I, /Mae gennyf fi _____ (1)

an authorised person acting on behalf of the Environment Agency, / sy'n berson awdurdodedig sy'n gweithredu ar ran
Asiantaeth yr Amgylchedd,

have reason to believe that on or between/ le i gredu eich bod ar neu rhwng _____ (2),

you committed the offence of/ wedi cyflawni tramgwydd, sef _____ (3).

This notice offers you the opportunity of discharging any liability to conviction for that offence by payment of a fixed penalty.

Mae'r hysbysiad hwn yn rhoi cyfle i chi fodloni unrhyw atebolrwydd i gollfarn am y tramgwydd hwnnw drwy dalu cosb benodedig.

The circumstances alleged to constitute the offence are as follows/ Mae'r amgylchiadau yr honnir eu bod yn creu'r tramgwydd
fel a ganlyn:

No proceedings will be taken for this offence before the expiration of 28 days from the date of this notice. You will not be liable
to conviction for the offence if you pay the fixed penalty during that period of 28 days.

Ni ddygir achos am y tramgwydd hwnnw cyn pen 28 niwrnod ar ôl dyddiad yr hysbysiad hwn. Ni fyddwch yn agored i gollfarn am
y tramgwydd os byddwch yn talu'r gosb benodedig yn ystod y cyfnod hwnnw o 28 niwrnod.

The amount of the fixed penalty is £300. /£300 yw swm y gosb benodedig.

It may be paid to/ Gellir ei dalu i _____ (4)

at the following address/ yn y cyfeiriad canlynol:

_____ (5).

Payment may be made by pre-paying and posting to/ Gellir gwneud y taliad drwy ragdalw ac anfon

at: _____ (4)

at the address shown above a letter containing the amount of the penalty/ yn y cyfeiriad a welir uchod lythyr yn cynnwys swm
y gosb.

Payment may also be made by cash, or by cheque, postal order or money order made payable to/ Gellir talu hefyd ag arian
parod, neu â siec, archeb bost neu archeb arian yn daladwy i: _____ (4).

If you are sending cash, you are advised to send it by registered post. Payment made in this way will be regarded as having
been made at the time at which the letter would be delivered in the ordinary course of post. Alternatively, payment may be
made in person or by any other method.

Os byddwch yn anfon arian parod, fe'ch cynghorir i'w anfon drwy'r post cofrestredig. Bernir bod taliad a wnaed fel hyn wedi'i
wneud ar yr amser y byddid yn traddodi'r llythyr hwnnw yn nhrefn arferol y post. Fel arall, gellir talu'n bersonol neu drwy unrhyw
ddull arall.

Signature of authorised person/ Llofnod y person awdurdodedig: _____

Date of notice/ Dyddiad yr hysbysiad: _____

Notes/ Nodiadau:

(1) Insert name of authorised person/ Mewnosoder enw'r person awdurdodedig.

(2) Insert date on or dates between which offence is alleged to have taken place. ~

Mewnosoder y dyddiad yr honnir bod y tramgwydd wedi digwydd neu'r dyddiadau yr honnir ei fod wedi digwydd rhyngddynt.

- (3) Insert regulation of the Hazardous Waste (Wales) Regulations 2005 which is alleged to have been contravened
Mewnosoder y rheoliad yn Rheoliadau Gwastraff Peryglus (Cymru) 2005 yr honnir ei fod wedi'i dorri.
- (4) Insert title or name of the person to whom the fixed penalty is to be paid.
Mewnosoder teitl neu enw'r person y mae'r gosb benodedig i'w thalu iddo.
- 5) Insert address at which payment is to be made.
Mewnosoder y cyfeiriad lle mae'r taliad i'w wneud.

Letter which may be used for payment by post

Llythyr y gellir ei ddefnyddio i dalu drwy'r post

I enclose with this letter the amount of £300 being the fixed penalty for the offence described in Fixed Penalty Notice number/
Yr wyf yn amgáu gyda'r llythyr hwn y swm o £300 sef y gosb benodedig am y tramgwydd a ddisgrifir yn Hysbysiad Cosb
Benodedig rhif: _____ (1)
under Schedule 10 of the Hazardous Waste (Wales) Regulations 2005/ o dan Atodlen 10 i Reoliadau Gwastraff Peryglus
(Cymru) 2005.

Signature/*Llofnod:* _____

Name in capitals/*Enw mewn priflythrennau:* _____

Address/

Cyfeiriad: _____

Notes/*Nodiadau:*

(1) Insert Notice number that appears in the fixed penalty notice above/*Mewnosoder rhif yr Hysbysiad sy'n ymddangos yn yr hysbysiad cosb benodedig uchod.*

DIWYGIADAU CANLYNIADOL

CONSEQUENTIAL AMENDMENTS

Rheoliad 73

Regulation 73

RHAN 1

DIWYGIADAU I DDEDDFWRIAETH
SYLFAENOL*Deddf Diogelu'r Amgylchedd 1990*

1. Mae Deddf Diogelu'r Amgylchedd 1990 yn cael ei diwygio fel a ganlyn.
2. Yn adran 75 (fel y'i diwygiwyd gan Reoliadau Gwastraff Peryglus (Cymru a Lloegr) 2005(1)-
 - (a) yn is-adran (8A) yn lle paragraff (b) rhodder-
"(b) in the application of this Part to Wales, means any waste which is a hazardous waste for the purposes of the Hazardous Waste (Wales) Regulations 2005.";
 - (b) mae is-adran (8B) yn cael ei hepgor.

Deddf Gwastraff a Masnachu Allyriadau 2003

3. Mae Deddf Gwastraff a Masnachu Allyriadau 2003(2) yn cael ei diwygio fel a ganlyn.
4. Yn adran 25(2), yn lle "for the purpose of Council Directive 91/689/EEC" rhodder "within the meaning of regulation 6 of the Hazardous Waste (Wales) Regulations 2005".

RHAN 2

DIWYGIADAU I IS-DDEDDFWRIAETH

Rheoliadau Gwastraff a Reolir (Cofrestru Cludwyr ac Atafaelu Cerbydau) 1991

5. Mae Rheoliadau Gwastraff a Reolir (Cofrestru Cludwyr ac Atafaelu Cerbydau) 1991(3) yn cael eu diwygio fel a ganlyn.
6. Ar ddiwedd Atodlen 1 mewnosoder "The Hazardous Waste (Wales) Regulations 2005".

PART 1

AMENDMENTS TO PRIMARY
LEGISLATION*The Environmental Protection Act 1990*

1. The Environmental Protection Act 1990 is amended as follows.
2. In section 75 (as amended by the Hazardous Waste (England and Wales) Regulations 2005(1)-
 - (a) in subsection (8A) for paragraph (b) substitute-
"(b) in the application of this Part to Wales, means any waste which is a hazardous waste for the purposes of the Hazardous Waste (Wales) Regulations 2005.";
 - (b) subsection (8B) is omitted.

The Waste and Emissions Trading Act 2003

3. The Waste and Emissions Trading Act 2003(2) is amended as follows.
4. In section 25(2), for "for the purpose of Council Directive 91/689/EEC" substitute "within the meaning of regulation 6 of the Hazardous Waste (Wales) Regulations 2005".

PART 2

AMENDMENTS TO SECONDARY
LEGISLATION*The Controlled Waste (Registration of Carriers and Seizure of Vehicles) Regulations 1991*

5. The Controlled Waste (Registration of Carriers and Seizure of Vehicles) Regulations 1991(3) are amended as follows.
6. At the end of Schedule 1 insert "The Hazardous Waste (Wales) Regulations 2005".

(1) O.S. 2005/894.

(2) 2003 p.33.

(3) O.S. 1991/1624; diwygiwyd Atodlen gan O.S. 1994/1137, 1996/972, 2000/1973.

(1) S.I. 2005/894

(2) 2003 c.33.

(3) S.I. 1991/1624; Schedule 1 was amended by S.I. 1994/1137, 1996/972, 2000/1973.

Rheoliadau Diogelu'r Amgylchedd (Dyletswydd Gofal) 1991

7. Mae Rheoliadau Diogelu'r Amgylchedd (Dyletswydd Gofal) 1991(1) yn cael eu diwygio fel a ganlyn.

8. Yn rheoliad 2(3), yn lle "special waste" rhodder "hazardous waste", ac yn lle "Special Waste Regulations 1996" rhodder "Hazardous Waste (Wales) Regulations 2005".

Rheoliadau Diogelu'r Amgylchedd (Prosesau a Sylweddau Rhagnodedig) 1991

9. Mae Rheoliadau Diogelu'r Amgylchedd (Prosesau a Sylweddau Rhagnodedig) 1991(2) yn cael eu diwygio fel a ganlyn.

10. Yn Adran 5.1 o Bennod 5 o Atodlen 1-

- (a) yn y diffiniad o "exempt hazardous waste incineration plant"-
 - (i) ym mharagraff (ii) yn lle "Annex II to Directive 91/689/EEC on hazardous waste" rhodder "Schedule 2 of the Hazardous Waste (Wales) Regulations 2005";
 - (ii) ym mharagraff (iii) yn lle "Annex III to Directive 91/689/EEC on hazardous waste" rhodder "Schedule 3 of the Hazardous Waste (Wales) Regulations 2005";
- (b) yn y diffiniad o "hazardous waste"-
 - (i) yn y geiriau agoriadol, yn lle "Article 1(4) of Directive 91/689/EEC" rhodder "regulation 6 of the Hazardous Waste (Wales) Regulations 2005"; a
 - (ii) yn is-baragraff (i)(b) a pharagraff (v), yn lle "in Annex II to Directive 91/689/EEC" rhodder "in Schedule 2 to the Hazardous Waste (Wales) Regulations 2005".

Rheoliadau Trwyddedu Rheoli Gwastraff 1994

11. Mae Rheoliadau 1994 yn cael eu diwygio fel a ganlyn.

12. Yn rheoliad 1(3), yn lle'r diffiniad o "special waste", rhodder ""hazardous waste" has the meaning given by regulation 6 of the Hazardous Waste (Wales) Regulations 2005".

13. Yn rheoliad 3, ar y diwedd ychwaneger "(q) the Hazardous Waste (Wales) Regulations 2005".

14. Yn rheoliad 10(1)(j) yn lle "special waste" rhodder "hazardous waste".

The Environmental Protection (Duty of Care) Regulations 1991

7. The Environmental Protection (Duty of Care) Regulations 1991(1) are amended as follows.

8. In regulation 2(3), for "special waste" substitute "hazardous waste", and for "Special Waste Regulations 1996" substitute "Hazardous Waste (Wales) Regulations 2005".

The Environmental Protection (Prescribed Processes and Substances) Regulations 1991

9. The Environmental Protection (Prescribed Processes and Substances) Regulations 1991(2) are amended as follows.

10. In Section 5.1 of Chapter 5 of Schedule 1-

- (a) in the definition of "exempt hazardous waste incineration plant"-
 - (i) in paragraph (ii) for "Annex II to Directive 91/689/EEC on hazardous waste" substitute "Schedule 2 of the Hazardous Waste (Wales) Regulations 2005";
 - (ii) in paragraph (iii) for "Annex III to Directive 91/689/EEC on hazardous waste" substitute "Schedule 3 of the Hazardous Waste (Wales) Regulations 2005";
- (b) in the definition of "hazardous waste"-
 - (i) in the opening words, for "Article 1(4) of Directive 91/689/EEC" substitute "regulation 6 of the Hazardous Waste (Wales) Regulations 2005"; and
 - (ii) in sub-paragraph (i)(b) and paragraph (v), for "in Annex II to Directive 91/689/EEC" substitute "in Schedule 2 to the Hazardous Waste (Wales) Regulations 2005".

Waste Management Licensing Regulations 1994

11. The 1994 Regulations are amended as follows.

12. In regulation 1(3), for the definition of "special waste", substitute ""hazardous waste" has the meaning given by regulation 6 of the Hazardous Waste (Wales) Regulations 2005".

13. In regulation 3, at the end add "(q) the Hazardous Waste (Wales) Regulations 2005".

14. In regulation 10(1)(j) for "special waste" substitute "hazardous waste".

(1) O.S. 1991/2839; fel y'i diwygiwyd gan O.S. 2002/1559, 2003/63.

(2) O.S. 1991/472; mae diwygiadau perthnasol wedi'u cynnwys yn O.S. 1998/767.

(1) S.I. 1991/2839; as amended by S.I.2002/1559, 2003/63.

(2) S.I. 1991/472; relevant amendments are contained in S.I.1998/767.

15. Yn rheoliad 10(1)(k) ar y diwedd mewnosoder "or regulation 47(5) or 48(6) of the Hazardous Waste (Wales) Regulations 2005".

16. Yn rheoliad 14(1) a 14(2), yn lle "toxic and dangerous waste" rhodder "hazardous waste", ac yn rheoliad 14(3) yn lle'r diffiniad o "toxic and dangerous waste" rhodder ""hazardous waste" has the meaning given by regulation 6 of the Hazardous Waste (Wales) Regulations 2005."

17. Yn rheoliad 17(3) a 17(3A) yn lle "special waste" rhodder "hazardous waste".

18. Ym mharagraff 5 o Atodlen 1, yn lle is-baragraff (d) hyd at ddiwedd paragraff 5, rhodder-

"(d)every record made relating to the site pursuant to regulation 14 of the Control of Pollution (Special Waste) Regulations 1980, regulation 16 of the 1996 Regulations, or regulation 47 of the Hazardous Waste (Wales) Regulations 2005;

and any estimate under paragraph 4 of the total quantities of the different types of waste dealt with at the site shall, in particular, differentiate between biodegradable waste, non-biodegradable waste and hazardous waste."

19. Ym mharagraff 2(1) o Atodlen 1A, yn lle'r diffiniad o wastraff peryglus rhodder ""hazardous waste" means such waste as defined in Regulation 6 of the Hazardous Waste (Wales) Regulations 2005."

20. Yn atodlen 3, ym mharagraffau 3(a)(ii), 3(c), 18(2)(b), 28, 36(1), 36(2), 38, 39(1), 39(2), 41(2), ac yn nhablau 4, 4A a 4B, bob tro y mae'n ymddangos, yn lle "special waste" rhodder "hazardous waste".

21. Ym mharagraff 9 o Atodlen 4, hepgorer is-baragraffau (9) a (10).

22. Ym mharagraff 13(1) o Atodlen 4 dileer ", and producers of special waste,".

23. Ym mharagraffau 14(1)(b) a 14(1A) o Atodlen 4 yn lle "special waste" rhodder "hazardous waste".

24. Yn lle paragraff 14(5) o Atodlen 4, rhodder-

"(2) Paragraph (a) of regulation 66 of the Hazardous Waste (Wales) Regulations 2005 (defence in case of emergency) shall apply to a person charged with an offence under paragraph (4) above as it applies to a person charged with an offence under regulation 65 of those Regulations."

25. Yn lle paragraff 14(8) o Atodlen 4, rhodder-

"(8) Regulations 67 and 69(2) of the Hazardous Waste (Wales) Regulations 2005 shall apply to an offence under this paragraph as they apply to an offence under regulation 65 of those Regulations."

15. In regulation 10(1)(k) at the end insert "or regulation 47(5) or 48(6) of the Hazardous Waste (Wales) Regulations 2005".

16. In regulation 14(1) and 14(2), for "toxic and dangerous waste" substitute "hazardous waste", and in regulation 14(3) for the definition of "toxic and dangerous waste" substitute ""hazardous waste" has the meaning given by regulation 6 of the Hazardous Waste (Wales) Regulations 2005."

17. In regulation 17(3) and 17(3A) for "special waste" substitute "hazardous waste".

18. In paragraph 5 of Schedule 1, for subparagraph (d) to the end of paragraph 5, substitute-

"(d)every record made relating to the site pursuant to regulation 14 of the Control of Pollution (Special Waste) Regulations 1980, regulation 16 of the 1996 Regulations, or regulation 47 of the Hazardous Waste (Wales) Regulations 2005;

and any estimate under paragraph 4 of the total quantities of the different types of waste dealt with at the site shall, in particular, differentiate between biodegradable waste, non-biodegradable waste and hazardous waste."

19. In paragraph 2(1) of Schedule 1A, for the definition of hazardous waste substitute ""hazardous waste" means such waste as defined in Regulation 6 of the Hazardous Waste (Wales) Regulations 2005."

20. In schedule 3, in paragraphs 3(a)(ii), 3(c), 18(2)(b), 28, 36(1), 36(2), 38, 39(1), 39(2), 41(2), and in tables 4, 4A and 4B, on each occasion that it appears, for "special waste" substitute "hazardous waste".

21. In paragraph 9 of Schedule 4, omit subparagraphs (9) and (10).

22. In paragraph 13(1) of Schedule 4 delete ", and producers of special waste,".

23. In paragraphs 14(1)(b) and 14(1A) of Schedule 4 for "special waste" substitute "hazardous waste".

24. For paragraph 14(5) of Schedule 4, substitute-

"(2) Paragraph (a) of regulation 66 of the Hazardous Waste (Wales) Regulations 2005 (defence in case of emergency) shall apply to a person charged with an offence under paragraph (4) above as it applies to a person charged with an offence under regulation 65 of those Regulations."

25. For paragraph 14(8) of Schedule 4, substitute-

"(8) Regulations 67 and 69(2) of the Hazardous Waste (Wales) Regulations 2005 shall apply to an offence under this paragraph as they apply to an offence under regulation 65 of those Regulations."

Rheoliadau Cynllunio Gwlad a Thref (Asesu Effaith Amgylcheddol) (Cymru a Lloegr) 1999

26. Mae Rheoliadau Cynllunio Gwlad a Thref (Asesu Effaith Amgylcheddol) (Cymru a Lloegr) 1999(1) yn cael eu diwygio fel a ganlyn.

27. Ym mharagraff 9 o Atodlen 1, yn lle "hazardous waste (that is to say, waste to which Council Directive 91/689/EEC applies)." rhodder "hazardous waste as defined in regulation 6 of the Hazardous Waste (Wales) Regulations 2005."

Rheoliadau Diogelu'r Amgylchedd (Gwaredu Deuffenylau Polychlorineiddiedig a Sylweddau Peryglus) (Cymru a Lloegr) 2000

28. Mae Rheoliadau Diogelu'r Amgylchedd (Gwaredu Deuffenylau Polychlorineiddiedig a Sylweddau Peryglus) (Cymru a Lloegr) 2000(2) yn cael eu diwygio fel a ganlyn.

29. Yn lle rheoliad 11(3), rhodder y canlynol-

"(3) Subject to paragraphs (5) and (7), the Agency shall keep a register specifying the quantity, origin, nature and PCB content of used PCBs in respect of which-

- (a) copies of consignment notes specifying that information are furnished to it under regulations 5(4), 8(7) or 9(3) of the Special Waste Regulations 1996; or
- (b) quarterly returns specifying that information are furnished to it under regulation 53 of the Hazardous Waste (Wales) Regulations 2005,

and which in either case have been furnished by a person in the course of a business concerned with the disposal of PCBs."

Rheoliadau Atal a Rheoli Llygredd (Cymru a Lloegr) 2000

30. Mae Rheoliadau Atal a Rheoli Llygredd (Cymru a Lloegr) 2000(3) (sy'n rhychwantu Cymru a Lloegr) yn cael eu diwygio fel a ganlyn.

31. Ym mhennod 5 o Atodlen 1-

- (a) yn y diffiniad o "hazardous waste" yn y paragraff yn Adran 5.1 sy'n dwyn y pennawd "Interpretation of Section 5.1" -
- (i) yn y geiriau agoriadol yn lle "Article 1(4) of Directive 91/689/EEC on hazardous waste" rhodder "regulation 6 of the

-
- (1) O.S. 1999/293, y mae diwygiadau iddo nad ydynt yn berthnasol i'r Rheoliadau hyn.
 - (2) O.S. 2000/1043, y mae diwygiadau iddo nad ydynt yn berthnasol i'r Rheoliadau hyn.
 - (3) O.S. 2000/1973; mae diwygiadau perthnasol wedi'u gwneud gan O.S. 2002/2980.

Town and Country Planning (Environmental Impact Assessment)(England and Wales) Regulations 1999

26. The Town and Country Planning (Environmental Impact Assessment) (England and Wales) Regulations 1999(1) are amended as follows.

27. In paragraph 9 of Schedule 1, for "hazardous waste (that is to say, waste to which Council Directive 91/689/EEC applies)." substitute "hazardous waste as defined in regulation 6 of the Hazardous Waste (Wales) Regulations 2005."

Environmental Protection (Disposal of Polychlorinated Biphenyls and Dangerous Substances)(England and Wales) Regulations 2000

28. The Environmental Protection (Disposal of Polychlorinated Biphenyls and Dangerous Substances) (England and Wales) Regulations 2000(2) are amended as follows.

29. For regulation 11(3), substitute the following-

"(3) Subject to paragraphs (5) and (7), the Agency shall keep a register specifying the quantity, origin, nature and PCB content of used PCBs in respect of which-

- (a) copies of consignment notes specifying that information are furnished to it under regulations 5(4), 8(7) or 9(3) of the Special Waste Regulations 1996; or
- (b) quarterly returns specifying that information are furnished to it under regulation 53 of the Hazardous Waste (Wales) Regulations 2005,

and which in either case have been furnished by a person in the course of a business concerned with the disposal of PCBs."

Pollution Prevention and Control (England and Wales) Regulations 2000

30. The Pollution Prevention and Control (England and Wales) Regulations 2000(3) (which extend to England and Wales) are amended as follows.

31. In Chapter 5 of Schedule 1-

- (a) in the definition of "hazardous waste" in the paragraph headed "Interpretation of Section 5.1" of Section 5.1-
- (i) in the opening words for "Article 1(4) of Directive 91/689/EEC on hazardous waste" substitute "regulation 6 of the

-
- (1) S.I. 1999/293, to which there are amendments not relevant to these Regulations.
 - (2) S.I. 2000/1043, to which there are amendments not relevant to these Regulations.
 - (3) S.I. 2000/1973; relevant amendments have been made by S.I.2002/2980.

Hazardous Waste (Wales) Regulations 2005"; a

(ii) ym mharagraff (a)(ii) yn lle "Annex II to Directive 91/689/EEC on hazardous waste" rhodder "Schedule 2 of the Hazardous Waste (Wales) Regulations 2005";

(b) ym mharagraff 1 o'r paragraff yn Adran 5.3 sy'n dwyn y pennawd "Interpretation of Part A(1)" yn lle'r diffiniad o "hazardous waste", rhodder "'hazardous waste' means any waste as defined for the time being in regulation 6 of the Hazardous Waste (Wales) Regulations 2005."; ac

(c) yn y paragraff yn Adran 5.4 sy'n dwyn y pennawd "Interpretation of Part A(1)" mewnosoder y canlynol ar ôl paragraff 3-

"4. In this Part, hazardous waste means any waste as defined in regulation 6 of the Hazardous Waste (Wales) Regulations 2005."

Rheoliadau Cemegion (Gwybodaeth am Beryglon a Phecynnu ar gyfer Cyflenwi) 2002

32. Mae Rheoliadau Cemegion (Gwybodaeth am Beryglon a Phecynnu ar gyfer Cyflenwi) 2002(1) yn cael eu diwygio fel a ganlyn.

33. Yn rheoliad 3(3)(e), yn lle "Special Waste Regulations 1996" rhodder "Hazardous Waste (Wales) Regulations 2005".

Rheoliadau Tirlenwi (Cymru a Lloegr) 2002

34. Mae Rheoliadau Tirlenwi (Cymru a Lloegr) 2002(2) yn cael eu diwygio fel a ganlyn.

35. Yn Rheoliad 7(2) yn lle "Hazardous waste means any waste as defined in Article 1(4) of Directive 91/689/EEC (hazardous waste)." rhodder "Hazardous waste means any waste as defined in regulation 6 of the Hazardous Waste (Wales) Regulations 2005."

36. Yn lle paragraff 2(a) o Atodlen 1, rhodder "(a) it is a hazardous waste as defined in the Hazardous Waste (Wales) Regulations 2005; and".

37. Yn lle paragraff 3(1)(a) o Atodlen 1, rhodder "(a) it is a hazardous waste as defined in the Hazardous Waste (Wales) Regulations 2005; and".

38. Yn lle paragraff 3(1)(b) o Atodlen 1, rhodder "(b) it is a non-hazardous waste as defined in the Hazardous Waste (Wales) Regulations 2005."

Hazardous Waste (Wales) Regulations 2005"; and

(ii) in paragraph (a)(ii) for "Annex II to Directive 91/689/EEC on hazardous waste" substitute "Schedule 2 of the Hazardous Waste (Wales) Regulations 2005";

(b) in paragraph 1 of the paragraph headed "Interpretation of Part A(1)" of Section 5.3 for the definition of "hazardous waste", substitute "'hazardous waste' means any waste as defined for the time being in regulation 6 of the Hazardous Waste (Wales) Regulations 2005."; and

(c) in the paragraph headed "Interpretation of Part A(1)" of Section 5.4 insert the following after paragraph 3-

"4. In this Part, hazardous waste means any waste as defined in regulation 6 of the Hazardous Waste (Wales) Regulations 2005."

Chemicals (Hazard Information and Packaging for Supply) Regulations 2002

32. The Chemicals (Hazard Information and Packaging for Supply) Regulations 2002(1) are amended as follows.

33. In regulation 3(3)(e), for "Special Waste Regulations 1996" substitute "Hazardous Waste (Wales) Regulations 2005".

Landfill (England and Wales) Regulations 2002

34. The Landfill (England and Wales) Regulations 2002(2) are amended as follows.

35. In Regulation 7(2) for "Hazardous waste means any waste as defined in Article 1(4) of Directive 91/689/EEC (hazardous waste)." substitute "Hazardous waste means any waste as defined in regulation 6 of the Hazardous Waste (Wales) Regulations 2005."

36. For paragraph 2(a) of Schedule 1, substitute "(a) it is a hazardous waste as defined in the Hazardous Waste (Wales) Regulations 2005; and".

37. For paragraph 3(1)(a) of Schedule 1, substitute "(a) it is a hazardous waste as defined in the Hazardous Waste (Wales) Regulations 2005; and".

38. For paragraph 3(1)(b) of Schedule 1, substitute "(b) it is a non-hazardous waste as defined in the Hazardous Waste (Wales) Regulations 2005."

(1) O.S. 2002/1689, y mae diwygiadau iddo nad ydynt yn berthnasol i'r Rheoliadau hyn.

(2) O.S. 2002/1959; fel y'i diwygiwyd gan O.S. 2004/1375.

(1) S.I. 2002/1689, to which there are amendments not relevant to these Regulations.

(2) S.I. 2002/1959; as amended by S.I. 2004/1375.

39. Yn lle paragraff 5(1)(g) o Atodlen 1, rhodder-
"(g) in the case of hazardous waste, the relevant properties which render it hazardous as listed in Schedule 3 of the Hazardous Waste (Wales) Regulations 2005;".

Rheoliadau Pecynnu (Gofynion Hanfodol) 2003

40. Mae Rheoliadau Pecynnu (Gofynion Hanfodol) 2003(1) yn cael eu diwygio fel a ganlyn.

41. Yn rheoliad 3(2), yn lle'r geiriau "or the provisions of Council Directive 91/689/EEC on hazardous waste." rhodder "or the provisions of the Hazardous Waste (Wales) Regulations 2005."

39. For paragraph 5(1)(g) of Schedule 1, substitute-
"(g) in the case of hazardous waste, the relevant properties which render it hazardous as listed in Schedule 3 of the Hazardous Waste (Wales) Regulations 2005;".

Packaging (Essential Requirements) Regulations 2003

40. The Packaging (Essential Requirements) Regulations 2003(1) are amended as follows.

41. In regulation 3(2), for the words "or the provisions of Council Directive 91/689/EEC on hazardous waste." substitute "or the provisions of the Hazardous Waste (Wales) Regulations 2005."

DARPARIAETHAU'R RHEOLIADAU HYN

1.-(1) Mae'r paragraff hwn yn gymwys i unrhyw hysbysiad o fangre a roddir at ddibenion y Rheoliadau hyn o'r diwrnod ar ôl diwrnod gwneud y Rheoliadau hyn a chyn 16 Gorffennaf 2005.

(2) Pan fwriedir symud gwastraff o unrhyw fangre ar ôl 16 Gorffennaf 2005, caiff cynhyrchydd, ac, o dan yr amgylchiadau y darperir ar eu cyfer yn rheoliad 25, traddodwr, hysbysu mangre i'r Asiantaeth ymlaen llaw yn unol â rheoliad 26.

(3) Ni chaiff yr amser effeithiol fod ar ddyddiad sy'n gynharach nag 16 Gorffennaf 2005 nac ar ddyddiad sy'n hwyrach nag 16 Medi 2005.

(4) Rhaid i'r Asiantaeth, pan fydd hysbysiad wedi'i roi'n briodol yn unol â'r paragraff hwn, ddyroddi cod mangre yn unol â rheoliad 27.

(5) Mae i ymadroddion a ddefnyddir yn y paragraff hwn yr un ystyron ag yn Rhan 5.

2.-(1) Mae'r paragraff hwn yn gymwys i unrhyw gamau a gymerwyd gan gynhyrchydd neu draddodwr cyn i'r paragraff hwn ddod i rym ond a fyddai, pe baent wedi'u cymryd ar ôl iddo ddod i rym, wedi bod yn hysbysiad a oedd yn cydymffurfio â rheoliad 26 ("rhaghysbysiad").

(2) Mae rhaghysbysiad i'w ystyried yn hysbysiad a roddir pan fydd y paragraff hwn wedi dod i rym.

(3) Nid yw rheoliad 28(1) yn gymwys i hysbysiad sy'n codi o raghysbysiad a daw'r hysbysiad hwnnw'n effeithiol, yn lle hynny:

- (a) os gofynnodd y person a roes y rhaghysbysiad am ddyddiad ar gyfer cychwyn, ar ddechrau'r dyddiad y gofynnwyd amdano felly;
- (b) os na chafodd unrhyw gais o'r fath ei wneud, ar ddechrau'r pedwerydd diwrnod ar ôl y diwrnod y digwyddodd y rhaghysbysu;
- (c) pan fydd y taliad o'r ffi berthnasol wedi'i dderbyn gan yr Asiantaeth;
- (ch) pan fydd y paragraff hwn wedi dod i rym;

p'un bynnag yw'r diweddaraf.

(4) Pan fo'r Asiantaeth yn dyroddi cod mangre ar gyfer mangre sy'n destun rhaghysbysiad a roddwyd yn unol â'r paragraff hwn, mae'r cod hwnnw i'w ystyried

PROVISIONS OF THESE REGULATIONS

1.-(1) This paragraph applies to any notification of premises made for the purposes of these Regulations from the day after the day on which they are made and before 16 July 2005.

(2) Where it is proposed to remove waste from any premises after 16 July 2005, a producer, and, in the circumstances provided for in regulation 25, a consignor, may notify premises to the Agency in advance in accordance with regulation 26.

(3) The effective time may not be on a date earlier than 16 July 2005 or on a date later than 16 September 2005.

(4) The Agency must, where notification is duly given pursuant to this paragraph, issue a premises code in accordance with regulation 27.

(5) Expressions used in this paragraph have the same meanings as in Part 5.

2.-(1) This paragraph applies to any action taken by a producer or consignor before this paragraph comes into force but which would, if taken after it comes into force, have been a notification which complied with regulation 26, ("a pre-notification").

(2) A pre-notification is to be regarded as notification given upon the coming into force of this paragraph.

(3) Regulation 28(1) does not apply to a notification arising out of a pre-notification and that notification takes effect, instead:

- (a) where the person who gave the pre-notification requested a date for commencement, at the beginning of the date so requested;
- (b) where no such request was made, at the beginning of the fourth day following the day on which the pre-notification took place;
- (c) when payment of the relevant fee is received by the Agency;
- (d) upon the coming into force of this paragraph;

whichever is the later.

(4) Where the Agency issues a premises code in respect of premises which are the subject of a pre-notification given pursuant to this paragraph, that code

yn god a ddyroddwyd ar y dyddiad y daeth y paragraff hwn i rym.

(5) Pan fo'r ffi berthnasol wedi'i thalu i'r Asiantaeth ar gyfer rhaghysbysiad, mae'r ffi honno i'w hystyried yn ffi sydd wedi'i thalu at ddibenion rheoliad 26(7) pan fydd y paragraff hwn wedi dod i rym.

3. Pan fo gwaith symud gwastraff drwy biblinell o unrhyw fangre wedi'i ddechrau cyn 16 Gorffennaf 2005 ond yn parhau ar ôl hynny, mae rheoliad 41 yn effeithiol fel petai 16 Gorffennaf 2005 oedd y diwrnod cyntaf y cafodd y gwastraff ei symud drwy biblinell.

RHAN 2

CYFUNDREFNAU CANIATÁU

4.-(1) Yn ddarostyngedig i ddarpariaethau canlynol yr Atodlen hon, mae cyfeiriad mewn trwydded gwastraff at wastraff arbennig, neu at wastraff arbennig o unrhyw ddisgrifiad (sut bynnag y mae wedi'i lunio), yn gyfeiriad at wastraff peryglus, neu wastraff peryglus o'r disgrifiad hwnnw, yn ôl y digwydd.

5.-(1) Mae'r paragraff hwn yn gymwys mewn perthynas â gwastraff nad oedd yn wastraff arbennig yn union cyn i'r Rheoliadau hyn ddod i rym os bydd y gwastraff hwnnw yn dod yn wastraff peryglus o ganlyniad i'r Rheoliadau hyn ("gwastraff y mae ei statws wedi'i newid").

(2) Nid yw unrhyw waharddiad cyffredinol neu gyfyngiad cyffredinol sydd wedi'i gynnwys mewn trwydded gwastraff sy'n ymwneud â gwaredu neu adfer wastraff arbennig o dan y drwydded honno yn union cyn i'r Rheoliadau hynny ddod i rym yn gymwys i waredu neu adfer gwastraff y mae ei statws wedi'i newid i'r graddau y mae'r drwydded yn benodol yn awdurdodi gwaredu neu adfer y math hwnnw o wastraff.

(3) Caiff deiliad trwydded gwastraff na fyddai wedi'i awdurdodi mwyach i barhau i waredu neu adfer y gwastraff hwnnw o dan ei drwydded oherwydd y newid yn statws y gwastraff hwnnw, barhau i waredu neu adfer y gwastraff hwnnw yn unol â'r drwydded er gwaethaf y newid mewn statws tan y dyddiad rhagnodedig.

(4) Nid yw rheoliad 17(3) o Reoliadau 1994 yn gymwys i gynnal gweithgaredd esempt sy'n ymwneud â gwastraff y mae ei statws wedi'i newid yn unrhyw le gan berson a oedd yn cynnal y gweithgaredd hwnnw yn y lle hwnnw cyn i'r Rheoliadau hyn ddod i rym ("person esempt o ran gwastraff y mae ei statws wedi'i newid").

is to be regarded as having been issued on the coming into force of this paragraph.

(5) Where the relevant fee is paid to the Agency in respect of a pre-notification, that fee is to be regarded as having been paid for the purposes of regulation 26(7) on the coming into force of this paragraph.

3. Where the removal of waste by pipeline from any premises commenced before 16 July 2005 but continues thereafter, regulation 41 has effect as if the first day on which the waste was piped was 16 July 2005.

PART 2

PERMITTING REGIMES

4.-(1) Subject to the following provisions of this Schedule, a reference in a waste permit to special waste, or to special waste of any description (howsoever framed), is a reference to hazardous waste, or hazardous waste of that description, as the case may be.

5.-(1) This paragraph applies in relation to waste which was not special waste immediately before these Regulations come into force if that waste becomes hazardous waste as a result of these Regulations ("changed status waste").

(2) Any general prohibition or restriction contained in a waste permit relating to the disposal or recovery of special waste under that permit immediately before these Regulations came into force does not apply to the disposal or recovery of changed status waste insofar as the permit specifically authorises the disposal or recovery of that type of waste.

(3) A waste permit holder who would no longer be authorised to continue to dispose or recover that waste under his or her permit by reason of the change in its status, may continue to dispose or recover that waste in accordance with the permit despite the change in status until the prescribed date.

(4) Regulation 17(3) of the 1994 Regulations does not apply to the carrying on of an exempt activity involving changed status waste at any place by a person who was carrying on that activity at that place immediately before these Regulations come into force ("a changed status waste exempt person").

(5) Caiff person esempt o ran gwastraff y mae ei statws wedi'i newid, a hwnnw'n berson na fyddai wedi'i awdurdodi mwyach i gynnal gweithgaredd esempt sy'n cynnwys gwastraff o'r fath oherwydd y newid yn ei statws, barhau i gynnal y gweithgaredd hwnnw yn y lle hwnnw yn unol â Rheoliadau 1994 er gwaethaf y newid mewn statws tan y dyddiad rhagnodedig.

(6) Y dyddiad rhagnodedig-

- (a) os bydd cais am drwydded gwastraff neu amrywiad i drwydded wedi'i wneud yn briodol mewn perthynas â'r gweithgaredd cyn 16 Gorffennaf 2006, yw'r dyddiad y cytunir ar y cais neu os gwrthodir y cais (neu os bernir bod y cais wedi'i wrthod), y dyddiad daw'r cyfnod ar gyfer apelio i ben heb fod apêl wedi'i gwneud neu'r dyddiad y tynnir unrhyw apêl yn ôl neu y penderfynir yn derfynol arni; neu
- (b) mewn unrhyw achos arall, yw 16 Gorffennaf 2006.

(5) A changed status waste exempt person who would no longer be authorised to carry on an exempt activity involving such waste by reason of the change in its status, may continue to carry on that activity at that place in accordance with the 1994 Regulations despite the change in status until the prescribed date.

(6) The prescribed date is-

- (a) where an application for a waste permit or a variation to a permit is duly made in relation to the activity before 16 July 2006, the date on which the application is granted or if the application is (or is deemed to be) rejected, the date on which the period for appealing expires without an appeal being made or any appeal is withdrawn or finally determined; or
- (b) in any other case, 16 July 2006.