



CYNULLIAD CENEDLAETHOL CYMRU

NATIONAL ASSEMBLY FOR WALES

OFFERYNNAU STATUDOL

STATUTORY INSTRUMENTS

2006 Rhif 123 (Cy.16)

2006 No. 123 (W.16)

**DIOGELU'R AMGYLCHEDD,
CYMRU**

**ENVIRONMENTAL
PROTECTION, WALES**

Rheoliadau Gwastraff (Dyletswydd
Gofal o ran Gwastraff Cartref)
(Cymru) 2006

The Waste (Household Waste Duty
of Care) (Wales) Regulations
2006

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 cael eu gwneud o dan adran 2(2) o Ddeddf y Cymunedau Ewropeaidd 1972. Eu prif nod yw gweithredu, o ran Cymru, Erthygl 8 o Gyfarwyddeb y Cyngor 75/442/EEC ar wastraff⁽¹⁾ (y "Cyfarwyddeb Fframwaith Gwastraff") o ran meddiannydd eiddo domestig mewn perthynas â'r gwastraff cartref a gynhyrchir ar yr eiddo.

These Regulations are made under section 2(2) of the European Communities Act 1972. Their main aim is to implement, in relation to Wales, Article 8 of Council Directive 75/442/EEC on waste⁽¹⁾ (the "Waste Framework Directive") as respects an occupier of domestic property in relation to the household waste produced on the property.

Mae rheoliad 1 (enwi a chychwyn) yn darparu y daw'r Rheoliadau hyn i rym ar 26 Ionawr 2006 a'u bod yn gymwys o ran Cymru.

Regulation 1 (title and commencement) provides that these Regulations come into force on 26 January 2006 and apply in relation to Wales.

Mae rheoliad 2 yn diwygio adran 34 o Ddeddf Diogelu'r Amgylchedd 1990 ("Deddf 1990"). Mae adran 34(2A) o Ddeddf 1990 (fel y'i mewnosodir gan Reoliadau Gwastraff (Dyletswydd Gofal o ran Gwastraff Cartref) (Cymru a Lloegr) 2005⁽²⁾) yn gosod dyletswydd ar feddiannydd eiddo domestig yn Lloegr o ran y gwastraff cartref a gynhyrchir ar yr eiddo. Y ddyletswydd a osodir yw bod y meddiannydd yn cymryd yr holl fesurau sydd ar gael iddo ac sy'n rhesymol o dan yr amgylchiadau er mwyn sicrhau bod unrhyw drosglwyddiad ganddo o wastraff cartref a gynhyrchir ar yr eiddo ddim ond yn drosglwyddiad i berson awdurdodedig neu i berson at ddibenion cludo

Regulation 2 amends section 34 of the Environmental Protection Act 1990 ("the 1990 Act"). Section 34(2A) of the 1990 Act (as inserted by the Waste (Household Waste Duty of Care) (England and Wales) Regulations 2005⁽²⁾) imposes a duty on an occupier of domestic property in England as respects the household waste produced on the property. The duty imposed is to take all such measures available to him or her as are reasonable in the circumstances to secure that any transfer by him or her of household waste produced on the property is only to an authorised person or to a person for authorised transport purposes. Regulation 2(2) extends that duty to any occupier of

(1) O.J. Rhif L194, 25.7.1975, t.39 (fel y'i diwygiwyd gan Gyfarwyddebau'r Cyngor 91/156/EEC (O.J. Rhif L78, 26.3.1991, t. 32), 91/692/EEC (O.J. Rhif L377, 31.12.1991, t.48 (fel y'i cywirwyd drwy Gorigendwm, O.J. Rhif L146, 13.6.2003, t.52)), Penderfyniad y Comisiwn 96/350/EEC (O.J. Rhif L135, 6.6.1996, t.32) a Rheoliad (EC) Rhif 1882/2003 (O.J. Rhif L284, 31.10.2003 t.1)).

(1) O.J. No. L194, 25.7.1975, p.39 (as amended by Council Directives 91/156/EEC (O.J. No. L78, 26.3.1991, p.32), 91/692/EEC (O.J. No. L377, 31.12.1991, p.48 (as corrected by Corrigendum, O.J. No. L146, 13.6.2003, p.52)), Commission Decision 96/350/EEC (O.J. No. L135, 6.6.1996, p.32) and Regulation (EC) No. 1882/2003 (O.J. No. L284, 31.10.2003 p.1)).

(2) O.S. 2005/2900.

(2) S.I 2005/2900.

a awdurdodwyd. Mae rheoliad 2(2) yn estyn y ddyletswydd honno i unrhyw feddiannydd eiddo domestig yng Nghymru. Bydd unrhyw berson sy'n methu â chydymffurfio â'r ddyletswydd honno yn agored i gosbau, yn ôl adran 34(6) o Ddeddf 1990.

Mae rheoliad 3(1) yn gwneud diwygiadau canlyniadol i reoliad 2(2) o Reoliadau Gwastraff a Reolir 1992(1).

Mae arfarniad rheoliadol o'r effaith y bydd yr offeryn hwn yn ei chael ar gostau busnes wedi'i baratoi ac mae ar gael o Is-adran yr Amgylchedd - Diogelu ac Ansawdd, Cynulliad Cenedlaethol Cymru, Parc Cathays, Caerdydd CF10 3NQ.

domestic property in Wales. Any person who fails to comply with that duty is liable to penalties, according to section 34(6) of the 1990 Act.

Regulation 3(1) makes consequential amendments to regulation 2(2) of the Controlled Waste Regulations 1992(1).

A regulatory appraisal of the effect that this instrument will have on the costs of business has been prepared and is available from the Environment - Protection and Quality Division, National Assembly for Wales, Cathays Park, Cardiff CF10 3NQ.

(1) O.S. 1992/588.

(1) S.I. 1992/588.

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CYMRU****ENVIRONMENTAL
PROTECTION, WALES****Rheoliadau Gwastraff (Dyletswydd
Gofal o ran Gwastraff Cartref
(Cymru) 2006****The Waste (Household Waste Duty
of Care) (Wales) Regulations
2006**

Wedi'u gwneud 24 Ionawr 2006
Yn dod i rym 26 Ionawr 2006

Made 24 January 2006
Coming into force 26 January 2006

Mae Cynulliad Cenedlaethol Cymru, gan ei fod wedi'i ddynodi(1), o ran Cymru, at ddibenion adran 2(2) o Ddeddf y Cymunedau Ewropeaidd 1972(2) o ran mesurau sy'n ymwneud ag atal, lleihau a dileu llygredd a achosir 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), in relation to Wales, 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:

Enwi a chychwyn

1. Enw'r Rheoliadau hyn yw Rheoliadau Gwastraff (Dyletswydd Gofal o ran Gwastraff Cartref) (Cymru) 2006 a deuant i rym ar 26 Ionawr 2006.

Title and commencement

1. The title of these Regulations is the Waste (Household Waste Duty of Care) (Wales) 2006 and they come into force on 26 January 2006.

**Cymhwyso dyletswydd gofal o ran gwastraff
cartref i wastraff o eiddo domestig yng Nghymru**

2.-(1) Yn adran 34(2A) (dyletswydd gofal etc. o ran gwastraff) o Ddeddf Diogelu'r Amgylchedd 1990(3), ar ôl "England" mewnosoder "or Wales".

**Application of household waste duty of care to
waste from domestic properties in Wales**

2.-(1) In section 34(2A) (duty of care etc. as respects waste) of the Environmental Protection Act 1990(3), after "England" insert "or Wales".

(2) Yn adran 2(2) o Reoliadau Gwastraff a Reolir 1992(4), ar ôl "England" mewnosoder "or Wales".

(2) In section 2(2) of the Controlled Waste Regulations 1992(4), after "England" insert "or Wales".

(1) O.S. 2005/850.

(2) 1972 p.68.

(3) 1990 p.43.

(4) O.S. 1992/588, y mae diwygiadau iddo nad ydynt yn berthnasol i'r Rheoliadau hyn.

(1) S.I. 2005/850.

(2) 1972 c.68.

(3) 1990 c.43.

(4) S.I. 1992/588, to which there are amendments not relevant to these Regulations.

Llofnodwyd ar ran Cynulliad Cenedlaethol Cymru o dan adran 66(1) o Ddeddf Llywodraeth Cymru 1998(1)

Signed on behalf of the National Assembly for Wales under section 66(1) of the Government of Wales Act 1998(1)

24 Ionawr 2006

24 January 2006

D. Elis-Thomas

Llywydd y Cynulliad Cenedlaethol

The Presiding Officer of the National Assembly

(1) 1998 p.38.

(1) 1998 c.38.

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