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OFFERYNNAU STATUDOL  
CYMRU

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WELSH  
STATUTORY INSTRUMENTS

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**2008 Rhif 663 (Cy. 71)**

**2008 No. 663 (W. 71)**

**DIOGELU'R AMGYLCHEDD,  
CYMRU**

**ENVIRONMENTAL  
PROTECTION, WALES**

Rheoliadau Tramgwyddau  
Amgylcheddol (Cosbau Penodedig)  
(Darpariaethau Amrywiol) (Cymru)  
2008

The Environmental Offences  
(Fixed Penalties) (Miscellaneous  
Provisions) (Wales) Regulations  
2008

**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 gymwys o ran Cymru.

These Regulations apply in relation to Wales.

Mae'r Rheoliadau hyn yn dirymu ac yn ailwneud rheoliadau 1 i 4 o Reoliadau Tramgwyddau Amgylcheddol (Cosbau Penodedig) (Darpariaethau Amrywiol) (Cymru) 2007 (O.S. 2007/739) (Cy.67). Gwneir hyn oherwydd bod paragraff 15 o Atodlen 4 i Ddeddf Cymdogaethau Glân a'r Amgylchedd 2005 (p.16) wedi'i gychwyn gan Orchymyn Deddf Cymdogaethau Glân a'r Amgylchedd 2005 (Cychwyn Rhif 3) (Cymru) 2007 (O.S. 2007/3371) (C.141) a thrwy rinwedd y rhain Gweinidogion Cymru bellach yw'r person priodol o ran adrannau 43(A)(4) a (5) o Ddeddf Ymddygiad Gwrthgymdeithasol 2003 (p.38).

These Regulations revoke and remake regulations 1 to 4 of the Environmental Offences (Fixed Penalties) (Miscellaneous Provisions) (Wales) Regulations 2007 (S.I. 2007/739) (W.67). This is because paragraph 15 of Schedule 4 to the Clean Neighbourhoods and Environment Act 2005 (c.16) has been commenced by the Clean Neighbourhoods and Environment Act 2005 (Commencement No.3) (Wales) Order 2007 (S.I. 2007/3371) (W.298) (C.141) by virtue of which the Welsh Ministers are now the appropriate person in relation to sections 43(A)(4) and (5) of the Anti-social Behaviour Act 2003 (c.38).

Mae'r Rheoliadau hyn yn rhagnodi'r ystodau y mae'n ofynnol i symiau o gosbau penodedig arbennig y gellir eu pennu (yn lle'r swm a ragnodwyd yn y ddeddfwriaeth berthnasol) gan awdurdod lleol (yn ôl disgrifiadau amrywiol yn y ddeddfwriaeth berthnasol) ddod o fewn eu cwmpan (*rheoliad 2*).

These Regulations prescribe the ranges within which the amounts of certain fixed penalties that are capable of being specified (in place of the amount prescribed in the relevant legislation) by a local authority (as variously described in the relevant legislation) are required to fall (*regulation 2*).

Mae'r Rheoliadau hyn hefyd yn rhagnodi lleiafswm y gosb benodedig y caiff awdurdod lleol (os yw'n dewis gwneud hynny) ei drin fel taliad llawn o gosb benodedig pan fydd swm llai na'r swm llawn a ragnodwyd (p'un a yw hwn yn swm a bennir yn lleol gan yr awdurdod, neu'r swm a ragnodir yn y ddeddfwriaeth berthnasol) yn cael ei dalu o fewn y cyfryw gyfnod (rhaid i'r cyfnod hwnnw fod yn llai nag 14 o ddiwrnodau) y caiff yr awdurdod lleol ei bennu yn yr hysbysiad (*rheoliad 3*).

These Regulations also prescribe the minimum amount of fixed penalty that a local authority may (if it chooses to do so) treat as full payment of the fixed penalty where a lesser amount than the full prescribed amount (whether this is the amount specified by the local authority, or the amount prescribed in the relevant legislation) is paid within such period which must be less than 14 days as may be specified by the local authority in the notice (*regulation 3*).

Yn unol â hynny, o ran hysbysiad o gosb benodedig y gellir ei ddyroddi am dramgwyddau penodol y swm a ragnodir yn y ddeddfwriaeth berthnasol ar eu cyfer yw £75, mae'r Rheoliadau hyn yn rhagnodi y bydd yr ystod y caiff awdurdod lleol ddewis pennu ei swm ei hun y gellir ei gymhwyso'n lleol o fewn ei chwmpas rhwng £75 a £150 (*rheoliad 2(1)*). Os bydd awdurdod lleol yn penderfynu trin swm llai a gaiff ei dalu o fewn cyfnod penodedig fel taliad llawn o'r gosb benodedig, mae'r Rheoliadau hyn yn darparu na fydd y swm llai hwnnw yn llai na £50 (*rheoliad 3(1)*).

O ran tramgwyddau penodol eraill, swm y gosb benodedig a ragnodir yn y ddeddfwriaeth berthnasol ar eu cyfer yw £100, mae'r Rheoliadau hyn yn rhagnodi y bydd yr ystod y caiff awdurdod lleol ddewis pennu ei swm ei hun y gellir ei gymhwyso'n lleol o fewn ei chwmpas rhwng £100 a £150 (*rheoliad 2(2)*). O ran unrhyw o'r tramgwyddau hynny, os bydd awdurdod lleol yn penderfynu trin swm llai a gaiff ei dalu o fewn cyfnod penodedig fel taliad llawn o'r gosb benodedig, mae'r Rheoliadau hyn yn darparu bod yn rhaid i'r swm llai hwnnw beidio â bod yn llai na £60 (*rheoliad 3(2)(a), (b) ac (c)*).

O ran tramgwyddau eraill, symiau y gosb benodedig a ragnodir yn y ddeddfwriaeth berthnasol ar eu cyfer yw £100, £200 a £300 yn eu trefn (ond ym mhob achos heb gyfleusterau i awdurdod bennu swm gwahanol y gellir ei gymhwyso'n lleol), caiff awdurdod barhau i drin swm llai a gaiff ei dalu o fewn cyfnod penodedig fel taliad llawn o'r gosb benodedig. Mae'r Rheoliadau hyn yn darparu na fydd y symiau llai hynny yn llai na £60 (*rheoliad 3(2)(ch)*), £120 (*rheoliad 3(3)*) neu £180 (*rheoliad 3(4)*) yn eu trefn.

Mae'r Rheoliadau hyn hefyd yn rhagnodi'r amod y mae'n rhaid ei fodloni cyn y caiff person ei awdurdodi gan gyngor cymuned at ddibenion rhoi hysbysiad o gosb benodedig o dan naill ai adran 88 o Ddeddf Diogelu'r Amgylchedd 1990 (p.43), adran 43(1) o Ddeddf Ymddygiad Gwrthgymdeithasol 2003, neu adran 59 o Ddeddf Cymdogaethau Glân a'r Amgylchedd 2005. Yr amod yw bod yn rhaid i berson gwblhau cwrs hyfforddi mewn cosbau penodedig (*rheoliad 4*).

Mae'r Rheoliadau hyn hefyd yn diwygio enw Rheoliadau Tramgwyddau Amgylcheddol (Cosbau Penodedig) (Darpariaethau Amrywiol) (Cymru) 2007. Enw diwygiedig y Rheoliadau hynny yw Rheoliadau Tramgwyddau Amgylcheddol (Defnyddio Derbynebau Cosbau Penodedig) (Cymru) 2007 (*rheoliad 6*).

Accordingly, in respect of a notice of a fixed penalty that is capable of being issued for certain offences for which the amount prescribed in the relevant legislation is £75, these Regulations prescribe the range within which a local authority may choose to specify its own locally applicable amount as being between £75 and £150 (*regulation 2(1)*). If a local authority decides to treat a lesser sum paid within a specified period as full payment of the fixed penalty, these Regulations provide that that lesser sum must not be less than £50 (*regulation 3(1)*).

In respect of certain other offences for which the amount of fixed penalty prescribed in the relevant legislation is £100, these Regulations prescribe the range within which a local authority may choose to specify its own locally applicable amount as being between £100 and £150 (*regulation 2(2)*). In respect of any of those offences, if a local authority decides to treat a lesser sum paid within a specified period as full payment of the fixed penalty, these Regulations provide that that lesser sum must not be less than £60 (*regulation 3(2)(a), (b) and (c)*).

In respect of other offences for which the amounts of fixed penalty prescribed in the relevant legislation are, £100, £200 and £300 respectively (but in each case with no facility for an authority to specify a different locally applicable amount), an authority may still decide to treat a lesser sum paid within a specified period as full payment of the fixed penalty. These Regulations provide that those lesser sums must not be less than £60 (*regulation 3(2)(d)*), £120 (*regulation 3(3)*) or £180 (*regulation 3(4)*) respectively.

These Regulations also prescribe the condition that must be satisfied before a person may be authorised by a community council for the purposes of giving a fixed penalty notice under section 88 of the Environmental Protection Act 1990 (c.43), section 43(1) of the Anti-social Behaviour Act 2003 or section 59 of the Clean Neighbourhoods and Environment Act 2005. The condition is that a person must successfully complete a fixed penalty training course (*regulation 4*).

These Regulations also amend the title of the Environmental Offences (Fixed Penalties) (Miscellaneous Provisions) (Wales) Regulations 2007. The revised title of those Regulations is the Environmental Offences (Use of Fixed Penalty Receipts) (Wales) Regulations 2007 (*regulation 6*).

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Amgylcheddol (Cosbau Penodedig)  
(Darpariaethau Amrywiol) (Cymru)  
2008

The Environmental Offences  
(Fixed Penalties) (Miscellaneous  
Provisions) (Wales) Regulations  
2008

*Gwnaed* 9 Mawrth 2008

*Made* 9 March 2008

*Gosodwyd gerbron Cynulliad  
Cenedlaethol Cymru* 10 Mawrth 2008

*Laid before the National  
Assembly for Wales* 10 March 2008

*Yn dod i rym* 7 Ebrill 2008

*Coming into force* 7 April 2008

Gweinidogion Cymru, o ran Cymru, yw'r person priodol fel y'i diffinnir yn(1)—

The Welsh Ministers are, in relation to Wales, the appropriate person as defined in (1)—

- (a) adran 11(1) o Ddeddf Gwaredu Sbwriel (Amwynder) 1978(2), at ddibenion arfer y pwerau a roddir gan adran 2A(11) o'r Ddeddf honno;
- (b) adran 9(1) o Ddeddf Rheoli Llygredd (Diwygio) 1989(3), at ddibenion arfer y pwerau a roddir gan adran 5B(12) o'r Ddeddf honno;

- (a) section 11(1) of the Refuse Disposal (Amenity) Act 1978(2), for the purpose of exercising the powers conferred by section 2A(11) of that Act;
- (b) section 9(1) of the Control of Pollution (Amendment) Act 1989(3), for the purpose of exercising the powers conferred by section 5B(12) of that Act;

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(1) Dylid darllen y cyfeiriadau at y deddfiadau a grybwyllir ym mharagraffau (a) i (ff) a oedd, cyn i ddarpariaethau perthnasol Deddf Llywodraeth Cymru 2006 (p.38) ddod i rym, yn gyfeiriadau at swyddogaethau a oedd yn arferadwy gan Gynulliad Cenedlaethol Cymru o ran Cymru, bellach fel cyfeiriadau at Weinidogion Cymru yn rhinwedd adran 162 o Ddeddf 2006 a pharagraff 30 o Atodlen 11 iddi.

(2) 1978 p.3; mewnosodwyd y diffiniad o "appropriate person" yn adran 11(1) gan adran 14(3) o Ddeddf Cymdogaethau Glân a'r Amgylchedd 2005 (p.16), a mewnosodwyd adran 2A gan adran 10 o Ddeddf 2005.

(3) 1989 p.14; mewnosodwyd y diffiniad o "appropriate person" yn adran 9(1) gan adran 39(2) o Ddeddf Cymdogaethau Glân a'r Amgylchedd 2005, a mewnosodwyd adran 5B gan adran 38 o Ddeddf 2005.

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(1) References to the National Assembly for Wales in the enactments referred to in paragraphs (a) to (i) should be read as references to the Welsh Ministers as section 162 of, and paragraph 30 of Schedule 11 to, the Government of Wales Act 2006 provides that the relevant Assembly functions are transferred to the Welsh Ministers and are now exercisable by them.

(2) 1978 c.3; the definition of the "appropriate person" in section 11(1) was inserted by section 14(3) of the Clean Neighbourhoods and Environment Act 2005 (c.16) and section 2A was inserted by section 10 of the 2005 Act.

(3) 1989 c.14; the definition of the "appropriate person" in section 9(1) was inserted by section 39(2) of the Clean Neighbourhoods and Environment Act 2005 and section 5B was inserted by section 38 of the 2005 Act.

- (c) adran 29(1A)(b) o Ddeddf Diogelu'r Amgylchedd 1990(1), at ddibenion arfer y pwerau a roddir gan adrannau 34A(12) a 47ZB(4) a (5) o'r Ddeddf honno;
- (ch) adran 98(1A)(b) o Ddeddf Diogelu'r Amgylchedd 1990(2), at ddibenion arfer y pwerau a roddir gan adrannau 88(11) a 97A(1), (2) a (4) o'r Ddeddf honno;
- (d) adran 11(2A)(b) o Ddeddf Sŵn 1996(3), at ddibenion arfer y pwerau a roddir gan adran 8A(4) a (5) o'r Ddeddf honno;
- (dd) adran 47(1) o Ddeddf Ymddygiad Gwrthgymdeithasol 2003(4), at ddibenion arfer y pwerau a roddir gan adrannau 43A(4) a (5) a 47(4) o'r Ddeddf honno;
- (e) adran 9(2) o Ddeddf Cymdogaethau Glân a'r Amgylchedd 2005(5), at ddibenion arfer y pwerau a roddir gan adran 6(11) o'r Ddeddf honno;
- (f) adran 66(b) o Ddeddf Cymdogaethau Glân a'r Amgylchedd 2005, at ddibenion arfer y pwerau a roddir gan adrannau 59(12) a 60(4) a (5) o'r Ddeddf honno; ac
- (ff) adran 81(1) o Ddeddf Cymdogaethau Glân a'r Amgylchedd 2005, at ddibenion arfer y pwerau a roddir gan adran 74(4) a (5) o'r Ddeddf honno.

- (c) section 29(1A)(b) of the Environmental Protection Act 1990(1), for the purpose of exercising the powers conferred by sections 34A(12) and 47ZB(4) and (5) of that Act;
- (d) section 98(1A)(b) of the Environmental Protection Act 1990(2), for the purpose of exercising the powers conferred by sections 88(11) and 97A(1), (2) and (4) of that Act;
- (e) section 11(2A)(b) of the Noise Act 1996(3), for the purpose of exercising the powers conferred by section 8A(4) and (5) of that Act;
- (f) section 47(1) of the Anti-social Behaviour Act 2003(4), for the purpose of exercising the powers conferred by sections 43A(4) and (5) and 47(4) of that Act;
- (g) section 9(2) of the Clean Neighbourhoods and Environment Act 2005(5), for the purpose of exercising the powers conferred by section 6(11) of that Act;
- (h) section 66(b) of the Clean Neighbourhoods and Environment Act 2005, for the purpose of exercising the powers conferred by sections 59(12) and 60(4) and (5) of that Act;
- (i) in section 81(1) of the Clean Neighbourhoods and Environment Act 2005, for the purpose of exercising the powers conferred by section 74(4) and (5) of that Act.

Mae Gweinidogion Cymru, drwy arfer y pwerau a roddwyd iddynt gan adran 67(1) o Ddeddf Cymdogaethau Glân a'r Amgylchedd 2005, a'r pwerau a enwir yn is-baragraffau (a) i (ff) uchod yn gwneud y Rheoliadau canlynol:

The Welsh Ministers in exercise of the powers conferred upon them by section 67(1) of the Clean Neighbourhoods and Environment Act 2005 and the powers cited in sub-paragraphs (a) to (i) above, make the following Regulations:

### Enwi, cychwyn a chymhwyso

1.—(1) Enw'r Rheoliadau hyn yw Rheoliadau Tramgwyddau Amgylcheddol (Cosbau Penodedig) (Darpariaethau Amrywiol) (Cymru) 2008.

(2) Mae'r Rheoliadau hyn yn dod i rym ar 7 Ebrill 2008.

### Title commencement and application

1.—(1) The title of these Regulations is the Environmental Offences (Fixed Penalties) (Miscellaneous Provisions) (Wales) Regulations 2008.

(2) These Regulations come into force on 7 April 2008.

(1) 1990 p.43; mewnosodwyd adran 29(1A) gan adran 51 o Ddeddf Cymdogaethau Glân a'r Amgylchedd 2005, mewnosodwyd adran 34A gan adran 45 o Ddeddf 2005 a mewnosodwyd adran 47ZB gan adran 48 o Ddeddf 2005.

(2) 1990 p.43; mewnosodwyd adran 98(1A) gan adran 26 o Ddeddf Cymdogaethau Glân a'r Amgylchedd 2005, mewnosodwyd adran 88(11) gan adran 19(6) o Ddeddf 2005 a mewnosodwyd adran 97A gan adran 24 o Ddeddf 2005.

(3) 1996 p.37; mewnosodwyd adran 11(2A) gan adran 85(2) o Ddeddf Cymdogaethau Glân a'r Amgylchedd 2005 a mewnosodwyd adran 8A gan adran 82(2) o Ddeddf 2005.

(4) 2003 p.38; mewnosodwyd adran 47(4) gan adran 30(2) o Ddeddf Cymdogaethau Glân a'r Amgylchedd 2005 a mewnosodwyd adran 43A gan adran 28 o Ddeddf 2005.

(5) 2005 p.16.

(1) 1990 c.43; section 29(1A) was inserted by section 51 of the Clean Neighbourhoods and Environment Act 2005, section 34A was inserted by section 45 of the 2005 Act and section 47ZB was inserted by section 48 of the 2005 Act.

(2) 1990 c.43; section 98(1A) was inserted by section 26 of the Clean Neighbourhoods and Environment Act 2005, section 88(11) was inserted by section 19(6) of the 2005 Act and section 97A was inserted by section 24 of the 2005 Act.

(3) 1996 c.37; section 11(2A) was inserted by section 85(2) of the Clean Neighbourhoods and Environment Act 2005 and section 8A was inserted by section 82(2) of the 2005 Act.

(4) 2003 c.38; section 47(4) was inserted by section 30(2) of the Clean Neighbourhoods and Environment Act 2005 and section 43A was inserted by section 28 of the 2005 Act.

(5) 2005 c.16.

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

### Ystodau rhagnodedig o gosbau penodedig

2.—(1) Rhaid i swm cosb benodedig y gellir ei bennu gan—

- (a) prif awdurdod sbwriel yng Nghymru o dan adran 88(6A)(a) o Ddeddf Diogelu'r Amgylchedd 1990(1);
- (b) prif awdurdod sbwriel yng Nghymru o dan baragraff 7(4)(a) o Atodlen 3A i Ddeddf Diogelu'r Amgylchedd 1990(2);
- (c) awdurdod lleol perthnasol yng Nghymru o dan adran 43A(1)(a) o Ddeddf Ymddygiad Gwrthgymdeithasol 2003;
- (ch) prif awdurdod neu awdurdod eilaidd yng Nghymru o dan adran 60(1)(a) o Ddeddf Cymdogaethau Glân a'r Amgylchedd 2005 o ran unrhyw orchymyn rheoli cwn a gafodd ei wneud gan yr awdurdod hwnnw;
- (d) awdurdod lleol yng Nghymru o dan adran 74(2)(a) o Ddeddf Cymdogaethau Glân a'r Amgylchedd 2005

beidio â bod yn llai na £75 a dim mwy na £150.

(2) Rhaid i swm cosb benodedig gellir ei bennu gan—

- (a) awdurdod casglu gwastraff yng Nghymru o dan adran 47ZB(2)(a) o Ddeddf Diogelu'r Amgylchedd 1990;
- (b) prif awdurdod sbwriel yng Nghymru o dan adran 94A(4)(a) o Ddeddf Diogelu'r Amgylchedd 1990(3);
- (c) awdurdod lleol yng Nghymru o dan adran 8A(2)(a) o Ddeddf Sŵn 1996

beidio â bod yn llai na £100 a dim mwy na £150.

(3) Caiff awdurdod sy'n gweithredu o dan fwy nag un o'r darpariaethau a enwir ym mharagraff (1) neu (2) bennu swm gwahanol o dan bob un o'r cyfryw ddarpariaethau.

(3) These Regulations apply in relation to Wales.

### Prescribed ranges of fixed penalties

2.—(1) The amount of a fixed penalty capable of being specified by—

- (a) a principal litter authority in Wales under section 88(6A)(a) of the Environmental Protection Act 1990(1);
- (b) a principal litter authority in Wales under paragraph 7(4)(a) of Schedule 3A to the Environmental Protection Act 1990(2);
- (c) a relevant local authority in Wales under section 43(A)(1)(a) of the Anti-social Behaviour Act 2003;
- (d) a primary authority or a secondary authority in Wales under section 60(1)(a) of the Clean Neighbourhoods and Environment Act 2005 in relation to any dog control order made by that authority;
- (e) a local authority in Wales under section 74(2)(a) of the Clean Neighbourhoods and Environment Act 2005,

must not be less than £75 and not more than £150.

(2) The amount of a fixed penalty capable of being specified by—

- (a) a waste collection authority in Wales under section 47ZB(2)(a) of the Environmental Protection Act 1990;
- (b) a principal litter authority in Wales under section 94A(4)(a) of the Environmental Protection Act 1990(3);
- (c) a local authority in Wales under section 8A(2)(a) of the Noise Act 1996

must not be less than £100 and not more than £150.

(3) An authority acting under more than one of the provisions cited in paragraph (1) or (2) may specify a different amount under each such provision.

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(1) Mewnosodwyd adran 88(6)(A) gan adran 19(2) o Ddeddf Cymdogaethau Glân a'r Amgylchedd 2005.

(2) Mewnosodwyd Atodlen 3A, ac adran 94B sy'n rhoi effaith iddi, gan adran 23 o Ddeddf Cymdogaethau Glân a'r Amgylchedd 2005.

(3) Mewnosodwyd adran 94(A) gan adran 22 o Ddeddf Cymdogaethau Glân a'r Amgylchedd 2005.

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(1) Section 88(6A) was inserted by section 19(2) of the Clean Neighbourhoods and Environment Act 2005.

(2) Schedule 3A, and section 94B which gives it effect, were inserted by section 23 of the Clean Neighbourhoods and Environment Act 2005.

(3) Section 94A was inserted by section 22 of the Clean Neighbourhoods and Environment Act 2005.

## Symiau llai o gosbau penodedig

### 3.—(1) Os bydd—

- (a) awdurdod sbwriel yng Nghymru sy'n gweithredu o dan adran 88(7) o Ddeddf Diogelu'r Amgylchedd 1990(1);
- (b) prif awdurdod sbwriel yng Nghymru sy'n gweithredu o dan baragraff 7(5) o Atodlen 3A i Ddeddf Diogelu'r Amgylchedd 1990;
- (c) awdurdod lleol yng Nghymru sy'n gweithredu o dan adran 43A(3) o Ddeddf Ymddygiad Gwrthgymdeithasol 2003;
- (ch) prif awdurdod neu awdurdod eilaidd yng Nghymru sy'n gweithredu o dan adran 60(3) o Ddeddf Cymdogaethau Glân a'r Amgylchedd 2005;
- (d) awdurdod lleol yng Nghymru sy'n gweithredu o dan adran 74(3) o Ddeddf Cymdogaethau Glân a'r Amgylchedd 2005,

yn gwneud darpariaeth i drin cosb benodedig yn un a gafodd ei thalu os caiff swm llai ei dalu cyn diwedd cyfnod a bennir gan yr awdurdod hwnnw, rhaid i'r swm llai hwnnw beidio â bod yn llai na £50.

### (2) Os bydd—

- (a) awdurdod casglu gwastraff yng Nghymru sy'n gweithredu o dan adran 47ZB(3) o Ddeddf Diogelu'r Amgylchedd 1990;
- (b) prif awdurdod sbwriel yng Nghymru sy'n gweithredu o dan adran 94A(5) o Ddeddf Diogelu'r Amgylchedd 1990;
- (c) awdurdod lleol yng Nghymru sy'n gweithredu o dan adran 8A(3) o Ddeddf Sŵn 1996;
- (ch) awdurdod lleol sy'n gweithredu o dan adran 6(10) o Ddeddf Cymdogaethau Glân a'r Amgylchedd 2005,

yn gwneud darpariaeth i drin cosb benodedig yn un a gafodd ei thalu os caiff swm llai ei dalu cyn diwedd cyfnod a bennir gan yr awdurdod hwnnw, rhaid i'r swm llai hwnnw beidio â bod yn llai na £60.

(3) Os bydd awdurdod lleol sy'n gweithredu o dan adran 2A(10) o Ddeddf Gwaredu Sbwriel (Amwynder) 1978(2) yn gwneud darpariaeth i drin cosb benodedig yn un a gafodd ei thalu os caiff swm llai ei dalu cyn diwedd cyfnod a bennir gan yr awdurdod hwnnw, rhaid i'r swm llai hwnnw beidio â bod yn llai na £120.

## Lesser amounts of fixed penalties

### 3.—(1) Where—

- (a) a litter authority in Wales acting under section 88(7) of the Environmental Protection Act 1990(1);
- (b) a principal litter authority in Wales acting under paragraph 7(5) of Schedule 3A to the Environmental Protection Act 1990;
- (c) a local authority in Wales acting under section 43A(3) of the Anti-social Behaviour Act 2003;
- (d) a primary authority or a secondary authority in Wales acting under section 60(3) of the Clean Neighbourhoods and Environment Act 2005;
- (e) a local authority in Wales acting under section 74(3) of the Clean Neighbourhoods and Environment Act 2005,

makes provision for treating a fixed penalty as having been paid if a lesser amount is paid before the end of a period specified by that authority, that lesser amount must not be less than £50.

### (2) Where—

- (a) a waste collection authority in Wales acting under section 47ZB(3) of the Environmental Protection Act 1990;
- (b) a principal litter authority in Wales acting under section 94A(5) of the Environmental Protection Act 1990;
- (c) a local authority in Wales acting under section 8A(3) of the Noise Act 1996;
- (d) a local authority acting under section 6(10) of the Clean Neighbourhoods and Environment Act 2005,

makes provision for treating a fixed penalty as having been paid if a lesser amount is paid before the end of a period specified by that authority, that lesser amount must not be less than £60.

(3) Where a local authority acting under section 2A(10) of the Refuse Disposal (Amenity) Act 1978(2) makes provision for treating a fixed penalty as having been paid if a lesser amount is paid before the end of a period specified by that authority, that lesser amount must not be less than £120.

(1) Mewnosodwyd adran 88(7) gan adran 19(2) o Ddeddf Cymdogaethau Glân a'r Amgylchedd 2005.

(2) 1978 p.3; mewnosodwyd adran 2(A) gan adran 10 o Ddeddf Cymdogaethau Glân a'r Amgylchedd 2005.

(1) Section 88(7) was inserted by section 19(2) of the Clean Neighbourhoods and Environment Act 2005.

(2) 1978 c.3; section 2A was inserted by section 10 of the Clean Neighbourhoods and Environment Act 2005.

(4) Os bydd—

- (a) awdurdod rheoleiddio sy'n gweithredu o dan adran 5B(11) o Ddeddf Rheoli Llygredd (Diwygio) 1989(1);
- (b) awdurdod gorfodi sy'n gweithredu o dan adran 34A(11) o Ddeddf Diogelu'r Amgylchedd 1990(2),

yn gwneud darpariaeth i drin cosb benodedig yn un a gafodd ei thalu os caiff swm llai ei dalu cyn diwedd cyfnod a bennir gan yr awdurdod hwnnw, rhaid i'r swm llai hwnnw beidio â bod yn llai na £180.

#### **Amod sydd i'w fodloni gan berson cyn y caiff awdurdod eilaidd awdurdodi'r person hwnnw at ddibenion rhoi hysbysiadau o gosbau penodedig**

4. Yr amod sydd i'w fodloni gan berson cyn y caiff awdurdod eilaidd awdurdodi'r person hwnnw yn ysgrifenedig at ddibenion rhoi hysbysiadau o dan—

- (a) adran 88 o Ddeddf Diogelu'r Amgylchedd 1990;
- (b) adran 43(1) o Ddeddf Ymddygiad Gwrthgymdeithasol 2003;
- (c) adran 59 o Ddeddf Cymdogaethau Glân a'r Amgylchedd 2005,

yw fod yn rhaid i'r person gwblhau'n llwyddiannus gwrs hyfforddi mewn cosbau penodedig.

#### **Dirymu**

5. Dirymir rheoliadau 1 i 4 o Reoliadau Tramgwyddau Amgylcheddol (Cosbau Penodedig) (Darpariaethau Amrywiol) (Cymru) 2007(3).

#### **Diwygio teitl Rheoliadau Tramgwyddau Amgylcheddol (Cosbau Penodedig) (Darpariaethau Amrywiol) (Cymru) 2007**

6. Yn nheitl Rheoliadau Tramgwyddau Amgylcheddol (Cosbau Penodedig) (Darpariaethau Amrywiol) (Cymru) 2007 yn lle "(Cosbau Penodedig) (Darpariaethau Amrywiol)" rhodder "(Defnyddio Derbynebau Cosbau Penodedig)".

(4) Where—

- (a) a regulation authority acting under section 5B(11) of the Control of Pollution (Amendment) Act 1989(1);
- (b) an enforcement authority acting under section 34A(11) of the Environmental Protection Act 1990(2),

makes provision for treating a fixed penalty as having been paid if a lesser amount is paid before the end of a period specified by that authority, that lesser amount must not be less than £180.

#### **Condition to be satisfied by a person before a secondary authority may authorise that person for the purpose of giving fixed penalty notices**

4. The condition to be satisfied by a person before a secondary authority may authorise that person in writing for the purpose of giving notices under—

- (a) section 88 of the Environmental Protection Act 1990;
- (b) section 43(1) of the Anti-social Behaviour Act 2003;
- (c) section 59 of the Clean Neighbourhoods and Environment Act 2005,

is that the person must successfully complete a fixed penalty training course.

#### **Revocation**

5. Regulations 1 to 4 of The Environmental Offences (Fixed Penalties) (Miscellaneous Provisions) (Wales) Regulations 2007(3) are revoked.

#### **Amendment to the title of the Environmental Offences (Fixed Penalties) (Miscellaneous Provisions) (Wales) Regulations 2007**

6. In the title of the Environmental Offences (Fixed Penalties) (Miscellaneous Provisions) (Wales) Regulations 2007 for "(Fixed Penalties) (Miscellaneous Provisions)" substitute "(Use of Fixed Penalty Receipts)".

(1) 1989 p.14; mewnosodwyd adran 5B gan adran 38 o Ddeddf Cymdogaethau Glân a'r Amgylchedd 2005.

(2) Mewnosodwyd adran 34A gan adran 45 o Ddeddf Cymdogaethau Glân a'r Amgylchedd 2005.

(3) O.S. 2007/739 (Cy. 67).

(1) 1989 c.14; section 5B was inserted by section 38 of the Clean Neighbourhoods and Environment Act 2005.

(2) Section 34A was inserted by section 45 of the Clean Neighbourhoods and Environment Act 2005.

(3) S.I. 2007/739 (W. 67).

*Jane Davidson*

Y Gweinidog dros yr Amgylchedd, Cynaliadwyedd a  
Thai, un o Weinidogion Cymru.

Minister for Environment, Sustainability and Housing,  
one of the Welsh Ministers.

9 Mawrth 2008

9 March 2008

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