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OFFERYNNAU STATUDOL  
CYMRU

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WELSH STATUTORY  
INSTRUMENTS

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**2011 Rhif 3042 (Cy.320)**

**2011 No. 3042 (W.320)**

**DIOGELU'R AMGYLCHEDD,  
CYMRU**

**ENVIRONMENTAL  
PROTECTION, WALES**

Rheoliadau'r Cynllun Lwfansau  
Tirlenwi (Cymru) (Diwygio)  
(Rhif 2) 2011

The Landfill Allowances Scheme  
(Wales) (Amendment) (No. 2)  
Regulations 2011

**NODYN ESBONIADOL**

**EXPLANATORY NOTE**

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

*(This note is not part of the Regulations)*

Mae Deddf Gwastraff a Masnachu Allyriadau 2003 ("Deddf GAMA") yn sefydlu system o dargedau ar gyfer lleihau maint y gwastraff trefol pydradwy sy'n cael ei anfon ar gyfer tirlenwi ym mhob rhanbarth o'r DU ac yn y DU yn gyfan. Mae hyn yn rhoi effaith i rwymedigaethau'r DU o dan erthygl 5(2) o Gyfarwyddeb y Cyngor 1999/31/EC ar dirlenwi gwastraff (OJ Rhif L 182, 17.7.1999, t. 1).

The Waste and Emissions Trading Act 2003 ("WET Act") establishes a system of targets for reducing the amount of biodegradable municipal waste that is sent to landfill in each region in the UK and in the UK as a whole. This gives effect to the UK's obligations under article 5(2) of Council Directive 1999/31/EC on the landfill of waste (OJ No L 182, 17.7.1999, p. 1).

Cesglir a gwaredir gwastraff trefol pydradwy gan awdurdodau lleol a chan y sector preifat. Mae'r targedau yn gymwys i'r ddau ohonynt.

Biodegradable municipal waste is collected and disposed of by local authorities and the private sector. The targets apply to both.

Fel rhan o'r drefn i sicrhau bod y targedau'n cael eu bodloni, mae Deddf GAMA yn ei gwneud yn ofynnol i Weinidogion Cymru ddyrannu lwfansau i awdurdodau lleol yn eu swyddogaeth fel awdurdodau gwaredu gwastraff. Caniateir i awdurdodau lleol dirlenwi un dunnell o wastraff trefol pydradwy ar gyfer pob lwfans a ddelir ganddynt. Ceir y rheolau manwl ar sut y mae'r system o lwfansau'n gweithio yn Rheoliadau'r Cynllun Lwfansau Tirlenwi (Cymru) 2004 (O.S. 2004/1490 (Cy. 155)). Nid yw'r Cynllun hwnnw'n gymwys i wastraff a waredwyd gan y sector preifat.

As part of ensuring that the targets are met, the WET Act requires the Welsh Ministers to allocate allowances to local authorities in their capacity as waste disposal authorities. Local authorities are allowed to landfill one tonne of biodegradable municipal waste for every allowance they hold. The detailed rules about how the system of allowances works are set out in The Landfill Allowances Scheme (Wales) Regulations 2004 (S.I. 2004/1490 (W. 155)). That Scheme does not apply to waste disposed of by the private sector.

Defnyddir y term "biodegradable municipal waste" ("gwastraff trefol pydradwy") yn Neddf GAMA i gyfeirio at y gwastraff y mae'r Cynllun Lwfansau Tirlenwi yn ei gwmpasu ac i gyfeirio at y categori ehangach o wastraff y mae'r targedau'n ei gwmpasu. Mae Deddf GAMA yn cael ei diwygio er mwyn gwahaniaethu rhwng y ddau. Gwneir y diwygiadau hyn gan Reoliadau Deddf Gwastraff a Masnachu

The term "biodegradable municipal waste" is used in the WET Act to refer to the waste covered by the Landfill Allowances Scheme and to refer to the wider category of waste covered by the targets. The WET Act is being amended to distinguish between the two. These amendments are being made by The Waste and Emissions Trading Act 2003 (Amendment) Regulations 2011 (S.I. 2011/2499) which come into

Allyriadau 2003 (Diwygio) 2011 (O.S. 2011/2499) a fydd yn dod i rym ar yr un adeg y daw'r Rheoliadau hyn i rym. Dangosir y gwahaniaeth drwy gyflwyno'r term "gwastraff trefol pydradwy a gasglwyd gan awdurdod lleol" i gyfeirio at y gwastraff y mae'r Cynllun Lwfansau Tirlenwi yn ymwneud ag ef. Gwneir diwygiad cysylltiedig i gyflwyno'r term "gwastraff trefol a gasglwyd gan awdurdod lleol" i wahaniaethu rhwng gwastraff trefol a gasglwyd gan awdurdodau lleol a gwastraff trefol nas casglwyd gan awdurdodau lleol.

Mae'r Rheoliadau hyn yn diwygio Rheoliadau'r Cynllun Lwfansau Tirlenwi (Cymru) 2004 fel bod y termau newydd hefyd yn cael eu defnyddio yn Rheoliadau 2004. Diwygiadau technegol yw'r rhain a fydd yn cael effaith niwtral ar awdurdodau lleol a'r sector busnes a'r sector gwirfoddol.

Cafodd y diwygiadau y mae'r Rheoliadau hyn yn eu gwneud i Reoliadau 2004 eu gwneud yn wreiddiol gan Reoliadau'r Cynllun Lwfansau Tirlenwi (Cymru) (Diwygio) 2011 (O.S. 2011/2555 (Cy. 279)) a ddaeth i rym ar 21 Tachwedd 2011. Mae'r Rheoliadau hyn yn dirymu ac yn ailwneud y Rheoliadau cynharach hynny er mwyn gwneud yn eglur y pwerau y gwneir y diwygiadau odanynt.

Ystyriwyd Cod Ymarfer Gweinidogion Cymru ar wneud Aseidiadau Effaith Rheoleiddiol mewn perthynas â'r Rheoliadau hyn. O ganlyniad, ystyriwyd nad oedd hi'n angenrheidiol i wneud asesiad effaith rheoleiddiol o ran costau a buddion tebygol cydymffurfio â'r Rheoliadau hyn.

force at the same time that these Regulations come into force. The distinction is made by introducing the term "biodegradable local authority collected municipal waste" to refer to the waste covered by the Landfill Allowances Scheme. An associated amendment is made to introduce the term "local authority collected municipal waste" to distinguish municipal waste collected by local authorities from municipal waste that is not collected by local authorities.

These Regulations amend the Landfill Allowances Scheme (Wales) Regulations 2004 so that the new terms also apply in the 2004 Regulations. These are technical amendments that will have a neutral effect on local authorities and the business and voluntary sectors.

The amendments that these Regulations make to the 2004 Regulations were originally made by the Landfill Allowances Scheme (Wales) (Amendment) Regulations 2011 (S.I. 2011/2555 (W. 279)) which came into force on 21 November 2011. These Regulations revoke and remake those earlier Regulations to clarify the powers under which the amendments are made.

The Welsh Ministers' Code of Practice on the carrying out of Regulatory Impact Assessments was considered in relation to these Regulations. As a result it was not considered necessary to carry out a regulatory impact assessment as to the likely costs and benefits of complying with these Regulations.

**2011 Rhif 3042 (Cy.320)**

**DIOGELU'R AMGYLCHEDD,  
CYMRU**

**Rheoliadau'r Cynllun Lwfansau  
Tirlenwi (Cymru) (Diwygio)  
(Rhif 2) 2011**

*Gwnaed* 19 Rhagfyr 2011

*Gosodwyd gerbron Cynulliad  
Cenedlaethol Cymru* 20 Rhagfyr 2011

*Yn dod i rym* 16 Ionawr 2012

Mae Gweinidogion Cymru yn gwneud y Rheoliadau hyn drwy arfer y pwerau a roddwyd i Gynulliad Cenedlaethol Cymru gan adrannau 11(1), (2)(b), (d), (f) a (3), 12(1), (2) a (4), 24(1)(c) a 26(3) o Ddeddf Gwastraff a Masnachu Allyriadau 2003(1) ac sydd bellach yn arferadwy ganddynt hwy(2).

**Enwi, cychwyn, cymhwyso a dehongli**

1.—(1) Enw'r Rheoliadau hyn yw Rheoliadau'r Cynllun Lwfansau Tirlenwi (Cymru) (Diwygio) (Rhif 2) 2011.

(2) Daw'r Rheoliadau hyn i rym ar 16 Ionawr 2012 ac maent yn gymwys o ran Cymru.

(3) Yn y Rheoliadau hyn ystyr "Rheoliadau 2004" ("*the 2004 Regulations*") yw Rheoliadau'r Cynllun Lwfansau Tirlenwi (Cymru) 2004(3).

**Diwygio Rheoliadau 2004**

2. Mae Rheoliadau 2004 wedi eu diwygio fel a ganlyn.

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- (1) 2003 p. 33. Mae diwygiadau i adran 24 o'r Ddeddf nad ydynt yn berthnasol i'r Rheoliadau hyn.
- (2) Trosglwyddwyd y swyddogaethau hyn i Weindogion Cymru gan adran 162 o Ddeddf Llywodraeth Cymru 2006 (p. 32) a pharagraff 30 o Atodlen 11 iddi.
- (3) O.S. 2004/1490 (Cy. 155); diwygiwyd gan O.S. 2005/1820 (Cy. 148) Atodlen 2 paragraffau 5 i 8 ac O.S. 2011/971 (Cy. 141) rheoliad 3.

**2011 No. 3042 (W.320)**

**ENVIRONMENTAL  
PROTECTION, WALES**

**The Landfill Allowances Scheme  
(Wales) (Amendment) (No. 2)  
Regulations 2011**

*Made* 19 December 2011

*Laid before the National  
Assembly for Wales* 20 December 2011

*Coming into force* 16 January 2012

The Welsh Ministers make these Regulations in exercise of the powers conferred on the National Assembly for Wales by sections 11(1), (2)(b), (d), (f) and (3), 12(1), (2) and (4), 24(1)(c) and 26(3) of the Waste and Emissions Trading Act 2003(1) and now exercisable by them(2).

**Title, commencement, application and interpretation**

1.—(1) The title of these Regulations is the Landfill Allowances Scheme (Wales) (Amendment) (No. 2) Regulations 2011.

(2) These Regulations come into force on 16 January 2012 and apply in relation to Wales.

(3) In these Regulations "the 2004 Regulations" ("*Rheoliadau 2004*") means the Landfill Allowances Scheme (Wales) Regulations 2004(3).

**Amendment of the 2004 Regulations**

2. The 2004 Regulations are amended as follows

- 
- (1) 2003 c. 33. There are amendments to section 24 of the Act which are not relevant to these Regulations.
- (2) These functions were transferred to the Welsh Ministers by section 162 of, and paragraph 30 of Schedule 11 to, the Government of Wales Act 2006 (c. 32).
- (3) S.I. 2004/1490 (W. 155); amended by S.I. 2005/1820 (W. 148) Schedule 2 paragraphs 5 to 8 and S.I. 2011/971 (W. 141) regulation 3.

### Diwygio rheoliad 2(1) (dehongli)

#### 3. Yn rheoliad 2(1)(1)—

- (a) hepgorer y diffiniad o "y Cynulliad" ("*the Assembly*");
- (b) hepgorer y diffiniad o "gwastraff trefol a gasglwyd" ("*collected municipal waste*");
- (c) yn y manau priodol mewnosoder—

"ystyr "gwastraff trefol a gasglwyd" ("*collected municipal waste*") yw gwastraff trefol a gasglwyd gan awdurdod lleol(2);

ystyr "gwastraff trefol pydradwy a gasglwyd" ("*biodegradable collected municipal waste*") yw gwastraff trefol pydradwy a gasglwyd gan awdurdod lleol(3);";

- (ch) hepgorer y diffiniadau o "awdurdod casglu gwastraff" ("*waste collection authority*") ac "awdurdod gwaredu gwastraff" ("*waste disposal authority*").

### Rhoi "Gweinidogion Cymru" yn lle "y Cynulliad"

4. Ym mhob man y mae'n digwydd yn rheoliadau 2, 11, 15 a 16 yn lle "y Cynulliad" rhodder "Gweinidogion Cymru".

### Amnewid y term "gwastraff trefol a gasglwyd"

5. Yn y manau a ganlyn yn lle "gwastraff trefol" rhodder "gwastraff trefol a gasglwyd"—

- (a) rheoliad 6(1)(b) ac (c);
- (b) yn yr ail fan y mae'n digwydd yn rheoliad 14(2)(i);
- (c) rheoliad 14(2)(ii).

### Amnewid y term "gwastraff trefol pydradwy a gasglwyd"

6. Ym mhob man y mae'n digwydd yn lle "gwastraff trefol pydradwy" rhodder "gwastraff trefol pydradwy a gasglwyd".

### Amnewid rheoliad 8 (penderfynu faint o wastraff trefol pydradwy sydd mewn swm o wastraff)

7. Yn lle rheoliad 8 rhodder—

- 
- (1) Mae diwygiadau i reoliad 2(1) nad ydynt yn berthnasol i'r Rheoliadau hyn.
  - (2) I gael ystyr "local authority collected municipal waste" gweler adran 21(4) o'r Ddeddf.
  - (3) I gael ystyr "biodegradable local authority collected municipal waste" gweler adran 21(2)(b) o'r Ddeddf.

### Amendment of regulation 2(1) (interpretation)

#### 3. In regulation 2(1)(1)—

- (a) omit the definition of "the Assembly" ("*y Cynulliad*");
- (b) omit the definition of "collected municipal waste" ("*gwastraff trefol a gasglwyd*");
- (c) in the appropriate places insert—

""biodegradable collected municipal waste" ("*gwastraff trefol pydradwy a gasglwyd*") means biodegradable local authority collected municipal waste(2);

"collected municipal waste" ("*gwastraff trefol a gasglwyd*") means local authority collected municipal waste(3);";

- (d) omit the definitions of "waste collection authority" ("*awdurdod casglu gwastraff*") and "waste disposal authority" ("*awdurdod gwaredu gwastraff*").

### Substituting "the Welsh Ministers" for "the Assembly"

4. In each place in which it occurs in regulations 2, 11, 15 and 16 for "the Assembly" substitute "the Welsh Ministers".

### Substitution of the term "collected municipal waste"

5. In the following places for "municipal waste" substitute "collected municipal waste"—

- (a) regulation 6(1)(b) and (c);
- (b) in the second place where it occurs in regulation 14(2)(i);
- (c) regulation 14(2)(ii).

### Substitution of the term "biodegradable collected municipal waste"

6. In every place in which it occurs for "biodegradable municipal waste" substitute "biodegradable collected municipal waste".

### Substitution of regulation 8 (determining the amount of biodegradable municipal waste in an amount of waste)

7. For regulation 8 substitute—

- 
- (1) There are amendments to regulation 2(1) which are not relevant to these Regulations.
  - (2) For the meaning of "biodegradable local authority collected municipal waste" see section 21(2)(b) of the Act.
  - (3) For the meaning of "local authority collected municipal waste" see section 21(4) of the Act.

**"Penderfynu faint o wastraff trefol pydradwy a gasglwyd sydd mewn swm o wastraff trefol a gasglwyd**

**8.** Bernir bod chwe deg un y cant o'r swm o wastraff trefol a gasglwyd yn wastraff trefol pydradwy a gasglwyd."

**Dirymu Rheoliadau'r Cynllun Lwfansau Tirlenwi (Cymru) (Diwygio) 2011**

**8.** Mae Rheoliadau'r Cynllun Lwfansau Tirlenwi (Cymru) (Diwygio) 2011(1) wedi eu dirymu.

**"Determining the amount of biodegradable collected municipal waste in an amount of collected municipal waste**

**8.** Sixty-one percent of an amount of collected municipal waste is deemed to be biodegradable collected municipal waste."

**Revocation of the Landfill Allowances Scheme (Wales) (Amendment) Regulations 2011**

**8.** The Landfill Allowances Scheme (Wales) (Amendment) Regulations 2011(1) are revoked.

*John Griffiths*

Gweinidog yr Amgylchedd a Datblygu Cynaliadwy, un o Weinidogion Cymru

19 Rhagfyr 2011

Minister for Environment and Sustainable Development, one of the Welsh Ministers

19 December 2011

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