
OFFERYNNAU STATUDOL CYMRU

2017 Rhif 1024 (Cy. 262)

DIOGELU'R AMGYLCHEDD, CYMRU

**Rheoliadau Dyddodi Gwastraff Heb
Awdurdod (Cosbau Penodedig) (Cymru) 2017**

Gwnaed - - - - *24 Hydref 2017*

Yn dod i rym yn unol â rheoliad 1(2)

Mae Gweinidogion Cymru wedi eu dynodi at ddibenion adran 2(2) o Ddeddf y Cymunedau Ewropeaidd 1972 mewn perthynas ag atal, lleihau a rheoli gwastraff(1) ac yn gwneud y Rheoliadau hyn drwy arfer y pwerau a roddir gan yr adran honno(2).

Yn unol ag adran 59(3) o Ddeddf Llywodraeth Cymru 2006(3), gosodwyd drafft o'r Rheoliadau hyn gerbron Cynulliad Cenedlaethol Cymru ac fe'i cymeradwywyd ganddo drwy benderfyniad.

Enwi, cychwyn a rychwantu

1.—(1) Enw'r Rheoliadau hyn yw Rheoliadau Dyddodi Gwastraff Heb Awdurdod (Cosbau Penodedig) (Cymru) 2017.

(2) Daw'r Rheoliadau hyn i rym drannoeth y diwrnod y'u gwneir.

(3) Mae'r Rheoliadau hyn yn rychwantu Cymru a Lloegr.

Diwygio Deddf Diogelu'r Amgylchedd 1990

2.—(1) Mae Rhan II o Ddeddf Diogelu'r Amgylchedd 1990 (Gwastraff ar Dir)(4) wedi ei diwygio fel a ganlyn.

(2) Ar ôl adran 33ZA (hysbysiadau cosb benodedig am fynd yn groes i adran 33(1)(a): Lloegr) mewnosoder—

(1) [O.S. 2010/1552](#). Yn rhinwedd adran 59(2) o Ddeddf Llywodraeth Cymru 2006 (p. 32) caiff Gweinidogion Cymru arfer y pŵer a roddir gan adran 2(2) o Ddeddf y Cymunedau Ewropeaidd 1972 (p. 68) mewn perthynas ag unrhyw fater, neu at unrhyw ddiben, os ydynt wedi eu dynodi mewn perthynas â'r mater hwnnw, neu at y diben hwnnw.

(2) [1972 p. 68](#). Diwygiwyd adran 2(2) gan Ran 1 o'r Atodlen i Ddeddf yr Undeb Ewropeaidd (Diwygio) 2008 (p. 7).

(3) [2006 p. 32](#).

(4) [1990 p. 43](#). Diwygiwyd adran 33(1)(a) gan [O.S. 2007/3538](#) ac [O.S. 2009/1799](#).

“33ZB Fixed penalty notices for contravention of section 33(1)(a): Wales

(1) Where an authorised officer of a Welsh waste collection authority has reason to believe that a person has committed a waste deposit offence in the area of the authority, the officer may give the person a notice under this section in respect of the offence.

(2) In subsection (1), “waste deposit offence” means an offence under section 33 in respect of a contravention of subsection (1)(a) of that section.

(3) A notice under this section is a notice offering the opportunity of discharging any liability to conviction for the offence to which it relates by payment of a fixed penalty.

(4) Where a person is given a notice under this section in respect of an offence—

- (a) no proceedings may be instituted for the offence before the end of the period of 14 days following the date of the notice, and
- (b) the person may not be convicted of the offence if the person pays the fixed penalty before the end of that period.

(5) A notice under this section must give such particulars of the circumstances alleged to constitute the offence as are necessary for giving reasonable information about the offence and must state—

- (a) the period during which, by virtue of subsection (4)(a), proceedings will not be taken for the offence,
- (b) the amount of the fixed penalty, and
- (c) the person to whom and the address at which the fixed penalty may be paid.

(6) If an authorised officer proposes to give a person a notice under this section, the officer may require the person to give the person’s name and address.

(7) It is an offence to—

- (a) fail to give a name or address when required to do so under subsection (6), or
- (b) give a false or inaccurate name or address in response to a requirement under that subsection.

(8) A person guilty of an offence under subsection (7) is liable on summary conviction to a fine not exceeding level 3 on the standard scale.

(9) The fixed penalty payable in pursuance of a notice under this section—

- (a) is an amount not less than £150 and not more than £400, as specified by the Welsh waste collection authority whose authorised officer gave the notice, or
- (b) if no amount is specified by that authority, is £200.

(10) A Welsh waste collection authority to whom a fixed penalty is payable pursuant to a notice under this section may make provision for treating the fixed penalty as having been paid if a lesser amount of not less than £120 is paid before the end of the period of 10 days following the date of the notice.

(11) In any proceedings, a certificate which—

- (a) purports to be signed by or on behalf of the chief finance officer of a Welsh waste collection authority to whom a fixed penalty is payable pursuant to a notice under this section, and
- (b) states that the payment of a fixed penalty was or was not received by a date specified in the certificate,

is evidence of the facts stated.

(12) In this section—

“authorised officer” in relation to a Welsh waste collection authority, means—

- (a) an employee of the authority who is authorised in writing by the authority for the purposes of giving notices under this section;
- (b) a person who, in pursuance of arrangements made with the authority, has the function of giving such notices and is authorised in writing by the authority to perform that function;
- (c) an employee of such a person who is authorised in writing by the authority for the purpose of giving such notices;

“chief finance officer”, in relation to a Welsh waste collection authority, means the person having responsibility for the financial affairs of the authority;

“Welsh waste collection authority” means a waste collection authority whose area is in Wales.”

(3) Yn adran 73A (defnyddio derbyniadau cosb benodedig)(5), yn is-adran (2) ar ôl “33ZA,” mewnosoder “33ZB,”.

24 Hydref 2017

Lesley Griffiths
Ysgrifennydd y Cabinet dros yr Amgylchedd a
Materion Gwledig, un o Weinidogion Cymru

Statws This is the original version (as it was originally made). Dim ond ar ei ffurf wreiddiol y mae'r eitem hon o ddeddfwriaeth ar gael ar hyn o bryd.

NODYN ESBONIADOL

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

Mae'r Rheoliadau hyn yn mewnosod adran newydd 33ZB yn Rhan II (Gwastraff ar Dir) o Ddeddf Diogelu'r Amgylchedd 1990 (p. 43) ("y Ddeddf") er mwyn galluogi swyddog awdurdodedig o awdurdod casglu gwastraff yng Nghymru i ddyroddi hysbysiad cosb benodedig am fynd yn groes i adran 33(1)(a) o'r Ddeddf yn ardal yr awdurdod.

Mae adran 33(1)(a), yn ddarostyngedig i esemptiadau penodol, yn gwahardd dyddodi gwastraff a reolir neu wastraff echdynnol yn neu ar unrhyw dir ac eithrio yn unol â thrwydded amgylcheddol. Mae mynd yn groes i'r adran honno yn drosedd.

Mae adran 33ZB yn caniatáu i awdurdod casglu gwastraff yng Nghymru bennu cosb benodedig heb fod yn llai na £150 a heb fod yn fwy na £400. Os na fydd yr awdurdod casglu gwastraff yn pennu swm, swm y gosb benodedig fydd £200. Caiff awdurdod casglu gwastraff yng Nghymru hefyd wneud darpariaeth ar gyfer gostyngiad am dalu cosb benodedig yn gynnar.

Lluniwyd asesiad effaith rheoleiddiol, o ran Cymru, o'r costau a'r manteision sy'n debygol o ddeillio o gydymffurfio â'r Rheoliadau hyn. Gellir cael copi oddi wrth Lywodraeth Cymru, Parc Cathays, Caerdydd, CF10 3NQ ac mae wedi ei gyhoeddi ar www.llyw.cymru.