



Mesur Gwastraff (Cymru) 2010

2010 mccc 8

Mesur gan Gynulliad Cenedlaethol Cymru i wneud darpariaeth ynghylch pen taith enillion o daliadau a godir am fagiau siopa untro; i wneud darpariaeth ynghylch y targedau sydd i'w cyrraedd gan awdurdodau lleol mewn perthynas â gwastraff; i wneud darpariaeth ynghylch gwahardd neu reoleiddio fel arall y weithred o ollwng gwastraff ar safle tirlenwi; i ddarparu ar gyfer cynlluniau rheoli gwastraff safle i weithfeydd sy'n cynnwys adeiladu neu ddymchwel; ac at ddibenion cysylltiedig.

Mae'r Mesur hwn, a basiwyd gan Gynulliad Cenedlaethol Cymru ar 2 Tachwedd 2010 ac a gymeradwywyd gan Ei Mawrhydi yn Ei Chyngor ar 15 Rhagfyr 2010, yn deddfu'r darpariaethau a ganlyn:–

Bagiau siopa untro

1 Y taliadau a godir am fagiau siopa untro: pen taith yr enillion

- (1) Mae Atodlen 6 i Ddeddf Newid yn yr Hinsawdd 2008 wedi ei diwygio'n unol â'r adran hon.
- (2) Ar ôl paragraff 4 mewnosoder–

“4A Destination of proceeds – Wales

- 4A
- (1) This paragraph applies to regulations made by the Welsh Ministers in relation to Wales.
 - (2) The regulations may provide for the application of the net proceeds of the charge to specified purposes.
 - (3) Regulations under sub-paragraph (2) may (among other things)–
 - (a) require sellers to apply the net proceeds of the charge to any one or more specified purposes;
 - (b) provide for any duty imposed under paragraph (a) to be discharged (subject to any provision made under paragraph (c))

Status: This is the original version (as it was originally enacted).

- by the net proceeds of the charge being accepted by any one or more of the following persons–
- (i) specified persons;
 - (ii) persons who fall within a specified category of person;
- (c) make provision about the arrangements under which the net proceeds of the charge are to be given by sellers to the persons mentioned in paragraph (b) or any other person;
 - (d) require persons who accept any net proceeds of the charge under paragraph (b) to apply the proceeds to any one or more specified purposes;
 - (e) provide for recovery by the Welsh Ministers of sums equal to the proceeds of the charge that have been accepted or applied otherwise than in accordance with provision made under sub-paragraph (2);
 - (f) provide for the application of sums recovered under paragraph (e) to specified purposes (this includes making provision to the effect that such sums are not to be paid into the Welsh Consolidated Fund);
 - (g) require the Welsh Ministers to give guidance about compliance with the regulations.
- (4) The purposes that may be specified under sub-paragraph (2) are limited to purposes relating to any of the following–
- (a) preventing or reducing waste;
 - (b) the collection, management, treatment or disposal of waste;
 - (c) protecting or improving the environment in relation to pollution or nuisances;
 - (d) educational or recreational activities for children or young people which relate to any of the matters specified in paragraphs (a) to (c).
- (5) But purposes concerning the production of renewable energy for consumption in transport or the use of that energy in transport may not be specified under sub-paragraph (2).
- (6) The regulations may make provision for regulations under this Schedule to apply to persons other than sellers, if the Welsh Ministers consider that such provision is appropriate for the enforcement of provision made under sub-paragraph (2) or for otherwise making such provision effective.
- (7) The specified factors under paragraph 3(2)(c) may also include–
- (a) a seller’s arrangements for applying the net proceeds of the charge, or
 - (b) any other factor that the Welsh Ministers consider appropriate, whether or not that factor is of the same kind as the factors listed in that paragraph.
- (8) The regulations may provide for exceptions and exemptions.

4B Interpretation of paragraph 4A

- 4B (1) This paragraph applies for the purposes of paragraph 4A.

- (2) “Children” means persons who have not attained the age of 18.
- (3) “Pollution” means pollution of the air, water or land which may give rise to any environmental harm, including (but not limited to) pollution caused by light, noise, heat or vibrations or any other kind of release of energy.
- (4) For the purposes of the definition in sub-paragraph (3), “environmental harm” means any of the following—
 - (a) harm to the health of humans and other living organisms;
 - (b) harm to the quality of the environment, including—
 - (i) harm to the quality of the environment taken as a whole,
 - (ii) harm to the quality of the air, water or land, and
 - (iii) other impairment of, or interference with, the ecological systems of which any living organisms form part;
 - (c) offence to the senses of human beings;
 - (d) damage to property;
 - (e) impairment of, or interference with, the amenity of the environment or any legitimate use of the environment.
- (5) For the purposes of sub-paragraphs (3) and (4), “air” includes (but is not limited to) air within buildings and air within other natural or man-made structures above or below ground.
- (6) “Nuisance” means an act or omission affecting any place, or a state of affairs in any place, which may impair, or interfere with, the amenity of the environment or any legitimate use of the environment.
- (7) “Net proceeds of the charge” has the same meaning as in paragraph 7(4).
- (8) “Young people” means persons who have attained the age of 18, but not the age of 25.”.

(3) Ar ôl paragraff 7(3) mewnosoder—

“(3A) Regulations made by the Welsh Ministers may also require the publication or supply of records or information relating to the amount received by a person from a seller by way of net proceeds of the charge to be applied to purposes specified under paragraph 4A(2).”.

(4) Ar ôl paragraff 8(2) mewnosoder—

“(2A) Regulations made by the Welsh Ministers may also confer powers on an administrator to question a person the administrator reasonably believes has received any net proceeds of the charge or officers or employees of such a person.”.

2 Rheoliadau: y weithdrefn

Yn adran 77 o Ddeddf Newid yn yr Hinsawdd 2008, ar ôl is-adran (4)(a) mewnosoder—

“(aa) they are the first regulations to be made by the Welsh Ministers under paragraph 4A of the Schedule,”.

*Targedau gwastraff***3 Targedau ar gyfer ailgylchu, paratoi i aildddefnyddio a chompostio**

- (1) Pennir y targedau ar gyfer ailgylchu, paratoi i aildddefnyddio a chompostio yn is-adrannau (2) a (3).
- (2) Rhaid i awdurdod lleol sicrhau yr adenillir, drwy gyfrwng unrhyw un o'r gweithrediadau a bennir yn is-adran (5), o leiaf y maint targed o'i wastraff bwrdeistrefol—
- bob blwyddyn ariannol darged, a
 - bob blwyddyn ariannol ddilynol tan y flwyddyn ariannol darged nesaf.
- (3) Yn y tabl canlynol—
- mae colofn 1 yn pennu'r maint targed ar gyfer blwyddyn ariannol darged (a'r blynyddoedd ariannol sy'n dod o fewn is-adran (2)(b)), a
 - mae colofn 2 yn pennu'r flwyddyn ariannol darged y mae'r maint targed yn y cofnod cyfatebol yng ngholofn 1 yn gymwys iddi.

TABL

Maint targed	Blwyddyn ariannol darged
52%	2012/13
58%	2015/16
64%	2019/20
70%	2024/25

- (4) Caiff Gweinidogion Cymru ddiwygio'r tabl hwn drwy orchymyn.
- (5) Y gweithrediadau y cyfeiriwyd atynt yn is-adran (2) yw—
- ailgylchu;
 - paratoi i aildddefnyddio;
 - compostio (gan gynnwys unrhyw ffurf arall ar drawsnewid drwy brosesau biolegol).
- (6) Caiff Gweinidogion Cymru wneud darpariaeth drwy orchymyn i ganfod a yw gwastraff yn cael ei ailgylchu, ei baratoi i'w aildddefnyddio, neu ei gompostio at ddibenion y targedau o dan yr adran hon.
- (7) Mae awdurdod lleol nad yw'n cyrraedd targed ailgylchu, paratoi i aildddefnyddio a chompostio yn agored i gosb sydd i'w thalu i Weinidogion Cymru.
- (8) At ddibenion yr adran hon, gwastraff trefol awdurdod lleol o flwyddyn ariannol darged yw maint cyfan pob un o'r canlynol yn ôl pwysau—
- yr holl wastraff a gasglwyd yn y flwyddyn honno gan awdurdod lleol o dan adran 45 o Ddeddf Diogelu'r Amgylchedd 1990;
 - yr holl wastraff a ollyngwyd yn y flwyddyn honno mewn mannau a ddarparwyd gan awdurdod lleol o dan is-adrannau (1)(b) a (3) o adran 51 o'r Ddeddf honno;
 - unrhyw wastraff arall a bennir drwy orchymyn gan Weinidogion Cymru.

- (9) Yn yr adran hon, ystyr “blwyddyn ariannol” yw cyfnod o 12 mis sy'n diweddu ar 31 Mawrth.

4 Rheoliadau i osod targedau gwastraff

- (1) Caiff Gweinidogion Cymru, drwy reoliadau—
- pennu targedau gwastraff sydd i'w cyrraedd gan awdurdod lleol wrth arfer ei swyddogaethau;
 - pennu dangosyddion y gellir cyfeirio atynt i fesur i ba raddau y mae awdurdod lleol yn bodloni'r targedau o dan baragraff (a);
 - gosod atebolrwydd ar awdurdod lleol i dalu cosb i Weinidogion Cymru os na chyrhaeddir targed o dan baragraff (a).
- (2) At ddibenion is-adran (1)(a), mae “targedau gwastraff” yn dargedau sy'n ymwneud ag atal, lleihau, casglu, rheoli, trin neu waredu gwastraff.

5 Monitro ac archwilio cydymffurfedd â thargedau

- (1) Caiff Gweinidogion Cymru wneud darpariaeth drwy reoliadau—
- ynghylch sut y mae cydymffurfedd ag unrhyw darged perthnasol i'w asesu;
 - ynghylch trefniadau ar gyfer monitro ac archwilio cydymffurfedd ag unrhyw darged perthnasol;
 - sy'n rhoi pwerau mynediad a phwerau arolygu mewn cysylltiad â'r monitro a'r archwilio hwnnw ar gyfer personau a awdurdodir gan Weinidogion Cymru;
 - sy'n ei gwneud yn ofynnol i gofnodion gael eu cadw gan awdurdod lleol mewn cysylltiad â thargedau perthnasol;
 - sy'n ei gwneud yn ofynnol i wybodaeth gael ei darparu gan awdurdod lleol i bersonau penodedig ar ffurf benodedig neu mewn dull penodedig mewn cysylltiad â thargedau perthnasol;
 - sy'n ei gwneud yn ofynnol i wybodaeth gael ei chyhoeddi mewn cysylltiad â thargedau perthnasol;
 - sy'n gosod atebolrwydd ar awdurdod lleol i dalu cosb os yw'n methu â chydymffurfio â gofyniad mewn rheoliadau o dan unrhyw un neu unrhyw rai o baragraffau (b) i (f).
- (2) Yn yr adran hon, “targedau perthnasol” yw—
- targedau ailgylchu, paratoi i ailddedfyddio a chompostio o dan adran 3;
 - unrhyw dargedau gwastraff o dan adran 4(1)(a).

6 Rheoliadau am gosbau

- (1) Mae'r adran hon yn gymwys i gosbau o dan adran 3(7), adran 4(1)(c) ac adran 5(1)(g).
- (2) Caiff Gweinidogion Cymru, drwy reoliadau—
- pennu symiau cosbau neu reolau ar gyfer cyfrifo'r symiau hynny;
 - gwneud darpariaeth ynghylch pryd y mae taliadau o ran cosbau yn ddyledus;
 - gwneud darpariaeth ar gyfer llog pan fo taliadau o ran cosbau yn ddyledus ond heb eu gwneud;
 - gwneud darpariaeth ar gyfer adennill neu wrth-hawlio, a sicrhau, symiau, o ran cosbau a llog, sydd heb eu talu;