Deddf yr Amgylchedd (Egwyddorion, Llywodraethiant a Thargedau Bioamrywiaeth) (Cymru) 2026

2026 dsc 4

Environment (Principles, Governance and Biodiversity Targets) (Wales) Act 2026

2026 asc 4

Lluniwyd Nodiadau Esboniadol yn gymorth i ddeall y Ddeddf hon ac maent ar gael ar wahân.

Explanatory Notes have been produced to assist in the understanding of this Act and are available separately.

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Deddf yr Amgylchedd (Egwyddorion, Llywodraethiant a Thargedau Bioamrywiaeth) (Cymru) 2026

Deddf gan Senedd Cymru i wneud darpariaeth ynghylch egwyddorion amgylcheddol ac integreiddio diogelu'r amgylchedd; i sefydlu Swyddfa Llywodraethiant Amgylcheddol Cymru gyda phwerau i sicrhau bod awdurdodau cyhoeddus yn cydymffurfio â chyfraith amgylcheddol; i wneud darpariaeth ar gyfer gosod targedau bioamrywiaeth; ac at ddibenion cysylltiedig.

[27 Ebrill 2026]

Gan ei fod wedi ei basio gan Senedd Cymru ac wedi derbyn cydsyniad Ei Fawrhydi, deddfir fel a ganlyn:

RHAN 1

AMCAN AMGYLCHEDDOL AC EGWYDDORION AMGYLCHEDDOL

1 Amcan amgylcheddol

(1) Yn y Ddeddf hon, yr "amcan amgylcheddol" yw cyrraedd lefel uchel o ran diogelu'r amgylchedd a gwelliant i'r amgylchedd, gyda golwg, yn benodol, ar—

(a) diwallu anghenion y presennol heb beryglu gallu cenedlaethau'r dyfodol i ddiwallu eu hanghenion eu hunain a chyfrannu at gyrraedd y nodau llesiant yn adran 4 o Ddeddf Llesiant Cenedlaethau'r Dyfodol (Cymru) 2015 (dccc 2),

(b) cynnal a gwella gwydnwch ecosystemau a'r buddion y maent yn eu darparu,

(c) lliniaru newid hinsawdd ac ymaddasu iddo, a

(d) cyfrannu at atal a gwrthdroi'r dirywiad mewn bioamrywiaeth.

(2) At ddiben is-adran (1)(b), mae'r ffactorau sy'n berthnasol i wydnwch ecosystemau yn cynnwys, ymysg pethau eraill—

(a) amrywiaeth rhwng ecosystemau ac oddi mewn iddynt;

Environment (Principles, Governance and Biodiversity Targets) (Wales) Act 2026

An Act of Senedd Cymru to make provision about environmental principles and the integration of environmental protection; to establish the Office of Environmental Governance Wales with powers to ensure public authorities' compliance with environmental law; to make provision for the setting of biodiversity targets; and for connected purposes. [27 April 2026]

Having been passed by Senedd Cymru and having received the assent of His Majesty, it is enacted as follows:

PART 1

ENVIRONMENTAL OBJECTIVE AND PRINCIPLES

1 Environmental objective

(1) In this Part, the "environmental objective" is the attainment of a high level of environmental protection and an improvement of the environment, with a view, in particular to—

(a) meeting the needs of the present without compromising the ability of future generations to meet their own needs and contributing to achieving the well-being goals in section 4 of the Well-being of Future Generations (Wales) Act 2015 (anaw 2),

(b) maintaining and enhancing the resilience of ecosystems and the benefits they provide,

(c) mitigating and adapting to climate change, and

(d) contributing to halting and reversing the decline in biodiversity.

(2) For the purpose of subsection (1)(b), factors relevant to the resilience of ecosystems include, among other things—

(a) diversity between and within ecosystems;

(b) y cysylltiadau rhwng ecosystemau ac oddi mewn iddynt;

(c) graddfa ecosystemau;

(d) cyflwr ecosystemau (gan gynnwys eu strwythur a'u gweithrediad);

(e) gallu ecosystemau i ymaddasu.

2 Egwyddorion amgylcheddol

Yn y Rhan hon, yr "egwyddorion amgylcheddol" yw—

(a) yr egwyddor ragofalus i'r graddau y mae'n ymwneud â'r amgylchedd;

(b) yr egwyddor y dylid cymryd camau ataliol i osgoi difrod amgylcheddol;

(c) yr egwyddor y dylid cywiro difrod amgylcheddol fel mater o flaenoriaeth yn y tarddle;

(d) yr egwyddor mai'r llygrwr sy'n talu.

3 Dyletswyddau Gweinidogion Cymru wrth lunio polisi

(1) Rhaid i Weinidogion Cymru, at ddiben cyfrannu at yr amcan amgylcheddol—

(a) rhoi sylw arbennig i'r egwyddorion amgylcheddol wrth lunio polisi o ran Cymru, a

(b) integreiddio diogelu'r amgylchedd wrth lunio polisi o'r fath.

(2) Wrth gydymffurfio â'r ddyletswydd yn is-adran (1), rhaid i Weinidogion Cymru roi sylw i'r datganiad o egwyddorion amgylcheddol ac integreiddio diogelu'r amgylchedd neu ddatganiad diwygiedig a gyhoeddir o dan adran 7.

(3) Yn yr adran hon—

(a) mae "polisi" yn cynnwys cynigion ar gyfer deddfwriaeth, ond nid yw'n cynnwys penderfyniad gweinyddol mewn perthynas â pherson penodol neu achos penodol;

(b) mae "llunio polisi" yn cynnwys datblygu, mabwysiadu neu ddiwygio polisïau;

(c) mae "Cymru" yn cynnwys, i'r graddau y mae polisi yn ymwneud â physgota, pysgodfeydd neu iechyd pysgod, yr ardal o barth Cymru sydd y tu hwnt i derfyn atfor y môr tiriogaethol.

(4) Nid yw'r ddyletswydd yn is-adran (1) yn gymwys pan fyddai'r polisi o dan sylw yn cael dim effaith neu effaith ddibwys ar yr amgylchedd.

4 Dyletswyddau Cyfoeth Naturiol Cymru wrth lunio polisi

(1) Mae Gorchymyn Corff Adnoddau Naturiol Cymru (Sefydlu) 2012 (O.S. 2012/1903 (Cy. 230)) wedi ei ddiwygio fel a ganlyn.

(2) Ar ôl erthygl 4 mewnosoder—

"4A Llunio polisi: egwyddorion amgylcheddol ac integreiddio diogelu'r amgylchedd

(1) Rhaid i'r Corff—

(a) rhoi sylw arbennig i'r egwyddorion amgylcheddol wrth lunio polisi o ran Cymru, a

(b) the connections between and within ecosystems;

(c) the scale of ecosystems;

(d) the condition of ecosystems (including their structure and functioning);

(e) the adaptability of ecosystems.

2 Environmental principles

In this Part, the "environmental principles" are—

(a) the precautionary principle so far as relating to the environment;

(b) the principle that preventative action should be taken to avoid environmental damage;

(c) the principle that environmental damage should as a priority be rectified at source;

(d) the polluter pays principle.

3 Welsh Ministers' duties when making policy

(1) The Welsh Ministers must, for the purpose of contributing to the environmental objective—

(a) have special regard to the environmental principles when making policy in relation to Wales, and

(b) integrate environmental protection into the making of such policy.

(2) In complying with the duty in subsection (1), the Welsh Ministers must have regard to the environmental principles and integrating environmental protection statement or revised statement published under section 7.

(3) In this section—

(a) "policy" includes proposals for legislation, but does not include an administrative decision in relation to a particular person or case;

(b) "making policy" includes developing, adopting or revising policies;

(c) "Wales" includes, so far as policy relates to fishing, fisheries or fish health, the area of the Welsh zone beyond the seaward limit of the territorial sea.

(4) The duty in subsection (1) does not apply where the policy in question would have no effect or a negligible effect on the environment.

4 Natural Resources Wales' duties when making policy

(1) The Natural Resources Body for Wales (Establishment) Order 2012 (S.I. 2012/1903 (W. 230)) is amended as follows.

(2) After article 4 insert—

"4A Policy making: environmental principles and integrating environmental protection

(1) The Body must—

(a) have special regard to the environmental principles when making policy in relation to Wales, and

(b) integreiddio diogelu'r amgylchedd wrth lunio polisi o'r fath.

(2) Wrth gydymffurfio â'r ddyletswydd ym mharagraff (1), rhaid i'r Corff roi sylw i ganllawiau sydd wedi eu cynnwys yn y datganiad o egwyddorion amgylcheddol ac integreiddio diogelu'r amgylchedd neu ddatganiad diwygiedig a gyhoeddir o dan adran 7 o Ddeddf yr Amgylchedd (Egwyddorion, Llywodraethiant a Thargedau Bioamrywiaeth) (Cymru) 2026.

(3) Yn yr erthygl hon—

(a) mae i "egwyddorion amgylcheddol" yr ystyr a roddir gan adran 2 o Ddeddf yr Amgylchedd (Egwyddorion, Llywodraethiant a Thargedau Bioamrywiaeth) (Cymru) 2026,

(b) mae i "diogelu'r amgylchedd" yr ystyr a roddir gan adran 44 o'r Ddeddf honno,

(c) mae "polisi" yn cynnwys cynigion ar gyfer deddfwriaeth, ond nid yw'n cynnwys penderfyniad gweinyddol mewn perthynas â pherson penodol neu achos penodol,

(d) mae "llunio polisi" yn cynnwys datblygu, mabwysiadu neu ddiwygio polisïau, ac

(e) mae "Cymru" yn cynnwys, i'r graddau y mae polisi yn ymwneud â physgota, pysgodfeydd neu iechyd pysgod, yr ardal o barth Cymru sydd y tu hwnt i derfyn atfor y môr tiriogaethol."

5 Asesiadau amgylcheddol: dyletswyddau awdurdodau cyhoeddus

(1) Rhaid i awdurdod cyhoeddus, at ddiben cyfrannu at yr amcan amgylcheddol—

(a) rhoi sylw i'r egwyddorion amgylcheddol wrth gyflawni swyddogaethau a bennir yn is-adran (2), a

(b) integreiddio diogelu'r amgylchedd wrth gyflawni'r swyddogaethau hynny.

(2) Y swyddogaethau yw unrhyw swyddogaethau mewn cysylltiad ag asesu cynlluniau a rhaglenni sy'n ymwneud â Chymru yn unig neu ag unrhyw ran o Gymru yn unig o dan Reoliadau Asesiadau Amgylcheddol o Gynlluniau a Rhaglenni (Cymru) 2004 (O.S. 2004/1656 (Cy. 170)) neu unrhyw ddarpariaeth gyfatebol sy'n disodli'r Rheoliadau hynny.

(3) Wrth gydymffurfio â'r ddyletswydd yn is-adran (1), rhaid i awdurdod cyhoeddus roi sylw i ganllawiau sydd wedi eu cynnwys yn y datganiad o egwyddorion amgylcheddol ac integreiddio diogelu'r amgylchedd neu ddatganiad diwygiedig a gyhoeddir o dan adran 7.

(4) Yn yr adran hon ac yn adran 6, ystyr "awdurdod cyhoeddus" yw person, ac eithrio Gweinidogion Cymru neu Gyfoeth Naturiol Cymru—

(a) sy'n awdurdod Cymreig datganoledig o fewn yr ystyr a roddir i "devolved Welsh authority" gan adran 157A o Ddeddf Llywodraeth Cymru 2006 (p. 32), neu

(b) a restrir ym mharagraff 9(2) neu (6) o Atodlen 7B i'r Ddeddf honno.

(b) integrate environmental protection into the making of such policy.

(2) In complying with the duty in paragraph (1), the Body must have regard to guidance included in the environmental principles and integrating environmental protection statement or revised statement published under section 7 of the Environment (Principles, Governance and Biodiversity Targets) (Wales) Act 2026.

(3) In this article—

(a) "environmental principles" has the meaning given by section 2 of the Environment (Principles, Governance and Biodiversity Targets) (Wales) Act 2026,

(b) "environmental protection" has the meaning given by section 44 of that Act,

(c) "policy" includes proposals for legislation, but does not include an administrative decision in relation to a particular person or case,

(d) "making policy" includes developing, adopting or revising policies, and

(e) "Wales" includes, so far as policy relates to fishing, fisheries or fish health, the area of the Welsh zone beyond the seaward limit of the territorial sea."

5 Environmental assessments: public authorities' duties

(1) A public authority must, for the purpose of contributing to the environmental objective—

(a) have regard to the environmental principles when carrying out functions specified in subsection (2), and

(b) integrate environmental protection into the carrying out of those functions.

(2) The functions are any functions in connection with the assessment of plans and programmes relating solely to Wales or to any part of Wales under the Environmental Assessment of Plans and Programmes (Wales) Regulations 2004 (S.I. 2004/1656 (W. 170)) or any corresponding provision replacing those Regulations.

(3) In complying with the duty in subsection (1), a public authority must have regard to guidance included in the environmental principles and integrating environmental protection statement or revised statement published under section 7.

(4) In this section and section 6, "public authority" means a person, other than the Welsh Ministers or Natural Resources Wales, who is—

(a) a devolved Welsh authority within the meaning given by section 157A of the Government of Wales Act 2006 (c. 32), or

(b) listed in paragraph 9(2) or (6) of Schedule 7B to that Act.

6 Datganiad o egwyddorion amgylcheddol ac integreiddio diogelu'r amgylchedd

(1) Rhaid i Weinidogion Cymru lunio dogfen ("datganiad o egwyddorion amgylcheddol ac integreiddio diogelu'r amgylchedd") sy'n egluro—

(a) sut y maent yn ystyried y dylid dehongli'r egwyddorion amgylcheddol;

(b) sut y maent yn cynnig cydymffurfio â'r ddyletswydd yn adran 3(1);

(c) sut y maent yn cynnig penderfynu, at ddiben adran 3(4), a fyddai polisi yn cael dim effaith neu effaith ddibwys ar yr amgylchedd;

(d) sut y mae'r egwyddorion amgylcheddol yn ymwneud â'i gilydd ac â'r ddyletswydd yn adran 3(1)(b);

(e) sut y mae'r egwyddorion amgylcheddol a'r ddyletswydd yn adran 3(1)(b) yn ymwneud â'r amcan amgylcheddol;

(f) sut y mae'r dyletswyddau yn adran 3(1), adran 5(1) ac erthygl 4A(1) o Orchymyn Corff Adnoddau Naturiol Cymru (Sefydlu) 2012 yn ymwneud â'i gilydd;

(g) sut y mae'r ddyletswydd yn adran 3(1) yn ymwneud â phwerau a dyletswyddau eraill;

(h) sut y maent yn cynnig dangos y cydymffurfiwyd â'r ddyletswydd yn adran 3(1).

(2) Rhaid i'r datganiad gynnwys canllawiau i Gyfoeth Naturiol Cymru ynghylch—

(a) sut i gydymffurfio â'r ddyletswydd yn erthygl 4A(1) o Orchymyn Corff Adnoddau Naturiol Cymru (Sefydlu) 2012 a sut i wneud hynny mewn ffordd sy'n rhoi effaith i'w ddiben cyffredinol yn erthygl 4 o'r Gorchymyn hwnnw;

(b) sut y mae'r egwyddorion amgylcheddol yn ymwneud â'i gilydd ac â'r ddyletswydd yn erthygl 4A(1)(b) o'r Gorchymyn;

(c) sut y mae'r ddyletswydd yn erthygl 4A(1) o'r Gorchymyn yn ymwneud â phwerau a dyletswyddau eraill.

(3) Rhaid i'r datganiad hefyd gynnwys canllawiau i awdurdodau cyhoeddus ynghylch—

(a) sut i gydymffurfio â'r ddyletswydd yn adran 5(1);

(b) sut y mae'r egwyddorion amgylcheddol yn ymwneud â'i gilydd ac â'r ddyletswydd yn adran 5(1)(b);

(c) sut y mae'r egwyddorion amgylcheddol a'r ddyletswydd yn adran 5(1)(b) yn ymwneud â'r amcan amgylcheddol;

(d) sut y mae'r ddyletswydd yn adran 5(1) yn ymwneud â phwerau a dyletswyddau eraill.

(4) Caiff y datganiad hefyd gynnwys unrhyw faterion eraill y mae Gweinidogion Cymru yn ystyried eu bod yn briodol.

7 Datganiad o egwyddorion amgylcheddol ac integreiddio diogelu'r amgylchedd: gofynion gweithdrefnol

(1) Rhaid i Weinidogion Cymru ymgynghori â'r canlynol pan fyddant yn llunio drafft o'r datganiad o egwyddorion amgylcheddol ac integreiddio diogelu'r amgylchedd—

(a) Cyfoeth Naturiol Cymru;

6 Environmental principles and integrating environmental protection statement

(1) The Welsh Ministers must prepare a document ("environmental principles and integrating environmental protection statement") explaining—

(a) how they consider the environmental principles should be interpreted;

(b) how they propose to comply with the duty in section 3(1);

(c) how they propose to determine, for the purpose of section 3(4), whether a policy would have no effect or a negligible effect on the environment;

(d) how the environmental principles relate to each other and to the duty in section 3(1)(b);

(e) how the environmental principles and the duty in section 3(1)(b) relate to the environmental objective;

(f) how the duties in section 3(1), section 5(1) and article 4A(1) of the Natural Resources Body for Wales (Establishment) Order 2012 relate to each other;

(g) how the duty in section 3(1) relates to other powers and duties;

(h) how they propose to demonstrate compliance with the duty in section 3(1).

(2) The statement must include guidance to Natural Resources Wales about—

(a) how to comply with the duty in article 4A(1) of the Natural Resources Body for Wales (Establishment) Order 2012 and how to do so in a way that gives effect to its general purpose in article 4 of that Order;

(b) how the environmental principles relate to each other and to the duty in article 4A(1)(b) of the Order;

(c) how the duty in article 4A(1) of the Order relates to other powers and duties.

(3) The statement must also include guidance to public authorities about—

(a) how to comply with the duty in section 5(1);

(b) how the environmental principles relate to each other and to the duty in section 5(1)(b);

(c) how the environmental principles and the duty in section 5(1)(b) relate to the environmental objective;

(d) how the duty in section 5(1) relates to other powers and duties.

(4) The statement may also include any other matters the Welsh Ministers consider appropriate.

7 Environmental principles and integrating environmental protection statement: procedural requirements

(1) The Welsh Ministers must consult the following when preparing a draft of the environmental principles and integrating environmental protection statement—

(a) Natural Resources Wales;

(b) Comisiynydd Cenedlaethau'r Dyfodol Cymru;

(c) SLlAC;

(d) unrhyw bersonau eraill y maent yn ystyried eu bod yn briodol.

(2) Rhaid i Weinidogion Cymru osod gerbron Senedd Cymru—

(a) copi o'r datganiad drafft o egwyddorion amgylcheddol ac integreiddio diogelu'r amgylchedd, ynghyd â

(b) dogfen sy'n rhoi manylion yr ymgynghoriad a gynhaliwyd o dan is-adran (1) ac yn crynhoi'r sylwadau a gafwyd ac ymateb Gweinidogion Cymru iddynt.

(3) Os yw Senedd Cymru, cyn diwedd y cyfnod o 40 niwrnod, yn gwneud argymhellion mewn perthynas â'r drafft, rhaid i Weinidogion Cymru osod eu hymateb i'r argymhellion gerbron Senedd Cymru.

(4) Rhaid i Weinidogion Cymru lunio datganiad terfynol o egwyddorion amgylcheddol ac integreiddio diogelu'r amgylchedd a'i osod gerbron Senedd Cymru.

(5) Ni chaniateir gosod y datganiad terfynol cyn—

(a) os yw is-adran (3) yn gymwys, y diwrnod y mae Gweinidogion Cymru yn gosod eu hymateb, neu

(b) fel arall, diwedd y cyfnod o 40 niwrnod.

(6) Rhaid i Weinidogion Cymru gyhoeddi'r datganiad terfynol pan y'i gosodir gerbron Senedd Cymru.

(7) Rhaid i'r datganiad terfynol gael ei osod gerbron Senedd Cymru yn ddim hwyrach na 31 Mawrth 2027.

(8) Mewn perthynas â'r "cyfnod o 40 niwrnod"—

(a) mae'n dechrau â'r diwrnod y gosodir y drafft gerbron Senedd Cymru o dan is-adran (2), a

(b) nid yw'n cynnwys unrhyw gyfnod pan fydd Senedd Cymru wedi ei diddymu neu ar doriad am fwy na 4 diwrnod.

(9) Rhaid i Weinidogion Cymru adolygu'r datganiad o egwyddorion amgylcheddol ac integreiddio diogelu'r amgylchedd ar ôl pob etholiad cyffredinol a chânt ei adolygu ar unrhyw adeg arall.

(10) Yn is-adran (9), ystyr "etholiad cyffredinol" yw etholiad cyffredinol cyffredin neu etholiad cyffredinol eithriadol a gynhelir o dan Ran 1 o Ddeddf Llywodraeth Cymru 2006 (p. 32).

(11) Ar ôl adolygu'r datganiad, caiff Gweinidogion Cymru lunio datganiad diwygiedig o egwyddorion amgylcheddol ac integreiddio diogelu'r amgylchedd; ac mae is-adrannau (1) i (6) ac (8) i (10) yn gymwys mewn perthynas ag unrhyw ddatganiad diwygiedig.

(12) Caniateir bodloni'r gofyniad yn is-adran (1) drwy ymgynghoriad a gynhelir cyn i'r adran hon ddod i rym.

(b) the Future Generations Commissioner for Wales;

(c) the OEGW;

(d) such other persons as they consider appropriate.

(2) The Welsh Ministers must lay before Senedd Cymru—

(a) a copy of the draft environmental principles and integrating environmental protection statement, together with

(b) a document giving details of the consultation carried out under subsection (1) and summarising the representations received and the Welsh Ministers' response to them.

(3) If, before the end of the 40-day period, Senedd Cymru makes recommendations in relation to the draft, the Welsh Ministers must lay before Senedd Cymru their response to the recommendations.

(4) The Welsh Ministers must prepare a final environmental principles and integrating environmental protection statement and lay it before Senedd Cymru.

(5) The final statement must not be laid before—

(a) if subsection (3) applies, the day on which the Welsh Ministers lay their response, or

(b) otherwise, the end of the 40-day period.

(6) The Welsh Ministers must publish the final statement when it is laid before Senedd Cymru.

(7) The final statement must be laid before Senedd Cymru no later than 31 March 2027.

(8) The "40-day period"—

(a) begins with the day on which the draft is laid before Senedd Cymru under subsection (2), and

(b) does not include any period during which Senedd Cymru is dissolved or is in recess for more than 4 days.

(9) The Welsh Ministers must review the environmental principles and integrating environmental protection statement after each general election and may review it at any other time.

(10) In subsection (9), "general election" means an ordinary general election or an extraordinary general election held under Part 1 of the Government of Wales Act 2006 (c. 32).

(11) After reviewing the statement, the Welsh Ministers may prepare a revised environmental principles and integrating environmental protection statement; and subsections (1) to (6) and (8) to (10) apply in relation to any revised statement.

(12) The requirement in subsection (1) may be met by consultation carried out before this section comes into force.

RHAN 2

SWYDDFA LLYWODRAETHIANT AMGYLCHEDDOL CYMRU

Swyddfa Llywodraethiant Amgylcheddol Cymru

8 Sefydlu Swyddfa Llywodraethiant Amgylcheddol Cymru

(1) Mae Swyddfa Llywodraethiant Amgylcheddol Cymru ("SLlAC") wedi ei sefydlu fel corff corfforedig.

(2) Mae Atodlen 1 yn cynnwys darpariaeth bellach ynghylch SLlAC.

9 Annibyniaeth SLlAC

Wrth arfer eu swyddogaethau mewn cysylltiad â SLlAC, rhaid i Weinidogion Cymru roi sylw i'r angen i ddiogelu annibyniaeth SLlAC.

10 Diben cyffredinol etc.

Rhaid i SLlAC arfer ei swyddogaethau—

(a) at y diben cyffredinol o—

(i) cyfrannu at gyrraedd lefel uchel o ran diogelu'r amgylchedd a gwelliant i'r amgylchedd, a

(ii) sicrhau bod cyfraith amgylcheddol yn effeithiol ac y cydymffurfir â hi, y'i gweithredir ac y'i cymhwysir;

(b) yn ddiduedd, yn wrthrychol, yn gymesur ac yn dryloyw.

11 Dyletswydd i lunio a chyhoeddi strategaeth

(1) Rhaid i SLlAC lunio a chyhoeddi strategaeth.

(2) Rhaid i'r strategaeth nodi sut y mae SLlAC yn bwriadu arfer ei swyddogaethau.

(3) Rhaid i SLlAC arfer ei swyddogaethau yn unol â'r strategaeth.

(4) Mae Atodlen 2 yn cynnwys darpariaeth bellach ynghylch—

(a) beth yn benodol y mae rhaid i'r strategaeth ei gynnwys, a

(b) gofynion gweithdrefnol.

Swyddogaethau monitro, adrodd a chynghori

12 Monitro ac adrodd

(1) Rhaid i SLlAC fonitro—

(a) cydymffurfedd awdurdodau cyhoeddus â chyfraith amgylcheddol, a

(b) gweithredu a chymhwyso cyfraith amgylcheddol.

(2) Caiff SLlAC adrodd ar—

(a) unrhyw fater y mae'n ofynnol iddi ei fonitro o dan is-adran (1), neu

(b) unrhyw fater arall sy'n ymwneud â gwneud cyfraith amgylcheddol neu ei heffeithiolrwydd.

PART 2

THE OFFICE OF ENVIRONMENTAL GOVERNANCE WALES

The Office of Environmental Governance Wales

8 Establishment of the Office of Environmental Governance Wales

(1) The Office of Environmental Governance Wales ("the OEGW") is established as a body corporate.

(2) Schedule 1 contains further provision about the OEGW.

9 Independence of the OEGW

In exercising their functions in respect of the OEGW, the Welsh Ministers must have regard to the need to protect the OEGW's independence.

10 General purpose etc.

The OEGW must exercise its functions—

(a) for the general purpose of—

(i) contributing to the attainment of a high level of environmental protection and an improvement of the environment, and

(ii) ensuring the effectiveness of environmental law and that it is complied with, implemented and applied;

(b) impartially, objectively, proportionately and transparently.

11 Duty to prepare and publish strategy

(1) The OEGW must prepare and publish a strategy.

(2) The strategy must set out how the OEGW intends to exercise its functions.

(3) The OEGW must exercise its functions in accordance with the strategy.

(4) Schedule 2 contains further provision about—

(a) what in particular the strategy must contain, and

(b) procedural requirements.

Monitoring, reporting and advising functions

12 Monitoring and reporting

(1) The OEGW must monitor—

(a) public authorities' compliance with environmental law, and

(b) the implementation and application of environmental law.

(2) The OEGW may report on—

(a) any matter that it is required to monitor under subsection (1), or

(b) any other matter concerned with the making of environmental law or its effectiveness.

(3) Rhaid i SLlAC—

(a) cyhoeddi ei hadroddiadau o dan is-adran (2), a

(b) gosod copïau o'r adroddiadau gerbron Senedd Cymru.

13 Cynghori Gweinidogion Cymru

(1) Caiff SLlAC roi cyngor i Weinidogion Cymru ynghylch—

(a) cynnig i wneud cyfraith amgylcheddol newydd neu ddeddfiad newydd arall sy'n ymwneud â'r amgylchedd yng Nghymru,

(b) newid arfaethedig i gyfraith amgylcheddol neu ddeddfiad arall sy'n ymwneud â'r amgylchedd yng Nghymru, neu

(c) unrhyw fater arall sy'n ymwneud â chyfraith amgylcheddol.

(2) Caniateir rhoi cyngor o dan yr adran hon ar gymhelliad SLlAC ei hun neu ar gais gan Weinidogion Cymru.

(3) Pan—

(a) bo Gweinidogion Cymru yn gwneud cais am gyngor SLlAC o dan is-adran (1), ond

(b) bo SLlAC yn penderfynu peidio â rhoi'r cyngor y gwneir cais amdano,

rhaid i SLlAC roi datganiad o'i rhesymau dros benderfynu hynny i Weinidogion Cymru.

(4) Rhaid i SLlAC gyhoeddi unrhyw gyngor y mae'n ei roi i Weinidogion Cymru o dan yr adran hon.

(5) Rhaid i Weinidogion Cymru roi sylw i gyngor a roddir gan SLlAC o dan yr adran hon.

(6) Yn is-adran (1), mae "Cymru" yn cynnwys, i'r graddau y mae'r cynnig neu'r newid arfaethedig yn ymwneud â physgota, pysgodfeydd neu iechyd pysgod, yr ardal o barth Cymru sydd y tu hwnt i derfyn atfor y môr tiriogaethol.

14 Cyngor, canllawiau a chymorth ar gyfraith amgylcheddol

(1) Caiff SLlAC—

(a) dyroddi canllawiau (pa un a ydynt yn gyffredinol neu'n benodol), neu

(b) rhoi cyngor neu gymorth arall i unrhyw berson,

ar unrhyw fater sy'n ymwneud â chyfraith amgylcheddol.

(2) Pan fo cyngor SLlAC i awdurdod cyhoeddus o dan yr adran hon yn cynnwys argymhellion sy'n ymwneud â chymhwyso neu weithredu cyfraith amgylcheddol gan yr awdurdod, caiff SLlAC ei gwneud yn ofynnol i'r awdurdod ymateb i'r argymhellion o fewn cyfnod a bennir gan SLlAC.

(3) Rhaid i SLlAC gyhoeddi unrhyw ganllawiau y mae'n eu dyroddi o dan yr adran hon.

Hysbysiadau gwybodaeth

15 Hysbysiadau gwybodaeth

(1) Caiff SLlAC gyflwyno hysbysiad gwybodaeth i awdurdod cyhoeddus.

(3) The OEGW must—

(a) publish its reports under subsection (2), and

(b) lay copies of the reports before Senedd Cymru.

13 Advising the Welsh Ministers

(1) The OEGW may give advice to the Welsh Ministers about—

(a) a proposal for the making of new environmental law or other new enactment relating to the environment in Wales,

(b) a proposed change to environmental law or other enactment relating to the environment in Wales, or

(c) any other matter relating to environmental law.

(2) Advice under this section may be given of the OEGW's own initiative or on request by the Welsh Ministers.

(3) Where—

(a) the Welsh Ministers request the OEGW's advice under subsection (1), but

(b) the OEGW determines not to give the advice requested,

the OEGW must give the Welsh Ministers a statement of its reasons for so determining.

(4) The OEGW must publish any advice it gives to the Welsh Ministers under this section.

(5) The Welsh Ministers must have regard to advice given by the OEGW under this section.

(6) In subsection (1), "Wales" includes, so far as the proposal or proposed change relates to fishing, fisheries or fish health, the area of the Welsh zone beyond the seaward limit of the territorial sea.

14 Advice, guidance and assistance on environmental law

(1) The OEGW may—

(a) issue guidance (whether general or specific), or

(b) give advice or other assistance to any person,

on any matter relating to environmental law.

(2) Where the OEGW's advice to a public authority under this section includes recommendations relating to the authority's application or implementation of environmental law, the OEGW may require the authority to respond to the recommendations within a period specified by the OEGW.

(3) The OEGW must publish any guidance it issues under this section.

Information notices

15 Information notices

(1) The OEGW may serve an information notice on a public authority.

(2) Hysbysiad yw hysbysiad gwybodaeth sy'n ei gwneud yn ofynnol i'r awdurdod cyhoeddus roi gwybodaeth i SLlAC sy'n rhesymol ofynnol ganddi at ddibenion arfer ei swyddogaethau.

(3) Rhaid i hysbysiad gwybodaeth bennu—

(a) yr wybodaeth, neu natur yr wybodaeth, sydd i'w rhoi,

(b) at ba ddibenion y mae'r wybodaeth yn ofynnol,

(c) sut y mae'r wybodaeth i'w rhoi, a

(d) o fewn pa gyfnod y mae'r wybodaeth i'w rhoi.

(4) Rhaid i'r cyfnod a bennir at ddibenion is-adran (3)(d) fod o leiaf 2 fis sy'n dechrau â'r diwrnod y cyflwynir yr hysbysiad.

(5) Caiff SLlAC, drwy roi hysbysiad i'r awdurdod cyhoeddus y cyflwynwyd hysbysiad gwybodaeth iddo—

(a) tynnu'r hysbysiad gwybodaeth yn ôl;

(b) amrywio'r hysbysiad gwybodaeth (gan gynnwys drwy estyn y cyfnod y mae'n ofynnol rhoi'r wybodaeth o'i fewn).

(6) Mae is-adran (7) yn gymwys pan fo awdurdod cyhoeddus yn cyflwyno sylw i SLlAC ynghylch hysbysiad gwybodaeth cyn diwedd y cyfnod y mae'n ofynnol rhoi'r wybodaeth o'i fewn.

(7) Wrth gyfrifo'r dyddiad erbyn pryd y mae'n ofynnol i'r awdurdod cyhoeddus roi'r wybodaeth i SLlAC, nid yw'r amser y mae SLlAC yn ei gymryd i ystyried y sylw yn cyfrif fel rhan o'r cyfnod y mae'n ofynnol rhoi'r wybodaeth o'i fewn.

(8) At ddibenion is-adran (7), mae'r amser y mae SLlAC yn ei gymryd i ystyried y sylw yn dechrau â'r diwrnod y cyflwynir y sylw ac yn gorffen â'r diwrnod—

(a) y mae SLlAC yn rhoi hysbysiad i'r awdurdod cyhoeddus o dan is-adran (5) fod yr hysbysiad gwybodaeth yn cael ei dynnu'n ôl neu ei amrywio mewn ymateb i'r sylw, neu

(b) y mae SLlAC yn rhoi hysbysiad i'r awdurdod cyhoeddus nad yw'n tynnu'n ôl neu'n amrywio'r hysbysiad gwybodaeth mewn ymateb i'r sylw.

Sylwadau

16 Sylwadau

(1) Caiff person gyflwyno sylwadau i SLlAC ynghylch unrhyw faterion sy'n ymwneud ag—

(a) cydymffurfedd awdurdodau cyhoeddus â chyfraith amgylcheddol,

(b) sut y mae cyfraith amgylcheddol yn cael ei gweithredu a'i chymhwyso, ac

(c) effeithiolrwydd cyfraith amgylcheddol.

(2) Rhaid i SLlAC lunio a chyhoeddi dogfen sy'n nodi'r weithdrefn y caniateir cyflwyno'r sylwadau i SLlAC drwyddi.

(3) Rhaid i'r ddogfen hefyd nodi polisi SLlAC ynghylch hysbysu personau am ei hymateb i'w sylwadau ac unrhyw gamau gweithredu y mae'n eu cymryd.

(2) An information notice is a notice requiring the public authority to give the OEGW information that it reasonably requires for the purposes of exercising its functions.

(3) An information notice must specify—

(a) the information, or the nature of the information, that is to be given,

(b) the purposes for which the information is required,

(c) how the information is to be given, and

(d) the period within which the information is to be given.

(4) The period specified for the purposes of subsection (3)(d) must be at least 2 months beginning with the day the notice is served.

(5) The OEGW may, by giving notice to the public authority on whom an information notice was served—

(a) withdraw the information notice;

(b) vary the information notice (including by extending the period within which the information is required to be given).

(6) Subsection (7) applies where a public authority makes a representation to the OEGW about an information notice before the end of the period within which the information is required to be given.

(7) In working out the date by which the public authority is required to give the information to the OEGW, the time the OEGW takes to consider the representation does not count as part of the period within which the information is required to be given.

(8) For the purposes of subsection (7), the time the OEGW takes to consider the representation begins with the day the representation is made and ends with the day—

(a) the OEGW gives notice to the public authority under subsection (5) that the information notice is being withdrawn or varied in response to the representation, or

(b) the OEGW gives notice to the public authority that it is not withdrawing or varying the information notice in response to the representation.

Representations

16 Representations

(1) A person may make representations to the OEGW about any matters relating to—

(a) public authorities' compliance with environmental law,

(b) how environmental law is implemented and applied, and

(c) the effectiveness of environmental law.

(2) The OEGW must prepare and publish a document that sets out the procedure by which the representations may be made.

(3) The document must also set out the OEGW's policy on keeping persons informed about its response to their representations and any action it is taking.

Ymchwiliadau

17 Ymchwiliadau

(1) Caiff SLlAC ymchwilio i unrhyw fater sy'n ymwneud ag—

(a) a yw awdurdod cyhoeddus yn methu, neu wedi methu ar unrhyw adeg (pa un ai cyn neu ar ôl i'r Ddeddf hon gael y Cydsyniad Brenhinol), â chydymffurfio â chyfraith amgylcheddol,

(b) sut y mae cyfraith amgylcheddol yn cael ei gweithredu a'i chymhwyso, neu

(c) effeithiolrwydd cyfraith amgylcheddol.

(2) Caniateir cynnal ymchwiliadau o dan is-adran (1) ar gymhelliad SLlAC ei hun neu mewn ymateb i unrhyw sylwadau a gyflwynir iddi gan unrhyw berson.

Hysbysiadau cydymffurfio

18 Hysbysiadau cydymffurfio

(1) Caiff SLlAC gyflwyno hysbysiad cydymffurfio i awdurdod cyhoeddus os yw'n ystyried bod yr awdurdod cyhoeddus—

(a) yn methu â chydymffurfio â chyfraith amgylcheddol, neu

(b) wedi methu â chydymffurfio â hysbysiad gwybodaeth.

(2) Rhaid i hysbysiad cydymffurfio a gyflwynir o dan is-adran (1)(a) bennu—

(a) y gyfraith amgylcheddol y mae'r methiant honedig yn ymwneud â hi,

(b) yr ymddygiad sydd wedi peri i SLlAC ystyried bod yr awdurdod cyhoeddus yn methu â chydymffurfio â chyfraith amgylcheddol,

(c) un neu ragor o gamau gweithredu y mae SLlAC yn ei gwneud yn ofynnol i'r awdurdod eu cymryd er mwyn ymdrin â'r methiant (a gaiff gynnwys camau gweithredu y bwriedir iddynt unioni neu liniaru'r methiant neu ei atal rhag digwydd eto), a

(d) o fewn pa gyfnod y mae rhaid cymryd pob cam gweithredu.

(3) Rhaid i'r cyfnod a bennir ar gyfer pob cam gweithredu at ddibenion is-adran (2)(d) fod o leiaf 30 o ddiwrnodau sy'n dechrau â'r diwrnod y cyflwynwyd yr hysbysiad (ond gweler hefyd adran 19(2) (hyd y cyfnod penodedig mewn hysbysiadau cydymffurfio brys)).

(4) Rhaid i hysbysiad cydymffurfio a gyflwynir o dan is-adran (1)(b) bennu—

(a) pam y mae SLlAC yn ystyried bod yr awdurdod cyhoeddus wedi methu â chydymffurfio â'r hysbysiad gwybodaeth,

(b) y cam gweithredu y mae SLlAC yn ei gwneud yn ofynnol i'r awdurdod ei gymryd er mwyn ymdrin â'r methiant, ac

(c) o fewn pa gyfnod y mae rhaid cymryd y cam gweithredu.

(5) Rhaid i hysbysiad cydymffurfio hefyd gynnwys—

(a) gwybodaeth am yr hawl i wneud cais am adolygiad o hysbysiad cydymffurfio, gan gynnwys y cyfnod y mae rhaid gwneud y cais o'i fewn, a

Investigations

17 Investigations

(1) The OEGW may investigate any matter relating to—

(a) whether a public authority is failing, or has at any time (whether before or after this Act receives Royal Assent) failed, to comply with environmental law,

(b) how environmental law is implemented and applied, or

(c) the effectiveness of environmental law.

(2) Investigations under subsection (1) may be carried out of the OEGW's own initiative or in response to any representations made to it by any person.

Compliance notices

18 Compliance notices

(1) The OEGW may serve a compliance notice on a public authority if it considers that the public authority—

(a) is failing to comply with environmental law, or

(b) has failed to comply with an information notice.

(2) A compliance notice served under subsection (1)(a) must specify—

(a) the environmental law to which the alleged failure relates,

(b) the conduct that has caused the OEGW to consider that the public authority is failing to comply with environmental law,

(c) one or more actions the OEGW requires the authority to take in order to address the failure (which may include action intended to remedy or mitigate, or prevent any repeat of, the failure), and

(d) the period within which each action must be taken.

(3) The period specified for each action for the purposes of subsection (2)(d) must be at least 30 days beginning with the day the notice was served (but see also section 19(2) (duration of specified period in urgent compliance notices)).

(4) A compliance notice served under subsection (1)(b) must specify—

(a) why the OEGW considers the public authority has failed to comply with the information notice,

(b) the action the OEGW requires the authority to take in order to address the failure, and

(c) the period within which the action must be taken.

(5) A compliance notice must also include—

(a) information about the right to request a review of a compliance notice, including the period within which the request must be made, and

(b) eglurhad o ganlyniadau methu â chymryd y cam neu'r camau gweithredu a bennir yn yr hysbysiad.

(6) Caiff SLlAC, drwy roi hysbysiad i'r awdurdod cyhoeddus y cyflwynwyd hysbysiad cydymffurfio iddo—

(a) tynnu'r hysbysiad cydymffurfio yn ôl;

(b) amrywio'r hysbysiad cydymffurfio.

(7) Ni chaiff hysbysiad cydymffurfio o dan is-adran (1)(a) ei gwneud yn ofynnol cymryd unrhyw gam gweithredu mewn cysylltiad â phenderfyniad gweinyddol a wnaed gan awdurdod cyhoeddus mewn perthynas â pherson penodol neu achos penodol (er enghraifft, penderfyniad ar gais am ganiatâd cynllunio, cyllid neu drwydded, neu benderfyniad ar orfodi rheoleiddiol mewn achos penodol).

19 Hysbysiadau cydymffurfio brys

(1) Mae is-adran (2) yn gymwys pan fo SLlAC yn ystyried bod angen i bob cam gweithredu a bennir mewn hysbysiad cydymffurfio sydd i'w gyflwyno o dan adran 18(1)(a) gael ei gymryd ar frys er mwyn atal neu liniaru risg bod niwed difrifol ar fin digwydd i'r amgylchedd neu i iechyd pobl.

(2) Caiff yr hysbysiad, mewn perthynas â phob cam gweithredu a bennir ynddo, bennu cyfnod o lai na 30 o ddiwrnodau, ond o 7 niwrnod o leiaf, sy'n dechrau â'r diwrnod y cyflwynir yr hysbysiad, fel y cyfnod y mae rhaid cymryd y cam gweithredu o'i fewn (yn hytrach na chyfnod o 30 o ddiwrnodau o leiaf yn unol ag adran 18(3)).

(3) Rhaid i hysbysiad cydymffurfio sy'n pennu cyfnod o lai na 30 o ddiwrnodau ar gyfer pob cam gweithredu yn unol ag is-adran (2) nodi ei fod yn hysbysiad cydymffurfio brys.

(4) Cyfeirir at hysbysiad o'r fath yn y Rhan hon fel hysbysiad cydymffurfio brys.

20 Adolygiad SLlAC o hysbysiadau cydymffurfio

(1) Rhaid i SLlAC adolygu hysbysiad cydymffurfio os yw'r awdurdod cyhoeddus y cyflwynwyd yr hysbysiad iddo yn gwneud cais iddi i wneud hynny.

(2) Rhaid i gais o dan is-adran (1) gael ei wneud drwy roi hysbysiad i SLlAC.

(3) Rhaid gwneud cais am adolygiad o hysbysiad cydymffurfio nad yw'n hysbysiad cydymffurfio brys cyn diwedd 30 o ddiwrnodau sy'n dechrau â'r diwrnod y cyflwynir yr hysbysiad cydymffurfio.

(4) Rhaid gwneud cais am adolygiad o hysbysiad cydymffurfio brys cyn diwedd 7 niwrnod sy'n dechrau â'r diwrnod y cyflwynir yr hysbysiad cydymffurfio.

(5) Rhaid i adolygiad o dan yr adran hon gael ei gynnal—

(a) gan bwyllgor adolygu SLlAC (gweler paragraff 10 o Atodlen 1);

(b) cyn gynted ag y bo'n rhesymol ymarferol ar ôl i'r hysbysiad gael ei roi i SLlAC o dan is-adran (2).

(6) Pan fo'r seiliau dros wneud cais am adolygiad yn cynnwys methiant i gydymffurfio ag adran 18(2), (4) neu (5), neu ryw ddiffyg neu wall arall mewn hysbysiad cydymffurfio, neu mewn cysylltiad ag ef, rhaid i'r pwyllgor adolygu anwybyddu unrhyw fethiant, unrhyw ddiffyg neu unrhyw wall o'r fath os yw'r pwyllgor yn ystyried nad yw'n un sylweddol.

(b) an explanation of the consequences of failing to take the action specified in the notice.

(6) The OEGW may, by giving notice to the public authority on whom a compliance notice was served—

(a) withdraw the compliance notice;

(b) vary the compliance notice.

(7) A compliance notice under subsection (1)(a) may not require any action to be taken in respect of an administrative decision taken by a public authority in relation to a particular person or case (for example, a decision on an application for planning permission, funding or a licence, or a decision on regulatory enforcement in a specific case).

19 Urgent compliance notices

(1) Subsection (2) applies where the OEGW considers that each action specified in a compliance notice to be served under section 18(1)(a) needs to be taken urgently to prevent or mitigate an imminent risk of serious damage to the environment or to human health.

(2) The notice may, in relation to each action specified in it, specify a period of less than 30 days, but of at least 7 days, beginning with the day the notice is served, as the period within which the action must be taken (instead of a period of at least 30 days in accordance with section 18(3)).

(3) A compliance notice that specifies a period of less than 30 days for each action in accordance with subsection (2) must indicate that it is an urgent compliance notice.

(4) Such a notice is referred to in this Part as an urgent compliance notice.

20 OEGW's review of compliance notices

(1) The OEGW must review a compliance notice if requested to do so by the public authority on whom the notice was served.

(2) A request under subsection (1) must be made by giving notice to the OEGW.

(3) A request for a review of a compliance notice that is not an urgent compliance notice must be made before the end of 30 days beginning with the day the compliance notice is served.

(4) A request for a review of an urgent compliance notice must be made before the end of 7 days beginning with the day the compliance notice is served.

(5) A review under this section must be conducted—

(a) by the OEGW's review committee (see paragraph 10 of Schedule 1);

(b) as soon as is reasonably practicable after the notice is given to the OEGW under subsection (2).

(6) Where the grounds for requesting a review include a failure to comply with section 18(2), (4) or (5), or some other defect or error in, or in connection with, a compliance notice, the review committee must disregard any such failure, defect or error if the committee considers it not to be a material one.

(7) Ar adolygiad o dan yr adran hon, caiff y pwyllgor adolygu—

(a) cadarnhau'r hysbysiad cydymffurfio,

(b) tynnu'r hysbysiad cydymffurfio yn ôl, neu

(c) amrywio'r hysbysiad cydymffurfio.

(8) Rhaid i'r pwyllgor adolygu roi hysbysiad o'i benderfyniad ar adolygiad i'r awdurdod cyhoeddus a wnaeth gais am yr adolygiad.

(9) Mae penderfyniad y pwyllgor adolygu ar adolygiad o hysbysiad cydymffurfio yn derfynol (ac ni chaniateir gwneud unrhyw geisiadau pellach am adolygiad mewn perthynas â'r un hysbysiad cydymffurfio).

(10) Rhaid i awdurdod cyhoeddus ddarparu unrhyw wybodaeth bellach i'r pwyllgor adolygu sy'n rhesymol ofynnol gan y pwyllgor at ddibenion cynnal adolygiad o dan yr adran hon.

(11) Mae is-adran (12) yn gymwys pan fo awdurdod cyhoeddus yn gwneud cais am adolygiad o hysbysiad cydymffurfio o dan yr adran hon.

(12) Wrth gyfrifo'r dyddiad erbyn pryd y mae'n ofynnol i'r awdurdod cyhoeddus gymryd cam gweithredu a bennir yn yr hysbysiad, nid yw'r amser y mae'r pwyllgor adolygu yn ei gymryd i gynnal yr adolygiad yn cyfrif fel rhan o'r cyfnod a bennir yn yr hysbysiad fel y cyfnod y mae'n ofynnol i'r awdurdod gymryd y cam gweithredu o'i fewn.

(13) At ddibenion is-adran (12) mae'r amser y mae'r pwyllgor adolygu yn ei gymryd i gynnal yr adolygiad yn dechrau â'r diwrnod y mae'r awdurdod cyhoeddus yn gwneud cais am yr adolygiad ac yn dod i ben â'r diwrnod y mae'r pwyllgor adolygu yn rhoi hysbysiad o dan is-adran (8).

21 Adolygiad yr Uchel Lys ar ôl methiant i gymryd cam gweithredu penodedig

(1) Mae'r adran hon yn gymwys pan fo SLlAC yn ystyried bod awdurdod cyhoeddus wedi methu â chymryd cam gweithredu a bennir mewn hysbysiad cydymffurfio yn y cyfnod y mae'n ofynnol cymryd y cam gweithredu o'i fewn.

(2) Caiff SLlAC wneud cais i'r Uchel Lys am orchymyn sy'n ei gwneud yn ofynnol i'r awdurdod cyhoeddus—

(a) cymryd y cam gweithredu fel y'i pennir yn yr hysbysiad cydymffurfio, neu

(b) cymryd y cam gweithredu hwnnw fel y'i hamrywir gan y Llys fel y mae'n ystyried ei fod yn briodol.

(3) Ni chaniateir gwneud cais mewn perthynas â cham gweithredu a bennir mewn hysbysiad cydymffurfio nad yw'n hysbysiad cydymffurfio brys cyn y diweddaraf o—

(a) diwedd y cyfnod y mae'n ofynnol i'r awdurdod cyhoeddus gymryd y cam gweithredu o'i fewn, a

(b) unrhyw derfyn amser sy'n gymwys i gychwyn adolygiad barnwrol er mwyn cwestiynu'r ymddygiad honedig y cyflwynwyd yr hysbysiad cydymffurfio mewn cysylltiad ag ef.

(4) Ni chaniateir gwneud cais mewn perthynas â cham gweithredu a bennir mewn hysbysiad cydymffurfio brys cyn diwedd y cyfnod y mae'n ofynnol i'r awdurdod cyhoeddus gymryd y cam gweithredu o'i fewn.

(7) On a review under this section, the review committee may—

(a) confirm the compliance notice,

(b) withdraw the compliance notice, or

(c) vary the compliance notice.

(8) The review committee must give notice of its determination on a review to the public authority that requested the review.

(9) The review committee's determination on a review of a compliance notice is final (and no further requests for a review may be made in relation to the same compliance notice).

(10) A public authority must provide the review committee with such further information as the committee may reasonably require for the purposes of conducting a review under this section.

(11) Subsection (12) applies where a public authority requests a review of a compliance notice under this section.

(12) In working out the date by which the public authority is required to take an action specified in the notice, the time the review committee takes to conduct the review does not count as part of the period specified in the notice as the period within which the authority is required to take the action.

(13) For the purposes of subsection (12) the time the review committee takes to conduct the review begins with the day the public authority requests the review and ends with the day the review committee gives notice under subsection (8).

21 High Court review after failure to take specified action

(1) This section applies where the OEGW considers that a public authority has failed to take an action specified in a compliance notice in the period within which the action is required to be taken.

(2) The OEGW may apply to the High Court for an order requiring the public authority to—

(a) take the action as specified in the compliance notice, or

(b) take such action as varied by the Court as it considers appropriate.

(3) An application may not be made in relation to an action specified in a compliance notice that is not an urgent compliance notice before the later of—

(a) the end of the period within which the public authority is required to take the action, and

(b) any time limit that applies to the commencement of judicial review for questioning the alleged conduct in respect of which the compliance notice was served.

(4) An application may not be made in relation to an action specified in an urgent compliance notice before the end of the period within which the public authority is required to take the action.

(5) Rhaid i orchymyn a roddir ar gais o dan is-adran (2) bennu'r cyfnod y mae'n ofynnol cymryd y cam gweithredu o'i fewn.

(6) Os yw'r Llys, wrth benderfynu cais o dan is-adran (2), yn ystyried bod hysbysiad cydymffurfio neu ran o hysbysiad cydymffurfio yn afresymol neu na ddylai, am unrhyw reswm arall, yr hysbysiad fod wedi ei gyflwyno neu'r rhan fod wedi ei chynnwys, rhaid i'r Llys drwy orchymyn ei gwneud yn ofynnol i SLlAC dynnu'r hysbysiad neu (yn ôl y digwydd) y rhan o'r hysbysiad yn ôl.

Adroddiadau gwella a chynlluniau gwella

22 Adroddiadau gwella

(1) Caiff SLlAC gyhoeddi adroddiad gwella os yw'n ystyried bod awdurdod cyhoeddus yn methu neu wedi methu ar unrhyw adeg (pa un ai cyn neu ar ôl i'r Ddeddf hon gael y Cydsyniad Brenhinol) ag—

(a) cydymffurfio â chyfraith amgylcheddol, neu

(b) gweithredu neu gymhwyso cyfraith amgylcheddol yn effeithiol.

(2) Caiff SLlAC hefyd gyhoeddi adroddiad gwella os yw'n ystyried bod Gweinidogion Cymru neu awdurdod cyhoeddus arall wedi methu â gwneud cyfraith amgylcheddol effeithiol.

(3) Caiff un adroddiad gwella o dan is-adran (1) ymwneud â methiant gan ddau neu ragor o awdurdodau cyhoeddus ond dim ond os yw SLlAC wedi ei bodloni bod yr holl awdurdodau o dan sylw yn arfer neu wedi arfer eu swyddogaethau mewn ffordd sydd wedi arwain at yr un methiant honedig neu fethiant honedig tebyg.

(4) Pan fo SLlAC yn cyhoeddi adroddiad gwella, rhaid iddi—

(a) anfon copi o'r adroddiad—

(i) i'r awdurdod cyhoeddus y cyhoeddir yr adroddiad mewn perthynas â'i fethiant honedig, a

(ii) os nad Gweinidogion Cymru yw'r awdurdod cyhoeddus y cyhoeddir yr adroddiad mewn perthynas â'i fethiant honedig, at Weinidogion Cymru, a

(b) gosod copi o'r adroddiad gerbron Senedd Cymru.

23 Adroddiadau gwella: cynnwys

(1) Rhaid i adroddiad gwella—

(a) nodi manylion y methiant honedig i—

(i) cydymffurfio â chyfraith amgylcheddol,

(ii) gweithredu neu gymhwyso cyfraith amgylcheddol yn effeithiol, neu

(iii) gwneud cyfraith amgylcheddol effeithiol;

(b) egluro rhesymau SLlAC dros ystyried bod methiant o'r fath wedi bod;

(c) nodi effaith neu effaith bosibl y methiant;

(d) argymell camau gweithredu i Weinidogion Cymru eu cymryd mewn ymateb i'r methiant;

(e) cynnig amserlenni ar gyfer cymryd y camau gweithredu hynny.

(5) An order granted on an application under subsection (2) must specify the period within which the action is required be taken.

(6) If, in determining an application under subsection (2), the Court considers that a compliance notice or a part of a compliance notice is unreasonable or that, for any other reason, the notice ought to not have been served or the part ought to not have been included, the Court must by order require the OEGW to withdraw the notice or (as the case may be) the part of the notice.

Improvement reports and improvement plans

22 Improvement reports

(1) The OEGW may publish an improvement report if it considers that a public authority is failing or has at any time (whether before or after this Act receives Royal Assent) failed to—

(a) comply with environmental law, or

(b) implement or apply environmental law effectively.

(2) The OEGW may also publish an improvement report if it considers that the Welsh Ministers or other public authority has failed to make effective environmental law.

(3) A single improvement report under subsection (1) may relate to a failure by two or more public authorities but only if the OEGW is satisfied that all the authorities concerned are exercising or have exercised their functions in such a way as to lead to the same, or similar, alleged failure.

(4) Where the OEGW publishes an improvement report, it must—

(a) send a copy of the report to—

(i) the public authority in relation to whose alleged failure the report is published, and

(ii) if the Welsh Ministers are not the public authority in relation to whose alleged failure the report is published, the Welsh Ministers, and

(b) lay a copy of the report before Senedd Cymru.

23 Improvement reports: content

(1) An improvement report must—

(a) set out the details of the alleged failure to—

(i) comply with environmental law,

(ii) implement or apply environmental law effectively, or

(iii) make effective environmental law;

(b) explain the OEGW's reasons for considering that there has been such a failure;

(c) set out the impact or possible impact of the failure;

(d) recommend actions for the Welsh Ministers to take in response to the failure;

(e) propose timescales for taking those actions.

(2) Ni chaiff y camau gweithredu a argymhellir ar gyfer Gweinidogion Cymru o dan is-adran (1)(d) gynnwys—

(a) dirymu neu amrywio penderfyniad gweinyddol a wnaed gan awdurdod cyhoeddus mewn perthynas â pherson neu achos penodol, na

(b) ei gwneud yn ofynnol i awdurdod cyhoeddus arall ddirymu neu amrywio penderfyniad o'r fath.

24 Cynlluniau gwella

(1) Pan fo SLlAC yn cyhoeddi adroddiad gwella, rhaid i Weinidogion Cymru ymateb drwy gyhoeddi cynllun gwella.

(2) Rhaid i gynllun gwella nodi—

(a) yr hyn y mae Gweinidogion Cymru yn cynnig ei wneud mewn ymateb i'r argymhellion yn yr adroddiad gwella, gan gynnwys yn benodol—

(i) y camau gweithredu y mae Gweinidogion Cymru yn cynnig eu cymryd i weithredu'r argymhellion (yn llawn neu'n rhannol),

(ii) yr amserlenni arfaethedig ar gyfer gweithredu'r argymhellion,

(iii) y trefniadau ar gyfer adolygu cynnydd wrth weithredu'r argymhellion, ac adrodd arno, a

(b) os nad yw Gweinidogion Cymru yn bwriadu gweithredu'r argymhellion (yn llawn neu'n rhannol), y rhesymau dros hynny.

(3) Rhaid i Weinidogion Cymru gyhoeddi cynllun gwella—

(a) cyn diwedd 6 mis sy'n dechrau â'r diwrnod yr anfonwyd adroddiad gwella atynt o dan adran 22(4)(a), neu

(b) os ydynt yn ystyried ei bod yn angenrheidiol ymgynghori ag unrhyw berson ynghylch y cynllun, cyn diwedd 9 mis sy'n dechrau â'r diwrnod hwnnw.

(4) Pan fo Gweinidogion Cymru yn cyhoeddi cynllun gwella, rhaid iddynt osod copi ohono gerbron Senedd Cymru.

Dyletswyddau cydweithredu

25 Dyletswyddau cydweithredu

(1) Rhaid i awdurdod cyhoeddus gydweithredu â SLlAC, a rhoi iddi unrhyw gymorth rhesymol y mae'n gwneud cais amdano (gan gynnwys darparu gwybodaeth), mewn cysylltiad ag arfer swyddogaethau SLlAC.

(2) Rhaid i awdurdod cyhoeddus hefyd wneud pob ymdrech resymol i—

(a) datrys yn gyflym unrhyw fater y mae SLlAC yn ei godi ynghylch methiant yr awdurdod i gydymffurfio â chyfraith amgylcheddol, i weithredu neu gymhwyso cyfraith amgylcheddol yn effeithiol, neu i wneud cyfraith amgylcheddol effeithiol, a

(b) dod i gytundeb â SLlAC ynghylch unrhyw gam neu gamau gweithredu unioni y dylai'r awdurdod ei gymryd neu eu cymryd at ddibenion diogelu'r amgylchedd.

(2) The actions recommended for the Welsh Ministers under subsection (1)(d) may not include—

(a) revoking or varying an administrative decision taken by a public authority in relation to a particular person or case, or

(b) requiring another public authority to revoke or vary such a decision.

24 Improvement plans

(1) Where the OEGW publishes an improvement report, the Welsh Ministers must respond by publishing an improvement plan.

(2) An improvement plan must set out—

(a) what the Welsh Ministers propose to do in response to the recommendations in the improvement report, including in particular—

(i) the actions the Welsh Ministers propose to take to implement the recommendations (in full or in part),

(ii) the proposed timescales for implementing the recommendations,

(iii) the arrangements for reviewing, and reporting on, progress in implementing the recommendations, and

(b) if the Welsh Ministers do not intend to implement the recommendations (in full or in part), the reasons for that.

(3) The Welsh Ministers must publish an improvement plan—

(a) before the end of 6 months beginning with the day they were sent an improvement report under section 22(4)(a), or

(b) if they consider that it is necessary to consult any person about the plan, before the end of 9 months beginning with that day.

(4) Where the Welsh Ministers publish an improvement plan, they must lay a copy of it before Senedd Cymru.

Co-operation duties

25 Co-operation duties

(1) A public authority must co-operate with the OEGW, and give it such reasonable assistance as it requests (including the provision of information), in connection with the exercise of the OEGW's functions.

(2) A public authority must also make all reasonable efforts to—

(a) swiftly resolve any matter that the OEGW raises concerning the authority's failure to comply with environmental law, to implement or apply environmental law effectively, or to make effective environmental law, and

(b) reach agreement with the OEGW on any remedial action the authority should take for the purposes of environmental protection.

Datgelu gwybodaeth a chyfrinachedd

26 Datgelu gwybodaeth i SLlAC

(1) Nid yw datgelu gwybodaeth i SLlAC gan awdurdod cyhoeddus yn unol â darpariaeth a grybwyllir yn is-adran (3) yn torri—

(a) unrhyw rwymedigaeth cyfrinachedd sy'n ddyledus gan yr awdurdod, na

(b) unrhyw gyfyngiad arall ar ddatgelu gwybodaeth (sut bynnag y'i gosodir).

(2) Ond gweler hefyd adran 183A o Ddeddf Diogelu Data 2018 (p. 12) (diogelu gofynion ar gyfer prosesu data personol).

(3) Y darpariaethau yw—

(a) adran 15(1) (hysbysiadau gwybodaeth);

(b) adran 20(10) (gofyniad i ddarparu gwybodaeth sy'n rhesymol ofynnol gan SLlAC at ddibenion adolygiad o hysbysiad cydymffurfio);

(c) adran 25(1) (dyletswydd awdurdod cyhoeddus i gydweithredu â SLlAC).

(4) Nid yw unrhyw beth yn y Rhan hon yn ei gwneud yn ofynnol i awdurdod cyhoeddus ddarparu gwybodaeth i SLlAC—

(a) y byddai gan yr awdurdod hawlogaeth i wrthod ei darparu mewn achos sifil ar sail braint broffesiynol gyfreithiol, neu

(b) y byddai gan yr awdurdod hawlogaeth i wrthod ei darparu, neu y byddai unrhyw reol gyfreithiol yn ei gwneud yn ofynnol iddo wrthod ei darparu, mewn achos sifil ar sail imiwnedd budd y cyhoedd.

27 Gofynion cyfrinachedd: SLlAC

(1) Ni chaiff SLlAC ddatgelu—

(a) gwybodaeth a gafwyd yn rhinwedd darpariaeth a grybwyllir yn is-adran (2),

(b) gohebiaeth rhwng SLlAC ac awdurdod cyhoeddus sy'n ymwneud â hysbysiad gwybodaeth penodol neu hysbysiad cydymffurfio penodol, neu â llunio adroddiad gwella penodol, nac

(c) gohebiaeth rhwng SLlAC ac awdurdod cyhoeddus sy'n hysbysiad gwybodaeth, yn hysbysiad cydymffurfio neu'n ddrafft heb ei gyhoeddi o adroddiad gwella, neu sy'n cynnwys hysbysiad gwybodaeth, hysbysiad cydymffurfio neu ddrafft heb ei gyhoeddi o adroddiad gwella.

(2) Y darpariaethau yw—

(a) adran 15(1) (hysbysiadau gwybodaeth);

(b) adran 20(10) (gofyniad i ddarparu gwybodaeth sy'n rhesymol ofynnol gan SLlAC at ddibenion adolygiad o hysbysiad cydymffurfio);

(c) adran 25(1) (dyletswydd awdurdod cyhoeddus i gydweithredu â SLlAC).

(3) Nid yw is-adran (1) yn gymwys i—

(a) datgeliad a grybwyllir yn is-adran (1)(a) neu (b) a wneir gyda chydsyniad yr awdurdod cyhoeddus a ddarparodd yr wybodaeth neu'r ohebiaeth;

Disclosure of information and confidentiality

26 Disclosure of information to the OEGW

(1) A public authority's disclosure of information to the OEGW in accordance with a provision mentioned in subsection (3) does not breach—

(a) any obligation of confidence owed by the authority, or

(b) any other restriction on the disclosure of information (however imposed).

(2) But see also section 183A of the Data Protection Act 2018 (c. 12) (protection of requirements for processing personal data).

(3) The provisions are—

(a) section 15(1) (information notices);

(b) section 20(10) (requirement to provide information that the OEGW reasonably requires for the purposes of a review of a compliance notice);

(c) section 25(1) (public authority's duty to co-operate with the OEGW).

(4) Nothing in this Part requires a public authority to provide the OEGW with information—

(a) that the authority would be entitled to refuse to provide in civil proceedings on the grounds of legal professional privilege, or

(b) that the authority would be entitled, or required by any rule of law, to refuse to provide in civil proceedings on the grounds of public interest immunity.

27 Confidentiality requirements: the OEGW

(1) The OEGW must not disclose—

(a) information obtained by virtue of provision mentioned in subsection (2),

(b) correspondence between the OEGW and a public authority that relates to a particular information notice or compliance notice, or to the preparation of a particular improvement report, or

(c) correspondence between the OEGW and a public authority that is, or contains, an information notice or compliance notice or an unpublished draft of an improvement report.

(2) The provisions are—

(a) section 15(1) (information notices);

(b) section 20(10) (requirement to provide information that the OEGW reasonably requires for the purposes of a review of a compliance notice);

(c) section 25(1) (public authority's duty to co-operate with OEGW).

(3) Subsection (1) does not apply to—

(a) a disclosure mentioned in subsection (1)(a) or (b) made with the consent of the public authority that provided the information or correspondence;

(b) datgeliad a wneir at ddibenion sy'n gysylltiedig ag arfer swyddogaethau SLlAC;

(c) datgeliad sy'n ymwneud yn unig â mater nad yw SLlAC yn bwriadu cymryd unrhyw gam gweithredu pellach o dan y Rhan hon mewn perthynas ag ef;

(d) datgeliad a wneir at ddibenion achos sifil;

(e) datgeliad a wneir at ddibenion ymchwiliad troseddol neu achos troseddol neu at ddibenion atal neu ganfod trosedd;

(f) datgeliad a wneir yn unol â gorchymyn llys neu dribiwnlys;

(g) datgeliad a wneir yn unol â deddfiad sy'n gwneud y datgeliad yn ofynnol neu'n ei ganiatáu.

28 Gofynion cyfrinachedd: awdurdodau cyhoeddus

(1) Ni chaiff awdurdod cyhoeddus ddatgelu gohebiaeth rhwng SLlAC a'r awdurdod cyhoeddus hwnnw neu unrhyw awdurdod cyhoeddus arall—

(a) sy'n ymwneud â hysbysiad gwybodaeth penodol neu hysbysiad cydymffurfio penodol, neu â llunio adroddiad gwella penodol, neu

(b) sy'n hysbysiad o'r fath neu'n ddrafft heb ei gyhoeddi o adroddiad o'r fath, neu sy'n cynnwys hysbysiad o'r fath neu ddrafft heb ei gyhoeddi o adroddiad o'r fath.

(2) Nid yw is-adran (1) yn gymwys i—

(a) datgeliad a grybwyllir yn is-adran (1)(a) a wneir gyda chydsyniad SLlAC a'r awdurdod cyhoeddus yr oedd SLlAC yn gohebu ag ef (os nad yr awdurdod cyhoeddus sy'n gwneud y datgeliad ydyw);

(b) datgeliad a grybwyllir yn is-adran (1)(b) a wneir gyda chydsyniad SLlAC;

(c) datgeliad a wneir at ddibenion sy'n gysylltiedig â chydweithredu ag ymchwiliad o dan adran 17;

(d) datgeliad a wneir at ddibenion sy'n gysylltiedig â hysbysiad gwybodaeth neu hysbysiad cydymffurfio;

(e) datgeliad a wneir at ddibenion sy'n gysylltiedig ag adolygiad yr Uchel Lys o dan adran 21, adolygiad statudol neu achos sifil;

(f) datgeliad a wneir at ddibenion ymchwiliad troseddol neu achos troseddol neu at ddibenion atal neu ganfod trosedd;

(g) datgeliad a wneir yn unol â gorchymyn llys neu dribiwnlys;

(h) datgeliad a wneir yn unol â deddfiad sy'n gwneud y datgeliad yn ofynnol neu'n ei ganiatáu.

(3) Ni chaiff SLlAC gydsynio i ddatgelu hysbysiad neu ddrafft heb ei gyhoeddi o adroddiad yn unol ag is-adran (2)(b) oni bai bod yr hysbysiad neu'r adroddiad drafft yn ymwneud yn unig â mater nad yw SLlAC yn bwriadu cymryd unrhyw gam gweithredu pellach o dan y Rhan hon mewn perthynas ag ef.

(4) Os yw cais awdurdod cyhoeddus am gydsyniad yn unol ag is-adran (2)(a) neu (b) yn ymwneud yn unig â mater nad yw SLlAC yn bwriadu cymryd unrhyw gam gweithredu pellach o dan y Rhan hon mewn perthynas ag ef, ni chaiff SLlAC atal ei chydsyniad.

(b) a disclosure made for purposes connected with the exercise of the OEGW's functions;

(c) a disclosure that relates only to a matter in relation to which the OEGW does not intend to take any further action under this Part;

(d) a disclosure made for the purposes of civil proceedings;

(e) a disclosure made for the purposes of a criminal investigation or criminal proceedings or for the purposes of the prevention or detection of crime;

(f) a disclosure made in pursuance of an order of a court or tribunal;

(g) a disclosure made in accordance with an enactment requiring or permitting the disclosure.

28 Confidentiality requirements: public authorities

(1) A public authority must not disclose correspondence between the OEGW and that, or any other, public authority—

(a) that relates to a particular information notice or compliance notice, or to the preparation of a particular improvement report, or

(b) that is, or contains, such a notice or an unpublished draft of such a report.

(2) Subsection (1) does not apply to—

(a) a disclosure mentioned in subsection (1)(a) made with the consent of the OEGW and the public authority with which the OEGW was corresponding (if not the public authority making the disclosure);

(b) a disclosure mentioned in subsection (1)(b) made with the consent of the OEGW;

(c) a disclosure made for purposes connected with co-operating with an investigation under section 17;

(d) a disclosure made for purposes connected with an information notice or compliance notice;

(e) a disclosure made for purposes connected with a High Court review under section 21, a statutory review or civil proceedings;

(f) a disclosure made for the purposes of a criminal investigation or criminal proceedings or for the purposes of the prevention or detection of crime;

(g) a disclosure made in pursuance of an order of a court or tribunal;

(h) a disclosure made in accordance with an enactment requiring or permitting the disclosure.

(3) The OEGW may not consent to the disclosure of a notice or an unpublished draft of a report in accordance with subsection (2)(b) unless the notice or draft report relates only to a matter in relation to which the OEGW does not intend to take any further action under this Part.

(4) If a public authority's request for consent in accordance with subsection (2)(a) or (b) relates only to a matter in relation to which the OEGW does not intend to take any further action under this Part, the OEGW may not withhold its consent.

(5) Yn yr adran hon, ystyr "adolygiad statudol" yw hawliad am adolygiad statudol o dan—

(a) adran 287 neu 288 o Ddeddf Cynllunio Gwlad a Thref 1990 (p. 8),

(b) adran 22 o Ddeddf Cynllunio (Sylweddau Peryglus) 1990 (p. 10),

(c) adran 113 o Ddeddf Cynllunio a Phrynu Gorfodol 2004 (p. 5), neu

(d) adran 183 o Ddeddf yr Amgylchedd Hanesyddol (Cymru) 2023 (dsc 3).

29 Cymhwyso Rheoliadau Gwybodaeth Amgylcheddol 2004

Os yw gwybodaeth neu ohebiaeth a grybwyllir yn adran 27(1) ac a ddelir gan SLlAC, neu a grybwyllir yn adran 28(1) ac a ddelir gan awdurdod cyhoeddus, yn wybodaeth amgylcheddol at ddibenion Rheoliadau Gwybodaeth Amgylcheddol 2004 (O.S. 2004/3391), fe'i delir gan SLlAC neu (yn ôl y digwydd) yr awdurdod cyhoeddus, at ddibenion cymhwyso'r Rheoliadau hynny i'r wybodaeth honno, mewn cysylltiad ag achos cyfrinachol.

Cynlluniau trosglwyddo staff

30 Cynlluniau trosglwyddo staff

Mae Atodlen 3 yn gwneud darpariaeth ynghylch cynlluniau ar gyfer trosglwyddo staff o Lywodraeth Cymru i SLlAC.

Dehongli

31 Ystyr "cyfraith amgylcheddol"

(1) Yn y Rhan hon, ystyr "cyfraith amgylcheddol" yw unrhyw ddarpariaeth ddatganoledig i'r graddau—

(a) ei bod yn ymwneud yn gyfan gwbl neu'n bennaf â diogelu'r amgylchedd, a

(b) nad yw'n ymwneud â—

(i) datgelu gwybodaeth neu fynediad ati;

(ii) trethiant, cyllid neu gyllidebau.

(2) Nid yw is-adran (1)(b)(i) yn eithrio o ystyr "cyfraith amgylcheddol" ddarpariaethau yn y Rhan hon sy'n ymwneud â datgelu gwybodaeth.

(3) Yn is-adran (1), ystyr "darpariaeth ddatganoledig" yw—

(a) darpariaeth sydd wedi ei chynnwys mewn Mesur Cynulliad neu Ddeddf gan Senedd Cymru, neu mewn offeryn a wneir odano neu odani, a

(b) darpariaeth sydd wedi ei chynnwys mewn unrhyw ddeddfiad arall a fyddai, pe bai wedi ei chynnwys mewn Deddf gan Senedd Cymru, o fewn cymhwysedd deddfwriaethol y Senedd (gan anwybyddu unrhyw ofyniad am gydsyniad un o Weinidogion y Goron a osodir o dan Atodlen 7B i Ddeddf Llywodraeth Cymru 2006 (p. 32)).

(4) Caiff Gweinidogion Cymru, drwy reoliadau, ddarparu bod, neu nad yw, darpariaeth ddatganoledig a bennir yn y rheoliadau o fewn y diffiniad o "cyfraith amgylcheddol" yn is-adran (1) (ac mae'r Rhan hon yn gymwys yn unol â hynny).

(5) In this section, "statutory review" means a claim for statutory review under—

(a) section 287 or 288 of the Town and Country Planning Act 1990 (c. 8),

(b) section 22 of the Planning (Hazardous Substances) Act 1990 (c. 10),

(c) section 113 of the Planning and Compulsory Purchase Act 2004 (c. 5), or

(d) section 183 of the Historic Environment (Wales) Act 2023 (asc 3).

29 Application of Environmental Information Regulations 2004

If information or correspondence mentioned in section 27(1) and held by the OEGW, or mentioned in section 28(1) and held by a public authority, is environmental information for the purposes of the Environmental Information Regulations 2004 (SI 2004/3391), it is held by the OEGW or (as the case may be) the public authority, for the purposes of the application of those Regulations to that information, in connection with confidential proceedings.

Staff transfer schemes

30 Staff transfer schemes

Schedule 3 makes provision about schemes for the transfer of staff from the Welsh Government to the OEGW.

Interpretation

31 Meaning of "environmental law"

(1) In this Part, "environmental law" means any devolved provision to the extent that it—

(a) wholly or mainly relates to environmental protection, and

(b) does not relate to—

(i) disclosure of, or access to, information;

(ii) taxation, finance or budgets.

(2) Subsection (1)(b)(i) does not exclude from the meaning of "environmental law" provisions in this Part that relate to the disclosure of information.

(3) In subsection (1), "devolved provision" means—

(a) provision contained in, or in an instrument made under, an Assembly Measure or an Act of Senedd Cymru, and

(b) provision contained in any other enactment which, if contained in an Act of Senedd Cymru, would be within the legislative competence of the Senedd (ignoring any requirement for the consent of a Minister of the Crown imposed under Schedule 7B to the Government of Wales Act 2006 (c. 32)).

(4) The Welsh Ministers may, by regulations, provide that a devolved provision specified in the regulations is, or is not, within the definition of "environmental law" in subsection (1) (and this Part applies accordingly).

(5) Cyn gwneud rheoliadau o dan is-adran (4) rhaid i Weinidogion Cymru ymgynghori ag—

(a) SLlAC, a

(b) unrhyw bersonau eraill y maent yn ystyried eu bod yn briodol.

32 Ystyr "awdurdod cyhoeddus"

Yn y Rhan hon, ystyr "awdurdod cyhoeddus" yw person ac eithrio SLlAC—

(a) sy'n awdurdod Cymreig datganoledig o fewn yr ystyr a roddir i "devolved Welsh authority" gan adran 157A o Ddeddf Llywodraeth Cymru 2006 (p. 32), neu

(b) a restrir ym mharagraff 9(2) neu (6) o Atodlen 7B i'r Ddeddf honno.

33 Ystyr "effeithiolrwydd cyfraith amgylcheddol"

Yn y Rhan hon, mae cyfeiriadau at effeithiolrwydd cyfraith amgylcheddol yn gyfeiriadau at ei heffeithiolrwydd o ran cyfrannu at ddiogelu'r amgylchedd.

34 Ystyr "methu â chydymffurfio â chyfraith amgylcheddol"

Yn y Rhan hon, mae cyfeiriadau at awdurdod cyhoeddus yn methu â chydymffurfio â chyfraith amgylcheddol yn gyfeiriadau at yr awdurdod—

(a) yn arfer ei swyddogaethau mewn ffordd sy'n groes i gyfraith amgylcheddol, neu

(b) yn methu ag arfer ei swyddogaethau pan fo'r methiant yn groes i gyfraith amgylcheddol.

RHAN 3

TARGEDAU BIOAMRYWIAETH, ETC.

35 Targedau bioamrywiaeth

(1) Ar ôl adran 6A o Ddeddf yr Amgylchedd (fel y'i mewnosodir gan adran 39 o'r Ddeddf hon), mewnosoder—

"Targedau bioamrywiaeth

6B Targedau bioamrywiaeth: cyffredinol

(1) Caiff Gweinidogion Cymru drwy reoliadau osod targedau mewn cysylltiad ag unrhyw fater sy'n ymwneud â bioamrywiaeth yng Nghymru.

(2) Ni chaiff Gweinidogion Cymru osod targed yn y rheoliadau onid ydynt wedi eu bodloni y byddai ei gyrraedd yn cyfrannu at atal a gwrthdroi'r dirywiad mewn bioamrywiaeth neu at adfer bioamrywiaeth i lefelau cydnerth, yn benodol drwy un neu ragor o'r canlynol—

(a) cynyddu toreithrwydd rhywogaethau brodorol;

(b) gwella cydnerthedd ecosystemau (yn benodol yr agweddau a bennir yn adran 6(2)(a) i (e));

(c) cynyddu amrywiaeth enetig.

(5) Before making regulations under subsection (4) the Welsh Ministers must consult—

(a) the OEGW, and

(b) such other persons as they consider appropriate.

32 Meaning of "public authority"

In this Part, "public authority" means a person, other than the OEGW, who is—

(a) a devolved Welsh authority within the meaning given by section 157A of the Government of Wales Act 2006 (c. 32), or

(b) listed in paragraph 9(2) or (6) of Schedule 7B to that Act.

33 Meaning of "effectiveness of environmental law"

In this Part, references to the effectiveness of environmental law are references to its effectiveness in contributing to environmental protection.

34 Meaning of "failing to comply with environmental law"

In this Part, references to a public authority failing to comply with environmental law are references to the authority—

(a) exercising its functions in a way that is contrary to environmental law, or

(b) failing to exercise its functions where the failure is contrary to environmental law.

PART 3

BIODIVERSITY TARGETS, ETC.

35 Biodiversity targets

(1) After section 6A of the Environment Act (as inserted by section 39 of this Act), insert—

"*Biodiversity targets*

6B Biodiversity targets: general

(1) The Welsh Ministers may by regulations set targets in respect of any matter relating to biodiversity in Wales.

(2) The Welsh Ministers may set a target in the regulations only if they are satisfied that meeting it would contribute to halting and reversing the decline in biodiversity or to restoring biodiversity to resilient levels, in particular through one or more of the following—

(a) increasing the abundance of native species;

(b) enhancing the resilience of ecosystems (in particular the aspects specified in section 6(2)(a) to (e));

(c) increasing genetic diversity.

(3) Wrth ystyried a fyddai targed yn cyfrannu at y materion a bennir yn is-adran (2)(a), (b) neu (c), rhaid i Weinidogion Cymru roi sylw i'r rhestr a gyhoeddir o dan adran 7.

(4) Rhaid i'r rheoliadau, mewn perthynas â phob targed—

(a) pennu safon i'w chyflawni, y mae rhaid gallu ei mesur yn wrthrychol, a

(b) pennu dyddiad erbyn pryd y mae'r safon i'w chyflawni.

(5) Rhaid i'r rheoliadau—

(a) cynnwys darpariaeth ynghylch sut i fesur—

(i) cynnydd tuag at gyflawni pob safon a bennir o dan is-adran (4), a

(ii) a yw'r safon wedi ei chyflawni, a

(b) pennu dangosyddion fel modd o fesur y pethau hynny.

(6) Gosodir targed o dan yr adran hon pan fydd y rheoliadau sy'n ei osod yn dod i rym.

(7) Yn yr adran hon—

(a) ystyr "rhywogaethau brodorol" yw rhywogaethau sy'n bresennol yn naturiol yng Nghymru neu a oedd yn bresennol yn naturiol yn y gorffennol yno, gan gynnwys—

(i) rhywogaethau mudol sy'n bresennol yn rheolaidd (rhywogaethau sy'n bridio a'r rhai nad ydynt yn bridio) a choloneiddwyr naturiol, a

(ii) rhywogaethau sydd wedi eu hailgyflwyno yng Nghymru wedi iddynt ddiflannu yn y gorffennol;

(b) ystyr "coloneiddwyr naturiol" yw rhywogaethau a gyrhaeddodd Gymru ohonynt eu hunain ac sydd wedi ymsefydlu, gan gynnwys y rheini sy'n dod yn rhywogaethau mudol.

(8) Yn adrannau 6C, 6D, 6G, 6H a 6I, ystyr "safon benodedig" a "dyddiad penodedig", mewn perthynas â tharged a osodir o dan yr adran hon, yw'r safon a'r dyddiad a bennir o dan is-adran (4).

6C Dyletswydd i wneud rheoliadau sy'n gosod targedau: meysydd blaenoriaeth

(1) Rhaid i Weinidogion Cymru arfer y pŵer yn adran 6B i —

(a) gosod targed hirdymor mewn cysylltiad ag o leiaf un mater o fewn pob un o'r meysydd blaenoriaeth yn is-adran (2)(a) a (b),

(b) gosod targed tymor byr mewn cysylltiad ag o leiaf un mater o fewn pob un o'r meysydd blaenoriaeth yn is-adran (2)(a) a (b), ac

(3) In considering whether a target would contribute to the matters specified in subsection (2)(a), (b) or (c), the Welsh Ministers must have regard to the list published under section 7.

(4) The regulations must, in relation to each target—

(a) specify a standard to be achieved, which must be capable of being objectively measured, and

(b) specify a date by which the standard is to be achieved.

(5) The regulations must—

(a) include provision about how to measure—

(i) progress towards achieving each standard specified under subsection (4), and

(ii) whether the standard has been achieved, and

(b) specify indicators as a means of measuring those things.

(6) A target under this section is set when the regulations setting it come into force.

(7) In this section—

(a) "native species" means species that naturally occur or have in the past naturally occurred in Wales, including—

(i) regularly occurring migratory species (both breeding and non-breeding) and natural colonists, and

(ii) species that have been reintroduced in Wales following past extinction;

(b) "natural colonists" means species that arrived in Wales of their own accord and have become established, including those that become migratory species.

(8) In sections 6C, 6D, 6G, 6H and 6I, "specified standard" and "specified date", in relation to a target set under this section, mean the standard and date specified under subsection (4).

6C Duty to make regulations setting targets: priority areas

(1) The Welsh Ministers must exercise the power in section 6B to —

(a) set a long-term target in respect of at least one matter within each of the priority areas in subsection (2)(a) and (b),

(b) set a short-term target in respect of at least one matter within each of the priority areas in subsection (2)(a) and (b), and

(c) gosod targed mewn cysylltiad ag o leiaf un mater o fewn pob un o'r meysydd blaenoriaeth yn is-adran (2)(c) a (d).

(2) Y meysydd blaenoriaeth yw—

(a) lleihau'r risg o ddiflaniad rhywogaethau brodorol;

(b) rheoli ecosystemau yn effeithiol;

(c) lleihau llygredd;

(d) ansawdd y dystiolaeth er mwyn llywio penderfyniadau sy'n ymwneud â bioamrywiaeth, mynediad at y dystiolaeth honno a'i defnyddio a'i chymhwyso.

(3) Mae targed yn "targed hirdymor" os yw'r dyddiad penodedig o leiaf 15 mlynedd ar ôl y dyddiad y gosodir y targed.

(4) Mae targed yn "targed tymor byr" os yw'r dyddiad penodedig lai na 15 mlynedd ar ôl y dyddiad y gosodir y targed.

(5) Ni chaniateir gosod targedau mewn cysylltiad â mater o fewn y maes blaenoriaeth yn is-adran (2)(c) os caniateir gosod targed mewn cysylltiad â'r mater hwnnw o dan Ddeddf yr Amgylchedd (Ansawdd Aer a Seinweddau) (Cymru) 2024 (dsc 2).

(6) Yn is-adran (2)(a), mae i "rhywogaethau brodorol" yr ystyr a roddir gan adran 6B(7).

(7) Rhaid i Weinidogion Cymru osod drafft o offeryn statudol Cymreig sy'n cynnwys y rheoliadau sy'n ofynnol gan yr adran hon gerbron Senedd Cymru cyn diwedd y cyfnod o 2 flynedd sy'n dechrau â'r dyddiad y caiff Deddf yr Amgylchedd (Egwyddorion, Llywodraethiant a Thargedau Bioamrywiaeth) (Cymru) 2026 (dsc xx) y Cydsyniad Brenhinol.

6D Y broses o osod targedau

(1) Cyn gwneud rheoliadau o dan adran 6B, rhaid i Weinidogion Cymru geisio cyngor gan bersonau y maent yn ystyried eu bod yn annibynnol ac yn meddu ar arbenigedd perthnasol.

(2) Rhaid i Weinidogion Cymru gyhoeddi crynodeb o unrhyw gyngor o'r fath y maent yn ei gael.

(3) Wrth wneud rheoliadau o dan adran 6B, rhaid i Weinidogion Cymru gymhwyso egwyddorion rheoli cynaliadwy ar adnoddau naturiol.

(4) Cyn gwneud rheoliadau o dan adran 6B, rhaid i Weinidogion Cymru gyhoeddi adroddiad sy'n crynhoi—

(a) yr ymgynghori a gynhaliwyd mewn cysylltiad â'r rheoliadau, a

(b) unrhyw sylwadau a gafwyd o ganlyniad i'r ymgynghori.

(5) Cyn gwneud rheoliadau o dan adran 6B sy'n gosod neu'n diwygio targed, rhaid i Weinidogion Cymru fod wedi eu bodloni y gellir cyrraedd y targed neu'r targed diwygiedig.

(c) set a target in respect of at least one matter within each of the priority areas in subsection (2)(c) and (d).

(2) The priority areas are—

(a) reducing the risk of the extinction of native species;

(b) the effective management of ecosystems;

(c) reducing pollution;

(d) the quality of evidence to inform decisions relating to biodiversity, access to that evidence and its use and application.

(3) A target is a "long-term target" if the specified date is at least 15 years after the date on which the target is set.

(4) A target is a "short-term target" if the specified date is less than 15 years after the date on which the target is set.

(5) Targets may not be set in respect of a matter within the priority area in subsection (2)(c) if a target may be set in respect of that matter under the Environment (Air Quality and Soundscapes) (Wales) Act 2024 (asc 2).

(6) In subsection (2)(a), "native species" has the meaning given by section 6B(7).

(7) The Welsh Ministers must lay a draft of a Welsh statutory instrument containing the regulations required by this section before Senedd Cymru before the end of the period of 2 years beginning with the date on which the Environment (Principles, Governance and Biodiversity Targets) (Wales) Act 2026 (asc xx) receives Royal Assent.

6D Target-setting process

(1) Before making regulations under section 6B, the Welsh Ministers must seek advice from persons they consider to be independent and to have relevant expertise.

(2) The Welsh Ministers must publish a summary of any such advice they receive.

(3) When making regulations under section 6B, the Welsh Ministers must apply the principles of sustainable management of natural resources.

(4) Before making regulations under section 6B, the Welsh Ministers must publish a report summarising—

(a) the consultation that was carried out in connection with the regulations, and

(b) any representations that were received as a result of the consultation.

(5) Before making regulations under section 6B that set or amend a target, the Welsh Ministers must be satisfied that the target or amended target can be met.

(6) At ddibenion y Rhan hon, mae targed wedi ei gyrraedd os yw'r safon benodedig wedi ei chyflawni erbyn y dyddiad penodedig.

(7) Nid yw is-adrannau (1) i (4) yn gymwys i ddarpariaethau mewn rheoliadau o dan adran 6B sy'n dirymu targed sydd wedi ei gyrraedd.

6E Dyletswydd i gyrraedd targedau

Rhaid i Weinidogion Cymru sicrhau bod targedau a osodir mewn rheoliadau a wneir o dan adran 6B yn cael eu cyrraedd.

6F Dynodi awdurdodau cyhoeddus at ddiben adran 6(2A)

(1) Caiff Gweinidogion Cymru drwy reoliadau ddynodi awdurdod cyhoeddus o fewn adran 6(11) mewn perthynas â tharged a osodir mewn rheoliadau a wneir o dan adran 6B.

(2) Cyn gwneud rheoliadau o dan yr adran hon, rhaid i Weinidogion Cymru ymgynghori ag—

(a) yr awdurdod cyhoeddus y maent yn bwriadu ei ddynodi, a

(b) unrhyw bersonau eraill y maent yn ystyried eu bod yn briodol.

6G Adolygu targedau

(1) Caiff Gweinidogion Cymru, o bryd i'w gilydd, adolygu targed a osodwyd mewn rheoliadau o dan adran 6B.

(2) Rhaid i Weinidogion Cymru adolygu targed a osodwyd mewn rheoliadau o dan adran 6B os ymddengys iddynt—

(a) ei bod yn bosibl na fydd y targed yn cael ei gyrraedd, neu

(b) ei bod yn bosibl nad yw'r targed yn briodol mwyach.

(3) Caiff Gweinidogion Cymru, o bryd i'w gilydd, adolygu effeithiolrwydd yr holl dargedau cyfredol at ddiben penderfynu a fyddai gosod targedau pellach mewn rheoliadau o dan adran 6B yn fwy effeithiol o ran cyfrannu at atal a gwrthdroi'r dirywiad mewn bioamrywiaeth neu at adfer bioamrywiaeth i lefelau cydnerth.

(4) Rhaid i Weinidogion Cymru adolygu effeithiolrwydd yr holl dargedau cyfredol at y diben a grybwyllir yn is-adran (3)—

(a) os nad yw targed a osodwyd mewn rheoliadau o dan adran 6B wedi ei gyrraedd erbyn y dyddiad penodedig mewn perthynas â'r targed hwnnw;

(b) os oes 10 mlynedd wedi mynd heibio ers yr adolygiad a gwblhawyd yn fwyaf diweddar o dan unrhyw un o is-adran (3), yr is-adran hon neu is-adran (5).

(5) Os nad oes unrhyw adolygiad o dan is-adran (3) neu (4) wedi ei gwblhau cyn diwedd 2041, rhaid i Weinidogion Cymru adolygu effeithiolrwydd yr holl dargedau cyfredol at y diben a grybwyllir yn is-adran (3).

(6) For the purposes of this Part, a target is met if the specified standard is achieved by the specified date.

(7) Subsections (1) to (4) do not apply to provisions in regulations under section 6B that revoke a target that has been met.

6E Duty to meet targets

The Welsh Ministers must ensure that targets set in regulations made under section 6B are met.

6F Designation of public authorities for the purpose of section 6(2A)

(1) The Welsh Ministers may by regulations designate a public authority within section 6(11) in relation to a target set in regulations made under section 6B.

(2) Before making regulations under this section, the Welsh Ministers must consult—

(a) the public authority they propose to designate, and

(b) such other persons as they consider appropriate.

6G Review of targets

(1) The Welsh Ministers may, from time to time, review a target set in regulations under section 6B.

(2) The Welsh Ministers must review a target set in regulations under section 6B if it appears to them—

(a) that the target may not be met, or

(b) that the target may no longer be appropriate.

(3) The Welsh Ministers may, from time to time, review the effectiveness of all current targets for the purpose of determining whether setting further targets in regulations under section 6B would be more effective in contributing to halting and reversing the decline in biodiversity or to restoring biodiversity to resilient levels.

(4) The Welsh Ministers must review the effectiveness of all current targets for the purpose mentioned in subsection (3)—

(a) if a target set in regulations under section 6B has not been met by the specified date in relation to that target;

(b) if 10 years have passed since the most recently completed review under any of subsection (3), this subsection or subsection (5).

(5) If no review under subsection (3) or (4) has been completed before the end of 2041, the Welsh Ministers must review the effectiveness of all current targets for the purpose mentioned in subsection (3).

(6) Mae targed yn gyfredol at ddiben is-adrannau (3) i (5) os—

(a) yw wedi ei osod mewn rheoliadau o dan adran 6B sydd mewn grym ar adeg yr adolygiad, a

(b) nad yw wedi ei gyrraedd ar yr adeg honno.

(7) Wrth gynnal adolygiad o dan yr adran hon, rhaid i Weinidogion Cymru geisio cyngor gan bersonau y maent yn ystyried eu bod yn annibynnol ac yn meddu ar arbenigedd perthnasol.

(8) Rhaid i Weinidogion Cymru gyhoeddi crynodeb o unrhyw gyngor o'r fath y maent yn ei gael.

(9) Ar ôl cynnal adolygiad o dan yr adran hon, rhaid i Weinidogion Cymru osod datganiad gerbron Senedd Cymru sy'n nodi ei gasgliadau, a'i gyhoeddi.

(10) Os daw adolygiad o dan is-adran (1) neu (2) i'r casgliad na fydd targed yn cael ei gyrraedd neu nad yw'n briodol mwyach, rhaid i'r datganiad nodi'r rhesymau dros y casgliad hwnnw a'r camau, os oes rhai, y mae Gweinidogion Cymru yn bwriadu eu cymryd mewn perthynas â'r targed o ganlyniad i'r adolygiad.

(11) Os daw adolygiad o dan is-adran (3), (4) neu (5) i'r casgliad y dylid gosod targedau pellach mewn rheoliadau o dan adran 6B, rhaid i Weinidogion Cymru osod drafft o offeryn statudol Cymreig sy'n cynnwys y rheoliadau hynny gerbron Senedd Cymru cyn diwedd y cyfnod o 2 flynedd sy'n dechrau â'r diwrnod y cwblhawyd yr adolygiad.

(12) Cwblheir adolygiad at ddiben is-adrannau (4)(b), (5) a (11) pan gyhoeddir y datganiad sy'n ofynnol gan is-adran (9).

6H Dirymu neu ostwng targedau

(1) Ni chaiff Gweinidogion Cymru wneud rheoliadau o dan adran 6B sy'n dirymu neu'n gostwng targed (y "targed presennol") onid ydynt wedi eu bodloni—

(a) oherwydd newidiadau i'r dystiolaeth yr oeddent wedi rhoi sylw iddi wrth osod y targed presennol, na fyddai ei gyrraedd yn cyfrannu at atal a gwrthdroi'r dirywiad mewn bioamrywiaeth nac at adfer bioamrywiaeth i lefelau cydnerth,

(b) na fyddai cyrraedd y targed presennol o unrhyw fudd sylweddol o gymharu â pheidio â'i gyrraedd neu gyrraedd targed is,

(c) oherwydd newidiadau mewn amgylchiadau ers i'r targed presennol gael ei osod, y byddai costau amgylcheddol, costau cymdeithasol, costau economaidd neu gostau eraill cyrraedd y targed yn anghymesur â'r buddion, neu

(6) A target is current for the purpose of subsections (3) to (5) if—

(a) it has been set in regulations under section 6B that are in force at the time of the review, and

(b) it has not been met at that time.

(7) In carrying out a review under this section, the Welsh Ministers must seek advice from persons they consider to be independent and to have relevant expertise.

(8) The Welsh Ministers must publish a summary of any such advice they receive.

(9) After carrying out a review under this section, the Welsh Ministers must lay before Senedd Cymru, and publish, a statement noting its conclusions.

(10) If a review under subsection (1) or (2) concludes that a target will not be met or is no longer appropriate, the statement must note the reasons for that conclusion and the steps, if any, the Welsh Ministers intend to take in relation to the target in consequence of the review.

(11) If a review under subsection (3), (4) or (5) concludes that further targets should be set in regulations under section 6B, the Welsh Ministers must lay a draft of a Welsh statutory instrument containing such regulations before Senedd Cymru before the end of the period of 2 years beginning with the day on which the review was completed.

(12) A review is completed for the purpose of subsections (4)(b), (5) and (11) when the statement required by subsection (9) is published.

6H Revoking or lowering targets

(1) The Welsh Ministers may not make regulations under section 6B that revoke or lower a target (the "existing target") unless they are satisfied that—

(a) because of changes to the evidence to which they had regard when setting the existing target, meeting it would not contribute to halting and reversing the decline in biodiversity or to restoring biodiversity to resilient levels,

(b) meeting the existing target would have no significant benefit compared with not meeting it or with meeting a lower target,

(c) because of changes in circumstances since the existing target was set, the environmental, social, economic or other costs of meeting it would be disproportionate to the benefits, or

(d) nad oes modd cyrraedd y targed presennol mwyach—

(i) oherwydd newidiadau mewn amgylchiadau ers i'r targed presennol gael ei osod, neu

(ii) oherwydd newidiadau i'r dystiolaeth yr oedd Gweinidogion Cymru wedi rhoi sylw iddi wrth osod y targed presennol.

(2) Os yw Gweinidogion Cymru wedi eu bodloni—

(a) y byddai costau cyrraedd y targed presennol yn anghymesur â'r buddion fel y crybwyllir yn is-adran (1)(c), neu

(b) nad oes modd cyrraedd y targed presennol mwyach fel y crybwyllir yn is-adran (1)(d),

rhaid iddynt, cyn gwneud rheoliadau o dan adran 6B sy'n dirymu'r targed, ystyried a ddylid gwneud rheoliadau sy'n gostwng y targed.

(3) Cyn gwneud rheoliadau o dan adran 6B sy'n dirymu neu'n gostwng targed, rhaid i Weinidogion Cymru osod datganiad gerbron Senedd Cymru sy'n egluro pam y mae Gweinidogion Cymru wedi eu bodloni fel y crybwyllir yn is-adran (1), a'i gyhoeddi.

(4) Mae rheoliadau yn gostwng targed os ydynt, i unrhyw raddau—

(a) yn rhoi safon is yn lle'r safon benodedig, neu

(b) yn rhoi dyddiad diweddarach yn lle'r dyddiad penodedig.

(5) Nid yw'r adran hon yn gymwys i ddarpariaethau mewn rheoliadau o dan adran 6B sy'n dirymu targed sydd wedi ei gyrraedd.

6I Datganiad ynghylch targedau

(1) Ar y dyddiad penodedig mewn perthynas â phob targed a osodir o dan reoliadau o dan adran 6B, neu cyn hynny, rhaid i Weinidogion Cymru osod datganiad sy'n cynnwys yr wybodaeth ofynnol gerbron Senedd Cymru, a'i gyhoeddi.

(2) Yr wybodaeth ofynnol yw (fel y bo'n briodol)—

(a) bod y targed wedi ei gyrraedd,

(b) nad yw'r targed wedi ei gyrraedd, neu

(c) nad yw Gweinidogion Cymru ar hyn o bryd yn gallu canfod a yw'r targed wedi ei gyrraedd, y rhesymau dros hynny a'r camau y mae Gweinidogion Cymru yn bwriadu eu cymryd er mwyn canfod a yw'r targed wedi ei gyrraedd.

(3) Pan fo Gweinidogion Cymru yn gwneud datganiad nad yw targed wedi ei gyrraedd, rhaid i Weinidogion Cymru, cyn diwedd 6 mis sy'n dechrau â'r dyddiad y gosodir y datganiad, osod adroddiad gerbron Senedd Cymru, a'i gyhoeddi.

(4) Rhaid i'r adroddiad—

(a) egluro pam nad yw'r targed wedi ei gyrraedd, a

(d) meeting the existing target is no longer achievable—

(i) because of changes in circumstances since the existing target was set, or

(ii) because of changes to the evidence to which the Welsh Ministers had regard when setting the existing target.

(2) If the Welsh Ministers are satisfied that—

(a) the costs of meeting the existing target would be disproportionate to the benefits as mentioned in subsection (1)(c), or

(b) meeting the existing target is no longer achievable as mentioned in subsection (1)(d),

they must, before making regulations under section 6B that revoke the target, consider whether to make regulations that lower the target.

(3) Before making regulations under section 6B that revoke or lower a target, the Welsh Ministers must lay before Senedd Cymru, and publish, a statement explaining why the Welsh Ministers are satisfied as mentioned in subsection (1).

(4) Regulations lower a target if, to any extent, they—

(a) replace the specified standard with a lower standard, or

(b) replace the specified date with a later date.

(5) This section does not apply to provisions in regulations under section 6B that revoke a target that has been met.

6I Statement about targets

(1) On or before the specified date in relation to each target set under regulations under section 6B, the Welsh Ministers must lay before Senedd Cymru, and publish, a statement containing the required information.

(2) The required information is (as appropriate)—

(a) that the target has been met,

(b) that the target has not been met, or

(c) that the Welsh Ministers are not yet able to determine whether the target has been met, the reasons for that and the steps the Welsh Ministers intend to take in order to determine whether the target has been met.

(3) Where the Welsh Ministers make a statement that a target has not been met, the Welsh Ministers must, before the end of 6 months beginning with the date on which the statement is laid, lay before Senedd Cymru, and publish, a report.

(4) The report must—

(a) explain why the target has not been met, and

(b) nodi'r camau y mae Gweinidogion Cymru wedi eu cymryd, neu y maent yn bwriadu eu cymryd, i sicrhau y cyrhaeddir y targed cyn gynted ag y bo'n rhesymol ymarferol.

(5) Cyn penderfynu ar y camau y cyfeirir atynt yn is-adran (4)(b), rhaid i Weinidogion Cymru geisio cyngor gan bersonau y maent yn ystyried eu bod yn annibynnol ac yn meddu ar arbenigedd perthnasol.

(6) Rhaid i Weinidogion Cymru gyhoeddi crynodeb o unrhyw gyngor o'r fath y maent yn ei gael.

(7) Pan fo Gweinidogion Cymru yn gwneud datganiad nad ydynt ar hyn o bryd yn gallu canfod a yw targed wedi ei gyrraedd, rhaid i Weinidogion Cymru, cyn diwedd 6 mis sy'n dechrau â'r dyddiad y gosodir y datganiad, osod datganiad pellach gerbron Senedd Cymru sy'n cynnwys yr wybodaeth ofynnol, a'i gyhoeddi.

(8) Mae is-adrannau (2) i (7) yn gymwys i ddatganiadau pellach o dan is-adran (7) fel y maent yn gymwys i ddatganiad o dan is-adran (1)."

(2) O flaen adran 7 o Ddeddf yr Amgylchedd mewnosoder—

"Rhestrau bioamrywiaeth".

(3) Yn adran 25(4) o Ddeddf yr Amgylchedd, ar ôl "a hynny'n unig," mewnosoder "neu o ddirymu targed sydd wedi ei osod mewn rheoliadau o dan adran 6B ac sydd wedi ei gyrraedd, a hynny'n unig,".

36 Dyletswyddau awdurdodau cyhoeddus

(1) Ar ôl adran 6(2) o Ddeddf yr Amgylchedd, mewnosoder—

"(2A) Wrth gydymffurfio ag is-adran (1), rhaid i awdurdod cyhoeddus o fewn is-adran (11) sydd wedi ei ddynodi mewn rheoliadau o dan adran 6F gymryd camau i gyfrannu at gyrraedd y targed y mae wedi ei ddynodi mewn perthynas ag ef."

(2) Yn adran 6(5)(d) o Ddeddf yr Amgylchedd, ar y dechrau, mewnosoder "pan fo'r awdurdod cyhoeddus yn un o fewn is-adran (11),".

(3) Yn adran 6(9) o Ddeddf yr Amgylchedd, yn y diffiniad o "awdurdod cyhoeddus", ar ddiwedd paragraff (e) mewnosoder ", ond nid Swyddfa Llywodraethiant Amgylcheddol Cymru".

(4) Ar ôl adran 6(10) o Ddeddf yr Amgylchedd, mewnosoder—

"(11) Mae awdurdod cyhoeddus o fewn yr is-adran hon os yw—

(a) yn awdurdod Cymreig datganoledig o fewn yr ystyr a roddir i "devolved Welsh authority" gan adran 157A o Ddeddf Llywodraeth Cymru 2006 (p. 32), neu

(b) wedi ei restru ym mharagraff 9(2) neu (6) o Atodlen 7B i'r Ddeddf honno."

(b) set out the steps the Welsh Ministers have taken, or intend to take, to ensure the target is met as soon as reasonably practicable.

(5) Before deciding on the steps referred to in subsection (4)(b), the Welsh Ministers must seek advice from persons they consider to be independent and to have relevant expertise.

(6) The Welsh Ministers must publish a summary of any such advice they receive.

(7) Where the Welsh Ministers make a statement that they are not yet able to determine whether a target has been met, the Welsh Ministers must, before the end of 6 months beginning with the date on which the statement is laid, lay before Senedd Cymru, and publish, a further statement containing the required information.

(8) Subsections (2) to (7) apply to further statements under subsection (7) as they apply to a statement under subsection (1)."

(2) Before section 7 of the Environment Act, insert—

"Biodiversity lists".

(3) In section 25(4) of the Environment Act, after "section 22(1)" insert ", or to revoke a target that has been set in regulations under section 6B and that has been met,".

36 Public authorities' duties

(1) After section 6(2) of the Environment Act, insert—

"(2A) In complying with subsection (1), a public authority within subsection (11) that has been designated in regulations under section 6F must take action to contribute to meeting the target in relation to which it has been designated."

(2) In section 6(5)(d) of the Environment Act, at the beginning, insert "where the public authority is one within subsection (11),".

(3) In section 6(9) of the Environment Act, in the definition of "public authority", at the end of paragraph (e) insert ", but not the Office of Environmental Governance Wales".

(4) After section 6(10) of the Environment Act, insert—

"(11) A public authority is within this subsection if it is—

(a) a devolved Welsh authority within the meaning given by section 157A of the Government of Wales Act 2006 (c. 32), or

(b) listed in paragraph 9(2) or (6) of Schedule 7B to that Act."

37 Cynlluniau Gweinidogion Cymru o dan adran 6 o Ddeddf yr Amgylchedd

Ar ôl adran 6(6) o Ddeddf yr Amgylchedd, mewnosoder—

"(6A) Rhaid i Weinidogion Cymru—

(a) pan fyddant yn paratoi eu cynllun o dan is-adran (6)—

(i) ymgynghori â Swyddfa Llywodraethiant Amgylcheddol Cymru, a

(ii) cymhwyso egwyddorion rheoli cynaliadwy ar adnoddau naturiol,

(b) pan fyddant yn paratoi eu cynllun o dan is-adran (6), ymgynghori ag—

(i) unrhyw bersonau neu gyrff y mae Gweinidogion Cymru yn ystyried yn rhesymol fod ganddynt fuddiant mewn materion sy'n ymwneud â bioamrywiaeth yng Nghymru, a

(ii) aelodau'r cyhoedd yng Nghymru, ac

(c) pan fyddant yn cyhoeddi'r cynllun hwnnw, gyhoeddi hefyd adroddiad sy'n crynhoi—

(i) yr ymgynghori a gynhaliwyd wrth baratoi'r cynllun, a

(ii) unrhyw sylwadau a gafwyd o ganlyniad i'r ymgynghori.

(6B) Rhaid i'r cynllun a baratoir ac a gyhoeddir gan Weinidogion Cymru o dan is-adran (6), yn benodol, nodi—

(a) pa gamau y maent yn bwriadu eu cymryd i gyfrannu at wireddu gweledigaeth y Fframwaith Bioamrywiaeth Byd-eang sef, erbyn 2050, fod bioamrywiaeth yn cael ei werthfawrogi, ei gadw, ei adfer a'i ddefnyddio'n ddoeth, gan gadw gwasanaethau ecosystem, cynnal planed iach a chyflawni buddion sy'n hanfodol i'r holl bobl,

(b) cynigion sy'n ymwneud â meysydd cyfrifoldeb pob un o Weinidogion Cymru,

(c) pa gamau y maent yn bwriadu eu cymryd i sicrhau bod y targedau a osodir mewn rheoliadau o dan adran 6B yn cael eu cyrraedd a phryd y maent yn bwriadu cymryd y camau hynny,

(d) sut y bydd y targedau, os cânt eu cyrraedd, yn cyfrannu at atal a gwrthdroi'r dirywiad mewn bioamrywiaeth neu at adfer bioamrywiaeth i lefelau cydnerth,

(e) pan fo'r safon a bennir o dan adran 6B(4) mewn perthynas â tharged wedi ei chyflawni, sut y maent yn bwriadu cynnal y safon honno, a

(f) pa gamau y maent yn bwriadu eu cymryd i gydymffurfio â'r ddyletswydd yn adran 8A i hybu ymwybyddiaeth o fioamrywiaeth.

37 Welsh Ministers' plans under section 6 of the Environment Act

After section 6(6) of the Environment Act, insert—

"(6A) The Welsh Ministers must—

(a) when preparing their plan under subsection (6)—

(i) consult the Office of Environmental Governance Wales, and

(ii) apply the principles of sustainable management of natural resources,

(b) when preparing their plan under subsection (6), consult—

(i) such persons or bodies as the Welsh Ministers reasonably consider have an interest in matters relating to biodiversity in Wales, and

(ii) members of the public in Wales, and

(c) when they publish that plan, also publish a report summarising—

(i) the consultation that was carried out in preparing the plan, and

(ii) any representations that were received as a result of the consultation.

(6B) The plan prepared and published by the Welsh Ministers under subsection (6) must, in particular, set out—

(a) what action they propose to take to contribute to the fulfilment of the vision of the Global Biodiversity Framework, namely that "by 2050, biodiversity is valued, conserved, restored and wisely used, maintaining ecosystem services, sustaining a healthy planet and delivering benefits essential for all people,

(b) proposals covering the areas of responsibility of each of the Welsh Ministers,

(c) what action they propose to take to ensure that the targets set in regulations under section 6B are met and when they propose to take that action,

(d) how the targets, if met, will contribute to halting and reversing the decline in biodiversity or to restoring biodiversity to resilient levels,

(e) where the standard specified under section 6B(4) in relation to a target is achieved, how they propose to maintain that standard, and

(f) what action they propose to take to comply with the duty in section 8A to promote awareness of biodiversity.

(6C) Yn is-adran (6B)(a), ystyr y "Fframwaith Bioamrywiaeth Byd-eang" yw Fframwaith Bioamrywiaeth Byd-eang Kunming-Montreal, a fabwysiadwyd o dan Gonfensiwn y Cenhedloedd Unedig ar Amrywiaeth Fiolegol y cyfeirir ato yn is-adran (4)(a) ym mhymthegfed cyfarfod Cynhadledd y Partïon ym mis Rhagfyr 2022."

38 Adroddiadau o dan adran 6 o Ddeddf yr Amgylchedd

(1) Yn adran 6(7) o Ddeddf yr Amgylchedd, yn lle "i gydymffurfio ag is-adran (1)" rhodder "—

(a) i gydymffurfio ag is-adran (1), a

(b) pan fo is-adran (2A) yn gymwys, i gyfrannu at gyrraedd y targed y mae wedi ei ddynodi mewn perthynas ag ef".

(2) Ar ôl adran 6(7) o Ddeddf yr Amgylchedd, mewnosoder—

"(7A) Rhaid i'r adroddiad a gyhoeddir gan Weinidogion Cymru o dan is-adran (7), yn benodol, adrodd ar y cynnydd sy'n cael ei wneud tuag at gyrraedd y targedau a osodir mewn rheoliadau o dan adran 6B ac a ydynt yn debygol o gael eu cyrraedd.

(7B) Cyn gynted ag y bo'n rhesymol ymarferol ar ôl cyhoeddi eu hadroddiad o dan is-adran (7), rhaid i Weinidogion Cymru anfon copi ohono i Swyddfa Llywodraethiant Amgylcheddol Cymru.

(7C) Mae anfon copi o'r adroddiad o dan is-adran (7B) i'w drin fel cais gan Weinidogion Cymru i Swyddfa Llywodraethiant Amgylcheddol Cymru am gyngor o dan adran 13 o Ddeddf yr Amgylchedd (Egwyddorion, Llywodraethiant a Thargedau Bioamrywiaeth) (Cymru) 2026 (dsc xx)."

39 Adroddiad gwerthuso

(1) Ar ôl adran 6 o Ddeddf yr Amgylchedd, mewnosoder—

"6A Gwerthusiad o gamau i gynnal a gwella bioamrywiaeth

(1) Rhaid i Weinidogion Cymru baratoi adroddiad o dan yr adran hon ("adroddiad gwerthuso").

(2) Rhaid i'r adroddiad gwerthuso nodi asesiad Gweinidogion Cymru o effaith ac effeithiolrwydd y cynigion a nodir yn unol ag adran 6(6) a (6B) yn y cynllun a gyhoeddwyd ganddynt yn fwyaf diweddar a chamau a gymerwyd yn unol â'r cynigion hynny.

(3) Rhaid i Weinidogion Cymru gyhoeddi'r adroddiad gwerthuso cyntaf cyn diwedd 2031, ac, wedi hynny, cyn diwedd pob trydedd flwyddyn ar ôl 2031.

(4) Cyn gynted ag y bo'n rhesymol ymarferol ar ôl cyhoeddi adroddiad gwerthuso, rhaid i Weinidogion Cymru anfon copi ohono i Swyddfa Llywodraethiant Amgylcheddol Cymru.

(6C) In subsection (6B)(a), the "Global Biodiversity Framework" means the Kunming-Montreal Global Biodiversity Framework, adopted under the United Nations Convention on Biological Diversity referred to in subsection (4)(a) at the fifteenth meeting of the Conference of the Parties in December 2022."

38 Reports under section 6 of the Environment Act

(1) In section 6(7) of the Environment Act, for "to comply with subsection (1)" substitute " —

(a) to comply with subsection (1), and

(b) where subsection (2A) applies, to contribute to meeting the target in relation to which it has been designated".

(2) After section 6(7) of the Environment Act, insert —

"(7A) The report published by the Welsh Ministers under subsection (7) must, in particular, report on the progress being made towards meeting the targets set in regulations under section 6B and whether they are likely to be met.

(7B) As soon as reasonably practicable after publishing their report under subsection (7), the Welsh Ministers must send a copy of it to the Office of Environmental Governance Wales.

(7C) Sending a copy of the report under subsection (7B) is to be treated as a request by the Welsh Ministers to the Office of Environmental Governance Wales for advice under section 13 of the Environment (Principles, Governance and Biodiversity Targets) (Wales) Act 2026 (asc xx)."

39 Evaluation report

(1) After section 6 of the Environment Act, insert –

"6A Evaluation of action to maintain and enhance biodiversity

(1) The Welsh Ministers must prepare a report under this section (an "evaluation report").

(2) The evaluation report must set out the Welsh Ministers' assessment of the impact and effectiveness of the proposals set out in accordance with section 6(6) and (6B) in the plan most recently published by them and of action taken in accordance with those proposals.

(3) The Welsh Ministers must publish the first evaluation report before the end of 2031, and, subsequently, before the end of every third year after 2031.

(4) As soon as reasonably practicable after publishing an evaluation report, the Welsh Ministers must send a copy of it to the Office of Environmental Governance Wales.

(5) Mae anfon copi o'r adroddiad o dan is-adran (4) i'w drin fel cais gan Weinidogion Cymru i Swyddfa Llywodraethiant Amgylcheddol Cymru am gyngor o dan adran 13 o Ddeddf yr Amgylchedd (Egwyddorion, Llywodraethiant a Thargedau Bioamrywiaeth) (Cymru) 2026 (dsc xx)."

(2) Yn adran 24 o Ddeddf yr Amgylchedd—

(a) yn is-adran (1), o flaen paragraff (a), mewnosoder—

"(za) adroddiad gwerthuso a baratowyd o dan adran 6A;";

(b) yn is-adran (3), ar ôl "is-adran (1)", mewnosoder "mewn perthynas â'r dogfennau a grybwyllir yn is-adran (1)(a) neu (b),".

40 Hybu ymwybyddiaeth o fioamrywiaeth

(1) Yn lle'r croesbennawd italig o flaen adran 9 o Ddeddf yr Amgylchedd, rhodder—

"Dyletswyddau ar Weinidogion Cymru".

(2) Ar ôl y croesbennawd italig hwnnw, mewnosoder—

"8A Dyletswydd i hybu ymwybyddiaeth o fioamrywiaeth

Rhaid i Weinidogion Cymru gymryd camau i hybu ymwybyddiaeth yng Nghymru o bwysigrwydd bioamrywiaeth a'r bygythiadau i fioamrywiaeth."

RHAN 4

CYFFREDINOL

41 Pŵer i wneud darpariaeth ganlyniadol etc.

(1) Os yw Gweinidogion Cymru yn ystyried ei bod yn angenrheidiol neu'n briodol at ddibenion y Ddeddf hon, o ganlyniad iddi, neu er mwyn rhoi effaith lawn i unrhyw ddarpariaeth ynddi, cânt drwy reoliadau wneud darpariaeth atodol, darpariaeth ddeilliadol neu ddarpariaeth ganlyniadol.

(2) Caiff rheoliadau o dan is-adran (1) addasu unrhyw ddeddfiad ac eithrio'r Ddeddf hon.

(3) Yn is-adran (2) mae "addasu" yn cynnwys diwygio, dirymu a diddymu.

42 Rheoliadau

(1) Mae pŵer i wneud rheoliadau o dan y Ddeddf hon yn arferadwy drwy offeryn statudol Cymreig.

(2) Mae pŵer i wneud rheoliadau o dan y Ddeddf hon yn cynnwys—

(a) pŵer i wneud darpariaeth wahanol at ddibenion gwahanol;

(b) pŵer i wneud—

(i) darpariaeth atodol, darpariaeth ddeilliadol neu ddarpariaeth ganlyniadol;

(ii) darpariaeth drosiannol neu ddarpariaeth arbed.

(5) Sending a copy of the report under subsection (4) is to be treated as a request by the Welsh Ministers to the Office of Environmental Governance Wales for advice under section 13 of the Environment (Principles, Governance and Biodiversity Targets) (Wales) Act 2026 (asc xx)."

(2) In section 24 of the Environment Act—

(a) in subsection (1), before paragraph (a), insert—

"(za) an evaluation report prepared under section 6A;";

(b) in subsection (3), after "subsection (1)", insert "in relation to the documents mentioned in subsection (1)(a) or (b),".

40 Promoting awareness of biodiversity

(1) For the italic cross-heading preceding section 9 of the Environment Act, substitute—

"Duties of the Welsh Ministers".

(2) After that italic cross-heading, insert—

"8A Duty to promote awareness of biodiversity

The Welsh Ministers must take steps to promote awareness in Wales of the importance of biodiversity and of the threats to biodiversity."

PART 4

GENERAL

41 Power to make consequential etc. provision

(1) If the Welsh Ministers consider it necessary or appropriate for the purposes of, in consequence of, or for giving full effect to any provision of this Act, they may by regulations make supplementary, incidental or consequential provision.

(2) Regulations under subsection (1) may modify any enactment other than this Act.

(3) In subsection (2) "modify" includes amend, revoke and repeal.

42 Regulations

(1) A power to make regulations under this Act is exercisable by Welsh statutory instrument.

(2) A power to make regulations under this Act includes—

(a) power to make different provision for different purposes;

(b) power to make—

(i) supplementary, incidental or consequential provision;

(ii) transitional or saving provision.

(3) Mae rheoliadau a wneir o dan unrhyw un neu ragor o'r darpariaethau a ganlyn yn ddarostyngedig i weithdrefn gymeradwyo'r Senedd—

(a) adran 31(4);

(b) adran 46(8);

(c) paragraff 2(3) o Atodlen 1;

(d) paragraff 3(1)(i) o Atodlen 1.

(4) Mae rheoliadau a wneir o dan adran 41(1) hefyd yn ddarostyngedig i weithdrefn gymeradwyo'r Senedd os ydynt yn addasu unrhyw ddarpariaeth mewn deddfwriaeth sylfaenol.

(5) Mae unrhyw reoliadau eraill a wneir o dan adran 41(1) yn ddarostyngedig i weithdrefn annilysu'r Senedd.

(6) Yn yr adran hon, ystyr "deddfwriaeth sylfaenol" yw unrhyw un neu ragor o'r canlynol—

(a) Deddf gan Senedd Cymru;

(b) Mesur Cynulliad;

(c) Deddf gan Senedd y Deyrnas Unedig.

43 Cyflwyno hysbysiadau a dogfennau eraill

(1) Mae'r adran hon yn gymwys pan fo darpariaeth yn y Ddeddf hon yn ei gwneud yn ofynnol neu'n awdurdodi rhoi hysbysiad, cyfarwyddyd neu ddogfen arall i berson (pa un a yw'r ddarpariaeth yn defnyddio'r gair "rhoi", "cyflwyno", "anfon" neu unrhyw ymadrodd arall).

(2) Caniateir rhoi'r ddogfen drwy unrhyw un o'r ffyrdd a ganlyn—

(a) drwy ei rhoi â llaw i'r person neu, yn achos person sy'n gorff corfforedig, ei rhoi â llaw i ysgrifennydd neu glerc y corff yn ei swyddfa gofrestredig neu ei brif swyddfa;

(b) drwy ei gadael ym man preswylio arferol neu fan preswylio hysbys diwethaf y person neu, os yw'r person wedi rhoi cyfeiriad ar gyfer cyflwyno, yn y cyfeiriad hwnnw;

(c) drwy ei hanfon drwy'r post mewn llythyr rhagdaledig—

(i) wedi ei gyfeirio at y person ym man preswylio arferol neu fan preswylio hysbys diwethaf y person neu, yn achos person sy'n gorff corfforedig, wedi ei gyfeirio at ysgrifennydd neu glerc y corff yn ei swyddfa gofrestredig neu ei brif swyddfa, neu

(ii) os yw'r person wedi rhoi cyfeiriad ar gyfer cyflwyno, wedi ei gyfeirio at y person yn y cyfeiriad hwnnw;

(d) os yw'r person wedi rhoi cyfeiriad ar gyfer cyflwyno gan ddefnyddio cyfathrebiad electronig, drwy ei hanfon at y person yn y cyfeiriad hwnnw gan ddefnyddio cyfathrebiad electronig sy'n cydymffurfio â'r amodau yn is-adran (3).

(3) Yr amodau yw—

(a) bod modd i'r person yr anfonir y ddogfen ato gael gafael arni,

(b) bod y ddogfen yn ddarllenadwy ym mhob modd perthnasol, ac

(3) Regulations made under any of the following provisions are subject to the Senedd approval procedure—

(a) section 31(4);

(b) section 46(8);

(c) paragraph 2(3) of Schedule 1;

(d) paragraph 3(1)(i) of Schedule 1.

(4) Regulations made under section 41(1) are also subject to the Senedd approval procedure if they modify any provision of primary legislation.

(5) Any other regulations made under section 41(1) are subject to the Senedd annulment procedure.

(6) In this section, "primary legislation" means any of the following—

(a) an Act of Senedd Cymru;

(b) an Assembly Measure;

(c) an Act of Parliament of the United Kingdom.

43 Service of notices and other documents

(1) This section applies where a provision of this Act requires or authorises a notice, direction or other document to be given to a person (whether the provision uses the word "give", "serve", "send" or any other expression).

(2) The document may be given in any of the following ways—

(a) by handing it to the person or, in the case of a person who is a body corporate, handing it to the secretary or clerk of the body at its registered or principal office;

(b) by leaving it at the person's usual or last known place of residence or, if the person has given an address for service, at that address;

(c) by sending it by post in a pre-paid letter—

(i) addressed to the person at the person's usual or last known place of residence or, in the case of a person who is a body corporate, addressed to the secretary or clerk of the body at its registered or principal office, or

(ii) if the person has given an address for service, addressed to the person at that address;

(d) if the person has given an address for service using electronic communication, by sending it to the person at that address using an electronic communication that complies with the conditions in subsection (3).

(3) The conditions are that the document is—

(a) capable of being accessed by the person to whom it is sent,

(b) legible in all material respects, and

(c) bod modd defnyddio'r ddogfen i gyfeirio ati yn nes ymlaen.

(4) Pan fo dogfen yn cael ei chyflwyno drwy ei gadael mewn cyfeiriad yn unol ag is-adran (2)(b), bernir bod y ddogfen wedi ei chyflwyno, oni phrofir i'r gwrthwyneb, ar y diwrnod y gadewir y ddogfen yn y cyfeiriad hwnnw.

(5) Pan fo cyfathrebiad electronig yn cael ei ddefnyddio i gyflwyno dogfen i berson yn unol ag is-adran (2)(d) a bod y ddogfen yn dod i law'r person y tu allan i oriau busnes arferol y person, bernir bod y ddogfen wedi ei chyflwyno ar y diwrnod gwaith nesaf.

(6) Nid yw adrannau 231 a 233 o Ddeddf Llywodraeth Leol 1972 (p. 70) yn gymwys i ddogfennau sydd i'w rhoi o dan y Ddeddf hon i gyngor sir, cyngor bwrdeistref sirol, cyngor cymuned na chyd-bwyllgor corfforedig, nac i'w rhoi ganddynt o dan y Ddeddf hon.

44 Dehongli cyffredinol

Yn y Ddeddf hon—

ystyr "adroddiad gwella" ("*improvement report*") yw adroddiad a gyhoeddir o dan adran 22;

mae i "amcan amgylcheddol" ("*environmental objective*") yr ystyr a roddir gan adran 1;

ystyr "amgylchedd" ("*environment*") yw—

(a) aer, dŵr a thir (gan gynnwys cramen y ddaear),

(b) planhigion, anifeiliaid gwyllt ac organeddau byw eraill a'u cynefinoedd, ac

(c) y systemau naturiol, y cylchoedd naturiol a'r prosesau naturiol y mae'r pethau ym mharagraffau (a) a (b) yn rhyngweithio drwyddynt;

mae i "awdurdod cyhoeddus" ("*public authority*") yr ystyr a roddir—

(a) mewn perthynas ag adrannau 5 a 6, gan adran 5(4);

(b) mewn perthynas â Rhan 2, gan adran 32;

mae i "cyfraith amgylcheddol" ("*environmental law*") yr ystyr a roddir gan adran 31;

ystyr "cynllun gwella" ("*improvement plan*") yw cynllun a gyhoeddir o dan adran 24;

ystyr "datganiad o egwyddorion amgylcheddol ac integreiddio diogelu'r amgylchedd" ("*environmental principles and integrating environmental protection statement*") yw datganiad a lunnir ac a gyhoeddir o dan adran 7;

ystyr "Deddf yr Amgylchedd" ("*the Environment Act*") yw Deddf yr Amgylchedd (Cymru) 2016 (dccc 3);

(c) capable of being used for subsequent reference.

(4) Where a document is served by leaving it at an address in accordance with subsection (2)(b), service is deemed to be effected, unless the contrary is proved, on the day the document is left at that address.

(5) Where an electronic communication is used to serve a document on a person in accordance with subsection (2)(d) and is received by the person outside the person's normal business hours, service is deemed to be effected on the next working day.

(6) Sections 231 and 233 of the Local Government Act 1972 (c. 70) do not apply to documents to be given under this Act to or by a county council, a county borough council, a community council or a corporate joint committee.

44 General interpretation

In this Act—

"compliance notice" ("*hysbysiad cydymffurfio*") means a notice served under section 18;

"effectiveness of environmental law" ("*effeithiolrwydd cyfraith amgylcheddol*") has the meaning given by section 33;

"environment" ("*amgylchedd*") means—

(a) air, water and land (including the earth's crust),

(b) plants, wild animals and other living organisms and their habitats, and

(c) the natural systems, cycles and processes through which the things in paragraphs (a) and (b) interact;

"the Environment Act" ("*Deddf yr Amgylchedd*") means the Environment (Wales) Act 2016 (anaw 3);

"environmental law" ("*cyfraith amgylcheddol*") has the meaning given by section 31;

"environmental objective" ("*amcan amgylcheddol*") has the meaning given by section 1;

"environmental principles" ("*egwyddorion amgylcheddol*") has the meaning given by section 2;

"environmental principles and integrating environmental protection statement" ("*datganiad o egwyddorion amgylcheddol ac integreiddio diogelu'r amgylchedd*") means a statement prepared and published under section 7;

ystyr "diogelu'r amgylchedd" ("*environmental protection*") yw—

(a) diogelu'r amgylchedd rhag effeithiau gweithgarwch dynol;

(b) cynnal, adfer neu wella'r amgylchedd;

(c) diogelu pobl, a'u hiechyd yn benodol, rhag effeithiau gweithgarwch dynol ar yr amgylchedd;

(d) monitro, asesu neu ystyried unrhyw beth ym mharagraffau (a) i (c) neu gynghori neu adrodd arno;

mae i "effeithiolrwydd cyfraith amgylcheddol" ("*effectiveness of environmental law*") yr ystyr a roddir gan adran 33;

mae i "egwyddorion amgylcheddol" ("*environmental principles*") yr ystyr a roddir gan adran 2;

ystyr "hysbysiad cydymffurfio" ("*compliance notice*") yw hysbysiad a gyflwynir o dan adran 18;

mae i "hysbysiad cydymffurfio brys" ("*urgent compliance notice*") yr ystyr a roddir gan adran 19(4);

ystyr "hysbysiad gwybodaeth" ("*information notice*") yw hysbysiad a gyflwynir o dan adran 15;

mae i "methu â chydymffurfio â chyfraith amgylcheddol" ("*failing to comply with environmental law*") yr ystyr a roddir gan adran 34;

ystyr "SLlAC" ("*the OEGW*") yw Swyddfa Llywodraethiant Amgylcheddol Cymru sydd wedi ei sefydlu o dan adran 8(1).

45 Diwygiadau canlyniadol

Mae Atodlen 4 yn gwneud darpariaeth o ganlyniad i'r Ddeddf hon.

46 Dod i rym

(1) Daw'r Rhan hon, ar wahân i adran 45, i rym drannoeth y diwrnod y caiff y Ddeddf hon y Cydsyniad Brenhinol.

(2) Daw'r darpariaethau a ganlyn i rym ar ddiwedd y cyfnod o 2 fis sy'n dechrau â'r diwrnod y caiff y Ddeddf hon y Cydsyniad Brenhinol—

(a) adrannau 1 a 2;

(b) adran 6 ac adran 7, ac eithrio is-adran (1)(c);

(c) adrannau 8 a 10 ac Atodlen 1, ac eithrio paragraffau 10 ac 21;

(d) adran 30 ac Atodlen 3;

(e) adrannau 31 i 34;

(f) Rhan 3;

(g) paragraffau 1 i 4 o Atodlen 4 (ac adran 45 i'r graddau y mae'n ymwneud â'r paragraffau hynny).

(3) Daw adrannau 3 i 5 i rym ar 31 Mawrth 2027.

"environmental protection" ("*diogelu'r amgylchedd*") means—

(a) protection of the environment from the effects of human activity;

(b) maintenance, restoration or enhancement of the environment;

(c) protection of people, in particular their health, from the effects of human activity on the environment;

(d) monitoring, assessing, considering, advising or reporting on anything in paragraphs (a) to (c);

"failing to comply with environmental law" ("*methu â chydymffurfio â chyfraith amgylcheddol*") has the meaning given by section 34;

"improvement plan" ("*cynllun gwella*") means a plan published under section 24;

"improvement report" ("*adroddiad gwella*") means a report published under section 22;

"information notice" ("*hysbysiad gwybodaeth*") means a notice served under section 15;

"the OEGW" ("*SLlAC*") means the Office of Environmental Governance Wales established under section 8(1);

"public authority" ("*awdurdod cyhoeddus*") has the meaning given—

(a) in relation to sections 5 and 6, by section 5(4);

(b) in relation to Part 2, by section 32;

"urgent compliance notice" ("*hysbysiad cydymffurfio brys*") has the meaning given by section 19(4).

45 Consequential amendments

Schedule 4 makes provision in consequence of this Act.

46 Coming into force

(1) This Part, apart from section 45, comes into force on the day after the day on which this Act receives Royal Assent.

(2) The following provisions come into force at the end of the period of 2 months beginning with the day on which this Act receives Royal Assent—

(a) sections 1 and 2;

(b) section 6 and section 7, except subsection (1)(c);

(c) sections 8 and 10 and Schedule 1, except paragraphs 10 and 21;

(d) section 30 and Schedule 3;

(e) sections 31 to 34;

(f) Part 3;

(g) paragraphs 1 to 4 of Schedule 4 (and section 45 in so far as relating to those paragraphs).

(3) Sections 3 to 5 come into force on 31 March 2027.

(4) Ac eithrio fel a ddarperir gan is-adrannau (1) i (3), ac yn ddarostyngedig i is-adran (5), daw darpariaethau'r Ddeddf hon i rym ar ddiwrnod a bennir gan Weinidogion Cymru mewn gorchymyn a wneir drwy offeryn statudol Cymreig.

(5) Os nad yw'r darpariaethau a grybwyllir yn is-adran (6) wedi dod i rym erbyn diwedd y cyfnod o 24 o fisoedd sy'n dechrau â'r diwrnod y caiff y Ddeddf hon y Cydsyniad Brenhinol, maent yn dod i rym ar ddiwedd y cyfnod hwnnw.

(6) Y darpariaethau yw—

(a) adran 7(1)(c);

(b) paragraffau 10 ac 21 o Atodlen 1;

(c) adrannau 11 i 29 ac Atodlen 2;

(d) paragraff 5 o Atodlen 4 (ac adran 45 i'r graddau y mae'n ymwneud â'r paragraff hwnnw).

(7) Caiff gorchymyn o dan is-adran (4)—

(a) gwneud darpariaeth drosiannol neu ddarpariaeth arbed;

(b) pennu diwrnodau gwahanol at ddibenion gwahanol.

(8) Caiff rheoliadau ddiwygio is-adran (5) er mwyn rhoi cyfnod gwahanol yn lle'r cyfnod a bennir am y tro yn yr is-adran honno.

(9) Ni chaiff y cyfnod a amnewidir yn unol ag is-adran (8) fod yn hwy na 48 o fisoedd sy'n dechrau â'r diwrnod y caiff y Ddeddf hon y Cydsyniad Brenhinol.

47 Enw byr

Caniateir cyfeirio at y Ddeddf hon fel—

(a) Deddf yr Amgylchedd (Egwyddorion, Llywodraethiant a Thargedau Bioamrywiaeth) (Cymru) 2026, neu

(b) the Environment (Principles, Governance and Biodiversity Targets) (Wales) Act 2026.

(4) Except as provided for by subsections (1) to (3), and subject to subsection (5), the provisions of this Act come into force on a day appointed by the Welsh Ministers in an order made by Welsh statutory instrument.

(5) If the provisions mentioned in subsection (6) have not come into force by the end of the period of 24 months beginning with the day on which this Act receives Royal Assent, they come into force at the end of that period.

(6) The provisions are—

(a) section 7(1)(c);

(b) paragraphs 10 and 21 of Schedule 1;

(c) sections 11 to 29 and Schedule 2;

(d) paragraph 5 of Schedule 4 (and section 45 in so far as relating to that paragraph).

(7) An order under subsection (4)—

(a) may make transitional or saving provision;

(b) may appoint different days for different purposes.

(8) Regulations may amend subsection (5) to substitute a different period for the period for the time being specified in that subsection.

(9) The period substituted in accordance with subsection (8) may not be longer than 48 months beginning with the day on which this Act receives Royal Assent.

47 Short title

This Act may be referred to as—

(a) the Environment (Principles, Governance and Biodiversity Targets) (Wales) Act 2026, or

(b) Deddf yr Amgylchedd (Egwyddorion, Llywodraethiant a Thargedau Bioamrywiaeth) (Cymru) 2026.

ATODLEN 1
(a gyflwynir gan adran 8)

SWYDDFA LLYWODRAETHIANT AMGYLCHEDDOL CYMRU

RHAN 1

STATWS

Statws

1 (1) Nid yw SLlAC i'w hystyried yn was nac yn asiant i'r Goron nac yn un sy'n mwynhau unrhyw statws, unrhyw imiwnedd nac unrhyw fraint sydd gan y Goron.

(2) Nid yw eiddo SLlAC i'w ystyried yn eiddo i'r Goron nac yn eiddo a ddelir ar ei rhan.

RHAN 2

AELODAETH

Aelodau

2 (1) Aelodau SLlAC yw—

(a) person a benodir gan Weinidogion Cymru yn gadeirydd arni,

(b) person a benodir gan Weinidogion Cymru yn ddirprwy gadeirydd arni,

(c) o leiaf 3 a dim mwy na 5 person arall a benodir gan Weinidogion Cymru, a

(d) ei phrif weithredwr (gweler paragraff 6).

(2) Yn yr Atodlen hon, cyfeirir at y cadeirydd, y dirprwy gadeirydd ac aelodau SLlAC a benodir o dan is-baragraff (1)(c) ar y cyd fel "aelodau anweithredol".

(3) Caiff Gweinidogion Cymru, drwy reoliadau, ddiwygio is-baragraff (1)(c) i roi rhif gwahanol yn lle'r naill neu'r llall o'r rhifau neu'r ddau rif a bennir am y tro yn yr is-baragraff hwnnw.

(4) Cyn gwneud rheoliadau o dan is-baragraff (3) rhaid i Weinidogion Cymru ymgynghori ag—

(a) pwyllgor yn Senedd Cymru y mae diogelu'r amgylchedd am y tro wedi ei gynnwys o fewn ei gylch gwaith,

(b) SLlAC, ac

(c) unrhyw bersonau eraill y maent yn ystyried eu bod yn briodol.

Anghymwyso

3 (1) Mae person wedi ei anghymhwyso rhag bod yn aelod o SLlAC os yw'r person—

(a) yn aelod o—

(i) Senedd Cymru;

(ii) Tŷ'r Cyffredin;

SCHEDULE 1

(introduced by section 8)

THE OFFICE OF ENVIRONMENTAL GOVERNANCE WALES

PART 1

STATUS

Status

1 (1) The OEGW is not to be regarded as a servant or agent of the Crown or as enjoying any status, immunity or privilege of the Crown.

(2) The OEGW's property is not to be regarded as the property of the Crown or property held on its behalf.

PART 2

MEMBERSHIP

Members

2 (1) The members of the OEGW are—

(a) a person appointed by the Welsh Ministers as its chairperson,

(b) a person appointed by the Welsh Ministers as its deputy chairperson,

(c) at least 3 and no more than 5 other persons appointed by the Welsh Ministers, and

(d) its chief executive (see paragraph 6).

(2) In this Schedule, the chairperson, deputy chairperson and members of the OEGW appointed under sub-paragraph (1)(c) are collectively referred to as "non-executive members".

(3) The Welsh Ministers may, by regulations, amend sub-paragraph (1)(c) to substitute a different number for either or both of the numbers for the time being specified in that sub-paragraph.

(4) Before making regulations under sub-paragraph (3) the Welsh Ministers must consult—

(a) a committee of Senedd Cymru for the time being with remit for environmental protection,

(b) the OEGW, and

(c) such other persons as they consider appropriate.

Disqualification

3 (1) A person is disqualified from being a member of the OEGW if the person is—

(a) a member of—

(i) Senedd Cymru;

(ii) the House of Commons;

(iii) Tŷ'r Arglwyddi;

(iv) Senedd yr Alban;

(v) Cynulliad Gogledd Iwerddon;

(b) yn aelod o gyngor sir neu gyngor bwrdeistref sirol yng Nghymru;

(c) yn aelod o awdurdod Parc Cenedlaethol ar gyfer Parc Cenedlaethol yng Nghymru;

(d) yn aelod o Gyfoeth Naturiol Cymru;

(e) yn aelod o Lywodraeth Cymru;

(f) yn un o Weinidogion y Goron;

(g) yn aelod o Lywodraeth yr Alban;

(h) yn un o Weinidogion Gogledd Iwerddon;

(i) yn ddeiliad swydd, neu'n aelod o gorff neu'n aelod o staff corff, a bennir gan Weinidogion Cymru drwy reoliadau.

(2) Mae person hefyd wedi ei anghymhwyso rhag bod yn aelod anweithredol os yw'r person yn aelod o staff SLlAC.

Telerau aelodau anweithredol

4 (1) Mae aelod anweithredol o SLlAC yn dal swydd am unrhyw gyfnod, ac ar unrhyw delerau ac amodau, a bennir yn nhelerau'r penodiad, ond mae hyn yn ddarostyngedig i is-baragraffau (2) a (3) a pharagraff 5.

(2) Ni chaiff cyfnod y swydd a bennir yn nhelerau penodiad aelod anweithredol fod yn hwy na 4 blynedd.

(3) Ni chaniateir penodi person yn aelod anweithredol am fwy na 2 gyfnod yn y swydd (ac mae is-baragraff (2) yn gymwys i bob cyfnod yn y swydd).

(4) At ddibenion is-baragraff (3), nid yw'r canlynol yn cyfrif fel penodiadau am gyfnod yn y swydd—

(a) penodiad person yn gadeirydd neu'n ddirprwy gadeirydd am gyfnod o 12 mis neu lai o dan yr amgylchiadau a nodir ym mharagraff 9(2), neu

(b) penodiad person yn aelod anweithredol ac eithrio yn gadeirydd neu'n ddirprwy gadeirydd am gyfnod o 12 mis neu lai o dan yr amgylchiadau a nodir ym mharagraff 9(4).

(5) Caiff SLlAC, gyda chymeradwyaeth Gweinidogion Cymru, dalu unrhyw dâl, unrhyw dreuliau ac unrhyw lwfansau i'w haelodau anweithredol y mae SLlAC yn penderfynu arnynt.

Diswyddo etc. aelodau anweithredol

5 (1) Caiff Gweinidogion Cymru, drwy roi hysbysiad i berson sy'n aelod anweithredol, ddiswyddo'r person os ydynt wedi eu bodloni—

(a) bod y person yn anaddas i barhau i fod yn aelod, neu

(b) nad yw'r person yn gallu arfer swyddogaethau aelod neu nad yw'n fodlon gwneud hynny.

(iii) the House of Lords;

(iv) the Scottish Parliament;

(v) the Northern Ireland Assembly;

(b) a member of a county council or a county borough council in Wales;

(c) a member of a National Park authority for a National Park in Wales;

(d) a member of Natural Resources Wales;

(e) a member of the Welsh Government;

(f) a Minister of the Crown;

(g) a member of the Scottish Government;

(h) a Northern Ireland Minister;

(i) the holder of an office, or a member or member of staff of a body, specified by the Welsh Ministers by regulations.

(2) A person is also disqualified from being a non-executive member if the person is a member of the OEGW's staff.

Terms of non-executive members

4 (1) A non-executive member of the OEGW holds office for such a period, and on such terms and conditions, as may be specified in the terms of appointment, but this is subject to sub-paragraphs (2) and (3) and paragraph 5.

(2) The period of office specified in a non-executive member's terms of appointment may not exceed 4 years.

(3) A person may not be appointed as a non-executive member for more than 2 periods of office (and sub-paragraph (2) applies to each period of office).

(4) For the purposes of sub-paragraph (3), the following do not count as appointments for a period of office—

(a) a person's appointment as chairperson or deputy chairperson for a period of 12 months or less in the circumstances set out in paragraph 9(2), or

(b) a person's appointment as a non-executive member other than chairperson or deputy chairperson for a period of 12 months or less in the circumstances set out in paragraph 9(4).

(5) The OEGW may, with the approval of the Welsh Ministers, pay its non-executive members such remuneration, expenses and allowances as the OEGW may determine.

Removal etc. of non-executive members

5 (1) The Welsh Ministers may, by giving notice to a person who is a non-executive member, remove the person from office if they are satisfied that—

(a) the person is unfit to remain a member, or

(b) the person is unable or unwilling to exercise the functions of a member.

(2) Caiff Gweinidogion Cymru, drwy roi hysbysiad i berson sy'n aelod anweithredol, atal dros dro y person o'i swydd os yw'n ymddangos iddynt y gall fod sail dros arfer y pŵer yn is-baragraff (1).

(3) Mae ataliad dros dro o dan is-baragraff (2) yn cael effaith—

(a) am gyfnod a bennir yn yr hysbysiad, neu

(b) os na phennir cyfnod yn yr hysbysiad, hyd nes y bo Gweinidogion Cymru yn rhoi hysbysiad pellach i'r person sydd wedi ei atal dros dro.

(4) Cyn diswyddo aelod anweithredol o dan is-baragraff (1), rhaid i Weinidogion Cymru—

(a) cyflwyno hysbysiad i'r aelod sy'n—

(i) hysbysu'r aelod am y diswyddiad arfaethedig,

(ii) nodi'r rhesymau dros y diswyddiad arfaethedig, a

(iii) ei gwneud yn ofynnol i unrhyw sylwadau am y diswyddiad arfaethedig gael eu cyflwyno o fewn 14 o ddiwrnodau sy'n dechrau â'r diwrnod y cyflwynir yr hysbysiad;

(b) ymgynghori â chadeirydd a dirprwy gadeirydd SLlAC.

(5) Nid yw is-baragraff (4) yn gymwys pan fo Gweinidogion Cymru yn ystyried bod angen i'r diswyddiad gymryd effaith ar frys.

(6) Nid yw is-baragraff (4)(b)—

(a) yn ei gwneud yn ofynnol i Weinidogion Cymru ymgynghori â'r cadeirydd neu'r dirprwy gadeirydd—

(i) pan fo Gweinidogion Cymru wedi cyflwyno hysbysiad i'r person hwnnw o dan is-baragraff (4)(a), na

(ii) pan nad yw'r person hwnnw'n gallu gweithredu am y tro, na

(b) yn gymwys pan fo swydd y cadeirydd neu (yn ôl y digwydd) y dirprwy gadeirydd yn wag am y tro.

(7) Caiff aelod anweithredol ymddiswyddo drwy roi o leiaf 3 mis o rybudd i Weinidogion Cymru a SLlAC.

(8) Mae person yn peidio â bod yn aelod anweithredol o SLlAC os yw'r person hwnnw'n dod yn anghymwys (gweler paragraff 3).

(9) Ni chaiff person sydd wedi ei atal dros dro o'i swydd o dan is-baragraff (2) gymryd rhan yn nhrafodion SLlAC, na thrafodion ei phwyllgorau neu ei his-bwyllgorau neu gyd-bwyllgor, yn ystod y cyfnod y mae'r ataliad dros dro yn cael effaith.

(2) The Welsh Ministers may, by giving notice to a person who is a non-executive member, suspend the person from office if it appears to them that there may be grounds to exercise the power in sub-paragraph (1).

(3) A suspension under sub-paragraph (2) has effect—

(a) for a period specified in the notice, or

(b) if no period is specified in the notice, until the Welsh Ministers give further notice to the suspended person.

(4) Before removing a non-executive member from office under sub-paragraph (1), the Welsh Ministers must—

(a) serve the member with a notice—

(i) informing the member of the proposed removal,

(ii) setting out the reasons for the proposed removal, and

(iii) requiring any representations about the proposed removal to be made within 14 days beginning with the day the notice is served;

(b) consult the chairperson and deputy chairperson of the OEGW.

(5) Sub-paragraph (4) does not apply where the Welsh Ministers consider that the removal from office needs to take effect urgently.

(6) Sub-paragraph (4)(b) does not—

(a) require the Welsh Ministers to consult the chairperson or deputy chairperson where—

(i) the Welsh Ministers have served notice on that person under sub-paragraph (4)(a), or

(ii) that person is unable to act for the time being, or

(b) apply where the office of chairperson or (as the case may be) deputy chairperson is vacant for the time being.

(7) A non-executive member may resign from office by giving at least 3 months' notice to the Welsh Ministers and the OEGW.

(8) A person ceases to be a non-executive member of the OEGW if that person becomes disqualified (see paragraph 3).

(9) A person suspended from office under sub-paragraph (2) may not participate in the proceedings of the OEGW, or the proceedings of its committees or sub-committees or of a joint committee, during the period in which the suspension has effect.

RHAN 3

STAFF

Prif weithredwr

6 (1) Rhaid i SLlAC gael prif weithredwr.

(2) Mae prif weithredwr cyntaf SLlAC i'w benodi gan Weinidogion Cymru ar unrhyw delerau ac amodau (gan gynnwys telerau ac amodau o ran tâl, treuliau, lwfansau a phensiwn) y maent yn penderfynu arnynt.

(3) Mae penodiadau dilynol i'w gwneud gan aelodau anweithredol SLlAC ar unrhyw delerau ac amodau y maent yn penderfynu arnynt.

(4) Ond ni chaiff aelodau anweithredol SLlAC benderfynu ar delerau ac amodau o ran tâl, treuliau, lwfansau neu bensiwn heb gymeradwyaeth Gweinidogion Cymru.

(5) Mae'r prif weithredwr yn aelod o staff SLlAC.

Staff eraill

7 (1) Caiff SLlAC benodi aelodau eraill o staff.

(2) Penodir aelod o staff a benodir o dan y paragraff hwn ar unrhyw delerau ac amodau y mae SLlAC yn penderfynu arnynt.

(3) Ond ni chaiff SLlAC benderfynu ar delerau ac amodau o ran tâl, treuliau, lwfansau neu bensiwn heb gymeradwyaeth Gweinidogion Cymru.

RHAN 4

GOFYNION PENODI

Gofynion penodi

8 (1) Wrth benodi person yn aelod anweithredol, rhaid i Weinidogion Cymru roi sylw i ddymunoldeb bod aelodau SLlAC (rhyngddynt) yn meddu ar brofiad o'r canlynol, a'u bod wedi dangos galluedd ynddynt—

(a) cyfraith amgylcheddol a pholisi amgylcheddol;

(b) gwyddor amgylcheddol;

(c) achosion ymchwilio a gorfodi.

(2) Cyn penodi neu ailbenodi person yn gadeirydd neu'n ddirprwy gadeirydd SLlAC, rhaid i Weinidogion Cymru ymgynghori ar y penodiad arfaethedig â phwyllgor yn Senedd Cymru y mae diogelu'r amgylchedd am y tro wedi ei gynnwys o fewn ei gylch gwaith.

(3) Cyn penodi person yn aelod anweithredol neu'n brif weithredwr yn unol â pharagraff 6(2), rhaid i Weinidogion Cymru—

(a) sefydlu panel i wneud argymhellion i Weinidogion Cymru mewn perthynas ag ymgeiswyr ar gyfer penodiad o'r fath, a

(b) rhoi sylw i argymhellion y panel.

PART 3

STAFF

Chief executive

6 (1) The OEGW must have a chief executive.

(2) The first chief executive of the OEGW is to be appointed by the Welsh Ministers on such terms and conditions (including terms and conditions as to remuneration, expenses, allowances and pension) as they may determine.

(3) Subsequent appointments are to be made by the non-executive members of the OEGW on such terms and conditions as they may determine.

(4) But the non-executive members of the OEGW may not determine terms and conditions as to remuneration, expenses, allowances or pension without the approval of the Welsh Ministers.

(5) The chief executive is a member of the OEGW's staff.

Other staff

7 (1) The OEGW may appoint other members of staff.

(2) A member of staff appointed under this paragraph is appointed on such terms and conditions as the OEGW may determine.

(3) But the OEGW may not determine terms and conditions as to remuneration, expenses, allowances or pension without the approval of the Welsh Ministers.

PART 4

APPOINTMENT REQUIREMENTS

Appointment requirements

8 (1) In appointing a person as a non-executive member, the Welsh Ministers must have regard to the desirability of the OEGW's members (between them) having experience of, and having shown capability in—

(a) environmental law and policy;

(b) environmental science;

(c) investigatory and enforcement proceedings.

(2) Before appointing or reappointing a person as the chairperson or deputy chairperson of the OEGW, the Welsh Ministers must consult a committee of Senedd Cymru for the time being with remit for environmental protection on the proposed appointment.

(3) Before appointing a person as a non-executive member or as chief executive in accordance with paragraph 6(2), the Welsh Ministers must—

(a) establish a panel to make recommendations to the Welsh Ministers in relation to candidates for such appointment, and

(b) have regard to the panel's recommendations.

(4) Rhaid i'r panel fod wedi ei gyfansoddi o—

(a) 1 aelod o Senedd Cymru sydd wedi ei enwebu gan bwyllgor yn Senedd Cymru y mae diogelu'r amgylchedd am y tro wedi ei gynnwys o fewn ei gylch gwaith,

(b) 1 aelod o staff Llywodraeth Cymru, a

(c) 2 aelod annibynnol.

(5) Rhaid i Weinidogion Cymru fod wedi eu bodloni—

(a) bod pob aelod o'r panel, ac eithrio'r aelod o Senedd Cymru a benodir i'r panel yn unol ag is-baragraff (4)(a), yn meddu ar brofiad o un o leiaf o'r materion a restrir yn is-baragraff (1)(a) i (c), a

(b) bod aelodau'r panel (rhyngddynt) yn meddu ar brofiad o'r holl faterion hynny.

(6) Nid yw is-baragraff (3) yn gymwys mewn perthynas â phenodiad person am ail gyfnod yn y swydd pan fyddai'n dilyn yn union ar ôl y cyntaf.

(7) Nid yw is-baragraff (4)(a) yn gymwys pan fo'r pwyllgor a grybwyllir yn yr is-baragraff hwnnw yn gwrthod gwneud enwebiad neu'n methu â gwneud hynny o fewn 21 o ddiwrnodau sy'n dechrau â'r diwrnod y mae Gweinidogion Cymru yn gwneud cais am yr enwebiad.

(8) Wrth gyfrifo'r cyfnod o 21 o ddiwrnodau a grybwyllir yn is-baragraff (7), nid oes unrhyw ystyriaeth i'w rhoi i unrhyw adeg pan fydd Senedd Cymru wedi ei diddymu neu ar doriad am fwy na 4 diwrnod.

Datgymhwyso gofynion penodi: aelodau interim

9 (1) Nid yw paragraff 8(2) a (3) yn gymwys pan fo Gweinidogion Cymru yn penodi person yn gadeirydd neu'n ddirprwy gadeirydd SLlAC am gyfnod o 12 mis neu lai o dan yr amgylchiadau a nodir yn is-baragraff (2).

(2) Yr amgylchiadau yw—

(a) bod cadeirydd neu (yn ôl y digwydd) ddirprwy gadeirydd SLlAC—

(i) wedi peidio â bod yn aelod o SLlAC cyn diwedd cyfnod y swydd a bennir yn ei delerau penodi (oherwydd marwolaeth, ymddiswyddo, anghymhwyso neu ddiswyddo), neu

(ii) wedi ei atal dros dro o'i swydd o dan baragraff 5(2), a

(b) o ganlyniad, na ellir bodloni cworwm SLlAC a bennir yn y rheolau a wneir o dan baragraff 14.

(3) Nid yw paragraff 8(3) yn gymwys pan fo Gweinidogion Cymru yn penodi person yn aelod anweithredol ac eithrio cadeirydd neu ddirprwy gadeirydd am gyfnod o 12 mis neu lai o dan yr amgylchiadau a nodir yn is-baragraff (4).

(4) Yr amgylchiadau yw—

(a) bod un neu ragor o bersonau—

(i) wedi peidio â bod yn aelod neu'n aelodau o SLlAC cyn diwedd cyfnod y swydd a bennir yn ei delerau penodi neu eu telerau penodi (oherwydd marwolaeth, ymddiswyddo, anghymhwyso neu ddiswyddo), neu

(4) The panel must comprise of—

(a) 1 member of Senedd Cymru nominated by a committee of Senedd Cymru for the time being with remit for environmental protection,

(b) 1 member of staff of the Welsh Government, and

(c) 2 independent members.

(5) The Welsh Ministers must be satisfied—

(a) that each member of the panel, other than the member of Senedd Cymru appointed to the panel in accordance with sub-paragraph (4)(a), has experience of at least one of the matters listed in sub-paragraph (1)(a) to (c), and

(b) that the members of the panel (between them) have experience of all those matters.

(6) Sub-paragraph (3) does not apply in relation to a person's appointment for a second period of office where it would follow immediately after the first.

(7) Sub-paragraph (4)(a) does not apply where the committee mentioned in that sub-paragraph declines to make a nomination or fails to do so within 21 days beginning with the day the Welsh Ministers request the nomination.

(8) In calculating the period of 21 days mentioned in sub-paragraph (7), no account is to be taken of any time during which Senedd Cymru is dissolved or is in recess for more than 4 days.

Disapplication of appointment requirements: interim members

9 (1) Paragraph 8(2) and (3) do not apply where the Welsh Ministers appoint a person as the OEGW's chairperson or deputy chairperson for a period of 12 months or less in the circumstances set out in sub-paragraph (2).

(2) The circumstances are—

(a) that the OEGW's chairperson or (as the case may be) deputy chairperson—

(i) has ceased to be a member of the OEGW before the end of the period of office specified in their terms of appointment (by reason of death, resignation, disqualification or removal from office), or

(ii) is suspended from office under paragraph 5(2), and

(b) that as a result, the OEGW's quorum specified in the rules made under paragraph 14 cannot be met.

(3) Paragraph 8(3) does not apply where the Welsh Ministers appoint a person as a non-executive member other than chairperson or deputy chairperson for a period of 12 months or less in the circumstances set out in sub-paragraph (4).

(4) The circumstances are—

(a) that one or more persons—

(i) have ceased to be members of the OEGW before the end of the period of office specified in their terms of appointment (by reason of death, resignation, disqualification or removal from office), or

(ii) wedi ei atal dros dro o'i swydd neu eu hatal dros dro o'u swyddi o dan baragraff 5(2), a

(b) o ganlyniad, na ellir bodloni cworwm SLlAC a bennir yn y rheolau a wneir o dan baragraff 14.

RHAN 5

PWYLLGORAU A DIRPRWYO

Pwyllgor adolygu

10 (1) Rhaid i SLlAC sefydlu pwyllgor ("y pwyllgor adolygu") i gynnal adolygiadau y gwneir cais amdanynt o dan adran 20(1).

(2) Caiff SLlAC gynnwys fel aelodau o'r pwyllgor adolygu unrhyw un neu ragor o aelodau SLlAC neu unrhyw aelodau o staff.

(3) Rhaid i SLlAC hefyd benodi i'r pwyllgor adolygu 1 neu ragor o bersonau nad ydynt yn aelodau o SLlAC nac yn aelodau o'i staff ("aelodau cyfetholedig").

(4) Ni chaiff SLlAC benodi person yn aelod cyfetholedig oni bai bod enw'r person wedi ei gynnwys ar restr a gynhelir ac a gyhoeddir gan SLIAC o bersonau y caniateir eu penodi yn aelodau cyfetholedig.

(5) Ni chaiff SLIAC gynnwys personau ar y rhestr oni bai ei bod yn ystyried eu bod yn meddu ar brofiad o un neu ragor o'r canlynol, a galluedd ynddynt—

(a) cyfraith amgylcheddol a pholisi amgylcheddol;

(b) gwyddor amgylcheddol;

(c) achosion ymchwilio a gorfodi.

(6) Rhaid i reolau a wneir o dan baragraff 14(3) neu (yn ôl y digwydd) benderfyniad a wneir o dan baragraff 14(4) ddarparu—

(a) ar gyfer y weithdrefn sydd i'w defnyddio gan y pwyllgor adolygu i benodi un o'i aelodau yn gadeirydd arno,

(b) bod gan aelodau cyfetholedig hawlogaeth i bleidleisio yng nghyfarfodydd y pwyllgor adolygu, ac

(c) na chaiff aelod o'r pwyllgor adolygu gymryd rhan na phleidleisio yn y pwyllgor os yw'n cynnal adolygiad o hysbysiad cydymffurfio y bu'r aelod yn ymwneud ag ef.

(7) Caiff SLlAC dalu unrhyw dâl, unrhyw dreuliau ac unrhyw lwfansau y mae'n penderfynu arnynt i aelodau cyfetholedig.

Pwyllgorau ac is-bwyllgorau eraill

11 (1) Caiff SLlAC sefydlu pwyllgorau ac is-bwyllgorau (yn ogystal â'r pwyllgor adolygu y mae'n ofynnol iddi ei sefydlu o dan baragraff 10).

(2) Caiff pwyllgor a sefydlir o dan y paragraff hwn sefydlu is-bwyllgorau.

(3) Caiff pwyllgor neu is-bwyllgor a sefydlir o dan y paragraff hwn gynnwys personau nad ydynt yn aelodau o SLlAC nac yn aelodau o'i staff ("aelodau cyfetholedig").

(ii) are suspended from office under paragraph 5(2), and

(b) that as a result, the OEGW's quorum specified in the rules made under paragraph 14 cannot be met.

PART 5

COMMITTEES AND DELEGATION

Review committee

10 (1) The OEGW must establish a committee ("the review committee") to conduct reviews requested under section 20(1).

(2) The OEGW may include as members of the review committee any of the OEGW's members or any members of staff.

(3) The OEGW must also appoint to the review committee 1 or more persons who are not members of the OEGW or members of its staff ("co-opted members").

(4) The OEGW may not appoint a person as a co-opted member unless the person's name is included in a list maintained and published by the OEGW of persons who may be appointed as co-opted members.

(5) The OEGW may not include persons in the list unless it considers that they have experience of, and capability in, one or more of—

(a) environmental law and policy;

(b) environmental science;

(c) investigatory and enforcement proceedings.

(6) Rules made under paragraph 14(3) or (as the case may be) a determination made under paragraph 14(4) must provide—

(a) for the procedure by which the review committee is to appoint one of its members as its chairperson,

(b) that co-opted members are entitled to vote at meetings of the review committee, and

(c) that a member of the review committee may not participate or vote in the committee if it is conducting a review of a compliance notice with which the member was involved.

(7) The OEGW may pay such remuneration, expenses and allowances as it may determine to co-opted members.

Other committees and sub-committees

11 (1) The OEGW may establish committees and sub-committees (in addition to the review committee it is required to establish under paragraph 10).

(2) A committee established under this paragraph may establish sub-committees.

(3) A committee or sub-committee established under this paragraph may include persons who are not members of the OEGW or members of its staff ("co-opted members").

(4) Nid oes gan aelod cyfetholedig hawlogaeth i bleidleisio mewn pwyllgor neu is-bwyllgor a sefydlir o dan y paragraff hwn oni bai ei fod wedi ei awdurdodi gan reolau a wneir o dan baragraff 14(3) neu benderfyniad a wneir o dan baragraff 14(4).

(5) Caiff SLlAC dalu unrhyw dâl, unrhyw dreuliau ac unrhyw lwfansau y mae'n penderfynu arnynt i aelodau cyfetholedig.

Cyd-bwyllgorau

12 (1) Caiff SLlAC, mewn cysylltiad ag arfer ei swyddogaethau, sefydlu pwyllgor ar y cyd ag unrhyw berson.

(2) Yn yr Atodlen hon, cyfeirir at bwyllgor a sefydlir o dan y paragraff hwn fel "cyd-bwyllgor".

(3) Caiff SLlAC dalu tâl a lwfansau i unrhyw berson—

(a) sy'n aelod o gyd-bwyllgor, ond

(b) nad yw'n aelod o SLlAC nac yn aelod o'i staff.

Dirprwyo

13 (1) Caiff SLlAC ddirprwyo unrhyw un neu ragor o'i swyddogaethau i unrhyw un neu ragor—

(a) o'i phwyllgorau,

(b) o'i his-bwyllgorau (pa un ai y'u sefydlir o dan baragraff 11(1) neu (2)),

(c) o'i haelodau, neu

(d) o'i haelodau o staff.

(2) Caiff pwyllgor o SLlAC ddirprwyo unrhyw swyddogaeth sy'n arferadwy ganddo i—

(a) is-bwyllgor o SLlAC (pa un ai y'i sefydlir o dan baragraff 11(1) neu (2)),

(b) aelod o SLlAC, neu

(c) aelod o staff SLlAC.

(3) Caiff is-bwyllgor o SLlAC (pa un ai y'i sefydlir o dan baragraff 11(1) neu (2)) ddirprwyo unrhyw swyddogaeth sy'n arferadwy ganddo i—

(a) aelod o SLlAC, neu

(b) aelod o staff SLlAC.

(4) Caiff SLlAC—

(a) penderfynu na chaiff pwyllgor neu is-bwyllgor o SLlAC ddirprwyo swyddogaeth a bennir yn y penderfyniad;

(b) amrywio neu ddirymu dirprwyad a wnaed gan bwyllgor neu is-bwyllgor o SLlAC;

(c) amrywio penderfyniad, amrywiad neu ddirymiad a wnaed gan bwyllgor o dan is-baragraff (5).

(5) Caiff pwyllgor o SLlAC sydd wedi dirprwyo swyddogaeth i is-bwyllgor—

(a) penderfynu na chaiff yr is-bwyllgor ddirprwyo'r swyddogaeth;

(b) amrywio neu ddirymu unrhyw ddirprwyad o'r swyddogaeth honno a wnaed gan yr is-bwyllgor hwnnw.

(4) A co-opted member is not entitled to vote at a committee or sub-committee established under this paragraph unless authorised by rules made under paragraph 14(3) or a determination made under paragraph 14(4).

(5) The OEGW may pay such remuneration, expenses and allowances as it may determine to co-opted members.

Joint committees

12 (1) The OEGW may, in connection with the exercise of its functions, establish a committee jointly with any person.

(2) In this Schedule, a committee established under this paragraph is referred to as a "joint committee".

(3) The OEGW may pay remuneration and allowances to any person who—

(a) is a member of a joint committee, but

(b) is not a member of the OEGW or a member of its staff.

Delegation

13 (1) The OEGW may delegate any of its functions to any one or more of its—

(a) committees,

(b) sub-committees (whether established under paragraph 11(1) or (2)),

(c) members, or

(d) members of staff.

(2) A committee of the OEGW may delegate any function exercisable by it to—

(a) a sub-committee of the OEGW (whether established under paragraph 11(1) or (2)),

(b) a member of the OEGW, or

(c) a member of the OEGW's staff.

(3) A sub-committee of the OEGW (whether established under paragraph 11(1) or (2)) may delegate any function exercisable by it to—

(a) a member of the OEGW, or

(b) a member of the OEGW's staff.

(4) The OEGW may—

(a) determine that a committee or sub-committee of the OEGW may not delegate a function specified in the determination;

(b) vary or revoke a delegation made by a committee or sub-committee of the OEGW;

(c) vary a determination, variation or revocation made by a committee under sub-paragraph (5).

(5) A committee of the OEGW that has delegated a function to a sub-committee may—

(a) determine that the sub-committee may not delegate the function;

(b) vary or revoke any delegation of that function made by that sub-committee.

(6) Dirprwyir swyddogaeth o dan y paragraff hwn i'r graddau ac ar y telerau a bennir gan y person sy'n gwneud y dirprwyad, ond mae hyn yn ddarostyngedig i is-baragraffau (4) a (5).

(7) Nid yw dirprwyo swyddogaeth o dan y paragraff hwn yn atal SLlAC (neu'r pwyllgor neu'r is-bwyllgor yn ôl y digwydd) rhag arfer y swyddogaeth.

(8) Nid yw dirprwyo swyddogaeth o dan y paragraff hwn yn effeithio ar gyfrifoldeb SLlAC dros arfer y swyddogaeth.

(9) Nid yw'r paragraff hwn yn gymwys i swyddogaethau SLlAC na'i phwyllgor adolygu o dan adran 20 na pharagraff 10 o'r Atodlen hon.

RHAN 6

GWEITHDREFN ETC.

Gweithdrefn

14 (1) Rhaid i SLlAC wneud rheolau i reoleiddio ei gweithdrefn ei hun (gan gynnwys cworwm).

(2) Ni chaiff y nifer a bennir yn y rheolau fel cworwm SLlAC fod yn is na 4.

(3) Rhaid i SLlAC wneud rheolau i reoleiddio gweithdrefn ei phwyllgorau a'i his-bwyllgorau (gan gynnwys cworwm).

(4) Caiff rheolau a wneir gan SLlAC o dan is-baragraff (3) awdurdodi ei phwyllgorau a'i his-bwyllgorau i benderfynu ar eu gweithdrefn eu hunain (gan gynnwys cworwm).

Dilysrwydd trafodion a gweithredoedd

15 Nid yw'r canlynol yn effeithio ar ddilysrwydd trafodion a gweithredoedd SLlAC (na'i phwyllgorau a'i his-bwyllgorau, na chyd-bwyllgor)—

(a) swydd wag ymhlith aelodaeth SLlAC, na

(b) unrhyw ddiffyg o ran penodi aelod.

RHAN 7

MATERION ARIANNOL

Cyllid

16 (1) Rhaid i Weinidogion Cymru dalu i SLlAC unrhyw symiau y maent yn ystyried eu bod yn ddigonol i'w galluogi i gyflawni ei swyddogaethau.

(2) Caniateir i daliadau Gweinidogion Cymru i SLlAC gael eu gwneud ar unrhyw adegau ac yn unol ag unrhyw amodau y mae Gweinidogion Cymru yn penderfynu arnynt.

Swyddog cyfrifyddu

17 (1) Prif weithredwr SLlAC yw ei swyddog cyfrifyddu.

(2) Os nad yw'r prif weithredwr yn gallu cyflawni cyfrifoldebau'r swyddog cyfrifyddu, rhaid i SLlAC enwebu aelod arall o'i staff i fod y swyddog cyfrifyddu am gyhyd ag y bo'r prif weithredwr yn analluog i gyflawni'r cyfrifoldebau.

(6) A function is delegated under this paragraph to the extent and on the terms specified by the person making the delegation, but this is subject to sub-paragraphs (4) and (5).

(7) The delegation of a function under this paragraph does not prevent the OEGW (or the committee or sub-committee as the case may be) from exercising the function.

(8) The delegation of a function under this paragraph does not affect the OEGW's responsibility for the exercise of the function.

(9) This paragraph does not apply to the functions of the OEGW or its review committee under section 20 or paragraph 10 of this Schedule.

PART 6

PROCEDURE ETC.

Procedure

14 (1) The OEGW must make rules to regulate its own procedure (including quorum).

(2) The number specified in the rules as the OEGW's quorum may not be lower than 4.

(3) The OEGW must make rules to regulate the procedure of its committees and sub-committees (including quorum).

(4) Rules made by the OEGW under sub-paragraph (3) may authorise its committees and sub-committees to determine their own procedure (including quorum).

Validity of proceedings and acts

15 The validity of proceedings and acts of the OEGW (or of its committees or sub-committees, or of a joint committee) is not affected by—

(a) a vacancy in the membership of the OEGW, or

(b) any defect in the appointment of a member.

PART 7

FINANCIAL MATTERS

Funding

16 (1) The Welsh Ministers must pay to the OEGW such sums as they consider to be sufficient to enable it to carry out its functions.

(2) The Welsh Ministers' payments to the OEGW may be made at such times and on such conditions as the Welsh Ministers may determine.

Accounting officer

17 (1) The chief executive of the OEGW is its accounting officer.

(2) If the chief executive is unable to discharge the responsibilities of the accounting officer, the OEGW must nominate another member of its staff to be the accounting officer for as long as the chief executive is unable to discharge the responsibilities.

(3) Os yw swydd y prif weithredwr yn wag, rhaid i SLlAC enwebu aelod o'i staff i fod y swyddog cyfrifyddu am gyhyd ag y bo swydd y prif weithredwr yn parhau i fod yn wag.

(4) Mae gan y swyddog cyfrifyddu, mewn perthynas â chyfrifon a chyllid SLlAC, y cyfrifoldebau a bennir am y tro gan Weinidogion Cymru.

(5) Mae'r cyfrifoldebau y caniateir eu pennu o dan y paragraff hwn yn cynnwys (ymhlith pethau eraill)—

(a) cyfrifoldebau mewn perthynas â llofnodi'r cyfrifon;

(b) cyfrifoldebau am briodoldeb a rheoleidd-dra cyllid SLlAC;

(c) cyfrifoldebau am ddarbodaeth, effeithlonrwydd ac effeithiolrwydd o ran sut y mae SLlAC yn defnyddio ei hadnoddau;

(d) cyfrifoldebau sy'n ddyledus i Weinidogion Cymru, Senedd Cymru neu ei Phwyllgor Cyfrifon Cyhoeddus.

Cyfrifon

18 (1) Rhaid i SLlAC, ar gyfer pob blwyddyn ariannol—

(a) cadw cyfrifon priodol a chofnodion priodol mewn perthynas â'r cyfrifon hynny, a

(b) llunio datganiad o gyfrifon.

(2) Rhaid i bob datganiad o gyfrifon gydymffurfio ag unrhyw gyfarwyddydau a roddir gan Weinidogion Cymru o ran—

(a) yr wybodaeth sydd i'w chynnwys ynddo,

(b) y modd y mae'r wybodaeth i'w chyflwyno,

(c) y dulliau a'r egwyddorion y mae'r datganiad i'w lunio yn unol â hwy, a

(d) gwybodaeth ychwanegol sydd i fynd gyda'r datganiad.

(3) Heb fod yn hwyrach na 31 Awst ar ôl diwedd pob blwyddyn ariannol, rhaid i SLlAC gyflwyno ei datganiad o gyfrifon ar gyfer y flwyddyn ariannol honno i—

(a) Gweinidogion Cymru, a

(b) Archwilydd Cyffredinol Cymru.

(4) Yn y paragraff hwn, ystyr "blwyddyn ariannol" yw—

(a) y cyfnod sy'n dechrau â'r diwrnod y mae adran 8 yn dod i rym ac sy'n dod i ben â'r ail 31 Mawrth yn dilyn y diwrnod hwnnw, a

(b) wedi hynny, pob cyfnod olynol o 12 mis.

Archwilio

19 (1) Mae'r paragraff hwn yn gymwys mewn perthynas â phob datganiad o gyfrifon a gyflwynir i Archwilydd Cyffredinol Cymru gan SLlAC o dan baragraff 18(3).

(2) Rhaid i Archwilydd Cyffredinol Cymru—

(a) archwilio'r datganiad o gyfrifon, ei ardystio ac adrodd arno;

(b) darparu copi o'r datganiad ardystiedig o gyfrifon a'r adroddiad i SLlAC.

(3) If the office of chief executive is vacant, the OEGW must nominate a member of its staff to be the accounting officer for as long as the office of chief executive remains vacant.

(4) The accounting officer has, in relation to the accounts and finances of the OEGW, the responsibilities that are for the time being specified by the Welsh Ministers.

(5) The responsibilities that may be specified under this paragraph include (among other things)—

(a) responsibilities in relation to the signing of the accounts;

(b) responsibilities for the propriety and regularity of the finances of the OEGW;

(c) responsibilities for the economy, efficiency and effectiveness with which the OEGW uses its resources;

(d) responsibilities owed to the Welsh Ministers, Senedd Cymru or its Public Accounts Committee.

Accounts

18 (1) The OEGW must, for each financial year—

(a) keep proper accounts and proper records in relation to those accounts, and

(b) prepare a statement of accounts.

(2) Each statement of accounts must comply with any directions given by the Welsh Ministers as to—

(a) the information to be included in it,

(b) the manner in which the information is to be presented,

(c) the methods and principles according to which the statement is to be prepared, and

(d) additional information that is to accompany the statement.

(3) No later than 31 August after the end of each financial year, the OEGW must submit its statement of accounts for that financial year to—

(a) the Welsh Ministers, and

(b) the Auditor General for Wales.

(4) In this paragraph, "financial year" means—

(a) the period beginning with the day section 8 comes into force and ending with the second 31 March following that day, and

(b) subsequently, each successive period of 12 months.

Audit

19 (1) This paragraph applies in relation to each statement of accounts submitted to the Auditor General for Wales by the OEGW under paragraph 18(3).

(2) The Auditor General for Wales must—

(a) examine, certify and report on the statement of accounts;

(b) provide a copy of the certified statement of accounts and the report to the OEGW.

(3) Rhaid i Archwilydd Cyffredinol Cymru, cyn diwedd y cyfnod o 4 mis sy'n dechrau â'r diwrnod pan gyflwynir y datganiad o gyfrifon ("y cyfnod o 4 mis"), osod gerbron Senedd Cymru—

(a) copi o'r datganiad ardystiedig o gyfrifon a'r adroddiad, neu

(b) os nad yw'n rhesymol ymarferol cydymffurfio â pharagraff (a), ddatganiad i'r perwyl hwnnw, y mae rhaid iddo gynnwys rhesymau o ran pam hynny.

(4) Pan fo datganiad wedi ei osod o dan is-baragraff (3)(b), rhaid i Archwilydd Cyffredinol Cymru osod copi o'r datganiad ardystiedig o gyfrifon a'r adroddiad gerbron Senedd Cymru cyn gynted ag y bo'n rhesymol ymarferol ar ôl diwedd y cyfnod o 4 mis.

(5) Wrth gydymffurfio ag is-baragraff (2), rhaid i Archwilydd Cyffredinol Cymru archwilio a aed, ym marn Archwilydd Cyffredinol Cymru, i'r gwariant y mae'r cyfrifon yn ymwneud ag ef yn gyfreithlon ac yn unol â'r awdurdod sy'n llywodraethu'r gwariant, ac adrodd ar hynny.

Archwilio'r defnydd o adnoddau

20 (1) Caiff Archwilydd Cyffredinol Cymru gynnal archwiliadau i ddarbodaeth, effeithlonrwydd ac effeithiolrwydd o ran sut y mae adnoddau wedi eu defnyddio wrth gyflawni swyddogaethau SLlAC.

(2) Ond nid yw hynny'n rhoi hawlogaeth i Archwilydd Cyffredinol Cymru i gwestiynu rhinweddau amcanion polisi SLlAC.

(3) Cyn cynnal archwiliad, rhaid i Archwilydd Cyffredinol Cymru—

(a) ymgynghori â Senedd Cymru, a

(b) ystyried barn Senedd Cymru ynghylch pa un a ddylid cynnal archwiliad ai peidio.

(4) Rhaid i Archwilydd Cyffredinol Cymru—

(a) cyn gynted ag y bo'n rhesymol ymarferol, gyhoeddi adroddiad o ganlyniadau archwiliad a gynhaliwyd o dan y paragraff hwn, a

(b) gosod copi o'r adroddiad gerbron Senedd Cymru.

RHAN 8

GOFYNION ADRODD

Adroddiad blynyddol

21 (1) Cyn gynted ag y bo'n rhesymol ymarferol ar ôl diwedd pob blwyddyn ariannol, rhaid i SLlAC—

(a) llunio a chyhoeddi adroddiad ar arfer ei swyddogaethau yn ystod y flwyddyn ariannol honno, a

(b) gosod copi o'r adroddiad gerbron Senedd Cymru.

(2) Os yw adroddiad yn nodi bod SLlAC yn ystyried na wnaeth Gweinidogion Cymru ddarparu symiau digonol iddi i gyflawni ei swyddogaethau yn y flwyddyn ariannol y mae'r adroddiad yn ymwneud â hi, rhaid i SLlAC gyflwyno'r adroddiad i Weinidogion Cymru.

(3) The Auditor General for Wales must, before the end of the period of 4 months beginning with the day the statement of accounts is submitted ("the 4-month period"), lay before Senedd Cymru—

(a) a copy of the certified statement of accounts and report, or

(b) if it is not reasonably practicable to comply with paragraph (a), a statement to that effect, which must include reasons as to why this is the case.

(4) Where a statement has been laid under sub-paragraph (3)(b), the Auditor General for Wales must lay before Senedd Cymru a copy of the certified statement of accounts and report as soon as reasonably practicable after the end of the 4-month period.

(5) In complying with sub-paragraph (2), the Auditor General for Wales must examine and report on whether, in the opinion of the Auditor General for Wales, the expenditure to which the accounts relate has been incurred lawfully and in accordance with the authority that governs the expenditure.

Examination into use of resources

20 (1) The Auditor General for Wales may carry out examinations into the economy, efficiency and effectiveness with which resources have been used in the discharging of the OEGW's functions.

(2) But that does not entitle the Auditor General for Wales to question the merits of the OEGW's policy objectives.

(3) Before carrying out an examination, the Auditor General for Wales must—

(a) consult Senedd Cymru, and

(b) take into account the views of Senedd Cymru as to whether or not an examination should be carried out.

(4) The Auditor General for Wales must—

(a) as soon as is reasonably practicable, publish a report of the results of an examination carried out under this paragraph, and

(b) lay a copy of the report before Senedd Cymru.

PART 8

REPORTING REQUIREMENTS

Annual report

21 (1) As soon as is reasonably practicable after the end of each financial year, the OEGW must—

(a) prepare and publish a report on the exercise of its functions during that financial year, and

(b) lay a copy of the report before Senedd Cymru.

(2) If a report indicates that the OEGW considers that the Welsh Ministers did not provide it with sufficient sums to carry out its functions in the financial year to which the report relates, the OEGW must submit the report to the Welsh Ministers.

RHAN 9

DARPARIAETHAU ATODOL

Cofrestr buddiannau

22 (1) Rhaid i SLlAC sefydlu a chynnal cofrestr o fuddiannau ei haelodau.

(2) Rhaid i SLlAC gyhoeddi'r cofnodion a gofnodir yn y gofrestr o fuddiannau'r aelodau.

Pwerau atodol

23 (1) Caiff SLlAC wneud unrhyw beth y mae'n ystyried ei fod—

(a) yn briodol at ddibenion ei swyddogaethau, neu mewn cysylltiad â'i swyddogaethau, neu

(b) yn ddeilliadol neu'n ffafriol i arfer y swyddogaethau hynny.

(2) Ond ni chaiff SLlAC—

(a) codi ffioedd;

(b) cael benthyg arian;

(c) buddsoddi arian;

(d) rhoi grantiau, rhoi benthyg arian na rhoi cymorth ariannol arall;

(e) derbyn rhoddion o arian, tir neu eiddo arall.

PART 9

SUPPLEMENTARY PROVISIONS

Register of interests

22 (1) The OEGW must establish and maintain a register of its members' interests.

(2) The OEGW must publish the entries recorded in the register of members' interests.

Supplementary powers

23 (1) The OEGW may do anything it considers—

(a) appropriate for the purposes of, or in connection with, its functions, or

(b) incidental or conducive to the exercise of those functions.

(2) But the OEGW may not—

(a) charge fees;

(b) borrow money;

(c) invest money;

(d) make grants, lend money or give other financial assistance;

(e) accept gifts of money, land or other property.

ATODLEN 2
(a gyflwynir gan adran 11)

SWYDDFA LLYWODRAETHIANT AMGYLCHEDDOL CYMRU: STRATEGAETH

Cynnwys

1 (1) Rhaid i'r strategaeth a lunnir ac a gyhoeddir o dan adran 11(1) nodi sut y mae SLlAC yn bwriadu—

(a) cydymffurfio ag—

(i) ei dyletswydd i arfer ei swyddogaethau at y diben cyffredinol a nodir yn adran 10(a), a

(ii) ei dyletswyddau o dan ddeddfiadau eraill, gan gynnwys y ddyletswydd i ymgymryd â datblygu cynaliadwy o dan Ran 2 o Ddeddf Llesiant Cenedlaethau'r Dyfodol (Cymru) 2015 (dccc 2);

(b) gweithredu'n ddiduedd, yn wrthrychol, yn gymesur ac yn dryloyw;

(c) monitro datblygiadau o ran effeithiolrwydd deddfwriaeth sy'n ymwneud â diogelu'r amgylchedd sy'n gymwys ac eithrio yng Nghymru neu a wneir gan sefydliadau rhyngwladol;

(d) cydlafurio â phersonau eraill at ddiben arfer ei swyddogaethau;

(e) arfer ei swyddogaethau mewn ffordd sy'n ceisio osgoi gorgyffwrdd ag arfer swyddogaethau gan—

Archwilydd Cyffredinol Cymru,

Comisiynydd Cenedlaethau'r Dyfodol,

y Comisiynydd Gwybodaeth,

Cyfoeth Naturiol Cymru,

Ombwdsmon Gwasanaethau Cyhoeddus Cymru,

y Pwyllgor ar Newid Hinsawdd (o fewn yr ystyr a roddir gan adran 32 o Ddeddf Newid Hinsawdd 2008 (p. 27)), ac

unrhyw berson arall yr ymddengys i SLlAC y gallai ei swyddogaethau orgyffwrdd â swyddogaethau SLlAC.

(2) Rhaid i'r strategaeth hefyd nodi sut y mae SLlAC yn bwriadu—

(a) wrth gyflawni ei swyddogaethau o dan adran 12(1), fonitro unrhyw dargedau sy'n ymwneud â'r amgylchedd a osodir gan gyfraith amgylcheddol neu odani;

(b) rheoli sylwadau y mae'n eu cael yn unol â'r ddogfen a gyhoeddir o dan adran 16, gan gynnwys ei pholisi ar—

(i) cyhoeddi gwybodaeth sy'n ymwneud â'r sylwadau, a

(ii) blaenoriaethu ei hystyriaeth o'r sylwadau;

(c) galluogi awdurdod cyhoeddus i gyflwyno sylwadau iddi ynghylch hysbysiad gwybodaeth a gyflwynwyd i'r awdurdod.

(3) Rhaid i'r strategaeth hefyd gynnwys polisi ymchwilio SLlAC, gan nodi yn benodol—

SCHEDULE 2

(introduced by section 11)

THE OFFICE OF ENVIRONMENTAL GOVERNANCE WALES: STRATEGY

Content

1 (1) The strategy prepared and published under section 11(1) must set out how the OEGW intends to—

(a) comply with—

(i) its duty to exercise its functions for the general purpose set out in section 10(a), and

(ii) its duties under other enactments, including the duty to carry out sustainable development under Part 2 of the Well-being of Future Generations (Wales) Act 2015 (anaw 2);

(b) act impartially, objectively, proportionately and transparently;

(c) monitor developments in the effectiveness of legislation relating to environmental protection that applies other than in Wales or which is made by international organisations;

(d) collaborate with other persons for the purpose of the exercise of its functions;

(e) exercise its functions in a way that seeks to avoid overlap with the exercise of functions by—

the Auditor General for Wales,

the Committee on Climate Change (within the meaning given by section 32 of the Climate Change Act 2008 (c. 27)),

the Future Generations Commissioner,

the Information Commissioner,

Natural Resources Wales,

the Public Services Ombudsman for Wales, and

any other person whose functions appear to the OEGW to be capable of overlapping with the OEGW's functions.

(2) The strategy must also set out how the OEGW intends to—

(a) in carrying out its functions under section 12(1), monitor any targets relating to the environment set by or under environmental law;

(b) manage representations it receives in accordance with the document published under section 16, including its policy on—

(i) publishing information relating to the representations, and

(ii) prioritising its consideration of the representations;

(c) enable a public authority to make representations to it about an information notice with which the authority has been served.

(3) The strategy must also contain the OEGW's investigation policy, setting out in particular—

(a) sut y mae SLlAC yn bwriadu ystyried gwahanol fathau o wybodaeth wrth benderfynu a ddylid cynnal ymchwiliad;

(b) amgylchiadau pan fo'n bosibl y bydd SLlAC yn penderfynu peidio â chynnal ymchwiliad;

(c) sut y mae SLlAC yn bwriadu blaenoriaethu ymchwiliadau;

(d) sut y mae SLlAC yn bwriadu ymgysylltu ag awdurdod cyhoeddus y mae SLlAC yn cynnal, neu'n ystyried cynnal, ymchwiliad mewn perthynas ag ef;

(e) sut y mae SLlAC yn bwriadu cyhoeddi gwybodaeth sy'n ymwneud â'i hymchwiliadau.

(4) Rhaid i'r strategaeth hefyd gynnwys polisi gorfodi SLlAC, gan nodi yn benodol—

(a) amgylchiadau pan fo'n bosibl y bydd SLlAC yn penderfynu—

(i) cyflwyno hysbysiad cydymffurfio,

(ii) cyhoeddi adroddiad gwella yn lle cyflwyno hysbysiad cydymffurfio, neu

(iii) peidio â chyflwyno hysbysiad cydymffurfio na chyhoeddi adroddiad gwella;

(b) sut y mae SLlAC yn bwriadu blaenoriaethu achosion y mae'n ystyried ei bod yn briodol cyflwyno hysbysiad cydymffurfio ynddynt;

(c) sut y mae SLlAC yn bwriadu ymgysylltu ag awdurdod cyhoeddus y mae'n bosibl y bydd SLlAC yn cyflwyno hysbysiad cydymffurfio neu gyhoeddi adroddiad gwella, neu y bydd yn cyflwyno hysbysiad cydymffurfio neu gyhoeddi adroddiad gwella, mewn perthynas ag ef;

(d) sut y mae SLlAC yn bwriadu penderfynu—

(i) at ddibenion adran 19(1), a yw'n ofynnol cymryd camau a bennir mewn hysbysiad cydymffurfio ar frys er mwyn atal neu liniaru risg bod niwed difrifol ar fin digwydd i'r amgylchedd neu i iechyd pobl, neu

(ii) a ddylid gwneud cais i'r Uchel Lys am adolygiad o dan adran 21(1);

(e) sut y mae SLlAC yn bwriadu cyhoeddi gwybodaeth sy'n ymwneud â hysbysiadau cydymffurfio, adolygiadau o hysbysiadau cydymffurfio, ac adroddiadau gwella.

Gofynion gweithdrefnol

2 (1) Wrth lunio'r strategaeth, rhaid i SLlAC ymgynghori ag—

(a) pwyllgor yn Senedd Cymru y mae diogelu'r amgylchedd am y tro wedi ei gynnwys o fewn ei gylch gwaith, a

(b) unrhyw bersonau eraill y mae'n ystyried eu bod yn briodol.

(2) Rhaid i SLlAC adolygu ei strategaeth—

(a) cyn diwedd y cyfnod o 4 blynedd sy'n dechrau â'r diwrnod y'i cyhoeddir gyntaf, a

(b) yn dilyn hynny cyn diwedd pob cyfnod o 4 blynedd sy'n dechrau â'r diwrnod y cwblheir yr adolygiad blaenorol.

(3) Caiff SLlAC ddiwygio ei strategaeth yn dilyn adolygiad o dan is-baragraff (2).

(a) how the OEGW intends to take account of different kinds of information in determining whether to carry out an investigation;

(b) circumstances in which the OEGW may determine not to carry out an investigation;

(c) how the OEGW intends to prioritise investigations;

(d) how the OEGW intends to engage with a public authority in relation to which the OEGW is, or is considering, carrying out an investigation;

(e) how the OEGW intends to publish information relating to its investigations.

(4) The strategy must also contain the OEGW's enforcement policy, setting out in particular—

(a) circumstances in which the OEGW may determine—

(i) to serve a compliance notice,

(ii) to publish an improvement report instead of serving a compliance notice, or

(iii) not to serve a compliance notice or publish an improvement report;

(b) how the OEGW intends to prioritise cases in which it considers it appropriate to serve a compliance notice;

(c) how the OEGW intends to engage with a public authority in relation to which the OEGW may, or will, serve a compliance notice or publish an improvement report;

(d) how the OEGW intends to determine—

(i) for the purposes of section 19(1), whether steps specified in a compliance notice are required to be taken urgently to prevent or mitigate an imminent risk of serious damage to the environment or to human health, or

(ii) whether to apply to the High Court for a review under section 21(1);

(e) how the OEGW intends to publish information relating to compliance notices, reviews of compliance notices, and improvement reports.

Procedural requirements

2 (1) In preparing the strategy, the OEGW must consult—

(a) a committee of Senedd Cymru for the time being with remit for environmental protection, and

(b) any other persons it considers appropriate.

(2) The OEGW must review its strategy—

(a) before the end of the period of 4 years beginning with the day it is first published, and

(b) subsequently before the end of each period of 4 years beginning with the day the previous review is concluded.

(3) The OEGW may revise its strategy following a review under sub-paragraph (2).

(4) Mae is-baragraff (1) yn gymwys i ddiwygio strategaeth SLlAC o dan is-baragraff (3) fel y mae'n gymwys i lunio'r strategaeth yn wreiddiol.

(5) Os yw SLlAC yn diwygio ei strategaeth o dan is-baragraff (3), rhaid iddi gyhoeddi'r strategaeth ddiwygiedig cyn gynted ag y bo'n rhesymol ymarferol.

(6) Rhaid i SLlAC, cyn gynted ag y bo'n rhesymol ymarferol ar ôl cyhoeddi'r strategaeth neu strategaeth ddiwygiedig, osod copi o'r strategaeth neu'r strategaeth ddiwygiedig gerbron Senedd Cymru.

(4) Sub-paragraph (1) applies to a revision of the OEGW's strategy under sub-paragraph (3) as it applies to the initial preparation of the strategy.

(5) If the OEGW revises its strategy under sub-paragraph (3), it must publish the revised strategy as soon as reasonably practicable.

(6) The OEGW must, as soon as reasonably practicable after publishing the strategy or a revised strategy, lay a copy of the strategy or revised strategy before Senedd Cymru.

ATODLEN 3
(a gyflwynir gan adran 30)

CYNLLUNIAU TROSGLWYDDO STAFF

Pŵer i wneud cynlluniau trosglwyddo staff

1 (1) Caiff Gweinidogion Cymru lunio un neu ragor o gynlluniau sy'n darparu i aelodau o staff Llywodraeth Cymru ddod yn aelodau o staff SLlAC ("cynllun trosglwyddo staff").

(2) Caiff cynllun trosglwyddo staff (ymhlith pethau eraill)—

(a) darparu ar gyfer trosglwyddo hawliau a rhwymedigaethau;

(b) darparu bod unrhyw beth sydd wedi ei wneud (neu sy'n cael effaith fel pe bai wedi ei wneud) gan Lywodraeth Cymru neu mewn perthynas â hi i gael ei drin fel pe bai wedi ei wneud gan SLlAC neu mewn perthynas â hi;

(c) gwneud unrhyw ddarpariaeth arall sydd yr un fath â darpariaeth neu sy'n debyg i ddarpariaeth a wneir gan Reoliadau Trosglwyddo Ymgymeriadau (Diogelu Cyflogaeth) 2006 (O.S. 2006/246) mewn achos pan nad yw'r Rheoliadau hynny'n gymwys;

(d) darparu ar gyfer parhad a dilysrwydd unrhyw beth a wnaed gan Lywodraeth Cymru neu mewn perthynas â hi cyn y trosglwyddiad;

(e) darparu bod cyfeiriadau at Lywodraeth Cymru mewn offeryn neu ddogfen arall i'w trin fel cyfeiriadau at SLlAC;

(f) gwneud darpariaeth ganlyniadol, darpariaeth atodol, darpariaeth ddeilliadol neu ddarpariaeth drosiannol.

Addasu cynlluniau trosglwyddo staff

2 (1) Caiff Gweinidogion Cymru addasu cynllun trosglwyddo staff.

(2) Ond os yw trosglwyddiad staff o dan y cynllun wedi cymryd effaith, ni chaniateir gwneud unrhyw addasiad sy'n ymwneud â'r trosglwyddiad ond gyda chytundeb y person y mae'r addasiad yn effeithio arno (neu'r personau y mae'r addasiad yn effeithio arnynt).

(3) Mae addasiad yn dod i rym o'r dyddiad y daeth y cynllun gwreiddiol i rym neu ba bynnag ddyddiad diweddarach a bennir gan Weinidogion Cymru.

Dyletswydd i osod cynlluniau trosglwyddo staff gerbron Senedd Cymru

3 Rhaid i Weinidogion Cymru osod copi o gynllun trosglwyddo staff gerbron Senedd Cymru.

Dehongli

4 (1) At ddibenion yr Atodlen hon—

(a) mae unigolyn sydd â chyflogaeth yn y gwasanaeth sifil i'w drin fel pe bai wedi ei gyflogi yn rhinwedd contract cyflogaeth, a

SCHEDULE 3
(introduced by section 30)

STAFF TRANSFER SCHEMES

Power to make staff transfer schemes

1 (1) The Welsh Ministers may make one or more schemes providing for members of staff of the Welsh Government to become members of staff of the OEGW (a "staff transfer scheme").

(2) A staff transfer scheme may (among other things)—

(a) provide for the transfer of rights and liabilities;

(b) provide for anything done (or having effect as if done) by or in relation to the Welsh Government to be treated as having been done by or in relation to the OEGW;

(c) make any other provision that is the same as or similar to a provision made by the Transfer of Undertakings (Protection of Employment) Regulations 2006 (S.I. 2006/246) in a case where those Regulations do not apply;

(d) provide for the continuation and validity of anything done by or in relation to the Welsh Government before the transfer;

(e) provide for references to the Welsh Government in an instrument or other document to be treated as references to the OEGW;

(f) make consequential, supplementary, incidental or transitional provision.

Modification of staff transfer schemes

2 (1) The Welsh Ministers may modify a staff transfer scheme.

(2) But if a transfer of staff under the scheme has taken effect, any modification that relates to the transfer may be made only with the agreement of the person (or persons) affected by the modification.

(3) A modification takes effect from the date when the original scheme came into effect or such later date as the Welsh Ministers may specify.

Duty to lay staff transfer schemes before Senedd Cymru

3 The Welsh Ministers must lay a copy of a staff transfer scheme before Senedd Cymru.

Interpretation

4 (1) For the purposes of this Schedule—

(a) an individual who holds employment in the civil service is to be treated as employed by virtue of a contract of employment, and

(b) mae telerau cyflogaeth yr unigolyn yn y gwasanaeth sifil i'w hystyried fel pe baent yn ffurfio telerau'r contract cyflogaeth.

(2) Yn is-baragraff (1) ystyr "gwasanaeth sifil" yw gwasanaeth sifil y Wladwriaeth.

(b) the terms of the individual's employment in the civil service are to be regarded as constituting the terms of the contract of employment.

(2) In sub-paragraph (1) "civil service" means the civil service of the State.

ATODLEN 4
(a gyflwynir gan adran 45)

DIWYGIADAU CANLYNIADOL

Deddf yr Amgylchedd 1995 (p. 25)

1 (1) Mae Deddf yr Amgylchedd 1995 wedi ei diwygio fel a ganlyn.

(2) Yn adran 81B (swyddogaethau awdurdodau cyhoeddus Cymreig perthnasol etc.), ar ôl is-adran (3) mewnosoder—

"(3A) Regulations under subsection (3) may not designate the Office of Environmental Governance Wales as a relevant Welsh public authority."

Deddf Llywodraeth Cymru 2006 (p. 32)

2 Yn adran 148 o Ddeddf Llywodraeth Cymru 2006 (ystyr "Welsh public records"), ar ôl is-adran (2)(ka) mewnosoder—

"(kb) the Office of Environmental Governance Wales,".

Mesur y Gymraeg (Cymru) 2011 (mccc 1)

3 Yn Atodlen 6 i Fesur y Gymraeg (Cymru) 2011 (personau sy'n agored i orfod cydymffurfio â safonau: cyrff cyhoeddus etc.), yn y tabl, o dan y pennawd "Cyffredinol", ar ôl y cofnod ar gyfer y Swyddfa Gyfathrebiadau mewnosoder—

"Swyddfa Llywodraethiant Amgylcheddol Cymru ("*The Office of Environmental Governance Wales*")	Safonau cyflenwi gwasanaethau Safonau llunio polisi Safonau gweithredu Safonau cadw cofnodion"

Deddf Teithio Llesol (Cymru) 2013 (dccc 7)

4 (1) Mae Deddf Teithio Llesol (Cymru) 2013 wedi ei diwygio fel a ganlyn.

(2) Yn adran 10B (awdurdodau lleol ac awdurdodau eraill yn hyrwyddo teithio llesol fel ffordd o leihau llygredd aer neu gyfyngu arno), ar ôl is-adran (4) mewnosoder—

"(4A) Ni chaiff rheoliadau o dan is-adran (3) bennu Swyddfa Llywodraethiant Amgylcheddol Cymru."

Deddf Llesiant Cenedlaethau'r Dyfodol (Cymru) 2015 (dccc 2)

5 (1) Mae Deddf Llesiant Cenedlaethau'r Dyfodol (Cymru) 2015 wedi ei diwygio fel a ganlyn.

(2) Yn adran 6(1) (ystyr "corff cyhoeddus"), ar ôl paragraff (f) mewnosoder—

"(fa) Swyddfa Llywodraethiant Amgylcheddol Cymru;".

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Argraffwyd a chyhoeddwyd yn y DU gan Y Llyfrfa Cyf dan awdurdod a goruchwyliaeth Saul Nassé, Rheolwr Llyfrfa Ei Fawrhydi ac Argraffydd y Brenin ar gyfer Cymru.

SCHEDULE 4
(introduced by section 45)

CONSEQUENTIAL AMENDMENTS

Environment Act 1995 (c. 25)

1 (1) The Environment Act 1995 is amended as follows.

(2) In section 81B (functions of relevant Welsh public authorities etc.), after subsection (3) insert—

"(3A) Regulations under subsection (3) may not designate the Office of Environmental Governance Wales as a relevant Welsh public authority."

Government of Wales Act 2006 (c. 32)

2 In section 148 of the Government of Wales Act 2006 (meaning of "Welsh public records"), after subsection (2)(ka) insert—

"(kb) the Office of Environmental Governance Wales,".

Welsh Language (Wales) Measure 2011 (nawm 1)

3 In Schedule 6 to the Welsh Language (Wales) Measure 2011 (persons liable to be required to comply with standards: public bodies etc.), in the table, under the heading "General", after the entry for the Office of Communications insert—

"The Office of Environmental Governance Wales ("*Swyddfa Llywodraethiant Amgylcheddol Cymru*")	Service delivery standards Policy making standards Operational standards Record keeping standards"

Active Travel (Wales) Act 2013 (anaw 7)

4 (1) The Active Travel (Wales) Act 2013 is amended as follows.

(2) In section 10B (promotion by local and other authorities of active travel as a way of reducing or limiting air pollution), after subsection (4) insert—

"(4A) Regulations under subsection (3) may not specify the Office of Environmental Governance Wales."

Well-being of Future Generations (Wales) Act 2015 (anaw 2)

5 (1) The Well-being of Future Generations (Wales) Act 2015 is amended as follows.

(2) In section 6(1) (meaning of "public body"), after paragraph (f) insert—

"(fa) the Office of Environmental Governance Wales;".

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