OFFERYNNAU STATUDOL CYMRU

WELSH STATUTORY INSTRUMENTS

2020 Rhif 594 (Cy. 135)

2020 No. 594 (W. 135)

YR AMGYLCHEDD, CYMRU

ENVIRONMENT, WALES

Rheoliadau Gwastraff (Deddfiadau Rhagnodedig) (Cymru) 2020

The Waste (Prescribed Enactments) (Wales) Regulations 2020

NODYN ESBONIADOL

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

Mae'r Rheoliadau hyn yn rhagnodi deddfiadau amrywiol at ddibenion adran 57(6) o Ddeddf Diogelu'r Amgylchedd 1990 ("Deddf 1990").

O dan adran 57(1) o Ddeddf 1990, caiff Gweinidogion Cymru gyfarwyddo deiliad unrhyw drwydded amgylcheddol sy'n awdurdodi gweithrediad gwastraff i dderbyn a chadw, neu dderbyn a thrin neu waredu, gwastraff mewn mannau penodedig o dan delerau penodedig.

O dan adran 57(2) o Ddeddf 1990, caiff Gweinidogion Cymru gyfarwyddo unrhyw berson sy'n cadw gwastraff ar dir i ddanfon y gwastraff i berson penodedig o dan delerau penodedig, gyda'r nod bod y gwastraff yn cael ei drin neu ei waredu gan y person hwnnw.

Mae adran 57(6) o Ddeddf 1990 yn caniatáu i ddeddfiadau gael eu rhagnodi gan Reoliadau i sicrhau na chaiff person fod yn euog o drosedd o dan y deddfiadau hynny oherwydd unrhyw beth a wneir er mwyn cydymffurfio â Chyfarwyddyd o dan adran 57.

Ystyriwyd Cod Ymarfer Gweinidogion Cymru ar gynnal Asesiadau Effaith Rheoleiddiol mewn perthynas â'r Rheoliadau hyn. O ganlyniad, ni luniwyd asesiad effaith rheoleiddiol o'r costau a'r manteision sy'n debygol o ddeillio o gydymffurfio â'r Rheoliadau hyn.

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations prescribe various enactments for the purposes of section 57(6) of the Environmental Protection Act 1990 ("the 1990 Act").

Under section 57(1) of the 1990 Act, the Welsh Ministers may direct the holder of any environmental permit authorising a waste operation to accept and keep, or accept and treat or dispose of, waste at specified places on specified terms.

Under section 57(2) of the 1990 Act, the Welsh Ministers may direct any person who is keeping waste on land to deliver the waste to a specified person on specified terms, with a view to it being treated or disposed of by that person.

Section 57(6) of the 1990 Act allows enactments to be prescribed by Regulations to ensure that a person shall not be guilty of an offence under such enactments by reason of anything done in order to comply with a Direction under section 57.

The Welsh Ministers' Code of Practice on the carrying out of regulatory impact assessments was considered in relation to these Regulations. As a result, a regulatory impact assessment was not carried out as to the likely costs and benefits of complying with these Regulations.

2020 Rhif 594 (Cy. 135)

YR AMGYLCHEDD, CYMRU

Rheoliadau Gwastraff (Deddfiadau Rhagnodedig) (Cymru) 2020

Gwnaed	*15 Mehefin 2020*
Gosodwyd gerbron Senedd Cymru	*17 Mehefin 2020*
Yn dod i rym	*9 Gorffennaf 2020*

Mae Gweinidogion Cymru yn gwneud y Rheoliadau a ganlyn drwy arfer y pŵer a roddir gan adran 57(6) o Ddeddf Diogelu'r Amgylchedd 1990(**1**).

Enwi, cychwyn a dod i ben

1.—(1) Enw'r Rheoliadau hyn yw Rheoliadau Gwastraff (Deddfiadau Rhagnodedig) (Cymru) 2020.

(2) Daw'r Rheoliadau hyn i rym ar 9 Gorffennaf 2020.

Deddfiadau a ragnodwyd at ddibenion adran 57(6) o Ddeddf Diogelu'r Amgylchedd 1990

2.—(1) Mae'r deddfiadau a ganlyn wedi eu rhagnodi at ddibenion adran 57(6) o Ddeddf Diogelu'r Amgylchedd 1990—

(a) adrannau 33, 34 a 47 o Ddeddf Diogelu'r Amgylchedd 1990(**2**);

(**1**) 1990 p. 43. Trosglwyddwyd pwerau'r Ysgrifennydd Gwladol, i'r graddau yr oeddent yn arferadwy o ran Cymru o dan adran 57, i Gynulliad Cenedlaethol Cymru yn rhinwedd erthygl 2 o Orchymyn Cynulliad Cenedlaethol Cymru (Trosglwyddo Swyddogaethau) 1999 (O.S. 1999/672), a pharagraff 1 o Atodlen 1 iddo. Trosglwyddwyd y pwerau hynny wedi hynny i Weinidogion Cymru yn rhinwedd adran 162 o Ddeddf Llywodraeth Cymru 2006 (p. 32) a pharagraff 30 o Atodlen 11 iddi.

(**2**) Diwygiwyd adran 33 gan Ddeddf yr Amgylchedd 1995, Deddf Cymdogaethau Glân a'r Amgylchedd 2005, O.S. 2007/3538, O.S. 2006/937, O.S. 2009/1799, O.S. 2015/664, O.S. 2016/1154 ac O.S. 2019/620. Diwygiwyd adran 34 gan O.S. 2000/1973, O.S. 2005/2900, O.S. 2006/123 (Cy. 16), O.S. 2007/3538, O.S. 2009/1799, O.S. 2010/675 ac O.S. 2011/988.

2020 No. 594 (W. 135)

ENVIRONMENT, WALES

The Waste (Prescribed Enactments) (Wales) Regulations 2020

Made	*15 June 2020*
Laid before Senedd Cymru	*17 June 2020*
Coming into force	*9 July 2020*

The Welsh Ministers make the following Regulations in exercise of the power conferred by section 57(6) of the Environmental Protection Act 1990(**1**).

Title, commencement and expiry

1.—(1) The title of these Regulations is the Waste (Prescribed Enactments) (Wales) Regulations 2020.

(2) These Regulations come into force on 9 July 2020.

Enactments prescribed for the purpose of section 57(6) of the Environmental Protection Act 1990

2.—(1) The following enactments are prescribed for the purposes of section 57(6) of the Environmental Protection Act 1990—

(a) sections 33, 34 and 47 of the Environmental Protection Act 1990(**2**);

(**1**) 1990 c. 43. The powers of the Secretary of State in so far as exercisable in relation to Wales under section 57 were transferred to the National Assembly for Wales by virtue of article 2 of, and paragraph 1 of Schedule 1 to, the National Assembly for Wales (Transfer of Functions) Order 1999 (S.I. 1999/672). These powers were subsequently transferred to the Welsh Ministers by virtue of section 162 of, and paragraph 30 of Schedule 11 to the Government of Wales Act 2006 (c. 32).

(**2**) Section 33 is amended by the Environment Act 1995, the Clean Neighbourhoods and Environment Act 2005, S.I. 2007/3538, S.I. 2006/937, S.I. 2009/1799, S.I. 2015/664, S.I. 2016/1154 and S.I. 2019/620. Section 34 is amended by S.I. 2000/1973, S.I. 2005/2900, S.I. 2006/123 (W. 16), S.I. 2007/3538, S.I. 2009/1799, S.I. 2010/675 and S.I. 2011/988.

(b) adrannau 171G, 179, 187, 187A, 216 a 331 o Ddeddf Cynllunio Gwlad a Thref 1990(**1**);

(c) adran 23 o Ddeddf Cynllunio (Sylweddau Peryglus) 1990(**2**);

(d) rheoliad 65 o Reoliadau Gwastraff Peryglus (Cymru) 2005(**3**);

(e) rheoliad 56 o Reoliadau Batris a Chronaduron Gwastraff 2009(**4**);

(f) rhannau 5, 8, a 9 o Reoliadau Gwastraff (Cymru a Lloegr) 2011(**5**); a

(g) rheoliad 38 o Reoliadau Trwyddedu Amgylcheddol (Cymru a Lloegr) 2016(**6**).

(2) Ni chaiff person fod yn euog o drosedd o dan y deddfiadau hyn oherwydd unrhyw beth o angenrheidrwydd a wneir neu nas gwneir er mwyn cydymffurfio â chyfarwyddyd o dan adran 57 o Ddeddf Diogelu'r Amgylchedd 1990.

(b) sections 171G, 179, 187, 187A, 216 and 331 of the Town and Country Planning Act 1990(**1**);

(c) section 23 of the Planning (Hazardous Substances) Act 1990(**2**);

(d) regulation 65 of the Hazardous Waste (Wales) Regulations 2005(**3**);

(e) regulation 56 of the Waste Batteries and Accumulators Regulations 2009(**4**);

(f) parts 5, 8, and 9 of the Waste (England and Wales) Regulations 2011(**5**); and

(g) regulation 38 of the Environmental Permitting (England and Wales) Regulations 2016(**6**).

(2) A person shall not be guilty of an offence under any of these enactments by reason of anything necessarily done or omitted in order to comply with a direction under section 57 of the Environmental Protection Act 1990.

Hannah Blythyn

Y Dirprwy Weinidog Tai a Llywodraeth Leol, o dan awdurdod y Gweinidog Tai a Llywodraeth Leol, un o Weinidogion Cymru
15 Mehefin 2020

Deputy Minister for Housing and Local Government, under the authority of the Minister for Housing and Local Government, one of the Welsh Ministers
15 June 2020

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(**1**) 1990 p. 8. Ychwanegwyd adran 171G gan Ddeddf Cynllunio a Phrynu Gorfodol 2004 ac fe'i diwygiwyd gan O.S. 2015/664. Amnewidiwyd adran 179 gan Ddeddf Cynllunio a Digolledu 1991, ac fe'i diwygiwyd gan O.S. 2015/664. Diwygiwyd adran 187 gan Ddeddf Cynllunio a Digolledu 1991, a chan O.S. 2015/664. Ychwanegwyd adran 187A gan Ddeddf Cynllunio a Digolledu 1991, ac fe'i diwygiwyd gan Ddeddf Lleoliaeth 2011. Diwygiwyd adran 216 gan Ddeddf Cynllunio a Digolledu 1991.
(**2**) 1990 p. 10 fel y'i diwygiwyd gan Ddeddf Cynllunio a Digolledu 1991, a chan O.S. 2015/664.
(**3**) O.S. 2005/1806 (Cy. 138), fel y'i diwygiwyd gan O.S. 2011/971 (Cy. 141).
(**4**) O.S. 2009/890, fel y'i diwygiwyd gan O.S. 2019/188.
(**5**) O.S. 2011/988, y ceir diwygiadau amrywiol iddo.
(**6**) O.S. 2016/1154, fel y'i diwygiwyd gan O.S. 2018/1227.

(**1**) 1990 c. 8. Section 171G was added by the Planning and Compulsory Purchase Act 2004 and amended by S.I. 2015/664. Section 179 was substituted by the Planning and Compensation Act 1991, and amended by S.I. 2015/664. Section 187 was amended by the Planning and Compensation Act 1991, and S.I. 2015/664. Section 187A was added by the Planning and Compensation Act 1991 and amended by the Localism Act 2011. Section 216 was amended by the Planning and Compensation Act 1991.
(**2**) 1990 c. 10 as amended by the Planning and Compensation Act 1991 and S.I. 2015/664.
(**3**) S.I. 2005/1806 (W. 138) as amended by S.I. 2011/971 (W. 141).
(**4**) S.I. 2009/890 as amended by S.I. 2019/188.
(**5**) S.I. 2011/988, to which there are various amendments.
(**6**) S.I. 2016/1154 as amended by S.I. 2018/1227.

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