



# Deddf yr Amgylchedd (Cymru) 2016

2016 dccc 3

## RHAN 4

### CASGLU A GWAREDU GWASTRAFF

*Casglu ar wahân etc. wastraff*

#### 65 Gofynion sy'n ymwneud â chasglu ar wahân etc. wastraff

Yn [Neddf Diogelu'r Amgylchedd 1990 \(p. 43\)](#), ar ôl adran 45A mewnosoder—

##### “45AA Wales: separate collection etc. of waste

- (1) Where a waste collection authority in Wales arranges for the collection of controlled waste in its area under section 45, it must arrange for the waste to be collected in accordance with any applicable separation requirements.
- (2) A person acting in the course of a business who—
  - (a) collects controlled waste from premises in Wales, or
  - (b) receives, keeps, treats or transports controlled waste in Wales,must do so in accordance with any applicable separation requirements.
- (3) For the purposes of subsection (2), a person is acting in the course of a business if the person is—
  - (a) carrying on any business or undertaking, whether for profit or not, or
  - (b) exercising any functions of a public nature.
- (4) An occupier of premises in Wales who presents controlled waste for collection (whether by a waste collection authority or by any other person) must do so in accordance with any applicable separation requirements.
- (5) Subsection (4) does not apply to an occupier of premises within paragraph (a) or (b) of section 75(5) (domestic property and caravans).

- (6) A separation requirement is a requirement to take steps specified in regulations made by the Welsh Ministers for the purpose of ensuring or maintaining the separation of one or more types of waste from other types of waste or from other substances or articles.
- (7) A separation requirement is applicable in the circumstances specified in relation to that requirement in regulations made by the Welsh Ministers.
- (8) A person commits an offence if the person fails without reasonable excuse to comply with subsection (2) or (4).
- (9) A person who commits an offence under subsection (8) is liable on summary conviction, or on conviction on indictment, to a fine.
- (10) The Welsh Ministers may by regulations make provision (which may include provision amending this section)—
  - (a) for subsection (1) or (2) to apply subject to exceptions;
  - (b) for subsection (4) to apply subject to exceptions in addition to those in subsection (5).
- (11) Regulations under this section may make different provision for different purposes, different cases (including different persons, premises or types of waste) and different areas.

#### **45AB Code of practice**

- (1) The Welsh Ministers may issue one or more codes of practice for the purpose of giving practical guidance about how to comply with requirements imposed by or under section 45AA.
- (2) The Welsh Ministers may revoke or revise a code of practice issued under this section.
- (3) Before issuing a code of practice (or revised code), the Welsh Ministers must consult such persons as they think appropriate.
- (4) Where the Welsh Ministers issue a code of practice (or revised code) they must—
  - (a) publish the code, and
  - (b) lay a copy before the National Assembly for Wales.
- (5) A code of practice issued under this section is admissible in evidence in any proceedings and must be taken into account by a court in determining any question to which it appears to the court to be relevant.”

#### *Gwaredu gwastraff*

### **66 Gwahardd gwaredu gwastraff bwyd i garthffos**

- (1) Yn Neddf Diogelu'r Amgylchedd 1990, ar ôl adran 34C mewnosoder—

*“Wales: disposal of food waste*

**34D Prohibition on disposal of food waste to sewer**

- (1) An occupier of premises in Wales must not—
    - (a) discharge food waste produced on or brought onto the premises, or
    - (b) knowingly cause or knowingly permit food waste produced on or brought onto the premises to be discharged,into a public sewer or a sewer or drain communicating with a public sewer.
  - (2) Subsection (1) does not apply to an occupier of premises within paragraph (a) or (b) of section 75(5) (domestic property and caravans).
  - (3) A person commits an offence if, without reasonable excuse, the person contravenes subsection (1).
  - (4) A person who commits an offence under subsection (3) is liable on summary conviction, or on conviction on indictment, to a fine.
  - (5) In subsection (1)—

“food waste” means controlled waste that—

    - (a) has at any time been food (which for this purpose does not include drink) intended for human consumption, or
    - (b) is biodegradable waste arising from the processing or preparation of food or drink,but does not include waste that is mixed with water or any other liquid as a result of the water or liquid having been used to clean any place or equipment used in processing or preparing food or drink;

“drain”, “public sewer” and “sewer” have the meanings given in section 219(1) of the Water Industry Act 1991.
  - (6) The Welsh Ministers may by regulations—
    - (a) provide for subsection (1) to apply only in circumstances specified in the regulations;
    - (b) make provision (which may include provision amending this section) for subsection (1) to apply subject to exceptions in addition to those in subsection (2);
    - (c) amend the definition of “food waste” in subsection (5).
  - (7) Regulations under subsection (6)(a) or (b) may make different provision for different purposes, different cases (including different persons, premises or types of food waste) and different areas.”
- (2) Yn adran 118 o [Ddeddf y Diwydiant Dŵr 1991 \(p. 56\)](#)—
- (a) yn is-adran (1), ar ôl “trade premises” mewnosoder “in England”;
  - (b) ar ôl is-adran (1) mewnosoder—

“(1A) Subject to the following provisions of this Chapter and section 34D of the Environmental Protection Act 1990, the occupier of any trade premises in Wales in the area of a sewage undertaker may discharge any trade effluent proceeding from those premises into

the undertaker’s public sewers if the occupier does so with the undertaker’s consent.”

## 67 Pŵer i wahardd neu reoleiddio gwaredu gwastraff drwy losgi

Ym [Mesur Gwastraff \(Cymru\) 2010 \(mccc 8\)](#), ar ôl adran 9 mewnosoder—

### “9A Rheoliadau sy’n gwahardd llosgi gwastraff

- (1) Caiff Gweinidogion Cymru, drwy reoliadau, wneud darpariaeth ar gyfer gwahardd neu reoleiddio fel arall y weithred o losgi mathau penodedig o wastraff yng Nghymru, ac mewn cysylltiad â’i wahardd neu ei reoleiddio.
- (2) Caiff rheoliadau o dan is-adran (1) wneud y canlynol (ymhlith pethau eraill)—
  - (a) diwygio rheoliadau a wnaed o dan adran 2 o Ddeddf Atal a Rheoli Llygredd 1999 sy’n ymwneud â gweithrediad peiriannau llosgi gwastraff neu beiriannau cydlosgi gwastraff;
  - (b) darparu ar gyfer tramgwyddau mewn perthynas â methiant i gydymffurfio â darpariaeth a wnaed o dan y rheoliadau;
  - (c) darparu ar gyfer cosbau mewn perthynas â’r tramgwyddau hynny;
  - (d) darparu ar gyfer awdurdodau gorfodi a swyddogaethau’r awdurdodau hynny.

- (3) Yn yr adran hon—

mae i “peiriant cydlosgi gwastraff” yr ystyr a roddir i “waste co-incineration plant” yn Erthygl 3(41) o Gyfarwyddeb 2010/75/EU Senedd Ewrop a’r Cyngor ar allyriadau diwydiannol (atal a rheoli llygredd integredig) (Ail-lunio);

mae i “peiriant llosgi gwastraff” yr ystyr a roddir i “waste incineration plant” yn Erthygl 3(40) o’r Gyfarwyddeb honno;

ystyr “llosgi” (“*incineration*”) mewn perthynas â gwastraff, yw—

- (a) llosgi gwastraff mewn peiriant llosgi gwastraff neu beiriant cydlosgi gwastraff, a
- (b) unrhyw driniaethau thermol eraill i’r gwastraff cyn ei losgi.”

### *Gorfodi*

## 68 Sancsiynau sifil

- (1) At ddibenion Rhan 3 o [Ddeddf Gorfodi Rheoleiddiol a Sancsiynau 2008 \(p. 13\)](#) (“RESA 2008”), mae’r tramgwyddau o dan adrannau 34D a 45AA o Ddeddf Diogelu’r Amgylchedd 1990 (fel y’u mewnosodir gan adrannau 65 a 66) i’w trin fel pe baent wedi eu cynnwys yn y Ddeddf honno yn union cyn y diwrnod y cafodd RESA 2008 ei phasio.
- (2) Mae adran 10 o Fesur Gwastraff (Cymru) 2010 wedi ei diwygio fel a ganlyn.
- (3) Yn y teitl, yn lle “gollwng gwastraff ar safle tirlenwi” rhodder “thramgwyddau a grëir gan reoliadau o dan adrannau 9 a 9A”.
- (4) Yn is-adran (1), ar ôl “9(1)” mewnosoder “neu 9A(1)”.

- (5) Yn is-adran (2), yn lle “Caiff rheoliadau o dan adran 9(1)” rhodder “Caniateir arfer y pŵer i”.
- (6) Yn lle is-adran (3) rhodder—
- “(3) Ond nid yw adrannau 39(4) a 42(6) o RESA 2008 yn gymwys i’r ddarpariaeth y caniateir ei gwneud drwy reoliadau o dan adran 9(1) neu 9A(1) yn rhinwedd is-adran (2).”
- (7) Yn is-adran (4), yn lle “i ddarpariaeth a wneir o dan reoliadau o dan is-adran (2), neu yn rhinwedd y rheoliadau hynny, fel y maent yn gymwys i ddarpariaeth a wneir” rhodder “pan fo rheoliadau o dan adran 9(1) neu 9A(1) yn gwneud darpariaeth yn rhinwedd is-adran (2) fel y maent yn gymwys pan wneir darpariaeth”.
- (8) Yn is-adran (6), ar ôl “9(1)” mewnosoder “neu 9A(1) (fel y bo’n briodol)”.

### *Cyffredinol*

#### **69 Rheoliadau**

- (1) Mae adran 161 o Ddeddf Diogelu’r Amgylchedd 1990 (rheoliadau, gorchmynion a chyfarwyddydau) wedi ei diwygio yn unol ag is-adrannau (2) i (4).
- (2) Yn is-adran (1), yn lle “National Assembly for Wales” rhodder “the Welsh Ministers”.
- (3) Yn is-adran (2A), yn lle “made solely by the National Assembly for Wales” rhodder “containing regulations made solely by the Welsh Ministers”.
- (4) Ar ôl is-adran (2A) mewnosoder—
- “(2AA) A statutory instrument containing regulations under section 34D or 45AA(10) may not be made unless a draft of the instrument has been laid before, and approved by a resolution of, the National Assembly for Wales.
- (2AB) Any other statutory instrument containing regulations made by the Welsh Ministers under this Act is subject to annulment in pursuance of a resolution of the National Assembly for Wales.”
- (5) Yn adran 20(3) o Fesur Gwastraff (Cymru) 2010 (gorchmynion a rheoliadau y mae’n ofynnol i Gynulliad Cenedlaethol Cymru eu cymeradwyo), ar ôl “9,” mewnosoder “9A”.

#### **70 Mân ddiwygiadau, diwygiadau canlyniadol a diddymiadau**

Mae Rhan 3 o Atodlen 2 yn cynnwys mân ddiwygiadau, diwygiadau canlyniadol a diddymiadau sy’n ymwneud â’r Rhan hon.