Gwnaed yr Offeryn Statudol Cymreig hwn o ganlyniad i ddiffyg yn OSC 2011/3042 (Cy.320) ac fe'i dyroddir yn rhad ac am ddim i bawb y gwyddys eu bod wedi cael yr Offeryn Statudol Cymreig hwnnw.

OFFERYNNAU STATUDOL CYMRU

2012 Rhif 65 (Cy.16)

DIOGELU'R AMGYLCHEDD, CYMRU

Rheoliadau'r Cynllun Lwfansau Tirlenwi (Cymru) (Diwygio) 2012

NODYN ESBONIADOL

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

Mae Deddf Gwastraff a Masnachu Allyriadau 2003 ("Deddf GAMA") yn sefydlu system o dargedau ar gyfer lleihau maint y gwastraff trefol pydradwy sy'n cael ei anfon ar gyfer tirlenwi ym mhob rhanbarth o'r DU ac yn y DU yn gyfan. Mae hyn yn rhoi effaith i rwymedigaethau'r DU o dan erthygl 5(2) o Gyfarwyddeb y Cyngor 1999/31/EC ar dirlenwi gwastraff (OJ Rhif L 182, 17.7.1999, t. 1).

Cesglir a gwaredir gwastraff trefol pydradwy gan awdurdodau lleol a chan y sector preifat. Mae'r targedau yn gymwys i'r ddau ohonynt.

Fel rhan o'r drefn i sicrhau bod y targedau'n cael eu bodloni, mae Deddf GAMA yn ei gwneud yn ofynnol i Weinidogion Cymru ddyrannu lwfansau i awdurdodau lleol yn eu swyddogaeth fel awdurdodau gwaredu gwastraff. Caniateir i awdurdodau lleol dirlenwi un dunnell o wastraff trefol pydradwy ar gyfer pob lwfans a ddelir ganddynt. Ceir y rheolau manwl ar sut y mae'r system o lwfansau'n gweithio yn Rheoliadau'r Cynllun Lwfansau Tirlenwi (Cymru) 2004 (O.S. 2004/1490 (Cy. 155)). Nid yw'r Cynllun hwnnw'n gymwys i wastraff a waredwyd gan y sector preifat.

Yn flaenorol defnyddiwyd y term "biodegradable municipal waste" ("gwastraff trefol pydradwy") yn Neddf GAMA i gyfeirio at y gwastraff y mae'r Cynllun Lwfansau Tirlenwi yn ei gwmpasu ac i gyfeirio at y

This Welsh Statutory Instrument has been made in consequence of a defect in WSI 2011/3042 (W.320) and is being issued free of charge to all known recipients of that Welsh Statutory Instrument.

WELSH STATUTORY INSTRUMENTS

2012 No. 65 (W.16)

ENVIRONMENTAL PROTECTION, WALES

The Landfill Allowances Scheme (Wales) (Amendment) Regulations 2012

EXPLANATORY NOTE

(This note is not part of the Regulations)

The Waste and Emissions Trading Act 2003 ("WET Act") establishes a system of targets for reducing the amount of biodegradable municipal waste that is sent to landfill in each region in the UK and in the UK as a whole. This gives effect to the UK's obligations under article 5(2) of Council Directive 1999/31/EC on the landfill of waste (OJ No L 182, 17.7.1999, p. 1).

Biodegradable municipal waste is collected and disposed of by local authorities and the private sector. The targets apply to both.

As part of ensuring that the targets are met, the WET Act requires the Welsh Ministers to allocate allowances to local authorities in their capacity as waste disposal authorities. Local authorities are allowed to landfill one tonne of biodegradable municipal waste for every allowance they hold. The detailed rules about how the system of allowances works are set out in The Landfill Allowances Scheme (Wales) Regulations 2004 (S.I. 2004/1490 (W. 155)). That Scheme does not apply to waste disposed of by the private sector.

The term "biodegradable municipal waste" was previously used in the WET Act to refer to the waste covered by the Landfill Allowances Scheme and to refer to the wider category of waste covered by the

categori ehangach o wastraff y mae'r targedau'n ei gwmpasu. Cafodd Deddf GAMA ei diwygio er mwyn gwahaniaethu rhwng y ddau. Gwnaed y diwygiadau hynny gan Reoliadau Deddf Gwastraff a Masnachu Allyriadau 2003 (Diwygio) 2011 (O.S. 2011/2499) a ddaeth i rym ar 21 Tachwedd 2011. Dangoswyd y gwahaniaeth drwy gyflwyno'r term "gwastraff trefol pydradwy a gasglwyd gan awdurdod lleol" i gyfeirio at y gwastraff y mae'r Cynllun Lwfansau Tirlenwi yn ymwneud ag ef. Gwnaed diwygiad cysylltiedig i gyflwyno'r term "gwastraff trefol a gasglwyd gan awdurdod lleol" i wahaniaethu rhwng gwastraff trefol a gasglwyd gan awdurdodau lleol a gwastraff trefol nas casglwyd gan awdurdodau lleol.

Mae'r Rheoliadau hyn yn diwygio Rheoliadau'r Cynllun Lwfansau Tirlenwi (Cymru) 2004 fel bod y termau newydd hefyd yn cael eu defnyddio yn Rheoliadau 2004. Diwygiadau technegol yw'r rhain a fydd yn cael effaith niwtral ar awdurdodau lleol a'r sector busnes a'r sector gwirfoddol.

Mae'r Rheoliadau hyn hefyd yn dirymu dwy set gynharach o reoliadau a luniwyd i wneud yr un diwygiadau. Roedd y Rheoliadau cynharach hynny yn cynnwys gwallau.

Ystyriwyd Cod Ymarfer Gweinidogion Cymru ar wneud Asesiadau Effaith Rheoleiddiol mewn perthynas â'r Rheoliadau hyn. O ganlyniad, ystyriwyd nad oedd hi'n angenrheidiol i wneud asesiad effaith rheoleiddiol o ran costau a buddion tebygol cydymffurfio â'r Rheoliadau hyn.

targets. The WET Act was amended to distinguish between the two. Those amendments were made by The Waste and Emissions Trading Act 2003 (Amendment) Regulations 2011 (S.I. 2011/2499) which came into force on 21 November 2011. The distinction was made by introducing the term "biodegradable local authority collected municipal waste" to refer to the waste covered by the Landfill Allowances Scheme. An associated amendment was made to introduce the term "local authority collected municipal waste" to distinguish municipal waste collected by local authorities from municipal waste that is not collected by local authorities.

These Regulations amend the Landfill Allowances Scheme (Wales) Regulations 2004 so that the new terms also apply in the 2004 Regulations. These are technical amendments that will have a neutral effect on local authorities and the business and voluntary sectors.

These Regulations also revoke two earlier sets of regulations that were designed to make the same amendments. Those earlier Regulations contained errors.

The Welsh Ministers' Code of Practice on the carrying out of Regulatory Impact Assessments was considered in relation to these Regulations. As a result it was not considered necessary to carry out a regulatory impact assessment as to the likely costs and benefits of complying with these Regulations.

OFFERYNNAU STATUDOL CYMRU

2012 Rhif 65 (Cy.16)

DIOGELU'R AMGYLCHEDD, CYMRU

Rheoliadau'r Cynllun Lwfansau Tirlenwi (Cymru) (Diwygio) 2012

Gwnaed *10 Ionawr 2012*

Gosodwyd gerbron Cynulliad Cenedlaethol Cymru *12 Ionawr 2012*

Yn dod i rym yn unol â rheoliadau 1(2) a (3)

Mae Gweinidogion Cymru yn gwneud y Rheoliadau hyn drwy arfer y pwerau a roddwyd i Gynulliad Cenedlaethol Cymru gan adrannau 11(1), (2)(b), (d), (f) a (3), 12(1), (2) a (4), 24(1)(c) a 26(3) o Ddeddf Gwastraff a Masnachu Allyriadau 2003(**1**) ac sydd bellach yn arferadwy ganddynt hwy(**2**).

Enwi, cychwyn, cymhwyso a dehongli

1.—(1) Enw'r Rheoliadau hyn yw Rheoliadau'r Cynllun Lwfansau Tirlenwi (Cymru) (Diwygio) 2012.

(2) Daw'r rheoliad hwn a rheoliadau 2 a 3 i rym am 12:01 am ar 15 Ionawr 2012.

(3) Daw gweddill y Rheoliadau hyn i rym yn union ar ôl hynny.

(4) Mae'r Rheoliadau hyn yn gymwys o ran Cymru.

(5) Yn y Rheoliadau hyn ystyr "Rheoliadau 2004" ("*the 2004 Regulations*") yw Rheoliadau'r Cynllun Lwfansau Tirlenwi (Cymru) 2004(**3**).

(**1**) 2003 p. 33. Mae diwygiadau i adran 24 o'r Ddeddf nad ydynt yn berthnasol i'r Rheoliadau hyn.

(**2**) Trosglwyddwyd y swyddogaethau hyn i Weinidogion Cymru gan adran 162 o Ddeddf Llywodraeth Cymru 2006 (p. 32) a pharagraff 30 o Atodlen 11 iddi.

(**3**) O.S. 2004/1490 (Cy. 155); diwygiwyd gan O.S. 2005/1820 (Cy. 148) Atodlen 2 paragraffau 5 i 8 ac O.S. 2011/971 (Cy. 141) rheoliad 3.

WELSH STATUTORY INSTRUMENTS

2012 No. 65 (W.16)

ENVIRONMENTAL PROTECTION, WALES

The Landfill Allowances Scheme (Wales) (Amendment) Regulations 2012

Made *10 January 2012*

Laid before the National Assembly for Wales *12 January 2012*

Coming into force in accordance with regulation 1(2) and (3)

The Welsh Ministers make these Regulations in exercise of the powers conferred on the National Assembly for Wales by sections 11(1), (2)(b), (d), (f) and (3), 12(1), (2) and (4), 24(1)(c) and 26(3) of the Waste and Emissions Trading Act 2003(**1**) and now exercisable by them(**2**).

Title, commencement, application and interpretation

1.—(1) The title of these Regulations is the Landfill Allowances Scheme (Wales) (Amendment) Regulations 2012.

(2) This regulation and regulations 2 and 3 come into force at 12:01 am on 15 January 2012.

(3) The remainder of these Regulations comes into force immediately after that.

(4) These Regulations apply in relation to Wales.

(5) In these Regulations "the 2004 Regulations" ("*Rheoliadau 2004*") means the Landfill Allowances Scheme (Wales) Regulations 2004(**3**).

(**1**) 2003 c. 33. There are amendments to section 24 of the Act which are not relevant to these Regulations.

(**2**) These functions were transferred to the Welsh Ministers by section 162 of, and paragraph 30 of Schedule 11 to, the Government of Wales Act 2006 (c. 32).

(**3**) S.I. 2004/1490 (W. 155); amended by S.I. 2005/1820 (W. 148) Schedule 2 paragraphs 5 to 8 and S.I. 2011/971 (W. 141) regulation 3.

Dirymu Rheoliadau'r Cynllun Lwfansau Tirlenwi (Cymru) (Diwygio) 2011

2.—(1) Mae Rheoliadau'r Cynllun Lwfansau Tirlenwi (Cymru) (Diwygio) 2011(**1**) wedi eu dirymu.

(2) Mae'r diwygiadau a wnaed gan y Rheoliadau hynny wedi eu dadwneud.

Dirymu Rheoliadau'r Cynllun Lwfansau Tirlenwi (Cymru) (Diwygio) (Rhif 2) 2011

3. Mae Rheoliadau'r Cynllun Lwfansau Tirlenwi (Cymru) (Diwygio) (Rhif 2) 2011(**2**) wedi eu dirymu.

Diwygio Rheoliadau 2004

4. Mae Rheoliadau 2004 wedi eu diwygio fel a ganlyn.

Diwygio rheoliad 2(1) (dehongli)

5. Yn rheoliad 2(1)(**3**)—

(a) hepgorer y diffiniad o "y Cynulliad" ("*the Assembly*");

(b) hepgorer y diffiniad o "gwastraff trefol a gasglwyd" ("*collected municipal waste*");

(c) yn y mannau priodol mewnosoder—

"ystyr "gwastraff trefol a gasglwyd" ("*collected municipal waste*") yw gwastraff trefol a gasglwyd gan awdurdod lleol(**4**);

ystyr "gwastraff trefol pydradwy a gasglwyd" ("*biodegradable collected municipal waste*") yw gwastraff trefol pydradwy a gasglwyd gan awdurdod lleol(**5**);";

(ch) hepgorer y diffiniadau o "awdurdod casglu gwastraff" ("*waste collection authority*") ac "awdurdod gwaredu gwastraff" ("*waste disposal authority*").

Rhoi "Gweinidogion Cymru" yn lle "y Cynulliad"

6. Ym mhob man y mae'n digwydd yn rheoliadau 2, 11, 15 a 16 yn lle "y Cynulliad" rhodder "Gweinidogion Cymru".

Revocation of the Landfill Allowances Scheme Wales (Amendment) Regulations 2011

2.—(1) The Landfill Allowances Scheme Wales (Amendment) Regulations 2011(**1**) are revoked.

(2) The amendments made by those Regulations are undone.

Revocation of the Landfill Allowances Scheme (Wales) (Amendment) (No. 2) Regulations 2011

3. The Landfill Allowances Scheme (Wales) (Amendment) (No. 2) Regulations 2011(**2**) are revoked.

Amendment of the 2004 Regulations

4. The 2004 Regulations are amended as follows.

Amendment of regulation 2(1) (interpretation)

5. In regulation 2(1)(**3**)—

(a) omit the definition of "the Assembly" ("*y Cynulliad*");

(b) omit the definition of "collected municipal waste" ("*gwastraff trefol a gasglwyd*");

(c) in the appropriate places insert—

""biodegradable collected municipal waste" ("*gwastraff trefol pydradwy a gasglwyd*") means biodegradable local authority collected municipal waste(**4**);

"collected municipal waste" ("*gwastraff trefol a gasglwyd*") means local authority collected municipal waste(**5**);";

(d) omit the definitions of "waste collection authority" ("*awdurdod casglu gwastraff*") and "waste disposal authority" ("*awdurdod gwaredu gwastraff*").

Substituting "the Welsh Ministers" for "the Assembly"

6. In each place in which it occurs in regulations 2, 11, 15 and 16 for "the Assembly" substitute "the Welsh Ministers".

(**1**) O.S. 2011/2555 (Cy. 279).

(**2**) O.S. 2011/3042 (Cy. 320).

(**3**) Mae diwygiadau i reoliad 2(1) nad ydynt yn berthnasol i'r Rheoliadau hyn.

(**4**) I gael ystyr "local authority collected municipal waste" *gweler* adran 21(4) o Ddeddf Gwastraff a Masnachu Allyriadau 2003.

(**5**) I gael ystyr "biodegradable local authority collected municipal waste" *gweler* adran 21(2)(b) o'r Ddeddf honno.

(**1**) S.I. 2011/2555 (W. 279).

(**2**) S.I. 2011/3042 (W. 320).

(**3**) There are amendments to regulation 2(1) which are not relevant to these Regulations.

(**4**) For the meaning of "biodegradable local authority collected municipal waste" *see* section 21(2)(b) of the Waste and Emissions Trading Act 2003.

(**5**) For the meaning of "local authority collected municipal waste *see* section 21(4) of that Act.

Amnewid y term "gwastraff trefol a gasglwyd"

7. Yn y mannau a ganlyn yn lle "gwastraff trefol" rhodder "gwastraff trefol a gasglwyd"—

(a) rheoliad 6(1)(b) ac (c);

(b) yn yr ail fan y mae'n digwydd yn rheoliad 14(2)(i);

(c) rheoliad 14(2)(ii).

Amnewid y term "gwastraff trefol pydradwy a gasglwyd"

8. Ym mhob man y mae'n digwydd yn lle "gwastraff trefol pydradwy" rhodder "gwastraff trefol pydradwy a gasglwyd".

Amnewid rheoliad 8 (penderfynu faint o wastraff trefol pydradwy sydd mewn swm o wastraff)

9. Yn lle rheoliad 8 rhodder—

"Penderfynu faint o wastraff trefol pydradwy a gasglwyd sydd mewn swm o wastraff trefol a gasglwyd

8. Bernir bod chwe deg un y cant o'r swm o wastraff trefol a gasglwyd yn wastraff trefol pydradwy a gasglwyd.".

Substitution of the term "collected municipal waste"

7. In the following places for "municipal waste" substitute "collected municipal waste"—

(a) regulation 6(1)(b) and (c);

(b) in the second place where it occurs in regulation 14(2)(i);

(c) regulation 14(2)(ii).

Substitution of the term "biodegradable collected municipal waste"

8. In every place in which it occurs for "biodegradable municipal waste" substitute "biodegradable collected municipal waste".

Substitution of regulation 8 (determining the amount of biodegradable municipal waste in an amount of waste)

9. For regulation 8 substitute—

"Determining the amount of biodegradable collected municipal waste in an amount of collected municipal waste

8. Sixty-one percent of an amount of collected municipal waste is deemed to be biodegradable collected municipal waste.".

John Griffiths

Gweinidog yr Amgylchedd a Datblygu Cynaliadwy, un o Weinidogion Cymru

Minister for Environment and Sustainable Development, one of the Welsh Ministers

10 Ionawr 2012

10 January 2012

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WELSH STATUTORY INSTRUMENTS

2012 Rhif 65 (Cy.16)

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DIOGELU'R AMGYLCHEDD, CYMRU

ENVIRONMENTAL PROTECTION, WALES

Rheoliadau'r Cynllun Lwfansau Tirlenwi (Cymru) (Diwygio) 2012

The Landfill Allowances Scheme (Wales) (Amendment) Regulations 2012

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