



# Deddf yr Amgylchedd (Ansawdd Aer a Seinweddau) (Cymru) 2024

2024 dsc 2

# Environment (Air Quality and Soundscapes) (Wales) Act 2024

2024 asc 2

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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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# Environment (Air Quality and Soundscapes) (Wales) Act 2024

2024 asc 2

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# Deddf yr Amgylchedd (Ansawdd Aer a Seinweddau) (Cymru) 2024

Deddf gan Senedd Cymru i wneud darpariaeth ar gyfer gwella ansawdd aer yng Nghymru; ar gyfer strategaeth genedlaethol i asesu a rheoli seinweddau yng Nghymru; ac at ddibenion cysylltiedig.  
[14 Chwefror 2024]

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

## RHAN 1

### ANSAWDD AER

#### PENNOD 1

##### TARGEDAU CENEDLAETHOL

#### 1 Targedau ansawdd aer: cyffredinol

- Caiff Gweinidogion Cymru drwy reoliadau osod targedau hirdymor mewn cysylltiad ag unrhyw fater sy'n ymwneud ag ansawdd aer yng Nghymru.
- Rhaid i Weinidogion Cymru arfer y pŵer yn is-adran (1) er mwyn gosod targed hirdymor mewn cysylltiad ag un o'r llygryddion a ganlyn—
  - amonia;
  - PM<sub>10</sub>;
  - osôn ar lefel y ddaear;
  - nitrogen deuocsid;
  - carbon monocsid;
  - syllfwr deuocsid.
- Rhaid i darged a osodir o dan yr adran hon—



# Environment (Air Quality and Soundscapes) (Wales) Act 2024

An Act of Senedd Cymru to make provision for improving air quality in Wales; for a national strategy for assessing and managing soundscapes in Wales; and for connected purposes.

[14 February 2024]

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

## PART 1

### AIR QUALITY

#### CHAPTER 1

##### NATIONAL TARGETS

#### **1 Air quality targets: general**

- (1) The Welsh Ministers may by regulations set long-term targets in respect of any matter relating to air quality in Wales.
- (2) The Welsh Ministers must exercise the power in subsection (1) so as to set a long-term target in respect of one of the following pollutants—
  - (a) ammonia;
  - (b) PM<sub>10</sub>;
  - (c) ground level ozone;
  - (d) nitrogen dioxide;
  - (e) carbon monoxide;
  - (f) sulphur dioxide.
- (3) A target set under this section must—

- (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.
- (4) Caiff rheoliadau o dan yr adran hon wneud darpariaeth ynghylch sut y mae mesur y mater y gosodir targed mewn cysylltiad ag ef.
  - (5) Rhaid i reoliadau o dan yr adran hon sy'n gosod y targed sy'n ofynnol o dan is-adran (2) bennu bod y targed wedi ei osod i gydymffurfio â'r is-adran honno.
  - (6) Mae targed yn "targed hirdymor" os yw'r dyddiad penodedig o leiaf 10 mlynedd ar ôl y dyddiad y gosodir y targed arno.
  - (7) Mae targed o dan yr adran hon wedi ei osod pan ddaw'r rheoliadau sy'n ei osod i rym.
  - (8) Yn y Bennod hon—
    - (a) ystyr "PM<sub>10</sub>" yw deunydd gronynnol sydd â diamedr aerodynamig nad yw'n fwy na 10 o ficrometrau;
    - (b) ystyr y "safon benodedig" a'r "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 (3).

## 2 Targedau ansawdd aer: deunydd gronynnol

- (1) Rhaid i Weinidogion Cymru drwy reoliadau osod o leiaf un targed ("targed ansawdd aer PM<sub>2.5</sub>") mewn cysylltiad â'r lefel gymedrig flynyddol o PM<sub>2.5</sub> mewn aer amgylchynol yng Nghymru.
- (2) Caiff targed ansawdd aer PM<sub>2.5</sub> fod yn darged hirdymor ond nid oes angen iddo fod felly.
- (3) Yn yr adran hon, ystyr PM<sub>2.5</sub> yw deunydd gronynnol sydd â diamedr aerodynamig nad yw'n fwy na 2.5 o ficrometrau.
- (4) Rhaid i Weinidogion Cymru sicrhau bod "aer amgylchynol" wedi ei ddiffinio at ddibenion pob targed ansawdd aer PM<sub>2.5</sub> (a chaiff rheoliadau o dan yr adran hon wneud darpariaeth wahanol ar gyfer targedau gwahanol at ddibenion yr is-adran hon).
- (5) Mae adran 1(3) i(4) a (6) i (8) yn gymwys i dargedau ansawdd aer PM<sub>2.5</sub> ac i reoliadau o dan yr adran hon fel y mae'n gymwys i dargedau a osodir o dan adran 1 ac i reoliadau o dan yr adran honno.
- (6) Yn y Bennod hon, ystyr "targed ansawdd aer PM<sub>2.5</sub>" yw targed a osodir o dan yr adran hon.

## 3 Y broses o osod targedau

- (1) Cyn gwneud rheoliadau o dan adran 1 neu 2, rhaid i Weinidogion Cymru—
  - (a) ceisio cyngor gan bersonau y maent yn ystyried eu bod yn annibynnol ac yn meddu ar arbenigedd perthnasol, a
  - (b) rhoi sylw i wybodaeth wyddonol ynghylch llygredd aer.
- (2) Cyn gwneud rheoliadau o dan adran 1 neu 2 sy'n gosod neu'n diwygio targed mewn cysylltiad â llygrydd penodol, rhaid i Weinidogion Cymru roi sylw i unrhyw ganllawiau ar gyfer y llygrydd hwnnw a gyhoeddwyd gan Sefydliad Iechyd y Byd yn ei ganllawiau ansawdd aer byd-eang diweddaraf.

- (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.
- (4) Regulations under this section may make provision about how the matter in respect of which a target is set is to be measured.
  - (5) Regulations under this section that set the target required under subsection (2) must specify that the target is set to comply with that subsection.
  - (6) A target is a “long-term target” if the specified date is at least 10 years after the date on which the target is set.
  - (7) A target under this section is set when the regulations setting it come into force.
  - (8) In this Chapter –
    - (a) “PM<sub>10</sub>” means particulate matter with an aerodynamic diameter not exceeding 10 micrometres;
    - (b) “specified standard” and “specified date”, in relation to a target set under this section, mean the standard and date specified under subsection (3).

## **2 Air quality targets: particulate matter**

- (1) The Welsh Ministers must by regulations set at least one target (a “PM<sub>2.5</sub> air quality target”) in respect of the annual mean level of PM<sub>2.5</sub> in ambient air in Wales.
- (2) A PM<sub>2.5</sub> air quality target may be a long-term target but need not be so.
- (3) In this section, PM<sub>2.5</sub> means particulate matter with an aerodynamic diameter not exceeding 2.5 micrometres.
- (4) The Welsh Ministers must ensure that “ambient air” is defined for the purposes of each PM<sub>2.5</sub> air quality target (and regulations under this section may make different provision for different targets for the purposes of this subsection).
- (5) Section 1(3) to(4) and (6) to (8) applies to PM<sub>2.5</sub> air quality targets and to regulations under this section as it applies to targets set under section 1 and to regulations under that section.
- (6) In this Chapter, a “PM<sub>2.5</sub> air quality target” means a target set under this section.

## **3 Target-setting process**

- (1) Before making regulations under section 1 or 2, the Welsh Ministers must –
  - (a) seek advice from persons they consider to be independent and to have relevant expertise, and
  - (b) have regard to scientific knowledge on air pollution.
- (2) Before making regulations under section 1 or 2 which set or amend a target in respect of a particular pollutant, the Welsh Ministers must have regard to any guidelines for that pollutant published by the World Health Organisation in its most recent global air quality guidelines.

- (3) Cyn gwneud rheoliadau o dan adran 1 neu 2 sy'n gosod neu'n diwygio targed, rhaid i Weinidogion Cymru fod wedi eu bodloni y gellir cyflawni'r targed neu'r targed diwygiedig.
- (4) Ni chaiff Gweinidogion Cymru wneud rheoliadau o dan adran 1 neu 2 sy'n dirymu neu'n gostwng targed (y "targed presennol") onid ydynt wedi eu bodloni –
  - (a) na fyddai cyflawni'r targed presennol o unrhyw fudd sylweddol o gymharu â pheidio â chyflawni'r targed neu gyflawni targed is, neu
  - (b) yn sgil newidiadau mewn amgylchiadau ers gosod y targed presennol neu ei ddiwygio ddiwethaf, y byddai costau amgylcheddol, costau cymdeithasol, costau economaidd neu gostau eraill cyflawni'r targed yn anghymesur â'r buddion.
- (5) Cyn gwneud rheoliadau o dan adran 1 neu 2 sy'n dirymu neu'n gostwng targed, rhaid i Weinidogion Cymru osod gerbron Senedd Cymru, a chyhoeddi, ddatganiad sy'n esbonio pam y mae Gweinidogion Cymru wedi eu bodloni fel y'i crybwyllir yn is-adran (4).
- (6) Mae rheoliadau yn gostwng targed os ydynt, i unrhyw raddau –
  - (a) yn gosod safon is yn lle'r safon benodedig, neu
  - (b) yn pennu dyddiad diweddarach yn lle'r dyddiad penodedig.
- (7) Ni chaiff rheoliadau o dan adran 1 ddirymu'r targed ansawdd aer sydd wedi ei osod i gydymffurfio ag is-adran (2) o'r adran honno (ond cânt ei ddiwygio yn unol â'r adran hon).
- (8) Ni chaiff rheoliadau o dan adran 2 ddirymu targed ansawdd aer PM<sub>2.5</sub> (ond cânt ei ddiwygio yn unol â'r adran hon).
- (9) At ddibenion y Bennod hon, mae targed wedi ei gyflawni os yw'r safon benodedig wedi ei chyrraedd erbyn y dyddiad penodedig.
- (10) Rhaid i Weinidogion Cymru osod drafft o offeryn statudol sy'n cynnwys y rheoliadau sy'n ofynnol gan adran 1(2) gerbron Senedd Cymru cyn diwedd y cyfnod o 6 mlynedd sy'n dechrau â'r dyddiad y caiff y Ddeddf hon y Cydsyniad Brenhinol.
- (11) Rhaid i Weinidogion Cymru osod drafft o offeryn statudol sy'n cynnwys rheoliadau sy'n gosod targed ansawdd aer PM<sub>2.5</sub> gerbron Senedd Cymru cyn diwedd y cyfnod o 3 blynedd sy'n dechrau â'r dyddiad y caiff y Ddeddf hon y Cydsyniad Brenhinol.

#### **4 Effaith targedau**

- (1) Rhaid i Weinidogion Cymru sicrhau –
  - (a) bod targedau a osodir o dan adran 1 yn cael eu cyflawni, a
  - (b) bod targedau ansawdd aer PM<sub>2.5</sub> yn cael eu cyflawni.
- (2) Nid oes dim yn y Bennod hon, heblaw am adran 8, yn cyfyngu ar bŵer Gweinidogion Cymru o dan adran 87 o Ddeddf yr Amgylchedd 1995 (p. 25) (pŵer i wneud rheoliadau mewn perthynas ag asesu neu reoli ansawdd aer).

#### **5 Adrodd ar dargedau**

- (1) Rhaid i reoliadau o dan adran 1 neu 2 bennu dyddiad adrodd ar gyfer unrhyw darged a osodir o dan yr adran honno.
- (2) Rhaid i Weinidogion Cymru, ar y dyddiad adrodd neu cyn hynny, osod gerbron Senedd Cymru, a chyhoeddi, ddatganiad sy'n cynnwys yr wybodaeth ofynnol ynghylch y targed.

- (3) Before making regulations under section 1 or 2 which set or amend a target, the Welsh Ministers must be satisfied that the target or amended target can be met.
- (4) The Welsh Ministers may not make regulations under section 1 or 2 which revoke or lower a target (the “existing target”) unless they are satisfied that—
  - (a) meeting the existing target would have no significant benefit compared with not meeting it or with meeting a lower target, or
  - (b) because of changes in circumstances since the existing target was set or last amended, the environmental, social, economic or other costs of meeting it would be disproportionate to the benefits.
- (5) Before making regulations under section 1 or 2 which 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 (4).
- (6) 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.
- (7) Regulations under section 1 may not revoke the air quality target that has been set to comply with subsection (2) of that section (but may amend it in accordance with this section).
- (8) Regulations under section 2 may not revoke a PM<sub>2.5</sub> air quality target (but may amend it in accordance with this section).
- (9) For the purposes of this Chapter, a target is met if the specified standard is achieved by the specified date.
- (10) The Welsh Ministers must lay a draft of a statutory instrument containing the regulations required by section 1(2) before Senedd Cymru before the end of the period of 6 years beginning with the date on which this Act receives Royal Assent.
- (11) The Welsh Ministers must lay a draft of a statutory instrument containing regulations setting a PM<sub>2.5</sub> air quality target before Senedd Cymru before the end of the period of 3 years beginning with the date on which this Act receives Royal Assent.

#### **4 Effect of targets**

- (1) The Welsh Ministers must ensure that—
  - (a) targets set under section 1 are met, and
  - (b) PM<sub>2.5</sub> air quality targets are met.
- (2) Nothing in this Chapter, other than section 8, limits the Welsh Ministers’ power under section 87 of the Environment Act 1995 (c. 25) (power to make regulations in relation to the assessment or management of air quality).

#### **5 Reporting on targets**

- (1) Regulations under section 1 or 2 must specify a reporting date for any target set under that section.
- (2) On or before the reporting date, the Welsh Ministers must lay before Senedd Cymru, and publish, a statement containing the required information about the target.



- (3) Yr wybodaeth ofynnol ynghylch targed yw (fel sy'n briodol) –
  - (a) bod y targed wedi ei gyflawni,
  - (b) nad yw'r targed wedi ei gyflawni, neu
  - (c) nad yw Gweinidogion Cymru ar hyn o bryd yn gallu canfod pa un a yw'r targed wedi ei gyflawni, y rhesymau dros hynny a'r camau y mae Gweinidogion Cymru yn bwriadu eu cymryd er mwyn canfod pa un a yw'r targed wedi ei gyflawni.
- (4) Pan fo Gweinidogion Cymru yn gwneud datganiad nad yw targed wedi ei gyflawni, rhaid i Weinidogion Cymru, cyn diwedd y cyfnod o 12 mis sy'n dechrau â'r dyddiad y gosodir y datganiad, osod gerbron Senedd Cymru, a chyhoeddi, adroddiad.
- (5) Rhaid i'r adroddiad –
  - (a) esbonio pam nad yw'r targed wedi ei gyflawni, a
  - (b) nodi'r camau y mae Gweinidogion Cymru wedi eu cymryd, neu'r camau y maent yn bwriadu eu cymryd, i sicrhau y cyflawnir y safon benodedig cyn gynted ag y bo'n rhesymol ymarferol.
- (6) Pan fo Gweinidogion Cymru yn gwneud datganiad nad ydynt ar hyn o bryd yn gallu canfod pa un a yw targed wedi ei gyflawni, rhaid i Weinidogion Cymru, cyn diwedd y cyfnod o 6 mis sy'n dechrau â'r dyddiad y gosodir y datganiad, osod gerbron Senedd Cymru, a chyhoeddi, ddatganiad pellach sy'n cynnwys yr wybodaeth ofynnol.
- (7) Mae is-adrannau (3) i (6) yn gymwys i ddatganiadau pellach o dan is-adran (6) fel y maent yn gymwys i ddatganiad o dan is-adran (2).

## **6 Adolygu targedau**

- (1) Rhaid i Weinidogion Cymru adolygu targedau o dan adrannau 1 a 2 yn unol â'r adran hon.
- (2) Wrth gynnal adolygiad, rhaid i Weinidogion Cymru –
  - (a) ceisio cyngor gan bersonau y maent yn ystyried eu bod yn annibynnol ac yn meddu ar arbenigedd perthnasol, a
  - (b) rhoi sylw i wybodaeth wyddonol ynghylch llygredd aer.
- (3) Os yw targed o dan adran 1 neu 2 mewn cysylltiad â llygrydd y mae canllawiau wedi eu cyhoeddi ar ei gyfer gan Sefydliad Iechyd y Byd yn ei ganllawiau ansawdd aer byd-eang diweddaraf, rhaid i Weinidogion Cymru, wrth gynnal adolygiad o'r targed, roi sylw i'r canllawiau mewn cysylltiad â'r llygrydd hwnnw.
- (4) Ar ôl cynnal adolygiad, rhaid i Weinidogion Cymru osod gerbron Senedd Cymru, a chyhoeddi, ddatganiad ynghylch y camau, os oes rhai, y maent yn bwriadu eu cymryd o dan adran 1 neu 2 mewn perthynas â phob targed o ganlyniad i'r adolygiad.
- (5) Pan fo datganiad yn darparu nad yw Gweinidogion Cymru yn bwriadu cymryd unrhyw gamau o dan adrannau 1 neu 2 mewn perthynas â tharged, rhaid i'r datganiad gynnwys y rhesymau dros y penderfyniad hwnnw.
- (6) Rhaid cwblhau'r adolygiad cyntaf cyn diwedd y cyfnod o 5 mlynedd sy'n dechrau â'r diwrnod y gosodir y targed cyntaf (pa un ai o dan adran 1 neu 2).
- (7) Rhaid cwblhau adolygiadau dilynol cyn diwedd y cyfnod o 5 mlynedd sy'n dechrau â'r diwrnod y cwblhawyd yr adolygiad blaenorol.



- (3) The required information about a target 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.
- (4) Where the Welsh Ministers make a statement that a target has not been met, the Welsh Ministers must, before the end of 12 months beginning with the date on which the statement is laid, lay before Senedd Cymru, and publish, a report.
- (5) The report must –
  - (a) explain why the target has not been met, and
  - (b) set out the steps the Welsh Ministers have taken, or intend to take, to ensure the specified standard is achieved as soon as reasonably practicable.
- (6) 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.
- (7) Subsections (3) to (6) apply to further statements under subsection (6) as they apply to a statement under subsection (2).

## **6 Review of targets**

- (1) The Welsh Ministers must review targets under sections 1 and 2 in accordance with this section.
- (2) In carrying out a review, the Welsh Ministers must –
  - (a) seek advice from persons they consider to be independent and to have relevant expertise, and
  - (b) have regard to scientific knowledge about air pollution.
- (3) If a target under section 1 or 2 is in respect of a pollutant for which guidelines have been published by the World Health Organisation in its most recent global air quality guidelines, the Welsh Ministers must, in carrying out a review of the target, have regard to the guidelines in respect of that pollutant.
- (4) Having carried out a review, the Welsh Ministers must lay before Senedd Cymru, and publish, a statement about the steps, if any, they intend to take under section 1 or 2 in relation to each target in consequence of the review.
- (5) Where a statement provides that the Welsh Ministers intend to take no steps under sections 1 or 2 in relation to a target, the statement must include the reasons for that decision.
- (6) The first review must be completed before the end of 5 years beginning with the day on which the first target is set (whether under section 1 or 2).
- (7) Subsequent reviews must be completed before the end of 5 years beginning with the day on which the previous review was completed.

- (8) Mae adolygiad wedi ei gwblhau pan fo Gweinidogion Cymru wedi gosod y datganiad gerbron Senedd Cymru a'i gyhoeddi.

## **7 Monitro hynt cyflawni targedau**

- (1) Rhaid i Weinidogion Cymru drefnu cael gafael ar ddata ynghylch ansawdd aer yng Nghymru y maent yn ystyried eu bod yn briodol i fonitro hynt cyflawni unrhyw dargedau a osodir o dan adran 1 neu 2.
- (2) Rhaid i Weinidogion Cymru gyhoeddi unrhyw ddata a geir o dan is-adran (1) cyn gynted ag y bo'n rhesymol ymarferol.

## **8 Cynnal safonau ansawdd aer**

- (1) Mae'r adran hon yn gymwys mewn perthynas â safon benodedig ar gyfer targed a bennir o dan adran 1 neu 2 pan fo –
- (a) y dyddiad penodedig ar gyfer y targed wedi ei gyrraedd, a
  - (b) y safon benodedig ar gyfer y targed wedi ei chyflawni (boed erbyn y dyddiad penodedig neu erbyn dyddiad diweddarach).
- (2) Rhaid i Weinidogion Cymru, wrth arfer eu pwerau o dan adran 87(1) o Ddeddf yr Amgylchedd 1995 (p. 25), sicrhau –
- (a) bod Gweinidogion Cymru o dan ddyletswydd i gynnal y safon honno, a
  - (b) bod gofynion adrodd ar waith mewn perthynas â chyflawni'r ddyletswydd honno.
- (3) Caiff Gweinidogion Cymru arfer eu pwerau o dan adran 87(1) o Ddeddf yr Amgylchedd 1995 i ddisodli'r safon a grybwyllir yn is-adran (2)(a) â safon is, neu i ddirymu'r safon, ond dim ond os ydynt wedi eu bodloni –
- (a) na fyddai cyrraedd y safon o unrhyw fudd sylweddol o gymharu â pheidio â chyrraedd y safon neu gyrraedd safon is, neu
  - (b) yn sgil newidiadau mewn amgylchiadau ers i'r safon benodedig gael ei gosod neu ers iddi gael ei gostwng ddiwethaf, y byddai costau amgylcheddol, costau cymdeithasol, costau economaidd neu gostau eraill ei chyrraedd yn anghymesur â'r buddion.
- (4) Cyn gwneud rheoliadau o dan adran 87(1) o Ddeddf yr Amgylchedd 1995 at unrhyw ddiben a grybwyllir yn is-adran (3), rhaid i Weinidogion Cymru (yn ogystal â chydymffurfio ag adran 87(7B) o'r Ddeddf honno) –
- (a) ceisio cyngor oddi wrth bersonau y maent yn ystyried eu bod yn annibynnol ac yn meddu ar arbenigedd perthnasol,
  - (b) rhoi sylw i wybodaeth wyddonol ynghylch llygredd aer,
  - (c) rhoi sylw i unrhyw ganllawiau mewn cysylltiad â'r llygrydd y mae'r safon yn gymwys iddo a gyhoeddwyd gan Sefydliad Iechyd y Byd yn ei ganllawiau ansawdd aer byd-eang diweddaraf, a
  - (d) gosod gerbron Senedd Cymru, a chyhoeddi, ddatganiad sy'n esbonio pam y mae Gweinidogion Cymru wedi eu bodloni fel y'i crybwyllir yn is-adran (3).

- (8) A review is completed when the Welsh Ministers have laid the statement before Senedd Cymru and published it.

## **7 Monitoring progress towards meeting targets**

- (1) The Welsh Ministers must make arrangements for obtaining such data about air quality in Wales as they consider appropriate to monitor the progress being made towards meeting any targets set under section 1 or 2.
- (2) The Welsh Ministers must publish any data obtained under subsection (1) as soon as is reasonably practicable.

## **8 Maintaining air quality standards**

- (1) This section applies in relation to a specified standard for a target set under section 1 or 2 where—
  - (a) the specified date for the target has been reached, and
  - (b) the specified standard for the target has been achieved (whether by the specified date or by a later date).
- (2) The Welsh Ministers, in the exercise of their powers under section 87(1) of the Environment Act 1995 (c. 25) must ensure that—
  - (a) the Welsh Ministers are under a duty to maintain that standard, and
  - (b) reporting requirements are in place in relation to the performance of that duty.
- (3) The Welsh Ministers may exercise their powers under section 87(1) of the Environment Act 1995 to replace the standard mentioned in subsection (2)(a) with a lower standard, or to revoke the standard, but only if satisfied that—
  - (a) meeting the standard would have no significant benefit compared with not meeting it or with meeting a lower standard, or
  - (b) because of changes in circumstances since the specified standard was set or last lowered, the environmental, social, economic or other costs of meeting it would be disproportionate to the benefits.
- (4) Before making regulations under section 87(1) of the Environment Act 1995 for any purpose mentioned in subsection (3), the Welsh Ministers must (in addition to complying with section 87(7B) of that Act)—
  - (a) seek advice from persons they consider to be independent and to have relevant expertise,
  - (b) have regard to scientific knowledge on air pollution,
  - (c) have regard to any guidelines in respect of the pollutant to which the standard applies published by the World Health Organisation in its most recent global air quality guidelines, and
  - (d) lay before Senedd Cymru, and publish, a statement explaining why the Welsh Ministers are satisfied as mentioned in subsection (3).

**9 Adrodd mewn perthynas ag adran 1**

- (1) Rhaid i Weinidogion Cymru, cyn gynted ag y bo'n ymarferol ar ôl diwedd pob cyfnod adrodd, osod gerbron Senedd Cymru a chyhoeddi adroddiad ar yr ystyriaeth y maent wedi ei rhoi yn ystod y cyfnod hwnnw i osod targedau hirdymor o dan adran 1.
- (2) Rhaid i'r adroddiad, yn benodol, ymdrin â'r ystyriaeth a roddwyd yn ystod y cyfnod adrodd i osod targedau mewn perthynas â'r llygryddion a ganlyn –
  - (a) amonia;
  - (b) PM<sub>10</sub>;
  - (c) osôn ar lefel y ddaear;
  - (d) nitrogen deuocsid;
  - (e) carbon monocsid;
  - (f) sylffwr deuocsid.
- (3) Ond os yw rheoliadau wedi eu gwneud o dan adran 1 sy'n gosod targed mewn perthynas â llygrydd a grybwyllir yn is-adran (2), nid yw'r gofyniad yn yr is-adran honno bellach yn gymwys mewn perthynas â'r llygrydd hwnnw.
- (4) Yn yr adran hon, ystyr "cyfnod adrodd" yw –
  - (a) y cyfnod o 2 flynedd sy'n dechrau â'r diwrnod y mae adran 1 yn dod i rym, a
  - (b) pob cyfnod dilynol o 12 mis.

**PENNOD 2****DARPARIAETH ARALL***Hybu ymwybyddiaeth***10 Hybu ymwybyddiaeth o lygredd aer**

Rhaid i Weinidogion Cymru gymryd camau i hybu ymwybyddiaeth yng Nghymru o –

- (a) y risgiau i iechyd pobl a'r amgylchedd naturiol a achosir gan lygredd aer, a
- (b) ffyrdd o leihau llygredd aer neu gyfyngu arno.

*Hyrwyddo teithio llesol***11 Hyrwyddo teithio llesol fel ffordd o leihau llygredd aer neu gyfyngu arno**

Ar ôl adran 10 o Ddeddf Teithio Llesol (Cymru) 2013 (dccc 7) (dyletswydd i arfer swyddogaethau o dan y Ddeddf i hyrwyddo teithio llesol) mewnosoder –

**"10A Gweinidogion Cymru yn hyrwyddo teithio llesol fel ffordd o leihau llygredd aer neu gyfyngu arno**

- (1) Rhaid i Weinidogion Cymru gymryd camau i hyrwyddo teithio llesol fel ffordd o leihau llygredd aer neu gyfyngu arno yng Nghymru.
- (2) Rhaid i Weinidogion Cymru gyhoeddi datganiad ynghylch y camau y maent yn cynnig eu cymryd o ran cyflawni eu dyletswydd o dan is-adran (1).

**9 Reporting in relation to section 1**

- (1) The Welsh Ministers must, as soon as practicable after the end of each reporting period, lay before Senedd Cymru and publish a report on the consideration they have given during that period to setting long-term targets under section 1.
- (2) The report must, in particular, address the consideration given during the reporting period to setting targets in relation to the following pollutants –
  - (a) ammonia;
  - (b) PM<sub>10</sub>;
  - (c) ground level ozone;
  - (d) nitrogen dioxide;
  - (e) carbon monoxide;
  - (f) sulphur dioxide.
- (3) But if regulations have been made under section 1 setting a target in relation to a pollutant mentioned in subsection (2), the requirement in that subsection no longer applies in relation to that pollutant.
- (4) In this section, “reporting period” means –
  - (a) the period of 2 years beginning with the day on which section 1 comes into force, and
  - (b) each subsequent period of 12 months.

**CHAPTER 2**

**OTHER PROVISION**

*Promoting awareness*

**10 Promoting awareness about air pollution**

The Welsh Ministers must take steps to promote awareness in Wales of –

- (a) the risks to human health and the natural environment caused by air pollution, and
- (b) ways of reducing or limiting air pollution.

*Promoting active travel*

**11 Promoting active travel as a way of reducing or limiting air pollution**

After section 10 of the Active Travel (Wales) Act 2013 (anaw 7) (duty to exercise functions under the Act to promote active travel) insert –

**“10A Promotion by Welsh Ministers of active travel as a way of reducing or limiting air pollution**

- (1) The Welsh Ministers must take steps to promote active travel as a way of reducing or limiting air pollution in Wales.
- (2) The Welsh Ministers must publish a statement about the steps they propose to take in the performance of their duty under subsection (1).

- (3) Rhaid i Weinidogion Cymru –
  - (a) cyhoeddi'r datganiad cyn gynted â phosibl ar ôl i'r adran hon ddod i rym, a
  - (b) parhau i adolygu'r datganiad.
- (4) Caiff Gweinidogion Cymru ddiwygio'r datganiad ar unrhyw adeg, ac os ydynt yn gwneud hynny rhaid iddynt gyhoeddi'r datganiad ar ei ffurf ddiwygiedig.
- (5) Rhaid i Weinidogion Cymru gyhoeddi adroddiad cyn gynted ag y bo'n rhesymol ymarferol ar ôl diwedd pob cyfnod adrodd sy'n pennu pa gamau y maent wedi eu cymryd yn ystod y cyfnod hwnnw o ran cyflawni eu dyletswydd o dan is-adran (1).
- (6) Yn is-adran (5), ystyr "cyfnod adrodd" yw –
  - (a) y cyfnod o 3 blynedd sy'n dechrau â'r diwrnod y mae'r adran hon yn dod i rym, a
  - (b) pob cyfnod dilynol o 3 blynedd.
- (7) Nid yw is-adran (5) yn atal Gweinidogion Cymru rhag cyhoeddi adroddiadau ychwanegol sy'n pennu'r camau y maent wedi eu cymryd o ran cyflawni eu dyletswydd o dan is-adran (1).

**10B Awdurdodau lleol ac awdurdodau eraill yn hyrwyddo teithio llesol fel ffordd o leihau llygredd aer neu gyfyngu arno**

- (1) Rhaid i awdurdodau lleol gymryd camau i hyrwyddo teithio llesol fel ffordd o leihau llygredd aer neu gyfyngu arno yn eu hardaloedd.
- (2) Pan fo awdurdod lleol yn cyflwyno map rhwydwaith integredig i Weinidogion Cymru i'w gymeradwyo o dan adran 4(9)(c), rhaid iddo hefyd gyhoeddi adroddiad sy'n pennu pa gamau y mae wedi eu cymryd o ran cyflawni ei ddyletswydd o dan is-adran (1) yn ystod –
  - (a) yn achos yr adroddiad cyntaf sy'n ofynnol gan yr is-adran hon, y cyfnod sy'n dechrau pan fydd is-adran (1) yn dod i rym ac sy'n dod i ben pan gyflwynir y map, a
  - (b) yn achos pob adroddiad dilynol, y cyfnod ers iddo gyhoeddi adroddiad o dan yr is-adran hon ddiwethaf.
- (3) Caiff Gweinidogion Cymru drwy reoliadau a wneir drwy offeryn statudol –
  - (a) gosod dyletswydd ar unrhyw awdurdod cyhoeddus a bennir yn y rheoliadau i gymryd camau i hyrwyddo teithio llesol fel ffordd o leihau llygredd aer neu gyfyngu arno, a
  - (b) ei gwneud yn ofynnol i'r awdurdod gyhoeddi adroddiadau, mewn cysylltiad â chyfnodau a bennir yn y rheoliadau, ynghylch y camau y mae wedi eu cymryd o ran cyflawni ei ddyletswydd.

- (3) The Welsh Ministers must –
  - (a) publish the statement as soon as possible after the coming into force of this section, and
  - (b) keep the statement under review.
- (4) The Welsh Ministers may revise the statement at any time, and if they do so they must publish the statement in its revised form.
- (5) The Welsh Ministers must publish a report as soon as reasonably practicable after the end of each reporting period specifying what steps they have taken during that period in the performance of their duty under subsection (1).
- (6) In subsection (5), “reporting period” means –
  - (a) the period of 3 years beginning with the day on which this section comes into force, and
  - (b) each subsequent period of 3 years.
- (7) Subsection (5) does not prevent the Welsh Ministers from publishing additional reports specifying steps they have taken in the performance of their duty under subsection (1).

**10B Promotion by local and other authorities of active travel as a way of reducing or limiting air pollution**

- (1) Local authorities must take steps to promote active travel as a way of reducing or limiting air pollution in their areas.
- (2) Where a local authority submits an integrated network map to the Welsh Ministers for approval under section 4(9)(c), it must also publish a report specifying what steps it has taken in the performance of its duty under subsection (1) during –
  - (a) in the case of the first report required by this subsection, the period beginning with the coming into force of subsection (1) and ending with the submission of the map, and
  - (b) in the case of each subsequent report, the period since it last published a report under this subsection.
- (3) The Welsh Ministers may by regulations made by statutory instrument –
  - (a) impose a duty on any public authority specified in the regulations to take steps to promote active travel as a way of reducing or limiting air pollution, and
  - (b) require the authority to publish reports, in respect of periods specified in the regulations, about the steps it has taken in the performance of its duty.



- (4) Ni chaiff rheoliadau o dan is-adran (3) ond pennu awdurdod cyhoeddus os yw'r awdurdod yn awdurdod Cymreig datganoledig o fewn yr ystyr a roddir i "devolved Welsh authority" yn adran 157A(1)(a) o Ddeddf Llywodraeth Cymru 2006 (p. 32).
- (5) Cyn pennu awdurdod cyhoeddus mewn rheoliadau o dan is-adran (3), rhaid i Weinidogion Cymru ymgynghori â'r awdurdod ynghylch y cynnig.
- (6) Mae'r pŵer i wneud rheoliadau o dan is-adran (3) yn cynnwys pŵer i wneud darpariaeth drosiannol neu ddarpariaeth arbed.
- (7) Ni chaniateir gwneud offeryn statudol sy'n cynnwys rheoliadau a wneir o dan is-adran (3) oni bai bod drafft o'r offeryn wedi ei osod gerbron Senedd Cymru ac wedi ei gymeradwyo ganddi drwy benderfyniad.

**10C Canllawiau i awdurdodau ynghylch eu swyddogaethau o dan adran 10B**

- (1) Rhaid i Weinidogion Cymru roi canllawiau i awdurdodau lleol ynghylch cyflawni dyletswyddau'r awdurdodau o dan adran 10B.
- (2) Rhaid i Weinidogion Cymru roi canllawiau hefyd i unrhyw awdurdod cyhoeddus a bennir mewn rheoliadau a wneir o dan adran 10B(3) ynghylch cyflawni dyletswyddau'r awdurdod o dan y rheoliadau.
- (3) Cyn rhoi neu ddiwygio canllawiau o dan yr adran hon, rhaid i Weinidogion Cymru ymgynghori ag –
  - (a) yr awdurdod neu'r awdurdodau y mae'r canllawiau yn ymwneud ag ef neu â hwy, a
  - (b) unrhyw bersonau eraill y mae Gweinidogion Cymru yn ystyried eu bod yn briodol.
- (4) Rhaid i awdurdod y rhoddir canllawiau iddo o dan yr adran hon roi sylw iddynt wrth gyflawni ei ddyletswyddau o dan adran 10B neu, yn ôl y digwydd, reoliadau a wneir o dan yr adran honno."

*Strategaeth ansawdd aer genedlaethol*

**12 Pŵer i newid cyfnod adolygu'r strategaeth**

- (1) Yn adran 80 o Ddeddf yr Amgylchedd 1995 (p. 25) (strategaeth ansawdd aer genedlaethol), ar ôl is-adran (7) mewnosoder –
  - (8) The Welsh Ministers may by regulations amend this section for the purpose of changing the period within which they must review the strategy."
- (2) Yn adran 87 o'r Ddeddf honno (rheoliadau at ddibenion Rhan 4), ar ôl is-adran (9) mewnosoder –
  - (9A) A statutory instrument containing regulations under section 80(8) may not be made unless a draft of the instrument has been laid before, and approved by resolution of, Senedd Cymru."



- (4) Regulations under subsection (3) may specify a public authority only if the authority is a “devolved Welsh authority” within the meaning of section 157A(1)(a) of the Government of Wales Act 2006 (c. 32).
- (5) Before specifying a public authority in regulations under subsection (3), the Welsh Ministers must consult the authority about the proposal.
- (6) The power to make regulations under subsection (3) includes power to make transitional or saving provision.
- (7) A statutory instrument containing regulations made under subsection (3) may not be made unless a draft of the instrument has been laid before, and approved by resolution of, Senedd Cymru.

**10C Guidance to authorities about their functions under section 10B**

- (1) The Welsh Ministers must give guidance to local authorities about the authorities’ performance of their duties under section 10B.
- (2) The Welsh Ministers must also give guidance to any public authority specified in regulations made under section 10B(3) about the authority’s performance of its duties under the regulations.
- (3) Before giving or revising guidance under this section, the Welsh Ministers must consult –
  - (a) the authority or authorities to which the guidance relates, and
  - (b) any other persons the Welsh Ministers consider appropriate.
- (4) An authority given guidance under this section must have regard to it in performing its duties under section 10B or, as the case may be, regulations made under that section.”

*National air quality strategy*

**12 Power to change review period for strategy**

- (1) In section 80 of the Environment Act 1995 (c. 25) (national air quality strategy), after subsection (7) insert –
  - “(8) The Welsh Ministers may by regulations amend this section for the purpose of changing the period within which they must review the strategy.”
- (2) In section 87 of that Act (regulations for the purposes of Part 4), after subsection (9) insert –
  - “(9A) A statutory instrument containing regulations under section 80(8) may not be made unless a draft of the instrument has been laid before, and approved by resolution of, Senedd Cymru.”

**13 Ymgynghori wrth adolygu'r strategaeth**

Ar ôl adran 80(8) o Ddeddf yr Amgylchedd 1995 (p. 25) (fel y'i mewnosodir gan adran 12) mewnosoder –

- “(9) Subsections (6) and (7) do not apply in relation to the Welsh Ministers.
- (10) In reviewing the strategy, the Welsh Ministers must consult –
- (a) the Natural Resources Body for Wales;
  - (b) every local authority in Wales;
  - (c) every Local Health Board established under section 11 of the National Health Service (Wales) Act 2006;
  - (d) every National Health Service trust established under section 18 of the National Health Service (Wales) Act 2006;
  - (e) every public services board (within the meaning of Part 4 of the Well-being of Future Generations (Wales) Act 2015;
  - (f) the Future Generations Commissioner for Wales;
  - (g) Transport for Wales; and
  - (h) the public.”

**14 Dyletswydd i roi sylw i'r strategaeth**

(1) Ar ôl adran 81A o Ddeddf yr Amgylchedd 1995 (p. 25) mewnosoder –

**“81B Functions of relevant Welsh public authorities etc.**

- (1) The following persons must have regard to the policies published by the Welsh Ministers in the strategy when exercising any function of a public nature that could affect the quality of air in Wales –
    - (a) local authorities in Wales;
    - (b) relevant Welsh public authorities.
  - (2) In this Part, “relevant Welsh public authority” means a person designated in accordance with subsection (3) as a relevant Welsh public authority.
  - (3) The Welsh Ministers may by regulations designate a person as a relevant Welsh public authority if (and only if) that person is a “devolved Welsh authority” within the meaning of section 157A(1)(a) of the Government of Wales Act 2006.
  - (4) Before making regulations under subsection (3), the Welsh Ministers must consult –
    - (a) the person that is proposed to be designated, and
    - (b) such other persons as the Welsh Ministers consider appropriate.”
- (2) Yn adran 87 o'r Ddeddf honno (rheoliadau at ddibenion Rhan 4), yn is-adran (2) –

**13 Consultation on review of strategy**

After section 80(8) of the Environment Act 1995 (c. 25) (as inserted by section 12) insert –

- “(9) Subsections (6) and (7) do not apply in relation to the Welsh Ministers.
- (10) In reviewing the strategy, the Welsh Ministers must consult –
- (a) the Natural Resources Body for Wales;
  - (b) every local authority in Wales;
  - (c) every Local Health Board established under section 11 of the National Health Service (Wales) Act 2006;
  - (d) every National Health Service trust established under section 18 of the National Health Service (Wales) Act 2006;
  - (e) every public services board (within the meaning of Part 4 of the Well-being of Future Generations (Wales) Act 2015);
  - (f) the Future Generations Commissioner for Wales;
  - (g) Transport for Wales; and
  - (h) the public.”

**14 Duty to have regard to strategy**

(1) After section 81A of the Environment Act 1995 (c.25) insert –

**“81B Functions of relevant Welsh public authorities etc.**

- (1) The following persons must have regard to the policies published by the Welsh Ministers in the strategy when exercising any function of a public nature that could affect the quality of air in Wales –
- (a) local authorities in Wales;
  - (b) relevant Welsh public authorities.
- (2) In this Part, “relevant Welsh public authority” means a person designated in accordance with subsection (3) as a relevant Welsh public authority.
- (3) The Welsh Ministers may by regulations designate a person as a relevant Welsh public authority if (and only if) that person is a “devolved Welsh authority” within the meaning of section 157A(1)(a) of the Government of Wales Act 2006.
- (4) Before making regulations under subsection (3), the Welsh Ministers must consult –
- (a) the person that is proposed to be designated, and
  - (b) such other persons as the Welsh Ministers consider appropriate.”
- (2) In section 87 of that Act (regulations for the purposes of Part 4), in subsection (2) –

- (a) ym mharagraff (c), ar ôl “relevant public authorities” mewnosoder “, relevant Welsh public authorities”;
  - (b) ym mharagraff (j), ar ôl “relevant public authorities,” mewnosoder “relevant Welsh public authorities,”;
  - (c) ym mharagraff (l), ar ôl “relevant public authorities” mewnosoder “, relevant Welsh public authorities”;
  - (d) ym mharagraff (m), ar ôl “a relevant public authority” mewnosoder “, a relevant Welsh public authority”.
- (3) Yn adran 88 o’r Ddeddf honno (canllawiau at ddibenion Rhan 4) –
- (a) yn is-adran (3) –
    - (i) yn lle “This section” rhodder “Subsections (1) and (2)”;
    - (ii) yn lle “it applies” rhodder “they apply”;
  - (b) ar ôl is-adran (3) mewnosoder –
    - “(4) The Welsh Ministers may issue guidance to relevant Welsh public authorities with respect to, or in connection with, the exercise of any of the powers conferred, or the discharge of any of the duties imposed, on those authorities by section 81B or regulations made by the Welsh Ministers under this Part.
    - (5) A relevant Welsh public authority, in exercising those powers and discharging those duties, must have regard to any guidance issued under subsection (4).”
- (4) Yn adran 91 o’r Ddeddf honno (dehongli Rhan 4), yn is-adran (1), ar ôl y cofnod ar gyfer “relevant public authority” mewnosoder –
- ““relevant Welsh public authority” has the meaning given by section 81B(2);”.

*Rheoliadau ansawdd aer*

## 15 Ymgynghori ar reoliadau ansawdd aer

Yn adran 87 o Ddeddf yr Amgylchedd 1995 (p. 25) (rheoliadau at ddibenion Rhan 4), ar ôl is-adran (7) mewnosoder –

- “(7A) Subsection (7) does not apply in relation to the Welsh Ministers.
- (7B) Before making any regulations under this Part, the Welsh Ministers must consult –
  - (a) the Natural Resources Body for Wales;
  - (b) every local authority in Wales;
  - (c) the Public Health Wales National Health Service Trust;
  - (d) every Local Health Board established under section 11 of the National Health Service (Wales) Act 2006; and
  - (e) the public.”

- (a) in paragraph (c), after “relevant public authorities” insert “, relevant Welsh public authorities”;
  - (b) in paragraph (j), after “relevant public authorities,” insert “relevant Welsh public authorities,”;
  - (c) in paragraph (l), after “relevant public authorities” insert “, relevant Welsh public authorities”;
  - (d) in paragraph (m), after “a relevant public authority” insert “, a relevant Welsh public authority”.
- (3) In section 88 of that Act (guidance for the purposes of Part 4) –
- (a) in subsection (3) –
    - (i) for “This section” substitute “Subsections (1) and (2)”;
    - (ii) for “it applies” substitute “they apply”;
  - (b) after subsection (3) insert –
    - “(4) The Welsh Ministers may issue guidance to relevant Welsh public authorities with respect to, or in connection with, the exercise of any of the powers conferred, or the discharge of any of the duties imposed, on those authorities by section 81B or regulations made by the Welsh Ministers under this Part.
    - (5) A relevant Welsh public authority, in exercising those powers and discharging those duties, must have regard to any guidance issued under subsection (4).”
- (4) In section 91 of that Act (interpretation of Part 4), in subsection (1), after the entry for “relevant public authority” insert –
- ““relevant Welsh public authority” has the meaning given by section 81B(2);”.

*Air quality regulations*

**15 Consultation on air quality regulations**

In section 87 of the Environment Act 1995 (c. 25) (regulations for the purposes of Part 4), after subsection (7) insert –

- “(7A) Subsection (7) does not apply in relation to the Welsh Ministers.
- (7B) Before making any regulations under this Part, the Welsh Ministers must consult –
  - (a) the Natural Resources Body for Wales;
  - (b) every local authority in Wales;
  - (c) the Public Health Wales National Health Service Trust;
  - (d) every Local Health Board established under section 11 of the National Health Service (Wales) Act 2006; and
  - (e) the public.”

*Rheoli ansawdd aer yn lleol***16 Adolygiadau o ansawdd aer gan awdurdodau lleol**

- (1) Mae adran 82 o Ddeddf yr Amgylchedd 1995 (p. 25) (adolygiadau awdurdodau lleol) wedi ei diwygio fel a ganlyn.
- (2) Yn is-adran (1), ar ôl “local authority” mewnosoder “, other than a local authority in Wales,”.
- (3) Ar ôl is-adran (1) mewnosoder –
  - “(1A) Every local authority in Wales must, in each calendar year, cause a review to be conducted of the quality for the time being, and the likely future quality within the relevant period, of air within the authority’s area.”
- (4) Yn is-adran (2), ar ôl “subsection (1)” mewnosoder “or (1A)”.

**17 Cynlluniau gweithredu mewn perthynas ag ardaloedd rheoli ansawdd aer**

- (1) Ar ôl adran 83A o Ddeddf yr Amgylchedd 1995 (p. 25) mewnosoder –

**“83B Duties of Welsh local authorities in relation to designated areas**

- (1) This section applies in relation to a local authority in Wales.
- (2) A local authority must, for the purpose of securing that air quality standards and objectives are achieved in an air quality management area designated by the authority –
  - (a) prepare an action plan in relation to that area, and
  - (b) send a copy of the action plan to the Welsh Ministers for approval.
- (3) An action plan is a written plan that –
  - (a) sets out how the local authority will exercise its functions to secure that air quality standards and objectives are achieved in the area to which the plan relates, and
  - (b) in relation to each standard and objective, specifies a date by which the local authority will aim to achieve the standard or objective.
- (4) An action plan must also set out how the local authority will exercise its functions to secure that air quality standards and objectives are maintained after they have been achieved in the area to which the plan relates.
- (5) An action plan must –
  - (a) set out particular measures the local authority will take to secure the achievement and maintenance of air quality standards and objectives in the area to which the plan relates, and
  - (b) in relation to each measure, specify a date by which it will be carried out.

*Local air quality management*

**16 Local authority air quality reviews**

- (1) Section 82 of the Environment Act 1995 (c. 25) (local authority reviews) is amended as follows.
- (2) In subsection (1), after “local authority” insert “, other than a local authority in Wales,”.
- (3) After subsection (1) insert –
  - “(1A) Every local authority in Wales must, in each calendar year, cause a review to be conducted of the quality for the time being, and the likely future quality within the relevant period, of air within the authority’s area.”
- (4) In subsection (2), after “subsection (1)” insert “or (1A)”.

**17 Action plans in relation to air quality management areas**

- (1) After section 83A of the Environment Act 1995 (c. 25) insert –

**“83B Duties of Welsh local authorities in relation to designated areas**

- (1) This section applies in relation to a local authority in Wales.
- (2) A local authority must, for the purpose of securing that air quality standards and objectives are achieved in an air quality management area designated by the authority –
  - (a) prepare an action plan in relation to that area, and
  - (b) send a copy of the action plan to the Welsh Ministers for approval.
- (3) An action plan is a written plan that –
  - (a) sets out how the local authority will exercise its functions to secure that air quality standards and objectives are achieved in the area to which the plan relates, and
  - (b) in relation to each standard and objective, specifies a date by which the local authority will aim to achieve the standard or objective.
- (4) An action plan must also set out how the local authority will exercise its functions to secure that air quality standards and objectives are maintained after they have been achieved in the area to which the plan relates.
- (5) An action plan must –
  - (a) set out particular measures the local authority will take to secure the achievement and maintenance of air quality standards and objectives in the area to which the plan relates, and
  - (b) in relation to each measure, specify a date by which it will be carried out.



- (6) A local authority –
  - (a) may prepare revisions to an action plan at any time, and
  - (b) must prepare revisions to an action plan if it considers that there is a need for further or different measures to be taken to secure that air quality standards and objectives are achieved by the dates specified under subsection (3)(b), and are maintained, in the area to which the plan relates.
- (7) A local authority must send copies of revisions prepared under subsection (6) to the Welsh Ministers for approval.
- (8) An action plan, or a revision to an action plan, does not take effect unless the plan or revision is approved (with or without modifications) by the Welsh Ministers.”
- (2) Yn adran 84 o’r Ddeddf honno –
  - (a) yn is-adran (1A), hepgorer “or Wales”;
  - (b) yn y pennawd, hepgorer “and Welsh”.
- (3) Yn adran 91 o’r Ddeddf honno, yn y diffiniad o “action plan” yn is-adran (1), ar ôl paragraff (a) mewnosoder –
  - “(aa) in relation to Wales, in accordance with section 83B;”.

## 18 Pwerau cyfarwyddo Gweinidogion Cymru

Yn adran 85 o Ddeddf yr Amgylchedd 1995 (p. 25) (pwerau wrth gefn Gweinidogion Cymru), yn is-adran (3) –

- (a) hepgorer yr “or” ar ôl paragraff (c);
- (b) ar ôl paragraff (d) mewnosoder –
  - “(e) that a local authority in Wales has failed to carry out a measure specified in an action plan by the date specified in the plan in relation to that measure, or
  - (f) that an air quality standard or objective has not been achieved, within a designated area in Wales, by the date specified in the action plan for the area as the date by which the standard or objective is expected to be achieved,”.

*Rheoli mwg*

## 19 Rheoleiddio mwg a thanwydd mewn ardaloedd rheoli mwg

- (1) Mae Deddf Aer Glân 1993 (p. 11) wedi ei diwygio fel a ganlyn.
- (2) Ar ôl adran 19D (dehongli termau at ddibenion adran 19B) mewnosoder –

*“Regulation of smoke and fuel in smoke control areas in Wales*

### 19E Penalty for emission of smoke in smoke control area in Wales

Schedule 1A makes provision for financial penalties in relation to the emission of smoke in smoke control areas in Wales.



- (6) A local authority –
    - (a) may prepare revisions to an action plan at any time, and
    - (b) must prepare revisions to an action plan if it considers that there is a need for further or different measures to be taken to secure that air quality standards and objectives are achieved by the dates specified under subsection (3)(b), and are maintained, in the area to which the plan relates.
  - (7) A local authority must send copies of revisions prepared under subsection (6) to the Welsh Ministers for approval.
  - (8) An action plan, or a revision to an action plan, does not take effect unless the plan or revision is approved (with or without modifications) by the Welsh Ministers.”
- (2) In section 84 of that Act –
- (a) in subsection (1A), omit “or Wales”;
  - (b) in the heading, omit “and Welsh”.
- (3) In section 91 of that Act, in the definition of “action plan” in subsection (1), after paragraph (a) insert –
- “(aa) in relation to Wales, in accordance with section 83B;”.

## **18 Welsh Ministers’ powers of direction**

In section 85 of the Environment Act 1995 (c. 25) (reserve powers of the Welsh Ministers), in subsection (3) –

- (a) omit the “or” after paragraph (c);
- (b) after paragraph (d) insert –
  - “(e) that a local authority in Wales has failed to carry out a measure specified in an action plan by the date specified in the plan in relation to that measure, or
  - (f) that an air quality standard or objective has not been achieved, within a designated area in Wales, by the date specified in the action plan for the area as the date by which the standard or objective is expected to be achieved,”.

### *Smoke control*

## **19 Regulation of smoke and fuel in smoke control areas**

- (1) The Clean Air Act 1993 (c. 11) is amended as follows.
- (2) After section 19D (interpretation of terms for the purposes of section 19B) insert –
  - “*Regulation of smoke and fuel in smoke control areas in Wales*

### **19E Penalty for emission of smoke in smoke control area in Wales**

Schedule 1A makes provision for financial penalties in relation to the emission of smoke in smoke control areas in Wales.

**19F Acquisition and sale of unauthorised fuel: Wales**

- (1) Any person who—
  - (a) acquires any solid fuel for use in a building to which a smoke control order in Wales applies;
  - (b) acquires any solid fuel for use in a fireplace to which a smoke control order in Wales applies;
  - (c) acquires any solid fuel for use in any fixed boiler or industrial plant to which a smoke control order in Wales applies; or
  - (d) sells by retail any solid fuel in Wales for delivery by that person, or on that person's behalf, to—
    - (i) a building to which a smoke control order in Wales applies; or
    - (ii) premises in which there is any fixed boiler or industrial plant to which such an order applies,is guilty of an offence.
- (2) In subsection (1), "solid fuel" means any solid fuel other than an authorised fuel.
- (3) Subsection (1)(b) does not apply in relation to a fireplace that is an exempt fireplace at the time of the acquisition.
- (4) Subsection (1) is subject to any regulations under section 19H(1)(b) (exemptions by regulations for whole or part of smoke control area).
- (5) In proceedings for an offence under subsection (1)(d), it is a defence for the person accused to prove that the person believed and had reasonable grounds for believing—
  - (a) that the building referred to in sub-paragraph (i) of that subsection was not one to which the smoke control order in question applied, or
  - (b) that the fuel was acquired for use in—
    - (i) a fireplace that was, at the time of the delivery, an exempt fireplace, or
    - (ii) a boiler or plant to which the smoke control order did not apply.
- (6) A person guilty of an offence under this section is liable on summary conviction to a fine not exceeding level 3 on the standard scale.

**19G Section 19F: interpretation**

- (1) In section 19F, "exempt fireplace" means a fireplace of a type specified in a list published by the Welsh Ministers.

**19F Acquisition and sale of unauthorised fuel: Wales**

- (1) Any person who –
  - (a) acquires any solid fuel for use in a building to which a smoke control order in Wales applies;
  - (b) acquires any solid fuel for use in a fireplace to which a smoke control order in Wales applies;
  - (c) acquires any solid fuel for use in any fixed boiler or industrial plant to which a smoke control order in Wales applies; or
  - (d) sells by retail any solid fuel in Wales for delivery by that person, or on that person’s behalf, to –
    - (i) a building to which a smoke control order in Wales applies; or
    - (ii) premises in which there is any fixed boiler or industrial plant to which such an order applies,is guilty of an offence.
- (2) In subsection (1), “solid fuel” means any solid fuel other than an authorised fuel.
- (3) Subsection (1)(b) does not apply in relation to a fireplace that is an exempt fireplace at the time of the acquisition.
- (4) Subsection (1) is subject to any regulations under section 19H(1)(b) (exemptions by regulations for whole or part of smoke control area).
- (5) In proceedings for an offence under subsection (1)(d), it is a defence for the person accused to prove that the person believed and had reasonable grounds for believing –
  - (a) that the building referred to in sub-paragraph (i) of that subsection was not one to which the smoke control order in question applied, or
  - (b) that the fuel was acquired for use in –
    - (i) a fireplace that was, at the time of the delivery, an exempt fireplace, or
    - (ii) a boiler or plant to which the smoke control order did not apply.
- (6) A person guilty of an offence under this section is liable on summary conviction to a fine not exceeding level 3 on the standard scale.

**19G Section 19F: interpretation**

- (1) In section 19F, “exempt fireplace” means a fireplace of a type specified in a list published by the Welsh Ministers.

- (2) The Welsh Ministers may only specify a type of fireplace in the list if satisfied that such a fireplace can, if used in compliance with any conditions specified in the list, be used for burning solid fuels other than authorised fuels without producing any smoke or a substantial quantity of smoke.
- (3) In section 19F and this section, “authorised fuel” means a solid fuel included in a list of authorised fuels published by the Welsh Ministers.

#### **19H Exemptions relating to particular areas in Wales**

- (1) The Welsh Ministers may, if it appears to them to be necessary or expedient to do so, by regulations suspend or relax the operation of –
  - (a) Schedule 1A (penalty for emission of smoke), or
  - (b) section 19F(1) (offences relating to acquisition and sale of fuel),
 in relation to the whole or any part of a smoke control area in Wales.
- (2) Before making regulations under subsection (1), the Welsh Ministers must consult the local authority that declared the smoke control area in question unless satisfied that on account of urgency such consultation is impracticable.
- (3) As soon as practicable after the making of such regulations, the local authority must take such steps as appear to them suitable for bringing the effect of the regulations to the notice of persons affected by the regulations.”

#### **20 Canllawiau i awdurdodau lleol mewn perthynas ag ardaloedd rheoli mwg**

Ar ôl adran 28A o Ddeddf Aer Glân 1993 (p. 11) mewnosoder –

##### **“28B Guidance for local authorities in Wales**

A local authority in Wales must have regard to any guidance published by the Welsh Ministers about the exercise of the authority’s functions under this Part.”

#### **21 Darpariaeth bellach sy’n ymwneud â rheoli mwg**

Mae Atodlen 1 yn gwneud darpariaeth bellach sy’n ymwneud â rheoli mwg.

*Allyriadau cerbydau*

#### **22 Cynlluniau codi tâl ar ddefnyddwyr cefnffyrdd**

- (1) Mae Deddf Trafnidiaeth 2000 (p. 38) wedi ei diwygio fel a ganlyn.
- (2) Yn adran 167 (cynlluniau codi tâl ar ddefnyddwyr cefnffyrdd) –
  - (a) yn is-adran (2), yn y geiriau agoriadol, ar ôl “road charging scheme” mewnosoder “under subsection (1)(a)”;
  - (b) ar ôl is-adran (2) mewnosoder –

- (2) The Welsh Ministers may only specify a type of fireplace in the list if satisfied that such a fireplace can, if used in compliance with any conditions specified in the list, be used for burning solid fuels other than authorised fuels without producing any smoke or a substantial quantity of smoke.
- (3) In section 19F and this section, “authorised fuel” means a solid fuel included in a list of authorised fuels published by the Welsh Ministers.

**19H Exemptions relating to particular areas in Wales**

- (1) The Welsh Ministers may, if it appears to them to be necessary or expedient to do so, by regulations suspend or relax the operation of –
  - (a) Schedule 1A (penalty for emission of smoke), or
  - (b) section 19F(1) (offences relating to acquisition and sale of fuel),in relation to the whole or any part of a smoke control area in Wales.
- (2) Before making regulations under subsection (1), the Welsh Ministers must consult the local authority that declared the smoke control area in question unless satisfied that on account of urgency such consultation is impracticable.
- (3) As soon as practicable after the making of such regulations, the local authority must take such steps as appear to them suitable for bringing the effect of the regulations to the notice of persons affected by the regulations.”

**20 Guidance for local authorities in relation to smoke control areas**

After section 28A of the Clean Air Act 1993 (c. 11) insert –

**“28B Guidance for local authorities in Wales**

A local authority in Wales must have regard to any guidance published by the Welsh Ministers about the exercise of the authority’s functions under this Part.”

**21 Further provision relating to smoke control**

Schedule 1 makes further provision relating to smoke control.

*Vehicle emissions*

**22 Trunk road charging schemes**

- (1) The Transport Act 2000 (c. 38) is amended as follows.
- (2) In section 167 (trunk road charging schemes) –
  - (a) in subsection (2), in the opening words, after “road charging scheme” insert “under subsection (1)(a)”;
  - (b) after subsection (2) insert –

- “(3) A trunk road charging scheme under subsection (1)(b) may only be made in respect of a road if—
- (a) the road is carried by a bridge, or passes through a tunnel, of at least 600 metres in length,
  - (b) the scheme is made for the purpose of reducing or limiting air pollution in the vicinity of the road (which may comprise or include a length of road of the kind described in paragraph (a)), or
  - (c) a local traffic authority have requested the charging authority to make the scheme in connection with a charging scheme under this Part made or proposed by them.
- (4) Subsection (3)(b) does not prevent a scheme made by virtue of subsection (3)(c) from being made for the purpose of reducing or limiting air pollution.”
- (3) Yn adran 170 (cynlluniau codi tâl: ymgynghori a chynnal ymchwiliadau), yn is-adran (7)(a), ar ôl “section 167(2)(b)” mewnosoder “or (3)(c)”.

**23 Darpariaeth bellach sy’n ymwneud â chynlluniau codi tâl ar ddefnyddwyr cefnffyrdd**  
Mae Atodlen 2 yn gwneud darpariaeth ar gyfer, ac mewn cysylltiad â, chymhwyso’r enillion o gynlluniau codi tâl ar ddefnyddwyr cefnffyrdd a wneir at ddiben lleihau llygredd aer neu gyfyngu arno.

**24 Trosedd segura llonydd: cosb benodedig**

- (1) Mae Deddf yr Amgylchedd 1995 (p. 25) wedi ei diwygio fel a ganlyn.
- (2) Yn adran 87 (rheoliadau at ddibenion ansawdd aer) —
- (a) yn is-adran (2), ym mharagraff (o) —
    - (i) mae’r geiriau o “by payment of” hyd at y diwedd yn dod yn is-baragraff (i);
    - (ii) ar ddiwedd is-baragraff (i) mewnosoder “, or
      - (ii) by payment of a penalty of an amount that falls within a prescribed range, where the prescribed offence is a stationary idling offence prescribed by the Welsh Ministers and such a range is prescribed;”;
  - (b) ar ôl is-adran (2A) mewnosoder —
 

“(2B) In subsection (2)(o)(ii), “stationary idling offence” means an offence under section 42 of the Road Traffic Act 1988 that consists of a contravention of, or failure to comply with, so much of regulation 98 of the Road Vehicle (Construction and Use) Regulations 1986 (stopping of engine when stationary) as relates to the prevention of exhaust emissions.”
- (3) Yn Atodlen 11 (ansawdd aer: darpariaeth atodol), ym mharagraff 5 (troseddau cosb benodedig), yn is-baragraff (6) —
- (a) yn y diffiniad o “fixed penalty” —

- “(3) A trunk road charging scheme under subsection (1)(b) may only be made in respect of a road if—
- (a) the road is carried by a bridge, or passes through a tunnel, of at least 600 metres in length,
  - (b) the scheme is made for the purpose of reducing or limiting air pollution in the vicinity of the road (which may comprise or include a length of road of the kind described in paragraph (a)), or
  - (c) a local traffic authority have requested the charging authority to make the scheme in connection with a charging scheme under this Part made or proposed by them.
- (4) Subsection (3)(b) does not prevent a scheme made by virtue of subsection (3)(c) from being made for the purpose of reducing or limiting air pollution.”
- (3) In section 170 (charging schemes: consultation and inquiries), in subsection (7)(a), after “section 167(2)(b)” insert “or (3)(c)”.

## 23 Further provision relating to trunk road charging schemes

Schedule 2 makes provision for and in connection with the application of the proceeds of trunk road charging schemes made for the purpose of reducing or limiting air pollution.

## 24 Stationary idling offence: fixed penalty

- (1) The Environment Act 1995 (c.25) is amended as follows.
- (2) In section 87 (regulations for the purposes of air quality) —
- (a) in subsection (2), in paragraph (o) —
    - (i) the words from “by payment of” to the end become sub-paragraph (i);
    - (ii) at the end of sub-paragraph (i) insert “, or
      - (ii) by payment of a penalty of an amount that falls within a prescribed range, where the prescribed offence is a stationary idling offence prescribed by the Welsh Ministers and such a range is prescribed;”;
  - (b) after subsection (2A) insert —
 

“(2B) In subsection (2)(o)(ii), “stationary idling offence” means an offence under section 42 of the Road Traffic Act 1988 that consists of a contravention of, or failure to comply with, so much of regulation 98 of the Road Vehicle (Construction and Use) Regulations 1986 (stopping of engine when stationary) as relates to the prevention of exhaust emissions.”
- (3) In Schedule 11 (air quality: supplemental provision), in paragraph 5 (fixed penalty offences), in sub-paragraph (6) —
- (a) in the definition of “fixed penalty” —



- (i) mae'r geiriau o "a penalty of such amount" hyd at y diwedd yn dod yn baragraff (a);
- (ii) ar ddiwedd paragraff (a) mewnosoder ", or
  - (b) a penalty of such amount falling within a range prescribed in regulations as is specified in a fixed penalty notice;"
- (b) yn y diffiniad o "fixed penalty notice", ar y diwedd mewnosoder "or an amount falling within a range prescribed in regulations".

## RHAN 2

### SEINWEDDAU

#### *Strategaeth seinweddau genedlaethol*

#### 25 **Strategaeth genedlaethol ynghylch seinweddau**

- (1) Rhaid i Weinidogion Cymru lunio a chyhoeddi strategaeth sy'n cynnwys eu polisiau mewn cysylltiad ag asesu, rheoli a dylunio seinweddau yng Nghymru.
- (2) Rhaid i'r strategaeth gynnwys polisiau i asesu llygredd sŵn a'i reoli'n effeithiol.
- (3) Rhaid i Weinidogion Cymru gadw eu polisiau mewn cysylltiad â seinweddau o dan adolygiad.
- (4) Caiff Gweinidogion Cymru addasu'r strategaeth o bryd i'w gilydd.
- (5) Rhaid i Weinidogion Cymru adolygu'r strategaeth ac, os yw'n briodol, ei haddasu –
  - (a) o fewn 5 mlynedd i gyhoeddi'r strategaeth, a
  - (b) o fewn pob cyfnod o 5 mlynedd sy'n dechrau â'r diwrnod y cwblhaodd Gweinidogion Cymru eu hadolygiad diweddaraf o dan yr is-adran hon.
- (6) Rhaid i Weinidogion Cymru, wrth lunio neu adolygu'r strategaeth –
  - (a) rhoi sylw i –
    - (i) gwybodaeth wyddonol sy'n berthnasol i seinweddau, a
    - (ii) y mapiau sŵn strategol diweddaraf a fabwysiadwyd o dan reoliad 23 o Reoliadau Sŵn Amgylcheddol (Cymru) 2006 (O.S. 2006/2629);
  - (b) ymgynghori â –
    - (i) Corff Adnoddau Naturiol Cymru,
    - (ii) pob awdurdod lleol yng Nghymru,
    - (iii) pob Bwrdd Iechyd Lleol a sefydlwyd o dan adran 11 o Ddeddf y Gwasanaeth Iechyd Gwladol (Cymru) 2006 (p. 42),
    - (iv) pob ymddiriedolaeth Gwasanaeth Iechyd Gwladol a sefydlwyd o dan adran 18 o Ddeddf y Gwasanaeth Iechyd Gwladol (Cymru) 2006,
    - (v) pob bwrdd gwasanaethau cyhoeddus (o fewn ystyr Rhan 4 o Ddeddf Llesiant Cenedlaethau'r Dyfodol (Cymru) 2015 (dccc 2)),
    - (vi) Comisiynydd Cenedlaethau'r Dyfodol Cymru,
    - (vii) Trafnidiaeth Cymru, ac



- (i) the words from “a penalty of such amount” to the end become paragraph (a);
- (ii) at the end of paragraph (a) insert “, or
  - (b) a penalty of such amount falling within a range prescribed in regulations as is specified in a fixed penalty notice;”;
- (b) in the definition of “fixed penalty notice”, at the end insert “or an amount falling within a range prescribed in regulations”.

## PART 2

### SOUNDSCAPES

#### *National soundscapes strategy*

#### **25 National strategy on soundscapes**

- (1) The Welsh Ministers must prepare and publish a strategy containing their policies with respect to the assessment, management and design of soundscapes in Wales.
- (2) The strategy must include policies for assessing and effectively managing noise pollution.
- (3) The Welsh Ministers must keep their policies with respect to soundscapes under review.
- (4) The Welsh Ministers may modify the strategy from time to time.
- (5) The Welsh Ministers must review the strategy and, if appropriate, modify it –
  - (a) within 5 years of the publication of the strategy, and
  - (b) within each period of 5 years beginning with the day on which the Welsh Ministers completed their most recent review under this subsection.
- (6) The Welsh Ministers must, in preparing or reviewing the strategy –
  - (a) have regard to –
    - (i) scientific knowledge relevant to soundscapes, and
    - (ii) the most recent strategic noise maps adopted under regulation 23 of the Environmental Noise (Wales) Regulations 2006 (S.I 2006/2629);
  - (b) consult –
    - (i) the Natural Resources Body for Wales,
    - (ii) every local authority in Wales,
    - (iii) every Local Health Board established under section 11 of the National Health Service (Wales) Act 2006 (c. 42),
    - (iv) every National Health Service trust established under section 18 of the National Health Service (Wales) Act 2006,
    - (v) every public services board (within the meaning of Part 4 of the Well-being of Future Generations (Wales) Act 2015 (anaw 2)),
    - (vi) the Future Generations Commissioner for Wales,
    - (vii) Transport for Wales, and

(viii) y cyhoedd.

- (7) Caiff Gweinidogion Cymru drwy reoliadau ddiwygio'r adran hon at ddiben newid y cyfnod y mae rhaid iddynt adolygu'r strategaeth ynddo.
- (8) Os yw Gweinidogion Cymru yn cyhoeddi strategaeth sy'n bodloni gofynion is-adrannau (1) a (2) cyn i'r adran hon ddod i rym, mae'r strategaeth honno i'w thrin fel y strategaeth a luniwyd ac a gyhoeddwyd o dan is-adran (1) (ac nid yw is-adran (6) yn gymwys i lunio'r strategaeth).
- (9) Yn yr adran hon ac adran 26, ystyr "awdurdod lleol" yw cyngor sir neu gyngor bwrdeistref sirol.

## **26 Dyletswydd i roi sylw i strategaeth genedlaethol ynghylch seinweddau**

- (1) Rhaid i'r personau a ganlyn roi sylw i'r polisiau yn y strategaeth a gyhoeddir o dan adran 25 wrth arfer unrhyw swyddogaeth o natur gyhoeddus a allai effeithio ar seinweddau yng Nghymru –
  - (a) awdurdodau lleol yng Nghymru;
  - (b) awdurdodau cyhoeddus Cymreig perthnasol.
- (2) Yn yr adran hon, ystyr "awdurdod cyhoeddus Cymreig perthnasol" yw person a ddynodir yn unol ag is-adran (3) yn awdurdod cyhoeddus Cymreig perthnasol.
- (3) Caiff Gweinidogion Cymru drwy reoliadau ddynodi person yn awdurdod cyhoeddus Cymreig perthnasol os (a dim ond os) yw'r person hwnnw yn "devolved Welsh authority" o fewn ystyr adran 157A(1)(a) o Ddeddf Llywodraeth Cymru 2006 (p. 32).
- (4) Cyn gwneud rheoliadau o dan is-adran (3), rhaid i Weinidogion Cymru ymgynghori ag –
  - (a) y person y cynigir ei ddynodi, a
  - (b) unrhyw bersonau eraill y mae Gweinidogion Cymru yn ystyried eu bod yn briodol.

*Mapiau sŵn strategol a chynlluniau gweithredu ar sŵn*

## **27 Pŵer i newid cylchoedd ar gyfer gwneud mapiau sŵn strategol ac adolygu cynlluniau gweithredu ar sŵn**

- (1) Caiff Gweinidogion Cymru drwy reoliadau ddiwygio rheoliad 7 o Reoliadau Sŵn Amgylcheddol (Cymru) 2006 (O.S. 2006/2629) (dyletswydd Gweinidogion Cymru i wneud, adolygu a diwygio mapiau sŵn strategol) er mwyn newid yr ysbeidiau a bennir am y tro gan baragraff (2) o'r rheoliad hwnnw fel yr ysbeidiau y mae rhaid gwneud a mabwysiadu mapiau sŵn strategol arnynt.
- (2) Caiff Gweinidogion Cymru drwy reoliadau ddiwygio rheoliad 17 o Reoliadau Sŵn Amgylcheddol (Cymru) 2006 (dyletswydd Gweinidogion Cymru i lunio, adolygu a diwygio cynlluniau gweithredu) er mwyn newid y cyfnod a bennir am y tro gan baragraff (3)(b) o'r rheoliad hwnnw fel y cyfnod y mae rhaid cynnal adolygiadau o gynllun gweithredu ynddo.

(viii) the public.

- (7) The Welsh Ministers may by regulations amend this section for the purpose of changing the period within which they must review the strategy.
- (8) If the Welsh Ministers publish a strategy that meets the requirements of subsections (1) and (2) before this section comes into force, that strategy is to be treated as the strategy prepared and published under subsection (1) (and subsection (6) does not apply to the preparation of the strategy).
- (9) In this section and section 26, “local authority” means a county council or county borough council.

**26 Duty to have regard to national strategy on soundscapes**

- (1) The following persons must have regard to the policies in the strategy published under section 25 when exercising any function of a public nature that could affect soundscapes in Wales—
  - (a) local authorities in Wales;
  - (b) relevant Welsh public authorities.
- (2) In this section, “relevant Welsh public authority” means a person designated in accordance with subsection (3) as a relevant Welsh public authority.
- (3) The Welsh Ministers may by regulations designate a person as a relevant Welsh public authority if (and only if) that person is a “devolved Welsh authority” within the meaning of section 157A(1)(a) of the Government of Wales Act 2006 (c. 32).
- (4) Before making regulations under subsection (3), the Welsh Ministers must consult—
  - (a) the person that is proposed to be designated, and
  - (b) such other persons as the Welsh Ministers consider appropriate.

*Strategic noise maps and noise action plans*

**27 Power to change cycles for making strategic noise maps and reviewing noise action plans**

- (1) The Welsh Ministers may by regulations amend regulation 7 of the Environmental Noise (Wales) Regulations 2006 (S.I. 2006/2629) (duty of the Welsh Ministers to make, review and revise strategic noise maps) to change the intervals for the time being specified by paragraph (2) of that regulation as the intervals at which strategic noise maps must be made and adopted.
- (2) The Welsh Ministers may by regulations amend regulation 17 of the Environmental Noise (Wales) Regulations 2006 (duty of the Welsh Ministers to draw up, review and revise action plans) to change the period for the time being specified by paragraph (3)(b) of that regulation as the period within which reviews of an action plan must be carried out.

**RHAN 3****CYFFREDINOL****28 Pŵer i wneud darpariaeth ganlyniadol, darpariaeth drosiannol 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 ynnddi, cânt drwy reoliadau wneud –
  - (a) darpariaeth atodol, darpariaeth ddeilliadol neu ddarpariaeth ganlyniadol;
  - (b) darpariaeth drosiannol neu ddarpariaeth arbed.
- (2) Caiff rheoliadau o dan is-adran (1) addasu unrhyw ddeddfiad (pa bryd bynnag y'i deddfir neu y'i gwneir, a chan gynnwys y Ddeddf hon).

**29 Rheoliadau**

- (1) Mae pŵer i wneud rheoliadau o dan y Ddeddf hon yn arferadwy drwy offeryn statudol.
- (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.
- (3) Ni chaniateir gwneud offeryn statudol y mae'r is-adran hon yn gymwys iddo oni bai bod drafft o'r offeryn wedi ei osod gerbron Senedd Cymru ac wedi ei gymeradwyo ganddi drwy benderfyniad.
- (4) Mae is-adran (3) yn gymwys i offeryn statudol sy'n cynnwys rheoliadau o dan unrhyw un neu ragor o'r darpariaethau a ganlyn –
  - (a) adran 1;
  - (b) adran 2;
  - (c) adran 25(7);
  - (d) adran 26(3).
- (5) Mae is-adran (3) hefyd yn gymwys i offeryn statudol sy'n cynnwys rheoliadau o dan adran 28 sy'n addasu unrhyw ddarpariaeth mewn deddfwriaeth sylfaenol.
- (6) Mae unrhyw offeryn statudol arall sy'n cynnwys rheoliadau o dan y Ddeddf hon yn ddarostyngedig i'w ddiddymu yn unol â phenderfyniad gan Senedd Cymru.
- (7) Yn yr adran hon, ystyr "deddfwriaeth sylfaenol" yw unrhyw un neu ragor o'r canlynol –
  - (a) Deddf gan Senedd Cymru;
  - (b) Mesur gan y Cynulliad;
  - (c) Deddf gan Senedd y Deyrnas Unedig.

**30 Dod i rym**

- (1) Daw'r Rhan hon i rym drannoeth y diwrnod y caiff y Ddeddf hon y Cydsyniad Brenhinol.

**PART 3**  
**GENERAL**

**28 Power to make consequential, transitional 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 –
  - (a) supplementary, incidental or consequential provision;
  - (b) transitional or saving provision.
- (2) Regulations under subsection (1) may modify any enactment (whenever enacted or made, and including this Act).

**29 Regulations**

- (1) A power to make regulations under this Act is exercisable by 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) A statutory instrument to which this subsection applies may not be made unless a draft of the instrument has been laid before, and approved by resolution of, Senedd Cymru.
- (4) Subsection (3) applies to a statutory instrument containing regulations under any of the following provisions –
  - (a) section 1;
  - (b) section 2;
  - (c) section 25(7);
  - (d) section 26(3).
- (5) Subsection (3) also applies to a statutory instrument containing regulations under section 28 that modify any provision of primary legislation.
- (6) Any other statutory instrument containing regulations under this Act is subject to annulment in pursuance of a resolution of Senedd Cymru.
- (7) In this section, “primary legislation” means any of the following –
  - (a) an Act of Senedd Cymru;
  - (b) an Assembly Measure;
  - (c) an Act of the Parliament of the United Kingdom.

**30 Coming into force**

- (1) This Part comes into force on the day after the day on which this Act receives Royal Assent.

- (2) Daw'r darpariaethau a ganlyn i rym ar ddiwedd y cyfnod o ddau fis sy'n dechrau â'r diwrnod y caiff y Ddeddf hon y Cydsyniad Brenhinol –
- (a) adrannau 1 i 6;
  - (b) adran 8;
  - (c) adran 9;
  - (d) adrannau 10, 12, 13 a 14;
  - (e) adran 15;
  - (f) adrannau 22 ac 23 ac Atodlen 2;
  - (g) adran 24;
  - (h) adrannau 25 a 26;
  - (i) adran 27.
- (3) Daw darpariaethau eraill y Ddeddf hon i rym ar ddiwrnod a bennir gan Weinidogion Cymru mewn gorchymyn a wneir drwy offeryn statudol.
- (4) Caiff gorchymyn o dan is-adran (3) –
- (a) gwneud darpariaeth drosiannol neu ddarpariaeth arbed;
  - (b) pennu diwrnodau gwahanol at ddibenion gwahanol.

### **31 Enw byr**

Enw byr y Ddeddf hon yw Deddf yr Amgylchedd (Ansawdd Aer a Seinweddau) (Cymru) 2024.

- (2) The following provisions come into force at the end of the period of two months beginning with the day on which this Act receives Royal Assent –
  - (a) sections 1 to 6;
  - (b) section 8;
  - (c) section 9;
  - (d) sections 10, 12, 13 and 14;
  - (e) section 15;
  - (f) sections 22 and 23 and Schedule 2;
  - (g) section 24;
  - (h) sections 25 and 26;
  - (i) section 27.
- (3) The other provisions of this Act come into force on a day appointed by the Welsh Ministers in an order made by statutory instrument.
- (4) An order under subsection (3) –
  - (a) may make transitional or saving provision;
  - (b) may appoint different days for different purposes.

**31 Short title**

The short title of this Act is the Environment (Air Quality and Soundscapes) (Wales) Act 2024.

## ATODLEN 1

*(a gyflwynir gan adran 21)*

## RHEOLI MWG

## RHAN 1

## DARPARIAETH BELLACH MEWN PERTHYNAS Â CHOSBAU ARIANNOL

- 1 Mae Deddf Aer Glân 1993 (p. 11) wedi ei diwygio fel a ganlyn.
- 2 Ym mhennawd Atodlen 1A, ar ôl "IN ENGLAND" mewnosoder "OR WALES".
- 3 Ym mharagraff 1 o Atodlen 1A (diffiniadau allweddol) –
- (a) ar ôl y diffiniad o "person liable" mewnosoder –
- ""relevant national authority" means –
- (a) in relation to a smoke control order in England, the Secretary of State;
- (b) in relation to a smoke control order in Wales, the Welsh Ministers;"
- (b) ym mharagraffau (a) a (b) o'r diffiniad o "relevant chimney", ar ôl "in England" mewnosoder "or in Wales".
- 4 Ym mharagraff 3 o Atodlen 1A (swm y gosb) –
- (a) yn is-baragraff (3), yn lle "Secretary of State" rhodder "relevant national authority";
- (b) yn is-baragraff (4), ar ôl "may not be made" mewnosoder "by the Secretary of State";
- (c) ar ôl is-baragraff (4) mewnosoder –
- "(5) Regulations under sub-paragraph (3) may not be made by the Welsh Ministers unless a draft of the regulations has been laid before, and approved by a resolution of, Senedd Cymru."
- 5 Ym mharagraff 4 o Atodlen 1A (hawl i wrthwynebu cosb ariannol arfaethedig) –
- (a) yn is-baragraff (4), yn lle "Secretary of State" rhodder "the relevant national authority";
- (b) yn is-baragraff (5), yn y ddau le y mae'n digwydd, yn lle "Secretary of State" rhodder "the relevant national authority";
- (c) yn is-baragraff (6), ar ôl "may not be made" mewnosoder "by the Secretary of State";
- (d) ar ôl is-baragraff (6) mewnosoder –
- "(7) Regulations under sub-paragraph (4) may not be made by the Welsh Ministers unless a draft of the regulations has been laid before, and approved by resolution of, Senedd Cymru."
- 6 Ym mharagraff 5 o Atodlen 1A (penderfyniad ynghylch hysbysiad terfynol), yng ngeiriau agoriadol is-baragraff (1), hepgorer "in England".
- 7 Ym mharagraff 6 o Atodlen 1A (hysbysiad terfynol), yn is-baragraff (1), hepgorer "in England".



SCHEDULE 1

*(introduced by section 21)*

SMOKE CONTROL

PART 1

FURTHER PROVISION IN RELATION TO FINANCIAL PENALTIES

- 1 The Clean Air Act 1993 (c. 11) is amended as follows.
- 2 In the heading of Schedule 1A, after “IN ENGLAND” insert “OR WALES”.
- 3 In paragraph 1 of Schedule 1A (key definitions) –
  - (a) after the definition of “person liable” insert –
    - ““relevant national authority” means –
    - (a) in relation to a smoke control order in England, the Secretary of State;
    - (b) in relation to a smoke control order in Wales, the Welsh Ministers;”
  - (b) in paragraphs (a) and (b) of the definition of “relevant chimney”, after “in England” insert “or in Wales”.
- 4 In paragraph 3 of Schedule 1A (amount of penalty) –
  - (a) in sub-paragraph (3), for “Secretary of State” substitute “relevant national authority”;
  - (b) in sub-paragraph (4), after “may not be made” insert “by the Secretary of State”;
  - (c) after sub-paragraph (4) insert –
    - “(5) Regulations under sub-paragraph (3) may not be made by the Welsh Ministers unless a draft of the regulations has been laid before, and approved by a resolution of, Senedd Cymru.”
- 5 In paragraph 4 of Schedule 1A (right to object to proposed financial penalty) –
  - (a) in sub-paragraph (4), for “Secretary of State” substitute “the relevant national authority”;
  - (b) in sub-paragraph (5), at both places it occurs, for “Secretary of State” substitute “the relevant national authority”;
  - (c) in sub-paragraph (6), after “may not be made” insert “by the Secretary of State”;
  - (d) after sub-paragraph (6) insert –
    - “(7) Regulations under sub-paragraph (4) may not be made by the Welsh Ministers unless a draft of the regulations has been laid before, and approved by resolution of, Senedd Cymru.”
- 6 In paragraph 5 of Schedule 1A (decision regarding a final notice), in the opening words of sub-paragraph (1), omit “in England”.
- 7 In paragraph 6 of Schedule 1A (final notice), in sub-paragraph (1), omit “in England”.

## RHAN 2

## GWARIANT AR HEN ANHEDDAU PREIFAT

- 8 Mae Deddf Aer Glân 1993 (p. 11) wedi ei diwygio fel a ganlyn.
- 9 Yn Atodlen 2 (gorchmynion rheoli mwg: gwariant ar hen anheddau preifat) –
- (a) hepgorer paragraffau 1, 2 a 3;
  - (b) ym mharagraff 4(1), hepgorer paragraffau (a) a (b);
  - (c) ym mharagraff 4(2), hepgorer paragraffau (a) a (b).

## RHAN 3

## MÂN DDIWYGIADAU, DIWYGIADAU CANLYNIADOL A DIDDYMIADAU

*Deddf Aer Glân 1993 (p. 11)*

- 10 Mae Deddf Aer Glân 1993 wedi ei diwygio fel a ganlyn.
- 11 Yn adran 18 (datgan ardal rheoli mwg gan awdurdod lleol) –
- (a) yn is-adran (2)(b), yn lle'r geiriau o "section 20" hyd at "in England" rhodder "Schedule 1A (penalty for emission of smoke in England or in Wales)";
  - (b) yn is-adran (2A), ar ôl "England" mewnosoder "or in Wales (as the case may be)".
- 12 Mae adrannau 20 i 23 (gan gynnwys y penawdau italig uwchben adrannau 20 a 23) wedi eu diddymu.
- 13 Yn adran 24 (pŵer awdurdod lleol i'w gwneud yn ofynnol i addasu lleoedd tân mewn anheddau preifat), yn is-adran (1), yn lle'r geiriau o "contraventions" hyd at y diwedd rhodder "the imposition of a financial penalty under Schedule 1A (penalty for emission of smoke in England or Wales)".
- 14 Yn adran 26 (pŵer awdurdod lleol i roi grantiau tuag at addasiadau i leoedd tân mewn adeiladau penodol), yn is-adran (1), yn lle'r geiriau o "contraventions" hyd at "England" rhodder "the imposition of a financial penalty under Schedule 1A (penalty for emission of smoke in England or Wales)".
- 15 Yn adran 27 (cyfeiriadau at addasiadau er mwyn osgoi torri adran 20 neu Atodlen 1A) –
- (a) yn y pennawd, hepgorer "section 20 or";
  - (b) yn is-adran (1) –
    - (i) yn y geiriau agoriadol, yn lle'r geiriau o "contraventions" hyd at "England" rhodder "the imposition of a financial penalty under Schedule 1A (penalty for emission of smoke in England or Wales)";
    - (ii) yn y geiriau ar ôl paragraff (e), hepgorer "contraventions of section 20 or";
  - (c) yn is-adran (3), hepgorer "contraventions of section 20 of this Act or".
- 16 Yn adran 29 (dehongli Rhan 3) –
- (a) hepgorer y diffiniad o "authorised fuel";
  - (b) ar ôl y diffiniad o "smoke control order in England" mewnosoder –

PART 2

EXPENDITURE ON OLD PRIVATE DWELLINGS

- 8 The Clean Air Act 1993 (c. 11) is amended as follows.
- 9 In Schedule 2 (smoke control orders: expenditure on old private dwellings) –
- (a) omit paragraphs 1, 2 and 3;
  - (b) in paragraph 4(1), omit paragraphs (a) and (b);
  - (c) in paragraph 4(2), omit paragraphs (a) and (b).

PART 3

MINOR AND CONSEQUENTIAL AMENDMENTS AND REPEALS

*Clean Air Act 1993 (c. 11)*

- 10 The Clean Air Act 1993 is amended as follows.
- 11 In section 18 (declaration of smoke control area by local authority) –
- (a) in subsection (2)(b), for the words from “section 20” to “in England)” substitute “Schedule 1A (penalty for emission of smoke in England or in Wales)”;
  - (b) in subsection (2A), after “England” insert “or in Wales (as the case may be)”.
- 12 Sections 20 to 23 (including the italic headings above sections 20 and 23) are repealed.
- 13 In section 24 (power of local authority to require adaptation of fireplaces in private dwellings), in subsection (1), for the words from “contraventions” to the end substitute “the imposition of a financial penalty under Schedule 1A (penalty for emission of smoke in England or Wales)”.
- 14 In section 26 (power of local authority to make grants towards adaptations to fireplaces in certain buildings), in subsection (1), for the words from “contraventions” to “England)” substitute “the imposition of a financial penalty under Schedule 1A (penalty for emission of smoke in England or Wales)”.
- 15 In section 27 (references to adaptations for avoiding contraventions of section 20 or Schedule 1A) –
- (a) in the heading, omit “section 20 or”;
  - (b) in subsection (1) –
    - (i) in the opening words, for the words from “contraventions” to “England)” substitute “the imposition of a financial penalty under Schedule 1A (penalty for emission of smoke in England or Wales)”;
    - (ii) in the words after paragraph (e), omit “contraventions of section 20 or”;
  - (c) in subsection (3), omit “contraventions of section 20 of this Act or”.
- 16 In section 29 (interpretation of Part 3) –
- (a) omit the definition of “authorised fuel”;
  - (b) after the definition of “smoke control order in England” insert –

““smoke control order in Wales” means a smoke control order made by a local authority in Wales.”

- 17 Yn adran 45 (esemptiad at ddibenion ymchwiliadau ac ymchwil) –
- (a) yn is-adran (1)(a), hepgorer “, 20 (smoke in smoke control area)”;
  - (b) yn is-adran (1)(e), yn lle “section 23” rhodder “section 19F”.
- 18 Yn adran 51 (dyletswydd i hysbysu meddianwyr am droseddau) –
- (a) yn is-adran (1)(a), yn lle “, 2 or 20” rhodder “or 2”;
  - (b) yn is-adran (3), yn lle “, 2 or 20” rhodder “or 2”.
- 19 Yn adran 61 (arfer swyddogaethau awdurdodau lleol ar y cyd), yn is-adran (3)(b) yn lle “, Schedule 1 and paragraph 1 of Schedule 2” rhodder “and Schedule 1”.
- 20 Yn adran 63 (rheoliadau a gorchmynion) –
- (a) yn is-adran (2), ar ôl “made under this Act” mewnosoder “by the Secretary of State”;
  - (b) ar ôl is-adran (2) mewnosoder –
    - “(2A) Any statutory instrument containing regulations made under this Act by the Welsh Ministers, except an instrument containing regulations a draft of which is required by section 6(3), 10(5) or 47(2) or paragraph 3(5) or 4(7) of Schedule 1A to be approved by a resolution of Senedd Cymru, is subject to annulment in pursuance of a resolution of Senedd Cymru.”
  - (c) yn is-adran (3), hepgorer “, 21 or 22”.
- 21 Yn Atodlen 1 (gorchmynion rheoli mwg yn dod yn weithredol) –
- (a) ar ôl paragraff 1 mewnosoder –
    - “1A If the local authority is in Wales, it must also publish the notice electronically and keep it published throughout the period mentioned in paragraph 1(b).
    - 1B The requirement in paragraph 1A to publish the notice electronically is a requirement to publish the notice on the local authority’s website, if it has one.”
  - (b) ym mharagraff 5, yn lle’r geiriau o “section 20” hyd at “in England” rhodder “Schedule 1A (penalty for emission of smoke in England or Wales)”;
  - (c) ar ôl paragraff 6A mewnosoder –
    - “6B When a local authority in Wales has made an order, the authority must –
      - (a) inform the Welsh Ministers that it has done so, and
      - (b) provide the date on which the order is to come, or came, into operation.”
- 22 Yn Atodlen 5 (darpariaethau trosiannol) –
- (a) ar ôl paragraff 12 mewnosoder –

““smoke control order in Wales” means a smoke control order made by a local authority in Wales.”

- 17 In section 45 (exemption for purposes of investigations and research) –
- (a) in subsection (1)(a), omit “, 20 (smoke in smoke control area)”;
  - (b) in subsection (1)(e), for “section 23” substitute “section 19F”.
- 18 In section 51 (duty to notify occupiers of offences) –
- (a) in subsection (1)(a), for “, 2 or 20” substitute “or 2”;
  - (b) in subsection (3), for “, 2 or 20” substitute “or 2”.
- 19 In section 61 (joint exercise of local authority functions), in subsection (3)(b) for “, Schedule 1 and paragraph 1 of Schedule 2” substitute “and Schedule 1”.
- 20 In section 63 (regulations and orders) –
- (a) in subsection (2), after “made under this Act” insert “by the Secretary of State”;
  - (b) after subsection (2) insert –
    - “(2A) Any statutory instrument containing regulations made under this Act by the Welsh Ministers, except an instrument containing regulations a draft of which is required by section 6(3), 10(5) or 47(2) or paragraph 3(5) or 4(7) of Schedule 1A to be approved by a resolution of Senedd Cymru, is subject to annulment in pursuance of a resolution of Senedd Cymru.”
  - (c) in subsection (3), omit “, 21 or 22”.
- 21 In Schedule 1 (coming into operation of smoke control orders) –
- (a) after paragraph 1 insert –
    - “1A If the local authority is in Wales, it must also publish the notice electronically and keep it published throughout the period mentioned in paragraph 1(b).
    - 1B The requirement in paragraph 1A to publish the notice electronically is a requirement to publish the notice on the local authority’s website, if it has one.”
  - (b) in paragraph 5, for the words from “section 20” to “in England)” substitute “Schedule 1A (penalty for emission of smoke in England or Wales)”;
  - (c) after paragraph 6A insert –
    - “6B When a local authority in Wales has made an order, the authority must –
      - (a) inform the Welsh Ministers that it has done so, and
      - (b) provide the date on which the order is to come, or came, into operation.”
- 22 In Schedule 5 (transitional provisions) –
- (a) after paragraph 12 insert –

“12A If the local authority is in Wales it must also publish the notice electronically and keep it published throughout the period mentioned in paragraph 12(b).

12B The requirement in paragraph 12A to publish the notice electronically is a requirement to publish the notice on the local authority’s website, if it has one.”

(b) ym mharagraff 13, ar ôl “paragraph 12” mewnosder “and (if relevant) paragraph 12A”.

*Deddf yr Amgylchedd 2021 (p. 30)*

23 Yn Neddf yr Amgylchedd 2021 –

- (a) yn adran 147(4) (pwerau cychwyn Gweinidogion Cymru), hepgorer paragraff (f);
- (b) mae Rhan 2 o Atodlen 12 (prif ddiwygiadau i Ddeddf Aer Glân 1993: Cymru) wedi ei diddymu.

“12A If the local authority is in Wales, it must also publish the notice electronically and keep it published throughout the period mentioned in paragraph 12(b)

12B The requirement in paragraph 12A to publish the notice electronically is a requirement to publish the notice on the local authority’s website, if it has one.”

(b) in paragraph 13, after “paragraph 12” insert “and (if relevant) paragraph 12A”.

*Environment Act 2021 (c. 30)*

23 In the Environment Act 2021 –

- (a) in section 147(4) (commencement powers of Welsh Ministers), omit paragraph (f);
- (b) Part 2 of Schedule 12 (principal amendments to the Clean Air Act 1993: Wales) is repealed.

## ATODLEN 2

*(a gyflwynir gan adran 23)*

## CYNLLUNIAU CODI TÂL AR DDEFNYDDWYR CEFNFFYRDD: CYMHWYSO'R ENILLION

- 1 Mae Deddf Trafnidiaeth 2000 (p. 38) wedi ei diwygio fel a ganlyn.
- 2 Ym mharagraff 2(4) o Atodlen 12 (darpariaeth ariannol ynghylch codi tâl ar ddefnyddwyr ffyrdd), ar ôl "section 167(2)(b)" mewnosoder "or (3)(c)".
- 3 Ym mharagraff 3(2) o'r Atodlen honno, yn y geiriau agoriadol, ar ôl "section 167(2)(b)" mewnosoder "or (3)(c)".
- 4 Yn y croesbennawd o flaen paragraff 13 o'r Atodlen honno, hepgorer "and Assembly".
- 5 Ym mharagraff 13 o'r Atodlen honno –
- (a) yn is-baragraff (1), yn lle "relevant authority's" rhodder "Secretary of State's";
  - (b) yn is-baragraff (4), yn lle "appropriate national authority" rhodder "Secretary of State";
  - (c) yn is-baragraff (5) –
    - (i) yn lle "relevant authority's" rhodder "Secretary of State's";
    - (ii) yn lle "appropriate national authority" rhodder "Secretary of State".
- 6 Ar ôl paragraff 13 o'r Atodlen honno mewnosoder –

*"Application of proceeds by Welsh Ministers*

- 14 (1) In the case of a trunk road charging scheme –
- (a) which is made by virtue of subsection (3) of section 167, and
  - (b) which is made wholly or partly for the purpose of reducing or limiting air pollution,
- the Welsh Ministers must publish a statement and lay it before Senedd Cymru as soon as reasonably practicable after the scheme is made.
- (2) The statement must –
- (a) state that the scheme is made wholly or partly for the purpose of limiting or reducing air pollution;
  - (b) provide an estimate of the net proceeds of the scheme for at least the first five financial years in which the scheme will be in operation;
  - (c) specify how the Welsh Ministers propose to apply their share of those net proceeds, and
  - (d) provide an assessment of the expected effect of those proposals on air quality (if any).
- 15 (1) In the case of a trunk road charging scheme –
- (a) which is made by virtue of subsection (3) of section 167, and



SCHEDULE 2

*(introduced by section 23)*

TRUNK ROAD CHARGING SCHEMES: APPLICATION OF PROCEEDS

- 1 The Transport Act 2000 (c. 38) is amended as follows.
- 2 In paragraph 2(4) of Schedule 12 (financial provision about road user charging), after “section 167(2)(b)” insert “or (3)(c)”.
- 3 In paragraph 3(2) of that Schedule, in the opening words, after “section 167(2)(b)” insert “or (3)(c)”.
- 4 In the cross-heading before paragraph 13 of that Schedule, omit “and Assembly”.
- 5 In paragraph 13 of that Schedule –
- (a) in sub-paragraph (1), for “relevant authority’s” substitute “Secretary of State’s”;
  - (b) in sub-paragraph (4), for “appropriate national authority” substitute “Secretary of State”;
  - (c) in sub-paragraph (5) –
    - (i) for “relevant authority’s” substitute “Secretary of State’s”;
    - (ii) for “appropriate national authority” substitute “Secretary of State”.
- 6 After paragraph 13 of that Schedule insert –

*“Application of proceeds by Welsh Ministers*

- 14 (1) In the case of a trunk road charging scheme –
- (a) which is made by virtue of subsection (3) of section 167, and
  - (b) which is made wholly or partly for the purpose of reducing or limiting air pollution,
- the Welsh Ministers must publish a statement and lay it before Senedd Cymru as soon as reasonably practicable after the scheme is made.
- (2) The statement must –
- (a) state that the scheme is made wholly or partly for the purpose of limiting or reducing air pollution;
  - (b) provide an estimate of the net proceeds of the scheme for at least the first five financial years in which the scheme will be in operation;
  - (c) specify how the Welsh Ministers propose to apply their share of those net proceeds, and
  - (d) provide an assessment of the expected effect of those proposals on air quality (if any).
- 15 (1) In the case of a trunk road charging scheme –
- (a) which is made by virtue of subsection (3) of section 167, and

- (b) which is not made (either wholly or partly) for the purpose of reducing or limiting air pollution,

the Welsh Ministers' share of the net proceeds of the scheme is available only for application for the purpose of directly or indirectly facilitating the achievement of any policies or proposals relating to transport.

- (2) Where the scheme is made by virtue of paragraph (a) of subsection (3) of section 167, sub-paragraph (1) applies only during the period of ten years beginning with the coming into force of the scheme.
- (3) The Welsh Ministers may by regulations make provision as to circumstances in which—
  - (a) the same scheme is to be regarded as continuing in force in spite of a variation of the scheme or the revocation and replacement (with or without modifications) of the scheme, or
  - (b) a different scheme is, or is not, to be regarded as coming into force,

for the purposes of determining when the period specified in sub-paragraph (2) begins or expires in the case of a scheme.

- (4) Where sub-paragraph (1) no longer applies to a scheme made by virtue of paragraph (a) of subsection (3) of section 167, the Welsh Ministers' share of the net proceeds of the scheme is available to be applied only as may be specified in, or determined in accordance with, regulations made by the Welsh Ministers.
- (5) The provision that may be made by regulations under sub-paragraph (4) includes provision for sub-paragraph (2) to apply with the substitution for the number of years for the time being mentioned in it of a number of years greater than ten."

7 Yn adran 197 (Rhan 3: rheoliadau a gorchmynion),

- (a) yn is-adran (6), yn lle "National Assembly for Wales" rhodder "Welsh Ministers";
- (b) ar ôl is-adran (6) mewnosoder —

"(7) Regulations shall not be made by the Welsh Ministers under —

- (a) section 182(5), or
- (b) paragraph 15(4) of Schedule 12,

unless a draft of the regulations has been laid before, and approved by a resolution of, Senedd Cymru.

- (8) A statutory instrument containing regulations made by the Welsh Ministers under any other provision of this Part shall be subject to annulment in pursuance of a resolution of Senedd Cymru.
- (9) The references in subsections (7) and (8) to regulations made by the Welsh Ministers include regulations made by them jointly with the Secretary of State."

- (b) which is not made (either wholly or partly) for the purpose of reducing or limiting air pollution,

the Welsh Ministers' share of the net proceeds of the scheme is available only for application for the purpose of directly or indirectly facilitating the achievement of any policies or proposals relating to transport.

- (2) Where the scheme is made by virtue of paragraph (a) of subsection (3) of section 167, sub-paragraph (1) applies only during the period of ten years beginning with the coming into force of the scheme.
- (3) The Welsh Ministers may by regulations make provision as to circumstances in which—
  - (a) the same scheme is to be regarded as continuing in force in spite of a variation of the scheme or the revocation and replacement (with or without modifications) of the scheme, or
  - (b) a different scheme is, or is not, to be regarded as coming into force,

for the purposes of determining when the period specified in sub-paragraph (2) begins or expires in the case of a scheme.

- (4) Where sub-paragraph (1) no longer applies to a scheme made by virtue of paragraph (a) of subsection (3) of section 167, the Welsh Ministers' share of the net proceeds of the scheme is available to be applied only as may be specified in, or determined in accordance with, regulations made by the Welsh Ministers.
- (5) The provision that may be made by regulations under sub-paragraph (4) includes provision for sub-paragraph (2) to apply with the substitution for the number of years for the time being mentioned in it of a number of years greater than ten."

7 In section 197 (Part 3: regulations and orders) –

- (a) in subsection (6), for "National Assembly for Wales" substitute "Welsh Ministers";
- (b) after subsection (6) insert –

"(7) Regulations shall not be made by the Welsh Ministers under –

- (a) section 182(5), or
- (b) paragraph 15(4) of Schedule 12,

unless a draft of the regulations has been laid before, and approved by a resolution of, Senedd Cymru.

- (8) A statutory instrument containing regulations made by the Welsh Ministers under any other provision of this Part shall be subject to annulment in pursuance of a resolution of Senedd Cymru.
- (9) The references in subsections (7) and (8) to regulations made by the Welsh Ministers include regulations made by them jointly with the Secretary of State."











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