



CYNULLIAD CENEDLAETHOL CYMRU

NATIONAL ASSEMBLY FOR WALES

OFFERYNNAU STATUDOL

STATUTORY INSTRUMENTS

**2006 Rhif 768 (Cy.75) (C.18)**

**2006 No. 768 (W.75) (C.18)**

**DIOGELU'R AMGYLCHEDD,  
CYMRU**

**ENVIRONMENTAL  
PROTECTION, WALES**

Gorchymyn Deddf Cymdogaethau  
Glân a'r Amgylchedd 2005  
(Cychwyn Rhif 1 ac Arbedion)  
(Cymru) 2006

The Clean Neighbourhoods and  
Environment Act 2005  
(Commencement No.1 and  
Savings) (Wales) Order 2006

**NODYN ESBONIADOL**

**EXPLANATORY NOTE**

*(Nid yw'r nodyn hwn yn rhan o'r Gorchymyn)*

*(This note is not part of the Order)*

Mae'r Gorchymyn hwn yn dwyn i rym ddarpariaethau canlynol Deddf Cymdogaethau Glân a'r Amgylchedd 2005 ("Deddf 2005") ar 16 Mawrth 2006-

This Order brings into force the following provisions of the Clean Neighbourhoods and Environment Act 2005 ("the 2005 Act") on 16 March 2006-

- (a) adran 47 (ac, i'r graddau y mae'n ymwneud â'r adran honno, Rhan 4 o Atodlen 5);
- (b) adran 53;
- (c) paragraff 4 o Atodlen 4; ac
- (ch) darpariaethau eraill i'r graddau y maent yn galluogi Cynulliad Cenedlaethol Cymru ("y Cynulliad Cenedlaethol") i wneud, rhoi neu ddyroddi is-ddeddfwriaeth.

- (a) section 47 (and, insofar as it relates thereto, Part 4 of Schedule 5);
- (b) section 53;
- (c) paragraph 4 of Schedule 4; and
- (d) other provisions to the extent that they enable the National Assembly for Wales ("the National Assembly") to make, give or issue subordinate legislation.

Mae'r Gorchymyn hwn hefyd yn dwyn i rym, ar y dyddiad y daw'r Rheoliadau Tir a Halogwyd (Cymru) 2006 i rym, adran 104 o Ddeddf 2005 (i'r graddau nas daw i rym drwy'r Gorchymyn hwn ar 16 Mawrth 2006), a Rhan 10 o Atodlen 5 iddi.

This Order also brings into force, on the date on which the Contaminated Land (Wales) Regulations 2006 come into force, section 104 (insofar as it is not brought into force by this Order on 16 March 2006) of, and Part 10 of Schedule 5 to, the 2005 Act.

Mae erthygl 2 o'r Gorchymyn hwn-

Article 2 of this Order-

- (a) yn diddymu adran 32 o Ddeddf Diogelu'r Amgylchedd 1990 ac Atodlen 2 iddi, a fydd yn dileu'r gofyniad i awdurdodau lleol i gontractio allan eu swyddogaethau gwaredu gwastraff (adran 47 o Ddeddf 2005);
- (b) yn gwneud rhai diddymiadau canlyniadol i Ddeddf Diogelu'r Amgylchedd 1990 (Rhan 4 o Atodlen 5 i Ddeddf 2005);
- (c) yn rhoi effaith i fân ddiwygiad i adran 60(1) o Ddeddf Diogelu'r Amgylchedd 1990 o ran

- (a) repeals section 32 of, and Schedule 2 to, the Environment Protection Act 1990, which will abolish the requirement for local authorities to contract-out their waste disposal functions (section 47 of the 2005 Act);
- (b) makes certain consequential repeals to the Environmental Protection Act 1990 (Part 4 of Schedule 5 to the 2005 Act);
- (c) gives effect to a minor amendment to section 60(1) of the Environmental Protection Act

ymyriad â safleoedd gwastraff a daliedyddion gwastraff (paragraff 4 o Atodlen 4 i Deddf 2005); ac

(ch) yn galluogi awdurdodau casglu gwastraff i ddefnyddio'u pwerau ymchwilio o dan adran 108 o Ddeddf yr Amgylchedd 1995 i ymchwilio i ddigwyddiadau neu dramgwyddau o ran cyflawni unrhyw rai o'u swyddogaethau o dan Ran 2 o Ddeddf Diogelu'r Amgylchedd 1990 (adran 53 o Ddeddf 2005).

Mae erthygl 3 o'r Gorchymyn hwn yn dwyn i rym nifer o ddarpariaethau Deddf 2005 i'r graddau y maent yn galluogi'r Cynulliad Cenedlaethol i wneud, rhoi neu ddyroddi is-ddeddfwriaeth (neu i wneud darpariaeth drwy ddulliau o'r fath).

Mae erthygl 4 o'r Gorchymyn hwn yn dwyn i rym adran 104 o Ddeddf 2005 (i'r graddau nad yw eisoes mewn grym yn rhinwedd erthygl 3 o'r Gorchymyn hwn). Mae adran 104 yn diwygio'r trefniadau ar gyfer apelau yn erbyn hysbysiadau adfer a gyflwynir o dan adran 78E o Ddeddf Diogelu'r Amgylchedd 1990, ac yn dwyn i rym y diddymiad cysylltiedig yn Rhan 10 o Atodlen 5 i Ddeddf 2005.

Mae erthygl 5 o'r Gorchymyn hwn yn gwneud arbediad ynglŷn â chychwyn adran 47 o Ddeddf 2005.

1990 relating to the interference with waste sites and receptacles for waste (paragraph 4 of Schedule 4 to the 2005 Act); and

(d) enables waste collection authorities to use their powers of investigation under section 108 of the Environment Act 1995 to investigate incidents or offences in relation to the discharge of any of their functions under Part 2 of the Environmental Protection Act 1990 (section 53 of the 2005 Act).

Article 3 of this Order brings into force a number of provisions of the 2005 Act to the extent that they enable the National Assembly to make, give or issue subordinate legislation (or to make provision by such means).

Article 4 of this Order brings section 104 of the 2005 Act into force (insofar as it is not already in force by virtue of article 3 of this Order). Section 104 amends the arrangements for appeals against remediation notices served under section 78E of the Environmental Protection Act 1990, and brings into force the related repeal in Part 10 of Schedule 5 to the 2005 Act.

Article 5 of this Order makes a saving relating to the commencement of section 47 of the 2005 Act.

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**DIOGELU'R AMGYLCHEDD,  
CYMRU**

Gorchymyn Deddf Cymdogaethau  
Glân a'r Amgylchedd 2005  
(Cychwyn Rhif 1 ac Arbedion)  
(Cymru) 2006

*Wedi'i wneud*

*15 Mawrth 2006*

Mae Cynulliad Cenedlaethol Cymru ("y Cynulliad Cenedlaethol"), drwy arfer y pwerau a roddwyd iddo gan adran 108(1)(b), (2) a (5) o Ddeddf Cymdogaethau Glân a'r Amgylchedd 2005 ("Deddf 2005")(1), yn gwneud y Gorchymyn a ganlyn:

**Enwi, cymhwyso a dehongli**

1.-(1) Enw'r Gorchymyn hwn yw Gorchymyn Deddf Cymdogaethau Glân a'r Amgylchedd 2005 (Cychwyn Rhif 1 ac Arbedion) (Cymru) 2006.

(2) Mae'r Gorchymyn hwn yn gymwys o ran Cymru.

(3) Yn y Gorchymyn hwn, ystyr "Deddf 1990" yw Deddf Diogelu'r Amgylchedd 1990(2).

**Darpariaethau Deddf 2005 sy'n dod i rym ar 16  
Mawrth 2006**

2. Mae darpariaethau canlynol Deddf 2005 yn dod i rym ar 16 Mawrth 2006-

- (a) adran 47 (diddymu'r gofyniad i gontractio swyddogaethau gwaredu gwastraff allan);
- (b) adran 53 (y pŵer i awdurdodau casglu gwastraff ddefnyddio eu pwerau ymchwilio o dan adran 108 o Ddeddf yr Amgylchedd 1995 i ymchwilio i ddigwyddiadau neu dramgwyddau o ran cyflawni unrhyw rai o'u swyddogaethau o dan Ran 2 o Ddeddf 1990);
- (c) yn Atodlen 4 (mân ddiwygiad a diwygiadau canlyniadol), paragraff 4; ac
- (ch) yn Rhan 4 (gwastraff) o Atodlen 5, y diddymiad i Ddeddf 1990 ac eithrio'r diddymiad i adran 33 o'r Ddeddf honno.

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(1) 2005 p.16.

(2) 1990 p.43.

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**ENVIRONMENTAL  
PROTECTION, WALES**

The Clean Neighbourhoods and  
Environment Act 2005  
(Commencement No.1 and  
Savings) (Wales) Order 2006

*Made*

*15 March 2006*

The National Assembly for Wales ("the National Assembly"), in exercise of the powers conferred upon it by section 108(1)(b), (2) and (5) of the Clean Neighbourhoods and Environment Act 2005 ("the 2005 Act")(1), makes the following Order:

**Title, application and interpretation**

1.-(1) The title of this Order is the Clean Neighbourhoods and Environment Act 2005 (Commencement No.1 and Savings) (Wales) Order 2006.

(2) This Order applies in relation to Wales.

(3) In this Order, "the 1990 Act" means the Environment Protection Act 1990(2).

**Provisions of the 2005 Act coming into force on 16  
March 2006**

2. The following provisions of the 2005 Act come into force on 16 March 2006-

- (a) section 47 (abolition of the requirement to contract-out waste disposal functions);
- (b) section 53 (power for waste collection authorities to use their powers of investigation under section 108 of the Environment Act 1995 to investigate incidents or offences in relation to the discharge of any of their functions under Part 2 of the 1990 Act);
- (c) in Schedule 4 (minor and consequential amendments); paragraph 4; and
- (d) in Part 4 (waste) of Schedule 5, the repeals to the 1990 Act other than the repeal to section 33 of the Act.

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(1) 2005 c.16.

(2) 1990 c.43.

### **Darpariaethau Deddf 2005 sy'n dod i rym at ddibenion penodol ar 16 Mawrth 2006**

3. Daw cymaint o'r darpariaethau canlynol sy'n rhoi pŵer i'r Cynulliad Cenedlaethol neu'n gosod dyletswydd arno i wneud neu ddarparu drwy reoliadau neu orchmynion, neu roi cyfarwyddiadau neu roi neu ddyroddi canllawiau, neu ddarparu o ran arfer unrhyw bŵer o'r fath neu gyflawni unrhyw ddyletswydd o'r fath, i rym ar 16 Mawrth 2006-

adran 2;  
adran 6;  
adran 8;  
adran 10;  
adran 13;  
adran 17;  
adran 19;  
adran 20;  
adran 24;  
adran 28;  
adran 30;  
adrannau 37 a 38;  
adrannau 45 a 46;  
adran 48;  
adran 52;  
adrannau 55 i 60;  
adran 67;  
adrannau 73 i 75;  
adran 82;  
adrannau 96 i 98;  
adran 101; ac  
adrannau 103 a 104.

### **Darpariaethau Deddf 2005 sy'n dod i rym ar y dyddiad y daw'r Rheoliadau Tir a Halogwyd (Cymru) 2006 i rym**

4. Daw darpariaethau canlynol Deddf 2005 i rym pan ddaw Rheoliadau Tir a Halogwyd (Cymru) 2006 i rym-

- (a) i'r graddau nad yw eisoes mewn grym, adran 104 (diwygio trefniadau ar gyfer apelau yn erbyn hysbysiadau adfer a gyflwynir o dan adran 78E o Ddeddf 1990); a
- (b) Rhan 10 o Atodlen 5 (diddymiadau).

### **Provisions of the 2005 Act coming into force for certain purposes on 16 March 2006**

3. So much of the following provisions as confers on the National Assembly a power or imposes a duty to make or make provision by regulations or orders, or to give directions or give or issue guidance, or make provision with respect to the exercise of any such power or performance of any such duty, comes into force on 16 March 2006-

section 2;  
section 6;  
section 8;  
section 10;  
section 13;  
section 17;  
section 19;  
section 20;  
section 24;  
section 28;  
section 30;  
sections 37 and 38;  
sections 45 and 46;  
section 48;  
section 52;  
sections 55 to 60;  
section 67;  
sections 73 to 75;  
section 82;  
sections 96 to 98;  
section 101; and  
sections 103 and 104.

### **Provisions of the 2005 Act coming into force on the date on which the Contaminated Land (Wales) Regulations 2006 come into force**

4. The following provisions of the 2005 Act come into force on the Contaminated Land (Wales) Regulations 2006.

- (a) insofar as it is not already in force, section 104 (amendment of arrangements for appeals against remediation notices served under section 78E of the 1990 Act); and
- (b) Part 10 of Schedule 5 (repeals).

## Arbedion

5.-(1) Serch eu diddymu gan adran 47 o Ddeddf 2005 a Rhan 4 o Atodlen 5 iddi, mae adran 32 (fel y'i darllenir gydag adran 30(5)) o Ddeddf 1990 a Rhan 2 o Atodlen 2 iddi yn parhau i gael effaith at ddibenion rheoleiddio-

- (a) gweithgareddau cwmni a ffurfiwyd gan awdurdod gwaredu gwastraff neu y bu gan awdurdod gwaredu gwastraff ran yn ei ffurfio at ddibenion casglu gwastraff, neu waredu, cadw neu drin gwastraff, pan fydd y cwmni'n parhau o dan reolaeth yr awdurdod gwaredu gwastraff ar 16 Mawrth 2006; a
- (b) swyddogaethau awdurdod gwaredu gwastraff mewn cysylltiad â chwmni o'r fath cyhyd ag y pery'r cwmni o dan reolaeth yr awdurdod.

(2) Ym mharagraff (1), mae i "awdurdod gwaredu gwastraff" yr ystyr a roddir i "waste disposal authority" yn adran 30(2) o Ddeddf 1990 ac mae i "reolaeth" yr ystyr a roddir i "control" yn adran 32(11) o'r Ddeddf honno.

Llofnodwyd ar ran Cynulliad Cenedlaethol Cymru o dan adran 66(1) o Ddeddf Llywodraeth Cymru 1998(1)

15 Mawrth 2006

*D. Elis-Thomas*

Llywydd y Cynulliad Cenedlaethol

## Savings

5.-(1) Notwithstanding their repeal by section 47 of, and Part 4 of Schedule 5 to, the 2005 Act, section 32 (as read with section 30(5)) of, and Part 2 of Schedule 2 to, the 1990 Act continue to have effect for the purposes of regulating the-

- (a) activities of a company which a waste disposal authority formed or participated in forming for the purposes of the collection of waste, or the disposal, keeping or treating of waste, where the company remains under the control of the waste disposal authority on 16 March 2006; and
- (b) functions of a waste disposal authority in relation to such a company for as long as the company remains under the authority's control.

(2) In paragraph (1), "waste disposal authority" has the meaning given to it in section 30(2) of the 1990 Act and "control" has the meaning given to it in section 32(11) of that Act.

Signed on behalf of the National Assembly for Wales under section 66(1) of the Government of Wales Act 1998(1)

15 March 2006

The Presiding Officer of the National Assembly

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**£3.00**

W267/03/06

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