



# Deddf yr Amgylchedd (Cymru) 2016

2016 dccc 3

# Environment (Wales) Act 2016

2016 anaw 3

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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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#### RHEOLI CYNALIADWY AR ADNODDAU NATURIOL

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# Environment (Wales) Act 2016

2016 anaw 3

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# Deddf yr Amgylchedd (Cymru) 2016

Deddf Cynulliad Cenedlaethol Cymru i hyrwyddo rheoli cynaliadwy ar adnoddau naturiol; i ddarparu ar gyfer targedau i leihau allyriadau nwyon tŷ gwydr; i ddiwygio'r gyfraith ar godi taliadau am fagiau siopa; i ddarparu ar gyfer casglu gwastraff ar wahân, gwahardd gwaredu gwastraff bwyd i garthffosydd ac i ddarparu ar gyfer gwahardd neu reoleiddio gwaredu gwastraff drwy losgi; i wneud darpariaeth ynghylch pysgodfeydd unigol a rheoleiddiedig ar gyfer pysgod cregyn; i wneud darpariaeth ynghylch ffioedd am drwyddedau morol; i sefydlu'r Pwyllgor Llifogydd ac Erydu Arfordirol; ac i wneud mân newidiadau i'r gyfraith ynghylch draenio tir ac is-ddeddfau a wneir gan Gorff Adnoddau Naturiol Cymru.

[21 Mawrth 2016]

**Gan ei fod wedi ei basio gan Gynulliad Cenedlaethol Cymru ac wedi derbyn cydsyniad Ei Mawrhydi, deddfir fel a ganlyn:**

## RHAN 1

### RHEOLI CYNALIADWY AR ADNODDAU NATURIOL

#### *Rhagarweiniad*

#### **1 Diben y Rhan hon**

Diben y Rhan hon yw hyrwyddo rheoli cynaliadwy ar adnoddau naturiol.

#### **2 Adnoddau naturiol**

Yn y Rhan hon, mae "adnoddau naturiol" yn cynnwys y canlynol (ond nid yw wedi ei gyfyngu iddynt) –

- (a) anifeiliaid, planhigion ac organeddau eraill;
- (b) yr aer, dŵr a phridd;
- (c) mwynau;
- (d) nodweddion a phrosesau daearegol;



# Environment (Wales) Act 2016

An Act of the National Assembly for Wales to promote sustainable management of natural resources; to provide for targets for reducing emissions of greenhouse gases; to reform the law on charges for carrier bags; to provide for the separate collection of waste, prohibit disposal of food waste to sewers and provide for prohibiting or regulating disposal of waste by incineration; to make provision about several and regulated fisheries for shellfish; to make provision about fees for marine licences; to establish the Flood and Coastal Erosion Committee; and to make minor changes to the law about land drainage and byelaws made by the Natural Resources Body for Wales.

[21 March 2016]

**Having been passed by the National Assembly for Wales and having received the assent of Her Majesty, it is enacted as follows:**

## PART 1

### SUSTAINABLE MANAGEMENT OF NATURAL RESOURCES

#### *Introduction*

#### **1 Purpose of this Part**

The purpose of this Part is to promote sustainable management of natural resources.

#### **2 Natural resources**

In this Part, “natural resources” includes (but is not limited to) –

- (a) animals, plants and other organisms;
- (b) air, water and soil;
- (c) minerals;
- (d) geological features and processes;

- (e) nodweddion ffisiograffigol;
- (f) nodweddion a phrosesau hinsoddol.

### 3 Rheoli cynaliadwy ar adnoddau naturiol

- (1) Yn y Rhan hon, ystyr “rheoli cynaliadwy ar adnoddau naturiol” yw –
  - (a) defnyddio adnoddau naturiol mewn modd ac ar gyfradd sy’n hyrwyddo cyflawni’r amcan yn is-adran (2),
  - (b) cymryd camau eraill sy’n hyrwyddo cyflawni’r amcan hwnnw, ac
  - (c) peidio â chymryd camau sy’n llesteirio cyflawni’r amcan hwnnw.
- (2) Yr amcan yw cynnal a gwella cydnerthedd ecosystemau a’r manteision a gynigir ganddynt ac, wrth wneud hynny –
  - (a) diwallu anghenion y cenedlaethau presennol o bobl heb beryglu gallu cenedlaethau’r dyfodol i ddiwallu eu hanghenion hwythau, a
  - (b) cyfrannu at gyrraedd y nodau llesiant yn adran 4 o Ddeddf Llesiant Cenedlaethau’r Dyfodol (Cymru) 2015 (dccc 2).

### 4 Egwyddorion rheoli cynaliadwy ar adnoddau naturiol

Yn y Rhan hon, “egwyddorion rheoli cynaliadwy ar adnoddau naturiol” yw –

- (a) rheoli mewn modd ymaddasol, drwy gynllunio, monitro, adolygu a, phan fo hynny’n briodol, newid gweithredoedd;
- (b) ystyried y raddfa ofodol briodol ar gyfer gweithredu;
- (c) hyrwyddo cydweithio a chydweithredu, a chyfranogi ynddynt;
- (d) gwneud trefniadau priodol i’r cyhoedd gymryd rhan yn y broses o wneud penderfyniadau;
- (e) ystyried yr holl dystiolaeth berthnasol a chasglu tystiolaeth mewn perthynas â materion y ceir ansicrwydd yn eu cylch;
- (f) ystyried manteision a gwerth cynhenid adnoddau naturiol ac ecosystemau;
- (g) ystyried effeithiau tymor byr, tymor canolig a hirdymor gweithredoedd;
- (h) cymryd camau i atal niwed arwyddocaol i ecosystemau;
- (i) ystyried cydnerthedd ecosystemau ac yn benodol, yr agweddau a ganlyn –
  - (i) amrywiaeth rhwng ecosystemau ac oddi fewn iddynt;
  - (ii) y cysylltiadau rhwng ecosystemau ac oddi fewn iddynt;
  - (iii) graddfa ecosystemau;
  - (iv) cyflwr ecosystemau (gan gynnwys eu strwythur a’u gweithrediad);
  - (v) gallu ecosystemau i addasu.



- (e) physiographical features;
- (f) climatic features and processes.

### **3 Sustainable management of natural resources**

- (1) In this Part, “sustainable management of natural resources” means –
  - (a) using natural resources in a way and at a rate that promotes achievement of the objective in subsection (2),
  - (b) taking other action that promotes achievement of that objective, and
  - (c) not taking action that hinders achievement of that objective.
- (2) The objective is to maintain and enhance the resilience of ecosystems and the benefits they provide and, in so doing –
  - (a) meet the needs of present generations of people without compromising the ability of future generations to meet their needs, and
  - (b) contribute to the achievement of the well-being goals in section 4 of the Well-being of Future Generations (Wales) Act 2015 (anaw 2).

### **4 Principles of sustainable management of natural resources**

In this Part, the “principles of sustainable management of natural resources” are –

- (a) manage adaptively, by planning, monitoring, reviewing and, where appropriate, changing action;
- (b) consider the appropriate spatial scale for action;
- (c) promote and engage in collaboration and co-operation;
- (d) make appropriate arrangements for public participation in decision-making;
- (e) take account of all relevant evidence and gather evidence in respect of uncertainties;
- (f) take account of the benefits and intrinsic value of natural resources and ecosystems;
- (g) take account of the short, medium and long term consequences of actions;
- (h) take action to prevent significant damage to ecosystems;
- (i) take account of the resilience of ecosystems, in particular the following aspects –
  - (i) diversity between and within ecosystems;
  - (ii) the connections between and within ecosystems;
  - (iii) the scale of ecosystems;
  - (iv) the condition of ecosystems (including their structure and functioning);
  - (v) the adaptability of ecosystems.

*Dyletswyddau cyffredinol ar awdurdodau cyhoeddus***5 Diben cyffredinol Corff Adnoddau Naturiol Cymru**

- (1) Mae Gorchymyn Corff Adnoddau Naturiol Cymru (Sefydlu) 2012 (OS 2012/1903) wedi ei ddiwygio fel a ganlyn.
- (2) Yn lle erthygl 4 rhodder –

**“4 Diben cyffredinol**

- (1) Rhaid i'r Corff –

- (a) ymgyrraedd at reoli cynaliadwy ar adnoddau naturiol mewn perthynas â Chymru, a
- (b) cymhwyso egwyddorion rheoli cynaliadwy ar adnoddau naturiol,

wrth arfer ei swyddogaethau, i'r graddau y bo hynny'n gyson â'u harfer yn briodol.

- (2) Yn yr erthygl hon –

mae i “egwyddorion rheoli cynaliadwy ar adnoddau naturiol” (“*principles of sustainable management of natural resources*”) yr ystyr a roddir gan adran 4 o Ddeddf yr Amgylchedd (Cymru) 2016;

mae i “rheoli cynaliadwy ar adnoddau naturiol” (“*sustainable management of natural resources*”) yr ystyr a roddir gan adran 3 o Ddeddf yr Amgylchedd (Cymru) 2016.”

- (3) Yn erthygl 5 –

- (a) yn y pennawd, ar ôl “diben” mewnosoder “cyffredinol”;
- (b) ym mharagraff (1), ar ôl “ddiben” mewnosoder “cyffredinol yn erthygl 4”;
- (c) ym mharagraff (3) yn lle “swyddogaethau” rhodder “ddiben cyffredinol yn erthygl 4”.

- (4) Hepgorer erthyglau 5B a 5E.

**6 Dyletswydd bioamrywiaeth a chydnerthedd ecosystemau**

- (1) Rhaid i awdurdod cyhoeddus geisio cynnal a gwella bioamrywiaeth wrth arfer swyddogaethau mewn perthynas â Chymru, ac wrth wneud hynny hyrwyddo cydnerthedd ecosystemau, i'r graddau y bo hynny'n gyson ag arfer y swyddogaethau hynny'n briodol.
- (2) Wrth gydymffurfio ag is-adran (1), rhaid i awdurdod cyhoeddus ystyried cydnerthedd ecosystemau, a'r agweddau a ganlyn yn benodol –
  - (a) amrywiaeth rhwng ecosystemau ac oddi fewn iddynt;
  - (b) y cysylltiadau rhwng ecosystemau ac oddi fewn iddynt;
  - (c) graddfa ecosystemau;

*General duties of public authorities***5 General purpose of Natural Resources Body for Wales**

- (1) The Natural Resources Body for Wales (Establishment) Order 2012 (S.I. 2012/1903) is amended as follows.
- (2) For article 4 substitute –

**“4 General purpose**

- (1) The Body must –

- (a) pursue sustainable management of natural resources in relation to Wales, and
- (b) apply the principles of sustainable management of natural resources,

in the exercise of its functions, so far as consistent with their proper exercise.

- (2) In this article –

“principles of sustainable management of natural resources” (“*egwyddorion rheoli cynaliadwy ar adnoddau naturiol*”) has the meaning given by section 4 of the Environment (Wales) Act 2016;

“sustainable management of natural resources” (“*rheoli cynaliadwy ar adnoddau naturiol*”) has the meaning given by section 3 of the Environment (Wales) Act 2016.”

- (3) In article 5 –
  - (a) in the heading, after “Body’s” insert “general”;
  - (b) in paragraph (1), for “purpose” substitute “general purpose in article 4”;
  - (c) in paragraph (3) for “functions” substitute “general purpose in article 4”.
- (4) Omit articles 5B and 5E.

**6 Biodiversity and resilience of ecosystems duty**

- (1) A public authority must seek to maintain and enhance biodiversity in the exercise of functions in relation to Wales, and in so doing promote the resilience of ecosystems, so far as consistent with the proper exercise of those functions.
- (2) In complying with subsection (1), a public authority must take account of the resilience of ecosystems, in particular the following aspects –
  - (a) diversity between and within ecosystems;
  - (b) the connections between and within ecosystems;
  - (c) the scale of ecosystems;

- (d) cyflwr ecosystemau (gan gynnwys eu strwythur a'u gweithrediad);
  - (e) gallu ecosystemau i addasu.
- (3) Nid yw is-adran (1) yn gymwys i—
- (a) arfer swyddogaeth gan Gyllid a Thollau Ei Mawrhydi, neu
  - (b) arfer un neu ragor o swyddogaethau barnwrol llys neu dribiwnlys.
- (4) Wrth gydymffurfio ag is-adran (1) —
- (a) rhaid i Weinidogion Cymru, Prif Weinidog Cymru, Cwnsler Cyffredinol Llywodraeth Cymru, unrhyw un neu ragor o Weinidogion y Goron ac unrhyw un neu ragor o adrannau'r llywodraeth roi sylw i Gonfensiwn Rhaglen Amgylcheddol y Cenhedloedd Unedig ar Amrywiaeth Fiolegol 1992, a
  - (b) rhaid i unrhyw awdurdod cyhoeddus arall roi sylw i unrhyw ganllawiau a roddir iddo gan Weinidogion Cymru.
- (5) Wrth gydymffurfio ag is-adran (1), rhaid i awdurdod cyhoeddus ac eithrio unrhyw un neu ragor o Weinidogion y Goron neu unrhyw un neu ragor o adrannau'r llywodraeth roi sylw i—
- (a) y rhestr a gyhoeddir o dan adran 7;
  - (b) yr adroddiad ar gyflwr adnoddau naturiol a gyhoeddir o dan adran 8;
  - (c) unrhyw ddatganiad ardal a gyhoeddir o dan adran 11 ar gyfer ardal sy'n cynnwys ardal gyfan neu ran o ardal y mae'r awdurdod yn arfer swyddogaethau mewn perthynas â hi.
- (6) Rhaid i awdurdod cyhoeddus ac eithrio unrhyw un neu ragor o Weinidogion y Goron neu unrhyw un neu ragor o adrannau'r llywodraeth baratoi a chyhoeddi cynllun sy'n nodi'r hyn y mae'n bwriadu ei wneud er mwyn cydymffurfio ag is-adran (1).
- (7) Rhaid i awdurdod cyhoeddus, cyn diwedd 2019 a chyn diwedd pob trydedd flwyddyn ar ôl 2019, gyhoeddi adroddiad ar yr hyn y mae wedi ei wneud i gydymffurfio ag is-adran (1).
- (8) O ran awdurdod cyhoeddus sydd wedi cyhoeddi cynllun o dan is-adran (6) —
- (a) rhaid iddo adolygu'r cynllun yng ngoleuni pob adroddiad a gyhoeddir ganddo o dan is-adran (7), a
  - (b) caiff adolygu'r cynllun unrhyw bryd.
- (9) Yn yr adran hon —
- ystyr "awdurdod cyhoeddus" ("*public authority*") yw —
- (a) Gweinidogion Cymru;
  - (b) Prif Weinidog Cymru;
  - (c) Cwnsler Cyffredinol Llywodraeth Cymru;
  - (d) unrhyw un neu ragor o Weinidogion y Goron;
  - (e) corff cyhoeddus (gan gynnwys un neu ragor o adrannau'r llywodraeth, awdurdod lleol, awdurdod cynllunio lleol a phanel cynllunio strategol);
  - (f) person sy'n dal swydd —

- (d) the condition of ecosystems (including their structure and functioning);
  - (e) the adaptability of ecosystems.
- (3) Subsection (1) does not apply to—
- (a) the exercise of a function by Her Majesty’s Revenue and Customs, or
  - (b) the exercise of a judicial function of a court or tribunal.
- (4) In complying with subsection (1)—
- (a) the Welsh Ministers, the First Minister for Wales, the Counsel General to the Welsh Government, a Minister of the Crown and a government department must have regard to the United Nations Environmental Programme Convention on Biological Diversity of 1992, and
  - (b) any other public authority must have regard to any guidance given to it by the Welsh Ministers.
- (5) In complying with subsection (1), a public authority other than a Minister of the Crown or government department must have regard to—
- (a) the list published under section 7;
  - (b) the state of natural resources report published under section 8;
  - (c) any area statement published under section 11 for an area that includes all or part of an area in relation to which the authority exercises functions.
- (6) A public authority other than a Minister of the Crown or government department must prepare and publish a plan setting out what it proposes to do to comply with subsection (1).
- (7) A public authority must, before the end of 2019 and before the end of every third year after 2019, publish a report on what it has done to comply with subsection (1).
- (8) A public authority that has published a plan under subsection (6)—
- (a) must review the plan in the light of each report that it publishes under subsection (7), and
  - (b) may revise the plan at any time.
- (9) In this section—
- “Minister of the Crown” (*“Gweinidog y Goron”*) has the same meaning as in the Ministers of the Crown Act 1975 (c. 26);
- “public authority” (*“awdurdod cyhoeddus”*) means—
- (a) the Welsh Ministers;
  - (b) the First Minister for Wales;
  - (c) the Counsel General to the Welsh Government;
  - (d) a Minister of the Crown;
  - (e) a public body (including a government department, a local authority, a local planning authority and a strategic planning panel);
  - (f) a person holding an office—

- (i) o dan y Goron,
- (ii) a grëwyd neu sy'n parhau mewn bodolaeth o ganlyniad i Ddeddf gyffredinol gyhoeddus Cynulliad Cenedlaethol Cymru neu Senedd y DU, neu
- (iii) y telir tâl cydnabyddiaeth mewn perthynas â hi allan o arian a ddarperir gan Gynulliad Cenedlaethol Cymru neu Senedd y DU;

(g) ymgwymerwr statudol;

mae i "Gweinidog y Goron" yr un ystyr ag a roddir i "Minister of the Crown" yn Neddf Gweinidogion y Goron 1975 (p. 26).

(10) Yn is-adran (9) –

mae i "awdurdod cynllunio lleol" yr ystyr a roddir i "local planning authority" gan Ddeddf Cynllunio Gwlad a Thref 1990 (p. 8);

ystyr "awdurdod lleol" ("*local authority*") yw cyngor sir, bwrdeistref sirol neu gymuned yng Nghymru;

ystyr "panel cynllunio strategol" ("*strategic planning panel*") yw panel cynllunio strategol a sefydlwyd o dan adran 60D o Ddeddf Cynllunio a Phrynu Gorfodol 2004 (p. 5);

ystyr "ymgymerwr statudol" ("*statutory undertaker*") yw unrhyw un neu ragor o'r canlynol –

- (a) person sydd wedi ei awdurdodi gan unrhyw ddeddfiad i weithredu unrhyw ymgymeriad rheilffordd, rheilffordd ysgafn, tramffordd, cludiant ar ffyrdd, cludiant ar ddŵr, camlas, mordwyo mewndirol, doc, harbwr, pier neu oleudy neu unrhyw ymgymeriad ar gyfer cyflenwi pŵer hydrolog;
- (b) gweithredydd un o rwydweithiau'r cod cyfathrebu electronig (o fewn ystyr paragraff 1(1) o Atodlen 17 i Ddeddf Cyfathrebiadau 2003 (p. 21));
- (c) gweithredydd maes awyr (o fewn ystyr Deddf Meysydd Awyr 1986 (p. 31)) sy'n gweithredu maes awyr y mae Rhan 5 o'r Ddeddf honno yn gymwys iddo;
- (d) trawsgludwr nwy (o fewn ystyr Rhan 1 o Ddeddf Nwy 1986 (p. 44));
- (e) deiliad trwydded o dan adran 6(1) o Ddeddf Trydan 1989 (p. 29);
- (f) ymgwymerwr dŵr neu garthffosiaeth;
- (g) yr Awdurdod Hedfan Sifil neu ddeiliad trwydded o dan Bennod 1 o Ran 1 o Ddeddf Trafnidiaeth 2000 (p. 38), i'r graddau y bo'r person sy'n dal y drwydded yn cynnal gweithgareddau a awdurdodir ganddi;
- (h) darparwr gwasanaeth cyffredinol o fewn ystyr Rhan 3 o Ddeddf Gwasanaethau Post 2011 (p. 5).

## 7 Rhestrau bioamrywiaeth a dyletswydd i gymryd camau i gynnal a gwella bioamrywiaeth

- (1) Rhaid i Weinidogion Cymru baratoi a chyhoeddi rhestr o'r organeddau byw a'r mathau o gynefinoedd sydd, yn eu barn hwy, o'r pwysigrwydd pennaf at ddiben cynnal a gwella bioamrywiaeth mewn perthynas â Chymru.

- (i) under the Crown,
  - (ii) created or continued in existence by a public general Act of the National Assembly for Wales or of Parliament, or
  - (iii) the remuneration in respect of which is paid out of money provided by the National Assembly for Wales or Parliament;
- (g) a statutory undertaker.

(10) In subsection (9) –

“local authority” (*“awdurdod lleol”*) means a council of a county, county borough or community in Wales;

“local planning authority” (*“awdurdod cynllunio lleol”*) has the meaning given by the Town and Country Planning Act 1990 (c. 8);

“statutory undertaker” (*“ymgymerwr statudol”*) means any of the following –

- (a) a person authorised by any enactment to carry on any railway, light railway, tramway, road transport, water transport, canal, inland navigation, dock, harbour, pier or lighthouse undertaking or any undertaking for the supply of hydraulic power;
- (b) an operator of an electronic communications code network (within the meaning of paragraph 1(1) of Schedule 17 to the Communications Act 2003 (c. 21));
- (c) an airport operator (within the meaning of the Airports Act 1986 (c. 31)) operating an airport to which Part 5 of that Act applies;
- (d) a gas transporter (within the meaning of Part 1 of the Gas Act 1986 (c. 44));
- (e) a holder of a licence under section 6(1) of the Electricity Act 1989 (c. 29);
- (f) a water or sewerage undertaker;
- (g) the Civil Aviation Authority or a holder of a licence under Chapter 1 of Part 1 of the Transport Act 2000 (c. 38), to the extent that the person holding the licence is carrying out activities authorised by it;
- (h) a universal service provider within the meaning of Part 3 of the Postal Services Act 2011 (c. 5);

“strategic planning panel” (*“panel cynllunio strategol”*) means a strategic planning panel established under section 60D of the Planning and Compulsory Purchase Act 2004 (c. 5).

## 7 Biodiversity lists and duty to take steps to maintain and enhance biodiversity

- (1) The Welsh Ministers must prepare and publish a list of the living organisms and types of habitat which in their opinion are of principal importance for the purpose of maintaining and enhancing biodiversity in relation to Wales.

- (2) Cyn cyhoeddi rhestr o dan yr adran hon rhaid i Weinidogion Cymru ymgynghori â Chorff Adnoddau Naturiol Cymru ("CNC") ynghylch yr organeddau byw a'r mathau o gynefinoedd sydd i'w cynnwys ar y rhestr.
- (3) Heb ragfarnu adran 6, rhaid i Weinidogion Cymru –
  - (a) cymryd pob cam rhesymol er mwyn cynnal a gwella'r organeddau byw a'r mathau o gynefinoedd a gynhwysir ar unrhyw restr a gyhoeddir o dan yr adran hon, a
  - (b) annog eraill i gymryd camau o'r fath.
- (4) Rhaid i Weinidogion Cymru, mewn ymgynghoriad ag CNC –
  - (a) adolygu'n gyson unrhyw restr a gyhoeddir ganddynt o dan yr adran hon,
  - (b) gwneud y diwygiadau hynny i unrhyw restr o'r fath y mae'n ymddangos iddynt eu bod yn briodol, ac
  - (c) cyhoeddi unrhyw restr a ddiwygir yn y fath fodd cyn gynted ag y bo'n rhesymol ymarferol ar ôl ei diwygio.
- (5) Wrth arfer eu swyddogaethau o dan yr adran hon, rhaid i Weinidogion Cymru gymhwyso egwyddorion rheoli cynaliadwy ar adnoddau naturiol.

*Adroddiad ar gyflwr adnoddau naturiol*

**8 Dyletswydd i baratoi a chyhoeddi adroddiad ar gyflwr adnoddau naturiol**

- (1) Rhaid i CNC baratoi a chyhoeddi adroddiadau yn unol â'r adran hon sy'n cynnwys ei asesiad o gyflwr adnoddau naturiol mewn perthynas â Chymru.
- (2) Rhaid i bob adroddiad nodi, ymysg pethau eraill –
  - (a) asesiad CNC o'r graddau y mae rheoli cynaliadwy ar adnoddau naturiol yn cael ei gyflawni;
  - (b) asesiad CNC o fioamrywiaeth (gan gynnwys yr organeddau byw a'r mathau o gynefinoedd a gynhwysir ar unrhyw restr a gyhoeddir o dan adran 7);
  - (c) yr hyn y mae CNC yn ei ystyried yw'r prif dueddiadau a ffactorau sy'n effeithio, ac sy'n debygol o effeithio, ar gyflwr adnoddau naturiol;
  - (d) unrhyw agweddau ar gyflwr adnoddau naturiol y mae CNC yn ystyried nad oes ganddo wybodaeth ddigonol amdanynt i wneud asesiad.
- (3) Rhaid i CNC gyhoeddi ei adroddiad cyntaf cyn diwedd y cyfnod o bedwar mis sy'n dechrau â'r diwrnod y mae'r adran hon yn dod i rym.
- (4) Wedi hynny, rhaid i CNC gyhoeddi adroddiad cyn diwedd y flwyddyn galendr sy'n dod cyn unrhyw flwyddyn y mae etholiad cyffredinol arferol i fod i gael ei gynnal.
- (5) Rhaid i CNC gyhoeddi drafft o bob adroddiad sy'n ofynnol gan is-adran (4) cyn diwedd y flwyddyn galendr sy'n dod cyn y flwyddyn y mae'n rhaid i'r adroddiad gael ei gyhoeddi.
- (6) Yn yr adran hon, ystyr "etholiad cyffredinol arferol" yw'r bleidlais a gynhelir mewn etholiad cyffredinol arferol o dan adran 3 o Ddeddf Llywodraeth Cymru 2006 (p. 32).



- (2) Before publishing a list under this section the Welsh Ministers must consult the Natural Resources Body for Wales (“NRW”) as to the living organisms or types of habitat to be included in the list.
- (3) Without prejudice to section 6, the Welsh Ministers must –
  - (a) take all reasonable steps to maintain and enhance the living organisms and types of habitat included in any list published under this section, and
  - (b) encourage others to take such steps.
- (4) The Welsh Ministers must, in consultation with NRW –
  - (a) keep under review any list published by them under this section,
  - (b) make such revisions of any such list as appear to them appropriate, and
  - (c) publish any list so revised as soon as is reasonably practicable after revising it.
- (5) In exercising their functions under this section, the Welsh Ministers must apply the principles of sustainable management of natural resources.

*State of natural resources report*

**8 Duty to prepare and publish state of natural resources report**

- (1) NRW must prepare and publish reports in accordance with this section containing its assessment of the state of natural resources in relation to Wales.
- (2) Each report must, among other things, set out –
  - (a) NRW’s assessment of the extent to which sustainable management of natural resources is being achieved;
  - (b) NRW’s assessment of biodiversity (including the living organisms and types of habitat included in any list published under section 7);
  - (c) what NRW considers to be the main trends and factors that are affecting, and are likely to affect, the state of natural resources;
  - (d) any aspects of the state of natural resources about which NRW considers that it does not have sufficient information to make an assessment.
- (3) NRW must publish its first report before the end of four months starting with the day this section comes into force.
- (4) Subsequently, NRW must publish a report before the end of the calendar year preceding a year in which an ordinary general election is due to be held.
- (5) NRW must publish a draft of each report required by subsection (4) before the end of the calendar year preceding the year in which the report must be published.
- (6) In this section, “ordinary general election” means the poll held at an ordinary general election under section 3 of the Government of Wales Act 2006 (c. 32).

*Polisi adnoddau naturiol cenedlaethol***9 Dyletswydd i baratoi, cyhoeddi a gweithredu polisi adnoddau naturiol cenedlaethol**

- (1) Rhaid i Weinidogion Cymru baratoi a chyhoeddi dogfen sy'n nodi eu polisiau cyffredinol a phenodol ar gyfer cyfrannu at gyflawni rheoli cynaliadwy ar adnoddau naturiol mewn perthynas â Chymru (y "polisi adnoddau naturiol cenedlaethol").
- (2) Rhaid i'r polisi adnoddau naturiol cenedlaethol nodi'r hyn y mae Gweinidogion Cymru yn ei ystyried yw'r blaenoriaethau, y risgiau a'r cyfleoedd allweddol ar gyfer rheoli cynaliadwy ar adnoddau naturiol mewn perthynas â Chymru, gan gynnwys yr hyn y maent yn ystyried y dylid ei wneud mewn perthynas â newid yn yr hinsawdd a bioamrywiaeth.
- (3) Caiff Gweinidogion Cymru gynnwys unrhyw beth yn y polisi adnoddau naturiol cenedlaethol y maent yn ystyried ei fod yn berthnasol i gyflawni rheoli cynaliadwy ar adnoddau naturiol mewn perthynas â Chymru.
- (4) Rhaid i Weinidogion Cymru –
  - (a) cymryd pob cam rhesymol er mwyn gweithredu'r polisi adnoddau naturiol cenedlaethol, a
  - (b) annog eraill i gymryd camau o'r fath.
- (5) Rhaid i Weinidogion Cymru gyhoeddi'r polisi adnoddau naturiol cenedlaethol cyntaf cyn diwedd y 10 mis sy'n dechrau â'r diwrnod y mae'r adran hon yn dod i rym.
- (6) Mewn perthynas â'r polisi adnoddau naturiol cenedlaethol –
  - (a) rhaid i Weinidogion Cymru ei adolygu ar ôl pob etholiad cyffredinol, a
  - (b) caiff Gweinidogion Cymru ei adolygu ar unrhyw adeg arall.
- (7) Caiff Gweinidogion Cymru ddiwygio'r polisi adnoddau naturiol cenedlaethol ar unrhyw adeg a rhaid iddynt gyhoeddi'r polisi adnoddau naturiol cenedlaethol fel y'i diwygiwyd.
- (8) Wrth arfer eu swyddogaethau o dan yr adran hon, rhaid i Weinidogion Cymru gymhwyso egwyddorion rheoli cynaliadwy ar adnoddau naturiol.
- (9) Wrth baratoi neu ddiwygio'r polisi adnoddau naturiol cenedlaethol, rhaid i Weinidogion Cymru roi sylw i'r adroddiad diweddaraf o dan adran 8 ynghylch cyflwr adnoddau naturiol mewn perthynas â Chymru.
- (10) Pan fydd Gweinidogion Cymru yn cyhoeddi'r polisi adnoddau naturiol cenedlaethol (neu bolisi diwygiedig), rhaid iddynt hefyd gyhoeddi adroddiad sy'n crynhoi –
  - (a) unrhyw ymgynghori a gynhaliwyd wrth baratoi'r polisi, a
  - (b) unrhyw sylwadau a gafwyd o ganlyniad i'r ymgynghori.
- (11) Yn is-adran (6), ystyr "etholiad cyffredinol" yw pleidlais a gynhelir mewn etholiad cyffredinol arferol o dan adran 3 o Ddeddf Llywodraeth Cymru 2006 (p. 32) neu etholiad cyffredinol eithriadol o dan adran 5 o'r Ddeddf honno.

*Gweithredu'r polisi cenedlaethol ar sail ardaloedd***10 Ystyr corff cyhoeddus yn adrannau 11 i 15**

- (1) Yn adrannau 11 i 15, ystyr "corff cyhoeddus" yw unrhyw un o'r canlynol –

*National natural resources policy*

**9 Duty to prepare, publish and implement national natural resources policy**

- (1) The Welsh Ministers must prepare and publish a document setting out their general and specific policies for contributing to achieving sustainable management of natural resources in relation to Wales (the “national natural resources policy”).
- (2) The national natural resources policy must set out what the Welsh Ministers consider to be the key priorities, risks and opportunities for sustainable management of natural resources in relation to Wales, including what they consider should be done in relation to climate change and biodiversity.
- (3) The Welsh Ministers may include anything in the national natural resources policy which they consider relevant to achieving sustainable management of natural resources in relation to Wales.
- (4) The Welsh Ministers must –
  - (a) take all reasonable steps to implement the national natural resources policy, and
  - (b) encourage others to take such steps.
- (5) The Welsh Ministers must publish the first national natural resources policy before the end of 10 months starting with the day this section comes into force.
- (6) The Welsh Ministers –
  - (a) must review the national natural resources policy after each general election, and
  - (b) may review the policy at any other time.
- (7) The Welsh Ministers may at any time revise the national natural resources policy and must publish the national natural resources policy as revised.
- (8) In exercising their functions under this section, the Welsh Ministers must apply the principles of sustainable management of natural resources.
- (9) In preparing or revising the national natural resources policy, the Welsh Ministers must have regard to the most recent report under section 8 on the state of natural resources in relation to Wales.
- (10) When the Welsh Ministers publish the national natural resources policy (or a revised policy), they must also publish a report summarising –
  - (a) any consultation that was carried out in preparing the policy, and
  - (b) any representations that were received as a result of the consultation.
- (11) In subsection (6), “general election” means a poll held at an ordinary general election under section 3 of the Government of Wales Act 2006 (c. 32) or an extraordinary general election under section 5 of that Act.

*Area-based implementation of the national policy*

**10 Meaning of public body in sections 11 to 15**

- (1) In sections 11 to 15, “public body” means any one of the following –

- (a) cyngor sir neu fwrdeistref sirol yng Nghymru;
  - (b) Bwrdd Iechyd Lleol;
  - (c) yr Ymddiriedolaethau GIG a ganlyn –
    - (i) Iechyd Cyhoeddus Cymru;
    - (ii) Felindre;
  - (d) awdurdod Parc Cenedlaethol ar gyfer Parc Cenedlaethol yng Nghymru;
  - (e) awdurdod tân ac achub yng Nghymru;
  - (f) Cyngor Cyllido Addysg Uwch Cymru;
  - (g) Cyngor Celfyddydau Cymru;
  - (h) Cyngor Chwaraeon Cymru;
  - (i) Llyfrgell Genedlaethol Cymru;
  - (j) Amgueddfa Genedlaethol Cymru.
- (2) Caiff Gweinidogion Cymru ddiwygio is-adran (1) drwy reoliadau drwy –
- (a) ychwanegu person,
  - (b) tynnu person ymaith, neu
  - (c) diwygio disgrifiad o berson.
- (3) Ond ni chaiff y rheoliadau –
- (a) ond diwygio is-adran (1) drwy ychwanegu person os yw'r person hwnnw'n arfer swyddogaethau o natur gyhoeddus;
  - (b) ond diwygio'r is-adran honno drwy ychwanegu un neu ragor o Weinidogion y Goron os yw'r Ysgrifennydd Gwladol yn cydsynio.
- (4) Os yw'r rheoliadau'n diwygio is-adran (1) er mwyn ychwanegu person sydd â swyddogaethau o natur gyhoeddus a swyddogaethau eraill, nid yw adrannau 11 i 15 ond yn gymwys i'r person hwnnw mewn perthynas â swyddogaethau'r person hwnnw sydd o natur gyhoeddus.
- (5) Cyn gwneud rheoliadau o dan is-adran (2), rhaid i Weinidogion Cymru ymgynghori â'r canlynol –
- (a) CNC,
  - (b) pob person y mae Gweinidogion Cymru yn bwriadu ei ychwanegu neu ei dynnu ymaith drwy'r rheoliadau, ac
  - (c) y personau eraill hynny y mae Gweinidogion Cymru yn ystyried eu bod yn briodol.

## 11 Datganiadau ardal

- (1) Rhaid i CNC baratoi a chyhoeddi datganiadau ("datganiadau ardal") ar gyfer yr ardaloedd o Gymru y mae CNC yn ystyried eu bod yn briodol at ddiben hwyluso gweithrediad y polisi adnoddau naturiol cenedlaethol.
- (2) Caiff CNC ddefnyddio'r datganiadau ardal at unrhyw ddiben arall wrth arfer ei swyddogaethau.

- (a) a council of a county or county borough in Wales;
  - (b) a Local Health Board;
  - (c) the following NHS Trusts –
    - (i) Public Health Wales;
    - (ii) Velindre;
  - (d) a National Park authority for a National Park in Wales;
  - (e) a Welsh fire and rescue authority;
  - (f) the Higher Education Funding Council for Wales;
  - (g) the Arts Council of Wales;
  - (h) the Sports Council for Wales;
  - (i) the National Library of Wales;
  - (j) the National Museum of Wales.
- (2) The Welsh Ministers may by regulations amend subsection (1) by –
- (a) adding a person,
  - (b) removing a person, or
  - (c) amending a description of a person.
- (3) But the regulations –
- (a) may amend subsection (1) by adding a person only if that person exercises functions of a public nature;
  - (b) may amend that subsection by adding a Minister of the Crown only if the Secretary of State consents.
- (4) If the regulations amend subsection (1) so as to add a person who has functions of a public nature and other functions, sections 11 to 15 apply to that person only in relation to those of the person’s functions that are of a public nature.
- (5) Before making regulations under subsection (2), the Welsh Ministers must consult –
- (a) NRW,
  - (b) each person the Welsh Ministers propose to add or remove by the regulations, and
  - (c) such other persons as the Welsh Ministers consider appropriate.

**11 Area statements**

- (1) NRW must prepare and publish statements (“area statements”) for the areas of Wales that it considers appropriate for the purpose of facilitating the implementation of the national natural resources policy.
- (2) NRW may use the area statements for any other purpose in the exercise of its functions.

- (3) Rhaid i bob datganiad ardal –
  - (a) egluro pam y paratowyd datganiad ar gyfer yr ardal, drwy gyfeirio at –
    - (i) yr adnoddau naturiol yn yr ardal,
    - (ii) y manteision y mae'r adnoddau naturiol yn eu cynnig, a
    - (iii) y blaenoriaethau, y risgiau a'r cyfleoedd ar gyfer rheoli cynaliadwy ar adnoddau naturiol y mae angen ymdrin â hwy;
  - (b) egluro sut y mae egwyddorion rheoli cynaliadwy ar adnoddau naturiol wedi eu cymhwyso wrth baratoi'r datganiad;
  - (c) datgan sut y mae CNC yn bwriadu ymdrin â'r blaenoriaethau, y risgiau a'r cyfleoedd, a sut y mae'n bwriadu cymhwyso egwyddorion rheoli cynaliadwy ar adnoddau naturiol wrth wneud hynny;
  - (d) pennu'r cyrff cyhoeddus y mae CNC yn ystyried y gallant gynorthwyo i ymdrin â'r blaenoriaethau, y risgiau a'r cyfleoedd.
- (4) Rhaid i CNC sicrhau bod pob rhan o Gymru yn cael ei chynnwys yn o leiaf un o'r ardaloedd y mae'n paratoi datganiad ardal ar eu cyfer.
- (5) Rhaid i CNC –
  - (a) cymryd pob cam rhesymol er mwyn gweithredu datganiad ardal, a
  - (b) annog eraill i gymryd camau o'r fath.
- (6) Rhaid i CNC adolygu datganiadau ardal yn gyson a chaiff eu diwygio ar unrhyw adeg.
- (7) Cyn cyhoeddi datganiad ardal, rhaid i CNC ystyried a ddylid –
  - (a) ymgorffori cynllun, strategaeth neu ddogfen debyg arall yn y datganiad ardal, neu
  - (b) ymgorffori'r datganiad ardal mewn cynllun, strategaeth neu ddogfen debyg arall.

## 12 Cyfarwyddydau Gweinidogion Cymru i weithredu datganiadau ardal

- (1) Caiff Gweinidogion Cymru gyfarwyddo corff cyhoeddus i gymryd y camau hynny y mae'n ymddangos iddynt eu bod yn rhesymol ymarferol er mwyn ymdrin â'r materion a bennir mewn datganiad ardal o dan adran 11(3).
- (2) Cyn rhoi cyfarwyddyd rhaid i Weinidogion Cymru ymgynghori â'r corff cyhoeddus y maent yn bwriadu ei gyfarwyddo.
- (3) Pan roddir cyfarwyddyd i gorff cyhoeddus o dan yr adran hon, rhaid i'r corff gydymffurfio ag ef.
- (4) Ni chaiff cyfarwyddyd o dan yr adran hon ei gwneud yn ofynnol i gorff cyhoeddus wneud rhywbeth na chaniateir iddo ei wneud fel arall wrth arfer ei swyddogaethau.
- (5) Mewn perthynas â chyfarwyddyd o dan yr adran hon –
  - (a) rhaid iddo gael ei gyhoeddi;
  - (b) caniateir ei amrywio neu ei ddirymu gan gyfarwyddyd diweddarach;
  - (c) mae'n orfodadwy drwy orchymyn gorfodi ar gais gan Weinidogion Cymru, neu ar eu rhan.

- (3) Each area statement must –
  - (a) explain why a statement has been prepared for the area, by reference to –
    - (i) the natural resources in the area,
    - (ii) the benefits which the natural resources provide, and
    - (iii) the priorities, risks and opportunities for the sustainable management of natural resources which need to be addressed;
  - (b) explain how the principles of sustainable management of natural resources have been applied in preparing the statement;
  - (c) state how NRW proposes to address the priorities, risks and opportunities, and how it proposes to apply the principles of sustainable management of natural resources in doing so;
  - (d) specify the public bodies which NRW considers may assist in addressing the priorities, risks and opportunities.
- (4) NRW must ensure that every part of Wales is included in at least one of the areas for which it prepares an area statement.
- (5) NRW must –
  - (a) take all reasonable steps to implement an area statement, and
  - (b) encourage others to take such steps.
- (6) NRW must keep area statements under review and it may revise them at any time.
- (7) Before publishing an area statement, NRW must consider whether –
  - (a) another plan, strategy or similar document should be incorporated into the area statement, or
  - (b) the area statement should be incorporated into another plan, strategy or similar document.

## **12 Welsh Ministers' directions to implement area statements**

- (1) The Welsh Ministers may direct a public body to take such steps as appear to them to be reasonably practicable to address the matters specified in an area statement under section 11(3).
- (2) Before giving a direction the Welsh Ministers must consult the public body they intend to direct.
- (3) Where a direction is given to a public body under this section, the body must comply with it.
- (4) A direction under this section may not require a public body to do something it may not otherwise do in the exercise of its functions.
- (5) A direction under this section –
  - (a) must be published;
  - (b) may be varied or revoked by a later direction;
  - (c) is enforceable by mandatory order on an application by, or on behalf of, the Welsh Ministers.

**13 Canllawiau ynghylch gweithredu datganiadau ardal**

- (1) Wrth arfer ei swyddogaethau, rhaid i gorff cyhoeddus roi sylw i unrhyw ganllawiau a roddir iddo gan Weinidogion Cymru ynghylch camau y dylid eu cymryd i ymdrin â'r materion a bennir mewn datganiad ardal o dan adran 11(3).
- (2) Rhaid i Weinidogion Cymru gyhoeddi unrhyw ganllawiau y maent yn eu rhoi at ddibenion yr adran hon.

**14 Dyletswydd ar gyrff cyhoeddus i ddarparu gwybodaeth neu gymorth arall i CNC**

- (1) Os yw CNC yn gofyn i gorff cyhoeddus ddarparu gwybodaeth i CNC sy'n ofynnol ganddo at ddiben arfer swyddogaethau o dan adran 8 neu 11, rhaid i'r corff cyhoeddus ddarparu'r wybodaeth oni bai bod y corff cyhoeddus wedi ei wahardd rhag ei darparu yn rhinwedd deddfiad neu unrhyw reol gyfreithiol arall.
- (2) Os yw CNC yn gofyn i gorff cyhoeddus arfer ei swyddogaethau i ddarparu cymorth arall i CNC sy'n ofynnol gan CNC at ddiben arfer swyddogaethau o dan adran 8 neu 11, rhaid i'r corff cyhoeddus ddarparu'r cymorth oni bai bod y corff cyhoeddus yn ystyried y byddai gwneud hynny –
  - (a) yn anghydnaws â dyletswyddau'r corff cyhoeddus ei hun, neu
  - (b) yn cael effaith andwyol fel arall ar arfer swyddogaethau'r corff cyhoeddus.
- (3) Mae'r dyletswyddau ar gorff cyhoeddus yn is-adrannau (1) a (2) hefyd yn ddyletswyddau ar Gomisiynydd Cenedlaethau'r Dyfodol Cymru, ond nid ydynt ond yn gymwys i'r Comisiynydd os yw'r wybodaeth neu gymorth arall yn ofynnol er mwyn cynhyrchu adroddiad o dan adran 8 ar gyflwr adnoddau naturiol.

**15 Dyletswydd ar CNC i ddarparu gwybodaeth neu gymorth arall i gyrff cyhoeddus**

- (1) Os yw corff cyhoeddus yn gofyn i CNC ddarparu gwybodaeth i'r corff cyhoeddus sy'n ofynnol ganddo at ddiben gweithredu datganiad ardal, rhaid i CNC ddarparu'r wybodaeth oni bai bod CNC wedi ei wahardd rhag ei darparu yn rhinwedd deddfiad neu unrhyw reol gyfreithiol arall.
- (2) Os yw corff cyhoeddus yn gofyn i CNC arfer ei swyddogaethau i ddarparu cymorth arall i'r corff cyhoeddus sy'n ofynnol gan y corff cyhoeddus at ddiben gweithredu datganiad ardal, rhaid i CNC ddarparu'r cymorth oni bai bod CNC yn ystyried y byddai gwneud hynny –
  - (a) yn anghydnaws â dyletswyddau CNC ei hun, neu
  - (b) yn cael effaith andwyol fel arall ar arfer swyddogaethau CNC.

*Cytundebau rheoli tir***16 Pŵer i ymrwymo i gytundebau rheoli tir**

- (1) Caiff CNC wneud cytundeb â pherson sydd â buddiant mewn tir yng Nghymru ynghylch rheolaeth y tir neu ddefnydd o'r tir ("cytundeb rheoli tir"), os yw'n ymddangos iddo fod gwneud hynny yn hyrwyddo cyflawni unrhyw amcan sydd ganddo o ran arfer ei swyddogaethau.
- (2) Caiff cytundeb rheoli tir wneud y canlynol, ymhlith pethau eraill –



**13 Guidance about implementing area statements**

- (1) In exercising its functions, a public body must have regard to any guidance given to it by the Welsh Ministers about steps that should be taken to address the matters specified in an area statement under section 11(3).
- (2) The Welsh Ministers must publish any guidance they give for the purposes of this section.

**14 Duty of public bodies to provide information or other assistance to NRW**

- (1) If NRW asks a public body to provide NRW with information which it requires for the purpose of exercising functions under section 8 or 11, the public body must provide the information unless the public body is prohibited from providing it by virtue of an enactment or any other rule of law.
- (2) If NRW asks a public body to exercise its functions to provide NRW with other assistance which NRW requires for the purpose of exercising functions under section 8 or 11, the public body must provide the assistance unless the public body considers that doing so would—
  - (a) be incompatible with the public body's own duties, or
  - (b) otherwise have an adverse effect on the exercise of the public body's functions.
- (3) The duties of a public body in subsections (1) and (2) are also duties of the Future Generations Commissioner for Wales, but they only apply to the Commissioner if the information or other assistance is required for the production of a report under section 8 on the state of natural resources.

**15 Duty of NRW to provide information or other assistance to public bodies**

- (1) If a public body asks NRW to provide the public body with information which it requires for the purpose of implementing an area statement, NRW must provide the information unless NRW is prohibited from providing it by virtue of an enactment or any other rule of law.
- (2) If a public body asks NRW to exercise its functions to provide the public body with other assistance which the public body requires for the purpose of implementing an area statement, NRW must provide the assistance unless NRW considers that doing so would—
  - (a) be incompatible with NRW's own duties, or
  - (b) otherwise have an adverse effect on the exercise of NRW's functions.

*Land management agreements***16 Power to enter into land management agreements**

- (1) NRW may make an agreement with a person who has an interest in land in Wales about the management or use of the land (a "land management agreement"), if doing so appears to it to promote the achievement of any objective it has in the exercise of its functions.
- (2) A land management agreement may, among other things—

- (a) gosod rhwymedigaethau mewn cysylltiad â defnydd o'r tir ar y person sydd â buddiant yn y tir;
  - (b) gosod cyfyngiadau ar arfer hawliau dros y tir ar y person sydd â buddiant yn y tir;
  - (c) darparu i unrhyw berson neu bersonau wneud y gwaith hwnnw a allai fod yn hwylus at ddibenion y cytundeb;
  - (d) darparu ar gyfer unrhyw fater y mae cynllun rheoli sy'n ymwneud â safle o ddiddordeb gwyddonol arbennig yn darparu ar ei gyfer (neu y gallai ddarparu ar ei gyfer);
  - (e) darparu i'r naill barti neu'r llall wneud taliadau i'r parti arall neu i unrhyw berson arall;
  - (f) cynnwys darpariaeth gysylltiedig a chanlyniadol.
- (3) Yn yr adran hon –

mae "buddiant mewn tir" ("*interest in land*") yn cynnwys unrhyw ystad mewn tir ac unrhyw hawl dros dir, pa un a yw'r hawl yn arferadwy yn rhinwedd perchenogaeth o fuddiant mewn tir neu yn rhinwedd trwydded neu gytundeb, ac mae'n cynnwys yn benodol hawliau helwriaeth;

mae i "cynllun rheoli" yr ystyr a roddir i "management scheme" gan Ran 2 o Ddeddf Bywyd Gwyllt a Chefn Gwlad 1981 (p. 69) (gweler adran 28J);

mae i "safle o ddiddordeb gwyddonol arbennig" yr ystyr a roddir i "site of special scientific interest" gan Ran 2 o Ddeddf Bywyd Gwyllt a Chefn Gwlad 1981 (gweler adran 52(1)).

## 17 Effaith cytundebau rheoli tir penodol ar olynwyr yn y teitl

- (1) Pan wneir cytundeb rheoli tir â pherson sydd â buddiant cymhwysol mewn tir sy'n ddarostyngedig i'r cytundeb ac nad yw'n dir cofrestredig, a'r cytundeb yn darparu bod darpariaethau'r is-adran hon yn cael effaith mewn perthynas â'r cytundeb –
- (a) caniateir i'r cytundeb gael ei gofrestru fel pridiant tir o dan Ddeddf Pridiannau Tir 1972 (p. 61) fel pe bai'n bridiant sy'n effeithio ar dir sy'n dod o fewn paragraff (ii) o Ddosbarth D,
  - (b) mae darpariaethau adran 4 o'r Ddeddf honno (sy'n ymwneud ag effaith peidio â chofrestru) yn gymwys fel pe bai'r cytundeb yn bridiant tir o'r fath, ac
  - (c) yn ddarostyngedig i ddarpariaethau adran 4 o'r Ddeddf honno, mae'r cytundeb yn rhwymo unrhyw olynnydd i'r person sydd â buddiant cymwys i'r un graddau ag y mae'n rhwymo'r person hwnnw, er gwaethaf y ffaith na fyddai wedi rhwymo'r olynnydd hwnnw oni bai am ddarpariaethau'r is-adran hon.
- (2) Pan wneir cytundeb rheoli tir â pherson sydd â buddiant cymwys mewn tir sy'n ddarostyngedig i'r cytundeb ac sy'n dir cofrestredig, a'r cytundeb yn darparu bod darpariaethau'r is-adran hon yn cael effaith mewn perthynas â'r cytundeb –
- (a) caiff y cytundeb fod yn destun hysbysiad yn y gofrestr teitlau o dan Ddeddf Cofrestru Tir 2002 (p. 9) fel pe bai'n fuddiant sy'n effeithio ar y tir cofrestredig,

- (a) impose on the person who has an interest in the land obligations in respect of the use of the land;
  - (b) impose on the person who has an interest in the land restrictions on the exercise of rights over the land;
  - (c) provide for the carrying out of such work as may be expedient for the purposes of the agreement by any person or persons;
  - (d) provide for any matter for which a management scheme relating to a site of special scientific interest provides (or could provide);
  - (e) provide for the making of payments by either party to the other party or to any other person;
  - (f) contain incidental and consequential provision.
- (3) In this section –
- “interest in land” (*“buddiant mewn tir”*) includes any estate in land and any right over land, whether the right is exercisable by virtue of ownership of an interest in land or by virtue of a licence or agreement, and in particular includes sporting rights;
- “management scheme” (*“cynllun rheoli”*) has the meaning given by Part 2 of the Wildlife and Countryside Act 1981 (c. 69) (see section 28J);
- “site of special scientific interest” (*“safle o ddiddordeb gwyddonol arbennig”*) has the meaning given by Part 2 of the Wildlife and Countryside Act 1981 (see section 52(1)).

## 17 Effect on successors in title of certain land management agreements

- (1) Where a land management agreement is made with a person with a qualifying interest in land subject to the agreement which is not registered land, and the agreement provides that the provisions of this subsection have effect in relation to the agreement –
- (a) the agreement may be registered as a land charge under the Land Charges Act 1972 (c. 61) as if it were a charge affecting land falling within paragraph (ii) of Class D,
  - (b) the provisions of section 4 of that Act (which relates to the effect of non-registration) apply as if the agreement were such a land charge, and
  - (c) subject to the provisions of section 4 of that Act, the agreement is binding upon any successor of the person with the qualifying interest to the same extent as it is binding upon that person, despite the fact that it would not have been binding upon that successor apart from the provisions of this subsection.
- (2) Where a land management agreement is made with a person with a qualifying interest in land subject to the agreement which is registered land, and the agreement provides that the provisions of this subsection have effect in relation to the agreement –
- (a) the agreement may be the subject of a notice in the register of title under the Land Registration Act 2002 (c. 9) as if it were an interest affecting the registered land,

- (b) mae darpariaethau adrannau 28 i 30 o'r Ddeddf honno (effaith gwarediadau tir cofrestredig ar flaenoriaeth buddiannau gwrthwynebus) yn gymwys fel pe bai'r cytundeb yn fuddiant o'r fath; ac
  - (c) yn ddarostyngedig i ddarpariaethau'r adrannau hynny, mae'r cytundeb yn rhwymo unrhyw olynydd i'r person sydd â buddiant cymwys i'r un graddau ag y mae'n rhwymo'r person hwnnw, er gwaethaf y ffaith na fyddai wedi rhwymo'r olynydd hwnnw oni bai am ddarpariaethau'r is-adran hon.
- (3) Mae gan berson fuddiant cymwys mewn tir at ddiben yr adran hon os yw'r buddiant –
- (a) yn ystad mewn ffi syml mewn meddiannaeth absoliwt;
  - (b) yn dymor o flynyddoedd absoliwt a roddwyd am dymor o fwy na saith mlynedd o ddyddiad ei roi ac yn yr achos hwnnw bod rhyw ran o'r cyfnod y rhoddwyd y tymor o flynyddoedd mewn perthynas ag ef yn parhau heb ddod i ben.
- (4) Yn yr adran hon –
- ystyr "olynydd" ("*successor*"), mewn perthynas â chytundeb â pherson sydd â buddiant cymwys mewn unrhyw dir, yw person y mae ei deitl yn deillio o'r person hwnnw sydd â buddiant cymwys, neu sy'n hawlio fel arall o dan y person hwnnw, ac eithrio yn hawl buddiant neu bridiant yr oedd buddiant y person gyda'r buddiant cymwys yn ddarostyngedig iddo yn union cyn –
- (a) yr adeg y gwnaed y cytundeb, pan nad yw'r tir yn dir cofrestredig, neu
  - (b) yr adeg y cofrestrwyd yr hysbysiad am y cytundeb, pan fo'r tir yn dir cofrestredig;
- mae i "tir cofrestredig" yr un ystyr ag a roddir i "registered land" yn Neddf Cofrestru Tir 2002.

## 18 Cymhwyso Atodlen 2 i Ddeddf Coedwigaeth 1967 i gytundebau rheoli tir

Mae Atodlen 2 i Ddeddf Coedwigaeth 1967 (p. 10) (pŵer i denant am oes ac eraill ymrwymo i gyfamodau neilltuo coedwigaeth) yn gymwys i gytundebau rheoli tir fel ag y mae'n gymwys i gyfamodau neilltuo coedwigaeth.

## 19 Effaith cytundebau ar gyflwyno priffordd a rhoi hawddfraint

At ddibenion unrhyw ddeddfiad neu reol gyfreithiol o ran yr amgylchiadau pan ganiateir rhagdybio bod priffordd wedi ei chyflwyno neu hawddfraint wedi ei rhoi, neu y caniateir penderfynu hynny drwy ragnodiad, mae'r ffaith bod y cyhoedd neu unrhyw berson yn defnyddio ffordd ar draws tir yn rhinwedd cytundeb rheoli tir i gael ei diystyru.

## 20 Darpariaethau trosiannol

- (1) Mae cytundeb sy'n ymwneud â thir yr ymrwymwyd iddo gan CNC, neu unrhyw gorff a ragflaenodd y corff hwnnw, o dan ddeddfiad a ddatgymhwysir i'w drin fel cytundeb rheoli tir.
- (2) Y deddfiadau a ddatgymhwysir yw –
  - (a) adran 16 o Ddeddf Parciau Cenedlaethol a Mynediad i Gefn Gwlad 1949 (p. 97);
  - (b) adran 15 o Ddeddf Cefn Gwlad 1968 (p. 41);

- (b) the provisions of sections 28 to 30 of that Act (effect of dispositions of registered land on priority of adverse interests) apply as if the agreement were such an interest, and
  - (c) subject to the provisions of those sections, the agreement is binding upon any successor of the person with the qualifying interest to the same extent as it is binding upon that person, despite the fact that it would not have been binding upon that successor apart from the provisions of this subsection.
- (3) A person has a qualifying interest in land for the purpose of this section if the interest is –
- (a) an estate in fee simple absolute in possession;
  - (b) a term of years absolute granted for a term of more than seven years from the date of the grant and in the case of which some part of the period for which the term of years was granted remains unexpired.
- (4) In this section –
- “registered land” (*“tir cofrestredig”*) has the same meaning as in the Land Registration Act 2002;
- “successor” (*“olynydd”*), in relation to an agreement with a person with a qualifying interest in any land, means a person deriving title or otherwise claiming under that person with a qualifying interest, otherwise than in right of an interest or charge to which the interest of the person with the qualifying interest was subject immediately before –
- (a) the time when the agreement was made, where the land is not registered land, or
  - (b) the time when the notice of the agreement was registered, where the land is registered land.

## 18 Application of Schedule 2 to the Forestry Act 1967 to land management agreements

Schedule 2 to the Forestry Act 1967 (c. 10) (power for tenant for life and others to enter into forestry dedication covenants) applies to land management agreements as it applies to forestry dedication covenants.

## 19 Effect of agreements on dedication of highway and grant of easement

For the purposes of any enactment or rule of law as to the circumstances in which the dedication of a highway or the grant of an easement may be presumed, or may be established by prescription, the use by the public or by any person of a way across land by virtue of a land management agreement is to be disregarded.

## 20 Transitional provisions

- (1) An agreement relating to land in Wales entered into by NRW, or any predecessor of that body, under a disappplied enactment is to be treated as a land management agreement.
- (2) The disappplied enactments are –
  - (a) section 16 of the National Parks and Access to the Countryside Act 1949 (c. 97);
  - (b) section 15 of the Countryside Act 1968 (c. 41);

(c) adran 39 o Ddeddf Bywyd Gwyllt a Chefn Gwlad 1981 (p. 69).

## **21 Tir y Goron**

- (1) Caiff yr awdurdod priodol ymrwymo i gytundeb rheoli tir mewn perthynas â buddiant yn nhir y Goron a ddelir gan y Goron neu ar ei rhan.
- (2) Nid yw cytundeb rheoli tir o ran unrhyw fuddiant arall yn nhir y Goron yn cael unrhyw effaith oni bai ei fod yn cael ei gymeradwyo gan yr awdurdod priodol.
- (3) Ystyr “tir y Goron” yw tir y mae buddiant ynddo—
  - (a) yn perthyn i Ei Mawrhydi yn hawl y Goron,
  - (b) yn perthyn i Ei Mawrhydi yn hawl Dugiaeth Caerhirfryn,
  - (c) yn perthyn i Ddugiaeth Cernyw, neu
  - (d) yn perthyn i un o adrannau’r llywodraeth neu’n cael ei ddal mewn ymddiriedolaeth ar gyfer Ei Mawrhydi at ddibenion un o adrannau’r llywodraeth.
- (4) Ystyr “yr awdurdod priodol”, mewn perthynas ag unrhyw dir—
  - (a) os yw’r tir yn perthyn i Ei Mawrhydi yn hawl y Goron, yw Comisiynwyr Ystad y Goron neu un o adrannau eraill y llywodraeth sy’n rheoli’r tir o dan sylw;
  - (b) os yw’r tir yn perthyn i Ei Mawrhydi yn hawl Dugiaeth Caerhirfryn, yw Canghellor y Ddugiaeth;
  - (c) os yw’r tir yn perthyn i Ddugiaeth Cernyw, yw’r person hwnnw y mae Dug Cernyw, neu’r person sy’n meddu ar Ddugiaeth Cernyw am y tro, yn ei benodi;
  - (d) os yw’r tir yn perthyn i un o adrannau’r llywodraeth neu’n cael ei ddal mewn ymddiriedolaeth ar gyfer Ei Mawrhydi at ddibenion un o adrannau’r llywodraeth, yw’r adran honno.
- (5) Os oes unrhyw gwestiwn yn codi o dan yr adran hon ynghylch pa awdurdod yw’r awdurdod priodol mewn perthynas ag unrhyw dir, mae’r cwestiwn hwnnw i gael ei gyfeirio at y Trysorlys, sydd biau’r penderfyniad terfynol.

### *Cynlluniau arbrofol*

## **22 Pŵer i atal dros dro ofynion statudol ar gyfer cynlluniau arbrofol**

- (1) Ar gais CNC, caiff Gweinidogion Cymru wneud darpariaeth drwy reoliadau mewn perthynas â Chymru—
  - (a) sy’n eithrio unrhyw berson rhag gofyniad statudol y mae CNC yn gyfrifol amdano;
  - (b) sy’n llacio unrhyw ofyniad o’r fath wrth ei gymhwyso i berson;
  - (c) sy’n ei gwneud yn ofynnol i berson y mae eithriad neu lacio gofyniad yn gymwys iddo gydymffurfio ag amodau a bennir yn y rheoliadau;
  - (d) sy’n addasu deddfiad mewn modd y mae Gweinidogion Cymru yn ystyried ei fod yn angenrheidiol er mwyn gorfodi unrhyw ddarpariaeth a wneir yn rhinwedd paragraffau (a) i (c), neu o ganlyniad i unrhyw ddarpariaeth o’r fath.

(c) section 39 of the Wildlife and Countryside Act 1981 (c. 69).

## **21 Crown land**

- (1) The appropriate authority may enter into a land management agreement as respects an interest in Crown land held by or on behalf of the Crown.
- (2) A land management agreement as respects any other interest in Crown land is of no effect unless approved by the appropriate authority.
- (3) “Crown land” means land an interest in which—
  - (a) belongs to Her Majesty in right of the Crown,
  - (b) belongs to Her Majesty in right of the Duchy of Lancaster,
  - (c) belongs to the Duchy of Cornwall, or
  - (d) belongs to a government department or is held in trust for Her Majesty for the purposes of a government department.
- (4) “The appropriate authority”, in relation to any land, means—
  - (a) if the land belongs to Her Majesty in right of the Crown, the Crown Estate Commissioners or other government department having the management of the land in question;
  - (b) if the land belongs to Her Majesty in right of the Duchy of Lancaster, the Chancellor of the Duchy;
  - (c) if the land belongs to the Duchy of Cornwall, such person as the Duke of Cornwall, or the possessor for the time being of the Duchy of Cornwall, appoints;
  - (d) if the land belongs to a government department or is held in trust for Her Majesty for the purposes of a government department, that department.
- (5) If any question arises under this section as to what authority is the appropriate authority in relation to any land, that question is to be referred to the Treasury, whose decision is final.

### *Experimental schemes*

## **22 Power to suspend statutory requirements for experimental schemes**

- (1) On the application of NRW, the Welsh Ministers may by regulations make provision in relation to Wales—
  - (a) conferring on any person exemption from a statutory requirement for which NRW is responsible;
  - (b) relaxing any such requirement in its application to a person;
  - (c) requiring a person to whom an exemption or relaxation applies to comply with conditions specified in the regulations;
  - (d) modifying an enactment in a way the Welsh Ministers consider necessary for the enforcement of, or in consequence of, any provision made by virtue of paragraphs (a) to (c).

- (2) Ni chaiff rheoliadau o dan is-adran (1) wneud darpariaeth sy'n tynnu ymaith neu'n addasu swyddogaeth un o Weinidogion y Goron a oedd yn arferadwy gan un o Weinidogion y Goron cyn 5 Mai 2011 oni bai bod yr Ysgrifennydd Gwladol yn cydsynio i'r ddarpariaeth.
- (3) Cyn gwneud darpariaeth o dan is-adran (1), rhaid i Weinidogion Cymru –
  - (a) bod wedi eu bodloni bod y ddarpariaeth yn angenrheidiol er mwyn galluogi cynnal cynllun arbrolfol sy'n debygol o gyfrannu at reoli cynaliadwy ar adnoddau naturiol,
  - (b) bod wedi eu bodloni na fydd y rheoliadau'n cael yr effaith gyffredinol o gynyddu'r baich rheoliadol ar unrhyw berson, a
  - (c) ymgynghori –
    - (i) â phersonau y maent yn barnu bod darpariaeth yn y rheoliadau yn debygol o effeithio arnynt, a
    - (ii) â phersonau y maent yn barnu bod y cynllun arbrolfol yn debygol o effeithio arnynt fel arall.
- (4) Mae rheoliadau o dan is-adran (1) yn cael effaith yn ystod cyfnod a bennir yn y rheoliadau na chaiff fod yn hwy na thair blynedd.
- (5) Ond caiff rheoliadau o dan is-adran (1), ar un achlysur yn unig, ymestyn y cyfnod y mae rheoliadau blaenorol o dan yr is-adran honno yn cael effaith am gyfnod o ddim mwy na thair blynedd o ddiwedd y cyfnod a bennwyd yn y rheoliadau blaenorol.
- (6) Pan fo rheoliadau o dan is-adran (1) yn cael yr effaith sylweddol o ddirymu rheoliadau blaenorol o dan yr is-adran honno, a hynny'n unig, caniateir i'r rheoliadau gael eu gwneud heb gais gan CNC.
- (7) Ac nid yw is-adran (3) yn gymwys i ddarpariaethau mewn rheoliadau o dan is-adran (1) sy'n dirymu rheoliadau blaenorol o dan yr is-adran honno (pa un a yw CNC yn gwneud cais am y dirymiad ai peidio).
- (8) Pan fo darpariaeth wedi ei gwneud o dan is-adran (1) i alluogi cynnal cynllun arbrolfol, rhaid i CNC –
  - (a) gwerthuso'r cynllun ar ba adeg bynnag y mae'n ystyried ei bod yn briodol, a
  - (b) cyhoeddi adroddiad sy'n nodi'r gwerthusiad ac yn disgrifio unrhyw gamau y mae CNC yn ystyried y dylid eu cymryd yng ngoleuni'r gwerthusiad.
- (9) At ddibenion yr adran hon –
  - (a) ystyr gofyniad statudol yw gofyniad a osodir gan ddeddfiad;
  - (b) mae CNC yn gyfrifol am ofyniad statudol –
    - (i) os yw'n ofyniad i gydymffurfio â safon neu ofyniad a osodir gan CNC,
    - (ii) os yw'n ofyniad i gael trwydded neu awdurdodiad arall gan CNC cyn gwneud rhywbeth,
    - (iii) os yw'n ofyniad y caiff CNC ei orfodi, neu
    - (iv) os yw'n ofyniad sy'n gymwys i CNC ac sy'n ymwneud â'r modd y mae adnoddau naturiol yn cael eu rheoli neu eu defnyddio, neu at ba ddibenion y maent yn cael eu rheoli neu eu defnyddio.



- (2) Regulations under subsection (1) may not make provision removing or modifying a function of a Minister of the Crown that was exercisable by a Minister of the Crown before 5 May 2011 unless the Secretary of State consents to the provision.
- (3) Before making provision under subsection (1), the Welsh Ministers –
  - (a) must be satisfied that the provision is necessary to enable an experimental scheme that is likely to contribute to the sustainable management of natural resources to be carried out,
  - (b) must be satisfied that the regulations will not have the overall effect of increasing the regulatory burden on any person, and
  - (c) must consult –
    - (i) persons they think are likely to be affected by provision in the regulations, and
    - (ii) persons they think are likely to be otherwise affected by the experimental scheme.
- (4) Regulations under subsection (1) have effect during a period specified in the regulations which must not exceed three years.
- (5) But regulations under subsection (1) may, on one occasion only, extend the period for which previous regulations under that subsection have effect by a period of not more than three years from the end of the period specified in the previous regulations.
- (6) Where the only substantive effect of regulations under subsection (1) is to revoke previous regulations under that subsection, the regulations may be made without an application from NRW.
- (7) And subsection (3) does not apply to provisions in regulations under subsection (1) which revoke previous regulations under that subsection (whether or not NRW applies for the revocation).
- (8) Where provision has been made under subsection (1) to enable an experimental scheme to be carried out, NRW must –
  - (a) evaluate the scheme at such time as it considers appropriate, and
  - (b) publish a report setting out the evaluation and describing any action that NRW considers should be taken in light of it.
- (9) For the purposes of this section –
  - (a) a statutory requirement is a requirement imposed by an enactment;
  - (b) NRW is responsible for a statutory requirement if –
    - (i) it is a requirement to comply with a standard set or requirement imposed by NRW,
    - (ii) it is a requirement to obtain a licence or other authorisation from NRW before doing something,
    - (iii) it is a requirement that may be enforced by NRW, or
    - (iv) it is a requirement that applies to NRW and is concerned with the way in which, or the purposes for which, natural resources are managed or used.

- (10) Yn yr adran hon, ystyr “cynllun arbrofol” yw cynllun a gynhelir o dan drefniadau a wneir gan CNC o dan erthygl 10C o Orchymyn Corff Adnoddau Naturiol Cymru (Sefydlu) 2012 (O.S. 2012/1903).

### 23 Pŵer CNC i gynnal cynlluniau arbrofol etc.

Yng Ngorchymyn Corff Adnoddau Naturiol Cymru (Sefydlu) 2012 (O.S. 2012/1903), yn lle erthygl 10C rhodder –

#### “10C Ymchwil a chynlluniau arbrofol

- (1) Caiff y Corff wneud trefniadau i gyflawni (boed gan y Corff neu gan bersonau eraill) ymchwil a chynlluniau arbrofol sy’n berthnasol i arfer ei swyddogaethau.
- (2) Caiff y Corff ddarparu cefnogaeth (drwy gyfrwng arian neu fel arall) ar gyfer ymchwil a chynlluniau arbrofol sy’n berthnasol i arfer ei swyddogaethau; ac mae paragraffau (2) a (3) o erthygl 10B yn gymwys i roi cymorth ariannol o dan y paragraff hwn.
- (3) Wrth gyflawni gweithgareddau o dan yr erthygl hon mewn perthynas â chadwraeth natur, rhaid i’r Corff roi sylw i unrhyw safonau cyffredin a sefydlwyd o dan adran 34(2)(c) o Ddeddf yr Amgylchedd Naturiol a Chymunedau Gwledig 2006 i’r graddau y maent yn gymwys i’r gweithgareddau.
- (4) Yn yr erthygl hon –
  - ystyr “cynllun arbrofol” (“*experimental scheme*”) yw cynllun sydd wedi ei ddylunio –
    - (a) i ddatblygu neu i gymhwyso dulliau, cysyniadau neu dechnegau newydd neu addasedig, neu
    - (b) i ddatblygu neu brofi cynigion ar gyfer newid rheoleiddiol;

mae “ymchwil” (“*research*”) yn cynnwys ymholiadau ac ymchwiliadau.”

*Cyffredinol*

### 24 Pŵer i ddiwygio cyfnodau ar gyfer paratoi a chyhoeddi dogfennau

- (1) Caiff Gweinidogion Cymru, drwy reoliadau, wneud darpariaeth sy’n newid erbyn pa bryd y mae’n rhaid paratoi neu gyhoeddi’r dogfennau a ganlyn –
  - (a) adroddiad ar gyflwr adnoddau naturiol neu ddrafft o adroddiad o’r fath;
  - (b) y polisi adnoddau naturiol cenedlaethol.
- (2) Caiff rheoliadau o dan is-adran (1) wneud darpariaeth ar ffurf diwygiad i’r Rhan hon.
- (3) Cyn gwneud rheoliadau o dan is-adran (1) rhaid i Weinidogion Cymru ymgynghori ag CNC.

- (10) In this section, “experimental scheme” means a scheme carried out under arrangements made by NRW under article 10C of the Natural Resources Body for Wales (Establishment) Order 2012 (S.I. 2012/1903).

### 23 Power of NRW to conduct experimental schemes etc.

In the Natural Resources Body for Wales (Establishment) Order 2012 (S.I. 2012/1903), for article 10C substitute—

#### “10C Research and experimental schemes

- (1) The Body may make arrangements for the carrying out (whether by the Body or by other persons) of research and experimental schemes that are relevant to the exercise of its functions.
- (2) The Body may provide support (by financial means or otherwise) for research and experimental schemes that are relevant to the exercise of its functions; and paragraphs (2) and (3) of article 10B apply to the giving of financial assistance under this paragraph.
- (3) In carrying out activities under this article relating to nature conservation, the Body must have regard to any common standards established under section 34(2)(c) of the Natural Environment and Rural Communities Act 2006 in so far as they are applicable to the activities.

- (4) In this article—

“experimental scheme” (“*cynllun arbrol*”) means a scheme designed—

- (a) to develop or apply new or modified methods, concepts or techniques, or
- (b) to develop or test proposals for regulatory change;

“research” (“*ymchwil*”) includes inquiries and investigations.”

*General*

### 24 Power to amend periods for the preparation and publication of documents

- (1) The Welsh Ministers may by regulations make provision changing the time by which the following documents must be prepared or published—
  - (a) a state of natural resources report or a draft of such a report;
  - (b) the national natural resources policy.
- (2) Regulations under subsection (1) may make provision by way of amendment of this Part.
- (3) Before making regulations under subsection (1) the Welsh Ministers must consult NRW.

**25 Rheoliadau o dan y Rhan hon**

- (1) Mae pŵer i wneud rheoliadau o dan y Rhan hon i'w arfer drwy offeryn statudol.
- (2) Mae pŵer i wneud rheoliadau o dan y Rhan hon yn cynnwys pŵer –
  - (a) i wneud darpariaeth wahanol at ddibenion gwahanol neu ar gyfer achosion gwahanol;
  - (b) i wneud darpariaeth drosiannol neu ddarpariaeth arbed.
- (3) Ni chaniateir i offeryn statudol sy'n cynnwys rheoliadau o dan y Rhan hon gael ei wneud oni bai bod drafft o'r offeryn wedi ei osod gerbron Cynulliad Cenedlaethol Cymru ac wedi ei gymeradwyo drwy benderfyniad ganddo.
- (4) Nid yw offeryn statudol sy'n cynnwys rheoliadau sy'n cael yr effaith sylweddol o ddirymu rheoliadau a wnaed o dan adran 22(1), a hynny'n unig, yn ddarostyngedig i'r gofyniad yn is-adran (3), ond rhaid iddo gael ei osod gerbron Cynulliad Cenedlaethol Cymru ar ôl cael ei wneud.

**26 Dehongliad cyffredinol o'r Rhan hon**

Yn y Rhan hon –

- mae “adnoddau naturiol” (“*natural resources*”) i'w ddehongli yn unol ag adran 2;
- ystyr “bioamrywiaeth” (“*biodiversity*”) yw amrywiaeth organeddau byw, boed ar lefel geneteg, rhywogaeth neu ecosystem;
- ystyr “CNC” (“*NRW*”) yw Corff Adnoddau Naturiol Cymru;
- ystyr “cytundeb rheoli tir” (“*land management agreement*”) yw cytundeb o dan adran 16;
- mae i “egwyddorion rheoli cynaliadwy ar adnoddau naturiol” (“*principles of sustainable management of natural resources*”) yr ystyr a roddir gan adran 4;
- mae i “polisi adnoddau naturiol cenedlaethol” (“*national natural resources policy*”) yr ystyr a roddir gan adran 9;
- mae i “rheoli cynaliadwy ar adnoddau naturiol” (“*sustainable management of natural resources*”) yr ystyr a roddir gan adran 3;
- mae “tir” (“*land*”) yn cynnwys tir wedi ei orchuddio â dŵr.

**27 Mân ddarpariaethau a darpariaethau canlyniadol**

- (1) Nid yw'r diwygiadau a wneir gan y Rhan hon i Orchymyn Corff Adnoddau Naturiol Cymru (Sefydlu) 2012 (O.S. 2012/1903) yn effeithio ar bŵer Gweinidogion Cymru i wneud gorchmynion pellach o dan adrannau 13 a 15 o Ddeddf Cyrff Cyhoeddus 2011 (p. 24) sy'n diwygio neu'n dirymu'r ddarpariaeth a wneir gan y diwygiadau hynny.
- (2) Mae Rhan 1 o Atodlen 2 yn darparu ar gyfer mân ddiwygiadau, diwygiadau canlyniadol a diddmiadau sy'n ymwneud â'r Rhan hon.

**25 Regulations under this Part**

- (1) A power to make regulations under this Part is to be exercised by statutory instrument.
- (2) A power to make regulations under this Part includes power –
  - (a) to make different provision for different purposes or cases;
  - (b) to make transitional or saving provision.
- (3) A statutory instrument containing regulations under this Part may not be made unless a draft of the instrument has been laid before, and approved by a resolution of, the National Assembly for Wales.
- (4) A statutory instrument containing regulations whose only substantive effect is to revoke regulations made under section 22(1) is not subject to the requirement in subsection (3), but must be laid before the National Assembly for Wales after being made.

**26 General interpretation of this Part**

In this Part –

“biodiversity” (*“bioamrywiaeth”*) means the diversity of living organisms, whether at the genetic, species or ecosystem level;

“land” (*“tir”*) includes land covered by water;

“land management agreement” (*“cytundeb rheoli tir”*) means an agreement under section 16;

“national natural resources policy” (*“polisi adnoddau naturiol cenedlaethol”*) has the meaning given by section 9;

“natural resources” (*“adnoddau naturiol”*) is to be interpreted in accordance with section 2;

“NRW” (*“CNC”*) means the Natural Resources Body for Wales;

“principles of sustainable management of natural resources” (*“egwyddorion rheoli cynaliadwy ar adnoddau naturiol”*) has the meaning given by section 4;

“sustainable management of natural resources” (*“rheoli cynaliadwy ar adnoddau naturiol”*) has the meaning given by section 3.

**27 Minor and consequential provision**

- (1) The amendments made by this Part to the Natural Resources Body for Wales (Establishment) Order 2012 (S.I. 2012/1903) do not affect the power of the Welsh Ministers to make further orders under sections 13 and 15 of the Public Bodies Act 2011 (c. 24) amending or revoking the provision made by those amendments.
- (2) Part 1 of Schedule 2 provides for minor and consequential amendments and repeals relating to this Part.

**RHAN 2****NEWID YN YR HINSAWDD***Rhagarweiniad***28 Diben y Rhan hon**

Diben y Rhan hon yw ei gwneud yn ofynnol i Weinidogion Cymru gyrraedd targedau ar gyfer lleihau allyriadau nwyon tŷ gwydr o Gymru.

*Targedau allyriadau a chyllidebau carbon: y prif ddyletswyddau ar Weinidogion Cymru*

**29 Targed allyriadau 2050**

- (1) Rhaid i Weinidogion Cymru sicrhau bod cyfrif allyriadau net Cymru ar gyfer y flwyddyn 2050 o leiaf 80% yn is na'r waelodlin.
- (2) Gweler adran 33 am ystyr "cyfrif allyriadau net Cymru", a gweler adran 38 am ystyr y "waelodlin".
- (3) Caiff Gweinidogion Cymru, drwy reoliadau, ddiwygio is-adran (1) fel ei bod yn pennu canran sy'n fwy nag 80%.
- (4) Yn y Rhan hon, cyfeirir at y targed yn is-adran (1) fel "targed allyriadau 2050".

**30 Targedau allyriadau interim**

- (1) Ar gyfer pob blwyddyn darged interim rhaid i Weinidogion Cymru, drwy reoliadau, osod uchafswm ar gyfer cyfrif allyriadau net Cymru, a fynegir fel canran islaw'r waelodlin ("targed allyriadau interim").
- (2) Rhaid i Weinidogion Cymru sicrhau nad yw cyfrif allyriadau net Cymru ar gyfer pob blwyddyn darged interim yn uwch na'r targed allyriadau interim ar gyfer y flwyddyn honno.
- (3) Y blynyddoedd targed interim yw 2020, 2030 a 2040.
- (4) Rhaid i Weinidogion Cymru osod y targedau allyriadau interim cyn diwedd 2018.

**31 Cyllidebau carbon**

- (1) Ar gyfer pob cyfnod cyllidebol, rhaid i Weinidogion Cymru osod drwy reoliadau gyfanswm uchaf ar gyfer cyfrif allyriadau net Cymru ("cyllideb garbon").
- (2) Rhaid i Weinidogion Cymru sicrhau nad yw cyfrif allyriadau net Cymru ar gyfer pob cyfnod cyllidebol yn uwch na'r gyllideb garbon ar gyfer y cyfnod hwnnw.
- (3) Y cyfnodau cyllidebol yw –
  - (a) 2016 i 2020, a
  - (b) pob cyfnod dilynol o bum mlynedd, sy'n dod i ben â 2046 i 2050.
- (4) Rhaid i Weinidogion Cymru –
  - (a) gosod y cyllidebau carbon ar gyfer y ddau gyfnod cyllidebol cyntaf cyn diwedd 2018, a

## PART 2

### CLIMATE CHANGE

#### *Introduction*

#### **28 Purpose of this Part**

The purpose of this Part is to require the Welsh Ministers to meet targets for reducing emissions of greenhouse gases from Wales.

*Emissions targets and carbon budgets: main duties of the Welsh Ministers*

#### **29 The 2050 emissions target**

- (1) The Welsh Ministers must ensure that the net Welsh emissions account for the year 2050 is at least 80% lower than the baseline.
- (2) For the meaning of the “net Welsh emissions account” see section 33, and for the meaning of the “baseline” see section 38.
- (3) The Welsh Ministers may by regulations amend subsection (1) so that it specifies a percentage greater than 80%.
- (4) In this Part, the target in subsection (1) is referred to as the “2050 emissions target”.

#### **30 Interim emissions targets**

- (1) For each interim target year, the Welsh Ministers must by regulations set a maximum amount for the net Welsh emissions account, expressed as a percentage below the baseline (an “interim emissions target”).
- (2) The Welsh Ministers must ensure that the net Welsh emissions account for each interim target year does not exceed the interim emissions target for that year.
- (3) The interim target years are 2020, 2030 and 2040.
- (4) The Welsh Ministers must set the interim emissions targets before the end of 2018.

#### **31 Carbon budgets**

- (1) For each budgetary period, the Welsh Ministers must by regulations set a maximum total amount for the net Welsh emissions account (a “carbon budget”).
- (2) The Welsh Ministers must ensure that the net Welsh emissions account for each budgetary period does not exceed the carbon budget for that period.
- (3) The budgetary periods are—
  - (a) 2016 to 2020, and
  - (b) each succeeding period of five years, ending with 2046 to 2050.
- (4) The Welsh Ministers must—
  - (a) set the carbon budgets for the first two budgetary periods before the end of 2018, and

- (b) gosod y gyllideb garbon ar gyfer y trydydd cyfnod cyllidebol a'r cyfnodau cyllidebol diweddarach o leiaf bum mlynedd cyn dechrau'r cyfnod o dan sylw.

### **32 Targedau allyriadau a chyllidebau carbon: egwyddorion**

- (1) Rhaid i Weinidogion Cymru –
  - (a) gosod pob targed allyriadau interim ar lefel y maent wedi eu bodloni ei bod yn gyson â chyrraedd targed allyriadau 2050, a
  - (b) gosod y gyllideb garbon ar gyfer pob cyfnod cyllidebol ar lefel y maent wedi eu bodloni ei bod yn gyson â chyrraedd –
    - (i) targed allyriadau 2050, a
    - (ii) y targed allyriadau interim ar gyfer unrhyw flwyddyn darged interim sydd o fewn y cyfnod cyllidebol hwnnw neu'n dod ar ei ôl.
- (2) Ni chaiff Gweinidogion Cymru wneud rheoliadau sy'n newid targed allyriadau 2050, targed allyriadau interim neu gyllideb garbon oni bai bod o leiaf un o'r amodau a ganlyn wedi ei fodloni –
  - (a) eu bod wedi eu bodloni ei bod yn briodol gwneud y newid o ganlyniad i ddatblygiadau sylweddol o ran –
    - (i) gwybodaeth wyddonol ynghylch newid yn yr hinsawdd, neu
    - (ii) cyfreithiau neu bolisiau'r UE neu gyfreithiau neu bolisiau rhyngwladol sy'n ymwneud â newid yn yr hinsawdd;
  - (b) bod y corff cynghori wedi argymhell y newid;
  - (c) bod y newid yn gysylltiedig â darpariaeth a wneir o dan adran 35(1) neu 37(2).
- (3) Wrth wneud rheoliadau sy'n newid targed allyriadau 2050, neu'n gosod neu'n newid targed allyriadau interim neu gyllideb garbon, rhaid i Weinidogion Cymru roi sylw i –
  - (a) yr adroddiad diweddaraf o dan adran 8 ar gyflwr adnoddau naturiol mewn perthynas â Chymru,
  - (b) yr adroddiad tueddiadau tebygol y dyfodol diweddaraf o dan adran 11 o Ddeddf Llesiant Cenedlaethau'r Dyfodol (Cymru) 2015 (dccc 2),
  - (c) yr adroddiad diweddaraf (os oes un) o dan adran 23 o'r Ddeddf honno (adroddiad cenedlaethau'r dyfodol),
  - (d) gwybodaeth wyddonol ynghylch newid yn yr hinsawdd,
  - (e) technoleg sy'n berthnasol i newid yn yr hinsawdd, ac
  - (f) cyfreithiau a pholisiau'r UE a chyfreithiau a pholisiau rhyngwladol sy'n ymwneud â newid yn yr hinsawdd (gan gynnwys cytundebau rhyngwladol ar fesurau a gynlluniwyd i gyfyngu ar gynnydd mewn tymheredd cyfartalog bydeang).
- (4) Mae adrannau 49 a 50 yn gwneud darpariaeth ynghylch y cyngor y mae'n rhaid i Weinidogion Cymru ei gael gan y corff cynghori, a'i ystyried, cyn gwneud rheoliadau sy'n newid targed allyriadau 2050 neu'n gosod neu'n newid targed allyriadau interim neu gyllideb garbon.



- (b) set the carbon budget for the third and later budgetary periods at least five years before the start of the period in question.

### **32 Emissions targets and carbon budgets: principles**

- (1) The Welsh Ministers must –
  - (a) set each interim emissions target at a level that they are satisfied is consistent with meeting the 2050 emissions target, and
  - (b) set the carbon budget for each budgetary period at a level that they are satisfied is consistent with meeting –
    - (i) the 2050 emissions target, and
    - (ii) the interim emissions target for any interim target year that falls within or after that budgetary period.
- (2) The Welsh Ministers may not make regulations changing the 2050 emissions target, an interim emissions target or a carbon budget unless at least one of the following conditions is met –
  - (a) they are satisfied that it is appropriate to make the change as a result of significant developments in –
    - (i) scientific knowledge about climate change, or
    - (ii) EU or international law or policy relating to climate change;
  - (b) the change has been recommended by the advisory body;
  - (c) the change is in connection with provision made under section 35(1) or 37(2).
- (3) When making regulations changing the 2050 emissions target, or setting or changing an interim emissions target or a carbon budget, the Welsh Ministers must have regard to –
  - (a) the most recent report under section 8 on the state of natural resources in relation to Wales,
  - (b) the most recent future trends report under section 11 of the Well-being of Future Generations (Wales) Act 2015 (anaw 2),
  - (c) the most recent report (if any) under section 23 of that Act (future generations report),
  - (d) scientific knowledge about climate change,
  - (e) technology relevant to climate change, and
  - (f) EU and international law and policy relating to climate change (including international agreements on measures designed to limit increases in global average temperatures).
- (4) Sections 49 and 50 make provision about advice that the Welsh Ministers must obtain from the advisory body and take into account before making regulations changing the 2050 emissions target or setting or changing an interim emissions target or a carbon budget.

*Targedau a chyllidebau: cwrpas a phrif gysyniadau***33 Cyfrif allyriadau net Cymru**

- (1) “Cyfrif allyriadau net Cymru” ar gyfer cyfnod yw’r swm a gyfrifir fel a ganlyn—
  - (a) penderfynu swm allyriadau net Cymru o nwyon tŷ gwydr am y cyfnod yn unol ag adran 34;
  - (b) tynnu swm yr unedau carbon a gredydir i gyfrif allyriadau net Cymru am y cyfnod;
  - (c) ychwanegu swm yr unedau carbon a ddidynnir o gyfrif allyriadau net Cymru am y cyfnod.
- (2) Caiff Gweinidogion Cymru wneud darpariaeth ynghylch y canlynol drwy reoliadau—
  - (a) o dan ba amgylchiadau y caniateir credydu unedau carbon i gyfrif allyriadau net Cymru am gyfnod;
  - (b) o dan ba amgylchiadau y mae’n rhaid didynnu unedau carbon o gyfrif allyriadau net Cymru am gyfnod;
  - (c) sut y mae hynny i gael ei wneud.
- (3) Rhaid i’r rheoliadau gynnwys darpariaeth ar gyfer sicrhau bod unedau carbon sy’n cael eu credydu i gyfrif allyriadau net Cymru am gyfnod yn peidio â bod ar gael i’w gosod yn erbyn allyriadau eraill o nwy tŷ gwydr.
- (4) Rhaid i Weinidogion Cymru osod terfyn, drwy reoliadau, ar swm net yr unedau carbon y caniateir gostwng cyfrif allyriadau net Cymru am gyfnod o ganlyniad i gymhwyso is-adran (1)(b) ac (c).
- (5) Caiff y rheoliadau ddarparu nad yw unedau carbon o ddisgrifiad a bennir yn y rheoliadau yn cyfrannu at y terfyn.

**34 Allyriadau net Cymru**

- (1) Yn y Rhan hon, ystyr “allyriadau net Cymru” o nwy tŷ gwydr am gyfnod yw swm allyriadau Cymru o’r nwy hwnnw am y cyfnod, wedi ei ostwng yn ôl swm echdyniadau Cymru o’r nwy hwnnw am y cyfnod.
- (2) Ystyr “allyriadau Cymru” o nwy tŷ gwydr yw—
  - (a) allyriadau o’r nwy hwnnw o ffynonellau yng Nghymru, a
  - (b) allyriadau o’r nwy hwnnw o hedfan rhyngwladol neu forgludiant rhyngwladol sy’n cyfrif fel allyriadau Cymru yn rhinwedd rheoliadau o dan adran 35.
- (3) Ystyr “echdyniadau Cymru” o nwyon tŷ gwydr yw echdyniadau o’r nwy hwnnw o’r atmosffer o ganlyniad i ddefnydd tir yng Nghymru, newid mewn defnydd tir yng Nghymru neu weithgareddau coedwigaeth yng Nghymru.
- (4) Rhaid i symiau allyriadau Cymru ac echdyniadau Cymru o nwy tŷ gwydr ar gyfer cyfnod gael eu penderfynu yn gyson ag arferion rhyngwladol adrodd ar garbon, cyn belled ag y bo hynny’n rhesymol ymarferol.

*Targets and budgets: scope and main concepts*

**33 The net Welsh emissions account**

- (1) The “net Welsh emissions account” for a period is the amount calculated as follows—
  - (a) determine the amount of net Welsh emissions of greenhouse gases for the period in accordance with section 34;
  - (b) subtract the amount of carbon units credited to the net Welsh emissions account for the period;
  - (c) add the amount of carbon units debited from the net Welsh emissions account for the period.
- (2) The Welsh Ministers may by regulations make provision about—
  - (a) the circumstances in which carbon units may be credited to the net Welsh emissions account for a period;
  - (b) the circumstances in which carbon units must be debited from the net Welsh emissions account for a period;
  - (c) how this is to be done.
- (3) The regulations must contain provision for ensuring that carbon units that are credited to the net Welsh emissions account for a period cease to be available to offset other greenhouse gas emissions.
- (4) The Welsh Ministers must by regulations set a limit on the net amount of carbon units by which the net Welsh emissions account for a period may be reduced as a result of applying subsection (1)(b) and (c).
- (5) The regulations may provide that carbon units of a description specified in the regulations do not count towards the limit.

**34 Net Welsh emissions**

- (1) In this Part, the “net Welsh emissions” of a greenhouse gas for a period means the amount of Welsh emissions of that gas for the period, reduced by the amount of Welsh removals of that gas for the period.
- (2) “Welsh emissions” of a greenhouse gas are—
  - (a) emissions of that gas from sources in Wales, and
  - (b) emissions of that gas from international aviation or international shipping that count as Welsh emissions by virtue of regulations under section 35.
- (3) “Welsh removals” of a greenhouse gas are removals of that gas from the atmosphere due to land use in Wales, land-use change in Wales or forestry activities in Wales.
- (4) The amounts of Welsh emissions and Welsh removals of a greenhouse gas for a period must, so far as reasonably practicable, be determined consistently with international carbon reporting practice.

**35 Allyriadau Cymru o hedfan a morgludiant rhyngwladol**

- (1) Caiff Gweinidogion Cymru wneud darpariaeth drwy reoliadau i allyriadau o nwy tŷ gwydr o hedfan rhyngwladol a morgludiant rhyngwladol gyfrif fel allyriadau Cymru o'r nwy.
- (2) Caiff y rheoliadau –
  - (a) pennu gweithgareddau sydd i'w hystyried yn hedfan rhyngwladol neu'n forgludiant rhyngwladol;
  - (b) pennu o dan ba amgylchiadau, ac i ba raddau, y mae allyriadau o nwy tŷ gwydr o hedfan rhyngwladol neu forgludiant rhyngwladol i gyfrif fel allyriadau Cymru o'r nwy hwnnw;
  - (c) pennu o ba gyfnod (pa un a yw yn y gorffennol neu yn y dyfodol) y mae allyriadau o nwy tŷ gwydr o hedfan rhyngwladol neu forgludiant rhyngwladol i gyfrif fel allyriadau Cymru o'r nwy hwnnw;
  - (d) gwneud darpariaeth ynghylch sut y mae allyriadau o nwy tŷ gwydr o hedfan rhyngwladol neu forgludiant rhyngwladol i gael eu hystyried wrth benderfynu ar allyriadau Cymru o'r nwy am y flwyddyn waelodlin ar gyfer y nwy hwnnw;
  - (e) gwneud darpariaeth wahanol ar gyfer gwahanol nwyon tŷ gwydr a gwahanol gyfnodau.

**36 Unedau carbon**

- (1) Yn y Rhan hon, ystyr "uned garbon" yw uned o fath a bennir mewn rheoliadau a wneir gan Weinidogion Cymru ac sy'n cynrychioli –
  - (a) gostyngiad mewn swm o allyriadau nwy tŷ gwydr,
  - (b) echdyniad o swm o nwy tŷ gwydr o'r atmosffer, neu
  - (c) swm o allyriadau nwy tŷ gwydr a ganiateir o dan gynllun neu drefniant sy'n gosod terfyn ar allyriadau o'r fath.
- (2) Caiff Gweinidogion Cymru wneud darpariaeth drwy reoliadau ar gyfer cynllun –
  - (a) i gofrestru unedau carbon neu gadw cyfrif ohonynt fel arall, neu
  - (b) i sefydlu a chynnal cyfrifon y caniateir i Weinidogion Cymru gadw unedau carbon ynddynt, a'u trosglwyddo rhyngddynt.
- (3) Caiff y rheoliadau wneud darpariaeth, yn benodol, i gynllun cyfredol gael ei addasu at y dibenion hyn (gan gynnwys drwy ddiwygio unrhyw ddeddfiad sy'n ymwneud â'r cynllun cyfredol).
- (4) Caiff y rheoliadau wneud darpariaeth –
  - (a) i benodi person ("gweinyddwr") i weinyddu'r cynllun;
  - (b) sy'n rhoi swyddogaethau i'r gweinyddwr neu'n gosod swyddogaethau arno at y diben hwnnw (gan gynnwys drwy ddiwygio unrhyw ddeddfiad sy'n ymwneud â'r gweinyddwr);
  - (c) sy'n rhoi'r pŵer i Weinidogion Cymru roi canllawiau neu gyfarwyddydau i'r gweinyddwr;

**35 Welsh emissions from international aviation and shipping**

- (1) The Welsh Ministers may by regulations make provision for emissions of a greenhouse gas from international aviation and international shipping to count as Welsh emissions of the gas.
- (2) The regulations may –
  - (a) specify activities which are to be regarded as international aviation or international shipping;
  - (b) specify the circumstances in which, and the extent to which, emissions of a greenhouse gas from international aviation or international shipping are to count as Welsh emissions of that gas;
  - (c) specify the period (whether past or future) from which emissions of a greenhouse gas from international aviation or international shipping are to count as Welsh emissions of that gas;
  - (d) make provision about how emissions of a greenhouse gas from international aviation or international shipping are to be taken into account in determining Welsh emissions of that gas for the baseline year for that gas;
  - (e) make different provision for different greenhouse gases and different periods.

**36 Carbon units**

- (1) In this Part, a “carbon unit” means a unit of a kind specified in regulations made by the Welsh Ministers and representing –
  - (a) a reduction in an amount of greenhouse gas emissions,
  - (b) the removal of an amount of greenhouse gas from the atmosphere, or
  - (c) an amount of greenhouse gas emissions allowed under a scheme or arrangement imposing a limit on such emissions.
- (2) The Welsh Ministers may by regulations make provision for a scheme –
  - (a) for registering or otherwise keeping track of carbon units, or
  - (b) for establishing and maintaining accounts in which carbon units may be held, and between which they may be transferred, by the Welsh Ministers.
- (3) The regulations may, in particular, provide for an existing scheme to be adapted for these purposes (including by amending any enactment relating to the existing scheme).
- (4) The regulations may make provision –
  - (a) appointing a person (an “administrator”) to administer the scheme;
  - (b) conferring or imposing functions on the administrator for that purpose (including by amending any enactment relating to the administrator);
  - (c) conferring power on the Welsh Ministers to give guidance or directions to the administrator;

- (d) sy'n rhoi'r pŵer i Weinidogion Cymru ddirprwyo'r gwaith o gyflawni unrhyw un neu ragor o'r swyddogaethau a roddir i Weinidogion Cymru neu a osodir arnynt gan y rheoliadau;
- (e) i'w gwneud yn ofynnol i bersonau sy'n defnyddio'r cynllun wneud taliadau (y penderfynir eu symiau gan y rheoliadau neu oddi tanynt) tuag at y gost o'i weithredu.

### 37 Nwyon tŷ gwydr

- (1) At ddibenion y Rhan hon, mae pob un o'r canlynol yn "nwy tŷ gwydr" –
  - (a) carbon deuocsid;
  - (b) methan;
  - (c) ocsid nitraidd;
  - (d) hydrofflorocarbonau;
  - (e) perfflorocarbonau;
  - (f) sylffwr hecsafflorid;
  - (g) nitrogen triffworid.
- (2) Caiff Gweinidogion Cymru ddiwygio is-adran (1) drwy reoliadau er mwyn ychwanegu nwy neu ddiwygio disgrifiad o nwy.

### 38 Y waelodlin

- (1) Yn y Rhan hon, ystyr y "waelodlin" yw swm cyfanredol allyriadau net Cymru o nwyon tŷ gwydr ar gyfer y blynyddoedd gwaelodlin.
- (2) Y flwyddyn waelodlin ar gyfer pob nwy tŷ gwydr yw –
  - (a) carbon deuocsid: 1990;
  - (b) methan: 1990;
  - (c) ocsid nitraidd: 1990;
  - (d) hydrofflorocarbonau: 1995;
  - (e) perfflorocarbonau: 1995;
  - (f) sylffwr hecsafflorid: 1995;
  - (g) nitrogen triffworid: 1995.
- (3) Caiff Gweinidogion Cymru ddiwygio is-adran (2) drwy reoliadau er mwyn –
  - (a) pennu'r flwyddyn waelodlin ar gyfer nwy tŷ gwydr a ychwanegir gan reoliadau o dan adran 37(2);
  - (b) addasu'r flwyddyn waelodlin ar gyfer nwy tŷ gwydr.
- (4) Ni chaiff Gweinidogion Cymru wneud darpariaeth o dan is-adran (3)(b) onid ydynt wedi eu bodloni ei bod yn briodol gwneud hynny o ganlyniad i ddatblygiadau sylweddol yn nghyfreithiau neu bolisiau'r UE neu gyfreithiau neu bolisiau rhyngwladol sy'n ymwneud â newid yn yr hinsawdd.

- (d) conferring power on the Welsh Ministers to delegate the performance of any of the functions conferred or imposed on the Welsh Ministers by the regulations;
- (e) requiring the payment by persons using the scheme of charges (of an amount determined by or under the regulations) towards the cost of operating it.

### **37 Greenhouse gases**

- (1) For the purposes of this Part, each of the following is a “greenhouse gas” –
  - (a) carbon dioxide;
  - (b) methane;
  - (c) nitrous oxide;
  - (d) hydrofluorocarbons;
  - (e) perfluorocarbons;
  - (f) sulphur hexafluoride;
  - (g) nitrogen trifluoride.
- (2) The Welsh Ministers may by regulations amend subsection (1) to add a gas or modify a description of a gas.

### **38 The baseline**

- (1) In this Part, the “baseline” means the aggregate amount of net Welsh emissions of greenhouse gases for the baseline years.
- (2) The baseline year for each greenhouse gas is –
  - (a) carbon dioxide: 1990;
  - (b) methane: 1990;
  - (c) nitrous oxide: 1990;
  - (d) hydrofluorocarbons: 1995;
  - (e) perfluorocarbons: 1995;
  - (f) sulphur hexafluoride: 1995;
  - (g) nitrogen trifluoride: 1995.
- (3) The Welsh Ministers may by regulations amend subsection (2) to –
  - (a) specify the baseline year for a greenhouse gas added by regulations under section 37(2);
  - (b) modify the baseline year for a greenhouse gas.
- (4) The Welsh Ministers may make provision under subsection (3)(b) only if they are satisfied that it is appropriate to do so as a result of significant developments in EU or international law or policy relating to climate change.

*Cydymffurfio â chyllidebau carbon: adroddiadau a datganiadau gan Weinidogion Cymru*

**39 Cynigion a pholisïau ar gyfer cyrraedd cyllideb garbon**

- (1) Rhaid i Weinidogion Cymru baratoi a chyhoeddi adroddiad ar gyfer pob cyfnod cyllidebol yn amlinellu eu cynigion a'u polisïau ar gyfer cyrraedd y gyllideb garbon ar gyfer y cyfnod hwnnw.
- (2) Rhaid i'r adroddiad nodi cynigion a pholisïau sy'n ymwneud â meysydd cyfrifoldeb pob un o Weinidogion Cymru.
- (3) Rhaid i Weinidogion Cymru –
  - (a) cyhoeddi'r adroddiad ar gyfer y cyfnod cyllidebol cyntaf cyn gynted ag sy'n rhesymol ymarferol ar ôl gosod y gyllideb garbon ar gyfer y cyfnod hwnnw;
  - (b) cyhoeddi'r adroddiad ar gyfer yr ail gyfnod cyllidebol a'r cyfnodau cyllidebol diweddarach cyn diwedd blwyddyn gyntaf y cyfnod o dan sylw.

**40 Cario symiau o un cyfnod cyllidebol i un arall**

- (1) Caiff Gweinidogion Cymru benderfynu cario rhan o'r gyllideb garbon ar gyfer cyfnod cyllidebol yn ôl i'r cyfnod cyllidebol blaenorol.
- (2) Mae'r gyllideb garbon ar gyfer y cyfnod diweddarach yn cael ei gostwng, a'r gyllideb garbon ar gyfer y cyfnod cynharach yn cael ei chynyddu, yn ôl y swm a gariwyd yn ôl.
- (3) Ni chaiff y swm sy'n cael ei gario yn ôl fod yn fwy nag 1% o'r gyllideb garbon ar gyfer y cyfnod diweddarach.
- (4) Caiff Gweinidogion Cymru benderfynu cario unrhyw ran o'r gyllideb garbon ar gyfer cyfnod cyllidebol nas defnyddiwyd ymlaen i'r cyfnod cyllidebol nesaf.
- (5) Mae'r gyllideb garbon ar gyfer y cyfnod diweddarach yn cael ei chynyddu, a'r gyllideb garbon ar gyfer y cyfnod cynharach yn cael ei gostwng, yn ôl y swm a gariwyd ymlaen.
- (6) Mae'r gyllideb garbon ar gyfer cyfnod yn un "nas defnyddiwyd" i'r graddau ei bod yn fwy na chyfrif allyriadau net Cymru ar gyfer y cyfnod.
- (7) Cyn penderfynu cario swm yn ôl neu ymlaen o dan yr adran hon, rhaid i Weinidogion Cymru ymgynghori â'r corff cynghori.

**41 Datganiad terfynol ar gyfer cyfnod cyllidebol**

- (1) Rhaid i Weinidogion Cymru –
  - (a) paratoi datganiad terfynol ar gyfer pob cyfnod cyllidebol yn unol â'r adran hon, a
  - (b) gosod y datganiad gerbron Cynulliad Cenedlaethol Cymru cyn diwedd yr ail flwyddyn ar ôl y cyfnod y mae'r datganiad yn ymwneud ag ef.
- (2) Rhaid i ddatganiad terfynol o dan yr adran hon ddatgan, mewn perthynas â phob nwy tŷ gwydr, gyfanswm allyriadau Cymru, echdyniadau Cymru ac allyriadau net Cymru ar gyfer y cyfnod cyllidebol y mae'r datganiad yn ymwneud ag ef.
- (3) Rhaid iddo –
  - (a) datgan cyfanswm yr unedau carbon a gredydwyd i gyfrif allyriadau net Cymru neu a ddidynnwyd ohono am y cyfnod, a



*Compliance with carbon budgets: reports and statements by the Welsh Ministers*

**39 Proposals and policies for meeting carbon budget**

- (1) The Welsh Ministers must prepare and publish a report for each budgetary period setting out their proposals and policies for meeting the carbon budget for that period.
- (2) The report must set out proposals and policies covering the areas of responsibility of each of the Welsh Ministers.
- (3) The Welsh Ministers must –
  - (a) publish the report for the first budgetary period as soon as reasonably practicable after setting the carbon budget for that period;
  - (b) publish the report for the second and later budgetary periods before the end of the first year of the period in question.

**40 Carrying amounts from one budgetary period to another**

- (1) The Welsh Ministers may decide to carry part of the carbon budget for a budgetary period back to the preceding budgetary period.
- (2) The carbon budget for the later period is reduced, and that for the earlier period is increased, by the amount carried back.
- (3) The amount carried back must not exceed 1% of the carbon budget for the later period.
- (4) The Welsh Ministers may decide to carry any unused part of the carbon budget for a budgetary period forward to the next budgetary period.
- (5) The carbon budget for the later period is increased, and that for the earlier period is reduced, by the amount carried forward.
- (6) The carbon budget for a period is “unused” to the extent that it exceeds the net Welsh emissions account for the period.
- (7) Before deciding to carry an amount back or forward under this section, the Welsh Ministers must consult the advisory body.

**41 Final statement for budgetary period**

- (1) The Welsh Ministers must –
  - (a) prepare a final statement for each budgetary period in accordance with this section, and
  - (b) lay the statement before the National Assembly for Wales before the end of the second year after the period to which it relates.
- (2) A final statement under this section must state, in respect of each greenhouse gas, the total amount of Welsh emissions, Welsh removals and net Welsh emissions for the budgetary period to which the statement relates.
- (3) It must –
  - (a) state the total amount of carbon units that have been credited to or debited from the net Welsh emissions account for the period, and

- (b) rhoi manylion am nifer yr unedau hynny a'r math o unedau.
- (4) Rhaid iddo ddatgan swm terfynol cyfrif allyriadau net Cymru ar gyfer y cyfnod.
- (5) Rhaid iddo ddatgan a yw Gweinidogion Cymru wedi penderfynu cario swm yn ôl neu ymlaen o dan adran 40 er mwyn cynyddu neu ostwng y gyllideb garbon ar gyfer y cyfnod, ac os felly rhaid iddo ddatgan y swm a gariwyd yn ôl neu ymlaen.
- (6) Rhaid iddo ddatgan swm terfynol y gyllideb garbon ar gyfer y cyfnod.
- (7) Penderfynir a gyrhaeddwyd y gyllideb garbon ar gyfer y cyfnod drwy gyfeirio at yr wybodaeth yn y datganiad.
- (8) Rhaid i'r datganiad egluro'r rhesymau y mae Gweinidogion Cymru yn ystyried eu bod yn gyfrifol am y ffaith bod y gyllideb garbon ar gyfer y cyfnod wedi ei chyrraedd, neu nad yw ei chyrraedd.
- (9) Yn benodol, rhaid iddo gynnwys asesiad Gweinidogion Cymru ynghylch i ba raddau y mae eu cynigion a'u polisiau ar gyfer cyrraedd y gyllideb garbon ar gyfer y cyfnod –
- (a) wedi eu gweithredu, a
- (b) wedi cyfrannu at gyrraedd y gyllideb garbon ar gyfer y cyfnod (neu beidio â'i chyrraedd).
- (10) Rhaid i'r asesiad ymdrin â meysydd cyfrifoldeb pob un o Weinidogion Cymru.
- (11) Rhaid i ddatganiad o dan yr adran hon hefyd gynnwys –
- (a) amcangyfrif o gyfanswm allyriadau defnyddwyr Cymru ar gyfer y cyfnod cyllidebol y mae'r datganiad yn ymwneud ag ef, a
- (b) eglurhad o sut y mae Gweinidogion Cymru wedi cyfrifo'r amcangyfrif.
- (12) Ystyr "allyriadau defnyddwyr Cymru" ar gyfer cyfnod yw'r allyriadau o nwyon tŷ gwydr, boed hwy yng Nghymru neu yn rhywle arall, y gellir eu priodoli yn rhesymol i ddefnyddio nwyddau a gwasanaethau yng Nghymru yn ystod y cyfnod.

#### **42 Cynigion a pholisiau pan nad yw cyllideb garbon wedi ei chyrraedd**

- (1) Mae'r adran hon yn gymwys os yw Gweinidogion Cymru wedi gosod datganiad terfynol gerbron Cynulliad Cenedlaethol Cymru mewn cysylltiad â chyfnod cyllidebol lle mae allyriadau net Cymru yn fwy na'r gyllideb garbon.
- (2) Yn ddim hwyrach na thri mis ar ôl gosod y datganiad, rhaid i Weinidogion Cymru osod adroddiad gerbron Cynulliad Cenedlaethol Cymru yn nodi cynigion a pholisiau i wneud iawn am yr allyriadau sy'n fwy na'r gyllideb garbon mewn cyfnodau cyllidebol diweddarach.

*Cydymffurfio â thargedau allyriadau: datganiadau gan Weinidogion Cymru*

#### **43 Datganiadau ar gyfer blynyddoedd targed interim a 2050**

- (1) Rhaid i Weinidogion Cymru –
- (a) paratoi datganiad ar gyfer pob blwyddyn darged interim ac ar gyfer y flwyddyn 2050 yn unol â'r adran hon, a
- (b) gosod pob datganiad gerbron Cynulliad Cenedlaethol Cymru cyn diwedd yr ail flwyddyn ar ôl y flwyddyn y mae'r datganiad yn ymwneud â hi.

- (b) give details of the number and type of those units.
- (4) It must state the final amount of the net Welsh emissions account for the period.
- (5) It must state whether the Welsh Ministers have decided to carry an amount back or forward under section 40 so as to increase or reduce the carbon budget for the period, and if so must state the amount carried back or forward.
- (6) It must state the final amount of the carbon budget for the period.
- (7) Whether the carbon budget for the period has been met is to be determined by reference to the information in the statement.
- (8) The statement must explain what the Welsh Ministers consider to be the reasons why the carbon budget for the period has, or has not, been met.
- (9) In particular, it must include the Welsh Ministers' assessment of the extent to which their proposals and policies for meeting the carbon budget for the period—
  - (a) have been carried out, and
  - (b) have contributed to the carbon budget for the period being met (or not being met).
- (10) The assessment must cover the areas of responsibility of each of the Welsh Ministers.
- (11) A statement under this section must also include—
  - (a) an estimate of the total amount of Welsh consumer emissions for the budgetary period to which the statement relates, and
  - (b) an explanation of how the Welsh Ministers have calculated the estimate.
- (12) The “Welsh consumer emissions” for a period are the emissions of greenhouse gases, whether in Wales or elsewhere, that may reasonably be attributed to the consumption and use of goods and services in Wales during the period.

#### **42 Proposals and policies where carbon budget not met**

- (1) This section applies if the Welsh Ministers have laid a final statement before the National Assembly for Wales in respect of a budgetary period for which the net Welsh emissions account exceeds the carbon budget.
- (2) No later than three months after laying the statement, the Welsh Ministers must lay before the National Assembly for Wales a report setting out proposals and policies to compensate for the excess emissions in later budgetary periods.

*Compliance with emissions targets: statements by the Welsh Ministers*

#### **43 Statements for interim target years and 2050**

- (1) The Welsh Ministers must—
  - (a) prepare a statement for each interim target year and for the year 2050 in accordance with this section, and
  - (b) lay each statement before the National Assembly for Wales before the end of the second year after the year to which it relates.

- (2) Rhaid i ddatganiad o dan yr adran hon ddatgan, mewn perthynas â phob nwy tŷ gwydr, gyfanswm allyriadau Cymru, echdyniadau Cymru ac allyriadau net Cymru ar gyfer y flwyddyn y mae'r datganiad yn ymwneud â hi.
- (3) Rhaid iddo –
  - (a) datgan cyfanswm yr unedau carbon a gredydwyd i gyfrif allyriadau net Cymru neu a ddidynwyd ohono am y flwyddyn, a
  - (b) rhoi manylion am nifer yr unedau hynny a'r math o unedau.
- (4) Rhaid iddo ddatgan swm cyfrif allyriadau net Cymru ar gyfer y flwyddyn.
- (5) Penderfynir a gyrhaeddwyd targed allyriadau interim neu darged allyriadau 2050 drwy gyfeirio at yr wybodaeth yn y datganiad ar gyfer y flwyddyn y mae'r targed yn ymwneud â hi.
- (6) Rhaid i'r datganiad egluro'r rhesymau y mae Gweinidogion Cymru yn ystyried eu bod yn gyfrifol am y ffaith bod y targed wedi ei gyrraedd, neu nad yw ei gyrraedd.
- (7) Caniateir i ddatganiad o dan yr adran hon ar gyfer blwyddyn gael ei gyfuno â'r datganiad o dan adran 41 ar gyfer y cyfnod cyllidebol sy'n cynnwys y flwyddyn honno.

*Swyddogaethau corff cynghori: adroddiadau a chyngor*

#### **44 Corff cynghori**

- (1) Caiff Gweinidogion Cymru, drwy reoliadau –
  - (a) sefydlu corff corfforaethol i arfer swyddogaethau'r corff cynghori o dan y rhan hon, neu
  - (b) dynodi person i fod yn gorff cynghori at ddibenion y Rhan hon.
- (2) Ni chaiff y rheoliadau ddynodi person onid yw'r person yn arfer swyddogaethau o natur gyhoeddus.
- (3) Os nad oes rheoliadau o dan is-adran (1) mewn grym, y corff cynghori yw'r Pwyllgor ar Newid Hinsawdd a sefydlwyd o dan adran 32 o Ddeddf Newid yn yr Hinsawdd 2008 (p. 27).
- (4) Caiff rheoliadau o dan is-adran (1)(a), yn benodol, gynnwys darpariaeth ynghylch –
  - (a) statws ac aelodaeth y corff a sefydlir gan y rheoliadau;
  - (b) cyflogi staff gan y corff;
  - (c) tâl, lwfansau a phensiynau ar gyfer aelodau a staff;
  - (d) trefniadaeth a gweithdrefn y corff;
  - (e) adroddiadau a chyfrifon (gan gynnwys archwilio).
- (5) Caiff rheoliadau o dan is-adran (1)(a) alluogi Gweinidogion Cymru i roi cyfarwyddydau i'r corff mewn perthynas â'r materion a grybwyllir yn is-adran (4).
- (6) Caiff rheoliadau o dan is-adran (1) wneud darpariaeth gysylltiedig, atodol, ganlyniadol, drosiannol neu arbed, a all gynnwys darpariaeth sy'n diwygio, yn diddymu neu'n dirymu deddfiad.

- (2) A statement under this section must state, in respect of each greenhouse gas, the total amount of Welsh emissions, Welsh removals and net Welsh emissions for the year to which the statement relates.
- (3) It must—
  - (a) state the total amount of carbon units that have been credited to or debited from the net Welsh emissions account for the year, and
  - (b) give details of the number and type of those units.
- (4) It must state the amount of the net Welsh emissions account for the year.
- (5) Whether an interim emissions target or the 2050 emissions target has been met is to be determined by reference to the information in the statement for the year to which the target relates.
- (6) The statement must explain what the Welsh Ministers consider to be the reasons why the target has, or has not, been met.
- (7) A statement under this section for a year may be combined with the statement under section 41 for the budgetary period that includes that year.

*Functions of advisory body: reports and advice*

#### **44 Advisory body**

- (1) The Welsh Ministers may by regulations—
  - (a) establish a body corporate to exercise the functions of the advisory body under this Part, or
  - (b) designate a person to be the advisory body for the purposes of this Part.
- (2) The regulations may designate a person only if the person exercises functions of a public nature.
- (3) If no regulations under subsection (1) are in force, the advisory body is the Committee on Climate Change established under section 32 of the Climate Change Act 2008 (c. 27).
- (4) Regulations under subsection (1)(a) may, in particular, include provision about—
  - (a) the status and membership of the body established by the regulations;
  - (b) the employment of staff by the body;
  - (c) remuneration, allowances and pensions for members and staff;
  - (d) the organisation and procedure of the body;
  - (e) reports and accounts (including audit).
- (5) Regulations under subsection (1)(a) may enable the Welsh Ministers to give directions to the body in relation to the matters mentioned in subsection (4).
- (6) Regulations under subsection (1) may make incidental, supplementary, consequential, transitional or saving provision, which may include provision amending, repealing or revoking an enactment.

**45 Adroddiadau cynnydd**

- (1) Cyn diwedd y cyfnod cyllidebol cyntaf, rhaid i'r corff cynghori anfon adroddiad at Weinidogion Cymru yn nodi safbwyntiau'r corff ynghylch—
  - (a) y cynnydd a wnaed tuag at gyrraedd—
    - (i) y cyllidebau carbon sydd wedi eu gosod o dan y Rhan hon,
    - (ii) y targedau allyriadau interim, a
    - (iii) targed allyriadau 2050,
  - (b) a yw'r cyllidebau a'r targedau hynny yn debygol o gael eu cyrraedd, ac
  - (c) unrhyw fesurau pellach sy'n angenrheidiol er mwyn cyrraedd y cyllidebau a'r targedau hynny.
- (2) Yn ddim hwyrach na chwe mis ar ôl i Weinidogion Cymru osod y datganiad terfynol ar gyfer cyfnod cyllidebol gerbron Cynulliad Cenedlaethol Cymru o dan adran 41, rhaid i'r corff cynghori anfon adroddiad at Weinidogion Cymru sy'n nodi safbwyntiau'r corff ynghylch—
  - (a) y modd y cyrhaeddwyd neu nas cyrhaeddwyd y gyllideb garbon ar gyfer y cyfnod,
  - (b) y camau a gymerwyd gan Weinidogion Cymru i leihau allyriadau net Cymru o nwyon tŷ gwydr yn ystod y cyfnod, a
  - (c) y materion a nodir yn is-adran (1).
- (3) Yn ddim hwyrach na chwe mis ar ôl i Weinidogion Cymru osod y datganiad o dan adran 43 mewn perthynas â 2030 gerbron Cynulliad Cenedlaethol Cymru, rhaid i'r corff cynghori anfon adroddiad at Weinidogion Cymru sy'n nodi safbwyntiau'r corff ynghylch—
  - (a) a yw'r targed allyriadau interim ar gyfer 2040 a tharged allyriadau 2050 y targedau uchaf y gellir eu cyflawni, a
  - (b) os nad y targed uchaf y gellir ei gyflawni yw'r naill neu'r llall ohonynt, beth yw'r targed uchaf y gellir ei gyflawni.
- (4) Yn ddim hwyrach na chwe mis ar ôl i Weinidogion Cymru osod y datganiad o dan adran 43 mewn perthynas â 2040 gerbron Cynulliad Cenedlaethol Cymru, rhaid i'r corff cynghori anfon adroddiad at Weinidogion Cymru sy'n nodi safbwyntiau'r corff ynghylch—
  - (a) a yw targed allyriadau 2050 y targed uchaf y gellir ei gyflawni,
  - (b) os nad ydyw, beth yw'r targed uchaf y gellir ei gyflawni.
- (5) Caniateir cyfuno adroddiad o dan is-adran (3) neu (4) ag adroddiad o dan is-adran (2).
- (6) Rhaid i Weinidogion Cymru osod copi o bob adroddiad a dderbynnir ganddynt o dan yr adran hon gerbron Cynulliad Cenedlaethol Cymru.
- (7) Rhaid i Weinidogion Cymru osod ymateb i'r pwyntiau a godwyd gan yr adroddiad gerbron Cynulliad Cenedlaethol Cymru yn ddim hwyrach na chwe mis ar ôl cael yr adroddiad.

**45 Progress reports**

- (1) Before the end of the first budgetary period, the advisory body must send a report to the Welsh Ministers setting out the body's views on—
  - (a) the progress that has been made towards meeting—
    - (i) the carbon budgets that have been set under this Part,
    - (ii) the interim emissions targets, and
    - (iii) the 2050 emissions target,
  - (b) whether those budgets and targets are likely to be met, and
  - (c) any further measures that are needed to meet those budgets and targets.
- (2) No later than six months after the Welsh Ministers lay the final statement for a budgetary period before the National Assembly for Wales under section 41, the advisory body must send a report to the Welsh Ministers setting out the body's views on—
  - (a) the way in which the carbon budget for the period was or was not met,
  - (b) the action taken by the Welsh Ministers to reduce net Welsh emissions of greenhouse gases during the period, and
  - (c) the matters set out in subsection (1).
- (3) No later than six months after the Welsh Ministers lay the statement under section 43 relating to 2030 before the National Assembly for Wales, the advisory body must send a report to the Welsh Ministers setting out the body's views on—
  - (a) whether the interim emissions target for 2040 and the 2050 emissions target are the highest achievable targets, and
  - (b) if either of them is not the highest achievable target, what is the highest achievable target.
- (4) No later than six months after the Welsh Ministers lay the statement under section 43 relating to 2040 before the National Assembly for Wales, the advisory body must send a report to the Welsh Ministers setting out the body's views on—
  - (a) whether the 2050 emissions target is the highest achievable target, and
  - (b) if not, what is the highest achievable target.
- (5) A report under subsection (3) or (4) may be combined with a report under subsection (2).
- (6) The Welsh Ministers must lay a copy of each report they receive under this section before the National Assembly for Wales.
- (7) The Welsh Ministers must lay a response to the points raised by the report before the National Assembly for Wales no later than six months after receiving the report.

**46 Dyletswydd ar y corff cyngori i ddarparu cyngor a chymorth**

Os yw Gweinidogion Cymru yn gofyn iddo wneud hynny, rhaid i'r corff cyngori roi i Weinidogion Cymru y cyngor, y dadansoddiad, yr wybodaeth neu'r cymorth arall sy'n berthnasol i—

- (a) arfer swyddogaethau Gweinidogion Cymru o dan y Rhan hon, neu
- (b) unrhyw faterion eraill sy'n ymwneud â newid yn yr hinsawdd.

**47 Canllawiau i'r corff cyngori**

- (1) Wrth arfer ei swyddogaethau o dan y Rhan hon, rhaid i'r corff cyngori roi sylw i unrhyw ganllawiau a roddir iddo gan Weinidogion Cymru.
- (2) Ni chaiff Gweinidogion Cymru roi canllawiau i'r corff cyngori ynghylch cynnwys unrhyw gyngor neu adroddiad.

*Rheoliadau: gweithdrefn a chyngor*

**48 Rheoliadau: gweithdrefn**

- (1) Mae pŵer i wneud rheoliadau o dan y Rhan hon i'w arfer drwy offeryn statudol.
- (2) Mae offeryn statudol yn ddarostyngedig i'w ddiddymu yn unol â phenderfyniad gan Gynulliad Cenedlaethol Cymru os yw'n cynnwys y canlynol yn unig—
  - (a) rheoliadau o dan adran 44(1)(b) nad ydynt yn gwneud darpariaeth sy'n diwygio neu'n diddymu deddfiad sydd wedi ei gynnwys mewn Deddf Seneddol neu mewn Mesur neu Ddeddf Cynulliad Cenedlaethol Cymru;
  - (b) rheoliadau o dan adran 52.
- (3) Ni chaniateir i unrhyw offeryn statudol arall sy'n cynnwys rheoliadau o dan y Rhan hon gael ei wneud oni bai bod drafft o'r offeryn wedi ei osod gerbron Cynulliad Cenedlaethol Cymru, a'i gymeradwyo drwy benderfyniad ganddo.

**49 Gofyniad i gael cyngor ynghylch cynigion i wneud rheoliadau**

- (1) Cyn gosod rheoliadau drafft gerbron Cynulliad Cenedlaethol Cymru yn unol ag adran 48(3), rhaid i Weinidogion Cymru—
  - (a) gofyn am gyngor gan y corff cyngori ynghylch y cynnig i wneud y rheoliadau, a
  - (b) ystyried cyngor y corff cyngori.
- (2) Pan fo Gweinidogion Cymru yn gofyn am gyngor gan y corff cyngori o dan yr adran hon, rhaid iddynt bennu cyfnod rhesymol y mae'n rhaid darparu'r cyngor oddi fewn iddo.
- (3) Rhaid i'r corff cyngori ddarparu'r cyngor o fewn y cyfnod hwnnw.
- (4) Rhaid i gyngor y corff cyngori nodi'r rhesymau dros y cyngor.
- (5) Rhaid i Weinidogion Cymru gyhoeddi cyngor y corff cyngori cyn gynted ag y bo'n rhesymol ymarferol ar ôl ei gael.



**46 Duty of advisory body to provide advice and assistance**

If requested to do so by the Welsh Ministers, the advisory body must provide the Welsh Ministers with advice, analysis, information or other assistance that is relevant to –

- (a) the exercise of the Welsh Ministers' functions under this Part, or
- (b) any other matters relating to climate change.

**47 Guidance to advisory body**

- (1) In exercising its functions under this Part, the advisory body must have regard to any guidance given to it by the Welsh Ministers.
- (2) The Welsh Ministers may not give the advisory body guidance as to the content of any advice or report.

*Regulations: procedure and advice*

**48 Regulations: procedure**

- (1) A power to make regulations under this Part is to be exercised by statutory instrument.
- (2) A statutory instrument is subject to annulment in pursuance of a resolution of the National Assembly for Wales if it contains only –
  - (a) regulations under section 44(1)(b) which do not make provision amending or repealing an enactment contained in an Act of Parliament or a Measure or Act of the National Assembly for Wales;
  - (b) regulations under section 52.
- (3) Any other statutory instrument containing regulations under this Part may not be made unless a draft of the instrument has been laid before, and approved by resolution of, the National Assembly for Wales.

**49 Requirement to obtain advice about proposals to make regulations**

- (1) Before laying draft regulations before the National Assembly for Wales in accordance with section 48, the Welsh Ministers must –
  - (a) request advice from the advisory body about the proposal to make the regulations, and
  - (b) take the advisory body's advice into account.
- (2) When the Welsh Ministers request advice from the advisory body under this section, they must specify a reasonable period within which the advice must be provided.
- (3) The advisory body must provide the advice within that period.
- (4) The advisory body's advice must set out the reasons for the advice.
- (5) The Welsh Ministers must publish the advisory body's advice as soon as reasonably practicable after receiving it.

- (6) Os yw'r rheoliadau drafft a osodir gerbron Cynulliad Cenedlaethol Cymru yn gwneud darpariaeth wahanol i'r hyn a argymhellwyd gan y corff cynghori, rhaid i Weinidogion Cymru hefyd osod datganiad gerbron y Cynulliad Cenedlaethol sy'n nodi'r rhesymau paham y gwnaed hynny.
- (7) Nid yw'r adran hon yn gymwys i reoliadau o dan adran 44.

## 50 Cyngor ynghylch rheoliadau arfaethedig sy'n ymwneud â thargedau a chyllidebau

- (1) Pan fo'r corff cynghori yn rhoi cyngor i Weinidogion Cymru ynghylch cynnig i wneud rheoliadau o dan adran 29 sy'n newid targed allyriadau 2050 neu reoliadau o dan adran 30 sy'n gosod neu'n newid targed allyriadau interim, rhaid i'r cyngor gynnwys barn y corff cynghori ynghylch—
  - (a) a yw'r targed a gynigir gan Weinidogion Cymru y targed uchaf y gellir ei gyflawni, a
  - (b) os nad ydyw, beth yw'r targed uchaf y gellir ei gyflawni.
- (2) Pan fo'r corff cynghori yn rhoi cyngor i Weinidogion Cymru ynghylch cynnig i wneud rheoliadau o dan adran 31 sy'n gosod neu'n newid cyllideb garbon ar gyfer cyfnod cyllidebol, rhaid i'r cyngor gynnwys barn y corff cynghori ynghylch—
  - (a) lefel briodol y gyllideb garbon ar gyfer y cyfnod;
  - (b) i ba raddau y dylid cyrraedd y gyllideb garbon ar gyfer y cyfnod—
    - (i) drwy ostwng swm allyriadau net Cymru o nwyon tŷ gwydr, neu
    - (ii) drwy ddefnyddio unedau carbon y caniateir eu credydu i gyfrif allyriadau net Cymru ar gyfer y cyfnod yn unol â rheoliadau o dan adrannau 33 a 36;
  - (c) y cyfraniadau at gyrraedd y gyllideb garbon ar gyfer y cyfnod y dylai'r naill a'r llall o'r canlynol eu gwneud—
    - (i) y sectorau o economi Cymru y mae cynlluniau masnachu yn berthnasol iddynt (i gyd gyda'i gilydd);
    - (ii) y sectorau o economi Cymru nad yw cynlluniau o'r fath yn berthnasol iddynt (i gyd gyda'i gilydd);
  - (d) y sectorau o economi Cymru lle ceir cyfleoedd penodol i wneud cyfraniadau at gyrraedd y gyllideb garbon ar gyfer y cyfnod drwy leihau allyriadau nwyon tŷ gwydr.
- (3) Pan fo'n cynghori Gweinidogion Cymru ynghylch cynnig i wneud rheoliadau sy'n newid targed allyriadau 2050, neu'n gosod neu'n newid targed allyriadau interim neu gyllideb garbon, rhaid i'r corff cynghori roi sylw i'r materion a grybwyllir yn adran 32(3).
- (4) Yn is-adran (2), mae i "cynllun masnachu" yr ystyr a roddir i "trading scheme" gan adran 44 o Ddeddf Newid yn yr Hinsawdd 2008 (p. 27).

### *Mesur a dehongli*

## 51 Mesur allyriadau

- (1) At ddibenion y Rhan hon, rhaid mesur neu gyfrifo pob un o'r canlynol mewn symiau cyfwerth â thunnell o garbon deuocsid—

- (6) If the draft regulations laid before the National Assembly for Wales make different provision from that recommended by the advisory body, the Welsh Ministers must also lay before the National Assembly a statement setting out the reasons why.
- (7) This section does not apply to regulations under section 44.

## 50 Advice about proposed regulations relating to targets and budgets

- (1) When the advisory body provides the Welsh Ministers with advice about a proposal to make regulations under section 29 changing the 2050 emissions target or regulations under section 30 setting or changing an interim emissions target, the advice must include the advisory body's opinion as to—
  - (a) whether the target proposed by the Welsh Ministers is the highest achievable target, and
  - (b) if not, what is the highest achievable target.
- (2) When the advisory body provides the Welsh Ministers with advice about a proposal to make regulations under section 31 setting or changing a carbon budget for a budgetary period, the advice must include the advisory body's opinion as to—
  - (a) the appropriate level of the carbon budget for the period;
  - (b) the extent to which the carbon budget for the period should be met—
    - (i) by reducing the amount of net Welsh emissions of greenhouse gases, or
    - (ii) by the use of carbon units that in accordance with regulations under sections 33 and 36 may be credited to the net Welsh emissions account for the period;
  - (c) the respective contributions towards meeting the carbon budget for the period that should be made—
    - (i) by the sectors of the Welsh economy covered by trading schemes (taken as a whole);
    - (ii) by the sectors of the Welsh economy not so covered (taken as a whole);
  - (d) the sectors of the Welsh economy in which there are particular opportunities for contributions to be made towards meeting the carbon budget for the period through reductions in emissions of greenhouse gases.
- (3) When advising the Welsh Ministers about a proposal to make regulations changing the 2050 emissions target, or setting or changing an interim emissions target or a carbon budget, the advisory body must have regard to the matters mentioned in section 32(3).
- (4) In subsection (2), "trading scheme" has the meaning given by section 44 of the Climate Change Act 2008 (c. 27).

### *Measurement and interpretation*

## 51 Measurement of emissions

- (1) For the purposes of this Part, each of the following must be measured or calculated in tonnes of carbon dioxide equivalent—

- (a) allyriadau nwyon tŷ gwydr;
  - (b) gostyngiadau mewn allyriadau nwyon tŷ gwydr;
  - (c) echdyniadau nwyon tŷ gwydr o'r atmosffer.
- (2) Ystyr "swm cyfwerth â thunnell o garbon deuocsid" yw un dunnell fetrig o garbon deuocsid neu swm o unrhyw nwy tŷ gwydr arall sydd â photensial cyfwerth o ran cynhesu byd-eang (a gyfrifir yn gyson ag arferion rhyngwladol adrodd ar garbon).

## 52 Arferion rhyngwladol adrodd ar garbon

Yn y Rhan hon, ystyr "arferion rhyngwladol adrodd ar garbon" yw'r arferion cyffredin mewn perthynas ag adrodd at ddibenion –

- (a) protocolau Confensiwn Fframwaith y Cenhedloedd Unedig ar Newid yn yr Hinsawdd, neu
- (b) y cytundebau neu'r trefniadau rhyngwladol eraill hynny, neu'r ymrwymadau hynny o dan gyfreithiau'r UE, y caiff Gweinidogion Cymru eu pennu drwy reoliadau.

## 53 Dehongliad cyffredinol o'r Rhan hon

Yn y Rhan hon –

ystyr "allyriadau" ("*emissions*") mewn perthynas â nwy tŷ gwydr, yw allyriadau o'r nwy hwnnw i'r atmosffer sydd i'w priodoli i weithgarwch pobl;

mae i "allyriadau Cymru" ("*Welsh emissions*") yr ystyr a roddir gan adran 34(2);

mae i "allyriadau net Cymru" ("*net Welsh emissions*") yr ystyr a roddir gan adran 34(1);

mae i "arferion rhyngwladol adrodd ar garbon" ("*international carbon reporting practice*") yr ystyr a roddir gan adran 52;

mae i "blwyddyn darged interim" ("*interim target year*") yr ystyr a roddir gan adran 30(3);

mae "corff cyngori" ("*advisory body*") i'w ddehongli yn unol ag adran 44;

mae i "cyfnod cyllidebol" ("*budgetary period*") yr ystyr a roddir gan adran 31(3);

ystyr "cyfreithiau'r UE" ("*EU law*") yw –

- (a) yr holl hawliau, pwerau, rhwymedigaethau, ymrwymadau a chyfyngiadau a grëir gan Gytuniadau'r UE neu sy'n codi oddi tanynt o dro i dro, a

- (b) yr holl rwymedïau a gweithdrefnau y darperir ar eu cyfer gan Gytuniadau'r UE neu oddi tanynt o dro i dro;

mae i "cyfrif allyriadau net Cymru" ("*net Welsh emissions account*") yr ystyr a roddir gan adran 33;

mae i "cyllideb garbon" ("*carbon budget*") yr ystyr a roddir gan adran 31(1);

mae i "echdyniadau Cymru" ("*Welsh removals*") yr ystyr a roddir gan adran 34(3);

mae i "gwaelodlin" ("*baseline*") yr ystyr a roddir gan adran 38;

- (a) emissions of greenhouse gases;
  - (b) reductions in greenhouse gas emissions;
  - (c) removals of greenhouse gases from the atmosphere.
- (2) A “tonne of carbon dioxide equivalent” means one metric tonne of carbon dioxide or an amount of any other greenhouse gas with an equivalent global warming potential (calculated consistently with international carbon reporting practice).

## 52 International carbon reporting practice

In this Part, “international carbon reporting practice” means accepted practice in relation to reporting for the purposes of –

- (a) the protocols to the United Nations Framework Convention on Climate Change, or
- (b) such other international agreements or arrangements, or obligations under EU law, as the Welsh Ministers may specify by regulations.

## 53 General interpretation of this Part

In this Part –

“2050 emissions target” (“*targed allyriadau 2050*”) has the meaning given by section 29;

“advisory body” (“*corff cynghori*”) is to be interpreted in accordance with section 44;

“baseline” (“*gwaelodlin*”) has the meaning given by section 38;

“budgetary period” (“*cyfnod cyllidebol*”) has the meaning given by section 31(3);

“carbon budget” (“*cyllideb garbon*”) has the meaning given by section 31(1);

“carbon unit” (“*uned garbon*”) has the meaning given by section 36(1);

“emissions” (“*allyriadau*”), in relation to a greenhouse gas, means emissions of that gas into the atmosphere that are attributable to human activity;

“EU law” (“*cyfreithiau’r UE*”) means –

- (a) all the rights, powers, liabilities, obligations and restrictions from time to time created or arising by or under the EU Treaties, and
- (b) all the remedies and procedures from time to time provided for by or under the EU Treaties;

“greenhouse gas” (“*nwy tŷ gwydr*”) has the meaning given by section 37;

“interim emissions target” (“*targed allyriadau interim*”) has the meaning given by section 30(1);

“interim target year” (“*blwyddyn darged interim*”) has the meaning given by section 30(3);

“international carbon reporting practice” (“*arferion rhyngwladol adrodd ar garbon*”) has the meaning given by section 52;

- mae i “nwy tŷ gwydr” (“greenhouse gas”) yr ystyr a roddir gan adran 37;
- mae i “targed allyriadau 2050” (“2050 emissions target”) yr ystyr a roddir gan adran 29;
- mae i “targed allyriadau interim” (“interim emissions target”) yr ystyr a roddir gan adran 30(1);
- mae i “uned garbon” (“carbon unit”) yr ystyr a roddir gan adran 36(1).

### RHAN 3

#### CODI TALIADAU AM FAGIAU SIOPA

##### *Rheoliadau ynghylch codi taliadau am fagiau siopa*

#### 54 Ystyr “bag siopa”

Yn y Rhan hon, ystyr “bag siopa” yw bag a ddarperir at y diben o—

- (a) galluogi nwyddau i gael eu cymryd ymaith o’r man lle cânt eu gwerthu, neu
- (b) galluogi nwyddau i gael eu danfon.

#### 55 Gofyniad i godi tâl

- (1) Rhaid i Weinidogion Cymru wneud rheoliadau o dan yr adran hon (“rheoliadau bagiau siopa”).
- (2) Caiff rheoliadau bagiau siopa ei gwneud yn ofynnol i werthwyr nwyddau godi tâl am gyflenwi bagiau siopa o’r disgrifiadau a bennir yn y rheoliadau o dan yr amgylchiadau a grybwyllir yn is-adran (3).
- (3) Yr amgylchiadau yw bod y nwyddau—
  - (a) yn cael eu gwerthu mewn man neu o fan yng Nghymru, neu
  - (b) wedi eu bwriadu ar gyfer eu danfon i berson yng Nghymru.
- (4) Caiff y rheoliadau bennu disgrifiad o fag siopa drwy gyfeirio at y canlynol (er enghraifft)—
  - (a) maint, trwch, gwneuthuriad, cyfansoddiad neu nodweddion eraill y bag,
  - (b) y defnydd y bwriedir ei wneud o’r bag,
  - (c) y pris a godir gan y gwerthwr nwyddau am gyflenwi’r bag (ac eithrio unrhyw dâl sy’n ofynnol gan y rheoliadau),
 neu unrhyw gyfuniad o’r ffactorau hynny.
- (5) Caiff y rheoliadau—
  - (a) pennu isafswm y tâl y mae’n rhaid ei godi am fag siopa, neu
  - (b) darparu i’r swm hwnnw gael ei benderfynu yn unol â’r rheoliadau.
- (6) Yn y Rhan hon, ystyr “y tâl” yw unrhyw dâl am gyflenwi bagiau siopa a wneir yn unol â rheoliadau bagiau siopa.

“net Welsh emissions” (“*allyriadau net Cymru*”) has the meaning given by section 34(1);

“net Welsh emissions account” (“*cyfrif allyriadau net Cymru*”) has the meaning given by section 33;

“Welsh emissions” (“*allyriadau Cymru*”) has the meaning given by section 34(2);

“Welsh removals” (“*echdyniadau Cymru*”) has the meaning given by section 34(3).

### PART 3

#### CHARGES FOR CARRIER BAGS

##### *Regulations about charges for carrier bags*

#### 54 Meaning of “carrier bag”

In this Part, “carrier bag” means a bag supplied for the purpose of—

- (a) enabling goods to be taken away from the place where they are sold, or
- (b) enabling goods to be delivered.

#### 55 Requirement to charge

- (1) The Welsh Ministers must make regulations under this section (“carrier bag regulations”).
- (2) Carrier bag regulations may require sellers of goods to charge for the supply of carrier bags of descriptions specified in the regulations in the circumstances mentioned in subsection (3).
- (3) The circumstances are that the goods are—
  - (a) sold at or from a place in Wales, or
  - (b) intended to be delivered to a person in Wales.
- (4) The regulations may specify a description of carrier bag by reference (for example) to—
  - (a) the bag’s size, thickness, construction, composition or other characteristics,
  - (b) the bag’s intended use,
  - (c) the price charged by the seller of goods for supplying the bag (excluding any charge required by the regulations),or any combination of those factors.
- (5) The regulations may—
  - (a) specify the minimum amount that must be charged for a carrier bag, or
  - (b) provide for that amount to be determined in accordance with the regulations.
- (6) In this Part, “the charge” means any charge for the supply of carrier bags made in accordance with carrier bag regulations.

**56 Gwerthwyr nwyddau**

- (1) Yn y Rhan hon, ystyr “gwerthwr nwyddau” yw person sy’n gwerthu nwyddau yng nghwrs busnes.
- (2) At ddibenion is-adran (1), mae person yn gweithredu yng nghwrs busnes os yw’r person –
  - (a) yn gweithredu unrhyw fusnes neu ymgymeriad, pa un a yw hynny ar gyfer elw ai peidio, neu
  - (b) yn arfer unrhyw swyddogaethau o natur gyhoeddus.
- (3) Mae is-adrannau (1) a (2) yn ddarostyngedig i unrhyw ddarpariaeth a wneir gan reoliadau bagiau siopa ynghylch personau sydd i’w hystyried, neu nad ydynt i’w hystyried, yn werthwyr mewn perthynas â nwyddau.
- (4) Caiff rheoliadau bagiau siopa wneud darpariaeth sy’n gymwys i’r canlynol –
  - (a) pob gwerthwr nwyddau,
  - (b) gwerthwyr nwyddau penodedig,
  - (c) gwerthwyr nwyddau o ddisgrifiad penodedig, neu
  - (d) gwerthwyr o fewn paragraff (b) a gwerthwyr o fewn paragraff (c).
- (5) Caiff y rheoliadau bennu disgrifiad o werthwr drwy gyfeirio at –
  - (a) y man y mae gwerthwr yn cyflenwi nwyddau ynddo neu ohono neu’r manau y mae gwerthwr yn cyflenwi nwyddau ynddynt neu ohonynt;
  - (b) y math o nwyddau a gyflenwir gan werthwr;
  - (c) gwerth y nwyddau a gyflenwir gan werthwr;
  - (d) trosiant gwerthwr neu unrhyw ran o’r trosiant;
  - (e) trefniadau gwerthwr ar gyfer cymhwyso’r enillion net o’r tâl (gweler adran 57);
  - (f) unrhyw ffactor arall y mae Gweinidogion Cymru yn ystyried ei fod yn briodol, pa un a yw’r ffactor hwnnw o’r un math â’r rhai a restrir ym mharagraffau (a) i (e) ai peidio.

**57 Cymhwyso’r enillion**

- (1) Rhaid i reoliadau bagiau siopa ei gwneud yn ofynnol i’r enillion net o’r tâl gael eu cymhwyso at ddibenion elusennol sydd –
  - (a) yn ymwneud â diogelu neu wella’r amgylchedd, a
  - (b) o fudd uniongyrchol neu anuniongyrchol i Gymru gyfan neu unrhyw ran ohoni (pa un a ydynt o fudd hefyd i unrhyw ardal arall ai peidio).
- (2) Ond rhaid i’r rheoliadau ddarparu ar gyfer eithriad sy’n galluogi gwerthwr nwyddau i gymhwyso’r enillion net o’r tâl at ddibenion elusennol eraill pan fo’r gwerthwr –
  - (a) o fewn cyfnod penodedig cyn i’r ddarpariaeth a wneir o dan is-adran (1) ddod i rym am y tro cyntaf, wedi cymhwyso symiau a dderbyniwyd ar ffurf taliadau am fagiau siopa at y dibenion hynny, a



**56 Sellers of goods**

- (1) In this Part, “seller of goods” means a person who sells goods in the course of a business.
- (2) For the purposes of subsection (1), a person is acting in the course of a business if the person is –
  - (a) carrying on any business or undertaking, whether for profit or not, or
  - (b) exercising any functions of a public nature.
- (3) Subsections (1) and (2) are subject to any provision made by carrier bag regulations about persons who are, or are not, to be regarded as sellers in relation to goods.
- (4) Carrier bag regulations may make provision which applies to –
  - (a) all sellers of goods,
  - (b) specified sellers of goods,
  - (c) sellers of goods of a specified description, or
  - (d) sellers within paragraph (b) and sellers within paragraph (c).
- (5) The regulations may specify a description of seller by reference to –
  - (a) the place or places at or from which a seller supplies goods;
  - (b) the type of goods that a seller supplies;
  - (c) the value of goods that a seller supplies;
  - (d) a seller’s turnover or any part of the turnover;
  - (e) a seller’s arrangements for applying the net proceeds of the charge (see section 57);
  - (f) any other factor that the Welsh Ministers consider appropriate, whether or not that factor is of the same kind as those listed in paragraphs (a) to (e).

**57 Application of proceeds**

- (1) Carrier bag regulations must require the net proceeds of the charge to be applied to charitable purposes which –
  - (a) relate to environmental protection or improvement, and
  - (b) directly or indirectly benefit the whole or any part of Wales (whether or not they also benefit any other area).
- (2) But the regulations must provide for an exception enabling a seller of goods to apply the net proceeds of the charge to other charitable purposes where –
  - (a) the seller has, within a specified period occurring before provision made under subsection (1) first comes into force, applied amounts received by way of charges for carrier bags to those purposes, and

- (b) wedi rhoi hysbysiad ei fod wedi cymhwyso symiau at y dibenion hynny fel y crybwyllir ym mharagraff (a) ac am ddymuniad y gwerthwr i allu cymhwyso'r holl enillion net o'r tâl, neu ran ohonynt, at y dibenion hynny.
- (3) Caiff y rheoliadau wneud darpariaeth –
- ynghylch sut, pa bryd ac i bwy y mae'n rhaid rhoi hysbysiad;
  - ynghylch gwybodaeth y mae'n rhaid ei darparu wrth roi hysbysiad;
  - i'r eithriad fod yn gymwys yn ddarostyngedig i amodau.
- (4) Caiff y ddarpariaeth a wneir gan y rheoliadau o dan is-adran (1) ei gwneud yn ofynnol i werthwr nwyddau gymhwyso'r enillion net o'r tâl –
- at y dibenion elusennol hynny o fewn yr is-adran honno y bydd y gwerthwr yn penderfynu arnynt, neu
  - pan fo'r rheoliadau'n pennu un diben elusennol neu ragor, at y dibenion penodedig hynny neu at y rhai hynny o'u plith y bydd y gwerthwr yn penderfynu arnynt.
- (5) Caiff rheoliadau bagiau siopa (ymhlith pethau eraill) –
- darparu bod yr enillion net o'r tâl i'w trin fel petaent wedi eu cymhwyso yn unol â darpariaeth a wneir o dan yr adran hon os cânt eu derbyn gan bersonau penodedig neu bersonau o ddisgrifiad penodedig (neu'r ddau);
  - gwneud darpariaeth ar gyfer y trefniadau i'r enillion net o'r tâl gael eu rhoi gan werthwyr i'r personau a grybwyllir ym mharagraff (a) neu i unrhyw berson arall;
  - ei gwneud yn ofynnol i bersonau sy'n derbyn unrhyw enillion net o'r tâl gymhwyso'r enillion at ddibenion elusennol yn unol â darpariaeth a wneir o dan is-adran (1) neu (2).
- (6) Caiff y rheoliadau –
- darparu i Weinidogion Cymru adennill symiau sy'n gyfwerth â'r enillion o'r tâl a dderbyniwyd neu a gymhwyswyd heb fod yn unol â darpariaeth a wneir o dan yr adran hon;
  - darparu ar gyfer cymhwyso symiau a adenillir gan Weinidogion Cymru at ddibenion elusennol o fewn is-adran (1) (gan gynnwys y dibenion elusennol hynny o fewn yr is-adran honno y caiff Gweinidogion Cymru benderfynu arnynt);
  - darparu nad yw symiau a adenillir gan Weinidogion Cymru i'w talu i Gronfa Gyfunol Cymru.
- (7) Caiff rheoliadau bagiau siopa wneud darpariaeth sy'n gymwys i bersonau ar wahân i werthwyr nwyddau, os yw Gweinidogion Cymru yn ystyried bod darpariaeth o'r fath yn briodol er mwyn gorfodi darpariaeth a wneir o dan yr adran hon neu ar gyfer gwneud darpariaeth o'r fath yn effeithiol fel arall.
- (8) Yn y Rhan hon, mae i "diben elusennol" yr ystyr a roddir i "charitable purpose" yn Neddf Elusennau 2011 (p. 25) (gweler adran 2 o'r Ddeddf honno); ond caiff rheoliadau bagiau siopa ddarparu i'r diffiniad fod y gymwys at ddibenion y Rhan hon gyda'r addasiadau hynny y mae Gweinidogion Cymru yn ystyried eu bod yn angenrheidiol neu'n hwylus er mwyn sicrhau bod yr enillion net o'r tâl yn cael eu cymhwyso'n briodol.

- (b) the seller has given notice of having applied amounts to those purposes as mentioned in paragraph (a) and of the seller's wish to be able to apply some or all of the net proceeds of the charge to those purposes.
- (3) The regulations may make provision—
  - (a) about how, when and to whom notice must be given;
  - (b) about information that must be provided when giving notice;
  - (c) for the exception to apply subject to conditions.
- (4) The provision made by the regulations under subsection (1) may require a seller of goods to apply the net proceeds of the charge—
  - (a) to such charitable purposes within that subsection as the seller may determine, or
  - (b) where the regulations specify one or more charitable purposes, to those specified purposes or to such of them as the seller may determine.
- (5) Carrier bag regulations may (among other things)—
  - (a) provide for the net proceeds of the charge to be treated as having been applied in accordance with provision made under this section if they are accepted by specified persons or persons of a specified description (or both);
  - (b) make provision about the arrangements under which the net proceeds of the charge are to be given by sellers to the persons mentioned in paragraph (a) or any other person;
  - (c) require persons who accept any net proceeds of the charge to apply the proceeds to charitable purposes in accordance with provision made under subsection (1) or (2).
- (6) The regulations may—
  - (a) provide for recovery by the Welsh Ministers of sums equal to the proceeds of the charge that have been accepted or applied otherwise than in accordance with provision made under this section;
  - (b) provide for the application of sums recovered by the Welsh Ministers to charitable purposes within subsection (1) (including such charitable purposes within that subsection as the Welsh Ministers may determine);
  - (c) provide that sums recovered by the Welsh Ministers are not to be paid into the Welsh Consolidated Fund.
- (7) Carrier bag regulations may make provision that applies to persons other than sellers of goods, if the Welsh Ministers consider that such provision is appropriate for the enforcement of provision made under this section or for otherwise making such provision effective.
- (8) In this Part, “charitable purpose” has the meaning given in the Charities Act 2011 (c. 25) (see section 2 of that Act); but carrier bag regulations may provide for the definition to apply for the purposes of this Part with such modifications as the Welsh Ministers consider necessary or expedient for securing an appropriate application of the net proceeds of the charge.

*Gweinyddu a gorfodi***58 Gweinyddu**

- (1) Caiff rheoliadau bagiau siopa benodi person (“gweinyddwr”) i weinyddu darpariaeth a wneir gan y rheoliadau.
- (2) Caniateir penodi mwy nag un person i fod yn weinyddwr.
- (3) Caiff y rheoliadau roi pwerau i weinyddwr, neu osod dyletswyddau arno.
- (4) Mae’r ddarpariaeth y caniateir ei gwneud yn rhinwedd is-adran (3) yn cynnwys darpariaeth—
  - (a) sy’n gwneud addasiadau i unrhyw ddeddfiad sy’n gymwys i’r gweinyddwr, neu
  - (b) i unrhyw ddeddfiad o’r fath fod yn gymwys, gydag addasiadau neu hebddynt, at ddibenion y rheoliadau.
- (5) Mae cyfeiriadau yn y Rhan hon at weinyddwr yn cynnwys person a benodir gan weinyddwr.

**59 Cadw a chyhoeddi cofnodion**

- (1) Caiff rheoliadau bagiau siopa ei gwneud yn ofynnol i gofnodion gael eu cadw mewn perthynas â thaliadau a godir gan werthwyr nwyddau am fapiau siopa (pa un a yw’r taliadau’n ofynnol o dan y rheoliadau ai peidio).
- (2) Caiff y rheoliadau ei gwneud yn ofynnol—
  - (a) i’r cofnodion gael eu cyhoeddi, neu i’r wybodaeth arall honno y gellir ei phennu gael ei chyhoeddi, ar yr adegau hynny y gellir eu pennu ac yn y modd hwnnw y gellir ei bennu;
  - (b) i’r cofnodion gael eu cyflenwi, neu i’r wybodaeth arall honno y gellir ei phennu gael ei chyflenwi, ar gais ac yn y modd hwnnw y gellir ei bennu—
    - (i) i Weinidogion Cymru,
    - (ii) i weinyddwr, neu
    - (iii) i aelodau o’r cyhoedd.
- (3) Caiff y rheoliadau (er enghraifft) ei gwneud yn ofynnol cyhoeddi neu gyflenwi cofnodion neu wybodaeth sy’n ymwneud ag unrhyw un neu ragor o’r canlynol—
  - (a) y swm a dderbynnir gan werthwr nwyddau ar ffurf taliadau am fapiau siopa (pa un a yw hynny’n unol â’r rheoliadau neu fel arall);
  - (b) enillion gros neu net y gwerthwr o’r tâl;
  - (c) at ba ddibenion y defnyddiwyd yr enillion net o’r tâl.
- (4) Caiff rheoliadau bagiau siopa ei gwneud yn ofynnol hefyd gyhoeddi neu gyflenwi cofnodion neu wybodaeth sy’n ymwneud â’r swm y mae person wedi ei dderbyn gan werthwr ar ffurf enillion net o’r tâl sydd i’w gymhwyso at ddibenion elusennol.

**60 Gorfodi**

- (1) Caiff rheoliadau bagiau siopa roi pwerau neu ddyletswyddau i weinyddwr neu osod pwerau neu ddyletswyddau arno i orfodi darpariaeth a wneir gan y rheoliadau.

*Administration and enforcement***58 Administration**

- (1) Carrier bag regulations may appoint a person (an “administrator”) to administer provision made by the regulations.
- (2) More than one person may be appointed as administrator.
- (3) The regulations may confer powers, or impose duties, on an administrator
- (4) The provision that may be made by virtue of subsection (3) includes provision—
  - (a) making modifications to any enactment applying to the administrator, or
  - (b) for any such enactment to apply, with or without modifications, for the purposes of the regulations.
- (5) References in this Part to an administrator include a person appointed by an administrator.

**59 Record-keeping and publication of records**

- (1) Carrier bag regulations may require records to be kept relating to charges made by sellers of goods for carrier bags (whether or not the charges are required by the regulations).
- (2) The regulations may require—
  - (a) the records, or such other information as may be specified, to be published at such times and in such manner as may be specified;
  - (b) the records, or such other information as may be specified, to be supplied on request and in such manner as may be specified to—
    - (i) the Welsh Ministers,
    - (ii) an administrator, or
    - (iii) members of the public.
- (3) The regulations may (for example) require the publication or supply of records or information relating to any of the following—
  - (a) the amount received by a seller of goods by way of charges for carrier bags (whether in accordance with the regulations or otherwise);
  - (b) the seller’s gross or net proceeds of the charge;
  - (c) the uses to which the net proceeds of the charge have been put.
- (4) Carrier bag regulations may also require the publication or supply of records or information relating to the amount that a person has received from a seller by way of net proceeds of the charge to be applied to charitable purposes.

**60 Enforcement**

- (1) Carrier bag regulations may confer or impose powers or duties on an administrator to enforce provision made by the regulations.

- (2) Caiff y rheoliadau (er enghraifft) roi pwerau i weinyddwr –
  - (a) i'w gwneud yn ofynnol dangos dogfennau neu ddarparu gwybodaeth, neu
  - (b) i holi gwerthwr nwyddau neu swyddogion neu gyflogeion gwerthwr.
- (3) Caiff y rheoliadau hefyd roi pwerau i weinyddwr holi person y mae'r gweinyddwr yn credu'n rhesymol ei fod wedi derbyn unrhyw enillion net o'r tâl neu swyddogion neu gyflogeion person o'r fath.
- (4) Rhaid i reoliadau bagiau siopa sy'n rhoi pŵer o fewn is-adran (2) gynnwys darpariaeth ar gyfer sicrhau nad yw'r pŵer yn cael ei arfer gan weinyddwr ond pan fo'r gweinyddwr yn credu'n rhesymol bod methiant wedi bod i gydymffurfio â gofyniad yn y rheoliadau.

## 61 Sanctiynau sifil

Mae Atodlen 1 yn gwneud darpariaeth ynghylch sanctiynau sifil.

### *Cyffredinol*

## 62 Rheoliadau o dan y Rhan hon

- (1) Mae'r pŵer i wneud rheoliadau bagiau siopa i'w arfer drwy offeryn statudol.
- (2) Mae'r pŵer i wneud rheoliadau bagiau siopa yn cynnwys pŵer –
  - (a) i wneud darpariaeth wahanol ar gyfer dibenion neu achosion gwahanol;
  - (b) i wneud darpariaeth gysylltiedig, atodol, ganlyniadol neu drosiannol neu ddarpariaeth arbed.
- (3) Caiff darpariaeth o dan is-adran (2)(b) ddiwygio, diddymu neu ddirymu deddfiad.
- (4) Ni chaniateir i offeryn statudol sy'n cynnwys rheoliadau bagiau siopa gael ei wneud oni bai bod drafft o'r offeryn wedi ei osod gerbron Cynulliad Cenedlaethol Cymru, a'i gymeradwyo drwy benderfyniad ganddo.

## 63 Dehongliad cyffredinol o'r Rhan hon

Yn y Rhan hon –

mae i "bag siopa" ("*carrier bag*") yr ystyr a roddir gan adran 54;

mae "diben elusenol" ("*charitable purpose*") i'w ddehongli yn unol ag adran 57(8);

ystyr "enillion gros o'r tâl" ("*gross proceeds of the charge*") yw'r swm a dderbynnir gan werthwr nwyddau ar ffurf tâl;

ystyr "enillion net o'r tâl" ("*net proceeds of the charge*") yw enillion gros gwerthwr o'r tâl wedi eu gostwng yn ôl y symiau hynny y caniateir eu pennu;

mae "gwerthwr nwyddau" ("*seller of goods*") i'w ddehongli yn unol ag adran 56;

ystyr "penodedig" ("*specified*") yw wedi ei bennu mewn rheoliadau bagiau siopa;

mae i "rheoliadau bagiau siopa" ("*carrier bag regulations*") yr ystyr a roddir gan adran 55;

- (2) The regulations may (for example) confer powers on an administrator to—
  - (a) require the production of documents or the provision of information, or
  - (b) question a seller of goods or officers or employees of a seller.
- (3) The regulations may also confer powers on an administrator to question a person the administrator reasonably believes has received any net proceeds of the charge or officers or employees of such a person.
- (4) Carrier bag regulations that confer a power within subsection (2) must contain provision for ensuring that the power is exercised by an administrator only where the administrator reasonably believes there has been a failure to comply with a requirement of the regulations.

## 61 Civil sanctions

Schedule 1 makes provision about civil sanctions.

### *General*

## 62 Regulations under this Part

- (1) The power to make carrier bag regulations is to be exercised by statutory instrument.
- (2) The power to make carrier bag regulations includes power—
  - (a) to make different provision for different purposes or cases;
  - (b) to make incidental, supplementary, consequential, transitional or saving provision.
- (3) Provision under subsection (2)(b) may amend, repeal or revoke an enactment.
- (4) A statutory instrument containing carrier bag regulations may not be made unless a draft of the instrument has been laid before, and approved by a resolution of, the National Assembly for Wales.

## 63 General interpretation of this Part

In this Part—

“carrier bag” (*“bag siopa”*) has the meaning given by section 54;

“carrier bag regulations” (*“rheoliadau bagiau siopa”*) has the meaning given by section 55;

“the charge” (*“y tâl”*) has the meaning given by section 55;

“charitable purpose” (*“diben elusennol”*) is to be interpreted in accordance with section 57(8);

“gross proceeds of the charge” (*“enillion gros o’r tâl”*) means the amount received by a seller of goods by way of the charge;

“net proceeds of the charge” (*“enillion net o’r tâl”*) means a seller’s gross proceeds of the charge reduced by such amounts as may be specified;

“seller of goods” (*“gwerthwr nwyddau”*) is to be interpreted in accordance with section 56;

mae i “y tâl” (“*the charge*”) yr ystyr a roddir gan adran 55.

**64 Mân ddiwygiadau, diwygiadau canlyniadol a diddymiadau**

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

**RHAN 4**

**CASGLU A GWAREDU GWASTRAFF**

*Casglu ar wahân etc. wastraff*

**65 Gofynion sy’n ymwneud â chasglu ar wahân etc. wastraff**

Yn Neddf Diogelu’r Amgylchedd 1990 (p. 43), ar ôl adran 45A mewnosoder –

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

- (1) Where a waste collection authority in Wales arranges for the collection of controlled waste in its area under section 45, it must arrange for the waste to be collected in accordance with any applicable separation requirements.
- (2) A person acting in the course of a business who –
  - (a) collects controlled waste from premises in Wales, or
  - (b) receives, keeps, treats or transports controlled waste in Wales,
 must do so in accordance with any applicable separation requirements.
- (3) For the purposes of subsection (2), a person is acting in the course of a business if the person is –
  - (a) carrying on any business or undertaking, whether for profit or not, or
  - (b) exercising any functions of a public nature.
- (4) An occupier of premises in Wales who presents controlled waste for collection (whether by a waste collection authority or by any other person) must do so in accordance with any applicable separation requirements.
- (5) Subsection (4) does not apply to an occupier of premises within paragraph (a) or (b) of section 75(5) (domestic property and caravans).
- (6) A separation requirement is a requirement to take steps specified in regulations made by the Welsh Ministers for the purpose of ensuring or maintaining the separation of one or more types of waste from other types of waste or from other substances or articles.
- (7) A separation requirement is applicable in the circumstances specified in relation to that requirement in regulations made by the Welsh Ministers.



“specified” (“*penodedig*”) means specified in carrier bag regulations.

**64 Minor and consequential amendments and repeals**

Part 2 of Schedule 2 contains minor and consequential amendments and repeals relating to this Part.

**PART 4**

**COLLECTION AND DISPOSAL OF WASTE**

*Separate collection etc. of waste*

**65 Requirements relating to separate collection etc. of waste**

In the Environmental Protection Act 1990 (c. 43), after section 45A insert –

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

- (1) Where a waste collection authority in Wales arranges for the collection of controlled waste in its area under section 45, it must arrange for the waste to be collected in accordance with any applicable separation requirements.
- (2) A person acting in the course of a business who –
  - (a) collects controlled waste from premises in Wales, or
  - (b) receives, keeps, treats or transports controlled waste in Wales,must do so in accordance with any applicable separation requirements.
- (3) For the purposes of subsection (2), a person is acting in the course of a business if the person is –
  - (a) carrying on any business or undertaking, whether for profit or not, or
  - (b) exercising any functions of a public nature.
- (4) An occupier of premises in Wales who presents controlled waste for collection (whether by a waste collection authority or by any other person) must do so in accordance with any applicable separation requirements.
- (5) Subsection (4) does not apply to an occupier of premises within paragraph (a) or (b) of section 75(5) (domestic property and caravans).
- (6) A separation requirement is a requirement to take steps specified in regulations made by the Welsh Ministers for the purpose of ensuring or maintaining the separation of one or more types of waste from other types of waste or from other substances or articles.
- (7) A separation requirement is applicable in the circumstances specified in relation to that requirement in regulations made by the Welsh Ministers.

- (8) A person commits an offence if the person fails without reasonable excuse to comply with subsection (2) or (4).
- (9) A person who commits an offence under subsection (8) is liable on summary conviction, or on conviction on indictment, to a fine.
- (10) The Welsh Ministers may by regulations make provision (which may include provision amending this section) –
  - (a) for subsection (1) or (2) to apply subject to exceptions;
  - (b) for subsection (4) to apply subject to exceptions in addition to those in subsection (5).
- (11) Regulations under this section may make different provision for different purposes, different cases (including different persons, premises or types of waste) and different areas.

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

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

#### *Gwaredu gwastraff*

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

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

*“Wales: disposal of food waste*

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

- (1) An occupier of premises in Wales must not –
  - (a) discharge food waste produced on or brought onto the premises, or
  - (b) knowingly cause or knowingly permit food waste produced on or brought onto the premises to be discharged,

- (8) A person commits an offence if the person fails without reasonable excuse to comply with subsection (2) or (4).
- (9) A person who commits an offence under subsection (8) is liable on summary conviction, or on conviction on indictment, to a fine.
- (10) The Welsh Ministers may by regulations make provision (which may include provision amending this section) –
  - (a) for subsection (1) or (2) to apply subject to exceptions;
  - (b) for subsection (4) to apply subject to exceptions in addition to those in subsection (5).
- (11) Regulations under this section may make different provision for different purposes, different cases (including different persons, premises or types of waste) and different areas.

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

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

#### *Disposal of waste*

### **66 Prohibition on disposal of food waste to sewer**

- (1) In the Environmental Protection Act 1990, after section 34C insert –

*“Wales: disposal of food waste*

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

- (1) An occupier of premises in Wales must not –
  - (a) discharge food waste produced on or brought onto the premises, or
  - (b) knowingly cause or knowingly permit food waste produced on or brought onto the premises to be discharged,

into a public sewer or a sewer or drain communicating with a public sewer.

- (2) Subsection (1) does not apply to an occupier of premises within paragraph (a) or (b) of section 75(5) (domestic property and caravans).
- (3) A person commits an offence if, without reasonable excuse, the person contravenes subsection (1).
- (4) A person who commits an offence under subsection (3) is liable on summary conviction, or on conviction on indictment, to a fine.
- (5) In subsection (1) –

“food waste” means controlled waste that –

- (a) has at any time been food (which for this purpose does not include drink) intended for human consumption, or
- (b) is biodegradable waste arising from the processing or preparation of food or drink,

but does not include waste that is mixed with water or any other liquid as a result of the water or liquid having been used to clean any place or equipment used in processing or preparing food or drink;

“drain”, “public sewer” and “sewer” have the meanings given in section 219(1) of the Water Industry Act 1991.

- (6) The Welsh Ministers may by regulations –
  - (a) provide for subsection (1) to apply only in circumstances specified in the regulations;
  - (b) make provision (which may include provision amending this section) for subsection (1) to apply subject to exceptions in addition to those in subsection (2);
  - (c) amend the definition of “food waste” in subsection (5).
- (7) Regulations under subsection (6)(a) or (b) may make different provision for different purposes, different cases (including different persons, premises or types of food waste) and different areas.”

- (2) Yn adran 118 o Ddeddf y Diwydiant Dŵr 1991 (p. 56) –

- (a) yn is-adran (1), ar ôl “trade premises” mewnosoder “in England”;
- (b) ar ôl is-adran (1) mewnosoder –

“(1A) Subject to the following provisions of this Chapter and section 34D of the Environmental Protection Act 1990, the occupier of any trade premises in Wales in the area of a sewage undertaker may discharge any trade effluent proceeding from those premises into the undertaker’s public sewers if the occupier does so with the undertaker’s consent.”

into a public sewer or a sewer or drain communicating with a public sewer.

- (2) Subsection (1) does not apply to an occupier of premises within paragraph (a) or (b) of section 75(5) (domestic property and caravans).
  - (3) A person commits an offence if, without reasonable excuse, the person contravenes subsection (1).
  - (4) A person who commits an offence under subsection (3) is liable on summary conviction, or on conviction on indictment, to a fine.
  - (5) In subsection (1) –
    - “food waste” means controlled waste that –
      - (a) has at any time been food (which for this purpose does not include drink) intended for human consumption, or
      - (b) is biodegradable waste arising from the processing or preparation of food or drink,
 but does not include waste that is mixed with water or any other liquid as a result of the water or liquid having been used to clean any place or equipment used in processing or preparing food or drink;
 

“drain”, “public sewer” and “sewer” have the meanings given in section 219(1) of the Water Industry Act 1991.
  - (6) The Welsh Ministers may by regulations –
    - (a) provide for subsection (1) to apply only in circumstances specified in the regulations;
    - (b) make provision (which may include provision amending this section) for subsection (1) to apply subject to exceptions in addition to those in subsection (2);
    - (c) amend the definition of “food waste” in subsection (5).
  - (7) Regulations under subsection (6)(a) or (b) may make different provision for different purposes, different cases (including different persons, premises or types of food waste) and different areas.”
- (2) In section 118 of the Water Industry Act 1991 (c. 56) –
- (a) in subsection (1), after “trade premises” insert “in England”;
  - (b) after subsection (1) insert –
    - “(1A) Subject to the following provisions of this Chapter and section 34D of the Environmental Protection Act 1990, the occupier of any trade premises in Wales in the area of a sewage undertaker may discharge any trade effluent proceeding from those premises into the undertaker’s public sewers if the occupier does so with the undertaker’s consent.”

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

Ym Mesur Gwastraff (Cymru) 2010 (mccc 8), ar ôl adran 9 mewnosoder –

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

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

- (3) Yn yr adran hon –

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

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

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

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

*Gorfodi*

## 68 Sancsiynau sifil

- (1) At ddibenion Rhan 3 o Ddeddf Gorfodi Rheoleiddiol a Sancsiynau 2008 (p. 13) (“RESA 2008”), mae’r tramgwyddau o dan adrannau 34D a 45AA o Ddeddf Diogelu’r Amgylchedd 1990 (fel y’u mewnosodir gan adrannau 65 a 66) i’w trin fel pe baent wedi eu cynnwys yn y Ddeddf honno yn union cyn y diwrnod y cafodd RESA 2008 ei phasio.
- (2) Mae adran 10 o Fesur Gwastraff (Cymru) 2010 wedi ei diwygio fel a ganlyn.

**67 Power to prohibit or regulate disposal of waste by incineration**

In the Waste (Wales) Measure 2010 (nawm 8), after section 9 insert –

**“9A Regulations prohibiting incineration of waste**

- (1) The Welsh Ministers may by regulations make provision for and in connection with prohibiting or otherwise regulating the incineration in Wales of specified kinds of waste.
- (2) Regulations under subsection (1) may (among other things) –
  - (a) amend regulations made under section 2 of the Pollution Prevention and Control Act 1999 which relate to the operation of waste incineration plants or waste co-incineration plants;
  - (b) provide for offences in relation to failure to comply with provision made under the regulations;
  - (c) provide for penalties in relation to such offences;
  - (d) provide for enforcement authorities and the functions of such authorities.
- (3) In this section –

“incineration” (*“llosgi”*), in relation to waste, means –

- (a) incineration of the waste in a waste incineration plant or waste co-incineration plant, and
- (b) any other thermal treatment of the waste prior to its incineration;

“waste incineration plant” (*“peiriant llosgi gwastraff”*) has the meaning given in Article 3(40) of Directive 2010/75/EU of the European Parliament and of the Council on industrial emissions (integrated pollution prevention and control) (Recast);

“waste co-incineration plant” (*“peiriant cydlosgi gwastraff”*) has the meaning given in Article 3(41) of that Directive.”

*Enforcement***68 Civil sanctions**

- (1) For the purposes of Part 3 of the Regulatory Enforcement and Sanctions Act 2008 (c. 13) (“RESA 2008”), the offences under sections 34D and 45AA of the Environmental Protection Act 1990 (as inserted by sections 65 and 66) are to be treated as having been contained in that Act immediately before the day on which RESA 2008 was passed.
- (2) Section 10 of the Waste (Wales) Measure 2010 is amended as follows.

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

*Cyffredinol*

**69 Rheoliadau**

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

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

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



- (3) In the title, for “the deposit of waste in a landfill” substitute “offences created by regulations under sections 9 and 9A”.
- (4) In subsection (1), after “9(1)” insert “or 9A(1)”.
- (5) In subsection (2), for “Regulations under section 9(1) may” substitute “The power may be exercised to”.
- (6) For subsection (3) substitute –
  - “(3) But sections 39(4) and 42(6) of RESA 2008 do not apply to the provision that may be made by regulations under section 9(1) or 9A(1) by virtue of subsection (2).”
- (7) In subsection (4), for “to provision made under or by virtue of regulations under subsection (2) as they apply to provision” substitute “where regulations under section 9(1) or 9A(1) make provision by virtue of subsection (2) as they apply where provision is”.
- (8) In subsection (6), after “9(1)” insert “or 9A(1) (as appropriate)”.

*General*

## 69 Regulations

- (1) Section 161 of the Environmental Protection Act 1990 (regulations, orders and directions) is amended in accordance with subsections (2) to (4).
- (2) In subsection (1), for “National Assembly for Wales” substitute “the Welsh Ministers”.
- (3) In subsection (2A), for “made solely by the National Assembly for Wales” substitute “containing regulations made solely by the Welsh Ministers”.
- (4) After subsection (2A) insert –
  - “(2AA) A statutory instrument containing regulations under section 34D or 45AA(10) may not be made unless a draft of the instrument has been laid before, and approved by a resolution of, the National Assembly for Wales.
  - (2AB) Any other statutory instrument containing regulations made by the Welsh Ministers under this Act is subject to annulment in pursuance of a resolution of the National Assembly for Wales.”
- (5) In section 20(3) of the Waste (Wales) Measure 2010 (orders and regulations requiring approval of National Assembly for Wales), after “9,” insert “9A”.

## 70 Minor and consequential amendments and repeals

Part 3 of Schedule 2 contains minor and consequential amendments and repeals relating to this Part.

## RHAN 5

## PYSGODFEYDD AR GYFER PYSGOD CREGYN

*Ceisiadau am orchmynion sy'n ymwneud â physgodfeydd***71 Ceisiadau am orchmynion sy'n ymwneud â physgodfeydd**

- (1) Yn adran 1 o Ddeddf Pysgodfeydd Môr (Pysgod Cregyn) 1967 (p. 83) (pŵer i wneud gorchmynion o ran pysgodfeydd ar gyfer pysgod cregyn), ar ôl is-adran (2) mewnosoder –

“(2A) In relation to applications to the Welsh Ministers, subsection (2) has effect as if for “prescribed by regulations made by the appropriate Minister” there were substituted “specified by the Welsh Ministers”.

(2B) The Welsh Ministers may require a person who applies to them for an order under this section to provide them with such further information as they think necessary to enable them to determine the application.”

- (2) Nid yw'r diwygiad a wneir gan is-adran (1) yn gymwys mewn perthynas â cheisiadau sydd wedi eu gwneud i Weinidogion Cymru cyn i'r adran hon ddod i rym.

*Diogelu'r amgylchedd morol***72 Gofyniad i gynnwys darpariaethau amgylcheddol mewn gorchmynion sy'n ymwneud â physgodfeydd**

- (1) Mae Deddf Pysgodfeydd Môr (Pysgod Cregyn) 1967 wedi ei diwygio fel a ganlyn.  
 (2) Ar ôl adran 5 mewnosoder –

**“5A Orders made by Welsh Ministers: protection of marine environment**

- (1) An order made by the Welsh Ministers under section 1 of this Act must contain –

- (a) such provision (if any) as the Welsh Ministers consider appropriate for the purpose of preventing harm to any European marine site identified in the order, and  
 (b) such other provision (if any) as they consider appropriate for the purpose of protecting the marine environment.

- (2) For the purposes of this section, “the marine environment” includes –

- (a) the natural beauty or amenity of marine or coastal areas (including their geological or physiographical features);  
 (b) features of archaeological or historic interest in such areas;  
 (c) flora and fauna which are dependent on, or associated with, a marine or coastal environment.”

- (3) Yn adran 3, yn is-adran (2), yn lle “section 4” rhodder “sections 4 and 5A”.

## PART 5

## FISHERIES FOR SHELLFISH

*Applications for orders relating to fisheries***71 Applications for orders relating to fisheries**

- (1) In section 1 of the Sea Fisheries (Shellfish) Act 1967 (c. 83) (power to make orders as to fisheries for shellfish), after subsection (2) insert—
- “(2A) In relation to applications to the Welsh Ministers, subsection (2) has effect as if for “prescribed by regulations made by the appropriate Minister” there were substituted “specified by the Welsh Ministers”.
- (2B) The Welsh Ministers may require a person who applies to them for an order under this section to provide them with such further information as they think necessary to enable them to determine the application.”
- (2) The amendment made by subsection (1) does not apply in relation to applications that have been made to the Welsh Ministers before this section comes into force.

*Protection of marine environment***72 Requirement to include environmental provisions in orders relating to fisheries**

- (1) The Sea Fisheries (Shellfish) Act 1967 is amended as follows.
- (2) After section 5 insert—
- “5A Orders made by Welsh Ministers: protection of marine environment**
- (1) An order made by the Welsh Ministers under section 1 of this Act must contain—
- (a) such provision (if any) as the Welsh Ministers consider appropriate for the purpose of preventing harm to any European marine site identified in the order, and
- (b) such other provision (if any) as they consider appropriate for the purpose of protecting the marine environment.
- (2) For the purposes of this section, “the marine environment” includes—
- (a) the natural beauty or amenity of marine or coastal areas (including their geological or physiographical features);
- (b) features of archaeological or historic interest in such areas;
- (c) flora and fauna which are dependent on, or associated with, a marine or coastal environment.”
- (3) In section 3, in subsection (2), for “section 4” substitute “sections 4 and 5A”.

### 73 Pŵer i gyflwyno hysbysiadau ar gyfer diogelu safleoedd morol Ewropeaidd

Yn Neddf Pysgodfeydd Môr (Pysgod Cregyn) 1967, ar ôl adran 5A (fel y'i mewnosodir gan adran 72) mewnosoder –

#### **“5B European marine sites: power of Welsh Ministers to serve site protection notice**

- (1) If it appears to the Welsh Ministers that harm to a European marine site has occurred, or is likely to occur, as a result of any activity –
  - (a) carried on in the exercise of a right conferred by an order made by them under section 1 of this Act, or
  - (b) authorised in pursuance of provision made by or under such an order which confers a right of regulating a fishery,
 the Welsh Ministers may serve a site protection notice on the grantees of the order.
- (2) A site protection notice is a notice which requires the grantees to take steps specified in the notice for the purpose of preventing harm (or further harm) to the European marine site.
- (3) The provision that may be made by a site protection notice includes provision prohibiting, restricting or interfering with the exercise of any right conferred by the order.
- (4) A site protection notice must –
  - (a) be in writing,
  - (b) set out the reasons for giving the notice, and
  - (c) specify the time by which, or the period for which, the steps specified in the notice must be taken.
- (5) The Welsh Ministers must consult the grantees of the order before serving a site protection notice on them, unless it appears to the Welsh Ministers that there is an urgent need to take steps to prevent harm (or further harm) to the European marine site.
- (6) The Welsh Ministers may vary or cancel a site protection notice by serving notice of the variation or cancellation on the grantees of the order.
- (7) The Welsh Ministers must publish every notice served by them under this section in such manner as they consider appropriate for the purpose of bringing the notice to the attention of persons likely to be affected by it.
- (8) Provision under subsection (4)(c) may specify a time after, or a period which ends after, the expiry of the order; and in such a case, references in sections 5C and 5D of this Act to the grantees of the order are, in relation to any time after its expiry, references to the persons who were the grantees immediately before the order expired.

**73 Power to serve notices for protection of European marine sites**

In the Sea Fisheries (Shellfish) Act 1967, after section 5A (as inserted by section 72) insert—

**“5B European marine sites: power of Welsh Ministers to serve site protection notice**

- (1) If it appears to the Welsh Ministers that harm to a European marine site has occurred, or is likely to occur, as a result of any activity—
  - (a) carried on in the exercise of a right conferred by an order made by them under section 1 of this Act, or
  - (b) authorised in pursuance of provision made by or under such an order which confers a right of regulating a fishery,the Welsh Ministers may serve a site protection notice on the grantees of the order.
- (2) A site protection notice is a notice which requires the grantees to take steps specified in the notice for the purpose of preventing harm (or further harm) to the European marine site.
- (3) The provision that may be made by a site protection notice includes provision prohibiting, restricting or interfering with the exercise of any right conferred by the order.
- (4) A site protection notice must—
  - (a) be in writing,
  - (b) set out the reasons for giving the notice, and
  - (c) specify the time by which, or the period for which, the steps specified in the notice must be taken.
- (5) The Welsh Ministers must consult the grantees of the order before serving a site protection notice on them, unless it appears to the Welsh Ministers that there is an urgent need to take steps to prevent harm (or further harm) to the European marine site.
- (6) The Welsh Ministers may vary or cancel a site protection notice by serving notice of the variation or cancellation on the grantees of the order.
- (7) The Welsh Ministers must publish every notice served by them under this section in such manner as they consider appropriate for the purpose of bringing the notice to the attention of persons likely to be affected by it.
- (8) Provision under subsection (4)(c) may specify a time after, or a period which ends after, the expiry of the order; and in such a case, references in sections 5C and 5D of this Act to the grantees of the order are, in relation to any time after its expiry, references to the persons who were the grantees immediately before the order expired.

- (9) Subsections (2) to (7) of section 5 of this Act apply for the purposes of this section as they apply for the purposes of subsection (1) of that section.

### **5C Appeal against site protection notice**

- (1) An appeal lies to the First-tier Tribunal against –
- (a) a site protection notice;
  - (b) any provision of a site protection notice;
  - (c) the variation of a site protection notice;
  - (d) the refusal of a request for the variation or cancellation of a site protection notice.
- (2) An appeal may be brought –
- (a) in the case of an order made under section 1 of this Act which confers a right of several fishery, by the grantees of the order;
  - (b) in the case of such an order which confers a right of regulating a fishery –
    - (i) by the grantees of the order, or
    - (ii) by a person authorised to carry on an activity in pursuance of provision made by or under the order who is affected by the site protection notice or variation.
- (3) Where an appeal is brought by a person mentioned in subsection (2) (b)(ii), the grantees of the order are entitled to be parties to the appeal.
- (4) The First-tier Tribunal may suspend a site protection notice, or a variation of such a notice, pending the determination of an appeal.
- (5) On an appeal the Tribunal may confirm, vary or cancel a site protection notice.
- (6) If the Tribunal varies or cancels the notice, it may order the Welsh Ministers to pay compensation to any other party to the appeal for loss or damage suffered by that party as a result of the notice.

### **5D Failure to comply with site protection notice**

- (1) If the grantees of an order made under section 1 of this Act fail to comply with a site protection notice, the Welsh Ministers may themselves do anything that could be done by the grantees for the purpose of complying with the notice.
- (2) If the Welsh Ministers incur expenses in doing anything under subsection (1), they may recover those expenses from the grantees as a debt.”

## **74 Pŵer i amrywio neu ddirymu gorchmynion i ddiogelu safleoedd morol Ewropeaidd**

- (1) Mae Deddf Pysgodfeydd Môr (Pysgod Cregyn) 1967 wedi ei diwygio fel a ganlyn.
- (2) Ar ôl adran 5D (fel y'i mewnosodir gan adran 73) mewnosoder –

- (9) Subsections (2) to (7) of section 5 of this Act apply for the purposes of this section as they apply for the purposes of subsection (1) of that section.

### **5C Appeal against site protection notice**

- (1) An appeal lies to the First-tier Tribunal against –
- (a) a site protection notice;
  - (b) any provision of a site protection notice;
  - (c) the variation of a site protection notice;
  - (d) the refusal of a request for the variation or cancellation of a site protection notice.
- (2) An appeal may be brought –
- (a) in the case of an order made under section 1 of this Act which confers a right of several fishery, by the grantees of the order;
  - (b) in the case of such an order which confers a right of regulating a fishery –
    - (i) by the grantees of the order, or
    - (ii) by a person authorised to carry on an activity in pursuance of provision made by or under the order who is affected by the site protection notice or variation.
- (3) Where an appeal is brought by a person mentioned in subsection (2) (b)(ii), the grantees of the order are entitled to be parties to the appeal.
- (4) The First-tier Tribunal may suspend a site protection notice, or a variation of such a notice, pending the determination of an appeal.
- (5) On an appeal the Tribunal may confirm, vary or cancel a site protection notice.
- (6) If the Tribunal varies or cancels the notice, it may order the Welsh Ministers to pay compensation to any other party to the appeal for loss or damage suffered by that party as a result of the notice.

### **5D Failure to comply with site protection notice**

- (1) If the grantees of an order made under section 1 of this Act fail to comply with a site protection notice, the Welsh Ministers may themselves do anything that could be done by the grantees for the purpose of complying with the notice.
- (2) If the Welsh Ministers incur expenses in doing anything under subsection (1), they may recover those expenses from the grantees as a debt.”

### **74 Power to vary or revoke orders to protect European marine sites**

- (1) The Sea Fisheries (Shellfish) Act 1967 is amended as follows.
- (2) After section 5D (as inserted by section 73) insert –

**“5E European marine sites: power of Welsh Ministers to vary or revoke order under section 1**

- (1) This section applies where –
  - (a) the Welsh Ministers have served a site protection notice on the grantees of an order made under section 1 of this Act,
  - (b) the notice has not been cancelled under section 5B(6) or 5C(5) of this Act, and
  - (c) no appeal under section 5C of this Act is pending.
- (2) The Welsh Ministers may vary or revoke the order to reflect the effect of the site protection notice.
- (3) Before making an order by virtue of this section, the Welsh Ministers must consult –
  - (a) any persons who are entitled to a right of several fishery or a right of regulating a fishery in any part of the area to which the order relates, and
  - (b) any other persons the Welsh Ministers think are likely to be interested in the order or affected by it.
- (4) For the purposes of subsection (1)(c), an appeal under section 5C is pending if –
  - (a) an appeal under that section (or a further appeal) has been brought and has not been determined or withdrawn, or
  - (b) an appeal under that section (or a further appeal) has not been brought but the period for bringing such an appeal is still running.”
- (3) Yn adran 1 (pŵer i wneud gorchmynion o ran pysgodfeydd ar gyfer pysgod cregyn), yn is-adran (8), ar ôl “subsection (10) below” mewnosoder “or by virtue of section 5E of this Act”.

**75 Darpariaeth atodol**

Yn Neddf Pysgodfeydd Môr (Pysgod Cregyn) 1967, ar ôl adran 5E (fel y’i mewnosodir gan adran 74) mewnosoder –

**“5F Protection of marine environment: supplementary provision**

- (1) In sections 5A to 5E of this Act –
 

“European marine site” has the same meaning as in the Conservation of Habitats and Species Regulations 2010 (S.I. 2010/490) (see regulation 8);

“the grantees”, in relation to a right of several fishery, means the persons for the time being entitled to that right;

“harm”, in relation to a European marine site, means –

  - (a) an adverse effect on the integrity of the site,



**“5E European marine sites: power of Welsh Ministers to vary or revoke order under section 1**

- (1) This section applies where –
  - (a) the Welsh Ministers have served a site protection notice on the grantees of an order made under section 1 of this Act,
  - (b) the notice has not been cancelled under section 5B(6) or 5C(5) of this Act, and
  - (c) no appeal under section 5C of this Act is pending.
- (2) The Welsh Ministers may vary or revoke the order to reflect the effect of the site protection notice.
- (3) Before making an order by virtue of this section, the Welsh Ministers must consult –
  - (a) any persons who are entitled to a right of several fishery or a right of regulating a fishery in any part of the area to which the order relates, and
  - (b) any other persons the Welsh Ministers think are likely to be interested in the order or affected by it.
- (4) For the purposes of subsection (1)(c), an appeal under section 5C is pending if –
  - (a) an appeal under that section (or a further appeal) has been brought and has not been determined or withdrawn, or
  - (b) an appeal under that section (or a further appeal) has not been brought but the period for bringing such an appeal is still running.”
- (3) In section 1 (power to make orders as to fisheries for shellfish), in subsection (8), after “subsection (10) below” insert “or by virtue of section 5E of this Act”.

**75 Supplementary provision**

In the Sea Fisheries (Shellfish) Act 1967, after section 5E (as inserted by section 74) insert –

**“5F Protection of marine environment: supplementary provision**

- (1) In sections 5A to 5E of this Act –
 

“European marine site” has the same meaning as in the Conservation of Habitats and Species Regulations 2010 (S.I. 2010/490) (see regulation 8);

“the grantees”, in relation to a right of several fishery, means the persons for the time being entitled to that right;

“harm”, in relation to a European marine site, means –

  - (a) an adverse effect on the integrity of the site,

- (b) the deterioration of a relevant natural habitat or of the habitat of a relevant species, or
  - (c) the disturbance of a relevant species, in so far as the disturbance could be significant in relation to the objectives of the Habitats Directive.
- (2) For the purposes of the definition of “harm” in subsection (1) –
- a “relevant” natural habitat or species is one for which the site in question has been designated or classified as a European marine site;
- “the Habitats Directive” means Council Directive 92/43/EEC on the conservation of natural habitats and of wild fauna and flora.
- (3) Sections 5A to 5E of this Act do not apply in relation to an order made under section 1 of this Act before the coming into force of Part 5 of the Environment (Wales) Act 2016.”

## RHAN 6

### TRWYDDEDU MOROL

#### 76 Cyngor a chymorth mewn perthynas â thrwyddedu morol

Yn Neddf y Môr a Mynediad i'r Arfordir 2009 (p. 23), ar ôl adran 67 mewnosoder –

##### “67A Advice and other assistance from the Welsh Ministers

- (1) This section applies where the Welsh Ministers are the appropriate licensing authority.
- (2) The licensing authority may provide advice or other assistance to any person who requests it in connection with –
  - (a) an application which the person proposes to make to the licensing authority for a marine licence, or
  - (b) any other matter in respect of which the licensing authority exercises functions under this Part.
- (3) The licensing authority may charge fees in respect of the reasonable costs incurred by it in connection with the provision of advice or other assistance under subsection (2).”

#### 77 Ffioedd am fonitro, amrywio etc. drwyddedau morol

- (1) Yn Neddf y Môr a Mynediad i'r Arfordir 2009, ar ôl adran 72 mewnosoder –

##### “72A Further fees chargeable where the Welsh Ministers are the appropriate licensing authority

- (b) the deterioration of a relevant natural habitat or of the habitat of a relevant species, or
  - (c) the disturbance of a relevant species, in so far as the disturbance could be significant in relation to the objectives of the Habitats Directive.
- (2) For the purposes of the definition of “harm” in subsection (1) –
- a “relevant” natural habitat or species is one for which the site in question has been designated or classified as a European marine site;
  - “the Habitats Directive” means Council Directive 92/43/EEC on the conservation of natural habitats and of wild fauna and flora.
- (3) Sections 5A to 5E of this Act do not apply in relation to an order made under section 1 of this Act before the coming into force of Part 5 of the Environment (Wales) Act 2016.”

## PART 6

### MARINE LICENSING

#### 76 Advice and assistance in relation to marine licensing

In the Marine and Coastal Access Act 2009 (c. 23), after section 67 insert –

**“67A Advice and other assistance from the Welsh Ministers**

- (1) This section applies where the Welsh Ministers are the appropriate licensing authority.
- (2) The licensing authority may provide advice or other assistance to any person who requests it in connection with –
  - (a) an application which the person proposes to make to the licensing authority for a marine licence, or
  - (b) any other matter in respect of which the licensing authority exercises functions under this Part.
- (3) The licensing authority may charge fees in respect of the reasonable costs incurred by it in connection with the provision of advice or other assistance under subsection (2).”

#### 77 Fees for monitoring, variation etc. of marine licences

- (1) In the Marine and Coastal Access Act 2009, after section 72 insert –

**“72A Further fees chargeable where the Welsh Ministers are the appropriate licensing authority**

- (1) This section applies where the Welsh Ministers are the appropriate licensing authority in relation to a marine licence granted under this Part.
  - (2) The licensing authority may require the licensee to pay a fee for –
    - (a) monitoring an activity authorised by the licence,
    - (b) assessing and interpreting the results of any monitoring of an activity authorised by the licence, or
    - (c) dealing with an application by the licensee for a variation, suspension, revocation or transfer of the licence under section 72.
  - (3) In subsection (2) “monitoring”, in relation to a licence, means monitoring carried out for the purposes of enabling the licensing authority to determine –
    - (a) the environmental, economic or social consequences of any activity authorised by the licence, or
    - (b) whether the licensee is complying with any conditions attached to that licence.
  - (4) The fees that may be charged under subsection (2) are to be determined by or in accordance with regulations made by the licensing authority.
  - (5) Regulations under subsection (4) may provide for different fees for different cases.
  - (6) If the licensing authority carries out any investigation, examination or test which in its opinion is necessary or expedient to enable it to determine an application by a licensee for a variation, suspension, revocation or transfer of a licence under section 72, the authority may require the licensee to pay a fee towards the reasonable expenses of that investigation, examination or test.
  - (7) If a licensee fails to comply with a requirement to pay a fee charged under subsection (2)(a) or (b), the licensing authority may by notice vary, suspend or revoke the licence.
  - (8) The suspension of a licence under subsection (7) continues in effect until the fee is paid (but this is subject to any provision made under section 108(3)(b) in relation to notices under that subsection).
  - (9) If a licensee who has applied for a variation, suspension, revocation or transfer of a licence under section 72 fails to comply with a requirement to pay a fee charged under this section in connection with that application, the licensing authority may –
    - (a) refuse to proceed with the application, or
    - (b) refuse to proceed with it until the failure is remedied.”
- (2) Mae’r diwygiad a wneir gan is-adran (1) yn cael effaith mewn perthynas â thrwyddedau morol pa bryd bynnag y’u rhoddir.

- (1) This section applies where the Welsh Ministers are the appropriate licensing authority in relation to a marine licence granted under this Part.
  - (2) The licensing authority may require the licensee to pay a fee for –
    - (a) monitoring an activity authorised by the licence,
    - (b) assessing and interpreting the results of any monitoring of an activity authorised by the licence, or
    - (c) dealing with an application by the licensee for a variation, suspension, revocation or transfer of the licence under section 72.
  - (3) In subsection (2) “monitoring”, in relation to a licence, means monitoring carried out for the purposes of enabling the licensing authority to determine –
    - (a) the environmental, economic or social consequences of any activity authorised by the licence, or
    - (b) whether the licensee is complying with any conditions attached to that licence.
  - (4) The fees that may be charged under subsection (2) are to be determined by or in accordance with regulations made by the licensing authority.
  - (5) Regulations under subsection (4) may provide for different fees for different cases.
  - (6) If the licensing authority carries out any investigation, examination or test which in its opinion is necessary or expedient to enable it to determine an application by a licensee for a variation, suspension, revocation or transfer of a licence under section 72, the authority may require the licensee to pay a fee towards the reasonable expenses of that investigation, examination or test.
  - (7) If a licensee fails to comply with a requirement to pay a fee charged under subsection (2)(a) or (b), the licensing authority may by notice vary, suspend or revoke the licence.
  - (8) The suspension of a licence under subsection (7) continues in effect until the fee is paid (but this is subject to any provision made under section 108(3)(b) in relation to notices under that subsection).
  - (9) If a licensee who has applied for a variation, suspension, revocation or transfer of a licence under section 72 fails to comply with a requirement to pay a fee charged under this section in connection with that application, the licensing authority may –
    - (a) refuse to proceed with the application, or
    - (b) refuse to proceed with it until the failure is remedied.”
- (2) The amendment made by subsection (1) has effect in relation to marine licences whenever granted.

**78 Darpariaeth bellach ynghylch talu ffioedd**

Yn Neddf y Môr a Mynediad i'r Arfordir 2009, ar ôl adran 107 mewnosoder—

**“107A Deposits on account of fees payable to the Welsh Ministers**

- (1) This section applies where the Welsh Ministers are the appropriate licensing authority.
- (2) Where a person is required to pay a fee to the licensing authority under this Part, the licensing authority may require the person to pay a deposit on account of the fee.
- (3) The amount that a person may be required to pay under subsection (2) is to be determined by or in accordance with regulations made by the licensing authority.
- (4) If a licensee fails to comply with a requirement to pay a deposit charged under subsection (2) on account of a fee charged under section 72A(2)(a) or (b), the licensing authority may by notice vary, suspend or revoke the licence.
- (5) The suspension of a licence under subsection (4) continues in effect until the deposit is paid (but this is subject to any provision made under section 108(3)(b) in relation to notices under that subsection).
- (6) If a person who has applied for a licence under section 67 or for a variation, suspension, revocation or transfer of a licence under section 72 fails to comply with a requirement to pay a deposit charged under subsection (2) in connection with that application, the licensing authority may—
  - (a) refuse to proceed with the application, or
  - (b) refuse to proceed with it until the failure is remedied.

**107B Supplementary provision about fees payable to the Welsh Ministers**

- (1) This section applies where the Welsh Ministers are the appropriate licensing authority.
- (2) When making provision under section 67(2) or 72A(4) about fees payable in respect of a type of application to the licensing authority or in respect of an activity of the licensing authority, the licensing authority must decide what provision to make by reference to the expected costs of dealing with that type of application or of carrying out that activity.
- (3) The licensing authority may require a fee charged by it under this Part to be payable in advance of the activity to which the fee relates being carried out.
- (4) The licensing authority may waive or reduce a fee.
- (5) The licensing authority may by regulations make provision about how and when a fee or deposit charged by it under this Part is to be paid.

**78 Further provision about payment of fees**

In the Marine and Coastal Access Act 2009, after section 107 insert—

**“107A Deposits on account of fees payable to the Welsh Ministers**

- (1) This section applies where the Welsh Ministers are the appropriate licensing authority.
- (2) Where a person is required to pay a fee to the licensing authority under this Part, the licensing authority may require the person to pay a deposit on account of the fee.
- (3) The amount that a person may be required to pay under subsection (2) is to be determined by or in accordance with regulations made by the licensing authority.
- (4) If a licensee fails to comply with a requirement to pay a deposit charged under subsection (2) on account of a fee charged under section 72A(2)(a) or (b), the licensing authority may by notice vary, suspend or revoke the licence.
- (5) The suspension of a licence under subsection (4) continues in effect until the deposit is paid (but this is subject to any provision made under section 108(3)(b) in relation to notices under that subsection).
- (6) If a person who has applied for a licence under section 67 or for a variation, suspension, revocation or transfer of a licence under section 72 fails to comply with a requirement to pay a deposit charged under subsection (2) in connection with that application, the licensing authority may—
  - (a) refuse to proceed with the application, or
  - (b) refuse to proceed with it until the failure is remedied.

**107B Supplementary provision about fees payable to the Welsh Ministers**

- (1) This section applies where the Welsh Ministers are the appropriate licensing authority.
- (2) When making provision under section 67(2) or 72A(4) about fees payable in respect of a type of application to the licensing authority or in respect of an activity of the licensing authority, the licensing authority must decide what provision to make by reference to the expected costs of dealing with that type of application or of carrying out that activity.
- (3) The licensing authority may require a fee charged by it under this Part to be payable in advance of the activity to which the fee relates being carried out.
- (4) The licensing authority may waive or reduce a fee.
- (5) The licensing authority may by regulations make provision about how and when a fee or deposit charged by it under this Part is to be paid.

- (6) A fee or deposit charged under this Part may be recovered by the licensing authority as a civil debt (in addition to any other action that may be taken by the licensing authority)."

**79 Apelio yn erbyn amrywio etc. drwydded forol am beidio â thalu ffi neu flaendal**

Yn adran 108 o Ddeddf y Môr a Mynediad i'r Arfordir 2009 (apelau yn erbyn hysbysiadau), ar ôl is-adran (2) mewnosoder –

- “(2A) The Welsh Ministers must by regulations make provision for any person to whom a notice is issued under section 72A(7) or 107A(4) to appeal against that notice.”

**80 Eithriadau rhag pŵer i ddirprwyo swyddogaethau awdurdod trwyddedu**

Yn adran 98(6) o Ddeddf y Môr a Mynediad i'r Arfordir 2009 (swyddogaethau a eithrir rhag pŵer i ddirprwyo) –

- (a) ar ôl paragraff (c) mewnosoder –

“(ca) section 72A(4) (making regulations regarding fees for monitoring, variation etc of licences for which the Welsh Ministers are the licensing authority);”;

- (b) ar ôl paragraff (h) mewnosoder –

“(ha) section 107A(3) (making regulations regarding deposits payable on account of fees where the Welsh Ministers are the licensing authority);

(hb) section 107B(5) (making regulations regarding payment of fees and deposits where the Welsh Ministers are the licensing authority);”.

**RHAN 7**

**AMRYWIOL**

*Pwyllgor Llifogydd ac Erydu Arfordirol*

**81 Sefydlu Pwyllgor Llifogydd ac Erydu Arfordirol**

- (1) Yn Neddf Rheoli Llifogydd a Dŵr 2010 (p. 29), cyn adran 27 (a'r croesbennawd italg o'i blaen) mewnosoder –

*“4A. Flood and Coastal Erosion Committee for Wales*

**26B Establishment and functions**

- (1) There is established a committee to be known as the Flood and Coastal Erosion Committee or Pwyllgor Llifogydd ac Erydu Arfordirol.
- (2) The purpose of the Committee is to advise the Welsh Ministers on matters relating to flood and coastal erosion risk management.



- (6) A fee or deposit charged under this Part may be recovered by the licensing authority as a civil debt (in addition to any other action that may be taken by the licensing authority)."

**79 Appeal against variation etc. of marine licence for non-payment of fee or deposit**

In section 108 of the Marine and Coastal Access Act 2009 (appeals against notices), after subsection (2) insert –

- “(2A) The Welsh Ministers must by regulations make provision for any person to whom a notice is issued under section 72A(7) or 107A(4) to appeal against that notice.”

**80 Exceptions from power to delegate licensing authority functions**

In section 98(6) of the Marine and Coastal Access Act 2009 (functions excepted from power to delegate) –

- (a) after paragraph (c) insert –

“(ca) section 72A(4) (making regulations regarding fees for monitoring, variation etc of licences for which the Welsh Ministers are the licensing authority);”;

- (b) after paragraph (h) insert –

“(ha) section 107A(3) (making regulations regarding deposits payable on account of fees where the Welsh Ministers are the licensing authority);

(hb) section 107B(5) (making regulations regarding payment of fees and deposits where the Welsh Ministers are the licensing authority);”.

## PART 7

### MISCELLANEOUS

#### *Flood and Coastal Erosion Committee*

**81 Establishment of Flood and Coastal Erosion Committee**

- (1) In the Flood and Water Management Act 2010 (c. 29), before section 27 (and the italic cross-heading before it) insert –

*“4A. Flood and Coastal Erosion Committee for Wales*

**26B Establishment and functions**

- (1) There is established a committee to be known as the Flood and Coastal Erosion Committee or Pwyllgor Llifogydd ac Erydu Arfordirol.
- (2) The purpose of the Committee is to advise the Welsh Ministers on matters relating to flood and coastal erosion risk management.

- (3) The Welsh Ministers may by regulations confer or impose additional functions on the Committee for any purpose connected with flood or coastal erosion risk management in Wales.

#### **26C Constitution**

- (1) The Welsh Ministers may by regulations make provision about the membership of the Flood and Coastal Erosion Committee, including—
- (a) the number of members,
  - (b) conditions of eligibility for appointment, and
  - (c) the method of selection and appointment of members (including who is to appoint them).
- (2) The Welsh Ministers may by regulations make provision about the proceedings of the Committee, including—
- (a) quorum, and
  - (b) the nature and extent of a majority required for specified purposes.

#### **26D Payments relating to members**

- (1) The Welsh Ministers may by regulations make provision for the payment to or in respect of persons who chair or have chaired the Flood and Coastal Erosion Committee of—
- (a) remuneration;
  - (b) allowances;
  - (c) sums by way of or in respect of pension;
  - (d) compensation for loss of office.
- (2) The Welsh Ministers may by regulations make provision for the payment of allowances to members of the Committee.
- (3) Regulations under this section—
- (a) must specify who is to make any payment for which the regulations make provision;
  - (b) may make provision about the circumstances in which a payment is to be made;
  - (c) may determine, or provide for the determination of, the amount or maximum amount of a payment."
- (2) Mae'r Pwyllgor Llifogydd ac Arfordirol Rhanbarthol a sefydlwyd o dan adran 22(1)(c) o Ddeddf Rheoli Llifogydd a Dŵr 2010 wedi ei ddiddymu.
- (3) Mae Rhan 4 o Atodlen 2 yn darparu ar gyfer mân ddiwygiadau, diwygiadau canlyniadol a diddymadau sy'n ymwneud â'r adran hon.

- (3) The Welsh Ministers may by regulations confer or impose additional functions on the Committee for any purpose connected with flood or coastal erosion risk management in Wales.

**26C Constitution**

- (1) The Welsh Ministers may by regulations make provision about the membership of the Flood and Coastal Erosion Committee, including—
  - (a) the number of members,
  - (b) conditions of eligibility for appointment, and
  - (c) the method of selection and appointment of members (including who is to appoint them).
- (2) The Welsh Ministers may by regulations make provision about the proceedings of the Committee, including—
  - (a) quorum, and
  - (b) the nature and extent of a majority required for specified purposes.

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- (1) The Welsh Ministers may by regulations make provision for the payment to or in respect of persons who chair or have chaired the Flood and Coastal Erosion Committee of—
    - (a) remuneration;
    - (b) allowances;
    - (c) sums by way of or in respect of pension;
    - (d) compensation for loss of office.
  - (2) The Welsh Ministers may by regulations make provision for the payment of allowances to members of the Committee.
  - (3) Regulations under this section—
    - (a) must specify who is to make any payment for which the regulations make provision;
    - (b) may make provision about the circumstances in which a payment is to be made;
    - (c) may determine, or provide for the determination of, the amount or maximum amount of a payment.”
- (2) The Regional Flood and Coastal Committee established under section 22(1)(c) of the Flood and Water Management Act 2010 is abolished.
  - (3) Part 4 of Schedule 2 provides for minor and consequential amendments and repeals relating to this section.

*Draenio tir***82 Diddymu gofynion i gyhoeddi mewn papurau newydd lleol etc.**

- (1) Yn Neddf Draenio Tir 1991 (p. 59), hepgorer –
- adran 2(2A);
  - adran 3(4A);
  - adran 38(6A);
  - adran 39(5A);
  - adran 48(3A);
  - adran 58(3A);
- paragraff 1(1A) o Atodlen 5.
- (2) Yn Atodlen 9 i Ddeddf Dŵr 2014 (p. 21), hepgorer paragraffau 2(3), 3(3), 4(3), 5(3), 6(3), 7(3) ac 8(3).

**83 Priso tir anamaethyddol er mwyn dosrannu costau draenio**

- (1) Mae Deddf Draenio Tir 1991 (p. 59) wedi ei diwygio fel a ganlyn.
- (2) Yn adran 37 (dosrannu costau byrddau draenio mewnol) –
- (a) yn is-adran (5), ar ôl “this section” mewnosoder “as it applies in relation to England,”;
  - (b) ar ôl is-adran (5) mewnosoder –
    - “(5A) For the purposes of this section as it applies in relation to Wales, the value of other land in an internal drainage district is to be determined in accordance with regulations made by the Welsh Ministers.
    - (5B) The regulations may, among other things, make provision –
      - (a) about methods to be applied, or factors to be taken into account, in determining the value of land;
      - (b) for the value of land to be determined on the basis of estimates, assumptions or averages;
      - (c) for the value of land to be determined for the purposes of this section by reference to the value shown for the time being in a list or register prepared for the purposes of another enactment;
      - (d) for determining the value of land which is only partly within the internal drainage district in question.
    - (5C) The regulations may –
      - (a) make different provision for different cases, including different provision in relation to different circumstances or descriptions of land;
      - (b) make such incidental, supplementary, consequential, transitional or saving provision as the Welsh Ministers consider appropriate.

*Land drainage***82 Repeal of requirements to publish in local newspapers etc.**

- (1) In the Land Drainage Act 1991 (c. 59), omit—
  - section 2(2A);
  - section 3(4A);
  - section 38(6A);
  - section 39(5A);
  - section 48(3A);
  - section 58(3A);
  - paragraph 1(1A) of Schedule 5.
- (2) In Schedule 9 to the Water Act 2014 (c. 21), omit paragraphs 2(3), 3(3), 4(3), 5(3), 6(3), 7(3) and 8(3).

**83 Valuation of non-agricultural land for apportionment of drainage expenses**

- (1) The Land Drainage Act 1991 (c. 59) is amended as follows.
- (2) In section 37 (apportionment of expenses of internal drainage boards)—
  - (a) in subsection (5), after “this section” insert “as it applies in relation to England,”;
  - (b) after subsection (5) insert—
    - “(5A) For the purposes of this section as it applies in relation to Wales, the value of other land in an internal drainage district is to be determined in accordance with regulations made by the Welsh Ministers.
    - (5B) The regulations may, among other things, make provision—
      - (a) about methods to be applied, or factors to be taken into account, in determining the value of land;
      - (b) for the value of land to be determined on the basis of estimates, assumptions or averages;
      - (c) for the value of land to be determined for the purposes of this section by reference to the value shown for the time being in a list or register prepared for the purposes of another enactment;
      - (d) for determining the value of land which is only partly within the internal drainage district in question.
    - (5C) The regulations may—
      - (a) make different provision for different cases, including different provision in relation to different circumstances or descriptions of land;
      - (b) make such incidental, supplementary, consequential, transitional or saving provision as the Welsh Ministers consider appropriate.

(5D) Regulations may not be made under subsection (5A) unless a draft of the instrument containing the regulations has been laid before, and approved by a resolution of, the National Assembly for Wales."

(3) Yn adran 65(2) (rheoliadau), ar ôl "Subject to" mewnosoder "section 37 (5D) and".

#### 84 Pŵer i wneud darpariaeth ar gyfer apelau yn erbyn ardollau arbennig

(1) Mae Deddf Cyllid Llywodraeth Leol 1988 (p. 41) wedi ei diwygio fel a ganlyn.

(2) Yn adran 75 (ardollau arbennig), ar ôl is-adran (7) mewnosoder –

"(7A) Regulations made by the Welsh Ministers may include provision for appeals to be made to the Welsh Ministers from special levies issued to meet expenses incurred in the exercise of functions relating to land drainage."

(3) Yn adran 138 (adolygiad barnwrol) –

(a) yn is-adran (2)(f), ar ôl "above" mewnosoder "(subject to subsection (4))";

(b) ar ôl is-adran (3) mewnosoder –

"(4) Subsection (1) does not affect appeals made by virtue of provision made in regulations under section 75(7A)".

(4) Yn adran 143 (gorchymynion a rheoliadau) –

(a) yn is-adran (3), ar ôl "Parliament" mewnosoder "or, in the case of an order or regulations made by the Welsh Ministers, of the National Assembly for Wales";

(b) hepgorer is-adran (4A).

(5) Yn Atodlen 7 i Ddeddf Llywodraeth Leol 2003 (p. 26), hepgorer paragraff 24(4).

#### 85 Pŵer mynediad: cydymffurfio â gorchymyn i lanhau ffosydd etc.

(1) Yn adran 29 o Ddeddf Draenio Tir 1991 (p. 59) (effeithiau gorchymynion sy'n ei gwneud yn ofynnol glanhau ffosydd etc.), ar ôl is-adran (1) mewnosoder –

"(1A) Where, in the case of an order made under section 28 by the Agricultural Land Tribunal in relation to land in Wales, the Welsh Ministers, at any time after the end of three months or such longer period as may be specified in the order, have reasonable grounds for believing that any work specified in the order has not been carried out –

(a) the Welsh Ministers, or

(b) any person authorised by them, either generally or in a particular case,

may, in order to ascertain whether the work has been carried out, enter any land which it is necessary to enter for that purpose."

(2) Mae'r diwygiad a wneir gan is-adran (1) yn cael effaith mewn perthynas â gorchymynion pa bryd bynnag y'u gwnaed.

(5D) Regulations may not be made under subsection (5A) unless a draft of the instrument containing the regulations has been laid before, and approved by a resolution of, the National Assembly for Wales."

(3) In section 65(2) (regulations), after "Subject to" insert "section 37(5D) and".

#### **84 Power to make provision for appeals against special levies**

(1) The Local Government Finance Act 1988 (c. 41) is amended as follows.

(2) In section 75 (special levies), after subsection (7) insert—

"(7A) Regulations made by the Welsh Ministers may include provision for appeals to be made to the Welsh Ministers from special levies issued to meet expenses incurred in the exercise of functions relating to land drainage."

(3) In section 138 (judicial review)—

(a) in subsection (2)(f), after "above" insert "(subject to subsection (4))";

(b) after subsection (3) insert—

"(4) Subsection (1) does not affect appeals made by virtue of provision made in regulations under section 75(7A)".

(4) In section 143 (orders and regulations)—

(a) in subsection (3), after "Parliament" insert "or, in the case of an order or regulations made by the Welsh Ministers, of the National Assembly for Wales";

(b) omit subsection (4A).

(5) In Schedule 7 to the Local Government Act 2003 (c. 26), omit paragraph 24(4).

#### **85 Power of entry: compliance with order for cleansing ditches etc.**

(1) In section 29 of the Land Drainage Act 1991 (c. 59) (effect of orders requiring cleansing of ditches etc.), after subsection (1) insert—

"(1A) Where, in the case of an order made under section 28 by the Agricultural Land Tribunal in relation to land in Wales, the Welsh Ministers, at any time after the end of three months or such longer period as may be specified in the order, have reasonable grounds for believing that any work specified in the order has not been carried out—

(a) the Welsh Ministers, or

(b) any person authorised by them, either generally or in a particular case,

may, in order to ascertain whether the work has been carried out, enter any land which it is necessary to enter for that purpose."

(2) The amendment made by subsection (1) has effect in relation to orders whenever made.

*Is-ddeddfau***86 Is-ddeddfau a wneir gan Gorff Adnoddau Naturiol Cymru**

Mae Rhan 5 o Atodlen 2 yn cynnwys diwygiadau sy'n ymwneud ag is-ddeddfau a wneir gan Gorff Adnoddau Naturiol Cymru.

**RHAN 8****CYFFREDINOL****87 Dehongli**

Yn y Ddeddf hon—

mae i “Cymru” yr ystyr a roddir i “Wales” gan adran 158 o Ddeddf Llywodraeth Cymru 2006 (p. 32);

ystyr “deddfiad” (“*enactment*”) yw deddfiad a gynhwysir yn unrhyw un o'r canlynol (pa bryd bynnag y'i deddfir neu y'i gwneir)—

- (a) Deddf Seneddol;
- (b) Mesur neu Ddeddf Cynulliad Cenedlaethol Cymru;
- (c) is-ddeddfwriaeth o fewn ystyr Deddf Dehongli 1978 (p. 30) (gan gynnwys is-ddeddfwriaeth a wneir o dan Ddeddf Seneddol neu Fesur neu Ddeddf Cynulliad Cenedlaethol Cymru).

**88 Dod i rym**

- (1) Mae'r Rhan hon yn dod i rym ar y diwrnod y caiff y Ddeddf hon y Cydsyniad Brenhinol.
- (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) Rhan 1 (rheoli cynaliadwy ar adnoddau naturiol);
  - (b) Rhan 2 (newid yn yr hinsawdd);
  - (c) Rhan 5 (pysgodfeydd ar gyfer pysgod cregyn);
  - (d) adran 82 (diddymu gofynion i gyhoeddi);
  - (e) adran 84 (apelau yn erbyn ardollau draenio arbennig);
  - (f) adran 85 (pŵer mynediad);
  - (g) adran 86 (is-ddeddfau).
- (3) Daw'r darpariaethau a ganlyn i rym ar ddiwrnod a bennir gan Weinidogion Cymru mewn gorchymyn a wneir drwy offeryn statudol—
  - (a) Rhan 3 (codi taliadau am fagiau siopa);
  - (b) Rhan 4 (casglu a gwaredu gwastraff);
  - (c) Rhan 6 (trwyddedu morol);
  - (d) adran 81 (pwyllgor llifogydd ac erydu arfordirol);



*Byelaws***86 Byelaws made by the Natural Resources Body for Wales**

Part 5 of Schedule 2 contains amendments relating to byelaws made by the Natural Resources Body for Wales.

**PART 8****GENERAL****87 Interpretation**

In this Act –

“enactment” (“*deddfiad*”) means a provision contained in any of the following (whenever enacted or made) –

- (a) an Act of Parliament;
- (b) a Measure or an Act of the National Assembly for Wales;
- (c) subordinate legislation within the meaning of the Interpretation Act 1978 (c. 30) (including subordinate legislation made under an Act of Parliament or a Measure or Act of the National Assembly for Wales);

“Wales” (“*Cymru*”) has the meaning given by section 158 of the Government of Wales Act 2006 (c. 32).

**88 Coming into force**

- (1) This Part comes into force on the day on which this Act receives Royal Assent.
- (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) Part 1 (sustainable management of natural resources);
  - (b) Part 2 (climate change);
  - (c) Part 5 (fisheries for shellfish);
  - (d) section 82 (repeal of publication requirements);
  - (e) section 84 (appeals against special drainage levies);
  - (f) section 85 (power of entry);
  - (g) section 86 (byelaws).
- (3) The following provisions come into force on a day appointed by the Welsh Ministers in an order made by statutory instrument –
  - (a) Part 3 (charges for carrier bags);
  - (b) Part 4 (collection and disposal of waste);
  - (c) Part 6 (marine licensing);
  - (d) section 81 (flood and coastal erosion committee);

- (e) adran 83 (prasio tir anamaethyddol).
- (4) Caiff gorchymyn o dan is-adran (3) –
  - (a) pennu dyddiau gwahanol at ddibenion gwahanol;
  - (b) gwneud y ddarpariaeth drosiannol neu'r ddarpariaeth arbed honno mewn cysylltiad â dod i rym ddarpariaeth o fewn y Ddeddf hon y mae Gweinidogion Cymru yn ystyried ei bod yn briodol.

**89 Enw byr**

Enw byr y Ddeddf hon yw Deddf yr Amgylchedd (Cymru) 2016.

- (e) section 83 (valuation of non-agricultural land).
- (4) An order under subsection (3) may –
  - (a) appoint different days for different purposes;
  - (b) make such transitional or saving provision in connection with the coming into force of a provision of this Act as the Welsh Ministers consider appropriate.

**89 Short title**

The short title of this Act is the Environment (Wales) Act 2016.

ATODLEN 1  
(cyflwynir gan adran 61)

CODI TALIADAU AM FAGIAU SIOPA: SANCSIYNAU SIFIL

*Sanctsiynau sifil*

- 1 (1) Caiff rheoliadau bagiau siopa wneud darpariaeth ynghylch sanctsiynau sifil am dorri'r rheoliadau.
- (2) At ddibenion yr Atodlen hon, mae person yn torri rheoliadau bagiau siopa os yw'r person, o dan yr amgylchiadau hynny y gellir eu pennu –
- (a) yn methu â chydymffurfio â gofyniad a wneir gan y rheoliadau hyn neu oddi tanynt, neu
- (b) yn rhwystro gweinyddwr neu'n methu â rhoi cymorth iddo.
- (3) Yn yr Atodlen hon, ystyr "sanctsiwn sifil" yw –
- (a) cosb ariannol benodedig, neu
- (b) gofyniad yn ôl disgrisiwn.

*Cosbau ariannol penodedig*

- 2 (1) Caiff rheoliadau bagiau siopa roi'r pŵer i weinyddwr i osod, drwy hysbysiad, gosb ariannol benodedig ar berson sy'n torri'r rheoliadau.
- (2) Ni chaiff y rheoliadau ond rhoi pŵer o'r fath mewn perthynas ag achos pan fo'r gweinyddwr wedi ei fodloni yn ôl pwysau tebygolrwydd fod y toriad wedi digwydd.
- (3) At ddibenion yr Atodlen hon, ystyr "cosb ariannol benodedig" yw gofyniad i dalu cosb i weinyddwr o swm a bennir yn y rheoliadau neu a benderfynir yn unol â hwy.
- (4) Ni chaiff y rheoliadau ddarparu ar gyfer gosod cosb ariannol benodedig o fwy na £5,000.

*Cosbau ariannol penodedig: y weithdrefn*

- 3 (1) Rhaid i reoliadau bagiau siopa sy'n gwneud darpariaeth o dan baragraff 2 sicrhau –
- (a) pan fo gweinyddwr yn bwriadu gosod cosb ariannol benodedig ar berson, bod rhaid i'r gweinyddwr gyflwyno i'r person hwnnw hysbysiad o'r hyn a fwriedir ("hysbysiad o fwriad") sy'n cydymffurfio ag is-baragraff (2),
- (b) bod yr hysbysiad o fwriad hefyd yn cynnig y cyfle i'r person ryddhau ei hun rhag atebolrwydd am y gosb ariannol benodedig drwy dalu swm penodedig (y mae'n rhaid iddo fod yn llai na swm y gosb neu'n gyfwerth ag ef),
- (c) os nad yw'r person yn rhyddhau ei hun rhag atebolrwydd yn y fath fodd –
- (i) y caiff y person wneud sylwadau a gwrthwynebiadau ysgrifenedig i'r gweinyddwr mewn perthynas â'r gosb ariannol benodedig y bwriedir ei gosod, a
- (ii) ar ddiwedd y cyfnod ar gyfer gwneud sylwadau a gwrthwynebiadau bod rhaid i'r gweinyddwr benderfynu a yw am osod y gosb ariannol benodedig ai peidio,

SCHEDULE 1  
*(introduced by section )*

CHARGES FOR CARRIER BAGS: CIVIL SANCTIONS

*Civil sanctions*

- 1 (1) Carrier bag regulations may make provision about civil sanctions for breaches of the regulations.
- (2) For the purposes of this Schedule, a person breaches carrier bag regulations if, in such circumstances as may be specified, the person –
  - (a) fails to comply with a requirement made by or under the regulations, or
  - (b) obstructs or fails to assist an administrator.
- (3) In this Schedule, “civil sanction” means –
  - (a) a fixed monetary penalty, or
  - (b) a discretionary requirement.

*Fixed monetary penalties*

- 2 (1) Carrier bag regulations may confer on an administrator the power by notice to impose a fixed monetary penalty on a person who breaches the regulations.
- (2) The regulations may only confer such a power in relation to a case where the administrator is satisfied on the balance of probabilities that the breach has occurred.
- (3) For the purposes of this Schedule, a “fixed monetary penalty” is a requirement to pay to an administrator a penalty of an amount specified in or determined in accordance with the regulations.
- (4) The regulations may not provide for the imposition of a fixed monetary penalty in excess of £5,000.

*Fixed monetary penalties: procedure*

- 3 (1) Carrier bag regulations that make provision under paragraph 2 must secure that –
  - (a) where an administrator proposes to impose a fixed monetary penalty on a person, the administrator must serve on that person a notice of what is proposed (a “notice of intent”) that complies with sub-paragraph (2),
  - (b) the notice of intent also offers the person the opportunity to discharge the person’s liability for the fixed monetary penalty by payment of a specified sum (which must be less than or equal to the amount of the penalty),
  - (c) if the person does not so discharge liability –
    - (i) the person may make written representations and objections to the administrator in relation to the proposed imposition of the fixed monetary penalty, and
    - (ii) the administrator must at the end of the period for making representations and objections decide whether to impose the fixed monetary penalty,

- (d) pan fo'r gweinyddwr yn penderfynu gosod y gosb ariannol benodedig, bod yr hysbysiad sy'n ei gosod ("yr hysbysiad terfynol") yn cydymffurfio ag is-baragraff (4), ac
  - (e) y caiff y person y gosodir cosb ariannol benodedig arno apelio yn erbyn y penderfyniad i'w gosod.
- (2) Er mwyn cydymffurfio â'r is-baragraff hwn, rhaid i'r hysbysiad o fwriad gynnwys gwybodaeth o ran—
- (a) y seiliau dros y bwriad i osod y gosb ariannol benodedig,
  - (b) effaith talu'r swm y cyfeirir ato yn is-baragraff (1)(b),
  - (c) yr hawl i wneud sylwadau a gwrthwynebiadau,
  - (d) o dan ba amgylchiadau na chaiff y gweinyddwr osod y gosb ariannol benodedig,
  - (e) o fewn pa gyfnod, na chaiff fod yn hwy na'r cyfnod o 28 o ddiwrnodau sy'n dechrau â'r diwrnod y cafwyd yr hysbysiad o fwriad, y caniateir rhyddhau rhag atebolrwydd i'r gosb ariannol benodedig, ac
  - (f) o fewn pa gyfnod, na chaiff fod yn hwy na'r cyfnod o 28 o ddiwrnodau sy'n dechrau â'r diwrnod y cafwyd yr hysbysiad o fwriad, y caniateir gwneud sylwadau a gwrthwynebiadau.
- (3) Rhaid i ddarpariaeth yn unol ag is-baragraff (1)(c)(ii) gynnwys darpariaeth ar gyfer yr amgylchiadau hynny pan all y gweinyddwr benderfynu peidio â gosod cosb ariannol benodedig.
- (4) Er mwyn cydymffurfio â'r is-baragraff hwn rhaid i'r hysbysiad terfynol y cyfeirir ato yn is-baragraff (1)(d) gynnwys gwybodaeth o ran—
- (a) y seiliau dros osod y gosb,
  - (b) sut y gellir talu,
  - (c) o fewn pa gyfnod y mae'n rhaid talu,
  - (d) unrhyw ddisgowntiau am dalu'n gynnar neu gosbau am dalu'n hwyr,
  - (e) hawliau i apelio, ac
  - (f) canlyniadau peidio â thalu.
- (5) Rhaid i ddarpariaeth yn unol ag is-baragraff (1)(e) sicrhau bod yr hyn y caiff person apelio yn erbyn penderfyniad gweinyddwr ar ei sail yn cynnwys y canlynol—
- (a) bod y penderfyniad yn seiliedig ar wall ffeithiol;
  - (b) bod y penderfyniad yn anghywir mewn cyfraith;
  - (c) bod y penderfyniad yn un afresymol.

#### *Gofynion yn ôl disgrisiwn*

- 4 (1) Caiff rheoliadau bagiau siopa roi'r pŵer i weinyddwr i osod, drwy hysbysiad, un gofyniad yn ôl disgrisiwn neu ragor ar berson sy'n torri'r rheoliadau.
- (2) Ni chaiff y rheoliadau ond rhoi pŵer o'r fath mewn perthynas ag achos pan fo'r gweinyddwr wedi ei fodloni yn ôl pwysau tebygolrwydd bod y toriad wedi digwydd.
- (3) At ddibenion yr Atodlen hon, ystyr "gofyniad yn ôl disgrisiwn" yw—

- (d) where the administrator decides to impose the fixed monetary penalty, the notice imposing it (“the final notice”) complies with sub-paragraph (4), and
  - (e) the person on whom a fixed monetary penalty is imposed may appeal against the decision to impose it.
- (2) To comply with this sub-paragraph, the notice of intent must include information as to—
- (a) the grounds for the proposal to impose the fixed monetary penalty,
  - (b) the effect of payment of the sum referred to in sub-paragraph (1)(b),
  - (c) the right to make representations and objections,
  - (d) the circumstances in which the administrator may not impose the fixed monetary penalty,
  - (e) the period within which liability to the fixed monetary penalty may be discharged, which may not exceed the period of 28 days beginning with the day on which the notice of intent was received, and
  - (f) the period within which representations and objections may be made, which may not exceed the period of 28 days beginning with the day on which the notice of intent was received.
- (3) Provision pursuant to sub-paragraph (1)(c)(ii) must include provision for circumstances in which the administrator may not decide to impose a fixed monetary penalty.
- (4) To comply with this sub-paragraph the final notice referred to in sub-paragraph (1)(d) must include information as to—
- (a) the grounds for imposing the penalty,
  - (b) how payment may be made,
  - (c) the period within which payment must be made,
  - (d) any early payment discounts or late payment penalties,
  - (e) rights of appeal, and
  - (f) the consequences of non-payment.
- (5) Provision pursuant to sub-paragraph (1)(e) must secure that the grounds on which a person may appeal against a decision of the administrator include the following—
- (a) that the decision was based on an error of fact;
  - (b) that the decision was wrong in law;
  - (c) that the decision was unreasonable.

#### *Discretionary requirements*

- 4 (1) Carrier bag regulations may confer (1) on an administrator the power by notice to impose one or more discretionary requirements on a person who breaches the regulations.
- (2) The regulations may only confer such a power in relation to a case where the administrator is satisfied on the balance of probabilities that the breach has occurred.
- (3) For the purposes of this Schedule, a “discretionary requirement” means—

- (a) gofyniad i dalu i weinyddwr gosb ariannol o'r swm hwnnw y caiff y gweinyddwr benderfynu arno, neu
  - (b) gofyniad i gymryd y camau hynny y caiff gweinyddwr eu pennu, o fewn y cyfnod hwnnw y caiff y gweinyddwr ei bennu, er mwyn sicrhau nad yw'r toriad yn parhau neu'n digwydd eto.
- (4) Yn yr Atodlen hon—
- ystyr “cosb ariannol amrywiadwy” (“*variable monetary penalty*”) yw gofyniad y cyfeirir ato yn is-baragraff (3)(a), ac
- ystyr “gofyniad yn ôl disgrisiwn nad yw'n un ariannol” (“*non-monetary discretionary requirement*”) yw gofyniad y cyfeirir ato yn is-baragraff (3)(b).
- (5) Rhaid i reoliadau bagiau siopa, mewn perthynas â phob math o doriad o'r rheoliadau y caniateir gosod cosb ariannol amrywiadwy mewn perthynas ag ef—
- (a) pennu uchafswm y gosb y caniateir ei gosod am doriad o'r math hwnnw, neu
  - (b) darparu i'r uchafswm hwnnw gael ei benderfynu yn unol â'r rheoliadau.
- (6) Ni chaiff y rheoliadau ganiatáu gosod gofynion yn ôl disgrisiwn ar berson ar fwy nag un achlysur mewn perthynas â'r un weithred neu anwaith.

*Gofynion yn ôl disgrisiwn: y weithdrefn*

- 5 (1) Rhaid i reoliadau bagiau siopa sy'n gwneud darpariaeth o dan baragraff 4 sicrhau—
- (a) pan fo gweinyddwr yn bwriadu gosod gofyniad yn ôl disgrisiwn ar berson, bod rhaid i'r gweinyddwr gyflwyno i'r person hwnnw hysbysiad o'r hyn a fwriedir (“hysbysiad o fwriad”) sy'n cydymffurfio ag is-baragraff (2),
  - (b) y caiff y person hwnnw wneud sylwadau a gwrthwynebiadau ysgrifenedig i'r gweinyddwr mewn perthynas â'r bwriad i osod y gofyniad yn ôl disgrisiwn,
  - (c) ar ôl diwedd y cyfnod ar gyfer gwneud sylwadau a gwrthwynebiadau o'r fath, bod rhaid i'r gweinyddwr benderfynu a yw am—
    - (i) gosod y gofyniad yn ôl disgrisiwn, gydag addasiadau neu hebddynt, neu
    - (ii) gosod unrhyw ofyniad yn ôl disgrisiwn arall y mae gan y gweinyddwr bŵer i'w osod o dan baragraff 4,
  - (d) pan fo'r gweinyddwr yn penderfynu gosod gofyniad yn ôl disgrisiwn, bod yr hysbysiad sy'n ei osod (yr “hysbysiad terfynol”) yn cydymffurfio ag is-baragraff (4), ac
  - (e) y caiff y person y gosodir gofyniad yn ôl disgrisiwn arno apelio yn erbyn y penderfyniad i'w osod.
- (2) Er mwyn cydymffurfio â'r is-baragraff hwn, rhaid i'r hysbysiad o fwriad gynnwys gwybodaeth o ran—
- (a) y seiliau dros y cynnig i osod y gofyniad yn ôl disgrisiwn,
  - (b) yr hawl i wneud sylwadau a gwrthwynebiadau,
  - (c) o dan ba amgylchiadau na chaiff y gweinyddwr osod y gofyniad yn ôl disgrisiwn,



- (a) a requirement to pay a monetary penalty to an administrator of such amount as the administrator may determine, or
  - (b) a requirement to take such steps as an administrator may specify, within such period as the administrator may specify, to secure that the breach does not continue or recur.
- (4) In this Schedule –
- “variable monetary penalty” (*“cosb ariannol amrywiadwy”*) means a requirement referred to in sub-paragraph (3)(a), and
- “non-monetary discretionary requirement” (*“gofyniad yn ôl disgresiwn nad yw’n un ariannol”*) means a requirement referred to in sub-paragraph (3)(b).
- (5) Carrier bag regulations must, in relation to each kind of breach of the regulations for which a variable monetary penalty may be imposed –
- (a) specify the maximum penalty that may be imposed for a breach of that kind, or
  - (b) provide for that maximum to be determined in accordance with the regulations.
- (6) The regulations may not permit discretionary requirements to be imposed on a person on more than one occasion in relation to the same act or omission.

*Discretionary requirements: procedure*

- 5 (1) Carrier bag regulations that make provision under paragraph 4 must secure that –
- (a) where an administrator proposes to impose a discretionary requirement on a person, the administrator must serve on that person a notice of what is proposed (a “notice of intent”) that complies with sub-paragraph (2),
  - (b) that person may make written representations and objections to the administrator in relation to the proposed imposition of the discretionary requirement,
  - (c) after the end of the period for making such representations and objections, the administrator must decide whether to –
    - (i) impose the discretionary requirement, with or without modifications, or
    - (ii) impose any other discretionary requirement that the administrator has power to impose under paragraph 4,
  - (d) where the administrator decides to impose a discretionary requirement, the notice imposing it (the “final notice”) complies with sub-paragraph (4), and
  - (e) the person on whom a discretionary requirement is imposed may appeal against the decision to impose it.
- (2) To comply with this sub-paragraph, the notice of intent must include information as to –
- (a) the grounds for the proposal to impose the discretionary requirement,
  - (b) the right to make representations and objections,
  - (c) the circumstances in which the administrator may not impose the discretionary requirement,

- (d) o fewn pa gyfnod, na chaiff fod yn llai na'r cyfnod o 28 o ddiwrnodau sy'n dechrau â'r diwrnod y ceir yr hysbysiad o fwriad, y caniateir gwneud sylwadau a gwrthwynebiadau.
- (3) Rhaid i ddarpariaeth yn unol ag is-baragraff (1)(c) gynnwys darpariaeth ar gyfer yr amgylchiadau hynny pan na chaniateir i'r gweinyddwr benderfynu gosod cosb ariannol benodedig.
- (4) Er mwyn cydymffurfio â'r is-baragraff hwn, rhaid i'r hysbysiad terfynol y cyfeirir ato yn is-baragraff (1)(d) gynnwys gwybodaeth o ran—
  - (a) y seiliau dros osod y gofyniad yn ôl disgrisiwn,
  - (b) pan fo'r gofyniad yn ôl disgrisiwn yn gosb ariannol amrywiadwy—
    - (i) sut y gellir talu,
    - (ii) o fewn pa gyfnod y mae'n rhaid talu, a
    - (iii) unrhyw ddisgowntiau am dalu'n gynnwys neu gosbau am dalu'n hwyr,
  - (c) hawliau i apelio, a
  - (d) canlyniadau methu â chydymffurfio.
- (5) Rhaid i ddarpariaeth yn unol ag is-baragraff (1)(e) sicrhau bod yr hyn y caiff person apelio yn erbyn penderfyniad gweinyddwr ar ei sail yn cynnwys y canlynol—
  - (a) bod y penderfyniad yn seiliedig ar wall ffeithiol;
  - (b) bod y penderfyniad yn anghywir mewn cyfraith;
  - (c) yn achos cosb ariannol amrywiadwy, bod swm y gosb yn afresymol;
  - (d) yn achos gofyniad yn ôl disgrisiwn nad yw'n un ariannol, bod natur y gofyniad yn afresymol;
  - (e) bod y penderfyniad yn un afresymol am unrhyw reswm arall.

*Gofynion yn ôl disgrisiwn: gorfodi*

- 6 (1) Os yw rheoliadau bagiau siopa yn gwneud darpariaeth o dan baragraff 4, gallant roi'r pŵer i weinyddwr i'w gwneud yn ofynnol i berson dalu cosb ariannol ("cosb am beidio â chydymffurfio") i'r gweinyddwr os yw'r person yn methu â chydymffurfio â gofyniad yn ôl disgrisiwn nad yw'n un ariannol a osodir ar y person hwnnw.
- (2) Caiff y rheoliadau—
  - (a) pennu swm y gosb am beidio â chydymffurfio neu ddarparu i'r swm hwnnw gael ei benderfynu yn unol â'r rheoliadau, neu
  - (b) darparu i'r swm gael ei benderfynu gan y gweinyddwr neu mewn rhyw fodd arall.
- (3) Os yw rheoliadau bagiau siopa yn gwneud darpariaeth o fewn is-baragraff (2)(b), rhaid iddynt, mewn perthynas â phob math o fethiant y caniateir gosod cosb am beidio â chydymffurfio mewn perthynas ag ef—
  - (a) pennu uchafswm y gosb yn caniateir ei gosod am fethiant o'r math hwnnw, neu
  - (b) darparu i'r uchafswm hwnnw gael ei benderfynu yn unol â'r rheoliadau.
- (4) Rhaid i reoliadau bagiau siopa sy'n gwneud darpariaeth o dan is-baragraff (1) sicrhau—

- (d) the period within which representations and objections may be made, which may not be less than the period of 28 days beginning with the day on which the notice of intent is received.
- (3) Provision pursuant to sub-paragraph (1)(c) must include provision for circumstances in which the administrator may not decide to impose a fixed monetary penalty.
- (4) To comply with this sub-paragraph, the final notice referred to in sub-paragraph (1)(d) must include information as to –
  - (a) the grounds for imposing the discretionary requirement,
  - (b) where the discretionary requirement is a variable monetary penalty –
    - (i) how payment may be made,
    - (ii) the period within which payment must be made, and
    - (iii) any early payment discounts or late payment penalties,
  - (c) rights of appeal, and
  - (d) the consequences of non-compliance.
- (5) Provision pursuant to sub-paragraph (1)(e) must secure that the grounds on which a person may appeal against a decision of the administrator include the following –
  - (a) that the decision was based on an error of fact;
  - (b) that the decision was wrong in law;
  - (c) in the case of a variable monetary penalty, that the amount of the penalty is unreasonable;
  - (d) in the case of a non-monetary discretionary requirement, that the nature of the requirement is unreasonable;
  - (e) that the decision was unreasonable for any other reason.

*Discretionary requirements: enforcement*

- 6
- (1) If carrier bag regulations make provision under paragraph 4, they may confer on an administrator the power to require a person to pay a monetary penalty (a “non-compliance penalty”) to the administrator if the person fails to comply with a non-monetary discretionary requirement imposed on the person.
  - (2) The regulations may –
    - (a) specify the amount of the non-compliance penalty or provide for that amount to be determined in accordance with the regulations, or
    - (b) provide for the amount to be determined by the administrator or in some other way.
  - (3) If carrier bag regulations make provision within sub-paragraph (2)(b), they must, in relation to each kind of failure for which a non-compliance penalty may be imposed –
    - (a) specify the maximum penalty that may be imposed for a failure of that kind, or
    - (b) provide for that maximum to be determined in accordance with the regulations.
  - (4) Carrier bag regulations that make provision under sub-paragraph (1) must secure that –

- (a) bod y gosb am beidio â chydymffurfio yn cael ei gosod drwy hysbysiad a gyflwynir gan y gweinyddwr, a
  - (b) y caiff y person y gosodir y gosb am beidio â chydymffurfio arno apelio yn erbyn yr hysbysiad hwnnw.
- (5) Rhaid i ddarpariaeth yn unol â pharagraff (b) o is-baragraff (4) sicrhau bod yr hyn y caiff person apelio yn erbyn penderfyniad gweinyddwr ar ei sail yn cynnwys y canlynol—
- (a) bod y penderfyniad i gyflwyno'r hysbysiad yn seiliedig ar wall ffeithiol;
  - (b) bod y penderfyniad yn anghywir mewn cyfraith;
  - (c) bod y penderfyniad yn annheg neu'n afresymol am unrhyw reswm (gan gynnwys, mewn achos pan fo swm y gosb am beidio â chydymffurfio wedi ei benderfynu gan y gweinyddwr, bod y swm yn afresymol).

#### *Cyfuniad o sancsiynau*

- 7 (1) Ni chaiff rheoliadau bagiau siopa wneud darpariaeth o dan baragraffau 2 a 4 sy'n rhoi pwerau i weinyddwr mewn perthynas â'r un math o doriad o'r rheoliadau oni chydymffurfir â'r gofynion a ganlyn.
- (2) Rhaid i'r rheoliadau sicrhau na chaiff y gweinyddwr gyflwyno hysbysiad o fwriad y cyfeirir ato ym mharagraff 3(1)(a) i berson mewn perthynas â thoriad pan fo gofyniad yn ôl disgresiwn wedi ei osod ar y person hwnnw mewn perthynas â'r un toriad.
- (3) Rhaid i'r rheoliadau sicrhau na chaiff y gweinyddwr gyflwyno hysbysiad o fwriad y cyfeirir ato ym mharagraff 5(1)(a) i berson mewn perthynas â thoriad pan fo—
- (a) cosb ariannol benodedig wedi ei gosod ar y person hwnnw mewn perthynas â'r un toriad, neu
  - (b) y person wedi rhyddhau ei hun rhag atebolrwydd i gosb ariannol benodedig mewn perthynas â'r toriad hwnnw yn unol â pharagraff 3(1)(b).

#### *Cosbau ariannol*

- 8 (1) Os yw rheoliadau bagiau siopa yn rhoi pŵer i weinyddwr i'w gwneud yn ofynnol i berson dalu cosb ariannol benodedig, cosb ariannol amrywiadwy neu gosb am beidio â chydymffurfio, gallant gynnwys darpariaeth—
- (a) ar gyfer disgowntiau am dalu'n gynnar;
  - (b) ar gyfer talu llog neu gosbau ariannol eraill am dalu'r gosb yn hwyr, y llog hwnnw neu'r cosbau ariannol eraill hynny nad ydynt gyda'i gilydd i fod yn fwy na swm y gosb honno;
  - (c) ar gyfer gorfodi'r gosb.
- (2) Caiff darpariaeth o dan is-baragraff (1)(c) gynnwys—
- (a) darpariaeth i'r gweinyddwr adennill cosb, ac unrhyw log neu gosb ariannol arall am dalu'n hwyr, fel dyled sifil;
  - (b) darpariaeth i'r gosb, ac unrhyw log neu gosb ariannol arall am dalu'n hwyr fod yn adenilladwy, ar orchymyn gan lys, fel pe bai'n daladwy o dan orchymyn llys.

- (a) the non-compliance penalty is imposed by notice served by the administrator, and
  - (b) the person on whom it is imposed may appeal against that notice.
- (5) Provision pursuant to paragraph (b) of sub-paragraph (4) must secure that the grounds on which a person may appeal against a notice referred to in that paragraph include the following—
- (a) that the decision to serve the notice was based on an error of fact;
  - (b) that the decision was wrong in law;
  - (c) that the decision was unfair or unreasonable for any reason (including, in a case where the amount of the non-compliance penalty was determined by the administrator, that the amount is unreasonable).

#### *Combination of sanctions*

- 7 (1) Carrier bag regulations may not make provision under paragraphs 2 and 4 conferring powers on an administrator in relation to the same kind of breach of the regulations unless the following requirements are complied with.
- (2) The regulations must secure that the administrator may not serve a notice of intent referred to in paragraph 3(1)(a) on a person in relation to a breach where a discretionary requirement has been imposed on that person in relation to the same breach.
- (3) The regulations must secure that the administrator may not serve a notice of intent referred to in paragraph 5(1)(a) on a person in relation to a breach where—
- (a) a fixed monetary penalty has been imposed on that person in relation to the same breach, or
  - (b) the person has discharged liability to a fixed monetary penalty in relation to that breach pursuant to paragraph 3(1)(b).

#### *Monetary penalties*

- 8 (1) If carrier bag regulations confer power on an administrator to require a person to pay a fixed monetary penalty, a variable monetary penalty or a non-compliance penalty, they may include provision—
- (a) for early payment discounts;
  - (b) for the payment of interest or other financial penalties for late payment of the penalty, such interest or other financial penalties not in total to exceed the amount of that penalty;
  - (c) for enforcement of the penalty.
- (2) Provision under sub-paragraph (1)(c) may include—
- (a) provision for the administrator to recover a penalty, and any interest or other financial penalty for late payment, as a civil debt;
  - (b) provision for the penalty, and any interest or other financial penalty for late payment to be recoverable, on the order of a court, as if payable under a court order.

*Adennill costau*

- 9 (1) Os yw rheoliadau bagiau siopa yn gwneud darpariaeth o dan baragraff 4, gallant roi'r pŵer i weinyddwr i'w gwneud yn ofynnol, drwy hysbysiad, i berson y gosodir gofyniad yn ôl disgrisiwn arno i dalu'r costau yr aed iddynt gan y gweinyddwr mewn perthynas â gosod y gofyniad yn ôl disgrisiwn hyd at amser ei osod.
- (2) Yn is-baragraff (1), mae'r cyfeiriad at gostau yn cynnwys (ymysg pethau eraill) —
- (a) costau ymchwilio;
  - (b) costau gweinyddu;
  - (c) costau cael cyngor arbenigol (gan gynnwys cyngor cyfreithiol).
- (3) Rhaid i reoliadau bagiau siopa sy'n gwneud darpariaeth o dan y paragraff hwn sicrhau, mewn unrhyw achos pan gyflwynir hysbysiad sy'n ei gwneud yn ofynnol talu costau —
- (a) bod yr hysbysiad yn pennu'r swm y mae'n ofynnol ei dalu;
  - (b) y gallai fod yn ofynnol i'r gweinyddwr ddarparu dadansoddiad manwl o'r swm hwnnw;
  - (c) nad yw'r person y mae'n ofynnol iddo dalu costau yn atebol i dalu unrhyw gostau y mae'r person hwnnw'n dangos yr aed iddynt yn ddiangen;
  - (d) y caiff y person y mae'n ofynnol iddo dalu costau apelio yn erbyn —
    - (i) penderfyniad y gweinyddwr i osod y gofyniad i dalu costau;
    - (ii) penderfyniad y gweinyddwr o ran swm y costau hynny.
- (4) Caiff darpariaeth o dan y paragraff hwn gynnwys y ddarpariaeth y cyfeirir ati ym mharagraff 8(1)(b) ac (c) a (2).

*Apelau*

- 10 (1) Ni chaiff rheoliadau bagiau siopa ddarparu ar gyfer gwneud apêl ac eithrio i'r canlynol —
- (a) y Tribiwnlys Haen Gyntaf, neu
  - (b) tribiwnlys arall a grëir o dan ddeddfiad.
- (2) Yn is-baragraff (1)(b), nid yw "tribiwnlys" yn cynnwys llys barn arferol.
- (3) Os yw'r rheoliadau'n gwneud darpariaeth ar gyfer apêl mewn perthynas â gosod unrhyw ofyniad neu gyflwyno unrhyw hysbysiad, cânt gynnwys —
- (a) darpariaeth sy'n atal dros dro y gofyniad neu'r hysbysiad tra disgwylir dyfarniad yr apêl;
  - (b) darpariaeth ynghylch pwerau'r tribiwnlys y gwneir yr apêl iddo;
  - (c) darpariaeth ynghylch sut y mae unrhyw swm sy'n daladwy yn unol â phenderfyniad y tribiwnlys hwnnw i gael ei adennill.
- (4) Mae'r ddarpariaeth y cyfeirir ati yn is-baragraff (3)(b) yn cynnwys darpariaeth sy'n rhoi i'r tribiwnlys y gwneir yr apêl iddo y pŵer i wneud y canlynol —
- (a) tynnu'r gofyniad neu'r hysbysiad yn ôl;
  - (b) cadarnhau'r gofyniad neu'r hysbysiad;

*Costs recovery*

- 9 (1) If carrier bag regulations make provision under paragraph 4, they may confer on an administrator the power by notice to require a person on whom a discretionary requirement is imposed to pay the costs incurred by the administrator in relation to the imposition of the discretionary requirement up to the time of its imposition.
- (2) In sub-paragraph (1), the reference to costs includes (among other things) –
- (a) investigation costs;
  - (b) administration costs;
  - (c) costs of obtaining expert advice (including legal advice).
- (3) Carrier bag regulations that make provision under this paragraph must secure that, in any case where a notice requiring payment of costs is served –
- (a) the notice specifies the amount required to be paid;
  - (b) the administrator may be required to provide a detailed breakdown of that amount;
  - (c) the person required to pay costs is not liable to pay any costs shown by the person to have been unnecessarily incurred;
  - (d) the person required to pay costs may appeal against –
    - (i) the decision of the administrator to impose the requirement to pay costs;
    - (ii) the decision of the administrator as to the amount of those costs.
- (4) Provision under this paragraph may include the provision referred to in paragraph 8(1)(b) and (c) and (2).

*Appeals*

- 10 (1) Carrier bag regulations may not provide for the making of an appeal other than to –
- (a) the First-tier Tribunal, or
  - (b) another tribunal created under an enactment.
- (2) In sub-paragraph (1)(b), “tribunal” does not include an ordinary court of law.
- (3) If the regulations make provision for an appeal in relation to the imposition of any requirement or the service of any notice, they may include –
- (a) provision suspending the requirement or notice pending determination of the appeal;
  - (b) provision as to the powers of the tribunal to which the appeal is made;
  - (c) provision as to how any sum payable in pursuance of a decision of that tribunal is to be recoverable.
- (4) The provision referred to in sub-paragraph (3)(b) includes provision conferring on the tribunal to which the appeal is made power –
- (a) to withdraw the requirement or notice;
  - (b) to confirm the requirement or notice;

- (c) cymryd y camau hynny y gallai'r gweinyddwr eu cymryd mewn perthynas â'r weithred neu'r anwaith a roes fod i'r gofyniad neu'r hysbysiad;
- (d) dychwelyd y penderfyniad ai cadarnhau'r gofyniad neu'r hysbysiad ai peidio, neu unrhyw fater sy'n ymwneud â'r penderfyniad hwnnw, yn ôl at y gweinyddwr;
- (e) dyfarnu costau.

*Cyhoeddusrwydd ar gyfer gosod sancsiynau sifil*

- 11 (1) Caiff rheoliadau bagiau siopa roi'r pŵer i weinyddwr roi hysbysiad cyhoeddusrwydd i berson y gosodwyd sancsiwn sifil arno yn unol â'r rheoliadau.
- (2) Ystyr "hysbysiad cyhoeddusrwydd" yw hysbysiad sy'n ei gwneud yn ofynnol i'r person roi cyhoeddusrwydd i—
- (a) y ffaith y gosodwyd y sancsiwn sifil, a
  - (b) yr wybodaeth arall honno a all gael ei phennu yn y rheoliadau, yn y dull hwnnw a all gael ei bennu yn yr hysbysiad.
- (3) Caiff y rheoliadau ddarparu bod hysbysiad cyhoeddusrwydd—
- (a) yn pennu'r amser ar gyfer cydymffurfio â'r hysbysiad, a
  - (b) yn ei gwneud yn ofynnol i'r person y rhoddir yr hysbysiad iddo ddarparu tystiolaeth o gydymffurfio i weinyddwr o fewn yr amser hwnnw y caniateir ei bennu yn yr hysbysiad.
- (4) Caiff y rheoliadau ddarparu, os yw person yn methu â chydymffurfio â hysbysiad cyhoeddusrwydd, y caiff gweinyddwr—
- (a) rhoi cyhoeddusrwydd i'r wybodaeth y mae'n ofynnol rhoi cyhoeddusrwydd iddi gan yr hysbysiad, a
  - (b) adennill y costau o wneud hynny oddi wrth y person hwnnw.

*Personau sy'n atebol i sancsiynau sifil*

- 12 (1) Caiff rheoliadau bagiau siopa wneud darpariaeth ynghylch y personau sy'n atebol i sancsiynau sifil o dan y rheoliadau.
- (2) Mae'r ddarpariaeth y caniateir ei gwneud yn rhinwedd y paragraff hwn yn cynnwys darpariaeth—
- (a) i swyddogion corff corfforaethol fod yn atebol yn y modd hwnnw yn ogystal â'r corff corfforaethol ei hun, a
  - (b) i'r partneriaid o fewn partneriaeth fod yn atebol yn ogystal â'r bartneriaeth ei hun, o dan yr amgylchiadau hynny a all gael eu pennu.

*Canllawiau ynghylch defnyddio pwerau i osod sancsiynau sifil ac adennill costau*

- 13 (1) Pan fo rheoliadau bagiau siopa yn rhoi'r pŵer i weinyddwr osod sancsiwn sifil mewn perthynas â thoriad o'r rheoliadau, rhaid iddynt sicrhau—
- (a) bod rhaid i'r gweinyddwr gyhoeddi canllawiau ynghylch defnydd y gweinyddwr o'r sancsiwn sifil,



- (c) to take such steps as the administrator could take in relation to the act or omission giving rise to the requirement or notice;
- (d) to remit the decision whether to confirm the requirement or notice, or any matter relating to that decision, to the administrator;
- (e) to award costs.

*Publicity for imposition of civil sanctions*

- 11 (1) Carrier bag regulations may confer on an administrator the power to give a publicity notice to a person on whom a civil sanction has been imposed in accordance with the regulations.
- (2) A “publicity notice” is a notice requiring the person to publicise –
- (a) the fact that the civil sanction has been imposed, and
  - (b) such other information as may be specified in the regulations,
- in such manner as may be specified in the notice.
- (3) The regulations may provide for a publicity notice to –
- (a) specify the time for compliance with the notice, and
  - (b) require the person to whom it is given to supply an administrator with evidence of compliance within such time as may be specified in the notice.
- (4) The regulations may provide that, if a person fails to comply with a publicity notice, an administrator may –
- (a) publicise the information required to be publicised by the notice, and
  - (b) recover the costs of doing so from that person.

*Persons liable to civil sanctions*

- 12 (1) Carrier bag regulations may make provision about the persons who are liable to civil sanctions under the regulations.
- (2) The provision that may be made by virtue of this paragraph includes provision for –
- (a) the officers of a body corporate to be so liable as well the body corporate itself, and
  - (b) for the partners of a partnership to be liable as well as the partnership itself,
- in such circumstances as may be specified.

*Guidance about use of powers to impose civil sanctions and recover costs*

- 13 (1) Where carrier bag regulations confer power on an administrator to impose a civil sanction in relation to a breach of the regulations, they must secure that –
- (a) the administrator must publish guidance about the administrator’s use of the civil sanction,

- (b) bod rhaid i'r canllawiau gynnwys yr wybodaeth berthnasol,
  - (c) bod rhaid i'r gweinyddwr ddiwygio'r canllawiau pan fo'n briodol,
  - (d) bod rhaid i'r gweinyddwr ymgynghori â'r personau hynny y caiff y rheoliadau eu pennu cyn cyhoeddi unrhyw ganllawiau neu ganllawiau diwygiedig, ac
  - (e) bod rhaid i'r gweinyddwr roi sylw i'r canllawiau neu'r canllawiau diwygiedig wrth arfer swyddogaethau'r gweinyddwr.
- (2) Yn achos canllawiau sy'n ymwneud â chosb ariannol benodedig, yr wybodaeth berthnasol y cyfeirir ati yn is-baragraff (1)(b) yw gwybodaeth ynghylch –
- (a) o dan ba amgylchiadau y mae'r gosb yn debygol o gael ei gosod,
  - (b) o dan ba amgylchiadau na chaniateir ei gosod,
  - (c) swm y gosb,
  - (d) sut y gall atebolrwydd am y gosb gael ei ryddhau ac effaith rhyddhad, ac
  - (e) hawliau i wneud sylwadau a gwrthwynebiadau a hawliau i apelio.
- (3) Yn achos canllawiau sy'n ymwneud â gofyniad yn ôl disgresiwn, yr wybodaeth berthnasol y cyfeirir ati yn is-baragraff (1)(b) yw gwybodaeth ynghylch –
- (a) o dan ba amgylchiadau y mae'r gofyniad yn debygol o gael ei osod,
  - (b) o dan ba amgylchiadau na chaniateir ei osod,
  - (c) yn achos cosb ariannol amrywiadwy, y materion y mae'r gweinyddwr yn debygol o'u hystyried wrth ddyfarnu swm y gosb (gan gynnwys, pan fo'n berthnasol, unrhyw ddisgowntiau am adrodd yn wirfoddol am beidio â chydymffurfio), a
  - (d) hawliau i wneud sylwadau a gwrthwynebiadau a hawliau i apelio.
- (4) Os yw rheoliadau bagiau siopa yn gwneud darpariaeth o dan baragraff 9, rhaid iddynt sicrhau ei bod yn ofynnol i'r gweinyddwr gyhoeddi canllawiau ynghylch sut y bydd y gweinyddwr yn arfer y pŵer a roddir gan y ddarpariaeth.

#### *Cyhoeddi camau gorfodi*

- 14 (1) Pan fo rheoliadau bagiau siopa yn rhoi'r pŵer i weinyddwr osod sancsiwn sifil mewn perthynas â thoriad o'r rheoliadau, rhaid iddynt sicrhau bod rhaid i'r gweinyddwr gyhoeddi adroddiadau o bryd i'w gilydd sy'n pennu –
- (a) yr achosion y gosodwyd sancsiwn sifil ynddynt, a
  - (b) pan fo'r sancsiwn sifil yn gosb ariannol benodedig, yr achosion y rhyddhawyd atebolrwydd rhag cosb ynddynt yn unol â pharagraff 3(1)(b).
- (2) Yn is-baragraff (1)(a), nid yw'r cyfeiriad at achosion y gosodwyd sancsiwn sifil ynddynt yn cynnwys achosion pan fo'r sancsiwn wedi ei osod ond wedi ei wrthdroi ar apêl.
- (3) Nid oes angen i'r rheoliadau sicrhau'r canlyniad yn is-adran (1) mewn achosion pan fo Gweinidogion Cymru yn ystyried y byddai'n amhriodol gwneud hynny.

- (b) the guidance must contain the relevant information,
  - (c) the administrator must revise the guidance where appropriate,
  - (d) the administrator must consult such persons as the regulations may specify before publishing any guidance or revised guidance, and
  - (e) the administrator must have regard to the guidance or revised guidance in exercising the administrator's functions.
- (2) In the case of guidance relating to a fixed monetary penalty, the relevant information referred to in sub-paragraph (1)(b) is information as to—
- (a) the circumstances in which the penalty is likely to be imposed,
  - (b) the circumstances in which it may not be imposed,
  - (c) the amount of the penalty,
  - (d) how liability for the penalty may be discharged and the effect of discharge, and
  - (e) rights to make representations and objections and rights of appeal.
- (3) In the case of guidance relating to a discretionary requirement, the relevant information referred to in sub-paragraph (1)(b) is information as to—
- (a) the circumstances in which the requirement is likely to be imposed,
  - (b) the circumstances in which it may not be imposed,
  - (c) in the case of a variable monetary penalty, the matters likely to be taken into account by the administrator in determining the amount of the penalty (including, where relevant, any discounts for voluntary reporting of non-compliance), and
  - (d) rights to make representations and objections and rights of appeal.
- (4) If carrier bag regulations make provision under paragraph 9, they must secure that the administrator is required to publish guidance about how the administrator will exercise the power conferred by the provision.

#### *Publication of enforcement action*

- 14 (1) Where carrier bag regulations confer power on an administrator to impose a civil sanction in relation to a breach of the regulations, they must secure that the administrator must from time to time publish reports specifying—
- (a) the cases in which the civil sanction has been imposed, and
  - (b) where the civil sanction is a fixed monetary penalty, the cases in which liability to the penalty has been discharged pursuant to paragraph 3(1)(b).
- (2) In sub-paragraph (1)(a), the reference to cases in which the civil sanction has been imposed do not include cases where the sanction has been imposed but overturned on appeal.
- (3) The regulations need not secure the result in sub-paragraph (1) in cases where the Welsh Ministers consider that it would be inappropriate to do so.

*Cydymffurfio ag egwyddorion rheoleiddiol*

- 15 Ni chaiff rheoliadau bagiau siopa roi'r pŵer i weinyddwr osod sancsiwn sifil mewn perthynas â thoriad o'r rheoliadau oni bai bod Gweinidogion Cymru wedi eu bodloni y bydd y gweinyddwr yn gweithredu yn unol â'r egwyddorion –
- (a) y dylid cynnal gweithgareddau rheoleiddiol mewn modd tryloyw, atebol, cymesur a chyson;
  - (b) y dylid targedu gweithgareddau rheoleiddiol yn unig ar achosion y mae angen gweithredu arnynt.

*Adolygu*

- 16 (1) Rhaid i Weinidogion Cymru adolygu gweithrediad unrhyw ddarpariaeth mewn rheoliadau bagiau siopa sy'n rhoi'r pŵer i weinyddwr osod sancsiwn sifil mewn perthynas â thoriad o'r rheoliadau.
- (2) Rhaid i'r adolygiad cyntaf ddigwydd cyn gynted ag sy'n ymarferol ar ôl 1 Hydref 2017; a rhaid i bob adolygiad dilynol ddigwydd cyn gynted ag sy'n ymarferol ar ôl diwedd y cyfnod o dair blynedd sy'n dechrau â'r dyddiad y cynhaliwyd yr adolygiad blaenorol.
- (3) Rhaid i adolygiad o dan y paragraff hwn ystyried yn benodol a yw'r ddarpariaeth wedi cyflawni ei amcanion mewn modd effeithlon ac effeithiol.
- (4) Wrth gynnal adolygiad o dan y paragraff hwn, rhaid i Weinidogion Cymru ymgynghori â'r personau hynny y maent yn ystyried eu bod yn briodol.
- (5) Rhaid i Weinidogion Cymru –
- (a) cyhoeddi canlyniadau adolygiad o dan y paragraff hwn, a
  - (b) gosod copi o'r adolygiad gerbron Cynulliad Cenedlaethol Cymru.

*Atal dros dro*

- 17 (1) Pan fo rheoliadau bagiau siopa yn rhoi'r pŵer i weinyddwr osod sancsiwn sifil mewn perthynas â thoriad o'r rheoliadau, caiff Gweinidogion Cymru gyfarwyddo'r gweinyddwr –
- (a) pan fo'r pŵer yn bŵer i osod cosb ariannol benodedig, i beidio â chyflwyno unrhyw hysbysiad o fwriad pellach y cyfeirir ato ym mharagraff 3(1)(a) mewn perthynas â thoriad o'r math hwnnw, a
  - (b) pan fo'r pŵer yn bŵer i osod gofyniad yn ôl disgrisiwn, i beidio â chyflwyno unrhyw hysbysiad o fwriad pellach y cyfeirir ato ym mharagraff 5(1)(a) mewn perthynas â thoriad o'r math hwnnw.
- (2) Ni chaiff Gweinidogion Cymru ond rhoi cyfarwyddyd o dan is-baragraff (1) mewn perthynas â thoriad o'r rheoliadau bagiau siopa os ydynt wedi eu bodloni bod y gweinyddwr wedi methu â gwneud y canlynol ar fwy nag un achlysur –
- (a) cydymffurfio ag unrhyw ddyletswydd a osodir arno o dan yr Atodlen hon, neu yn rhinwedd yr Atodlen hon, mewn perthynas a thoriad o'r math hwnnw,
  - (b) gweithredu'n unol â'r canllawiau a gyhoeddwyd ganddo mewn perthynas â thoriad o'r math hwnnw (yn benodol, y canllawiau a gyhoeddwyd o dan baragraff 13), neu

*Compliance with regulatory principles*

- 15 Carrier bag regulations may not confer power on an administrator to impose a civil sanction in relation to a breach of the regulations unless the Welsh Ministers are satisfied that the administrator will act in accordance with the principles that –
- (a) regulatory activities should be carried out in a way that is transparent, accountable, proportionate and consistent;
  - (b) regulatory activities should be targeted only at cases in which action is needed.

*Review*

- 16 (1) The Welsh Ministers must review the operation of any provision of carrier bag regulations conferring power on an administrator to impose a civil sanction in relation to a breach of the regulations.
- (2) The first review must take place as soon as practicable after 1 October 2017; and each subsequent review must take place as soon as practicable after the end of the period of three years beginning with the date on which the previous review took place.
- (3) A review under this paragraph must in particular consider whether the provision has implemented its objectives efficiently and effectively.
- (4) In conducting a review under this paragraph, the Welsh Ministers must consult such persons as they consider appropriate.
- (5) The Welsh Ministers must –
- (a) publish the results of a review under this paragraph, and
  - (b) lay a copy of the review before the National Assembly for Wales.

*Suspension*

- 17 (1) Where carrier bag regulations confer power on an administrator to impose a civil sanction in relation to a breach of the regulations, the Welsh Ministers may direct the administrator –
- (a) where the power is power to impose a fixed monetary penalty, not to serve any further notice of intent referred to in paragraph 3(1)(a) in relation to a breach of that kind, and
  - (b) where the power is power to impose a discretionary requirement, not to serve any further notice of intent referred to in paragraph 5(1)(a) in relation to a breach of that kind.
- (2) The Welsh Ministers may only give a direction under sub-paragraph (1) in relation to a breach of carrier bag regulations if they are satisfied that the administrator has failed on more than one occasion –
- (a) to comply with any duty imposed on it under or by virtue of this Schedule in relation to a breach of that kind,
  - (b) to act in accordance with the guidance it has published in relation to a breach of that kind (in particular, the guidance published under paragraph 13), or

- (c) gweithredu'n unol â'r egwyddorion y cyfeirir atynt ym mharagraff 15 neu ag egwyddorion arferion gorau eraill mewn perthynas â gorfodi toriad o'r math hwnnw.
- (3) Caiff Gweinidogion Cymru, drwy gyfarwyddyd, ddirymu cyfarwyddyd a roddwyd ganddynt o dan is-baragraff (1) os ydynt wedi eu bodloni bod y gweinyddwr wedi cymryd y camau priodol i unioni'r methiant yr oedd y cyfarwyddyd hwnnw'n ymwneud ag ef.
- (4) Cyn rhoi cyfarwyddyd o dan is-baragraff (1) neu (3), rhaid i Weinidogion Cymru ymgynghori â'r canlynol—
- (a) y gweinyddwr, a
  - (b) y personau eraill hynny y maent yn ystyried eu bod yn briodol.
- (5) Pan fo Gweinidogion Cymru yn rhoi cyfarwyddyd o dan y paragraff hwn, rhaid iddynt osod copi o'r cyfarwyddyd gerbron Cynulliad Cenedlaethol Cymru.
- (6) Rhaid i'r gweinyddwr gymryd camau i ddwyn cyfarwyddyd o dan y paragraff hwn i sylw personau eraill y mae'r cyfarwyddyd yn debygol o effeithio arnynt; a rhaid iddo wneud hynny yn y fath fodd (os o gwbl) y caiff Gweinidogion Cymru ei gwneud yn ofynnol.

#### *Talu cosbau i Gronfa Gyfunol Cymru*

- 18 Pan fo gweinyddwr yn cael y canlynol yn unol ag unrhyw ddarpariaeth a wneir o dan yr Atodlen hon—
- (a) cosb ariannol benodedig, cosb ariannol amrywiadwy neu gosb am beidio â chydymffurfio,
  - (b) unrhyw log neu gosb ariannol arall am dalu cosb o'r fath yn hwyr, neu
  - (c) swm a delir er mwyn rhyddhau rhag atebolrwydd am gosb ariannol benodedig yn unol â pharagraff 3(1)(b),
- rhaid i'r gweinyddwr ei dalu neu ei thalu i Gronfa Gyfunol Cymru.

#### *Mynegai o dermau wedi eu diffinio*

- 19 Yn yr Atodlen hon, mae'r ymadroddion a ganlyn yn cael eu diffinio neu eu hegluro fel arall yn y darpariaethau a nodir—
- “cosb am beidio â chydymffurfio” (“*non-compliance penalty*”): paragraff 6(1);
- “cosb ariannol amrywiadwy” (“*variable monetary penalty*”): paragraff 4(4) a (3)(a);
- “cosb ariannol benodedig” (“*fixed monetary penalty*”): paragraff 2(3);
- “gofyniad yn ôl disgrisiwn nad yw'n un ariannol” (“*non-monetary discretionary requirement*”): paragraff 4(4) a (3)(b);
- “gofyniad yn ôl disgrisiwn” (“*discretionary requirement*”): paragraff 4(3);
- “hysbysiad cyhoeddusrwydd” (“*publicity notice*”): paragraff 11(2);
- “hysbysiad o fwriad” (“*notice of intent*”) (mewn perthynas â chosb ariannol benodedig arfaethedig): paragraff 3(1)(a);

- (c) to act in accordance with the principles referred to in paragraph 15 or with other principles of best practice in relation to the enforcement of a breach of that kind.
- (3) The Welsh Ministers may by direction revoke a direction given by them under sub-paragraph (1) if they are satisfied that the administrator has taken the appropriate steps to remedy the failure to which that direction related.
- (4) Before giving a direction under sub-paragraph (1) or (3), the Welsh Ministers must consult—
  - (a) the administrator, and
  - (b) such other persons as they consider appropriate.
- (5) Where the Welsh Ministers give a direction under this paragraph, they must lay a copy of the direction before the National Assembly for Wales.
- (6) The administrator must take steps to bring a direction under this paragraph to the attention of other persons likely to be affected by it; and must do so in such manner (if any) as the Welsh Ministers may require.

*Payment of penalties into Welsh Consolidated Fund*

- 18 Where pursuant to any provision made under this Schedule an administrator receives —
- (a) a fixed monetary penalty, a variable monetary penalty or a non-compliance penalty,
  - (b) any interest or other financial penalty for late payment of such a penalty, or
  - (c) a sum paid in discharge of liability to a fixed monetary penalty pursuant to paragraph 3(1)(b),
- the administrator must pay it into the Welsh Consolidated Fund.

*Index of defined terms*

- 19 In this Schedule, the following expressions are defined or otherwise explained in the provisions indicated —
- “breach” (“*torri*” a “*toriad*”) (in relation to carrier bag regulations): paragraph 1(2);
  - “civil sanction” (“*sancsiwn sifil*”): paragraph 1(3);
  - “discretionary requirement” (“*gofyniad yn ôl disgrisiwn*”): paragraph 4(3);
  - “fixed monetary penalty” (“*cosb ariannol benodedig*”): paragraph 2(3);
  - “non-compliance penalty” (“*cosb am beidio â chydymffurfio*”): paragraph 6(1);
  - “non-monetary discretionary requirement” (“*gofyniad yn ôl disgrisiwn nad yw’n un ariannol*”): paragraph 4(4) and (3)(b);
  - “notice of intent” (“*hysbysiad o fwriad*”) (in relation to a proposed discretionary requirement): paragraph 5(1)(a);

“hysbysiad o fwriad” (“*notice of intent*”) (mewn perthynas â gofyniad yn ôl disgresiwn arfaethedig): paragraff 5(1)(a);

“sanctsiwn sifil” (“*civil sanction*”): paragraff 1(3);

“torri” a “toriad” (“*breach*”) (mewn perthynas â rheoliadau bagiau siopa): paragraff 1(2).



“notice of intent” (“*hysbysiad o fwriad*”) (in relation to a proposed fixed monetary penalty): paragraph 3(1)(a);

“publicity notice” (“*hysbysiad cyhoeddusrwydd*”): paragraph 11(2);

“variable monetary penalty” (“*cosb ariannol amrywiadwy*”): paragraph 4(4) and (3) (a).

## ATODLEN 2

(cyflwynir gan adrannau 27, 64, 70, 81 a 86)

## MÂN DDIWYGIADAU, DIWYGIADAU CANLYNIADOL A DIDDYMIADAU

## RHAN 1

## RHEOLI CYNALIADWY AR ADNODDAU NATURIOL

*Deddf Parciau Cenedlaethol a Mynediad i Gefn Gwlad 1949 (p. 97)*

- 1 (1) Mae Deddf Parciau Cenedlaethol a Mynediad i Gefn Gwlad 1949 wedi ei diwygio fel a ganlyn.
- (2) Yn adran 15A(2) –
- (a) ym mharagraff (a) –
- (i) ar ôl “Act” mewnosoder “or section 16 of the 2016 Act”;
- (ii) hepgorer yr “and” ar y diwedd;
- (b) ar ôl paragraff (b) mewnosoder –
- “(c) “the 2016 Act” means the Environment (Wales) Act 2016.”
- (3) Yn adran 16 –
- (a) yn is-adran (1) –
- (i) yn lle “The Natural Resources Body for Wales” y tro cyntaf y mae’n ymddangos rhodder “A Welsh local authority”;
- (ii) yn lle “Natural Resources Body for Wales” yr ail dro y mae’n ymddangos rhodder “Welsh local authority”;
- (b) ar ôl is-adran (1) mewnosoder –
- “(1A) The power of a Welsh local authority in subsection (1) –
- (a) is also exercisable where it appears to the authority that it is expedient in the interests of the locality that land should be managed as a nature reserve;
- (b) is exercisable only in relation to land in the authority’s area that is not held by, or managed in accordance with an agreement entered into with, the Natural Resources Body for Wales.”;
- (c) yn is-adran (3), ym mharagraffau (b) ac (c), yn lle “the Natural Resources Body for Wales” rhodder “a Welsh local authority”;
- (d) yn is-adran (4), yn lle “the Natural Resources Body for Wales” rhodder “a Welsh local authority”;
- (e) ar ôl is-adran (5) mewnosoder –
- “(6) In this section a “Welsh local authority” means –
- (a) the council of a county or county borough in Wales, and
- (b) a National Park authority for a National Park in Wales.”

SCHEDULE 2

*(introduced by sections 27, 64, 70, 81 and 86)*

MINOR AND CONSEQUENTIAL AMENDMENTS AND REPEALS

PART 1

SUSTAINABLE MANAGEMENT OF NATURAL RESOURCES

*National Parks and Access to the Countryside Act 1949 (c. 97)*

- 1 (1) The National Parks and Access to the Countryside Act 1949 is amended as follows.
- (2) In section 15A(2) –
  - (a) in paragraph (a) –
    - (i) after “Act” insert “or section 16 of the 2016 Act”;
    - (ii) omit the “and” at the end;
  - (b) after paragraph (b) insert –
    - “(c) “the 2016 Act” means the Environment (Wales) Act 2016.”
- (3) In section 16 –
  - (a) in subsection (1) –
    - (i) for “The Natural Resources Body for Wales” the first time it appears substitute “A Welsh local authority”;
    - (ii) for “Natural Resources Body for Wales” the second time it appears substitute “Welsh local authority”;
  - (b) after subsection (1) insert –
    - “(1A) The power of a Welsh local authority in subsection (1) –
      - (a) is also exercisable where it appears to the authority that it is expedient in the interests of the locality that land should be managed as a nature reserve;
      - (b) is exercisable only in relation to land in the authority’s area that is not held by, or managed in accordance with an agreement entered into with, the Natural Resources Body for Wales.”;
  - (c) in subsection (3), in paragraphs (b) and (c), for “the Natural Resources Body for Wales” substitute “a Welsh local authority”;
  - (d) in subsection (4), for “the Natural Resources Body for Wales” substitute “a Welsh local authority”;
  - (e) after subsection (5) insert –
    - “(6) In this section a “Welsh local authority” means –
      - (a) the council of a county or county borough in Wales, and
      - (b) a National Park authority for a National Park in Wales.”

- (4) Yn adran 21(4) –
  - (a) hepgorer “, the Natural Resources Body for Wales”;
  - (b) yn lle “references in subsection (1) of sections sixteen and seventeen respectively of this Act to the national interest were references” rhodder “reference in subsection (1) of section 17 of this Act to the national interest were a reference”.

*Deddf Cefn Gwlad 1968 (p. 41)*

- 2 (1) Mae Deddf Cefn Gwlad 1968 wedi ei diwygio fel a ganlyn.
- (2) Hepgorer adran 4.
- (3) Hepgorer adran 15.
- (4) Yn adran 15A(6)(b), yn lle “such agreement as is referred to in section 15(2)” rhodder “an agreement under section 16 of the Environment (Wales) Act 2016 imposing, for the purpose of conserving flora, fauna, or geographical or physiographical features of special interest, restrictions on the exercise of rights over land by persons having an interest in the land”.
- (5) Yn adran 41(2)(b) –
  - (a) yn is-baragraff (i), yn lle “section 4” rhodder “an experimental scheme under article 10C of the Natural Resources Body for Wales (Establishment) Order 2012 (S.I. 2012/1903), where the scheme is designed to facilitate the enjoyment of the countryside, or to conserve or enhance its natural beauty or amenity”;
  - (b) yn is-baragraff (ii), yn lle “section 4(5)(b)” rhodder “section 16 of the Environment (Wales) Act 2016 that is designed to facilitate the enjoyment of the countryside, or to conserve or enhance its natural beauty or amenity”.
- (6) Yn adran 45(1), hepgorer “the NRBW or”.
- (7) Yn adran 47(3), hepgorer “section 4(5)(b) or”.

*Deddf Bywyd Gwyllt a Chefn Gwlad 1981 (p. 69)*

- 3 (1) Mae Deddf Bywyd Gwyllt a Chefn Gwlad 1981 wedi ei diwygio fel a ganlyn.
- (2) Yn adran 28E(3)(b) yn lle “, section 15 of the 1968 Act or section 7 of the Natural Environment and Rural Communities Act 2006” rhodder “, section 7 of the Natural Environment and Rural Communities Act 2006 or section 16 of the Environment (Wales) Act 2016”.
- (3) Yn adran 28J, hepgorer is-adran (13).
- (4) Yn adran 32, ar ôl is-adran (2) mewnosoder –
  - “(2A) Subsection (2) has effect in relation to Wales as if the reference to an agreement under section 16 of the 1949 Act or section 15 of the 1968 Act were a reference to an agreement under section 16 of the Environment (Wales) Act 2016.”
- (5) Yn adran 39(5), hepgorer paragraff (e).
- (6) Hepgorer adran 40.
- (7) Yn adran 41(5) –

- (4) In section 21(4) –
  - (a) omit “, the Natural Resources Body for Wales”;
  - (b) for “references in subsection (1) of sections sixteen and seventeen respectively of this Act to the national interest were references” substitute “reference in subsection (1) of section 17 of this Act to the national interest were a reference”.

*Countryside Act 1968 (c. 41)*

- 2 (1) The Countryside Act 1968 is amended as follows.
  - (2) Omit section 4.
  - (3) Omit section 15.
  - (4) In section 15A(6)(b), for “such agreement as is referred to in section 15(2)” substitute “an agreement under section 16 of the Environment (Wales) Act 2016 imposing, for the purpose of conserving flora, fauna, or geographical or physiographical features of special interest, restrictions on the exercise of rights over land by persons having an interest in the land”.
  - (5) In section 41(2)(b) –
    - (a) in sub-paragraph (i), for “section 4” substitute “an experimental scheme under article 10C of the Natural Resources Body for Wales (Establishment) Order 2012 (S.I. 2012/1903), where the scheme is designed to facilitate the enjoyment of the countryside, or to conserve or enhance its natural beauty or amenity”;
    - (b) in sub-paragraph (ii), for “section 4(5)(b)” substitute “section 16 of the Environment (Wales) Act 2016 that is designed to facilitate the enjoyment of the countryside, or to conserve or enhance its natural beauty or amenity”.
  - (6) In section 45(1), omit “the NRBW or”.
  - (7) In section 47(3), omit “section 4(5)(b) or”.

*Wildlife and Countryside Act 1981 (c. 69)*

- 3 (1) The Wildlife and Countryside Act 1981 is amended as follows.
  - (2) In section 28E(3)(b) for “, section 15 of the 1968 Act or section 7 of the Natural Environment and Rural Communities Act 2006” substitute “, section 7 of the Natural Environment and Rural Communities Act 2006 or section 16 of the Environment (Wales) Act 2016”.
  - (3) In section 28J, omit subsection (13).
  - (4) In section 32, after subsection (2) insert –
    - “(2A) Subsection (2) has effect in relation to Wales as if the reference to an agreement under section 16 of the 1949 Act or section 15 of the 1968 Act were a reference to an agreement under section 16 of the Environment (Wales) Act 2016.”
  - (5) In section 39(5), omit paragraph (e).
  - (6) Omit section 40.
  - (7) In section 41(5) –

- (a) yn y diffiniad o “management agreement”, ym mharagraff (b), ar ôl “39” mewnosoder “or under section 16 of the Environment (Wales) Act 2016”;
  - (b) yn y diffiniad o “the relevant authority” ar ôl “Natural England” mewnosoder “and in relation to Wales it also includes the Natural Resources Body for Wales”.
- (8) Yn adran 50(1)(a), hepgorer “or an agreement under section 16 of the 1949 Act or section 15 of the 1968 Act”.
- (9) Yn adran 51(1) –
- (a) ym mharagraff (c), hepgorer “or an agreement under section 16 of the 1949 Act or section 15 of the 1968 Act”;
  - (b) ym mharagraff (h), hepgorer “or an agreement under section 16 of the 1949 Act or section 15 of the 1968 Act”.

*Deddf Rheoleiddio Traffig Ffyrdd 1984 (p. 27)*

4 Yn adran 22(1)(a) o Ddeddf Rheoleiddio Traffig Ffyrdd 1984 –

- (a) yn is-baragraff (iv), yn lle “or the Natural Resources Body for Wales are conducting a scheme under section 4 of the 1968 Act” rhoedder “, or in which the Natural Resources Body for Wales is conducting a scheme under article 10C of the Natural Resources Body for Wales (Establishment) Order 2012 (S.I. 2012/1903) that is designed to facilitate the enjoyment of the countryside or to conserve or enhance its natural beauty or amenity”;
- (b) yn is-baragraff (v), hepgorer “or an agreement under section 15 of the 1968 Act”.

*Deddf y Diwydiant Dŵr 1991 (p. 56)*

5 Yn adran 156(8) o Ddeddf y Diwydiant Dŵr 1991, yn y diffiniad o “management agreement”, ym mharagraff (b), ar ôl “1981” mewnosoder “or section 16 of the Environment (Wales) Act 2016”.

*Deddf yr Amgylchedd 1995 (p. 25)*

6 (1) Mae Deddf yr Amgylchedd 1995 wedi ei diwygio fel a ganlyn.

(2) Yn adran 9(5)(b)(ii), hepgorer “, 5E”.

(3) Yn adran 66, ar ôl is-adran (7) mewnosoder –

“(7A) A National Park authority for a park in Wales which is proposing to publish, adopt or review any plan under this section must have regard to –

- (a) the state of natural resources report published under section 8 of the Environment (Wales) Act 2016, and
- (b) any area statement published under section 11 of that Act for an area that includes all or part of the park.”

- (a) in the definition of “management agreement”, in paragraph (b), after “39” insert “or under section 16 of the Environment (Wales) Act 2016”;
  - (b) in the definition of “the relevant authority”, after “Natural England” insert “and in relation to Wales it also includes the Natural Resources Body for Wales”.
- (8) In section 50(1)(a), omit “or an agreement under section 16 of the 1949 Act or section 15 of the 1968 Act”.
- (9) In section 51(1) –
- (a) in paragraph (c), omit “or an agreement under section 16 of the 1949 Act or section 15 of the 1968 Act”;
  - (b) in paragraph (h), omit “or an agreement under section 16 of the 1949 Act or section 15 of the 1968 Act”.

*Road Traffic Regulation Act 1984 (c. 27)*

- 4 In section 22(1)(a) of the Road Traffic Regulation Act 1984 –
- (a) in sub-paragraph (iv), for “or the Natural Resources Body for Wales are conducting a scheme under section 4 of the 1968 Act” substitute “, or in which the Natural Resources Body for Wales is conducting a scheme under article 10C of the Natural Resources Body for Wales (Establishment) Order 2012 (S.I. 2012/1903) that is designed to facilitate the enjoyment of the countryside or to conserve or enhance its natural beauty or amenity”;
  - (b) in sub-paragraph (v), omit “or an agreement under section 15 of the 1968 Act”.

*Water Industry Act 1991 (c. 56)*

- 5 In section 156(8) of the Water Industry Act 1991, in the definition of “management agreement”, in paragraph (b), after “1981” insert “or section 16 of the Environment (Wales) Act 2016”.

*Environment Act 1995 (c. 25)*

- 6 (1) The Environment Act 1995 is amended as follows.
- (2) In section 9(5)(b)(ii), omit “, 5E”.
  - (3) In section 66, after subsection (7) insert –
    - “(7A) A National Park authority for a park in Wales which is proposing to publish, adopt or review any plan under this section must have regard to –
    - (a) the state of natural resources report published under section 8 of the Environment (Wales) Act 2016, and
    - (b) any area statement published under section 11 of that Act for an area that includes all or part of the park.”

*Deddf Cefn Gwlad a Hawliau Tramwy 2000 (p. 37)*

7 Yn adran 90 o Ddeddf Cefn Gwlad a Hawliau Tramwy 2000, ar ôl is-adran (1) mewnosoder –

“(1A) In the case of an area of outstanding natural beauty in Wales, a conservation board or relevant local authority which is proposing to publish, adopt or review any plan under section 89 must have regard to –

- (a) the state of natural resources report published under section 8 of the Environment (Wales) Act 2016, and
- (b) any area statement published under section 11 of that Act for an area that includes all or part of the area of outstanding natural beauty.”

*Deddf Cynllunio a Phrynu Gorfodol 2004 (p. 5)*

8 (1) Mae Deddf Cynllunio a Phrynu Gorfodol 2004 wedi ei diwygio fel a ganlyn.

(2) Yn adran 60(5), fel y'i hamnewidiwyd gan adran 3 o Ddeddf 2015, cyn paragraff (a) mewnosoder –

“(za) the national natural resources policy published under section 9 of the Environment (Wales) Act 2016,”.

(3) Yn adran 62(5), ar ôl paragraff (ba), fel y'i mewnosodwyd gan baragraff 25 o Atodlen 2 i Ddeddf 2015, mewnosoder –

“(bb) any area statement published under section 11 of the Environment (Wales) Act 2016 for an area that includes all or part of the area of the authority;”.

(4) Yn y paragraff hwn, ystyr “Deddf 2015” yw Deddf Cynllunio (Cymru) 2015 (dccc 4).

*Deddf yr Amgylchedd Naturiol a Chymunedau Gwledig 2006 (p. 16)*

9 (1) Mae Deddf yr Amgylchedd Naturiol a Chymunedau Gwledig 2006 wedi ei diwygio fel a ganlyn.

(2) Yn adran 40 –

(a) cyn is-adran (1) mewnosoder –

“(A1) This section applies where –

- (a) Her Majesty's Revenue and Customs are exercising their functions;
- (b) any other public authority is exercising its functions in relation to England.”

(b) yn is-adran (1), yn lle “Every” rhodder “The”;

(c) yn is-adran (2) yn lle “, government department or the National Assembly for Wales” rhodder “or government department”;

(d) yn is-adran (4) –



*Countryside and Rights of Way Act 2000 (c. 37)*

- 7 In section 90 of the Countryside and Rights of Way Act 2000, after subsection (1) insert—
- “(1A) In the case of an area of outstanding natural beauty in Wales, a conservation board or relevant local authority which is proposing to publish, adopt or review any plan under section 89 must have regard to—
- (a) the state of natural resources report published under section 8 of the Environment (Wales) Act 2016, and
  - (b) any area statement published under section 11 of that Act for an area that includes all or part of the area of outstanding natural beauty.”

*Planning and Compulsory Purchase Act 2004 (c. 5)*

- 8 (1) The Planning and Compulsory Purchase Act 2004 is amended as follows.
- (2) In section 60(5), as substituted by section 3 of the 2015 Act, before paragraph (a) insert—
- “(za) the national natural resources policy published under section 9 of the Environment (Wales) Act 2016,”.
- (3) In section 62(5), after paragraph (ba), as inserted by paragraph 25 of Schedule 2 to the 2015 Act, insert—
- “(bb) any area statement published under section 11 of the Environment (Wales) Act 2016 for an area that includes all or part of the area of the authority;”.
- (4) In this paragraph, “the 2015 Act” means the Planning (Wales) Act 2015 (anaw 4).

*Natural Environment and Rural Communities Act 2006 (c. 16)*

- 9 (1) The Natural Environment and Rural Communities Act 2006 is amended as follows.
- (2) In section 40—
- (a) before subsection (1) insert—

“(A1) This section applies where—

    - (a) Her Majesty’s Revenue and Customs are exercising their functions;
    - (b) any other public authority is exercising its functions in relation to England.”
  - (b) in subsection (1), for “Every” substitute “The”;
  - (c) in subsection (2) for “, government department or the National Assembly for Wales” substitute “or government department”;
  - (d) in subsection (4)—

- (i) hepgorer paragraff (b);
- (ii) ym mharagraff (c), yn lle “, a local planning authority and a strategic planning panel” rhodder “and a local planning authority”;
- (e) yn is-adran (5), yn y diffiniad o “local authority” –
  - (i) ym mharagraff (a), yn lle “in relation to England, a county council” rhodder “a county council in England”;
  - (ii) hepgorer paragraff (b);
- (f) yn yr is-adran honno, hepgorer y diffiniad o “strategic planning panel”.
- (3) Hepgorer adran 42.
- (4) Yn Atodlen 11, hepgorer y canlynol –
  - (a) paragraffau 6 i 8;
  - (b) paragraff 14(4);
  - (c) paragraffau 41 a 42;
  - (d) ym mharagraff 43 –
    - (i) is-baragraffau (2) a (3);
    - (ii) yn is-baragraff (4), paragraffau (a), (b) ac (c)(i);
    - (iii) is-baragraff (5);
    - (iv) is-baragraff (7);
  - (e) paragraff 44;
  - (f) paragraff 50;
  - (g) paragraff 55(2);
  - (h) paragraff 57;
  - (i) paragraff 59;
  - (j) paragraff 80;
  - (k) paragraffau 117 i 121;
  - (l) paragraff 123;
  - (m) paragraff 126;
  - (n) paragraff 141(2)(b).

*Deddf Llesiant Cenedlaethau'r Dyfodol (Cymru) 2015 (dccc 2)*

- 10 (1) Mae Deddf Llesiant Cenedlaethau'r Dyfodol (Cymru) 2015 wedi ei diwygio fel a ganlyn.
- (2) Yn adran 11(3), yn lle'r geiriau ar ôl “nodau” rhodder “a bennir yn Trawsnewid ein byd: Agenda 2030 ar gyfer Datblygu Cynaliadwy, a fabwysiadwyd gan Gynulliad Cyffredinol y Cenedloedd Unedig gan benderfyniad A/Res/70/1 ar 25 Medi 2015”.
- (3) Yn adran 38(3), ar ôl paragraff (g) mewnosoder –

- (i) omit paragraph (b);
  - (ii) in paragraph (c), for “, a local planning authority and a strategic planning panel” substitute “and a local planning authority”;
  - (e) in subsection (5), in the definition of “local authority” –
    - (i) in paragraph (a), for “in relation to England, a county council” substitute “a county council in England”;
    - (ii) omit paragraph (b);
  - (f) in that subsection, omit the definition of “strategic planning panel”.
- (3) Omit section 42.
- (4) In Schedule 11, omit the following –
- (a) paragraphs 6 to 8;
  - (b) paragraph 14(4);
  - (c) paragraphs 41 and 42;
  - (d) in paragraph 43 –
    - (i) sub-paragraphs (2) and (3);
    - (ii) in sub-paragraph (4), paragraphs (a), (b) and (c)(i);
    - (iii) sub-paragraph (5);
    - (iv) sub-paragraph (7);
  - (e) paragraph 44;
  - (f) paragraph 50;
  - (g) paragraph 55(2);
  - (h) paragraph 57;
  - (i) paragraph 59;
  - (j) paragraph 80;
  - (k) paragraphs 117 to 121;
  - (l) paragraph 123;
  - (m) paragraph 126;
  - (n) paragraph 141(2)(b).

*Well-being of Future Generations (Wales) Act 2015 (anaw 2)*

- 10 (1) The Well-being of Future Generations (Wales) Act 2015 is amended as follows.
- (2) In section 11(3), for the words after “means” substitute “the goals set out in “Transforming our world: the 2030 Agenda for Sustainable Development”, adopted by the General Assembly of the United Nations by resolution A/Res/70/1 of 25 September 2015”.
- (3) In section 38(3), after paragraph (g) insert –

“(ga) pob datganiad ardal o dan adran 11 o Ddeddf yr Amgylchedd (Cymru) 2016 (os o gwbl) sy’n ymwneud ag unrhyw ran o ardal yr awdurdod lleol;”.

*Deddf Cynllunio (Cymru) 2015 (dccc 4)*

11 Yn Atodlen 2 i Ddeddf Cynllunio (Cymru) 2015, hepgorer paragraff 28.

## RHAN 2

### CODI TALIADAU AM FAGIAU SIOPA

*Deddf Newid yn yr Hinsawdd 2008 (p. 27)*

- 12 (1) Mae Deddf Newid yn yr Hinsawdd 2008 wedi ei diwygio fel a ganlyn.
- (2) Yn adran 77, hepgorer y canlynol—
- (a) is-adran (3)(b);
  - (b) is-adran (4)(aa).
- (3) Yn adran 98, hepgorer yr eitemau ar gyfer “children”, “nuisance”, “pollution” ac “young people”.
- (4) Yn Atodlen 6—
- (a) hepgorer paragraffau 4A a 4B;
  - (b) hepgorer paragraff 7(3A);
  - (c) hepgorer paragraff 8(2A);
  - (d) hepgorer paragraff 24(6)(b);
  - (e) hepgorer paragraff 25(5)(b);
  - (f) hepgorer paragraff 26(2)(a);
  - (g) hepgorer paragraff 27(5);
  - (h) yn y croesbennawd italig cyn paragraff 28, yn lle “two or more” rhodder “both”;
  - (i) ym mharagraff 28(1)—
    - (i) hepgorer “any two or more of”;
    - (ii) hepgorer paragraff (b) (ond nid yr “and” sy’n ei ddilyn).

*Mesur Gwastraff (Cymru) 2010 (mccc 8)*

- 13 (1) Mae Mesur Gwastraff (Cymru) 2010 wedi ei ddiwygio fel a ganlyn.
- (2) Hpgorer adrannau 1 a 2.
- (3) Yn yr Atodlen, hepgorer paragraff 2.

“(ga) each area statement under section 11 of the Environment (Wales) Act 2016 (if any) which relates to any part of the local authority’s area;”.

*Planning (Wales) Act 2015 (anaw 4)*

11 In Schedule 2 to the Planning (Wales) Act 2015, omit paragraph 28.

PART 2

CHARGES FOR CARRIER BAGS

*Climate Change Act 2008 (c. 27)*

12 (1) The Climate Change Act 2008 is amended as follows.

(2) In section 77, omit the following –

(a) subsection (3)(b);

(b) subsection (4)(aa).

(3) In section 98, omit the entries for “children”, “nuisance”, “pollution” and “young people”.

(4) In Schedule 6 –

(a) omit paragraphs 4A and 4B;

(b) omit paragraph 7(3A);

(c) omit paragraph 8(2A);

(d) omit paragraph 24(6)(b);

(e) omit paragraph 25(5)(b);

(f) omit paragraph 26(2)(a);

(g) omit paragraph 27(5);

(h) in the italic cross-heading before paragraph 28, for “two or more” substitute “both”;

(i) in paragraph 28(1) –

(i) omit “any two or more of”;

(ii) omit paragraph (b) (but not the following “and”).

*Waste (Wales) Measure 2010 (nawm 8)*

13 (1) The Waste (Wales) Measure 2010 is amended as follows.

(2) Omit sections 1 and 2.

(3) In the Schedule, omit paragraph 2.

## RHAN 3

## CASGLU A GWAREDU GWASTRAFF

*Deddf Diogelu'r Amgylchedd 1990 (p. 43)*

- 14 (1) Mae Deddf Diogelu'r Amgylchedd 1990 wedi ei diwygio fel a ganlyn.  
 (2) Ym mhennawd adran 45A, yn lle "Arrangements" rhodder "England: arrangements".  
 (3) Hepgorer adran 45B.

*Deddf Ailgylchu Gwastraff Cartrefi 2003 (p. 29)*

- 15 Yn Neddf Ailgylchu Gwastraff Cartrefi 2003, hepgorer adran 2.

*Deddf Llywodraeth Cymru 2006 (p. 32)*

- 16 Yn Atodlen 11 i Ddeddf Llywodraeth Cymru 2006, ym mharagraff 35(3), yn Nhabl 1, hepgorer yr eitem sy'n ymwneud ag adran 45B(1) o Ddeddf Diogelu'r Amgylchedd 1990.

*Mesur Gwastraff (Cymru) 2010 (mccc 8)*

- 17 (1) Mae Mesur Gwastraff (Cymru) 2010 wedi ei ddiwygio fel a ganlyn.  
 (2) Yn lle'r croesbennawd italig cyn adran 9 rhodder –  
*"Gwaredu ar safle tirlenwi neu drwy losgi".*  
 (3) Yn adran 11 –  
 (a) yn is-adran (1), ar ôl "9" mewnosoder "neu 9A";  
 (b) hepgorer is-adran (2).

## RHAN 4

## PWYLLGOR LLIFOGYDD AC ERYDU ARFORDIROL

*Deddf Cyrff Cyhoeddus (Derbyn i Gyfarfodydd) 1960 (p. 67)*

- 18 Yn yr Atodlen i Ddeddf Cyrff Cyhoeddus (Mynediad i Gyfarfodydd) 1960, ym mharagraff 1, ar ôl is-baragraff (i) mewnosoder –  
*"(ia) the Flood and Coastal Erosion Committee established by section 26B of the Flood and Water Management Act 2010;"*.

*Deddf Llywodraeth Leol 1974 (p. 7)*

- 19 Yn adran 25(1)(d) o Ddeddf Llywodraeth Leol 1974, hepgorer "for an area wholly or partly in England".

*Deddf Adnoddau Dŵr 1991 (p. 57)*

- 20 (1) Mae Deddf Adnoddau Dŵr 1991 wedi ei diwygio fel a ganlyn.  
 (2) Yn adran 118(7) –

PART 3

COLLECTION AND DISPOSAL OF WASTE

*Environmental Protection Act 1990 (c. 43)*

- 14 (1) The Environmental Protection Act 1990 is amended as follows.
- (2) In the heading of section 45A, for “Arrangements” substitute “England: arrangements”.
- (3) Omit section 45B.

*Household Waste Recycling Act 2003 (c. 29)*

- 15 In the Household Waste Recycling Act 2003, omit section 2.

*Government of Wales Act 2006 (c. 32)*

- 16 In Schedule 11 to the Government of Wales Act 2006, in paragraph 35(3), in Table 1, omit the entry relating to section 45B(1) of the Environmental Protection Act 1990.

*Waste (Wales) Measure 2010 (nawm 8)*

- 17 (1) The Waste (Wales) Measure 2010 is amended as follows.
- (2) For the italic cross-heading before section 9 substitute –
- “Disposal in a landfill or by incineration”.*
- (3) In section 11 –
- (a) in subsection (1), after “9” insert “or 9A”;
- (b) omit subsection (2).

PART 4

FLOOD AND COASTAL EROSION COMMITTEE

*Public Bodies (Admission to Meetings) Act 1960 (c. 67)*

- 18 In the Schedule to the Public Bodies (Admission to Meetings) Act 1960, in paragraph 1, after sub-paragraph (i) insert –
- “(ia) the Flood and Coastal Erosion Committee established by section 26B of the Flood and Water Management Act 2010;”.*

*Local Government Act 1974 (c. 7)*

- 19 In section 25(1)(d) of the Local Government Act 1974, omit “for an area wholly or partly in England”.

*Water Resources Act 1991 (c. 57)*

- 20 (1) The Water Resources Act 1991 is amended as follows.
- (2) In section 118(7) –

- (a) cyn “means” mewnosoder –  
 “ –  
 (a) in relation to the Agency,”;
- (b) ar ôl “2010” mewnosoder –  
 “, and  
 (b) in relation to the NRBW, means Wales, within the meaning of section 158 of the Government of Wales Act 2006”.
- (3) Yn adran 134(2), yn lle “appropriate agency” rhodder “Agency”.
- (4) Yn adran 138(3), ar ôl “relevant chargeable land” mewnosoder “(where that land is in England) or by the NRBW (where the relevant chargeable land is in Wales)”.
- (5) Yn adran 145, yn y diffiniad o “flood risk management region” –  
 (a) cyn “means” mewnosoder –  
 “ –  
 (a) in relation to the Agency,”;
- (b) ar ôl “2010” mewnosoder –  
 “, and  
 (b) in relation to the NRBW, means Wales, within the meaning of section 158 of the Government of Wales Act 2006”.
- (6) Yn Atodlen 26, ym mharagraff 7, yn y diffiniad o “the relevant Minister”, ym mharagraff (a)(ii), hepgorer “the whole or the greater part of which is”.

*Deddf Draenio Tir 1991 (p. 59)*

- 21 Yn adran 1(1)(a) o Ddeddf Draenio Tir 1991, ar ôl “2010” mewnosoder “or within Wales (within the meaning of section 158 of the Government of Wales Act 2006)”.

*Deddf yr Amgylchedd 1995 (p. 25)*

- 22 Yn adran 6 o Ddeddf yr Amgylchedd 1995 –  
 (a) yn is-adran (5), hepgorer “and the Natural Resources Body for Wales’ flood defence functions shall extend to the territorial sea adjacent to Wales”;
- (b) ar ôl is-adran (5) mewnosoder –  
 “(5A) The flood defence functions of the Natural Resources Body for Wales extend to the territorial sea adjacent to Wales.”

*Deddf Rhyddid Gwybodaeth 2000 (p. 36)*

- 23 Yn Rhan 6 o Atodlen 1 i Ddeddf Rhyddid Gwybodaeth 2000, ar ôl yr eitem ar gyfer y Pwyllgor Ymgynghorol ar Arfau Tanio mewnosoder –  
 “Flood and Coastal Erosion Committee or Pwyllgor Llifogydd ac Erydu Arfordirol.”



- (a) before “means” insert –
  - “ –
  - (a) in relation to the Agency,”;
- (b) after “2010” insert –
  - “, and
  - (b) in relation to the NRBW, means Wales, within the meaning of section 158 of the Government of Wales Act 2006”.
- (3) In section 134(2), for “appropriate agency” substitute “Agency”.
- (4) In section 138(3), after “relevant chargeable land” insert “(where that land is in England) or by the NRBW (where the relevant chargeable land is in Wales)”.
- (5) In section 145, in the definition of “flood risk management region” –
  - (a) before “means” insert –
    - “ –
    - (a) in relation to the Agency,”;
  - (b) after “2010” insert –
    - “, and
    - (b) in relation to the NRBW, means Wales, within the meaning of section 158 of the Government of Wales Act 2006”.
- (6) In Schedule 26, in paragraph 7, in the definition of “the relevant Minister”, in paragraph (a)(ii), omit “the whole or the greater part of which is”.

*Land Drainage Act 1991 (c. 59)*

- 21 In section 1(1)(a) of the Land Drainage Act 1991, after “2010)” insert “or within Wales (within the meaning of section 158 of the Government of Wales Act 2006)”.

*Environment Act 1995 (c. 25)*

- 22 In section 6 of the Environment Act 1995 –
  - (a) in subsection (5), omit “and the Natural Resources Body for Wales’ flood defence functions shall extend to the territorial sea adjacent to Wales”;
  - (b) after subsection (5) insert –
    - “(5A) The flood defence functions of the Natural Resources Body for Wales extend to the territorial sea adjacent to Wales.”

*Freedom of Information Act 2000 (c. 36)*

- 23 In Part 6 of Schedule 1 to the Freedom of Information Act 2000, after the entry for the Firearms Consultative Committee insert –
  - “Flood and Coastal Erosion Committee or Pwyllgor Llifogydd ac Erydu Arfordirol.”

*Deddf Ombwdsmon Gwasanaethau Cyhoeddus (Cymru) 2005 (p. 10)*

- 24 Yn Atodlen 3 i Ddeddf Ombwdsmon Gwasanaethau Cyhoeddus (Cymru) 2005, yn lle "A Regional Flood and Coastal Committee for an area wholly or partly in Wales" rhodder "The Flood and Coastal Erosion Committee".

*Deddf Rheoli Llifogydd a Dŵr 2010 (p. 29)*

- 25 (1) Mae Deddf Rheoli Llifogydd a Dŵr 2010 wedi ei diwygio fel a ganlyn.
- (2) Yn adran 6, ar y diwedd mewnosoder –
- “(17) “Wales” has the meaning given by section 158 of the Government of Wales Act 2006.”
- (3) Yn adran 17(4), ar ôl “section 23(3)” mewnosoder “for the Agency”.
- (4) Yn y croesbennawd italig cyn adran 22, ar ôl “Committees” mewnosoder “for regions in England”.
- (5) Yn adran 22 –
- (a) yn is-adran (1) –
- (i) yn lle “appropriate agency” rhodder “Environment Agency”;
- (ii) hepgorer “and Wales”;
- (iii) hepgorer y geiriau o “that is wholly or mainly in England” hyd ddiwedd yr is-adran;
- (b) yn is-adran (2) –
- (i) yn lle “Minister” rhodder “Secretary of State”;
- (ii) yn lle “appropriate agency” rhodder “Agency”;
- (c) hepgorer is-adran (3).
- (6) Yn adran 23 –
- (a) Yn is-adran (1) –
- (i) yn y geiriau agoriadol, yn lle “appropriate agency” rhodder “Environment Agency”;
- (ii) ym mharagraff (a), yn lle “appropriate agency” rhodder “Agency”;
- (iii) ym mharagraff (b), yn lle “appropriate agency’s” rhodder “Agency’s”;
- (b) yn is-adrannau (2) i (4), yn lle “appropriate agency” rhodder “Agency”.
- (7) Yn adran 24, yn lle “Minister” rhodder “Secretary of State”.
- (8) Yn adran 25 –
- (a) yn is-adran (1) –
- (i) yn y geiriau agoriadol, yn lle “Minister may direct the appropriate agency” rhodder “Secretary of State may direct the Environment Agency”;
- (ii) ym mharagraff (d), yn lle “Minister” rhodder “Secretary of State”;
- (b) yn is-adran (2), yn lle “appropriate agency” rhodder “Agency”;
- (c) yn is-adran (3), yn lle “Minister” rhodder “Secretary of State”.

*Public Services Ombudsman (Wales) Act 2005 (c. 10)*

- 24 In Schedule 3 to the Public Services Ombudsman (Wales) Act 2005, for “A Regional Flood and Coastal Committee for an area wholly or partly in Wales” substitute “The Flood and Coastal Erosion Committee”.

*Flood and Water Management Act 2010 (c. 29)*

- 25 (1) The Flood and Water Management Act 2010 is amended as follows.
- (2) In section 6, at the end insert –
- “(17) “Wales” has the meaning given by section 158 of the Government of Wales Act 2006.”
- (3) In section 17(4), after “section 23(3)” insert “for the Agency”.
- (4) In the italic cross-heading before section 22, after “Committees” insert “for regions in England”.
- (5) In section 22 –
- (a) in subsection (1) –
- (i) for “appropriate agency” substitute “Environment Agency”;
- (ii) omit “and Wales”;
- (iii) omit the words from “that is wholly or mainly in England” to the end of the subsection;
- (b) in subsection (2) –
- (i) for “Minister” substitute “Secretary of State”;
- (ii) for “appropriate agency” substitute “Agency”;
- (c) omit subsection (3).
- (6) In section 23 –
- (a) in subsection (1) –
- (i) in the opening words, for “appropriate agency” substitute “Environment Agency”;
- (ii) in paragraph (a), for “appropriate agency” substitute “Agency”;
- (iii) in paragraph (b), for “appropriate agency’s” substitute “Agency’s”;
- (b) in subsections (2) to (4), for “appropriate agency” substitute “Agency”.
- (7) In section 24, for “Minister” substitute “Secretary of State”.
- (8) In section 25 –
- (a) in subsection (1) –
- (i) in the opening words, for “Minister may direct the appropriate agency” substitute “Secretary of State may direct the Environment Agency”;
- (ii) in paragraph (d), for “Minister” substitute “Secretary of State”;
- (b) in subsection (2), for “appropriate agency” substitute “Agency”;
- (c) in subsection (3), for “Minister” substitute “Secretary of State”.

- (9) Hepgorer adrannau 26 a 26A.
- (10) Yn adran 49(3), hepgorer paragraff (c).

*Deddf Cyrff Cyhoeddus 2011 (p. 24)*

- 26 (1) Mae Deddf Cyrff Cyhoeddus 2011 wedi ei diwygio fel a ganlyn.
- (2) Yn adran 13 –
- (a) yn is-adran (1) –
    - (i) ar ddiwedd paragraff (b) mewnosoder “or”;
    - (ii) hepgorer paragraff (d) a’r “or” o’i flaen;
  - (b) hepgorer is-adran (4);
  - (c) hepgorer is-adrannau (8) a (9).
- (3) Yn adran 36(1), yn y diffiniad o “cross-border operator” –
- (a) ar ddiwedd paragraff (za), mewnosoder “or”;
  - (b) hepgorer paragraff (b) a’r “or” o’i flaen.

*Deddf Dŵr 2014 (p. 21)*

- 27 Yn Atodlen 10 i Ddeddf Dŵr 2014, hepgorer paragraff 18.

## RHAN 5

## IS-DDEDDFAU

*Deddf Parciau Cenedlaethol a Mynediad i Gefn Gwlad 1949 (p. 97)*

- 28 (1) Mae Deddf Parciau Cenedlaethol a Mynediad i Gefn Gwlad 1949 wedi ei diwygio fel a ganlyn.
- (2) Yn adran 106(5), yn lle “Countryside Council for Wales” rhodder “Natural Resources Body for Wales”.
- (3) Yn adran 106A, yn y pennawd ac yn is-adran (1), yn lle “Countryside Council for Wales” rhodder “Natural Resources Body for Wales”.

*Deddf Cefn Gwlad 1968 (p. 41)*

- 29 Yn adran 41(7A) o Ddeddf Cefn Gwlad 1968, yn lle “Council” rhodder “NRBW”.

*Deddf Is-ddeddfau Llywodraeth Leol (Cymru) 2012 (dccc 2)*

- 30 (1) Mae Deddf Is-ddeddfau Llywodraeth Leol (Cymru) 2012 wedi ei diwygio fel a ganlyn.
- (2) Yn adran 3(d), yn lle “Cyngor Cefn Gwlad Cymru” rhodder “Corff Adnoddau Naturiol Cymru”.
- (3) Yn adran 7(8)(b), yn lle “Gyngor Cefn Gwlad Cymru” rhodder “Gorff Adnoddau Naturiol Cymru”.
- (4) Yn adran 8(8), yn y geiriau agoriadol –

- (9) Omit sections 26 and 26A.
- (10) In section 49(3), omit paragraph (c).

*Public Bodies Act 2011 (c. 24)*

- 26 (1) The Public Bodies Act 2011 is amended as follows.
- (2) In section 13 –
    - (a) in subsection (1) –
      - (i) at the end of paragraph (b), insert “or”;
      - (ii) omit paragraph (d) and the “or” before it;
    - (b) omit subsection (4);
    - (c) omit subsections (8) and (9).
  - (3) In section 36(1), in the definition of “cross-border operator” –
    - (a) at the end of paragraph (za), insert “or”;
    - (b) omit paragraph (b) and the “or” before it.

*Water Act 2014 (c. 21)*

- 27 In Schedule 10 to the Water Act 2014, omit paragraph 18.

PART 5

BYELAWS

*National Parks and Access to the Countryside Act 1949 (c. 97)*

- 28 (1) The National Parks and Access to the Countryside Act 1949 is amended as follows.
- (2) In section 106(5), for “Countryside Council for Wales” substitute “Natural Resources Body for Wales”.
  - (3) In section 106A, in the heading and in subsection (1), for “Countryside Council for Wales” substitute “Natural Resources Body for Wales”.

*Countryside Act 1968 (c. 41)*

- 29 In section 41(7A) of the Countryside Act 1968, for “Council” substitute “NRBW”.

*Local Government Byelaws (Wales) Act 2012 (anaw 2)*

- 30 (1) The Local Government Byelaws (Wales) Act 2012 is amended as follows.
- (2) In section 3(d), for “Countryside Council for Wales” substitute “Natural Resources Body for Wales”.
  - (3) In section 7(8)(b), for “Countryside Council for Wales” substitute “Natural Resources Body for Wales”.
  - (4) In section 8(8), in the opening words –

- (a) yn lle “Gyngor Cefn Gwlad Cymru” rhodder “Gorff Adnoddau Naturiol Cymru”;
  - (b) yn lle “i’r Cyngor” rhodder “i’r Corff”.
- (5) Yn Atodlen 2, hepgorer paragraff 11.

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(a) for “Countryside Council for Wales” substitute “Natural Resources Body for Wales”;

(b) for “the Council” substitute “the Body”.

(5) In Schedule 2, omit paragraph 11.

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