CYNULLIAD CENEDLAETHOL CYMRU

OFFERYNNAU STATUDOL

2001 Rhif 2351 (Cy. 191) (C. 79)

DIOGELU'R AMGYLCHEDD,CYMRU

Gorchymyn Deddf yr Amgylchedd 1995 (Cychwyn a Darpariaeth Arbed Tir Halogedig) (Cymru) 2001

NODYN ESBONIADOL

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

Mae Erthygl 2 o'r Gorchymyn yn dod ag amryfal ddarpariaethau Deddf yr Amgylchedd 1995 ("Deddf 1995") i rym mewn perthynas â Chymru ar 1 Gorffennaf 2001.

Mae Erthygl 2(a) yn dod ag adran 57 o Ddeddf 1995 i rym, sef adran sy'n mewnosod Rhan IIA yn Neddf Diogelu'r Amgylchedd 1990 ("Deddf 1990").

Mae Erthygl 2(b) yn dod ag adran 120(1) o Ddeddf 1995 i rym i'r graddau y mae'n ymwneud â'r paragraffau canlynol yn Atodlen 22 -

(a) paragraff 79, sy'n darparu i effaith adran 61 o Ddeddf 1990 (dyletswydd awdurdodau rheoleiddio gwastraff mewn perthynas â safleoedd tirlenwi a gaewyd) ddarfod;

(b) paragraff 89, sy'n diwygio adran 79 o Ddeddf 1990 (niwsansau statudol ac archwiliadau ar eu cyfer);

(c) paragraff 91, sy'n darparu i effaith adran 143 o Ddeddf 1990 (cofrestrau cyhoeddus tir a all fod wedi'i halogi) ddarfod; ac (ch) paragraff 92, sy'n diwygio adran 161(4) o Ddeddf 1990 (rheoliadau, gorchmynion a chyfarwyddiadau).

Mae Erthygl 2(c) yn dod ag adran 120(3) o Ddeddf 1995 i rym i'r graddau y mae'n ymwneud â diddymu adrannau 61 a 143 o Ddeddf 1990 yn Atodlen 24.

NATIONAL ASSEMBLY FOR WALES

STATUTORY INSTRUMENTS

2001 No. 2351 (W. 191) (C. 79)

ENVIRONMENTAL PROTECTION,WALES

The Environment Act 1995 (Commencement and Saving Provision) (Wales) Order 2001

EXPLANATORY NOTE

(This note is not part of the Order)

Article 2 of this Order brings various provisions of the Environment Act 1995 ("the 1995 Act") into force in respect of Wales on 1 July 2001.

Article 2(a) brings into force section 57 of the 1995 Act, which inserts a new Part IIA in the Environmental Protection Act 1990 ("the 1990 Act").

Article 2(b) brings into force section 120(1) of the 1995 Act in so far as it relates to the following paragraphs in Schedule 22 -

(a) paragraph 79, which provides for section 61 of the 1990 Act (duty of waste regulation authorities as respects closed landfills) to cease to have effect;

(b) paragraph 89, which amends section 79 of the 1990 Act (statutory nuisances and inspections therefor);

(c) paragraph 91, which provides for section 143 of the 1990 Act (public registers of land which may be contaminated) to cease to have effect; and (d) paragraph 92, which amends section 161(4) of the 1990 Act (regulations, orders and directions).

Article 2(c) brings into force 120(3) of the 1995 Act in so far as it relates to the repeal in Schedule 24 of sections 61 and 143 of the 1990 Act.

Mae Erthygl 3 yn gwneud darpariaeth eithrio mewn cysylltiad â chychwyn paragraff 89 o Atodlen 22 i Ddeddf 1995.

Article 3 makes saving provision in connection with the commencement of paragraph 89 of Schedule 22 to the 1995 Act.

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DIOGELU'R AMGYLCHEDD,CYMRU

Gorchymyn Deddf yr Amgylchedd 1995 (Cychwyn a Darpariaeth Arbed Tir Halogedig) (Cymru) 2001

Wedi'i wneud *12 Mehefin 2001*

Mae Cynulliad Cenedlaethol Cymru, drwy arfer y pwerau a roddwyd i'r Ysgrifennydd Gwladol gan adran 125(3) a (4) o Ddeddf yr Amgylchedd 1995(**a**) sydd bellach wedi'u breinio yng Nghynulliad Cenedlaethol Cymru(**b**), drwy hyn yn gwneud y Gorchymyn canlynol:

Enwi, dehongli a chymhwyso

1.-(1) Enw'r Gorchymyn hwn yw Gorchymyn Deddf yr Amgylchedd 1995 (Cychwyn a Darpariaeth Arbed Tir Halogedig) (Cymru) 2001.

(2) Yn y Gorchymyn hwn:

ystyr "Deddf 1990 " ("the 1990 Act") yw Deddf Diogelu'r Amgylchedd 1990(**c**)

ystyr "Deddf 1995 " ("the 1995 Act") yw Deddf yr Amgylchedd 1995;

(3) Mae unrhyw gyfeiriad yn y Gorchymyn hwn at adran neu Atodlen a rifwyd yn gyfeiriad at yr adran neu Atodlen sy'n dwyn y rhif hwnnw yn Neddf 1995 onibai bod datganiad pendant i'r gwrthwyneb.

(4) Mae'r Gorchymyn hwn yn gymwys i Gymru.

2.- Yn ddarostyngedig i baragraff (2) isod, bydd darpariaethau canlynol Deddf 1995 (i'r graddau nad ydynt eisoes mewn grym) yn dod i rym ar 1 Gorffennaf 2001:-

(a) adran 57;

(b) adran 120(1) i'r graddau y mae'n ymwneud â pharagraffau 79, 89, 91 a 92 o Atodlen 22; ac

(a) 1995 p.25

(b) Mae pwerau'r Ysgrifennydd Gwladol i'r graddau y maent yn arferadwy mewn perthynas â Chymru wedi'u trosglwyddo i Gynulliad Cenedlaethol Cymru: gweler Erthygl 2 o Orchymyn Cynulliad Cenedlaethol Cymru (Trosglwyddo Swyddogaethau) 1999 (O.S. 1999/672) ac Atodlen 1 iddo.

(c) 1990 p.43

STATUTORYINSTRUMENTS

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ENVIRONMENTAL PROTECTION,WALES

The Environment Act 1995 (Commencement and Saving Provision) (Wales) Order 2001

Made *12th June 2001*

The National Assembly for Wales, in exercise of the powers conferred on the Secretary for State by section 125(3) and (4) of the Environment Act 1995 (**a**) and now vested in it (**b**), hereby makes the following Order:

Citation, interpretation and application

1.- (1) This Order may be cited as the Environment Act 1995 (Commencement and Saving Provision) (Wales) Order 2001.

(2) In this Order:

"the 1990 Act" ("Deddf 1990") means the Environmental Protection Act 1990(**c**)

"the 1995 Act" ("Deddf 1995") means the Environment Act 1995;

(3) Any reference in this Order to a numbered section or Schedule is a reference to the section or Schedule bearing that number in the 1995 Act except where otherwise expressly provided.

(4) This Order applies to Wales.

2.- Subject to paragraph (2) below, the following provisions of the 1995 Act shall (insofar as not already in force) come into force on 1 July 2001:-

(a) section 57;

(b) section 120(1) in so far as it relates to paragraphs 79, 89, 91 and 92 of Schedule 22; and

(a) 1995 c.25.

(b) The powers of the Secretary of State in so far as exercisable in relation to Wales have been transferred to the National Assembly of Wales: see Article 2 of and Schedule 1 to the National Assembly for Wales (Transfer of Functions) Order 1999 (S.I. 1999/672)

(c) 1990 c.43

(c) adran 120(3) i'r graddau y mae'n ymwneud â diddymu adrannau 61 a 143 o Ddeddf 1990 yn Atodlen 24.

Darpariaeth arbed

3. Os oes, cyn 1 Gorffennaf 2001, -

(a) hysbysiad atal niwsans wedi'i gyflwyno o dan adran 80(1) o Ddeddf 1990; neu

(b) cŵyn wedi'i chyflwyno i lys ynadon o dan adran 82(1) o Ddeddf 1990 neu os oes gorchymyn wedi'i wneud o dan adran 82(2) o'r Ddeddf honno,

cyn 1 Gorffennaf 2001, bydd yr hysbysiad, y gŵyn neu'r gorchymyn ac unrhyw achos sy'n dilyn yn eu sgil yn parhau'n effeithiol er gwaethaf y diwygiadau a wnaed i adran 79 o Ddeddf 1990 gan baragraff 89 o Atodlen 22 i Ddeddf 1995.

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

12 Mehefin 2001

D. Elis Thomas

Llywydd y Cynulliad Cenedlaethol

(a) 1998 p. 38

(c) section 120(3) in so far as it relates to the repeal in Schedule 24 of sections 61 and 143 of the 1990 Act.

Saving provision

3. Where, before 1 July 2001, -

(a) an abatement notice has been served under section 80(1) of the 1990 Act; or

(b) a complaint has been made to a magistrates' court under section 82(1) of the 1990 Act or an order made under section 82(2) of that Act,

it, and any proceedings consequent upon any such notice, complaint or order, shall continue to have effect notwithstanding the amendments made to section 79 of the 1990 Act by paragraph 89 of Schedule 22 to the 1995 Act.

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

12th June 2001

D. Elis Thomas

The Presiding Officer of the National Assembly

(a) 1998 c.38

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