



CYNULLIAD CENEDLAETHOL CYMRU

NATIONAL ASSEMBLY FOR WALES

OFFERYNNAU STATUDOL

STATUTORY INSTRUMENTS

**2002 Rhif 784 (Cy.85)**

**2002 No. 784 (W.85)**

**DIOGELU'R AMGYLCHEDD,  
CYMRU**

**ENVIRONMENTAL  
PROTECTION, WALES**

Gorchymyn Diddymu Pwyllgor  
Ymgynghorol dros Gymru  
(Asiantaeth yr Amgylchedd) 2002

The Advisory Committee for Wales  
(Environment Agency) Abolition  
Order 2002

**NODYN ESBONIADOL**

**EXPLANATORY NOTE**

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

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

Sefydlodd adran 11 o Ddeddf yr Amgylchedd 1995 ("Deddf 1995") Bwyllgor ("y Pwyllgor Ymgynghorol") er mwyn cynghori'r Ysgrifennydd Gwladol mewn perthynas â materion sy'n effeithio ar gyflawni swyddogaethau Asiantaeth yr Amgylchedd yng Nghymru neu sy'n gysylltiedig â hwy.

Section 11 of the Environment Act 1995 ("the 1995 Act") established a Committee ("the Advisory Committee") for advising the Secretary of State with respect to matters affecting, or otherwise connected with, the carrying out in Wales of the Environment Agency's functions.

Effaith Erthygl 2 o Orchymyn Cynulliad Cenedlaethol Cymru (Trosglwyddo Swyddogaethau) 1999, ac Atodlen 1 iddo, yw ei bod yn ofynnol bellach i'r Pwyllgor Ymgynghorol gynghori Cynulliad Cenedlaethol Cymru ("y Cynulliad Cenedlaethol").

The effect of Article 2 of, and Schedule 1 to, the National Assembly for Wales (Transfer of Functions) Order 1999 is that the Advisory Committee is now required to advise the National Assembly for Wales ("the National Assembly").

Pennwyd y Pwyllgor Ymgynghorol yn Rhan I o Atodlen 4 i Ddeddf Llywodraeth Cymru 1998 ("Deddf 1998") yn gorff y gall y Cynulliad Cenedlaethol drosglwyddo ei swyddogaethau i'r Cynulliad Cenedlaethol ei hun trwy Orchymyn o dan adran 28(1) o Ddeddf 1998.

The Advisory Committee is specified in Part I of Schedule 4 of the Government of Wales Act 1998 ("the 1998 Act") as a body whose statutory functions the National Assembly may, by Order under section 28(1) of the 1998 Act, transfer to the National Assembly itself.

Mae adran 28(2) o Ddeddf 1998 yn darparu y gall y Cynulliad Cenedlaethol, trwy Orchymyn, ddiddymu swyddogaeth corff felly yn hytrach na'i throsglwyddo i'r Cynulliad Cenedlaethol os yw'r swyddogaeth yn gofyn am i rywbeth gael ei wneud mewn perthynas â'r Cynulliad Cenedlaethol (swyddogaeth cynghori'r Cynulliad Cenedlaethol ei hun yn yr achos hwn).

Section 28(2) of the 1998 Act provides that the National Assembly may, by Order, abolish a function of such a body instead of transferring it to the National Assembly if the function requires something to be done in relation to the National Assembly (in this case a function of advising the National Assembly itself).

Mae adran 28(3) o Ddeddf 1998 yn darparu bod y Cynulliad Cenedlaethol yn gallu diddymu corff a bennwyd yn Rhan I o Atodlen 4 i Ddeddf 1998, trwy Orchymyn, os bydd pob un o swyddogaethau statudol y corff yn cael eu trosglwyddo neu eu diddymu.

Section 28(3) of the 1998 Act provides that the National Assembly may by Order abolish a body specified in Part I of Schedule 4 of the 1998 Act if each of the statutory functions of the body are transferred or abolished.

Mae adran 28(4) o Ddeddf 1998 yn darparu y gall Gorchymyn a wnaed o dan adran 28(3) gynnwys darpariaeth ar gyfer trosglwyddo unrhyw eiddo, hawliau neu rwymedigaethau'r corff hwnnw.

Mae adran 28(7) o Ddeddf 1998 yn darparu y gall Gorchymyn o dan adran 28 gynnwys darpariaethau canlyniadol priodol gan gynnwys diddymu deddfiadau.

Effaith erthyglau 2(1) a 2(2) o'r Gorchymyn hwn yw diddymu'r Pwyllgor Ymgynghorol a'r darpariaeth statudol o dan yr hyn y sefydlwyd y Pwyllgor. Bwriedir y bydd y Cynulliad Cenedlaethol o hyn allan yn casglu gwybodaeth yn uniongyrchol mewn perthynas â'r materion hynny y bu'r Pwyllgor Ymgynghorol yn cynghori'r Cynulliad Cenedlaethol arnynt hyd yn hyn.

Mae unrhyw eiddo, hawliau neu rwymedigaethau'r Pwyllgor Ymgynghorol, trwy erthygl 2(3), yn cael eu trosglwyddo i'r Cynulliad Cenedlaethol.

Section 28(4) of the 1998 Act provides that an Order made under section 28(3) may include provision for the transfer of any property, rights or liabilities of that body.

Section 28(7) of the 1998 Act provides that an Order under section 28 may contain appropriate consequential provisions including the repeal of enactments.

The effect of articles 2(1) and 2(2) of this Order is to abolish the Advisory Committee and to repeal the statutory provision under which the Committee was established. It is intended that the National Assembly will in future inform itself directly in relation to those matters on which the National Assembly was previously advised by the Advisory Committee.

Any property, rights or liabilities of the Advisory Committee are, by article 2(3), transferred to the National Assembly.

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Ymgynghorol dros Gymru  
(Asiantaeth yr Amgylchedd) 2002

The Advisory Committee for Wales  
(Environment Agency) Abolition  
Order 2002

*Wedi'i wneud*

*21 Mawrth 2002*

*Made*

*21st March 2002*

*Yn dod i rym*

*1 Ebrill 2002*

*Coming into force*

*1st April 2002*

GAN FOD adran 28(1) o Ddeddf Llywodraeth Cymru 1998(a), ("Deddf 1998"), a rhan 1 o Atodlen 4 iddi yn rhoi i Gynulliad Cenedlaethol Cymru ("y Cynulliad Cenedlaethol") y pŵer i drosglwyddo i'r Cynulliad Cenedlaethol swyddogaethau statudol y Pwyllgor ("y Pwyllgor Ymgynghorol") a sefydlwyd o dan adran 11(1) o Ddeddf yr Amgylchedd 1995(b) ("Deddf 1995");

WHEREAS section 28(1) of and part 1 of Schedule 4 to the Government of Wales Act 1998(a), ("the 1998 Act") empower the National Assembly for Wales ("the National Assembly") to transfer to the National Assembly the statutory functions of the Committee ("the Advisory Committee") established under section 11(1) of the Environment Act 1995(b) ("the 1995 Act");

A CHAN FOD y Cynulliad Cenedlaethol o'r farn bod swyddogaethau statudol y Pwyllgor Ymgynghorol, sef swyddogaethau cynghori'r Cynulliad Cenedlaethol mewn perthynas â materion sy'n effeithio ar weithredu swyddogaethau Asiantaeth yr Amgylchedd yng Nghymru, neu sy'n gysylltiedig â hwy, yn swyddogaethau sy'n gofyn am i gyngor gael ei roi i'r Cynulliad Cenedlaethol ei hun, ac felly yn syrthio y tu mewn i adran 28(2)(a) o Ddeddf 1998;

AND WHEREAS the National Assembly considers that the statutory functions of the Advisory Committee, namely the functions of advising the National Assembly with respect to matters affecting, or otherwise connected with, the carrying out in Wales of the Environment Agency's functions, are functions which require advice to be given to the National Assembly itself, and therefore fall within section 28(2)(a) of the 1998 Act;

YN AWR FELLY mae'r Cynulliad Cenedlaethol, trwy arfer ei bwerau o dan adran 28 o Ddeddf 1998 a rhan 1 o Atodlen 4 iddi, trwy hyn yn gwneud y Gorchymyn canlynol:

NOW THEREFORE the National Assembly, in exercise of its powers under section 28 of and part 1 of Schedule 4 to the 1998 Act hereby makes the following Order:

**Enwi, cychwyn, dehongli a chymhwyso****Citation, commencement, interpretation and application**

1.-(1) Enw'r Gorchymyn hwn yw Gorchymyn Diddymu Pwyllgor Ymgynghorol dros Gymru (Asiantaeth yr Amgylchedd) 2002.

1.-(1) This Order may be cited as the Advisory Committee for Wales (Environment Agency) Abolition Order 2002.

(2) Daw'r Gorchymyn hwn i rym ar 1 Ebrill 2002.

(2) This Order comes into force on 1st April 2002.

(3) Yny Gorchymyn hwn ystyr "y Pwyllgor Ymgynghorol" ("*the Advisory Committee*") yw'r pwyllgor a sefydlwyd o dan adran 11 o Ddeddf 1995 i gynghori ynglyn â materion sy'n effeithio ar weithredu

(3) In this Order "The Advisory Committee" ("*y Pwyllgor Ymgynghorol*") means the committee established under section 11 of the 1995 Act to advise with respect to matters affecting or otherwise

(a) 1998 p.38.

(b) 1995 p.25.

(a) 1998 c.38.

(b) 1995 c.25.

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

### **Diddymu'r Pwyllgor Ymgynghorol a darpariaethau ôl-ddilynol**

2.-(1) Diddymir y Pwyllgor Ymgynghorol a'i swyddogaethau.

(2) Diddymir adran 11 o Ddeddf 1995.

(3) Trosglwyddir i'r Cynulliad Cenedlaethol yr holl eiddo a hawliau sy'n eiddo i'r Pwyllgor Ymgynghorol ac unrhyw rwymedigaethau sydd ar y Pwyllgor Ymgynghorol.

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

21 Mawrth 2002

*D. Elis-Thomas*

Llywydd y Cynulliad Cenedlaethol

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(a) 1998 p.38.

connected with, the carrying out in Wales of the Environment Agency's functions.

(4) This Order applies to Wales.

### **Abolition of the Advisory Committee and consequential provisions**

2. -(1) The Advisory Committee and its functions are abolished.

(2) Section 11 of the 1995 Act is repealed.

(3) All property or rights to which the Advisory Committee is entitled and any liabilities to which the Advisory Committee is subject are transferred to the National Assembly.

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

21st March 2002

The Presiding Officer of the Assembly

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(a) 1998 c.38.

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