

Cynulliad  
Cenedlaethol  
Cymru  
National  
Assembly for  
Wales



## RHESTR O WELLIANNAU WEDI'U DIDIOLI MARSHALLED LIST OF AMENDMENTS

### Mesur Arfaethedig ynghylch Gwastraff (Cymru) Proposed Waste (Wales) Measure

Mae'r gwelliannau â \* ar eu bwys yn rhai newydd neu'n rhai sydd wedi'u haddasu  
Amendments marked \* are new or have been altered

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Caiff y Mesur ei ystyried yn y drefn a ganlyn –

The Measure will be considered in the following order –

Sections 1-16	Adrannau 1-16
Schedule	Atodlen
Sections 17-20	Adrannau 17-20
New Sections	Adrannau Newydd
Long Title	Teitl Hir

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**Brian Gibbons**

**13**

Section 1, page 3, after line 24, insert –

'( ) persons or bodies established for the purpose or purposes of supporting charities, voluntary organisations and social enterprises established in connection with one or more specified purposes.'

Adran 1, tudalen 3, ar ôl llinell 25, ychwanegwch –

- ‘( ) persons or bodies established for the purpose or purposes of supporting charities, voluntary organisations and social enterprises established in connection with one or more specified purposes.’.

**Jane Davidson**

**1**

Section 1, page 4, line 6, after ‘purposes’, insert ‘(this includes making provision to the effect that such sums are not to be paid into the Welsh Consolidated Fund)’.

Adran 1, tudalen 4, llinell 6, ar ôl ‘purposes’, ychwanegwch ‘(this includes making provision to the effect that such sums are not to be paid into the Welsh Consolidated Fund)’.

**Brian Gibbons**

**14**

Section 1, page 4, after line 27, insert –

- ‘(8) Prior to making regulations under this paragraph the Welsh Ministers shall –
- (a) have regard to any existing application by sellers of the net proceeds, and
  - (b) in regulations made under this paragraph provide that a seller shall be exempt from any requirement contained in the regulations.’.

Adran 1, tudalen 4, ar ôl llinell 27, ychwanegwch –

- ‘(8) Prior to making regulations under this paragraph the Welsh Ministers shall –
- (a) have regard to any existing application by sellers of the net proceeds, and
  - (b) in regulations made under this paragraph provide that a seller shall be exempt from any requirement contained in the regulations.’.

**Brian Gibbons**

**16**

Section 3, page 6, after line 32, insert –

- ‘( ) Two or more local authorities may agree that a target specified in subsection (3) shall be the combined target of the said authorities.
- ( ) An agreement made under subsection [ ] may provide for proportionate responsibility for payment of any penalty imposed under subsection (7).’.

Adran 3, tudalen 6, ar ôl llinell 34, ychwanegwch –

- ‘( ) Caiff dau awdurdod lleol neu fwy gytuno mai targed a bennir yn is-adran (3) fydd targed cyfunol yr awdurdodau hynny.
- ( ) Caiff cytundeb a wneir o dan is-adran [ ] ddarparu ar gyfer cyfrifoldeb cymesur dros dalu am unrhyw gosb a osodir o dan is-adran (7).’.

**Brian Gibbons**

15

Section 4, page 7, line 7, after 'treating' insert ', preparing for re-use'.

Adran 4, tudalen 7, llinell 8, ar ôl 'trin' ychwanegwch ', paratoi i aildefnyddio'.

**Jane Davidson**

2

Section 5, page 7, line 17, leave out 'the Welsh Ministers' and insert 'specified persons in a specified form or manner'.

Adran 5, tudalen 7, llinell 20, gadewch allan 'Weinidogion Cymru' a rhowch yn ei le 'bersonau penodedig ar ffurf benodedig neu mewn dull penodedig'.

**Jane Davidson**

4

Section 7, page 8, line 3, after '6,', insert 'or giving guidance under section 8,'.

Adran 7, tudalen 8, llinell 3, ar ôl '6,', ychwanegwch 'neu roi canllawiau o dan adran 8,'.

**Jane Davidson**

3

Move Section 8 and insert after Section 6.

Symudwch Adran 8 a'i rhoi ar ôl Adran 6.

**Jane Davidson**

5

Adran 10, tudalen 8, llinell 33, gadewch allan 'os' a rhowch yn ei le 'pe byddai'.

(Nid oes angen diwygio'r fersiwn Saesneg. There is no need to amend the English version.)

**Jane Davidson**

6

Adran 10, tudalen 8, llinell 35, gadewch allan 'yr oedd'.

(Nid oes angen diwygio'r fersiwn Saesneg. There is no need to amend the English version.)

**Jane Davidson**

7

Adran 10, tudalen 8, llinell 36, gadewch allan 'yr oedd'.

(Nid oes angen diwygio'r fersiwn Saesneg. There is no need to amend the English version.)

**Jane Davidson**

8

Adran 10, tudalen 9, llinell 6, gadewch allan 'bônt' a rhowch yn ei le 'maent'.

(Nid oes angen diwygio'r fersiwn Saesneg. There is no need to amend the English version.)

**Jane Davidson**

9

Section 13, page 10, line 17, leave out '(b)' and insert '(c)'.

Adran 13, tudalen 10, llinell 21, gadewch allan '(b)' a rhowch yn ei le '(c)'.

**Jane Davidson**

10

Section 13, page 10, after line 18, insert –

- '( ) The regulations may not create offences that are –
  - (a) punishable by imprisonment, or
  - (b) punishable on summary conviction by a fine exceeding £50,000.
- ( ) The regulations may not create offences for failure to comply with provision made under section 12(2)(e) that are punishable on summary conviction by a fine exceeding level 5 on the standard scale.'

Adran 13, tudalen 10, ar ôl llinell 23, ychwanegwch –

- '( ) Ni chaniateir i'r rheoliadau greu tramgwyddau –
  - (a) y gellir eu cosbi â chyfnod yn y carchar, neu
  - (b) y gellir eu cosbi ar gollfarn ddiannod â dirwy sy'n fwy na £50,000.
- ( ) Ni chaniateir i'r rheoliadau greu tramgwyddau o fethu â chydymffurfio â darpariaeth a wneir o dan adran 12(2)(e) y gellir eu cosbi ar gollfarn ddiannod â dirwy sy'n fwy na lefel 5 ar y raddfa safonol.'

**Jane Davidson**

12

Section 18, page 11, line 35, after '9', insert ', or [insert reference to section inserted by amendment 11]'.

Adran 18, tudalen 11, llinell 36, ar ôl '9', ychwanegwch ', neu [ychwanegwch gyfeiriad at yr adran a ychwanegir gan welliant 11]'.

**\*Peter Black**

17

**Gyda chefnogaeth / Supported by: Jonathan Morgan**

Section 19, page 12, after line 7, insert –

‘( ) Sections 12 to [ ] come into force on 31st December 2011.’.

Adran 19, tudalen 12, ar ôl llinell 9, ychwanegwch –

‘( ) Daw adrannau 12 i [ ] i rym ar 31 Rhagfyr 2011.’ .

**Jane Davidson**

11

To insert a new Section –

**‘( ) Civil sanctions in respect of site waste management plans**

- (1) This section applies where the power to make regulations in section 13 has been or is being exercised so as to create an offence.
- (2) Regulations may make provision, in relation to an enforcement authority, which could be made by an order under Part 3 of the Regulatory Enforcement and Sanctions Act 2008 (“RESA 2008”) if, for the purposes of Part 3 of that Act –
  - (a) the enforcement authority were a regulator, and
  - (b) the offence were a relevant offence in relation to that regulator.
- (3) But section 49(1) of RESA 2008 is modified in its application to offences created by the regulations so that the reference to “£20,000” is to be read as a reference to “level 5 on the standard scale”.
- (4) Sections 63 to 69 of RESA 2008 apply to provision made under or by virtue of regulations under section 13 as they apply to provision made under or by virtue of Part 3 of RESA 2008.
- (5) For the purposes of subsection (4), the references to a “regulator” in sections 63 to 69 of RESA 2008 are to be read as references to an enforcement authority.
- (6) In this section “enforcement authority” means a person who has an enforcement function in relation to an offence created by regulations under section 13.’.

I ychwanegu Adran newydd –

**‘( ) Sanctsiynau sifil mewn cysylltiad â chynlluniau rheoli gwastraff safle**

- (1) Mae’r adran hon yn gymwys pan fo’r pŵer i wneud rheoliadau yn adran 13 wedi ei arfer neu’n cael ei arfer yn y fath fodd ag i greu tramgwydd.
- (2) Caiff rheoliadau wneud darpariaeth, mewn perthynas ag awdurdod gorfodi, y gellid ei gwneud drwy orchymyn o dan Ran 3 o Ddeddf Gorfodi Rheoleiddiol a Sanctsiynau 2008 (“RESA 2008”) pe byddai, at ddibenion Rhan 3 o’r Ddeddf honno –
  - (a) yr awdurdod gorfodi yn rheoleiddiwr, a
  - (b) y tramgwydd yn dramgwydd perthnasol mewn perthynas â’r rheoleiddiwr hwnnw.

- (3) Ond mae adran 49(1) o RESA 2008 yn cael ei haddasu wrth ei chymhwyso i dramgwyddau a grëwyd gan y rheoliadau fel y bydd y cyfeiriad at “£20,000” i’w ddarllen fel cyfeiriad at “level 5 on the standard scale”.
- (4) Mae adrannau 63 i 69 o RESA 2008 yn gymwys i ddarpariaeth a wneir o dan reoliadau o dan adran 13 neu yn rhinwedd y rheoliadau hynny fel y maent yn gymwys i ddarpariaeth a wneir o dan Ran 3 o RESA 2008 neu yn rhinwedd y Rhan honno.
- (5) At ddibenion is-adran (4), mae’r cyfeiriadau at “regulator” yn adrannau 63 i 69 o RESA 2008 i’w darllen fel cyfeiriadau at awdurdod gorfodi.
- (6) Yn yr adran hon ystyr “awdurdod gorfodi” yw person sydd â swyddogaeth orfodi mewn perthynas â thrangwydd a grëwyd gan reoliadau o dan adran 13.’.

**\*Peter Black**

18

**Gyda chefnogaeth / Supported by: Jonathan Morgan**

To insert a new Section—

**‘( ) Powers to collaborate, etc.**

- (1) For the purpose of discharging or facilitating the discharge of its duties under section 3, a local authority has the powers in subsection (2).
- (2) The powers are to—
  - (a) enter into arrangements or agreements with another local authority,
  - (b) co-operate with, or facilitate or co-ordinate the activities of another local authority,
  - (c) exercise on behalf of another local authority any functions of that local authority, and
  - (d) provide staff, goods, services or accommodation to another local authority.’.

I ychwanegu Adran newydd—

**‘( ) Pwerau cydlafurio, etc.**

- (1) Er mwyn cyflawni ei ddyletswyddau o dan adran 3, neu er mwyn hwyluso’r modd y mae’r dyletswyddau hynny’n cael eu cyflawni, mae gan awdurdod lleol y pwerau yn is-adran (2).
- (2) Mae’r pwerau yn bwerau i wneud y canlynol—
  - (a) ymrwymo i drefniadau neu gytundebau gydag awdurdod lleol arall,
  - (b) cydweithredu ag awdurdod lleol arall, neu hwyluso neu gydlynu gweithgareddau’r awdurdod lleol hwnnw,
  - (c) arfer ar ran awdurdod lleol arall unrhyw un o swyddogaethau’r awdurdod lleol hwnnw, a
  - (d) darparu staff, nwyddau, gwasanaethau neu lety i awdurdod lleol arall.’.