



CYNULLIAD CENEDLAETHOL CYMRU

NATIONAL ASSEMBLY FOR WALES

OFFERYNNAU STATUDOL

STATUTORY INSTRUMENTS

**2007 Rhif 739 (Cy.67)**

**2007 No. 739 (W.67)**

**DIOGELU'R AMGYLCHEDD,  
CYMRU**

**ENVIRONMENTAL  
PROTECTION, WALES**

Rheoliadau Tramgwyddau  
Amgylcheddol (Cosbau Penodedig)  
(Darpariaethau Amrywiol) (Cymru)  
2007

The Environmental Offences  
(Fixed Penalties) (Miscellaneous  
Provisions) (Wales) Regulations  
2007

**NODYN ESBONIADOL**

**EXPLANATORY NOTE**

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

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

Mae'r Rheoliadau hyn yn gymwys i Gymru.

These Regulations apply in relation to Wales.

Mae'r Rheoliadau yn rhagnodi'r ystodau y mae'n ofynnol i symiau o gosbau penodedig arbennig y gellir eu pennu (yn lle'r swm a ragnodir yn y ddeddfwriaeth berthnasol) gan awdurdod lleol (yn ôl disgrifiadau amrywiol yn y ddeddfwriaeth berthnasol) ddod o fewn eu cwmpas (*rheoliad 2*).

The Regulations prescribe the ranges within which the amounts of certain fixed penalties that are capable of being specified (in place of the amount prescribed in the relevant legislation) by a local authority (as variously described in the relevant legislation) are required to fall (*regulation 2*).

Mae'r Rheoliadau hefyd yn rhagnodi lleiafswm y gosb benodedig y caiff awdurdod lleol (os yw'n dewis gwneud hynny) ei drin fel taliad llawn o gosb benodedig pan fydd swm llai na'r swm llawn a ragnodir (p'un ai'r swm a bennir gan yr awdurdod lleol, neu'r swm a ragnodir yn y ddeddfwriaeth berthnasol yw hwn) yn cael ei dalu o fewn y cyfryw gyfnod o lai nag 14 o ddiwrnodau y caiff yr awdurdod lleol ei bennu yn yr hysbysiad (*rheoliad 3*).

The Regulations also prescribe the minimum amount of fixed penalty that a local authority may (if it chooses to do so) treat as full payment of the fixed penalty where a lesser amount than the full prescribed amount (whether this is the amount specified by the local authority, or the amount prescribed in the relevant legislation) is paid within such period of less than 14 days as may be specified by the local authority in the notice (*regulation 3*).

Yn unol â hynny, o ran hysbysiad o gosb benodedig y gellir ei ddyroddi am dramgwyddau penodol y swm a ragnodir yn y ddeddfwriaeth berthnasol ar eu cyfer yw £75, mae'r Rheoliadau'n rhagnodi y bydd yr ystod y caiff awdurdod lleol ddewis pennu ei swm ei hun y gellir ei gymhwyso'n lleol o fewn ei chwmpas rhwng £75 a £150 (*rheoliad 2(1)*). Os bydd awdurdod lleol yn penderfynu trin swm llai a gaiff ei dalu o fewn cyfnod penodedig fel taliad llawn o'r gosb benodedig, mae'r Rheoliadau yn darparu bod rhaid i'r swm llai hwnnw beidio â bod yn llai na £50 (*rheoliad 3(1)*).

Accordingly, in respect of a notice of a fixed penalty that is capable of being issued for certain offences for which the amount prescribed in the relevant legislation is £75, the Regulations prescribe that the range within which a local authority may choose to specify its own locally applicable amount is between £75 and £150 (*regulation 2(1)*). If a local authority decides to treat a lesser sum paid within a specified period as full payment of the fixed penalty, the Regulations provide that that lesser sum must not be less than £50 (*regulation 3(1)*).

O ran tramgwyddau penodol eraill, swm y gosb benodedig a ragnodir yn y ddeddfwriaeth berthnasol ar eu cyfer yw £100, mae'r Rheoliadau'n rhagnodi y bydd yr ystod y caiff awdurdod lleol ddewis pennu ei swm ei hun y gellir ei gymhwyso'n lleol o fewn ei chwmpas rhwng £100 a £150 (*rheoliad 2(2)*). O ran unrhyw o'r tramgwyddau hyn, os bydd awdurdod lleol yn penderfynu trin swm llai a gaiff ei dalu o fewn cyfnod penodedig fel taliad llawn o'r gosb benodedig, mae'r Rheoliadau darparu na fydd y swm llai hwnnw yn llai na £60 (*rheoliad 3(2)(a), (b) ac (c)*).

O ran tramgwyddau eraill, a symiau y gosb benodedig a ragnodir yn y ddeddfwriaeth berthnasol ar eu cyfer yw, yn eu trefn, £100, £200 a £300 (ond ym mhob achos heb gyfleusterau i awdurdod bennu swm gwahanol y gellir ei gymhwyso'n lleol), caiff awdurdod barhau i drin swm llai a gaiff ei dalu o fewn cyfnod penodedig fel taliad llawn o'r gosb benodedig, ac mae'r Rheoliadau'n darparu na fydd y symiau llai hynny yn llai na £60 (*rheoliad 3(2)(ch)*); £120 (*rheoliad 3(3)*); neu £180 (*rheoliad 3(4)*), yn eu trefn.

Mae'r Rheoliadau hefyd yn rhagnodi'r amod y mae'n rhaid ei fodloni cyn y caiff person fod yn awdurdodedig gan gyngor cymuned at ddibenion rhoi hysbysiad o gosb benodedig o dan naill ai adran 88 o Ddeddf Diogelu'r Amgylchedd 1990 (p.43), adran 43(1) o Ddeddf Ymddygiad Gwrthgymdeithasol 2003 (p.38), neu adran 59 o Ddeddf Cymdogaethau a'r Amgylchedd Glân 2005 (p.16). Yr amod yw fod rhaid i'r person gwblhau'n llwyddiannus gwrs hyfforddi cosb benodedig (*rheoliad 4*).

Mae'r Rheoliadau hefyd yn darparu y caiff cyngor cymuned ddefnyddio unrhyw symiau y mae'n ei dderbyn yn unol â hysbysiadau a ddyroddir o dan-

- (a) adran 88 o Ddeddf Diogelu'r Amgylchedd 1990 (ysbwriel);
- (b) adran 43(1) o Ddeddf Ymddygiad Gwrthgymdeithasol 2003 (graffiti a gosod poster i anghyfreithlon); ac
- (c) adran 59 o Ddeddf Cymdogaethau Glân a'r Amgylchedd 2005 (gorchmynion rheoli cwn).

at ddibenion ei swyddogaethau o dan yr adrannau hynny ac, o ran gorchmynion rheoli cwn, at ddibenion ei swyddogaethau o dan Bennod 1 o Ran 6 o Ddeddf 2005 (*rheoliad 5(1) a (2)*).

Mae rheoliad 5(3) yn ei gwneud yn ofynnol i gynghorau cymuned roi i Gynulliad Cenedlaethol Cymru y fath wybodaeth ynghylch eu derbyniadau cosb benodedig ag a ddichon fod yn ofynnol gan Gynulliad Cenedlaethol Cymru.

In respect of certain other offences, for which the amount of fixed penalty prescribed in the relevant legislation is £100, the Regulations prescribe that the range within which a local authority may choose to specify its own locally applicable amount is between £100 and £150 (*regulation 2(2)*). In respect of any of those offences, if a local authority decides to treat a lesser sum paid within a specified period as full payment of the fixed penalty, the Regulations provide that that lesser sum shall not be less than £60 (*regulation 3(2)(a), (b) and (c)*).

In respect of other offences, for which the amounts of fixed penalty prescribed in the relevant legislation are, respectively, £100, £200 and £300 (but in each case with no facility for an authority to specify a different locally applicable amount), an authority may still decide to treat a lesser sum paid within a specified period as full payment of the fixed penalty, and the Regulations provide that those lesser sums shall not be less than £60 (*regulation 3(2)(d)*), £120 (*regulation 3(3)*) or £180 (*regulation 3(4)*), respectively.

The Regulations also prescribe the condition that must be satisfied before a person may be authorised by a community council for the purposes of giving a fixed penalty notice under section 88 of the Environmental Protection Act 1990 (c.43), section 43(1) of the Anti-social Behaviour Act 2003 (c.38) or section 59 of the Clean Neighbourhoods and Environment Act 2005 (c.16). The condition is that a person must successfully complete a fixed penalty training course (*regulation 4*).

The Regulations also provide that a community council may use any amounts it receives in pursuance of notices issued under-

- (a) section 88 of the Environmental Protection Act 1990 (litter);
- (b) section 43(1) of the Anti-social Behaviour Act 2003 (graffiti and fly-posting); and
- (c) section 59 of the Clean Neighbourhoods and Environment Act 2005 (dog control orders),

for the purposes of its functions under those sections and, in relation to dog control orders, for the purposes of its functions under Chapter 1 of Part 6 of the 2005 Act (*regulation 5(1) and (2)*).

Regulation 5(3) requires community councils to supply the National Assembly for Wales with such information in relation to their fixed penalty receipts as the National Assembly for Wales may require.

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CYMRU****ENVIRONMENTAL  
PROTECTION, WALES****Rheoliadau Tramgwyddau  
Amgylcheddol (Cosbau Penodedig)  
(Darpariaethau Amrywiol) (Cymru)  
2007****The Environmental Offences  
(Fixed Penalties) (Miscellaneous  
Provisions) (Wales) Regulations  
2007***Wedi'u gwneud* 06 Mawrth 2007*Made* 06 March 2007*Yn dod i rym* 15 Mawrth 2007*Coming into force* 15 March 2007

Cynulliad Cenedlaethol Cymru ("y Cynulliad Cenedlaethol"), o ran Cymru, yw'r person priodol fel y'i diffinnir-

- (a) yn adran 11(1) o Ddeddf Gwaredu Sbwriel (Amwynder) 1978(1), at ddibenion arfer y pwerau a roddir gan adran 2A(11) o'r Ddeddf honno;
- (b) yn adran 9(1) o Ddeddf Rheoli Llygredd (Diwygio) 1989(2), at ddibenion arfer y pwerau a roddir gan adran 5B(12) o'r Ddeddf honno;
- (c) yn adran 29(1A)(b) o Ddeddf Diogelu'r Amgylchedd 1990(3), at ddibenion arfer y pwerau a roddir gan adrannau 34A(12) a 47ZB(4) a (5) o'r Ddeddf honno;
- (ch) yn adran 98(1A)(b) o Ddeddf Diogelu'r Amgylchedd 1990(4), at ddibenion arfer y pwerau a roddir gan adrannau 88(11) a 97A(1), (2) a (4) o'r Ddeddf honno;

The National Assembly for Wales ("the National Assembly") is, in relation to Wales, the appropriate person as defined-

- (a) in section 11(1) of the Refuse Disposal (Amenity) Act 1978(1), for the purpose of exercising the powers conferred by section 2A(11) of that Act;
- (b) in section 9(1) of the Control of Pollution (Amendment) Act 1989(2), for the purpose of exercising the powers conferred by section 5B(12) of that Act;
- (c) in section 29(1A)(b) of the Environmental Protection Act 1990(3), for the purpose of exercising the powers conferred by sections 34A(12) and 47ZB(4) and (5) of that Act;
- (d) in section 98(1A)(b) of the Environmental Protection Act 1990(4), for the purpose of exercising the powers conferred by sections 88(11) and 97A(1), (2) and (4) of that Act;

(1) 1978 p.3; mewnosodwyd y diffiniad o "appropriate person" yn adran 11(1) gan adran 14(3) o Ddeddf Cymdogaethau a'r Amgylchedd Glân 2005 (p.16), a mewnosodwyd adran 2A gan adran 10 o Ddeddf 2005.

(2) 1989 p.14; mewnosodwyd y diffiniad o "appropriate person" yn adran 9(1) gan adran 39(2) o Ddeddf Cymdogaethau a'r Amgylchedd Glân 2005, a mewnosodwyd adran 5B gan adran 38 o Ddeddf 2005.

(3) 1990 p.43; mewnosodwyd adran 29(1A) gan adran 51 o Ddeddf Cymdogaethau a'r Amgylchedd Glân 2005, mewnosodwyd adran 34A gan adran 45 o Ddeddf 2005, a mewnosodwyd adran 47ZB gan adran 48 o Ddeddf 2005.

(4) 1990 p.43; mewnosodwyd adran 98(1A) gan adran 26 o Ddeddf Cymdogaethau a'r Amgylchedd Glân 2005, mewnosodwyd adran 88(11) gan adran 19(6) o Ddeddf 2005, a mewnosodwyd adran 97A gan adran 24 o Ddeddf 2005.

(1) 1978 c.3; the definition of the "appropriate person" in section 11(1) was inserted by section 14(3) of the Clean Neighbourhoods and Environment Act 2005 (c.16) and section 2A was inserted by section 10 of the 2005 Act.

(2) 1989 c.14; the definition of the "appropriate person" in section 9(1) was inserted by section 39(2) of the Clean Neighbourhoods and Environment Act 2005, and section 5B was inserted by section 38 of the 2005 Act.

(3) 1990 c.43; section 29(1A) was inserted by section 51 of the Clean Neighbourhoods and Environment Act 2005, section 34A was inserted by section 45 of the 2005 Act and section 47ZB was inserted by section 48 of the 2005 Act.

(4) 1990 c.43; section 98(1A) was inserted by section 26 of the Clean Neighbourhoods and Environment Act 2005, section 88(11) was inserted by section 19(6) of the 2005 Act, and section 97A was inserted by section 24 of the 2005 Act.

- (d) yn adran 11(2A)(b) o Ddeddf Sŵn 1996(1), at ddibenion arfer y pwerau a roddir gan adran 8A(4) a (5) o'r Ddeddf honno;
- (dd) yn adran 47(1) o Ddeddf Ymddygiad Gwrthgymdeithasol 2003(2), at ddibenion arfer y pwerau a roddir gan adrannau 43A(4) a (5) a 47(4) o'r Ddeddf honno;
- (e) yn adran 9(2) o Ddeddf Cymdogaethau Glân a'r Amgylchedd 2005(3), at ddibenion arfer y pwerau a roddir gan adran 6(11) o'r Ddeddf honno;
- (f) yn adran 66(b) o Ddeddf Cymdogaethau Glân a'r Amgylchedd 2005, at ddibenion arfer y pwerau a roddir gan adrannau 59(12) a 60(4) a (5) o'r Ddeddf honno;
- (ff) yn adran 81(1) o Ddeddf Cymdogaethau Glân a'r Amgylchedd 2005, at ddibenion arfer y pwerau a roddir gan adrannau 74(4) a (5) o'r Ddeddf honno.
- (g) yn adran 98(1)(b) o Ddeddf Cymdogaethau Glân a'r Amgylchedd 2005, at ddibenion arfer y pwerau a roddir gan adran 97(1)(a) a (2)(c) o'r Ddeddf honno.

- (e) in section 11(2A)(b) of the Noise Act 1996(1), for the purpose of exercising the powers conferred by section 8A(4) and (5) of that Act;
- (f) in section 47(1) of the Anti-social Behaviour Act 2003(2), for the purpose of exercising the powers conferred by sections 43A(4) and (5) and 47(4) of that Act;
- (g) in section 9(2) of the Clean Neighbourhoods and Environment Act 2005(3), for the purpose of exercising the powers conferred by section 6(11) of that Act;
- (h) in section 66(b) of the Clean Neighbourhoods and Environment Act 2005, for the purpose of exercising the powers conferred by sections 59(12) and 60(4) and (5) of that Act;
- (i) in section 81(1) of the Clean Neighbourhoods and Environment Act 2005, for the purpose of exercising the powers conferred by section 74(4) and (5) of that Act; and
- (j) in section 98(1)(b) of the Clean Neighbourhoods and Environment Act 2005, for the purpose of exercising the powers conferred by section 97(1)(a) and (2)(c) of that Act.

Mae Cynulliad Cenedlaethol Cymru drwy arfer y pwerau a roddwyd iddo gan adran 67(1) o Deddf Cymdogaethau a'r Amgylchedd Glân 2005 a'r pwerau a enwir yn is-baragraffau (a) i (g) o'r paragraff uchod yn gwneud y Rheoliadau a ganlyn:

The National Assembly for Wales in exercise of the powers conferred upon it by section 67(1) of the Clean Neighbourhoods and Environment Act 2005 and the powers cited in sub-paragraphs (a) to (j) above, makes the following Regulations:

### **Enwi, cychwyn a chymhwysu**

1.-(1) Enw'r Rheoliadau hyn yw Rheoliadau Tramgwyddau Amgylcheddol (Cosbau Penodedig) (Darpariaethau Amrywiol) (Cymru) 2007

(2) Mae'r Rheoliadau hyn yn dod i rym ar 15 Mawrth 2007.

(3) Mae'r Rheoliadau hyn yn gymwys o ran Cymru.

### **Title commencement and application**

1.-(1) The title of these Regulations is the Environmental Offences (Fixed Penalties) (Miscellaneous Provisions) (Wales) Regulations 2007.

(2) These Regulations come into force on 15 March 2007.

(3) These Regulations apply in relation to Wales.

### **Ystodau rhagnodedig o gosbau penodedig**

2.-(1) Rhaid i swm cosb benodedig y gellir ei bennu gan-

- (a) prif awdurdod sbwriel yng Nghymru o dan adran 88(6A)(a) o Ddeddf Diogelu'r Amgylchedd 1990(4);

### **Prescribed ranges of fixed penalties**

2.-(1) The amount of a fixed penalty capable of being specified by-

- (a) a principal litter authority in Wales under section 88(6A)(a) of the Environmental Protection Act 1990(4);

(1) 1996 p.37; mewnosodwyd adran 11(2A) gan adran 85(2) o Ddeddf Cymdogaethau Glân a'r Amgylchedd Glân 2005, a mewnosodwyd adran 8A gan adran 82(2) o Ddeddf 2005.

(2) 2003 p.38; mewnosodwyd adran 43A gan adran 28(2) o Ddeddf Cymdogaethau Glân a'r Amgylchedd Glân 2005, a mewnosodwyd adran 47(4) gan adran 30(2) o Ddeddf 2005.

(3) 2005 p.16.

(4) Mewnosodwyd adran 88(6)(A) gan adran 19(2) o Ddeddf Cymdogaethau Glân a'r Amgylchedd 2005.

(1) 1996 c.37; section 11(2A) was inserted by section 85(2) of the Clean Neighbourhoods and Environment Act 2005 and section 8A was inserted by section 82(2) of the 2005 Act.

(2) 2003 c.38; section 43A was inserted by section 28(2) of the Clean Neighbourhoods and Environment Act 2005 and section 47(4) was inserted by section 30(2) of the 2005 Act.

(3) 2005 c.16.

(4) Section 88(6A) was inserted by section 19(2) of the Clean Neighbourhoods and Environment Act 2005.

- (b) prif awdurdod sbwriel yng Nghymru o dan baragraff 7(4)(a) o Atodlen 3A i Ddeddf Diogelu'r Amgylchedd 1990(1);
- (c) awdurdod lleol perthnasol yng Nghymru o dan adran 43A(1)(a) o Ddeddf Ymddygiad Gwrthgymdeithasol 2003;
- (ch) prif awdurdod neu awdurdod eilaidd yng Nghymru o dan adran 60(1)(a) o Ddeddf Cymdogaethau Glân a'r Amgylchedd 2005 o ran unrhyw orchymyn rheoli cŵn a gafodd ei wneud gan yr awdurdod hwnnw;
- (d) awdurdod lleol yng Nghymru o dan adran 74(2)(a) o Ddeddf Cymdogaethau Glân a'r Amgylchedd Glân 2005,

beidio â bod yn llai na £75 a dim mwy na £150.

(2) Rhaid i swm cosb benodedig y gellir ei bennu gan-

- (a) awdurdod casglu gwastraff yng Nghymru o dan adran 47ZB(2)(a) o Ddeddf Diogelu'r Amgylchedd 1990;
- (b) prif awdurdod sbwriel yng Nghymru o dan adran 94A(4)(a) o Ddeddf Diogelu'r Amgylchedd 1990(2);
- (c) awdurdod lleol yng Nghymru o dan adran 8A(2)(a) o Ddeddf Swm 1996;

beidio â bod yn llai na £100 a dim mwy na £150.

(3) Caiff awdurdod sy'n gweithredu o dan fwy nag un o'r darpariaethau a enwir ym mharagraff (1) neu (2) bennu swm gwahanol o dan bob un o'r cyfryw ddarpariaethau.

### Symiau llai o gosbau penodedig

3.-(1) Pan fo-

- (a) awdurdod sbwriel yng Nghymru sy'n gweithredu o dan adran 88(7) o Ddeddf Diogelu'r Amgylchedd 1990(3);
- (b) prif awdurdod sbwriel yng Nghymru sy'n gweithredu o dan baragraff 7(5) o Atodlen 3A i Ddeddf Diogelu'r Amgylchedd 1990;
- (c) awdurdod lleol yng Nghymru sy'n gweithredu o dan adran 43A(3) o Ddeddf Ymddygiad Gwrthgymdeithasol 2003;
- (ch) prif awdurdod neu awdurdod eilaidd yng Nghymru sy'n gweithredu o dan adran 60(3) o Ddeddf Cymdogaethau Glân a'r Amgylchedd 2005;

(1) Mewnosodwyd Atodlen 3A, ac adran 94B sy'n rhoi effaith iddi, gan adran 23 o Ddeddf Cymdogaethau Glân a'r Amgylchedd 2005.

(2) 1990 p.43; mewnosodwyd adran 94(A) gan adran 22 o Ddeddf Cymdogaethau Glân a'r Amgylchedd 2005.

(3) 1990 p.43; mewnosodwyd adran 88(7) gan adran 19(2) o Ddeddf Cymdogaethau Glân a'r Amgylchedd 2005..

- (b) a principal litter authority in Wales under paragraph 7(4)(a) of Schedule 3A to the Environmental Protection Act 1990(1);
- (c) a relevant local authority in Wales under section 43A(1)(a) of the Anti-social Behaviour Act 2003;
- (d) a primary authority or a secondary authority in Wales under section 60(1)(a) of the Clean Neighbourhoods and Environment Act 2005 in relation to any dog control order made by that authority;
- (e) a local authority in Wales under section 74(2)(a) of the Clean Neighbourhoods and Environment act 2005,

must not be less than £75 and not more than £150.

(2) The amount of a fixed penalty capable of being specified by-

- (a) a waste collection authority in Wales under section 47ZB(2)(a) of the Environmental Protection Act 1990;
- (b) a principal litter authority in Wales under section 94A(4)(a) of the Environmental Protection Act 1990(2);
- (c) a local authority in Wales under section 8A(2)(a) of the Noise Act 1996;

must not be less than £100 and not more than £150.

(3) An authority acting under more than one of the provisions cited in paragraph (1) or (2) may specify a different amount under each such provision.

### Lesser amounts of fixed penalties

3.-(1) Where-

- (a) a litter authority in Wales acting under section 88(7) of the Environmental Protection Act 1990(3);
- (b) a principal litter authority in Wales acting under paragraph 7(5) of Schedule 3A to the Environmental Protection Act 1990;
- (c) a local authority in Wales acting under section 43A(3) of the Anti-social Behaviour Act 2003;
- (d) a primary authority or a secondary authority in Wales acting under section 60(3) of the Clean Neighbourhoods Act 2005;

(1) Schedule 3A, and section 94B which gives it effect, were inserted by section 23 of the Clean Neighbourhoods and Environment Act 2005.

(2) 1990 c.43; section 94A was inserted by section 22 of the Clean Neighbourhoods and Environment Act 2005.

(3) 1990 c.43; section 88(7) was inserted by section 19(2) of the Clean Neighbourhoods and Environment Act 2005.

- (d) awdurdod lleol yng Nghymru sy'n gweithredu o dan adran 74(3) o Ddeddf Cymdogaethau Glân a'r Amgylchedd 2005,

yn gwneud darpariaeth i drin cosb benodedig yn un a gafodd ei thalu os caiff swm llai ei dalu cyn diwedd cyfnod a bennir gan yr awdurdod hwnnw, rhaid i'r swm llai hwnnw beidio â bod yn llai na £50.

(2) Os bydd-

- (a) awdurdod casglu gwastraff yng Nghymru sy'n gweithredu o dan adran 47ZB(3) o Ddeddf Diogelu'r Amgylchedd 1990;
- (b) prif awdurdod sbwriel yng Nghymru sy'n gweithredu o dan adran 94A(5) o Ddeddf Diogelu'r Amgylchedd 1990;
- (c) awdurdod lleol yng Nghymru sy'n gweithredu o dan adran 8A(3) o Ddeddf Sŵn 1996;
- (ch) awdurdod lleol sy'n gweithredu o dan adran 6(10) o Ddeddf Cymdogaethau Glân a'r Amgylchedd 2005,

yn gwneud darpariaeth i drin cosb benodedig yn un a gafodd ei thalu os caiff swm llai ei dalu cyn diwedd cyfnod a bennir gan yr awdurdod hwnnw, rhaid i'r swm llai hwnnw beidio â bod yn llai na £60.

(3) Os bydd awdurdod lleol sy'n gweithredu o dan adran 2A(10) o Ddeddf Gwaredu Sbwriel (Amwynder) 1978(1) yn gwneud darpariaeth i drin cosb benodedig yn un a gafodd ei thalu os caiff swm llai ei dalu cyn diwedd cyfnod a bennir gan yr awdurdod hwnnw, rhaid i'r swm llai hwnnw beidio â bod yn llai na £120.

(4) Os bydd-

- (a) awdurdod rheoleiddio sy'n gweithredu o dan adran 5B(11) o Ddeddf Rheoli Llygredd (Diwygio) 1989(2);
- (b) awdurdod gorfodi sy'n gweithredu o dan adran 34A(11) o Ddeddf Diogelu'r Amgylchedd 1990(3),

yn gwneud darpariaeth i drin cosb benodedig yn un a gafodd ei thalu os caiff swm llai ei dalu cyn diwedd cyfnod a bennir gan yr awdurdod hwnnw, rhaid i'r swm llai hwnnw beidio â bod yn llai na £180.

- (e) a local authority in Wales acting under section 74(3) of the Clean Neighbourhoods and Environment Act 2005,

makes provision for treating a fixed penalty as having been paid if a lesser amount is paid before the end of a period specified by that authority, such lesser amount must not be less than £50.

(2) Where-

- (a) a waste collection authority in Wales acting under section 47ZB(3) of the Environmental Protection Act 1990;
- (b) a principal litter authority in Wales acting under section 94A(5) of the Environmental Protection Act 1990;
- (c) a local authority in Wales acting under section 8A(3) of the Noise Act 1996;
- (d) a local authority acting under section 6(10) of the Clean Neighbourhoods and Environment Act 2005,

makes provision for treating a fixed penalty as having been paid if a lesser amount is paid before the end of a period specified by that authority, such lesser amount must not be less than £60.

(3) Where a local authority acting under section 2A(10) of the Refuse Disposal (Amenity) Act 1978(1) makes provision for treating a fixed penalty as having been paid if a lesser amount is paid before the end of a period specified by that authority, such lesser amount must not be less than £120.

(4) Where-

- (a) a regulation authority acting under section 5B(11) of the Control of Pollution (Amendment) Act 1989(2);
- (b) an enforcement authority acting under section 34A(11) of the Environmental Protection Act 1990(3),

makes provision for treating a fixed penalty as having been paid if a lesser amount is paid before the end of a period specified by that authority, such lesser amount must not be less than £180.

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(1) 1978 p.3; mewnosodwyd adran 2(A) gan adran 10 o Ddeddf Cymdogaethau Glân a'r Amgylchedd 2005 (p.16).

(2) 1989 p.14; mewnosodwyd adran 5B gan adran 38 o Ddeddf Cymdogaethau Glân a'r Amgylchedd 2005.

(3) 1990 p.43; mewnosodwyd adran 34A gan adran 45 o Ddeddf Cymdogaethau Glân a'r Amgylchedd 2005..

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(1) 1978 c.3; section 2A was inserted by section 10 of the Clean Neighbourhoods and Environment Act 2005.

(2) 1989 c.14; section 5B was inserted by section 38 of the Clean Neighbourhoods and Environment Act 2005.

(3) 1990 c.43; section 34A was inserted by section 45 of the Clean Neighbourhoods and Environment Act 2005.

### **Amod sydd i'w fodloni gan berson cyn y caiff awdurdod eilaidd awdurdodi'r person hwnnw at ddibenion rhoi hysbysiadau cosbau benodedig**

4. Yr amod sydd i'w bodloni gan berson cyn y caiff awdurdod eilaidd awdurdodi'r person hwnnw yn ysgrifenedig at ddibenion rhoi hysbysiadau o dan-

- (a) adran 88 o Ddeddf Diogelu'r Amgylchedd 1990;
- (b) adran 43(1) o Ddeddf Ymddygiad Gwrthgymdeithasol 2003;
- (c) adran 59 o Ddeddf Cymdogaethau Glân a'r Amgylchedd 2005,

yw fod rhaid i'r person gwblhau'n llwyddiannus gwrs hyfforddi cosb benodedig.

### **Y defnydd o dderbyniadau cosb benodedig gan gynghorau cymuned**

5.-(1) Ni chaiff cyngor cymuned ddefnyddio unrhyw symiau y mae'n ei dderbyn yn unol â hysbysiadau o dan-

- (a) adran 88 (hysbysiadau cosb benodedig am adael ysbwriel) o Ddeddf Diogelu'r Amgylchedd 1990(1)
- (b) adran 43(1) (hysbysiadau cosb am lunio graffiti a gosod posteri yn anghyfreithlon)(2) o Ddeddf Ymddygiad Gwrthgymdeithasol 2003;
- (c) adran 59 (hysbysiadau cosb benodedig am droseddau o dan orchmynion rheoli cŵn) o Ddeddf Cymdogaethau Glân a'r Amgylchedd 2005.

ond yn unig at ddibenion y swyddogaethau a bennir ym mharagraff (2)

(2) Y swyddogaethau a bennir at ddibenion y rheoliad hwn yw'r swyddogaethau o dan-

- (a) adran 88 o Ddeddf Diogelu'r Amgylchedd 1990;
- (b) adran 43(1) o Ddeddf Ymddygiad Gwrthgymdeithasol 2003;
- (c) Pennod 1 o Ran 6 o Ddeddf Cymdogaethau Glân a'r Amgylchedd 2005.

(3) Rhaid i gynghorau cymuned roi i Gynulliad Cenedlaethol Cymru y fath wybodaeth ynghylch y symiau y maent yn eu derbyn mewn cysylltiad â'r darpariaethau a bennir ym mharagraff (1) ag a ddichon fod yn ofynnol gan Gynulliad Cenedlaethol Cymru.

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(1) 1990 p.43; mae adran 88(9)(f) fel y'i diwygiwyd gan adran 19(1) a (4) o Ddeddf Cymdogaethau Glân a'r Amgylchedd 2005 yn cynnwys cynghorau cymuned yn y rhestr o awdurdodau a ddiffinir fel "litter authorities" (awdurdodau ysbwriel) y mae eu swyddogion awdurdodedig wedi'u galluogi i ddyroddi hysbysiadau cosb benodedig o dan yr adran honno.

(2) 2003 p.38; yn rhinwedd bod yn gymwys fel awdurdod ysbwriel at ddibenion adran 88 o Ddeddf Diogelu'r Amgylchedd 1990 mae cyngor cymuned hefyd yn awdurdod lleol at ddibenion adrannau 43 i 43B a 45 o Ddeddf Ymddygiad Gwrthgymdeithasol 2003 y mae eu swyddogion awdurdodedig wedi'u galluogi i ddyroddi hysbysiadau cosb benodedig o dan yr adran honno.

### **Condition to be satisfied by a person before a secondary authority may authorise that person for the purpose of giving fixed penalty notices**

4. The condition to be satisfied by a person before a secondary authority may authorise that person in writing for the purpose of giving notices under-

- (a) section 88 of the Environmental Protection Act 1990;
- (b) section 43(1) of the Anti-social Behaviour Act 2003;
- (c) section 59 of the Clean Neighbourhoods and Environment Act 2005,

is that the person must successfully complete a fixed penalty training course.

### **Use of fixed penalty receipts by community councils**

5.-(1) A community council may use any amounts it receives in pursuance of notices under-

- (a) section 88 (fixed penalty notices for leaving litter) of the Environmental Protection Act 1990(1);
- (b) section 43(1) (penalty notices for graffiti and fly-posting) of the Anti-social Behaviour Act 2003(2);
- (c) section 59 (fixed penalty notices for offences under dog control orders) of the Clean Neighbourhoods and Environment Act 2005,

only for the purposes of the functions specified in paragraph (2).

(2) The functions specified for the purposes of this regulation are the functions under-

- (a) section 88 of the Environmental Protection act 1990;
- (b) section 43 of the anti-social Behaviour Act 2003;
- (c) Chapter 1 of Part 6 of the Clean Neighbourhoods and Environment Act 2005.

(3) A community council must supply to the National Assembly such information in relation to amounts it receives in connection with the provisions specified in paragraph (1) as the National Assembly may require.

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(1) 1990 c. 43; section 88(9)(f), as amended by section 19(1) and (4) of the Clean Neighbourhoods and Environment Act 2005, includes community councils in the list of authorities defined as "litter authorities", the authorised officers of which are empowered to issue fixed penalty notices under that section.

(2) 2003 c. 38; by virtue of qualifying as a litter authority for the purposes of section 88 of the Environmental Protection Act 1990 a community council is also a local authority for the purposes of sections 43 to 43B and 45 of the Anti-social Behaviour Act 2003, authorised officers of which are empowered to issue fixed penalty notices under section 43 of that Act.

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

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

6 Mawrth 2007

6 March 2007

*D. Elis-Thomas*

Llywydd y Cynulliad Cenedlaethol

The Presiding Officer of the National Assembly

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(1) 1998 p.38.

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(1) 1998 (c. 38).

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