



CYNULLIAD CENEDLAETHOL CYMRU

OFFERYNNAU STATUDOL

2006 Rhif 2797 (Cy.236) (C.93)

DIOGELU'R AMGYLCHEDD, CYMRU

Gorchymyn Deddf Cymdogaethau
Glân a'r Amgylchedd 2005
(Cychwyn Rhif 2, Darpariaethau
Trosiannol ac Arbedion) (Cymru)
2006

NODYN ESBONIADOL

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

Mae'r Gorchymyn hwn yn dwyn i rym ddarpariaethau pellach yn Neddf Cymdogaethau Glân a'r Amgylchedd 2005 ("Deddf 2005") o ran Cymru.

Ar 27 Hydref 2006 mae erthygl 2 yn dwyn i rym (naill ai'n gyfan gwbl neu at y dibenion sy'n weddill) ddarpariaethau yn Neddf 2005 ynglŷn â'r canlynol:

- (a) cerbydau gadawedig (adrannau 11 i 13);
- (b) cerbydau sydd wedi'u parcio'n anghyfreithlon (adrannau 15 i 17);
- (c) hysbysebion (adran 34);
- (ch) cludo gwastraff (adran 37 (yn rhannol));
- (d) casglu a gwaredu gwastraff gan awdurdod lleol (adran 50);
- (dd) rheolaeth ar gŵn (adrannau 56, 66 a 67);
- (e) larymau tresmaswyr clywadwy (adrannau 80 a 81);
- (f) sŵn o fangreoedd (adrannau 83 a 84);
- (ff) niwsansau sŵn statudol (adran 86); a
- (g) trolïau siopa gadawedig a throlïau bagiau gadawedig (adrannau 99 a 100).

Mae erthygl 3 yn dwyn i rym adran 2 (gorchmynion gatio) o Ddeddf 2005 ar y dyddiad y daw'r Rheoliadau cysylltiedig, sef Rheoliadau Deddf Priffyrdd 1980 (Gorchmynion Gatio) (Cymru) 2006, i rym.

NATIONAL ASSEMBLY FOR WALES

STATUTORY INSTRUMENTS

2006 No. 2797 (W236) (C.93)

ENVIRONMENTAL PROTECTION, WALES

The Clean Neighbourhoods and
Environment Act 2005
(Commencement No. 2,
Transitional Provisions and
Savings) (Wales) Order 2006

EXPLANATORY NOTE

(This note is not part of the Order)

This Order brings into force further provisions of the Clean Neighbourhoods and Environment Act 2005 ("the 2005 Act") in relation to Wales.

Article 2 brings into force (either entirely or for remaining purposes), on 27 October 2006, provisions of the 2005 Act concerning the following:

- (a) abandoned vehicles (sections 11 to 13);
- (b) illegally parked vehicles (sections 15 to 17);
- (c) advertisements (section 34);
- (d) transport of waste (section 37 (in part));
- (e) local authority waste collection and disposal (section 50);
- (f) controls on dogs (sections 56, 66 and 67);
- (g) audible intruder alarms (sections 80 and 81);
- (h) noise from premises (sections 83 and 84);
- (i) statutory noise nuisances (section 86); and
- (j) abandoned shopping and luggage trolleys (sections 99 and 100).

Article 3 brings into force section 2 (gating orders) of the 2005 Act on the date on which the associated Highways Act 1980 (Gating Orders) (Wales) Regulations 2007 come into force.

Mae erthygl 4 yn dwyn i rym (naill ai'n gyfan gwbl neu at y dibenion sy'n weddill), a hynny ar y dyddiad y daw'r rheoliadau cysylltiedig, sef Rheoliadau Tramgwyddau Amgylcheddol (Cosb Benodedig) (Darpariaethau Amrywiol) (Cymru) 2006, i rym, ddarpariaethau Deddf 2005 ynglŷn â'r canlynol:

- (a) tramgwyddau o ran parcio sy'n niwsans (adrannau 6 i 9);
- (b) cerbydau gadawedig (adran 10);
- (c) ysbwriel a sorod (adrannau 19 i 25);
- (ch) graffiti a gosod posteri yn anghyfreithlon (adrannau 28 i 31);
- (d) gwastraff (adrannau 38, 45, 48 a 52);
- (dd) rheolaeth ar gŵn (adrannau 59 i 62);
- (e) larymau tresmaswyr clywadwy (adrannau 69 i 79);
- (f) swm o fangreoedd (adrannau 82 a 84);
- (ff) defnyddio derbynebaw cosb benodedig (adrannau 96 i 98).

Mae erthygl 5 yn dwyn i rym (naill ai'n gyfan gwbl neu at y dibenion sy'n weddill), a hynny ar y dyddiad y daw'r rheoliadau cysylltiedig, sef Rheoliadau Gorchmynion Rheoli Cŵn (Darpariaethau Amrywiol) (Cymru) 2007, i rym, ddarpariaethau Deddf 2005 ynglŷn â rheolaethau ar gŵn.

Mae erthygl 6 yn dwyn i rym (naill ai'n gyfan gwbl neu at y dibenion sy'n weddill), a hynny ar y dyddiad y daw'r Rheoliadau cysylltiedig, sef Rheoliadau Niwsansau Statudol (Darpariaethau Amrywiol) (Cymru) 2006 i rym, ddarpariaethau yn Neddf 2005 ynglŷn â chategori newydd o niwsans statudol, sef trychfilod sy'n dod o fangreoedd diwydiannol, mangreoedd masnachol neu fangreoedd busnes ac sy'n niweidiol i iechyd neu'n niwsans.

Mae erthygl 7 yn dwyn i rym (naill ai'n gyfan gwbl neu at ddibenion sy'n weddill), a hynny ar y dyddiad y daw'r rheoliadau cysylltiedig, sef Rheoliadau Niwsansau Statudol (Goleuo Artiffisial) (Dynodi Campau Perthnasol) (Cymru) 2006, i rym, ddarpariaethau Deddf 2005 ynglŷn â chategori newydd o niwsans statudol, sef golau artiffisial sy'n cael ei belydru o fangre yn y fath fodd ag i fod yn niweidiol i iechyd neu'n niwsans.

Mae erthygl 8 yn cynnwys darpariaethau trosiannol sy'n ei gwneud yn ofynnol i gerbyd, y mae awdurdod lleol wedi rhoi hysbysiad amdano o dan adran 3(2) o Ddeddf Gwaredu Sorod (Amwynder) 1978, neu y mae awdurdod lleol wedi dodi hysbysiad arno o dan adran 3(5) o'r Ddeddf honno, cyn 27 Hydref 2006 yn y naill achos neu'r llall, barhau i gael ei drin yn unol ag adrannau 3 a 4 o'r Ddeddf honno yn y modd yr oedd yr adrannau hynny yn gymwys cyn i ddarpariaethau o dan y Gorchmyn hwn ddod i rym.

Article 4 brings into force (either entirely or for remaining purposes), on the date on which the associated Environmental Offences (Fixed Penalty) (Miscellaneous Provisions) (Wales) Regulations 2006 come into force, provisions of the 2005 Act concerning the following:

- (a) nuisance parking offences (sections 6 to 9);
- (b) abandoned vehicles (section 10);
- (c) litter and refuse (sections 19 to 25);
- (d) graffiti and fly-posting (sections 28 to 31);
- (e) waste (sections 38, 45, 48 and 52);
- (f) control on dogs (sections 59 to 62);
- (g) audible intruder alarms (sections 69 to 79);
- (h) noise from premises (sections 82 and 84);
- (i) use of fixed penalty receipts (sections 96 to 98).

Article 5 brings into force (either entirely or for remaining purposes), on the date on which the associated Dog Control Orders (Miscellaneous Provisions) (Wales) Regulations 2007 come into force, provisions of the 2005 Act concerning controls on dogs.

Article 6 brings into force (either entirely or for remaining purposes), on the date on which the associated Statutory Nuisance (Miscellaneous Provisions) (Wales) Regulations 2006 come into force, provisions of the 2005 Act concerning a new category of statutory nuisance comprising insects emanating from industrial, trade or business premises and being prejudicial to health or a nuisance.

Article 7 brings into force (either entirely or for remaining purposes), on the date on which the associated Statutory Nuisance (Artificial Lighting) (Designation of Relevant Sports) (Wales) Order 2006 comes into force, provisions of the 2005 Act concerning a new category of statutory nuisance comprising artificial light emitted from premises so as to be prejudicial to health or a nuisance.

Article 8 contains transitional provisions requiring that a vehicle in respect of which a local authority has given a notice under section 3(2) of the Refuse Disposal (Amenity) Act 1978, or to which a local authority has affixed a notice under section 3(5) of that Act, in either case before 27 October 2006, will continue to be dealt with in accordance with sections 3 and 4 of that Act as those sections applied before the coming into force of provisions under this Order.

Mae erthygl 9 yn cynnwys darpariaethau trosiannol sy'n ei gwneud yn ofynnol i gerbyd sydd ar ffordd ac y mae awdurdod wedi rhoi hysbysiad amdano o dan adran 99(3) o Ddeddf Rheoleiddio Traffig Ffyrdd 1984 neu gerbyd y mae awdurdod wedi doddi hysbysiad arno o dan adran 99(4) o'r Ddeddf honno, cyn 27 Hydref yn y naill achos neu'r llall, barhau i gael ei drin yn unol ag adrannau 99, 101 a 103 o'r Ddeddf honno yn y modd yr oedd yr adrannau hynny'n gymwys cyn i ddarpariaethau o dan y Gorchymyn hwn ddod i rym.

Mae erthygl 10 yn gwneud arbedion y mae Deddf Cŵn (Baeddu Tir) 1996 (p.20) yn parhau i fod yn gymwys odanynt mewn perthynas â thir sy'n dir dynodedig ("*designated land*") o dan y Ddeddf honno yn union cyn diddymu'r Ddeddf honno gan erthygl 5(e) o'r Gorchymyn hwn.

Mae erthygl 11 yn diwygio erthygl 5 o Orchymyn Deddf Cymdogaethau Glân a'r Amgylchedd 2005 (Cychwyn Rhif 1 ac Arbedion) (Cymru) 2006 (O.S. 2006 Rhif 768) (Cy. 75) (C. 18) ("Gorchymyn 2006"). Diddymodd Gorchymyn 2006 adran 32 o Ddeddf Diogelu'r Amgylchedd 1990 (p.43) ("Deddf 1990") a Rhan 2 o Atodlen 2 iddi. Cynhwysodd erthygl 5 o Orchymyn 2006 arbedion a oedd yn parhau effaith yr adrannau a ddiddymwyd mewn perthynas â chwmnïau gwaredu gwastraff o dan reolaeth awdurdodau gwaredu gwastraff ar y dyddiad y daeth y diddymiad yn weithredol. Mae erthygl 11 o'r Gorchymyn hwn yn cyfyngu ar yr arbedion hynny gyda'r canlyniad mai dim ond adran 32(7) ac (8) o Ddeddf 1990 a fydd yn parhau i fod yn effeithiol mewn perthynas â'r cwmnïau hynny o 27 Hydref 2006 ymlaen.

NODYN AM ORCHMYNION CYCHWYN BLAENOROL

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

Mae darpariaethau canlynol Deddf 2005 wedi'u dwyn i rym o ran Cymru drwy orchymynion cychwyn a wnaed cyn dyddiad y Gorchymyn hwn:

<i>Y ddarpariaeth</i>	<i>Y dyddiad cychwyn</i>	<i>O.S. Rhif</i>
Adran 2 - at ddibenion penodol	16 Mawrth 2006	2006 / 768 (Cy.75) (C.18)
Adran 6 - at ddibenion penodol	16 Mawrth 2006	2006 / 768 (Cy.75) (C.18)
Adran 8 - at ddibenion penodol	16 Mawrth 2006	2006 / 768 (Cy.75) (C.18)

Article 9 contains transitional provisions requiring that a vehicle on a road in respect of which an authority has given a notice under section 99(3) of the Road Traffic Regulation Act 1984 or a vehicle to which an authority has affixed a notice under section 99(4) of that Act, in either case before 27 October, will continue to be dealt with in accordance with sections 99, 101 and 103 of that Act as those sections applied before the coming into force of provisions under this Order.

Article 10 makes savings under which the Dogs (Fouling of Land) Act 1996 (c. 20) continues to apply in respect of land that is "designated land" under that Act immediately before the repeal of that Act by article 5(g) of this Order.

Article 11 amends article 5 of the Clean Neighbourhoods and Environment Act 2005 (Commencement No. 1 and Savings) (Wales) Order 2006 (S.I. 2006 No. 768) (W. 75) (C. 18) ("the 2006 Order"). The 2006 Order repealed section 32 of, and Part 2 of Schedule 2 to, the Environmental Protection Act 1990 (c. 43) ("the 1990 Act"). Article 5 of the 2006 Order contained savings continuing the effect of the repealed sections in relation to waste disposal companies under the control of waste disposal authorities at the date the repeal took effect. Article 11 of this Order limits those savings so that from 27 October 2006 only section 32(7) and (8) of the 1990 Act will continue to have effect in relation to those companies.

NOTE AS TO EARLIER COMMENCEMENT ORDERS

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

The following provisions of the 2005 Act have been brought into force in relation to Wales by commencement orders made before the date of this Order:

<i>Provision</i>	<i>Date of Commencement</i>	<i>S.I. No.</i>
Section 2 - for certain purposes	16 March 2006	2006 / 768 (W.75) (C.18)
Section 6 - for certain purposes	16 March 2006	2006 / 768 (W.75) (C.18)
Section 8 - for certain purposes	16 March 2006	2006 / 768 (W.75) (C.18)

Adran 10 - at ddibenion penodol	16 Mawrth 2006	2006 / 768 (Cy.75) (C.18)
Adran 13 - at ddibenion penodol	16 Mawrth 2006	2006 / 768 (Cy.75) (C.18)
Adran 17 - at ddibenion penodol	16 Mawrth 2006	2006 / 768 (Cy.75) (C.18)
Adran 19 - at ddibenion penodol	16 Mawrth 2006	2006 / 768 (Cy.75) (C.18)
Adran 20 - at ddibenion penodol	16 Mawrth 2006	2006 / 768 (Cy.75) (C.18)
Adran 24 - at ddibenion penodol	16 Mawrth 2006	2006 / 768 (Cy.75) (C.18)
Adran 28 - at ddibenion penodol	16 Mawrth 2006	2006 / 768 (Cy.75) (C.18)
Adran 30 - at ddibenion penodol	16 Mawrth 2006	2006 / 768 (Cy.75) (C.18)
Adrannau 37 a 38 - at ddibenion penodol	16 Mawrth 2006	2006 / 768 (Cy.75) (C.18)
Adrannau 45 i 48 - at ddibenion penodol	16 Mawrth 2006	2006 / 768 (Cy.75) (C.18)
Adran 52 - at ddibenion penodol	16 Mawrth 2006	2006 / 768 (Cy.75) (C.18)
Adran 53	16 Mawrth 2006	2006 / 768 (Cy.75) (C.18)
Adrannau 55 i 60 - at ddibenion penodol	16 Mawrth 2006	2006 / 768 (Cy.75) (C.18)
Adran 67 - at ddibenion penodol	16 Mawrth 2006	2006 / 768 (Cy.75) (C.18)
Adrannau 73 i 75 - at ddibenion penodol	16 Mawrth 2006	2006 / 768 (Cy.75) (C.18)
Adran 82 - at ddibenion penodol	16 Mawrth 2006	2006 / 768 (Cy.75) (C.18)

Section 10 - for certain purposes	16 March 2006	2006 / 768 (W.75) (C.18)
Section 13 - for certain purposes	16 March 2006	2006 / 768 (W.75) (C.18)
Section 17 - for certain purposes	16 March 2006	2006 / 768 (W.75) (C.18)
Section 19 - for certain purposes	16 March 2006	2006 / 768 (W.75) (C.18)
Section 20 - for certain purposes	16 March 2006	2006 / 768 (W.75) (C.18)
Section 24 - for certain purposes	16 March 2006	2006 / 768 (W.75) (C.18)
Section 28 - for certain purposes	16 March 2006	2006 / 768 (W.75) (C.18)
Section 30 - for certain purposes	16 March 2006	2006 / 768 (W.75) (C.18)
Sections 37 and 38 - for certain purposes	16 March 2006	2006 / 768 (W.75) (C.18)
Sections 45 to 48 - for certain purposes	16 March 2006	2006 / 768 (W.75) (C.18)
Section 52 - for certain purposes	16 March 2006	2006 / 768 (W.75) (C.18)
Section 53	16 March 2006	2006 / 768 (W.75) (C.18)
Sections 55 to 60 - for certain purposes	16 March 2006	2006 / 768 (W.75) (C.18)
Section 67 - for certain purposes	16 March 2006	2006 / 768 (W.75) (C.18)
Sections 73 to 75 - for certain purposes	16 March 2006	2006 / 768 (W.75) (C.18)
Section 82 - for certain purposes	16 March 2006	2006 / 768 (W.75) (C.18)

Adrannau 96 i 98 - at ddibenion penodol	16 Mawrth 2006	2006 / 768 (Cy.75) (C.18)
Adrannau 101 i 104 - at ddibenion penodol	16 Mawrth 2006	2006 / 768 (Cy.75) (C.18)
Atodlen 4, paragraff 4	16 Mawrth 2006	2006 / 768 (Cy.75) (C.18)
Atodlen 5, Rhan 2 (sbwriel a sorod)	16 Mawrth 2006	2006/768 (Cy.75) C.18)
Atodlen 5, Rhan 4 (gwasttraff) yn rhannol	16 Mawrth 2006	2006 / 768 (Cy.75) (C.18)

Sections 96 to 98 - for certain purposes	16 March 2006	2006 / 768 (W.75) (C.18)
Sections 101 to 104 - for certain purposes	16 March 2006	2006 / 768 (W.75) (C.18)
Schedule 4, paragraph 4	16 March 2006	2006 / 768 (W.75) (C.18)
Schedule 5, Part 4 (waste) in part	16 March 2006	2006 / 768 (W.75) (C.18)

Mae darpariaethau canlynol Deddf 2005 wedi'u dwyn i rym yng Nghymru a Lloegr drwy orchmynion cychwyn a wnaed cyn dyddiad y Gorchymyn hwn:

The following provisions of the 2005 Act have been brought into force in Wales and England by commencement orders made before the date of this Order:

<i>Y ddarpariaeth</i>	<i>Y dyddiad cychwyn</i>	<i>O.S. Rhif</i>
Adran 32	1 Gorffennaf 2005	2005 / 1675 (C.69)
Adrannau 42 i 44	18 Hydref 2006	2005 / 2896 (C.122)
Adran 49(1) a (3)	7 Mawrth 2006	2006 / 656 (C.16)
Adran 49 (2) a (6) - at ddibenion penodol	7 Mawrth 2006	2006 / 656 (C.16)
Adran 49 (2) a (6) - at ddibenion sy'n weddill	6 Ebrill 2006	2006 / 656 (C.16)
Adran 49(4) a (9)	6 Ebrill 2006	2006 / 656 (C.16)
Adran 49 (8) - at ddibenion penodol	6 Ebrill 2006	2006 / 656 (C.16)
Adrannau 87 i 95	1 Ionawr 2006	2005 / 3439 (C.144)
Atodlen 2	1 Ionawr 2006	2005 / 3439 (C.144)

<i>Provision</i>	<i>Date of Commencement</i>	<i>S.I. No.</i>
Section 32	1 July 2005	2005 / 1675 (C.69)
Sections 42 - 44	18 October 2006	2005 / 2896 (C.122)
Section 49 (1) and (3)	7 March 2006	2006 / 656 (C.16)
Section 49 (2) and (6)- for certain purposes	7 March 2006	2006/ 656 (C.16)
Section 49 (2) and (6) -for remaining purposes	6 April 2006	2006 / 656 (C.16)
Section 49 (4) and (9)	6 April 2006	2006 / 656 (C.16)
Section 49 (8)- for certain purposes	6 April 2006	2006 / 656 (C.16)
Sections 87 - 95	1 January 2006	2005 / 3439 (C.144)
Schedule 2	1 January 2006	2005 / 3439 (C.144)

Atodlen 3	1 Ionawr 2006	2005 / 3439 (C.144)
Atodlen 4, paragraff 3 yn rhannol	6 Ebrill 2006	2006 / 656 (C.16)
Atodlen 5, Rhan 8	1 Ionawr 2006	2005 / 3439 (C.144)

Schedule 3	1 January 2006	2005 / 3439 (C.144)
Schedule 4, paragraph 3 in part	6 April 2006	2006 / 656 (C.16)
Schedule 5, Part 8	1 January 2006	2005 / 3439 (C.144)

Mae'r Gorchymynion Cychwyn canlynol wedi'u gwneud o dan Ddeddf 2005 gan yr Ysgrifennydd Gwladol o ran Cymru a Lloegr-

Gorchymyn Deddf Cymdogaethau Glân a'r Amgylchedd 2005 (Cychwyn Rhif 1) 2005 (O.S. 2005 Rhif 1675) (C.69);

Gorchymyn Deddf Cymdogaethau Glân a'r Amgylchedd 2005 (Cychwyn Rhif 2, Darpariaethau Trosiannol ac Arbedion) (Cymru a Lloegr) 2005 (O.S. 2005 Rhif 2896) (C. 122);

Gorchymyn Deddf Cymdogaethau Glân a'r Amgylchedd 2005 (Cychwyn Rhif 3) 2005 (O.S. 2005 Rhif 3439) (C. 144);

Gorchymyn Deddf Cymdogaethau Glân a'r Amgylchedd 2005 (Cychwyn Rhif 4) 2006 (O.S. 2006 Rhif 656) (C. 16);

Gorchymyn Deddf Cymdogaethau Glân a'r Amgylchedd 2005 (Cychwyn Rhif 2, Darpariaethau Trosiannol ac Arbedion) (Cymru a Lloegr) (Diwygio) 2006 (O.S. 2006 Rhif 1002) (C. 31);

Mae'r Gorchymynion Cychwyn canlynol wedi'u gwneud o dan y Ddeddf Cymdogaethau Glân a'r Amgylchedd gan yr Ysgrifennydd Gwladol o ran Lloegr-

Gorchymyn Deddf Cymdogaethau Glân a'r Amgylchedd 2005 (Cychwyn Rhif 1, Darpariaethau Trosiannol a Darpariaethau Arbed) (Lloegr) 2006 (O.S. 2006 Rhif 795) (C. 19);

Gorchymyn Deddf Cymdogaethau Glân a'r Amgylchedd 2005 (Cychwyn Rhif 2) (Lloegr) 2006 (O.S. 2006 Rhif 1361) (C. 46);

Gorchymyn Deddf Cymdogaethau Glân a'r Amgylchedd 2005 (Cychwyn Rhif 3) (Lloegr) 2006 (O.S. 2006 Rhif 2006) (C. 69).

The following Commencement Orders have been made under the 2005 Act by the Secretary of State in relation to England and Wales-

The Clean Neighbourhoods and Environment Act 2005 (Commencement No. 1) Order 2005 (S.I. 2005 No. 1675) (C.69);

The Clean Neighbourhoods and Environment Act 2005 (Commencement No. 2, Transitional Provisions and Savings) (England and Wales) Order 2005 (S.I. 2005 No. 2896) (C. 122);

The Clean Neighbourhoods and Environment Act 2005 (Commencement No. 3) Order 2005 (S.I. 2005 No. 3439) (C. 144);

The Clean Neighbourhoods and Environment Act 2006 (Commencement No. 4) Order (S.I. 2006 No. 656) (C. 16);

The Clean Neighbourhoods and Environment Act 2005 (Commencement No. 2, Transitional Provisions and Savings) (England and Wales) (Amendment) Order 2006 (S.I. 2006 No. 1002) (C. 31);

The following Commencement Orders have been made under the Clean Neighbourhoods and Environment Act 2005 by the Secretary of State in relation to England-

The Clean Neighbourhoods and Environment Act 2005 (Commencement No. 1, Transitional and Savings Provisions) (England) Order 2006 (S.I. 2006 No. 795) (C. 19);

The Clean Neighbourhoods and Environment Act 2005 (Commencement No. 2) (England) Order 2006 (S.I. 2006 No. 1361) (C. 46);

The Clean Neighbourhoods and Environment Act 2005 (Commencement No. 3) (England) Order 2006 (S.I. 2006 No. 2006) (C. 69).

2006 Rhif 2797 (Cy.236) (C.93)**DIOGELU'R AMGYLCHEDD,
CYMRU****Gorchymyn Deddf Cymdogaethau
Glân a'r Amgylchedd 2005
(Cychwyn Rhif 2, Darpariaethau
Trosiannol ac Arbedion) (Cymru)
2006***Wedi'i wneud**17 Hydref 2006*

Mae Cynulliad Cenedlaethol Cymru, drwy arfer y pwerau a roddwyd iddo gan adran 108(1)(b), (2) a (5) o Ddeddf Cymdogaethau Glân a'r Amgylchedd 2005(1), yn gwneud y Gorchymyn a ganlyn:

Enwi, cymhwyso a dehongli

1.-(1) Enw'r Gorchymyn hwn yw Gorchymyn Deddf Cymdogaethau Glân a'r Amgylchedd 2005 (Cychwyn Rhif 2, Darpariaethau Trosiannol ac Arbedion) (Cymru) 2006.

(2) Mae'r Gorchymyn hwn yn gymwys o ran Cymru.

(3) Yn y Gorchymyn hwn-

ystyr "Deddf 1978" ("*the 1978 Act*") yw Deddf Gwaredu Sorod (Amwynder) 1978(2);

ystyr "Deddf 1984" ("*the 1984 Act*") yw Deddf Rheoleiddio Traffig Ffyrdd 1984(3);

ystyr "Deddf 1996" ("*the 1996 Act*") yw Deddf Cŵn (Baeddu Tir) 1996(4);

ystyr "Deddf 2005" ("*the 2005 Act*") yw Deddf Cymdogaethau ac Amgylchedd Glân 2005.

**Darpariaethau Deddf 2005 sy'n dod i rym ar 27
Hydref 2006**

2. Daw darpariaethau canlynol Deddf 2005 i rym ar 27 Hydref 2006-

(1) 2005 p. 16.

(2) 1978 p. 3.

(3) 1984 p. 27.

(4) 1996 p. 20.

2006 No. 2797 (W.236) (C.93)**ENVIRONMENTAL
PROTECTION, WALES****The Clean Neighbourhoods and
Environment Act 2005
(Commencement No. 2, Transitional
Provisions and Savings) (Wales)
Order 2006***Made**17 October 2006*

The National Assembly for Wales, in exercise of the powers conferred upon it by section 108(1)(b), (2) and (5) of the Clean Neighbourhoods and Environment Act 2005(1), makes the following Order:

Title, application and interpretation

1.-(1) The title of this Order is the Clean Neighbourhoods and Environment Act 2005 (Commencement No. 2, Transitional Provisions and Savings) (Wales) Order 2006.

(2) This Order applies in relation to Wales.

(3) In this Order-

"the 1978 Act" ("*Deddf 1978*") means the Refuse Disposal (Amenity) Act 1978(2);

"the 1984 Act" ("*Deddf 1984*") means the Road Traffic Regulation Act 1984(3);

"the 1996 Act" ("*Deddf 1996*") means the Dogs (Fouling of Land) Act 1996(4);

"the 2005 Act" ("*Deddf 2005*") means the Clean Neighbourhoods and Environment Act 2005.

**Provisions of the 2005 Act coming into force on 27
October 2006**

2. The following provisions of the 2005 Act come into force on 27 October 2006-

(1) 2005 c. 16.

(2) 1978 c. 3.

(3) 1984 c. 27.

(4) 1996 c. 20.

- (a) adran 11 (hysbysiad symud);
- (b) adran 12 (gwaredu);
- (c) i'r graddau nad yw eisoes mewn grym, adran 13 (canllawiau);
- (ch) adran 15 (hysbysiad symud);
- (d) adran 16 (gwaredu);
- (dd) i'r graddau nad yw eisoes mewn grym, adran 17 (canllawiau);
- (e) adran 34 (tynnu placardiau a phosteri);
- (f) at ddibenion amnewid adran 5 (ond gan eithrio adran 5(2)(d)) o Ddeddf Rheoli Llygredd (Diwygio) 1989(1), adran 37 (pwerau gorfodi);
- (ff) adran 50 (pŵer i'w gwneud yn ofynnol i berchennog tir symud gwastraff oddi yno);
- (g) i'r graddau nad yw eisoes mewn grym, adran 56 (gorchmynion rheoli cŵn: darpariaethau atodol);
- (ng) adran 66 ("person priodol");
- (h) i'r graddau nad yw eisoes mewn grym, adran 67 (rheoliadau a gorchmynion);
- (i) adran 80 (gorchmynion a rheoliadau);
- (j) adran 81 (dehongli);
- (ll) i'r graddau nad yw eisoes mewn grym, adran 83 (tramgwyddau sŵn: defnyddio derbynebau cosb benodedig);
- (m) adran 84 at ddibenion dwyn i rym paragraffau 2, 7(2)(a) a (3), 8(2) a 12(2), (5) a (6) o Atodlen 1 i Ddeddf 2005 (estyn Deddf Sŵn 1996(2) i gwmpasu mangreoddd trwyddedig etc.);
- (n) adran 86 (gohirio dyletswydd i gyflwyno hysbysiad gostegu);
- (o) adran 99 (trolïau siopa gadawedig a throlïau bagiau gadawedig);
- (p) adran 100 (adran 99: darpariaeth drosiannol);
- (ph) yn Rhan 1 (cerbydau) o Atodlen 5 (diddymiadau), y diddymiadau i Ddeddf 1978 a Deddf 1984.

Darpariaeth yn Neddf 2005 sy'n dod i rym ar y dyddiad y daw Deddf Priffyrdd 1980 (Gorchmynion Gatio) (Cymru) 2006 i rym

3. I'r graddau nad yw eisoes mewn grym, mae adran 2 (gorchmynion gatio) yn dod i rym ar y dyddiad y mae Rheoliadau Deddf Priffyrdd 1980 (Gorchmynion Gatio) (Cymru) 2006 yn dod i rym.

- (a) section 11 (notice of removal);
- (b) section 12 (disposal);
- (c) in so far as not already in force, section 13 (guidance);
- (d) section 15 (notice of removal);
- (e) section 16 (disposal);
- (f) in so far as not already in force, section 17 (guidance);
- (g) section 34 (removal of placards and posters);
- (h) for the purposes of substituting section 5 (but excluding section 5(2)(d)) of the Control of Pollution (Amendment) Act 1989(1), section 37 (enforcement powers);
- (i) section 50 (power to require owner of land to remove waste);
- (j) in so far as not already in force, section 56 (dog control orders: supplementary);
- (k) section 66 ("appropriate person");
- (l) in so far as not already in force, section 67 (regulations and orders);
- (m) section 80 (orders and regulations);
- (n) section 81 (interpretation);
- (o) in so far as not already in force, section 83 (noise offences: use of fixed penalty receipts);
- (p) section 84 for the purposes of bringing into force paragraphs 2, 7(2)(a) and (3), 8(2) and 12(2), (5) and (6) of Schedule 1 to the 2005 Act (extension of Noise Act 1996(2) to licensed premises etc.);
- (q) section 86 (deferral of duty to serve abatement notice);
- (r) section 99 (abandoned shopping and luggage trolleys);
- (s) section 100 (section 99: transitional provision);
- (t) in Part 1 (vehicles) of Schedule 5 (repeals), the repeals to the 1978 Act and to the 1984 Act.

Provision of the 2005 Act coming into force on the date on which the Highways Act 1980 (Gating Orders) (Wales) Regulations 2007 come into force

3. In so far as not already in force section 2 (gating orders) comes into force on the date on which the Highways Act 1980 (Gating Orders) (Wales) Regulations 2007 come into force.

(1) 1989 p. 14; amnewidiwyd adran 5 gan adran 37 o Ddeddf 2005.

(2) 1996 p. 37.

(1) 1989 c. 14; section 5 is substituted by section 37 of the 2005 Act.

(2) 1996 c. 37.

Darpariaethau yn Neddf 2005 sy'n dod i rym ar y dyddiad y daw Rheoliadau Tramgwyddau Amgylcheddol (Cosbau Benodedig) (Darpariaethau Amrywiol) (Cymru) 2007 i rym

4. Mae darpariaethau canlynol Deddf 2005 yn dod i rym ar y dyddiad y daw Rheoliadau Tramgwyddau Amgylcheddol (Cosb Benodedig) (Darpariaethau Amrywiol) (Cymru) 2007 i rym-

- (a) i'r graddau nad yw eisoes mewn grym, adran 6 (pŵer i roi hysbysiadau cosb benodedig);
- (b) adran 7 (pŵer i'w gwneud yn ofynnol bod enw a chyfeiriad yn cael eu rhoi);
- (c) i'r graddau nad yw eisoes mewn grym, adran 8 (defnyddio derbynebau cosb benodedig);
- (ch) adran 9 (hysbysiadau cosb benodedig: materion atodol);
- (d) i'r graddau nad yw eisoes mewn grym, adran 10 (tramgwydd gadael cerbyd: hysbysiadau cosb benodedig);
- (dd) i'r graddau nad yw eisoes mewn grym, adran 19 (tramgwydd ysbwriel: hysbysiadau cosb benodedig);
- (e) i'r graddau nad yw eisoes mewn grym, adran 20 (hysbysiadau clirio ysbwriel);
- (f) adran 21 (hysbysiadau rheoli ysbwriel ar y stryd);
- (ff) adran 22 (methu â chydymffurfio â hysbysiad: hysbysiadau cosb benodedig);
- (g) adran 23 (rheolaethau ar ddosbarthu deunydd printiedig yn ddi-dâl);
- (ng) i'r graddau nad yw eisoes mewn grym, adran 24 (hysbysiadau cosb benodedig: darpariaeth gyffredin);
- (h) adran 25 (eithrio atebolrwydd);
- (i) i'r graddau nad yw eisoes mewn grym, adran 28 (hysbysiadau cosb benodedig: swm y gosb benodedig);
- (j) adran 29 (hysbysiadau cosb benodedig: pŵer i'w gwneud yn ofynnol bod enw a chyfeiriad yn cael eu rhoi);
- (l) i'r graddau nad yw eisoes mewn grym, adran 30 (hysbysiadau cosb benodedig: swyddogion awdurdodedig);
- (ll) adran 31 (estyn hysbysiadau gwaredu graffiti i gwmpasu gosod posteri yn anghyfreithlon);
- (m) i'r graddau nad yw eisoes mewn grym, adran 38 (methu â dangos awdurdod: hysbysiadau cosb benodedig);
- (n) i'r graddau nad yw eisoes mewn grym, adran 45 (methu â darparu dogfennau: hysbysiadau cosb benodedig);
- (o) i'r graddau nad yw eisoes mewn grym, adran 48 (tramgwyddau sy'n ymwneud â chynwysyddion gwastraff: hysbysiadau cosb benodedig);

Provisions of the 2005 Act coming into force on the date on which the Environmental Offences (Fixed Penalties) (Miscellaneous Provisions) (Wales) Regulations 2007 come into force

4. The following provisions of the 2005 Act come into force on the date on which the Environmental Offences (Fixed Penalties) (Miscellaneous Provisions) (Wales) Regulations 2007 come into force-

- (a) in so far as not already in force, section 6 (power to give fixed penalty notices);
- (b) section 7 (power to require name and address);
- (c) in so far as not already in force, section 8 (use of fixed penalty receipts);
- (d) section 9 (fixed penalty notices: supplementary);
- (e) in so far as not already in force, section 10 (offence of abandoning a vehicle: fixed penalty notices);
- (f) in so far as not already in force, section 19 (litter offence: fixed penalty notices);
- (g) in so far as not already in force, section 20 (litter clearing notices);
- (h) section 21 (street litter control notices);
- (i) section 22 (failure to comply with notice: fixed penalty notices);
- (j) section 23 (controls on free distribution of printed matter);
- (k) in so far as not already in force, section 24 (fixed penalty notices: common provision);
- (l) section 25 (exclusion of liability);
- (m) in so far as not already in force, section 28 (fixed penalty notices: amount of fixed penalty);
- (n) section 29 (fixed penalty notices: power to require name and address);
- (o) in so far as not already in force, section 30 (fixed penalty notices: authorised officers);
- (p) section 31 (extension of graffiti removal notices to fly-posting);
- (q) in so far as not already in force, section 38 (failure to produce authority: fixed penalty notices);
- (r) in so far as not already in force, section 45 (failure to furnish documentation: fixed penalty notices);
- (s) in so far as not already in force, section 48 (offences relating to waste receptacles: fixed penalty notices);

- (p) i'r graddau nad yw eisoes mewn grym, adran 52 (defnyddio derbynebaw cosb benodedig);
- (ph) i'r graddau nad yw eisoes mewn grym, adran 59 (hysbysiadau cosb benodedig);
- (r) i'r graddau nad yw eisoes mewn grym, adran 60 (swm y cosbau penodedig);
- (rh) adran 61 (pŵer i ofyn am enw a chyfeiriad);
- (s) adran 62 (swyddogion cymorth cymuned etc.);
- (t) adran 69 (dynodi ardaloedd hysbysu o larwm);
- (th) adran 70 (tynnu dynodiad yn ôl);
- (u) adran 71 (hysbysu deiliaid allweddî a enwyd);
- (w) adran 72 (enwi deiliaid allweddî);
- (y) i'r graddau nad yw eisoes mewn grym, adran 73 (tramgwyddau o dan adran 71: hysbysiadau cosb benodedig);
- (a2) i'r graddau nad yw eisoes mewn grym, adran 74 (swm y gosb benodedig);
- (b2) i'r graddau nad yw eisoes mewn grym, adran 75 (defnyddio derbynebaw cosb benodedig);
- (c2) adran 76 (hysbysiadau cosb benodedig: pŵer i'w gwneud yn ofynnol bod enw a chyfeiriad yn cael eu rhoi);
- (ch2) adran 77 (pŵer mynediad);
- (d2) adran 78 (gwarant i fynd i mewn i fangre drwy rym);
- (dd2) adran 79 (pwerau mynediad: darpariaethau atodol);
- (e2) i'r graddau nad yw eisoes mewn grym, adran 82 (tramgwyddau swm: hysbysiadau cosb benodedig);
- (f2) adran 84 (estyn Deddf Swm 1996 i fangreoedd trwyddedig etc) at ddibenion dwyn i rym y darpariaethau yn Atodlen 1 nad ydynt yn cael eu cychwyn gan erthygl 2(m);
- (g2) i'r graddau nad yw eisoes mewn grym, adran 96 (defnyddio derbynebaw cosb benodedig: awdurdodau haen uwch);
- (ng2) i'r graddau nad yw eisoes mewn grym, adran 97 (defnyddio derbynebaw cost benodedig: awdurdodau haen is);
- (h2) i'r graddau nad yw eisoes mewn grym, adran 98 (adrannau 96 a 97: darpariaethau atodol);
- (i2) Rhan 2 o Atodlen 5 (dirymiaid);
- (l2) Rhan 9 o Atodlen 5 mewn perthynas â diddymu adran 119 o Ddeddf Llywodraeth Leol 2003(1).

- (t) in so far as not already in force, section 52 (use of fixed penalty receipts);
- (u) in so far as not already in force, section 59 (fixed penalty notices);
- (v) in so far as not already in force, section 60 (amount of fixed penalties);
- (w) section 61 (power to require name and address);
- (x) section 62 (community support officers etc.);
- (y) section 69 (designation of alarm notification areas);
- (z) section 70 (withdrawal of designation);
- (aa) section 71 (notification of nominated key-holders);
- (bb) section 72 (nomination of key-holders);
- (cc) in so far as not already in force, section 73 (offences under section 71: fixed penalty notices);
- (dd) in so far as not already in force, section 74 (amount of fixed penalty);
- (ee) in so far as not already in force, section 75 (use of fixed penalty receipts);
- (ff) section 76 (fixed penalty notices: power to require name and address);
- (gg) section 77 (power of entry);
- (hh) section 78 (warrant to enter premises by force);
- (ii) section 79 (powers of entry: supplementary);
- (jj) in so far as not already in force, section 82 (noise offences: fixed penalty notices);
- (kk) section 84 (extension of Noise Act 1996 to licensed premises etc) for the purposes of bringing into force the provisions of Schedule 1 not commenced by article 2(q);
- (ll) in so far as not already in force, section 96 (use of fixed penalty receipts: higher tier authorities);
- (mm) in so far as not already in force, section 97 (use of fixed penalty receipts: lower tier authorities);
- (nn) in so far as not already in force, section 98 (sections 96 and 97: supplementary);
- (oo) Part 2 of Schedule 5 (repeals);
- (pp) Part 9 of Schedule 5 in respect of the repeal of section 119 of the Local Government Act 2003(1).

Darpariaethau yn Neddf 2005 sy'n dod i rym ar y dyddiad y daw Rheoliadau Gorchmynion Rheoli Cŵn (Darpariaethau Amrywiol) (Cymru) 2006 i rym

5. Mae darpariaethau canlynol Deddf 2005 yn dod i rym ar y dyddiad y daw Rheoliadau Gorchmynion Rheoli Cŵn (Darpariaethau Amrywiol) (Cymru) 2006 i rym-

- (a) i'r graddau nad yw eisoes mewn grym, adran 55 (pŵer i wneud gorchmynion rheoli cwn);
- (b) i'r graddau nad yw eisoes mewn grym, adran 57 (tir y mae Pennod 1 yn gymwys iddo);
- (c) i'r graddau nad yw eisoes mewn grym, adran 58 (prif awdurdodau ac awdurdodau eilaidd);
- (ch) adran 63 (pwerau sy'n gorgyffwrdd);
- (d) adran 64 (is-ddeddfau);
- (dd) adran 65 (Deddf Cŵn (Baeddu Tir) 1996(1));
- (e) Rhan 5 o Atodlen 5.

Darpariaethau yn Neddf 2005 sy'n dod i rym ar y dyddiad y daw Rheoliadau Niwsansau Statudol (Darpariaethau Amrywiol) (Cymru) 2006 i rym

6. Mae darpariaethau canlynol Deddf 2005 yn dod i rym ar y dyddiad y daw Rheoliadau Niwsansau Statudol (Darpariaethau Amrywiol) (Cymru) 2006 i rym-

- (a) i'r graddau nad yw eisoes mewn grym, adran 101 (niwsans statudol: trychfilod);
- (b) i'r graddau nad yw eisoes mewn grym, adran 103(2)(a) a (4)(a) (adrannau 101 a 102: darpariaethau atodol).

Darpariaethau yn Neddf 2005 sy'n dod i rym ar y dyddiad y daw Gorchymyn Niwsansau Statudol (Goleuo Artiffisial) (Dynodi Campau Perthnasol) (Cymru) 2006 i rym

7. Mae darpariaethau canlynol Deddf 2005 yn dod i rym ar y dyddiad y daw Gorchymyn Niwsansau Statudol (Goleuo Artiffisial) (Dynodi Campau Perthnasol) (Cymru) 2006 i rym-

- (a) adran 102 (niwsans statudol: goleuadau);
- (b) adran 103 (adrannau 101 a 102: darpariaethau atodol) ac eithrio adran 103(2)(a) a (4)(a).

Provisions of the 2005 Act coming into force on the date on which the Dog Control Orders (Miscellaneous Provisions) (Wales) Regulations 2007 come into force

5. The following provisions of the 2005 Act come into force on the date on which the Dog Control Orders (Miscellaneous Provisions) (Wales) Regulations 2006 come into force-

- (a) in so far as not already in force, section 55 (power to make dog control orders);
- (b) in so far as not already in force, section 57 (land to which Chapter 1 applies);
- (c) in so far as not already in force, section 58 (primary and secondary authorities);
- (d) section 63 (overlapping powers);
- (e) section 64 (byelaws);
- (f) section 65 (Dogs (Fouling of Land) Act 1996(1));
- (g) Part 5 of Schedule 5.

Provisions of the 2005 Act coming into force on the date on which the Statutory Nuisance (Miscellaneous Provisions) (Wales) Regulations 2006 come into force

6. The following provisions of the 2005 Act come into force on the date on which the Statutory Nuisance (Miscellaneous Provisions) (Wales) Regulations 2006 come into force-

- (a) in so far as not already in force, section 101 (statutory nuisance: insects);
- (b) in so far as not already in force, section 103(2)(a) and (4)(a) (sections 101 and 102: supplementary).

Provisions of the 2005 Act coming into force on the date on which the Statutory Nuisance (Artificial Lighting) (Designation of Relevant Sports) (Wales) Order 2006 comes into force

7. The following provisions of the 2005 Act come into force on the date on which the Statutory Nuisance (Artificial Lighting) (Designation of Relevant Sports) (Wales) Order 2006 comes into force-

- (a) section 102 (statutory nuisance: lighting);
- (b) section 103 (sections 101 and 102: supplementary) other than section 103(2)(a) and (4)(a).

(1) 1996 p.20.

(1) 1996 c. 20.

Darpariaethau trosiannol: Deddf Gwaredu Sorod (Amwynder) 1978

8.-(1) Nid yw'r diwygiadau a wnaed i Ddeddf 1978 gan-

- (a) adran 11 (sy'n diwygio adran 3 o Ddeddf 1978);
- (b) adran 12 (sy'n diwygio adran 4 o Ddeddf 1978);
- (c) adran 13 (sy'n mewnosod adran 4A (canllawiau) yn Neddf 1978),

o Ddeddf 2005 yn effeithio ar weithrediad adrannau 3 a 4 o Ddeddf 1978 mewn perthynas â cherbyd y mae paragraff (2) yn gymwys iddo.

(2) Mae'r paragraff hwn yn gymwys i gerbyd y mae awdurdod lleol, a hynny cyn 27 Hydref 2006-

- (a) wedi rhoi hysbysiad mewn perthynas ag ef o dan adran 3(2) o Ddeddf 1978; neu
- (b) wedi dodi hysbysiad arno o dan adran 3(5) o'r Ddeddf honno.

Darpariaethau trosiannol: Deddf Rheoleiddio Traffig Ffyrdd 1984

9.-(1) Nid yw'r diwygiadau a wnaed i Ddeddf 1984 gan-

- (a) adran 15 (sy'n diwygio adran 99 o Ddeddf 1984);
- (b) adran 16 (sy'n diwygio adran 101 o Ddeddf 1984);
- (c) adran 12 (sy'n diwygio adran 103 o Ddeddf 1984),

o Ddeddf 2005 yn effeithio ar weithrediad adrannau 99, 101 a 103 o Ddeddf 1984 mewn perthynas â cherbyd y mae paragraff (2) yn gymwys iddo.

(2) Mae'r paragraff hwn yn gymwys i gerbyd-

- (a) sydd ar ffordd ac y mae awdurdod wedi rhoi hysbysiad mewn perthynas ag ef cyn 27 Hydref 2006 o dan adran 99(3) o Ddeddf 1984;
- (b) y mae awdurdod wedi dodi hysbysiad arno cyn 27 October 2006 o dan adran 99(4) o'r Ddeddf honno.

Arbedion: Deddf Cŵn (Baeddu Tir) 1996

10.-(1) Yn ddarostyngedig i baragraff (2) ac er gwaethaf ei diddymu gan adran 65 o Ddeddf 2005 a Rhan 5 o Atodlen 5 iddi, mae Deddf Cŵn (Baeddu Tir) 1996 yn parhau i fod yn effeithiol mewn perthynas ag unrhyw dir sy'n dir dynodedig yn union cyn y dyddiad y diddymir Deddf 1996 yn unol â rheoliad 5(e) o'r Gorchymyn hwn.

(2) Bydd unrhyw dir sy'n dir dynodedig yn union cyn diddymu Deddf 1996 gan erthygl 5(e) o'r Gorchymyn hwn yn peidio â bod yn dir dynodedig ar y dyddiad y

Transitional provisions: Refuse Disposal (Amenity) Act 1978

8.-(1) The amendments made to the 1978 Act by-

- (a) section 11 (which amends section 3 of the 1978 Act);
- (b) section 12 (which amends section 4 of the 1978 Act);
- (c) section 13 (which inserts section 4A (guidance) into the 1978 Act),

of the 2005 Act do not affect the operation of sections 3 and 4 of the 1978 Act in relation to a vehicle to which paragraph (2) applies.

(2) This paragraph applies to a vehicle in relation to which a local authority has, before 27 October 2006-

- (a) given a notice under section 3(2) of the 1978 Act; or
- (b) affixed a notice under section 3(5) of that Act.

Transitional provisions: Road Traffic Regulation Act 1984

9.-(1) The amendments made to the 1984 Act by-

- (a) section 15 (which amends section 99 of the 1984 Act);
- (b) section 16 (which amends section 101 of the 1984 Act);
- (c) section 17 (which amends section 103 of the 1984 Act),

of the 2005 Act do not affect the operation of sections 99, 101 and 103 of the 1984 Act in relation to a vehicle to which paragraph (2) applies.

(2) This paragraph applies to a vehicle-

- (a) on a road in relation to which an authority has, before 27 October 2006, given a notice under section 99(3) of the 1984 Act;
- (b) to which an authority has, before 27 October 2006, affixed a notice under section 99(4) of that Act.

Savings: Dogs (Fouling of Land) Act 1996

10.-(1) Subject to paragraph (2) and notwithstanding its repeal by section 65 of, and Part 5 of Schedule 5 to, the 2005 Act, the Dogs (Fouling of Land) Act 1996 continues to have effect in respect of any land which is designated land immediately before the date on which the 1996 Act is repealed in accordance with regulation 5(g) of this Order.

(2) Any land which is designated land immediately before the repeal of the 1996 Act by article 5(g) of this Order ceases to be designated land on the date on

daw'r diddymiad yn weithredol-

- (a) i'r graddau y mae gorchymyn rheoli cŵn (p'un a yw'n ymwneud â baeddu tir gan gŵn) a wnaed o dan adran 55 o Ddeddf 2005 yn gymwys mewn perthynas â'r tir hwnnw;
- (b) os yw'r gorchymyn dynodi o dan sylw wedi'i ddirymu; neu
- (c) os yw'r gorchymyn dynodi o dan sylw wedi'i ddiwygio yn y fath fodd ag i leihau maint y tir dynodedig, i'r graddau y mae hwnnw wedi'i leihau.

(3) O ran effaith barhaol Deddf 1996-

- (a) mae adran 88(2) i (8) o Ddeddf Diogelu'r Amgylchedd 1990(1), fel y'i cymhwysir gan adran 4(2) a (3) o Ddeddf 1996, yn parhau i fod yn gymwys fel petai'r diwygiadau a wnaed gan adran 19 o Ddeddf 2005 i adran 88 o Ddeddf Diogelu'r Amgylchedd 1990 heb eu gwneud;
- (b) er gwaethaf eu diddymu gan Ran 5 o Atodlen 5 i Ddeddf 2005, mae paragraff 1(2)(c) o Atodlen 4 a pharagraff 1(2)(b) o Atodlen 5 i Ddeddf Diwygio'r Heddlu 2002(2) yn parhau i fod yn effeithiol;
- (c) er gwaethaf ei diddymu gan Ran 9 o Atodlen 5 i Ddeddf 2005, bydd adran 119 o Ddeddf Llywodraeth Leol 2003 yn parhau i fod yn effeithiol fel petai is-adrannau (2)(a), (3)(a) ac (c) a (4) o'r adran honno wedi'u dileu.

(4) Yn yr erthygl hon-

mae i "tir dynodedig" yr ystyr a roddir i "*designated land*" yn adran 2(1) o Ddeddf 1996; ac ystyr "gorchymyn dynodi" ("*designation order*") yw gorchymyn a wneir o dan adran 2(1) o Ddeddf 1996.

which the repeal takes effect-

- (a) to the extent that a dog control order (whether or not it relates to the fouling of land by dogs) made under section 55 of the 2005 Act applies in respect of it;
- (b) if the designation order in question is revoked; or
- (c) if the designation order in question is amended so as to reduce the extent of the designated land, to the extent of that reduction.

(3) In respect of the continued effect of the 1996 Act-

- (a) section 88(2) to (8) of the Environmental Protection Act 1990(1), as applied by section 4(2) and (3) of the 1996 Act, continue to apply as if the amendments made by section 19 of the 2005 Act to section 88 of the Environmental Protection Act 1990 had not been made;
- (b) notwithstanding their repeal by Part 5 of Schedule 5 to the 2005 Act, paragraph 1(2)(c) of Schedule 4 and paragraph 1(2)(b) of Schedule 5 to the Police Reform Act 2002(2) continue to have effect;
- (c) notwithstanding its repeal by Part 9 of Schedule 5 to the 2005 Act, section 119 of the Local Government Act 2003 shall continue to have effect as if subsections (2)(a), (3)(a) and (c) and (4) of that section were deleted.

(4) In this article-

"*designated land*" has the meaning given in section 2(1) of the 1996 Act; and

"*designation order*" means an order made under section 2(1) of the 1996 Act.

(1) 1990 p. 43; mae adran 119(1) o Ddeddf Llywodraeth Leol 2003 yn darparu bod effaith adran 88(6)(a) o Ddeddf Diogelu'r Amgylchedd 1990 yn peidio o ran bod yn gymwys i'r ail o'r Deddfau hyn ac, yn rhinwedd adran 4(2) o Ddeddf Cwn (Baeddu Tir) 1996, i gosbau penodedig am dramgyddau cwn yn baeddu.

(2) 2002 p. 30.

(1) 1990 c. 43; section 119(1) of the Local Government Act 2003 provides that section 88(6)(a) of the Environmental Protection Act 1990 ceases to have effect in its application both to the latter Act and, by virtue of section 4(2) of the Dogs (Fouling of Land) Act 1996, to fixed penalties for dog fouling offences.

(2) 2002 c. 30.

**Diwygio Gorchymyn Deddf Cymdogaethau Glân
a'r Amgylchedd 2005 (Cychwyn Rhif 1 ac
Arbedion) (Cymru) 2006**

11. Yn erthygl 5(1) o Orchymyn Deddf
Cymdogaethau Glân a'r Amgylchedd 2005 (Cychwyn
Rhif 1 ac Arbedion) (Cymru) 2006(1) -

- (a) ar ôl "adran 32" mewnosoder "(7) ac (8)"; a
- (b) hepgorer "a Rhan 2 o Atodlen 2 iddi".

Llofnodwyd ar ran Cynulliad Cenedlaethol Cymru o
dan adran 66(1) o Ddeddf Llywodraeth Cymru
1998(2).

17 Hydref 2006

Llywydd y Cynulliad Cenedlaethol

**Amendment of the Clean Neighbourhoods and
Environment Act 2005 (Commencement No. 1 and
Savings) (Wales) Order 2006**

11. In article 5(1) of the Clean Neighbourhoods and
Environment Act 2005 (Commencement No. 1 and
Savings) (Wales) Order 2006(1) -

- (a) after "section 32" insert "(7) and (8)"; and
- (b) omit ", and Part 2 of Schedule 2 to,".

Signed on behalf of the National Assembly for Wales
under section 66(1) of the Government of Wales Act
1998(2)

17 October 2006

The Presiding Officer of the National Assembly

D. Elis-Thomas

(1) O.S. 2006/768 (Cy. 75) (C. 18).

(2) 1998 p. 38.

(1) S.I. 2006/768 (W. 75) (C. 18).

(2) 1998 c. 38.

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