



## CYNULLIAD CENEDLAETHOL CYMRU

### OFFERYNNAU STATUDOL

### 2003 Rhif 135 (Cy.9)

### CEFН GWLAD, CYMRU

### Rheoliadau Mynediad i Gefn Gwlad (Cyflwyno Tir fel Tir Mynediad) (Cymru) 2003

### NODYN ESBONIADOL

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

Mae Adran 16 o Ddeddf Cefn Gwlad a Hawliau Tramwy 2000 ("y Ddeddf") yn galluogi person sy'n dal buddiant mewn tir (a hwnnw'n fuddiant rhydd-ddaliadol neu'n fuddiant prydlesol y mae nid llai na 90 o flynyddoedd ohono yn dal heb ddod i ben) i gyflwyno'r tir hwnnw fel "tir mynediad" at ddibenion Rhan I o'r Ddeddf.

Bydd tir sydd wedi'i gyflwyno o dan adran 16 o'r Ddeddf yn ddarostyngedig i hawl mynediad cyhoeddus yn yr un modd â phetai'r tir wedi'i gynnwys mewn map a baratowyd gan Gyngor Cefn Gwlad Cymru ("y Cyngor") o dan Ran I o'r Ddeddf a bydd yn ddarostyngedig i'r un cyfyngiadau cyffredinol (a nodir yn Atodlen 2 i'r Ddeddf), ac eithrio i'r graddau y mae'r sawl sy'n cyflwyno'r tir yn dileu neu'n llacio'r cyfyngiadau hynny yn ôl telerau'r cyflwyniad.

O dan adran 16 o'r Ddeddf, caiff Cynulliad Cenedlaethol Cymru ("y Cynulliad Cenedlaethol") ragnodi'r camau sydd i'w cymryd i gyflwyno tir fel tir mynediad.

Mae Rheoliad 3 yn rhagnodi ffurf a chynnwys yr offeryn ysgrifenedig y mae'n rhaid ei weithredu er mwyn cyflwyno tir, gan gynnwys yr hyn y mae'n rhaid iddo gynnwys er mwyn dynodi'r tir y mae'n ymwneud ag ef, y personau sy'n ei gyflwyno, y personau eraill sydd, oherwydd eu buddiant yn y tir, yn cydsynio â'r cyflwyniad, a graddau unrhyw ddileu neu lacio'r cyfyngiadau sydd i'w hufuddhau gan bersonau sy'n arfer hawl mynediad iddo.

## NATIONAL ASSEMBLY FOR WALES

### STATUTORY INSTRUMENTS

### 2003 No. 135 (W.9)

### COUNTRYSIDE, WALES

### The Countryside Access (Dedication of Land as Access Land) (Wales) Regulations 2003

### EXPLANATORY NOTE

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

Section 16 of the Countryside and Rights of Way Act 2000 ("the Act") enables a person who holds an interest in land (being a freehold interest or a leasehold interest of which not less than 90 years remain unexpired) to dedicate that land as "access land" for the purposes of Part I of the Act.

Land dedicated under section 16 of the Act will be subject to the public right of access in the same way as if the land had been included in a map prepared by the Countryside Council for Wales ("the Council") under Part I of the Act and will be subject to the same general restrictions (set out in Schedule 2 to the Act), except to the extent that those who dedicate the land remove or relax those restrictions by the terms of the dedication.

Under section 16 of the Act, the National Assembly for Wales ("the National Assembly") may prescribe the steps to be taken in order to dedicate land as access land.

Regulation 3 prescribes the form and content of the written instrument which must be executed in order to dedicate land, including what it must contain in order to identify the land to which it relates, the persons dedicating it, the other persons who, by reason of their interest in the land, consent to the dedication, and the extent of any removal or relaxation of general restrictions to be observed by persons exercising access right to it.

Mae Rheoliad 4 yn rhagnodi sut mae offeryn cyflwyno i'w weithredu ac yn ei gwneud yn ofynnol i'r sawl sy'n gwneud hynny roi rhybudd o dri mis i wahanol gyrff y mae'n debyg bod ganddynt ddiddordeb yn y cynnig i gyflwyno'r tir cyn iddo wneud hynny.

Mae Rheoliad 5 yn ei gwneud yn ofynnol i offeryn cyflwyno, os yw i fod yn effeithiol, gael ei adneuo o fewn un mis ar ôl cael ei weithredu gyda'r awdurdod mynediad ar gyfer y tir y mae'n ymwneud ag ef (neu un ohonynt os oes mwy nag un) ac i'r offeryn ddod i rym chwe mis ar ôl gweithredu'r offeryn cyflwyno.

Mae Rheoliad 6 yn darparu bod copïau o'r offeryn cyflwyno yn cael eu hanfon at gyrrf â diddordeb ac eithrio'r awdurdod mynediad y mae wedi'i adneuo gydag ef.

Mae Rheoliad 7 yn darparu bod dileu neu lacio cyfyngiadau cyffredinol ar fynediad yn dod yn weithredol yn unol â thelerau offeryn cyflwyno ac ar gyfer dileu ymhellach neu lacio ymhellach drwy gyfrwng offeryn cyflwyno sy'n diwygio.

Mae Rheoliad 8 yn darparu ar gyfer defnyddio cyfathrebu electronig.

Regulation 4 prescribes how a dedication instrument is to be executed and requires those who do so to have given 3 months' notice to various bodies who are likely to have an interest in the proposal to dedicate the land before doing so.

Regulation 5 requires a dedication instrument, if it is to be effective, to be lodged within one month of being executed with the access authority for the land to which it relates (or one of them if there is more than one) and for the dedication to come into force six months after the execution of the dedication instrument.

Regulation 6 provides for copies of the dedication instrument to be sent to interested bodies other than the access authority with whom it has been lodged.

Regulation 7 provides for the removal or relaxation of general restrictions on access to take effect in accordance with the terms of a dedication instrument and for further removals or relaxations by means of an amending dedication instrument.

Regulation 8 provides for the use of electronic communication.

## 2003 Rhif 135 (Cy.9)

### CEFН GWLAD, CYMRU

#### Rheoliadau Mynediad i Gefn Gwlad (Cyflwyno Tir fel Tir Mynediad) (Cymru) 2003

Wedi'u gwneud

28 Ionawr 2003

Yn dod i rym

1 Mawrth 2003

Mae Cynulliad Cenedlaethol Cymru ("y Cynulliad Cenedlaethol") yn gwneud y Rheoliadau canlynol drwy arfer y pwerau a roddwyd iddo o dan adrannau 16 a 44 o Ddeddf Cefn Gwlad a Hawliau Tramwy 2000(a) a phob pŵer arall sy'n ei alluogi yn y cyswllt hwnnw:

#### Enwi, cychwyn a chymhwysedd

1.-(1) Enw'r Rheoliadau hyn yw Rheoliadau Mynediad i Gefn Gwlad (Cyflwyno Tir fel Tir Mynediad) (Cymru) 2003 a deuant i rym ar 1 Mawrth 2003.

(2) Mae'r Rheoliadau hyn yn gymwys i Gymru.

#### Dehongli

2.-(1) Yn y Rheoliadau hyn:

mae i "cyfathrebiad electronig" a "cyfathrebu electronig" yr ystyr a briodolir i'r term "*electronic communication*" yn adran 15(1) o Ddeddf Cyfathrebiadau Electronig 2000(b);  
ystyr "y Cyngor" ("*the Council*") yw Cyngor Cefn Gwlad Cymru;  
ystyr "y Ddeddf" ("*the Act*") yw Deddf Cefn Gwlad a Hawliau Tramwy 2000;  
ystyr "offeryn cyflwyno" ("*dedication instrument*") yw offeryn sy'n galluogi, yn unol â darpariaethau'r Rheoliadau hyn, i dir gael ei gyflwyno o dan adran 16(1) o'r Ddeddf at ddibenion Rhan I o'r Ddeddf; ac  
ystyr "offeryn cyflwyno sy'n diwygio"

(a) 2000 p.37. Mae Adrannau 16(1) a (2) yn darparu ar gyfer rhagnodi camau ("prescribed"). Mae adran 16(6) yn darparu ar gyfer gwneud rheoliadau ar rai bwrpasau. Ystyr "prescribed" yw wedi ei ragnodi gan reoliadau ac ystyr "rheoliadau" ("regulations"), mewn perthynas a Chymru, yw rheoliadau a wnaed gan Gynulliad Cenedlaethol Cymru (*gweler* adran 45(1)).

(b) 2000 p.7.

## 2003 No. 135 (W.9)

### COUNTRYSIDE, WALES

#### The Countryside Access (Dedication of Land as Access Land) (Wales) Regulations 2003

Made

28th January 2003

Coming into force

1st March 2003

The National Assembly for Wales ("the National Assembly") makes the following Regulations in exercise of the powers conferred on it under sections 16 and 44 of the Countryside and Rights of Way Act 2000(a) and all other powers enabling it in that behalf:

#### Citation, commencement and application

1.-(1) These Regulations may be cited as the Countryside Access (Dedication of Land as Access Land) (Wales) Regulations 2003 and come into force on 1st March 2003.

(2) These Regulations apply to Wales.

#### Interpretation

2.-(1) In these Regulations:

"the Act" ("y Ddeddf") means the Countryside and Rights of Way Act 2000;  
"amending dedication instrument" ("offeryn cyflwyno sy'n diwygio") means an instrument by which, in accordance with the provisions of these Regulations, the general restrictions to be observed by persons exercising the right of access may, in relation to land dedicated under section 16(1) of the Act for the purposes of Part I of the Act, be removed, relaxed or further relaxed.  
"the Council" ("y Cyngor") means the Countryside Council for Wales;  
"dedication instrument" ("offeryn cyflwyno")

(a) 2000 c.37. Section 16(1) and 16(2) provide for steps to be "prescribed". Section 16(6) provides for regulations to be made for certain purposes. "Prescribed" means prescribed by regulations and "regulations" means, as respects Wales, regulations made by the National Assembly for Wales (see section 45(1)).

("amending dedication instrument") yw offeryn sy'n galluogi, yn unol â darpariaethau'r Rheoliadau hyn, i'r cyfyngiadau cyffredinol sydd i'w hufuddhau gan bersonau sy'n arfer yr hawl mynediad, mewn perthynas â thir a gyflwynwyd o dan adran 16(1) o'r Ddeddf at ddibenion Rhan I o'r Ddeddf, gael eu dileu, eu llacio neu eu llacio ymhellach.

## Ffurf a chynnwys offerynnau cyflwyno

3. Rhaid i offeryn cyflwyno:
  - (a) bod yn ysgrifenedig, naill ai yn Gymraeg neu yn Saesneg neu, os yw'n cael ei baratoi ar ffurf ddwyieithog, yn y naill iaith a'r llall;
  - (b) datgan ei fod wedi'i wneud o dan adran 16(1) o'r Ddeddf a datgan mai ei effaith, pan ddaw i rym yn unol â rheoliad 5 o'r Rheoliadau hyn, fydd cyflwyno'r tir y mae'n ymwneud ag ef at ddibenion Rhan I o'r Ddeddf;
  - (c) dynodi'r tir sydd i'w gyflwyno drwy gyfeirio at blan neu fap sydd wedi'i atodi i'r offeryn ac:
    - (i) sydd ar raddfa heb fod yn llai nag 1:10,000;
    - (ii) y mae ffiniau'r tir sydd i'w gyflwyno wedi'u marcio'n glir arno; ac
    - (iii) y mae safle digon o linellau Grid Cenedlaethol yr Arolwg Ordnans neu nodweddion daearyddol y gellir eu hadnabod wedi'u dangos arno i'w gwneud yn bosibl i leoliad cyffredinol y tir gael ei ganfod;
  - (ch) datgan enw, cyfeiriad a chod post pob person sy'n gwneud y cyflwyniad;
  - (d) datgan natur y buddiant y mae gan bob person sy'n gwneud y cyflwyniad yn y tir sy'n cael ei gyflwyno, ac, os yw unrhyw fuddiant o'r fath yn dymor blynnyddoedd absoliwt cyfreithiol, y dyddiad y mae'r tymor hwnnw i fod i ddod i ben;
  - (dd) os nad yw buddiant unrhyw berson sy'n gwneud y cyflwyniad yn ymwneud â'r cyfan o'r tir sy'n cael ei gyflwyno, dynodi hyd a lled y tir y mae buddiant y person hwnnw yn ymwneud ag ef drwy gyfeirio at ffiniau sydd wedi'u marcio'n glir ar y plan neu'r map sydd wedi'i atodi i'r offeryn yn unol â pharagraff (c);
  - (e) datgan enw, cyfeiriad a chod post pob person sy'n cydsynio ag ef, ac eithrio'r rhai sy'n gwneud y cyflwyniad;
  - (f) datgan natur y buddiant sydd gan bob person sy'n cydsynio â'r cyflwyniad yn y tir sy'n cael ei gyflwyno ac, os nad yw'r buddiant hwnnw yn ymwneud â'r cyfan o'r tir sy'n cael ei gyflwyno, dynodi hyd a lled y tir y mae'r buddiant hwnnw yn ymwneud ag ef naill ai

means an instrument by which, in accordance with the provisions of these Regulations, land may be dedicated under section 16(1) of the Act for the purposes of Part I of the Act; and

"electronic communication" ("cyfathrebu electronig") has the meaning assigned to that term in section 15(1) of the Electronic Communications Act 2000(a).

## Form and content of dedication instruments

3. A dedication instrument must:
  - (a) be in writing, either in the English language or the Welsh language or, if prepared in bilingual form, in both;
  - (b) state that it is made under section 16(1) of the Act and that its effect, when it comes into force in accordance with regulation 5 of these Regulations, will be to dedicate the land to which it relates for the purposes of Part I of the Act;
  - (c) identify the land to be dedicated by reference to a plan or map annexed to the instrument:
    - (i) to a scale of not less than 1:10,000;
    - (ii) on which the boundaries of the land to be dedicated are clearly marked; and
    - (iii) on which the position of sufficient Ordnance Survey National Grid lines or identifiable geographical features are shown as to enable the general location of the land to be ascertained;
  - (d) state the name, address and post code of all persons who are making the dedication;
  - (e) state the nature of the interest which each person making the dedication has in the land being dedicated, and, if any such interest is a legal term of years absolute, the date when that term is to expire;
  - (f) where the interest of any person making the dedication does not relate to the whole of the land being dedicated, identify the extent of the land to which that person's interest relates by reference to boundaries clearly marked on the plan or map annexed to the instrument pursuant to paragraph (c);
  - (g) state the name, address and post code of all persons, other than those who are making the dedication, who are consenting to it;
  - (h) state the nature of the interest which each person consenting to the dedication has in the land being dedicated and, where that interest does not relate to the whole of the land being dedicated, identify the extent of the land to which that interest relates either by description

(a) 2000 c.7.

- drwy ddisgrifiad mewn geiriau neu drwy gyfeirio at y plan neu'r map sydd wedi'i atodi i'r offeryn;
- (ff) cynnwys datganiad gan neu ar ran y personau sy'n gwneud y cyflwyniad nad oes, hyd eithaf gwybodaeth a chred y personau hynny, unrhyw bersonau, heblaw'r rhai sydd wedi'u nodi yn unol â pharagraff (ch), y mae'n ofynnol iddynt o dan adran 16(1) o'r Ddeddf ymuno â'r cyflwyniad nac unrhyw bersonau, heblaw'r rhai a nodwyd yn unol â pharagraffau (ch) ac (e) y mae'n ofynnol iddynt o dan adran 16(2) o'r Ddeddf naill ai ymuno â'r cyflwyniad neu gydsynio ag ef;
- (g) datgan, mewn perthynas ag unrhyw ran o'r tir sydd i'w gyflwyno, a yw'r personau sy'n gwneud y cyflwyniad yn bwriadu y dylai unrhyw un o'r cyfyngiadau cyffredinol sydd i'w hufuddhau gan bersonau sy'n arfer yr hawl mynediad a nodwyd ym mharagraff 1, 4 neu 5 o Atodlen 2 i'r Ddeddf gael eu dileu neu eu llacio ac, os felly:
- (i) dynodi, drwy gyfeirio at rif y paragraff ac, yn achos paragraff 1, lythyren yr is-baragraff, p'un o'r cyfyngiadau sydd i'w dileu neu, yn ôl fel y digwydd, i'w llacio;
  - (ii) yn achos cyfyngiad sydd i'w lacio, i ba raddau y dylid ei lacio;
  - (iii) a yw dileu neu llacio'r cyfyngiad, mewn perthynas â phob cyfyngiad sydd i'w ddileu neu i'w lacio, i fod yn gymwys i'r cyfan o'r tir sydd i'w gyflwyno ac, os nad ydyw, i ba ran neu rannau o'r tir mae i fod yn gymwys iddo; a
  - (iv) dynodi, drwy gyfeirio at ffiniau sydd wedi'u marcio'n glir ar y plan neu'r map a atodwyd i'r offeryn yn unol â pharagraff (c), neu blan neu fap ar wahân heb fod ar raddfa lai ac sydd wedi'i atodi i'r offeryn at ddibenion y paragraff hwn, y rhan neu'r rhannau o'r tir y mae dileu neu lacio'r cyfyngiadau i fod yn gymwys iddynt;
- (ng)cynnwys datganiad o gydsyniad â thelerau'r offeryn a hwnnw wedi'i lofnodi gan bob un o'r personau a nodwyd yn unol â pharagraff (e) neu gan rywun sydd wedi'i awdurdodi i lofnodi ar eu rhan; ac
- (h) cynnwys, yn union o flaen y man lle y mae i'w lofnodi pan fydd wedi'i weithredu, ddatganiad fod darpariaethau rheoliad 4(4) wedi'u bodloni.
- (i) contain a declaration by or on behalf of the persons making the dedication that to the best of the knowledge and belief of those persons there are no persons other than those identified in accordance with paragraph (d) who are required by section 16(1) of the Act to join in the dedication and no persons, other than those identified in accordance with paragraphs (d) and (g) who are required by section 16(2) of the Act either to join in the dedication or consent to it;
- (j) state whether, in relation to any of the land to be dedicated, the persons making the dedication intend that there should be a removal or a relaxation of any of the general restrictions to be observed by persons exercising the right of access set out in paragraph 1, 4 or 5 of Schedule 2 to the Act and, if so:
- (i) identify, by reference to the paragraph number and, in the case of paragraph 1, the sub-paragraph letter, which of the restrictions are to be removed or, as the case may be, relaxed;
  - (ii) in the case of a restriction which is to be relaxed, the extent of the relaxation;
  - (iii) whether, in relation to each restriction which is to be removed or to be relaxed, the removal or relaxation is to apply to the whole of the land to be dedicated and, if not, to which part or parts of the land it is to apply; and
  - (iv) identify, by reference to boundaries clearly marked on the plan or map annexed to the instrument pursuant to paragraph (c), or a separate plan or map to no less a scale annexed to the instrument for the purposes of this paragraph, the part or parts of the land to which the removal or relaxation of the restrictions are to apply;
- (k) contain a declaration of consent to the terms of the instrument signed by, or by some person authorised to sign on behalf of, each of the persons identified pursuant to paragraph (g); and
- (l) contain, immediately before the place where it is to be signed when executed, a declaration that the provisions of regulation 4(4) have been complied with.

## Gweithredu offeryn cyflwyno

4. -(1) Mae offeryn cyflwyno yn cael ei i weithredu:
- (a) drwy gael ei lofnodi gan y person neu'r

- in words or by reference to the plan or map annexed to the instrument;
- (2) contain a declaration by or on behalf of the persons making the dedication that to the best of the knowledge and belief of those persons there are no persons other than those identified in accordance with paragraph (d) who are required by section 16(1) of the Act to join in the dedication and no persons, other than those identified in accordance with paragraphs (d) and (g) who are required by section 16(2) of the Act either to join in the dedication or consent to it;
- (3) state whether, in relation to any of the land to be dedicated, the persons making the dedication intend that there should be a removal or a relaxation of any of the general restrictions to be observed by persons exercising the right of access set out in paragraph 1, 4 or 5 of Schedule 2 to the Act and, if so:
- (i) identify, by reference to the paragraph number and, in the case of paragraph 1, the sub-paragraph letter, which of the restrictions are to be removed or, as the case may be, relaxed;
  - (ii) in the case of a restriction which is to be relaxed, the extent of the relaxation;
  - (iii) whether, in relation to each restriction which is to be removed or to be relaxed, the removal or relaxation is to apply to the whole of the land to be dedicated and, if not, to which part or parts of the land it is to apply; and
  - (iv) identify, by reference to boundaries clearly marked on the plan or map annexed to the instrument pursuant to paragraph (c), or a separate plan or map to no less a scale annexed to the instrument for the purposes of this paragraph, the part or parts of the land to which the removal or relaxation of the restrictions are to apply;
- (5) contain a declaration of consent to the terms of the instrument signed by, or by some person authorised to sign on behalf of, each of the persons identified pursuant to paragraph (g); and
- (6) contain, immediately before the place where it is to be signed when executed, a declaration that the provisions of regulation 4(4) have been complied with.
- Execution of a dedication instrument**
4. -(1) A dedication instrument is executed by being:
- (a) signed by, or by some person authorised to

personau sy'n gwneud y cyflwyniad, neu gan rywun sydd wedi'i awdurdodi i lofnodi ar eu rhan; a

- (b) drwy gael ei ddyddio â'r dyddiad y mae'n cael ei lofnodi neu, os yw'n cael ei lofnodi gan bersonau gwahanol ar ddyddiadau gwahanol y dyddiad y mae'n cael ei lofnodi gan yr olaf o'r personau hynny.

(2) Os yw person yn llofnodi offeryn cyflwyno ar ran person sy'n gwneud y cyflwyniad, rhaid i ddatganiad ddod o flaen y llofnod a hwnnw'n ddatganiad sy'n nodi'r person y mae'r offeryn cyflwyno yn cael ei lofnodi ar ei ran a datganiad bod y person sy'n llofnodi'r offeryn cyflwyno wedi'i awdurdodi i wneud hynny ar ran y person hwnnw.

(3) At ddibenion y Rheoliadau hyn, dyddiad gweithredu'r offeryn cyflwyno yw'r dyddiad y cyfeiriwyd ato ym mharagraff (1)(b).

(4) Ni chaiff neb lofnodi offeryn cyflwyno yn unol â pharagraff (1) oni bai bod drafft o'r offeryn wedi'i anfon, yn y fath fod ag i ddod i law ym mhob achos ymhen nid llai na thri mis cyn iddo gael ei lofnodi felly, at bob un o'r canlynol:

- (a) yr awdurdod mynediad neu'r awdurdodau mynediad ar gyfer y tir y mae'r offeryn drafft yn ymwneud ag ef;
- (b) y Cyngor;
- (c) y Cynulliad Cenedlaethol;
- (ch) y Comisiwnyr Coedwigaeth, os oes unrhyw ran o'r tir y mae'r offeryn drafft yn ymwneud ag ef yn cynnwys coetir; a
- (d) y morgeisai, os yw'r buddiant yn y tir sydd gan unrhyw un o'r personau sydd i fod i wneud y cyflwyniad yn ddarostyngedig, pan fydd yr offeryn wedi'i weithredu, i unrhyw bridian ar ffurf morgais cyfreithiol.

## **Effaith offerynnau cyflwyno**

5. -(1) Yn ddarostyngedig i baragraff (3), mae offeryn cyflwyno sydd wedi'i weithredu yn unol â rheoliad 4 yn dod i rym chwe mis ar ôl dyddiad ei weithredu.

(2) Mae gan offeryn cyflwyno, pan fydd wedi dod i rym yn unol â pharagraff (1), yr effaith o gyflwyno'r tir y mae'n ymwneud ag ef at ddibenion Rhan I o'r Ddeddf.

(3) Nid yw offeryn cyflwyno yn dod i rym oni bai ei fod, yn unol â pharagraff (4), wedi'i adneuo gyda'r awdurdod mynediad ar gyfer y tir y mae'n ymwneud ag ef, neu os oes mwy nag un awdurdod mynediad o'r fath, gydag un ohonynt.

(4) Mae offeryn cyflwyno yn cael ei adneuo gydag awdurdod mynediad drwy anfon neu draddodi'r gwreiddiol i'r awdurdod hwnnw fel y bydd yn dod i

sign on behalf of, the person or persons who are making the dedication; and

- (b) dated with the date on which it is signed or, if it is signed by different persons on different days, the date on which it is signed by the last of those persons.

(2) If a person signs a dedication instrument on behalf of a person who is making the declaration, the signature must be preceded by a statement identifying the person on whose behalf the dedication instrument is being signed and a declaration that the person who is signing the dedication instrument is authorised to do so on behalf of that person.

(3) The date referred to in paragraph (1)(b) is, for the purposes of these Regulations, the date of execution of the dedication instrument.

(4) A dedication instrument may not be signed by any person pursuant to paragraph (1) unless a draft of the instrument was sent, so as to be received in every case not less than 3 months before it is so signed, to each of the following:

- (a) the access authority or access authorities in respect of the land to which the draft instrument relates;
- (b) the Council;
- (c) the National Assembly;
- (d) if any part of the land to which the draft instrument relates consists of woodland, the Forestry Commissioners; and
- (e) where the interest in the land of any of the persons who are to make the dedication is, when the instrument is executed, subject to any charge by way of legal mortgage, the mortgagee.

## **Effect of dedication instruments**

5. -(1) Subject to paragraph (3), a dedication instrument which has been executed in accordance with regulation 4 comes into force 6 months from its date of execution.

(2) A dedication instrument, when it has come into force in accordance with paragraph (1), has the effect of dedicating the land to which it relates for the purposes of Part I of the Act.

(3) A dedication instrument does not come into force unless it has, in accordance with paragraph (4), been lodged with the access authority in respect of the land to which it relates, or if there is more than one such access authority, with one of them.

(4) A dedication instrument is lodged with an access authority by sending or delivering the original to that authority so that it is received by the access authority

law'r awdurdod mynediad o fewn un mis ar ôl dyddiad ei weithredu ac nid oes unrhyw effaith i unrhyw offeryn cyflwyno sy'n dod i law awdurdod mynediad ar ôl diwedd y cyfnod hwnnw.

(5) Os digwydd i awdurdod mynediad gael offeryn cyflwyno ar ôl i'r cyfnod y cyfeiriwyd ato ym mharagraff (4) ddod i ben, rhaid iddo hysbysu ar unwaith bob un o'r personau sydd wedi'u nodi ynddo fel y personau sy'n cyflwyno'r tir y mae'r offeryn yn ymwneud ag ef nad oes unrhyw effaith iddo, oherwydd methiant i adneuo'r offeryn cyflwyno o fewn y cyfnod y cyfeiriwyd ato ym mharagraff (4).

## Hysbysu o adneuo offeryn cyflwyno

6. -(1) Rhaid i'r personau y mae offeryn cyflwyno wedi'i lofnodi ganddynt neu ar eu rhan sîr hau cyn gynted â phosibl ar ôl ei adneuo gydag awdurdod mynediad yn unol â rheoliad 5, fod copïau yn cael eu hanfon at bob un o'r cyrff neu'r personau y cyfeiriwyd atynt yn rheoliad 4(4)(a) i (d) (ac eithrio'r awdurdod mynediad y cafodd yr offeryn cyflwyno ei adneuo gyda hwy yn unol â rheoliad 5), a bod datganiad sy'n nodi'r awdurdod mynediad y mae'r offeryn cyflwyno wedi'i adneuo gyda hwy a'r dyddiad y cafodd ei adneuo felly yn cael ei anfon gyda phob copi.

(2) Nid yw methu â chydymffurfio â gofynion y rheoliad hwn yn effeithio ar ddilysrwydd offeryn cyflwyno.

## Dileu neu lacio cyfyngiadau ar dir sydd wedi'i gyflwyno

7. -(1) Os yw offeryn cyflwyno yn cynnwys datganiad yn unol â pharagraff (g) o reoliad 3, mae'r cyfyngiadau cyffredinol sydd i'w hufuddhau gan bersonau sy'n arfer hawl mynediad a nodwyd ym mharagraff 1, 4 neu 5 o Atodlen 2 i'r Ddeddf yn gymwys yn ddarostyngedig i unrhyw ddileu neu lacio a bennir yn y datganiad yn unol â'r paragraff hwnnw.

(2) Os gallai unrhyw berson neu bersonau, mewn perthynas ag unrhyw dir y mae offeryn cyflwyno yn ymwneud ag ef, gyflwyno'r tir hwnnw (oni bai ei fod eisoes wedi'i gyflwyno) o dan adran 16(1) o'r Ddeddf, caint ddileu unrhyw gyfyngiadau cyffredinol o'r fath sy'n parhau i fod yn gymwys mewn perthynas â'r tir hwnnw, neu eu llacio neu eu llacio ymhellach, yn ôl fel y digwydd drwy offeryn cyflwyno sy'n diwygio.

(3) Yn ddarostyngedig i baragraffau (4) i (7), mae darpariaethau'r Rheoliadau hyn yn gymwys i offerynnau cyflwyno sy'n diwygio i'r graddau y maent yn gymwys i offerynnau cyflwyno.

(4) Mae paragraff (b) o reoliad 3 yn gymwys i offeryn cyflwyno sy'n diwygio fel petai'r cyfeiriad at y datganiad gofynnol yn gyfeiriad at ddatganiad ei fod wedi'i wneud yn unol a pharagraff (2) o'r rheoliad hwn ac mai ei effaith, pan fydd yn dod i rym yn unol â rheoliad 5 o'r Rheoliadau hyn, fydd y caiff rhai o'r cyfyngiadau cyffredinol sy'n gysylltiedig ag ef ac sydd i'w hufuddhau gan bersonau sy'n arfer mynediad i'r tir

within 1 month of its date of execution and any dedication instrument received by an access authority after the expiry of that period is of no effect.

(5) In the event of an access authority receiving a dedication instrument after the expiry of the period referred to in paragraph (4), it must immediately inform each of the persons identified in it as the persons dedicating the land to which it relates that, by reason of a failure to lodge the dedication instrument within the period referred to in paragraph (4), it is of no effect.

## Notification of the lodging of a dedication instrument

6. -(1) The persons by or on whose behalf a dedication instrument has been signed must ensure that as soon as possible after it is lodged with an access authority in accordance with regulation 5, copies are sent to each of the bodies or persons referred to in regulation 4(4)(a) to (e) (other than the access authority with whom the dedication instrument was lodged pursuant to regulation 5), and that each copy is accompanied by a statement identifying the access authority with whom the dedication instrument has been lodged and the date when it was so lodged.

(2) A failure to comply with the requirements of this regulation does not affect the validity of a dedication instrument.

## Removal or relaxation of restrictions on dedicated land

7. -(1) Where a dedication instrument contains a statement pursuant to paragraph (j) of regulation 3, the general restrictions to be observed by persons exercising the right of access set out in paragraph 1, 4 or 5 of Schedule 2 to the Act apply subject to any removal or relaxation specified in the declaration pursuant to that paragraph.

(2) Where any person or persons could, in relation to any land to which a dedication instrument relates, dedicate that land (had it not already been dedicated) under section 16(1) of the Act, they may remove any such general restrictions as continue to apply in relation to that land, or relax or further relax them, as the case may be, by an amending dedication instrument.

(3) Subject to paragraphs (4) to (7), the provisions of these Regulations apply to amending dedication instruments as they apply to dedication instruments.

(4) Paragraph (b) of regulation 3 applies to an amending dedication instrument as if the reference to the statement required were a reference to a statement that it is made in accordance with paragraph (2) of this regulation and that its effect, when it comes into force in accordance with regulation 5 of these Regulations, will be that certain of the general restrictions to be observed by persons exercising access to the land to

y mae'n ymwneud ag ef eu dileu, eu llacio neu eu llacio ymhellach yn unol â thelerau'r offeryn cyflwyno sy'n diwygio.

(5) Nid yw paragraffau (e), (f) ac (ng) o reoliad 3 yn gymwys i offeryn cyflwyno sy'n diwygio.

(6) Mae'r cyfeiriadau yn y Rheoliadau hyn at dir sydd i'w gyflwyno i'w dehongli, mewn perthynas ag offeryn cyflwyno sy'n diwygio, fel cyfeiriadau at y tir y mae'r cyfyngiadau cyffredinol sydd i'w hufuddhau gan bersonau sy'n arfer mynediad i'r tir hwnnw i'w dileu, i'w llacio neu i'w llacio ymhellach.

(7) Mae'r cyfeiriad yn rheoliad 5(2) at effaith offeryn cyflwyno pan ddaw i rym i'w ddehongli, mewn perthynas ag offeryn cyflwyno sy'n diwygio, fel cyfeiriad at y ffaith bod dileu, llacio neu lacio ymhellach y cyfyngiadau cyffredino, sydd i'w hufuddhau gan bersonau sy'n arfer mynediad i'r tir, i ddod yn weithredol.

## Defnyddio cyfathrebu electronig

8. -(1) Yn ddarostyngedig i baragraff (2), caniateir i unrhyw ddogfen y mae'n ofynnol i un person ei hanfon at un arall neu yr awdurdodwyd ei hanfon felly o dan ddarpariaethau'r Rheoliadau hyn, gael ei hanfon drwy'r post neu drwy gyfrwng cyfathrebiad electronig ac mae unrhyw gyfeiriad yn y Rheoliadau hyn heblaw am y cyfeiriad yn rheoliad 3(a), at ysgrifen, sut bynnag y mae wedi'i fynegi, i'w ddehongli fel un sy'n cynnwys cyfeiriad at ffurf y gellir ei storio ar gyfrifiadur, ei throsglwyddo iddo ac ohono, a'i darllen drwy gyfrwng cyfrifiadur.

(2) Ni ellir adneuo offeryn cyflwyno gydag awdurdod mynediad yn unol â rheoliad 5(4) drwy ddull cyfarthrebiad electronig.

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

28 Ionawr 2003

*D. Elis-Thomas*

Llywydd y Cynulliad Cenedlaethol

(a) 1998 p.38.

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which it relates will be removed, relaxed or further relaxed in accordance with the terms of the amending dedication instrument.

(5) Paragraphs (g), (h) and (k) of regulation 3 do not apply to an amending dedication instrument.

(6) References in these Regulations to land to be dedicated are to be construed, in relation to an amending dedication instrument, as references to the land in relation to which the general restrictions to be observed by persons exercising access to that land are to be removed, relaxed or further relaxed.

(7) The reference in regulation 5(2) to the effect of a dedication instrument when it comes into force is to be construed, in relation to an amending dedication instrument, as a reference to the taking effect of the removal, relaxation or further relaxation of the general restrictions to be observed by persons exercising access to land which are set out in the instrument.

## Use of electronic communication

8. -(1) Subject to paragraph (2), any document required or authorised to be sent by one person to another under the provisions of these Regulations may be sent by post or by means of electronic communication and any reference in these Regulations, however expressed, to writing, other than the reference in regulation (3)(a), is to be construed as including a reference to a form capable of being stored on, transmitted to and from, and read by means of a computer.

(2) A dedication instrument may not be lodged with an access authority in accordance with regulation 5(4) by means of an electronic communication.

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

28th January 2003

The Presiding Officer of the National Assembly

(a) 1998 c.38.

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