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WELSH STATUTORY  
INSTRUMENTS

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**2008 Rhif 1927 (Cy.183)**

**2008 No. 1927 (W.183)**

**BYWYD GWYLLT, CYMRU**

**WILDLIFE, WALES**

Gorchymyn Deddf Bywyd Gwyllt  
a Chefn Gwlad 1981 (Amrywio  
Atodlen 5) (Cymru) 2008

The Wildlife and Countryside Act  
1981 (Variation of Schedule 5)  
(Wales) Order 2008

**NODYN ESBONIADOL**

**EXPLANATORY NOTE**

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

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

Mae'r Gorchymyn hwn, sy'n gymwys o ran Cymru, yn amrywio Atodlen 5 i Ddeddf Bywyd Gwyllt a Chefn Gwlad 1981, sy'n rhestru'r anifeiliaid sy'n cael eu gwarchod o dan adran 9 o'r Ddeddf honno.

This Order, which applies in relation to Wales, varies Schedule 5 to the Wildlife and Countryside Act 1981, which lists animals protected under section 9 of that Act.

Mae erthyglau 2(a), (b), (c) ac (ch) yn ychwanegu pedwar anifail at Atodlen 5 fel y mae'n gymwys yng Nghymru. Rhoddir dwy amrywogaeth o forfeirch (y morfarch trwyn cwta a'r morfarch pigog) o dan warchodaeth gyffredinol o dan adran 9. Rhoddir y maelgi a'r falwen Rufeinig o dan warchodaeth gyfyngedig. Nid yw'r warchodaeth a roddir i'r maelgi yn gymwys i'r dyfroedd tiriogaethol hynny sydd rhwng 6 a 12 milltir morol o waelodlinau. Mae erthygl 2(d) yn rhoi'r llygoden ddŵr o dan warchodaeth gyffredinol yn lle'r warchodaeth gyfyngedig y rhoddwyd hi odani gynt.

Articles 2(a), (b), (c) and (d) add four animals to Schedule 5 as it applies in Wales. Two seahorse species (short snouted seahorse and spiny seahorse) are given general protection under section 9. The angel shark and the roman snail are given limited protection. The protection afforded to angel shark does not apply to those territorial waters between 6 and 12 nautical miles from baselines. Article 2(e) replaces the limited protection previously afforded to water vole by general protection.

Paratowyd asesiad effaith rheoleiddiol ac mae copïau ar gael gan Lywodraeth Cynulliad Cymru, Parc Cathays, Caerdydd CF10 3NQ.

A regulatory impact assessment has been prepared and copies can be obtained from the Welsh Assembly Government, Cathays Park, Cardiff CF10 3NQ.

**2008 Rhif 1927 (Cy.183)**

**BYWYD GWYLLT, CYMRU**

**Gorchymyn Deddf Bywyd Gwyllt  
a Chefn Gwlad 1981 (Amrywio  
Atodlen 5) (Cymru) 2008**

*Gwnaed* 17 Gorffennaf 2008

*Gosodwyd gerbron Cynulliad  
Cenedlaethol Cymru* 21 Gorffennaf 2008

*Yn dod i rym* 12 Awst 2008

Mae Gweinidogion Cymru—

- (a) wedi cael sylwadaeth a gyflwynwyd iddynt gan gyrff cadwraeth Prydain Fawr yn gweithredu drwy'r Cyd-bwyllgor Cadwraeth Natur yn unol â Rhan 2 o Ddeddf yr Amgylchedd Naturiol a Chymunedau Gwledig 2006(1);
- (b) yn unol ag adran 26(4)(a) o Ddeddf Bywyd Gwyllt a Chefn Gwlad 1981(2), wedi rhoi i unrhyw awdurdod lleol yr effeithir arno ac unrhyw berson arall yr effeithir arno gyfle i gyflwyno gwrthwynebiadau neu sylwadaeth mewn cysylltiad â phwnc y Gorchymyn hwn; ac
- (c) o'r farn bod yr anifeiliaid y cyfeirir atynt yn Erthyglau 2(a), (b), (c), (ch) a (d) o'r Gorchymyn hwn mewn perygl o ddarfod ym Mhrydain Fawr neu'n debygol o gael eu rhoi mewn perygl o'r fath oni chymerir mesurau ar gyfer eu cadwraeth.

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(1) 2006 p.16. I gael y diffiniad o "the GB Conservation bodies" gweler adran 27(3A) o Ddeddf Bywyd Gwyllt a Chefn Gwlad 1981 (p.69), a fewnosodwyd gan adran 105(1) o Ddeddf yr Amgylchedd Naturiol a Chymunedau Gwledig 2006 (p.16), a pharagraff 76(1) a (4) o Atodlen 11 iddi.

(2) 1981 p.69.

**2008 No. 1927 (W.183)**

**WILDLIFE, WALES**

**The Wildlife and Countryside Act  
1981 (Variation of Schedule 5)  
(Wales) Order 2008**

*Made* 17 July 2008

*Laid before the National  
Assembly for Wales* 21 July 2008

*Coming into force* 12 August 2008

The Welsh Ministers—

- (a) have received a representation made to them by the GB conservation bodies acting through the Joint Nature Conservation Committee in accordance with Part 2 of the Natural Environment and Rural Communities Act 2006(1);
- (b) in accordance with section 26(4)(a) of the Wildlife and Countryside Act 1981(2), have given any local authority affected and any other person affected an opportunity to submit objections or representations with respect to the subject matter of this Order; and
- (c) are of the opinion that the animals referred to in Articles 2(a), (b), (c), (d) and (e) of this Order are in danger of extinction in Great Britain or likely to become so endangered unless conservation measures are taken.

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(1) 2006 c.16. For the definition of "the GB Conservation bodies" see section 27(3A) of the Wildlife and Countryside Act 1981 (c.69), inserted by section 105(1) of, and paragraph 76(1) and (4) of Schedule 11 to, the Natural Environment and Rural Communities Act 2006 (c.16).

(2) 1981 c.69.

Drwy arfer y pwerau a roddwyd gan adran 22(3) o Ddeddf Bywyd Gwyllt a Chefn Gwlad 1981(1), ac a freiniwyd bellach ynddynt hwy(2), mae Gweinidogion Cymru'n gwneud y Gorchymyn canlynol:

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

1.—(1) Enw'r Gorchymyn hwn yw Gorchymyn Deddf Bywyd Gwyllt a Chefn Gwlad 1981 (Amrywio Atodlen 5) (Cymru) 2008.

(2) Daw'r Gorchymyn hwn i rym ar 12 Awst 2008.

(3) Mae'r Gorchymyn hwn yn rhychwantu Cymru a Lloegr.

(4) Mae'r Gorchymyn hwn yn gymwys i Gymru(3).

### **Amrywio Atodlen 5**

2. Yn Atodlen 5 i Ddeddf Bywyd Gwyllt a Chefn Gwlad 1981(4) (anifeiliaid sy'n cael eu gwarchod)—

- (a) yn y cofnod ynghylch "Seahorse, Short Snouted", ar ôl "England", mewnosoder "and Wales";
- (b) yn y cofnod ynghylch "Seahorse, Spiny", ar ôl "England", mewnosoder "and Wales";
- (c) yn y cofnod ynghylch "Shark, Angel", ar ôl "England", mewnosoder "and Wales";
- (ch) yn y cofnod ynghylch "Snail, Roman", ar ôl "England", mewnosoder "and Wales";
- (d) yn y cofnod ynghylch "Vole, Water", hepgorer "(in so far as this entry has effect with respect to Wales, in respect of section 9(4)(a) only)"; ac
- (dd) yn Nodyn 2 ar ddiwedd yr Atodlen, ar ôl "In this Schedule "excluded waters" means the part of the territorial waters adjacent to England", mewnosoder "and Wales".

In exercise of the powers conferred by section 22(3) of the Wildlife and Countryside Act 1981(1), and now vested in them(2), the Welsh Ministers make the following Order:

### **Title, commencement, extent and application**

1.—(1) The title of this Order is the Wildlife and Countryside Act 1981 (Variation of Schedule 5) (Wales) Order 2008.

(2) This Order comes into force on 12 August 2008.

(3) This Order extends to Wales and England.

(4) This Order applies to Wales(3).

### **Variation of Schedule 5**

2. In Schedule 5 to the Wildlife and Countryside Act 1981(4) (animals which are protected)—

- (a) in the entry relating to "Seahorse, Short Snouted", after "England", insert "and Wales";
- (b) in the entry relating to "Seahorse, Spiny", after "England", insert "and Wales";
- (c) in the entry relating to "Shark, Angel", after "England", insert "and Wales";
- (d) in the entry relating to "Snail, Roman", after "England", insert "and Wales";
- (e) in the entry relating to "Vole, Water", omit "(in so far as this entry has effect with respect to Wales, in respect of section 9(4)(a) only)"; and
- (f) in Note 2 at the end of the Schedule, after "In this Schedule "excluded waters" means the part of the territorial waters adjacent to England", insert "and Wales".

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(1) Diwygiwyd adran 22(3) gan adrannau 132 a 133 o Ddeddf Diogelu'r Amgylchedd 1990 (p.43), a pharagraff 11(1) a (5) o Atodlen 9 iddi, ac fe'i diwygiwyd ar ôl hynny gan adran 105(1) o Ddeddf yr Amgylchedd Naturiol a Chymunedau Gwledig 2006 (p.16), a pharagraffau 74(1) a (2) o Atodlen 11 iddi.

(2) Trosglwyddwyd swyddogaethau'r Ysgrifennydd Gwladol o dan adran 22(3) o Ddeddf Bywyd Gwyllt a Chefn Gwlad 1981, i'r graddau y maent yn arferadwy mewn perthynas â Chymru, i Gynulliad Cenedlaethol Cymru gan erthygl 2 ac Atodlen 1 i Orchymyn Cynulliad Cenedlaethol Cymru (Trosglwyddo Swyddogaethau) 1999 (O.S. 1999/672). Trosglwyddwyd y swyddogaethau hynny wedyn i Weinidogion Cymru gan baragraff 30 o Atodlen 11 i Ddeddf Llywodraeth Cymru 2006 (p.32).

(3) Yn rhinwedd adran 27(5) o Ddeddf Bywyd Gwyllt a Chefn Gwlad 1981 (p.69), mae "Cymru" yn cynnwys y dyfroedd tiriogaethol sy'n gyfagos â Chymru.

(4) Mae Atodlen 5 wedi'i hamrywio (mewn perthynas â Chymru a Lloegr) gan O.S. 1988/288, 1989/906, 1991/367, 1992/2350, 1998/878, 2007/1843 a 2008/431.

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(1) Section 22(3) was amended by sections 132 and 133 of, and paragraph 11(1) and (5) of Schedule 9 to, the Environmental Protection Act 1990 (c.43) and has been subsequently amended by section 105(1) of, and paragraphs 74(1) and (2) of Schedule 11 to, the Natural Environment and Rural Communities Act 2006 (c.16).

(2) Functions of the Secretary of State under section 22(3) of the Wildlife and Countryside Act 1981, so far as exercisable in relation to Wales, were transferred to the National Assembly for Wales by article 2 and Schedule 1 to the National Assembly for Wales (Transfer of Functions) Order 1999 (S.I. 1999/672). Those functions were then transferred to the Welsh Ministers by paragraph 30 of Schedule 11 to the Government of Wales Act 2006 (c.32).

(3) By virtue of section 27(5) of the Wildlife and Countryside Act 1981 (c.69), "Wales" includes the territorial waters adjacent to Wales.

(4) Schedule 5 has been varied (in relation to England and Wales) by S.I. 1988/288, 1989/906, 1991/367, 1992/2350, 1998/878, 2007/1843 and 2008/431.

*Jane Davidson*

Y Gweinidog dros yr Amgylchedd, Cynaliadwyedd a  
Thai, un o Weinidogion Cymru

Minister for Environment, Sustainability and Housing,  
one of the Welsh Ministers

17 Gorffennaf 2008

17 July 2008

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