



OFFERYNNAU STATUDOL
CYMRU

WELSH STATUTORY
INSTRUMENTS

2017 Rhif 357 (Cy. 87)

2017 No. 357 (W. 87)

CAFFAEL TIR, CYMRU

**ACQUISITION OF LAND,
WALES**

**Rheoliadau Prynu Tir yn Orfodol
(Ffurfiâu Rhagnodedig) (Cynulliad
Cenedlaethol Cymru) (Diwygio)
2017**

**The Compulsory Purchase of Land
(Prescribed Forms) (National
Assembly for Wales) (Amendment)
Regulations 2017**

NODYN ESBONIADOL

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

Mae'r Rheoliadau hyn yn diwygio Rheoliadau Prynu Tir yn Orfodol (Ffurfiâu Rhagnodedig) (Cynulliad Cenedlaethol Cymru) 2004 ("Rheoliadau 2004") (O.S. 2004/2732 (Cy. 239)). Deuant i rym ar 6 Ebrill 2017.

Mae rheoliad 2(2) yn diwygio Rheoliadau 2004 i ragnodi ffurfiâu ychwanegol at ddibenion Deddf Caffael Tir 1981 (p. 67) ("DCT 1981"). At ddibenion adran 15(4)(e) o DCT 1981 a pharagraff 6(4)(e) o Atodlen 1 iddi, ffurf y datganiad am effaith Rhannau 2 a 3 o Ddeddf Prynu Gorfodol (Datganiadau Breinio) 1981 (p. 66) yw Rhan 1 o Ffurf 9A newydd. At ddibenion adran 15(4)(f) o DCT 1981 a pharagraff 6(4)(f) o Atodlen 1 iddi, y ffurf ar gyfer rhoi gwybodaeth i'r awdurdod caffael yw Rhan 2 o Ffurf 9A newydd.

Mae rheoliad 2(3)(b) yn mewnosod Ffurf 9A newydd (yn Rhan 1 o'r Atodlen i'r Rheoliadau hyn) yn yr Atodlen i Reoliadau 2004.

Mae rheoliad 2(3)(c) yn disodli Ffurf 10 yn Rheoliadau 2004 ac yn ei lle yn rhoi fersiwn newydd (yn Rhan 2 o'r Atodlen i'r Rheoliadau hyn).

Mae rheoliad 2(3)(d) yn disodli Ffurf 11 yn Rheoliadau 2004 ac yn ei lle yn rhoi fersiwn newydd (yn Rhan 3 o'r Atodlen i'r Rheoliadau hyn).

Mae'r diwygiadau a wneir gan reoliad 2 yn gymwys mewn perthynas â gorchymyn prynu gorfodol a wneir gan Weinidogion Cymru neu sy'n ddarostyngedig i gadarnhad gan Weinidogion Cymru, ar neu ar ôl 6 Ebrill 2017.

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations amend the Compulsory Purchase of Land (Prescribed Forms) (National Assembly for Wales) Regulations 2004 ("the 2004 Regulations") (S.I. 2004/2732 (W. 239)). They come into force on 6 April 2017.

Regulation 2(2) amends the 2004 Regulations to prescribe additional forms for the purposes of the Acquisition of Land Act 1981 (c. 67) ("the ALA 1981"). For the purposes of section 15(4)(e) of and paragraph 6(4)(e) of Schedule 1 to the ALA 1981, the form of the statement about the effect of Parts 2 and 3 of the Compulsory Purchase (Vesting Declarations) Act 1981 (c. 66) is Part 1 of new Form 9A. For the purposes of section 15(4)(f) of and paragraph 6(4)(f) of Schedule 1 to the ALA 1981, the form for giving information to the acquiring authority is Part 2 of new Form 9A.

Regulation 2(3)(b) inserts new Form 9A (in Part 1 of the Schedule to these Regulations) into the Schedule to the 2004 Regulations.

Regulation 2(3)(c) replaces Form 10 in the 2004 Regulations with a new version (in Part 2 of the Schedule to these Regulations).

Regulation 2(3)(d) replaces Form 11 in the 2004 Regulations with a new version (in Part 3 of the Schedule to these Regulations).

The amendments made by regulation 2 apply in relation to a compulsory purchase order which is made by the Welsh Ministers or which is subject to confirmation by the Welsh Ministers, on or after 6 April 2017.

Ni luniwyd asesiad effaith ar gyfer yr offeryn hwn, gan na ragwelir unrhyw effaith ar y sector preifat na'r sector gwirfoddol.

An impact assessment has not been produced for this instrument as no impact on the private or voluntary sectors is foreseen.

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**ACQUISITION OF LAND,
WALES**

**Rheoliadau Prynu Tir yn Orfodol
(Ffurfiâu Rhagnodedig) (Cynulliad
Cenedlaethol Cymru) (Diwygio)
2017**

**The Compulsory Purchase of Land
(Prescribed Forms) (National
Assembly for Wales) (Amendment)
Regulations 2017**

Gwnaed 8 Mawrth 2017

Made 8 March 2017

Yn dod i rym 6 Ebrill 2017

Coming into force 6 April 2017

Mae Gweinidogion Cymru, drwy arfer y pwerau a roddir i'r Ysgrifennydd Gwladol gan adrannau 7 a 15 o Ddeddf Caffael Tir 1981(1) a pharagraff 6 o Atodlen 1 iddi, ac sydd bellach yn arferadwy ganddynt hwy(2), yn gwneud y Rheoliadau a ganlyn:

The Welsh Ministers, in exercise of the powers conferred on the Secretary of State by sections 7 and 15 of, and paragraph 6 of Schedule 1 to, the Acquisition of Land Act 1981(1) and now exercisable by them(2), make the following Regulations:

Enwi, cychwyn a chymhwyso

Title, commencement and application

1.—(1) Enw'r Rheoliadau hyn yw Rheoliadau Prynu Tir yn Orfodol (Ffurfiâu Rhagnodedig) (Cynulliad Cenedlaethol Cymru) (Diwygio) 2017 a deuant i rym ar 6 Ebrill 2017.

1.—(1) The title of these Regulations is the Compulsory Purchase of Land (Prescribed Forms) (National Assembly for Wales) (Amendment) Regulations 2017 and come into force on 6 April 2017.

(2) Mae'r diwygiadau a wneir gan reoliad 2 yn gymwys mewn perthynas â gorchymyn prynu gorfodol a wneir gan Weindogion Cymru neu sy'n ddarostyngedig i gadarnhad ganddynt ar neu ar ôl 6 Ebrill 2017.

(2) The amendments made by regulation 2 apply in relation to a compulsory purchase order which is made or is subject to confirmation by the Welsh Ministers on or after 6 April 2017.

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- (1) 1981 p. 67; mewnosodwyd adran 15 a pharagraff 6 o Atodlen 1 gan adrannau 100(1) a (7) a 101(1) a (5), yn y drefn honno, o Ddeddf Cynllunio a Phrynu Gorfodol 2004 (p. 5). Mewnosodwyd adran 15(4)(e) ac (f) a pharagraff 6(4)(e) ac (f) gan baragraffau 1, 2(1) a (2), a 3(1) a (2) o Atodlen 15 i Ddeddf Tai a Chynllunio 2016 (p. 22).
- (2) Trosglwyddwyd swyddogaeth yr Ysgrifennydd Gwladol i wneud rheoliadau o dan adran 7(2) i Gynulliad Cenedlaethol Cymru gan Orchymyn Cynulliad Cenedlaethol Cymru (Trosglwyddo Swyddogaethau) 1999 (O.S. 1999/672) i'r graddau yr oedd yn arferadwy yn unig mewn perthynas â gorchymynion o'r fath sydd i'w gwneud neu i'w cadarnhau gan y Cynulliad. Trosglwyddwyd y swyddogaeth hon wedi hynny i Weindogion Cymru gan baragraff 30 o Atodlen 11 i Ddeddf Llywodraeth Cymru 2006 (p. 32).

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- (1) 1981 c. 67; section 15 and paragraph 6 of Schedule 1 were inserted by sections 100(1) and (7) and 101(1) and (5) respectively of the Planning and Compulsory Purchase Act 2004 (c. 5). Sections 15(4)(e) and (f) and paragraph 6(4)(e) and (f) were inserted by paragraphs 1, 2(1) and (2), and 3(1) and (2) of Schedule 15 to the Housing and Planning Act 2016 (c. 22).
- (2) The regulation-making function of the Secretary of State under section 7(2) was transferred to the National Assembly for Wales by the National Assembly for Wales (Transfer of Functions) Order 1999 (S.I. 1999/672) only so far as it was exercisable in relation to such orders as fall to be made or confirmed by the Assembly. This function was subsequently transferred to the Welsh Ministers by paragraph 30 of Schedule 11 to the Government of Wales Act 2006 (c. 32).

Diwygiadau i Reoliadau Prynu Tir yn Orfodol (Ffurfiâu Rhagnodedig) (Cynulliad Cenedlaethol Cymru) 2004

2.—(1) Mae Rheoliadau Prynu Tir yn Orfodol (Ffurfiâu Rhagnodedig) (Cynulliad Cenedlaethol Cymru) 2004(1) wedi eu diwygio fel a ganlyn.

(2) Yn rheoliad 3 (ffurfiâu rhagnodedig mewn cysylltiad â gorchmynion prynu gorfodol)—

(a) ar ôl paragraff (4) mewnosoder—

“(4A) At ddibenion adran 15(4)(e) o’r Ddeddf a pharagraff 6(4)(e) o Atodlen 1 iddi, ffurf y datganiad am effaith Rhannau 2 a 3 o Ddeddf Prynu Gorfodol (Datganiadau Breinio) 1981(2) y mae’n rhaid ei defnyddio yw Rhan 1 o Ffurf 9A.

(4B) At ddibenion adran 15(4)(f) o’r Ddeddf a pharagraff 6(4)(f) o Atodlen 1 iddi, y ffurf ar gyfer rhoi gwybodaeth i’r awdurdod y mae’n rhaid ei defnyddio yw Rhan 2 o Ffurf 9A.”;

(b) ym mharagraff (5) yn lle “adran 15” rhodder “adran 15(5)” ac yn lle “paragraff 6” rhodder “paragraff 6(5)”.

(3) Yn yr Atodlen—

(a) yn y cynnwys, ar ôl yr eitem ar gyfer Ffurf 9, mewnosoder—

“Ffurf 9A Ffurf ar ddatganiad o effaith Rhannau 2 a 3 o Ddeddf Prynu Gorfodol (Datganiadau Breinio) 1981 ac ar gyfer rhoi gwybodaeth i’r awdurdod”;

(b) ar ôl Ffurf 9, mewnosoder y ffurf yn Rhan 1 o’r Atodlen i’r Rheoliadau hyn;

(c) yn lle Ffurf 10, rhodder y ffurf yn Rhan 2 o’r Atodlen i’r Rheoliadau hyn;

(d) yn lle Ffurf 11, rhodder y ffurf yn Rhan 3 o’r Atodlen i’r Rheoliadau hyn.

Amendments to the Compulsory Purchase of Land (Prescribed Forms) (National Assembly for Wales) Regulations 2004

2.—(1) The Compulsory Purchase of Land (Prescribed Forms) (National Assembly for Wales) Regulations 2004(1) are amended as follows.

(2) In regulation 3 (prescribed forms in connection with compulsory purchase orders)—

(a) after paragraph (4) insert—

“(4A) For the purposes of section 15(4)(e) of, and paragraph 6(4)(e) of Schedule 1 to, the Act, the form of the statement about the effect of Parts 2 and 3 of the Compulsory Purchase (Vesting Declarations) Act 1981(2) which must be used is Part 1 of Form 9A.

(4B) For the purposes of section 15(4)(f) of, and paragraph 6(4)(f) of Schedule 1 to, the Act, the form for giving information to the authority which must be used is Part 2 of Form 9A.”;

(b) in paragraph (5) for “section 15” substitute “section 15(5)” and for “paragraph 6” substitute “paragraph 6(5)”.

(3) In the Schedule—

(a) in the contents, after the entry for Form 9, insert—

Form 9A	Form of statement of effect of Parts 2 and 3 of the Compulsory Purchase (Vesting Declarations) Act 1981 and for giving information to the authority”;
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(b) after Form 9, insert the form in Part 1 of the Schedule to these Regulations;

(c) for Form 10, substitute the form in Part 2 of the Schedule to these Regulations;

(d) for Form 11, substitute the form in Part 3 of the Schedule to these Regulations.

Lesley Griffiths

Ysgrifennydd y Cabinet dros yr Amgylchedd a Materion Gwledig, un o Weinidogion Cymru
8 Mawrth 2017

Cabinet Secretary for Environment and Rural Affairs,
one of the Welsh Ministers
8 March 2017

(1) O.S. 2004/2732 (Cy. 239).
(2) 1981 p. 66.

(1) S.I. 2004/2732 (W. 239).
(2) 1981 c. 66.

YR ATODLEN

RHAN 1

Reheoliad 2(3)(b)

FFURF 9A

Ffurf ar Ddatganiad o Effaith Rhannau 2 a 3 o Ddeddf Prynu Gorfodol (Datganiadau Breinio) 1981 (a)

Pŵer i weithredu datganiad breinio cyffredinol

1. Unwaith y mae Gorchymyn 20 (b) wedi dod yn weithredol, caiff (“
”) (c) gaffael unrhyw ran o'r tir a ddisgrifir yn Atodlen 1 uchod (d) drwy weithredu datganiad breinio cyffredinol o dan adran 4 o Ddeddf Prynu Gorfodol (Datganiadau Breinio) 1981 (“y Ddeddf”). Effaith hyn, yn ddarostyngedig i baragraffau 3 a 5 isod, yw breinio'r tir yn y (c) ar ddiwedd y cyfnod a grybwyllir ym mharagraff 2.

Hysbysiadau ynglŷn â datganiad breinio cyffredinol

2. Cyn gynted ag sy'n bosibl ar ôl i (c) weithredu datganiad breinio cyffredinol, rhaid iddynt gyflwyno hysbysiad yn ei gylch i bawb sy'n meddiannu unrhyw ran o'r tir sydd wedi ei bennu yn y datganiad (ac eithrio tir lle mae un o'r tenantiaethau sy'n cael eu disgrifio ym mharagraff 4) ac i bob person sy'n rhoi gwybodaeth iddynt am y tir ar ôl cael y gwahoddiad sydd wedi'i gynnwys yn hysbysiad [cadarnhau] [gwneud] (e) y gorchymyn. Ar ôl cwblhau cyflwyno hysbysiadau ynglŷn â'r datganiad breinio cyffredinol, bydd cyfnod sydd wedi ei bennu yn y datganiad, nad yw'n llai na thri mis, yn cychwyn. Ar y diwrnod cyntaf ar ôl i'r cyfnod hwn ddod i ben, bydd y tir sydd wedi ei ddisgrifio yn y datganiad, yn ddarostyngedig i'r hyn a ddywedir ym mharagraffau 3 a 5, yn cael ei freinio yn y (c) ynghyd â'r hawl i fynd ar y tir a'i feddiannu. Bydd gan bob person y gallai'r (c) fod wedi cyflwyno hysbysiad i drafod telerau iddynt mewn cysylltiad â'u buddiant yn y tir (ac eithrio tenant o dan un o'r tenantiaethau sy'n cael eu disgrifio ym mharagraff 4) yr hawl i hawlio iawndal am gaffael eu buddiant yn y tir, ynghyd â llog ar yr iawndal, a hynny o'r dyddiad breinio.
3. Y “dyddiad breinio” ar gyfer unrhyw dir sydd wedi ei bennu mewn datganiad fydd y diwrnod cyntaf ar ôl i'r cyfnod a grybwyllir ym mharagraff 2 ddod i ben, oni fydd gwrth-hysbysiad yn cael ei gyflwyno o dan Atodlen 1A i'r Ddeddf o fewn y cyfnod hwnnw. Os cyflwynir gwrth-hysbysiad, caiff y dyddiad breinio ar gyfer y tir sy'n destun y gwrth-hysbysiad yn cael ei bennu yn unol ag Atodlen A1.

Addasiadau mewn cysylltiad â thenantiaethau penodol

4. Yn achos tenantiaethau penodol, bydd addasiadau'n berthnasol i'r hyn sy'n cael ei ddatgan uchod. Mae'r addasiadau'n gynnwys pan fo'r denantiaeth naill ai'n “fân denantiaeth”, h.y. yn denantiaeth am flwyddyn neu'n denantiaeth flynyddol neu'n fuddiant llai, neu'n “denantiaeth hir sydd ar fin dod i ben”. Ystyr “tenantiaeth hir sydd ar fin dod i ben” yw tenantiaeth sy'n cael ei rhoi ar gyfer buddiant sy'n fwy na mân denantiaeth ond, ar y diwrnod breinio, nad yw cyfnod y denantiaeth honno wedi dod i ben ac nad yw'r cyfnod hwnnw yn hwy na'r cyfnod a bennir yn y datganiad at y diben hwn (y mae'n rhaid iddo fod yn fwy na blwyddyn). Wrth gyfrifo faint sy'n weddill o denantiaeth, os bydd unrhyw opsiwn i'w hadnewyddu neu i'w therfynu ar gael i'r naill barti neu'r llall, tybir y bydd y landlord yn achub ar bob cyfle i derfynu'r denantiaeth ac y bydd y tenant yn achub ar bob cyfle i gadw neu i adnewyddu ei fuddiant.
5. Yr addasiadau yw na chaiff (c) weithredu'r hawl mynediad y cyfeirir ato ym mharagraff 2 mewn cysylltiad â thir sy'n ddarostyngedig i denantiaeth a ddisgrifir ym mharagraff 4 oni bai eu bod yn gyntaf yn cyflwyno hysbysiad i drafod telerau mewn cysylltiad â'r denantiaeth ac wedyn yn cyflwyno hysbysiad i bob un sy'n meddiannu'r tir o'u bwriad i fynd ar y tir a'i feddiannu ar ôl y cyfnod a bennir yn yr hysbysiad (na chaiff fod yn llai na thri mis ar ôl cyflwyno'r hysbysiad). Bydd modd rhoi'r hawl mynediad ar waith ar ddiwedd y cyfnod hwnnw. Bydd breinio'r tir yn ddarostyngedig i'r denantiaeth tan ddiwedd y cyfnod hwnnw neu hyd nes y daw'r denantiaeth i ben, pa un bynnag sy'n digwydd gyntaf.

Ffurf ar gyfer Rhoi Gwybodaeth**Gorchymyn Prynu Gorfodol 20 (b)**

I: (c)

[Yr wyf fi] [Yr ydym ni] (e) [a minnau'n berson] [a minnau'n bersonau](e) a fyddai, pe bai datganiad breinio cyffredinol yn cael ei weithredu o dan adran 4 o Ddeddf Prynu Gorfodol (Datganiadau Breinio) 1981 mewn cysylltiad â'r holl dir sydd yn y gorchymyn prynu gorfodol y cyfeirir ato uchod ac na roddwyd hysbysiad i drafod telerau mewn cysylltiad ag ef, â'r hawl i hawlio iawndal ar gyfer [yr holl dir] [rhan o'r tir] (d) hwnnw, yn rhoi'r wybodaeth a ganlyn ichi, yn unol â darpariaethau adran 15 o, neu baragraff 6 o Atodlen 1, i Ddeddf Caffael Tir 1981.

1. Enw a chyfeiriad yr hysbysydd/hysbyswyr (i)
 2. Y tir y mae gan yr hysbysydd/hysbyswyr fuddiant ynddo (ii)
 3. Natur y buddiant (iii)
- Llofnod
- [ar ran](e)
- Dyddiad
- (i) Yn achos buddiant ar y cyd, mewnosoder enwau a chyfeiriadau'r hysbyswyr i gyd.
 - (ii) Dylid disgrifio'r tir yn gryno.
 - (iii) Os lesddaliad yw'r buddiant, dylid rhoi dyddiad cychwyn y cyfnod a'i hyd. Os yw'r tir o dan forgais neu fath arall o lyffethair, dylid rhoi'r manylion, e.e. enw'r gymdeithas adeiladu a'r rhif rôl.

NODIADAU AM DDEFNYDDIO FFURF 9A

- (a) Rhaid i hysbysiad cadarnhau gorchymyn prynu gorfodol o dan adran 15 o Ddeddf Caffael Tir 1981 (neu, yn achos gorchymyn Gweinidogol, hysbysiad gwneud o dan baragraff 6 o Atodlen 1 i'r Ddeddf honno):--
 - (i) cynnwys datganiad rhagnodedig am effaith Rhannau 2 a 3 o Ddeddf Prynu Gorfodol (Datganiadau Breinio) 1981 (h.y. Rhan 1 o'r Ffurf hon); a
 - (ii) gwahodd unrhyw berson a fyddai, pe bai datganiad breinio cyffredinol yn cael ei weithredu o dan adran 4 o'r Ddeddf honno, â'r hawl i hawlio iawndal, i roi gwybodaeth i'r awdurdod caffael am eu henw a'u cyfeiriad a'r tir o dan sylw, gan ddefnyddio ffurf ragnodedig (h.y. Rhan 2 o'r Ffurf hon).
- (b) Rhowch deitl y gorchymyn fel y cafodd ei wneud neu ei gadarnhau.
- (c) Rhowch enw'r awdurdod caffael, a'i ddiffinio drwy ddefnyddio term priodol. Yna, rhowch y diffiniad lle bynnag y bydd "(c)" yn ymddangos yn y testun.
- (d) Bydd Atodlen 1 i hysbysiad cadarnhau (neu, yn achos gorchymyn Gweinidogol, hysbysiad gwneud) gorchymyn prynu gorfodol, yn cynnwys disgrifiad o'r holl dir (a/neu'r hawliau newydd (os oes rhai)) sydd yn y gorchymyn. Dylid mewnosod Rhan 1 o'r Ffurf hon fel Atodlen ddilynol i'r hysbysiad cadarnhau (neu, yn achos gorchymyn Gweinidogol, yr hysbysiad gwneud).
- (e) Dilëer fel y bo'n briodol.

FFURF 10

Ffurf Hysbysiad o Wneud neu Gadarnhau Gorchymyn Prynu Gorfodol (gan Awdurdod nad yw'n Awdurdod Caffael)

[GORCHYMYN PRYNU GORFODOL ()] (a)

Deddf [] (a)

a Deddf Caffael Tir 1981

[Ddeddf(au) [] (a)]

1. Hysbysir drwy hyn bod Gweinidogion Cymru drwy arfer eu pwerau o dan y Deddfau uchod ar [(b)] [wedi gwneud] [wedi cadarnhau] [gydag addasiadau] (c) [y (ch)] [a gyflwynwyd gan (d)] [ar ran cyngor [rhowch yr enw] (c)] ("y gorchymyn").
2. Mae'r gorchymyn yn darparu ar gyfer prynu [y tir] [a] [yr hawliau newydd](c) a ddisgrifir yn Atodlen [1] isod at ddibenion [(dd)]. [Drwy gyfarwyddyd a roddwyd o dan [mewnosoder y ddeddfwriaeth berthnasol], cafodd ystyriaeth o'r gorchymyn, i'r graddau y mae'n ymwneud â'r tir a ddisgrifir yn Atodlen 2 isod, ei gohirio tan [mewnosoder y dyddiad perthnasol].].
3. Adnewydd copi o'r gorchymyn a'r map y cyfeirir ato yn y gorchymyn yn [mewnosoder y man adneuo (e)] a gellir eu gweld ar bob adeg resymol.
4. Bydd y gorchymyn yn weithredol ar y dyddiad y cyhoeddir yr hysbysiad hwn am y tro cyntaf. Caiff person a dramgwyddir gan y gorchymyn, drwy wneud cais i'r Uchel Lys o fewn 6 wythnos i'r dyddiad hwnnw, herio'i ddilysrwydd o dan adran 23 o Ddeddf Caffael Tir 1981. Y seiliau ar gyfer herio yw na alluogwyd yr awdurdodiad a ganiateir gan y gorchymyn i gael ei roi neu fod methiant wedi bod i gydymffurfio ag unrhyw ofyniad statudol perthnasol sy'n ymwneud â'r gorchymyn.

neu

4. Mae'r gorchymyn yn ddarostyngedig i [weithdrefnau a osodwyd mewn Rheolau Sefydlog a luniwyd gan y Cynulliad Cenedlaethol o dan adran 31 o Ddeddf Llywodraeth Cymru 2006 a daw'n weithredol fel y darperir yn adran 26 o Ddeddf Caffael Tir 1981] [weithdrefn Seneddol arbennig a daw'n weithredol fel y darperir yn [Neddf Gorchymynion Statudol (Gweithdrefn Arbennig) 1945](f)]. [Oni chaiff y gorchymyn ei gadarnhau gan Ddeddf Seneddol o dan adran 6 o Ddeddf 1945, caiff person a dramgwyddir gan y gorchymyn, drwy wneud cais i'r Uchel Lys o fewn 6 wythnos o'r dyddiad gweithredu, herio'i ddilysrwydd o dan adran 23 o Ddeddf Caffael Tir 1981. Y seiliau ar gyfer ei herio yw na alluogwyd yr awdurdodiad a ganiateir gan y gorchymyn i gael ei roi neu am fod methiant wedi bod i gydymffurfio ag unrhyw ofyniad statudol perthnasol sy'n ymwneud â'r gorchymyn.
5. Unwaith y mae'r gorchymyn wedi dod yn weithredol, caiff (d) gaffael unrhyw ran o'r tir a ddisgrifir yn Atodlen 1 isod drwy weithredu datganiad breinio cyffredinol o dan adran 4 o Ddeddf Prynu Gorfodol (Datganiadau Breinio) 1981. Rhoddir datganiad am effaith Rhannau 2 a 3 o'r Ddeddf honno yn Atodlen [2] / [3] (c) isod.
6. Gwahoddir pob person y byddai ganddo'r hawl i hawlio iawndal, pe bai datganiad breinio cyffredinol yn cael ei weithredu o dan adran 4 o Ddeddf Prynu Gorfodol (Datganiadau Breinio) 1981 mewn cysylltiad â'r tir sydd yn y gorchymyn (ac eithrio tir y rhoddyd rhybudd i drafod telerau mewn cysylltiad ag ef) am unrhyw dir o'r fath, i roi gwybodaeth i'r (d) yn (ff) am enw a chyfeiriad y person a'r tir o dan sylw, gan ddefnyddio ffurf ragnodedig. Mae'r ffurf ragnodedig berthnasol wedi ei phennu yn Atodlen [3] / [4] (c) isod.

ATODLEN 1

[Y TIR] [A'R] [HAWLIAU NEWYDD] (c) SYDD YN Y GORCHYMYN FEL Y'I CADARNHAWYD(c)

(G)

[ATODLEN [2]

Y TIR Y GOHIRIIR YSTYRIAETH AMDANO](c)

(ng)

ATODLEN [2] / [3] (c)

FFURF AR DDATGANIAD O EFFAITH RHANNAU 2 A 3 O DDEDDF PRYNU GORFODOL [DATGANIADAU BREINIO) 1981 (h)

ATODLEN [3] / [4] (c)

FFURF RHOI GWYBODAETH (i)

[Dyddiad a llofnod]

NODIADAU

Rhagnodwyd Ffurf 10 ar fformat ddwyieithog a mater i bob awdurdod caffael yw ystyried y dull mwyaf priodol i ddefnyddio'r Ffurf yn yr amgylchiadau.

(a) *Mewnosoder teitl y gorchymyn, y pennawd a'r is-bennawd fel sydd yn y gorchymyn a wnaed neu a gadarnhawyd.*

(b) *Mewnosoder dyddiad gwneud (ar gyfer gorchymyn a wnaed gan Weinidogion Cymru) neu ddyddiad cadarnhau'r gorchymyn (mewn achosion eraill).*

(c) *(Dilëer fel y bo'n briodol)*

(ch) *Mewnosoder teitl y gorchymyn.*

(d) *Mewnosoder enw'r awdurdod caffael.*

(dd) *Mewnosoder y diben fel y'i nodwyd yn y gorchymyn.*

(e) *Rhaid i'r man adneuo fod o fewn y gymdogaeth (gweler adran 11(2) (c) o Ddeddf Caffael Tir 1981) a rhaid iddo fod o fewn cyrraedd rhesymol y bobl sy'n byw yn yr ardal yr effeithir arni.*

(f) *Fe allai prynu tir yn orfodol neu brynu'n orfodol hawliau newydd dros dir sydd o'r fath a nodir yn adran 17(2) neu 19 o Ddeddf 1981 fod yn ddarostyngedig i weithdrefn arbennig a sefydlwyd gan Gynulliad Cenedlaethol Cymru o dan Ddeddf Llywodraeth Cymru 2006 ac, yn achos tir neu hawliau dros dir y mae adran 18 o Ddeddf 1981 yn gymwys iddo, yn ddarostyngedig i weithdrefn Seneddol arbennig o dan Ddeddf Gorchymynion Statudol (Gweithdrefn Arbennig) 1945.*

(ff) *Mewnosoder cyfeiriad yr awdurdod caffael y dylid anfon yr wybodaeth iddo*

(g) *Mewnosoder disgrifiad o'r holl dir (a/neu'r hawliau newydd (os oes rhai)) a ddisgrifir yn y gorchymyn. Nid oes raid i hyn ailadrodd yr Atodlen i'r gorchymyn, ond rhaid iddo gael ei eirio fel y bydd personau â buddiant yn gallu gweld ar unwaith sut yr effeithir ar eu tir. Os yw manylion yr hawliau newydd yn faith, gellir cynnwys crynodeb addas.*

(ng) Mewnosoder disgrifiad o'r tir (a/neu'r hawliau newydd (os oes rhai)) sydd yn y gorchymyn y gohirir ystyriaeth amdano.

(h) Mewnosoder Rhan 1 o Ffurf 9A

(i) Mewnosoder Rhan 2 o Ffurf 9A

RHAN 3

Rheoliad 2(3)(d)

FFURF 11

Ffurflen Hysbysu o wneud Gorchymyn Prynu Gorfodol gan Awdurdod Caffael

[GORCHYMYN PRYNU GORFODOL()] (a)

Deddf [] (a)

a Deddf Caffael Tir 1981

[Deddf(au) [] (a)]

1. Hysbysir drwy hyn bod [(b)], drwy arfer ei bwerau o dan y Deddfau uchod, ar [(c)] wedi cadarnhau [y (ch)] a wnaed ganddo [ar ran cyngor] (d) ("y gorchymyn"). Ni chafwyd gwrthwynebiad i'r gorchymyn o fewn y cyfnod a ganiateir, ac o'r herwydd, rhoddwyd hysbysiad gan Lywodraeth Cymru y caiff yr awdurdod caffael arfer y pŵer i gadarnhau'r gorchymyn yn unol ag adran 14A o Ddeddf Caffael Tir 1981.
2. Mae'r gorchymyn yn darparu ar gyfer prynu [y tir] [a'r] [hawliau newydd] a ddisgrifir yn Atodlen 1 isod at ddibenion [(dd)],
3. Adnewyd copi o'r gorchymyn a'r map y cyfeirir ato yn gorchymyn yn [mewnosoder y man adneuo (e)] ac maent ar gael i'w gweld ar bob adeg resymol.
4. Bydd y gorchymyn yn weithredol ar y dyddiad y cyhoeddir yr hysbysiad hwn am y tro cyntaf. Caiff person a dramgwyddir gan y gorchymyn, drwy wneud cais i'r Uchel Lys o fewn 6 wythnos o'r dyddiad hwnnw, herio'i ddilysrwydd o dan adran 23 o Ddeddf Caffael Tir 1981. Y seiliau ar gyfer herio yw na alluogwyd yr awdurdodiad a ganiateir gan y gorchymyn i gael ei roi neu am fod methiant wedi bod i gydymffurfio ag unrhyw ofyniad statudol perthnasol sy'n ymwneud â'r gorchymyn.
5. Unwaith y mae'r gorchymyn wedi dod yn weithredol, caiff (b) gaffael unrhyw ran o'r tir sydd wedi ei disgrifio yn Atodlen 1 isod drwy weithredu datganiad breinio cyffredinol o dan adran 4 o Ddeddf Prynu Gorfodol (Datganiadau Breinio) 1981. Rhoddir datganiad am effaith Rhannau 2 a 3 o'r Ddeddf honno yn Atodlen 2 isod.
6. Gwahoddir pob person y byddai ganddo'r hawl i hawlio iawndal, petai datganiad breinio cyffredinol yn cael ei weithredu o dan adran 4 o Ddeddf Prynu Gorfodol (Datganiadau Breinio) 1981 mewn cysylltiad â'r tir sydd yn y gorchymyn (ac eithrio tir y rhoddwyd rhybudd i drafod telerau mewn cysylltiad ag ef) mewn cysylltiad ag unrhyw dir o'r fath, i roi gwybodaeth i'r (b) yn (f) am ei enw a'i gyfeiriad a'r tir o dan sylw, gan ddefnyddio ffurf ragnodedig. Mae'r ffurf ragnodedig berthnasol yn Atodlen 3 isod.

ATODLEN 1

[Y TIR] [A'R] [HAWLIAU NEWYDD] (c) SYDD YN Y GORCHYMYN FEL Y'I CADARNHAWYD

(ff)

ATODLEN 2

FFURF AR DDATGANIAD O EFFAITH RHANNAU 2 A 3 O DDEDDF PRYNU GORFODOL [DATGANIADAU BREINIO) 1981

(h)

ATODLEN 3

FFURF RHOI GWYBODAETH

(ng)

[Dyddiad a llofnod]

NODIADAU

(a) *Mewnosoder y teitl, y pennawd a'r is-bennawd fel sydd yn y gorchymyn a wnaed neu a gadarnhawyd.*

(b) *Mewnosoder enw'r awdurdod caffael.*

(c) *Mewnosoder dyddiad cadarnhau'r gorchymyn.*

(ch) *Mewnosoder teitl y gorchymyn.*

(d) *Os yw'r caffaeliad ar ran cyngor arall, mewnosoder enw'r cyngor hwnnw. Os nad yw ar ran cyngor arall, dilëer y deunydd hwn.*

(dd) *Mewnosoder y diben fel y'i nodwyd.*

(e) *Rhaid i'r man adneuo fod o fewn y gymdogaeth (gweler adran 11(2) (c) o Ddeddf Caffael Tir 1981). Rhaid iddo fod o fewn cyrraedd rhesymol y bobl sy'n byw yn yr ardal yr effeithir arni.*

(f) *Mewnosoder cyfeiriad yr awdurdod caffael y dylid anfon gwybodaeth iddo.*

(ff) *Mewnosoder disgrifiad o'r holl dir (a/neu'r hawliau newydd (os oes rhai)) a ddisgrifir yn y gorchymyn. Nid oes raid i hyn ailadrodd yr Atodlen i'r gorchymyn, ond rhaid iddo gael ei eirio fel y bydd personau â buddiant yn gallu gweld ar unwaith sut yr effeithir ar eu tir. Os yw manylion yr hawliau newydd yn faith, gellir cynnwys crynodeb addas.*

(g) *Mewnosoder Rhan 1 o Ffurf 9A.*

(ng) *Mewnosoder Rhan 2 o Ffurf 9A.*

SCHEDULE

PART 1

Regulation 2(3)(b)

FORM 9A

Form of Statement of Effect of Parts 2 and 3 of The Compulsory Purchase (Vesting Declarations) Act 1981 (a)

Power to execute a general vesting declaration

1. Once the Order 20 (b) has become operative, the (“the “(c) may acquire any of the land described in Schedule 1 above (d) by executing a general vesting declaration under section 4 of the Compulsory Purchase (Vesting Declarations) Act 1981 (“the Act”). This has the effect, subject to paragraphs 3 and 5 below, of vesting the land in the (c) at the end of the period mentioned in paragraph 2.

Notices concerning general vesting declaration

2. As soon as may be after the (c) execute a general vesting declaration, they must serve notice of it on every occupier of any of the land specified in the declaration (except land where there is one of the tenancies described in paragraph 4) and on every person who gives them information relating to the land following the invitation contained in the [confirmation] [making](e) notice of the order. When the service of notices of the general vesting declaration is completed, a period specified in the declaration, of not less than three months, will begin to run. On the first day after the end of this period, the land described in the declaration will, subject to what is said in paragraphs 3 and 5, vest in the (c) together with the right to enter on the land and take possession of it. Every person on whom the (c) could have served a notice to treat in respect of their interest in the land (other than a tenant under one of the tenancies described in paragraph 4) will be entitled to claim compensation for the acquisition of their interest in the land, together with interest on the compensation from the vesting date.
3. The “vesting date” for any land specified in a declaration will be the first day after the end of the period mentioned in paragraph 2, unless a counter-notice is served under Schedule A1 to the Act within that period. If a counter-notice is served, the vesting date for the land which is the subject of the counter-notice will be determined in accordance with Schedule A1.

Modifications with respect to certain tenancies

4. In the case of certain tenancies, the position stated above is subject to modifications. The modifications apply where the tenancy is either a "minor tenancy", i.e. a tenancy for a year or a yearly tenancy or a lesser interest, or "a long tenancy which is about to expire". "A long tenancy which is about to expire" means a tenancy granted for an interest greater than a minor tenancy but having on the vesting date a period still to run which is not more than the period specified in the declaration for this purpose (which must be more than a year). In calculating how long a tenancy has still to run, where any option to renew or to terminate it is available to either party, it is assumed that the landlord will take every opportunity to terminate the tenancy and the tenant will take every opportunity to retain or renew their interest.
5. The modifications are that the (c) may not exercise the right of entry referred to in paragraph 2 in respect of land subject to a tenancy described in paragraph 4 unless they first serve notice to treat in respect of the tenancy and then serve every occupier of the land with a notice of their intention to enter and take possession after the period (which must be not less than three months from the service of the notice) specified in the notice. The right of entry will be exercisable at the end of that period. The vesting of the land will be subject to the tenancy until the end of that period or until the tenancy comes to an end, whichever happens first.

**Form For Giving Information
The Compulsory Purchase Order 20 (b)**

To: (c)

[I] [We](e) being [a person] [persons](e) who, if a general vesting declaration were executed under section 4 of the Compulsory Purchase (Vesting Declarations) Act 1981 in respect of all the land comprised in the compulsory purchase order cited above in respect of which notice to treat has not been given, would be entitled to claim compensation in respect of [all] [part of](e) that land, give you the following information, pursuant to the provisions of section 15 of, or paragraph 6 of Schedule 1, to the Acquisition of Land Act 1981.

1. Name and address of informant(s) (i)
 2. Land in which an interest is held by informant(s) (ii)
 3. Nature of interest (iii)
- Signed
- [on behalf of](e)
- Date

- (i) In the case of a joint interest insert the names and addresses of all the informants.
- (ii) The land should be described concisely.
- (iii) If the interest is leasehold, the date of commencement and length of term should be given. If the land is subject to a mortgage or other incumbrance, details should be given, e.g. name of building society and roll number.

NOTES ON THE USE OF FORM 9A

- (a) *A confirmation notice of a compulsory purchase order under section 15 of the Acquisition of Land Act 1981 (or, in the case of a Ministerial order, a making notice under paragraph 6 of Schedule 1 to that Act) must :-*
 - (i) *contain a prescribed statement about the effect of Parts 2 and 3 of the Compulsory Purchase (Vesting Declarations) Act 1981 (i.e. Part 1 of this Form); and*
 - (ii) *invite any person who, if a general vesting declaration were executed under section 4 of that Act, would be entitled to claim compensation, to give the acquiring authority information as to their name and address and the land in question, using a prescribed form (i.e. Part 2 of this Form).*
- (b) *Insert the title of the order as made or confirmed.*
- (c) *Insert the name of the acquiring authority, and define them by an appropriate term. Thereafter insert the definition wherever "(c)" appears in the text.*
- (d) *Schedule 1 to the confirmation notice (or, in the case of a Ministerial order, the making notice) of a compulsory purchase order will contain a description of all the land (and/or new rights (if any)) comprised in the order. Part 1 of this Form should be inserted as a subsequent Schedule to the confirmation notice (or, in the case of a Ministerial order, the making notice).*
- (e) *Delete as appropriate.*

FORM 10

**Form of Notice of Making or Confirmation (other than by an Acquiring Authority)
of a Compulsory Purchase Order**

[THE () COMPULSORY PURCHASE ORDER] (a)

The [] Act (a)

and the Acquisition of Land Act 1981

[The [] Act(s) (a)]

1. Notice is hereby given that the Welsh Ministers in exercise of their powers under the above Acts, on [(b)][made][confirmed][with modifications] (c) [the (d)] [submitted by the (e)][on behalf of the council of [insert name] (c)] (“the order”).
 2. The order provides for the purchase of [the land][and][the new rights] (c) described in Schedule [1] below for the purposes of [(f)]. [By a direction given under [insert reference to the relevant legislation], consideration of the order, so far as it relates to the land described in Schedule 2 below, has been postponed until [insert relevant date].].
 3. A copy of the order and the map referred to in the order, have been deposited at [insert place of deposit(g)] and may be seen at all reasonable hours.
 4. The order becomes operative on the date on which this notice is first published. A person aggrieved by the order may, by application to the High Court within 6 weeks from that date, challenge its validity under section 23 of the Acquisition of Land Act 1981. The grounds for challenge are that the authorisation granted by the order is not empowered to be granted or that there has been a failure to comply with any relevant statutory requirement relating to the order.
- or*
4. The order is subject to [procedures laid down in Standing Orders prepared by the National Assembly under section 31 of the Government of Wales Act 2006 and will become operative as provided by section 26 of the Acquisition of Land Act 1981] [special Parliamentary procedure and will become operative as provided by the [Statutory Orders (Special Procedure) Act 1945](h)]. [Unless the order is confirmed by Act of Parliament under section 6 of the 1945 Act, a] [A] person aggrieved by the order may, by application to the High Court within 6 weeks from the operative date, challenge its validity under section 23 of the Acquisition of Land Act 1981. The grounds for challenge are that the authorisation granted by the order is not empowered to be granted or that there has been a failure to comply with any relevant statutory requirement relating to the order.
 5. Once the order has become operative, (e) may acquire any of the land described in Schedule 1 below by executing a general vesting declaration under section 4 of the Compulsory Purchase (Vesting Declarations) Act 1981. A statement on the effect of Parts 2 and 3 of that Act is set out in Schedule [2] / [3] (c) below.
 6. Every person who, if a general vesting declaration were executed under section 4 of the Compulsory Purchase (Vesting Declarations) Act 1981 in respect of the land comprised in the order (other than land in respect of which notice to treat has been given), would be entitled to claim compensation in respect of any such land, is invited to give information to the (e) at (i) as to the person’s name and address and the land in question, using a prescribed form. The relevant prescribed form is set out in Schedule [3] / [4] (c) below.

SCHEDULE 1

[LAND][AND][THE NEW RIGHTS] (c) COMPRISED IN THE ORDER AS
[MADE][CONFIRMED] (c)

(j)

[SCHEDULE 2

LAND IN RESPECT OF WHICH CONSIDERATION HAS BEEN POSTPONED]
(c)

(k)

SCHEDULE [2] / [3] (c)

FORM OF STATEMENT OF EFFECT OF PARTS 2 AND 3 OF THE
COMPULSORY PURCHASE (VESTING DECLARATIONS) ACT 1981 (l)

SCHEDULE [3] / [4] (c)

FORM FOR GIVING INFORMATION (m)

[Date and signature]

NOTES

Form 10 has been prescribed in a bi-lingual format and it is for each acquiring authority to consider the most appropriate way to complete the Form in the circumstances.

- (a) *Insert the title, heading and any sub-heading as in the order as made or confirmed.*
- (b) *Insert the date of the making (for an order made by the Welsh Ministers) or confirmation (in other cases) of the order.*
- (c) *Delete as appropriate.*
- (d) *Insert the title of the order.*
- (e) *Insert the name of the acquiring authority.*
- (f) *Insert the purpose as stated in the order.*
- (g) *The place of deposit must be "within the locality" (see section 11(2)(c) of the Acquisition of Land Act 1981) and be within reasonably easy reach of persons living in the area affected.*
- (h) *The compulsory acquisition of land or new rights over land which is of a type set out in section 17(2) or 19 of the 1981 Act may be subject to a special procedure established by the National Assembly for Wales under the Government of Wales Act 2006 and, in the case of land or rights over land to which section 18 of the 1981 Act applies, special Parliamentary procedure under the Statutory Orders (Special Procedure) Act 1945.*
- (i) *Insert the address of the acquiring authority where the information should be sent*
- (j) *Insert a description of all the land (and/or new rights (if any)) comprised in the order. This need not repeat the Schedule to the order, but must be in terms from which persons interested can readily see how their land is affected. If the details of the new rights are lengthy a suitable summary can be included.*

(k) Insert a description of the land (and/or new rights (if any)) comprised in the order in respect of which consideration has been postponed.

(l) Insert Part 1 of Form 9A

(m) Insert Part 2 of Form 9A

PART 3

Regulation 2(3)(d)

FORM 11

Form of Notice of Confirmation by an Acquiring Authority of a Compulsory Purchase Order

[THE () COMPULSORY PURCHASE ORDER] (a)

The [] Act (a)

and the Acquisition of Land Act 1981

[The [] Act(s) (a)]

1. Notice is hereby given that the [(b)], in exercise of its powers under the above Acts, on [(c)] confirmed [the (d)] made by it [on behalf of the council of (e) ("the order")]. No objections to the order were received within the permitted period and, consequently, notification was given by the Welsh Ministers that the power to confirm the order may be exercised by the acquiring authority in accordance with section 14A of the Acquisition of Land Act 1981.
2. The order provides for the purchase of [the land][and][the new rights] described in Schedule 1 below for the purposes of [(f)].
3. A copy of the order and of the map referred to in the order have been deposited at [insert place of deposit(g)] and may be seen at all reasonable hours.
4. The order becomes operative on the date on which this notice is first published. A person aggrieved by the order may, by application to the High Court within 6 weeks from that date, challenge its validity under section 23 of the Acquisition of Land Act 1981. The grounds for challenge are that the authorisation granted by the order is not empowered to be granted or that there has been a failure to comply with any relevant statutory requirement relating to the order.
5. Once the order has become operative, (b) may acquire any of the land described in Schedule 1 below by executing a general vesting declaration under section 4 of the Compulsory Purchase (Vesting Declarations) Act 1981. A statement on the effect of Parts 2 and 3 of that Act is set out in Schedule 2 below.
6. Every person who, if a general vesting declaration were executed under section 4 of the Compulsory Purchase (Vesting Declarations) Act 1981 in respect of the land comprised in the order (other than land in respect of which notice to treat has been given), would be entitled to claim compensation in respect of any such land, is invited to give information to the (b) at (h) as to their name and address and the land in question, using a prescribed form. The relevant prescribed form is set out in Schedule 3 below.

SCHEDULE 1

[LAND][AND][THE NEW RIGHTS] (c) COMPRISED IN THE ORDER AS CONFIRMED

(i)

SCHEDULE 2

FORM OF STATEMENT OF EFFECT OF PARTS 2 AND 3 OF THE COMPULSORY PURCHASE (VESTING DECLARATIONS) ACT 1981

(j)

SCHEDULE 3

FORM FOR GIVING INFORMATION

(k)

[Date and signature]

NOTES

(a) *Insert the title, heading and any sub-heading as in the order as made or confirmed.*

(b) *Insert the name of the acquiring authority.*

(c) *Insert the date of the confirmation of the order.*

(d) *Insert the title of the order.*

(e) *If the acquisition is on behalf of another council, insert the name of that council. If not so acquiring, delete this material.*

(f) *Insert the purpose as stated in the order.*

(g) *The place of deposit must be "within the locality" (see section 11(2)(c) of the Acquisition of Land Act 1981). It should be within reasonably easy reach of persons living in the area affected.*

(h) *Insert the address of the acquiring authority where the information should be sent*

(i) *Insert a description of all the land (and/or new rights (if any)) comprised in the order. This need not repeat the Schedule to the order, but must be in terms from which persons interested can readily see how their land is affected. If the details of the new rights are lengthy a suitable summary can be included.*

(j) *Insert Part 1 of Form 9A*

(k) *Insert Part 2 of Form 9A*

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