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CYMRU

WELSH STATUTORY
INSTRUMENTS

2020 Rhif 272 (Cy. 64)

2020 No. 272 (W. 64)

BYWYD GWYLLT, CYMRU

WILDLIFE, WALES

Gorchymyn Deddf Bywyd Gwyllt a
Chefn Gwlad 1981 (Amrywio
Atodlen 2) (Cymru) 2020

The Wildlife and Countryside Act
1981 (Variation of Schedule 2)
(Wales) Order 2020

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 yn diwygio Atodlen 2 o Ddeddf Bywyd Gwyllt a Chefn Gwlad 1981 ("y Ddeddf").

This Order amends Schedule 2 to the Wildlife and Countryside Act 1981 ("the Act").

Mae Rhan 1 o'r Atodlen honno yn rhestru'r adar y caniateir eu lladd neu eu cymryd y tu allan i'r tymor caeedig. Diffinnir y tymor caeedig yn adran 2(4) o'r Ddeddf.

Part 1 of that Schedule lists the birds that may be killed or taken outside the close season. The close season is defined in section 2(4) of the Act.

Mae erthygl 2 yn y Gorchymyn hwn yn diwygio'r cofnod ar gyfer yr Ŵydd Dalcenwyn (*Anser Albifrons*) yn Rhan 1 o Atodlen 2 i'r Ddeddf, felly nid yw'r cofnod hwnnw yn gymwys bellach o ran Cymru. Effaith y diwygio hwn yw ei gwneud hi'n drosedd yng Nghymru (o dan adran 1 o'r Ddeddf) i ladd neu i gymryd (neu i niweidio yn ystod ymgais i ladd) unrhyw isrywogaeth o'r Ŵydd Dalcenwyn y tu allan i'r tymor caeedig ar gyfer yr aderyn hwnnw.

Article 2 of this Order amends the entry for White-fronted Goose (*Anser Albifrons*) in Part 1 of Schedule 2 to the Act, so that Greenland White-fronted Goose are exempt from that Schedule. The effect of this amendment is to make it an offence in Wales (under section 1 of the Act) to kill or take (or to injure in the course of an attempt to kill) Greenland White-fronted Goose outside the close season for White-fronted Goose.

Ystyriwyd Cod Ymarfer Gweinidogion Cymru ar gynnal Aseidiadau Effaith Rheoleiddiol mewn perthynas â'r Gorchymyn hwn. O ganlyniad paratowyd asesiad effaith rheoleiddiol o'r costau a'r manteision sy'n debygol o ddeillio o gydymffurfio â'r Rheoliadau hyn. Gellir cael copi oddi wrth: Llywodraeth Cymru (Is-adran y Tir, Natur a Choedwigaeth), Rhodfa Padarn, Llanbadarn Fawr, Aberystwyth, Ceredigion, SY23 3UR.

The Welsh Ministers' Code of Practice on the carrying out of Regulatory Impact Assessments was considered in relation to this Order. As a result, a regulatory impact assessment has been prepared as to the likely costs and benefits of complying with these Regulations. A copy can be obtained from the Welsh Government (Land, Nature, and Forestry Division), Rhodfa Padarn, Llanbadarn Fawr, Aberystwyth, Ceredigion, SY23 3UR.

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**Gorchymyn Deddf Bywyd Gwyllt a
Chefn Gwlad 1981 (Amrywio
Atodlen 2) (Cymru) 2020**

**The Wildlife and Countryside Act
1981 (Variation of Schedule 2)
(Wales) Order 2020**

Gwnaed 10 Mawrth 2020

Made 10 March 2020

*Gosodwyd gerbron Cynulliad Cenedlaethol
Cymru* 11 Mawrth 2020

*Laid before the National Assembly for
Wales* 11 March 2020

Yn dod i rym yn unol ag erthygl 1

Coming into force in accordance with article 1

Mae Gweinidogion Cymru yn gwneud y Gorchymyn a ganlyn drwy arfer y pwerau a roddwyd gan adran 22(1) o Ddeddf Bywyd Gwyllt a Chefn Gwlad 1981(1).

The Welsh Ministers make the following Order in exercise of the powers conferred by section 22(1) of the Wildlife and Countryside Act 1981(1).

At ddibenion adran 26(4)(a) o'r Ddeddf honno, nid yw Gweinidogion Cymru yn ystyried bod unrhyw awdurdod lleol yn cael ei effeithio gan y Gorchymyn hwn. Yn unol â'r adran honno, mae Gweinidogion Cymru wedi rhoi cyfle i unrhyw berson arall yr effeithir arno i gyflwyno gwrthwynebiadau neu sylwadau mewn perthynas â phwnc y Gorchymyn hwn.

For the purposes of section 26(4)(a) of that Act, the Welsh Ministers do not consider any local authority to be affected by this Order. In accordance with that section, the Welsh Ministers have given any other person affected an opportunity to submit objections or representations with respect to the subject matter of this Order.

(1) 1981 p. 69. Diwygiwyd adran 22(1) gan adran 47(5) o Ddeddf yr Amgylchedd Naturiol a Chymunedau Gwledig 2006 (p. 16). Trosglwyddwyd swyddogaethau Ysgrifennydd Gwladol Cymru o dan adran 22(1) i'r graddau yr oeddent yn arferadwy mewn perthynas â Chymru, i Gynulliad Cenedlaethol Cymru gan erthygl 2 o Orchymyn Cynulliad Cenedlaethol Cymru (Trosglwyddo Swyddogaethau) 1999 ac Atodlen 1 iddo (O.S. 1999/672). Trosglwyddwyd y swyddogaethau hyn wedi hynny i Weinidogion Cymru gan adran 162 o Ddeddf Llywodraeth Cymru 2006 (p. 32) a pharagraff 30 o Atodlen 11 iddi.

(1) 1981 c. 69. Section 22(1) was amended by section 47(5) of the Natural Environment and Rural Communities Act 2006 (c. 16). The functions of the Secretary of State under section 22(1) were, so far as exercisable in relation to Wales, transferred to the National Assembly for Wales by article 2 of, and Schedule 1 to, the National Assembly for Wales (Transfer of Functions) Order 1999 (S.I. 1999/672). Those functions were subsequently transferred to the Welsh Ministers by section 162 of, and paragraph 30 of Schedule 11 to, the Government of Wales Act 2006 (c. 32).

Yn unol ag adran 26(4)(b) o'r Ddeddf honno, mae Gweinidogion Cymru wedi ymgynghori â'r Cydbwyllgor Cadwraeth Natur, a Chorff Adnoddau Naturiol Cymru, sef y cyrff cynghorol⁽¹⁾ sydd, ym marn Gweinidogion Cymru, yn gallu eu cynghori orau a ddylid gwneud y Gorchymyn hwn ai peidio.

Enwi a chychwyn

1. Enw'r Gorchymyn hwn yw Gorchymyn Deddf Bywyd Gwyllt a Chefn Gwlad 1981 (Amrywio Atodlen 2) (Cymru) 2020, a daw i rym 21 diwrnod ar ôl y diwrnod y cafodd ei osod.

Amrywio Atodlen 2

2. Yn Atodlen 2 i Ddeddf Bywyd Gwyllt a Chefn Gwlad (1981) (adar y caniateir eu lladd neu eu cymryd) yn Rhan 1 (y tu allan i'r tymor caeedig) —

- (a) yng ngholofn 1, ar ôl “except” hepgorer “, in England,”;
- (b) yng ngholofn 2, ar ôl “except” hepgorer “, in England,”.

In accordance with section 26(4)(b) of that Act, the Welsh Ministers have consulted the Joint Nature Conservation Committee, and the Natural Resources Body for Wales, being the advisory bodies⁽¹⁾ that the Welsh Ministers consider are best able to advise them whether this Order should be made.

Title and commencement

1. The title of this Order is the Wildlife and Countryside Act 1981 (Variation of Schedule 2) (Wales) Order 2020, and it comes into force 21 days after the date it was laid.

Variation of Schedule 2

2. In Schedule 2 to the Wildlife and Countryside Act 1981 (birds which may be killed or taken) in Part 1 (outside the close season) —

- (a) in column 1, after “except” omit “, in England,”;
- (b) in column 2, after “except” omit “, in England,”.

Lesley Griffiths

Gweinidog Amgylchedd, Ynni a Materion Gwledig,
un o Weinidogion Cymru
10 Mawrth 2020

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Minister for Environment, Energy and Rural Affairs,
one of the Welsh Ministers
10 March 2020

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⁽¹⁾ Gweler y diffiniad o “*advisory body*” yn adrannau 23(3) a 27(1) o Ddeddf Bywyd Gwyllt a Chefn Gwlad 1981. Sefydlwyd y Cydbwyllgor Cadwraeth Natur o dan adran 128(4) o Ddeddf Diogelu'r Amgylchedd 1990 (p. 43) ac mae'n parhau i fod (er iddo gael ei ailgyfansoddi) o dan adran 31 o Ddeddf yr Amgylchedd Naturiol a Chymunedau Gwledig 2006. Diddymwyd Cyngor Cefn Gwlad Cymru a throsglwyddwyd ei holl swyddogaethau i Gorff Adnoddau Naturiol Cymru drwy Orchymyn Corff Adnoddau Naturiol Cymru (Swyddogaethau) 2013 (O.S. Cy. 2013/755 (Cy.90)). Crëwyd Corff Adnoddau Naturiol Cymru drwy Orchymyn Corff Adnoddau Naturiol Cymru (Sefydlu) 2012 (O.S. Cy. 2012/1903 (Cy.230)) fel y'i diwygiwyd gan O.S. Cy. 2013/755 (Cy.90).

⁽¹⁾ See the definition of “*advisory body*” in sections 23(3) and 27(1) of the Wildlife and Countryside Act 1981. The Joint Nature Conservation Committee was established under section 128(4) of the Environmental Protection Act 1990 (c. 43) and continues in existence (albeit reconstituted) under section 31 of the Natural Environment and Rural Communities Act 2006. The Countryside Council for Wales was abolished, and all of its functions were transferred to the Natural Resources Body for Wales, by the Natural Resources Body for Wales (Functions) Order 2013 (W.S.I. 2013/755 (W.90)). The Natural Resources Body for Wales was created by the Natural Resources Body for Wales (Establishment) Order 2012 (W.S.I. 2012/1903 (W. 230)) as amended by W.S.I. 2013/755 (W.90).

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