



HYSBYSIAD YNGHYLCH GWELLIANNAU NOTICE OF AMENDMENTS

Cyflwynwyd ar 29 Mehefin 2010
Tabled on 29 June 2010

Mesur Arfaethedig Caeau Chwarae (Ymgysylltiad Cymunedau
â Phenderfyniadau Gwaredu) (Cymru)
Proposed Playing Fields (Community Involvement in Disposal
Decisions) (Wales) Measure

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| Carl Sargeant | 4 |
| Page 1, line 7, leave out section 1.
Tudalen 1, llinell 8, gadewch allan adran 1. | |
| Carl Sargeant | 5 |
| Page 1, line 28, leave out section 2.
Tudalen 1, llinell 30, gadewch allan adran 2. | |
| Carl Sargeant | 6 |
| Page 2, line 27, leave out section 3.
Tudalen 2, llinell 28, gadewch allan adran 3. | |

Carl Sargeant 7

Page 3, line 38, leave out section 4.

Tudalen 3, llinell 40, gadewch allan adran 4.

Carl Sargeant 8

Page 4, line 15, leave out section 5.

Tudalen 4, llinell 15, gadewch allan adran 5.

Carl Sargeant 9

Page 4, line 20, leave out section 6.

Tudalen 4, llinell 20, gadewch allan adran 6.

Carl Sargeant 10

Page 5, line 9, leave out section 7.

Tudalen 5, llinell 10, gadewch allan adran 7.

Carl Sargeant 11

Page 5, line 34, leave out section 8.

Tudalen 5, llinell 37, gadewch allan adran 8.

Carl Sargeant 12

To insert a new Section –

‘(1) Community involvement in disposals by local authorities of playing fields

- (1) The Welsh Ministers may, by regulations, make provision for the involvement of communities in decisions by local authorities about disposals by them of land consisting or forming part of a playing field.
- (2) Regulations under subsection (1) may amongst other things –
 - (a) apply the regulations to specified kinds of disposals;
 - (b) apply the regulations to disposals of specified kinds of playing field;
 - (c) make a disposal to which the regulations apply subject to consultation in accordance with the regulations;
 - (d) specify persons or categories of person who must be consulted, those persons being those affected by, or interested in, a disposal to which the regulations apply;
 - (e) provide for the form and manner of consultation;
 - (f) provide for the giving of notice of proposed disposals, including the form and manner of notice;

- (g) provide for section 123(2A) of the Local Government Act 1972 (c. 70) to be disappplied in the case of disposals to which the regulations apply;
 - (h) require the provision of information about –
 - (i) the effect of a proposed disposal on any strategy, plan or assessment specified in the regulations, or
 - (ii) anything else connected to a proposed disposal;
 - (i) specify the form and manner in which information is to be provided;
 - (j) provide that a local authority must, in exercising its functions under the regulations, have regard to guidance given from time to time by the Welsh Ministers;
 - (k) make different provision for different cases or classes of case;
 - (l) make provision generally or subject to exceptions or only in relation to specific cases or classes of case;
 - (m) make such incidental, supplementary, consequential, transitional or saving provisions as the Welsh Ministers think fit.
- (3) In this Measure –
- “disposal” (“*gwarediad*”) means a grant of any estate or interest in land or the entry into an agreement to do so;
- “local authority” (“*awdurdod lleol*”) means –
- (i) a county or county borough council,
 - (ii) a community council (including a town council),
 - (iii) a National Park authority;
- “playing field” (“*cae chwarae*”) means an open space which includes one or more areas which have at any time been marked or otherwise set aside for sport or other similar recreational activity.’.

I ychwanegu Adran newydd –

‘(1) Ymgysylltiad cymunedau â gwarediadau gan awdurdodau lleol o gaeau chwarae

- (1) Caiff Gweinidogion Cymru, trwy reoliadau, wneud darpariaeth ar gyfer ymgysylltiad cymunedau â phenderfyniadau gan awdurdodau lleol am warediadau ganddynt o dir sy’n gae chwarae neu’n rhan o gae chwarae.
- (2) Caiff Rheoliadau o dan is-adran (1) ymhlith pethau eraill –
 - (a) cymhwyso’r rheoliadau i fathau penodedig o warediadau;
 - (b) cymhwyso’r rheoliadau i warediadau i fathau penodedig o gae chwarae;
 - (c) gwneud gwarediad y mae’r rheoliadau yn gymwys iddo yn ddarostyngedig i ymgynghoriad yn unol â’r rheoliadau;
 - (d) pennu’r personau neu’r categorïau o berson y mae’n rhaid ymgynghori â hwy, sef y personau hynny yr effeithir arnynt gan warediad neu sydd â buddiant mewn gwarediad, a’r gwarediad hwnnw yn un y mae’r rheoliadau yn gymwys iddo;

- (e) darparu ar gyfer ffurf a dull yr ymgynghori;
- (f) darparu ar gyfer rhoi hysbysiad am warediadau arfaethedig, gan gynnwys ffurf a dull yr hysbysiad;
- (g) darparu ar gyfer datgymhwyso adran 123(2A) o Ddeddf Llywodraeth Leol 1972 (p.70) yn achos gwarediadau y mae'r rheoliadau yn gymwys iddynt;
- (h) ei gwneud yn ofynnol bod gwybodaeth am y canlynol yn cael ei darparu –
 - (i) effaith gwarediad arfaethedig ar unrhyw strategaeth, cynllun neu asesiad a bennir yn y rheoliadau, neu
 - (ii) unrhyw beth arall cysylltiedig â gwarediad arfaethedig;
- (i) pennu ffurf a dull y mae'r wybodaeth i'w darparu ynddi ac ynddo;
- (j) darparu bod rhaid i awdurdod lleol, wrth arfer ei swyddogaethau o dan y rheoliadau, roi sylw i ganllawiau a roddir o bryd i'w gilydd gan Weinidogion Cymru;
- (k) gwneud darpariaeth wahanol ar gyfer achosion gwahanol neu ddsbarthau ar achosion gwahanol;
- (l) gwneud darpariaeth yn gyffredinol neu yn ddarostyngedig i eithriadau neu yn unig o ran achosion penodol neu ddsbarthau ar achosion penodol;
- (m) gwneud unrhyw ddarpariaethau cysylltiedig, darpariaethau atodol, darpariaethau canlyniadol, darpariaethau trosiannol neu ddarpariaethau arbed a wêl Gweinidogion Cymru yn dda.

(3) Yn y Mesur hwn–

ystyr “awdurdod lleol” (“local authority”) yw –

- (i) cyngor sir neu gyngor bwrdeistref sirol,
- (ii) cyngor cymuned (gan gynnwys cyngor tref),
- (iii) awdurdod Parc Cenedlaethol;

ystyr “cae chwarae” (“playing field”) yw man agored sy'n cynnwys un neu fwy o ardaloedd sydd ar unrhyw adeg wedi'u marcio neu wedi'u neilltuo fel arall ar gyfer chwaraeon neu weithgaredd hamddenol tebyg;

ystyr “gwarediad” (“disposal”) yw rhoi unrhyw ystâd neu fuddiant mewn tir neu wneud cytundeb i wneud hynny.’.

Carl Sargeant

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To insert a new Section –

(1) Amendment to the Local Government Act 1972 (c. 70)

(1) The Local Government Act 1972 (c. 70) is amended as follows.

(2) In section 123 (disposal of land by principal councils) –

- (a) in subsection (1), after “Subject to the following provisions of this section,” insert –

“and to those of the Playing Fields (Community Involvement in Disposal Decisions) (Wales) Measure 2010, “,

(b) after subsection (2A), insert –

“(2AA) Subsection (2A) does not apply to a disposal to which the provisions of the Playing Fields (Community Involvement in Disposal Decisions) (Wales) Measure 2010 apply.”, and

(c) in subsection (2B), after “by virtue of subsection (2A) above” insert –

“or in accordance with the provisions of the Playing Fields (Community Involvement in Disposal Decisions) (Wales) Measure 2010.”.

(3) In section 127 (disposal of land by parishes and communities), in subsection (1), after “Subject to the following provisions of this section,” insert –

“and to those of the Playing Fields (Community Involvement in Disposal Decisions) (Wales) Measure 2010,”.

I ychwanegu Adran newydd –

(1) Diwygio Deddf Llywodraeth Leol 1972 (p. 70)

(1) Diwygir Deddf Llywodraeth Leol 1972 (p. 70) fel a ganlyn.

(2) Yn adran 123 (gwaredu tir gan y prif gynghorau) –

(a) yn is-adran (1), ar ôl “Subject to the following provisions of this section,” mewnosoder –

“and to those of the Playing Fields (Community Involvement in Disposal Decisions) (Wales) Measure 2010,”,

(b) ar ôl is-adran (2A), mewnosoder –

“(2AA) Subsection (2A) does not apply to a disposal to which the provisions of the Playing Fields (Community Involvement in Disposal Decisions) (Wales) Measure 2010 apply.”, ac

(c) yn is-adran (2B), ar ôl “by virtue of subsection (2A) above”, mewnosoder –

“or in accordance with the provisions of the Playing Fields (Community Involvement in Disposal Decisions) (Wales) Measure 2010.”.

(3) Yn adran 127 (gwaredu tir gan blwyfi a chymunedau), yn is-adran (1), ar ôl “Subject to the following provisions of this section,” mewnosoder –

“and to those of the Playing Fields (Community Involvement in Disposal Decisions) (Wales) Measure 2010,”.

Carl Sargeant

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To insert a new Section –

‘(1) Disposal by National Park authorities of playing fields

- (1) The Environment Act 1995 (c. 25) is amended as follows.
- (2) In Schedule 8, after paragraph 1(1) insert –

“(1A) The reference in sub-paragraph (1) to section 123 of the 1972 Act is to be interpreted as a reference to that section as amended by section [] of the Playing Fields (Community Involvement in Disposal Decisions) (Wales) Measure 2010 in so far as that sub-paragraph applies to a National Park authority for a National Park in Wales.”.

I ychwanegu Adran newydd –

‘(1) Gwaredu caeau chwarae gan awdurdodau Parciau Cenedlaethol

- (1) Diwygir Deddf yr Amgylchedd 1995 (p. 25) fel a ganlyn.
- (2) Yn Atodlen 8, ar ôl paragraff 1(1), mewnosoder –

“(1A) The reference in sub-paragraph (1) to section 123 of the 1972 Act is to be interpreted as a reference to that section as amended by section [] of the Playing Fields (Community Involvement in Disposal Decisions) (Wales) Measure 2010 in so far as that sub-paragraph applies to a National Park authority for a National Park in Wales.”.

Carl Sargeant

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Page 6, line 14, leave out section 9 and insert –

‘(1) Procedure for regulations

- (1) The power to make regulations conferred by this Measure is exercisable by statutory instrument.
- (2) A statutory instrument containing regulations made under this Measure is subject to annulment in pursuance of a resolution of the Assembly.’.

Tudalen 6, llinell 28, gadewch allan Adran 9 a mewnosoder –

‘(1) Trefn ar gyfer rheoliadau

- (1) Mae unrhyw bŵer i wneud rheoliadau a roddir gan y Mesur hwn yn arferadwy drwy offeryn statudol.
- (2) Mae unrhyw offeryn statudol sy’n cynnwys rheoliadau a wneir o dan y Mesur hwn yn gallu cael ei ddiddymu yn unol â phenderfyniad gan y Cynulliad.’.

Carl Sargeant

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Page 6, line 37, leave out section 10.

Tudalen 6, llinell 40, gadewch allan adran 10.

Carl Sargeant

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Page 7, line 11, leave out section 11.

Tudalen 7, llinell 11, gadewch allan adran 11.

Carl Sargeant

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Section 12, page 7, line 28, leave out subsections (2) and (3) and insert –

‘() This Measure comes into force on the day on which it is approved by Her Majesty in Council.’

Adran 12, tudalen 7, llinell 29, gadewch allan is-adrannau (2) a (3) a mewnosoder –

‘() Daw’r Mesur hwn i rym ar y diwrnod y’i cymeradwyir gan Ei Mawrhydi yn y Cyfrin Gyngor.’

Carl Sargeant

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Page 8, line 4, leave out the Schedule.

Tudalen 8, llinell 4, gadewch allan yr Atodlen.