



Mesur Caeau Chwarae (Ymgysylltiad  
Cymunedau â Phenderfyniadau  
Gwaredu) (Cymru) 2010

2010 mccc 6

Nodiadau Esboniadol

Playing Fields (Community Involvement  
in Disposal Decisions (Wales) Measure  
2010

2010 nawm 6

Explanatory Notes

£5.75

# **MESUR CAEAU CHWARAE (YMGYSYLLTIAD CYMUNEDAU Â PHENDERFYNIADAU GWAREDU) (CYMRU) 2010**

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## **NODIADAU ESBONIADOL**

### **RHAGYMDRODD**

1. Mae'r Nodiadau Esboniadol hyn yn cyfeirio at Fesur Caeau Chwarae (Ymgysylltiad Cymunedau â Phenderfyniadau Gwaredu) (Cymru) 2010, a gafodd ei basio gan Gynulliad Cenedlaethol Cymru ar 6 Hydref 2010 a'i gymeradwyo gan Ei Mawrhydi yn y Cyfrin Gyngor ar 15 Rhagfyr 2010. Maent wedi'u paratoi gan Dai Lloyd AC, cynigydd y Mesur. Dylai'r Nodiadau Esboniadol hyn gael eu darllen ar y cyd â'r Mesur ond nid ydynt yn rhan ohono.

### **SYLWEBAETH AR YR ADRANNAU**

#### **Adran 1 – Ymgysylltiad cymunedau â gwaredu caeau chwarae gan awdurdodau lleol**

2. Mae'r adran hon yn rhoi pŵer i Weinidogion Cymru wneud rheoliadau sy'n darparu ar gyfer cynnwys cymunedau ym mhenderfyniadau'r awdurdodau lleol ynghylch gwaredu tir sy'n gae chwarae neu sy'n ffurfio rhan o gae chwarae.
3. Diffinnir "awdurdod lleol" yn is-adran (3) fel cyngor sir neu gyngor bwrdeistref sirol, cyngor cymuned (gan gynnwys cyngor tref) neu awdurdod parc cenedlaethol, a "gwaredu" fel caniatáu unrhyw ystâd neu fuddiant mewn tir neu wneud cytundeb i wneud hynny. Mae is-adran (3) hefyd yn diffinio "cae chwarae", sef man agored sy'n cynnwys un neu fwy o ardaloedd sydd ar unrhyw adeg wedi'u marcio neu wedi'u neilltuo mewn modd arall ar gyfer chwaraeon neu weithgarwch hamdden tebyg.
4. Caiff rheoliadau a wneir o dan yr adran hon ddarparu i'r rheoliadau hynny gael eu cymhwyso at fathau penodol o waredu neu fathau penodol o gaeau chwarae, a chânt beri bod yn rhaid ymgynghori ynglŷn â gwarediad yn unol â'r rheoliadau, a'i gwneud yn ofynnol i hysbysiad gael ei roi ynglŷn â'r cynigion. Caniateir ei gwneud yn ofynnol i'r awdurdodau lleol ddarparu gwybodaeth am effaith gwarediad arfaethedig ar unrhyw strategaeth, cynllun neu asesiad a bennir yn y rheoliadau, neu am unrhyw beth arall sy'n gysylltiedig â'r gwarediad, a chaniateir ei gwneud yn ofynnol iddynt ddarparu'r wybodaeth yn y ffurf a'r dull a bennir yn y rheoliadau.

# **PLAYING FIELDS (COMMUNITY INVOLVEMENT IN DISPOSAL DECISIONS (WALES) MEASURE 2010**

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## **EXPLANATORY NOTES**

### **INTRODUCTION**

1. These Explanatory Notes are for the Playing Fields (Community Involvement in Disposal Decisions (Wales) 2010 which was passed by the National Assembly for Wales on 6 October 2010 and approved by Her Majesty in Council on 15 December 2010. They have been prepared by Dai Lloyd AM, the proposer of the Measure. The Explanatory Notes should be read in conjunction with the Measure but are not part of it.

### **COMMENTARY ON SECTIONS**

#### **Section 1 – Community involvement in disposals by local authorities of playing fields**

2. This section confers a power on Welsh Ministers to make regulations which provide for the involvement of communities in decisions by local authorities about disposals by them of land consisting or forming part of a playing field.
3. “Local authority” is defined in subsection (3) as a county or county borough council, a community council (including a town council) and a National Park authority, and “disposal” as the grant of any estate or interest in land or the entering into an agreement to do so. Subsection (3) also defines “playing field”. A playing field means an open space which includes one or more areas which have at any time been marked or otherwise set aside for sport or similar recreational activity.
4. Regulations made under this section may provide for their application to specific types of disposal or specific kinds of playing fields, and may make a disposal subject to consultation in accordance with the regulations, and require the giving of notice of the proposals. Local authorities may be required to provide information about the effect of a proposed disposal on any strategy, plan or assessment specified in the regulations, or about anything else connected with the disposal, and may be required to provide the information in the form and manner specified in the regulations.
5. If so provided by the regulations, a local authority must, in exercising its functions under the regulations, have regard to guidance given by the Welsh Ministers.
6. Regulations made under this section may make different provision for different cases or classes of cases, make provision generally or specifically, and may make such incidental, supplementary, consequential, transitional or saving provision as the Welsh Ministers think fit.

5. Os darperir felly gan y rheoliadau, rhaid i'r awdurdod lleol, wrth iddo arfer ei swyddogaethau o dan y rheoliadau, roi sylw i ganllawiau a gyflwynir gan Weinidogion Cymru.
6. Caniateir i reoliadau a wneir o dan yr adran hon wneud darpariaeth wahanol ar gyfer achosion gwahanol neu ddsbarthiadau gwahanol o achosion, gwneud darpariaeth yn gyffredinol neu'n benodol, a gwneud unrhyw ddarpariaethau cysylltiedig, darpariaethau atodol, darpariaethau canlyniadol, darpariaethau trosiannol neu ddarpariaethau arbed a wêl Gweinidogion Cymru yn dda.

### **Adran 2 - Diwygio Deddf Llywodraeth Leol 1972 (p.70)**

7. Mae adran 2 yn diwygio adran 123 (gwaredu tir gan y prif gynghorau) o Ddeddf Llywodraeth Leol 1972 ("Deddf 1972") sy'n gwneud darpariaeth ynghylch gwaredu mannau agored gan yr awdurdodau lleol. Mae'r diwygiad a wneir gan is-adran (2) yn darparu y bydd gwaredu tir gan y prif gynghorau, hynny yw cynghorau sir neu gynghorau bwrdeistref sirol, yn ogystal â dod o dan ddarpariaethau adran 123, hefyd yn dod o dan ddarpariaethau'r Mesur. Mae is-adran (3) yn gwneud diwygiad tebyg i adran 127 o Ddeddf 1972 (gwaredu tir gan blwyfi a chymunedau).

### **Adran 3 - Gwaredu caeau chwarae gan awdurdodau parciau cenedlaethol**

8. Mae adran 3 yn diwygio Deddf yr Amgylchedd 1995. Effaith y diwygiad yw cymhwyso darpariaethau'r Mesur at waredu tir gan awdurdodau parciau cenedlaethol.

### **Adran 4 - Trefn ar gyfer rheoliadau**

9. Mae rheoliadau a wneir o dan y Mesur i'w gwneud drwy offeryn statudol a gallant gael eu diddymu yn unol â phenderfyniad gan y Cynulliad Cenedlaethol.

### **Adran 5 - Enw byr a chychwyn**

10. Mae'r adran hon yn darparu mai Mesur Caeau Chwarae (Ymgysylltiad Cymunedau â Phenderfyniadau Gwaredu) (Cymru) 2010 fydd enw'r Mesur. Daw'r Mesur i rym ar y diwrnod y caiff ei gymeradwyo gan Ei Mawrhydi yn y Cyfrin Gyngor.

*These notes refer to the Playing Fields (Community Involvement in Disposal Decisions) (Wales) Measure 2010 (nawm 6) which received approval by Her Majesty in Council on 15 December 2010*

**Section 2 – Amendment to the Local Government Act 1972 (c.70)**

7. Section 2 amends section 123 (disposal of land by principal councils) of the Local Government Act 1972 (“the 1972 Act”) which makes provision about the disposal of open space by local authorities. The amendment made by subsection (2) provides that disposals of land by principal councils i.e. county councils or county borough councils, in addition to being subject to the provisions of section 123, will also be subject to the provisions of the Measure. Subsection (3) makes a similar amendment to section 127 of the 1972 Act (disposal of land by parishes and communities).

**Section 3 – Disposals by National Park authorities of playing fields**

8. Section 3 amends the Environment Act 1995. The effect of the amendment is to apply the provisions of the Measure to disposals of land by National Park authorities.

**Section 4 – Procedure for regulations**

9. Regulations made under the Measure are to be made by statutory instrument and are to be subject to annulment in pursuance of a resolution of the National Assembly.

**Section 5 – Short title and commencement**

10. This section provides that the Measure may be known as the Playing Fields (Community Involvement in Disposal Decisions) (Wales) Measure 2010. The Measure comes into force on the day on which it is approved by Her Majesty in Council.

## **COFNOD Y TRAFODION CYNULLIAD CENEDLAETHOL CYMRU**

Mae'r tabl a ganlyn yn nodi dyddiadau pob Cyfnod wrth i'r Mesur fynd drwy Gynulliad Cenedlaethol Cymru. Mae Cofnod y Trafodion a rhagor o wybodaeth am basio'r Mesur ar gael ar wefan Cynulliad Cenedlaethol Cymru:

<http://www.cynulliadcymru.org/bus-home/bus-legislation/bus-leg-measures/bus-legislation-meas-pf.htm>

<b>Cyfnod</b>	<b>Dyddiad</b>
Cyflwyno'r Mesur	18 Gorffennaf 2008
Cyfnod 1 - Dadl	1 Gorffennaf 2009
Cyfnod 2 - Y Pwyllgor Craffu yn ystyried unrhyw welliannau	7 Gorffennaf 2009
Cyfnod 3 - Y Cyfarfod Llawn yn ystyried unrhyw welliannau	6 Hydref 2010
Cyfnod 4 - Y Cynulliad yn cymeradwyo'r Mesur	6 Hydref 2010
Cymeradwyaeth Frenhinol yn y Cyfrin Gyngor	15 Rhagfyr 2010

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*These notes refer to the Playing Fields (Community Involvement in Disposal Decisions) (Wales)  
Measure 2010 (nawm 6)  
which received approval by Her Majesty in Council on 15 December 2010*

## **RECORD OF PROCEEDINGS IN NATIONAL ASSEMBLY FOR WALES**

The following table sets out the dates for each stage of the Measure's passage through the National Assembly for Wales. The Record of Proceedings and further information on the passage of this Measure can be found on the National Assembly for Wales' website at:

<http://www.assemblywales.org/bus-home/bus-legislation/bus-leg-measures/bus-legislation-meas-pf.htm>

<b>Stage</b>	<b>Date</b>
Introduced	18 July 2008
Stage 1 - Debate	1 July 2009
Stage 2 - Scrutiny Committee - consideration of amendments	7 July 2009
Stage 3 - Plenary consideration of amendments	6 October 2010
Stage 4 - Approved by the Assembly	6 October 2010
Royal Approval in Privy Council	15 December 2010

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