

ATODLEN 1

Erthygl 7(1)

**Deddf Awdurdod Datblygu Cymru 1975**

1. Mae Deddf Awdurdod Datblygu Cymru 1975 yn effeithiol yn ddarostyngedig i'r diwygiadau canlynol.

2. Oni ddarperir fel arall yn y darpariaethau canlynol, ym mhob man y digwydd (gan gynnwys ym mhenawdau'r adrannau a'r atodlenni)—

(a) yn lle “Agency” rhodder “Assembly”; a

(b) yn lle “Agency's” rhodder “Assembly's”.

3. Yn adran 1 (Awdurdod Datblygu Cymru)—

(1) yn lle is-adran (1), rhodder—

“(1) The functions specified in the following provisions of this Act are conferred upon the National Assembly for Wales (in this Act referred to as the “Assembly”).”;

(2) yn is-adrannau (2), (3)(j), (4), (6) (yn y lle cyntaf y digwydd), a (7)(l), yn lle “their” rhodder “its”;

(3) yn is-adrannau (2) a (4) ar ôl “functions” rhodder “under this Act”;

(4) yn is-adran (3), yn union o flaen “shall be” rhodder “under this Act”;

(5) yn is-adran (7), ar ôl “have power” rhodder “in connection with its functions under this Act”;

(6) ar ddiwedd is-adran (7)(m), mewnosoder “under this Act”;

(7) hepgorer is-adrannau (8) i (13) a (15);

(8) yn lle is-adran (14) rhodder—

“(14) The Assembly shall, after consultation with such local authorities, National Park authorities and other bodies as appear to the Assembly to have an interest, from time to time prepare and publish programmes for the performance of such of its functions under this Act as it considers appropriate.”; a

(9) yn lle'r pennawd i adran 1 rhodder “Welsh development”.

4. Hefgorer adran 2 (Cyfansoddiad a statws).

5. Yn adran 4 (Pwerau ategol)—

(1) ar ôl “power” rhodder “in connection with its functions under this Act”;

(2) ym mharagraff (a), yn lle “their services as they think” rhodder “its services as it thinks”;

(3) ym mharagraff (b) yn lle “them” rhodder “it” ac yn lle “of their” rhodder “such”; a

(4) ym mharagraff (c) yn lle “their” rhodder “such”.

6. Yn is-adran (1) o adran 5 (Cymorth i'r Awdurdod gan awdurdodau cyhoeddus a phersonau eraill) yn lle “their” rhodder “its”.

7. Yn lle adran 6 (Y pŵer i ffurfio pwyllgorau) rhodder—

“6.—(1) The Assembly may establish such committees for giving advice to the Assembly about the discharge of any of its functions under this Act as it considers appropriate.

(2) The members of any such committee are to be appointed by the Assembly and may be either members of the Assembly or persons who are not members.”.

8. Hefgorer adran 7 (Diddymu Corfforaeth Ystadau Diwydiannol Cymru).

9. Hepgorer adran 8 (Trosglwyddo tir a ddelir o dan Ddeddf Cyflogaeth Leol 1972 i'r Awdurdod).
10. Yn adran 9 (Darparu safleoedd a mangreoedd ar gyfer diwydiant)—
- (1) hepgorer is-adran (1);
- (2) yn is-adran (2), yn lle “For that purpose” rhodder “For the purpose of providing or managing sites and premises for businesses and providing related facilities, or making land available for development”; a
- (3) yn lle is-adran (3), rhodder—
- “(3) The Assembly may, if it considers there are circumstances which justify the giving of special assistance, provide premises for the occupation of a business free of rent for such time as it thinks appropriate”.
11. Yn adran 10 (Gwasanaethau, etc ar gyfer datblygu diwydiant), yn lle “Secretary of State may authorise the Agency to” rhodder “Assembly may” ac yn lle “him” rhodder “it”.
12. Hepgorer adran 10A (Cymorth ariannol ar gyfer adfywio a datblygu).
13. Yn adran 13 (Bwrdd Ymgynghorol Datblygu Diwydiant Cymru)—
- (1) yn is-adran (1)—
- (a) yn lle “Secretary of State” rhodder “Assembly”,
- (b) yn lle “him” rhodder “it”, ac
- (c) yn lle “his” rhodder “its”;
- (2) yn is-adran (3), yn lle “Secretary of State” rhodder “Assembly”; a
- (3) yn lle is-adran (4) rhodder—
- “(4) If the Board make a recommendation with respect to any matter at the request of the Assembly and the Assembly exercises its functions under section 7 of the Industrial Development Act 1982 contrary to their recommendation, it shall, if the Board so request, publish a statement as to the matter.”.
14. Hepgorer adran 14 (Trosglwyddo eiddo dan berchnogaeth cyhoeddus i'r Awdurdod).
15. Yn lle adran 15 (Yr amgylchedd) rhodder—
- “15.—(1) The Assembly’s duty under section 1(14) above to prepare and publish, after consultation with such local authorities, National Park authorities and other bodies as appear to the Assembly to have an interest, programmes for the performance of the Assembly’s functions under this Act, includes in particular a duty to prepare and publish programmes, to be implemented either by the Assembly itself, or by the Assembly acting jointly with any other authority or person, or through persons or authorities acting on behalf of the Assembly, for the improvement, development or redevelopment of the environment in Wales.
- (2) The Assembly may make payments to any authority or person of such amount and in such manner as it may determine for carrying out work which the Assembly considers will contribute to the purposes of such a programme.”.
16. Yn adran 16 (Tir diffaith)—
- (1) yn is-adran (1), yn y geiriau olaf, yn lle “they may, with the consent of the Secretary of State,” rhodder “it may”;
- (2) yn is-adran (3), ym mharagraff (a) yn lle “they” rhodder “it” ac yn y geiriau olaf yn yr is-adran yn lle “on them” rhodder “on it”;
- (3) yn is-adran (6), yn lle “Secretary of State with the consent of the Treasury” rhodder “Assembly”; a

(4) yn lle is-adran (8) rhodder—

“(8) A statutory instrument containing an order under subsection (6) above may make such transitional provision as appears to the Assembly to be necessary or expedient.”.

17. Hepgorer adran 17 (Dyletswyddau ariannol yr Awdurdod).

18. Yn adran 18 (Cyllid yr Awdurdod)—

(1) hepgorer is-adrannau (2) i (5), a

(2) yn lle'r pennawd rhodder “Borrowing and guarantees”.

19. Hepgorer adran 19 (Yr Awdurdod a'r cyfryngau).

20. Hepgorer adran 20 (Terfynau eraill ar bwerau'r Awdurdod).

21. Hepgorer adran 21 (Treuliau).

22. Yn lle adran 21A (Pwerau caffael tir) rhodder—

“21A.—(1) The powers to acquire land mentioned in sections 1(7)(h) and 16(3)(b) above are powers—

(a) to acquire land by agreement;

(b) in relation to land in Wales, to acquire land compulsorily; and

(c) in relation to land in England, to acquire land compulsorily if authorised to do so by the Secretary of State.

(2) Where the Assembly acquires or has acquired land under subsection (1) above, it has power—

(a) to acquire by agreement,

(b) in relation to land in Wales, to acquire compulsorily, and

(c) in relation to land in England, if authorised to do so by the Secretary of State, to acquire compulsorily,

the land described in subsection (2A) below.

(2A) The land is—

(a) any land which adjoins the land which the Assembly acquires or has acquired under subsection (1) and which is required for the purpose of executing works for facilitating its development or use; and

(b) where the land which the Assembly acquires or has acquired under subsection (1) forms part of a common, an open space or a fuel or field garden allotment, any land required for the purpose of being given in exchange for it.

(3) The Assembly may under subsection (1) above acquire rights over land by the creation of new rights (as well as by acquiring rights already in existence).

(4) Before the Assembly acquires land under subsection (1) for the purpose of its function under section 1(3)(da) above, it shall—

(a) consider whether the land would or would not in its opinion be made available for development if it did not act;

(b) consider the fact that planning permission has or has not been granted in respect of the land or is likely or unlikely to be granted;

(c) (in the case where no planning permission has been granted in respect of the land) consult every relevant local authority; and

(d) consider the needs of those engaged in building, agriculture and forestry and of the community in general.

(5) For the purposes of subsection (4)(c) above, each of the following is a relevant local authority—

(a) the council of any county, county borough or district in whose area the land, or any part of the land, is situated;

(b) any joint planning board in whose district the land, or any part of the land, is situated; and

(c) any National Park authority which is the local planning authority for a National Park in which the land, or any part of the land, is situated.

(6) Where the Assembly has acquired land under subsection (1) above for the purpose of any of its functions under this Act it may appropriate it to the purpose of any of its other functions under this Act.

(7) Where the Assembly has—

(a) acquired land under subsection (1) above for the purposes of its function under section 1(3)(da) above; or

(b) under subsection (6) above has appropriated land to that purpose,

it shall, until it either disposes of the land or appropriates the land under subsection (6) above to the purpose of any of its other functions under this Act, manage the land and turn it to account.

(8) Schedule 4 to this Act shall have effect.”

**23.** Ym mharagraff (b) o adran 21B (Gwaredu tir), yn lle “with the consent of the Secretary of State” rhodder “otherwise as it considers appropriate”.

**24.** Yn adran 21C (Pwerau i gynghori ar faterion tir), yn is-adran (2)—

(a) hepgorer paragraff (b); a

(b) ym mharagraff (i), yn lle “Secretary of State” rhodder “Assembly”.

**25.** Hepgorer adran 24 (Y pŵer i gael gwybodaeth).

**26.** Hepgorer adran 25 (Cyflwyno dogfennau).

**27.** Yn adran 27 (Dehongli)—

(1) yn is-adran (1), hepgorer y diffiniad o “accounting year”; a

(2) hepgorer is-adran (2).

**28.** Yn adran 28 (Gorchmynion a rheoliadau), hepgorer is-adran (1A).

**29.** Yn adran 29 (Enwi etc), yn is-adran (3), hepgorer “and paragraphs 13 and 21 of Schedule 1 below” ac yn lle “extend” rhodder “extends”.

**30.** Hepgorer Atodlen 1 (Awdurdod Datblygu Cymru).

**31.** Hepgorer Atodlen 2 (Aelodau a staff Corfforaeth Ystadau Diwydiannol Cymru).

**32.** Yn Atodlen 3 (Darpariaethau ariannol a gweinyddol sy'n ymwneud â'r Awdurdod)—

(1) hepgorer paragraffau 1, 2, 4, 7, 8 a 9 a'r penawdau i baragraffau 1, 4, 7, 8 a 9;

(2) yn lle paragraff 3 rhodder—

“(3) For the purpose of exercising its functions under this Act, the Assembly may borrow money from any person (including its wholly owned subsidiaries), but any borrowing in a currency other than sterling requires the approval of the Treasury.”;

(3) yn lle paragraff 5 rhodder—

“(5) It is the duty of the Assembly to secure that none of its wholly owned subsidiaries formed in pursuance of the exercise of the Assembly’s functions under this Act borrows money otherwise than from the Assembly or from another wholly owned subsidiary of the Assembly, except with the Assembly’s consent.”;

(4) ym mharagraff 6(1), yn lle “borrow from a person other than the Secretary of State” rhodder “borrows in connection with its functions under this Act”; a

(5) yn lle'r pennawd i'r atodlen, rhodder “Borrowing and guarantees”.

**33.** Yn Atodlen 4 (Caffael Tir)—

(1) yn lle paragraff 1 rhodder—

“**1.**—(1) The Acquisition of Land Act 1981 (referred to in this Schedule as “the 1981 Act”) applies in relation to the compulsory acquisition of land under section 21A above subject to the modifications made by the following provisions of this Part.

(2) Notwithstanding section 2 of the 1981 Act—

- (a) Schedule 1 to the 1981 Act applies only in relation to a compulsory acquisition of land under section 21A(1)(b) or (2)(b) above; and
- (b) Part 2 of the 1981 Act applies in relation to a compulsory acquisition of land made under section 21A(1)(c) or (2)(c) above as if the Assembly were an acquiring authority and the Secretary of State were the confirming authority for the purposes of that Part.

**1A.**—(1) Where a compulsory purchase order is prepared in draft by the Assembly under section 21A(1)(b) or (2)(b) above—

- (a) a notice under paragraph 3 of Schedule 1 to the 1981 Act (notice to owners, lessees and occupiers) shall be served on every relevant local authority;
- (b) each relevant local authority has a right to object in accordance with the notice; and
- (c) the references in paragraphs 4 and 4A of Schedule 1 to that Act to relevant objections include references to an objection made by any relevant local authority.”;

(2) ym mharagraff 3—

- (a) ar ddiwedd geiriau agoriadol is-baragraff (1) mewnosoder “under section 21A(1)(c) or (2) (c) above”,
- (b) yn is-baragraff (1)(a) yn lle “Acquisition of Land Act 1981” rhodder “1981 Act”, ac
- (c) hepgorer is-baragraff (2);

(3) ar ôl paragraff 3 mewnosoder paragraff 3A newydd—

“**3A** For the purposes of paragraphs 1A and 3 above, each of the following is a relevant local authority—

- (a) the council of any county, county borough or district in whose area the land, or any part of the land, is situated;
- (b) any joint planning board in whose district the land, or any part of the land, is situated; and
- (c) any National Park authority which is the local planning authority for a National Park in which the land, or any part of the land, is situated.”;

- (4) ym mharagraff 7—
- (a) yn is-baragraff (3), yn y geiriau ar ôl paragraff (b) hepgorer “by the Secretary of State”,
  - (b) ar ôl is-baragraff (3) ychwaneger is-baragraff (3A) newydd fel a ganlyn—
    - “(3A) Regulations for the purposes of this paragraph are to be made by—
    - (a) the Assembly, in relation to land in Wales; and
    - (b) the Secretary of State, in relation to land in England.”,
  - (c) yn is-baragraff (5), o flaen “the Secretary of State” bob tro y mae'n digwydd, mewnosoder “the Assembly or”, ac
  - (ch) yn is-baragraff (8)(c), yn lle “the Secretary of State” rhodder “the Assembly, in relation to land in Wales, or by the Secretary of State, in relation to land in England.”;
- (5) ym mharagraff 11—
- (a) mewnosoder is-baragraff (4A) newydd—
    - “(4A) If a counter-notice is served under sub-paragraph (3) above in relation to rights over, or apparatus on, land in Wales, the Assembly may either—
    - (a) withdraw the notice (but without prejudice to the service of a further notice); or
    - (b) invite the appropriate Minister to make an order jointly with the Assembly under this sub-paragraph embodying the provisions of the notice with or without modification.”, a
  - (b) yn is-baragraff (5) ar ôl “above” mewnosoder “in relation to rights over, or apparatus on, land in England”;
- (6) ym mharagraff 12—
- (a) yn is-baragraff (1)—
    - (i) cyn “(5)” mewnosoder “(4A) or”; a
    - (ii) yn lle “Ministers” rhodder “appropriate Minister and the Assembly, or the Ministers proposing to make the order, as the case may be”; a
  - (b) yn lle paragraff (b) o is-baragraff (1) rhodder—
    - “(b) if any objection is made, shall consider the objection and afford to—
    - (i) the statutory undertakers and the Assembly, in the case of an order under sub-paragraph (4A) of paragraph 11 above, or
    - (ii) the statutory undertakers, in the case of an order under sub-paragraph (5) of paragraph 11 above,

an opportunity of appearing before, and being heard by, a person appointed for the purpose by the Assembly and the appropriate Minister, or the Secretary of State and the appropriate Minister, as the case may be.”;
  - (c) yn is-baragraff (2), yn lle “Ministers” rhodder “appropriate Minister and the Assembly, or the Ministers proposing to make the order, as the case may be.”;
  - (ch) yng ngeiriau agoriadol is-baragraff (3), cyn “11(5)” mewnosoder “11(4A) or”; a
  - (d) ym mharagraff (b) o is-baragraff (3), yn lle “they think” rhodder “it thinks”;
- (7) ym mharagraff 13—
- (a) yn lle paragraff (b) o is-baragraff (6) rhodder—
    - “(b) in relation to apparatus—
    - (i) in, on, over or under land in Wales requiring removal or re-siting, apply to the Assembly and the appropriate Minister for an order under this sub-

paragraph conferring on the undertakers the rights claimed in the notice or such modified rights as the Assembly and the appropriate Minister think it appropriate to confer on them; and

- (ii) in, on, over or under land in England requiring removal or re-siting, apply to the Secretary of State and the appropriate Minister for an order under this sub-paragraph conferring on the undertakers the rights claimed in the notice or such modified rights as the Secretary of State and the appropriate Minister think it appropriate to confer on them.”;
- (b) yn is-baragraffau (7) ac (8), yn lle “an order of Ministers made under it”, rhodder “an order made under it by the Assembly and the appropriate Minister, or by the Ministers, as the case may be.”; ac
- (c) ar ôl is-baragraff (8) mewnosoder—
  - “(8A) References in this paragraph to the Assembly and the appropriate Minister are, if the appropriate Minister is the Assembly, to be construed as references to the Assembly alone.”;
- (8) ym mharagraff 15—
  - (a) yn is-baragraff (3), hepgorer “or the Secretary of State” , a
  - (b) yn is-baragraff (4), yn lle “Secretary of State” rhodder “Assembly”;
- (9) ym mharagraff 16, yn lle “Secretary of State” rhodder “Assembly, in relation to a house in Wales, or the Secretary of State in relation to a house in England.”;
- (10) hepgorer paragraff 17;
- (11) ym mharagraff 18(1), o flaen “relating to land” mewnosoder “under this Act” ac yn lle “they” rhodder “it”;
- (12) ym mharagraff 19—
  - (a) yn lle “Secretary of State” ym mharagraff (a) a pharagraff (b) o is-baragraff (1) rhodder “Assembly”;
  - (b) yn is-baragraff 1(a), yn lle “their functions” rhodder “its functions under this Act”; ac
  - (c) yn is-baragraff (3), hepgorer “, or the Secretary of State (if it was granted by him).”;
- (13) yn lle paragraff 20 rhodder—
  - “**20.**—(1) The Assembly may make regulations for prescribing the form of any document required or authorised by or under this Schedule which relates to land in Wales.
  - (2) The Secretary of State may make regulations for prescribing the form of any document required or authorised by or under this Schedule which relates to land in England.”;
- (14) ym mharagraff 21, ar ôl “under” mewnosoder “part 2 of”; a
- (15) ym mharagraff 22, yn is-baragraff (1), mewnosoder ar ôl “Crown land” y geiriau “if the appropriate Minister is the Assembly or, otherwise.”.