



OFFERYNNAU STATUDOL
CYMRU

2012 Rhif 739 (Cy.99) (C.19)

TIROEDD COMIN, CYMRU

Gorchymyn Deddf Tiroedd Comin
2006 (Cychwyn Rhif 2,
Darpariaethau Trosiannol ac
Arbedion) (Cymru) 2012

NODYN ESBONIADOL

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

Mae'r Gorchymyn hwn yn dwyn i rym ar 1 Ebrill 2012 ddarpariaethau penodol o Ddeddf Tiroedd Comin 2006 ("Deddf 2006") o ran Cymru.

Roedd Gorchymyn Deddf Tiroedd Comin 2006 (Cychwyn Rhif 1, Darpariaethau Trosiannol ac Arbedion) (Cymru) 2007 (O.S. 2007/2386) (Cy.197) (C.88) yn dwyn i rym nifer o ddarpariaethau at y diben cyfyngedig o alluogi Gweinidogion Cymru i roi canllawiau neu gyfarwyddiadau ac i wneud rheoliadau, neu i wneud darpariaeth drwy reoliadau.

Mae erthygl 2 o'r Gorchymyn hwn yn dwyn i rym ddarpariaethau sy'n ymwneud â datgofrestru a chyfnewid tir comin, a gweithfeydd arno, ynghyd ag apelau cysylltiedig.

Mae erthygl 3 o'r Gorchymyn hwn yn dwyn i rym at bob diben sy'n weddill ddarpariaethau sy'n ymwneud â datgofrestru a chyfnewid tir comin, a gweithfeydd arno.

Mae erthygl 4 o'r Gorchymyn hwn yn cynnwys darpariaethau trosiannol ac arbedion sy'n ymwneud â'r darpariaethau a gaiff eu dwyn i rym gan erthyglau 2 a 3 o'r Gorchymyn hwn.

Gellir cael gwybodaeth bellach ar y darpariaethau y daw'r Gorchymyn hwn â hwy i rym yn y Nodiadau Esboniadol i Ddeddf Tiroedd Comin 2006 y gellir eu gweld yn www.legislation.gov.uk.

WELSH STATUTORY
INSTRUMENTS

2012 No. 739 (W.99) (C.19)

COMMONS, WALES

The Commons Act 2006
(Commencement No.2,
Transitional Provisions and
Savings) (Wales) Order 2012

EXPLANATORY NOTE

(This note is not part of the Order)

This Order brings into force on 1 April 2012 certain provisions of the Commons Act 2006 ("the 2006 Act") in relation to Wales.

The Commons Act 2006 (Commencement No.1, Transitional Provisions and Savings) (Wales) Order 2007 (S.I. 2007/2386) (W.197) (C.88) brought into force a number of provisions for the limited purpose of enabling the Welsh Ministers to give guidance or directions and to make, or to make provision by means of, regulations.

Article 2 of this Order brings into force provisions which relate to deregistration and exchange of, and works on, common land, together with related appeals.

Article 3 of this Order brings into force for all remaining purposes provisions which relate to deregistration and exchange of, and works on, common land.

Article 4 of this Order contains transitional and saving provisions relating to the provisions brought into force by articles 2 and 3 of this Order.

Further information on the provisions brought into force by this Order can be found in the Explanatory Notes to the 2006 Act, which can be viewed at www.legislation.gov.uk.

**NODYN AM Y GORCHMYNION
CYCHWYN BLAENOROL**

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

Cafodd y darpariaethau canlynol yn Neddf 2006 eu dwyn i rym o ran Cymru drwy orchmynion cychwyn a wnaed cyn dyddiad y Gorchymyn hwn:

| <i>Y Ddarpariaeth</i> | <i>Y dyddiad cychwyn</i> | <i>O.S. Rhif</i> |
|--|--------------------------|---------------------------|
| Adran 3(5) — at ddibenion penodol | 12 Awst 2007 | 2007/2386 (Cy.197) (C.88) |
| Adran 4 | 6 Medi 2007 | 2007/2386 (Cy.197) (C.88) |
| Adran 5 | 6 Medi 2007 | 2007/2386 (Cy.197) (C.88) |
| Adran 6(4) — at ddibenion penodol | 12 Awst 2007 | 2007/2386 (Cy.197) (C.88) |
| Adran 7(4) — at ddibenion penodol | 12 Awst 2007 | 2007/2386 (Cy.197) (C.88) |
| Adran 8(1),(2) — at ddibenion penodol | 12 Awst 2007 | 2007/2386 (Cy.197) (C.88) |
| Adran 11(5), (6) — at ddibenion penodol | 12 Awst 2007 | 2007/2386 (Cy.197) (C.88) |
| Adran 12(a) — at ddibenion penodol | 12 Awst 2007 | 2007/2386 (Cy.197) (C.88) |
| Adran 13(1)(a) — at ddibenion penodol | 12 Awst 2007 | 2007/2386 (Cy.197) (C.88) |
| Adran 14 — at ddibenion penodol | 12 Awst 2007 | 2007/2386 (Cy.197) (C.88) |
| Adran 15 | 6 Medi 2007 | 2007/2386 (Cy.197) (C.88) |
| Adran 17(3), (10) — at ddibenion penodol | 12 Awst 2007 | 2007/2386 (Cy.197) (C.88) |
| Adran 19(6) — at ddibenion penodol | 12 Awst 2007 | 2007/2386 (Cy.197) (C.88) |

**NOTE AS TO EARLIER
COMMENCEMENT ORDERS**

(This note is not part of the Order)

The following provisions of the 2006 Act have been brought into force in relation to Wales by commencement orders made before the date of this Order:

| <i>Provision</i> | <i>Date of Commencement</i> | <i>S.I. No.</i> |
|---|-----------------------------|--------------------------|
| Section 3(5) — for certain purposes | 12 August 2007 | 2007/2386 (W.197) (C.88) |
| Section 4 | 6 September 2007 | 2007/2386 (W.197) (C.88) |
| Section 5 | 6 September 2007 | 2007/2386 (W.197) (C.88) |
| Section 6(4) — for certain purposes | 12 August 2007 | 2007/2386 (W.197) (C.88) |
| Section 7(4) — for certain purposes | 12 August 2007 | 2007/2386 (W.197) (C.88) |
| Section 8(1),(2) — for certain purposes | 12 August 2007 | 2007/2386 (W.197) (C.88) |
| Section 11(5), (6) — for certain purposes | 12 August 2007 | 2007/2386 (W.197) (C.88) |
| Section 12(a) — for certain purposes | 12 August 2007 | 2007/2386 (W.197) (C.88) |
| Section 13(1)(a) — for certain purposes | 12 August 2007 | 2007/2386 (W.197) (C.88) |
| Section 14 — for certain purposes | 12 August 2007 | 2007/2386 (W.197) (C.88) |
| Section 15 | 6 September 2007 | 2007/2386 (W.197) (C.88) |
| Section 17 (3), (10) — for certain purposes | 12 August 2007 | 2007/2386 (W.197) (C.88) |
| Section 19(6) — for certain purposes | 12 August 2007 | 2007/2386 (W.197) (C.88) |

| | | | | | |
|---|--------------|---------------------------|---|------------------|--------------------------|
| Adran 20(2), (3) — at ddibenion penodol | 12 Awst 2007 | 2007/2386 (Cy.197) (C.88) | Section 20(2), (3) — for certain purposes | 12 August 2007 | 2007/2386 (W.197) (C.88) |
| Adran 21(2), (3) — at ddibenion penodol | 12 Awst 2007 | 2007/2386 (Cy.197) (C.88) | Section 21(2), (3) — for certain purposes | 12 August 2007 | 2007/2386 (W.197) (C.88) |
| Adran 22 — at ddibenion penodol | 12 Awst 2007 | 2007/2386 (Cy.197) (C.88) | Section 22 — for certain purposes | 12 August 2007 | 2007/2386 (W.197) (C.88) |
| Adran 23 — at ddibenion penodol | 12 Awst 2007 | 2007/2386 (Cy.197) (C.88) | Section 23 — for certain purposes | 12 August 2007 | 2007/2386 (W.197) (C.88) |
| Adran 23 — at ddibenion penodol | 6 Medi 2007 | 2007/2386 (Cy.197) (C.88) | Section 23 — for certain purposes | 6 September 2007 | 2007/2386 (W.197) (C.88) |
| Adran 24 — at ddibenion penodol | 12 Awst 2007 | 2007/2386 (Cy.197) (C.88) | Section 24 — for certain purposes | 12 August 2007 | 2007/2386 (W.197) (C.88) |
| Adran 24 | 6 Medi 2007 | 2007/2386 (Cy.197) (C.88) | Section 24 | 6 September 2007 | 2007/2386 (W.197) (C.88) |
| Adran 25 — at ddibenion penodol | 12 Awst 2007 | 2007/2386 (Cy.197) (C.88) | Section 25 — for certain purposes | 12 August 2007 | 2007/2386 (W.197) (C.88) |
| Adran 29(1), (6) — at ddibenion penodol | 12 Awst 2007 | 2007/2386 (Cy.197) (C.88) | Section 29(1), (6) — for certain purposes | 12 August 2007 | 2007/2386 (W.197) (C.88) |
| Adran 31(6)(a) — at ddibenion penodol | 12 Awst 2007 | 2007/2386 (Cy.197) (C.88) | Section 31(6)(a) — for certain purposes | 12 August 2007 | 2007/2386 (W.197) (C.88) |
| Adran 39(6) — at ddibenion penodol | 12 Awst 2007 | 2007/2386 (Cy.197) (C.88) | Section 39(6) — for certain purposes | 12 August 2007 | 2007/2386 (W.197) (C.88) |
| Adran 40 — at ddibenion penodol | 12 Awst 2007 | 2007/2386 (Cy.197) (C.88) | Section 40 — for certain purposes | 12 August 2007 | 2007/2386 (W.197) (C.88) |
| Adran 42(4) — at ddibenion penodol | 12 Awst 2007 | 2007/2386 (Cy.197) (C.88) | Section 42(4) — for certain purposes | 12 August 2007 | 2007/2386 (W.197) (C.88) |
| Adran 43 — at ddibenion penodol | 12 Awst 2007 | 2007/2386 (Cy.197) (C.88) | Section 43 — for certain purposes | 12 August 2007 | 2007/2386 (W.197) (C.88) |
| Adran 44 — at ddibenion penodol | 12 Awst 2007 | 2007/2386 (Cy.197) (C.88) | Section 44 — for certain purposes | 12 August 2007 | 2007/2386 (W.197) (C.88) |
| Adran 45 | 6 Medi 2007 | 2007/2386 (Cy.197) (C.88) | Section 45 | 6 September 2007 | 2007/2386 (W.197) (C.88) |
| Adran 47 | 6 Medi 2007 | 2007/2386 (Cy.197) (C.88) | Section 47 | 6 September 2007 | 2007/2386 (W.197) (C.88) |
| Adran 49 | 6 Medi 2007 | 2007/2386 (Cy.197) (C.88) | Section 49 | 6 September 2007 | 2007/2386 (W.197) (C.88) |

| | | | | | |
|---|----------------|---------------------------|---|------------------|--------------------------|
| Adran 50(1), (4)-(6) — at ddibenion penodol | 12 Awst 2007 | 2007/2386 (Cy.197) (C.88) | Section 50 (1), (4)-(6) — for certain purposes | 12 August 2007 | 2007/2386 (W.197) (C.88) |
| Adran 51 | 6 Medi 2007 | 2007/2386 (Cy.197) (C.88) | Section 51 | 6 September 2007 | 2007/2386 (W.197) (C.88) |
| Adran 52 — at ddibenion penodol | 6 Medi 2007 | 2007/2386 (Cy.197) (C.88) | Section 52 — for certain purposes | 6 September 2007 | 2007/2386 (W.197) (C.88) |
| Adran 53 — at ddibenion penodol | 6 Medi 2007 | 2007/2386 (Cy.197) (C.88) | Section 53 — for certain purposes | 6 September 2007 | 2007/2386 (W.197) (C.88) |
| Atodlen 2, paragraffau 2(2)(d) a (3), 3(2)(e) a (3), 4(6), 5(3), 6(3), 7(3), 8(3), 9(4) a 10 — at ddibenion penodol | 12 Awst 2007 | 2007/2386 (Cy.197) (C.88) | Schedule 2, paragraphs 2(2)(d) and (3), 3(2)(e) and (3), 4(6), 5(3), 6(3), 7(3), 8(3), 9(4) and 10 — for certain purposes | 12 August 2007 | 2007/2386 (W.197) (C.88) |
| Atodlen 3, paragraffau 2(1), (5) a (6), 4, 5, 8(2) a (3) — at ddibenion penodol | 12 Awst 2007 | 2007/2386 (Cy.197) (C.88) | Schedule 3, paragraphs 2(1), (5) and (6), 4, 5, 8(2) and (3) — for certain purposes | 12 August 2007 | 2007/2386 (W.197) (C.88) |
| Atodlen 3, paragraff 9 | 6 Medi 2007 | 2007/2386 (Cy.197) (C.88) | Schedule 3, paragraph 9 | 6 September 2007 | 2007/2386 (W.197) (C.88) |
| Atodlen 4, paragraff 6 | 6 Medi 2007 | 2007/2386 (Cy.197) (C.88) | Schedule 4, paragraph 6 | 6 September 2007 | 2007/2386 (W.197) (C.88) |
| Atodlen 5, paragraffau 4, 6(a), 7(1)(yn rhannol) a (5) | 6 Medi 2007 | 2007/2386 (Cy.197) (C.88) | Schedule 5, paragraphs 4, 6(a), 7(1)(in part) and (5) | 6 September 2007 | 2007/2386 (W.197) (C.88) |
| Atodlen 6, Rhan 1 yn rhannol | 6 Medi 2007 | 2007/2386 (Cy.197) (C.88) | Schedule 6, Part 1 in part | 6 September 2007 | 2007/2386 (W.197) (C.88) |
| Atodlen 6, Rhan 1 yn rhannol | 1 Rhagfyr 2010 | 2010/2356 (C.114) | Schedule 6, Part 1 in part | 1 December 2010 | 2010/2356 (C.114) |
| Atodlen 6, Rhan 2 yn rhannol | 6 Medi 2007 | 2007/2386 (Cy.197) (C.88) | Schedule 6, Part 2 in part | 6 September 2007 | 2007/2386 (W.197) (C.88) |
| Atodlen 6, Rhan 3 yn rhannol | 6 Medi 2007 | 2007/2386 (Cy.197) (C.88) | Schedule 6, Part 3 in part | 6 September 2007 | 2007/2386 (W.197) (C.88) |
| Atodlen 6, Rhan 5 | 6 Medi 2007 | 2007/2386 (Cy.197) (C.88) | Schedule 6, Part 5 | 6 September 2007 | 2007/2386 (W.197) (C.88) |

Gwnaed y Gorchymyn Cychwyn canlynol o dan Ddeddf 2006 gan yr Ysgrifennydd Gwladol mewn perthynas â Lloegr a chan Weinidogion Cymru mewn perthynas â Chymru —

Gorchymyn Deddf Tiroedd Comin 2006 (Cychwyn Rhif 1 ac Arbedion (Cymru a Lloegr) a Chychwyn Rhif 5 (Lloegr) (Diwygio)) 2010 (O.S. 2010/2356) (C. 114)

Gwnaed y Gorchymynion Cychwyn canlynol o dan Ddeddf 2006 gan yr Ysgrifennydd Gwladol mewn perthynas â Lloegr —

Gorchymyn Deddf Tiroedd Comin 2006 (Cychwyn Rhif 1, Darpariaethau Trosiannol ac Arbedion) (Lloegr) 2006 (O.S. 2006/2504) (C.84)

Gorchymyn Deddf Tiroedd Comin 2006 (Cychwyn Rhif 2, Darpariaethau Trosiannol ac Arbedion) (Lloegr) 2007 (O.S. 2007/456) (C.17)

Gorchymyn Deddf Tiroedd Comin 2006 (Cychwyn Rhif 3, Darpariaethau Trosiannol ac Arbedion) (Lloegr) 2007 (O.S. 2007/2584) (C.98)

Gorchymyn Deddf Tiroedd Comin 2006 (Cychwyn Rhif 4 ac Arbedion) (Lloegr) 2008 (O.S. 2008/1960) (C. 94)

Gorchymyn Deddf Tiroedd Comin 2006 (Cychwyn Rhif 5) (Lloegr) 2010 (O.S. 2010/61) (C.10)

Gorchymyn Deddf Tiroedd Comin 2006 (Cychwyn Rhif 6) (Lloegr) 2011 (O.S. 2011/2460) (C.88)

Gweler hefyd adran 56 o Deddf Tiroedd Comin 2006 ar gyfer y darpariaethau a fydd yn dod i rym heblaw drwy orchymyn cychwyn.

The following Commencement Order has been made under the 2006 Act by the Secretary of State in relation to England and by the Welsh Ministers in relation to Wales —

The Commons Act 2006 (Commencement No. 1 and Savings (England and Wales) and Commencement No.5 (England) (Amendment)) Order 2010 (S.I. 2010/2356) (C. 114)

The following Commencement Orders have been made under the 2006 Act by the Secretary of State in relation to England —

The Commons Act 2006 (Commencement No. 1, Transitional Provisions and Savings) (England) Order 2006 (S.I. 2006/2504) (C.84)

The Commons Act 2006 (Commencement No. 2, Transitional Provisions and Savings) (England) Order 2007 (S.I. 2007/456) (C.17)

The Commons Act 2006 (Commencement No. 3, Transitional Provisions and Savings) (England) Order 2007 (S.I. 2007/2584) (C.98)

The Commons Act 2006 (Commencement No. 4 and Savings) (England) Order 2008 (S.I. 2008/1960) (C. 94)

The Commons Act 2006 (Commencement No. 5) (England) Order 2010 (S.I. 2010/61) (C.10)

The Commons Act 2006 (Commencement No. 6) (England) Order 2011 (S.I. 2011/2460) (C.88)

See also section 56 of the Commons Act 2006 for the provisions that come into force other than by way of commencement order.

2012 Rhif 739 (Cy.99) (C.19)

TIROEDD COMIN, CYMRU

Gorchymyn Deddf Tiroedd Comin
2006 (Cychwyn Rhif 2,
Darpariaethau Trosiannol ac
Arbedion) (Cymru) 2012

Gwnaed

7 Mawrth 2012

Mae Gweinidogion Cymru, drwy arfer y pwerau a roddwyd i Gynulliad Cenedlaethol Cymru gan adrannau 56(1) a 59(1) o Ddeddf Tiroedd Comin 2006(1), ac sydd bellach yn arferadwy ganddynt hwy(2), yn gwneud y Gorchymyn a ganlyn:

Enwi, dehongli a chymhwyso

1.—(1) Enw'r Gorchymyn hwn yw Gorchymyn Deddf Tiroedd Comin 2006 (Cychwyn Rhif 2, Darpariaethau Trosiannol ac Arbedion) (Cymru) 2012.

(2) Yn y Gorchymyn hwn —

ystyr "Deddf 1965" ("*the 1965 Act*") yw Deddf Tiroedd Comin 1965(3); ac

ystyr "Deddf 2006" ("*the 2006 Act*") yw Deddf Tiroedd Comin 2006.

(3) Mae'r Gorchymyn hwn yn gymwys o ran Cymru.

Darpariaethau yn dod i rym

2. Mae darpariaethau canlynol Deddf 2006 yn dod i rym ar 1 Ebrill 2012—

(a) adran 16 (datgofrestru a chyfnwid: ceisiadau);

(b) adran 17(1) i (2) a (4) i (9) (datgofrestru a chyfnwid: gorchymynion);

(c) adran 38 (gwaharddiad ar weithfeydd heb gydsyniad);

(1) 2006 p.26; mae adran 61(1) yn diffinio "appropriate national authority" fel Cynulliad Cenedlaethol Cymru, mewn perthynas â Chymru.

(2) Trosglwyddwyd swyddogaethau Cynulliad Cenedlaethol Cymru i Weinidogion Cymru yn rhinwedd adran 162 o Ddeddf Llywodraeth Cymru 2006 a pharagraff 30 o Atodlen 11 iddi (p.32).

(3) 1965 p.64.

2012 No. 739 (W.99) (C.19)

COMMONS, WALES

The Commons Act 2006
(Commencement No.2,
Transitional Provisions and
Savings) (Wales) Order 2012

Made

7 March 2012

The Welsh Ministers, in exercise of the powers conferred on the National Assembly for Wales by sections 56(1) and 59(1) of the Commons Act 2006(1), and now exercisable by them(2), make the following Order:

Title, interpretation and application

1.—(1) The title of this Order is the Commons Act 2006 (Commencement No.2, Transitional Provisions and Savings) (Wales) Order 2012.

(2) In this Order—

"the 1965 Act" ("*Deddf 1965*") means the Commons Registration Act 1965(3); and

"the 2006 Act" ("*Deddf 2006*") means the Commons Act 2006.

(3) This Order applies in relation to Wales.

Provisions coming into force

2. The following provisions of the 2006 Act come into force on 1 April 2012—

(a) section 16 (deregistration and exchange: applications);

(b) section 17(1) to (2) and (4) to (9) (deregistration and exchange: orders);

(c) section 38 (prohibition on works without consent);

(1) 2006 c.26; section 61(1) defines "appropriate national authority" as the National Assembly for Wales, in relation to Wales.

(2) The functions of the National Assembly for Wales were transferred to the Welsh Ministers by virtue of section 162 of and paragraph 30 of Schedule 11 to, the Government of Wales Act 2006 (c. 32).

(3) 1965 c.64.

- (ch) adran 39(1) i (5) a (7) (cydsyniad: cyffredinol);
- (d) adran 41 (gorfodi);
- (dd) adran 42(1) i (3) a (5) (cynlluniau);
- (e) adran 48 (cau tir); ac
- (f) i'r graddau nad ydynt eisoes mewn grym—

- (i) Atodlen 4 (gweithfeydd: atodol); a
- (ii) Rhannau 2, 3 a 5 o Atodlen 6 (diddymiadau), ac adran 53 i'r graddau y mae'n ymwneud â'r darpariaethau hynny.

Darpariaethau yn dod i rym at bob diben sy'n weddill

3. Mae darpariaethau canlynol Deddf 2006 yn dod i rym at bob diben sy'n weddill ar 1 Ebrill 2012—

- (a) adran 17(3) a (10) (datgofrestru a chyfnewid: gorchmynion);
- (b) adran 39(6) (cydsyniad);
- (c) adran 40 (cydsyniad: y weithdrefn);
- (ch) adran 42(4) (cynlluniau);
- (d) adran 43 (y pŵer i esemptio); ac
- (dd) adran 44 (materion atodol).

Darpariaethau Trosiannol ac Arbedion

4.—(1) Hyd nes y daw adran 1 o Ddeddf 2006 i rym mewn perthynas ag unrhyw ardal o Gymru—

- (a) mae cyfeiriadau at dir wedi ei gofrestru'n dir comin neu'n faes y dref neu'n faes y pentref yn y canlynol—
 - (i) adrannau 16 ac 17 o Ddeddf 2006;
 - (ii) adrannau 38 a 44 o Ddeddf 2006; a
 - (iii) adran 29(2) o Ddeddf yr Ymddiriedolaeth Genedlaethol 1907(1),

mewn perthynas â'r ardal honno, i'w trin fel cyfeiriadau at dir sydd wedi ei gofrestru felly o dan Ddeddf 1965;

- (b) mae cyfeiriadau yn adran 17 o Ddeddf 2006 at hawliau comin yn cael eu cofrestru'n rhai sy'n arferadwy dros dir o'r fath i'w trin, mewn perthynas â'r ardal honno, fel cyfeiriadau at hawliau comin sydd wedi eu cofrestru felly o dan Ddeddf 1965; a
- (c) mae gorchymyn o dan adran 17(1) o Ddeddf 2006 sy'n ymwneud â thir yn yr ardal honno i'w drin fel gorchymyn sy'n ei gwneud yn ofynnol i'r awdurdod cofrestru tiroedd Comin dynnu'r tir a ryddheir o gofrestr y tiroedd comin neu feysydd tref neu bentref a gedwir o dan Ddeddf 1965, ac (os yw'n gymwys) i gofrestru'r materion y cyfeirir atynt yn adran 17(2) o Ddeddf 2006 yn y gofrestr honno.

- (d) section 39(1) to (5) and (7) (consent: general);
- (e) section 41 (enforcement);
- (f) section 42(1) to (3) and (5) (schemes);
- (g) section 48 (inclosure); and
- (h) insofar as they have not already come into force—

- (i) Schedule 4 (works: supplementary); and
- (ii) Parts 2, 3 and 5 of Schedule 6 (repeals), and section 53 insofar as it relates to those provisions.

Provisions coming into force for all remaining purposes

3. The following provisions of the 2006 Act come into force for all remaining purposes on 1 April 2012—

- (a) section 17(3) and (10) (deregistration and exchange: orders);
- (b) section 39(6) (consent);
- (c) section 40 (consent: procedure);
- (d) section 42(4) (schemes);
- (e) section 43 (power to exempt); and
- (f) section 44 (supplementary).

Transitional provisions and savings

4.—(1) Until the coming into force of section 1 of the 2006 Act in relation to any area of Wales—

- (a) references to land being registered as common land or as a town or village green in—
 - (i) sections 16 and 17 of the 2006 Act;
 - (ii) sections 38 and 44 of the 2006 Act; and
 - (iii) section 29(2) of the National Trust Act 1907(1),

are, in relation to that area, to be taken as references to land being so registered under the 1965 Act;

- (b) references in section 17 of the 2006 Act to rights of common being registered as exercisable over such land are to be taken, in relation to that area, as references to rights of common being so registered under the 1965 Act; and
- (c) an order under section 17(1) of the 2006 Act relating to land in that area is to be taken as an order requiring the commons registration authority to remove the release land from its register of common land or town or village greens kept under the 1965 Act, and (where applicable) to register the matters referred to in section 17(2) of the 2006 Act in that register.

(1) 1907 p.cxxxvi. Mae adran 29(2) wedi cael ei mewnosod gan adran 44(1) o Ddeddf 2006 a pharagraff 3 o Atodlen 4 iddi.

(1) 1907 c.cxxxvi. Section 29(2) is inserted by section 44(1) of and paragraph 3 of Schedule 4 to the 2006 Act.

(2) Er gwaethaf diddymu adran 147 o Ddeddf Cau Tir 1845(1), adran 4 o Ddeddf Cau Tir 1847(2) ac adrannau 4 a 5 o Ddeddf Cau Tir 1857(3), mae unrhyw gais am orchymyn cyfnewid o dan adran 147 o Ddeddf Cau Tir 1845 a wnaed cyn 1 Ebrill 2012 i'w drin ar neu ar ôl y dyddiad hwnnw fel pe bai'r darpariaethau hynny wedi parhau mewn grym.

(3) Ni fydd adran 38(1) o Ddeddf 2006 yn gymwys mewn perthynas ag unrhyw weithfeydd sy'n cael eu gwneud yn unol â chydysyniad a roddir o dan adran 194 o Ddeddf Cyfraith Eiddo 1925(4) cyn 1 Ebrill 2012.

(4) Er gwaethaf diddymu adran 194 o Ddeddf Cyfraith Eiddo 1925—

- (a) mae unrhyw gais am gydsyniad o dan yr adran honno a wnaed cyn 1 Ebrill 2012 i'w drin ar neu ar ôl y dyddiad hwnnw fel pe bai'r adran honno'n parhau mewn grym; a
- (b) os rhoddir cydsyniad i gais o'r fath, ni fydd adran 38(1) o Ddeddf 2006 yn gymwys mewn perthynas ag unrhyw weithfeydd sy'n cael eu gwneud yn unol â'r cydsyniad hwnnw.

(5) Ni fydd adran 23(2A) o Ddeddf yr Ymddiriedolaeth Genedlaethol 1971(5) yn gymwys mewn perthynas ag unrhyw gais am gydsyniad o dan yr adran honno a wnaed cyn 1 Ebrill 2012.

(2) Despite the repeal of section 147 of the Inclosure Act 1845(1), section 4 of the Inclosure Act 1847(2) and sections 4 and 5 of the Inclosure Act 1857(3), any application for an order of exchange under section 147 of the Inclosure Act 1845 made before 1 April 2012 is to be dealt with on and after that date as if those provisions remained in force.

(3) Section 38(1) of the 2006 Act will not apply in relation to any works carried out in accordance with consent which is granted under section 194 of the Law of Property Act 1925(4) before 1 April 2012.

(4) Despite the repeal of section 194 of the Law of Property Act 1925—

- (a) any application for consent under that section made before 1st April 2012 is to be dealt with on or after that date as if that section remained in force; and
- (b) if consent is granted on such an application, section 38(1) of the 2006 Act will not apply in relation to any works carried out in accordance with that consent.

(5) Section 23(2A) of the National Trust Act 1971(5) will not apply in relation to any application for consent under that section made before 1st April 2012.

John Griffiths

Gweinidog yr Amgylchedd a Datblygu Cynaliadwy, un o Weinidogion Cymru

Minister for Environment and Sustainable Development, one of the Welsh Ministers

7 Mawrth 2012

7 March 2012

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(1) 1845 p.118. Mae adran 147 wedi ei diddymu gan adrannau 48(1) a 53 o Ddeddf 2006 a Rhan 3 o Atodlen 6 iddi.

(2) 1847 p.111. Mae adran 4 wedi ei diddymu gan adran 53 o Ddeddf 2006 a Rhan 3 o Atodlen 6 iddi.

(3) 1857 p.31. Mae adrannau 4 a 5 wedi eu diddymu gan adran 53 o Ddeddf 2006 a Rhan 3 o Atodlen 6 iddi.

(4) 1925 p.20. Mae adran 194 wedi ei diddymu gan adran 53 o Ddeddf 2006 a Rhan 2 o Atodlen 6 iddi.

(5) 1971 p.vi. Mae adran 23(2A) wedi ei mewnosod gan adran 44(1) o Ddeddf 2006 a pharagraff 4(3) o Atodlen 4 iddi.

(1) 1845 c.118. Section 147 is repealed by sections 48(1) and 53 of, and Part 3 of Schedule 6 to, the 2006 Act.

(2) 1847 c.111. Section 4 is repealed by section 53 of, and Part 3 of Schedule 6 to, the 2006 Act.

(3) 1857 c.31. Sections 4 and 5 are repealed by section 53 of, and Part 3 of Schedule 6 to, the 2006 Act.

(4) 1925 c.20. Section 194 is repealed by section 53 of, and Part 2 of Schedule 6 to, the 2006 Act.

(5) 1971 c.vi. Section 23(2A) is inserted by section 44(1) of, and paragraph 4(3) of Schedule 4 to, the 2006 Act.

OFFERYNNAU STATUDOL
CYMRU

2012 Rhif 739 (Cy.99) (C.19)

TIROEDD COMIN, CYMRU

Gorchymyn Deddf Tiroedd Comin
2006 (Cychwyn Rhif 2,
Darpariaethau Trosiannol ac
Arbedion) (Cymru) 2012

WELSH STATUTORY
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COMMONS, WALES

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