



OFFERYNNAU STATUDOL
CYMRU

WELSH STATUTORY
INSTRUMENTS

2013 Rhif 2948 (Cy. 291)

2013 No. 2948 (W. 291)

**DATBLYGU ECONOMAIDD,
CYMRU**

**ECONOMIC DEVELOPMENT,
WALES**

Gorchymyn Deddf Awdurdod
Datblygu Cymru 1975 (Diwygio)
(Cymru) 2013

The Welsh Development Agency
Act 1975 (Amendment) (Wales)
Order 2013

NODYN ESBONIADOL

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

EXPLANATORY NOTE

(This note is not part of the Order)

Mae adran 194 o Ddeddf Cynllunio 2008 yn rhoi'r pŵer i Weinidogion Cymru ddiwygio Atodlen 4 i Ddeddf Awdurdod Datblygu Cymru 1975 ("Deddf 1975") er mwyn awdurdodi Gweinidogion Cymru i wrth-wneud hawddfrentiau a hawliau eraill sy'n cyfyngu ar y defnydd o dir y maent wedi ei gaffael o dan adran 21A o Ddeddf 1975. Ni chaiff Gweinidogion Cymru wneud hyn ond os yw'r defnydd yn unol â chaniatâd cynllunio. O dan baragraff 6 o Atodlen 4 i Ddeddf 1975, y mae eisoes yn bosibl i Weinidogion Cymru wrth-wneud hawddfrentiau a hawliau eraill sy'n cyfyngu ar gyflawni gwaith ar dir o'r fath.

Section 194 of the Planning Act 2008 confers on the Welsh Ministers the power to amend Schedule 4 to the Welsh Development Agency Act 1975 ("the 1975 Act") so as to authorise the Welsh Ministers to override easements and other rights restricting the use of land which they have acquired under section 21A of the 1975 Act. The Welsh Ministers can do this only if the use is in accordance with planning permission. Under paragraph 6 of Schedule 4 to the 1975 Act it is already possible for the Welsh Ministers to override easements and other rights restricting the execution of works on such land.

Drwy arfer y pŵer hwnnw, mae Gweinidogion Cymru, drwy'r Gorchymyn hwn, yn diwygio paragraff 6 o Atodlen 4 i Ddeddf 1975.

In the exercise of that power, the Welsh Ministers, by this Order, amend paragraph 6 of Schedule 4 to the 1975 Act.

Mae'r Gorchymyn hwn yn gymwys o ran Cymru.

This Order applies in relation to Wales.

Ystyriwyd Cod Ymarfer Gweinidogion Cymru ar gynnal Aseidiadau Effaith Rheoleiddiol mewn perthynas â'r Gorchymyn hwn. O ganlyniad, ystyriwyd nad oedd yn angenrheidiol cynnal asesiad effaith rheoleiddiol o'r costau a'r manteision sy'n debygol o ddeillio o gydymffurfio â'r Gorchymyn hwn.

The Welsh Ministers' Code of Practice on the carrying out of Regulatory Impact Assessments was considered in relation to this Order. As a result, it was not considered necessary to carry out a regulatory impact assessment as to the likely costs and benefits of complying with this Order.

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(Cymru) 2013**

Gwnaed 20 Tachwedd 2013

Yn dod i rym yn unol ag erthygl 1(2)

Mae Gweinidogion Cymru, drwy arfer y pwerau a roddwyd iddynt gan adran 194 o Ddeddf Cynllunio 2008(1), yn gwneud y Gorchymyn canlynol.

Gosodwyd drafft o'r Gorchymyn hwn gerbron Cynulliad Cenedlaethol Cymru ac fe'i cymeradwywyd ganddo drwy benderfyniad yn unol ag adran 194(5) o'r Ddeddf honno.

Enwi, cymhwyso a chychwyn

1.—(1) Enw'r Gorchymyn hwn yw Gorchymyn Deddf Awdurdod Datblygu Cymru 1975 (Diwygio) (Cymru) 2013.

(2) Mae'r Gorchymyn hwn yn gymwys o ran Cymru, a daw i rym drannoeth y diwrnod y'i gwneir.

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**The Welsh Development Agency
Act 1975 (Amendment) (Wales)
Order 2013**

Made 20 November 2013

Coming into force in accordance with article 1(2)

The Welsh Ministers, in exercise of the powers conferred on them by section 194 of the Planning Act 2008(1), make the following Order.

A draft of this Order was laid before, and approved by a resolution of, the National Assembly for Wales in accordance with section 194(5) of that Act.

Title, application and commencement

1.—(1) The title of this Order is the Welsh Development Agency Act 1975 (Amendment) (Wales) Order 2013.

(2) This Order applies in relation to Wales, and comes into force on the day after the day on which it is made.

(1) 2008 p. 29.

(1) 2008 c. 29.

Diwygio Atodlen 4 i Ddeddf Awdurdod Datblygu Cymru 1975

2.—(1) Mae paragraff 6 o Atodlen 4 i Ddeddf Awdurdod Datblygu Cymru 1975(1) (pŵer i wrthwneud hawddfreintiau a hawliau eraill) wedi ei ddiwygio fel a ganlyn.

(2) Ar ôl is-baragraff (1) mewnosoder—

“(1A) The use of any land which has been acquired by the Welsh Ministers under section 21A above, whether the use is by the Welsh Ministers or by a person deriving title under them, is authorised by virtue of this paragraph if it is in accordance with planning permission even if the use involves—

- (a) interference with an interest or right to which this paragraph applies, or
- (b) a breach of a restriction as to the user of land arising by virtue of a contract.”

(3) Yn is-baragraff (4)—

- (a) ar ôl “sub-paragraph (1)” mewnosoder “or (1A)”, a
- (b) ar ôl “works on” mewnosoder “, or use of,”.

(4) Yn is-baragraff (7) ar ôl “sub-paragraph (1)” mewnosoder “or (1A)”.

Amendment of Schedule 4 to the Welsh Development Agency Act 1975

2.—(1) Paragraph 6 of Schedule 4 to the Welsh Development Agency Act 1975(1) (power to override easements and other rights) is amended as follows.

(2) After sub-paragraph (1) insert—

“(1A) The use of any land which has been acquired by the Welsh Ministers under section 21A above, whether the use is by the Welsh Ministers or by a person deriving title under them, is authorised by virtue of this paragraph if it is in accordance with planning permission even if the use involves—

- (a) interference with an interest or right to which this paragraph applies, or
- (b) a breach of a restriction as to the user of land arising by virtue of a contract.”

(3) In sub-paragraph (4)—

- (a) after “sub-paragraph (1)” insert “or (1A)”, and
- (b) after “works on” insert “, or use of,”.

(4) In sub-paragraph (7) after “sub-paragraph (1)” insert “or (1A)”.

Edwina Hart

Gweinidog yr Economi, Gwyddoniaeth a Thrafnidiaeth, un o Weinidigion Cymru

20 Tachwedd 2013

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Minister for Economy, Science and Transport, one of the Welsh Ministers

20 November 2013

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(1) 1975 p. 70. Mewnosodwyd paragraff 6 o Atodlen 4 gan baragraff 3 o Atodlen 13 i Ddeddf Llywodraeth Cymru 1998 (p. 38) ac fe'i diwygiwyd gan O.S. 2005/3226.

(1) 1975 c. 70. Paragraph 6 of Schedule 4 was inserted by paragraph 3 of Schedule 13 to the Government of Wales Act 1998 (c. 38) and amended by S.I. 2005/3226.

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