



OFFERYNNAU STATUDOL
CYMRU

WELSH STATUTORY
INSTRUMENTS

2015 Rhif 1403 (Cy. 139)

2015 No. 1403 (W. 139)

**LLYWODRAETH LEOL,
CYMRU**

**LOCAL GOVERNMENT,
WALES**

**Rheoliadau Caeau Chwarae
(Ymgysylltiad Cymunedau â
Phenderfyniadau Gwaredu)
(Cymru) 2015**

**The Playing Fields (Community
Involvement in Disposal Decisions)
(Wales) Regulations 2015**

NODYN ESBONIADOL

EXPLANATORY NOTE

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

(This note is not part of the Regulations)

Mae adran 1 o Fesur Caeau Chwarae (Ymgysylltiad Cymunedau â Phenderfyniadau Gwaredu) (Cymru) 2010 yn galluogi Gweinidogion Cymru, drwy reoliadau, i wneud darpariaeth ar gyfer ymgysylltiad cymunedau â gwarediad gan awdurdod lleol o dir sy'n gae chwarae neu'n ffurfio rhan o gae chwarae.

Section 1 of the Playing Fields (Community Involvement in Disposal Decisions) (Wales) Measure 2010 enables the Welsh Ministers, by regulations, to make provision for the involvement of communities in the disposal of land consisting, or forming part of, a playing field by a local authority.

Mae'r Rheoliadau hyn yn gymwys i'r penderfyniad gan awdurdod lleol i waredu caeau chwarae sy'n bodloni'r diffiniad a nodir yn rheoliad 2, sy'n dod o fewn rheoliad 3 ac nad ydynt yn dod o fewn unrhyw un neu ragor o'r eithriadau yn rheoliad 4.

These Regulations apply to the decision by a local authority to dispose of playing fields that meet the definition set out in regulation 2, fall within regulation 3 and do not fall within any of the exceptions in regulation 4.

Mae rheoliad 3 yn darparu bod y gofynion yn rheoliadau 5 i 10 yn gymwys pan fo awdurdod lleol yn ystyried gwneud penderfyniad i waredu cae chwarae neu unrhyw ran o gae chwarae, neu'n ystyried gwneud penderfyniad i ymrwymo i gytundeb i waredu cae chwarae neu unrhyw ran o gae chwarae. Ni fyddai'r gofynion yn gymwys oni fo'r cae chwarae dan sylw wedi ei ddefnyddio gan y cyhoedd fel cyfleuster chwaraeon neu hamdden ar unrhyw adeg yn ystod y 5 mlynedd cyn ei waredu. Fodd bynnag, mae rheoliad 3(c) yn darparu nad yw'r gofynion yn rheoliadau 5 i 10 yn gymwys pan fo unrhyw un neu ragor o'r eithriadau yn rheoliad 4(1) yn gymwys.

Regulation 3 provides that the requirements in regulations 5 to 10 apply where a local authority is considering making a decision to dispose, or to make a decision to enter into an agreement to dispose, of a playing field or any part of a playing field. The requirements would only apply where the playing field in question has been used as a sports or recreational facility by the public at any time in the 5 years before disposal. However, regulation 3(c) provides that the requirements in regulations 5 to 10 do not apply where any of the exceptions in regulation 4(1) apply.

Os caniatáu buddiant yn y cae chwarae yw'r gwarediad dan sylw, nad yw'n cael effaith andwyol ar ddefnyddio'r cae chwarae, nid yw'r gofynion ar gyfer ymgynghori, hysbysu a gwneud penderfyniad y darperir ar eu cyfer yn rheoliadau 5 i 10 o'r Rheoliadau yn gymwys. Yn yr un modd, nid yw'r gofynion hyn yn gymwys pan waredir y cae chwarae i awdurdod lleol arall neu i gorff chwaraeon neu hamdden ac y bydd y cae chwarae yn cael ei gadw at ddefnydd chwaraeon neu hamdden.

Nid yw'r gofynion yn rheoliadau 5 i 10 o'r Rheoliadau yn gymwys pan fo ymgynghoriad wedi ei gynnal mewn cysylltiad â chynigion penodol yn ymwneud â threfniadaeth ysgolion o dan Ran 3 o Ddeddf Safonau a Threfniadaeth Ysgolion (Cymru) 2013.

Yn yr un modd, nid ydynt yn gymwys i unrhyw warediadau sydd yn yr arfaeth ar yr adeg pan ddaw'r Rheoliadau hyn i rym.

Mae'r gofynion yn rheoliad 5 yn ymwneud â'r trefniadau hysbysu ac ymgynghori y mae'n rhaid eu dilyn cyn gwneud unrhyw benderfyniad i waredu cae chwarae neu unrhyw ran o gae chwarae, neu ymrwymo i gytundeb i waredu cae chwarae neu unrhyw ran o gae chwarae.

Mae rheoliad 5 yn cynnwys dyletswydd ar awdurdodau lleol i anfon manylion am y gwarediad arfaethedig i gyrrff penodedig. Mae'r cyrrff hyn yn cynnwys:

- y National Playing Fields Association (a adwaenir ar hyn o bryd fel Meysydd Chwarae Cymru);
- cyrrff sydd â buddiant mewn gwarchod mannau agored ledled Cymru (fel yr Open Spaces Society); a
- cyrrff sydd â buddiant mewn gwarchod cyfleoedd chwarae i blant ledled Cymru (fel Chwarae Cymru).

Mae rheoliad 6 yn ei gwneud yn ofynnol i awdurdod lleol sicrhau bod y manylion hyn yn cynnwys gwybodaeth am yr effaith yr ystyria'r awdurdod lleol y byddai'r gwarediad yn ei chael ar amryw o strategaethau, cynlluniau ac asesiadau. Caiff hyn gynnwys gwybodaeth ynghylch yr effaith a gâi'r gwarediad ar lwyddo i weithredu neu gyflawni unrhyw strategaeth, cynllun neu asesiad perthnasol.

If the disposal in question is a grant of an interest in the playing field which does not have an adverse impact on the use of the playing field, the requirements for consultation, notification and decision making provided for in the Regulations at regulations 5 to 10 do not apply. Similarly, these requirements do not apply where the playing field is disposed to another local authority or sporting or recreational body and the playing field will be retained for sporting or recreational use.

The requirements at regulations 5 to 10 of the Regulations do not apply where consultation has been undertaken in respect of particular proposals relating to school organisation under Part 3 of the School Standards and Organisation (Wales) Act 2013.

Similarly, they do not apply to any disposals which are pending at the time that these Regulations come into force.

The requirements in regulation 5 relate to the notice and consultation arrangements which must be followed prior to any decision to dispose, or enter into an agreement to dispose, of a playing field or any part of a playing field.

Regulation 5 includes a duty on local authorities to send details of the proposed disposal to specified bodies. These bodies include:

- the National Playing Fields Association (currently known as Fields in Trust Cymru);
- bodies who have an interest in the preservation of open spaces across Wales (such as the Open Spaces Society); and
- bodies who have an interest in the preservation of children's play opportunities across Wales (such as Play Wales).

Regulation 6 requires a local authority to ensure that these details include information about the effect that the local authority considers the disposal would have on a number of strategies, plans and assessments. This may include information regarding the effect the disposal would have on the successful implementation or delivery of any relevant strategy, plan or assessment.

Mae rheoliad 7 yn ei gwneud yn ofynnol i awdurdod lleol roi sylw i'r holl sylwadau sy'n dod i law yn ystod y cyfnod ymgynghori, ac mae hefyd yn galluogi'r awdurdod lleol i roi sylw i unrhyw sylwadau sy'n dod i law ar ôl diwedd y cyfnod ymgynghori.

Mae rheoliad 8 yn gymwys pan fo awdurdod lleol wedi penderfynu bwrw ymlaen â phenderfyniad i waredu cae chwarae neu unrhyw ran o gae chwarae. Rhaid cydymffurfio â gofynion rheoliad 8 cyn y bydd awdurdod lleol yn gwaredu caeau chwarae neu unrhyw ran o gae chwarae, neu'n ymrwymo i gytundeb i waredu caeau chwarae neu unrhyw ran o gae chwarae. Mae rheoliad 8(9) yn gosod gofynion ar awdurdod lleol pan fo wedi penderfynu peidio â bwrw ymlaen â gwarediad.

Mae rheoliad 9 yn darparu y caiff cyfathrebiadau o dan y Rheoliadau hyn fod ar ffurf electronig. Ystyrir bod unrhyw gyfathrebiad electronig o'r fath a geir y tu allan i oriau swyddfa arferol y derbynnydd wedi ei gael ar y diwrnod gwaith nesaf. Diffinnir diwrnod gwaith yn rheoliad 9(4) ac mae'n cynnwys gŵyl banc a ddiffinnir ymhellach fel diwrnod sydd i'w drin felly o dan Ddeddf Bancio a Thrafodion Ariannol 1971. Mae hyn yn cynnwys pob gŵyl banc a bennir yn Atodlen 1 i'r Ddeddf honno ac unrhyw ddiwrnod a bennir fel gŵyl banc drwy broclamasuwn brenhinol o dan adran 1(3) o'r Ddeddf honno.

Mae rheoliad 10 yn ei gwneud yn ofynnol i awdurdodau lleol roi sylw i unrhyw ganllawiau a roddir gan Weinidogion Cymru wrth arfer eu swyddogaethau o dan y Rheoliadau hyn.

Ystyriwyd Cod Ymarfer Gweinidogion Cymru ar gynnal Aseidiadau Effaith Rheoleiddiol mewn perthynas â'r Rheoliadau hyn. O ganlyniad, lluniwyd asesiad effaith rheoleiddiol o'r costau a'r manteision sy'n debygol o ddeillio o gydymffurfio â'r Rheoliadau hyn. Gellir cael copi oddi wrth yr Is-adran Democratiaeth Llywodraeth Leol, Llywodraeth Cymru, Parc Cathays, Caerdydd, CF10 3NQ.

Regulation 7 requires a local authority to have regard to all representations received during the consultation period, and also enables the local authority to have regard to any representations received after the end of the consultation period.

Regulation 8 applies where a local authority has decided to proceed with a decision to dispose of a playing field or any part of a playing field. The requirements in regulation 8 must be complied with before a local authority disposes, or enters into an agreement to dispose, of playing fields or any part of a playing field. Regulation 8(9) imposes requirements on a local authority where it has decided not to proceed with a disposal.

Regulation 9 provides that communications under these Regulations may take an electronic form. Any such electronic communication that is received outside a recipient's normal office hours will be taken to have been received on the next working day. A working day is defined in regulation 9(4) and would include a bank holiday which is further defined as a day to be observed as such under the Banking and Financial Dealings Act 1971. This would include all bank holidays specified in Schedule 1 to that Act and any day appointed as a bank holiday by royal proclamation under section 1(3) of that Act.

Regulation 10 requires local authorities to have regard to any guidance given by the Welsh Ministers when exercising their functions under these Regulations.

The Welsh Ministers' Code of Practice on the carrying out of Regulatory Impact Assessments was considered in relation to these Regulations. As a result, a regulatory impact assessment has been prepared as to the likely costs and benefits of complying with these Regulations. A copy can be obtained from the Local Government Democracy Division, Welsh Government, Cathays Park, Cardiff, CF10 3NQ.

2015 Rhif 1403 (Cy. 139)

**LLYWODRAETH LEOL,
CYMRU**

**Rheoliadau Caeau Chwarae
(Ymgysylltiad Cymunedau â
Phenderfyniadau Gwaredu)
(Cymru) 2015**

Gwnaed 22 Mehefin 2015

*Gosodwyd gerbron Cynulliad Cenedlaethol
Cymru* 24 Mehefin 2015

Yn dod i rym 1 Hydref 2015

2015 No. 1403 (W. 139)

**LOCAL GOVERNMENT,
WALES**

**The Playing Fields (Community
Involvement in Disposal Decisions)
(Wales) Regulations 2015**

Made 22 June 2015

Laid before the National Assembly for Wales
24 June 2015

Coming into force 1 October 2015

Mae Gweinidogion Cymru, drwy arfer y pwerau a roddwyd iddynt gan adran 1 o Fesur Caeau Chwarae (Ymgysylltiad Cymunedau â Phenderfyniadau Gwaredu) (Cymru) 2010(1), yn gwneud y Rheoliadau a ganlyn.

Enwi a chychwyn

1. Enw'r Rheoliadau hyn yw Rheoliadau Caeau Chwarae (Ymgysylltiad Cymunedau â Phenderfyniadau Gwaredu) (Cymru) 2015, a deuant i rym ar 1 Hydref 2015.

Dehongli

2. Yn y Rheoliadau hyn—

ystyr “cae chwarae” (“*playing field*”) yw'r cyfan o fan agored sy'n cwmpasu o leiaf un llain chwarae;

ystyr “y cyfnod ymgynghori” (“*the consultation period*”) yw'r cyfnod a bennir gan awdurdod lleol yn unol â rheoliad 5(2)(c) a (5);

ystyr “Deddf 2013” (“*the 2013 Act*”) yw Deddf Safonau a Threfniadaeth Ysgolion (Cymru) 2013(2);

The Welsh Ministers, in exercise of the powers conferred upon them by section 1 of the Playing Fields (Community Involvement in Disposal Decisions) (Wales) Measure 2010(1), make the following Regulations.

Title and commencement

1. The title of these Regulations is the Playing Fields (Community Involvement in Disposal Decisions) (Wales) Regulations 2015, and they come into force on 1 October 2015.

Interpretation

2. In these Regulations—

“the 2013 Act” (“*Deddf 2013*”) means the School Standards and Organisation (Wales) Act 2013(2);

“the consultation period” (“*y cyfnod ymgynghori*”) means the period specified by a local authority in accordance with regulation 5(2)(c) and (5);

(1) 2010 mccc 6.
(2) 2013 dccc 1.

(1) 2010 nawm 6.
(2) 2013 anaw 1.

ystyr “gwaredu” (“*dispose*”) yw rhoi unrhyw ystâd neu fuddiant mewn tir, ac mae “gwarediad” (“*disposal*”) i’w ddehongli yn unol â hynny;

ystyr “llain chwarae” (“*playing pitch*”) yw man wedi ei amlinellu y mae ei arwynebedd, ynghyd ag unrhyw redegfa iddo—

- (a) yn 0.2 hectar neu fwy ac yn cael ei ddefnyddio ar gyfer chwaraeon gan gynnwys pêl-droed, pêl-droed Americanaidd, rygbi, criced, hoci, lacros, rownderi, pêl fas, pêl feddal, pêl-droed Awstralaidd, pêl-droed Wyddelig, bando, hyrli, polo, polo beiciau, athletau neu golff, ond heb fod yn gyfyngedig iddynt;
- (b) yn 0.1 hectar neu fwy ac yn cael ei ddefnyddio ar gyfer chwarae bowls; neu
- (c) yn 0.04 hectar neu fwy ac yn cael ei ddefnyddio ar gyfer chwarae pêl fasged, pêl rwyd neu dennis;

ystyr “penderfyniad arfaethedig i waredu” (“*proposed decision to dispose*”) yw pan fo awdurdod lleol yn ystyried gwneud penderfyniad i ymrwmo i gytundeb i waredu, neu yn absenoldeb cytundeb o’r fath, yn ystyried gwneud penderfyniad i waredu; ac

ystyr “penderfyniad i waredu” (“*decision to dispose*”) yw pan fo awdurdod lleol(1) yn penderfynu ymrwmo i gytundeb i waredu, neu yn absenoldeb cytundeb o’r fath, yn penderfynu gwaredu.

Cymhwyso

3. Rhaid i awdurdod lleol gydymffurfio â’r gofynion sydd yn rheoliadau 5 i 10—

- (a) mewn perthynas â phenderfyniad arfaethedig i waredu cae chwarae neu unrhyw ran o gae chwarae;
- (b) pan fo’r cae chwarae wedi ei ddefnyddio gan y cyhoedd fel cyfleuster chwaraeon neu hamdden ar unrhyw adeg yn ystod y 5 mlynedd blaenorol; ac
- (c) pan na fo unrhyw un o’r eithriadau yn rheoliad 4(1) yn gymwys.

“decision to dispose” (“*penderfyniad i waredu*”) means where a local authority(1) decides to enter into an agreement to dispose, or in the absence of such an agreement, decides to dispose;

“dispose” (“*gwaredu*”) means to grant any estate or interest in land, and “disposal” (“*gwarediad*”) is to be construed accordingly;

“playing field” (“*cae chwarae*”) means the whole of an open space which encompasses at least one playing pitch;

“playing pitch” (“*llain chwarae*”) means a delineated area which, together with any run-off area, is of—

- (a) 0.2 hectares or more and which is used for sport including, but not limited to, association football, American football, rugby, cricket, hockey, lacrosse, rounders, baseball, softball, Australian football, Gaelic football, shinty, hurling, polo, cycle polo, athletics or golf;
- (b) 0.1 hectares or more and which is used for playing bowls; or
- (c) 0.04 hectares or more and which is used for playing basketball, netball or tennis; and.

“proposed decision to dispose” (“*penderfyniad arfaethedig i waredu*”) means where a local authority is considering making a decision to enter into an agreement to dispose, or in the absence of such an agreement, is considering making a decision to dispose.

Application

3. A local authority must comply with the requirements contained in regulations 5 to 10—

- (a) in relation to a proposed decision to dispose of a playing field or any part of a playing field;
- (b) where the playing field has been used as a sports or recreational facility by the public at any time in the previous 5 years; and
- (c) where none of the exceptions in regulation 4(1) apply.

(1) Mae i “awdurdod lleol” yr un ystyr ag a ddiffinnir yn adran 1(3) o Fesur Caeau Chwarae (Ymgysylltiad Cymunedau â Phenderfyniadau Gwaredu) (Cymru) 2010. Mae’n golygu cyngor sir neu gyngor bwrdeistref sirol, cyngor cymuned (gan gynnwys cyngor tref) ac awdurdod Parc Cenedlaethol.

(1) “Local authority” has the same meaning as defined in section 1(3) of the Playing Fields (Community Involvement in Disposal Decisions) (Wales) Measure 2010. It means a county or county borough council, a community council (including a town council) and a National Park authority.

Eithriadau

4.—(1) Nid yw'r gofynion sydd yn rheoliadau 5 i 10 yn gymwys—

- (a) pan fo'r penderfyniad arfaethedig i waredu yn ymwneud â rhoi buddiant yn y cae chwarae, neu unrhyw ran o'r cae chwarae, nad yw'n cael effaith andwyol ar ddefnydd y cyhoedd o'r cae chwarae fel cyfleuster chwaraeon neu hamdden;
- (b) pan fo'r cae chwarae i'w gadw fel cyfleuster chwaraeon neu hamdden at ddefnydd y cyhoedd, pa un a godir tâl am y defnydd hwnnw ai peidio, ac mae'r gwarediad arfaethedig i'w wneud i—
 - (i) awdurdod lleol; neu
 - (ii) corff y mae ei nodau neu ei amcanion yn cynnwys hyrwyddo gweithgareddau chwaraeon neu hamdden;
- (c) pan fo cyngor sir neu gyngor bwrdeistref sirol wedi ymgynghori ynghlŷn â'r penderfyniad arfaethedig i waredu'r cae chwarae o dan adran 48(2) o Ddeddf 2013;
- (d) pan fo Gweinidogion Cymru wedi ymgynghori ynghylch y penderfyniad arfaethedig i waredu'r cae chwarae o dan adran 72(1) o Ddeddf 2013; neu
- (e) pan fo'r penderfyniad arfaethedig i waredu cae chwarae neu unrhyw ran o gae chwarae yn yr arfaeth.

(2) At ddibenion paragraff (1)(e), mae penderfyniad arfaethedig i waredu yn yr arfaeth—

- (a) pan fo'r awdurdod lleol wedi cyhoeddi hysbysiad am warediad yn unol ag adran 123(2A) o Ddeddf Llywodraeth Leol 1972(1) cyn i'r Rheoliadau hyn ddod i rym; a
- (b) pan fo'r awdurdod lleol yn ymrwymo i gytundeb i waredu, neu'n cwblhau'r gwarediad, o'r cae chwarae y cyfeirir ato yn yr hysbysiad hwnnw o fewn 12 mis ar ôl i'r hysbysiad hwnnw gael ei gyhoeddi gyntaf.

Trefniadau hysbysu ac ymgynghori

5.—(1) Rhaid i awdurdod lleol, cyn gwneud penderfyniad i waredu cae chwarae, neu unrhyw ran o gae chwarae, gyhoeddi hysbysiad (“yr hysbysiad”) am ddwy wythnos yn olynol mewn o leiaf un papur newydd sy'n cylchredeg yn ardal yr awdurdod lleol.

(2) Rhaid i'r hysbysiad y mae paragraff (1) yn cyfeirio ato—

(1) 1972 p. 80.

Exceptions

4.—(1) The requirements contained in regulations 5 to 10 do not apply where—

- (a) the proposed decision to dispose relates to the grant of an interest in the playing field, or any part of the playing field, that does not have an adverse impact on the use of the playing field as a sports or recreational facility by the public;
- (b) the playing field is to be retained as a sports or recreational facility for use by the public, whether or not such use is subject to a payment, and the proposed disposal is to be made to—
 - (i) a local authority; or
 - (ii) a body whose aims or objectives include the promotion of sporting or recreational activities;
- (c) a county or county borough council has consulted on the proposed decision to dispose of the playing field under section 48(2) of the 2013 Act;
- (d) the Welsh Ministers have consulted on the proposed decision to dispose of the playing field under section 72(1) of the 2013 Act; or
- (e) the proposed decision to dispose of a playing field or any part of a playing field is pending.

(2) For the purposes of paragraph (1)(e), a proposed decision to dispose is pending where—

- (a) the local authority has published a notice of disposal in accordance with section 123(2A) of the Local Government Act 1972(1) prior to these Regulations coming into force; and
- (b) the local authority enters into an agreement to dispose, or completes the disposal, of the playing field referred to within that notice within 12 months following the first publication of that notice.

Notice and consultation arrangements

5.—(1) A local authority must before making a decision to dispose of a playing field, or any part of a playing field, publish a notice (“the notice”) on two consecutive weeks in at least one newspaper circulating in the local authority's area.

(2) The notice to which paragraph (1) refers must—

(1) 1972 c. 80.

- (a) datgan bod yr awdurdod lleol yn bwriadu gwaredu cae chwarae;
- (b) hysbysu'r cyhoedd ym mha le neu leoedd ac ar ba adegau y caniateir edrych ar fanylion y gwarediad arfaethedig, ac am ba gyfnod y bydd manylion y gwarediad arfaethedig ar gael i edrych arnynt; ac
- (c) hysbysu'r cyhoedd o'i hawl i gyflwyno sylwadau i'r awdurdod lleol mewn perthynas â'r gwarediad arfaethedig, drwy ba fodd y mae'n rhaid iddo wneud hynny ac erbyn pa ddyddiad y mae'n rhaid i'r awdurdod lleol gael unrhyw sylwadau.

(3) Rhaid i'r awdurdod lleol sicrhau bod manylion y gwarediad arfaethedig ar gael i edrych arnynt yn ystod oriau swyddfa arferol ym mhrif swyddfa'r awdurdod lleol, os oes un ganddo, ac os yw'n rhesymol ymarferol, mewn un neu ragor o leoedd yn ardal yr awdurdod lleol.

(4) Rhaid i'r awdurdod lleol bennu cyfnod o 6 wythnos o leiaf, gan ddechrau â'r dyddiad y cyhoeddir yr hysbysiad gyntaf, pan fo'n rhaid i fanylion y gwarediad arfaethedig fod ar gael i edrych arnynt yn unol â pharagraff (2)(b).

(5) Rhaid i'r dyddiad a bennir gan yr awdurdod lleol fel y dyddiad erbyn pryd y mae'n rhaid iddo gael sylwadau ar y gwarediad arfaethedig yn unol â pharagraff (2)(c), fod o leiaf 6 wythnos ar ôl y dyddiad y cyhoeddir yr hysbysiad gyntaf.

(6) Heb fod yn hwyrach na'r diwrnod y cyhoeddir yr hysbysiad gyntaf, rhaid i'r awdurdod lleol—

- (a) arddangos copi o'r hysbysiad mewn o leiaf un lle ar y cae chwarae neu gerllaw'r cae chwarae y mae'r gwarediad arfaethedig yn ymwneud ag ef, a pha un bynnag wrth bob mynedfa swyddogol i'r cae chwarae, am o leiaf 6 wythnos;
- (b) pan fo gan yr awdurdod lleol wefan, rhoi copi o'r hysbysiad hwnnw ar y wefan honno am o leiaf 6 wythnos;
- (c) anfon copi o'r hysbysiad at unrhyw berchennog neu feddiannydd tir sy'n ffinio â'r cae chwarae;
- (d) anfon copi o'r hysbysiad a manylion y gwarediad arfaethedig at—
 - (i) unrhyw awdurdod lleol y mae ei ardal yn cynnwys unrhyw ran o'r cae chwarae y mae'r gwarediad arfaethedig yn ymwneud ag ef neu sy'n rhannu ffin ag unrhyw ran o gae o'r fath;

- (a) state that the local authority is proposing to dispose of a playing field;
- (b) inform the public of the place or places and times at which details of the proposed disposal may be inspected, and the period for which the details of the proposed disposal will be available for inspection; and
- (c) inform the public of their right to make representations to the local authority in relation to the proposed disposal, the means by which they must do so and the date by which representations must be received by the local authority.

(3) The local authority must make the details of the proposed disposal available for inspection during normal office hours at the local authority's principal office, if it has one, and, if reasonably practicable, at one or more places in the local authority's area.

(4) The local authority must specify a period of at least 6 weeks, starting from the date on which the notice is first published, for which the details of the proposed disposal must be available for inspection in accordance with paragraph (2)(b).

(5) The date specified by a local authority by which representations on the proposed disposal must be received by the local authority in accordance with paragraph (2)(c), must be at least 6 weeks after the date on which the notice is first published.

(6) No later than the day on which the notice is first published, the local authority must—

- (a) display a copy of the notice in at least one place on or near the playing field to which the proposed disposal relates, and in any event at each official entrance to the playing field, for at least 6 weeks;
- (b) where the local authority has a website, place a copy of the notice on that website for at least 6 weeks;
- (c) send a copy of the notice to any owner or occupier of land adjoining the playing field;
- (d) send a copy of the notice and details of the proposed disposal to—
 - (i) any local authority whose area includes any part of, or shares a boundary with any part of, the playing field to which the proposed disposal relates;

- (ii) Cyngor Chwaraeon Cymru(1);
- (iii) y National Playing Fields Association(2);
- (iv) y personau hynny y mae'n ymddangos i'r awdurdod lleol eu bod yn cynrychioli buddiannau personau yn ardal yr awdurdod lleol, neu yn ardal awdurdod lleol sy'n rhannu ffin ag unrhyw ran o'r cae chwarae, sy'n gwneud defnydd o'r cae chwarae;
- (v) unrhyw gorff y mae ei brif amcanion yn cynnwys gwarchod—
 - (aa) mannau agored ledled Cymru; neu
 - (bb) cyfleoedd i chwarae ar gyfer plant ledled Cymru;
- (vi) unrhyw bersonau eraill a ystyrir yn briodol gan yr awdurdod.

(7) Rhaid i'r awdurdod lleol ddarparu copi o'r manylion am y gwarediad arfaethedig i unrhyw berson (ar ôl talu ffi resymol, os yw hynny'n ofynnol gan yr awdurdod lleol) y mae'r awdurdod lleol yn cael cais ganddo yn ystod y cyfnod ymgynghori.

Asesu'r effaith

6.—(1) Rhaid i fanylion y gwarediad arfaethedig, a gaiff eu paratoi gan awdurdod lleol at ddibenion rheoliad 5(2)(b), (3), (4), (6)(d) a (7), gynnwys gwybodaeth am yr effaith y byddai'r gwarediad arfaethedig o gae chwarae, neu unrhyw ran o gae chwarae, yn ei chael ar unrhyw strategaethau, cynlluniau neu asesiadau perthnasol, ym marn yr awdurdod lleol.

(2) Y strategaethau, cynlluniau neu asesiadau perthnasol at ddibenion paragraff (1) yw—

- (a) y cynllun a luniwyd ar gyfer yr ardal o dan adran 62 o Ddeddf Cynllunio a Phrynu Gorfodol 2004(3);
- (b) yr asesiad a luniwyd ar gyfer yr ardal o dan adran 11 o Fesur Plant a Theuluoedd (Cymru) 2010(4);
- (c) y strategaeth a luniwyd ar gyfer yr ardal o dan adran 39 o Fesur Llywodraeth Leol (Cymru) 2009(5);

- (ii) the Sports Council for Wales(1);
- (iii) the National Playing Fields Association(2);
- (iv) those persons as appear to the local authority to represent the interests of persons in the local authority's area, or in the area of a local authority that shares a boundary with any part of the playing field, who make use of the playing field;
- (v) any body whose main aims include preserving—
 - (aa) open spaces throughout Wales; or
 - (bb) play opportunities for children throughout Wales;
- (vi) such other persons as the local authority considers appropriate.

(7) The local authority must provide (on payment if required by a local authority of a reasonable charge) a copy of the details of the proposed disposal to any person from whom the local authority receives a request during the consultation period.

Impact assessment

6.—(1) Details of the proposed disposal, prepared by a local authority for the purposes of regulation 5(2)(b), (3), (4), (6)(d) and (7), must include information about the effect a local authority considers the proposed disposal of a playing field, or any part of a playing field, would have on any relevant strategies, plans or assessments.

(2) The relevant strategies, plans or assessments for the purposes of paragraph (1) are—

- (a) the plan prepared for the area under section 62 of the Planning and Compulsory Purchase Act 2004(3);
- (b) the assessment prepared for the area under section 11 of the Children and Families (Wales) Measure 2010(4);
- (c) the strategy prepared for the area under section 39 of the Local Government (Wales) Measure 2009(5);

(1) Sefydlwyd gan Siarter Brenhinol dyddiedig 4 Chwefror 1972, gan weithredu o dan yr enw "*Chwaraeon Cymru*".
 (2) Sefydlwyd yn 1925 ac ymgorfforwyd gan Siarter Brenhinol yn 1933, gan weithredu o dan yr enw "*Fields in Trust*".
 (3) 2004 p. 5. Diwygiwyd adran 62 gan adran 51(2) o Fesur Llywodraeth Leol (Cymru) 2009 (mccc 2) a pharagraffau 4, 5 a 6 o Atodlen 2 iddo.
 (4) 2010 mccc 1.
 (5) 2009 mccc 2.

(1) Established by Royal Charter dated 4 February 1972, operating under the name "*Sports Wales*".
 (2) Founded in 1925 and incorporated by Royal Charter in 1933, operating under the name "*Fields in Trust*".
 (3) 2004 c. 5. Section 62 was amended by section 51(2) of and paragraphs 4, 5 and 6 of Schedule 2 to the Local Government (Wales) Measure 2009 (nawm 2).
 (4) 2010 nawm 1.
 (5) 2009 nawm 2.

- (d) y strategaeth a luniwyd ar gyfer yr ardal o dan adran 40 o Ddeddf y Gwasanaeth Iechyd Gwladol (Cymru) 2006(1); ac
- (e) unrhyw strategaethau, cynlluniau neu asesiadau eraill ag sy'n briodol ym marn yr awdurdod lleol.

- (d) the strategy prepared for the area under section 40 of the National Health Service (Wales) Act 2006(1); and
- (e) such other strategies, plans or assessments as the local authority considers appropriate.

Ystyried sylwadau

7.—(1) Rhaid i'r awdurdod lleol ystyried yr holl sylwadau a ddaw i law yn ystod y cyfnod ymgynghori mewn perthynas â'r penderfyniad arfaethedig i waredu.

(2) Caiff yr awdurdod lleol ystyried unrhyw sylwadau a ddaw i law ar ôl diwedd y cyfnod ymgynghori mewn perthynas â'r penderfyniad arfaethedig i waredu.

Consideration of representations

7.—(1) The local authority must consider all representations received in relation to the proposed decision to dispose during the consultation period.

(2) The local authority may consider any representations received in relation to the proposed decision to dispose after the end of the consultation period.

Penderfynu

8.—(1) Os bydd yr awdurdod lleol, ar ôl ystyried unrhyw sylwadau y mae'n ofynnol iddo eu hystyried neu y mae ganddo bŵer i'w hystyried o dan reoliad 7, yn penderfynu bwrw ymlaen â'r penderfyniad i waredu, rhaid i'r awdurdod lleol lunio adroddiad ar y penderfyniad hwnnw ("yr adroddiad ar benderfyniad").

(2) Rhaid i'r adroddiad ar benderfyniad gynnwys—

- (a) crynodeb o'r sylwadau a ddaeth i law ac a ystyriwyd gan yr awdurdod lleol; a
- (b) y rhesymau dros benderfyniad yr awdurdod lleol.

(3) Cyn gynted ag y bo'n rhesymol ymarferol ar ôl i'r awdurdod lleol benderfynu gwaredu cae chwarae neu unrhyw ran o gae chwarae, rhaid i'r awdurdod lleol gyhoeddi hysbysiad o benderfyniad yr awdurdod lleol ("yr hysbysiad o benderfyniad") am ddwy wythnos yn olynol mewn o leiaf un papur newydd sy'n cylchredeg yn ardal yr awdurdod lleol—

- (a) yn hysbysu'r cyhoedd o benderfyniad yr awdurdod lleol i waredu'r cae chwarae neu ran o gae chwarae; a
- (b) yn hysbysu'r cyhoedd ym mha le neu leoedd ac ar ba adegau y caniateir edrych ar yr adroddiad ar benderfyniad, ac am ba gyfnod y bydd yr adroddiad ar benderfyniad ar gael i edrych arno.

Decision

8.—(1) If, having considered any representations which the local authority is required or empowered to consider under regulation 7, the local authority decides to proceed with the decision to dispose, the local authority must prepare a report of that decision ("the decision report").

(2) The decision report must include—

- (a) a summary of the representations received and considered by the local authority; and
- (b) the reasons for the local authority's decision.

(3) As soon as reasonably practicable after the local authority has made a decision to dispose of a playing field or any part of a playing field, the local authority must publish, on two consecutive weeks in at least one newspaper circulating in the local authority's area, a notice of the local authority's decision ("the decision notice")—

- (a) informing the public of the local authority's decision to dispose of the playing field or part of a playing field; and
- (b) informing the public of the place or places and times at which the decision report may be inspected, and the period for which the decision report will be available for inspection.

(1) 2006 p. 42.

(1) 2006 c. 42.

(4) Rhaid i'r awdurdod lleol sicrhau bod yr adroddiad ar benderfyniad ar gael i edrych arno yn ystod oriau swyddfa arferol ym mhrif swyddfa'r awdurdod lleol, os oes un ganddo, ac os yw hynny'n rhesymol ymarferol, mewn un neu ragor o leoedd yn ardal yr awdurdod lleol.

(5) Rhaid i'r awdurdod lleol bennu cyfnod o 6 wythnos o leiaf, gan ddechrau â'r dyddiad y cyhoeddir yr hysbysiad o benderfyniad gyntaf, pan fo rhaid i'r adroddiad ar benderfyniad fod ar gael i edrych arno yn unol â pharagraff (3)(b).

(6) Rhaid i'r awdurdod lleol, heb fod yn hwyrach na'r dyddiad y cyhoeddir yr hysbysiad o benderfyniad gyntaf—

- (a) arddangos copi o'r hysbysiad o benderfyniad mewn o leiaf un lle ar y cae chwarae neu gerllaw'r cae chwarae y mae'r gwarediad arfaethedig yn ymwneud ag ef, a pha un bynnag wrth bob mynedfa swyddogol i'r cae chwarae, am o leiaf 6 wythnos;
- (b) pan fo gan awdurdod lleol wefan, rhoi copi o'r hysbysiad o benderfyniad a'r adroddiad ar benderfyniad ar y wefan honno am o leiaf 6 wythnos;
- (c) anfon copi o'r hysbysiad o benderfyniad a'r adroddiad ar benderfyniad at unrhyw berson y cafodd yr awdurdod lleol sylw sylweddol ganddo a ystyriwyd gan yr awdurdod lleol yn unol â rheoliad 7.

(7) Rhaid i'r awdurdod lleol ddarparu copi o'r adroddiad ar benderfyniad i unrhyw berson (ar ôl talu ffi resymol, os yw hynny'n ofynnol gan yr awdurdod lleol) sy'n gofyn am gopi ohono.

(8) Ni chaiff yr awdurdod lleol fwrw ymlaen â'r gwarediad arfaethedig, na chytundeb i waredu, hyd nes bod cyfnod o 12 wythnos wedi mynd heibio o'r diwrnod y cyhoeddir yr hysbysiad o benderfyniad gyntaf.

(9) Os yw'r awdurdod lleol yn penderfynu peidio â bwrw ymlaen â'r penderfyniad i waredu, rhaid i'r awdurdod lleol—

- (a) llunio adroddiad ar y penderfyniad hwnnw sy'n cydymffurfio â'r gofynion ym mharagraff (2);
- (b) anfon copi o'r adroddiad at unrhyw berson y cafodd yr awdurdod lleol sylw sylweddol ganddo a ystyriwyd gan yr awdurdod lleol yn unol â rheoliad 7 cyn gynted ag y bo'n rhesymol ymarferol ar ôl i'r awdurdod lleol wneud y penderfyniad.

(4) The local authority must make the decision report available for inspection during normal office hours at the local authority's principal office, if it has one, and, if reasonably practicable, at one or more places in the local authority's area.

(5) The local authority must specify a period of at least 6 weeks, starting from the date on which the decision notice is first published, for which the decision report must be available for inspection in accordance with paragraph (3)(b).

(6) No later than the day on which the decision notice is first published, the local authority must—

- (a) display a copy of the decision notice in at least one place on or near the playing field to which the proposed disposal relates, and in any event at each official entrance to the playing field, for at least 6 weeks;
- (b) where a local authority has a website, place a copy of the decision notice and the decision report on that website for at least 6 weeks;
- (c) send a copy of the decision notice and the decision report to any person from whom the local authority received a substantive representation which the local authority considered in accordance with regulation 7.

(7) The local authority must provide (on payment if required by a local authority of a reasonable charge) a copy of the decision report to any person that requests a copy of the decision report.

(8) The local authority may not proceed with the proposed disposal, or agreement to dispose, until a period of 12 weeks has elapsed from the day on which the decision notice is first published.

(9) If the local authority decides not to proceed with the decision to dispose, the local authority must—

- (a) prepare a report of that decision which complies with the requirements in paragraph (2);
- (b) send a copy of the report to any person from whom the local authority received a substantive representation which the local authority considered in accordance with regulation 7 as soon as reasonably practicable after the local authority has made the decision.

Cyfathrebu electronig

9.—(1) Pan fo, yn unol â'r Rheoliadau hyn—

- (a) yn ofynnol i awdurdod lleol—
 - (i) anfon dogfen, copi o ddogfen neu unrhyw hysbysiad at awdurdod lleol neu berson arall; neu
 - (ii) hysbysu awdurdod lleol neu berson arall o unrhyw fater; a
- (b) gan yr awdurdod lleol neu'r person arall hwnnw gyfeiriad at ddibenion cyfathrebiadau electronig,

caniateir anfon neu wneud y ddogfen, y copi, yr hysbysiad neu'r hysbysu ar ffurf cyfathrebiad electronig.

(2) Yn y Rheoliadau hyn, pan ganiateir i awdurdod lleol neu berson arall gyflwyno sylwadau i'r awdurdod lleol ar unrhyw fater neu unrhyw ddogfennau, caniateir i'r sylwadau hynny gael eu cyflwyno ar ffurf cyfathrebiadau electronig i'r cyfeiriad a ddarperir gan yr awdurdod lleol at y diben hwnnw.

(3) Ystyrir bod unrhyw gyfathrebiad electronig y bydd y derbynydd yn ei gael yn unol â'r Rheoliadau hyn y tu allan i'w oriau swyddfa arferol wedi ei gael ar y diwrnod gwaith nesaf.

(4) Yn y rheoliad hwn—

mae i "cyfathrebiad electronig" yr un ystyr a roddir i "electronic communication" yn adran 15(1) o Ddeddf Cyfathrebiadau Electronig 2000(1); ac

ystyr "diwrnod gwaith" ("*working day*") yw unrhyw ddiwrnod heblaw dydd Sadwrn, dydd Sul, noswyl y Nadolig, dydd Nadolig, dydd Gwener y Groglith, gŵyl y banc neu ddiwrnod a bennwyd ar gyfer diolchgarwch neu alar cyhoeddus (ac ystyr "gŵyl y banc" ("*bank holiday*") yw diwrnod sydd i'w drin felly o dan Ddeddf Bancio a Thrafodion Ariannol 1971(2)).

Electronic communications

9.—(1) Where, in accordance with these Regulations—

- (a) a local authority is required to—
 - (i) send a document, copy of a document or any notice to another local authority or person; or
 - (ii) notify another local authority or person of any matter; and
- (b) that other local authority or person has an address for the purposes of electronic communications,

the document, copy, notice or notification may be sent or made by way of electronic communications.

(2) Where, within these Regulations, another local authority or person may make representations to the local authority on any matter or documents, those representations may be made by way of electronic communications to the address provided by the local authority for that purpose.

(3) Any electronic communication received in accordance with these Regulations by the recipient outside the recipient's normal office hours will be taken to have been received on the next working day.

(4) In this regulation—

"electronic communication" ("*cyfathrebiad electronig*") has the same meaning as in section 15(1) of the Electronic Communications Act 2000(1); and

"working day" ("*diwrnod gwaith*") means a day which is not a Saturday, Sunday, Christmas Eve, Christmas Day, Good Friday, a bank holiday or a day appointed for public thanksgiving or mourning (and "bank holiday" ("*gŵyl banc*") means a day to be observed as such under the Banking and Financial Dealings Act 1971(2)).

(1) 2000 p. 7. Yn adran 15(1) o Ddeddf Cyfathrebiadau Electronig 2000, ystyr "*electronic communication*" yw cyfathrebiad sy'n cael ei drosglwyddo (pa un ai o un person i'r llall, o un ddyfais i'r llall neu o berson i ddyfais, neu i'r gwrthwyneb) - (a) drwy gyfrwng rhwydwaith cyfathrebiadau electronig; neu (b) drwy unrhyw ddull arall ond ei fod ar ffurf electronig o hyd. Diwygiwyd y diffiniad gan adran 406 o Ddeddf Cyfathrebiadau Electronig 2003 (p. 21) a pharagraff 158 o Atodlen 17 iddi.

(2) 1971 p. 80.

(1) 2000 c. 7. In section 15(1) of the Electronic Communications Act 2000, "*electronic communication*" means a communication transmitted (whether from one person to another, from one device to another or from a person to a device or vice versa) - (a) by means of an electronic communications network; or (b) by other means but while in an electronic form. The definition was amended by section 406 of, and paragraph 158 of Schedule 17 to, the Electronic Communications Act 2003 (c. 21).

(2) 1971 c. 80.

Canllawiau

10. Wrth arfer ei swyddogaethau o dan y Rheoliadau hyn, rhaid i awdurdod lleol roi sylw i unrhyw ganllawiau a roddir gan Weinidogion Cymru.

Guidance

10. In exercising its functions under these Regulations, a local authority must have regard to any guidance given by the Welsh Ministers.

Leighton Andrews

Y Gweinidog Gwasanaethau Cyhoeddus, un o Weinidogion Cymru

22 Mehefin 2015

Minister for Public Services, one of the Welsh Ministers

22 June 2015

©[©]Hawlfraint y Goron 2015

Argraffwyd a chyhoeddwyd yn y Deyrnas Unedig gan The Stationery Office Limited o dan awdurdod ac arolygiaeth Carol Tullo, Rheolwr Gwasg Ei Mawrhydi ac Argraffydd Deddfau Seneddol y Frenhines.

© Crown copyright 2015

Printed and Published in the UK by the Stationery Office Limited under the authority and superintendence of Carol Tullo, Controller of Her Majesty's Stationery Office and Queen's Printer of Acts of Parliament.

