



OFFERYNNAU STATUDOL  
CYMRU

WELSH STATUTORY  
INSTRUMENTS

**2019 Rhif 293 (Cy. 71)**

**2019 No. 293 (W. 71)**

**TRYDAN, CYMRU**

**ELECTRICITY, WALES**

Rheoliadau Trydan (Gorsafoedd  
Cynhyrchu Alltraeth) (Parthau  
Diogelwch) (Gweithdrefnau  
Gwneud Cais a Rheoli Mynediad)  
(Diwygio) (Cymru) 2019

The Electricity (Offshore  
Generating Stations) (Safety Zones)  
(Application Procedures and  
Control of Access) (Amendment)  
(Wales) Regulations 2019

**NODYN ESBONIADOL**

**EXPLANATORY NOTE**

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

*(This note is not part of the Regulations)*

Mae'r Rheoliadau hyn yn diwygio Rheoliadau Trydan (Gorsafoedd Cynhyrchu Alltraeth) (Parthau Diogelwch) (Gweithdrefnau Gwneud Cais a Rheoli Mynediad) 2007 (O.S. 2007/1948) ("Rheoliadau 2007") o ganlyniad i adran 41 o Ddeddf Cymru 2017 (p. 4), sy'n dod i rym ar 1 Ebrill 2019.

These Regulations amend the Electricity (Offshore Generating Stations) (Safety Zones) (Application Procedures and Control of Access) Regulations 2007 (S.I. 2007/1948) ("the 2007 Regulations") as a consequence of section 41 of the Wales Act 2017 (c. 4), which comes into force on 1 April 2019.

Mae adran 41 yn diwygio adrannau 95 a 96 o Ddeddf Ynni 2004 (p. 20) ("Deddf 2004") fel y bydd gan Weinidogion Cymru, o 1 Ebrill 2019, swyddogaethau mewn perthynas â datgan parthau diogelwch o gwmpas gosodiadau ynni adnewyddadwy alltraeth (sydd â gallu cynhyrchu o hyd at 350 megawat) yn nyfroedd Cymru. Ystyr "dyfroedd Cymru" yw hynny o ddyfroedd mewnol a môr tiriogaethol y Deyrnas Unedig sy'n gyfagos i Gymru, a pharth Cymru. Mae i "parth Cymru" yr ystyr a roddir i "Welsh zone" yn adran 158 o Ddeddf Llywodraeth Cymru 2006 (p. 32).

Section 41 amends sections 95 and 96 of the Energy Act 2004 (c. 20) ("the 2004 Act") so that the Welsh Ministers will, from 1 April 2019, have functions in relation to declaring safety zones around offshore renewable energy installations (with a capacity of up to 350 megawatts) in Welsh waters. "Welsh waters" means so much of the internal waters and territorial sea of the United Kingdom as are adjacent to Wales, and the Welsh zone. The Welsh zone has the meaning given in section 158 of the Government of Wales Act 2006 (c. 32).

Mae Rheoliadau 2007 yn nodi'r wybodaeth y mae'n ofynnol iddi fynd gyda chais parth diogelwch, yn ogystal â'r gofynion gweithdrefnol y mae angen eu bodloni. Maent hefyd yn gwneud darpariaeth ar gyfer esemptiadau rhag y gwaharddiad a nodir yn adran 96 o Ddeddf 2004 ar fynediad i barth diogelwch a gweithgareddau ynddo.

The 2007 Regulations set out information required to accompany a safety zone application, as well as procedural requirements that need to be met. They also make provision for exemptions to the prohibition set out in section 96 of the 2004 Act on entry into and activities in a safety zone.

Mae'r Rheoliadau hyn yn gwneud mân ddiwygiadau i Reoliadau 2007 er mwyn adlewyrchu'r newid yn y cyfrifoldebau am ddatgan parthau diogelwch yn nyfroedd Cymru.

Ystyriwyd Cod Ymarfer Gweinidogion Cymru ar gynnal asesiadau effaith rheoleiddiol mewn perthynas â'r Rheoliadau hyn. 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 Rheoliadau hyn.

These Regulations make minor amendments to the 2007 Regulations to reflect the change in responsibilities for declaring safety zones in Welsh waters.

The Welsh Ministers' Code of Practice on the carrying out of regulatory impact assessments was considered in relation to these Regulations. 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 these Regulations.

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**TRYDAN, CYMRU**

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Rheoliadau Trydan (Gorsafoedd  
Cynhyrchu Alltraeth) (Parthau  
Diogelwch) (Gweithdrefnau  
Gwneud Cais a Rheoli Mynediad)  
(Diwygio) (Cymru) 2019

The Electricity (Offshore  
Generating Stations) (Safety Zones)  
(Application Procedures and  
Control of Access) (Amendment)  
(Wales) Regulations 2019

*Gwnaed* 18 Chwefror 2019

*Made* 18 February 2019

*Gosodwyd gerbron Cynulliad Cenedlaethol  
Cymru* 20 Chwefror 2019

*Laid before the National Assembly for Wales*  
20 February 2019

*Yn dod i rym* 1 Ebrill 2019

*Coming into force* 1 April 2019

Mae Gweinidogion Cymru, drwy arfer y pwerau a roddir iddynt gan adrannau 96 a 192 o Ddeddf Ynni 2004(1), a pharagraff 4(1) o Atodlen 16 iddi, yn gwneud y Rheoliadau a ganlyn:

The Welsh Ministers, in exercise of the powers conferred on them by sections 96 and 192 of, and paragraph 4(1) of Schedule 16 to, the Energy Act 2004(1) make the following Regulations:

**Enwi a chychwyn**

**Title and commencement**

1. Enw'r Rheoliadau hyn yw Rheoliadau Trydan (Gorsafoedd Cynhyrchu Alltraeth) (Parthau Diogelwch) (Gweithdrefnau Gwneud Cais a Rheoli Mynediad) (Diwygio) (Cymru) 2019 a deuant i rym ar 1 Ebrill 2019.

1. The title of these Regulations is the Electricity (Offshore Generating Stations) (Safety Zones) (Application Procedures and Control of Access) (Amendment) (Wales) Regulations 2019 and they come into force on 1 April 2019.

**Diwygiadau i Reoliadau Trydan (Gorsafoedd Cynhyrchu Alltraeth) (Parthau Diogelwch) (Gweithdrefnau Gwneud Cais a Rheoli Mynediad) 2007**

**Amendments to the Electricity (Offshore Generating Stations) (Safety Zones) (Application Procedures and Control of Access) Regulations 2007**

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(1) 2004 p. 20 ("Deddf 2004"). *Gweler* adran 95(1A)(b) i gael y diffiniad o "appropriate Minister" a pharagraff 4(4) o Atodlen 16 i gael y diffiniad o "prescribed". Diwygiwyd adran 96 gan adran 62(7) ac (8) o Ddeddf yr Alban 2016 (p. 11) ("Deddf 2016") ac adran 41(5) o Ddeddf Cymru 2017 (p. 4) ("Deddf 2017"). Diwygiwyd adran 192 gan adran 62(16) o Ddeddf 2016 a pharagraff 60 o Atodlen 6 i Ddeddf 2017. Diwygiwyd Atodlen 16 gan adran 62(18) a (19) o Ddeddf 2016 a pharagraff 61 o Atodlen 6 i Ddeddf 2017.

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(1) 2004 c. 20 ("the 2004 Act"). *See* section 95(1A)(b) for the definition of "appropriate Minister" and paragraph 4(4) of Schedule 16 for the definition of "prescribed". Section 96 was amended by section 62(7) and (8) of the Scotland Act 2016 (c. 11) ("the 2016 Act") and section 41(5) of the Wales Act 2017 (c. 4) ("the 2017 Act"). Section 192 was amended by section 62(16) of the 2016 Act and paragraph 60 of Schedule 6 to the 2017 Act. Schedule 16 was amended by section 62(18) and (19) of the 2016 Act and paragraph 61 of Schedule 6 to the 2017 Act.

2.—(1) Mae Rheoliadau Trydan (Gorsafoedd Cynhyrchu Alltraeth) (Parthau Diogelwch) (Gweithdrefnau Gwneud Cais a Rheoli Mynediad) 2007(1) wedi eu diwygio fel a ganlyn.

(2) Yn rheoliad 5 (cyflwyno hysbysiad o gais am hysbysiad parth diogelwch), yn lle paragraff (c) rhodder—

“(c) the Welsh Ministers, in the case of a safety zone proposed or located wholly or partly in Welsh waters(2), except where the Welsh Ministers are the appropriate Minister;”.

(3) Yn rheoliad 9 (llestrau a gweithgareddau a ganiateir mewn parthau diogelwch), ar ôl paragraff (1)(a) mewnosoder—

“(aa)(in the case of a safety zone in respect of which the Welsh Ministers are the appropriate Minister) belonging to, or acting under the authority of, a government department, the Environment Agency(3), the Natural Resources Body for Wales(4) or the Scottish Environment Protection Agency(5), and engaged in—

- (i) the provision of services for,
  - (ii) the transport of persons or goods to or from, or
  - (iii) the inspection of,
- any existing or proposed renewable energy installation in that safety zone;”

2.—(1) The Electricity (Offshore Generating Stations) (Safety Zones) (Application Procedures and Control of Access) Regulations 2007(1) are amended as follows.

(2) In regulation 5 (service of notice of application for a safety zone notice), for paragraph (c) substitute—

“(c) the Welsh Ministers, in the case of a safety zone proposed or located wholly or partly in Welsh waters(2), except where the Welsh Ministers are the appropriate Minister;”.

(3) In regulation 9 (vessels and activities permitted in safety zones), after paragraph (1)(a) insert—

“(aa) (in the case of a safety zone in respect of which the Welsh Ministers are the appropriate Minister) belonging to, or acting under the authority of, a government department, the Environment Agency(3), the Natural Resources Body for Wales(4) or the Scottish Environment Protection Agency(5), and engaged in—

- (i) the provision of services for,
  - (ii) the transport of persons or goods to or from, or
  - (iii) the inspection of,
- any existing or proposed renewable energy installation in that safety zone;”.

*Julie James*

Y Gweinidog Tai a Llywodraeth Leol, un o Weinidogion Cymru  
18 Chwefror 2019

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- (1) O.S. 2007/1948, y mae diwygiadau iddo nad ydynt yn berthnasol i'r Rheoliadau hyn.
- (2) *Gweler* adran 104 o Ddeddf 2004 am y diffiniad o “Welsh waters”.
- (3) Sefydlwyd Asiantaeth yr Amgylchedd gan adran 1 o Ddeddf yr Amgylchedd 1995 (p. 25).
- (4) Sefydlwyd Corff Adnoddau Naturiol Cymru gan erthygl 3 o O.S. 2012/1903 (Cy. 230).
- (5) Sefydlwyd Asiantaeth Diogelu Amgylchedd yr Alban (Scottish Environmental Protection Agency) gan adran 20 o Ddeddf yr Amgylchedd 1995.

£4.90

W201902181026 02/2019

<http://www.legislation.gov.uk/id/wsi/2019/293>

Minister for Housing and Local Government, one of the Welsh Ministers  
18 February 2019

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- (1) S.I. 2007/1948, to which there are amendments not relevant to these Regulations.
- (2) *See* section 104 of the 2004 Act for the definition of “Welsh waters”.
- (3) The Environment Agency was established by section 1 of the Environment Act 1995 (c. 25).
- (4) The Natural Resources Body for Wales was established by article 3 of S.I. 2012/1903 (W. 230).
- (5) The Scottish Environment Protection Agency was established by section 20 of the Environment Act 1995.

ISBN 978-0-348-20350-9



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