

## ATODLEN 7

(a gyflwynir gan adran 55)

## RHEOLIADAU A GORCHMYNION A WNEIR GAN WEINIDOGION CYMRU

*Rheoliadau o dan DCPhG 2004*

1 (1) Mae adran 122 o DCPhG 2004 (rheoliadau a gorchmynion) wedi ei diwygio fel a ganlyn.

(2) Yn is-adran (1)(b), yn lle “National Assembly for Wales” rhodder “Welsh Ministers”.

(3) Yn is-adran (5)(g), yn lle “National Assembly for Wales” rhodder “Welsh Ministers”.

(4) Ar ôl is-adran (6) mewnosoder—

“(6A) Subsection (6) does not apply in relation to a statutory instrument containing subordinate legislation made by the Welsh Ministers.

(6B) The Welsh Ministers must not make a statutory instrument containing subordinate legislation which includes provision amending or repealing an enactment contained in primary legislation unless a draft of the instrument has been laid before and approved by resolution of the National Assembly for Wales.

(6C) A statutory instrument containing subordinate legislation made by the Welsh Ministers to which subsection (6B) does not apply is subject to annulment in pursuance of a resolution of the National Assembly for Wales.”

(5) Ar ôl is-adran (10) mewnosoder—

“(11) In subsection (6B), “primary legislation” means—

(a) an Act of Parliament;

(b) an Act or Measure of the National Assembly for Wales.”

2 Yn Atodlen 11 i [Ddeddf Llywodraeth Cymru 2006 \(p. 32\)](#) (darpariaethau trosiannol), ym mharagraff 35(4), yn Nhabl 2, hepgorer yr eitemau sy’n ymwneud â DCPhG 2004.

*Rheoliadau o dan DCGTh 1990*

3 Yn adran 333 o DCGTh 1990 (rheoliadau a gorchmynion), ar ôl is-adran (3A) mewnosoder—

“(3B) Subsection (3) does not apply to a statutory instrument containing regulations made by the Welsh Ministers.

(3C) A statutory instrument containing regulations made by the Welsh Ministers under this Act is subject to annulment in pursuance of a resolution of the National Assembly for Wales.

(3D) Subsection (3C) does not apply to a statutory instrument if—

(a) it contains only regulations under section 88(7),

(b) it contains (whether alone or with other provision) regulations under section 315, or

(c) it is within subsection (3F).

(3E) The Welsh Ministers may not make a statutory instrument within subsection (3F) unless a draft of the instrument has been laid before and approved by resolution of the National Assembly for Wales.

(3F) A statutory instrument is within this subsection if it contains (whether alone or with other provision) regulations under—

- (a) section 9, if the regulations include provision amending an Act of Parliament or an Act or Measure of the National Assembly for Wales;
- (b) section 62D(3);
- (c) section 62H;
- (d) section 116;
- (e) section 303;
- (f) section 303ZA;
- (g) section 316, if the regulations relate to land of the Welsh Ministers or to the development of land by the Welsh Ministers;
- (h) section 319ZB.”

- 4 (1) Mae DCGTh 1990 wedi ei diwygio ymhellach fel a ganlyn.
- (2) Yn adran 116 (addasu darpariaethau digolledu mewn perthynas â gweithio mwynau etc)—
- (a) yn is-adran (3), ar ôl “shall be made” mewnosoder “by the Secretary of State”;
  - (b) yn is-adran (4)—
    - (i) ar ôl “Secretary of State” mewnosoder “or (as the case may be) the Welsh Ministers”;
    - (ii) ar ôl “him” mewnosoder “or them”.
- (3) Yn adran 202A (rheoliadau cadw coed: cyffredinol), a fewnosodir gan adran 192(7) o [Ddeddf Cynllunio 2008 \(p. 29\)](#), hepgorer is-adrannau (6) a (7).
- (4) Yn adran 208 (apelau yn erbyn hysbysiadau o dan adran 207), hepgorer is-adrannau (4B) a (4C).
- (5) Yn adran 303 (ffioedd ar gyfer ceisiadau cynllunio etc)—
- (a) yn is-adran (8)—
    - (i) ar ôl “under this section” mewnosoder “by the Secretary of State”;
    - (ii) hepgorer y geiriau ar ôl “each House of Parliament”;
  - (b) hepgorer is-adran (9).
- (6) Yn adran 303ZA (ffioedd ar gyfer apelau), a fewnosodir gan adran 200 o [Ddeddf Cynllunio 2008](#)—
- (a) yn is-adran (6)—
    - (i) ar ôl “under this section” mewnosoder “by the Secretary of State”;
    - (ii) hepgorer y geiriau ar ôl “each House of Parliament”;
  - (b) hepgorer is-adran (7).
- (7) Yn adran 321B (darpariaeth arbennig mewn perthynas ag ymchwiliadau cynllunio: Cymru), hepgorer is-adran (6).

*Gorchmynion o dan DCGTh 1990*

5 Yn adran 59 o DCGTh 1990 (gorchmynion datblygu: cyffredinol), ar ôl is-adran (3) mewnosoder—

“(4) In this Act, references to a development order are—

- (a) in relation to England, references to a development order made by the Secretary of State;
- (b) in relation to Wales, references to a development order made by the Welsh Ministers.”

6 (1) Mae adran 333 o DCGTh 1990 wedi ei diwygio fel a ganlyn.

(2) Yn is-adran (4), ar ôl “power” mewnosoder “of the Secretary of State”.

(3) Yn lle is-adran (4A) rhodder—

“(4A) The power of the Welsh Ministers to make development orders and orders under sections 2(1B), 55(2)(f), 87(3), 149(3)(a), 293(1)(c) and 319B(9) is exercisable by statutory instrument.

(4B) A development order made by the Welsh Ministers may make different provision for different purposes, for different cases (including different classes of development) and for different areas.”

(4) Yn is-adran (5)—

- (a) ym mharagraff (a), ar ôl “an order under” mewnosoder “subsection (1) of”;
- (b) ym mharagraff (b)—
  - (i) ar ôl “a development order” mewnosoder “made by the Secretary of State”;
  - (ii) ar ôl “an order” mewnosoder “made by the Secretary of State”;
  - (iii) hepgorer “(unless it is made by the National Assembly for Wales)”.

(5) Ar ôl is-adran (5A) mewnosoder—

“(5B) A statutory instrument containing any of the following is subject to annulment in pursuance of a resolution of the National Assembly for Wales—

- (a) an order under subsection (1B) of section 2 which has been made after a local inquiry has been held in accordance with subsection (2) of that section,
- (b) a development order made by the Welsh Ministers, or
- (c) an order under section 87(3) or 149(3)(a) made by the Welsh Ministers.

(5C) The Welsh Ministers may not make a statutory instrument containing an order under section 62L(9), 293(1)(c) or 319B(9) unless a draft of the instrument has been laid before and approved by resolution of the National Assembly for Wales.”

(6) Yn is-adran (6)—

- (a) ar ôl “subsection (5)” mewnosoder “or (5B)”;
- (b) ar ôl “each House of Parliament” mewnosoder “(in the case of an order made by the Secretary of State) or the National Assembly for Wales (in the case of an order made by the Welsh Ministers)”.

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- (1) Mae DCGTh 1990 wedi ei diwygio ymhellach fel a ganlyn.
  - (2) Yn adran 78 (hawl i apelio yn erbyn penderfyniadau cynllunio a methiant i wneud penderfyniadau o'r fath), hepgorer is-adrannau (4B) i (4D).
  - (3) Yn adran 195 (apelau yn erbyn gwrthodiad neu fethiant i benderfynu ar gais am drwydded), hepgorer is-adrannau (1D) i (1F).
  - (4) Yn adran 293 (cymhwyso'r Ddeddf i dir y Goron: diffiniadau cychwynnol), yn is-adran (5), ar ôl "order made" mewnosoder "by the Secretary of State".
  - (5) Yn adran 319B (pennu'r weithdrefn ar gyfer achosion penodol), hepgorer is-adran (11).

*Rheoliadau a gorchmynion o dan Ddeddf Tiroedd Comin 2006*

- 8
- (1) Mae adran 59 o [Ddeddf Tiroedd Comin 2006 \(p. 26\)](#) (gorchmynion a rheoliadau) wedi ei diwygio fel a ganlyn.
  - (2) Yn is-adran (3A), ar ôl "order under section 15C(5)" mewnosoder "made by the Secretary of State".
  - (3) Ar ôl is-adran (4) mewnosoder—
    - “(5) A statutory instrument containing regulations under section 29(1) or an order under section 15C(5), 54 or 55 may not be made by the Welsh Ministers unless a draft has been laid before and approved by a resolution of the National Assembly for Wales.
    - (6) Subject to subsection (5), a statutory instrument containing any order or regulations made under this Act by the Welsh Ministers other than an order under section 56 is subject to annulment in pursuance of a resolution of the National Assembly for Wales.”
- 9
- Yn adran 61(1) o'r Ddeddf honno (dehongli), yn y diffiniad o "appropriate national authority", yn lle "National Assembly for Wales" rhodder "Welsh Ministers".