



## CYNULLIAD CENEDLAETHOL CYMRU

### OFFERYNNAU STATUDOL

**2003 Rhif 1852 (Cy. 202)**

## AMAETHYDDIAETH, CYMRU

### DŴR, CYMRU

**Rheoliadau'r Rhaglen Weithredu ar gyfer Parthau Perygl Nitradau (Diwygio) (Cymru) 2003**

### NODYN ESBONIADOL

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

Mae'r Rheoliadau hyn yn diwygio Rheoliadau'r Rhaglen Weithredu ar gyfer Parthau Perygl Nitradau (Lloegr a Chymru) 1998.

Yn benodol, mewn perthynas â'r ardaloedd pellach hynny a ddynodwyd yn barthau perygl nitradau yn rhinwedd Rheoliadau Diogelu Dŵr Rhag Llygredd Nitradau Amaethyddol (Diwygio) (Cymru) 2002, maent yn darparu bod y dyddiad ar gyfer y lluosydd 210kg sydd wedi'i nodi ym mharagraff 9(2)(b)(i) o'r Atodlen yn cael ei estyn i 19 Rhagfyr 2006. Mewn perthynas â'r ardaloedd hynny a ddynodwyd yn barthau perygl nitradau cyn Rheoliadau 2002, 19 Rhagfyr 2002 yw'r dyddiad perthnasol o hyd.

Mae'r Rheoliadau hefyd

- (a) yn diwygio'r diffiniad o "nitrate vulnerable zones";
- (b) yn diwygio rheoliad 8 i ddarparu, o gollfarnu'n ddiannod, ar gyfer dirwy nad yw'n fwy na'r uchafswm statudol ac, o gollfarnu ar dditiad, ar gyfer dirwy ddigyfyngiad; ac
- (c) yn rhoi paragraff 15 newydd yn lle paragraff 15 o'r Atodlen.

## NATIONAL ASSEMBLY FOR WALES

### STATUTORY INSTRUMENTS

**2003 No. 1852 (W. 202)**

## AGRICULTURE, WALES

### WATER, WALES

**The Action Programme for Nitrate Vulnerable Zones (Amendment) (Wales) Regulations 2003**

### EXPLANATORY NOTE

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

These Regulations amend the Action Programme for Nitrate Vulnerable Zones (England and Wales) Regulations 1998.

In particular they provide in relation to those further areas designated as nitrate vulnerable zones by virtue of the Protection of Water Against Agricultural Nitrate Pollution (Amendment) (Wales) Regulations 2002 that the date for the multiplier of 210kg set down in paragraph 9(2)(b)(i) of the Schedule shall be extended to 19 December 2006. In relation to those areas designated as nitrate vulnerable zones prior to the 2002 Regulations the relevant date remains the 19 December 2002.

The Regulations also

- (a) amend the definition of "nitrate vulnerable zones";
- (b) amend regulation 8 to provide on summary conviction for a fine not exceeding the statutory maximum and on conviction on indictment to an unlimited fine; and
- (c) substitute for paragraph 15 of the Schedule a new paragraph 15.

**2003 Rhif 1852 (Cy. 202)****2003 No. 1852 (W. 202)****AMAETHYDDIAETH, CYMRU****AGRICULTURE, WALES****DŴR, CYMRU****WATER, WALES****Rheoliadau'r Rhaglen Weithredu ar gyfer Parthau Perygl Nitradau (Diwygio) (Cymru) 2003****The Action Programme for Nitrate Vulnerable Zones (Amendment) (Wales) Regulations 2003***Wedi'u gwneud**16 Gorffennaf 2003**Made**16th July 2003**Yn dod i rym**31 Gorffennaf 2003**Coming into force**31st July 2003*

Mae Cynulliad Cenedlaethol Cymru ("y Cynulliad Cenedlaethol"), sydd wedi'i ddynodi(a) at ddibenion adran 2(2) o Ddeddf y Cymunedau Ewropeaidd 1972(b) mewn perthynas â diogelu dŵr rhag y llygredd sy'n cael ei achosi gan nitradau o ffynonellau amaethyddol, drwy hyn yn gwneud y Rheoliadau canlynol:

The National Assembly for Wales ("the National Assembly") which has been designated(a) for the purposes of section 2(2) of the European Communities Act 1972(b) in relation to the protection of waters against pollution caused by nitrates from agricultural sources hereby makes the following Regulations:

**Enwi, cychwyn a chymhwyso**

1. Enw'r Rheoliadau hyn yw Rheoliadau'r Rhaglen Weithredu ar gyfer Parthau Perygl Nitradau (Diwygio) (Cymru) 2003; maent yn gymwys i Gymru ac yn dod i rym ar 31 Gorffennaf 2003.

**Citation, commencement and application**

1. These Regulations may be cited as the Action Programme for Nitrate Vulnerable Zones (Amendment) (Wales) Regulations 2003; they apply in relation to Wales and come into force on 31st July 2003.

**Diwygio Rheoliadau'r Rhaglen Weithredu ar gyfer Parthau Perygl Nitradau (Lloegr a Chymru) 1998****Amendment of the Action Programme for Nitrate Vulnerable Zones (England and Wales) Regulations 1998**

2.-(1) Mae Rheoliadau'r Rhaglen Weithredu ar gyfer Parthau Perygl Nitradau (Lloegr a Chymru) 1998(c) ("Rheoliadau 1998") yn cael eu diwygio fel y maent yn gymwys i Gymru yn unol â'r paragraffau canlynol-

2.-(1) The Action Programme for Nitrate Vulnerable Zones (England and Wales) Regulations 1998(c) ("the 1998 Regulations") are amended in their application to Wales in accordance with the following paragraphs-

(2) Yn rheoliad 2(dehongli) yn y diffiniad o "nitrate vulnerable zones" mewnosodir y geiriau "or 3B" yn union ar ôl "regulation 3".

(2) In regulation 2(interpretation) in the definition of "nitrate vulnerable zone" there are inserted the words "or 3B" immediately after "regulation 3"

(3) Yn rheoliad 8(1) (tramgwyddau) -

(3) In regulation 8(1) (offences) -

(i) yn lle "level 5 on the standard scale" rhoddir "the statutory maximum"; a

(i) for "level 5 on the standard scale" there is substituted "the statutory maximum"; and

(a) *Gweler* Erthygl 3 o Orchymyn y Cymunedau Ewropeaidd (Dynodi) (Rhif 2) 2001 (OS 2001/2555) ac Atodlen 2, paragraff 2 iddo.

(a) *See* Article 3 of, and Schedule 2, paragraph 2, to the European Communities (Designation) (No.2) Order 2001 (SI 2001/2555).

(b) 1972 p.68.

(b) 1972 c.68.

(c) O.S. 1998/1202.

(c) SI 1998/1202.

- (ii) hepgorir y geiriau "not exceeding the statutory maximum" yn union ar ôl y gair "fine" lle mae'n ymddangos yr ail dro.

(4) Yn yr Atodlen

- (i) ym mharagraff 9, ar ôl is-baragraff (2), mewnosodir y canlynol -

"(3) Subparagraph (2)(b)(i) shall have effect in relation to all nitrate vulnerable zones in Wales except Dyserth and Trelech as if "2006" were substituted for "2002" ";

- (ii) yn lle paragraff 15 rhoddir -

"15. Any record of an event made for the purposes of paragraph 14 shall be retained for a period of 5 years after that event.".

- (ii) the words "not exceeding the statutory maximum" are omitted immediately after the word "fine" where it appears for the second time.

(4) In the Schedule

- (i) in paragraph 9 after subparagraph (2) there is inserted the following

"(3) Subparagraph (2)(b)(i) shall have effect in relation to all nitrate vulnerable zones in Wales except Dyserth and Trelech as if "2006" were substituted for "2002" ";

- (ii) for paragraph 15 there is substituted

"15. Any record of an event made for the purposes of paragraph 14 shall be retained for a period of 5 years after that event.".

Llofnodwyd ar ran Cynulliad Cenedlaethol Cymru o dan adran 66(1) o Ddeddf Llywodraeth Cymru 1998(a).

Signed on behalf of the National Assembly for Wales under section 66(1) of the Government of Wales Act 1998(a).

16 Gorffennaf 2003

16th July 2003

*D. Elis-Thomas*

Llywydd y Cynulliad Cenedlaethol

The Presiding Officer of the National Assembly

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(a) 1998 p.38.

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(a) 1998 c.38.

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gyfer Parthau Perygl Nitradau  
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The Action Programme for Nitrate  
Vulnerable Zones (Amendment)  
(Wales) Regulations 2003

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