CYNULLIAD CENEDLAETHOL CYMRU

OFFERYNNAU STATUDOL

2006 Rhif 1717 (Cy.179)

AMAETHYDDIAETH, CYMRU

Rheoliadau Tir Gofal (Cymru) (Diwygio) 2006

NODYN ESBONIADOL

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

Mae'r Rheoliadau hyn, sy'n gymwys o ran Cymru, yn diwygio Rheoliadau Cynllun Tir Gofal (Land in Care) (Cymru) 1999 (O.S. 1999/1176) "y prif Reoliadau", er mwyn rhoi effaith i drosglwyddo cyfrifoldeb am weinyddu cynllun amaeth-amgylchedd Tir Gofal (Land in Care) "Cynllun Tir Gofal", oddi wrth Gyngor Cefn Gwlad Cymru i Gynulliad Cenedlaethol Cymru. Bydd trosglwyddo'r cyfrifoldeb yn effeithiol o'r dyddiad y daw'r Rheoliadau hyn i rym.

Sefydlwyd y cynllun Tir Gofal o dan y prif Reoliadau ac mae bellach yn gweithredu o fewn fframwaith Rheoliad y Cyngor (EC) Rhif 1257 / 1999 ar gymorth i ddatblygu gwledig o dan Gronfa Cyfarwyddo a Gwarantu Amaethyddiaeth Ewrop (O.J. L160, 26.6.1999, t.80) ("Rheoliad y Cyngor") a Rheoliad y Comisiwn (EC) Rhif 817 / 2004 gan osod rheolau manwl ar gyfer cymhwyso Rheoliad y Cyngor (O.J. L231, 30.6.2004, t.24).

Mae'r Rheoliadau hyn yn rhoi effaith i drosglwyddo'r cyfrifoldeb hwnnw drwy ddarparu bod pob cyfeiriad at "Countryside Council" yn y prif Reoliadau yn cael eu disodli gan "the National Assembly" (Rheoliad 3(2)).

Mae'r Rheoliadau hyn hefyd yn darparu ar gyfer trosglwyddo hawliau a rhwymedigaethau ynghylch cytundebau'r cynllun Tir Gofal yr ymrwymwyd ynddynt gan y Cyngor Cefn Gwlad o dan y prif Reoliadau, i'r Cynulliad Cenedlaethol (Rheoliad 4).

NATIONAL ASSEMBLY FOR WALES

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2006 No. 1717 (W.179)

AGRICULTURE, WALES

The Tir Gofal (Wales) (Amendment) Regulations 2006

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations, which apply in relation to Wales, amend the Land in Care Scheme (Tir Gofal)(Wales) Regulations 1999 (S.I. 1999/1176) "the principal Regulations", so as to effect a transfer of responsibility for the administration of the Land in Care (Tir Gofal) agri environment scheme "the Tir Gofal Scheme", from the Countryside Council for Wales to the National Assembly for Wales. Such transfer of responsibility being effective from the date upon which these Regulations come into force.

The Tir Gofal scheme was established under the principal Regulations and now operates within the framework of Council Regulation (EC) No. 1257 / 1999 on support for rural development from the European Agricultural Guidance and Guarantee Fund (O.J. L160, 26.6.1999, p.80) ("the Council Regulation") and Commission Regulation (EC) No. 817 / 2004 laying down detailed rules for the application of the Council Regulation (O.J. L231, 30.6.2004, p.24).

These Regulations effect the said transfer of responsibility by providing that all references in the principal Regulations to "Countryside Council" are replaced by references to the "the National Assembly" (Regulation 3(2)).

These regulations also provide for the transfer of rights and liabilities in connection with Tir Gofal scheme agreements entered into by the Countryside Council under the principal regulations, to be transferred to the National Assembly (Regulation 4).

Mae'r Rheoliadau hefyd yn diweddaru'r cyfeiriadau yn y prif Reoliadau at offerynnau Cymunedol penodol a ddiwygiwyd neu a ddisodlwyd ers i'r prif Reoliadau ddod i rym. (Rheoliadau 3 (3)(a) a 3(3)(b).

Gwneir mân ddarpariaethau a diwygiadau pellach gan Reoliad 3(3)(c), 3(3)(ch) a Rheoliad 5.

Paratowyd arfarniad rheoliadol o ran y Rheoliadau hyn sydd ar gael i'w harchwilio yn swyddfeydd Cynulliad Cenedlaethol Cymru, Adran yr Amgylchedd, Cynllunio a Chefn Gwlad, Adeiladau'r Goron, Parc Cathays, Caerdydd, CF10 3NQ.

The Regulations also update references in the principal Regulations to certain Community instruments which have either been amended or replaced since the coming into force of the principal Regulations (Regulations 3(3)(a) and 3(3)(b).

Further minor consequential provision and amendment is made by Regulation 3(3)(c), 3(3)(d) and Regulation 5.

A regulatory appraisal has been prepared in respect of these Regulations and is available for inspection at the offices of the National Assembly for Wales, Department for Environment, Planning and Countryside, Crown Buildings, Cathays Park, Cardiff, CF10 3NQ.

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2006 Rhif 1717 (Cy.179)

AMAETHYDDIAETH, CYMRU

Rheoliadau Tir Gofal (Cymru) (Diwygio) 2006

Wedi'u gwneud	*28 Mehefin 2006*
Yn dod i rym	*16 Hydref 2006*

Mae Cynulliad Cenedlaethol Cymru, ac yntau wedi'i ddynodi(**1**) at ddibenion adran 2(2) o Ddeddf Cymunedau Ewrop 1972(**2**) o ran polisi amaethyddol cyffredin y Gymuned Ewropeaidd, drwy arfer y pwerau a roddwyd iddo gan yr adran honno, yn gwneud y Rheoliadau a ganlyn:

Enwi, cychwyn a chymhwyso

1. Enw'r Rheoliadau hyn yw Rheoliadau Tir Gofal (Cymru) (Diwygio) 2006. Deuant i rym ar 16 Hydref 2006 ac maent yn gymwys o ran Cymru.

Dehongli

2. Yn y Rheoliadau hyn-

(a) ystyr "y prif Reoliadau" ("*the principal Regulations*") yw Rheolidau Cynllun Tir Gofal (Land in Care) (Cymru) 1999(**3**);

(b) ystyr "y Cyngor Cefn Gwlad" ("*the Countryside Council*") yw Cyngor Cefn Gwlad Cymru a sefydlwyd gan adran 128 o Ddeddf Diogelu'r Amgylchedd 1990(**4**).

Diwygio'r prif Reoliadau

3.-(1) Diwygir y prif Reoliadau yn unol â pharagraffau (2) a (3).

(2) Yn lle pob cyfeiriad at "the Countryside Council" rhodder "the National Assembly".

(**1**) O.S. 2005/2766.

(**2**) 1972 p.68.

(**3**) O.S. 1999/1176.

(**4**) 1990 p.43.

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AGRICULTURE, WALES

The Tir Gofal (Wales) (Amendment) Regulations 2006

Made	*28 June 2006*
Coming into force	*16 October 2006*

The National Assembly for Wales, being designated(**1**) for the purposes of section 2(2) of the European Communities Act 1972(**2**) in relation to the common agricultural policy of the European Community, in exercise of the powers conferred upon it by that section hereby makes the following Regulations:

Title, commencement and application

1. The title of these Regulations is the Tir Gofal (Wales) (Amendment) Regulations 2006. They come into force on 16 October 2006 and apply in relation to Wales.

Interpretation

2. In these Regulations-

(a) "the principal Regulations" ("*y prif Rheoliadau*") means the Land in Care Scheme (Tir Gofal) (Wales) Regulations 1999(**3**);

(b) "the Countryside Council" ("*y Cyngor Cefn Gwlad*") means the Countryside Council for Wales established by section 128 of the Environmental Protection Act 1990(**4**).

Amendment of the principal Regulations

3.-(1) The principal Regulations are amended in accordance with paragraphs (2) and (3).

(2) For all references to "the Countryside Council" substitute "the National Assembly".

(**1**) S.I. 2005/2766.

(**2**) 1972 c.68.

(**3**) S.I. 1999/1176

(**4**) 1990 c.43.

(3) Yn rheoliad 2(1)-

(a) Yn lle'r diffiniad o "the Commission Regulation" rhodder ""the Commission Regulation" means Commission Regulation (EC) 817 / 2004 laying down detailed rules for the application of the Council Regulation(**1**);".

(b) Yn y diffiniad o "the Council Regulation", ar ôl y gair "others" mewnosoder y geiriau canlynol, "as last amended by Council Regulation (EC) No. 1783 / 2003(**2**), Council Regulation (EC) No. 567 / 2004(**3**), Council Regulation (EC) No. 583 / 2004(**4**) and Council Regulation (EC) No. 2223 / 2004(**5**)".

(c) Dilëer y diffiniad o "Countryside Council".

(ch) Ar ôl y diffiniad o "interest" mewnosoder y diffiniad canlynol ""the National Assembly" means the National Assembly for Wales;".

Trosglwyddo hawliau a rhwymedigaethau

4. Mae pob hawl a rhwymedigaeth mewn cysylltiad ag unrhyw gytundeb yr ymrwymwyd ynddo yn unol â rheoliad 3 o'r prif Rheoliadau, yr oedd gan y Cyngor Cefn Gwlad hawl iddi neu oedd yn ddarostyngedig iddi yn union cyn i'r Rheoliadau hyn ddod i rym, yn cael eu trosglwyddo i Gynulliad Cenedlaethol Cymru.

Cyfeiriadau at ddarpariaethau â rhif yn Rheoliad y Comisiwn (EC) Rhif 1750 / 1999

5. Dylid dehongli pob cyfeiriad yn y prif Reoliadau at ddarpariaethau Rheoliad y Comisiwn (EC) Rhif 1750/ 1999(**6**) yn unol ag Erthygl 74 o Reoliad y Comisiwn (EC) Rhif 817/ 2004.

(**1**) O.J. Rhif L231, 30/6/2004, t.24.

(**2**) O.J. Rhif L270, 21.10.2003, t.70.

(**3**) O.J. Rhif L090, 27.3.2004, t.1.

(**4**) O.J. Rhif L091, 30.3.2004, t.1.

(**5**) O.J. Rhif L379, 24.12.2004, t.1.

(**6**) O.J. Rhif L214, 13.8.1999, t.31.

(3) In Regulation 2(1)-

(a) For the definition of "the Commission Regulation" substitute ""the Commission Regulation" means Commission Regulation (EC) 817 / 2004 laying down detailed rules for the application of the Council Regulation(**1**);".

(b) In the definition of "the Council Regulation" after the word "others" insert "as last amended by Council Regulation (EC) No. 1783/2003(**2**), Council Regulation (EC) No. 567 / 2004(**3**), Council Regulation (EC) No. 583 / 2004(**4**) and Council Regulation (EC) No. 2223 / 2004(**5**)".

(c) The definition of "Countryside Council" is deleted.

(d) After the definition of "interest" insert the following definition ""the National Assembly" means the National Assembly for Wales;".

Transfer of rights and liabilities

4. All rights and liabilities in connection with any agreement entered into pursuant to regulation 3 of the principal Regulations, to which the Countryside Council was entitled or subject immediately before the coming into force of these Regulations, are transferred to the National Assembly for Wales.

References to numbered provisions of Commission Regulation (EC) No. 1750 / 1999

5. All references in the principal regulations to numbered provisions of Commission Regulation (EC) No. 1750 / 1999(**6**) are to be construed in accordance with Article 74 of Commission Regulation (EC) No. 817 / 2004.

(**1**) O.J. No. L231, 30/6/2004, p.24.

(**2**) O.J. No. L270, 21.10.2003, p.70.

(**3**) O.J. No. L090, 27.3.2004, p 1.

(**4**) O.J. No. L091, 30.3.2004, p.1.

(**5**) O.J. No. L379, 24.12.2004, p.1.

(**6**) O.J. No. L214, 13.8.1999, p.31.

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

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

28 Mehefin 2006

28 June 2006

D. Elis-Thomas

Llywydd y Cynulliad Cenedlaethol

The Presiding Officer of the National Assembly

(**1**) 1998 p.38.

(**1**) 1998 c.38.

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