OFFERYNNAU STATUDOL CYMRU

2009 Rhif 1733 (Cy.161)

BYWYD GWYLLT, CYMRU

Rheoliadau Bywyd Gwyllt a Chefn Gwlad (Cofrestru, Modrwyo a Marcio Adar Caeth Penodol) (Cymru) (Diwygio) 2009

NODYN ESBONIADOL

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

Mae'r Rheoliadau hyn yn diwygio Rheoliadau Bywyd Gwyllt a Chefn Gwlad (Cofrestru, Modrwyo a Marcio Adar Caeth Penodol) (Cymru) 2003 (O.S. 2003/3235) ("Rheoliadau 2003").

Mae Rheoliadau 2003 wedi'u diwygio i ddarparu ar gyfer caniatáu i'r adar a restrir yn yr Atodlen (yr hebog tramor a'r cudyll bach) gael eu cofrestru mewn unrhyw gofrestr a gedwir gan Weinidogion Cymru o adar y delir amdanynt dystysgrif o fath y cyfeirir ato yn Erthygl 10 o Reoliad EC Rhif 338/97 ynghylch gwarchod rhywogaethau ffawna a fflora gwyllt drwy reoleiddio'r fasnach ynddynt (OJ L161, 3.3.1997, t.1). O ran yr adar sydd wedi'u rhestru neu sydd i'w rhestru mewn unrhyw gofrestr o'r fath, datgymhwysir y ddarpariaeth bod effaith y cofrestru yn darfod pan fo'r aderyn cofrestredig yn cael ei waredu drwy ei werthu. Yn ychwanegol, bydd y darpariaethau sy'n darparu bod effaith y cofrestriad yn darfod pan fo'r aderyn yn cael ei gadw gan berson, neu ym meddiant neu o dan reolaeth person, ac eithrio ei geidwad cofrestredig, neu pan na fo'r aderyn yn cael ei gadw mwyach yn ei gyfeiriad cofrestredig, yn cael eu datgymhwyso hefyd mewn perthynas ag unrhyw hebog tramor ac unrhyw gudyll bach sydd wedi'i restru neu sydd i'w restru mewn unrhyw gofrestr o'r fath.

Mae Asesiad Effaith Rheoleiddiol o'r effaith y bydd yr offeryn hwn yn ei chael ar gostau busnes a'r sector gwirfoddol ar gael oddi wrth Adran yr Amgylchedd, Cynaliadwyedd a Thai, Yr Uned Natur, Mynediad a'r Môr, Adeilad y Goron, Stryd y Dollborth, Aberystwyth.

WELSH STATUTORY INSTRUMENTS

2009 No. 1733 (W.161)

WILDLIFE, WALES

The Wildlife and Countryside (Registration, Ringing and Marking of Certain Captive Birds) (Wales) (Amendment) Regulations 2009

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations amend the Wildlife and Countryside (Registration, Ringing and Marking of Certain Captive Birds) (Wales) Regulations 2003 (S.I. 2003/3235) ("the 2003 Regulations").

The 2003 Regulations are amended to provide that birds listed in the Schedule (peregrine falcon and merlin) may be registered in any register kept by the Welsh Ministers of birds for which a certificate is held of a kind referred to in Article 10 of EC Regulation No. 338/97 on the protection of species of wild fauna and flora by regulating trade therein (OJ L161, 3.3.1997, p.1). In relation to birds listed or to be listed in any such register, the provision that the registration ceases to have effect when the registered bird is disposed of by sale is disapplied. In addition, the provisions providing that the registration ceases to have effect when the bird is kept, possessed or under the control of a person other than its registered keeper, or is no longer kept at its registered address, are also disapplied in relation to any peregrine falcon and merlin listed or to be listed in any such register.

A Regulatory Impact Assessment of the effect that this instrument will have to the costs of business and the voluntary sector is available from the Department for Environment, Sustainability and Housing, Nature Access and Marine Unit, Crown Building, Northgate Street, Aberystwyth.

OFFERYNNAU STATUDOL CYMRU

2009 Rhif 1733 (Cy.161)

BYWYD GWYLLT, CYMRU

Rheoliadau Bywyd Gwyllt a Chefn Gwlad (Cofrestru, Modrwyo a Marcio Adar Caeth Penodol) (Cymru) (Diwygio) 2009

Gwnaed	*3 Gorffennaf 2009*
Gosodwyd gerbron Cynulliad Cenedlaethol Cymru	*6 Gorffennaf 2009*
Yn dod i rym	*27 Gorffennaf 2009*

Mae Gweinidogion Cymru, drwy arfer y pwerau a roddwyd gan adran 7(1) a (2) o Ddeddf Bywyd Gwyllt a Chefn Gwlad 1981(**1**), yn gwneud y Rheoliadau canlynol:

Enwi, cychwyn a chymhwyso

1. Enw'r Rheoliadau hyn yw Rheoliadau Bywyd Gwyllt a Chefn Gwlad (Cofrestru, Modrwyo a Marcio Adar Caeth Penodol) (Cymru) (Diwygio) 2009, maent yn dod i rym ar 27 Gorffennaf 2009 ac yn gymwys o ran Cymru.

Diwygio Rheoliadau Bywyd Gwyllt a Chefn Gwlad (Cofrestru, Modrwyo a Marcio Adar Caeth Penodol) (Cymru) 2003

2. Mae Rheoliadau Bywyd Gwyllt a Chefn Gwlad (Cofrestru, Modrwyo a Marcio Adar Caeth Penodol) (Cymru) 2003(**2**) wedi'u diwygio fel a ganlyn.

(**1**) 1981 p.69. Diwygiwyd adran 7(1), o ran Cymru a Lloegr, gan adran 102 o Ddeddf Cefn Gwlad a Hawliau Tramwy 2000 (p.37) a Rhan 4 o Atodlen 16 iddi. Yn rhinwedd Gorchymyn Cynulliad Cenedlaethol Cymru (Trosglwyddo Swyddogaethau) 1999 (O.S. 1999/672) ac adran 162 o Ddeddf Llywodraeth Cymru 2006 (p.32) a pharagraff 30 o Atodlen 11 iddi, mae pwerau adran 7(1) a (2) o Ddeddf Bywyd Gwyllt a Chefn Gwlad 1981 bellach wedi'u breinio yng Ngweinidogion Cymru.

(**2**) O.S. 2003/3235.

WELSH STATUTORY INSTRUMENTS

2009 No. 1733 (W.161)

WILDLIFE, WALES

The Wildlife and Countryside (Registration, Ringing and Marking of Certain Captive Birds) (Wales) (Amendment) Regulations 2009

Made	*3 July 2009*
Laid before the National Assembly for Wales	*6 July 2009*
Coming into force	*27 July 2009*

The Welsh Ministers, in exercise of the powers conferred by section 7(1) and (2) of the Wildlife and Countryside Act 1981(**1**), make the following Regulations:

Title, commencement and application

1. The title of these Regulations is the Wildlife and Countryside (Registration, Ringing and Marking of Certain Captive Birds) (Wales) (Amendment) Regulations 2009, they come into force on 27 July 2009 and apply in relation to Wales.

Amendment to the Wildlife and Countryside (Registration, Ringing and Marking of Certain Captive Birds) (Wales) Regulations 2003

2. The Wildlife and Countryside (Registration, Ringing and Marking of Certain Captive Birds) (Wales) Regulations 2003(**2**) are amended as follows.

(**1**) 1981 c. 69. Section 7(1) was amended, in relation to England and Wales, by section 102 of, and Part 4 of Schedule 16 to, the Countryside and Rights of Way Act 2000 (c.37). By virtue of the National Assembly for Wales (Transfer of Functions) Order 1999 (S.I. 1999/672) and section 162 of, and paragraph 30 of Schedule 11 to, the Government of Wales Act 2006 (c.32) the powers in section 7(1) and (2) of the Wildlife and Countryside Act 1981are now vested in the Welsh Ministers.

(**2**) S.I. 2003/3235.

Diwygio rheoliad 2

3. Yn rheoliad 2(1), ar ôl y diffiniad o "modrwy" ("*ring*") mewnosoder y diffiniadau canlynol—

"ystyr "Rheoliad y Comisiwn" ("*the Commission Regulation*") yw Rheoliad y Comisiwn (EC) Rhif 865/2006 sy'n gosod rheolau manwl ynghylch gweithredu Rheoliad y Cyngor(**1**);

ystyr "Rheoliad y Cyngor" ("*the Council Regulation*") yw Rheoliad y Cyngor (EC) Rhif 338/97 ynghylch gwarchod rhywogaethau ffawna a fflora gwyllt drwy reoleiddio'r fasnach ynddynt(**2**).".

Diwygio rheoliad 3

4. Mae rheoliad 3 (Cofrestru) wedi'i ddiwygio fel a ganlyn.

(1) Ar ôl paragraff (1) mewnosoder—

"(1A) At ddibenion cofrestru unrhyw adar a restrir yn yr Atodlen, caiff y gofrestr y cyfeiriwyd ati ym mharagraff (1) fod yn unrhyw gofrestr a gedwir gan Weinidogion Cymru sy'n rhestru'r adar y mae tystysgrif berthnasol wedi'i dyroddi ar eu cyfer.

(1B) O ran unrhyw adar sydd wedi'u rhestru neu sydd i'w rhestru mewn unrhyw gofrestr o fath y cyfeiriwyd ato ym mharagraff (1A)—

(a) nid yw paragraffau (2) a (5) yn gymwys; a

(b) nid yw paragraffau (1)(a)(iii), (c) ac (ch) a (2) o reoliad 4 yn gymwys.".

(2) Ar ôl paragraff (6) ychwaneger—

"(7) Yn y rheoliad hwn, ystyr "tystysgrif berthnasol" ("*relevant certificate*") yw tystysgrif a ddyroddir gan Weinidogion Cymru (fel yr awdurdod rheoli perthnasol) ac y cyfeirir ati yn Erthygl 10 o Reoliad y Cyngor.

(8) Yn y rheoliad hwn, ystyr "awdurdod rheoli perthnasol" ("*relevant management authority*") yw'r awdurdod yr hysbyswyd y Llywodraeth Adnau (o fewn ystyr Erthygl XX o CITES) ohono, o dan Erthygl IX(2) o CITES, fel un sydd wedi'i ddynodi'n unol ag Erthygl IX(1) o CITES i gyflawni swyddogaethau awdurdod rheoli at ddibenion rhoi trwyddedau neu dystysgrifau ar ran y Deyrnas Unedig yn unol â CITES.".

(**1**) OJ L166, 19.6.2006, t.1. Diwygiwyd y Rheoliad hwn ddiwethaf gan Reoliad y Comisiwn (EC) Rhif 100/2008 (OJ L31, 5.2.2008, t. 3).

(**2**) OJ L161, 3.3.1997, t.1. Diwygiwyd y Rheoliad hwn ddiwethaf gan Reoliad y Comisiwn (EC) Rhif 407/2009 (OJ L123, 19.5.2009, t. 3).

Amendment to regulation 2

3. In regulation 2(1), after the definition of "the Act" ("*y Ddeddf*") insert the following definitions—

""the Commission Regulation" ("*Rheoliad y Comisiwn*") means Commission Regulation (EC) No. 865/2006 laying down detailed rules concerning the implementation of the Council Regulation(**1**);

"the Council Regulation" ("*Rheoliad y Cyngor*") means Council Regulation (EC) No. 338/97 on the protection of species of wild fauna and flora by regulating trade therein(**2**);".

Amendment to regulation 3

4. Regulation 3 (registration) is amended as follows.

(1) After paragraph (1) there is inserted—

"(1A) For the purposes of the registration of any birds listed in the Schedule, the register referred to in paragraph (1) may be any register maintained by the Welsh Ministers which lists birds in respect of which a relevant certificate has been issued.

(1B) In relation to any birds that are listed or to be listed in any register of a kind referred to in paragraph (1A)—

(a) paragraphs (2) and (5) do not apply; and

(b) paragraphs (1)(a)(iii), (c) and (d) and (2) of regulation 4 do not apply.".

(2) After paragraph (6) there is added—

"(7) In this regulation, "relevant certificate" ("*tystysgrif berthnasol*") means a certificate issued by the Welsh Ministers (as the relevant management authority) which is referred to in Article 10 of the Council Regulation.

(8) In this regulation, "relevant management authority" ("*awdurdod rheoli perthnasol*") means the authority notified to the Depositary Government (within the meaning of Article XX of CITES), under Article IX(2) of CITES, as designated pursuant to Article IX(1) of CITES to carry out the functions of a management authority for the purposes of granting permits or certificates on behalf of the United Kingdom pursuant to CITES.".

(**1**) OJ L166, 19.6.2006, p.1. This Regulation was last amended by Commission Regulation (EC) No. 100/2008 (OJ L31, 5.2.2008, p.3).

(**2**) OJ L161, 3.3.1997, p.1. This Regulation was last amended by Commission Regulation (EC) No. 407/2009 (OJ L123, 19.5.2009, p.3).

Diwygio rheoliad 5

5.—(1) Mae rheoliad 5 (Modrwyo a marcio) wedi'i ddiwygio fel a ganlyn.

(2) Yn lle paragraff (3) rhodder—

"(3) Mae aderyn wedi'i farcio'n unol â'r paragraff hwn os yw wedi'i farcio'n unol â gofynion Erthygl 66 o Reoliad y Comisiwn ynghylch marcio sbesimenau(**1**).".

Yr Atodlen i'r Rheoliadau

6. Mae'r Atodlen ganlynol wedi'i mewnosod—

"YR ATODLEN

Rheoliad 3(1A)

Adar y caniateir eu cofrestru'n unol â rheoliad 3(1A)

Enw cyffredin	*Enw gwyddonol*
Cudyll bach	Falco columbarius
Hebog tramor	Falco peregrinus".

Amendment to regulation 5

5.—(1) Regulation 5 (Ringing and marking) is amended as follows.

(2) For paragraph (3) there is substituted—

"(3) A bird is marked in accordance with this paragraph if it is marked in accordance with the specimen-marking requirements of Article 66 of the Commission Regulation(**1**).".

Schedule to the Regulations

6. The following Schedule is inserted—

"SCHEDULE

Regulation 3(1A)

Birds that may be registered in accordance with regulation 3(1A)

Common name	*Scientific name*
Merlin	Falco columbarius
Falcon, peregrine	Falco peregrinus".

Jane Davidson

Y Gweinidog dros yr Amgylchedd, Cynaliadwyedd a Thai, un o Weinidogion Cymru

3 Gorffennaf 2009

Minister for Environment, Sustainability and Housing, one of the Welsh Ministers

3 July 2009

(**1**) Mae Erthygl 66 yn rhoi ar waith baragraff 7 o Erthygl VI o'r Confensiwn ar y Fasnach Ryngwladol mewn Rhywogaethau Ffawna a Fflora Gwyllt mewn Perygl (CITES).

(**1**) Article 66 implements paragraph 7 of Article VI of the Convention on International Trade in Endangered Species of Wild Fauna and Flora (CITES).

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