



OFFERYNNAU STATUDOL
CYMRU

2021 Rhif 399 (Cy. 128)

CEFN GWLAD, CYMRU

Rheoliadau Mynediad i Gefn
Gwlad (Fforymau Mynediad Lleol)
(Cymru) (Coronafeirws) 2021

NODYN ESBONIADOL

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

Mae'r Rheoliadau hyn yn gwneud diwygiadau nad ydynt yn rhai testunol i Reoliadau Mynediad i Gefn Gwlad (Fforymau Mynediad Lleol) (Cymru) 2001 ("Rheoliadau 2001") er mwyn sierhau bod Fforymau Mynediad Lleol yn gallu parhau i gyfarfod a gwneud penderfyniadau yn ystod y cyfnod o amhriad a achosir gan bandemig y coronafeirws.

Ac eithrio rheoliadau 1 a 6, mae'r Rheoliadau hyn yn peidio â chael effaith ar 31 Rhagfyr 2021.

Mae rheoliadau 1 a 6 yn peidio â chael effaith ar 4 Awst 2022.

Mae rheoliad 2 o'r Rheoliadau hyn yn galluogi Fforymau Mynediad Lleol i gynnal cyfarfodydd o bell yn hytrach na gorfod eu cynnal mewn un lleoliad ffisegol.

Mae rheoliad 3 yn gwneud darpariaeth yngylch penodiadau dros dro i Fforymau Mynediad Lleol, drwy roi'r pŵer i'r awdurdodau penodi ddewis peidio ag arfer y gofynion yn rheoliadau 7(a) a (b) mewn perthynas â phenodiadau a wneir yn ystod y cyfnod sy'n dechrau â'r diwrnod y daw'r Rheoliadau hyn i rym ac yn dod i ben ar ddiwedd 31 Rhagfyr 2021. Mae hefyd yn darparu na chaniateir gwneud y penodiadau hynny ond am gyfnod o hyd at 9 mis o ddyddiad y penodiad. Diben y ddarpariaeth hon yw caniatâu i unrhyw aelodau o Fforymau Mynediad Lleol y mae cyfnod eu penodiad wedi dod i ben yn ddiweddar gael eu hailbenodi yn gyflym ac mewn modd syml os nad yw'n bosibl cynnal cylch recriwtio llawn ar hyn o bryd.

WELSH STATUTORY
INSTRUMENTS

2021 No. 399 (W. 128)

COUNTRYSIDE, WALES

The Countryside Access (Local
Access Forums) (Wales)
(Coronavirus) Regulations 2021

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations make non-textual amendments to the Countryside Access (Local Access Forums) (Wales) Regulations 2001 ("the 2001 Regulations") to ensure that Local Access Forums ("LAFs") are able to continue to meet and take decisions during the period of disruption caused by the coronavirus pandemic.

Other than Regulations 1 and 6, these Regulations cease to have effect on 31 December 2021.

Regulations 1 and 6 cease to have effect on 4 August 2022.

Regulation 2 of these Regulations enables LAFs to hold remote meetings as opposed to having to have them in a single physical location.

Regulation 3 makes provision about temporary appointments to LAFs, by giving the appointing authorities the power to choose not to exercise the requirements in regulations 7(a) and (b) in relation to appointments made during the period beginning with the day these Regulations come into force and ending at the end of 31 December 2021. It further provides that such appointments may only be made for a term of up to 9 months from the date of the appointment. The purpose of this provision is to allow any LAF members that have recently come to the end of their term of appointment to be reappointed quickly and simply if it is not possible to conduct a full recruitment round at present.

Mae rheoliad 4 yn caniatáu i bapurau ar gyfer cyfarfodydd gael eu hanfon ar ffurf electronig.

Mae rheoliad 5 yn caniatáu ethol y Cadeirydd neu'r Dirprwy Gadeirydd drwy ddull ac eithrio drwy bleidlais gyfrinachol, os nad yw hynny'n opsiwn sydd ar gael iddynt, ac yn caniatáu i'r Fforymau Mynediad Lleol benderfynu ar eu gweithdrefn eu hunain.

Mae rheoliad 6 yn caniatáu i'r person sy'n llywyddu wahardd y cyhoedd o eitem benodol o fusnes os yw'n ystyried ei bod yn briodol gwneud hynny.

Mae rheoliad 7 yn darparu, at ddiben cyfrifo'r cyfnod o 12 mis pan fydd aelod wedi methu â bod yn bresennol mewn cyfarfodydd cyn y caniateir terfynu ei aelodaeth, bod y cyfnod sy'n dechrau â'r diwrnod y mae'r Rheoliadau hyn yn dod i rym ac sy'n dod i ben â'r diwrnod cyntaf ar ôl Diwrnod Un pan gynhelir cyfarfod o'r fforwm, neu unrhyw bwyllgor o'r fforwm i'w ddiystyru.

Mae rheoliad 8 yn ei gwneud yn ofynnol i adroddiadau blynnyddol a gymeradwyir ar ôl 30 Ebrill 2021 a chyn 31 Rhagfyr 2021 gael eu cyhoeddi ar wefan yr awdurdod penodi, a'u bod hefyd ar gael i edrych arnynt yn swyddfa'r awdurdod penodi.

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.

Regulation 4 allows papers for meetings to be sent electronically.

Regulation 5 allows the election of the Chair or Deputy Chair to be undertaken by means other than secret ballot, if that is not an option available to them, and allows the LAFs to decide on their own procedure.

Regulation 6 allows the person presiding to exclude the public from a particular item of business if it is considered appropriate to do so.

Regulation 7 provides that for the purpose of calculating the 12 month period for which a member has not attended meetings before membership may be terminated, the period beginning with the day these Regulations come into force and ending with the first day after Day One on which a meeting of the forum, or any committee of the forum, is held is not to be taken into consideration.

Regulation 8 requires annual reports approved after 30 April 2021 and before 31 December 2021 to be published on the appointing authority's website, and to also be made available at the appointing authority's office for viewing.

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.

2021 Rhif 399 (Cy. 128)

CEFN GWLAD, CYMRU

**Rheoliadau Mynediad i Gefn
Gwlad (Fforymau Mynediad Lleol)
(Cymru) (Coronafeirws) 2021**

Gwnaed *24 Mawrth 2021*

Gosodwyd *gerbron* *Senedd*
Cymru *26 Mawrth 2021*

Yn dod i rym *1 Mai 2021*

Mae Gweinidogion Cymru yn gwneud y Rheoliadau a ganlyn drwy arfer y pwerau a roddir iddynt gan adrannau 94 a 95(5) o Ddeddf Cefn Gwlad a Hawliau Tramwy 2000(1).

Enwi, cychwyn, dod i ben a dehongli

1.—(1) Enw'r Rheoliadau hyn yw Rheoliadau Mynediad i Gefn Gwlad (Fforymau Mynediad Lleol) (Cymru) (Coronafeirws) 2021. Daw'r Rheoliadau hyn i rym ar 1 Mai 2021.

(2) Mae'r Rheoliadau hyn, ac eithrio rheoliad 6 a'r rheoliad hwn, yn peidio â chael effaith ar 31 Rhagfyr 2021.

(3) Mae rheoliad 6 a'r rheoliad hwn yn peidio â chael effaith ar 4 Awst 2022.

(4) Yn y Rheoliadau hyn, ystyr "Rheoliadau 2001" yw Rheoliadau Mynediad i Gefn Gwlad (Fforymau Mynediad Lleol) (Cymru) 2001(2).

2021 No. 399 (W. 128)

COUNTRYSIDE, WALES

**The Countryside Access (Local
Access Forums) (Wales)
(Coronavirus) Regulations 2021**

Made *24 March 2021*

Laid before Senedd Cymru *26 March 2021*

Coming into force *1 May 2021*

The Welsh Ministers make the following Regulations in exercise of the powers conferred on them by sections 94 and 95(5) of the Countryside and Rights of Way Act 2000(1).

Title, commencement, expiry and interpretation

1.—(1) The title of these Regulations is the Countryside Access (Local Access Forums) (Wales) (Coronavirus) Regulations 2021. These Regulations come into force on 1 May 2021.

(2) These Regulations, other than regulation 6 and this regulation, cease to have effect on 31 December 2021.

(3) Regulation 6 and this regulation cease to have effect on 4 August 2022.

(4) In these Regulations, "the 2001 Regulations" means the Countryside Access (Local Access Forums) (Wales) Regulations 2001(2).

(1) 2000 p. 37. Trosglwyddwyd pwerau Cynulliad Cenedlaethol Cymru o dan adran 94 o Ddeddf Cefn Gwlad a Hawliau Tramwy 2000 i Weinidogion Cymru gan adran 162 o Ddeddf Llywodraeth Cymru 2006 (p. 32) a pharagraff 30 o Atodlen 11 iddi.
(2) O.S. 2001/4002 (Cy. 330), a ddiwygiwyd gan O.S. 2020/723 (Cy. 161); mae offeryn diwygio arall ond nid yw'n berthnasol i'r Rheoliadau hyn.

(1) 2000 c. 37. The powers of the National Assembly for Wales under section 94 of the Countryside and Rights of Way Act 2000 were transferred to the Welsh Ministers by section 162 of, and paragraph 30 of schedule 11 to, the Government of Wales Act 2003 (c. 32).
(2) S.I. 2001/4002 (W. 330), amended by S.I. 2020/723 (W. 161); there is another amending instrument but it is not relevant to these Regulations.

Cyfarfodydd a gynhelir cyn diwedd 31 Rhagfyr 2021

2. Mae Rheoliadau 2001 i'w darllen fel pe bai'r canlynol wedi ei fewnosod ar ôl rheoliad 2—

“Mynychu cyfarfodydd o bell

2A.—(1) Caniateir i gyfarfod o fforwm neu bwyllgor o fforwm gael ei gynnal drwy gyfrwng unrhyw gyfarpar neu gyfleuster arall sy'n galluogi personau nad ydynt yn yr un lle i siarad â'i gilydd a chlywed ei gilydd (pa un a yw'r cyfarpar neu'r cyfleuster hefyd yn galluogi'r personau hynny i weld ei gilydd ai peidio).

(2) Yn y Rheoliadau hyn, mae cyfeiriadau at yffaith bod person yn mynychu cyfarfod neu'n bresennol mewn cyfarfod yn cynnwys, mewn perthynas â chyfarfod a gynhelir drwy'r cyfrwng a ddisgrifir ym mharagraff (1), mynychu drwy ddefnyddio'r cyfrwng hwnnw."

3. Mae Rheoliadau 2001 i'w darllen fel pe bai'r canlynol wedi ei fewnosod ar ôl rheoliad 7—

“Darpariaethau ar gyfer penodiadau dros dro

7A.—(1) Mae'r darpariaethau a ganlyn yn ymwneud â phenodiad a wneir yn ystod y cyfnod sy'n dechrau â'r diwrnod y daw'r Rheoliadau hyn i rym ac sy'n dod i ben ar ddiwedd 31 Rhagfyr 2021.

(2) Yn rheoliad 7 o Reoliadau 2001, mae "rhaid i" i'w ddarllen fel "caiff".

(3) Os nad yw awdurdod penodi yn arfer y naill neu'r llall o'r pwerau yn rheoliadau 7(a) a (b), neu'r ddau ohonynt, mae rheoliad 4(3) i'w ddarllen fel pe bai'r geiriau "naw mis i ben sy'n dechrau gyda diwrnod cyntaf aelodaeth y person" wedi eu rhoi yn lle'r geiriau "dair blynedd i ben o ddyddiad cyfarfod cyntaf y fforwm"."

4. Mae rheoliad 10(2)(c) (papurau ar gyfer cyfarfodydd) i'w ddarllen, mewn perthynas â chyfarfod a gynhelir cyn diwedd 31 Rhagfyr 2021, fel pe bai'r geiriau "yn cael eu hanfon drwy'r post at bob aelod o'r fforwm yn y cyfeiriad hwnnw a bennir gan aelod at y diben, fel y cyflwynir hwy yn ôl y drefn bostio arferol o leiaf saith diwrnod clir cyn dyddiad cyfarfod; neu'n cael eu hanfon ar ffurf electronig at bob aelod o leiaf saith diwrnod clir cyn dyddiad cyfarfod" wedi eu rhoi yn lle'r geiriau o "yn cael eu cyflwyno" hyd at y diwedd.

Meetings held before the end of 31 December 2021

2. The 2001 Regulations are to be read as if after regulation 2 there were inserted—

“Remote attendance at meetings

2A.—(1) A meeting of a forum or a committee of a forum may be held by means of any equipment or any other facility which enables persons who are not in the same place to speak to and to be heard by each other (whether or not the equipment or facility also enables those persons to see each other).

(2) In these Regulations, references to the attendance or presence of a person at a meeting includes, in relation to a meeting which is held by the means described in paragraph (1), attendance by the use of those means.”

3. The 2001 Regulations are to be read as if after regulation 7 there were inserted—

“Temporary appointment provisions

7A.—(1) The following provisions relate to an appointment made during the period beginning with the day these Regulations come into force and ending at the end of 31 December 2021.

(2) In regulations 7(a) and (b) of the 2001 Regulations, "must" is to be read as "may".

(3) If an appointing authority does not exercise either one or both powers in regulations 7(a) and (b), regulation 4(3) is to be read as if for the words "3 years from the date of the first meeting of the forum" there were substituted "9 months beginning with the first day of the person's membership".

4. Regulation 10(2)(c) (papers for meetings) is to be read, in relation to a meeting held before the end of 31 December 2021, as if for the words from "are delivered" to the end there were substituted "are sent by post to each member of the forum at such address as the member may specify for the purpose, so as to be delivered in the normal course of posting at least seven clear days before the date of a meeting; or are sent electronically to each member at least seven clear days before the date of a meeting."

5. Mae rheoliad 12 (ethol cadeirydd a dirprwy gadeirydd) i'w ddarllen fel pe bai—

- (a) ym mharagraff (2), “gan ddefnyddio unrhyw weithdrefn y mae'r fforwm yn penderfynu arni” wedi ei roi yn lle “drwy bleiddais gyfrinachol”;
- (b) paragraffau (4) i (6) wedi eu hepgor.

6. Mae rheoliad 15 (cynnal cyfarfodydd) i'w ddarllen fel pe bai—

- (a) ym mharagraff (2), y geiriau “ac os yw'r cyfarfod yn agored i'r cyhoedd, caiff y person sy'n llywyddu, os yw eitem benodol o fusnes sydd i'w hystyried yn y cyfarfod yn ei gwneud yn briodol i'r cyhoedd gael ei wahardd pan ystyrrir yr eitem fusnes honno, ddyfarnu bod y cyhoedd i'w wahardd” wedi eu rhoi yn lle'r geiriau o “a rhaid iddynt fod yn agored i'r cyhoedd” hyd at y diwedd;

- (b) y canlynol wedi ei fewnosod ar ôl paragraff (2)—

“(2A) Ym mharagraffau (1) a (2), nid yw'r cyfeiriadau at y lle y cynhelir cyfarfodydd wedi eu cyfyngu i un lleoliad ffisegol.”;

- (c) ym mharagraff (10), “, neu drwy unrhyw ddull pleidleisio arall y mae'r fforwm yn penderfynu arno” wedi ei fewnosod ar ôl “drwy i'r aelodau sy'n bresennol godi llaw”;

- (d) y canlynol wedi ei fewnosod ar ôl paragraff (10)—

“(11) Os yw'n angenrheidiol cynnal pleidlais ar gwestiwn y dull pleidleisio y mae'r fforwm i'w ddefnyddio, mae'r person sy'n llywyddu i benderfynu ar y dull o bleidleisio ar y cwestiwn hwnnw.”

Aelodau yn methu â mynchyu cyfarfodydd

7. Mae rheoliad 14 o Reoliadau 2001 (terfynu aelodaeth o fforymau) i'w ddarllen fel pe bai'r canlynol wedi ei fewnosod ar ôl paragraff (1)—

“(1A) Mewn perthynas ag unrhyw aelod penodol o fforwm, nid yw'r cyfnod o 12 mis a bennir ym mharagraff (1)(e) i gynnwys y cyfnod—

- (a) sy'n dechrau â'r diwrnod y mae Rheoliadau Mynediad i Gefn Gwlad (Fforymau Mynediad Lleol) (Cymru) (Coronafeirws) 2021 yn dod i rym (“Diwrnod Un”), a

5. Regulation 12 (election of chair and deputy chair) is to be read as if—

- (a) in paragraph (2), for “by secret ballot” there were substituted “using such procedure as the forum may decide”;

- (b) paragraphs (4) to (6) were omitted.

6. Regulation 15 (conduct of meetings) is to be read as if—

- (a) in paragraph (2), for the words from “shall be open to the public” to the end there were substituted “if the meeting is open to the public, the person presiding may, if a particular item of business to be considered at the meeting makes it appropriate for the public to be excluded during consideration of that item of business, rule that the public are to be excluded”;

- (b) after paragraph (2) there were inserted—

“(2A) In paragraphs (1) and (2), the references to the place or places at which meetings are to be held are not limited to a single physical location.”;

- (c) in paragraph (10), for “of those members present” there were substituted “, or such other method of voting as the forum may decide, by those members present”;

- (d) after paragraph (10) there were inserted—

“(11) If a vote is necessary on the question of the method of voting the forum is to use, the person presiding is to determine the method of voting on that question.”

Failure of members to attend meetings

7. Regulation 14 of the 2001 Regulations (termination of membership of forums) is to be read as if after paragraph (1) there were inserted—

“(1A) In relation to any particular member of a forum, the period of 12 months specified in paragraph (1)(g) is not to include the period—

- (a) beginning with the day on which the Countryside Access (Local Access Forums) (Wales) (Coronavirus) Regulations 2021 come into force (“Day One”), and

- (b) sy'n dod i ben â'r diwrnod cyntaf ar ôl Diwrnod Un pan gynhelir cyfarfod o'r fforwm, neu unrhyw bwyllgor o'r fforwm."

- (b) ending with the first day after Day One on which a meeting of the forum, or any committee of the forum, is held."

Adroddiadau blynnyddol gan awdurdodau penodi

8. Mae rheoliad 16 o Reoliadau 2001 (adroddiadau blynnyddol) i'w ddarllen fel pe bai'r canlynol wedi ei roi yn lle paragraff (3)—

“(3) Rhaid i'r awdurdod penodi gyhoeddi adroddiad blynnyddol a gymeradwyir ar ôl 31 Ebrill 2021 a chyn diwedd 31 Rhagfyr 2021 ar ei wefan a rhaid iddo hefyd fod ar gael i edrych arno yn swyddfa'r awdurdod penodi yn ystod oriau swyddfa arferol.”

Annual reports by appointing authorities

8. Regulation 16 of the 2001 Regulations (annual reports) is to be read as if for paragraph (3) there were substituted—

“(3) An annual report approved after 31 April 2021 and before the end of 31 December 2021 must be published by the appointing authority on its website and also be made available for viewing at the office of the appointing authority during normal office hours.”

Lesley Griffiths

Y Gweinidog Amgylchedd, Ynni a Materion Gwledig,
un o Weinidogion Cymru
24 Mawrth 2021

Minister for Environment, Energy and Rural Affairs,
one of the Welsh Ministers
24 March 2021

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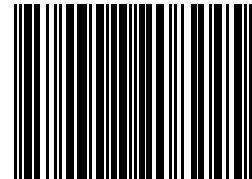
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