CYNULLIAD CENEDLAETHOL CYMRU

OFFERYNNAU STATUDOL

2006 Rhif 1279 (Cy.124) (C.42)

HAWLIAU TRAMWY, CYMRU

Gorchymyn Deddf Cefn Gwlad a Hawliau Tramwy 2000 (Cychwyn Rhif 8 a Darpariaethau Trosiannol) (Cymru) 2006

NODYN ESBONIADOL

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

Mae'r Gorchymyn hwn yn dwyn i rym ddarpariaethau penodol Rhan II o Ddeddf Cefn Gwlad a Hawliau Tramwy 2000 ("Deddf 2000") ar 11 Mai 2006 o ran Cymru.

Mae adrannau 47 i 50 o Ddeddf 2000 yn rhoi i'r cyhoedd hawliau cilffyrdd cyfyngedig o ran 'ffyrdd a ddefnyddir yn llwybrau cyhoeddus' ("FfDdLlCau") sydd i'w hadnabod yn lle hynny fel cilffyrdd cyfyngedig. Hawliau cilffyrdd cyfyngedig yw hawl tramwy ar droed, hawl tramwy ar gefn ceffyl neu'n tywys ceffyl, a hawl tramwy ar gyfer cerbydau nad ydynt yn gerbydau a yrrir yn fecanyddol. Nid yw rhoi hawliau cilffyrdd cyfyngedig yn nacáu bodolaeth hawl tramwy ar gyfer cerbydau a yrrir yn fecanyddol nac unrhyw hawl arall (erthygl 2).

O dan adrannau 53 a 54 o Ddeddf Bywyd Gwyllt a Chefn Gwlad 1981 (p.69) ("Deddf 1981") mae'n ofynnol i awdurdodau arolygu wneud gorchmynion diwygio mapiau diffiniol. Mae Gorchmynion a wneir o dan adran 53 o Ddeddf 1981 yn ymwneud â dyletswydd awdurdod o dan yr adran honno i adolygu'r map a'r datganiad diffiniol yn barhaus, ac maent yn cael eu gwneud o ganlyniad i ddigwyddiadau penodol a nodir yn yr adran honno. Mae a wnelo un o'r digwyddiadau hynny ag awdurdod yn cael hyd i dystiolaeth sydd, wrth ei hystyried ynghyd â phob tystiolaeth berthnasol arall sydd ar gael, yn dangos y dylid newid y disgrifiad o briffordd benodol ar fap a datganiad diffiniol. Mae Gorchmynion a wneir o dan adran 54 o Ddeddf 1981 yn ymwneud â dyletswydd awdurdod o dan yr adran honno i ailddosbarthu FfDdLlCau yn llwybrau ceffylau, llwybrau troed neu gilffyrdd sy'n agored i bob traffig.

NATIONAL ASSEMBLY FOR WALES

STATUTORY INSTRUMENTS

2006 No. 1279 (W.124) (C.42)

RIGHTS OF WAY, WALES

The Countryside and Rights of Way Act 2000 (Commencement No. 8 and Transitional Provisions) (Wales) Order 2006

EXPLANATORY NOTE

(This note is not part of the Order)

This Order brings into force certain provisions of Part II of the Countryside and Rights of Way Act 2000 ("the 2000 Act") on 11 May 2006 in relation to Wales.

Sections 47 to 50 of the 2000 Act confer upon the public restricted byway rights in respect of 'roads used as public paths' ("RUPPs") which are instead to be known as restricted byways. Restricted byway rights comprise a right of way on foot, a right of way on horseback or leading a horse, and a right of way for vehicles other than mechanically propelled vehicles. The conferral of restricted byway rights does not preclude the existence of a right of way for mechanically propelled vehicles or any other right (article 2).

Under sections 53 and 54 of the Wildlife and Countryside Act 1981 (c.69) ("the 1981 Act") surveying authorities are required to make definitive map modification orders. Orders made under section 53 of the 1981 Act relate to an authority's duty under that section to keep the definitive map and statement under continuous review, and are made in consequence of the occurrence of certain events set out in that section. One such event concerns the discovery by an authority of evidence which, when considered with all other relevant evidence available, shows that the description employed in a definitive map and statement to describe a particular highway ought to be changed. Orders made under section 54 of the 1981 Act relate to an authority's duty under that section to reclassify RUPPs as bridleways, footpaths or byways open to all traffic.

"Gorchmynion perthnasol" at ddibenion adran 48(9) o Ddeddf 2000 yw gorchmynion yn y dosbarth cyntaf sy'n ymwneud â FfDdLlCau a gorchmynion yn yr ail ddosbarth ac yn unol â gofynion yr adran honno nid oes dim yn adran 47 nac yn adran 48 o Ddeddf 2000 yn effeithio ar weithredu adran 53 nac adran 54 o Ddeddf 1981 nac ar Atodlen 14 neu 15 iddi mewn perthynas â'r gorchmynion hynny pan wnaed y gorchmynion hynny, neu pan wnaed cais am y gorchmynion hynny, cyn 11 Mai 2006 (erthygl 5).

Orders of the former class which relate to RUPPs and orders of the latter class together comprise "relevant orders" for the purposes of section 48(9) of the 2000 Act and in accordance with the requirements of that section nothing in section 47 or 48 of the 2000 Act affects the operation of section 53 or 54 of, or Schedule 14 or 15 to, the 1981 Act in relation to such orders where such orders were made, or applied for, before 11 May 2006 (article 5).

Mae adran 54 o Ddeddf 1981 yn peidio â bod yn effeithiol ac o ganlyniad i hynny caiff awdurdodau arolygu eu rhyddhau o'r ddyletswydd i ailddosbarthu FfDdLlCau a osodir gan yr adran honno (erthygl 2).

Section 54 of the 1981 Act ceases to have effect and consequently surveying authorities are relieved of the duty to reclassify RUPPs imposed by that section (article 2).

Mae adran 51 o Ddeddf 2000 ac Atodlen 5 iddi yn gwneud diwygiadau canlyniadol a pherthnasol i ddeddfwriaeth sylfaenol (erthygl 2).

Section 51 of, and Schedule 5 to, the 2000 Act make consequential and related amendments to primary legislation (article 2).

Mae cychwyn adran 57 at ddibenion gwneud paragraff 23(8) o Atodlen 6 i Ddeddf 2000 yn effeithiol yn rhoi pŵer i arolygwyr ddyfarnu costau o ran gwrandawiadau a gynhelir o dan baragraff 2 o Atodlen 6 i Ddeddf Priffyrdd 1980 (darpariaethau ynghylch gwneud, cadarnhau, dilysrwydd a dyddiad gweithrediad gorchmynion penodol sy'n ymwneud â llwybrau troed a llwybrau ceffylau), ac mae'n cymhwyso adran 322A o Ddeddf Cynllunio Gwlad a Thref 1990 (p.8) (gorchmynion sy'n ymwneud â chostau pan na fo gwrandawiad neu ymchwiliad yn cael ei gynnal) o ran gwrandawiadau neu ymchwiliadau lleol a gynhelir o dan y paragraff hwnnw. Daethpwyd â'r ddarpariaeth hon i rym i'r graddau y mae'n ymwneud â gorchmynion i gau neu wyro priffyrdd penodol a'r priffyrdd hynny yn croesi tir a feddiennir at ddibenion ysgol gan erthygl 3 o Orchymyn Cefn Gwlad a Hawliau Tramwy 2000 (Cychwyn Rhif 7) (Cymru) 2005 (O.S. 2005/1314 (Cy. 96) (C.58)) (erthygl 2).

The commencement of section 57 for the purposes of giving effect to paragraph 23(8) of Schedule 6 to the 2000 Act confers the power upon inspectors to make an award of costs in relation to hearings held under paragraph 2 of Schedule 6 to the Highways Act 1980 (c.66) (provisions as to making, confirmation, validity and date of operation of certain orders relating to footpaths and bridleways), and applies section 322A of the Town and Country Planning Act 1990 (c.8) (orders as to costs where no hearing or inquiry takes place) in relation to hearings or local inquiries held under that paragraph. This provision insofar as it relates to orders for the stopping up or diversion of certain highways which cross land occupied for the purposes of a school, was brought into force by article 3 of the Countryside and Rights of Way Act 2000 (Commencement No. 7) (Wales) Order 2005 (S.I. 2005/1314 (W. 96) (C.58)) (article 2).

Mae cychwyn adran 69(2) o Ddeddf 2000 yn estyn y diffiniad o "agricultural land" a geir yn adran 147 o Ddeddf 1980 at ddibenion pŵer yr awdurdod cymwys o dan yr adran honno i awdurdodi codi camfeydd (sticlau), clwydi (giatiau, ietau), neu weithiau eraill mewn perthynas â thir o'r fath ac i dir o'r fath gael ei ddefnyddio at ddibenion amaethyddol (erthygl 2).

The commencement of section 69(2) of the 2000 Act extends the definition of "agricultural land" contained in section 147 of the 1980 Act for the purposes of the competent authority's power under that section to authorise the erection of stiles, gates, or other works in respect of such land and to land being brought into use for agriculture (article 2).

Mae adran 102 o Ddeddf 2000 ac Atodlen 16 iddi yn peri diddymiadau canlyniadol i ddarpariaethau penodol o Ddeddf 1981.

Section 102 of, and Schedule 16 to, the 2000 Act effect the consequential repeal of certain provisions of the 1981 Act.

Y map a'r datganiad diffiniol ar gyfer unrhyw ardal yw'r cofnod cyfreithiol o hawliau tramwy'r cyhoedd a baratoir ac a adolygir gan yr awdurdod arolygu ar gyfer yr ardal honno (y cyngor sir neu'r cyngor bwrdeistref sirol y mae ei ardal yn cynnwys yr ardal honno). Gellir edrych ar y map a'r datganiad diffiniol yn swyddfeydd y cyngor ar bob adeg resymol.

The definitive map and statement for any area is the legal record of public rights of way prepared and kept under review by the surveying authority for that area (the county council or county borough council whose area includes that area). The definitive map and statement may be viewed at council offices during all reasonable hours.

NODYN AM ORCHMYNION CYCHWYN BLAENOROL

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

Daethpwyd â darpariaethau canlynol Deddf Cefn Gwlad a Hawliau Tramwy 2000 i rym yng Nghymru gan orchmynion cychwyn a wnaed cyn dyddiad y Gorchymyn hwn-

Adran(nau) neu Atodlen(ni)	*Y dyddiad cychwyn*	*Rhif O.S.*
2	28 Mai 2005	2005/423 (Cy.41) (C.19)
12 i 14	28 Mai 2005	2005/423 (Cy.41) (C.19)
18, 20 a 46(1)(a)	21 Mehefin 2004	2004/1489 (Cy.154) (C.59)
46(1)(b)	1 Mai 2001	2001/1410 (Cy.96) (C.50)
46(3) (yn rhannol)	1 Mai 2001	2001/1410 (Cy.96) (C.50)
46(3) (yn rhannol)	28 Mai 2005	2005/423 (Cy.41) (C.19)
51 (yn rhannol)	31 Mai 2005	2005/1314 (Cy.96) (C.58)
51 (yn rhannol)	21 Tachwedd 2005	2005/1314 (Cy.96) (C.58)
57 (yn rhannol)	1 Mai 2001	2001/1410 (Cy.96) (C.50)
57 (yn rhannol)	31 Mai 2005	2005/1314 (Cy.96) (C.58)
57 (yn rhannol)	15 Gorffennaf 2005	2005/1314 (Cy.96) (C.58)
57 (yn rhannol)	21 Tachwedd 2005	2005/1314 (Cy.96) (C.58)
60 a 61	1 Tachwedd 2002	2002/2615 (Cy.253) (C.82)
63	1 Ebrill 2004	2004/315 (Cy.33) (C.16)
68	1 Mai 2001	2001/1410 (Cy.96) (C.50)
70(1)	1 Ebrill 2004	2004/315 (Cy.33) (C.16)
70(2)	1 Mai 2001	2001/1410 (Cy.96) (C.50)

NOTE AS TO EARLIER COMMENCEMENT ORDERS

(This note is not part of the Order)

The following provisions of the Countryside and Right of Way Act 2000 have been brought into force in Wales by commencement orders made before the date of this Order-

Section(s) or Schedule(s)	*Date of Commencement*	*S.I. number*
2	28 May 2005	2005/423 (W.41) (C.19)
12 to 14	28 May 2005	2005/423 (W.41) (C.19)
18, 20 and 46(1)(a)	21 June 2004	2004/1489 (W.154) (C.59)
46(1)(b)	1 May 2001	2001/1410 (W.96) (C.50)
46(3) (in part)	1 May 2001	2001/1410 (W.96) (C.50)
46(3) (in part)	28 May 2005	2005/423 (W.41) (C.19)
51 (in part)	31 May 2005	2005/1314 (W.96) (C.58)
51 (in part)	21 November 2005	2005/1314 (W.96) (C.58)
57 (in part)	1 May 2001	2001/1410 (W.96) (C.50)
57 (in part)	31 May 2005	2005/1314 (W.96) (C.58)
57 (in part)	15 July 2005	2005/1314 (W.96) (C.58)
57 (in part)	21 November 2005	2005/1314 (W.96) (C.58)
60 and 61	1 November 2002	2002/2615 (W.253) (C.82)
63	1 April 2004	2004/315 (W.33) (C.16)
68	1 May 2001	2001/1410 (W.96) (C.50)
70(1)	1 April 2004	2004/315 (W.33) (C.16)
70(2)	1 May 2001	2001/1410 (W.96) (C.50)

70(3)	1 Ebrill 2004	2004/315 (Cy.33) (C.16)	70(3)	1 April 2004	2004/315 (W.33) (C.16)
70(4)	1 Mai 2001	2001/1410 (Cy.96) (C.50)	70(4)	1 May 2001	2001/1410 (W.96) (C.50)
72	1 Mai 2001	2001/1410 (Cy.96) (C.50)	72	1 May 2001	2001/1410 (W.96) (C.50)
Rhan IV (adrannau 82 i 93) (ac, yn unol â hynny, Atodlenni 13 i 15)	1 Mai 2001	2001/1410 (Cy.96) (C.50)	Part IV (sections 82 to 93) (and, accordingly, Schedules 13 to 15)	1 May 2001	2001/1410 (W.96) (C.50)
96	1 Mai 2001	2001/1410 (Cy.96) (C.50)	96	1 May 2001	2001/1410 (W.96) (C.50)
99	30 Ionawr 2001	2001/203 (Cy.9) (C.10)	99	30 January 2001	2001/203 (W.9) (C.10)
102 (yn rhannol)	1 Mai 2001	2001/1410 (Cy.96) (C.50)	102 (in part)	1 May 2001	2001/1410 (W.96) (C.50)
102 (yn rhannol)	28 Mai 2005	2005/423 (Cy.41) (C.19)	102 (in part)	28 May 2005	2005/423 (W.41) (C.19)
Atodlen 2	28 Mai 2005	2005/423 (Cy.41) (C.19)	Schedule 2	28 May 2005	2005/423 (W.41) (C.19)
Atodlen 4, paragraffau 1, 4, 5 a 6	1 Mai 2001	2001/1410 (Cy.96) (C.50)	Schedule 4, paragraphs 1, 4, 5 and 6	1 May 2001	2001/1410 (W.96) (C.50)
Atodlen 4, paragraffau 2 a 3	28 Mai 2005	2005/423 (Cy.41) (C.19)	Schedule 4, paragraphs 2 and 3	28 May 2005	2005/423 (W.41) (C.19)
Atodlen 5, paragraff 2	21 Tachwedd 2005	2005/1314 (Cy.96) (C.58)	Schedule 5, paragraph 2	21 November 2005	2005/1314 (W.96) (C.58)
Atodlen 5, paragraffau 8, 10 ac 11	31 Mai 2005	2005/1314 (Cy.96) (C.58)	Schedule 5, paragraphs 8, 10 and 11	31 May 2005	2005/1314 (W.96) (C.58)
Atodlen 6, paragraffau 1, 6 a 9(5)	1 Ebrill 2004	2004/315 (Cy.33) (C.16)	Schedule 6, paragraphs 1, 6 and 9(5)	1 April 2004	2004/315 (W.33) (C.16)
Atodlenni 6, paragraffau 2,3, 9(1) i (3), 11, 14(1) a (4)(a), 20(a) i (c) a 24	31 Mai 2005	2005/1314 (Cy.96) (C.58)	Schedule 6, paragraphs 2, 3, 9(1) to (3), 11, 14(1) and (4)(a), 20(a) to (c) and 24	31 May 2005	2005/1314 (W.96) (C.58)
Atodlen 6, paragraff 5 (yn rhannol), paragraff 8	15 Gorffennaf 2005	2005/1314 (Cy.96) (C.58)	Schedule 6, paragraph 5 (in part), paragraph 8	15 July 2005	2005/1314 (W.96) (C.58)

(y gweddill), paragraff 12 (yn rhannol), paragraffau 13(1) i (4) (yn rhannol), (5)(a) i (d) (yn rhannol) a (7) i (9) (yn rhannol), paragraff 14 (yn rhannol), paragraff 17 (yn rhannol), paragraff 18(a) (yn rhannol) a (b), paragraff 19 (yn rhannol), paragraff 20(d) ac (e), paragraff 21 (yn rhannol), paragraffau 23(1) (yn rhannol), (2)(a) a (b) (yn rhannol), (3)(a) a (b) (yn rhannol), (4)(a) a (b) (yn rhannol), (5) (yn rhannol), (7) (yn rhannol), (8) (yn rhannol), 9(a) a (9)(b) (yn rhannol)			(remainder), paragraph 12 (in part), paragraphs 13(1) to (4) (in part), (5)(a) to (d) (in part) and (7) to (9) (in part), paragraph 14 (in part), paragraph 17 (in part), paragraph 18(a) (in part) and (b), paragraph 19 (in part), paragraph 20 (d) and (e), paragraph 21 (in part), paragraphs 23(1) (in part), (2)(a) and (b) (in part), (3)(a) and (b) (in part), (4)(a) and (b) (in part), (5) (in part), (7) (in part), (8) (in part), (9)(a) and (9)(b) (in part)		
Atodlen 6, paragraff 4, paragraff 15 (yn rhannol)	21 Tachwedd 2005	2005/1314 (Cy.96) (C.58)	Schedule 6, paragraph 4, paragraph 15 (in part)	21 November 2005	2005/1314 (W.96) (C.58)
Atodlen 6, paragraffau 18(a) (yn rhannol) a 19 (yn rhannol)	1 Mai 2001	2001/1410 (Cy.96) (C.50)	Schedule 6, paragraphs 18(a) (in part) and 19 (in part)	1 May 2001	2001/1410 (W.96) (C.50)
Atodlen 16, Rhan I (yn rhannol)	1 Mai 2001	2001/1410 (Cy.96) (C.50)	Schedule 16, Part I (in part)	1 May 2001	2001/1410 (W.96) (C.50)
Atodlen 16, Rhan I (yn rhannol)	21 Mehefin 2004	2004/1489 (Cy.154) (C.59)	Schedule 16, Part I (in part)	21 June 2004	2004/1489 (W.154) (C.59)
Atodlen 16, Rhan I (y gweddill)	28 Mai 2005	2005/423 (Cy.41) (C.19)	Schedule 16, Part I (remainder)	28 May 2005	2005/423 (W.41) (C.19)
Atodlen 16, Rhan II (yn rhannol)	1 Mai 2001	2001/1410 (Cy.96) (C.50)	Schedule 16, Part II (in part)	1 May 2001	2001/1410 (W.96) (C.50)

Atodlen 16, Rhannau III i VI	1 Mai 2001	2001/1410 (Cy.96) (C.50)

Gwnaed y Gorchmynion Cychwyn canlynol o dan Ddeddf Cefn Gwlad a Hawliau Tramwy 2000 o ran Lloegr-

Gorchymyn Deddf Cefn Gwlad a Hawliau Tramwy 2000 (Cychwyn Rhif 1) 2001 (O.S. 2001/114) (C.4)

Gorchymyn Deddf Cefn Gwlad a Hawliau Tramwy 2000 (Cychwyn Rhif 2) 2002 (O.S. 2002/2833) (C.89)

Gorchymyn Deddf Cefn Gwlad a Hawliau Tramwy 2000 (Cychwyn Rhif 3) 2003 (O.S. 2003/272) (C.16)

Gorchymyn Deddf Cefn Gwlad a Hawliau Tramwy 2000 (Cychwyn Rhif 4) 2004 (O.S. 2004/292) (C.14)

Gorchymyn Deddf Cefn Gwlad a Hawliau Tramwy 2000 (Cychwyn Rhif 5) 2004 (O.S. 2004/2173) (C.93)

Gorchymyn Deddf Cefn Gwlad a Hawliau Tramwy 2000 (Cychwyn Rhif 6) 2004 (O.S. 2004/3088) (C.128)

Gorchymyn Deddf Cefn Gwlad a Hawliau Tramwy 2000 (Cychwyn Rhif 7) 2005 (O.S. 2005/827) (C.34)

Gorchymyn Deddf Cefn Gwlad a Hawliau Tramwy 2000 (Cychwyn Rhif 8) 2005 (O.S. 2005/1901) (C.81)

Gorchymyn Deddf Cefn Gwlad a Hawliau Tramwy 2000 (Cychwyn Rhif 9) 2005 (O.S. 2005/2459) (C.104)

Gorchymyn Deddf Cefn Gwlad a Hawliau Tramwy 2000 (Cychwyn Rhif 10) 2005 (O.S. 2005/2752) (C.112)

Schedule 16, Parts III to VI	1 May 2001	2001/1410 (W.96) (C.50)

The following Commencement Orders have been made under the Countryside and Rights of Way Act 2000 in relation to England-

The Countryside and Rights of Way Act 2000 (Commencement No. 1) Order 2001 (S.I. 2001/114) (C.4)

The Countryside and Rights of Way Act 2000 (Commencement No. 2) Order 2002 (S.I. 2002/2833) (C.89)

The Countryside and Rights of Way Act 2000 (Commencement No. 3) Order 2003 (S.I. 2003/272) (C.16)

The Countryside and Rights of Way Act 2000 (Commencement No. 4) Order 2004 (S.I. 2004/292) (C.14)

The Countryside and Rights of Way Act 2000 (Commencement No. 5) Order 2004 (S.I. 2004/2173) (C.93)

The Countryside and Rights of Way Act 2000 (Commencement No. 6) Order 2004 (S.I. 2004/3088) (C.128)

The Countryside and Rights of Way Act 2000 (Commencement No. 7) Order 2005 (S.I. 2005/827) (C.34)

The Countryside and Rights of Way Act 2000 (Commencement No. 8) Order 2005 (S.I. 2005/1901) (C.81)

The Countryside and Rights of Way Act 2000 (Commencement No. 9) Order 2005 (S.I. 2005/2459) (C.104)

The Countryside and Rights of Way Act 2000 (Commencement No. 10) Order 2005 (S.I. 2005/2752) (C.112)

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HAWLIAU TRAMWY, CYMRU

Gorchymyn Deddf Cefn Gwlad a Hawliau Tramwy 2000 (Cychwyn Rhif 8 a Darpariaethau Troisannol) (Cymru) 2006

Wedi'i wneud *10 Mai 2006*

Mae Cynulliad Cenedlaethol Cymru ("y Cynulliad Cenedlaethol"), drwy arfer y pwerau a roddwyd iddo gan adrannau 103(3), (4) a (5) o Ddeddf Cefn Gwlad a Hawliau Tramwy 2000 ("Deddf 2000")(**1**), drwy hyn yn gwneud y Gorchymyn a ganlyn:

Enwi, cymhwyso a dehongli

1.-(1) Enw'r Gorchymyn hwn yw Gorchymyn Cefn Gwlad a Hawliau Tramwy 2000 (Cychwyn Rhif 8 a Darpariaethau Trosiannol) (Cymru) 2006.

(2) Mae'r Gorchymyn hwn yn gymwys o ran Cymru.

(3) Yn y Gorchymyn hwn-

ystyr "Deddf 1980" ("*the 1980 Act*") yw Deddf Priffyrdd 1980(**2**);

ystyr "Deddf 1981" ("*the 1981 Act*") yw Deddf Bywyd Gwyllt a Chefn Gwlad 1981(**3**).

Y diwrnod penodedig

2. 11 Mai 2006 yw'r diwrnod penodedig i ddarpariaethau canlynol Deddf 2000 ddod i rym-

(a) adran 47 (ailddynodi ffyrdd a ddefnyddir yn llwybrau cyhoeddus);

(b) adran 48 (hawliau cilffyrdd cyfyngedig);

(c) adran 49 (darpariaethau atodol at adrannau 47 a 48);

(ch) adran 50 (hawliau preifat dros gilffyrdd cyfyngedig);

(**1**) 2000 p.37.

(**2**) 1980 p.66.

(**3**) 1981 p.69.

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RIGHTS OF WAY, WALES

The Countryside and Rights of Way Act 2000 (Commencement No. 8 and Transitional Provisions) (Wales) Order 2006

Made *10 May 2006*

The National Assembly for Wales ("the National Assembly"), in exercise of the powers conferred upon it by sections 103(3), (4) and (5) of the Countryside and Rights of Way Act 2000 ("the 2000 Act")(**1**), hereby makes the following Order:

Title, application and interpretation

1.-(1) The title of this Order is the Countryside and Rights of Way Act 2000 (Commencement No. 8 and Transitional Provisions) (Wales) Order 2006.

(2) This Order applies in relation to Wales.

(3) In this Order-

"the 1980 Act" ("*Deddf 1980*") means the Highways Act 1980(**2**);

"the 1981 Act" ("*Deddf 1981*") means the Wildlife and Countryside Act 1981(**3**).

Appointed day

2. 11 May 2006 is the day appointed for the coming into force of the following provisions of the 2000 Act-

(a) section 47 (redesignation of roads used as public paths);

(b) section 48 (restricted byway rights);

(c) section 49 (provisions supplementary to sections 47 and 48);

(d) section 50 (private rights over restricted byways);

(**1**) 2000 c.37.

(**2**) 1980 c.66.

(**3**) 1981 c.69.

(d) adran 51 (diwygiadau sy'n ymwneud â mapiau a datganiadau diffiniol a chilffyrdd cyfyngedig) i'r graddau y mae'n rhoi effaith i'r darpariaethau yn Atodlen 5 y cyfeirir atynt yn is-baragraffau (dd) ac (e) isod;

(dd) yn Rhan I-

(i) paragraff 1 (dyletswydd i adolygu mapiau a datganiadau diffiniol yn barhaus);

(ii) paragraff 5 (dim arolygon nac adolygiadau pellach o dan Ddeddf Parciau Cenedlaethol a Mynediad at Gefn Gwlad 1949);

(iii) paragraff 6 (effaith map a datganiad diffiniol);

(iv) paragraff 9 (dehongli Rhan III);

(e) Rhan II;

(f) adran 102 i'r graddau y mae'n ymwneud â darpariaethau yn Atodlen 16 (diddymiadau sy'n ymwneud â hawliau tramwy cyhoeddus a thraffig ffyrdd) y cyfeirir atynt ym mharagraffau (ff) i (ng) isod;

(ff) Rhan II i'r graddau y mae'n diddymu adran 54 o Ddeddf 1981;

(g) Rhan II i'r graddau y mae'n diddymu adran 56(5) o Ddeddf 1981;

(ng) Rhan II i'r graddau y mae'n diddymu rhan o adran 57(1) o Ddeddf 1981;

(h) adran 57 (creu, cau a gwyro priffyrdd) i'r graddau y mae'n rhoi effaith i'r ddarpariaeth y cyfeirir ati yn is-baragraff (j) isod;

(i) adran 69(2) o Ddeddf 2000 (diwygio adran 147(5) o Ddeddf 1980 sy'n ymwneud â'r dehongliad o gyfeiriadau at dir amaethyddol ac at dir yn cael ei ddefnyddio o'r newydd ar gyfer amaethyddiaeth at ddibenion adran 147 o Ddeddf 1980);

(j) is-baragraff (8) o baragraff 23 o Atodlen 6 i'r graddau nad yw'r is-baragraff hwnnw eisoes mewn grym.

(e) section 51 (amendments relating to definitive maps and statements and restricted byways) insofar as it gives effect to the provisions in Schedule 5 referred to in sub-paragraphs (f) and (g) below;

(f) in Part I-

(i) paragraph 1 (duty to keep definitive map and statement under continuous review);

(ii) paragraph 5 (no further surveys or reviews under the National Parks and Access to the Countryside Act 1949);

(iii) paragraph 6 (effect of definitive map and statement);

(iv) paragraph 9 (interpretation of Part III);

(g) Part II;

(h) Section 102 insofar as it relates to the provisions in Schedule 16 (repeals relating to public rights of way and road traffic) referred to in sub-paragraphs (i) to (k) below;

(i) Part II insofar as it repeals section 54 of the 1981 Act;

(j) Part II insofar as it repeals section 56(5) of the 1981 Act;

(k) Part II insofar as it repeals part of section 57(1) of the 1981 Act;

(l) section 57 (creation, stopping up and diversion of highways) insofar as it gives effect to the provision referred to in sub-paragraph (n) below;

(m) section 69(2) (amendment of section 147(5) of the 1980 Act relating to the interpretation of references to agricultural land and to land being brought into use for agriculture for the purposes of section 147 of the 1980 Act);

(n) sub-paragraph (8) of paragraph 23 of Schedule 6 to the extent that that sub-paragraph is not already in force.

Darpariaethau trosiannol

3.-(1) Ni fydd dim yn adran 47 na 48 o Ddeddf 2000 yn effeithio ar weithredu adran 53 na 54 o Ddeddf 1981 nac ar Atodlen 14 na 15 iddi mewn perthynas â gorchymyn perthnasol neu gais am orchymyn perthnasol a wnaed cyn 11 Mai 2006.

(2) Ym mharagraff (1) mae i "gorchymyn perthnasol" yr ystyr a roddir i "relevant order" yn adran 48(10) o Ddeddf 2000.

Transitional provisions

3.-(1) Nothing in section 47 or 48 of the 2000 Act affects the operation of section 53 or 54 of, or Schedule 14 or 15 to, the 1981 Act in relation to a relevant order, or an application for a relevant order, made before 11 May 2006.

(2) In paragraph (1) "relevant order" has the meaning given in section 48(10) of the 2000 Act.

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**)

10 Mai 2006

10 May 2006

D. Elis-Thomas

Llywydd y Cynulliad Cenedlaethol

The Presiding Officer of the National Assembly

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

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

OFFERYNNAU STATUDOL

2006 Rhif 1279 (Cy.124) (C.42)

HAWLIAU TRAMWY, CYMRU

Gorchymyn Deddf Cefn Gwlad a Hawliau Tramwy 2000 (Cychwyn Rhif 8 a Darpariaethau Trosiannol) (Cymru) 2006

STATUTORY INSTRUMENTS

2006 No. 1279 (W.124) (C.42)

RIGHTS OF WAY, WALES

The Countryside and Rights of Way Act 2000 (Commencement No. 8 and Transitional Provisions) (Wales) Order 2006

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