CYNULLIAD CENEDLAETHOL CYMRU

OFFERYNNAU STATUDOL

2006 Rhif 2992 (Cy.279) (C.106)

HAWLIAU TRAMWY, CYMRU

Gorchymyn Deddf yr Amgylchedd Naturiol a Chymunedau Gwledig 2006 (Cychwyn) (Cymru) 2006

NODYN ESBONIADOL

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

Mae erthygl 2 o'r Gorchymyn hwn yn dwyn i rym Ran 6 o Ddeddf yr Amgylchedd Naturiol a Chymunedau Gwledig 2005 ("y Ddeddf"), sydd wedi'i ffurfio o adrannau 66 i 72 o'r Ddeddf.

Mae adrannau 66 i 71 o'r Ddeddf yn diwygio'r gyfraith o ran hawliau tramwy a cherbydau a yrrir yn fecanyddol.

Mae adran 66 yn cyfyngu ar greu hawliau tramwy i gerbydau a yrrir yn fecanyddol. Mae adran 67 yn terfynu rhai hawliau tramwy cyhoeddus sy'n bodoli ond sydd heb eu cofnodi ar gyfer cerbydau a yrrir yn fecanyddol. Mae adrannau 68 a 69 yn diwygio Deddf Priffyrdd 1980 (p. 66). Mae adran 68 yn gwneud darpariaeth ar gyfer rhagdybio bod cilffordd gyfyngedig wedi'i chyflwyno o dan amgylchiadau priodol ar ôl 20 mlynedd o ddefnydd gan gerbydau (megis beiciau pedal) nas gyrrir yn fecanyddol. Mae adran 69 yn ymwneud â chyflwyniadau rhagdybiedig a cheisiadau o dan adran 53 o Ddeddf Bywyd Gwyllt a Chefn Gwlad 1981 (p. 69), ac yn egluro, pan godir amheuaeth ynglŷn â hawl sydd gan y cyhoedd i ddefnyddio ffordd drwy gais am addasu'r map a'r datganiad diffiniol, bod y dyddiad y codir amheuaeth ynghylch hawl sydd gan y cyhoedd i'w drin fel y dyddiad y caiff y cais ei wneud. Mae adran 70 yn gwneud darpariaeth atodol ac mae adran 71 yn ddarpariaeth ddehongli.

Y map a'r datganiad diffiniol ar gyfer ardal yw'r cofnod cyfreithiol o hawliau tramwy cyhoeddus a baratoir ac y cedwir golwg arno gan yr awdurdod tirfesur ar gyfer yr ardal honno (sef y cyngor sir neu'r

NATIONAL ASSEMBLY FOR WALES

STATUTORY INSTRUMENTS

2006 No. 2992 (W.279) (C.106)

RIGHTS OF WAY, WALES

The Natural Environment and Rural Communities Act 2006 (Commencement) (Wales) Order 2006

EXPLANATORY NOTE

(This note is not part of the Order)

Article 2 of this Order brings into force Part 6 of the Natural Environment and Rural Communities Act 2005 ("the Act"), which comprises sections 66 to 72 of the Act.

Sections 66 to 71 of the Act amend the law in relation to rights of way and mechanically propelled vehicles.

Section 66 restricts the creation of rights of way for mechanically propelled vehicles. Section 67 ends certain existing but unrecorded public rights of way for mechanically propelled vehicles. Sections 68 and 69 amend the Highways Act 1980 (c. 66). Section 68 makes provision with respect to the presumed dedication of a restricted byway in appropriate circumstances after 20 years' use by non-mechanically propelled vehicles (such as pedal cycles). Section 69 concerns presumed dedication and applications under section 53 of the Wildlife and Countryside Act 1981 (c. 69), and clarifies that, where a right of the public to use a way is brought into question by an application to modify the definitive map and statement, the date on which the right of the public is brought into question is to be treated as being the date on which the application is made. Section 70 makes supplementary provision and section 71 is an interpretation provision.

The definitive map and statement for an 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

cyngor bwrdeistref sirol y mae ei ardal yn cynnwys yr ardal honno). Gellir edrych ar y map a'r datganiad diffiniol yn swyddfa'r cyngor ar bob adeg resymol.

Mae adran 72 yn mewnosod yn Neddf Rheoleiddio Traffig Ffyrdd 1984 (p. 27) ("Deddf 1984") adrannau newydd, sef 22BB a 22BC, sy'n rhoi i awdurdod Parc Cenedlaethol bŵer i wneud gorchmynion rheoleiddio traffig a gorchmynion eraill sy'n ymwneud â thraffig o dan Ddeddf 1984 mewn perthynas â ffyrdd yn y Parc Cenedlaethol sydd naill ai'n gilffyrdd ar agar i bob math o draffig, yn llwybrau troed neu'n llwybrau ceffylau neu'n gerbytffyrdd anseliedig. Mae'r adrannau newydd yn rhoi i'r Cynulliad Cenedlaethol y pŵer i wneud rheoliadau i addasu'r ffordd y cymhwysir Deddf 1984 mewn perthynas â gorchmynion penodol sy'n cael eu gwneud gan awdurdodau Parciau Cenedlaethol o dan yr adrannau newydd. Nid yw'r Cynulliad Cenedlaethol yn bwriadu arfer y pwer hwn ar hyn o bryd.

Gellir cael esboniad manylach ar y darpariaethau yn y Nodiadau Esboniadol ar gyfer y Ddeddf, sydd ar gael o'r Llyfrfa, Blwch Post 29, Norwich NR3 1GN (neu ar lein yn www.opsi.gov.uk).

Gwnaed o dan y Ddeddf gan Adran yr Amgylchedd, Bwyd a Materion Gwledig y Gorchmynion Cychwyn a ganlyn y mae i rai o'u darpariaethau effaith yng Nghymru -

Gorchymyn Deddf yr Amgylchedd Naturiol a Chymunedau Gwledig 2006 (Cychwyn Rhif 1) 2006 (O.S. 2006/1176) (C.40).

Gorchymyn Deddf yr Amgylchedd Naturiol a Chymunedau Gwledig 2006 (Cychwyn Rhif 2) 2006 (O.S. 2006/1382) (C.47).

Gorchymyn Deddf yr Amgylchedd Naturiol a Chymunedau Gwledig 2006 (Cychwyn Rhif 3 a Darpariaethau Trosiannol) 2006 (O.So 2006/2541) (C.86).

area includes that area). The definitive map and statement may be viewed at council offices during all reasonable hours.

Section 72 inserts new sections 22BB and 22BC into the Road Traffic Regulation Act 1984 (c.27) ("the 1984 Act"), which give a National Park authority power to make traffic regulation orders and other traffic-related orders under the 1984 Act in relation to roads in the National Park that are either byways open to all traffic, footpaths or bridleways or unsealed carriageways. The new sections give the National Assembly the power to make regulations to modify the application of the 1984 Act in relation to certain orders made by National Park authorities under the new sections.. The National Assembly does not propose to exercise this power at this time.

More detailed explanation of the provisions can be found in the Explanatory Notes for the Act, which are available from The Stationery Office, PO Box 29, Norwich NR3 1GN (or online at www.opsi.gov.uk).

The following Commencement Orders have been made under the Act by the Department for Environment, Food and Rural Affairs, some provisions of which have effect in Wales -

The Natural Environment and Rural Communities Act 2006 (Commencement No.1) Order 2006 (S.I. 2006/1176) (C.40).

The Natural Environment and Rural Communities Act 2006 (Commencement No.2) Order 2006 (S.I. 2006/1382) (C.47).

The Natural Environment and Rural Communities Act 2006 (Commencement No. 3 and Transitional Provisions) Order 2006 (S.I. 2006/2541) (C.86).

OFFERYNNAU STATUDOL

2006 Rhif 2992 (Cy.279) (C.106)

HAWLIAU TRAMWY, CYMRU

Gorchymyn Deddf yr Amgylchedd Naturiol a Chymunedau Gwledig 2006 (Cychwyn) (Cymru) 2006

Wedi'i wneud *15 Tachwedd 2006*

Mae Cynulliad Cenedlaethol Cymru yn gwneud y Gorchymyn canlynol drwy arfer y pwerau a roddwyd iddo gan adran 107(4)(b) o Ddeddf yr Amgylchedd Naturiol a Chymunedau Gwledig 2006(**1**):

Enwi, cymhwyso a dehongli

1.-(1) Enw'r Gorchymyn hwn yw Gorchymyn Deddf yr Amgylchedd Naturiol a Chymunedau Gwledig 2006 (Cychwyn) (Cymru) 2006.

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

(3) Yn y Gorchymyn hwn, ystyr "y Ddeddf" ("*the Act*") yw Deddf yr Amgylchedd Naturiol a Chymunedau Gwledig 2006.

Cychwyn Rhan 6 o'r Ddeddf

2. Daw Rhan 6 (hawliau tramwy) o'r Ddeddf i rym ar 16 Tachwedd 2006.

(**1**) 2006 p. 16.

STATUTORY INSTRUMENTS

2006 No. 2992 (W.279) (C.106)

RIGHTS OF WAY, WALES

The Natural Environment and Rural Communities Act 2006 (Commencement) (Wales) Order

Made *15 November 2006*

The National Assembly for Wales makes the following Order in exercise of the powers conferred upon it by section 107(4)(b) of the Natural Environment and Rural Communities Act 2006(**1**):

Title, application and interpretation

1.-(1) The title of this Order is the Natural Environment and Rural Communities Act 2006 (Commencement) (Wales) Order 2006.

(2) This Order applies in relation to Wales.

(3) In this Order, "the Act" ("*y Ddeddf*") means the Natural Environment and Rural Communities Act 2006.

Commencement of Part 6 of the Act

2. Part 6 (rights of way) comes into force on 16 November 2006.

(**1**) 2006 c. 16

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

15 Tachwedd 2006

Llywydd y Cynulliad Cenedlaethol

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

15 November 2006

D. Elis-Thomas

The Presiding Officer of the National Assembly

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

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

©℗ Hawlfraint y Goron 2006

Argraffwyd a chyhoeddwyd yn y Deyrnas Unedig gan The Stationery Office Limited o dan awdurdod ac arolygiaeth Carol Tullo, Rheolwr Gwasg Ei Mawrhydi ac Argraffydd Deddfau Seneddol y Frenhines.

© Crown copyright 2006

Printed and Published in the UK by the Stationery Office Limited under the authority and superintendence of Carol Tullo, Controller of Her Majesty's Stationery Office and Queen's Printer of Acts of Parliament.

£3.00

W412/11/06 ON