
STATUTORY INSTRUMENTS

1982 No. 667**COMMON****The Commons (Schemes) (Welsh Forms) Regulations 1982**

Made - - - - - *29th April 1982*
Coming into Operation *15th June 1982*

The Secretary of State for Wales in exercise of the powers conferred by sections 1, 2 and 15 of the Commons Act 1899(a) and now vested in him(b) as extended by sections 2(2) and (3) and 3(2) of the Welsh Language Act 1967(c) and of all other powers enabling him in that behalf, hereby makes the following regulations:—

1. These regulations may be cited as the Commons (Schemes) (Welsh Forms) Regulations 1982 and shall come into operation on 15th June 1982.

2. The form set out in Part 1 of the Schedule to these regulations is hereby prescribed as the version partly in Welsh and partly in English which may be used in Wales in place of Form I (Form of Scheme) in the Schedule to the Commons (Schemes) Regulations 1982(d).

3. The form set out in Part I of the Schedule to these regulations may be subject to such modifications as appear to the council of a district to be necessary or expedient.

4. The form set out in Part II of the Schedule to these regulations is hereby prescribed as the version partly in Welsh and partly in English which may be used in Wales in place of Form II (Form of Notice, Commons Act 1899) in the Schedule to the Commons (Schemes) Regulations 1982.

5. Either the Welsh language version or the English language version of the forms specified in the Schedule to these regulations shall be placed immediately above the other language version of that form.

6. In case of any discrepancy between the English and Welsh text of the form specified in Part I of the Schedule to these regulations the English text shall prevail.

(a) 1899 c.30, as amended by section 272 of, and Schedule 30 to, the Local Government Act 1972 (c.70), and by section 1 of, and Schedule 3 to, the Local Government, Planning and Land Act 1980 (c.65).

(b) 1903 c.31, 1919 c.91; S.I. 1955/554, 1965/143, 1967/156, 1970/1681.

(c) 1967 c.66.

(d) S.I. 1982/209.

SCHEDULE

PART I

FORM OF SCHEME

1. The piece of land with ponds, streams, paths and roads thereon, commonly known as _____, situate in the [parish] [community] of _____ in the County of _____ and hereinafter referred to as "the common", as shown on a plan sealed by, and deposited at the offices of the District Council of _____ hereinafter called "the Council" and thereon coloured green, being a common within the meaning of the Commons Act 1899, shall henceforth be regulated by this Scheme, and the management thereof shall be vested in the Council.

2. The Council may execute any necessary works of drainage, raising, levelling or other works for the protection and improvement of the common, and may, for the prevention of accidents, fence any quarry, pit, pond, stream or other like place on the common, and shall preserve the turf, shrubs, trees, plants and grass thereon, and for this purpose may, for short periods, enclose by fences such portions as may require rest to revive the same, and may plant trees and shrubs for shelter or ornament and may place seats upon and light the common, and otherwise improve the common as a place for exercise and recreation. Save as hereinafter provided, the Council shall do nothing that may otherwise vary or alter the natural features or aspects of the common or interfere with free access to any part thereof, and shall not erect upon the common any shelter, pavilion, drinking fountain or other building without the consent of the person or persons entitled to the soil of the common and of the Secretary of State [for the Environment] [for Wales]. The Secretary of State, in giving or withholding his consent, shall have regard to the same considerations and shall, if necessary, hold the same enquiries as are directed by the Commons Act 1876(a) to be taken into consideration and held by the Secretary of State before forming an opinion whether an application under the Inclosure Acts 1845 to 1882 shall be acceded to or not.

3. The Council shall maintain the common free from all encroachments and shall not permit any trespass on or partial enclosure thereof or of any part thereof.

4. The inhabitants of the neighbourhood shall have a right of free access to every part of the common and a privilege of playing games and of enjoying other kinds of recreation thereon, subject to any byelaws made by the Council under this Scheme.

5. The [here insert description of any particular trees or objects of historical, scientific or antiquarian interest] are, so far as possible, to be conserved by the Council.

6. The Council may set apart for games any portion or portions of the common as it may consider expedient and may form grounds thereon for cricket, football, tennis, bowls and other similar games, and may allow such grounds to be temporarily enclosed with any open fence, so as to prevent cattle and horses from straying thereon; but such grounds shall not be so numerous or extensive as to affect prejudicially the enjoyment of the common as an open space or the lawful exercise of any right of common, and shall not be so near to any dwelling-house or road as to create a nuisance or be an annoyance to the inhabitants of the house or to persons using the road.

7. The Council may, with the consent of the person or persons entitled to the soil of the common, and of the Secretary of State, temporarily set apart and fence such portion or portions of the common as it may consider expedient for the parking of motor and other vehicles, and may make such charges for the use of such part as it may deem necessary and reasonable: provided that any area so set apart shall not be so near to any dwelling-house as to create a nuisance or be an annoyance to the inhabitants of the house. The Secretary of State, in giving or withholding his consent, shall have regard to

(a) 1876 c.56.

the same considerations and shall, if necessary, hold the same enquiries as are directed by the Commons Act 1876 to be taken into consideration and held by the Secretary of State before forming an opinion whether an application under the Inclosure Acts 1845 to 1882 shall be acceded to or not.

8. The Council may, for the prevention of nuisances and the preservation of order on the common, and subject to the provisions of section 10 of the Commons Act 1899, make, revoke or alter byelaws for any of the following purposes, namely—

- (a) prohibiting any person without lawful authority from digging or taking turf, sods, gravel, sand, clay or other substance on or from the common, and from cutting, felling or injuring any gorse, heather, timber, or other tree, shrub, brushwood or other plant growing on the common;
- (b) regulating the place and mode of digging and taking turf, sods, gravel, sand, clay, or other substance, and cutting, felling and taking trees or underwood on or from the common in exercise of any right of common or other right over the common;
- (c) prohibiting the removal or displacement of seats, shelters, pavilions, drinking fountains, fences, notice-boards, or any works erected or maintained by the Council on the common;
- (d) prohibiting any person without lawful authority from killing, molesting or intentionally disturbing any animal, bird or fish or engaging in hunting, shooting or fishing or the setting of traps or nets or the laying of snares;
- (e) prohibiting the driving, drawing or placing upon the common or any part thereof without lawful authority of any motor vehicle, motor cycle, carriage, cart, caravan, truck or other vehicle (including any aircraft), except in the case of accident or other sufficient cause;
- (f) prohibiting—
 - (i) the flying of any model aircraft driven by the combustion of petrol vapour or other combustible substances;
 - (ii) the taking off or (except in the case of accident or other sufficient cause) landing of any glider or any other aircraft;
 - (iii) the flying of any glider or aircraft in such a manner as to be likely to cause undue interference with the enjoyment of the common by persons lawfully on it;
- (g) prohibiting or, in the case of a fair lawfully held, regulating the placing on the common of any show, exhibition, swing, roundabout or other like thing;
- (h) regulating games to be played and other means of recreation to be exercised on the common;
- (i) regulating assemblies of persons on the common;
- (j) regulating the use of any portion of the common temporarily enclosed or set apart under this Scheme for any purpose;
- (k) prohibiting or regulating the riding, driving, exercising or breaking in of horses without lawful authority on any part of the common;
- (l) prohibiting any person without lawful authority from turning out or permitting to remain on the common any cattle, sheep or other animals;
- (m) prohibiting any person from bathing in any pond or stream on the common, save in accordance with the byelaws;
- (n) prohibiting camping or the lighting of any fire;
- (o) prohibiting or regulating any act or thing which may injure or disfigure the common, or interfere with the use thereof by the public for the purposes of exercise and recreation;
- (p) authorising any officer of the Council, after due warning, to remove from the common any vehicle or animal drawn, driven or placed, or any structure erected or placed thereon in contravention of this Scheme or of any byelaw made under this Scheme;

- (q) prohibiting any person on the common from selling or offering or exposing for sale or letting to hire or offering or exposing for letting to hire, any commodity or article, unless in pursuance of an agreement with the Council or otherwise in the exercise of any lawful right or privilege;
- (r) prohibiting the fixing of bills, placards or notices on trees, fences, erections or notice boards on the common;
- (s) prohibiting the hindrance or obstruction of an officer of the Council in the exercise of his powers or duties under this Scheme or under any byelaw made thereunder.

9. Copies of all byelaws made under this Scheme shall be displayed on notice boards placed on such parts of the common as the Council think fit.

10. Nothing in this Scheme or any byelaw made under it shall prejudice or affect any right of the person entitled as Lord of the Manor or otherwise to the soil of the common, or of any person claiming under him, which is lawfully exercisable in, over, under or on the soil or surface of the common in connection with game, or with mines, minerals, or other substrata or otherwise, or prejudice or affect any right of the commoners in or over the common, or the lawful use of any highway or thoroughfare on the common, or affect any power or obligation to repair any such highway or thoroughfare.

11. Printed copies of this Scheme shall be available for sale at the offices of the Council for such reasonable price as the Council may determine.

FFURF Y CYNLLUN

1. Bydd y darn tir gyda'r llynnoedd, nentydd, llwybrau a'r ffyrdd sydd arno, a elwir yn arferol _____, [ym mhlwyf] [yng nghymdeithas] _____ yn Sir _____, ac y cyfeirir ato yma wedi hyn fel "y comin", fel y nodir ar blân a seliwyd gan ac a osodwyd yn swyddfa Cyngor Dosbarth _____, a elwir yma wedi hyn "y Cyngor", ac wedi'i liwio'n wyrdd arno, sef comin o fewn ystyr Deddf Tir Comin 1899, yn cael ei reoli o hyn allan gan y Cynllun hwn, a bydd ei oruchwyliaeth yn dod o dan ofal y Cyngor.

2. Gall y Cyngor wneud unrhyw waith traenio, codi, gwastatáu neu unrhyw waith arall sy'n angenrheidiol i ddiogelu a gwella'r comin, a gall, er mwyn atal damweiniau, ffensio unrhyw chwarel, pwll, llyn, nant neu le tebyg arall ar y comin, a bydd yn diogelu'r tywarch, prysgwydd, coed, planhigion a'r borfa arno, ac i'r diben hwn am gyfnodau byrion gall amgau â ffensys unrhyw rannau y mae angen llonydd arnynt i'w hadfer, a gall blannu coed a phrysgwydd fel cysgod neu addurn a gall roi seddau ar y comin a'i oleuo, a gwella'r comin mewn ffyrdd eraill fel lle ar gyfer ymarfer a hamdden. Ac eithrio fel y darperir yma wedi hyn, ni chaiff y Cyngor wneud dim a fydd fel arall yn amrywio neu'n newid nodweddion neu ymddangosiad naturiol y comin nac ymyrryd â mynediad rhydd i unrhyw ran ohono, ac ni chaiff godi ar y comin unrhyw gysgod, pafiliwn, ffynnon yfed nac adeilad arall heb ganiatâd y person neu'r personau sydd â hawl i bridd y comin a chaniatâd [yr Ysgrifennydd Gwladol dros yr Amgylchedd] [Ysgrifennydd Gwladol Cymru]. Bydd yr Ysgrifennydd Gwladol, wrth roi neu wrthod ei ganiatâd, yn rhoi sylw i'r un ystyriaethau, ac os bydd angen yn cynnal yr un ymchwiliadau, ag a gyfarwyddir gan Ddeddf Tir Comin 1876(a) i'w hystyried ac i'w cynnal gan yr Ysgrifennydd Gwladol cyn llunio barn a ddylid caniatáu cais o dan Ddeddfau Cau 1845 i 1882 neu beidio.

3. Bydd y Cyngor yn cynnal y comin yn rhydd o unrhyw ymyrraeth ac ni fydd yn caniatáu unrhyw dresmasu arno nac unrhyw gau rhannol ohono nac o unrhyw ran ohono.

(a) 1876 c.56.

4. Bydd gan drigolion yr ardal hawl mynediad rhwydd i bob rhan o'r comin a'r fraind i gynnal chwaraeon a mwynhau mathau eraill o hamdden yno, yn unol ag unrhyw is-ddeddfau a wneir gan y Cyngor o dan y Cynllun hwn.

5. Bydd y [cynhwyswr yma ddisgrifiad o unrhyw goed arbennig neu wrthrychau o ddiddordeb hanesyddol, gwyddonol neu hynafol] cyn belled â phosibl yn cael eu diogelu gan y Cyngor.

6. Gall y Cyngor osod o'r neilltu ar gyfer chwaraeon unrhyw ran neu rannau o'r comin ag a ystyria'n gyfleus a gall greu mannau chwarae yno ar gyfer criced, pêl-droed, tenis, bowls a chwaraeon tebyg eraill, a gall ganiatáu i'r mannau hynny gael eu cau dros dro ag unrhyw ffens agored er mwyn rhwystro gwartheg a cheffylau rhag crwydro arnynt; ond ni fydd y mannau hynny mor niferus neu fawr fel y byddant yn rhagfarnu mwynhau'r comin fel lle agored neu ddefnyddio unrhyw hawl comin yn gyfreithlon, ac ni fyddant mor agos at unrhyw dŷ byw neu ffordd fel y byddant yn peri poendod neu flinder i breswylwyr y tŷ neu i bersonau sy'n defnyddio'r ffordd.

7. Gall y Cyngor, gyda chaniatâd y person neu'r personau sydd â hawl i bridd y comin, a chaniatâd yr Ysgrifennydd Gwladol, osod o'r neilltu dros dro a ffensio unrhyw ran neu rannau o'r comin ag a ystyria'n gyfleus ar gyfer parcio cerbydau modur a cherbydau eraill, a gall godi unrhyw dâl am ddefnyddio'r rhan honno ag a ystyria'n angenrheidiol ac yn rhesymol: cyn belled na fydd unrhyw ddarn a osodir o'r neilltu felly mor agos at unrhyw dŷ byw nes ei fod yn peri poendod neu flinder i drigolion y tŷ. Bydd yr Ysgrifennydd Gwladol, wrth roi neu wrthod ei ganiatâd, yn rhoi sylw i'r un ystyriaethau, ac os bydd angen yn cynnal yr un ymchwiliadau, ag a gyfarwyddir gan Ddeddf Tir Comin 1876 i'w hystyried ac i'w cynnal gan yr Ysgrifennydd Gwladol cyn llunio barn a ddylid caniatáu cais o dan Ddeddfau Cau 1845 i 1882 neu beidio.

8. Gall y Cyngor, er mwyn atal poendod a chadw trefn ar y comin, ac yn unol â darpariaethau Adran 10 o Ddeddf Tir Comin 1899, wneud, dirymu neu newid is-ddeddfau at unrhyw un o'r dibenion canlynol, sef—

- (a) gwahardd unrhyw berson heb awdurdod cyfreithlon rhag cloddio neu gymryd tywarch, graean, tywod, clai neu ddefnydd arall ar y comin neu ohono, a rhag torri, cwmpo neu niweidio unrhyw eithin, grug, pren neu goeden arall, llwyn, prysgwydd neu blanhigyn arall sy'n tyfu ar y comin;
- (b) rheoli lle a dull cloddio a chymryd tywarch, graean, tywod, clai neu ddefnydd arall, a thorri, cwmpo a chymryd coed neu goed mân ar y comin neu ohono er mwyn ymarfer unrhyw hawl comin neu hawl arall dros y comin;
- (c) gwahardd cymryd neu symud seddau, cysgodfannau, pafiliynau, ffynhonnau yfed, ffensys, byrddau hysbysu neu unrhyw waith a godir neu a gynhelir gan y Cyngor ar y comin;
- (d) gwahardd unrhyw berson heb awdurdod cyfreithlon rhag lladd, poeni neu darfu'n fwriadol ar unrhyw anifail, aderyn neu bysgodyn neu hela, saethu neu bysgota neu osod trapiau neu rwydi neu faglau;
- (e) gwahardd gyrru, tynnu neu osod ar y comin neu unrhyw ran ohono heb awdurdod cyfreithlon unrhyw gerbyd modur, beic modur, cerbyd, cert, carafan, wagen neu gerbyd arall (gan gynnwys unrhyw awyren), ac eithrio pan ddigwydd damwain neu pan fydd rheswm digonol arall;
- (f) gwahardd—
 - (i) hedfan unrhyw fodel o awyren a yrrir drwy losgi ager petrol neu ddefnyddiau llosgi eraill;
 - (ii) codi neu (ac eithrio pan ddigwydd damwain neu pan fydd rheswm digonol arall) lanio unrhyw gleidar neu unrhyw awyren arall;
 - (iii) hedfan unrhyw gleidar neu awyren mewn ffordd sy'n debygol o achosi ymyrryd diangen â mwynhad y comin gan bersonau sydd arno'n gyfreithlon;

- (g) gwahardd, neu yn achos ffair a gynhelir yn gyfreithlon, reoli gosod ar y comin unrhyw sioe, arddangosfa, siglen, cylchdro neu rywbeth arall tebyg;
- (h) rheoli chwaraeon i'w chwarae a dulliau hamdden eraill i'w cynnal ar y comin;
- (i) rheoli cynulladau o bobl ar y comin;
- (j) rheoli unrhyw ran o'r comin a gaeir dros dro neu a roir o'r neilltu o dan y Cynllun hwn at unrhyw ddiben;
- (k) gwahardd neu reoli marchogaeth, gyrru, ymarfer neu dorri ceffylau i mewn heb awdurdod cyfreithlon ar unrhyw ran o'r comin;
- (l) gwahardd unrhyw berson heb awdurdod cyfreithlon rhag troi allan ar y comin unrhyw wartheg, defaid neu anifeiliaid eraill neu ganiatáu iddynt barhau yno;
- (m) gwahardd unrhyw berson rhag ymdrochi mewn unrhyw lyn neu nant ar y comin, ac eithrio'n unol â'r is-ddeddfau;
- (n) gwahardd gwersylla neu gynnau unrhyw dân;
- (o) gwahardd neu reoli unrhyw weithred neu beth a all niweidio neu anharddu'r comin, neu ymyrryd â'i ddefnyddio gan y cyhoedd at ddibenion ymarfer a hamdden;
- (p) awdurdodi unrhyw swyddog sydd gan y Cyngor, ar ôl rhybudd priodol, i symud o'r comin unrhyw gerbyd neu anifail a gafodd ei dynnu, ei yrru neu ei osod, neu unrhyw adeiladwaith a godwyd neu a osodwyd yno yn groes i'r Cynllun hwn neu i unrhyw is-ddeddf a wneir o dan y Cynllun hwn;
- (q) gwahardd unrhyw berson ar y comin rhag gwerthu neu gynnig neu osod ar werth neu osod ar hur neu gynnig neu osod ar hur unrhyw nwydd neu eitem, oni fydd yn unol â chytundeb gyda'r Cyngor neu fel arall i ymarfer unrhyw hawl gyfreithlon neu fraint;
- (r) gwahardd gosod biliau, posteri neu hysbysiadau ar goed, ffensys, pethau eraill wedi eu codi neu fyrddau hysbysu ar y comin;
- (s) gwahardd rhwystro neu atal un o swyddogion y Cyngor rhag ymarfer ei hawliau neu ei ddyletswyddau o dan y Cynllun hwn neu o dan unrhyw is-ddeddf a wneir o dano.

9. Bydd copïau o bob is-ddeddf a wneir o dan y Cynllun hwn yn cael eu harddangos ar fyrddau hysbysu wedi'u gosod ar y rhannau hynny o'r comin y cred y Cyngor eu bod yn addas.

10. Ni fydd dim yn y Cynllun hwn nac unrhyw is-ddeddf a wneir o dano yn rhagfarnu nac yn effeithio ar unrhyw hawl sydd gan y person fel Arglwydd y Faenor neu fel arall i bridd y comin, neu hawl unrhyw berson sy'n hawlio o dano, y gellir ei ymarfer yn gyfreithlon yn, dros, o dan neu ar bridd neu wyneb y comin mewn cysylltiad â hela, neu â mwyngloddiau, mwynau neu is-haenau eraill neu fel arall, nac yn rhagfarnu neu'n effeithio ar unrhyw hawliau sydd gan y cominwyr yn neu dros y comin, neu ddefnyddio'n gyfreithlon unrhyw briffordd neu dramwyfa ar y comin, nac yn effeithio ar unrhyw bŵer neu reidrwydd i drwsio unrhyw briffordd neu dramwyfa o'r fath.

11. Bydd copïau argraffedig o'r Cynllun hwn ar werth yn swyddfeydd y Cyngor am unrhyw bris rhesymol a bennir gan y Cyngor.

PART II

FORM OF NOTICE
Commons Act 1899

Notice is hereby given that the Council intend to make a Scheme under the above Act for the regulation and management of in their district with a view to the expenditure of money on the drainage, levelling and improvement of the Common, and to the making of byelaws for the prevention of nuisances and the preservation of order.

Copies of the draft Scheme may be purchased and the plan therein referred to may be inspected at the offices of the Council.

Any objection or representation with respect to the Scheme or plan shall be sent to the offices of the District Council of within three months from the date of this notice.

If, at any time before the Council have approved the Scheme, they receive a written notice of dissent, which is not subsequently withdrawn, from either a person entitled to the soil of the common or from persons representing at least one third in value of such interests in the common as are affected by the Scheme, then the Scheme cannot be made.

(Date)

(Signature of Officer authorised to sign)

FFURF YR HYSBYSIAD
Deddf Tir Comin 1899

Hysbysir drwy hyn fod Cyngor yn bwriadu gwneud Cynllun o dan y Ddeddf uchod ar gyfer rheoli a goruchwyllo yn eu dosbarth gyda'r bwriad o wario arian ar draenio, gwastatáu a gwella'r comin, ac o wneud is-ddeddfau er mwyn atal poendod a chadw trefn.

Gellir prynu copïau o'r Cynllun drafft a gellir archwilio'r plan y mae'n cyfeirio ato yn swyddfeydd y Cyngor.

Gellir anfon unrhyw wrthwynebiad neu awgrym am y Cynllun neu'r plan i swyddfeydd Cyngor Dosbarth o cyn pen tri mis ar ôl dyddiad yr hysbysiad hwn.

Os bydd y Cyngor, unrhyw adeg cyn iddo gymeradwyo'r Cynllun, yn derbyn rhybudd anghytuno ysgrifenedig, na chaiff ei dynnu'n ôl wedyn, naill ai oddi wrth berson sydd â hawl i bridd y comin neu oddi wrth bersonau'n cynrychioli o leiaf un rhan o dair mewn gwerth o unrhyw ddiddordebau yn y comin ag yr effeithir arnynt gan y Cynllun, yna ni ellir gwneud y Cynllun.

(Dyddiad)

(Llofnod Swyddog a awdurdodir i lofnodi)

Nicholas Edwards,
Secretary of State for Wales.

29th April 1982.

EXPLANATORY NOTE

(This Note is not part of the Regulations.)

These Regulations prescribe the combined Welsh and English versions of Form I (Form of Scheme) and Form II (Form of Notice) which are set out in the Schedule to The Commons (Schemes) Regulations 1982. The use of these combined versions of the two forms is optional.

NODYN EGLURO

(Nid yw'r Nodyn hwn yn rhan o'r Rheoliadau.)

Mae'r Rheoliadau hyn yn pennu fersiynau cyfunol Cymraeg a Saesneg o Ffurflen I (Ffurflun y Cynllun) a Ffurflen II (Ffurflun yr Hysbysiad) a gynhwysir yn yr Atodiad i Reoliadau Tir Comin (Cynlluniau) 1982. Gellir dewis defnyddio'r fersiynau cyfunol hyn o'r ddwy ffurflen neu beidio.

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