



CYNULLIAD CENEDLAETHOL CYMRU

NATIONAL ASSEMBLY FOR WALES

OFFERYNNAU STATUDOL

STATUTORY INSTRUMENTS

2004 Rhif 315 (Cy.33) (C.16)

2004 No. 315 (W.33) (C.16)

HAWLIAU TRAMWY, CYMRU

RIGHTS OF WAY, WALES

Gorchymyn Deddf Cefn Gwlad a
Hawliau Tramwy 2000 (Cychwyn
Rhif 4) (Cymru) 2004

The Countryside and Rights of
Way Act 2000 (Commencement
No. 4) (Wales) Order 2004

NODYN ESBONIADOL

EXPLANATORY NOTE

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

(This note is not part of the Order)

Mae'r Gorchymyn hwn yn rhoi grym, ar 1 Ebrill 2004, i adrannau 63 a 70(1) a (3) o Ddeddf Cefn Gwlad a Hawliau Tramwy 2000 ("y Ddeddf") a pharagraffau 1, 6 a 9(5) o Atodlen 6 iddi mewn perthynas â Chymru,

This Order brings into force, on 1 April 2004, sections 63 and 70(1) and (3) of, and paragraphs 1, 6 and 9(5) of Schedule 6 to, the Countryside and Rights of Way Act 2000 ("the Act") in relation to Wales.

Mae adran 63 o'r Ddeddf yn mewnosod adrannau 130A, 130B, 130C a 130D yn Neddf Priffyrdd 1980 ("Deddf 1980"). Cyflwynwyd y darpariaethau hyn er mwyn cryfhau'r darpariaethau presennol sy'n ymwneud â symud rhwystrau o hawliau tramwy. Lle bydd unrhyw berson yn credu bod awdurdod priffyrdd lleol ("yr awdurdod") yn methu yn ei ddyletswydd o dan adran 130 o Ddeddf 1980 i atal, cyn belled â phosibl, hawl dramwy rhag cael ei chau neu ei rhwystro, mae adran 130A yn galluogi'r person hwnnw i gyflwyno hysbysiad i'r awdurdod yn gofyn iddo sicrhau bod y rhwystr yn cael ei symud. Lle nad yw'r person a gyflwynodd yr hysbysiad yn fodlon bod y rhwystr wedi'i symud, mae adran 130B yn galluogi'r person hwnnw i geisio gorchymyn llys ynadon er mwyn gofodi'r awdurdod i fynd ati i sicrhau bod y rhwystr yn cael ei symud. Mae adrannau 130C a 130D yn darparu materion gweithdrefnol cysylltiedig.

Section 63 of the Act inserts sections 130A, 130B, 130C and 130D into the Highways Act 1980 ("the 1980 Act"). These provisions were introduced to strengthen the existing provisions relating to the removal of obstructions from rights of way. Where any person believes a local highway authority ("the authority") is failing in its duty under section 130 of the 1980 Act to prevent, so far as possible, a right of way from being stopped-up or obstructed, section 130A enables that person to serve a notice on the authority requesting it to secure the removal of the obstruction. Where the person who served the notice is not satisfied that the obstruction has been removed, section 130B enables that person to seek a magistrates' court order to force the authority to act to secure the removal of the obstruction. Sections 130C and 130D provide associated procedural matters.

Mae adran 70(1) o'r Ddeddf yn ymestyn pŵer awdurdod priffyrdd o dan adran 66(3) o Ddeddf 1980 i ddarparu a chynnal a chadw nodweddion diogelwch ar lwybrau troed trwy alluogi'r awdurdod i ddarparu a chynnal a chadw pyst a thrwy ymestyn y ffordd y mae'r adran yn cael ei chymhwyso i gynnwys llwybrau ceffylau.

Section 70(1) of the Act extends a highway authority's power under section 66(3) of the 1980 Act to provide and maintain safety features on footpaths by enabling the authority to provide and maintain posts and by extending the application of the section to cover bridleways.

Mae adran 70(3) o'r Ddeddf yn ymestyn pŵer awdurdod i ddefnyddio cerbydau ar droedffyrdd, llwybrau troed a llwybrau ceffylau trwy alluogi'r awdurdod i ddefnyddio cerbydau ac offer o'r fath at ddibenion atal neu symud rhwystrau, niwsans neu ymyriadau eraill.

Mae paragraffau 1, 6 a 9(5) o Atodlen 6 i'r Ddeddf yn ei gwneud yn ofynnol i'r corff sydd â phŵer i gadarnhau (neu, yn achos paragraff 1, i gadarnhau neu wneud) gorchymyn creu, dileu neu wyro llwybr cyhoeddus i ystyried unrhyw ddarpariaeth berthnasol mewn cynllun gwella hawliau tramwy a baratowyd o dan adrannau 60 a 61 o'r Ddeddf lle mae'r gorchymyn arfaethedig yn effeithio ar dir a gynhwysir yn y cynllun. Cychwynwyd adrannau 60 a 61 o'r Ddeddf ar 1 Tachwedd 2002 gan Orchymyn Deddf Cefn Gwlad a Hawliau Tramwy 2000 (Cychwyn Rhif 3) (Cymru) 2002 (O.S. 2002/2615) (Cy.253) (C.82).

Section 70(3) of the Act extends an authority's power to use vehicles and appliances on footways, footpaths and bridleways by enabling the authority to use such vehicles and appliances for the purpose of preventing or removing obstructions, nuisances or other interferences.

Paragraphs 1, 6 and 9(5) of Schedule 6 to the Act require the body empowered to confirm (or, in the case of paragraph 1, to confirm or make) a public path creation, extinguishment or diversion order to consider any material provision of a rights of way improvement plan prepared under sections 60 and 61 of the Act where the proposed order affects land included in the plan. Sections 60 and 61 of the Act were commenced on 1 November 2002 by The Countryside and Rights of Way Act 2000 (Commencement No. 3) (Wales) Order 2002 (S.I. 2002/2615) (W.253) (C.82).

**NODYN YNGHYLCH GORCHMYNION
CYCHWYN CYNHARACH**

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

Mae darpariaethau'r Ddeddf y cyfeirir atynt yn y tabl isod wedi'u dwyn i rym mewn perthynas â Chymru gan Orchymynion Cychwyn a wnaed cyn dyddiad y Gorchymyn hwn.

**NOTE AS TO EARLIER COMMENCEMENT
ORDERS**

(This note is not part of the Order)

The provisions of the Act referred to in the table below have been brought into force in relation to Wales by Commencement Orders made before the date of this Order.

<i>Adran(nau) neu Atodlen(ni)</i>	<i>Dyddiad Cychwyn</i>	<i>Rhif O.S.</i>
46(1)(b)	1 Mai 2001	O.S. 2001/1410 (Cy.96) (C.50)
46(3) (yn rhannol)	1 Mai 2001	O.S. 2001/1410 (Cy.96) (C.50)
57 (yn rhannol)	1 Mai 2001	O.S. 2001/1410 (Cy.96) (C.50)
60 a 61	1 Tachwedd 2002	O.S. 2002/2615 (Cy.253) (C.82)
68	1 Mai 2001	O.S. 2001/1410 (Cy.96) (C.50)
70(2) a (4)	1 Mai 2001	O.S. 2001/1410 (Cy.96) (C.50)
72	1 Mai 2001	O.S. 2001/1410 (Cy.96) (C.50)
Rhan IV (adrannau 82 i 93 ac, yn unol â hynny, Atodlenni 13, 14 a 15)	1 Mai 2001	O.S. 2001/1410 (Cy.96) (C.50)
96	1 Mai 2001	O.S. 2001/1410 (Cy.96) (C.50)
99	30 Ionawr 2001	O.S. 2001/203 (Cy.9) (C.10)
102 (yn rhannol)	1 Mai 2001	O.S. 2001/1410 (Cy.96) (C.50)
Atodlen 4, paragraffau 1, 4, 5 a 6	1 Mai 2001	O.S. 2001/1410 (Cy.96) (C.50)
Atodlen 6, paragraffau 18(a) a 19 (yn rhannol)	1 Mai 2001	O.S. 2001/1410 (Cy.96) (C.50)
Atodlen 16, Rhannau I a II (yn rhannol)	1 Mai 2001	O.S. 2001/1410 (Cy.96) (C.50)

<i>Section(s) or Schedule(s)</i>	<i>Date of commencement</i>	<i>S.I. Number</i>
46(1)(b)	1 May 2001	S.I. 2001/1410 (W.96) (C.50)
46(3) (in part)	1 May 2001	S.I. 2001/1410 (W.96) (C.50)
57 (in part)	1 May 2001	S.I. 2001/1410 (W.96) (C.50)
60 and 61	1 November 2002	S.I. 2002/2615 (W.253) (C.82)
68	1 May 2001	S.I. 2001/1410 (W.96) (C.50)
70(2) and (4)	1 May 2001	S.I. 2001/1410 (W.96) (C.50)
72	1 May 2001	S.I. 2001/1410 (W.96) (C.50)
Part IV (sections 82 to 93 and, accordingly, Schedules 13, 14 and 15)	1 May 2001	S.I. 2001/1410 (W.96) (C.50)
96	1 May 2001	S.I. 2001/1410 (W.96) (C.50)
99	30 January 2001	S.I. 2001/203 (W.9) (C.10)
102 (in part)	1 May 2001	S.I. 2001/1410 (W.96) (C.50)
Schedule 4, paragraphs 1, 4, 5 and 6	1 May 2001	S.I. 2001/1410 (W.96) (C.50)
Schedule 6, paragraphs 18(a) and 19 (in part)	1 May 2001	S.I. 2001/1410 (W.96) (C.50)
Schedule 16, Parts I and II (in part)	1 May 2001	S.I. 2001/1410 (W.96) (C.50)

<i>Adran(nau) neu Atodlen(ni)</i>	<i>Dyddiad Cychwyn</i>	<i>Rhif O.S.</i>
Atodlen 16, Rhannau V a VI	1 Mai 2001	O.S. 2001/1410 (Cy.96) (C.50)

<i>Section(s) or Schedule(s)</i>	<i>Date of commencement</i>	<i>S.I. Number</i>
Schedule 16, Parts V and VI	1 May 2001	S.I. 2001/1410 (W.96) (C.50)

2004 Rhif 315 (Cy.33) (C.16)

HAWLIAU TRAMWY, CYMRU

Gorchymyn Deddf Cefn Gwlad a
Hawliau Tramwy 2000 (Cychwyn
Rhif 4) (Cymru) 2004

Wedi'i wneud

10 Chwefror 2004

Mae Cynulliad Cenedlaethol Cymru yn gwneud y Gorchymyn canlynol trwy arfer y pwerau a roddwyd iddo gan adran 103(3) a (4) o Ddeddf Cefn Gwlad a Hawliau Tramwy 2000 ("y Ddeddf")(a):

Enwi a chymhwyso

1.-(1) Enw'r Gorchymyn hwn yw Gorchymyn Deddf Cefn Gwlad a Hawliau Tramwy 2000 (Cychwyn Rhif 4) (Cymru) 2004.

(2) Mae'r Gorchymyn hwn yn gymwys i Gymru.

Y diwrnod penodedig

2. Y diwrnod penodedig i'r canlynol ddod i rym -

- (a) adran 63 o'r Ddeddf (gorfodi dyletswydd i atal rhwystrau ar briffyrdd);
- (b) adran 70(1) a (3) o'r Ddeddf (mân ddiwygiadau i Ddeddf Priffyrdd 1980(b)); ac
- (c) paragraffau 1, 6 a 9(5) o Atodlen 6 i'r Ddeddf (darpariaethau sy'n ymwneud â chynlluniau gwella hawliau tramwy a baratowyd o dan adrannau 60 a 61 o'r Ddeddf),

yw 1 Ebrill 2004.

(a) 2000 p.37.

(b) 1980 p.66.

2004 No. 315 (W.33) (C.16)

RIGHTS OF WAY, WALES

The Countryside and Rights of
Way Act 2000 (Commencement
No. 4) (Wales) Order 2004

Made

10th February 2004

The National Assembly for Wales makes the following Order in exercise of the powers conferred on it by section 103(3) and (4) of the Countryside and Rights of Way Act 2000 ("the Act")(a):

Citation and application

1.-(1) This Order may be cited as the Countryside and Rights of Way Act 2000 (Commencement No. 4) (Wales) Order 2004.

(2) This order applies to Wales.

Appointed day

2. The day appointed for the coming into force of -

- (a) section 63 of the Act (enforcement of duty to prevent obstructions on highways);
- (b) section 70(1) and (3) of the Act (minor amendments to the Highways Act 1980(b)); and
- (c) paragraphs 1, 6 and 9(5) of Schedule 6 to the Act (provisions relating to rights of way improvement plans prepared under sections 60 and 61 of the Act),

is 1st April 2004.

(a) 2000 c.37.

(b) 1980 c.66.

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

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

10 Chwefror 2004

10th February 2004

D. Elis-Thomas

Llywydd y Cynulliad Cenedlaethol

The Presiding Officer of the National Assembly

(a) 1998 p.38.

(a) 1998 c.38.

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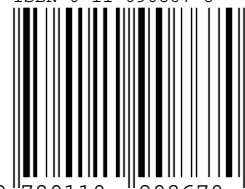
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