



OFFERYNNAU STATUDOL
CYMRU

WELSH STATUTORY
INSTRUMENTS

2009 Rhif 780 (Cy.68)

2009 No. 780 (W.68)

BYWYD GWYLLT, CYMRU

WILDLIFE, WALES

Gorchymyn Deddf Bywyd Gwyllt
a Chefn Gwlad 1981 (Amrywio
Atodlen 4) (Cymru) 2009

The Wildlife and Countryside Act
1981 (Variation of Schedule 4)
(Wales) Order 2009

NODYN ESBONIADOL

EXPLANATORY NOTE

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

(This note is not part of the Order)

Mae adran 7 o Ddeddf Bywyd Gwyllt a Chefn Gwlad 1981 ("y Ddeddf"), ynghyd â Rheoliadau a wnaed o dan yr adran honno, yn darparu at gyfer cofrestru a modrwyo neu farcio adar a gedwir mewn caethiwed ac a restrir yn Atodlen 4 i'r Ddeddf.

Section 7 of the Wildlife and Countryside Act 1981 ("the Act"), together with Regulations made under that section, provide for the registration and ringing or marking of birds that are kept in captivity and are listed in Schedule 4 to the Act.

Mae Erthygl 3 o'r Gorchymyn hwn yn tynnu'r adar a restrir yn yr erthygl honno oddi ar Atodlen 4 i'r Ddeddf. Mae hefyd yn tynnu allan y cyfeiriad at gymysgrywiau fel nad yw Atodlen 4 bellach yn cynnwys cymysgrywiau o'r rhywogaethau o adar ar y rhestr.

Article 3 of this Order removes the birds listed in that article from Schedule 4 to the Act. It also removes the reference to hybrids so that Schedule 4 no longer includes hybrids of the species of birds in the list.

O'r dyddiad y daw'r Gorchymyn hwn i rym, dyma'r adar a gynhwysir yn Atodlen 4 i'r Ddeddf —

From the coming into force of this Order, the birds included in Schedule 4 to the Act will be —

<i>Enw cyffredin</i>	<i>Enw gwyddonol</i>	<i>Common name</i>	<i>Scientific name</i>
Buzzard, Honey	<i>Pernis apivorus</i>	Buzzard, Honey	<i>Pernis apivorus</i>
Eagle, Golden	<i>Aquila chrysaetos</i>	Eagle, Golden	<i>Aquila chrysaetos</i>
Eagle, White-tailed	<i>Haliaeetus albicilla</i>	Eagle, White-tailed	<i>Haliaeetus albicilla</i>
Falcon, Peregrine	<i>Falco peregrinus</i>	Falcon, Peregrine	<i>Falco peregrinus</i>
Goshawk	<i>Accipiter gentilis</i>	Goshawk	<i>Accipiter gentilis</i>
Harrier, Marsh	<i>Circus aeruginosus</i>	Harrier, Marsh	<i>Circus aeruginosus</i>
Harrier, Montagu's	<i>Circus pygargus</i>	Harrier, Montagu's	<i>Circus pygargus</i>
Merlin	<i>Falco columbarius</i>	Merlin	<i>Falco columbarius</i>
Osprey	<i>Pandion haliaetus</i>	Osprey	<i>Pandion haliaetus</i>

Mae Erthygl 4 yn cynnwys dirymiad canlyniadol o Erthygl 3 o Orchymyn Deddf Bywyd Gwyllt a Chefn Gwlad 1981 (Amrywio Atodlen 4) 1994 (O.S. 1994/1151).

Paratowyd Asesiad Effaith Rheoleiddiol llawn o'r effaith a gaiff yr offeryn hwn ar gostau busnes a'r sector wirfoddol mewn perthynas â'r Gorchymyn hwn. Mae copi o'r Asesiad Effaith ar gael gan Adran yr Amgylchedd, Cynaliadwyedd a Thai, Yr Uned Natur, Mynediad a'r Môr, Adeiladau'r Goron, Stryd y Dollborth, Aberystwyth, neu gellir ei weld ar wefan Cynulliad Cenedlaethol Cymru ar www.cynulliadcymru.org.

Article 4 contains a consequential revocation of Article 3 of the Wildlife and Countryside Act 1981 (Variation of Schedule 4) Order 1994 (S.I. 1994/1151).

A Regulatory Impact Assessment of the effect that this instrument will have to the costs of business and the voluntary sector has been prepared in respect of this Order. A copy of the Impact Assessment can be obtained from the Department for Environment, Sustainability and Housing, Nature, Access and Marine Unit, Crown Buildings, Northgate Street Aberystwyth, or viewed on the National Assembly for Wales website - www.assemblywales.org.

2009 Rhif 780 (Cy.68)

BYWYD GWYLLT, CYMRU

**Gorchymyn Deddf Bywyd Gwyllt
a Chefn Gwlad 1981 (Amrywio
Atodlen 4) (Cymru) 2009**

<i>Gwnaed</i>	<i>24 Mawrth 2009</i>
<i>Gosodwyd gerbron Cynulliad Cenedlaethol Cymru</i>	<i>26 Mawrth 2009</i>
<i>Yn dod i rym</i>	<i>23 Ebrill 2009</i>

At ddibenion adran 26(4)(a) o Ddeddf Bywyd Gwyllt a Chefn Gwlad 1981(1) mae Gweinidogion Cymru o'r farn nad yw'r Gorchymyn hwn yn effeithio ar unrhyw awdurdod lleol.

Mae Gweinidogion Cymru —

- (a) yn unol â'r ddarpariaeth honno, wedi rhoi cyfle i unrhyw berson arall yr effeithir arno gyflwyno gwrthwynebiadau neu sylwadau mewn perthynas â phwnc y Gorchymyn hwn;
- (b) yn unol ag adran 26(4)(b) o Ddeddf Bywyd Gwyllt a Chefn Gwlad 1981, wedi ymgynghori â'r Cyd-bwyllgor Cadwraeth Natur(2), sef y corff cynghori y mae Gweinidogion Cymru o'r farn sy'n gallu cynghori orau a ddylid gwneud y Gorchymyn hwn ai peidio.

Trwy arfer y pwerau a roddwyd gan adran 22(1) o Ddeddf Bywyd Gwyllt a Chefn Gwlad 1981(3), mae Gweinidogion Cymru(4) yn gwneud y Gorchymyn canlynol:

-
- (1) 1981 p.69.
 - (2) *Gweler* y diffiniad o "advisory body" yn adrannau 23(3) a 27(1) o Ddeddf Bywyd Gwyllt a Chefn Gwlad 1981. Sefydlwyd y Cyd-bwyllgor Cadwraeth Natur o dan adran 128(4) o Ddeddf Diogelu'r Amgylchedd 1990 (p.43) ac mae'n parhau mewn bodolaeth (er ei fod wedi'i ail gyfansoddi) o dan adran 31 o Ddeddf yr Amgylchedd Naturiol a Chymunedau Gwledig 2006 (p.16).
 - (3) Diwygiwyd adran 22(1) o Ddeddf Bywyd Gwyllt a Chefn Gwlad 1981 gan adrannau 47(1) a (5) o Ddeddf yr Amgylchedd Naturiol a Chymunedau Gwledig 2006.
 - (4) Trosglwyddwyd pwerau'r Ysgrifennydd Gwladol o dan adran 22(1) o Ddeddf Bywyd Gwyllt a Chefn Gwlad 1981 i Gynulliad Cenedlaethol Cymru gan Erthygl 2 o Orchymyn Cynulliad Cenedlaethol Cymru (Trosglwyddo Swyddogaethau) 1999 ac Atodlen 1 iddo (O.S. 1999/672) a'u trosglwyddo wedi hynny i Weiniogion Cymru gan adran 162 o Ddeddf Llywodraeth Cymru 2006 a pharagraff 30 o Atodlen 11 iddi (p.32).

2009 No. 780 (W.68)

WILDLIFE, WALES

**The Wildlife and Countryside Act
1981 (Variation of Schedule 4)
(Wales) Order 2009**

<i>Made</i>	<i>24 March 2009</i>
<i>Laid before the National Assembly for Wales</i>	<i>26 March 2009</i>
<i>Coming into force</i>	<i>23 April 2009</i>

For the purposes of section 26(4)(a) of the Wildlife and Countryside Act 1981(1) the Welsh Ministers consider that no local authority is affected by this Order.

The Welsh Ministers have —

- (a) in accordance with that provision, given any other person affected an opportunity to submit objections or representations with respect to the subject matter of this Order;
- (b) in accordance with section 26(4)(b) of the Wildlife and Countryside Act 1981, consulted with the Joint Nature Conservation Committee, being the advisory body(2) which the Welsh Ministers consider is best able to advise as to whether this Order should be made.

In exercise of the powers conferred by section 22(1) of the Wildlife and Countryside Act 1981(3), the Welsh Ministers(4) make the following Order:

-
- (1) 1981 c.69.
 - (2) *See* the definition of "advisory body" in sections 23(3) and 27(1) of the Wildlife and Countryside Act 1981. The Joint Nature Conservation Committee was established under section 128(4) of the Environmental Protection Act 1990 (c.43) and continues in existence (albeit reconstituted) under section 31 of the Natural Environment and Rural Communities Act 2006 (c.16).
 - (3) Section 22(1) of the Wildlife and Countryside Act 1981 was amended by sections 47(1) and (5) of the Natural Environment and Rural Communities Act 2006.
 - (4) The powers of the Secretary of State under section 22(1) of the Wildlife and Countryside Act 1981 were transferred to the National Assembly for Wales by Article 2 of, and Schedule 1 to, the National Assembly for Wales (Transfer of Functions) Order 1999 (S.I. 1999/672) and thereafter transferred to the Welsh Ministers by section 162 of, and paragraph 30 of Schedule 11 to the Government of Wales Act 2006 (c.32).

Enwi, cychwyn a chymhwys

1. Enw'r Gorchymyn hwn yw Gorchymyn Deddf Bywyd Gwyllt a Chefn Gwlad 1981 (Amrywio Atodlen 4) (Cymru) 2009, a daw i rym ar 23 Ebrill 2009 ac mae'n gymwys o ran Cymru.

Amrywio Atodlen 4

2.—(1) Diwygir Atodlen 4(1) i Ddeddf Bywyd Gwyllt a Chefn Gwlad 1981 (adar y mae'n rhaid eu cofrestru a'u modrwyo os cedwir hwy yn gaeth) fel a ganlyn.

(2) Hepgorir yr adar canlynol—

<i>Common name</i>	<i>Scientific name</i>
Bunting, Cirl	<i>Emberiza cirulus</i>
Bunting, Lapland	<i>Calcarius lapponicus</i>
Bunting, Snow	<i>Plectrophenax nivalis</i>
Eagle, Adalbert's	<i>Aquila adalberti</i>
Eagle, Great Philippine	<i>Pithecophaga jefferyi</i>
Eagle, Imperial	<i>Aquila heliaca</i>
Eagle, New Guinea	<i>Harpyopsis novaeguineae</i>
Chough	<i>Pyrhocorax pyrrhocorax</i>
Crossbills (all species)	<i>Loxia spp</i>
Falcon, Barbary	<i>Falco pelegrinoides</i>
Falcon, Gyr	<i>Falco rusticolus</i>
Fieldfare	<i>Turdus pilaris</i>
Firecrest	<i>Regulus ignicapillus</i>
Fish-Eagle, Madagascar	<i>Haliaeetus vociferoides</i>
Forest-Falcon, Plumbeous	<i>Micrastur plumbeus</i>
Harrier, Hen	<i>Circus cyaneus</i>
Hawk, Galapagos	<i>Buteo galapagoensis</i>
Hawk, Grey-backed	<i>Leucopternis occidentalis</i>
Hawk, Hawaiian	<i>Buteo solitarius</i>
Hawk, Ridgway's	<i>Buteo ridgwayi</i>
Hawk, White-necked	<i>Leucopternis lacernulata</i>
Hawk-Eagle, Wallace's	<i>Spizaetus nanus</i>

(1) Diwygiwyd Atodlen 4 gan Orchymyn Deddf Bywyd Gwyllt a Chefn Gwlad 1981 (Amrywio Atodlen 4) 1994 (O.S. 1994/1151).

Title, commencement and application

1. The title of this Order is the Wildlife and Countryside Act 1981 (Variation of Schedule 4) (Wales) Order 2009, it comes into force on the 23 April 2009 and applies in relation to Wales.

Variation of Schedule 4

2.—(1) Schedule 4(1) to the Wildlife and Countryside Act 1981 (birds which must be registered and ringed if kept in captivity) is amended as follows.

(2) The following birds are omitted—

<i>Common name</i>	<i>Scientific name</i>
Bunting, Cirl	<i>Emberiza cirulus</i>
Bunting, Lapland	<i>Calcarius lapponicus</i>
Bunting, Snow	<i>Plectrophenax nivalis</i>
Eagle, Adalbert's	<i>Aquila adalberti</i>
Eagle, Great Philippine	<i>Pithecophaga jefferyi</i>
Eagle, Imperial	<i>Aquila heliaca</i>
Eagle, New Guinea	<i>Harpyopsis novaeguineae</i>
Chough	<i>Pyrhocorax pyrrhocorax</i>
Crossbills (all species)	<i>Loxia spp</i>
Falcon, Barbary	<i>Falco pelegrinoides</i>
Falcon, Gyr	<i>Falco rusticolus</i>
Fieldfare	<i>Turdus pilaris</i>
Firecrest	<i>Regulus ignicapillus</i>
Fish-Eagle, Madagascar	<i>Haliaeetus vociferoides</i>
Forest-Falcon, Plumbeous	<i>Micrastur plumbeus</i>
Harrier, Hen	<i>Circus cyaneus</i>
Hawk, Galapagos	<i>Buteo galapagoensis</i>
Hawk, Grey-backed	<i>Leucopternis occidentalis</i>
Hawk, Hawaiian	<i>Buteo solitarius</i>
Hawk, Ridgway's	<i>Buteo ridgwayi</i>
Hawk, White-necked	<i>Leucopternis lacernulata</i>
Hawk-Eagle, Wallace's	<i>Spizaetus nanus</i>

(1) Schedule 4 was amended by the Wildlife and Countryside Act 1981 (Variation of Schedule 4) Order 1994 (S.I. 1994/1151).

Hobby	Falco subbuteo	Hobby	Falco subbuteo
Honey-Buzzard, Black	Henicopernis infuscatus	Honey-Buzzard, Black	Henicopernis infuscatus
Kestrel, Lesser	Falco naumanni	Kestrel, Lesser	Falco naumanni
Kestrel, Mauritius	Falco punctatus	Kestrel, Mauritius	Falco punctatus
Kite, Red	Milvus, milvus	Kite, Red	Milvus, milvus
Oriole, Golden	Oriolus, oriolus	Oriole, Golden	Oriolus, oriolus
Redstart, Black	Phoenicurus ochruros	Redstart, Black	Phoenicurus ochruros
Redwing	Turdus iliacus	Redwing	Turdus iliacus
Sea-Eagle, Pallas'	Haliaeetus leucoryphus	Sea-Eagle, Pallas'	Haliaeetus leucoryphus
Sea-Eagle, Steller's	Haliaeetus pelagicus	Sea-Eagle, Steller's	Haliaeetus pelagicus
Serin	Serinus serinus	Serin	Serinus serinus
Serpent-Eagle, Andaman	Spilornis elgini	Serpent-Eagle, Andaman	Spilornis elgini
Serpent-Eagle, Madagascar	Eutriorchis astur	Serpent-Eagle, Madagascar	Eutriorchis astur
Serpent-Eagle, Mountain	Spilornis kinabaluensis	Serpent-Eagle, Mountain	Spilornis kinabaluensis
Shorelark	Eremophila alpestris	Shorelark	Eremophila alpestris
Shrike, Red-backed	Lanius collurio	Shrike, Red-backed	Lanius collurio
Sparrowhawk, Gundlach's	Accipiter gundlachi	Sparrowhawk, Gundlach's	Accipiter gundlachi
Sparrowhawk, Imitator	Accipiter imitator	Sparrowhawk, Imitator	Accipiter imitator
Sparrowhawk, New Britain	Accipiter brachyurus	Sparrowhawk, New Britain	Accipiter brachyurus
Sparrowhawk, Small	Accipiter nanus	Sparrowhawk, Small	Accipiter nanus
Tit, Bearded	Panurus biarmicus	Tit, Bearded	Panurus biarmicus
Tit, Crested	Parus cristatus	Tit, Crested	Parus cristatus
Warbler, Cetti's	Cettia cetti	Warbler, Cetti's	Cettia cetti
Warbler, Dartford	Sylvia undata	Warbler, Dartford	Sylvia undata
Warbler, Marsh	Acrocephalus palustris	Warbler, Marsh	Acrocephalus palustris
Warbler, Savi's	Locustella luscinioides	Warbler, Savi's	Locustella luscinioides
Woodlark	Lullula arborea	Woodlark	Lullula arborea
Wryneck	Jynx torquilla	Wryneck	Jynx torquilla

(3) Hepgorir y geiriau "Any bird one of whose parents or other lineal ancestor was a bird of a kind specified in the foregoing provisions of this Schedule".

Dirymu

3. Dirymir Erthygl 3 o Orchymyn Deddf Bywyd Gwyllt a Chefn Gwlad 1981(Amrywio Atodlen 4).

(3) The words "Any bird one of whose parents or other lineal ancestor was a bird of a kind specified in the foregoing provisions of this Schedule" are omitted.

Revocation

3. Article 3 of the Wildlife and Countryside Act 1981 (Variation of Schedule 4) Order 1994 is revoked.

Jane Davidson

Y Gweinidog dros yr Amgylchedd, Cynaliadwyedd a
Thai, un o Weinidogion Cymru

Minister for Environment, Sustainability and Housing,
one of the Welsh Ministers

24 Mawrth 2009

24 March 2009

©© Hawlfraint y Goron 2009

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 2009

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.

OFFERYNNAU STATUDOL
CYMRU

2009 Rhif 780 (Cy.68)

BYWYD GWYLLT, CYMRU

Gorchymyn Deddf Bywyd Gwyllt
a Chefn Gwlad 1981 (Amrywio
Atodlen 4) (Cymru) 2009

WELSH STATUTORY
INSTRUMENTS

2009 No. 780 (W.68)

WILDLIFE, WALES

The Wildlife and Countryside Act
1981 (Variation of Schedule 4)
(Wales) Order 2009

£5.50

W456/04/09

ON