CYNULLIAD CENEDLAETHOL CYMRU

OFFERYNNAU STATUDOL

2004 Rhif 1733 (Cy.176)

BYWYD GWYLLT, CYMRU

Rheoliadau Deddf Bywyd Gwyllt a Chefn Gwlad 1981 (Diwygio) (Cymru) 2004

NODYN ESBONIADOL

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

Mae'r Rheoliadau hyn, sy'n gymwys i Gymru, yn diwygio Rhan 1 o Ddeddf Bywyd Gwyllt a Chefn Gwlad 1981 ("y Ddeddf"), sy'n trosi'n rhannol Gyfarwyddeb y Cyngor 79/409/EEC ar gadwraeth adar gwyllt (O.J. Rhif L103, 25.04.1979, t.1).

Mewnosododd Rheoliadau Bywyd Gwyllt a Chefn Gwallt 1981 (Lloegr a Chymru) (Diwygio) 2004 ("Rheoliadau 2004") adran 27ZA newydd yn y Ddeddf a'i heffaith oedd bod y diwygiadau eraill a wnaed gan y Rheoliadau hynny yn gymwys i Loegr yn unig. Yn rhinwedd y Rheoliadau hyn, mae effaith adran 27ZA o'r Ddeddf yn peidio, a thrwy hynny yn cymhwyso i Gymru y diwygiadau a wnaed gan Reoliadau 2004.

Mae'r diwygiadau hynny, sydd wedi'u nodi yn yr Atodlen i'r Rheoliadau hyn, yn cynnwys cyfyngiad ar gwmpas yr amddiffyniadau o dan adran 1(3) o'r Ddeddf, ac estyniad i'r diffiniad o "wild bird" yn adran 27 o'r Ddeddf.

NATIONAL ASSEMBLY FOR WALES

STATUTORY INSTRUMENTS

2004 No. 1733 (W.176)

WILDLIFE, WALES

The Wildlife and Countryside Act 1981 (Amendment) (Wales) Regulations 2004

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations, which apply to Wales, amend Part 1 of the Wildlife and Countryside Act 1981 ("the Act"), which transposes in part Council Directive 79/409/EEC on the conservation of wild birds (O.J. No. L103, 25.04.1979, p.1).

The Wildlife and Countryside Act 1981 (England and Wales) (Amendment) Regulations 2004 ("the 2004 Regulations") inserted a new section 27ZA in the Act with the effect that the other amendments made by those Regulations applied in relation to England only. By virtue of these Regulations, section 27ZA of the Act ceases to have effect, thereby applying in relation to Wales the amendments made by the 2004 Regulations.

Those amendments, which are set out in the Schedule to these Regulations, include a restriction on the scope of the defences under section 1(3) of the Act, and an extension to the definition of "wild bird" in section 27 of the Act.

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2004 Rhif 1733 (Cy.176)

BYWYD GWYLLT, CYMRU

Rheoliadau Deddf Bywyd Gwyllt a Chefn Gwlad 1981 (Diwygio) (Cymru) 2004

Wedi'u gwneud 6 Gorffennaf 2004

Yn dod i rym 2 Awst 2004

Mae Cynulliad Cenedlaethol Cymru, gan ei fod wedi'i ddynodi(**a**) at ddibenion adran 2(2) o Ddeddf y Cymunedau Ewropeaidd 1972(**b**) mewn perthynas â chadwraeth cynefinoedd naturiol a ffawna a fflora gwyllt, drwy arfer y pwerau a roddwyd iddo gan yr adran 2(2) a enwyd, drwy hyn yn gwneud y Rheoliadau canlynol:

Enwi, cychwyn, rhychwantu a chymhwyso

1.-(1) Enw'r Rheoliadau hyn yw Rheoliadau Deddf Bywyd Gwyllt a Chefn Gwlad 1981 (Diwygio) (Cymru) 2004 a deuant i rym ar 2 Awst 2004.

(2) Mae'r Rheoliadau hyn yn rhychwantu Cymru a Lloegr ac maent yn gymwys i Gymru.

Dehongli

2. Yn y Rheoliadau hyn -

ystyr "y Ddeddf" ("*the Act*") yw Deddf Bywyd Gwyllt a Chefn Gwlad 1981(**c**);

ystyr "Rheoliadau 2004" ("*the 2004 Regulations*") yw Rheoliadau Deddf Bywyd Gwyllt a Chefn Gwlad 1981 (Lloegr a Chymru) (Diwygio) 2004(**ch**).

(a) O.S. 2002/248, erthygl 3 ac Atodlen 2.

(b) 1972 p.68.

(c) 1981 p.69.

(ch) O.S. 2004/1487.

STATUTORY INSTRUMENTS

2004 No. 1733 (W.176)

WILDLIFE, WALES

The Wildlife and Countryside Act 1981 (Amendment) (Wales) Regulations 2004

Made 6 July 2004

Coming into force 2 August 2004

The National Assembly for Wales, being designated(**a**) for the purposes of section 2(2) of the European Communities Act 1972(**b**) in relation to the conservation of natural habitats and of wild fauna and flora, in exercise of the powers conferred upon it by the said section 2(2), hereby makes the following Regulations:

Citation, commencement, extent and application

1.-(1) These Regulations may be cited as the Wildlife and Countryside Act 1981 (Amendment) (Wales) Regulations 2004 and come into force on 2 August 2004.

(2) These Regulations extend to England and Wales and apply in relation to Wales.

Interpretation

2. In these Regulations -

"the Act" ("*y Ddeddf*") means the Wildlife and Countryside Act 1981(**c**);

"the 2004 Regulations" ("*Rheoliadau 2004*") means the Wildlife and Countryside Act 1981 (England and Wales) (Amendment) Regulations 2004(**d**).

(a) S.I. 2002/248, article 3 and Schedule 2.

(b) 1972 c.68.

(c) 1981 c.69.

(d) S.I. 2004/1487.

Cymhwyso Deddf Bywyd Gwyllt a Chefn Gwlad 1981: Cymru

3.-(1) Mae effaith adran 27ZA o'r Ddeddf (a fewnosodwyd gan Reoliadau 2004) yn peidio, fel bod y diwygiadau i Ran 1 o'r Ddeddf a wnaed gan reoliadau 3 a 4 o Reoliadau 2004 ac sydd wedi'u cynnwys yn yr Atodlen i'r Rheoliadau hyn yn gymwys hefyd i Gymru.

(2) Mae'r cyfeiriad yn Atodlen 1 i Orchymyn y Cynulliad Cenedlaethol (Trosglwyddo Swyddogaethau) 1999(**a**) i'r Ddeddf i'w drin fel petai'n cyfeirio at y Ddeddf fel y'i diwygiwyd gan Reoliadau 2004 a'r Rheoliadau hyn.

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

6 Gorffennaf 2004

Application of the Wildlife and Countryside Act 1981: Wales

3.-(1) Section 27ZA of the Act (inserted by the 2004 Regulations) ceases to have effect, so that the amendments to Part 1 of the Act which were made by regulations 3 and 4 of the 2004 Regulations and which are contained in the Schedule to these Regulations apply also in relation to Wales.

(2) The reference in Schedule 1 to the National Assembly (Transfer of Functions) Order 1999(**a**) to the Act is to be treated as referring to the Act as amended by the 2004 Regulations and these Regulations.

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

6 July 2004

D. Elis-Thomas

Llywydd y Cynulliad Cenedlaethol

The Presiding Officer of the National Assembly

(a) O.S. 1999/672.

(b) 1998 p.38.

(a) S.I. 1999/672.

(b) 1998 c.38.

YR ATODLEN

DIWYGIADAU I DDEDDF BYWYD GWYLLT A CHEFN GWLAD 1981

Rheoliad 3(1)

1. Yn adran 1 (diogelu adar gwyllt, eu nythod a'u hwyau)-

(a) yn is-adran (3)(a)-

(i) o flaen "killed", yr ail dro y mae'n digwydd, mewnosodwch "lawfully", a

(ii) hepgorwch "otherwise than in contravention of the relevant provisions";

(b) yn is-adran(3)(b)-

(i) o flaen "sold" mewnosodwch "lawfully", a

(ii) hepgorwch "otherwise than in contravention of the relevant provisions";

(c) yn is-adran (3) hepgorwch y geiriau o "and", lle mae'n digwydd gyntaf, hyd at ddiwedd yr is-adran; ac

(ch) ar ôl is-adran (3), mewnosodwch yr is-adran ganlynol-

"(3A) In subsection (3) "lawfully" means without any contravention of-

(a) this Part and orders made under it;

(b) the Protection of Birds Acts 1954 to 1967 and orders made under those Acts;

(c) any other legislation which implements Council Directive 79/409/EEC on the conservation of wild birds and extends to any part of the United Kingdom, to any area designated in accordance with section 1(7) of the Continental Shelf Act 1964, or to any area to which British fishery limits extend in accordance with section 1 of the Fishery Limits Act 1976; ac

(d) the provisions of the law of any member State (other than the United Kingdom) implementing the Council Directive referred to in paragraph (c).".

2.Yn y diffiniad o "wild bird" yn is-adran (1) o adran 27 (dehongli Rhan 1)-

(a) yn lle "kind" rhowch "species", a

(b) yn lle "Great Britain" rhowch "the European territory of any member State".

SCHEDULE

AMENDMENTS TO THE WILDLIFE AND COUNTRYSIDE ACT 1981

Regulation 3(1)

1. In section 1 (protection of wild birds, their nests and eggs)-

(a) in subsection (3)(a)-

(i) before "killed", the second time it occurs, insert "lawfully", and

(ii) omit "otherwise than in contravention of the relevant provisions";

(b) in subsection (3)(b)-

(i) before "sold" insert "lawfully", and

(ii) omit "otherwise than in contravention of the relevant provisions";

(c) in subsection (3) omit the words from "and", where first occurring, to the end of the subsection; and

(d) after subsection (3) insert the following subsection-

"(3A) In subsection (3) "lawfully" means without any contravention of-

(a) this Part and orders made under it;

(b) the Protection of Birds Acts 1954 to 1967 and orders made under those Acts;

(c) any other legislation which implements Council Directive 79/409/EEC on the conservation of wild birds and extends to any part of the United Kingdom, to any area designated in accordance with section 1(7) of the Continental Shelf Act 1964, or to any area to which British fishery limits extend in accordance with section 1 of the Fishery Limits Act 1976; and

(d) the provisions of the law of any member State (other than the United Kingdom) implementing the Council Directive referred to in paragraph (c).".

2. In the definition of "wild bird" in subsection (1) of section 27 (interpretation of Part 1)-

(a) for "kind" substitute "species", and

(b) for "Great Britain" substitute "the European territory of any member State".

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