OFFERYNNAU STATUDOL CYMRU

WELSH STATUTORY INSTRUMENTS

2017 Rhif 509 (Cy. 105)

DIOGELU'R AMGYLCHEDD, CYMRU

LLYGREDD MOROL, CYMRU

TRIBIWNLYSOEDD AC YMCHWILIADAU, CYMRU

Rheoliadau Trwyddedu Morol (Apelau Hysbysiadau) (Cymru) (Diwygio) 2017

NODYN ESBONIADOL

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

Mae'r Rheoliadau hyn yn diwygio Rheoliadau Trwyddedu Morol (Apelau Hysbysiadau) (Cymru) 2011 (O.S. 2011/923 (Cy. 132)) ("y Prif Reoliadau"), sy'n darparu ar gyfer gwneud apelau i Dribiwnlys yr Haen Gyntaf yn erbyn hysbysiadau penodol a ddyroddir o dan Ran 4 o Ddeddf y Môr a Mynediad i'r Arfordir 2009 ("Deddf 2009").

Mae'r Rheoliadau hyn yn diwygio'r Prif Reoliadau i ddarparu ar gyfer gwneud apelau i Dribiwnlys yr Haen Gyntaf yn erbyn hysbysiadau sy'n amrywio, yn atal dros dro neu'n dirymu trwydded forol a ddyroddir o dan adrannau 72A(7) a 107A(4) o Ddeddf 2009.

Ystyriwyd Cod Ymarfer Gweinidogion Cymru ar gynnal Asesiadau Effaith Rheoleiddiol mewn perthynas â'r Rheoliadau hyn. O ganlyniad, lluniwyd asesiad rheoleiddiol o'r costau a'r manteision sy'n debygol o ddeillio o gydymffurfio â'r Rheoliadau hyn yng Nghymru. Gellir cael copi oddi wrth: Llywodraeth Cymru, Parc Cathays, Caerdydd, CF10 3NQ.

2017 No. 509 (W. 105)

ENVIRONMENTAL PROTECTION, WALES

MARINE POLLUTION, WALES

TRIBUNALS AND INQUIRIES, WALES

The Marine Licensing (Notices Appeals) (Wales) (Amendment) Regulations 2017

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations amend the Marine Licensing (Notices Appeals) (Wales) Regulations 2011 (S.I. 2011/923 (W. 132)) ("the Principal Regulations"), which provide for appeals to be made to the First-tier Tribunal against certain notices issued under Part 4 of the Marine and Coastal Access Act 2009 ("the 2009 Act").

These Regulations amend the Principal Regulations to provide for appeals to be made to the First-tier Tribunal against notices varying, suspending or revoking a marine licence issued under sections 72A(7) and 107A(4) of the 2009 Act.

The Welsh Ministers' Code of Practice on the carrying out of Regulatory Impact Assessments was considered in relation to these Regulations. As a result, a regulatory assessment has been prepared as to the likely costs and benefits of complying with these Regulations in Wales. A copy can be obtained from the Welsh Government, Cathays Park, Cardiff, CF10 3NQ.

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Rheoliadau Trwyddedu Morol (Apelau Hysbysiadau) (Cymru) (Diwygio) 2017

Gwnaed *29 Mawrth 2017*

Yn dod i rym *1 Ebrill 2017*

Mae Gweinidogion Cymru, sef yr awdurdod trwyddedu priodol o dan adran 113(4)(b) o Ddeddf y Môr a Mynediad i'r Arfordir 2009(**1**), yn gwneud y Rheoliadau a ganlyn drwy arfer y pwerau a roddir gan adran 108 o'r Ddeddf honno.

Yn unol ag adran 316(6)(b) a (7)(f) o'r Ddeddf honno, gosodwyd drafft o'r Rheoliadau hyn gerbron Cynulliad Cenedlaethol Cymru ac fe'i cymeradwywyd ganddo drwy benderfyniad.

Enwi a chychwyn

1.—(1) Enw'r Rheoliadau hyn yw Rheoliadau Trwyddedu Morol (Apelau Hysbysiadau) (Cymru) (Diwygio) 2017.

(2) Daw'r Rheoliadau hyn i rym ar 1 Ebrill 2017.

(**1**) 2009 p. 23; diwygiwyd gan Ran 6 o Ddeddf yr Amgylchedd (Cymru) 2016 (dccc 3), mae diwygiadau eraill ond nid yw'r un ohonynt yn berthnasol.

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TRIBUNALS AND INQUIRIES, WALES

The Marine Licensing (Notices Appeals) (Wales) (Amendment) Regulations 2017

Made *29 March 2017*

Coming into force *1 April 2017*

The Welsh Ministers, as the appropriate licensing authority under section 113(4)(b) of the Marine and Coastal Access Act 2009(**1**), make the following Regulations in exercise of the powers conferred by section 108 of that Act.

In accordance with section 316(6)(b) and (7)(f) of that Act, a draft of these Regulations has been laid before, and approved by, a resolution of, the National Assembly for Wales.

Title and commencement

1.—(1) The title of these Regulations is the Marine Licensing (Notices Appeals) (Wales) (Amendment) Regulations 2017.

(2) These Regulations come into force on 1 April 2017.

(**1**) 2009 c. 23; amended by Part 6 of the Environment (Wales) Act 2016 (anaw 3), there are other amendments but none is relevant.

Cymhwyso

2. Mae'r Rheoliadau hyn yn gymwys mewn perthynas ag unrhyw weithgaredd morol trwyddedadwy y mae Gweinidogion Cymru yn awdurdod trwyddedu priodol ar ei gyfer(**1**).

Diwygio

3. Mae rheoliad 3 (apelau yn erbyn amrywio, atal dros dro neu ddirymu trwydded forol) o Reoliadau Trwyddedu Morol (Apelau Hysbysiadau) (Cymru) 2011(**2**) wedi ei ddiwygio fel a ganlyn—

(a) ar ôl paragraff (1) mewnosoder—

"(1A) Caiff person y dyroddwyd hysbysiad iddo o dan—

(a) adran 72A(7) o Ddeddf 2009 (ffioedd pellach a godir os Gweinidogion Cymru yw'r awdurdod codi taliadau priodol); neu

(b) adran 107A(4) o Ddeddf 2009 (blaendaliadau ar gyfrif ffioedd sy'n daladwy i Weinidogion Cymru);

apelio i Dribiwnlys yr Haen Gyntaf yn erbyn yr hysbysiad.";

(b) ym mharagraff (2) ar ôl "mharagraff (1)" mewnosoder "neu baragraff (1A)";

(c) ym mharagraff (3) ar ôl "mharagraff (1)" mewnosoder "neu baragraff (1A)".

Application

2. These Regulations apply in relation to any licensable marine activity for which the Welsh Ministers are the appropriate licensing authority(**1**).

Amendment

3. Regulation 3 (appeals against variation, suspension or revocation of marine licence) of the Marine Licensing (Notices Appeals) Wales Regulations 2011(**2**) is amended as follows—

(a) after paragraph (1) insert—

"(1A) A person to whom a notice under—

(a) section 72A(7) of the 2009 Act (further fees chargeable where the Welsh Ministers are the appropriate charging authority); or

(b) section 107A(4) of the 2009 Act (deposits on account of fees payable to the Welsh Ministers);

has been issued may appeal to the First-tier Tribunal against the notice.";

(b) in paragraph (2) after "paragraph (1)" insert "or paragraph (1A)";

(c) in paragraph (3) after "paragraph (1)" insert "or paragraph (1A)".

Jane Hutt

Un o Weinidogion Cymru
29 Mawrth 2017

One of the Welsh Ministers
29 March 2017

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(**1**) Yn rhinwedd adran 113(4)(b) o Ddeddf y Môr a Mynediad i'r Arfordir 2009, Gweinidogion Cymru yw'r awdurdod trwyddedu priodol mewn perthynas ag unrhyw beth a wneir wrth gyflawni gweithgareddau morol trwyddedadwy o ran Cymru a rhanbarth glannau Cymru ac eithrio gweithgareddau y mae'r Ysgrifennydd Gwladol yn awdurdod trwyddedu priodol ar eu cyfer o dan adran 113(4)(a) a (5) o'r Ddeddf honno. *Gweler* adran 322(1) o'r Ddeddf honno i gael diffiniad o "Welsh inshore region".

(**2**) O.S. 2011/923 (Cy. 132).

(**1**) By virtue of section 113(4)(b) of the Marine and Coastal Access Act 2009, the Welsh Ministers are the appropriate licensing authority as respects anything done in the course of carrying on a licensable marine activity in relation to Wales and the Welsh inshore region, other than activities for which the Secretary of State is the appropriate licensing authority by virtue of section 113(4)(a) and (5) of that Act. See section 322(1) of that Act for a definition of the "Welsh inshore region".

(**2**) S.I. 2011/923 (W. 132).

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