

HYSBYSIAD YNGHYLCH GWELLIANNAU

NOTICE OF AMENDMENTS

Cyflwynwyd ar 24 Ionawr 2023
Tabled on 24 January 2023

Bil yr Amgylchedd Hanesyddol (Cymru)

Historic Environment (Wales) Bill

- Mick Antoniw** 1
Section 2, page 3, line 4, leave out 'or on' and insert ', on or under'.
Adran 2, tudalen 3, llinell 5, hepgorer 'neu arno' a mewnosoder ', arno neu odano'.
- Mick Antoniw** 2
Section 17, page 10, line 36, after 'may', insert 'do one or more of the following'.
Adran 17, tudalen 10, llinell 35, ar ôl 'Cymru', mewnosoder 'wneud un neu ragor o'r canlynol'.
- Mick Antoniw** 3
Section 34, page 22, line 14, leave out 'on the day' and insert 'at the time'.
Adran 34, tudalen 22, llinell 17, hepgorer 'y diwrnod' a mewnosoder 'yr adeg'.
- Mick Antoniw** 4
Section 36, page 24, at the beginning of line 9, insert 'Each copy of'.
Adran 36, tudalen 24, llinell 11, hepgorer 'cyflwyno'r' a mewnosoder 'cyflwyno pob copi o'r'.
- Mick Antoniw** 5
Section 39, page 25, line 9, after 'whom', insert 'a copy of'.
Adran 39, tudalen 25, llinell 10, ar ôl 'cyflwynir', mewnosoder 'copi o'.



Mick Antoniw 6

Section 76, page 49, line 17, leave out ‘fixed to the building’ and insert ‘that is fixed to the building and ancillary to it’.

Adran 76, tudalen 49, llinell 17, ar ôl ‘adeilad’, mewnosoder ‘ac sy’n atodol iddo’.

Mick Antoniw 7

Section 76, page 49, line 20, after ‘building’ at the first place where it appears, insert ‘, and ancillary to it,’.

Adran 76, tudalen 49, llinell 20, ar ôl ‘adeilad’ yn y lle cyntaf y mae’n ymddangos, mewnosoder ‘, ac yn atodol iddo,’.

Mick Antoniw 8

Section 97, page 62, after line 1, insert –

‘() Subsections (5) and (6) do not prevent the imposition of other conditions for the purpose of enabling a listed building to be recorded.’.

Adran 97, tudalen 62, ar ôl llinell 1, mewnosoder –

‘() Nid yw is-adrannau (5) a (6) yn atal amodau eraill rhag cael eu gosod at ddiben galluogi cofnodi adeilad rhestredig.’.

Mick Antoniw 9

Section 101, page 63, line 25, after ‘served’, insert ‘(which may include provision enabling the Welsh Ministers to extend the period)’.

Adran 101, tudalen 63, llinell 27, ar ôl ‘fewn’, mewnosoder ‘(a gaiff gynnwys darpariaeth sy’n galluogi Gweinidogion Cymru i estyn y cyfnod)’.

Mick Antoniw 10

Section 109, page 67, line 32, leave out ‘incapable of reasonably beneficial use’ and insert ‘unusable’.

Adran 109, tudalen 67, llinell 35, hepgorer ‘nad oes modd gwneud defnydd rhesymol fuddiol o’r adeilad rhestredig na’r tir cysylltiedig, y cyflwynir yr hysbysiad mewn cysylltiad â hwy,’ a mewnosoder ‘bod yr adeilad rhestredig a’r tir cysylltiedig y cyflwynir yr hysbysiad mewn cysylltiad â hwy yn anefnyddiadwy’.

Mick Antoniw 11

Section 109, page 68, line 1, leave out ‘for any works subject to conditions or has been modified by the imposition of conditions, that the building and land cannot be made capable of reasonably beneficial use by carrying out the works’ and insert ‘subject to conditions or has been modified by the imposition of conditions, that the building and land cannot be made usable by carrying out the works to which the consent relates’.

Adran 109, tudalen 68, llinell 1, hepgorer 'ar gyfer unrhyw waith yn ddarostyngedig i amodau neu wedi ei addasu drwy osod amodau, nad yw'n bosibl gwneud yr adeilad na'r tir fel bod modd gwneud defnydd rhesymol fuddiol ohonynt drwy gyflawni'r gwaith' a mewnosoder 'yn ddarostyngedig i amodau neu wedi ei addasu drwy osod amodau, nad yw'n bosibl gwneud yr adeilad na'r tir yn ddefnyddiadwy drwy gyflawni'r gwaith y mae'r cydsyniad yn ymwneud ag ef'.

Mick Antoniw

12

Section 109, page 68, line 5, leave out 'capable of reasonably beneficial use' and insert 'usable'.

Adran 109, tudalen 68, llinell 5, hepgorer 'fel bod modd gwneud defnydd rhesymol fuddiol ohonynt' a mewnosoder 'yn ddefnyddiadwy'.

Mick Antoniw

13

Section 109, page 68, after line 13, insert –

'() In this section and Schedule 9 –

“associated land” (“*tir cysylltiedig*”), in relation to a listed building, means land which –

- (a) includes, adjoins or is adjacent to the building, and
- (b) is owned with the building;

“usable” (“*defnyddiadwy*”), in relation to a listed building or associated land, means capable of reasonably beneficial use.’.

Adran 109, tudalen 68, ar ôl llinell 12, mewnosoder –

'() Yn yr adran hon ac yn Atodlen 9 –

ystyr “defnyddiadwy” (“*usable*”), mewn perthynas ag adeilad rhestredig neu dir cysylltiedig, yw bod modd gwneud defnydd rhesymol fuddiol ohono;

ystyr “tir cysylltiedig” (“*associated land*”), mewn perthynas ag adeilad rhestredig, yw tir –

- (a) sy'n cynnwys yr adeilad, sy'n cydffinio ag ef neu sy'n gyfagos iddo, a
- (b) a berchnogir gyda'r adeilad.’.

Mick Antoniw

14

Section 109, page 68, line 14, leave out 'capable of reasonably beneficial use' and insert 'usable'.

Adran 109, tudalen 68, llinell 13, hepgorer 'oes modd i adeilad rhestredig a'r tir cysylltiedig gael eu defnyddio'n rhesymol fuddiol' a mewnosoder 'yw adeilad rhestredig a'r tir cysylltiedig yn ddefnyddiadwy'.

Mick Antoniw

15

Section 109, page 68, line 23, leave out 'incapable of reasonably beneficial use' and insert 'unusable'.

Adran 109, tudalen 68, llinell 22, hepgorer 'un nad oes modd gwneud defnydd rhesymol fuddiol ohono' a mewnosoder 'annefnyddiadwy'.

Mick Antoniw 16

Section 109, page 68, line 27, leave out ‘capable of reasonably beneficial use’ and insert ‘usable’.

Adran 109, tudalen 68, llinell 27, hepgorer ‘fel bod modd ei ddefnyddio’n rhesymol fuddiol’ a mewnosoder ‘yn ddefnyddiadwy’.

Mick Antoniw 17

Section 109, page 68, line 29, leave out subsection (8).

Adran 109, tudalen 68, llinell 30, hepgorer is-adran (8).

Mick Antoniw 18

Section 111, page 69, line 26, leave out ‘acquiring authority starts the compulsory acquisition of the building’ and insert ‘compulsory acquisition of the building is started’.

Adran 111, tudalen 69, llinell 32, hepgorer ‘yw’r awdurdod caffael yn ystod y cyfnod hwnnw yn dechrau caffael yr adeilad yn orfodol o dan adran 137’ a mewnosoder ‘dechreuir caffael yr adeilad yn orfodol o dan adran 137 yn ystod y cyfnod hwnnw’.

Mick Antoniw 19

Section 111, page 70, line 2, leave out –

‘when the acquiring authority serves the notice required by section 12 of the Acquisition of Land Act 1981 (c. 67) or paragraph 3(1) of Schedule 1 to that Act;

(b) is discontinued –

(i) in the case of an acquisition by the Welsh Ministers, when they decide not to make the compulsory purchase order;

(ii) in the case of an acquisition by a planning authority, when the order is withdrawn or the Welsh Ministers decide not to confirm it,

and “acquiring authority” has the meaning given by section 137(7)’

and insert

‘ –

(i) by a planning authority when it serves the notice required by section 12 of the Acquisition of Land Act 1981 (c. 67);

(ii) by the Welsh Ministers when they serve the notice required by paragraph 3(1) of Schedule 1 to that Act;

(b) a compulsory acquisition is discontinued –

(i) in the case of an acquisition by a planning authority, when the compulsory purchase order is withdrawn or the Welsh Ministers decide not to confirm it;

(ii) in the case of an acquisition by the Welsh Ministers, when they decide not to make the compulsory purchase order’.

Adran 111, tudalen 70, llinell 2, hepgorer –

‘pan fydd yr awdurdod caffael yn cyflwyno’r hysbysiad sy’n ofynnol gan adran 12 o Ddeddf Caffael Tir 1981 (p. 67) neu baragraff 3(1) o Atodlen 1 i’r Ddeddf honno;

(b) yn cael ei derfynu –

- (i) yn achos caffaeliad gan Weinidogion Cymru, pan fyddant yn penderfynu peidio â gwneud y gorchymyn prynu gorfodol;
- (ii) yn achos caffaeliad gan awdurdod cynllunio, pan fydd y gorchymyn wedi ei dynnu’n ôl neu pan fydd Gweinidogion Cymru yn penderfynu peidio â’i gadarnhau,

ac mae i “awdurdod caffael” yr ystyr a roddir gan adran 137(7)’

a mewnosoder

‘ –

- (i) gan awdurdod cynllunio pan fydd yn cyflwyno’r hysbysiad sy’n ofynnol gan adran 12 o Ddeddf Caffael Tir 1981 (p. 67);
 - (ii) gan Weinidogion Cymru pan fyddant yn cyflwyno’r hysbysiad sy’n ofynnol gan baragraff 3(1) o Atodlen 1 i’r Ddeddf honno;
- (b) mae caffaeliad gorfodol yn cael ei derfynu –
- (i) yn achos caffaeliad gan awdurdod cynllunio, pan fydd y gorchymyn prynu gorfodol wedi ei dynnu’n ôl neu pan fydd Gweinidogion Cymru yn penderfynu peidio â’i gadarnhau;
 - (ii) yn achos caffaeliad gan Weinidogion Cymru, pan fyddant yn penderfynu peidio â gwneud y gorchymyn prynu gorfodol’.

Mick Antoniw

20

Section 122, page 78, line 11, leave out ‘on the day’ and insert ‘at the time’.

Adran 122, tudalen 78, llinell 15, hepgorer ‘y diwrnod’ a mewnosoder ‘yr adeg’.

Mick Antoniw

21

Section 124, page 80, at the beginning of line 1, insert ‘Each copy of’.

Adran 124, tudalen 80, llinell 1, hepgorer ‘cyflwyno’r’ a mewnosoder ‘cyflwyno pob copi o’r’.

Mick Antoniw

22

Section 147, page 93, after line 34, insert –

‘(4) Regulations under this section may not make any provision that binds the Crown.’

Adran 147, tudalen 93, ar ôl llinell 36, mewnosoder –

‘(4) Ni chaiff rheoliadau o dan yr adran hon wneud unrhyw ddarpariaeth sy’n rhwymo’r Goron.’

Mick Antoniw 23

Section 157, page 102, line 29, leave out 'of which' and insert ', if'.

Adran 157, tudalen 102, llinell 25, hepgorer 'y mae' a mewnosoder ', os yw'.

Mick Antoniw 24

Section 164, page 106, after line 19, insert –

'() section 144(7) is to be read as if paragraph (b) were omitted.'

Adran 164, tudalen 106, ar ôl llinell 17, mewnosoder –

'() mae adran 144(7) i'w darllen fel pe bai paragraff (b) wedi ei hepgor.'

Mick Antoniw 25

Section 174, page 112, line 17, after 'consent', insert 'or conservation area consent'.

Adran 174, tudalen 112, llinell 18, ar ôl 'rhestredig', mewnosoder 'neu gydsyniad ardal gadwraeth'.

Mick Antoniw 26

Nid oes angen diwygio'r fersiwn Saesneg. There is no need to amend the English version.

Adran 179, tudalen 115, llinell 24, hepgorer 'diddordeb yn yr ymchwiliad, neu y byddai wedi bod â diddordeb' a mewnosoder 'buddiant yn yr ymchwiliad, neu y byddai wedi bod â buddiant'.

Mick Antoniw 27

Section 182, page 117, line 35, leave out ', or direct that listed building' and insert 'or conservation area consent, or direct that'.

Adran 182, tudalen 117, llinell 38, hepgorer ', neu gyfarwyddo bod rhaid rhoi cydsyniad adeilad rhestredig' a mewnosoder 'neu gydsyniad ardal gadwraeth, neu gyfarwyddo bod rhaid rhoi cydsyniad'.

Mick Antoniw 28

Section 184, page 120, line 2, leave out –

'that, where the Welsh Ministers make a relevant decision, an interested person may either –

(a) appeal to the High Court against the decision on a point of law, or

(b) require the Welsh Ministers'

and insert –

'either –

() that an interested person may appeal to the High Court on a point of law against a relevant decision made by the Welsh Ministers, or

- () that where the Welsh Ministers make a relevant decision an interested person may require them’.

Adran 184, tudalen 120, llinell 2, hepgorer –

‘, pan fo Gweinidogion Cymru yn gwneud penderfyniad perthnasol, y caiff person sydd â buddiant naill ai –

- (a) apelio i’r Uchel Lys yn erbyn y penderfyniad ar bwynt cyfreithiol, neu
(b) ei gwneud yn ofynnol i Weinidogion Cymru’

a mewnosoder –

‘naill ai –

- () y caiff person sydd â buddiant apelio i’r Uchel Lys ar bwynt cyfreithiol yn erbyn penderfyniad perthnasol a wneir gan Weinidogion Cymru, neu
() pan fo Gweinidogion Cymru yn gwneud penderfyniad perthnasol, y caiff person sydd â buddiant ei gwneud yn ofynnol iddynt’.

Mick Antoniw

29

Section 192, page 124, line 11, leave out ‘it would be appropriate’.

Adran 192, tudalen 124, llinell 12, hepgorer ‘a fyddai’n briodol, neu i ba raddau y byddai’n briodol, cynnwys’ a mewnosoder ‘pa un ai i gynnwys, neu i ba raddau y dylid cynnwys,’.

Mick Antoniw

30

Section 192, page 124, line 27, after ‘situated’, insert ‘(including, if different, the planning authority in whose area anything appearing in the register by virtue of subsection (2) is situated)’.

Adran 192, tudalen 124, llinell 30, ar ôl ‘ardal’, mewnosoder ‘(gan gynnwys, os yw’n wahanol, yr awdurdod cynllunio y mae unrhyw beth sy’n ymddangos yn y gofrestr yn rhinwedd is-adran (2) yn ei ardal)’.

Mick Antoniw

31

Section 197, page 128, line 1, leave out ‘which, under or by virtue of Part 3, 4 or 5, the authority is authorised to make, issue or serve’ and insert ‘under or by virtue of Part 3, 4 or 5’.

Adran 197, tudalen 128, llinell 1, hepgorer ‘y mae’r awdurdod wedi ei awdurdodi, o dan neu yn rhinwedd Rhan 3, 4 neu 5, i’w wneud, ei ddyroddi neu ei dyroddi neu ei gyflwyno neu ei chyflwyno’ a mewnosoder ‘o dan neu yn rhinwedd Rhan 3, 4 neu 5’.

Mick Antoniw

32

Schedule 1, page 138, line 9, leave out ‘section 30, 33, 41, 58 or 60’ and insert ‘this Act’.

Atodlen 1, tudalen 138, llinell 9, hepgorer ‘adran 30, 33, 41, 58 neu 60’ a mewnosoder ‘y Ddeddf hon’.

Mick Antoniw 33

Schedule 4, page 146, line 14, leave out ‘any modification the Welsh Ministers consider appropriate’ and insert ‘modifications’.

Atodlen 4, tudalen 146, llinell 16, hepgorer ‘ unrhyw addasiad y mae Gweinidogion Cymru yn ystyried ei fod yn briodol’ a mewnosoder ‘addasiadau’.

Mick Antoniw 34

Schedule 5, page 149, line 6, leave out ‘any modification the Welsh Ministers consider appropriate’ and insert ‘modifications’.

Atodlen 5, tudalen 149, llinell 6, hepgorer ‘ unrhyw addasiad y mae Gweinidogion Cymru yn ystyried ei fod yn briodol’ a mewnosoder ‘addasiadau’.

Mick Antoniw 35

Schedule 7, page 152, line 14, leave out ‘section 117, 118, 121 or 133’ and insert ‘this Act’.

Atodlen 7, tudalen 152, llinell 16, hepgorer ‘adran 117, 118, 121 neu 133’ a mewnosoder ‘y Ddeddf hon’.

Mick Antoniw 36

Schedule 9, page 158, line 14, leave out ‘capable of reasonably beneficial use’ and insert ‘usable’.

Atodlen 9, tudalen 158, llinell 16, hepgorer ‘fel bod modd ei ddefnyddio’n rhesymol fuddiol’ a mewnosoder ‘yn ddefnyddiadwy’.

Mick Antoniw 37

Schedule 9, page 158, line 21, leave out ‘capable of reasonably beneficial use’ and insert ‘usable’.

Atodlen 9, tudalen 158, llinell 23, hepgorer ‘fel bod modd ei ddefnyddio’n rhesymol fuddiol’ a mewnosoder ‘yn ddefnyddiadwy’.

Mick Antoniw 38

Schedule 9, page 158, line 24, leave out ‘capable of reasonably beneficial use’ and insert ‘usable’.

Atodlen 9, tudalen 158, llinell 26, hepgorer ‘fel bod modd ei ddefnyddio neu ei defnyddio yn rhesymol fuddiol’ a mewnosoder ‘yn ddefnyddiadwy’.

Mick Antoniw

39

Schedule 9, page 161, line 9, leave out ‘has the meaning’ and insert ‘and “usable” (“defnyddiadwy”) have the meanings’.

Atodlen 9, tudalen 161, llinell 9, hepgorer “tir cysylltiedig” (“associated land”) yr ystyr’ a mewnosoder “defnyddiadwy” (“usable”) a “tir cysylltiedig” (“associated land”) yr ystyron’.

Mick Antoniw

40

Schedule 11, page 164, line 8, leave out –

‘mentioned in sub-paragraph (2) committed while section 161 applied to it.

(2) The offences referred to in sub-paragraph (1) are offences committed under –

- (a) section 117 as applied by section 163 (breaching section 161 or failing to comply with condition of consent),
- (b) section 121 as applied by section 163 (breaching temporary stop notice), or
- (c) section 133 as applied by section 163 (failing to comply with enforcement notice)’

and insert –

‘under this Act committed while section 161 applied to it’.

Atodlen 11, tudalen 164, llinell 9, hepgorer –

‘a grybwyllir yn is-baragraff (2) a gyflawnwyd tra oedd adran 161 yn gymwys iddo.

(2) Y troseddau y cyfeirir atynt yn is-adran (1) yw troseddau a gyflawnir o dan –

- (a) adran 117 fel y’i cymhwysir gan adran 163 (torri adran 161 neu fethu â chydymffurfio ag amod mewn cydsyniad),
- (b) adran 121 fel y’i cymhwysir gan adran 163 (torri hysbysiad stop dros dro), neu
- (c) adran 133 fel y’i cymhwysir gan adran 163 (methu â chydymffurfio â hysbysiad gorfodi)’

a mewnosoder –

‘o dan y Ddeddf hon a gyflawnwyd tra oedd adran 161 yn gymwys iddo’.

Mick Antoniw

41

Schedule 13, page 176, line 30, leave out ‘to which section 161 of that Act applies’.

Atodlen 13, tudalen 176, llinell 30, hepgorer ‘to which section 161 of that Act applies’.

Mick Antoniw

42

Schedule 13, page 188, line 18, leave out –

‘, after “section 73” insert “as they apply’

and insert –

‘ –

- (i) in the words before paragraph (a), for “in section 73” substitute “section 73 as they apply in relation to England,”;
- (ii) in paragraph (a), after “Town and Country Planning Act 1990” insert “as it applies”.

Atodlen 13, tudalen 188, llinell 18, hepgorer –

‘, ar ôl “section 73” mewnosoder “as they apply”

a mewnosoder –

‘ –

- (i) yn y geiriau o flaen paragraff (a), yn lle “in section 73” rhodder “section 73 as they apply in relation to England,”;
- (ii) ym mharagraff (a), ar ôl “Town and Country Planning Act 1990” mewnosoder “as it applies”.

Mick Antoniw

43

Schedule 13, page 188, line 23, leave out –

‘has the same meaning as in the Town and Country Planning Act 1990’

and insert –

‘is to be interpreted in accordance with Part 1 of the Town and Country Planning Act 1990,

and in that Part as it applies in relation to Wales references to “the planning Acts” are to be treated as including this Act’.

Atodlen 13, tudalen 188, llinell 24, hepgorer –

‘has the same meaning as in the Town and Country Planning Act 1990’

a mewnosoder –

‘is to be interpreted in accordance with Part 1 of the Town and Country Planning Act 1990,

and in that Part as it applies in relation to Wales references to “the planning Acts” are to be treated as including this Act’.

Mick Antoniw

44

Schedule 13, page 189, after line 4, insert –

‘[] In section 60C(8), in paragraph (b) of the definition of “land”, after “the Ancient Monuments and Archaeological Areas Act 1979” insert “or the Historic Environment (Wales) Act 2023”.’.

Atodlen 13, tudalen 189, ar ôl llinell 4, mewnosoder –

‘[] Yn adran 60C(8), ym mharagraff (b) o’r diffiniad o “land”, ar ôl “the Ancient Monuments and Archaeological Areas Act 1979” mewnosoder “or the Historic Environment (Wales) Act 2023”.’.

Mick Antoniw

45

Schedule 14, page 194, after line 15, insert –

‘Offence of breaching temporary stop notice in relation to scheduled monument

- [] Section 33(4)(b) does not apply in relation to proceedings for an offence relating to a temporary stop notice that was issued before section 33 comes into force.

Service and taking effect of enforcement notice in relation to scheduled monument

- [] Section 36(5)(a) does not apply in relation to the service of an enforcement notice that was issued before section 36 comes into force.

Purchase notice served on council in relation to building in National Park

- [] (1) Sub-paragraph (2) applies in relation to a purchase notice that has been served on a county council or county borough council in Wales in relation to a building in a National Park before section 109 comes into force.
- (2) The following provisions are to be read as if references to a planning authority were references to the council –
- (a) section 183(7)(c);
 - (b) section 186(3) and (7);
 - (c) Schedule 9.’

Atodlen 14, tudalen 194, ar ôl llinell 16, mewnosoder –

‘Y drosedd o dorri hysbysiad stop dros dro mewn perthynas â heneb gofrestredig

- [] Nid yw adran 33(4)(b) yn gymwys mewn perthynas ag achos ar gyfer trosedd sy’n ymwneud â hysbysiad stop dros dro a ddyroddwyd cyn i adran 33 ddod i rym.

Cyflwyno hysbysiad gorfodi a’r hysbysiad yn cymryd effaith mewn perthynas â heneb gofrestredig

- [] Nid yw adran 36(5)(a) yn gymwys mewn perthynas â chyflwyno hysbysiad gorfodi a ddyroddwyd cyn i adran 36 ddod i rym.

Hysbysiad prynu a gyflwynir i gyngor mewn perthynas ag adeilad mewn Parc Cenedlaethol

- [] (1) Mae is-baragraff (2) yn gymwys mewn perthynas â hysbysiad prynu sydd wedi ei gyflwyno i gyngor sir neu gyngor bwrdeistref sirol yng Nghymru mewn perthynas ag adeilad mewn Parc Cenedlaethol cyn i adran 109 ddod i rym.
- (2) Mae’r darpariaethau a ganlyn i’w darllen fel pe bai cyfeiriadau at awdurdod cynllunio yn gyfeiriadau at y cyngor –
- (a) adran 183(7)(c);
 - (b) adran 186(3) a (7);
 - (c) Atodlen 9.’