

HYSBYSIAD YNGHYLCH GWELLIANNAU NOTICE OF AMENDMENTS

Cyflwynwyd ar 26 Ionawr 2016
Tabled on 26 January 2016

Bil yr Amgylchedd Hanesyddol (Cymru) Historic Environment (Wales) Bill

Peter Black [R] 45

Long title, page 1, line 3, after ‘gardens’, insert ‘, and a register of grounds of special local interest’.
Teitl hir, tudalen 1, llinell 3, ar ôl ‘hanesyddol’, mewnosoder ‘, a chofrestr o diroedd o ddiddordeb lleol arbennig’.

Peter Black [R] 46

Long title, page 1, line 3, after ‘gardens’, insert ‘, and a register of buildings of special local interest’.
Teitl hir, tudalen 1, llinell 3, ar ôl ‘hanesyddol’, mewnosoder ‘, a chofrestr o adeiladau o ddiddordeb lleol arbennig’.

Peter Black [R] 47

Section 1, page 1, line 15, after ‘gardens’, insert –
‘, and
(b) for local authorities to compile, maintain and publish a local register of grounds of special local interest’.

Adran 1, tudalen 1, llinell 16, ar ôl ‘hanesyddol’, mewnosoder –
‘, a
(b) i awdurdodau lleol lunio, cynnal a chyhoeddi cofrestr leol o diroedd o ddiddordeb lleol arbennig’.

Peter Black [R] 48

Section 1, page 1, line 18, after ‘buildings’).’, insert –



‘It also makes provision—

- (a) to require a local authority to compile, maintain and publish a local register of buildings of special local interest,
- (b) to allow a local authority to contribute (by way of a grant or a loan) towards the expenses incurred in the repair or maintenance of a building in their area which is of special local interest, and
- (c) to allow a local authority to make a special interest order to restrict development of a building registered in the local register.’.

Adran 1, tudalen 1, llinell 19, ar ôl ‘rhestredig’),’, mewnosoder—

‘Mae hefyd yn gwneud darpariaeth—

- (a) i’w gwneud yn ofynnol i awdurdod lleol lunio, cynnal a chyhoeddi cofrestr leol o adeiladau o ddiddordeb lleol arbennig,
- (b) i ganiatáu awdurdod lleol i gyfrannu (ar ffurf grant neu fenthyciad) at y treuliau yr eir iddynt wrth atgyweirio neu gynnal a chadw adeilad yn ei ardal sydd o ddiddordeb lleol arbennig, ac
- (c) i ganiatáu awdurdod lleol i wneud gorchymyn diddordeb arbennig er mwyn cyfyngu ar ddatblygiad adeilad a gofrestrwyd yn y gofrestr leol.’.

Peter Black [R]

49

Section 2, page 2, line 35, after ‘gardens’, insert—
, and

- (b) for local authorities to compile, maintain and publish a local register of certain grounds in its area which appear to the local authority to be grounds of special local interest’.

Adran 2, tudalen 2, llinell 35, ar ôl ‘hanesyddol’, mewnosoder—

, a

- (b) i awdurdodau lleol lunio, cynnal a chyhoeddi cofrestr leol o diroedd penodol yn eu hardaloedd sy’n ymddangos i’r awdurdod lleol eu bod yn diroedd o ddiddordeb lleol arbennig’.

Peter Black [R]

50

Section 23, page 26, after line 18, insert—

- () to require a local authority to compile, maintain and publish a register of buildings of special local interest (section [section to be inserted by amendment 8]);
- () allowing a local authority to contribute (by way of a grant or a loan) towards the expenses incurred in the repair or maintenance of a building in their area which is of special local interest (section [section to be inserted by amendment 9]) ;



- () allowing a local authority to make a special interest order to restrict development of a building registered in the local register as is specified in the order unless permission is granted for it on an application (section [section to be inserted by amendment 12]);’.

Adran 23, tudalen 26, ar ôl llinell 19, mewnosoder—

- ‘() i’w gwneud yn ofynnol i awdurdod lleol lunio, cynnal a chyhoeddi cofrestr o adeiladau o ddiddordeb lleol arbennig (adran [adran i’w mewnosod gan welliant 8]);
- () i ganiatáu i awdurdod lleol gyfrannu (ar ffurf grant neu fenthyciad) at dreuliau yr eir iddynt wrth atgyweirio neu gynnal a chadw adeilad yn ei ardal sydd o ddiddordeb lleol arbennig (adran [adran i’w mewnosod gan welliant 9]) ;
- () i ganiatáu i awdurdod lleol wneud gorchymyn diddordeb arbennig i gyfyngu ar ddatblygiad adeilad a gofrestrwyd yn y gofrestr leol fel ag a bennir yn y gorchymyn oni bai y rhoddir caniatâd iddo mewn cais (adran [adran i’w mewnosod gan welliant 12]);’.

Peter Black [R]

51

Section 23, page 26, after line 26, insert—

- ‘() to enable the Welsh Ministers to make regulations about further steps that may be taken to secure the proper preservation of listed buildings in Wales which have fallen into disrepair (section [section to be inserted by amendment 52]);’.

Adran 23, tudalen 26, ar ôl llinell 27, mewnosoder—

- ‘() i alluogi Gweinidogion Cymru i wneud rheoliadau ynghylch camau pellach y caniateir iddynt gael eu cymryd i sicrhau bod adeiladau rhestredig yng Nghymru sydd wedi mynd i gyflwr gwael yn cael eu diogelu’n briodol (adran [adran i’w mewnosod gan welliant 52]);’.

Peter Black [R]

52

Page 43, after line 23, insert a new section—

[] Preservation of listed buildings in disrepair

- (1) After section 56 of the Planning (Listed Buildings and Conservation Areas) Act 1990 (c.9) insert—

“Further provision about preservation

56A Preservation of listed buildings in disrepair

- (1) The Welsh Ministers may by regulations make provision about further steps that may be taken by local authorities or the Welsh Ministers to secure the proper preservation of listed buildings in Wales which have fallen into disrepair, and about connected matters.



- (2) Regulations under this section may, among other things, make provision for –
 - (a) the service of a notice (a “preservation notice”) on the owner of a listed building in Wales which has fallen into disrepair, specifying –
 - (i) the works which the owner must execute to secure the proper preservation of the building, and
 - (ii) the time by which such works must be executed;
 - (b) appeals against preservation notices;
 - (c) offences for failure to comply with preservation notices;
 - (d) appeals in respect of such offences.
 - (3) Regulations under this section may disapply, or apply or reproduce with or without modifications, any provision of this Act.
 - (4) Regulations under this section may amend this Act.”
- (2) In section 82A of that Act (application to the Crown), in subsection (2), after paragraph (h) insert –
- “(ha) section 56A;”.
- (3) In section 88 of that Act (rights of entry), in subsection (2) –
- (a) in paragraph (a), after “55,” insert “56A,” and
 - (b) in paragraph (c), after “section 9, 11, 26J or 43” insert “or under regulations made under section 56A”.
- (4) In Schedule 7 to the Regulatory Enforcement and Sanctions Act 2008 (c.13) (power under specified enactments to include power to make provision for civil sanctions) at the appropriate place insert –
- “Planning (Listed Buildings and Conservation Areas) Act 1990 (c.9), section 56A”.

Tudalen 43, ar ôl llinell 23, mewnosoder adran newydd –

[] Diogelu adeiladau rhestredig mewn cyflwr gwael

- (1) Ar ôl adran 56 o Ddeddf Cynllunio (Adeiladau Rhestredig ac Ardaloedd Cadwraeth) 1990 (p.9) mewnosoder –

“Further provision about preservation

56A Preservation of listed buildings in disrepair

- (1) The Welsh Ministers may by regulations make provision about further steps that may be taken by local authorities or the Welsh Ministers to secure the proper preservation of listed buildings in Wales which have fallen into disrepair, and about connected matters.
- (2) Regulations under this section may, among other things, make provision for –



- (a) the service of a notice (a “preservation notice”) on the owner of a listed building in Wales which has fallen into disrepair, specifying –
 - (i) the works which the owner must execute to secure the proper preservation of the building, and
 - (ii) the time by which such works must be executed;
 - (b) appeals against preservation notices;
 - (c) offences for failure to comply with preservation notices;
 - (d) appeals in respect of such offences.
- (3) Regulations under this section may disapply, or apply or reproduce with or without modifications, any provision of this Act.
- (4) Regulations under this section may amend this Act.”
- (2) Yn adran 82A o’r Ddeddf honno (cymhwyso i’r Goron), yn is-adran (2), ar ôl paragraff (h) mewnosoder –
- “(ha) section 56A;”.
- (3) Yn adran 88 o’r Ddeddf honno (hawliau mynediad), yn is-adran (2) –
- (a) ym mharagraff (a), ar ôl “55,” mewnosoder “56A,” a
 - (b) ym mharagraff (c), ar ôl “section 9, 11, 26J or 43” mewnosoder “or under regulations made under section 56A”.
- (4) Yn Atodlen 7 i Ddeddf Gorfodi Rheoleiddiol a Sanctsiynau 2008 (p.13) (pŵer o dan ddeddfiadau penodedig i gynnwys pŵer i wneud darpariaeth ar gyfer sanctsiynau sifil), yn y lle priodol mewnosoder –
- “Planning (Listed Buildings and Conservation Areas) Act 1990 (c.9), section 56A”’.

Peter Black [R] 53

Section 40, page 49, line 32, leave out ‘or 26M’ and insert ‘, 26M or 56A’.

Adran 40, tudalen 49, llinell 32, hepgorer ‘or 26M’ a mewnosoder ‘, 26M or 56A’.

Peter Black [R] 54

Section 40, page 50, line 1, leave out ‘or 26M’ and insert ‘, 26M or 56A’.

Adran 40, tudalen 50, llinell 1, hepgorer ‘or 26M’ a mewnosoder ‘, 26M or 56A’.

Bethan Jenkins 55

Long title, page 1, line 3, after ‘gardens;’, insert ‘to make provision in relation to ecclesiastical buildings;’.



Teitl hir, tudalen 1, llinell 3, ar ôl 'hanesyddol;', mewnosoder 'i wneud darpariaeth mewn perthynas ag adeiladau eglwysig'.

Bethan Jenkins 56

Long title, page 1, line 4, leave out 'Advisory Panel for the Welsh Historic Environment' and insert 'Historic Environment Group'.

Teitl hir, tudalen 1, llinell 4, hepgorer 'Panel Cynghori ar Amgylchedd Hanesyddol Cymru' a mewnosoder 'Grŵp Amgylchedd Hanesyddol'.

Bethan Jenkins 57

Section 1, page 1, after line 18, insert—

'() Part [*Part to be inserted by amendment 68*] makes provision in relation to ecclesiastical buildings.'

Adran 1, tudalen 1, ar ôl llinell 19, mewnosoder—

'() Mae Rhan [*y Rhan i'w mewnosod gan welliant 68*] yn gwneud darpariaeth mewn perthynas ag adeiladau eglwysig.'

Bethan Jenkins 58

Section 2, page 2, after line 16, insert—

'() for the Welsh Ministers to report to the National Assembly for Wales at least once every five years about changes to the Schedule (section [*to be inserted by amendment 60*]);'

Adran 2, tudalen 2, ar ôl llinell 16, mewnosoder—

'() i Weinidogion Cymru gyflwyno adroddiad i Gynulliad Cenedlaethol Cymru o leiaf unwaith bob pum mlynedd ynghylch newidiadau i'r Atodlen (adran [*adran i'w mewnosod gan welliant 60*]);'

Bethan Jenkins 59

Section 2, page 2, line 35, after '18)', insert—
' and

() to take reasonable steps to protect certain historic parks and gardens'.

Adran 2, tudalen 2, llinell 35, ar ôl '18)', mewnosoder—
' a

() cymryd camau rhesymol i warchod rhai parciau a gerddi hanesyddol penodol'.



Bethan Jenkins

60

Page 8, after line 8, insert a new section –

‘Reporting on changes to the Schedule of monuments

[] Reporting on changes to the Schedule of monuments

At least once every five years, the Welsh Ministers must report to the National Assembly for Wales about any changes they have made to the schedule of monuments maintained in accordance with section 1 of the Ancient Monuments and Archaeological Sites Act 1979.’.

Tudalen 8, ar ôl llinell 7, mewnosoder adran newydd –

‘Cyflwyno adroddiadau ar newidiadau i’r Atodlen o henebion

[] Cyflwyno adroddiadau ar newidiadau i’r Atodlen o henebion

O leiaf unwaith bob pum mlynedd, rhaid i Weinidogion Cymru gyflwyno adroddiad i Gynulliad Cenedlaethol Cymru ynghylch unrhyw newidiadau y maent wedi eu gwneud i’r atodlen o henebion a gynhelir yn unol ag adran 1 o Ddeddf Henebion Hynafol ac Ardaloedd Archaeolegol 1979.’.

Bethan Jenkins

61

Section 18, page 23, after line 23, insert –

“41B Duty to protect historic parks and gardens

- (1) The Welsh Ministers must take reasonable steps to protect the grounds listed in the register of historic parks and gardens.
- (2) The duty in subsection (1) applies only to grounds to which the following have a freehold or a leasehold interest –
 - (a) the Welsh Ministers,
 - (b) a local authority in Wales, or
 - (c) a local health board in Wales.”.

Adran 18, tudalen 23, ar ôl llinell 23, mewnosoder –

“41B Duty to protect historic parks and gardens

- (1) The Welsh Ministers must take reasonable steps to protect the grounds listed in the register of historic parks and gardens.
- (2) The duty in subsection (1) applies only to grounds to which the following have a freehold or a leasehold interest –
 - (a) the Welsh Ministers,
 - (b) a local authority in Wales, or
 - (c) a local health board in Wales.”.



Bethan Jenkins

62

Section 33, page 44, line 5, leave out 'historic place names' and insert 'the commonly used current and historic names of places, landmarks and buildings'.

Adran 33, tudalen 44, llinell 5, hepgorer 'o enwau lleoedd hanesyddol' a mewnosoder 'o'r enwau cyfredol a hanesyddol a ddefnyddir yn gyffredin ar gyfer lleoedd, tirnodau ac adeiladau'.

Bethan Jenkins

63

Section 37, page 47, line 11, leave out subsection (4) and insert—

'() Guidance under this section must not be issued unless a draft of the guidance has been laid before and approved by a resolution of the National Assembly for Wales.'

Adran 37, tudalen 47, llinell 11, hepgorer is-adran (4) a mewnosoder—

'() Ni chaniateir i ganllawiau o dan yr adran hon gael eu dyroddi oni bai bod drafft o'r canllawiau wedi ei osod gerbron Cynulliad Cenedlaethol Cymru ac wedi ei gymeradwyo drwy benderfyniad ganddo.'

Bethan Jenkins

64

Page 47, after line 12, insert a new section—

[] Auditing of historic environment records

- (1) At least once every five years the Welsh Ministers must arrange for an independent person to audit the historic environment records and provide a written report to the Welsh Ministers.
- (2) The Welsh Ministers must appoint the independent person following an open competition for a contract to carry out the audit.
- (3) The Welsh Ministers may pay for the audit.
- (4) The Welsh Ministers must lay the report before the National Assembly for Wales within six months of its receipt.
- (5) In this section, "independent person" means—
 - (a) a person who is not employed by the Welsh Ministers and who is not subject to control by the Welsh Ministers (other than under the contract by which the person is appointed to carry out the audit), or
 - (b) a company, a trust, or an unincorporated association which is not subject to control by the Welsh Ministers (other than under the contract by which the person is appointed to carry out the audit).
- (6) For the purposes of subsection (5), an independent person who receives grant funding from the Welsh Ministers is not considered to be subject to their control simply because of receiving the grant funding.'

Tudalen 47, ar ôl llinell 12, mewnosoder adran newydd—



[] Archwilio cofnodion amgylchedd hanesyddol

- (1) O leiaf unwaith bob pum mlynedd, rhaid i Weinidogion Cymru drefnu i berson annibynnol archwilio'r cofnodion amgylchedd hanesyddol a darparu adroddiad ysgrifenedig i Weinidogion Cymru.
- (2) Rhaid i Weinidogion Cymru benodi'r person annibynnol yn dilyn cystadleuaeth agored am gontract i gynnal yr archwiliad.
- (3) Caiff Gweinidogion Cymru dalu am yr archwiliad.
- (4) Rhaid i Weinidogion Cymru osod yr adroddiad gerbron Cynulliad Cenedlaethol Cymru o fewn chwe mis i'w dderbyn.
- (5) Yn yr adran hon, ystyr "person annibynnol" yw –
 - (a) person nad yw'n cael ei gyflogi gan Weinidogion Cymru ac nad yw'n ddarostyngedig i reolaeth gan Weinidogion Cymru (ac eithrio o dan y contract y penodir y person drwyddo i gynnal yr archwiliad), neu
 - (b) cwmni, ymddiriedolaeth, neu gymdeithas anghorfforedig nad yw'n ddarostyngedig i reolaeth gan Weinidogion Cymru (ac eithrio o dan y contract y penodir y person drwyddo i gynnal yr archwiliad).
- (6) At ddibenion is-adran (5), nid ystyrir bod person annibynnol sy'n derbyn cyllid grant gan Weinidogion Cymru yn ddarostyngedig i'w rheolaeth yn unig oherwydd ei fod yn derbyn y cyllid grant.'

Bethan Jenkins

65

Page 47, line 15, leave out section 38.

Tudalen 47, llinell 15, hepgorer adran 38.

Bethan Jenkins

66

Page 48, line 2, leave out section 39.

Tudalen 48, llinell 2, hepgorer adran 39.

Bethan Jenkins

67

Page 48, after line 29, insert a new section –

'Historic Environment Group

[] Historic Environment Group

- (1) In formulating policy and strategy about the historic environment in Wales, the Welsh Ministers must consult with and take into account the views of the Historic Environment Group.



- (2) In this section, “Wales” has the same meaning as in the Government of Wales Act 2006 (c.32) (see section 158(1) of that Act).
- (3) In this section the Historic Environment Group means –
 - (a) The Royal Commission on the Ancient and Historical Monuments of Wales;
 - (b) Architectural Heritage Fund;
 - (c) National Trust Wales;
 - (d) Civic Trust Cymru;
 - (e) Council for British Archaeology;
 - (f) National Library of Wales;
 - (g) Welsh Archaeological Trusts;
 - (h) Heritage Lottery Fund;
 - (i) Welsh Local Government Association;
 - (j) Natural Resources Wales;
 - (k) National Museum Wales;
 - (l) Institute for Historic Buildings Conservation;
 - (m) Wales Council for Voluntary Action;
 - (n) Historic Houses Association;
 - (o) Country Land and Business Association;
 - (p) Glandŵr Cymru;
 - (q) The National Parks of Wales; and
 - (r) History Research Wales.
- (4) The Welsh Ministers may, by order, add or remove a body from the list in subsection (3).
- (5) An order under subsection (4) must be made by statutory instrument.
- (6) A statutory instrument containing an order under subsection (4) may not be made unless a draft has been laid before and approved by a resolution of the National Assembly for Wales.’.

Tudalen 48, ar ôl llinell 32, mewnosoder adran newydd –

‘Grŵp Amgylchedd Hanesyddol

[] Grŵp Amgylchedd Hanesyddol

- (1) Wrth ffurfio polisi a strategaeth ynghylch yr amgylchedd hanesyddol yng Nghymru, rhaid i Weinidogion Cymru ymgynghori â’r Grŵp Amgylchedd Hanesyddol ac ystyried ei sylwadau.
- (2) Yn yr adran hon, mae i “Gymru” yr un ystyr â “Wales” yn Neddf Llywodraeth Cymru 2006 (p.32) (gweler adran 158(1) o’r Ddeddf honno).
- (3) Yn yr adran hon, ystyr y Grŵp Amgylchedd Hanesyddol yw –
 - (a) Comisiwn Brenhinol Henebion Cymru;



- (b) Cronfa Treftadaeth Bensaernïol;
 - (c) Ymddiriedolaeth Genedlaethol Cymru;
 - (d) Ymddiriedolaeth Ddinesig Cymru;
 - (e) Cyngor Archaeoleg Brydeinig Cymru;
 - (f) Llyfrgell Genedlaethol Cymru;
 - (g) Ymddiriedolaethau archeolegol Cymru;
 - (h) Cronfa Dreftadaeth y Loteri;
 - (i) Cymdeithas Llywodraeth Leol Cymru;
 - (j) Cyfoeth Naturiol Cymru;
 - (k) Amgueddfa Cymru;
 - (l) Y Sefydliad Cadwraeth Adeiladau Hanesyddol;
 - (m) Cyngor Gweithredu Gwirfoddol Cymru;
 - (n) Cymdeithas Tai Hanesyddol;
 - (o) Cymdeithas Tir a Busnesau Cefn Gwlad;
 - (p) Glandŵr Cymru;
 - (q) Parciau cenedlaethol Cymru; ac
 - (r) Ymchwil Hanes Cymru.
- (4) Caiff Gweinidogion Cymru, drwy orchymyn, ychwanegu corff at y rhestr yn is-adran (3) neu ddileu corff oddi ar y rhestr.
- (5) Rhaid i orchymyn o dan is-adran (4) gael ei wneud drwy offeryn statudol.
- (6) Ni chaniateir i offeryn statudol sy'n cynnwys gorchymyn o dan is-adran (4) gael ei wneud oni bai bod drafft wedi ei osod gerbron Cynulliad Cenedlaethol Cymru a'i gymeradwyo drwy benderfyniad ganddo.'

Bethan Jenkins

68

Page 48, after line 29, insert a new section –

'PART []

ECCLESIASTICAL BUILDINGS

[] Ecclesiastical buildings of national or international importance

The Welsh Ministers must provide a publicly-available list of ecclesiastical buildings in Wales which they consider to be of national or international importance.'



Tudalen 48, ar ôl llinell 32, mewnosoder adran newydd –

‘RHAN []

ADEILADAU EGLWYSIG

[] Adeiladau eglwysig o bwysigrwydd cenedlaethol neu ryngwladol

Rhaid i Weinidogion Cymru ddarparu rhestr sydd ar gael yn gyhoeddus o adeiladau eglwysig yng Nghymru sydd o bwysigrwydd cenedlaethol neu ryngwladol yn eu barn hwy.’.

Bethan Jenkins

69

Page 48, after line 29, insert a new section –

‘[] Ecclesiastical exemptions

- (1) Where an order made under any of the provisions listed in subsection (2) is in force in Wales, the Welsh Ministers must –
 - (a) issue and keep up to date guidance as to how any organisation which benefits from an exemption under the order is encouraged to monitor the alteration, extension or demolition of its ecclesiastical buildings, and
 - (b) report to the National Assembly for Wales at least once every five years as to the reasons for which the order remains in force.
- (2) The provisions referred to in subsection (1) are sections 60(5) and (6), 75(7) and (8) and 93(6) of the Planning (Listed Buildings and Conservation Areas) Act 1990.’.

Tudalen 48, ar ôl llinell 32, mewnosoder adran newydd –

‘[] Esemptiadau eglwysig

- (1) Pan fo gorchymyn a wnaed o dan unrhyw un o’r darpariaethau yn is-adran (2) mewn grym yng Nghymru, rhaid i Weinidogion Cymru –
 - (a) dyroddi canllawiau ynglŷn â sut yr anogir unrhyw sefydliad sy’n elwa ar esemptiad o dan y gorchymyn i fonitro’r gwaith o addasu, ymestyn neu ddymchwel ei adeiladau eglwysig, a’u cadw’n gyfredol, a
 - (b) cyflwyno adroddiad i Gynulliad Cenedlaethol Cymru o leiaf unwaith bob pum mlynedd ynghylch y rhesymau pam mae’r gorchymyn yn parhau mewn grym.
- (2) Y darpariaethau y cyfeirir atynt yn is-adran (1) yw adrannau 60(5) a (6), 75(7) ac (8) a 93(6) o Ddeddf Cynllunio (Adeiladau Rhestredig ac Ardaloedd Cadwraeth) 1990.’.

Bethan Jenkins

70

Page 48, after line 29, insert a new section –

‘[] Interpretation of this Part



In this Part, “ecclesiastical building” means a building, a site or structure in Wales, whether above or below the surface of the land, the primary purpose of which is (or was in the past) as a place for spiritual or religious activity, provided that the purpose or use is (or was) lawful.’.

Tudalen 48, ar ôl llinell 32, mewnosoder adran newydd –

[] Dehongli’r Rhan hon

Yn y Rhan hon, ystyr, “adeilad eglwysig” yw adeilad, safle neu strwythur yng Nghymru, pa un ai yw uwchben neu islaw arwyneb y tir, sydd â’r prif ddiben (neu a oedd â’r prif ddiben yn y gorffennol) o fod yn lle ar gyfer gweithgaredd ysbrydol neu grefyddol, ar yr amod bod (neu y bu) y diben neu’r defnydd yn gyfreithlon.’.

Bethan Jenkins

28A

As amendment to amendment 28, after line 13, insert –

‘() the need to consider the Welsh language in creating and keeping up to date historic environment records.’.

Fel gwelliant i welliant 28, ar ôl llinell 14, mewnosoder –

‘() yr angen i ystyried y Gymraeg wrth greu a diweddarau cofnodion amgylchedd hanesyddol.’.

Suzy Davies

71

Section 3, page 3, after line 2, insert –

‘() In section 1 of the Ancient Monuments and Archaeological Areas Act 1979 (c.46), after subsection (10), insert –

“(10A) Before including a monument in Wales in the Schedule, the Welsh Ministers must provide the owner of that monument with guidance (“the guidance”).

(10B) The guidance must inform the owner as to their legal obligations if the monument is included in the Schedule.

(10C) The guidance must, in particular, inform the owner as to the criminal offences under this Act.

(10D) The guidance must not be issued unless a draft of the guidance has been laid before and approved by a resolution of the National Assembly for Wales.”’.

Adran 3, tudalen 3, ar ôl llinell 2, mewnosoder –

‘() Yn adran 1 o Ddeddf Henebion Hynafol ac Ardaloedd Archaeolegol 1979 (p.46), ar ôl is-adran (10), mewnosoder –

“(10A) Before including a monument in Wales in the Schedule, the Welsh Ministers must provide the owner of that monument with guidance (“the guidance”).



- (10B) The guidance must inform the owner as to their legal obligations if the monument is included in the Schedule.
- (10C) The guidance must, in particular, inform the owner as to the criminal offences under this Act.
- (10D) The guidance must not be issued unless a draft of the guidance has been laid before and approved by a resolution of the National Assembly for Wales.”.

Suzy Davies

72

Section 3, page 3, line 3, leave out ‘the Ancient Monuments and Archaeological Areas Act 1979 (c.46)’ and insert ‘that Act’.

Adran 3, tudalen 3, llinell 3, hepgorer ‘o Ddeddf Henebion Hynafol ac Ardaloedd Archaeolegol 1979 (p.46)’ a mewnosoder ‘o’r Ddeddf honno’.

Suzy Davies

73

Section 3, page 7, line 8, leave out ‘it is a defence for the accused to prove that the accused did not know, and could not reasonably have been expected to know, that the’ and insert ‘the prosecution must prove that the accused knew, or ought reasonably to have known, that’.

Adran 3, tudalen 7, llinell 8, hepgorer ‘it is a defence for the accused to prove that the accused did not know, and could not reasonably have been expected to know, that the’ a mewnosoder ‘the prosecution must prove that the accused knew, or ought reasonably to have known, that’.

Suzy Davies

74

Section 3, page 7, line 11, leave out ‘the defence is raised by a person on whom a notice should have been served under section 1AA(2)’ and insert ‘applicable’.

Adran 3, tudalen 7, llinell 11, hepgorer ‘the defence is raised by a person on whom a notice should have been served under section 1AA(2)’ a mewnosoder ‘applicable’.

Suzy Davies

75

Section 15, page 21, line 28, leave out ‘it is a defence for the accused to prove that, before executing the works or before causing or permitting their execution (as the case may be), the accused –

- (a) had taken all reasonable steps to find out whether there was a scheduled monument in the area affected by the works; and
- (b) did not know, and had no reason to believe, that the monument was within the area affected by the works or (as the case may be) that it was a scheduled monument’

and insert –



'the prosecution must prove –

- () that the accused did not take reasonable steps to find out that there was a scheduled monument in the area affected by the works, or
- () that the accused knew or ought reasonably to have known that the monument was within the area affected by the works'.

Adran 15, tudalen 21, llinell 28, hepgorer 'it is a defence for the accused to prove that, before executing the works or before causing or permitting their execution (as the case may be), the accused –

- (a) had taken all reasonable steps to find out whether there was a scheduled monument in the area affected by the works; and
- (b) did not know, and had no reason to believe, that the monument was within the area affected by the works or (as the case may be) that it was a scheduled monument'

a mewnosoder –

'the prosecution must prove –

- () that the accused did not take reasonable steps to find out that there was a scheduled monument in the area affected by the works, or
- () that the accused knew or ought reasonably to have known that the monument was within the area affected by the works'.

Suzy Davies

76

Section 24, page 29, line 25, leave out ' –

- (a) it is a defence for the person to show that the person did not know, and could not reasonably have been expected to know, that interim protection had been conferred on the building; and
- (b) where the defence is raised by a person on whom a notice should have been served under section 2A(2), it is for the prosecution to prove that the notice was served on that person'

and insert –

', the prosecution must prove that –

- () the person knew or ought reasonably to have known that interim protection had been conferred on the building, and
- () where applicable, that a notice under section 2A(2) had been served on the person'.

Adran 24, tudalen 29, llinell 25, hepgorer ' –

- (a) it is a defence for the person to show that the person did not know, and could not reasonably have been expected to know, that interim protection had been conferred on the building; and



- (b) where the defence is raised by a person on whom a notice should have been served under section 2A(2), it is for the prosecution to prove that the notice was served on that person'

a mewnosoder –

', the prosecution must prove that –

- (i) the person knew or ought reasonably to have known that interim protection had been conferred on the building, and
- (i) where applicable, that a notice under section 2A(2) had been served on the person'.

Suzy Davies

77

Section 29, page 40, line 7, leave out 'it is a defence for the person to show that the person did not know, and could not reasonably have been expected to know' and insert 'the prosecution must prove that the person knew, or ought reasonably to have known'.

Adran 29, tudalen 40, llinell 7, hepgorer 'it is a defence for the person to show that the person did not know, and could not reasonably have been expected to know' a mewnosoder 'the prosecution must prove that the person knew, or ought reasonably to have known'.

Suzy Davies

78

Section 30, page 42, after line 7, insert –

'(i) In section 54 of the Planning (Listed Buildings and Conservation Areas) Act 1990 (c.9) (urgent works to preserved listed buildings), in subsection (1), after "authority" insert "in England".

(i) In subsection (2) omit –

(a) " –

(a) if the building is in England", and

(b) "; or

(b) if the building is in Wales, he may himself execute any works which appear to him to be urgently necessary for its preservation".

(i) After subsection (2) insert –

"(2A) In the case of a listed building in Wales, if works are needed without delay in order to –

(a) prevent injury or death to any person, or

(b) to prevent damage to the property of any person (including to the building itself),

those works will be regarded as "emergency works".



- (2B) Before carrying out emergency works, the local authority or the Welsh Ministers must give the owner of the building at least seven days notice in writing of the intention to carry out the works.
- (2C) A notice under subsection (2B) must describe the works proposed to be carried out.
- (2D) In the case of a listed building in Wales, if works are needed without delay in order to preserve the listed building, but they are not emergency works, those works will be regarded as “urgent works”.
- (2E) Before carrying out urgent works to a listed building in Wales, the local authority or the Welsh Ministers must give the owner of the building notice in writing of the intention to carry out the works.
- (2F) A notice under subsection (2E) must describe the works proposed to be carried out.
- (2G) The Welsh Ministers must make regulations setting out the timescales within which a notice under subsection (2E) must be served.
- (2H) Regulations under subsection (2G) must not be made unless the Welsh Ministers have first consulted upon a reasonable timescale with such persons as they think fit.
- (2I) A statutory instrument containing regulations under subsection (2G) may not be made unless a draft has been laid before and approved by a resolution of the National Assembly for Wales.
- (2J) Emergency works under this section may consist of or include works –
 - (a) giving temporary support or shelter for the building, or
 - (b) removing any dangerous parts of the building (or anything attached to the building).
- (2K) Urgent works to a listed building in Wales may consist of or include works giving temporary support or shelter for the building.

() In subsection (3), after “section” insert “to a listed building in England”.

Adran 30, tudalen 42, ar ôl llinell 8, mewnosoder –

() Yn adran 54 o Ddeddf Cynllunio (Adeiladau Rhestredig ac Ardaloedd Cadwraeth) 1990 (p.9) (gwaith brys i ddiogelu adeiladau rhestredig), yn is-adran (1), ar ôl “authority” mewnosoder “in England”.

() Yn is-adran (2) hepgorer –

(a) “ –

(a) if the building is in England”, a

(b) “; or

(b) if the building is in Wales, he may himself execute any works which appear to him to be urgently necessary for its preservation”.



() Ar ôl is-adran (2) mewnosoder—

“(2A) In the case of a listed building in Wales, if works are needed without delay in order to—

- (a) prevent injury or death to any person, or
- (b) to prevent damage to the property of any person (including to the building itself),

those works will be regarded as “emergency works”.

(2B) Before carrying out emergency works, the local authority or the Welsh Ministers must give the owner of the building at least seven days notice in writing of the intention to carry out the works.

(2C) A notice under subsection (2B) must describe the works proposed to be carried out.

(2D) In the case of a listed building in Wales, if works are needed without delay in order to preserve the listed building, but they are not emergency works, those works will be regarded as “urgent works”.

(2E) Before carrying out urgent works to a listed building in Wales, the local authority or the Welsh Ministers must give the owner of the building notice in writing of the intention to carry out the works.

(2F) A notice under subsection (2E) must describe the works proposed to be carried out.

(2G) The Welsh Ministers must make regulations setting out the timescales within which a notice under subsection (2E) must be served.

(2H) Regulations under subsection (2G) must not be made unless the Welsh Ministers have first consulted upon a reasonable timescale with such persons as they think fit.

(2I) A statutory instrument containing regulations under subsection (2G) may not be made unless a draft has been laid before and approved by a resolution of the National Assembly for Wales.

(2J) Emergency works under this section may consist of or include works—

- (a) giving temporary support or shelter for the building, or
- (b) removing any dangerous parts of the building (or anything attached to the building).

(2K) Urgent works to a listed building in Wales may consist of or include works giving temporary support or shelter for the building.

() Yn is-adran (3), ar ôl “section” mewnosoder “to a listed building in England”.



Suzy Davies

79

Section 30, page 42, line 8, leave out 'section 54 of the Planning (Listed Buildings and Conservation Areas) Act 1990 (c.9) (urgent works to preserve listed buildings), in subsection (4), after "If" insert ", in the case of a building in England," and insert –

'subsection (4) –

(a) after "If" insert ", in the case of a building in England," and

(b) after "occupied" insert "urgent".'. .

Adran 30, tudalen 42, llinell 9, hepgorer 'adran 54 o Ddeddf Cynllunio (Adeiladau Rhestredig ac Ardaloedd Cadwraeth) 1990 (p.9) (gwaith brys i ddiogelu adeiladau rhestredig), yn is-adran (4), ar ôl "If" mewnosoder ", in the case of a building in England," a mewnosoder –

'is-adran (4) –

(a) ar ôl "If" mewnosoder ", in the case of a building in England," a

(b) ar ôl "occupied" mewnosoder "urgent".'. .

Suzy Davies

80

Section 30, page 42, line 13, after 'use,' insert 'urgent'.

Adran 30, tudalen 42, llinell 14, ar ôl 'use,' mewnosoder 'urgent'.

Suzy Davies

81

Section 30, page 42, after line 14, insert –

'() In subsection (5), after "building" insert "in England".'. .

Adran 30, tudalen 42, ar ôl llinell 15, mewnosoder –

'() Yn is-adran (5), ar ôl "building" mewnosoder "in England".'. .

Suzy Davies

82

Section 30, page 42, line 18, leave out 'not less than seven days' notice in writing' and insert 'notice in writing in accordance with this section'.

Adran 30, tudalen 42, llinell 19, hepgorer 'not less than seven days' notice in writing' a mewnosoder 'notice in writing in accordance with this section'.

Suzy Davies

83

Section 30, page 42, line 21, after 'section,' insert 'after "urgent" insert "or emergency" and'.

Adran 30, tudalen 42, llinell 22, ar ôl 'honno,' mewnosoder 'ar ôl "urgent" mewnosoder "or emergency" a'.



Suzy Davies

84

Section 30, page 42, after line 34, insert—

- '(5[]) An order under subsection (5B) must be made by statutory instrument.
- (5[]) On the first occasion on which the Welsh Ministers make an order under subsection (5B), the order must not be made unless a draft of the statutory instrument containing the order has been laid before, and approved by a resolution of, the National Assembly for Wales.'

Adran 30, tudalen 42, ar ôl llinell 36, mewnosoder—

- '(5[]) An order under subsection (5B) must be made by statutory instrument.
- (5[]) On the first occasion on which the Welsh Ministers make an order under subsection (5B), the order must not be made unless a draft of the statutory instrument containing the order has been laid before, and approved by a resolution of, the National Assembly for Wales.'

Suzy Davies

85

Section 30, page 42, leave out lines 35 to 38 and insert—

- '(5[]) Where the building is not used either wholly or partly for residential purposes, the expenses and any interest are, from that time until recovery, a charge on the land on which the building stands. Such a charge may only extend to the land comprised within the footprint of the building and must not include any further land within the ownership of the owner. The charge takes effect at that time as a legal charge which is a local land charge.
- (5[]) Where the building is either wholly or partly in residential use, and the owner owns non-residential land of at least equivalent value to that comprising the footprint of the residential property, the legal charge described in subsection (*first subsection inserted by this amendment*) may instead be secured against that property where this is agreed between the parties, both acting reasonably. If no such alternative land is available or the owner does not act reasonably, then the legal charge may then be secured on the residential property.
- (5[]) But, a legal charge created under subsection (*first subsection inserted by this amendment*) or (*second subsection inserted by this amendment*) does not take priority over a charge which was registered before the legal charge created under subsection (*first subsection inserted by this amendment*) or (*second subsection inserted by this amendment*) (as applicable).'



Adran 30, tudalen 42, hepgorer llinellau 37 hyd at 40 a mewnosoder –

- (5[]) Where the building is not used either wholly or partly for residential purposes, the expenses and any interest are, from that time until recovery, a charge on the land on which the building stands. Such a charge may only extend to the land comprised within the footprint of the building and must not include any further land within the ownership of the owner. The charge takes effect at that time as a legal charge which is a local land charge.
- (5[]) Where the building is either wholly or partly in residential use, and the owner owns non-residential land of at least equivalent value to that comprising the footprint of the residential property, the legal charge described in subsection (*yr is-adran cyntaf sydd i'w fewnosod gan y gwelliant hwn*) may instead be secured against that property where this is agreed between the parties, both acting reasonably. If no such alternative land is available or the owner does not act reasonably, then the legal charge may then be secured on the residential property.
- (5[]) But, a legal charge created under subsection (*yr is-adran cyntaf sydd i'w fewnosod gan y gwelliant hwn*) or (*yr ail is-adran sydd i'w fewnosod gan y gwelliant hwn*) does not take priority over a charge which was registered before the legal charge created under subsection (*yr is-adran cyntaf sydd i'w fewnosod gan y gwelliant hwn*) or (*yr ail is-adran sydd i'w fewnosod gan y gwelliant hwn*) (as applicable).’.

Suzy Davies

86

Section 30, page 43, line 6, leave out ‘The’ at the first place where it appears and insert ‘Subject to subsection (*first subsection inserted by amendment 87*)’.

Adran 30, tudalen 43, llinell 6, hepgorer ‘The’ yn y lle cyntaf y mae'n ymddangos a mewnosoder ‘Subject to subsection (*yr is-adran cyntaf a fewnosodir gan welliant 87*)’.

Suzy Davies

87

Section 30, page 43, after line 8, insert –

- (5[]) But the power to appoint a receiver in subsection (5E) must not be exercised unless the authority have first taken reasonable steps to negotiate a payment arrangement with the owner of the building.
- (5[]) If following the negotiation of a payment arrangement the owner of the building does not materially comply with its obligations under that agreement, the authority may appoint a receiver under (5E) without any further requirement to negotiate a payment arrangement with the owner.’.

Adran 30, tudalen 43, ar ôl llinell 8, mewnosoder –



(5[]) But the power to appoint a receiver in subsection (5E) must not be exercised unless the authority have first taken reasonable steps to negotiate a payment arrangement with the owner of the building.

(5[]) If following the negotiation of a payment arrangement the owner of the building does not materially comply with its obligations under that agreement, the authority may appoint a receiver under (5E) without any further requirement to negotiate a payment arrangement with the owner.’.

Suzy Davies 88

Section 30, page 43, line 9, leave out ‘(5F)’ and insert ‘(second subsection inserted by amendment 87)’.

Adran 30, tudalen 43, llinell 9, hepgorer ‘(5F)’ a mewnosoder ‘(yr ail is-adran a fewnosodir gan welliant 87)’.

***Suzy Davies** 89

Section 30, page 43, after line 23, insert –

(5[]) Subsections (5A) to (5G) apply only where recovery is sought for the expenses and interest in respect of urgent works.’’.

Adran 30, tudalen 43, ar ôl llinell 23, mewnosoder –

(5[]) Subsections (5A) to (5G) apply only where recovery is sought for the expenses and interest in respect of urgent works.’’.

Suzy Davies 90

Section 30, page 43, after line 23, insert –

(7) In subsection (4)(a) after “preservation” insert “or safety”.’.

Adran 30, tudalen 43, ar ôl llinell 23, mewnosoder –

(7) Yn is-adran (4)(a) ar ôl “preservation” mewnosoder “or safety”.’.

Suzy Davies 91

Section 40, page 49, line 15, leave out ‘or 9ZB’ and insert ‘, 1AE6, 9ZB or 60(1A)’.

Adran 40, tudalen 49, llinell 15, hepgorer ‘or 9ZB’ a mewnosoder ‘, 1AE6, 9ZB or 60(1A)’.

Suzy Davies 92

Section 40, page 50, line 1, after ‘2A’, insert ‘, 2D6’.

Adran 40, tudalen 50, llinell 1, ar ôl ‘2A’, mewnosoder ‘, 2D6’.



Suzy Davies

93

Section 41, page 51, after line 4, insert—

‘(6) An order to which subsection (4)(b) applies is subject to annulment in pursuance of a resolution of the National Assembly for Wales.’.

Adran 41, tudalen 51, ar ôl llinell 4, mewnosoder—

‘(6) Mae gorchymyn y mae is-adran (4)(b) yn gymwys iddo yn ddarostyngedig i’w ddiddymu yn unol â phenderfyniad gan Gynulliad Cenedlaethol Cymru.’.

Suzy Davies

5A

As an amendment to amendment 5, after line 27, insert-

- ‘(9) On the first occasion on which guidance under this section is prepared by the Welsh Ministers, it must not be issued unless a draft of the guidance has been laid before and approved by a resolution of the National Assembly for Wales.
- (10) On subsequent occasions on which guidance under this section is issued by the Welsh Ministers, it may be annulled by a resolution of the National Assembly for Wales.’.

Fel gwelliant i welliant 5, ar ôl llinell 27, mewnosoder-

- ‘(9) On the first occasion on which guidance under this section is prepared by the Welsh Ministers, it must not be issued unless a draft of the guidance has been laid before and approved by a resolution of the National Assembly for Wales.
- (10) On subsequent occasions on which guidance under this section is issued by the Welsh Ministers, it may be annulled by a resolution of the National Assembly for Wales.’.

