



# Deddf yr Amgylchedd Hanesyddol (Cymru) 2023

2023 dsc 3

## Historic Environment (Wales) Act 2023

2023 asc 3



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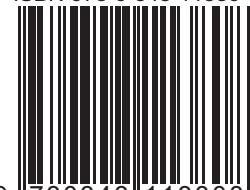
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ar wahân.

Explanatory Notes have been produced to assist in the understanding of this Act and  
are available separately.

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**£53.20**





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1 Trosolwg

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- 135 Gwaharddeb i atal gwaith anawdurdodedig neu fethiant i gydymffurfio ag amod mewn cydsyniad

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- 136 Pŵer awdurdod cynllunio i gaffael adeilad drwy gytundeb

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- 137 Pwerau i gaffael adeilad rhestredig yn orfodol at ddiben ei ddiogelu  
 138 Gofyniad i gyflwyno hysbysiad atgyweirio cyn dechrau caffael yn orfodol  
 139 Cais i stopio caffaeliad gorfodol  
 140 Cyfarwyddyd ar gyfer digollediad isafol pan ganiatawyd i adeilad fynd i gyflwr gwael yn fwriadol  
 141 Cais i ddileu cyfarwyddyd ar gyfer digollediad isafol  
 142 Dod â hawliau dros dir a gaffaelwyd yn orfodol i ben

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- 143 Rheoli, defnyddio a gwaredu adeilad a gaffaelir o dan y Bennod hon

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- 144 Gwaith brys i ddiogelu adeilad rhestredig  
 145 Pŵer i'w gwneud yn ofynnol i berchennog dalu costau gwaith diogelu  
 146 Darpariaeth bellach ynghylch adennill costau gwaith diogelu

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- 146 Further provision about recovery of costs of preservation works

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147 Camau ar gyfer diogelu adeiladau rhestredig sydd mewn cyflwr gwael

*Cyllid ar gyfer atgyweirio a chynnal a chadw adeiladau o ddiddordeb arbennig etc.*

- 148 Grant neu fenthyciad gan awdurdod lleol ar gyfer atgyweirio neu gynnal a chadw adeilad  
 149 Adennill grant a roddir gan awdurdod lleol  
 150 Grant gan Weinidogion Cymru ar gyfer atgyweirio neu gynnal a chadw adeilad, gardd etc.  
 151 Gweinidogion Cymru yn derbyn gwaddol ar gyfer cynnal adeilad

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 153 Arfer pŵer i fynd ar dir heb warant  
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 160 Arfer swyddogaethau cynllunio: dyletswydd gyffredinol sy'n ymwneud ag ardaloedd cadwraeth

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# Deddf yr Amgylchedd Hanesyddol (Cymru) 2023

Deddf gan Senedd Cymru i gydgrynhoi deddfiadau penodol sy'n ymwneud â chadwraeth amgylchedd hanesyddol Cymru. [14 Mehefin 2023]

**Gan ei fod wedi ei basio gan Senedd Cymru ac wedi derbyn cydsyniad Ei Fawrhydi, deddfir fel a ganlyn:**

## RHAN 1

### TROSOLWG

#### 1 Trosolwg

- (1) Mae'r Ddeddf hon yn ffurfio rhan o god o gyfraith sy'n ymwneud ag amgylchedd hanesyddol Cymru.
- (2) Mae'n cydgrynhoi deddfiadau a gynhwysir yn y canlynol neu a wneir odanynt –
  - (a) Deddf Adeiladau Hanesyddol a Henebion Hynafol 1953 (p. 49);
  - (b) Rhannau 1 a 3 o Ddeddf Henebion Hynafol ac Ardaloedd Archaeolegol 1979 (p. 46);
  - (c) Rhannau 14 a 15 o Ddeddf Cynllunio Gwlad a Thref 1990 (p. 8);
  - (d) Deddf Cynllunio (Adeiladau Rhestredig ac Ardaloedd Cadwraeth) 1990 (p. 9);
  - (e) Rhan 5 o Ddeddf Cynllunio a Phrynu Gorfodol 2004 (p. 5);
  - (f) Deddf yr Amgylchedd Hanesyddol (Cymru) 2016 (dccc 4).
- (3) Mae Rhan 2 o'r Ddeddf hon yn gwneud darpariaeth ynghylch cadwraeth henebion o ddiddordeb hanesyddol arbennig, gan gynnwys darpariaeth ar gyfer –
  - (a) cofrestr o henebion o bwysigrwydd cenedlaethol, a gynhelir gan Weinidogion Cymru,
  - (b) rheolaethu gwaith sy'n effeithio ar henebion cofrestredig, ac
  - (c) caffael henebion, gwarcheidiaeth henebion a diogelu henebion.



# Historic Environment (Wales) Act 2023

An Act of Senedd Cymru to consolidate certain enactments relating to the conservation of the historic environment of Wales. [14 June 2023]

**Having been passed by Senedd Cymru and having received the assent of His Majesty, it is enacted as follows:**

## PART 1 OVERVIEW

### 1 Overview

- (1) This Act forms part of a code of law relating to the historic environment of Wales.
- (2) It consolidates enactments contained in or made under —
  - (a) the Historic Buildings and Ancient Monuments Act 1953 (c. 49);
  - (b) Parts 1 and 3 of the Ancient Monuments and Archaeological Areas Act 1979 (c. 46);
  - (c) Parts 14 and 15 of the Town and Country Planning Act 1990 (c. 8);
  - (d) the Planning (Listed Buildings and Conservation Areas) Act 1990 (c. 9);
  - (e) Part 5 of the Planning and Compulsory Purchase Act 2004 (c. 5);
  - (f) the Historic Environment (Wales) Act 2016 (anaw 4).
- (3) Part 2 of this Act makes provision about the conservation of monuments of special historic interest, including provision for —
  - (a) a schedule of monuments of national importance, maintained by the Welsh Ministers,
  - (b) the control of works affecting scheduled monuments, and
  - (c) the acquisition, guardianship and preservation of monuments.

- (4) Mae Rhan 3 yn gwneud darpariaeth ynghylch cadwraeth adeiladau o ddiddordeb pensaernïol neu hanesyddol, gan gynnwys darpariaeth ar gyfer –
- rhestr o adeiladau o ddiddordeb pensaernïol neu hanesyddol arbennig, a gynhelir gan Weinidogion Cymru,
  - rheolaethu gwaith sy'n effeithio ar adeiladau rhestredig, ac
  - caffael a diogelu adeiladau.
- (5) Mae Rhan 4 yn gwneud darpariaeth ynghylch ardaloedd cadwraeth, gan gynnwys darpariaeth ar gyfer –
- dynodi ardaloedd o ddiddordeb pensaernïol neu hanesyddol arbennig yn ardaloedd cadwraeth gan awdurdodau cynllunio,
  - rheolaethu gwaith ar gyfer dymchwel adeiladau mewn ardaloedd cadwraeth, ac
  - diogelu ac atgyweirio adeiladau mewn ardaloedd cadwraeth.
- (6) Mae Rhan 5 yn gwneud darpariaeth atodol sy'n ymwneud â Rhannau 3 a 4, gan gynnwys –
- darpariaeth ynghylch achosion gerbron Gweinidogion Cymru o dan y Rhannau hynny, gan gynnwys gwrandawiadau ac ymchwiliadau;
  - darpariaeth ynghylch dilysrwydd penderfyniadau a wneir o dan y Rhannau hynny a chywiro'r penderfyniadau hynny.
- (7) Mae Rhan 6 yn darparu ar gyfer –
- cofrestr o barciau a gerddi hanesyddol;
  - rhestr o enwau lleoedd hanesyddol;
  - cofnodion amgylchedd hanesyddol ar gyfer pob ardal yng Nghymru.
- (8) Mae Rhan 7 yn cynnwys darpariaethau cyffredinol, gan gynnwys diwygiadau i ddeddfiadau eraill a diddymiaid deddfiadau eraill.

## RHAN 2

### HENEBION O DDIDDORDEB HANESYDDOL ARBENNIG

#### PENNOD 1

##### TERMAU ALLWEDDOL

## 2 Ystyr “heneb” a “safle heneb”

- (1) Yn y Ddeddf hon ystyr “heneb” yw –
- unrhyw adeilad, unrhyw strwythur neu unrhyw waith (pa un ai uwchben wyneb y tir neu o dan wyneb y tir) ac unrhyw ogof neu gloddiad;
  - safle olion unrhyw adeilad, unrhyw strwythur neu unrhyw waith neu safle olion unrhyw ogof neu gloddiad;
  - safle unrhyw gerbyd, unrhyw lestr, unrhyw gerbyd awyr neu unrhyw strwythur symudol arall, neu ran o wrthrych o'r fath, nad yw'n waith, nac yn ffurfio rhan o unrhyw waith, sy'n heneb o fewn paragraff (a);



- (4) Part 3 makes provision about the conservation of buildings of architectural or historic interest, including provision for –
  - (a) a list of buildings of special architectural or historic interest, maintained by the Welsh Ministers,
  - (b) the control of works affecting listed buildings, and
  - (c) the acquisition and preservation of buildings.
- (5) Part 4 makes provision about conservation areas, including provision for –
  - (a) areas of special architectural or historic interest to be designated as conservation areas by planning authorities,
  - (b) the control of works for the demolition of buildings in conservation areas, and
  - (c) the preservation and repair of buildings in conservation areas.
- (6) Part 5 makes supplementary provision relating to Parts 3 and 4, including –
  - (a) provision about proceedings before the Welsh Ministers under those Parts, including hearings and inquiries;
  - (b) provision about the validity and correction of decisions made under those Parts.
- (7) Part 6 provides for –
  - (a) a register of historic parks and gardens;
  - (b) a list of historic place names;
  - (c) historic environment records for every area of Wales.
- (8) Part 7 contains general provisions, including amendments and repeals of other enactments.

## **PART 2**

### **MONUMENTS OF SPECIAL HISTORIC INTEREST**

#### **CHAPTER 1**

##### **KEY TERMS**

## **2 Meaning of “monument” and “site of monument”**

- (1) In this Act “monument” means –
  - (a) any building, structure or work (whether above or below the surface of the land) and any cave or excavation;
  - (b) the site of the remains of any building, structure or work or of the remains of any cave or excavation;
  - (c) the site of any vehicle, vessel, aircraft or other moveable structure, or part of such an object, which neither constitutes nor forms part of any work which is a monument within paragraph (a);

- (d) safle olion unrhyw wrthrych neu unrhyw ran o wrthrych a grybwyllir ym mharagraff (c);
  - (e) safle unrhyw beth, neu unrhyw grŵp o bethau, sy'n dystiolaeth o weithgarwch dynol blaenorol (ac eithrio safle sy'n dod o fewn paragraff (b), (c) neu (d)).
- (2) At ddibenion is-adran (1) mae unrhyw beiriannau sydd wedi eu gosod yn sownd wrth heneb i'w trin fel pe baent yn rhan o'r heneb os na ellid eu datgysylltu heb eu datgymalu.
  - (3) Nid yw is-adran (1)(a) yn gymwys i unrhyw adeilad crefyddol sy'n cael ei ddefnyddio am y tro at ddibenion crefyddol; ond mae hyn yn ddarostyngedig i unrhyw eithriadau a bennir mewn rheoliadau a wneir gan Weinidogion Cymru.
  - (4) Nid yw is-adrannau (1)(c) a (d) yn gymwys –
    - (a) i safle unrhyw wrthrych neu ei olion oni bai bod lleoliad y gwrthrych hwnnw neu ei olion yn y safle penodol hwnnw yn fater o ddiddordeb i'r cyhoedd;
    - (b) i safle unrhyw lestr neu ei olion sy'n cael ei warchod gan orchymyn o dan adran 1 o Ddeddf Gwarchod Llongddrylliadau 1973 (p. 33) sy'n dynodi ardal o gwmpas y safle yn ardal gyfyngedig.
  - (5) At ddibenion y Ddeddf hon mae safle heneb yn cynnwys nid yn unig y tir y mae ynddo, arno neu odano ond hefyd unrhyw dir sy'n rhan o'r tir hwnnw neu sy'n cydffinio â'r tir hwnnw y mae'n ymddangos i Weinidogion Cymru neu awdurdod lleol, wrth arfer mewn perthynas â'r heneb honno unrhyw un neu ragor o'u swyddogaethau hwy neu o'i swyddogaethau ef o dan y Rhan hon, ei fod yn hanfodol er mwyn cynnal a diogelu'r heneb.
  - (6) Mae cyfeiriadau yn y Ddeddf hon at heneb yn cynnwys –
    - (a) safle'r heneb o dan sylw,
    - (b) grŵp o henebion, ac
    - (c) unrhyw ran o heneb neu grŵp o henebion.
  - (7) Mae cyfeiriadau yn y Ddeddf hon at safle heneb –
    - (a) yn gyfeiriadau at yr heneb ei hun pan fo'n safle, a
    - (b) mewn unrhyw achos arall yn cynnwys yr heneb ei hun.
  - (8) Yn yr adran hon mae "olion" yn cynnwys unrhyw arlliw neu unrhyw arwydd o fodolaeth flaenorol y peth o dan sylw.

## PENNOD 2

### COFRESTR O HENEBION O BWYSIGRWYDD CENEDLAETHOL

#### *Cofrestr o henebion*

### 3 Dyletswydd i gynnal a chyhoeddi cofrestr o henebion

- (1) Rhaid i Weinidogion Cymru gynnal cofrestr o henebion yng Nghymru y maent yn ystyried eu bod o bwysigrwydd cenedlaethol, a rhaid iddynt gyhoeddi'r gofrestr gyfredol.
- (2) Rhaid i gofnod yn y gofrestr ar gyfer heneb gynnwys map a gynhelir gan Weinidogion Cymru sy'n nodi ffiniau'r heneb.
- (3) Caiff Gweinidogion Cymru ddiwygio'r gofrestr –
  - (a) drwy ychwanegu heneb;

- (d) the site of the remains of any object or part of an object mentioned in paragraph (c);
  - (e) the site of any thing, or group of things, that evidences previous human activity (other than a site falling within paragraph (b), (c) or (d)).
- (2) For the purposes of subsection (1) any machinery attached to a monument is to be treated as part of the monument if it could not be detached without being dismantled.
- (3) Subsection (1)(a) does not apply to any religious building for the time being used for religious purposes; but this is subject to any exceptions specified in regulations made by the Welsh Ministers.
- (4) Subsections (1)(c) and (d) do not apply to—
- (a) the site of any object or its remains unless the position of that object or its remains in that particular site is a matter of public interest;
  - (b) the site of any vessel or its remains which is protected by an order under section 1 of the Protection of Wrecks Act 1973 (c. 33) designating an area around the site as a restricted area.
- (5) For the purposes of this Act the site of a monument includes not only the land in, on or under which it is situated but also any land comprising or adjoining that land which appears to the Welsh Ministers or a local authority, in the exercise in relation to that monument of any of their or its functions under this Part, to be essential for the monument's support and preservation.
- (6) References in this Act to a monument include—
- (a) the site of the monument in question,
  - (b) a group of monuments, and
  - (c) any part of a monument or group of monuments.
- (7) References in this Act to the site of a monument—
- (a) are to the monument itself where it consists of a site, and
  - (b) in any other case include the monument itself.
- (8) In this section “remains” includes any trace or sign of the previous existence of the thing in question.

## CHAPTER 2

### SCHEDULE OF MONUMENTS OF NATIONAL IMPORTANCE

#### *Schedule of monuments*

### **3 Duty to maintain and publish schedule of monuments**

- (1) The Welsh Ministers must maintain a schedule of monuments in Wales which they consider to be of national importance, and must publish the up-to-date schedule.
- (2) An entry in the schedule for a monument must include a map maintained by the Welsh Ministers that identifies the area of the monument.
- (3) The Welsh Ministers may amend the schedule by—
- (a) adding a monument;

- (b) drwy ddileu heneb;
  - (c) drwy ddiwygio'r cofnod ar gyfer heneb (pa un ai drwy ddileu unrhyw beth a gynhwyswyd yn flaenorol fel rhan o'r heneb neu ychwanegu unrhyw beth nas cynhwyswyd yn flaenorol, neu fel arall).
- (4) Ni chaiff Gweinidogion Cymru ychwanegu at y gofrestr unrhyw adeilad nac unrhyw strwythur a feddiennir fel annedd gan unrhyw berson ac eithrio gofalwr yr adeilad neu'r strwythur neu aelod o deulu'r gofalwr.
  - (5) Mae cofnod yn y gofrestr sy'n cofnodi i heneb gael ei chynnwys yn bridiant tir lleol.
  - (6) Yn y Rhan hon ystyr "y gofrestr" yw'r gofrestr a gynhelir o dan yr adran hon.
  - (7) Yn y Ddeddf hon ystyr "heneb gofrestredig" yw heneb sydd wedi ei chynnwys yn y gofrestr.

#### **4 Hysbysu perchennog etc. pan fo'r gofrestr wedi ei diwygio**

- (1) Mae is-adran (2) yn gymwys pan fo Gweinidogion Cymru yn diwygio'r gofrestr –
  - (a) drwy ychwanegu heneb,
  - (b) drwy ddileu heneb, neu
  - (c) drwy ddiwygio'r cofnod ar gyfer heneb.
- (2) Cyn gynted â phosibl ar ôl diwygio'r gofrestr rhaid i Weinidogion Cymru gyflwyno hysbysiad eu bod wedi gwneud hynny –
  - (a) i bob perchennog a phob meddiannydd ar yr heneb, a
  - (b) i bob awdurdod lleol y mae'r heneb yn ei ardal.
- (3) Pan fo Gweinidogion Cymru wedi ychwanegu heneb at y gofrestr neu wedi diwygio'r cofnod yn y gofrestr ar gyfer heneb –
  - (a) rhaid i'r hysbysiad bennu'r dyddiad y gwnaethant hynny, a
  - (b) rhaid iddynt gynnwys gyda'r hysbysiad gopi o'r cofnod neu'r cofnod diwygiedig ar gyfer yr heneb yn y gofrestr.

*Cynigion i ychwanegu heneb at y gofrestr neu ddileu heneb o'r gofrestr: ymgynghori a gwarchodaeth interim*

#### **5 Ymgynghori cyn ychwanegu heneb at y gofrestr neu ddileu heneb o'r gofrestr**

- (1) Mae is-adran (2) yn gymwys pan fo Gweinidogion Cymru yn cynnig diwygio'r gofrestr –
  - (a) drwy ychwanegu heneb,
  - (b) drwy ddileu heneb, neu
  - (c) drwy ddiwygio'r cofnod ar gyfer heneb i ddileu unrhyw beth a gynhwyswyd yn flaenorol fel rhan o'r heneb neu ychwanegu unrhyw beth nas cynhwyswyd yn flaenorol.
- (2) Rhaid i Weinidogion Cymru gyflwyno hysbysiad i'r personau a grybwyllir yn is-adran (3) –
  - (a) sy'n nodi'r diwygiad arfaethedig, a
  - (b) sy'n gwahodd y personau hynny i gyflwyno sylwadau ysgrifenedig ynghylch y cynnig.

- (b) removing a monument;
  - (c) amending the entry for a monument (whether by removing anything previously included as part of the monument or adding anything not previously included, or otherwise).
- (4) The Welsh Ministers may not add to the schedule any building or structure occupied as a dwelling by any person other than the caretaker of the building or structure or a member of the caretaker's family.
- (5) An entry in the schedule recording the inclusion of a monument is a local land charge.
- (6) In this Part "the schedule" means the schedule maintained under this section.
- (7) In this Act "scheduled monument" means a monument included in the schedule.

#### **4 Notification of owner etc. where the schedule is amended**

- (1) Subsection (2) applies where the Welsh Ministers amend the schedule by –
- (a) adding a monument,
  - (b) removing a monument, or
  - (c) amending the entry for a monument.
- (2) As soon as possible after amending the schedule the Welsh Ministers must serve notice that they have done so on –
- (a) every owner and occupier of the monument, and
  - (b) every local authority in whose area the monument is situated.
- (3) Where the Welsh Ministers have added a monument to the schedule or amended the entry in the schedule for a monument –
- (a) the notice must specify the date on which they did so, and
  - (b) they must include with the notice a copy of the entry or amended entry for the monument in the schedule.

*Proposals to add or remove monument to or from the schedule: consultation and interim protection*

#### **5 Consultation before adding or removing monument to or from the schedule**

- (1) Subsection (2) applies where the Welsh Ministers are proposing to amend the schedule by –
- (a) adding a monument,
  - (b) removing a monument, or
  - (c) amending the entry for a monument to remove anything previously included as part of the monument or add anything not previously included.
- (2) The Welsh Ministers must serve a notice on the persons mentioned in subsection (3) which –
- (a) sets out the proposed amendment, and
  - (b) invites those persons to make written representations about the proposal.

- (3) Y personau yw –
- (a) pob perchennog a phob meddiannydd ar yr heneb,
  - (b) pob awdurdod lleol y mae'r heneb yn ei ardal, ac
  - (c) unrhyw bersonau eraill y mae Gweinidogion Cymru yn ystyried eu bod yn briodol gan fod ganddynt wybodaeth arbennig am yr heneb neu am henebion o ddiddordeb hanesyddol neu archaeolegol yn fwy cyffredinol, neu ddiddordeb arbennig ynddi neu ynddynt.
- (4) Rhaid i hysbysiad o dan is-adran (2) –
- (a) pennu o fewn pa gyfnod y caniateir cyflwyno sylwadau, a
  - (b) yn achos cynnig i ychwanegu heneb neu i ychwanegu unrhyw beth fel rhan o heneb –
    - (i) cynnwys datganiad o effaith adran 6 (gwarchodaeth interim), a
    - (ii) pennu'r dyddiad y mae gwarchodaeth interim yn cymryd effaith o dan yr adran honno.
- (5) Rhaid i'r cyfnod a bennir o dan is-adran (4)(a) fod o leiaf 28 o ddiwrnodau sy'n dechrau â'r diwrnod y cyflwynir yr hysbysiad.

## 6 **Gwarchodaeth interim wrth aros am benderfyniad ar ddiwygiadau penodol sy'n ymwneud â'r gofrestr**

- (1) Mae'r adran hon yn gymwys pan fo Gweinidogion Cymru yn cyflwyno hysbysiad o dan adran 5(2) ynghylch cynnig i ddiwygio'r gofrestr –
- (a) drwy ychwanegu heneb, neu
  - (b) drwy ddiwygio'r cofnod ar gyfer heneb drwy ychwanegu unrhyw beth fel rhan o'r heneb.
- (2) O ddechrau'r diwrnod a bennir o dan adran 5(4)(b)(ii) mae'r Ddeddf hon yn cael effaith –
- (a) yn achos cynnig i ychwanegu heneb at y gofrestr, fel pe bai'r heneb yn heneb gofrestredig;
  - (b) yn achos cynnig i ddiwygio'r cofnod ar gyfer heneb, fel pe bai'r diwygiad wedi ei wneud.
- (3) Cyfeirir yn y Rhan hon at y warchodaeth a roddir yn rhinwedd is-adran (2) fel "gwarchodaeth interim".
- (4) Rhaid i Weinidogion Cymru –
- (a) cyhoeddi rhestr o'r henebion sy'n ddarostyngedig i warchodaeth interim, a
  - (b) darparu copi o'r hysbysiad a gyflwynir o dan adran 5(2) mewn cysylltiad â heneb o'r fath i unrhyw berson sy'n gofyn am gopi.

## 7 **Pan ddaw gwarchodaeth interim i ben**

- (1) Daw gwarchodaeth interim a roddir gan adran 6(2)(a) (cynnig i ychwanegu heneb at y gofrestr) i ben mewn perthynas â heneb –
- (a) pan fo Gweinidogion Cymru yn ychwanegu'r heneb at y gofrestr, ar ddechrau'r diwrnod a bennir yn yr hysbysiad o dan adran 4(2), neu

- (3) The persons are—
  - (a) every owner and occupier of the monument,
  - (b) every local authority in whose area the monument is situated, and
  - (c) any other persons the Welsh Ministers consider appropriate as having special knowledge of, or special interest in, the monument or in monuments of historic or archaeological interest more generally.
- (4) A notice under subsection (2) must—
  - (a) specify the period within which representations may be made, and
  - (b) in the case of a proposal to add a monument or to add anything as part of a monument—
    - (i) include a statement of the effect of section 6 (interim protection), and
    - (ii) specify the date on which interim protection takes effect under that section.
- (5) The period specified under subsection (4)(a) must be at least 28 days beginning with the day the notice is served.

## **6 Interim protection pending decision on certain amendments relating to the schedule**

- (1) This section applies where the Welsh Ministers serve notice under section 5(2) of a proposal to amend the schedule by—
  - (a) adding a monument, or
  - (b) amending the entry for a monument by adding anything as part of the monument.
- (2) From the beginning of the day specified under section 5(4)(b)(ii) this Act has effect—
  - (a) in the case of a proposal to add a monument to the schedule, as if the monument were a scheduled monument;
  - (b) in the case of a proposal to amend the entry for a monument, as if the amendment were made.
- (3) The protection conferred by virtue of subsection (2) is referred to in this Part as “interim protection”.
- (4) The Welsh Ministers must—
  - (a) publish a list of the monuments subject to interim protection, and
  - (b) provide a copy of the notice served under section 5(2) in respect of such a monument to any person who requests one.

## **7 When interim protection ends**

- (1) Interim protection conferred by section 6(2)(a) (proposed addition of monument to the schedule) ends in relation to a monument—
  - (a) where the Welsh Ministers add the monument to the schedule, at the beginning of the day specified in the notice under section 4(2), or

- (b) pan fo Gweinidogion Cymru yn penderfynu peidio ag ychwanegu'r heneb at y gofrestr, ar ddechrau'r diwrnod a bennir mewn hysbysiad a gyflwynir ganddynt i'r personau a grybwyllir yn is-adran (3).
- (2) Daw gwarchodaeth interim a roddir gan adran 6(2)(b) (cynnig i ddiwygio cofnod yn y gofrestr sy'n ymwneud â heneb) i ben mewn perthynas â heneb –
  - (a) pan fo Gweinidogion Cymru yn diwygio'r cofnod yn y gofrestr, ar ddechrau'r diwrnod a bennir yn yr hysbysiad o dan adran 4(2), neu
  - (b) pan fo Gweinidogion Cymru yn penderfynu peidio â diwygio'r cofnod yn y gofrestr, ar ddechrau'r diwrnod a bennir mewn hysbysiad a gyflwynir ganddynt i'r personau a grybwyllir yn is-adran (3).
- (3) Y personau y cyfeirir atynt yn is-adrannau (1)(b) a (2)(b) yw –
  - (a) pob perchennog a phob meddiannydd ar yr heneb, a
  - (b) pob awdurdod lleol y mae'r heneb yn ei ardal.
- (4) Mae Atodlen 1 yn gwneud darpariaeth ynghylch effaith gwarchodaeth interim yn dod i ben o dan is-adrannau (1)(b) a (2)(b).

## 8 Digollediad am golled neu ddifrod a achosir gan warchodaeth interim

- (1) Mae'r adran hon yn gymwys pan fo gwarchodaeth interim yn dod i ben mewn perthynas â heneb oherwydd hysbysiad o dan adran 7(1)(b) neu (2)(b).
- (2) Mae gan unrhyw berson a oedd â buddiant yn yr heneb pan gymerodd y warchodaeth interim effaith hawlogaeth, wrth wneud hawliad i Weinidogion Cymru, i gael ei ddigolledu ganddynt am unrhyw golled neu unrhyw ddifrod a ddioddefir gan y person y gellir ei phriodoli neu ei briodoli'n uniongyrchol i'r warchodaeth interim.
- (3) Mae'r golled neu'r difrod y mae digollediad yn daladwy amdani neu amdano yn cynnwys unrhyw swm sy'n daladwy gan yr hawlydd mewn cysylltiad â thor contract a achosir gan yr angen i stopio neu ganslo gwaith i'r heneb oherwydd y warchodaeth interim.
- (4) Rhaid i hawliad am ddigollediad o dan yr adran hon gael ei wneud yn ysgrifenedig o fewn 6 mis sy'n dechrau pan ddaw'r warchodaeth interim i ben.

*Adolygu penderfyniadau i ddiwygio'r gofrestr i ychwanegu henebion etc.*

## 9 Adolygu penderfyniad i ychwanegu heneb at y gofrestr etc.

- (1) Pan fo Gweinidogion Cymru –
  - (a) yn ychwanegu heneb at y gofrestr, neu
  - (b) yn diwygio'r cofnod yn y gofrestr ar gyfer heneb i ychwanegu unrhyw beth fel rhan o'r heneb,

rhaid i'r hysbysiad o dan adran 4(2) ddatgan y caiff unrhyw berchennog neu unrhyw feddiannydd ar yr heneb wneud cais i Weinidogion Cymru sy'n gofyn am adolygiad o'r penderfyniad.
- (2) Ni chaniateir gwneud cais ond ar y sail nad yw'r heneb neu'r rhan o'r heneb (yn ôl y digwydd) o bwysigrwydd cenedlaethol.



- (b) where the Welsh Ministers decide not to add the monument to the schedule, at the beginning of the day specified in a notice served by them on the persons mentioned in subsection (3).
- (2) Interim protection conferred by section 6(2)(b) (proposed amendment of entry in the schedule relating to a monument) ends in relation to a monument –
  - (a) where the Welsh Ministers amend the entry in the schedule, at the beginning of the day specified in the notice under section 4(2), or
  - (b) where the Welsh Ministers decide not to amend the entry in the schedule, at the beginning of the day specified in a notice served by them on the persons mentioned in subsection (3).
- (3) The persons referred to in subsections (1)(b) and (2)(b) are –
  - (a) every owner and occupier of the monument, and
  - (b) every local authority in whose area the monument is situated.
- (4) Schedule 1 makes provision about the effect of interim protection coming to an end under subsections (1)(b) and (2)(b).

## **8 Compensation for loss or damage caused by interim protection**

- (1) This section applies where interim protection ends in relation to a monument because of a notice under section 7(1)(b) or (2)(b).
- (2) Any person who had an interest in the monument when the interim protection took effect is entitled, on making a claim to the Welsh Ministers, to be paid compensation by them for any loss or damage suffered by the person that is directly attributable to the interim protection.
- (3) The loss or damage for which compensation is payable includes any amount payable by the claimant in respect of a breach of contract caused by the need to stop or cancel works to the monument because of the interim protection.
- (4) A claim for compensation under this section must be made in writing within 6 months beginning when the interim protection ends.

*Review of decisions to amend schedule to add monuments etc.*

## **9 Review of decision to add monument to the schedule etc.**

- (1) Where the Welsh Ministers –
  - (a) add a monument to the schedule, or
  - (b) amend the entry in the schedule for a monument to add anything as part of the monument,the notice under section 4(2) must state that any owner or occupier of the monument may make an application to the Welsh Ministers requesting a review of the decision.
- (2) An application may be made only on the ground that the monument or part (as the case may be) is not of national importance.

- (3) Pan fo perchennog neu feddiannydd yn gwneud cais am adolygiad, rhaid i Weinidogion Cymru benodi person –
  - (a) i gynnal yr adolygiad, a
  - (b) i wneud penderfyniad ar yr adolygiad.
- (4) Caiff Gweinidogion Cymru drwy reoliadau bennu disgrifiadau o achosion pan fo rhaid iddynt hwy, yn lle person a benodir ganddynt, gynnal adolygiad a gwneud penderfyniad arno.
- (5) Rhaid i Weinidogion Cymru wneud unrhyw ddiwygiad i'r gofrestr y maent yn ystyried ei fod yn briodol i roi effaith i'r penderfyniad ar adolygiad.
- (6) Caiff Gweinidogion Cymru drwy reoliadau ddiwygio is-adran (2) –
  - (a) i ychwanegu sail ar gyfer adolygiad;
  - (b) i addasu sail ar gyfer adolygiad;
  - (c) i ddileu sail ar gyfer adolygiad.

## 10 Darpariaeth atodol ynghylch adolygiadau

- (1) Rhaid i Weinidogion Cymru drwy reoliadau wneud darpariaeth ynghylch –
  - (a) y ffurf a'r ffordd y mae rhaid i gais o dan adran 9 gael ei wneud;
  - (b) yr wybodaeth y mae rhaid ei darparu i Weinidogion Cymru, neu y caiff Gweinidogion Cymru ei gwneud yn ofynnol, mewn cysylltiad â chais;
  - (c) y cyfnod y mae rhaid i gais gael ei wneud ynddo.
- (2) Rhaid i adolygiad o dan adran 9 gael ei gynnal mewn un neu ragor o'r ffyrdd a ganlyn (fel y'i penderfynir gan y person sy'n cynnal yr adolygiad) –
  - (a) drwy ymchwiliad lleol;
  - (b) drwy wrandawriad;
  - (c) ar sail sylwadau ysgrifenedig.
- (3) Caiff Gweinidogion Cymru drwy reoliadau wneud darpariaeth bellach mewn cysylltiad ag adolygiadau o dan adran 9.
- (4) Caiff rheoliadau o dan is-adran (1) neu (3) awdurdodi Gweinidogion Cymru neu bersonau a benodir o dan adran 9(3) –
  - (a) i benderfynu materion o ddisgrifiad a bennir yn y rheoliadau, a
  - (b) i roi cyfarwyddydau mewn perthynas â'r materion hynny.
- (5) Mae Atodlenni 2 a 6 yn gwneud darpariaeth bellach ynghylch adolygiadau o dan adran 9.

### PENNOD 3

#### RHEOLAETHU GWAITH SY'N EFFEITHIO AR HENEBION COFRESTREDIG

##### *Awdurdodi gwaith*

## 11 Gofyniad i waith gael ei awdurdodi

- (1) Ni chaiff person gyflawni gwaith y mae'r adran hon yn gymwys iddo, na pheri na chaniatáu i waith o'r fath gael ei gyflawni, oni bai bod y gwaith wedi ei awdurdodi o dan y Bennod hon.

- (3) Where an owner or occupier makes an application for a review, the Welsh Ministers must appoint a person to—
  - (a) carry out the review, and
  - (b) make a decision on the review.
- (4) The Welsh Ministers may by regulations specify descriptions of cases in which they, instead of a person appointed by them, must carry out and make a decision on a review.
- (5) The Welsh Ministers must make any amendment to the schedule they consider appropriate to give effect to the decision on a review.
- (6) The Welsh Ministers may by regulations amend subsection (2) to—
  - (a) add a ground of review;
  - (b) modify a ground of review;
  - (c) remove a ground of review.

## **10 Supplementary provision about reviews**

- (1) The Welsh Ministers must by regulations make provision about—
  - (a) the form and way in which an application under section 9 must be made;
  - (b) the information that must be provided to, or may be required by, the Welsh Ministers in connection with an application;
  - (c) the period within which an application must be made.
- (2) A review under section 9 must be carried out in one or more of the following ways (as determined by the person carrying out the review)—
  - (a) by means of a local inquiry;
  - (b) by means of a hearing;
  - (c) on the basis of written representations.
- (3) The Welsh Ministers may by regulations make further provision in connection with reviews under section 9.
- (4) Regulations under subsection (1) or (3) may authorise the Welsh Ministers or persons appointed under section 9(3)—
  - (a) to determine matters of a description specified in the regulations, and
  - (b) to give directions in relation to those matters.
- (5) Schedules 2 and 6 make further provision about reviews under section 9.

### **CHAPTER 3**

#### **CONTROL OF WORKS AFFECTING SCHEDULED MONUMENTS**

##### *Authorisation of works*

## **11 Requirement for works to be authorised**

- (1) A person must not carry out works to which this section applies, or cause or permit such works to be carried out, unless the works are authorised under this Chapter.

- (2) Mae'r adran hon yn gymwys –
- (a) i waith sy'n arwain at ddymchwel neu ddinistrio heneb gofrestredig, neu at unrhyw ddifrod i heneb gofrestredig;
  - (b) i waith at ddiben symud ymaith neu atgyweirio heneb gofrestredig neu unrhyw ran ohoni, neu wneud unrhyw addasiadau i'r heneb neu i unrhyw ran ohoni neu unrhyw ychwanegiadau ati neu at unrhyw ran ohoni;
  - (c) i weithrediadau i foddi tir, neu weithrediadau tipio ar dir, y mae heneb gofrestredig ynddo, arno neu odano.

## 12 Awdurdodi dosbarthau o waith

- (1) Mae gwaith y mae adran 11 yn gymwys iddo wedi ei awdurdodi os yw'r gwaith o fewn dosbarth o waith a ddisgrifir yn y tabl yn Atodlen 3.
- (2) Mae awdurdodiad o dan is-adran (1) yn ddarostyngedig i unrhyw eithriadau neu unrhyw amodau a bennir yn y tabl mewn perthynas â gwaith o ddosbarth penodol.
- (3) Caiff Gweinidogion Cymru gyfarwyddo nad yw is-adran (1) yn gymwys i unrhyw heneb gofrestredig a bennir yn y cyfarwyddyd.
- (4) Nid yw cyfarwyddyd o dan is-adran (3) yn cymryd effaith hyd nes bod hysbysiad ohono wedi ei gyflwyno i bob perchennog a phob meddiannydd ar yr heneb o dan sylw.
- (5) Nid yw is-adran (1) yn awdurdodi gwaith yn groes i unrhyw eithriad neu unrhyw amod sydd ynghlwm wrth gydsyniad heneb gofrestredig.
- (6) Mae awdurdodiad o dan is-adran (1) yn cael effaith er budd yr heneb a phob person sydd â buddiant yn yr heneb am y tro; ond mae hyn yn ddarostyngedig i unrhyw ddarpariaeth i'r gwrthwyneb yn Atodlen 3.

## 13 Awdurdodi gwaith drwy gydsyniad heneb gofrestredig

- (1) Mae gwaith y mae adran 11 yn gymwys iddo wedi ei awdurdodi –
  - (a) os yw cydsyniad ysgrifenedig i'w gyflawni wedi ei roi gan Weinidogion Cymru, a
  - (b) os yw'r gwaith yn cael ei gyflawni yn unol â thelerau'r cydsyniad (gan gynnwys unrhyw amodau sydd ynghlwm wrtho).
- (2) Pan –
  - (a) bo gwaith y mae adran 11 yn gymwys iddo wedi ei gyflawni heb fod wedi ei awdurdodi o dan y Bennod hon, a
  - (b) bo Gweinidogion Cymru yn rhoi cydsyniad ysgrifenedig ar gyfer y gwaith, mae'r gwaith wedi ei awdurdodi o adeg rhoi'r cydsyniad.
- (3) Cyfeirir at gydsyniad o dan is-adran (1) neu (2) yn y Rhan hon fel cydsyniad heneb gofrestredig.

*Ceisiadau am gydsyniad heneb gofrestredig*

## 14 Gwneud cais am gydsyniad heneb gofrestredig

- (1) Rhaid i gais am gydsyniad heneb gofrestredig gael ei wneud i Weinidogion Cymru.
- (2) Rhaid i gais –

- (2) This section applies to—
- (a) works resulting in the demolition or destruction of, or any damage to, a scheduled monument;
  - (b) works for the purpose of removing or repairing a scheduled monument or any part of it, or of making any alterations or additions to the monument or any part of it;
  - (c) flooding or tipping operations on land in, on or under which a scheduled monument is situated.

## **12 Authorisation of classes of works**

- (1) Works to which section 11 applies are authorised if the works are within a class of works described in the table in Schedule 3.
- (2) An authorisation under subsection (1) is subject to any exceptions or conditions specified in the table in relation to works of a particular class.
- (3) The Welsh Ministers may direct that subsection (1) does not apply to any scheduled monument specified in the direction.
- (4) A direction under subsection (3) does not take effect until notice of it has been served on every owner and occupier of the monument in question.
- (5) Subsection (1) does not authorise works contrary to any exception or condition attached to a scheduled monument consent.
- (6) An authorisation under subsection (1) has effect for the benefit of the monument and of all persons for the time being interested in the monument; but this is subject to any provision to the contrary in Schedule 3.

## **13 Authorisation of works by scheduled monument consent**

- (1) Works to which section 11 applies are authorised if—
- (a) written consent to carry them out has been granted by the Welsh Ministers, and
  - (b) the works are carried out in accordance with the terms of the consent (including any conditions attached to it).
- (2) Where—
- (a) works to which section 11 applies have been carried out without being authorised under this Chapter, and
  - (b) the Welsh Ministers grant written consent for the works,
- the works are authorised from the grant of the consent.
- (3) Consent under subsection (1) or (2) is referred to in this Part as scheduled monument consent.

### *Applications for scheduled monument consent*

## **14 Applying for scheduled monument consent**

- (1) An application for scheduled monument consent must be made to the Welsh Ministers.
- (2) An application must—

- (a) nodi'r ardal o dir y mae'n ymwneud â hi,
  - (b) disgrifio'r gwaith y mae'n ymwneud ag ef ac effaith debygol y gwaith ar yr heneb, ac
  - (c) cynnwys unrhyw wybodaeth arall sy'n ofynnol gan Weinidogion Cymru.
- (3) Caiff Gweinidogion Cymru drwy reoliadau wneud darpariaeth ynghylch –
- (a) ffurf a chynnwys cais (a gaiff gynnwys darpariaeth ar gyfer defnyddio ffurflen sydd i'w chyhoeddi neu i'w darparu gan Weinidogion Cymru);
  - (b) sut y mae rhaid gwneud cais;
  - (c) dogfennau neu ddeunyddiau eraill y mae rhaid eu cynnwys gyda chais.
- (4) Caiff Gweinidogion Cymru gytuno â cheisydd y caniateir gwneud cais nad yw'n unol ag is-adran (2) neu unrhyw ddarpariaeth a wneir o dan is-adran (3), os yw'r cais yn ymwneud â gwaith y mae is-adran (5) yn gymwys iddo.
- (5) Mae'r is-adran hon yn gymwys i fân waith a gyflawnir at ddiben –
- (a) symud ymaith neu atgyweirio heneb gofrestredig neu unrhyw ran ohoni, neu
  - (b) gwneud unrhyw addasiadau i'r heneb neu unrhyw ychwanegiadau ati.
- (6) Caiff Gweinidogion Cymru drwy reoliadau bennu achosion ychwanegol pan ganiateir i gais am gydsyniad heneb gofrestredig gael ei wneud mewn ffordd nad yw'n unol ag is-adran (2) neu unrhyw ddarpariaeth a wneir o dan is-adran (3); a chaiff y rheoliadau roi disgrisiwn i Weinidogion Cymru.

## 15 **Declarasiynau o berchnogaeth mewn cysylltiad â heneb**

- (1) Caiff Gweinidogion Cymru wrthod ystyried cais am gydsyniad heneb gofrestredig oni bai bod un o'r declarasiynau a ganlyn a lofnodwyd gan neu ar ran y ceisydd wedi ei gynnwys gyda'r cais –
- (a) declarasiwn nad oedd unrhyw berson ac eithrio'r ceisydd yn berchennog ar yr heneb ar ddechrau'r 21 o ddiwrnodau a ddaeth i ben â diwrnod y cais,
  - (b) declarasiwn bod y ceisydd wedi rhoi hysbysiad i'r holl bersonau (ac eithrio'r ceisydd) a oedd, ar ddechrau'r cyfnod hwnnw, yn berchnogion ar yr heneb, o'r pethau sy'n ofynnol gan is-adran (2) ac unrhyw reoliadau o dan is-adran (3),
  - (c) declarasiwn bod y ceisydd –
    - (i) yn methu â gwneud declarasiwn o dan baragraff (a) na (b),
    - (ii) wedi rhoi hysbysiad i'r rhai hynny o'r personau a grybwyllir ym mharagraff (b) ac a enwir yn y declarasiwn, o'r pethau sy'n ofynnol gan is-adran (2) ac unrhyw reoliadau o dan is-adran (3), ond
    - (iii) wedi methu â chanfod enwau a chyfeiriadau gweddill y personau a grybwyllir ym mharagraff (b), er iddo gymryd pob cam rhesymol i wneud hynny, neu
  - (d) declarasiwn bod y ceisydd –
    - (i) yn methu â gwneud declarasiwn o dan baragraff (a), a

- (a) identify the area of land to which it relates,
  - (b) describe the works to which it relates and the likely impact of the works on the monument, and
  - (c) contain any other information required by the Welsh Ministers.
- (3) The Welsh Ministers may by regulations make provision about –
- (a) the form and content of an application (which may include provision for using a form to be published or provided by the Welsh Ministers);
  - (b) how an application must be made;
  - (c) documents or other materials that must be included with an application.
- (4) The Welsh Ministers may agree with an applicant that an application may be made otherwise than in accordance with subsection (2) or any provision made under subsection (3), if the application relates to works to which subsection (5) applies.
- (5) This subsection applies to minor works carried out for the purpose of –
- (a) removing or repairing a scheduled monument or any part of it, or
  - (b) making any alterations or additions to the monument.
- (6) The Welsh Ministers may by regulations specify additional cases in which an application for scheduled monument consent may be made otherwise than in accordance with subsection (2) or any provision made under subsection (3); and the regulations may confer a discretion on the Welsh Ministers.

## **15 Declarations of ownership in respect of monument**

- (1) The Welsh Ministers may refuse to consider an application for scheduled monument consent unless one of the following declarations signed by or on behalf of the applicant is included with the application –
- (a) a declaration that, at the beginning of the 21 days ending with the day of the application, no person other than the applicant was the owner of the monument,
  - (b) a declaration that the applicant has given notice to all the persons (other than the applicant) who, at the beginning of that period, were owners of the monument, of the things required by subsection (2) and any regulations under subsection (3),
  - (c) a declaration that the applicant –
    - (i) is unable to make a declaration under paragraph (a) or (b),
    - (ii) has given notice to such of the persons mentioned in paragraph (b) as are named in the declaration, of the things required by subsection (2) and any regulations under subsection (3), but
    - (iii) has been unable to find out the names and addresses of the rest of those persons, despite taking all reasonable steps to do so, or
  - (d) a declaration that the applicant –
    - (i) is unable to make a declaration under paragraph (a), and

- (ii) er iddo gymryd pob cam rhesymol i wneud hynny, wedi methu â chanfod enwau a chyfeiriadau unrhyw un o'r personau a grybwyllir ym mharagraff (b).
- (2) Rhaid i hysbysiad at ddibenion is-adran (1)(b) neu (c)(ii) –
- nodî'r heneb y mae'n ymwneud â hi (gan gynnwys cyfeiriad neu leoliad yr heneb, a'i henw (os oes un)),
  - datgan bod cais am gydsyniad heneb gofrestredig i'w wneud mewn perthynas â'r heneb,
  - nodî'r person sy'n gwneud y cais (a, phan fo'r ceisydd yn gwneud cais ar ran rhywun, nodî'r person arall), a
  - disgrifio'r gwaith y mae'r cais yn ymwneud ag ef.
- (3) Caiff Gweinidogion Cymru drwy reoliadau bennu pethau ychwanegol y mae rhaid eu cynnwys mewn hysbysiad.
- (4) Mae'n drosedd i berson gan ymhoni ei fod yn cydymffurfio â'r adran hon –
- gwneud declarasiwn y mae'r person yn gwybod ei fod yn anwir neu'n gamarweiniol mewn modd perthnasol, neu
  - yn ddi-hid, wneud declarasiwn sy'n anwir neu'n gamarweiniol mewn modd perthnasol.
- (5) Mae person sy'n euog o drosedd o dan is-adran (4) yn agored ar euogfarn ddiannod i ddirwy nad yw'n uwch na lefel 3 ar y raddfa safonol.
- (6) Yn yr adran hon ystyr "perchennog" yw –
- perchennog ar yr ystad rydd-ddaliadol, neu
  - tenant o dan les a roddir neu a estynnir am gyfnod penodol sydd ag o leiaf 7 mlynedd yn weddill.

## 16 Pŵer i wrthod ystyried ceisiadau tebyg

- (1) Caiff Gweinidogion Cymru wrthod ystyried cais am gydsyniad heneb gofrestredig –
- os yw Gweinidogion Cymru, yn y 2 flynedd sy'n dod i ben â'r diwrnod y daw'r cais i law, wedi gwrthod cais tebyg, a
  - os ydynt yn ystyried na fu unrhyw newid sylweddol mewn unrhyw ystyriaethau perthnasol ers i'r cais tebyg gael ei wrthod.
- (2) Caiff Gweinidogion Cymru wrthod ystyried cais am gydsyniad heneb gofrestredig os gwneir y cais ar adeg pan fydd cais tebyg yn cael ei ystyried.
- (3) At ddibenion yr adran hon mae cais yn debyg i gais arall os (a dim ond os) yw Gweinidogion Cymru yn ystyried bod y gwaith y mae'r ceisiadau yn berthnasol iddo yr un fath neu'n sylweddol yr un fath.

*Penderfynu ceisiadau am gydsyniad heneb gofrestredig*

## 17 Y weithdrefn ar gyfer penderfynu ceisiadau ac effaith rhoi cydsyniad

- (1) Caiff Gweinidogion Cymru roi cydsyniad heneb gofrestredig mewn cysylltiad â'r holl waith neu unrhyw ran o'r gwaith y mae cais yn ymwneud ag ef.



- (ii) has, despite taking all reasonable steps to do so, been unable to find out the names and addresses of any of the persons mentioned in paragraph (b).
- (2) A notice for the purposes of subsection (1)(b) or (c)(ii) must—
  - (a) identify the monument to which it relates (including the address or location of the monument, and its name (if any)),
  - (b) state that an application for scheduled monument consent is to be made in relation to the monument,
  - (c) identify the person making the application (and, where the applicant is making an application on someone’s behalf, identify the other person), and
  - (d) describe the works to which the application relates.
- (3) The Welsh Ministers may by regulations specify additional things which must be included in a notice.
- (4) It is an offence for a person in purported compliance with this section—
  - (a) to make a declaration which the person knows to be false or misleading in a material respect, or
  - (b) to recklessly make a declaration which is false or misleading in a material respect.
- (5) A person guilty of an offence under subsection (4) is liable on summary conviction to a fine not exceeding level 3 on the standard scale.
- (6) In this section “owner” means—
  - (a) an owner of the freehold estate, or
  - (b) a tenant under a lease granted or extended for a fixed term that has at least 7 years left to run.

## **16 Power to refuse to consider similar applications**

- (1) The Welsh Ministers may refuse to consider an application for scheduled monument consent if—
  - (a) in the 2 years ending with the day the application is received, the Welsh Ministers have refused a similar application, and
  - (b) they consider that there has been no significant change in any relevant considerations since the similar application was refused.
- (2) The Welsh Ministers may refuse to consider an application for scheduled monument consent if the application is made at a time when a similar application is under consideration.
- (3) For the purposes of this section an application is similar to another application if (and only if) the Welsh Ministers consider that the works to which the applications relate are the same or substantially the same.

### *Determining applications for scheduled monument consent*

## **17 Procedure for determining applications and effect of grant of consent**

- (1) The Welsh Ministers may grant scheduled monument consent in respect of all or any part of the works to which an application relates.

- (2) Cyn penderfynu pa un ai i roi cydsyniad heneb gofrestredig ar gais, caiff Gweinidogion Cymru wneud un neu ragor o'r canlynol –
- peri i ymchwiliad lleol gael ei gynnal,
  - rhoi cyfle i'r ceisydd, ac unrhyw berson arall, i ymddangos gerbron person a benodir gan Weinidogion Cymru a chael gwrandawriad ganddo, neu
  - rhoi cyfle i'r ceisydd, ac unrhyw berson arall, i gyflwyno sylwadau ysgrifenedig i berson a benodir gan Weinidogion Cymru.
- (3) Cyn penderfynu pa un ai i roi cydsyniad heneb gofrestredig ar gais, rhaid i Weinidogion Cymru –
- ym mhob achos, ystyried unrhyw sylwadau a gyflwynir gan unrhyw berson mewn cysylltiad â'r cais hwnnw, a
  - os cynhaliwyd ymchwiliad neu wrandawriad neu os cyflwynwyd sylwadau yn unol ag is-adran (2)(c), ystyried adroddiad y person a gynhaliodd yr ymchwiliad neu'r gwrandawriad neu y cyflwynwyd y sylwadau iddo.
- (4) Rhaid i Weinidogion Cymru gyflwyno hysbysiad o'u penderfyniad mewn cysylltiad â'r cais i'r ceisydd ac i bob person sydd wedi cyflwyno sylwadau mewn cysylltiad â'r cais.
- (5) Mae cydsyniad heneb gofrestredig yn cael effaith er budd yr heneb a phob person sydd â buddiant yn yr heneb am y tro; ond mae hyn yn ddarostyngedig i delerau'r cydsyniad.
- (6) Mae Atodlen 6 yn gymwys mewn perthynas ag achosion a gynhelir o dan is-adran (2).

*Rhoi cydsyniad heneb gofrestredig yn ddarostyngedig i amodau*

## **18 Pŵer i roi cydsyniad yn ddarostyngedig i amodau**

- Caniateir rhoi cydsyniad heneb gofrestredig yn ddarostyngedig i amodau.
- Caiff amod, er enghraifft –
  - gosod gofynion mewn cysylltiad â'r ffordd y mae'r gwaith neu unrhyw ran o'r gwaith i'w gyflawni neu mewn cysylltiad â'r personau sydd i gyflawni'r gwaith neu unrhyw ran o'r gwaith;
  - ei gwneud yn ofynnol i berson a awdurdodir gan Weinidogion Cymru gael cyfle, cyn i unrhyw waith ddechrau, i archwilio'r heneb a'i safle ac i gyflawni unrhyw gloddiadau y mae Gweinidogion Cymru yn ystyried eu bod yn ddymunol at ddiben ymchwiliad archaeolegol.

## **19 Amod ynghylch y cyfnod y mae rhaid i'r gwaith ddechrau ynddo**

- Rhaid rhoi cydsyniad heneb gofrestredig yn ddarostyngedig i'r amod bod rhaid i'r gwaith y mae'n ymwneud ag ef ddechrau cyn diwedd cyfnod a bennir yn yr amod ac sy'n dechrau â'r diwrnod y rhoddir y cydsyniad.
- Os rhoddir cydsyniad heb yr amod sy'n ofynnol gan is-adran (1), mae i'w drin fel pe bai wedi ei roi yn ddarostyngedig i'r amod bod rhaid i'r gwaith y mae'n ymwneud ag ef ddechrau o fewn 5 mlynedd sy'n dechrau â'r diwrnod y rhoddwyd y cydsyniad.
- Nid yw'r adran hon yn gymwys –

- (2) Before determining whether to grant scheduled monument consent on an application, the Welsh Ministers may do one or more of the following –
  - (a) cause a local inquiry to be held,
  - (b) give the applicant, and any other person, an opportunity to appear before and be heard by a person appointed by the Welsh Ministers, or
  - (c) give the applicant, and any other person, an opportunity to make written representations to a person appointed by the Welsh Ministers.
- (3) Before determining whether to grant scheduled monument consent on an application, the Welsh Ministers must –
  - (a) in every case, consider any representations made by any person with respect to that application, and
  - (b) if an inquiry or hearing has been held or representations have been made in accordance with subsection (2)(c), consider the report of the person who held the inquiry or hearing or to whom the representations were made.
- (4) The Welsh Ministers must serve notice of their decision with respect to the application on the applicant and on every person who has made representations with respect to the application.
- (5) Scheduled monument consent has effect for the benefit of the monument and of all persons for the time being interested in the monument; but this is subject to the terms of the consent.
- (6) Schedule 6 applies in relation to proceedings held under subsection (2).

*Grant of scheduled monument consent subject to conditions*

**18 Power to grant consent subject to conditions**

- (1) Scheduled monument consent may be granted subject to conditions.
- (2) A condition may, for example –
  - (a) impose requirements with respect to the way in which or the persons by whom the works or any of the works are to be carried out;
  - (b) require that a person authorised by the Welsh Ministers be given an opportunity, before any works start, to examine the monument and its site and to carry out such excavations as the Welsh Ministers consider to be desirable for the purpose of archaeological investigation.

**19 Condition about period within which works must start**

- (1) Scheduled monument consent must be granted subject to the condition that the works to which it relates must start before the end of a period which is specified in the condition and begins with the day the consent is granted.
- (2) If consent is granted without the condition required by subsection (1), it is to be treated as having been granted subject to the condition that the works to which it relates must start within 5 years beginning with the day it was granted.
- (3) This section does not apply to –

- (a) i gydsyniad heneb gofrestredig sy'n darparu ei fod yn peidio â chael effaith ar ddiwedd cyfnod a bennir yn y cydsyniad (ni waeth a yw unrhyw waith wedi dechrau),
- (b) i gydsyniad a roddir o dan adran 13(2) (cydsyniad ar gyfer gwaith sydd eisoes wedi ei gyflawni), nac
- (c) i gydsyniad a roddir gan gytundeb partneriaeth heneb gofrestredig neu gytundeb rheoli (gweler adrannau 25 a 51).

*Addasu a dirymu cydsyniad heneb gofrestredig*

**20 Addasu a dirymu cydsyniad**

- (1) Caiff Gweinidogion Cymru drwy orchymyn addasu neu ddirymu cydsyniad heneb gofrestredig i unrhyw raddau.
- (2) Ni chaniateir gwneud gorchymyn o dan yr adran hon mewn perthynas –
  - (a) â chydsyniad heneb gofrestredig a roddir o dan adran 13(2) (cydsyniad ar gyfer gwaith sydd eisoes wedi ei gyflawni), na
  - (b) â chydsyniad a roddir gan gytundeb partneriaeth heneb gofrestredig (gweler Pennod 4).
- (3) Mae Atodlenni 4 a 6 yn gwneud darpariaeth mewn cysylltiad â gorchymynion o dan yr adran hon.

*Digollediad*

**21 Digollediad am wrthod cydsyniad heneb gofrestredig neu roi cydsyniad yn ddarostyngedig i amodau**

- (1) Mae'r adran hon yn gymwys –
  - (a) pan fo cais am gydsyniad heneb gofrestredig ar gyfer gwaith o ddisgrifiad a grybwyllir yn is-adran (3) yn cael ei wrthod, neu
  - (b) pan fo cais am gydsyniad heneb gofrestredig ar gyfer gwaith o ddisgrifiad o'r fath yn cael ei ganiatáu yn ddarostyngedig i amodau.
- (2) Mae gan unrhyw berson sydd â buddiant yn yr heneb o dan sylw hawlogaeth, wrth wneud hawliad i Weinidogion Cymru, i gael ei ddigolledu ganddynt am unrhyw wariant yr eir iddo neu unrhyw golled arall neu unrhyw ddifrod arall a ddioddefir gan y person y gellir ei phriodoli neu ei briodoli'n uniongyrchol i effaith y penderfyniad ar y cais; ond mae hyn yn ddarostyngedig i'r darpariaethau a ganlyn yn yr adran hon.
- (3) Y gwaith y mae digollediad yn daladwy mewn cysylltiad ag ef o dan yr adran hon yw –
  - (a) gwaith sy'n rhesymol angenrheidiol ar gyfer cyflawni unrhyw ddatblygiad yr oedd caniatâd cynllunio –
    - (i) wedi ei roi ar ei gyfer (ac eithrio drwy orchymyn datblygu cyffredinol) cyn i'r heneb o dan sylw ddod yn heneb gofrestredig, a
    - (ii) yn dal i fod yn effeithiol pan wnaed y cais am gydsyniad heneb gofrestredig,
  - (b) gwaith sy'n ddatblygiad y rhoddir caniatâd cynllunio ar ei gyfer drwy orchymyn datblygu cyffredinol,

- (a) scheduled monument consent which provides that it ceases to have effect at the end of a period specified in the consent (irrespective of whether any works have started),
- (b) consent granted under section 13(2) (consent for works already carried out), or
- (c) consent granted by a scheduled monument partnership agreement or a management agreement (see sections 25 and 51).

*Modification and revocation of scheduled monument consent*

**20 Modification and revocation of consent**

- (1) The Welsh Ministers may by order modify or revoke a scheduled monument consent to any extent.
- (2) An order under this section may not be made in relation to—
  - (a) scheduled monument consent granted under section 13(2) (consent for works already carried out), or
  - (b) consent granted by a scheduled monument partnership agreement (see Chapter 4).
- (3) Schedules 4 and 6 make provision in connection with orders under this section.

*Compensation*

**21 Compensation for refusal of scheduled monument consent or grant of consent subject to conditions**

- (1) This section applies where—
  - (a) an application for scheduled monument consent for works of a description mentioned in subsection (3) is refused, or
  - (b) an application for scheduled monument consent for works of such a description is granted subject to conditions.
- (2) Any person who has an interest in the monument in question is entitled, on making a claim to the Welsh Ministers, to be paid compensation by them for any expenditure incurred or other loss or damage suffered by the person that is directly attributable to the effect of the decision on the application; but this is subject to the following provisions of this section.
- (3) The works in respect of which compensation is payable under this section are—
  - (a) works which are reasonably necessary for carrying out any development for which planning permission—
    - (i) had been granted (otherwise than by a general development order) before the monument in question became a scheduled monument, and
    - (ii) was still effective when the application for scheduled monument consent was made,
  - (b) works constituting development for which planning permission is granted by a general development order,

- (c) gwaith nad yw'n ddatblygiad, a
  - (d) gwaith sy'n rhesymol angenrheidiol er mwyn parhau â defnydd o'r heneb at ddiben yr oedd yn cael ei defnyddio ato yn union cyn dyddiad y cais am gydsyniad heneb gofrestredig (ond gan anwybyddu unrhyw ddefnydd sy'n torri unrhyw gyfyngiadau cyfreithiol sy'n gymwys i'r defnydd o'r heneb).
- (4) Mae'r digollediad sy'n daladwy o dan yr adran hon mewn cysylltiad â gwaith o fewn is-adran (3)(a) wedi ei gyfyngu i ddigollediad ar gyfer gwariant yr eir iddo neu golled arall neu ddifrod arall a ddioddefir yn rhinwedd y ffaith, o ganlyniad i benderfyniad Gweinidogion Cymru, na ellid cyflawni datblygiad y rhoddwyd y caniatâd cynllunio o dan sylw ar ei gyfer heb dorri adran 11 (gofyniad i waith gael ei awdurdodi).
  - (5) Nid oes gan berson hawlogaeth i gael ei ddigolledu o dan yr adran hon mewn cysylltiad ag unrhyw waith o fewn is-adran (3)(b) nac (c) os byddai'r gwaith o dan sylw neu unrhyw ran o'r gwaith yn arwain at ddymchwel neu ddinistrio'r heneb yn gyfan gwbl neu'n rhannol, neu os gallai wneud hynny.
  - (6) Pan fo cydsyniad heneb gofrestredig yn cael ei roi yn ddarostyngedig i amodau, nid oes gan berson hawlogaeth i gael ei ddigolledu o dan yr adran hon mewn cysylltiad ag unrhyw waith o fewn is-adran (3)(d) oni fyddai cydymffurfio â'r amodau hynny i bob pwrpas yn ei gwneud yn amhosibl defnyddio'r heneb at y diben yr oedd yn cael ei defnyddio ato cyn dyddiad y cais.
  - (7) Wrth asesu unrhyw ddigollediad sy'n daladwy o dan yr adran hon am golled neu ddifrod sy'n ddibrisiant yng ngwerth buddiant mewn tir –
    - (a) mae i'w thybio y byddai unrhyw gais dilynol am gydsyniad heneb gofrestredig ar gyfer gwaith o ddisgrifiad tebyg yn cael ei benderfynu yn yr un ffordd, ond
    - (b) os ymrwymodd Gweinidogion Cymru, yn achos gwrthod cydsyniad heneb gofrestredig, wrth wrthod y cydsyniad hwnnw, i roi cydsyniad ar gyfer gwaith arall a fyddai'n effeithio ar yr heneb pe bai cais yn cael ei wneud, rhaid rhoi sylw i'r ymrwymiad hwnnw.
  - (8) Rhaid i hawliad am ddigollediad o dan yr adran hon gael ei wneud yn ysgrifenedig o fewn 6 mis sy'n dechrau â –
    - (a) diwrnod yr hysbysiad o wrthod cydsyniad heneb gofrestredig, neu
    - (b) y diwrnod y rhoddir cydsyniad heneb gofrestredig.
  - (9) Yn yr adran hon ystyr "gorchymyn datblygu cyffredinol" yw gorchymyn datblygu o dan adran 59 o Ddeddf Cynllunio Gwlad a Thref 1990 (p. 8) sy'n gymwys i'r holl dir yng Nghymru (yn ddarostyngedig i unrhyw eithriadau a bennir yn y gorchymyn).

## 22 Adennill digollediad a dalwyd o dan adran 21 ar ôl rhoi cydsyniad dilynol

- (1) Mae'r adran hon yn gymwys pan –
  - (a) mewn achos pan fo digollediad o dan adran 21 wedi ei dalu o ganlyniad i wrthod cydsyniad heneb gofrestredig, fo Gweinidogion Cymru wedyn yn rhoi cydsyniad heneb gofrestredig ar gyfer y cyfan neu unrhyw ran o'r gwaith y talwyd y digollediad mewn cysylltiad ag ef, a

- (c) works which do not constitute development, and
  - (d) works which are reasonably necessary for the continuation of a use of the monument for a purpose for which it was in use immediately before the date of the application for scheduled monument consent (but ignoring any use in breach of any legal restrictions applying to the use of the monument).
- (4) The compensation payable under this section in respect of works within subsection (3)(a) is limited to compensation for expenditure incurred or other loss or damage suffered by virtue of the fact that, in consequence of the Welsh Ministers' decision, development for which the planning permission in question was granted could not be carried out without breaching section 11 (requirement for works to be authorised).
- (5) A person is not entitled to compensation under this section in respect of any works within subsection (3)(b) or (c) if the works in question or any of them would or might result in the total or partial demolition or destruction of the monument.
- (6) Where scheduled monument consent is granted subject to conditions, a person is not entitled to compensation under this section in respect of any works within subsection (3)(d) unless compliance with those conditions would in effect make it impossible to use the monument for the purpose for which it was in use before the date of the application.
- (7) In assessing any compensation payable under this section for loss or damage consisting of depreciation of the value of an interest in land –
- (a) it is to be assumed that any subsequent application for scheduled monument consent for works of a similar description would be determined in the same way, but
  - (b) in the case of a refusal of scheduled monument consent, if the Welsh Ministers, on refusing that consent, undertook to grant consent for other works affecting the monument in the event of an application being made, regard must be had to that undertaking.
- (8) A claim for compensation under this section must be made in writing within 6 months beginning with the day of –
- (a) the notice of refusal of scheduled monument consent, or
  - (b) the grant of scheduled monument consent.
- (9) In this section “general development order” means a development order under section 59 of the Town and Country Planning Act 1990 (c. 8) that applies to all land in Wales (subject to any exceptions specified in the order).

## **22 Recovery of compensation paid under section 21 on subsequent grant of consent**

- (1) This section applies where –
- (a) in a case where compensation under section 21 was paid in consequence of the refusal of scheduled monument consent, the Welsh Ministers subsequently grant scheduled monument consent for all or any of the works in respect of which the compensation was paid, and

- (b) mewn achos pan fo digollediad o dan yr adran honno wedi ei dalu o ganlyniad i roi cydsyniad heneb gofrestredig yn ddarostyngedig i amodau, fo Gweinidogion Cymru wedyn –
  - (i) yn addasu'r cydsyniad fel nad yw'r amodau, neu unrhyw un neu ragor ohonynt, yn gymwys mwyach i'r cyfan neu unrhyw ran o'r gwaith y talwyd y digollediad mewn cysylltiad ag ef, neu
  - (ii) yn rhoi cydsyniad newydd ar gyfer y cyfan neu unrhyw ran o'r gwaith hwnnw heb yr amodau hynny, neu unrhyw un neu ragor ohonynt.
- (2) Nid yw'r adran hon yn gymwys mewn unrhyw achos oni bai bod Gweinidogion Cymru wedi cyflwyno hysbysiad o dalu digollediad i gyngor pob sir neu fwrdeistref sirol y mae'r heneb ynddi.
- (3) Wrth roi neu addasu cydsyniad heneb gofrestredig mewn achos y mae'r adran hon yn gymwys iddo, caiff Gweinidogion Cymru wneud hynny ar delerau nad oes unrhyw waith y talwyd y digollediad mewn cysylltiad ag ef i'w gyflawni o dan y cydsyniad hyd nes y bydd y swm adenilladwy wedi ei ad-dalu i Weinidogion Cymru neu wedi ei sicrhau er boddhad iddynt.
- (4) Yn is-adran (3) mae i "swm adenilladwy" yr ystyr a roddir gan adran 23.
- (5) Rhaid i hysbysiad o dan is-adran (2) bennu –
  - (a) y penderfyniad a arweiniodd at yr hawlogaeth i gael digollediad,
  - (b) yr heneb y mae'r penderfyniad yn effeithio arni, ac
  - (c) swm y digollediad.
- (6) Mae hysbysiad o dan is-adran (2) yn bridiant tir lleol, ac at ddibenion Deddf Pridiannau Tir Lleol 1975 (p. 76) mae'r cyngor y rhoddir hysbysiad iddo o dan yr is-adran honno i'w drin fel pe bai yr awdurdod tarddiadol mewn cysylltiad â'r pridiant.

### **23 Penderfynu'r swm sy'n adenilladwy o dan adran 22**

- (1) Ystyr y "swm adenilladwy" at ddibenion adran 22 yw swm a bennir gan Weinidogion Cymru wrth roi hysbysiad o'u penderfyniad ar y cais am gydsyniad heneb gofrestredig neu yn y gorchymyn sy'n addasu'r cydsyniad (yn ôl y digwydd); ond mae hyn yn ddarostyngedig i is-adran (3).
- (2) Pan fo person a chanddo fuddiant mewn heneb yn gwrthwynebu'r swm a bennir gan Weinidogion Cymru, caiff y person ei gwneud yn ofynnol i'r penderfyniad ar y swm gael ei atgyfeirio i'r Uwch Dribiwnlys.
- (3) Pan fo atgyfeiriad yn cael ei wneud i'r Uwch Dribiwnlys o dan is-adran (2) y swm adenilladwy yw'r swm y mae'r Tribiwnlys yn ei benderfynu.
- (4) Caiff y swm a bennir neu a benderfynir fel y swm adenilladwy o dan yr adran hon fod yn swm sy'n cynrychioli'r cyfan neu unrhyw ran o'r digollediad a delir o dan adran 21.

### **24 Digollediad pan fo gwaith sy'n effeithio ar heneb gofrestredig yn peidio â chael ei awdurdodi**

- (1) Mae'r adran hon yn gymwys pan fo gwaith sy'n effeithio ar heneb gofrestredig a awdurdodwyd yn flaenorol o dan y Bennod hon yn peidio â chael ei awdurdodi –



- (b) in a case where compensation under that section was paid in consequence of the grant of scheduled monument consent subject to conditions, the Welsh Ministers subsequently –
  - (i) modify the consent so that the conditions, or any of them, no longer apply to all or any of the works in respect of which the compensation was paid, or
  - (ii) grant a new consent for all or any of those works free from those conditions, or any of them.
- (2) This section does not apply in any case unless the Welsh Ministers have served notice of the payment of compensation on the council of every county or county borough in which the monument is situated.
- (3) In granting or modifying a scheduled monument consent in a case to which this section applies, the Welsh Ministers may do so on terms that no works in respect of which the compensation was paid are to be carried out under the consent until the recoverable amount has been repaid to the Welsh Ministers or secured to their satisfaction.
- (4) In subsection (3) “recoverable amount” has the meaning given by section 23.
- (5) A notice under subsection (2) must specify –
  - (a) the decision which gave rise to the entitlement to compensation,
  - (b) the monument affected by the decision, and
  - (c) the amount of the compensation.
- (6) A notice under subsection (2) is a local land charge, and for the purposes of the Local Land Charges Act 1975 (c. 76) the council served with a notice under that subsection is to be treated as the originating authority as respects the charge.

### **23 Determination of amount recoverable under section 22**

- (1) The “recoverable amount” for the purposes of section 22 means an amount specified by the Welsh Ministers in giving notice of their decision on the application for scheduled monument consent or in the order modifying the consent (as the case may be); but this is subject to subsection (3).
- (2) Where a person who has an interest in a monument objects to the amount specified by the Welsh Ministers, the person may require the determination of the amount to be referred to the Upper Tribunal.
- (3) Where a reference is made to the Upper Tribunal under subsection (2) the recoverable amount is the amount the Tribunal determines.
- (4) The amount specified or determined as the recoverable amount under this section may be an amount representing all or any part of the compensation paid under section 21.

### **24 Compensation where works affecting a scheduled monument cease to be authorised**

- (1) This section applies where works affecting a scheduled monument which were previously authorised under this Chapter cease to be authorised –

- (a) oherwydd bod awdurdodiad o dan adran 12 yn peidio â bod yn gymwys (boed hynny oherwydd diwygiad i'r tabl yn Atodlen 3 neu gyfarwyddyd a roddir o dan is-adran (3) o'r adran honno),
  - (b) oherwydd bod cydsyniad heneb gofrestredig wedi ei addasu neu ei ddirymu drwy orchymyn a wneir o dan adran 20, neu
  - (c) yn unol â pharagraff 2 o Atodlen 4, oherwydd bod hysbysiad o addasiad neu ddirymiad arfaethedig cydsyniad heneb gofrestredig wedi ei gyflwyno o dan baragraff 1 o'r Atodlen honno.
- (2) Mae gan unrhyw berson a chanddo fuddiant yn yr heneb hawlogaeth, wrth wneud hawliad i Weinidogion Cymru, i gael ei ddigolledu ganddynt am –
- (a) unrhyw wariant y mae'r person yn mynd iddo wrth gyflawni gwaith a ddaw yn ofer oherwydd bod gwaith pellach yn peidio â chael ei awdurdodi, neu
  - (b) unrhyw golled arall neu unrhyw ddifrod arall a ddioddefir gan y person y gellir ei phriodoli neu ei briodoli'n uniongyrchol i'r ffaith honno.
- (3) Nid oes gan berson hawlogaeth i gael digollediad o dan yr adran hon mewn achos o fewn is-adran (1)(a) oni bai, ar gais am gydsyniad heneb gofrestredig ar gyfer y gwaith o dan sylw, fod cydsyniad yn cael ei wrthod, neu'n cael ei roi yn ddarostyngedig i amodau ac eithrio'r rheini a oedd yn gymwys yn flaenorol yn rhinwedd adran 12.
- (4) At ddibenion yr adran hon mae gwariant yr eir iddo wrth lunio planiau at ddibenion unrhyw waith, neu ar faterion tebyg eraill sy'n baratoadol i unrhyw waith, i'w drin fel pe bai'n wariant yr eir iddo wrth gyflawni'r gwaith.
- (5) Yn ddarostyngedig i hynny, nid oes digollediad yn daladwy o dan yr adran hon mewn cysylltiad –
- (a) â gwaith a gyflawnwyd cyn i awdurdodiad o dan adran 12 fod yn gymwys mewn perthynas â'r gwaith neu cyn i'r cydsyniad heneb gofrestredig o dan sylw gael ei roi (yn ôl y digwydd), neu
  - (b) â cholled arall neu ddifrod arall (ac eithrio colled neu ddifrod sy'n ddibrisiant yng ngwerth buddiant mewn tir) sy'n deillio o unrhyw beth a wnaed neu nas gwnaed cyn i'r awdurdodiad hwnnw fod yn gymwys neu cyn i'r cydsyniad hwnnw gael ei roi.
- (6) Rhaid i hawliad am ddigollediad o dan yr adran hon gael ei wneud yn ysgrifenedig o fewn 6 mis sy'n dechrau â'r diwrnod y mae'r gwaith yn peidio â chael ei awdurdodi.

#### PENNOD 4

##### CYTUNDEBAU PARTNERIAETHAU HENEBION COFRESTRDIG

#### 25 Cytundebau partneriaethau henebion cofrestredig

- (1) Caiff Gweinidogion Cymru wneud cytundeb o dan yr adran hon ("cytundeb partneriaeth heneb gofrestredig") –
- (a) ag unrhyw berchennog ar heneb gofrestredig, neu
  - (b) ag unrhyw berchennog ar dir sy'n cydffinio â heneb o'r fath neu sydd yng nghyffiniau heneb o'r fath ("tir cysylltiedig").

- (a) because an authorisation under section 12 ceases to apply (whether because of an amendment to the table in Schedule 3 or a direction given under subsection (3) of that section),
  - (b) because of the modification or revocation of a scheduled monument consent by an order made under section 20, or
  - (c) in accordance with paragraph 2 of Schedule 4, because of the service of a notice of proposed modification or revocation of a scheduled monument consent under paragraph 1 of that Schedule.
- (2) Any person who has an interest in the monument is entitled, on making a claim to the Welsh Ministers, to be paid compensation by them for –
- (a) any expenditure incurred by the person in carrying out works which become abortive because further works cease to be authorised, or
  - (b) any other loss or damage suffered by the person which is directly attributable to that fact.
- (3) A person is not entitled to compensation under this section in a case within subsection (1)(a) unless, on an application for scheduled monument consent for the works in question, consent is refused, or is granted subject to conditions other than those which previously applied by virtue of section 12.
- (4) For the purposes of this section expenditure incurred in the preparation of plans for the purposes of any works, or on other similar matters preparatory to any works, is to be treated as expenditure incurred in carrying out the works.
- (5) Subject to that, no compensation is payable under this section in respect of –
- (a) works carried out before an authorisation under section 12 applied in relation to the works or before the scheduled monument consent in question was granted (as the case may be), or
  - (b) other loss or damage (other than loss or damage consisting of depreciation of the value of an interest in land) arising out of anything done or omitted to be done before that authorisation applied or that consent was granted.
- (6) A claim for compensation under this section must be made in writing within 6 months beginning with the day the works cease to be authorised.

#### CHAPTER 4

#### SCHEDULED MONUMENT PARTNERSHIP AGREEMENTS

#### 25 Scheduled monument partnership agreements

- (1) The Welsh Ministers may make an agreement under this section (a “scheduled monument partnership agreement”) with –
- (a) any owner of a scheduled monument, or
  - (b) any owner of land adjoining or in the vicinity of such a monument (“associated land”).

- (2) Caiff unrhyw un neu ragor o'r personau a ganlyn hefyd fod yn barti i'r cytundeb (yn ogystal â'r perchennog a Gweinidogion Cymru) –
- (a) unrhyw feddiannydd ar yr heneb neu ei thir cysylltiedig;
  - (b) unrhyw berson arall a chanddo fuddiant yn yr heneb neu ei thir cysylltiedig;
  - (c) unrhyw berson sy'n ymwneud â rheoli'r heneb neu ei thir cysylltiedig;
  - (d) unrhyw awdurdod lleol y mae'r heneb neu ei thir cysylltiedig yn ei ardal;
  - (e) unrhyw awdurdod lleol sydd, yn rhinwedd Pennod 6, yn warcheidwad ar yr heneb neu ei thir cysylltiedig;
  - (f) unrhyw berson arall y mae Gweinidogion Cymru yn ystyried ei fod yn briodol gan fod ganddo wybodaeth arbennig am yr heneb neu am henebion o ddiddordeb hanesyddol neu archaeolegol yn fwy cyffredinol, neu ddiddordeb arbennig ynddi neu ynddynt.
- (3) Caiff cytundeb partneriaeth heneb gofrestrdedig roi cydsyniad heneb gofrestrdedig o dan adran 13(1) ar gyfer gwaith penodedig at ddiben –
- (a) symud ymaith neu atgyweirio'r heneb y mae'r cytundeb yn ymwneud â hi, neu
  - (b) gwneud unrhyw addasiadau i'r heneb neu unrhyw ychwanegiadau ati.
- (4) Pan fo cytundeb partneriaeth heneb gofrestrdedig yn rhoi cydsyniad heneb gofrestrdedig yn ddarostyngedig i amodau, rhaid i'r cytundeb bennu'r amodau hynny.
- (5) Caiff cytundeb partneriaeth heneb gofrestrdedig hefyd –
- (a) pennu gwaith a fyddai, neu na fyddai, ym marn y partïon, yn waith y mae adran 11 yn gymwys iddo;
  - (b) gwneud darpariaeth ynghylch cynnal a chadw a diogelu'r heneb neu ei thir cysylltiedig;
  - (c) gwneud darpariaeth ynghylch cyflawni gwaith penodedig, neu wneud unrhyw beth penodedig, mewn perthynas â'r heneb neu ei thir cysylltiedig;
  - (d) darparu ar gyfer mynediad y cyhoedd i'r heneb neu ei thir cysylltiedig a darparu cyfleusterau cysylltiedig, gwybodaeth gysylltiedig neu wasanaethau cysylltiedig i'r cyhoedd;
  - (e) cyfyngu ar fynediad i'r heneb neu ei thir cysylltiedig neu ar y defnydd o'r heneb neu ei thir cysylltiedig;
  - (f) gwahardd gwneud unrhyw beth penodedig mewn perthynas â'r heneb neu ei thir cysylltiedig;
  - (g) darparu i Weinidogion Cymru, neu unrhyw awdurdod lleol y mae'r heneb neu ei thir cysylltiedig yn ei ardal, wneud taliadau o symiau penodedig ac ar delerau penodedig –
    - (i) am gostau unrhyw waith y darperir ar ei gyfer o dan y cytundeb, neu tuag at y costau hynny, neu
    - (ii) yn gydnabyddiaeth am unrhyw gyfyngiad, unrhyw waharddiad neu unrhyw rwymedigaeth a dderbynnir gan unrhyw barti arall i'r cytundeb.
- (6) Caiff cytundeb partneriaeth heneb gofrestrdedig ymwneud â mwy nag un heneb neu fwy nag un darn o dir cysylltiedig.

- (2) Any of the following persons may also be a party to the agreement (in addition to the owner and the Welsh Ministers) –
  - (a) any occupier of the monument or its associated land;
  - (b) any other person who has an interest in the monument or its associated land;
  - (c) any person involved in the management of the monument or its associated land;
  - (d) any local authority in whose area the monument or its associated land is situated;
  - (e) any local authority which, by virtue of Chapter 6, is a guardian of the monument or its associated land;
  - (f) any other person the Welsh Ministers consider appropriate as having special knowledge of, or special interest in, the monument or in monuments of historic or archaeological interest more generally.
- (3) A scheduled monument partnership agreement may grant scheduled monument consent under section 13(1) for specified works for the purpose of –
  - (a) removing or repairing the monument to which the agreement relates, or
  - (b) making any alterations or additions to the monument.
- (4) Where a scheduled monument partnership agreement grants scheduled monument consent subject to conditions, the agreement must specify those conditions.
- (5) A scheduled monument partnership agreement may also –
  - (a) specify works that would, or would not, in the view of the parties, be works to which section 11 applies;
  - (b) make provision about the maintenance and preservation of the monument or its associated land;
  - (c) make provision about the carrying out of specified works, or the doing of any specified thing, in relation to the monument or its associated land;
  - (d) provide for public access to the monument or its associated land and the provision of associated facilities, information or services to the public;
  - (e) restrict access to, or use of, the monument or its associated land;
  - (f) prohibit the doing of any specified thing in relation to the monument or its associated land;
  - (g) provide for the Welsh Ministers, or any local authority in whose area the monument or its associated land is situated, to make payments of specified amounts and on specified terms –
    - (i) for or towards the cost of any works provided for under the agreement, or
    - (ii) in consideration of any restriction, prohibition or obligation accepted by any other party to the agreement.
- (6) A scheduled monument partnership agreement may relate to more than one monument or more than one piece of associated land.

- (7) Yn yr adran hon ystyr “penodedig” yw wedi ei bennu neu ei ddisgrifio mewn cytundeb partneriaeth heneb gofrestrdedig.

**26 Darpariaeth bellach ynghylch cytundebau partneriaethau henebion cofrestrdedig**

- (1) Rhaid i gytundeb partneriaeth heneb gofrestrdedig fod yn ysgrifenedig.
- (2) Rhaid i gytundeb partneriaeth heneb gofrestrdedig—
- (a) nodi’r heneb neu’r tir cysylltiedig y mae’n ymwneud â hi neu ag ef;
  - (b) disgrifio unrhyw waith y mae’n ymwneud ag ef;
  - (c) pennu’r dyddiad y mae’n cymryd effaith a’i hyd;
  - (d) gwneud darpariaeth i’r partion adolygu telerau’r cytundeb ar ysbeidiau a bennir ynddo;
  - (e) gwneud darpariaeth ar gyfer ei amrywio (ond mae hyn yn ddarostyngedig i reoliadau a wneir o dan is-adran (5));
  - (f) gwneud darpariaeth ar gyfer ei derfynu (ond mae hyn yn ddarostyngedig i adran 27).
- (3) Caiff cytundeb partneriaeth heneb gofrestrdedig gynnwys darpariaeth ddeilliadol a darpariaeth ganlyniadol.
- (4) Caiff Gweinidogion Cymru drwy reoliadau bennu telerau eraill y mae rhaid eu cynnwys mewn cytundeb partneriaeth heneb gofrestrdedig.
- (5) Rhaid i Weinidogion Cymru drwy reoliadau wneud darpariaeth ynghylch—
- (a) yr ymgynghoriad y mae rhaid iddo gael ei gynnal cyn i gytundeb partneriaeth heneb gofrestrdedig gael ei wneud neu ei amrywio;
  - (b) y cyhoeddusrwydd y mae rhaid iddo gael ei roi i gytundeb partneriaeth heneb gofrestrdedig cyn neu ar ôl iddo gael ei wneud neu ei amrywio.
- (6) Rhaid i reoliadau o dan is-adran (5)(a) ei gwneud yn ofynnol i Weinidogion Cymru ymgynghori â’r personau a ganlyn cyn gwneud cytundeb partneriaeth heneb gofrestrdedig—
- (a) pob perchennog a phob meddiannydd ar yr heneb neu’r tir cysylltiedig y mae’r cytundeb arfaethedig yn ymwneud â hi neu ag ef;
  - (b) pob awdurdod lleol y mae’r heneb neu’r tir cysylltiedig yn ei ardal;
  - (c) unrhyw awdurdod lleol sydd, yn rhinwedd Pennod 6, yn warcheidwad ar yr heneb neu’r tir cysylltiedig.
- (7) Ni chaiff cytundeb partneriaeth heneb gofrestrdedig osod unrhyw rwymedigaeth neu unrhyw atebolrwydd ar berson nad yw’n barti i’r cytundeb, na rhoi unrhyw hawl i’r person hwnnw; ac nid yw cydsyniad heneb gofrestrdedig a roddir gan gytundeb o’r fath yn cael effaith ond er budd y partion iddo.
- (8) Caiff Gweinidogion Cymru drwy reoliadau ddatgymhwyso, cymhwyso neu atgynhyrchu, gydag addasiadau neu hebddynt, unrhyw ddarpariaeth yn y Rhan hon at ddibenion cytundebau partneriaethau henebion cofrestrdedig.

- (7) In this section “specified” means specified or described in a scheduled monument partnership agreement.

## **26 Further provision about scheduled monument partnership agreements**

- (1) A scheduled monument partnership agreement must be in writing.
- (2) A scheduled monument partnership agreement must –
- (a) identify the monument or associated land to which it relates;
  - (b) describe any works to which it relates;
  - (c) specify the date on which it takes effect and its duration;
  - (d) make provision for the parties to review the terms of the agreement at intervals specified in it;
  - (e) make provision for its variation (but this is subject to regulations made under subsection (5));
  - (f) make provision for its termination (but this is subject to section 27).
- (3) A scheduled monument partnership agreement may contain incidental and consequential provision.
- (4) The Welsh Ministers may by regulations specify other terms that must be included in a scheduled monument partnership agreement.
- (5) The Welsh Ministers must by regulations make provision about –
- (a) the consultation that must take place before a scheduled monument partnership agreement is made or varied;
  - (b) the publicity that must be given to a scheduled monument partnership agreement before or after it is made or varied.
- (6) Regulations under subsection (5)(a) must require the Welsh Ministers to consult the following persons before making a scheduled monument partnership agreement –
- (a) every owner and occupier of the monument or associated land to which the proposed agreement relates;
  - (b) every local authority in whose area the monument or associated land is situated;
  - (c) any local authority which by virtue of Chapter 6 is a guardian of the monument or associated land.
- (7) A scheduled monument partnership agreement may not impose any obligation or liability, or confer any right, on a person who is not a party to the agreement; and scheduled monument consent granted by such an agreement has effect only for the benefit of the parties to it.
- (8) The Welsh Ministers may by regulations disapply, apply or reproduce with or without modifications, any provision of this Part for the purposes of scheduled monument partnership agreements.

**27 Terfynu cytundeb neu ddarpariaeth mewn cytundeb**

- (1) Caiff Gweinidogion Cymru drwy orchymyn derfynu cytundeb partneriaeth heneb gofrestredig neu unrhyw ddarpariaeth mewn cytundeb o'r fath.
- (2) Caiff gorchymyn o dan is-adran (1) gynnwys darpariaeth atodol, darpariaeth ddeilliadol, darpariaeth ddarfodol, darpariaeth drosiannol neu ddarpariaeth arbed.
- (3) Caniateir i orchymyn o dan yr adran hon sy'n terfynu darpariaeth sy'n rhoi cydsyniad heneb gofrestredig ar gyfer unrhyw waith gael ei wneud ar unrhyw adeg cyn cwblhau'r gwaith, ond nid yw'n effeithio ar gydsyniad heneb gofrestredig ar gyfer gwaith a gyflawnir cyn i'r gorchymyn gymryd effaith.
- (4) Mae Atodlen 5 a pharagraff 1 o Atodlen 6 yn gwneud darpariaeth bellach mewn cysylltiad â gwneud gorchymynion o dan yr adran hon (gan gynnwys darparu ar gyfer hysbysiadau o derfyniad arfaethedig).
- (5) Caiff Gweinidogion Cymru drwy reoliadau ddiwygio Atodlen 5 neu 6, a chaiff y rheoliadau wneud diwygiadau canlyniadol i unrhyw ddarpariaeth arall yn y Ddeddf hon.

**28 Digollediad mewn perthynas â therfynu**

- (1) Mae'r adran hon yn gymwys pan fo Gweinidogion Cymru –
  - (a) yn cyflwyno hysbysiad o derfyniad arfaethedig, neu
  - (b) yn gwneud gorchymyn o dan adran 27,
 mewn perthynas â chytundeb partneriaeth heneb gofrestredig.
- (2) Mae gan unrhyw barti i'r cytundeb a chanddo fuddiant yn yr heneb neu'r tir y mae'r cytundeb yn gymwys iddi neu iddo hawlogaeth, wrth wneud hawliad i Weinidogion Cymru, i gael ei ddigolledu ganddynt –
  - (a) am unrhyw wariant y mae'r parti yn mynd iddo wrth gyflawni gwaith a ddaw yn ofer oherwydd yr hysbysiad neu'r gorchymyn;
  - (b) am unrhyw golled arall neu unrhyw ddifrod arall a ddioddefir gan y parti y gellir ei phriodoli neu ei briodoli'n uniongyrchol i'r hysbysiad neu'r gorchymyn.
- (3) At ddibenion yr adran hon mae gwariant yr eir iddo wrth lunio planiau at ddibenion unrhyw waith, neu ar faterion tebyg eraill sy'n baratoadol i unrhyw waith, i'w drin fel pe bai'n wariant yr eir iddo wrth gyflawni'r gwaith.
- (4) Yn ddarostyngedig i hynny, nid oes digollediad yn daladwy o dan yr adran hon mewn cysylltiad –
  - (a) â gwaith a gyflawnwyd cyn i'r cytundeb partneriaeth heneb gofrestredig, neu'r ddarpariaeth berthnasol yn y cytundeb, gymryd effaith, na
  - (b) â cholled arall neu ddifrod arall (ac eithrio colled neu ddifrod sy'n ddibrisiant yng ngwerth buddiant mewn tir) sy'n deillio o unrhyw beth a wnaed neu nas gwnaed cyn i'r cytundeb neu'r ddarpariaeth gymryd effaith.
- (5) Rhaid i hawliad am ddigollediad o dan yr adran hon gael ei wneud yn ysgrifenedig o fewn 6 mis sy'n dechrau â'r diwrnod y mae'r hysbysiad o derfyniad arfaethedig neu'r gorchymyn yn cymryd effaith (yn ôl y digwydd).



**27 Termination of agreement or provision of agreement**

- (1) The Welsh Ministers may by order terminate a scheduled monument partnership agreement or any provision of such an agreement.
- (2) An order under subsection (1) may contain supplementary, incidental, transitory, transitional or saving provision.
- (3) An order under this section terminating a provision which grants scheduled monument consent for any works may be made at any time before the works are completed, but does not affect scheduled monument consent for works carried out before the order takes effect.
- (4) Schedule 5 and paragraph 1 of Schedule 6 make further provision in connection with making orders under this section (including provision for notices of proposed termination).
- (5) The Welsh Ministers may by regulations amend Schedule 5 or 6, and the regulations may make consequential amendments to any other provision of this Act.

**28 Compensation in relation to termination**

- (1) This section applies where the Welsh Ministers –
  - (a) serve a notice of proposed termination, or
  - (b) make an order under section 27,in relation to a scheduled monument partnership agreement.
- (2) Any party to the agreement who has an interest in the monument or land to which the agreement applies is entitled, on making a claim to the Welsh Ministers, to be paid compensation by them for –
  - (a) any expenditure incurred by the party in carrying out works which become abortive because of the notice or order;
  - (b) any other loss or damage suffered by the party which is directly attributable to the notice or order.
- (3) For the purposes of this section expenditure incurred in the preparation of plans for the purposes of any works, or on other similar matters preparatory to any works, is to be treated as expenditure incurred in carrying out the works.
- (4) Subject to that, no compensation is payable under this section in respect of –
  - (a) works carried out before the scheduled monument partnership agreement, or the relevant provision of the agreement, took effect, or
  - (b) other loss or damage (other than loss or damage consisting of depreciation of the value of an interest in land) arising out of anything done or omitted to be done before the agreement or provision took effect.
- (5) A claim for compensation under this section must be made in writing within 6 months beginning with the day the notice of proposed termination or order takes effect (as the case may be).

**29 Dehongli**

Yn y Bennod hon –

mae i “cytundeb partneriaeth heneb gofrestredig” (“*scheduled monument partnership agreement*”) yr ystyr a roddir gan adran 25(1);

mae i “hysbysiad o derfyniad arfaethedig” (“*notice of proposed termination*”) yr ystyr a roddir gan baragraff 1 o Atodlen 5;

ystyr “perchennog” (“*owner*”) yw –

(a) perchennog ar yr ystad rydd-ddaliadol, neu

(b) tenant o dan les a roddir neu a estynnir am gyfnod penodol sydd ag o leiaf 7 mlynedd yn weddill;

mae i “tir cysylltiedig” (“*associated land*”), mewn perthynas â heneb, yr ystyr a roddir gan adran 25(1)(b).

**PENNOD 5****GORFODI RHEOLAETHAU SY’N YMWNEUD Â HENEBION COFRESTRDIG**

*Troseddau sy’n ymwneud â gwaith anawdurdodedig*

**30 Y drosedd o gyflawni gwaith anawdurdodedig neu dorri amod mewn cydsyniad**

- (1) Mae person yn cyflawni trosedd os yw’r person yn cyflawni gwaith, neu’n peri neu’n caniatáu i waith gael ei gyflawni, mewn perthynas â heneb gofrestredig yn groes i adran 11 (gofyniad i waith gael ei awdurdodi).
- (2) Mae person hefyd yn cyflawni trosedd os yw’r person –
  - (a) yn cyflawni gwaith, neu’n peri neu’n caniatáu i waith gael ei gyflawni, mewn perthynas â heneb gofrestredig, a
  - (b) yn methu â chydymffurfio ag amod y rhoddwyd cydsyniad heneb gofrestredig yn ddarostyngedig iddo ar gyfer y gwaith.
- (3) Nid yw is-adran (2) yn cyfyngu ar yr hyn a all fod yn drosedd o dan is-adran (1).
- (4) Mewn achos yn erbyn person am drosedd o dan is-adran (1) mewn perthynas â heneb y rhoddir gwarchodaeth interim iddi –
  - (a) mae’n amddiffyniad i’r person brofi nad oedd y person yn gwybod, ac na ellid bod wedi disgwyl yn rhesymol iddo wybod, bod y warchodaeth interim wedi ei rhoi, a
  - (b) pan fo’r amddiffyniad yn cael ei godi gan berson y dylai hysbysiad fod wedi cael ei gyflwyno iddo o dan adran 5(2), yr erlyniad sydd i brofi i’r hysbysiad gael ei gyflwyno i’r person.
- (5) Mewn achos yn erbyn person am drosedd o dan is-adran (2), mae’n amddiffyniad i’r person brofi iddo gymryd pob rhagofal rhesymol ac arfer pob diwydrwydd dyladwy i osgoi torri’r amod.
- (6) Mewn achos yn erbyn person am drosedd o dan yr adran hon mewn perthynas â gwaith o fewn adran 11(2)(a), mae’n amddiffyniad i’r person brofi iddo gymryd pob rhagofal rhesymol ac arfer pob diwydrwydd dyladwy i osgoi neu atal difrod i’r heneb.

**29 Interpretation**

In this Chapter –

“associated land” (*“tir cysylltiedig”*), in relation to a monument, has the meaning given by section 25(1)(b);

“notice of proposed termination” (*“hysbysiad o derfyniad arfaethedig”*) has the meaning given by paragraph 1 of Schedule 5;

“owner” (*“perchennog”*) means –

- (a) an owner of the freehold estate, or
- (b) a tenant under a lease granted or extended for a fixed term that has at least 7 years left to run;

“scheduled monument partnership agreement” (*“cytundeb partneriaeth heneb gofrestredig”*) has the meaning given by section 25(1).

**CHAPTER 5****ENFORCEMENT OF CONTROLS RELATING TO SCHEDULED MONUMENTS***Offences relating to unauthorised works***30 Offence of carrying out unauthorised works or breaching condition of consent**

- (1) A person commits an offence if the person carries out, or causes or permits to be carried out, works in relation to a scheduled monument in breach of section 11 (requirement for works to be authorised).
- (2) A person also commits an offence if the person –
  - (a) carries out, or causes or permits to be carried out, works in relation to a scheduled monument, and
  - (b) fails to comply with a condition subject to which scheduled monument consent has been granted for the works.
- (3) Subsection (2) does not limit what may be an offence under subsection (1).
- (4) In proceedings against a person for an offence under subsection (1) in relation to a monument on which interim protection is conferred –
  - (a) it is a defence for the person to prove that the person did not know, and could not reasonably have been expected to know, that the interim protection had been conferred, and
  - (b) where the defence is raised by a person on whom a notice should have been served under section 5(2), it is for the prosecution to prove that the notice was served on the person.
- (5) In proceedings against a person for an offence under subsection (2), it is a defence for the person to prove that the person took all reasonable precautions and exercised all due diligence to avoid breaching the condition.
- (6) In proceedings against a person for an offence under this section in relation to works within section 11(2)(a), it is a defence for the person to prove that the person took all reasonable precautions and exercised all due diligence to avoid or prevent damage to the monument.

- (7) Mewn achos yn erbyn person am drosedd o dan yr adran hon mewn perthynas â gwaith o fewn adran 11(2)(a) neu (c), mae'n amddiffyniad iddo brofi –
- (a) ei fod, cyn cyflawni'r gwaith neu cyn peri neu ganiatáu i'r gwaith gael ei gyflawni, wedi cymryd pob cam rhesymol i ganfod a oedd heneb gofrestredig yn yr ardal yr oedd y gwaith yn effeithio arni, a
  - (b) nad oedd yn gwybod, ac nad oedd ganddo reswm dros gredu, bod yr heneb o fewn yr ardal yr oedd y gwaith yn effeithio arni neu (yn ôl y digwydd) ei bod yn heneb gofrestredig.
- (8) Mewn achos yn erbyn person am drosedd o dan yr adran hon, mae'n amddiffyniad i'r person brofi –
- (a) bod y gwaith yn angenrheidiol ar frys er lles diogelwch neu iechyd,
  - (b) bod y gwaith a gyflawnwyd wedi ei gyfyngu i isafswm y mesurau a oedd yn angenrheidiol ar unwaith, ac
  - (c) i hysbysiad ysgrifenedig a oedd yn cyfiawnhau'n fanwl gyflawni'r gwaith gael ei roi i Weinidogion Cymru cyn gynted ag yr oedd yn rhesymol ymarferol.
- (9) Mae person sy'n euog o drosedd o dan yr adran hon yn agored ar euogfarn ddiannod, neu ar euogfarn ar dditiad, i ddirwy.

*Hysbysiadau stop dros dro*

**31 Pŵer Gweinidogion Cymru i ddyroddi hysbysiad stop dros dro**

- (1) Caiff Gweinidogion Cymru ddyroddi hysbysiad stop dros dro os ydynt yn ystyried –
- (a) bod gwaith wedi cael ei gyflawni neu yn cael ei gyflawni mewn perthynas â heneb gofrestredig sy'n golygu torri adran 11 (gofyniad i waith gael ei awdurdodi) neu amod y rhoddwyd cydsyniad heneb gofrestredig yn ddarostyngedig iddo, a
  - (b) y dylai'r gwaith (neu unrhyw ran ohono) gael ei stopio ar unwaith, gan roi sylw i effaith y gwaith ar yr heneb fel un sydd o bwysigrwydd cenedlaethol.
- (2) Rhaid i hysbysiad stop dros dro –
- (a) pennu'r gwaith y mae'n ymwneud ag ef,
  - (b) gwahardd cyflawni'r gwaith (neu unrhyw ran o'r gwaith a bennir yn yr hysbysiad),
  - (c) nodi rhesymau Gweinidogion Cymru dros ddyroddi'r hysbysiad, a
  - (d) datgan effaith adran 33 (y drosedd o dorri hysbysiad stop dros dro).
- (3) Rhaid i Weinidogion Cymru arddangos copi o hysbysiad stop dros dro ar yr heneb neu'r tir y mae'n ymwneud â hi neu ag ef, a rhaid i'r copi bennu'r dyddiad y caiff ei arddangos am y tro cyntaf.
- (4) Ond –
- (a) os nad yw'n rhesymol ymarferol arddangos copi o'r hysbysiad ar yr heneb neu'r tir, neu
  - (b) os yw Gweinidogion Cymru yn ystyried y gallai arddangos copi o'r hysbysiad ar yr heneb neu'r tir ddifrodi'r heneb,

- (7) In proceedings against a person for an offence under this section in relation to works within section 11(2)(a) or (c), it is a defence for the person to prove that –
- (a) before carrying out the works or before causing or permitting the works to be carried out, the person had taken all reasonable steps to find out whether there was a scheduled monument in the area affected by the works, and
  - (b) the person 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.
- (8) In proceedings against a person for an offence under this section it is a defence for the person to prove that –
- (a) the works were urgently necessary in the interests of safety or health,
  - (b) the works carried out were limited to the minimum measures immediately necessary, and
  - (c) notice in writing justifying in detail the carrying out of the works was given to the Welsh Ministers as soon as reasonably practicable.
- (9) A person guilty of an offence under this section is liable on summary conviction, or on conviction on indictment, to a fine.

*Temporary stop notices*

**31 Power of Welsh Ministers to issue temporary stop notice**

- (1) The Welsh Ministers may issue a temporary stop notice if they consider –
- (a) that works have been or are being carried out in relation to a scheduled monument which involve a breach of section 11 (requirement for works to be authorised) or of a condition subject to which scheduled monument consent has been granted, and
  - (b) that the works (or any of them) ought to be stopped immediately, having regard to the effect of the works on the monument as one of national importance.
- (2) A temporary stop notice must –
- (a) specify the works to which it relates,
  - (b) prohibit the carrying out of the works (or any of them specified in the notice),
  - (c) set out the Welsh Ministers' reasons for issuing the notice, and
  - (d) state the effect of section 33 (offence of breaching temporary stop notice).
- (3) The Welsh Ministers must display a copy of a temporary stop notice on the monument or land to which it relates, and the copy must specify the date on which it is first displayed.
- (4) But if –
- (a) it is not reasonably practicable to display a copy of the notice on the monument or land, or
  - (b) the Welsh Ministers consider that displaying a copy of the notice on the monument or land might damage the monument,

caiff Gweinidogion Cymru, yn lle hynny, arddangos copi mewn lle amlwg mor agos i'r heneb neu'r tir ag y bo'n rhesymol ymarferol.

- (5) Caiff Gweinidogion Cymru gyflwyno copi o'r hysbysiad i unrhyw berson y maent yn ystyried—
  - (a) ei fod yn cyflawni'r gwaith y mae'r hysbysiad yn ei wahardd neu'n peri neu'n caniatáu iddo gael ei gyflawni,
  - (b) ei fod yn feddiannydd ar yr heneb neu'r tir y mae'r hysbysiad yn ymwneud â hi neu ag ef, neu
  - (c) bod ganddo fuddiant yn yr heneb neu'r tir.

### 32 Hyd etc. hysbysiad stop dros dro

- (1) Mae hysbysiad stop dros dro yn cymryd effaith pan arddangosir copi ohono yn unol ag adran 31 am y tro cyntaf.
- (2) Mae hysbysiad stop dros dro yn peidio â chael effaith—
  - (a) ar ddiwedd 28 o ddiwrnodau sy'n dechrau â'r diwrnod pan arddangosir y copi ohono yn unol ag adran 31 am y tro cyntaf, neu
  - (b) os yw'n pennu cyfnod byrrach sy'n dechrau â'r diwrnod hwnnw, ar ddiwedd y cyfnod hwnnw.
- (3) Ond os yw Gweinidogion Cymru yn tynnu'r hysbysiad yn ôl cyn diwedd y cyfnod y byddai fel arall yn cael effaith ar ei gyfer, mae'r hysbysiad yn peidio â chael effaith pan gaiff ei dynnu'n ôl.
- (4) Ni chaiff Gweinidogion Cymru ddyroddi ail hysbysiad stop dros dro neu hysbysiad stop dros dro dilynol mewn perthynas â'r un gwaith oni bai eu bod, ers dyroddi'r hysbysiad blaenorol, wedi cymryd camau gorfodi eraill mewn perthynas â'r toriad y cyfeirir ato yn adran 31(1)(a).
- (5) Yn is-adran (4) mae'r cyfeiriad at gymryd camau gorfodi eraill yn gyfeiriad at—
  - (a) dyroddi hysbysiad gorfodi o dan adran 35, neu
  - (b) cael gwaharddeb o dan adran 42.

### 33 Y drosedd o dorri hysbysiad stop dros dro

- (1) Mae person yn cyflawni trosedd os yw'r person, ar unrhyw adeg pan fydd hysbysiad stop dros dro yn cael effaith, yn cyflawni gwaith sydd wedi ei wahardd gan yr hysbysiad neu'n peri neu'n caniatáu i waith o'r fath gael ei gyflawni.
- (2) Caniateir i berson gael ei gyhuddo o drosedd o dan yr adran hon drwy gyfeirio at ddiwrnod neu gyfnod hwy, a chaniateir iddo gael ei euogfarnu o fwy nag un drosedd mewn perthynas â'r un hysbysiad stop dros dro drwy gyfeirio at gyfnodau gwahanol.
- (3) Mewn achos yn erbyn person am drosedd o dan yr adran hon, mae'n amddiffyniad i'r person brofi nad oedd y person yn gwybod, ac na ellid bod wedi disgwyl yn rhesymol iddo wybod, am fodolaeth yr hysbysiad stop dros dro.
- (4) Mewn achos am drosedd o dan yr adran hon, mae'n amddiffyniad profi—
  - (a) bod y gwaith yn angenrheidiol ar frys er lles diogelwch neu iechyd,

the Welsh Ministers may instead display a copy in a prominent place as near to the monument or land as is reasonably practicable.

- (5) The Welsh Ministers may serve a copy of the notice on any person they consider—
  - (a) to be carrying out the works that the notice prohibits or causing or permitting them to be carried out,
  - (b) to be an occupier of the monument or land to which the notice relates, or
  - (c) to have an interest in the monument or land.

### **32 Duration etc. of temporary stop notice**

- (1) A temporary stop notice takes effect when a copy of it is first displayed in accordance with section 31.
- (2) A temporary stop notice ceases to have effect—
  - (a) at the end of 28 days beginning with the day the copy of it is first displayed in accordance with section 31, or
  - (b) if it specifies a shorter period beginning with that day, at the end of that period.
- (3) But if the Welsh Ministers withdraw the notice before the end of the period for which it would otherwise have effect, the notice ceases to have effect when it is withdrawn.
- (4) The Welsh Ministers may not issue a second or subsequent temporary stop notice in relation to the same works unless they have, since issuing the previous notice, taken other enforcement action in relation to the breach referred to in section 31(1)(a).
- (5) In subsection (4) the reference to taking other enforcement action is a reference to—
  - (a) issuing an enforcement notice under section 35, or
  - (b) obtaining an injunction under section 42.

### **33 Offence of breaching temporary stop notice**

- (1) A person commits an offence if, at any time when a temporary stop notice has effect, the person carries out works prohibited by the notice or causes or permits such works to be carried out.
- (2) A person may be charged with an offence under this section by reference to a day or a longer period, and may be convicted of more than one offence in relation to the same temporary stop notice by reference to different periods.
- (3) In proceedings against a person for an offence under this section, it is a defence for the person to prove that the person did not know, and could not reasonably have been expected to know, of the existence of the temporary stop notice.
- (4) In proceedings for an offence under this section, it is a defence to prove that—
  - (a) the works were urgently necessary in the interests of safety or health,

- (b) bod y gwaith a gyflawnwyd wedi ei gyfyngu i isafswm y mesurau a oedd yn angenrheidiol ar unwaith, ac
  - (c) i hysbysiad ysgrifenedig a oedd yn cyfiawnhau'n fanwl gyflawni'r gwaith gael ei roi i Weinidogion Cymru cyn gynted ag yr oedd yn rhesymol ymarferol.
- (5) Mae person sy'n euog o drosedd o dan yr adran hon yn agored ar euogfarn ddiannod, neu ar euogfarn ar ddiad, i ddirwy.
- (6) Wrth benderfynu swm y ddirwy, rhaid i'r llys roi sylw yn benodol i unrhyw fudd ariannol sydd wedi cronni, neu yr ymddengys ei fod yn debygol o gronni, i'r person o ganlyniad i'r drosedd.

### 34 **Digollediad am golled neu ddifrod a achosir gan hysbysiad stop dros dro**

- (1) Mae'r adran hon yn gymwys pan—
- (a) na fo'r gwaith a bennir mewn hysbysiad stop dros dro, ar yr adeg y mae'r hysbysiad yn cymryd effaith, yn golygu torri adran 11 (gofyniad i waith gael ei awdurdodi) nac amod y rhoddwyd cydsyniad heneb gofrestredig yn ddarostyngedig iddo, neu
  - (b) bo Gweinidogion Cymru yn tynnu'n ôl hysbysiad stop dros dro ar ôl iddo gymryd effaith.
- (2) Nid yw'r adran hon yn gymwys yn rhinwedd is-adran (1)(b) pan—
- (a) bo cydsyniad heneb gofrestredig wedi ei roi ar gyfer y gwaith a bennir yn yr hysbysiad stop dros dro ar ôl i'r hysbysiad gymryd effaith, a
  - (b) bo Gweinidogion Cymru yn tynnu'r hysbysiad yn ôl ar ôl i'r cydsyniad hwnnw gael ei roi.
- (3) Mae gan unrhyw berson a chanddo fuddiant yn yr heneb neu'r tir y mae'r hysbysiad yn ymwneud â hi neu ag ef ar yr adeg y mae'r hysbysiad yn cymryd effaith hawlogaeth, wrth wneud hawliad i Weinidogion Cymru, i gael ei ddigolledu ganddynt am unrhyw golled neu unrhyw ddifrod a ddiodefir gan y person y gellir ei phriodoli neu ei briodoli'n uniongyrchol i effaith yr hysbysiad.
- (4) Mae'r golled neu'r difrod y mae digollediad yn daladwy amdani neu amdano yn cynnwys unrhyw swm sy'n daladwy gan yr hawlydd mewn cysylltiad â thor contract a achosir drwy gymryd camau gweithredu sy'n angenrheidiol i gydymffurfio â'r hysbysiad.
- (5) Nid oes digollediad yn daladwy o dan yr adran hon am golled neu ddifrod y gallai'r hawlydd fod wedi ei hosgoi neu ei osgoi—
- (a) drwy ddarparu gwybodaeth yr oedd hysbysiad gwybodaeth a gyflwynwyd gan Weinidogion Cymru o dan adran 197 yn ei gwneud yn ofynnol i'r hawlydd ei darparu, neu
  - (b) drwy gydweithredu â Gweinidogion Cymru mewn unrhyw ffordd arall wrth ymateb i hysbysiad o'r fath.
- (6) Rhaid i hawliad am ddigollediad o dan yr adran hon gael ei wneud yn ysgrifenedig o fewn 6 mis sy'n dechrau—
- (a) mewn achos sy'n dod o fewn is-adran (1)(a) ond nid o fewn is-adran (1)(b), â'r diwrnod y mae'r hysbysiad stop dros dro yn cymryd effaith;



- (b) the works carried out were limited to the minimum measures immediately necessary, and
  - (c) notice in writing justifying in detail the carrying out of the works was given to the Welsh Ministers as soon as reasonably practicable.
- (5) A person guilty of an offence under this section is liable on summary conviction, or on conviction on indictment, to a fine.
- (6) In determining the amount of the fine, the court must in particular have regard to any financial benefit which has accrued or appears likely to accrue to the person in consequence of the offence.

### **34 Compensation for loss or damage caused by temporary stop notice**

- (1) This section applies where –
- (a) the works specified in a temporary stop notice do not, at the time the notice takes effect, involve a breach of section 11 (requirement for works to be authorised) or of a condition subject to which scheduled monument consent has been granted, or
  - (b) the Welsh Ministers withdraw a temporary stop notice after it has taken effect.
- (2) This section does not apply by virtue of subsection (1)(b) where –
- (a) scheduled monument consent is granted for the works specified in the temporary stop notice after the notice has taken effect, and
  - (b) the Welsh Ministers withdraw the notice after the grant of that consent.
- (3) Any person who has an interest in the monument or land to which the notice relates at the time the notice takes effect is entitled, on making a claim to the Welsh Ministers, to be paid compensation by them for any loss or damage suffered by the person that is directly attributable to the effect of the notice.
- (4) The loss or damage for which compensation is payable includes any amount payable by the claimant in respect of a breach of contract caused by taking action necessary to comply with the notice.
- (5) No compensation is payable under this section for loss or damage that the claimant could have avoided by –
- (a) providing information that the claimant was required to provide by an information notice served by the Welsh Ministers under section 197, or
  - (b) co-operating with the Welsh Ministers in any other way when responding to such a notice.
- (6) A claim for compensation under this section must be made in writing within 6 months beginning –
- (a) in a case falling within subsection (1)(a) but not within subsection (1)(b), with the day the temporary stop notice takes effect;

- (b) mewn achos sy'n dod o fewn is-adran (1)(b), â'r diwrnod y mae'r hysbysiad wedi ei dynnu'n ôl.

*Hysbysiadau gorfodi*

**35 Pŵer Gweinidogion Cymru i ddyroddi hysbysiad gorfodi**

- (1) Caiff Gweinidogion Cymru ddyroddi hysbysiad gorfodi os ydynt yn ystyried –
- (a) bod gwaith sy'n golygu torri adran 11 (gofyniad i waith gael ei awdurdodi) neu amod y rhoddwyd cydsyniad heneb gofrestredig yn ddarostyngedig iddo wedi cael neu yn cael ei gyflawni mewn perthynas â heneb gofrestredig neu dir y mae'r heneb ynddo, arno neu odano, a
  - (b) ei bod yn briodol dyroddi'r hysbysiad, gan roi sylw i effaith y gwaith ar yr heneb fel un sydd o bwysigrwydd cenedlaethol.
- (2) Rhaid i hysbysiad gorfodi –
- (a) pennu'r toriad honedig, a
  - (b) ei gwneud yn ofynnol i waith a bennir yn yr hysbysiad gael ei stopio, neu ei gwneud yn ofynnol i gamau a bennir yn yr hysbysiad gael eu cymryd at un neu ragor o'r dibenion a nodir yn is-adran (3).
- (3) Y dibenion yw –
- (a) adfer yr heneb neu'r tir i'w chyflwr neu ei gyflwr cyn i'r toriad ddigwydd,
  - (b) os yw Gweinidogion Cymru yn ystyried na fyddai adfer yn rhesymol ymarferol neu y byddai'n annymunol, cyflawni gwaith pellach i leddfu effaith y toriad, neu
  - (c) rhoi'r heneb neu'r tir yn y cyflwr y byddai wedi bod ynddo pe cydymffurfiwyd â thelerau unrhyw gydsyniad heneb gofrestredig ar gyfer y gwaith y mae'r hysbysiad yn ymwneud ag ef (gan gynnwys unrhyw amodau sydd ynghlwm wrth y cydsyniad).
- (4) Pan fo hysbysiad gorfodi yn gosod gofyniad o dan is-adran (3)(b), mae cydsyniad heneb gofrestredig i'w drin fel pe bai wedi ei roi ar gyfer unrhyw waith sydd wedi ei gyflawni yn unol â'r gofyniad.
- (5) Rhaid i Weinidogion Cymru –
- (a) cynnal rhestr o bob heneb y mae hysbysiad gorfodi mewn grym mewn cysylltiad â hi a chyhoeddi'r rhestr gyfredol, a
  - (b) darparu copi o'r hysbysiad gorfodi sy'n ymwneud â heneb yn y rhestr i unrhyw berson sy'n gofyn am gopi.

**36 Cyflwyno hysbysiad gorfodi a'r hysbysiad yn cymryd effaith**

- (1) Rhaid i hysbysiad gorfodi bennu –
- (a) y dyddiad y mae i gymryd effaith, a
  - (b) o fewn pa gyfnod y mae rhaid stopio'r gwaith a bennir yn yr hysbysiad neu y mae rhaid cymryd y camau a bennir ynddo.

- (b) in a case falling within subsection (1)(b), with the day the notice is withdrawn.

*Enforcement notices*

**35 Power of Welsh Ministers to issue enforcement notice**

- (1) The Welsh Ministers may issue an enforcement notice if they consider –
  - (a) that works which involve a breach of section 11 (requirement for works to be authorised) or of a condition subject to which scheduled monument consent was granted have been or are being carried out in relation to a scheduled monument or land in, on or under which the monument is situated, and
  - (b) that it is appropriate to issue the notice, having regard to the effect of the works on the monument as one of national importance.
- (2) An enforcement notice must –
  - (a) specify the alleged breach, and
  - (b) require works specified in the notice to be stopped, or require steps specified in the notice to be taken for one or more of the purposes set out in subsection (3).
- (3) The purposes are –
  - (a) restoring the monument or land to its condition before the breach took place,
  - (b) if the Welsh Ministers consider that restoration would not be reasonably practicable or would be undesirable, carrying out further works to alleviate the effect of the breach, or
  - (c) putting the monument or land in the condition it would have been in if the terms of any scheduled monument consent for the works to which the notice relates (including any conditions attached to the consent) had been complied with.
- (4) Where an enforcement notice imposes a requirement under subsection (3)(b), scheduled monument consent is to be treated as having been granted for any works carried out in compliance with the requirement.
- (5) The Welsh Ministers must –
  - (a) maintain a list of every monument in respect of which an enforcement notice is in effect and publish the up-to-date list, and
  - (b) provide a copy of the enforcement notice relating to a monument in the list to any person who requests one.

**36 Service and taking effect of enforcement notice**

- (1) An enforcement notice must specify –
  - (a) the date on which it is to take effect, and
  - (b) the period within which the works specified in the notice must be stopped or the steps specified in it must be taken.

- (2) Mae'r hysbysiad yn cymryd effaith ar ddechrau'r diwrnod a bennir o dan is-adran (1)(a); ond pan fo apêl yn cael ei gwneud yn erbyn yr hysbysiad o dan adran 39, mae hyn yn ddarostyngedig i is-adran (4) o'r adran honno.
- (3) Caiff hysbysiad gorfodi bennu cyfnodau gwahanol ar gyfer stopio gwaith gwahanol neu gymryd camau gwahanol.
- (4) Pan fo Gweinidogion Cymru yn dyroddi hysbysiad gorfodi, rhaid iddynt gyflwyno copi o'r hysbysiad –
  - (a) i bob perchennog a phob meddiannydd ar yr heneb neu'r tir y mae'r hysbysiad yn ymwneud â hi neu ag ef;
  - (b) os yw'r heneb neu'r tir wedi ei gosod neu ei osod ond nad y lesddeiliad yw'r meddiannydd, i'r lesddeiliad, ac
  - (c) i unrhyw berson arall a chanddo fuddiant yn yr heneb neu'r tir y mae Gweinidogion Cymru yn ystyried bod yr hysbysiad yn effeithio'n sylweddol arno.
- (5) Rhaid cyflwyno pob copi o'r hysbysiad –
  - (a) cyn diwedd 28 o ddiwrnodau ar ôl y diwrnod y dyroddir yr hysbysiad, a
  - (b) o leiaf 28 o ddiwrnodau cyn y dyddiad a bennir yn yr hysbysiad fel y dyddiad y mae i gymryd effaith.

### 37 Amrywio hysbysiad gorfodi a thynnu hysbysiad gorfodi yn ôl

- (1) Pan fo Gweinidogion Cymru wedi dyroddi hysbysiad gorfodi, cânt –
  - (a) tynnu'r hysbysiad yn ôl;
  - (b) hepgor neu lacio unrhyw ofyniad yn yr hysbysiad, ac yn benodol estyn y cyfnod y mae'r hysbysiad yn ei gwneud yn ofynnol i unrhyw waith gael ei stopio neu unrhyw gam gael ei gymryd ynddo.
- (2) Caiff Gweinidogion Cymru arfer y pwerau yn is-adran (1) pa un a yw'r hysbysiad wedi cymryd effaith ai peidio.
- (3) Nid yw tynnu hysbysiad gorfodi yn ôl yn atal Gweinidogion Cymru rhag dyroddi hysbysiad gorfodi arall.
- (4) Mae is-adran (5) yn gymwys pan oedd Gweinidogion Cymru wedi cyflwyno copïau o'r hysbysiad gorfodi o dan adran 36(4) cyn arfer y pwerau yn is-adran (1).
- (5) Yn union ar ôl arfer unrhyw un o'r pwerau hynny, rhaid i Weinidogion Cymru roi hysbysiad eu bod wedi gwneud hynny i bob person y cyflwynwyd copi o'r hysbysiad gorfodi iddo (neu y byddai copi o'r hysbysiad yn cael ei gyflwyno iddo pe bai'n cael ei ailddyroddi).

### 38 Effaith rhoi cydsyniad heneb gofrestredig ar hysbysiad gorfodi

- (1) Mae'r adran hon yn gymwys os rhoddir, ar ôl i hysbysiad gorfodi gael ei ddyroddi, gydsyniad heneb gofrestredig o dan adran 13(2) –
  - (a) sy'n awdurdodi unrhyw waith y mae'r hysbysiad yn ymwneud ag ef sydd wedi ei gyflawni yn groes i adran 11, neu
  - (b) sy'n awdurdodi gwaith sy'n golygu torri amod y rhoddwyd cydsyniad blaenorol yn ddarostyngedig iddo.

- (2) The notice takes effect at the beginning of the day specified under subsection (1)(a); but where an appeal is made against the notice under section 39, this is subject to subsection (4) of that section.
- (3) An enforcement notice may specify different periods for stopping different works or taking different steps.
- (4) Where the Welsh Ministers issue an enforcement notice, they must serve a copy of the notice on—
  - (a) every owner and occupier of the monument or land to which the notice relates,
  - (b) if the monument or land is let but the lessee is not the occupier, the lessee, and
  - (c) any other person who has an interest in the monument or land which the Welsh Ministers consider to be materially affected by the notice.
- (5) Each copy of the notice must be served—
  - (a) before the end of 28 days after the day the notice is issued, and
  - (b) at least 28 days before the date specified in the notice as the date on which it is to take effect.

### **37 Variation and withdrawal of enforcement notice**

- (1) Where the Welsh Ministers have issued an enforcement notice, they may—
  - (a) withdraw the notice;
  - (b) waive or relax any requirement of the notice, and in particular extend the period within which the notice requires any works to be stopped or any step to be taken.
- (2) The Welsh Ministers may exercise the powers in subsection (1) whether or not the notice has taken effect.
- (3) The withdrawal of an enforcement notice does not prevent the Welsh Ministers from issuing another enforcement notice.
- (4) Subsection (5) applies where the Welsh Ministers had served copies of the enforcement notice under section 36(4) before exercising the powers in subsection (1).
- (5) Immediately after exercising any of those powers, the Welsh Ministers must give notice that they have done so to every person who was served with a copy of the enforcement notice (or who would be served with a copy of the notice if it were reissued).

### **38 Effect of granting scheduled monument consent on enforcement notice**

- (1) This section applies if, after an enforcement notice has been issued, scheduled monument consent is granted under section 13(2)—
  - (a) authorising any works to which the notice relates that have been carried out in breach of section 11, or
  - (b) authorising works which involve a breach of a condition subject to which a previous consent was granted.

- (2) Mae'r hysbysiad yn peidio â chael effaith (neu nid yw'n cymryd effaith) i'r graddau y mae'n –
  - (a) ei gwneud yn ofynnol i gamau gael eu cymryd sy'n anghyson â'r awdurdodiad i'r gwaith, neu
  - (b) ei gwneud yn ofynnol i gamau gael eu cymryd er mwyn cydymffurfio â'r amod.
- (3) Nid yw'r ffaith bod hysbysiad gorfodi wedi peidio â chael effaith yn gyfan gwbl neu'n rhannol yn rhinwedd yr adran hon yn effeithio ar atebolrwydd unrhyw berson am drosedd mewn cysylltiad â methiant blaenorol i gydymffurfio â'r hysbysiad (gweler adran 41).

### 39 Apêl yn erbyn hysbysiad gorfodi

- (1) Caiff person y cyflwynir copi o hysbysiad gorfodi iddo, neu unrhyw berson arall a chanddo fuddiant yn yr heneb neu'r tir y mae'r hysbysiad yn ymwneud â hi neu ag ef, apelio i lys ynadon yn erbyn yr hysbysiad.
- (2) Caniateir gwneud apêl ar un neu ragor o'r seiliau a ganlyn –
  - (a) nad yw'r materion yr honnir eu bod yn torri adran 11 neu amod mewn cydsyniad heneb gofrestredig wedi digwydd;
  - (b) nad yw'r materion hynny (os digwyddasant) yn doriad o'r fath;
  - (c) bod yr amodau canlynol wedi eu bodloni –
    - (i) bod gwaith i'r heneb neu'r tir yn angenrheidiol ar frys er lles diogelwch neu iechyd,
    - (ii) bod y gwaith a gyflawnwyd wedi ei gyfyngu i isafswm y mesurau a oedd yn angenrheidiol ar unwaith, a
    - (iii) i hysbysiad ysgrifenedig a oedd yn cyfiawnhau'n fanwl fod angen y gwaith gael ei roi i Weinidogion Cymru cyn gynted ag yr oedd yn rhesymol ymarferol;
  - (d) na chyflwynwyd copi o'r hysbysiad gorfodi i berson fel yr oedd yn ofynnol gan adran 36;
  - (e) bod y cyfnod y mae'r hysbysiad yn ei gwneud yn ofynnol i unrhyw waith gael ei stopio neu unrhyw gamau gael eu cymryd ynddo yn afresymol o fyr.
- (3) Rhaid i apêl gael ei gwneud cyn y dyddiad a bennir yn yr hysbysiad fel y dyddiad y mae i gymryd effaith.
- (4) Pan fo apêl yn cael ei gwneud, nid yw'r hysbysiad yn cael effaith hyd nes bod yr apêl yn cael ei phenderfynu'n derfynol neu ei thynnu'n ôl.
- (5) Ar apêl o dan yr adran hon, caiff llys ynadon gadarnhau'r hysbysiad neu ei ddiddymu.
- (6) Caiff y llys gadarnhau hysbysiad hyd yn oed os na chyflwynwyd copi ohono i berson yr oedd adran 36 yn ei gwneud yn ofynnol i gopi gael ei gyflwyno iddo, os yw'r llys wedi ei fodloni nad yw'r methiant wedi cael effaith andwyol sylweddol ar y person.

### 40 Pwerau i fynd ar dir a chymryd camau sy'n ofynnol gan hysbysiad gorfodi

- (1) Os yw'r cyfnod y mae hysbysiad gorfodi yn ei gwneud yn ofynnol i unrhyw gam gael ei gymryd ynddo wedi dod i ben ac nad yw'r cam wedi ei gymryd, caiff person sydd wedi ei awdurdodi'n ysgrifenedig gan Weinidogion Cymru –

- (2) The notice ceases to have effect (or does not take effect) so far as it—
  - (a) requires steps to be taken that are inconsistent with the authorisation of the works, or
  - (b) requires steps to be taken for complying with the condition.
- (3) The fact that an enforcement notice has wholly or partly ceased to have effect by virtue of this section does not affect the liability of any person for an offence in respect of a previous failure to comply with the notice (see section 41).

### **39 Appeal against enforcement notice**

- (1) A person on whom a copy of an enforcement notice is served, or any other person with an interest in the monument or land to which the notice relates, may appeal to a magistrates' court against the notice.
- (2) An appeal may be made on one or more of the following grounds—
  - (a) that the matters alleged to constitute a breach of section 11 or of a condition of scheduled monument consent have not occurred;
  - (b) that those matters (if they occurred) do not constitute such a breach;
  - (c) that the following conditions are met—
    - (i) works to the monument or land were urgently necessary in the interests of safety or health,
    - (ii) the works carried out were limited to the minimum measures immediately necessary, and
    - (iii) written notice justifying in detail the need for the works was given to the Welsh Ministers as soon as reasonably practicable;
  - (d) that a copy of the enforcement notice was not served on a person as required by section 36;
  - (e) that the period within which the notice requires any works to be stopped or any steps to be taken is unreasonably short.
- (3) An appeal must be made before the date specified in the notice as the date on which it is to take effect.
- (4) Where an appeal is made, the notice has no effect until the appeal is finally determined or withdrawn.
- (5) On an appeal under this section, a magistrates' court may uphold the notice or quash it.
- (6) The court may uphold a notice even if a copy of it was not served on a person who was required by section 36 to be served, if the court is satisfied that the person has not been substantially prejudiced by the failure.

### **40 Powers to enter land and take steps required by enforcement notice**

- (1) If the period within which an enforcement notice requires any step to be taken has ended and the step has not been taken, a person authorised in writing by the Welsh Ministers may—

- (a) mynd ar y tir y mae'r heneb ynddo, arno neu odano a chymryd y cam, a
  - (b) adennill oddi wrth berson sydd ar y pryd yn berchennog neu'n lesddeiliad ar yr heneb neu'r tir y costau yr aed iddynt wrth wneud hynny.
- (2) Mae'r atebolrwydd o dan is-adran (1) sydd gan berson sy'n berchennog heneb neu dir dim ond yn rhinwedd bod ganddo hawlogaeth i gael y crogent fel ymddiriedolwr ar gyfer person arall wedi ei gyfyngu i gyfanswm yr arian sydd gan y person, neu y mae'r person wedi ei gael, yn rhinwedd yr hawlogaeth honno.
- (3) Pan fo llys ynadon, ar gais drwy gŵyn a wneir gan berchennog ar heneb gofrestrdig neu dir, wedi ei fodloni bod meddiannydd ar yr heneb neu'r tir yn atal y perchennog rhag cymryd camau sy'n ofynnol gan hysbysiad gorfodi, caiff y llys drwy warant awdurdodi'r perchennog i fynd ar y tir a chymryd y camau.

#### 41 Y drosedd o fethu â chydymffurfio â hysbysiad gorfodi

- (1) Pan, ar unrhyw adeg ar ôl diwedd y cyfnod y mae hysbysiad gorfodi yn ei gwneud yn ofynnol i unrhyw waith gael ei stopio neu i unrhyw gam gael ei gymryd ynddo, fo'r gwaith yn cael ei gyflawni neu na fo'r cam wedi ei gymryd, mae person sydd ar y pryd yn berchennog ar yr heneb gofrestrdig neu'r tir y mae'r hysbysiad yn ymwneud â hi neu ag ef yn euog o drosedd.
- (2) Caniateir i berson gael ei gyhuddo o drosedd o dan yr adran hon drwy gyfeirio at ddiwrnod neu at gyfnod hwy, a chaniateir i berson gael ei euogfarnu o fwy nag un drosedd mewn perthynas â'r un hysbysiad gorfodi drwy gyfeirio at gyfnodau gwahanol.
- (3) Mewn achos yn erbyn person am drosedd o dan yr adran hon, mae'n amddiffyniad i'r person brofi—
- (a) iddo wneud popeth y gellid bod wedi disgwyl iddo ei wneud i sicrhau i'r gwaith a bennwyd yn yr hysbysiad gael ei stopio neu i'r camau a oedd yn ofynnol gan yr hysbysiad gael eu cymryd, neu
  - (b) nad oedd yn gwybod, ac na ellid bod wedi disgwyl yn rhesymol iddo wybod, am fodolaeth yr hysbysiad gorfodi.
- (4) Mae person sy'n euog o drosedd o dan yr adran hon yn agored ar euogfarn ddiannod, neu ar euogfarn ar ddiad, i ddirwy.
- (5) Wrth benderfynu swm y ddirwy, rhaid i'r llys roi sylw yn benodol i unrhyw fudd ariannol sydd wedi cronni, neu yr ymddengys ei fod yn debygol o Gronni, i'r person o ganlyniad i'r drosedd.

#### *Gwaharddebau*

#### 42 Gwaharddeb i atal gwaith anawdurdodedig neu fethiant i gydymffurfio ag amod mewn cydsyniad

- (1) Caiff Gweinidogion Cymru wneud cais i'r Uchel Lys neu'r llys sirol am waharddeb sy'n atal—
- (a) toriad gwirioneddol neu doriad disgwylidig o adran 11 (gofyniad i waith gael ei awdurdodi) mewn perthynas â heneb gofrestrdig neu dir y mae heneb gofrestrdig ynddo, arno neu odano, neu



- (a) enter the land in, on or under which the monument is situated and take the step, and
  - (b) recover from a person who is then an owner or lessee of the monument or land the costs incurred in doing so.
- (2) The liability under subsection (1) of a person who is the owner of a monument or land merely by virtue of being entitled to receive the rack rent as trustee for another person is limited to the total amount of money the person has or has had by virtue of that entitlement.
- (3) Where, on an application by way of complaint made by an owner of a scheduled monument or land, a magistrates' court is satisfied that an occupier of the monument or land is preventing the owner from taking steps required by an enforcement notice, the court may by warrant authorise the owner to enter the land and take the steps.

#### **41 Offence of failing to comply with enforcement notice**

- (1) Where, at any time after the end of the period within which an enforcement notice requires any works to be stopped or any step to be taken, the works are being carried out or the step has not been taken, a person who is at that time an owner of the scheduled monument or land to which the notice relates is guilty of an offence.
- (2) A person may be charged with an offence under this section by reference to a day or a longer period, and a person may be convicted of more than one offence in relation to the same enforcement notice by reference to different periods.
- (3) In proceedings against a person for an offence under this section, it is a defence for the person to prove –
  - (a) that the person did everything the person could be expected to do to secure that the works specified in the notice were stopped or the steps required by the notice were taken, or
  - (b) that the person did not know, and could not reasonably have been expected to know, of the existence of the enforcement notice.
- (4) A person guilty of an offence under this section is liable on summary conviction, or on conviction for indictment, to a fine.
- (5) In determining the amount of the fine, the court must in particular have regard to any financial benefit which has accrued or appears likely to accrue to the person in consequence of the offence.

#### *Injunctions*

#### **42 Injunction to restrain unauthorised works or failure to comply with condition of consent**

- (1) The Welsh Ministers may apply to the High Court or the county court for an injunction restraining –
  - (a) an actual or expected breach of section 11 (requirement for works to be authorised) in relation to a scheduled monument or land in, on or under which there is a scheduled monument, or

- (b) methiant gwirioneddol neu fethiant disgwyliedig i gydymffurfio ag amod mewn cydsyniad heneb gofrestredig ar gyfer gwaith i heneb gofrestredig.
- (2) Caiff Gweinidogion Cymru wneud cais pa un a ydynt wedi arfer, neu'n cynnig arfer, unrhyw un neu ragor o'u pwerau eraill o dan y Rhan hon ai peidio.
- (3) Caiff y llys roi gwaharddeb ar unrhyw delerau y mae'n ystyried eu bod yn briodol at ddiben atal y toriad.

## PENNOD 6

### CAFFAEL, GWARCHEIDIAETH A MYNEDIAD Y CYHOEDD

#### *Caffael henebion o ddiddordeb hanesyddol arbennig*

#### 43 **Caffael yn orfodol henebion o ddiddordeb hanesyddol arbennig**

- (1) Caiff Gweinidogion Cymru gaffael yn orfodol unrhyw heneb o ddiddordeb hanesyddol arbennig at ddiben sicrhau ei diogelu.
- (2) Mae Deddf Caffael Tir 1981 (p. 67) yn gymwys i gaffaeliad o dan yr adran hon.
- (3) Mae is-adran (4) yn gymwys at ddiben asesu digollediad am unrhyw gaffaeliad o dan yr adran hon o heneb sy'n heneb gofrestredig yn union cyn y diwrnod y gwneir y gorchymyn prynu gorfodol.
- (4) Pan fo'r is-adran hon yn gymwys, mae i'w thybio na fyddai cydsyniad heneb gofrestredig yn cael ei roi ar gyfer unrhyw waith a fyddai'n arwain neu a allai arwain at ddymchwel, dinistrio neu symud ymaith yr heneb neu unrhyw ran ohoni.

#### 44 **Caffael drwy gytundeb neu rodd henebion o ddiddordeb hanesyddol arbennig**

- (1) Caiff Gweinidogion Cymru gaffael drwy gytundeb unrhyw heneb o ddiddordeb hanesyddol arbennig.
- (2) Caiff awdurdod lleol gaffael drwy gytundeb unrhyw heneb o ddiddordeb hanesyddol arbennig yn ei ardal neu yng nghyffiniau ei ardal.
- (3) Caiff Gweinidogion Cymru neu unrhyw awdurdod lleol dderbyn rhodd (pa un ai drwy weithred neu ewyllys) o unrhyw heneb o ddiddordeb hanesyddol arbennig.
- (4) Mae Rhan 1 o Ddeddf Prynu Gorfodol 1965 (p. 56) yn gymwys (i'r graddau y mae'n berthnasol) i gaffaeliad o dan yr adran hon, ac eithrio adrannau 4 i 8, adran 10 ac adran 31 o'r Ddeddf honno.

#### *Gwarcheidiaeth henebion o ddiddordeb hanesyddol arbennig*

#### 45 **Pŵer i osod heneb o ddiddordeb hanesyddol arbennig o dan warcheidiaeth**

- (1) Caiff person sydd â buddiant cymhwysol mewn heneb o ddiddordeb hanesyddol arbennig, gyda chytundeb Gweinidogion Cymru, eu penodi drwy weithred yn warcheidwaid yr heneb.
- (2) Caiff person sydd â buddiant cymhwysol mewn heneb o ddiddordeb hanesyddol arbennig, gyda chytundeb unrhyw awdurdod lleol y mae'r heneb yn ei ardal neu yng nghyffiniau ei ardal, benodi'r awdurdod drwy weithred yn warcheidwad yr heneb.
- (3) Ni chaiff person nad yw'n feddiannydd heneb sefydlu gwarcheidiaeth yr heneb o dan yr adran hon oni bai bod y meddiannydd hefyd yn barti i'r weithred.

- (b) an actual or expected failure to comply with a condition of scheduled monument consent for works to a scheduled monument.
- (2) The Welsh Ministers may make an application whether or not they have exercised or are proposing to exercise any of their other powers under this Part.
- (3) The court may grant an injunction on any terms it considers appropriate for the purpose of restraining the breach.

## CHAPTER 6

### ACQUISITION, GUARDIANSHIP AND PUBLIC ACCESS

#### *Acquisition of monuments of special historic interest*

#### **43 Compulsory acquisition of monuments of special historic interest**

- (1) The Welsh Ministers may acquire compulsorily any monument of special historic interest for the purpose of securing its preservation.
- (2) The Acquisition of Land Act 1981 (c. 67) applies to an acquisition under this section.
- (3) Subsection (4) applies for the purpose of assessing compensation for any acquisition under this section of a monument which is a scheduled monument immediately before the day the compulsory purchase order is made.
- (4) Where this subsection applies, it is to be assumed that scheduled monument consent would not be granted for any works which would or might result in the demolition, destruction or removal of the monument or any part of it.

#### **44 Acquisition by agreement or gift of monuments of special historic interest**

- (1) The Welsh Ministers may acquire by agreement any monument of special historic interest.
- (2) A local authority may acquire by agreement any monument of special historic interest in or in the vicinity of its area.
- (3) The Welsh Ministers or any local authority may accept a gift (whether by deed or will) of any monument of special historic interest.
- (4) Part 1 of the Compulsory Purchase Act 1965 (c. 56) applies (so far as relevant) to an acquisition under this section, other than sections 4 to 8, section 10 and section 31 of that Act.

#### *Guardianship of monuments of special historic interest*

#### **45 Power to place monument of special historic interest under guardianship**

- (1) A person with a qualifying interest in a monument of special historic interest may, with the agreement of the Welsh Ministers, appoint them by deed as guardians of the monument.
- (2) A person with a qualifying interest in a monument of special historic interest may, with the agreement of any local authority in or in the vicinity of whose area the monument is situated, appoint the authority by deed as guardian of the monument.
- (3) A person who is not the occupier of a monument may not establish guardianship of the monument under this section unless the occupier is also a party to the deed.

- (4) Caiff unrhyw berson arall a chanddo fuddiant yn yr heneb fod yn barti i'r weithred yn ogystal â'r person sy'n sefydlu gwarcheidiaeth yr heneb a (phan nad y person hwnnw yw'r meddiannydd) y meddiannydd.
- (5) Mae'r buddiannau a ganlyn mewn heneb yn fuddiannau cymhwysol at ddibenion yr adran hon—
  - (a) ystad rydd-ddaliadol;
  - (b) ystad lesddaliadol, neu fuddiant mewn meddiant—
    - (i) sydd ag o leiaf 45 o flynyddoedd yn weddill, neu
    - (ii) y gellir ei hadnewyddu neu ei adnewyddu am o leiaf 45 o flynyddoedd;
  - (c) buddiant mewn meddiant am oes y person ei hun neu oes person arall, neu am oesau (pa un a ydynt yn cynnwys oes y person ei hun ai peidio), o dan unrhyw ymddiriedolaeth tir bresennol neu yn y dyfodol pan fo'r ystad neu'r buddiant sy'n ddarostyngedig i'r ymddiriedolaeth yn dod o fewn paragraff (a) neu (b).
- (6) Yn is-adran (5)(c) mae i "ymddiriedolaeth tir" yr un ystyr ag a roddir i "trust of land" yn Neddf Ymddiriedolaethau Tir a Phenodi Ymddiriedolwyr 1996 (p. 47).
- (7) Yn y Bennod hon ystyr "gweithred warcheidiaeth" yw gweithred a gyflawnir o dan is-adran (1) neu (2).

#### **46 Darpariaeth atodol ynghylch gweithredoedd gwarcheidiaeth**

- (1) Mae gweithred warcheidiaeth yn bridiant tir lleol.
- (2) Mae pob person y mae ei deitl i heneb o ddiddordeb hanesyddol arbennig yn deillio o, drwy neu o dan unrhyw berson sydd wedi cyflawni gweithred warcheidiaeth wedi ei rwymo gan y weithred oni bai mai yn rhinwedd unrhyw warediad a wnaed gan y person a gyflawnodd y weithred, cyn dyddiad y weithred honno, y mae teitl y person yn deillio.
- (3) Ni chaiff Gweinidogion Cymru nac awdurdod lleol ddod yn warcheidwaid adeilad neu strwythur a feddiennir fel annedd gan unrhyw berson ac eithrio gofalwr yr adeilad neu'r strwythur neu aelod o deulu'r gofalwr.
- (4) Mae gan unrhyw berson a chanddo unrhyw ystad neu unrhyw fuddiant mewn heneb sydd o dan warcheidiaeth yr un hawl a'r un teitl i'r heneb, a'r un ystad neu'r un buddiant ynddi, ym mhob cyswllt fel pe na bai'r heneb o dan warcheidiaeth; ond mae hyn yn ddarostyngedig i unrhyw ddarpariaeth i'r gwrthwyneb yn y Rhan hon.

#### **47 Swyddogaethau cyffredinol gwarcheidwaid**

- (1) Rhaid i warcheidwad heneb ei chynnal a'i chadw, a chaiff wneud unrhyw beth y mae'r gwarcheidwad yn ystyried ei fod yn angenrheidiol ar gyfer ei chynnal a'i chadw.
- (2) Gwarcheidwad yr heneb sy'n ei rheolaethu ac yn ei rheoli'n llawn, a chaiff wneud unrhyw beth y mae'r gwarcheidwad yn ystyried ei fod yn angenrheidiol ar gyfer ei rheolaethu a'i rheoli'n briodol.
- (3) Mae'r pwerau yn is-adrannau (1) a (2) yn cynnwys pŵer i—
  - (a) gwneud unrhyw archwiliad o'r heneb;
  - (b) agor yr heneb neu wneud cloddiadau ohoni at ddiben archwilio neu fel arall;
  - (c) symud y cyfan neu unrhyw ran o'r heneb ymaith i fan arall at ddibenion ei diogelu.

- (4) Any other person who has an interest in the monument may be a party to the deed in addition to the person establishing the guardianship of the monument and (where the latter is not the occupier) the occupier.
- (5) The following interests in a monument are qualifying interests for the purposes of this section—
  - (a) a freehold estate;
  - (b) a leasehold estate, or interest in possession, which—
    - (i) has at least 45 years left to run, or
    - (ii) is renewable for at least 45 years;
  - (c) an interest in possession for the person’s own life or the life of another person, or for lives (whether or not including the person’s own life), under any existing or future trust of land where the estate or interest subject to the trust falls within paragraph (a) or (b).
- (6) In subsection (5)(c) “trust of land” has the same meaning as in the Trusts of Land and Appointment of Trustees Act 1996 (c. 47).
- (7) In this Chapter “guardianship deed” means a deed executed under subsection (1) or (2).

#### **46 Supplementary provision about guardianship deeds**

- (1) A guardianship deed is a local land charge.
- (2) Every person deriving title to a monument of special historic interest from, through or under any person who has executed a guardianship deed is bound by the deed unless the person derives title by virtue of any disposal made by the person who executed the deed before the date of the deed.
- (3) The Welsh Ministers or a local authority may not become guardians of a building or structure occupied as a dwelling by any person other than the caretaker of the building or structure or a member of the caretaker’s family.
- (4) Any person who has any estate or interest in a monument under guardianship has the same right and title to, and estate or interest in, the monument in all respects as if the monument were not under guardianship; but this is subject to any provision to the contrary in this Part.

#### **47 General functions of guardians**

- (1) The guardian of a monument must maintain it, and may do anything the guardian considers necessary for its maintenance.
- (2) The guardian of a monument has full control and management of it, and may do anything the guardian considers necessary for its proper control and management.
- (3) The powers in subsections (1) and (2) include power to—
  - (a) make any examination of the monument;
  - (b) open up the monument or make excavations of it for the purpose of examination or otherwise;
  - (c) remove the whole or any part of the monument to another place for the purposes of preserving it.

- (4) Mae'r pŵer yn is-adran (2) yn cynnwys pŵer i'w gwneud yn ofynnol talu tâl mewn cysylltiad ag unrhyw ddefnydd o'r heneb.
- (5) Caiff gwarcheidwad heneb fynd i safle'r heneb at ddiben arfer unrhyw un neu ragor o bwerau'r gwarcheidwad o dan yr adran hon mewn perthynas â hi (a chaiff awdurdodi unrhyw berson arall i fynd i'r safle ac arfer y pwerau hynny ar ei ran).
- (6) Mae is-adrannau (2) i (4) yn ddarostyngedig i unrhyw ddarpariaeth i'r gwrthwyneb yn y weithred warcheidiaeth.

#### 48 Terfynu gwarcheidiaeth

- (1) Caiff gwarcheidwad heneb gytuno â'r personau y mae gweithrediad y weithred warcheidiaeth, am y tro, yn cael effaith uniongyrchol arnynt—
  - (a) i eithrio unrhyw ran o'r heneb o'r warcheidiaeth, neu
  - (b) i ildio gwarcheidiaeth yr heneb.
- (2) Yn absenoldeb cytundeb o'r fath, mae heneb yn parhau i fod o dan warcheidiaeth (oni bai ei bod yn cael ei chaffael gan ei gwarcheidwad) hyd nes bod meddiannydd ar yr heneb sydd â hawlogaeth i derfynu'r warcheidiaeth yn rhoi hysbysiad ysgrifenedig i'r perwyl hwnnw i warcheidwad yr heneb.
- (3) Mae gan feddiannydd ar heneb hawlogaeth i derfynu gwarcheidiaeth yr heneb—
  - (a) os oes gan y meddiannydd fuddiant cymhwysol (o fewn ystyr adran 45(5)) yn yr heneb, a
  - (b) os nad yw'r meddiannydd wedi ei rwymo gan y weithred warcheidiaeth.
- (4) Rhaid i awdurdod lleol ymgynghori â Gweinidogion Cymru cyn gwneud cytundeb o dan is-adran (1).
- (5) Ni chaiff gwarcheidwad heneb wneud cytundeb o dan is-adran (1) oni bai bod y gwarcheidwad wedi ei fodloni, mewn cysylltiad â'r rhan o'r heneb neu'r heneb gyfan (yn ôl y digwydd)—
  - (a) bod trefniadau boddhaol wedi eu gwneud i sicrhau y caiff ei diogelu ar ôl terfynu'r warcheidiaeth, neu
  - (b) nad yw'n ymarferol ei diogelu mwyach (pa un ai oherwydd y gost o'i diogelu neu fel arall).
- (6) Rhaid i gytundeb o dan is-adran (1) gael ei wneud o dan sêl.
- (7) At ddibenion is-adran (1) mae gweithrediad gweithred warcheidiaeth sy'n ymwneud â heneb yn cael effaith uniongyrchol ar berson os yw'r person wedi ei rwymo gan y weithred honno a bod yr heneb yn ei feddiant neu yn ei feddiannaeth.

*Caffael a gwarcheidiaeth tir yng nghyffiniau heneb o ddiddordeb hanesyddol arbennig etc.*

#### 49 Caffael a gwarcheidiaeth tir yng nghyffiniau heneb

- (1) Mae cyfeiriadau yn adrannau 43 i 46 at heneb o ddiddordeb hanesyddol arbennig yn cynnwys unrhyw dir sy'n cydffinio â'r heneb neu sydd yn ei chyffiniau y mae Gweinidogion Cymru yn ystyried, neu (yn ôl y digwydd) y mae awdurdod lleol yn ystyried, bod ei angen yn rhesymol at unrhyw un neu ragor o'r dibenion a grybwyllir yn is-adran (2).

- (4) The power in subsection (2) includes power to require the payment of a charge in connection with any use of the monument.
- (5) The guardian of a monument may enter the site of the monument for the purpose of exercising any of the guardian's powers under this section in relation to it (and may authorise any other person to enter the site and exercise those powers on the guardian's behalf).
- (6) Subsections (2) to (4) are subject to any provision to the contrary in the guardianship deed.

#### **48 Termination of guardianship**

- (1) The guardian of a monument may agree with the persons who are for the time being immediately affected by the operation of the guardianship deed—
  - (a) to exclude any part of the monument from the guardianship, or
  - (b) to renounce guardianship of the monument.
- (2) In the absence of such an agreement, a monument remains under guardianship (unless it is acquired by its guardian) until an occupier of the monument who is entitled to terminate the guardianship gives notice in writing to that effect to the guardian of the monument.
- (3) An occupier of a monument is entitled to terminate the guardianship of the monument if the occupier—
  - (a) has a qualifying interest (within the meaning of section 45(5)) in the monument, and
  - (b) is not bound by the guardianship deed.
- (4) A local authority must consult the Welsh Ministers before making an agreement under subsection (1).
- (5) The guardian of a monument may not make an agreement under subsection (1) unless the guardian is satisfied, with respect to the part or whole of the monument (as the case may be)—
  - (a) that satisfactory arrangements have been made for ensuring its preservation after termination of the guardianship, or
  - (b) that it is no longer practicable to preserve it (whether because of the cost of preserving it or otherwise).
- (6) An agreement under subsection (1) must be made under seal.
- (7) For the purposes of subsection (1) a person is immediately affected by the operation of a guardianship deed relating to a monument if the person is bound by that deed and is in possession or occupation of the monument.

*Acquisition and guardianship of land in the vicinity of a monument of special historic interest etc.*

#### **49 Acquisition and guardianship of land in the vicinity of a monument**

- (1) References in sections 43 to 46 to a monument of special historic interest include any land adjoining or in the vicinity of the monument which the Welsh Ministers consider, or (as the case may be) a local authority considers, to be reasonably required for any of the purposes mentioned in subsection (2).

- (2) Y dibenion yw –
- (a) cynnal a chadw'r heneb neu ei hamwynderau;
  - (b) storio offer neu ddeunyddiau ar gyfer cynnal a chadw'r heneb neu ei hamwynderau;
  - (c) darparu neu hwyluso mynediad i'r heneb;
  - (d) rheolaethu neu reoli'r heneb yn briodol;
  - (e) darparu cyfleusterau a gwasanaethau i'r cyhoedd ar gyfer darparu mynediad y cyhoedd i'r heneb neu mewn cysylltiad â darparu mynediad o'r fath.
- (3) Mae'r pŵer i gaffael yn orfodol yn adran 43(1), fel y mae'n gymwys yn rhinwedd is-adran (1) o'r adran hon, i'w ddarllen fel pe bai'r geiriau "at unrhyw un neu ragor o'r dibenion a grybwyllir yn adran 49(2)" wedi eu rhoi yn lle "at ddiben sicrhau ei diogelu".
- (4) Caniateir i dir gael ei gaffael neu ei gymryd i warcheidiaeth yn rhinwedd yr adran hon naill ai ar yr un pryd â'r heneb neu'n ddiweddarach.
- (5) Mae person sy'n warcheidwad unrhyw dir yn rhinwedd yr adran hon yn ei reolaethu ac yn ei reoli'n llawn, a chaiff wneud unrhyw beth y mae'r gwarcheidwad yn ystyried ei fod yn angenrheidiol –
- (a) ar gyfer ei reolaethu a'i reoli'n briodol (gan gynnwys ei gwneud yn ofynnol talu tâl mewn cysylltiad ag unrhyw ddefnydd o'r tir), a
  - (b) ar gyfer defnyddio'r tir at unrhyw un neu ragor o'r dibenion a grybwyllir yn is-adran (2) sy'n ymwneud â'r heneb.
- (6) Caiff person sy'n warcheidwad unrhyw dir yn rhinwedd yr adran hon fynd ar y tir at ddiben arfer pwerau'r gwarcheidwad o dan is-adran (5) (a chaiff awdurdodi unrhyw berson arall i fynd i'r safle ac i arfer y pwerau hynny, ar ei ran).
- (7) Mae adrannau 48(1) i (4) a (7) yn gymwys mewn perthynas ag unrhyw dir a gymerir i warcheidiaeth yn rhinwedd yr adran hon fel y maent yn gymwys mewn perthynas â heneb.
- (8) Ar wahân i unrhyw derfyniad o warcheidiaeth yn rhinwedd adran 48, mae gwarcheidiaeth unrhyw dir o'r fath hefyd yn dod i ben os yw'r heneb o dan sylw –
- (a) yn peidio â bod o dan warcheidiaeth ac eithrio yn rhinwedd cael ei chaffael gan ei gwarcheidwaid, neu
  - (b) yn peidio â bodoli.
- (9) Pan fo Gweinidogion Cymru neu awdurdod lleol yn berchen ar heneb neu pan fo heneb o dan eu gwarcheidiaeth neu ei warcheidiaeth yn rhinwedd y Bennod hon, mae cyfeiriadau yn y Bennod hon at dir sy'n gysylltiedig â'r heneb honno (neu at dir cysylltiedig) yn gyfeiriadau at –
- (a) unrhyw dir a gaffaelir neu a gymerir i warcheidiaeth yn rhinwedd yr adran hon at ddiben a grybwyllir yn is-adran (2), neu
  - (b) unrhyw dir a neilltuir at unrhyw ddiben o'r fath o dan bŵer a roddir gan unrhyw ddeddfiad arall.



- (2) The purposes are –
  - (a) the maintenance of the monument or its amenities;
  - (b) the storage of equipment or materials for the maintenance of the monument or its amenities;
  - (c) providing or facilitating access to the monument;
  - (d) the proper control or management of the monument;
  - (e) the provision of facilities and services for the public for or in connection with providing public access to the monument.
- (3) The power of compulsory acquisition in section 43(1), as it applies by virtue of subsection (1) of this section, is to be read as if for “the purpose of securing its preservation” there were substituted “any of the purposes mentioned in section 49(2)”.
- (4) Land may be acquired or taken into guardianship by virtue of this section either at the same time as the monument or later.
- (5) A person who is the guardian of any land by virtue of this section has full control and management of the land, and may do anything the guardian considers necessary –
  - (a) for its proper control and management (including requiring the payment of a charge in connection with any use of the land), and
  - (b) for the use of the land for any of the purposes relating to the monument mentioned in subsection (2).
- (6) A person who is the guardian of any land by virtue of this section may enter the land for the purpose of exercising the guardian’s powers under subsection (5) (and may authorise any other person to enter the site and to exercise those powers on the guardian’s behalf).
- (7) Section 48(1) to (4) and (7) apply in relation to any land taken into guardianship by virtue of this section as they apply in relation to a monument.
- (8) Apart from any termination of guardianship by virtue of section 48, guardianship of any such land also ends if the monument in question –
  - (a) ceases to be under guardianship otherwise than by virtue of being acquired by its guardians, or
  - (b) ceases to exist.
- (9) Where a monument is owned by, or under the guardianship of, the Welsh Ministers or a local authority by virtue of this Chapter, references in this Chapter to land associated with that monument (or to associated land) are references to –
  - (a) any land acquired or taken into guardianship by virtue of this section for a purpose mentioned in subsection (2), or
  - (b) any land appropriated for any such purpose under a power conferred by any other enactment.

**50 Caffael hawddfreintiau a hawliau tebyg eraill dros dir yng nghyffiniau heneb**

- (1) Caiff Gweinidogion Cymru gaffael hawddfaint dros dir sy'n cydffinio ag unrhyw heneb sydd o dan eu perchnogaeth yn rhinwedd y Bennod hon neu sydd yn ei chyffiniau, os ydynt yn ystyried bod angen yr hawddfaint—
  - (a) at unrhyw un neu ragor o'r dibenion a grybwyllir yn adran 49(2) sy'n ymwneud â'r heneb honno, neu
  - (b) ar gyfer defnyddio unrhyw dir sy'n gysylltiedig â'r heneb honno at unrhyw un neu ragor o'r dibenion hynny.
- (2) Caniateir i gaffaeliad o dan is-adran (1) gael ei wneud drwy gytundeb neu'n orfodol.
- (3) Caiff awdurdod lleol gaffael hawddfaint dros dir sy'n cydffinio ag unrhyw heneb sydd o dan ei berchnogaeth yn rhinwedd y Bennod hon neu sydd yn ei chyffiniau, os yw'n ymddangos iddo fod angen yr hawddfaint—
  - (a) at unrhyw un neu ragor o'r dibenion a grybwyllir yn adran 49(2) sy'n ymwneud â'r heneb honno, neu
  - (b) ar gyfer defnyddio unrhyw dir sy'n gysylltiedig â'r heneb honno at unrhyw un neu ragor o'r dibenion hynny.
- (4) Ni chaniateir i gaffaeliad o dan is-adran (3) gael ei wneud ond drwy gytundeb.
- (5) Caiff gwarcheidwad heneb neu unrhyw dir gaffael, er budd yr heneb neu'r tir, hawl berthnasol dros dir sy'n cydffinio â'r heneb neu'r tir neu sydd yn ei chyffiniau neu ei gyffiniau, os yw'r gwarcheidwad yn ystyried bod angen yr hawl—
  - (a) at unrhyw un neu ragor o'r dibenion a grybwyllir yn adran 49(2) sy'n ymwneud â'r heneb honno neu'r tir hwnnw, neu
  - (b) ar gyfer defnyddio unrhyw dir sy'n gysylltiedig â'r heneb honno neu'r tir hwnnw at unrhyw un neu ragor o'r dibenion hynny.
- (6) At ddibenion is-adran (5) ystyr "hawl berthnasol" yw hawl (o unrhyw ddisgrifiad) a fyddai'n hawddfaint pe bai'n cael ei chaffael gan berchennog ar yr heneb neu'r tir o dan sylw.
- (7) O ran caffael hawl o dan is-adran (5)—
  - (a) yn achos Gweinidogion Cymru, caniateir ei wneud drwy gytundeb neu'n orfodol;
  - (b) yn achos awdurdod lleol, ni chaniateir ei wneud ond drwy gytundeb.
- (8) O ran hawl a gaffaelir o dan is-adran (5)—
  - (a) mae i'w thrin at ddibenion ei chaffael o dan yr adran hon ac ym mhob cyswllt arall fel pe bai'n hawddfaint gyfreithiol, a
  - (b) caniateir iddi gael ei gorfodi gan y gwarcheidwaid am y tro ar yr heneb neu'r tir y'i caffaelwyd er ei budd neu ei fudd fel pe baent yn berchennog mewn meddiant ar rydd-daliad yr heneb honno neu'r tir hwnnw.
- (9) Os yw'r amod yn is-adran (10) wedi ei fodloni mewn perthynas â heneb, caniateir i hawl a gaffaelir o dan is-adran (5) drwy gytundeb —
  - (a) cael ei dirymu gan y grantwr, yn ddarostyngedig i unrhyw ddarpariaeth i'r gwrthwyneb yn y cytundeb y'i caffaelwyd odano, a

**50 Acquisition of easements and other similar rights over land in the vicinity of a monument**

- (1) The Welsh Ministers may acquire an easement over land adjoining or in the vicinity of any monument which is under their ownership by virtue of this Chapter, if they consider the easement to be necessary –
  - (a) for any of the purposes mentioned in section 49(2) relating to that monument, or
  - (b) for the use of any land associated with that monument for any of those purposes.
- (2) An acquisition under subsection (1) may be made by agreement or compulsorily.
- (3) A local authority may acquire an easement over land adjoining or in the vicinity of any monument which is under its ownership by virtue of this Chapter, if the easement appears to it to be necessary –
  - (a) for any of the purposes mentioned in section 49(2) relating to that monument, or
  - (b) for the use of any land associated with that monument for any of those purposes.
- (4) An acquisition under subsection (3) may only be made by agreement.
- (5) The guardian of a monument or of any land may acquire, for the benefit of the monument or land, a relevant right over land adjoining or in the vicinity of the monument or land, if the guardian considers the right to be necessary –
  - (a) for any of the purposes mentioned in section 49(2) relating to that monument or land, or
  - (b) for the use of any land associated with that monument or land for any of those purposes.
- (6) For the purposes of subsection (5) “relevant right” means a right (of any description) which would, if acquired by an owner of the monument or land in question, be an easement.
- (7) The acquisition of a right under subsection (5) –
  - (a) in the case of the Welsh Ministers, may be made by agreement or compulsorily;
  - (b) in the case of a local authority, may be made only by agreement.
- (8) A right acquired under subsection (5) –
  - (a) is to be treated for the purposes of its acquisition under this section and in all other respects as if it were a legal easement, and
  - (b) may be enforced by the guardians for the time being of the monument or land for whose benefit it was acquired as if they were the freehold owner in possession of that monument or land.
- (9) If the condition in subsection (10) is met in relation to a monument, a right which under subsection (5) is acquired by agreement –
  - (a) may be revoked by the grantor, subject to any provision to the contrary in the agreement under which it was acquired, and

- (b) cael ei dirymu gan unrhyw olynnydd yn nheithl y grantwr mewn cysylltiad ag unrhyw ran o'r tir y mae'n arferadwy drosto ac y mae gan yr olynnydd fuddiant ynddo.
- (10) Yr amod a grybwyllir yn is-adran (9) yw bod yr heneb –
  - (a) yn peidio â bod o dan warcheidiaeth ac eithrio yn rhinwedd cael ei chaffael gan ei gwarcheidwaid, neu
  - (b) yn peidio â bodoli.
- (11) Mae hawl a gaffaelir o dan is-adran (5) yn bridiant tir lleol.
- (12) Mae'r pwerau caffael yn yr adran hon yn cynnwys pŵer i gaffael hawddfaint neu hawl drwy roi hawl newydd.
- (13) Mae Deddf Caffael Tir 1981 (p. 67) yn gymwys i unrhyw gaffaeliad gorfodol o dan yr adran hon.
- (14) Mae Rhan 1 o Ddeddf Prynu Gorfodol 1965 (p. 56) yn gymwys (i'r graddau y mae'n berthnasol) i gaffaeliad drwy gytundeb o dan yr adran hon, ac eithrio adrannau 4 i 8, adran 10 ac adran 31 o'r Ddeddf honno.

*Cytundebau â meddianwyr henebion neu dir sy'n cydffinio etc.*

## **51 Cytundebau ynghylch rheoli henebion o ddiddordeb hanesyddol arbennig a thir yn eu cyffiniau**

- (1) Caiff Gweinidogion Cymru wneud cytundeb o dan yr adran hon –
  - (a) ag unrhyw feddiannydd ar heneb o ddiddordeb hanesyddol arbennig, neu
  - (b) ag unrhyw feddiannydd ar dir sy'n cydffinio â heneb o'r fath neu sydd yn ei chyffiniau.
- (2) Caiff awdurdod lleol wneud cytundeb o dan yr adran hon –
  - (a) ag unrhyw feddiannydd ar heneb o ddiddordeb hanesyddol arbennig yn ei ardal neu yng nghyffiniau ei ardal, neu
  - (b) ag unrhyw feddiannydd ar dir sy'n cydffinio â heneb o'r fath neu sydd yn ei chyffiniau.
- (3) Cyfeirir at gytundeb o dan yr adran hon yn y Rhan hon fel "cytundeb rheoli".
- (4) Caiff unrhyw berson a chanddo fuddiant mewn heneb o ddiddordeb hanesyddol arbennig neu mewn unrhyw dir sy'n cydffinio â heneb o'r fath neu sydd yn ei chyffiniau fod yn barti i gytundeb rheoli (yn ogystal â'r meddiannydd).
- (5) Caiff cytundeb rheoli –
  - (a) gwneud darpariaeth ynghylch cynnal a chadw a diogelu'r heneb a'i hamwynderau (gan gynnwys, pan fo cytundeb wedi ei wneud gan Weinidogion Cymru, ddarpariaeth sy'n rhoi cydsyniad heneb gofrestrdig o dan adran 13(1) ar gyfer gwaith cynnal a chadw neu ddiogelu penodedig);
  - (b) gwneud darpariaeth ynghylch cyflawni gwaith penodedig, neu wneud unrhyw beth penodedig, mewn perthynas â'r heneb neu'r tir;
  - (c) darparu ar gyfer mynediad y cyhoedd i'r heneb neu'r tir a darparu cyfleusterau cysylltiedig, gwybodaeth gysylltiedig neu wasanaethau cysylltiedig i'r cyhoedd;

- (b) may be revoked by any successor in title of the grantor as respects any of the land over which it is exercisable in which the the successor has an interest.
- (10) The condition mentioned in subsection (9) is that the monument –
  - (a) ceases to be under guardianship otherwise than by virtue of being acquired by its guardians, or
  - (b) ceases to exist.
- (11) A right acquired under subsection (5) is a local land charge.
- (12) The powers of acquisition in this section include power to acquire an easement or right by the grant of a new right.
- (13) The Acquisition of Land Act 1981 (c. 67) applies to any compulsory acquisition under this section.
- (14) Part 1 of the Compulsory Purchase Act 1965 (c. 56) applies (so far as relevant) to an acquisition by agreement under this section, other than sections 4 to 8, section 10 and section 31 of that Act.

*Agreements with occupiers of monuments or adjoining etc. land*

**51 Agreements concerning management of monuments of special historic interest and land in their vicinity**

- (1) The Welsh Ministers may make an agreement under this section with –
  - (a) any occupier of a monument of special historic interest, or
  - (b) any occupier of land adjoining or in the vicinity of such a monument.
- (2) A local authority may make an agreement under this section with –
  - (a) any occupier of a monument of special historic interest in or in the vicinity of its area, or
  - (b) any occupier of land adjoining or in the vicinity of any such monument.
- (3) An agreement under this section is referred to in this Part as a “management agreement”.
- (4) Any person who has an interest in a monument of special historic interest or in any land adjoining or in the vicinity of such a monument may be a party to a management agreement (in addition to the occupier).
- (5) A management agreement may –
  - (a) make provision about the maintenance and preservation of the monument and its amenities (including, where an agreement is made by the Welsh Ministers, provision granting scheduled monument consent under section 13(1) for specified works of maintenance or preservation);
  - (b) make provision about the carrying out of specified works, or the doing of any specified thing, in relation to the monument or land;
  - (c) provide for public access to the monument or land and the provision of associated facilities, information or services to the public;

- (d) cyfyngu ar fynediad i'r heneb neu'r tir neu'r defnydd o'r heneb neu'r tir;
- (e) gwahardd gwneud unrhyw beth penodedig mewn perthynas â'r heneb neu'r tir;
- (f) darparu i Weinidogion Cymru neu'r awdurdod lleol (yn ôl y digwydd) wneud taliadau o symiau penodedig ac ar delerau penodedig –
  - (i) am gost unrhyw waith y darperir ar ei gyfer o dan y cytundeb, neu tuag at y gost honno, neu
  - (ii) yn gydnabyddiaeth am unrhyw gyfyngiad, unrhyw waharddiad neu unrhyw rwymedigaeth a dderbynnir gan unrhyw barti arall i'r cytundeb.
- (6) Caiff cytundeb rheoli hefyd gynnwys darpariaethau deilliadol a chanlyniadol.
- (7) Pan fo cytundeb rheoli a wneir gan Weinidogion Cymru yn rhoi cydsyniad heneb gofrestredig yn ddarostyngedig i amodau, rhaid i'r cytundeb bennu'r amodau hynny.
- (8) Mae is-adran (9) yn gymwys pan fo cytundeb rheoli yn darparu'n benodol fod y cytundeb yn ei gyfanrwydd neu unrhyw gyfyngiad, unrhyw waharddiad neu unrhyw rwymedigaeth sy'n codi odano i rwymo olynwyr unrhyw barti i'r cytundeb.
- (9) Mae pob person y mae ei deitl i'r heneb neu'r tir o dan sylw yn deillio o'r parti hwnnw, drwyddo neu odano wedi ei rwymo gan y cytundeb, neu gan y cyfyngiad hwnnw, y gwaharddiad hwnnw neu'r rhwymedigaeth honno, oni bai mai yn rhinwedd unrhyw warediad a wnaed gan y parti hwnnw, cyn dyddiad y cytundeb, y mae teitl y person yn deillio.
- (10) Nid yw adran 84 o Ddeddf Cyfraith Eiddo 1925 (p. 20) (pŵer yr Uwch Dribiwnlys i ryddhau neu addasu cyfamodau cyfyngol) yn gymwys i gytundeb rheoli.
- (11) Yn yr adran hon ystyr "penodedig" yw wedi ei bennu neu ei ddisgrifio mewn cytundeb rheoli.

*Pwerau perchnogion cyfyngedig*

**52 Pwerau perchnogion cyfyngedig at ddibenion adrannau 45, 50 a 51**

- (1) Caiff person sefydlu gwarcheidiaeth heneb neu dir o dan adran 45 neu ymuno i gyflawni gweithred warcheidiaeth o dan yr adran honno, er mai perchennog cyfyngedig ar yr heneb neu'r tir ydyw.
- (2) Caiff person roi hawddfaint neu hawl arall dros dir y mae Gweinidogion Cymru neu unrhyw awdurdod lleol wedi eu hawdurdodi neu ei awdurdodi i'w chaffael o dan adran 50, er mai perchennog cyfyngedig ar y tir ydyw.
- (3) Caiff person wneud cytundeb rheoli o dan adran 51 mewn cysylltiad â heneb neu dir, er mai perchennog cyfyngedig ar yr heneb neu'r tir ydyw.
- (4) At ddibenion yr adran hon –
  - (a) mae corff corfforedig neu gorfforaeth undyn yn berchennog cyfyngedig ar unrhyw dir y mae ganddo neu ganddi fuddiant ynddo, a
  - (b) mae unrhyw bersonau eraill yn berchnogion cyfyngedig ar dir y mae ganddynt fuddiant ynddo os ydynt yn dal y buddiant hwnnw yn unrhyw un neu ragor o'r ffyrdd a grybwyllir yn is-adran (5).
- (5) Y ffyrdd o ddal buddiant mewn tir y cyfeirir atynt ym mharagraff (4)(b) yw –

- (d) restrict access to, or use of, the monument or land;
- (e) prohibit the doing of any specified thing in relation to the monument or land;
- (f) provide for the Welsh Ministers or the local authority (as the case may be) to make payments of specified amounts and on specified terms –
  - (i) for or towards the cost of any work provided for under the agreement, or
  - (ii) in consideration of any restriction, prohibition or obligation accepted by any other party to the agreement.
- (6) A management agreement may also contain incidental and consequential provision.
- (7) Where a management agreement made by the Welsh Ministers grants scheduled monument consent subject to conditions, the agreement must specify those conditions.
- (8) Subsection (9) applies where a management agreement expressly provides that the agreement as a whole or any restriction, prohibition or obligation arising under it is to be binding on the successors of any party to the agreement.
- (9) Every person deriving title to the monument or land in question from, through or under that party is bound by the agreement, or by that restriction, prohibition or obligation, unless the title is derived by virtue of any disposal made by that party before the date of the agreement.
- (10) Section 84 of the Law of Property Act 1925 (c. 20) (power of Upper Tribunal to discharge or modify restrictive covenants) does not apply to a management agreement.
- (11) In this section “specified” means specified or described in a management agreement.

*Powers of limited owners*

**52 Powers of limited owners for purposes of sections 45, 50 and 51**

- (1) A person may establish guardianship of a monument or land under section 45 or join in executing a guardianship deed under that section, despite being a limited owner of the monument or land.
- (2) A person may grant an easement or other right over land which the Welsh Ministers are or any local authority is authorised to acquire under section 50, despite being a limited owner of the land.
- (3) A person may make a management agreement under section 51 with respect to a monument or land, despite being a limited owner of the monument or land.
- (4) For the purposes of this section –
  - (a) a body corporate or corporation sole is a limited owner of any land in which it has an interest, and
  - (b) any other persons are limited owners of land in which they have an interest if they hold that interest in any of the ways mentioned in subsection (5).
- (5) The ways of holding an interest in land referred to in subsection (4)(b) are –

- (a) fel tenant am oes neu berchennog statudol (o fewn yr ystyr a roddir i “tenant for life” a “statutory owner” gan Ddeddf Tir Setledig 1925 (p. 18));
  - (b) fel ymddiriedolwyr tir (o fewn yr ystyr a roddir i “trustees of land” gan Ddeddf Ymddiriedolaethau Tir a Phenodi Ymddiriedolwyr 1996 (p. 47));
  - (c) fel ymddiriedolwyr ar gyfer elusennau neu gomisiynwyr neu ymddiriedolwyr at ddibenion eglwysig, dibenion colegol neu ddibenion cyhoeddus eraill.
- (6) Pan fo person sy’n berchennog cyfyngedig ar unrhyw dir yn rhinwedd dal buddiant yn y tir yn unrhyw un neu ragor o’r ffyrdd a grybwyllir yn is-adran (5) yn cyflawni gweithred warcheidiaeth mewn perthynas â’r tir, mae’r weithred warcheidiaeth yn rhwymo pob perchennog olynol ar unrhyw ystad neu unrhyw fuddiant yn y tir.
- (7) Ond pan fo’r tir, ar ddyddiad y weithred, yn ddarostyngedig i unrhyw lyffethair nad oes modd i’r perchennog cyfyngedig ei gorgyrraedd wrth arfer unrhyw bwerau gwerthu neu reoli a roddir i’r perchennog cyfyngedig gan y gyfraith neu o dan unrhyw setliad neu unrhyw offeryn arall, nid yw’r weithred yn rhwymo’r llyffetheiriwr.
- (8) Pan fo cytundeb rheoli o dan adran 51 y mae perchennog cyfyngedig yn barti iddo yn darparu’n benodol fod y cytundeb yn ei gyfanrwydd neu unrhyw gyfyngiad, unrhyw waharddiad neu unrhyw rwymedigaeth sy’n codi o dan y cytundeb yn rhwymo olynwyr y perchennog cyfyngedig, mae is-adrannau (9) a (10) yn gymwys i’r cytundeb neu (yn ôl y digwydd) i’r cyfyngiad, y gwaharddiad neu’r rhwymedigaeth o dan sylw.
- (9) Pan fo person yn berchennog cyfyngedig yn rhinwedd dal buddiant yn unrhyw un neu ragor o’r ffyrdd a grybwyllir yn is-adran (5), mae’r cytundeb neu’r cyfyngiad, y gwaharddiad neu’r rhwymedigaeth yn rhwymo pob perchennog olynol ar unrhyw ystad neu unrhyw fuddiant yn y tir.
- (10) Ond pan fo’r tir, ar ddyddiad y cytundeb, yn ddarostyngedig i unrhyw lyffethair nad oes modd i’r perchennog cyfyngedig ei gorgyrraedd wrth arfer pwerau gwerthu neu reoli a roddir i’r perchennog cyfyngedig gan y gyfraith neu o dan unrhyw setliad neu unrhyw offeryn arall, nid yw’r cytundeb neu’r cyfyngiad, y gwaharddiad neu’r rhwymedigaeth yn rhwymo’r llyffetheiriwr.

*Trosglwyddo perchnogaeth neu warcheidiaeth a gwaredu tir*

### **53 Trosglwyddo henebion o ddiddordeb hanesyddol arbennig rhwng awdurdodau lleol a Gweinidogion Cymru**

- (1) Pan fo Gweinidogion Cymru yn berchnogion neu’n warcheidwaid heneb neu dir cysylltiedig, cânt drosglwyddo perchnogaeth neu warcheidiaeth yr heneb honno neu’r tir hwnnw i unrhyw awdurdod lleol.
- (2) Pan fo awdurdod lleol yn berchennog neu’n warcheidwad heneb neu dir cysylltiedig, caiff drosglwyddo perchnogaeth neu warcheidiaeth yr heneb honno neu’r tir hwnnw –
  - (a) i Weinidogion Cymru, neu
  - (b) i awdurdod lleol arall.
- (3) Ond ni chaiff Gweinidogion Cymru nac awdurdod lleol drosglwyddo gwarcheidiaeth heneb neu dir cysylltiedig o dan yr adran hon heb gytundeb y personau y mae gweithrediad y weithred warcheidiaeth, am y tro, yn cael effaith uniongyrchol arnynt.



- (a) as tenant for life or statutory owner (within the meaning of the Settled Land Act 1925 (c. 18));
  - (b) as trustees of land (within the meaning of the Trusts of Land and Appointment of Trustees Act 1996 (c. 47));
  - (c) as trustees for charities or commissioners or trustees for ecclesiastical, collegiate or other public purposes.
- (6) Where a person who is a limited owner of any land by virtue of holding an interest in the land in any of the ways mentioned in subsection (5) executes a guardianship deed in relation to the land, the guardianship deed binds every successive owner of any estate or interest in the land.
- (7) But where the land is, at the date of the deed, subject to any incumbrance not capable of being overreached by the limited owner in exercise of any powers of sale or management conferred on the limited owner by law or under any settlement or other instrument, the deed does not bind the incumbrancer.
- (8) Where a management agreement under section 51 to which a limited owner is a party expressly provides that the agreement as a whole or any restriction, prohibition or obligation arising under the agreement binds the limited owner's successors, subsections (9) and (10) apply to the agreement or (as the case may be) to the restriction, prohibition or obligation in question.
- (9) Where a person is a limited owner by virtue of holding an interest in any of the ways mentioned in subsection (5), the agreement or restriction, prohibition or obligation binds every successive owner of any estate or interest in the land.
- (10) But where the land is, at the date of the agreement, subject to any incumbrance not capable of being overreached by the limited owner in exercise of powers of sale or management conferred on the limited owner by law or under any settlement or other instrument, the agreement or restriction, prohibition or obligation does not bind the incumbrancer.

*Transfer of ownership or guardianship and disposal of land*

**53 Transfer of monuments of special historic interest between local authorities and the Welsh Ministers**

- (1) Where the Welsh Ministers are the owners or guardians of a monument or associated land, they may transfer the ownership or guardianship of that monument or land to any local authority.
- (2) Where a local authority is the owner or guardian of a monument or associated land, it may transfer the ownership or guardianship of that monument or land –
  - (a) to the Welsh Ministers, or
  - (b) to another local authority.
- (3) But the Welsh Ministers or a local authority may not transfer the guardianship of a monument or associated land under this section without the agreement of the persons who are for the time being immediately affected by the operation of the guardianship deed.

- (4) At ddibenion is-adran (3) mae gweithrediad gweithred warcheidiaeth sy'n ymwneud â heneb neu dir yn cael effaith uniongyrchol ar berson os yw'r person wedi ei rwymo gan y weithred honno a bod yr heneb neu'r tir yn ei feddiant neu yn ei feddiannaeth.

#### **54 Gwaredu tir a gaffaelir o dan y Bennod hon**

- (1) Caiff Gweinidogion Cymru waredu unrhyw dir a gaffaelir ganddynt o dan adran 43, 44 neu 53.
- (2) Caiff awdurdod lleol waredu unrhyw dir a gaffaelir ganddo o dan adran 44 neu 53, ond rhaid iddo ymgynghori â Gweinidogion Cymru cyn gwneud hynny.
- (3) Pan fo'r tir a waredir o dan yr adran hon yn heneb neu'n cynnwys heneb, rhaid i'r gwarediad gael ei wneud ar delerau y mae'r person sy'n gwaredu'r tir yn ystyried y byddant yn sicrhau y caiff yr heneb ei diogelu.
- (4) Ond nid yw is-adran (3) yn gymwys os yw'r person sy'n gwaredu'r tir yn ystyried nad yw'n ymarferol diogelu'r heneb mwyach (pa un ai oherwydd y gost o'i diogelu neu fel arall).

*Mynediad y cyhoedd i henebion sydd o dan reolaeth gyhoeddus*

#### **55 Mynediad y cyhoedd i henebion sydd o dan reolaeth gyhoeddus**

- (1) Rhaid i Weinidogion Cymru ac unrhyw awdurdod lleol sicrhau bod gan y cyhoedd fynediad i unrhyw heneb sydd o dan eu perchnogaeth neu warcheidiaeth neu ei berchnogaeth neu warcheidiaeth yn rhinwedd y Bennod hon; ond mae hyn yn ddarostyngedig—
- (a) i'r darpariaethau a ganlyn yn yr adran hon,
- (b) i unrhyw reoliadau neu is-ddeddfau a wneir o dan adran 56, ac
- (c) i unrhyw ddarpariaeth i'r gwrthwyneb sydd wedi ei chynnwys mewn unrhyw gytundeb sy'n ymwneud â'r heneb a wneir o dan adran 25 neu 51 (cytundebau partneriaethau henebion cofrestredig a chytundebau rheoli).
- (2) Mewn perthynas ag unrhyw heneb o dan warcheidiaeth, mae'r ddyletsywydd a osodir gan is-adran (1) hefyd yn ddarostyngedig i unrhyw ddarpariaeth i'r gwrthwyneb yn y weithred warcheidiaeth.
- (3) Mae cyfeiriadau yn yr is-adrannau a ganlyn at heneb—
- (a) mewn perthynas â Gweinidogion Cymru, yn gyfeiriadau at heneb—
- (i) sydd o dan eu perchnogaeth neu eu gwarcheidiaeth yn rhinwedd y Bennod hon;
- (ii) sy'n cael ei rheolaethu neu ei rheoli ganddynt ac eithrio yn rhinwedd y Bennod hon;
- (b) mewn perthynas ag awdurdod lleol, yn gyfeiriadau at heneb sydd o dan ei berchnogaeth neu ei warcheidiaeth yn rhinwedd y Bennod hon.
- (4) Caiff Gweinidogion Cymru neu awdurdod lleol reolaethu amseroedd arferol myniediad y cyhoedd i heneb.

- (4) For the purposes of subsection (3) a person is immediately affected by the operation of a guardianship deed relating to a monument or land if the person is bound by that deed and is in possession or occupation of the monument or land.

#### **54 Disposal of land acquired under this Chapter**

- (1) The Welsh Ministers may dispose of any land acquired by them under section 43, 44 or 53.
- (2) A local authority may dispose of any land acquired by it under section 44 or 53, but must consult the Welsh Ministers before doing so.
- (3) Where the land disposed of under this section is or includes a monument, the disposal must be made on terms the person disposing of the land considers will ensure the preservation of the monument.
- (4) But subsection (3) does not apply if the person disposing of the land considers that it is no longer practicable to preserve the monument (whether because of the cost of preserving it or otherwise).

#### *Public access to monuments under public control*

#### **55 Public access to monuments under public control**

- (1) The Welsh Ministers and any local authority must ensure the public has access to any monument which is under their or its ownership or guardianship by virtue of this Chapter; but this is subject to—
- (a) the following provisions of this section,
  - (b) any regulations or byelaws made under section 56, and
  - (c) any provision to the contrary included in any agreement relating to the monument made under section 25 or 51 (scheduled monument partnership agreements and management agreements).
- (2) In relation to any monument under guardianship, the duty imposed by subsection (1) is also subject to any provision to the contrary in the guardianship deed.
- (3) References in the following subsections to a monument are—
- (a) in relation to the Welsh Ministers, to a monument which—
    - (i) is under their ownership or guardianship by virtue of this Chapter;
    - (ii) is under their control or management otherwise than by virtue of this Chapter;
  - (b) in relation to a local authority, to a monument which is under its ownership or guardianship by virtue of this Chapter.
- (4) The Welsh Ministers or a local authority may control the times of normal public access to a monument.

- (5) Caiff Gweinidogion Cymru neu awdurdod lleol atal y cyhoedd rhag cael mynediad i heneb, neu i unrhyw ran ohoni, am unrhyw gyfnod y maent neu y mae'n ystyried ei fod yn angenrheidiol –
  - (a) er lles diogelwch;
  - (b) ar gyfer ei chynnal a'i chadw neu ei diogelu;
  - (c) mewn cysylltiad â digwyddiadau a gynhelir neu weithgareddau eraill wedi eu trefnu a gyflawnir ynddi neu arni.
- (6) Caiff Gweinidogion Cymru neu awdurdod lleol hefyd osod cyfyngiadau a rheolaethau eraill ar fynediad y cyhoedd i heneb, neu i unrhyw ran ohoni, at ddiben a grybwyllir yn is-adran (5).
- (7) Caiff Gweinidogion Cymru neu awdurdod lleol godi tâl ar y cyhoedd am fynediad i heneb.
- (8) Caiff Gweinidogion Cymru neu awdurdod lleol wrthod mynediad i berson i heneb os oes ganddynt neu ganddo reswm dros gredu bod y person yn debygol o wneud unrhyw beth sy'n debygol o ddifrodi'r heneb neu ei hamwynderau neu darfu ar y cyhoedd yn eu mwynhad ohoni.

**56 Pŵer i wneud rheoliadau ac is-ddeddfau mewn cysylltiad â mynediad y cyhoedd i henebion sydd o dan reolaeth gyhoeddus**

- (1) Caiff Gweinidogion Cymru reoleiddio mynediad y cyhoedd i unrhyw heneb sydd o dan eu perchnogaeth neu eu gwarcheidiaeth yn rhinwedd y Bennod hon drwy wneud rheoliadau sy'n gwahardd neu'n rheoleiddio unrhyw weithred neu unrhyw beth sy'n debygol o ddifrodi'r heneb neu ei hamwynderau neu darfu ar y cyhoedd yn eu mwynhad ohoni.
- (2) Caiff rheoliadau o dan is-adran (1) hefyd wneud darpariaeth mewn perthynas ag unrhyw heneb sy'n cael ei rheolaethu neu ei rheoli gan Weinidogion Cymru ac eithrio yn rhinwedd y Bennod hon.
- (3) Caiff awdurdod lleol reoleiddio mynediad y cyhoedd i unrhyw heneb sydd o dan ei berchnogaeth neu ei warcheidiaeth yn rhinwedd y Bennod hon drwy wneud is-ddeddfau sy'n gwahardd neu'n rheoleiddio unrhyw weithred neu unrhyw beth sy'n debygol o ddifrodi'r heneb neu ei hamwynderau neu darfu ar y cyhoedd yn eu mwynhad ohoni.
- (4) Mae person sy'n methu â chydymffurfio â darpariaeth a wneir gan reoliadau neu is-ddeddfau o dan yr adran hon yn cyflawni trosedd.
- (5) Mae person sy'n euog o drosedd o dan is-adran (4) yn agored ar euogfarn ddiannod i ddirwy nad yw'n uwch na lefel 2 ar y raddfa safonol.
- (6) Caiff is-ddeddfau a wneir o dan yr adran hon wneud darpariaeth wahanol mewn perthynas â henebion gwahanol neu ddisgrifiadau gwahanol o heneb.
- (7) Nid yw is-ddeddfau o dan yr adran hon yn cymryd effaith oni chânt eu cadarnhau gan Weinidogion Cymru.
- (8) Caiff Gweinidogion Cymru gadarnhau'r is-ddeddfau gydag addasiadau neu hebddynt.

- (5) The Welsh Ministers or a local authority may exclude the public from access to a monument, or to any part of it, for any period they consider or it considers necessary –
  - (a) in the interests of safety;
  - (b) for its maintenance or preservation;
  - (c) in connection with events held or other organised activities carried out in or on it.
- (6) The Welsh Ministers or a local authority may also impose other restrictions or controls on public access to a monument, or to any part of it, for a purpose mentioned in subsection (5).
- (7) The Welsh Ministers or a local authority may charge the public for admission to a monument.
- (8) The Welsh Ministers or a local authority may refuse a person admission to a monument if they have or it has reason to believe that the person is likely to do anything likely to damage the monument or its amenities or to disturb the public in their enjoyment of it.

**56 Power to make regulations and byelaws in connection with public access to monuments under public control**

- (1) The Welsh Ministers may regulate public access to any monument under their ownership or guardianship by virtue of this Chapter by making regulations that prohibit or regulate any act or thing likely to damage the monument or its amenities or disturb the public in their enjoyment of it.
- (2) Regulations under subsection (1) may also make provision in relation to any monument under the control or management of the Welsh Ministers otherwise than by virtue of this Chapter.
- (3) A local authority may regulate public access to any monument under its ownership or guardianship by virtue of this Chapter by making byelaws that prohibit or regulate any act or thing likely to damage the monument or its amenities or disturb the public in their enjoyment of it.
- (4) A person who fails to comply with provision made by regulations or byelaws under this section commits an offence.
- (5) A person guilty of an offence under subsection (4) is liable on summary conviction to a fine not exceeding level 2 on the standard scale.
- (6) Byelaws made under this section may make different provision in relation to different monuments or different descriptions of monument.
- (7) Byelaws under this section do not take effect unless they are confirmed by the Welsh Ministers.
- (8) The Welsh Ministers may confirm the byelaws with or without modifications.

**57 Darparu cyfleusterau i'r cyhoedd mewn cysylltiad â henebion o ddiddordeb hanesyddol arbennig**

- (1) Caiff Gweinidogion Cymru ddarparu cyfleusterau, gwybodaeth a gwasanaethau eraill i'r cyhoedd ar gyfer darparu mynediad y cyhoedd neu mewn cysylltiad â darparu mynediad y cyhoedd –
  - (a) i unrhyw heneb sydd o dan eu perchnogaeth neu eu gwarcheidiaeth yn rhinwedd y Bennod hon, neu
  - (b) i unrhyw heneb sydd fel arall yn cael ei rheolaethu neu ei rheoli ganddynt.
- (2) Caiff awdurdod lleol ddarparu cyfleusterau, gwybodaeth a gwasanaethau eraill i'r cyhoedd ar gyfer darparu mynediad y cyhoedd i unrhyw heneb sydd o dan ei berchnogaeth neu ei warcheidiaeth yn rhinwedd y Bennod hon neu mewn cysylltiad â darparu mynediad o'r fath.
- (3) Caniateir i gyfleusterau a gwybodaeth neu wasanaethau eraill i'r cyhoedd gael eu darparu o dan yr adran hon yn yr heneb ei hun neu arni neu ar unrhyw dir sy'n gysylltiedig â'r heneb.
- (4) Caiff Gweinidogion Cymru neu awdurdod lleol godi tâl am ddefnyddio unrhyw gyfleuster neu unrhyw wasanaeth a ddarperir ganddynt neu ganddo o dan yr adran hon.

**PENNOD 7****CYFFREDINOL***Difrodi henebion***58 Y drosedd o ddifrodi henebion penodol o ddiddordeb hanesyddol arbennig**

- (1) Mae person sy'n dinistrio neu'n difrodi heneb warchoddedig heb esgus cyfreithlon yn euog o drosedd os oedd y person –
  - (a) yn gwybod neu os dylai'n rhesymol fod wedi gwybod bod yr heneb yn heneb warchoddedig, a
  - (b) yn bwriadu dinistrio neu ddifrodi'r heneb neu'n ddi-hid o ran a fyddai'r heneb yn cael ei difrodi neu ei dinistrio.
- (2) Yn is-adran (1) ystyr "heneb warchoddedig" yw –
  - (a) heneb gofrestredig, neu
  - (b) heneb sydd o dan berchnogaeth neu warcheidiaeth Gweinidogion Cymru neu awdurdod lleol yn rhinwedd y Bennod hon.
- (3) Mae'r adran hon yn gymwys i unrhyw beth a wneir gan neu o dan awdurdod perchennog yr heneb, ac eithrio gweithred ar gyfer cyflawni gwaith a eithrir, fel y mae'n gymwys i unrhyw beth a wneir gan unrhyw berson arall.
- (4) Yn is-adran (3) ystyr "gwaith a eithrir" yw –
  - (a) gwaith sydd wedi ei awdurdodi o dan Bennod 3;
  - (b) gwaith y mae cydsyniad datblygu wedi ei roi ar ei gyfer o dan Ddeddf Cynllunio 2008 (p. 29).
- (5) Mae person sy'n euog o drosedd o dan yr adran hon yn agored –

**57 Provision of facilities for the public in connection with monuments of special historic interest**

- (1) The Welsh Ministers may provide facilities, information and other services to the public for or in connection with providing public access –
  - (a) to any monument under their ownership or guardianship by virtue of this Chapter, or
  - (b) to any monument otherwise under their control or management.
- (2) A local authority may provide facilities, information and other services to the public for or in connection with providing public access to any monument under its ownership or guardianship by virtue of this Chapter.
- (3) Facilities and information or other services for the public may be provided under this section in or on the monument itself or on any land associated with the monument.
- (4) The Welsh Ministers or a local authority may charge for the use of any facility or service provided by them or it under this section.

**CHAPTER 7****GENERAL***Damage to monuments***58 Offence of damaging certain monuments of special historic interest**

- (1) A person who without lawful excuse destroys or damages a protected monument is guilty of an offence if the person –
  - (a) knew or ought reasonably to have known that it was a protected monument, and
  - (b) intended to destroy or damage the monument or was reckless as to whether the monument would be damaged or destroyed.
- (2) In subsection (1) “protected monument” means –
  - (a) a scheduled monument, or
  - (b) a monument under the ownership or guardianship of the Welsh Ministers or a local authority by virtue of this Chapter.
- (3) This section applies to anything done by or under the authority of the owner of the monument, other than an act for the carrying out of excepted works, as it applies to anything done by any other person.
- (4) In subsection (3) “excepted works” means –
  - (a) works authorised under Chapter 3;
  - (b) works for which development consent has been granted under the Planning Act 2008 (c. 29).
- (5) A person guilty of an offence under this section is liable –

- (a) ar euogfarn ddiannod, i ddirwy neu i'w garcharu am gyfnod nad yw'n hwy na'r terfyn cymwys o dan adran 224(1A)(b) o'r Cod Dedfrydu, neu'r ddau;
- (b) ar euogfarn ar ddiad, i ddirwy neu i'w garcharu am gyfnod nad yw'n hwy na 2 flynedd, neu'r ddau.

### 59 Gorchmynion digolledu am ddifrod i henebion sydd o dan warcheidiaeth

- (1) Mae is-adran (2) yn gymwys pan fo perchennog neu unrhyw berson arall yn cael ei euogfarnu o drosedd sy'n ymwneud â difrod i heneb a oedd ar adeg y drosedd o dan warcheidiaeth Gweinidogion Cymru neu unrhyw awdurdod lleol yn rhinwedd Pennod 6.
- (2) Mae unrhyw orchymyn digolledu a wneir o dan Bennod 2 o Ran 7 o'r Cod Dedfrydu (gorchmynion digolledu yn erbyn personau a euogfarnwyd) mewn cysylltiad â'r difrod hwnnw i'w wneud o blaid Gweinidogion Cymru neu'r awdurdod lleol o dan sylw (yn ôl gofynion yr achos).

### 60 Cyfyngiadau ar y defnydd o ddatgelyddion metel

- (1) Yn yr adran hon –
  - ystyr “cydsyniad” (“*consent*”) yw cydsyniad ysgrifenedig Gweinidogion Cymru;
  - ystyr “datgelydd metel” (“*metal detector*”) yw unrhyw ddyfais sydd wedi ei dylunio neu ei haddasu i ganfod neu leoli unrhyw fetel neu unrhyw fwyn yn y ddaear;
  - ystyr “man gwarchodedig” (“*protected place*”) yw –
    - (a) safle unrhyw heneb gofrestredig, neu
    - (b) safle unrhyw heneb sydd o dan berchnogaeth neu warcheidiaeth Gweinidogion Cymru neu awdurdod lleol yn rhinwedd Pennod 6.
- (2) Mae person yn cyflawni trosedd os yw'r person yn defnyddio datgelydd metel mewn man gwarchodedig heb gydsyniad i wneud hynny.
- (3) Mae person y rhoddwyd cydsyniad iddo i ddefnyddio datgelydd metel mewn man gwarchodedig yn cyflawni trosedd os yw'r person, wrth ddefnyddio'r datgelydd metel yn y man hwnnw, yn methu â chydymffurfio ag unrhyw amod sydd ynghlwm wrth y cydsyniad.
- (4) Mae person yn cyflawni trosedd os yw'r person, heb gydsyniad i wneud hynny, yn symud ymaith unrhyw wrthrych o ddiddordeb archaeolegol neu hanesyddol y mae'r person wedi ei ddarganfod drwy ddefnyddio datgelydd metel mewn man gwarchodedig.
- (5) Mae person y rhoddwyd cydsyniad iddo i symud ymaith unrhyw wrthrych, neu i ymdrin fel arall ag unrhyw wrthrych, y mae'r person yn ei ddarganfod drwy ddefnyddio datgelydd metel mewn man gwarchodedig yn cyflawni trosedd os yw'r person, wrth symud ymaith y gwrthrych neu wrth ymdrin fel arall ag ef, yn methu â chydymffurfio ag unrhyw amod sydd ynghlwm wrth y cydsyniad.
- (6) Mewn unrhyw achos am drosedd o dan is-adran (2) mae'n amddiffyniad i berson brofi iddo ddefnyddio'r datgelydd metel at ddiben ac eithrio i ganfod neu leoli gwrthrychau o ddiddordeb archaeolegol neu hanesyddol.
- (7) Mewn unrhyw achos am drosedd o dan is-adran (2) neu (4) mae'n amddiffyniad i berson brofi –



- (a) on summary conviction, to a fine or imprisonment for a term not exceeding the applicable limit under section 224(1A)(b) of the Sentencing Code, or both;
- (b) on conviction on indictment, to a fine or imprisonment for a term not exceeding 2 years, or both.

## 59 Compensation orders for damage to monuments under guardianship

- (1) Subsection (2) applies where an owner or any other person is convicted of an offence involving damage to a monument which was at the time of the offence under the guardianship of the Welsh Ministers or any local authority by virtue of Chapter 6.
- (2) Any compensation order made under Chapter 2 of Part 7 of the Sentencing Code (compensation orders against convicted persons) in respect of that damage is to be made in favour of the Welsh Ministers or the local authority in question (as the case may require).

## 60 Restrictions on use of metal detectors

- (1) In this section –
  - “consent” (“*cydsyniad*”) means the written consent of the Welsh Ministers;
  - “metal detector” (“*datgelydd metel*”) means any device designed or adapted for detecting or locating any metal or mineral in the ground;
  - “protected place” (“*man gwarchoddedig*”) means –
    - (a) the site of any scheduled monument, or
    - (b) the site of any monument under the ownership or guardianship of the Welsh Ministers or a local authority by virtue of Chapter 6.
- (2) A person commits an offence if the person uses a metal detector in a protected place without consent to do so.
- (3) A person given consent to use a metal detector in a protected place commits an offence if the person, in using the metal detector in that place, fails to comply with any condition attached to the consent.
- (4) A person commits an offence if the person, without consent to do so, removes any object of archaeological or historical interest which the person has discovered by the use of a metal detector in a protected place.
- (5) A person given consent to remove or otherwise deal with any object which the person discovers by the use of a metal detector in a protected place commits an offence if, in removing or otherwise dealing with the object, the person fails to comply with any condition attached to the consent.
- (6) In any proceedings for an offence under subsection (2) it is a defence for a person to prove that the person used the metal detector for a purpose other than detecting or locating objects of archaeological or historical interest.
- (7) In any proceedings for an offence under subsection (2) or (4) it is a defence for a person to prove that the person –

- (a) ei fod wedi cymryd pob cam rhesymol i ganfod a oedd y man lle y defnyddiwyd y datgelydd metel yn fan gwarchoddedig, a
  - (b) nad oedd yn gwybod, ac nad oedd ganddo reswm dros gredu, bod y man yn fan gwarchoddedig.
- (8) Mae person sy'n euog o drosedd o dan is-adran (2) neu (3) yn agored ar euogfarn ddiannod i ddirwy nad yw'n uwch na lefel 3 ar y raddfa safonol.
- (9) Mae person sy'n euog o drosedd o dan is-adran (4) neu (5) yn agored ar euogfarn ddiannod, neu ar euogfarn ar dditiad, i ddirwy.

*Gwaith brys ar gyfer diogelu heneb gofrestredig*

**61 Gwaith ar gyfer diogelu heneb gofrestredig mewn achosion brys**

- (1) Os yw'n ymddangos i Weinidogion Cymru fod unrhyw waith y mae adran 11 (gofyniad i waith gael ei awdurdodi) yn gymwys iddo yn angenrheidiol ar frys i ddiogelu heneb gofrestredig, cânt fynd i safle'r heneb a chyflawni'r gwaith hwnnw.
- (2) Cyn arfer y pŵer yn is-adran (1) rhaid i Weinidogion Cymru roi o leiaf 7 niwrnod clir o rybudd yn ysgrifenedig i bob perchennog a phob meddiannydd ar yr heneb.
- (3) Pan fo Gweinidogion Cymru yn cyflawni gwaith o dan yr adran hon ar gyfer atgyweirio unrhyw ddifrod i heneb gofrestredig –
- (a) mae unrhyw orchymyn digolledu a wnaed yn flaenorol mewn cysylltiad â'r difrod hwnnw o dan Bennod 2 o Ran 7 o'r Cod Dedfrydu o blaid unrhyw berson arall yn orfodadwy (i'r graddau na chydymffurfiwyd ag ef eisoes) fel pe bai wedi ei wneud o blaid Gweinidogion Cymru, a
  - (b) rhaid i unrhyw orchymyn o'r fath a wneir wedyn mewn cysylltiad â'r difrod hwnnw gael ei wneud o blaid Gweinidogion Cymru.
- (4) Pan fo gwaith yn cael ei gyflawni o dan yr adran hon, mae'r gwaith i'w drin fel pe bai'n waith awdurdodedig at ddibenion Pennod 3 (rheolaethu gwaith sy'n effeithio ar henebion cofrestredig).

*Gwariant a chynghor mewn perthynas â henebion*

**62 Gwariant ar gaffael a diogelu henebion o ddiddordeb hanesyddol arbennig etc.**

- (1) Caiff Gweinidogion Cymru dalu cost caffael unrhyw heneb o ddiddordeb hanesyddol arbennig gan unrhyw berson, neu gyfrannu tuag at y gost honno.
- (2) Caiff Gweinidogion Cymru –
- (a) symud ymaith neu gynorthwyo i symud ymaith unrhyw heneb o ddiddordeb hanesyddol arbennig neu unrhyw ran o unrhyw heneb o'r fath i fan arall at ddiben ei diogelu;
  - (b) talu cost symud ymaith unrhyw heneb o'r fath neu unrhyw ran o unrhyw heneb o'r fath i fan arall at ddiben ei diogelu, neu gyfrannu tuag at y gost honno.
- (3) Caiff Gweinidogion Cymru, ar gais perchennog ar unrhyw heneb o ddiddordeb hanesyddol arbennig –
- (a) ymgymryd â gwaith i ddiogelu, cynnal a chadw a rheoli'r heneb neu gynorthwyo'r gwaith hwnnw;

- (a) had taken all reasonable steps to find out whether the place in which the metal detector was used was a protected place, and
  - (b) did not know, and had no reason to believe, that the place was a protected place.
- (8) A person guilty of an offence under subsection (2) or (3) is liable on summary conviction to a fine not exceeding level 3 on the standard scale.
- (9) A person guilty of an offence under subsection (4) or (5) is liable on summary conviction, or on conviction on indictment, to a fine.

*Urgent works for preservation of scheduled monument*

**61 Works for preservation of scheduled monument in cases of urgency**

- (1) If it appears to the Welsh Ministers that any works to which section 11 (requirement for works to be authorised) applies are urgently necessary for the preservation of a scheduled monument, they may enter the site of the monument and carry out those works.
- (2) Before exercising the power in subsection (1) the Welsh Ministers must give at least 7 clear days' written notice to every owner and occupier of the monument.
- (3) Where the Welsh Ministers carry out works under this section for repairing any damage to a scheduled monument –
- (a) any compensation order previously made in respect of that damage under Chapter 2 of Part 7 of the Sentencing Code in favour of any other person is enforceable (so far as not already complied with) as if it had been made in favour of the Welsh Ministers, and
  - (b) any such order subsequently made in respect of that damage must be made in favour of the Welsh Ministers.
- (4) Where works are carried out under this section, the works are to be treated as authorised works for the purposes of Chapter 3 (control of works affecting scheduled monuments).

*Expenditure and advice in relation to monuments*

**62 Expenditure on acquisition and preservation of monuments of special historic interest etc.**

- (1) The Welsh Ministers may meet or contribute towards the cost of the acquisition by any person of any monument of special historic interest.
- (2) The Welsh Ministers may –
- (a) remove or assist in the removal of any monument of special historic interest or any part of any such monument to another place for the purpose of preserving it;
  - (b) meet or contribute towards the cost of the removal of any such monument or any part of any such monument to another place for the purpose of preserving it.
- (3) The Welsh Ministers may at the request of an owner of any monument of special historic interest –
- (a) undertake or assist in the preservation, maintenance and management of the monument;

- (b) talu am gost diogelu, cynnal a chadw a rheoli'r heneb, neu gyfrannu tuag at y gost honno.
- (4) Caiff Gweinidogion Cymru gyfrannu tuag at gost darparu cyfleusterau neu wasanaethau i'r cyhoedd gan awdurdod lleol o dan adran 57.
- (5) Caiff awdurdod lleol, ar gais perchennog ar unrhyw heneb o ddiddordeb hanesyddol arbennig yn ei ardal neu yng nghyffiniau ei ardal –
  - (a) ymgymryd â gwaith i ddiogelu, cynnal a chadw a rheoli'r heneb neu gynorthwyo'r gwaith hwnnw;
  - (b) talu am gost diogelu, cynnal a chadw a rheoli'r heneb, neu gyfrannu tuag at y gost honno.
- (6) Ni chaiff Gweinidogion Cymru nac awdurdod lleol fynd i wariant o dan yr adran hon mewn cysylltiad ag unrhyw adeilad neu unrhyw strwythur a feddiennir fel annedd gan unrhyw berson ac eithrio gofalwr yr adeilad neu'r strwythur neu aelod o deulu'r gofalwr.

### **63 Cyngor gan Weinidogion Cymru a goruchwylio gwaith ganddynt**

- (1) Caiff Gweinidogion Cymru roi cyngor ynghylch trin unrhyw heneb o ddiddordeb hanesyddol arbennig.
- (2) Caiff Gweinidogion Cymru hefyd oruchwylio unrhyw waith mewn cysylltiad ag unrhyw heneb o ddiddordeb hanesyddol arbennig os ydynt yn cael eu gwahodd i wneud hynny gan berchennog ar yr heneb.
- (3) Rhaid i Weinidogion Cymru oruchwylio gwaith mewn cysylltiad ag unrhyw heneb gofrestredig, os ydynt yn ystyried bod hynny yn ddoeth (pa un a yw perchennog yn gofyn iddynt wneud hynny ai peidio).
- (4) Caiff Gweinidogion Cymru godi tâl am roi cyngor neu oruchwylio gwaith o dan yr adran hon.

### **64 Gwariant gan awdurdodau lleol ar ymchwiliad archaeolegol**

- (1) Os yw awdurdod lleol yn ystyried y gall unrhyw dir yn ei ardal neu yng nghyffiniau ei ardal gynnwys heneb o ddiddordeb hanesyddol arbennig, neu unrhyw beth arall o ddiddordeb archaeolegol neu hanesyddol, caiff yr awdurdod –
  - (a) cynnal ymchwiliad archaeolegol o'r tir neu gynorthwyo mewn ymchwiliad o'r fath, neu
  - (b) talu cost ymchwiliad archaeolegol o'r tir neu gyfrannu tuag at y gost honno.
- (2) Caiff awdurdod lleol gyhoeddi canlyniadau unrhyw ymchwiliad archaeolegol a gynhelir ganddo, a gynorthwyr ganddo neu a gyllidir yn gyfan gwbl neu'n rhannol ganddo o dan yr adran hon.
- (3) Caniateir i'r pwerau yn is-adran (1) gael eu harfer mewn perthynas ag unrhyw dir sy'n ffurfio rhan o wely'r môr o fewn terfynau atfor y môr tiriogaethol sy'n gyfagos i Gymru.

- (b) meet or contribute towards the cost of the preservation, maintenance and management of the monument.
- (4) The Welsh Ministers may contribute towards the cost of the provision of facilities or services for the public by a local authority under section 57.
- (5) A local authority may at the request of an owner of any monument of special historic interest in or in the vicinity of its area –
  - (a) undertake or assist in the preservation, maintenance and management of the monument;
  - (b) meet or contribute towards the cost of the preservation, maintenance and management of the monument.
- (6) Neither the Welsh Ministers nor a local authority may incur expenditure under this section in connection with any building or structure which is occupied as a dwelling by any person other than the caretaker of the building or structure or a member of the caretaker's family.

**63 Advice and supervision of work by Welsh Ministers**

- (1) The Welsh Ministers may give advice about the treatment of any monument of special historic interest.
- (2) The Welsh Ministers may also supervise any work in connection with any monument of special historic interest if invited to do so by an owner of the monument.
- (3) The Welsh Ministers must supervise work in connection with any scheduled monument, if they consider it advisable (whether asked to do so by an owner or not).
- (4) The Welsh Ministers may charge for giving advice or supervising work under this section.

**64 Expenditure by local authorities on archaeological investigation**

- (1) If a local authority considers that any land in or in the vicinity of its area may contain a monument of special historic interest, or anything else of archaeological or historical interest, the authority may –
  - (a) carry out or assist in an archaeological investigation of the land, or
  - (b) meet or contribute towards the cost of an archaeological investigation of the land.
- (2) A local authority may publish the results of any archaeological investigation carried out, assisted or wholly or partly funded by it under this section.
- (3) The powers in subsection (1) may be exercised in relation to any land forming part of the sea bed within the seaward limits of the territorial sea adjacent to Wales.

*Pwerau mynediad***65 Pwerau mynediad i arolygu henebion cofrestredig etc.**

- (1) Caiff person awdurdodedig fynd ar unrhyw dir i arolygu heneb gofrestrredig yn y tir, arno neu odano i asesu ei chyflwr ac i asesu –
  - (a) a oes unrhyw waith sy'n effeithio ar yr heneb yn cael ei gyflawni yn groes i adran 11 (gofyniad i waith gael ei awdurdodi), neu
  - (b) a yw wedi cael ei difrodi neu'n debygol o gael ei difrodi (gan waith o'r fath neu fel arall).
- (2) Caiff person awdurdodedig fynd ar unrhyw dir i arolygu heneb gofrestrredig yn y tir, arno neu odano mewn cysylltiad –
  - (a) â chais am gydsyniad heneb gofrestrredig ar gyfer gwaith sy'n effeithio ar yr heneb honno,
  - (b) â chynnig i addasu neu ddirymu cydsyniad heneb gofrestrredig ar gyfer unrhyw waith o'r fath, neu
  - (c) â chynnig i wneud gorchymyn o dan adran 27 (terfynu cytundeb partneriaeth heneb gofrestrredig neu ddarpariaeth mewn cytundeb).
- (3) Caiff person awdurdodedig fynd ar unrhyw dir i asesu a yw unrhyw waith y mae cydsyniad heneb gofrestrredig neu awdurdodiad o dan adran 12 yn ymwneud ag ef yn cael ei gyflawni neu wedi cael ei gyflawni yn unol â thelerau'r cydsyniad neu'r awdurdodiad (gan gynnwys unrhyw amodau).
- (4) Caiff person awdurdodedig fynd ar unrhyw dir y mae unrhyw waith y mae cydsyniad heneb gofrestrredig neu awdurdodiad o dan adran 12 yn ymwneud ag ef yn cael ei gyflawni arno er mwyn –
  - (a) arolygu'r tir (gan gynnwys unrhyw adeiladau neu unrhyw strwythurau eraill ar y tir) i gofnodi unrhyw faterion o ddiddordeb archaeolegol neu hanesyddol, neu
  - (b) arsylwi ar y gwaith hwnnw yn cael ei gyflawni gyda golwg –
    - (i) ar archwilio a chofnodi unrhyw wrthrychau neu unrhyw ddeunydd arall o ddiddordeb archaeolegol neu hanesyddol a ddarganfyddir yng nghwrs y gwaith hwnnw, a
    - (ii) ar gofnodi unrhyw faterion o ddiddordeb archaeolegol neu hanesyddol a ddarganfyddir yng nghwrs y gwaith hwnnw.
- (5) Caiff person awdurdodedig fynd ar unrhyw dir y mae heneb gofrestrredig ynddo, arno neu odano i godi a chynnal ar safle'r heneb neu gerllaw iddo unrhyw hysbysfyddau ac unrhyw byst marcio y mae Gweinidogion Cymru yn ystyried eu bod yn ddymunol i warchod yr heneb rhag difrod damweiniol neu fwriadol.
- (6) Ni chaniateir i'r pŵer yn is-adran (5) gael ei arfer heb gytundeb pob perchennog a phob meddiannydd ar y tir.
- (7) Yn yr adran hon ystyr "person awdurdodedig" yw person sydd wedi ei awdurdodi'n ysgrifenedig gan Weinidogion Cymru.

*Powers of entry***65 Powers of entry for inspection of scheduled monuments etc.**

- (1) An authorised person may enter any land to inspect a scheduled monument in, on or under the land to assess its condition and assess –
  - (a) whether any works affecting the monument are being carried out in breach of section 11 (requirement for works to be authorised), or
  - (b) whether it has been or is likely to be damaged (by such works or otherwise).
- (2) An authorised person may enter any land to inspect a scheduled monument in, on or under the land in connection with –
  - (a) an application for scheduled monument consent for works affecting that monument,
  - (b) a proposal to modify or revoke a scheduled monument consent for any such works, or
  - (c) a proposal to make an order under section 27 (termination of scheduled monument partnership agreement or provision of agreement).
- (3) An authorised person may enter any land to assess whether any works to which a scheduled monument consent or an authorisation under section 12 relates are or have been carried out in accordance with the terms of the consent or authorisation (including any conditions).
- (4) An authorised person may enter any land on which any works to which a scheduled monument consent or an authorisation under section 12 relates are being carried out to –
  - (a) inspect the land (including any buildings or other structures on the land) to record any matters of archaeological or historical interest, or
  - (b) observe the carrying out of those works with a view to –
    - (i) examining and recording any objects or other material of archaeological or historical interest discovered during the course of those works, and
    - (ii) recording any matters of archaeological or historical interest discovered during the course of those works.
- (5) An authorised person may enter any land in, on or under which a scheduled monument is situated to erect and maintain on or near the site of the monument any notice boards and marker posts the Welsh Ministers consider to be desirable to protect the monument from accidental or deliberate damage.
- (6) The power in subsection (5) may not be exercised without the agreement of every owner and occupier of the land.
- (7) In this section “authorised person” means a person authorised in writing by the Welsh Ministers.

**66 Pwerau mynediad sy'n ymwneud â gorfodi rheolaethau ar waith**

- (1) Caiff person awdurdodedig fynd ar unrhyw dir –
  - (a) i benderfynu a ddylai hysbysiad stop dros dro gael ei ddyroddi;
  - (b) i arddangos copi o hysbysiad stop dros dro yn unol ag adran 31 neu ei osod yn sownd at ddiben ei gyflwyno yn unol ag adran 206(5)(c);
  - (c) i asesu a gydymffurfiwyd â hysbysiad stop dros dro.
- (2) Caiff person awdurdodedig fynd ar unrhyw dir –
  - (a) i benderfynu a ddylai hysbysiad gorfodi gael ei ddyroddi;
  - (b) i osod hysbysiad gorfodi yn sownd at ddiben ei gyflwyno yn unol ag adran 206(5)(c);
  - (c) i asesu a gydymffurfiwyd â hysbysiad gorfodi.
- (3) Yn yr adran hon ystyr “person awdurdodedig” yw person sydd wedi ei awdurdodi'n ysgrifenedig gan Weinidogion Cymru.

**67 Pŵer mynediad i dir y credir ei fod yn cynnwys heneb o ddiddordeb hanesyddol arbennig**

- (1) Caiff person awdurdodedig fynd ar unrhyw dir y mae Gweinidogion Cymru yn gwybod neu y mae ganddynt reswm dros gredu bod heneb o ddiddordeb hanesyddol arbennig ynddo, arno neu odano er mwyn arolygu'r tir (gan gynnwys unrhyw adeilad neu unrhyw strwythur arall arno) gyda golwg ar gofnodi unrhyw faterion o ddiddordeb archaeolegol neu hanesyddol.
- (2) Caiff person awdurdodedig sy'n mynd ar unrhyw dir wrth arfer y pŵer yn is-adran (1) gynnal cloddiadau yn y tir at ddibenion ymchwiliad archaeolegol.
- (3) Er mwyn cynnal cloddiad o dan is-adran (2) mae'n ofynnol cael cytundeb pob person y byddai'n ofynnol cael ei gytundeb i wneud y cloddiad ar wahân i'r adran hon.
- (4) Ond nid yw is-adran (3) yn gymwys os yw Gweinidogion Cymru yn gwybod neu os oes ganddynt reswm dros gredu bod heneb o ddiddordeb hanesyddol arbennig y maent yn gwybod neu'n credu ei bod yn y tir, arno neu odano mewn perygl, neu'n gallu bod mewn perygl, o fod ar fin cael ei difrodi neu ei dinistrio.
- (5) Yn yr adran hon ystyr “person awdurdodedig” yw person sydd wedi ei awdurdodi'n ysgrifenedig gan Weinidogion Cymru

**68 Pŵer mynediad i gynnal arolwg a phrisiad mewn cysylltiad â hawliad am ddiogollediad**

- (1) Caiff person awdurdodedig fynd ar unrhyw dir i gynnal arolwg ohono, neu i amcangyfrif ei werth, mewn cysylltiad â hawliad am ddiogollediad o dan y Rhan hon am unrhyw ddifrod i'r tir hwnnw neu unrhyw dir arall.
- (2) Yn yr adran hon ystyr “person awdurdodedig” yw –
  - (a) swyddog o Swyddfa Brisió Cyllid a Thollau Ei Fawrhydi, neu
  - (b) person sydd wedi ei awdurdodi'n ysgrifenedig gan Weinidogion Cymru.
- (3) Mae'r pŵer i gynnal arolwg o dir o dan yr adran hon yn cynnwys pŵer i chwilio a thurio i benderfynu natur yr isbridd neu i benderfynu a oes mwynau yn bresennol.



**66 Powers of entry relating to enforcement of controls on works**

- (1) An authorised person may enter any land to—
  - (a) determine whether a temporary stop notice should be issued;
  - (b) display a copy of a temporary stop notice in accordance with section 31 or attach it for the purpose of service in accordance with section 206(5)(c);
  - (c) assess whether a temporary stop notice has been complied with.
- (2) An authorised person may enter any land to—
  - (a) determine whether an enforcement notice should be issued;
  - (b) attach an enforcement notice for the purpose of service in accordance with section 206(5)(c);
  - (c) assess whether an enforcement notice has been complied with.
- (3) In this section “authorised person” means a person authorised in writing by the Welsh Ministers.

**67 Power of entry on land believed to contain monument of special historic interest**

- (1) An authorised person may enter any land in, on or under which the Welsh Ministers know or have reason to believe there is a monument of special historic interest to inspect the land (including any building or other structure on it) with a view to recording any matters of archaeological or historical interest.
- (2) An authorised person entering any land in exercise of the power in subsection (1) may carry out excavations in the land for the purposes of archaeological investigation.
- (3) An excavation under subsection (2) requires the agreement of every person whose agreement to the making of the excavation would be required apart from this section.
- (4) But subsection (3) does not apply if the Welsh Ministers know or have reason to believe that a monument of special historic interest they know or believe to be in, on or under the land is or may be at risk of imminent damage or destruction.
- (5) In this section “authorised person” means a person authorised in writing by the Welsh Ministers.

**68 Power of entry for survey and valuation in connection with claim for compensation**

- (1) An authorised person may enter any land to survey it, or estimate its value, in connection with a claim for compensation under this Part for any damage to that land or any other land.
- (2) In this section “authorised person” means—
  - (a) an officer of the Valuation Office of His Majesty’s Revenue and Customs, or
  - (b) a person authorised in writing by the Welsh Ministers.
- (3) The power to survey land under this section includes power to search and bore to determine the nature of the subsoil or the presence of minerals.

**69 Darpariaeth atodol ynghylch pwerau mynediad o dan y Rhan hon**

- (1) Caniateir i bŵer i fynd ar dir o dan y Rhan hon gael ei arfer ar unrhyw adeg resymol; ond nid yw'r is-adran hon yn gymwys i adran 65(5).
- (2) Ni chaiff person sydd wedi ei awdurdodi i fynd ar dir o dan y Rhan hon fynnu mynediad fel hawl i unrhyw dir sydd wedi ei feddiannu oni bai bod rhybudd o'r mynediad bwriadedig wedi ei roi i bob meddiannydd –
  - (a) pan mai diben y mynediad yw cyflawni unrhyw waith ar y tir (ac eithrio cloddiadau wrth arfer y pŵer o dan adran 67), o leiaf 14 o ddiwrnodau cyn diwrnod y mynediad bwriadedig, neu
  - (b) mewn unrhyw achos arall (gan gynnwys cloddiadau wrth arfer y pŵer o dan adran 67), o leiaf 24 awr cyn diwrnod y mynediad bwriadedig.
- (3) Nid yw is-adran (2) yn gymwys i fynediad o dan –
  - (a) adran 61 (ond gweler is-adran (2) o'r adran honno), na
  - (b) adran 66(1).
- (4) Ni chaiff person sydd wedi ei awdurdodi i fynd ar dir o dan y Rhan hon fynd i unrhyw adeilad nac unrhyw strwythur na rhan o adeilad na strwythur a feddiennir fel annedd heb gytundeb pob meddiannydd; ond nid yw'r is-adran hon yn gymwys i'r pŵer yn adran 68.
- (5) Rhaid i berson sydd wedi ei awdurdodi i fynd ar dir o dan y Rhan hon –
  - (a) os yw'n ofynnol iddo wneud hynny gan neu ar ran perchennog neu feddiannydd ar y tir, ddangos tystiolaeth o awdurdodiad y person a datgan diben mynd ar y tir cyn mynd arno;
  - (b) os yw'n ymadael â'r tir ar adeg pan nad oes perchennog neu feddiannydd yn bresennol, ei adael wedi ei ddiogelu yr un mor effeithiol rhag tresmaswyr ag yr oedd pan aeth y person arno.
- (6) Caiff person sy'n mynd ar dir wrth arfer pŵer mynediad o dan y Rhan hon fynd â chynhorthwy neu gyfarpar y bo ei angen yn rhesymol at y diben y mae'r mynediad yn ymwneud ag ef.
- (7) Pan fo person yn cynnal unrhyw ymchwiliad archaeolegol neu unrhyw archwiliad archaeolegol o dir wrth arfer pŵer mynediad o dan y Rhan hon, caiff y person gymryd unrhyw samplau y mae'n ymddangos i'r person y bo eu hangen yn rhesymol at ddiben dadansoddi archaeolegol a symud unrhyw samplau o'r fath ymaith.
- (8) Pan –
  - (a) bo pŵer mynediad o dan y Rhan hon yn arferadwy gan berson ("P1") mewn perthynas ag unrhyw dir, a
  - (b) bo gwaith yn cael ei gyflawni ar y tir gan berson arall ("P2"),
 rhaid i P1, wrth arfer y pŵer mynediad, gydymffurfio ag unrhyw ofynion rhesymol neu unrhyw amodau rhesymol a osodir gan P2 at ddiben atal ymyrryd â'r gwaith neu atal oedi i'r gwaith.
- (9) Nid yw is-adran (8) yn gymwys pan fo'r gwaith o dan sylw yn cael ei gyflawni yn groes i adran 11 (gofyniad i waith gael ei awdurdodi).

**69 Supplementary provision about powers of entry under this Part**

- (1) A power to enter land under this Part may be exercised at any reasonable time; but this subsection does not apply to section 65(5).
- (2) A person authorised to enter land under this Part may not demand admission as of right to any land which is occupied unless notice of the intended entry has been given to every occupier –
  - (a) where the purpose of the entry is to carry out any works on the land (other than excavations in exercise of the power under section 67), at least 14 days before the day of the intended entry, or
  - (b) in any other case (including excavations in exercise of the power under section 67), at least 24 hours before the day of the intended entry.
- (3) Subsection (2) does not apply to entry under –
  - (a) section 61 (but see subsection (2) of that section), or
  - (b) section 66(1).
- (4) A person authorised to enter land under this Part may not enter any building or structure or part of a building or structure occupied as a dwelling without the agreement of every occupier; but this subsection does not apply to the power in section 68.
- (5) A person authorised to enter land under this Part must –
  - (a) if required to do so by or on behalf of an owner or occupier of the land, produce evidence of the person’s authorisation and state the purpose of the entry before entering the land;
  - (b) if leaving the land at a time when no owner or occupier is present, leave it as effectively secured against trespassers as the person found it.
- (6) A person entering land in exercise of a power of entry under this Part may take assistance or equipment reasonably required for the purpose to which the entry relates.
- (7) Where a person carries out any archaeological investigation or examination of land in the exercise of a power of entry under this Part, the person may take and remove any samples which appear to the person to be reasonably required for the purpose of archaeological analysis.
- (8) Where –
  - (a) a power of entry under this Part is exercisable by a person (“P1”) in relation to any land, and
  - (b) works are being carried out on the land by another person (“P2”),P1 must, in exercising the power of entry, comply with any reasonable requirements or conditions imposed by P2 for the purpose of preventing interference or delay to the works.
- (9) Subsection (8) does not apply where the works in question are being carried out in breach of section 11 (requirement for works to be authorised).

- (10) At ddibenion is-adran (8), nid yw gofyniad neu amod yn rhesymol pe byddai cydymffurfio ag ef yn llesteirio arfer y pŵer mynediad neu ddiben y mynediad.
- (11) Mae person sy'n fwriadol yn rhwystro person sy'n arfer pŵer mynediad o dan y Rhan hon yn cyflawni trosedd.
- (12) Mae person sy'n euog o drosedd o dan is-adran (11) yn agored ar euogfarn ddiannod i ddirwy nad yw'n uwch na lefel 3 ar y raddfa safonol.
- (13) Pan—
- (a) bo person, wrth arfer y pŵer mynediad o dan adran 68, yn cynnig cyflawni gwaith a awdurdodir gan is-adran (3) o'r adran honno, a
  - (b) bo'n ofynnol iddo roi rhybudd o'r mynediad bwriadedig o dan is-adran (2)(a) o'r adran hon,

ni chaiff y person gyflawni'r gwaith oni bai bod y rhybudd o fynediad bwriadedig yn cynnwys hysbysiad o fwriad y person i gyflawni'r gwaith hwnnw.

- (14) Pan—
- (a) wrth arfer y pŵer mynediad o dan adran 68, bo person yn cynnig cyflawni unrhyw waith a awdurdodir gan is-adran (3) o'r adran honno ar dir sy'n perthyn i ymgymerwr statudol, a
  - (b) bo'r ymgymerwr yn gwrthwynebu'r cynnig ar y sail y byddai cyflawni'r gwaith yn ddifrifol niweidiol i gynnal ei ymgymeriad,

ni chaiff y person gyflawni'r gwaith heb gytundeb Gweinidogion Cymru.

## 70 **Digollediad am ddifrod a achosir drwy arfer pwerau penodol o dan y Rhan hon**

- (1) Mae'r adran hon yn gymwys i unrhyw bŵer i fynd ar unrhyw dir, neu i wneud unrhyw beth ar unrhyw dir, o dan adran 40 neu adrannau 65 i 68.
- (2) Mae gan unrhyw berson sydd â buddiant mewn tir hawlogaeth, wrth wneud hawliad i Weinidogion Cymru, i gael ei ddigolledu ganddynt am unrhyw ddifrod a achosir i'r tir neu i eiddo ar y tir wrth arfer pŵer y mae'r adran hon yn gymwys iddo.
- (3) Rhaid i hawliad am ddigollediad o dan yr adran hon gael ei wneud yn ysgrifenedig o fewn 6 mis sy'n dechrau â'r diwrnod y cafodd y difrod ei achosi (neu os cafodd y difrod ei achosi dros fwy nag un diwrnod, y diwrnod olaf y cafodd ei achosi).

## 71 **Trin a diogelu darganfyddiadau**

- (1) Mae'r adran hon yn gymwys pan fo person yn mynd ar dir wrth arfer pŵer mynediad o dan y Rhan hon—
  - (a) i gynnal cloddiadau yn y tir neu i gyflawni gwaith sy'n effeithio ar heneb o ddiddordeb hanesyddol arbennig sydd yn y tir, arno neu odano,
  - (b) i asesu neu arsylwi ar waith ar y tir o dan adran 65(3) neu (4)(b), neu
  - (c) i gynnal archwiliad archaeolegol o'r tir.
- (2) Caiff y person—

- (10) For the purposes of subsection (8), a requirement or condition is not reasonable if complying with it would frustrate the exercise of the power of entry or the purpose of entry.
- (11) A person who intentionally obstructs a person exercising a power of entry under this Part commits an offence.
- (12) A person guilty of an offence under subsection (11) is liable on summary conviction to a fine not exceeding level 3 on the standard scale.
- (13) Where a person –
  - (a) in the exercise of the power of entry under section 68, proposes to carry out works authorised by subsection (3) of that section, and
  - (b) is required to give notice of the intended entry under subsection (2)(a) of this section,

the person may not carry out the works unless the notice of intended entry includes notice of the person's intention to carry them out.

- (14) Where –
  - (a) in the exercise of the power of entry under section 68, a person proposes to carry out any works authorised by subsection (3) of that section on land that belongs to a statutory undertaker, and
  - (b) the undertaker objects to the proposal on the ground that carrying out of the works would be seriously detrimental to the carrying on of its undertaking,

the person may not carry out the works without the agreement of the Welsh Ministers.

## **70 Compensation for damage caused by exercise of certain powers under this Part**

- (1) This section applies to any power to enter, or to do anything on, any land under section 40 or sections 65 to 68.
- (2) Any person interested in land is entitled, on making a claim to the Welsh Ministers, to be paid compensation by them for any damage caused to the land or to property on it in the exercise of a power to which this section applies.
- (3) A claim for compensation under this section must be made in writing within 6 months beginning with the day the damage was caused (or if the damage was caused over more than one day, the last day it was caused).

## **71 Treatment and preservation of finds**

- (1) This section applies where a person enters land in exercise of a power of entry under this Part –
  - (a) to carry out excavations in the land or works affecting a monument of special historic interest situated in, on or under the land,
  - (b) to assess or observe works on the land under section 65(3) or (4)(b), or
  - (c) to carry out an archaeological examination of the land.
- (2) The person may –

- (a) cymryd gwarchodaeth dros dro o unrhyw wrthrych o ddi-ddordeb archaeolegol neu hanesyddol a ddarganfyddir yng nghwrs y cloddiadau, y gwaith neu'r archwiliad, a
  - (b) symud y gwrthrych ymaith o'i safle at ddiben ei archwilio, ei brofi, ei drin, ei gofnodi neu ei ddiogelu.
- (3) Ni chaiff yr awdurdod priodol, heb gytundeb pob perchennog, gadw'r gwrthrych am gyfnod sy'n hwy nag y bo angen yn rhesymol –
- (a) i'w archwilio a'i gofnodi, a
  - (b) i gynnal unrhyw brawf neu gyflawni unrhyw driniaeth y mae'n ymddangos i'r awdurdod ei fod neu ei bod yn ddymunol –
    - (i) at ddiben ymchwiliad neu ddadansoddiad archaeolegol, neu
    - (ii) i adfer neu ddiogelu'r gwrthrych.
- (4) Yn is-adran (3) ystyr "awdurdod priodol" yw –
- (a) mewn achos pan gafodd y pŵer mynediad ei arfer gan Weinidogion Cymru neu ar eu rhan, Gweinidogion Cymru, a
  - (b) mewn achos pan gafodd y pŵer mynediad ei arfer gan awdurdod lleol neu ar ei ran, yr awdurdod hwnnw.
- (5) Nid yw'r adran hon yn effeithio ar unrhyw hawl sydd gan y Goron o dan Ddeddf Trysor 1996 (p. 24).

*Atodol*

**72 Dilysrwydd penderfyniadau a gorchmynion penodol o dan y Rhan hon**

- (1) Ni chaniateir cwestiynu dilysrwydd penderfyniad neu orchymyn y mae'r adran hon yn gymwys iddo mewn unrhyw achos cyfreithiol ac eithrio cais am adolygiad statudol o dan adran 73.
- (2) Y penderfyniadau y mae'r adran hon yn gymwys iddynt yw –
  - (a) penderfyniad gan Weinidogion Cymru ar gais am gydsyniad heneb gofrestredig, a
  - (b) penderfyniad ar adolygiad o dan adran 9.
- (3) Mae'r adran hon yn gymwys i orchymyn o dan adran 20 sy'n addasu neu'n dirymu cydsyniad heneb gofrestredig.
- (4) Nid yw'r adran hon yn atal unrhyw lys rhag arfer unrhyw awdurdodaeth mewn perthynas â gwrthodiad neu fethiant i wneud penderfyniad y mae'r adran hon yn gymwys iddo.

**73 Cais i'r Uchel Lys am adolygiad statudol o benderfyniad neu orchymyn**

- (1) Caiff person a dramgwyddir gan benderfyniad neu orchymyn y mae adran 72 yn gymwys iddo wneud cais am adolygiad statudol.
- (2) Mae cais am adolygiad statudol yn gais i'r Uchel Lys sy'n cwestiynu dilysrwydd y penderfyniad neu'r gorchymyn ar y sail –
  - (a) nad yw o fewn y pwerau a roddir gan y Ddeddf hon, neu

- (a) take temporary custody of any object of archaeological or historical interest discovered during the course of the excavations, works or examination, and
  - (b) remove the object from its site for the purpose of examining, testing, treating, recording or preserving it.
- (3) The appropriate authority may not, without the agreement of every owner, retain the object for longer than is reasonably required to –
  - (a) examine and record it, and
  - (b) carry out any test or treatment which appears to the authority to be desirable –
    - (i) for the purpose of archaeological investigation or analysis, or
    - (ii) to restore or preserve the object.
- (4) In subsection (3) “appropriate authority” means –
  - (a) in a case where the power of entry was exercised by or on behalf of the Welsh Ministers, the Welsh Ministers, and
  - (b) in a case where the power of entry was exercised by or on behalf of a local authority, that authority.
- (5) This section does not affect any right of the Crown under the Treasure Act 1996 (c. 24).

*Supplementary*

**72 Validity of certain decisions and orders under this Part**

- (1) The validity of a decision or order to which this section applies may not be questioned in any legal proceedings except an application for statutory review under section 73.
- (2) The decisions to which this section applies are –
  - (a) a decision of the Welsh Ministers on an application for scheduled monument consent, and
  - (b) a decision on a review under section 9.
- (3) This section applies to an order under section 20 modifying or revoking a scheduled monument consent.
- (4) This section does not prevent any court exercising any jurisdiction in relation to a refusal or failure to make a decision to which this section applies.

**73 Application to High Court for statutory review of decision or order**

- (1) A person aggrieved by a decision or order to which section 72 applies may make an application for statutory review.
- (2) An application for statutory review is an application to the High Court questioning the validity of the decision or order on the grounds that –
  - (a) it is not within the powers conferred by this Act, or

- (b) na chydymffurfiwyd â gofyniad perthnasol mewn perthynas â'r penderfyniad neu'r gorchymyn.
- (3) Rhaid i gais am adolygiad statudol gael ei wneud cyn diwedd 6 wythnos sy'n dechrau â thrannoeth y diwrnod y gwneir y penderfyniad neu'r gorchymyn y mae'r cais yn ymwneud ag ef.
- (4) Ar unrhyw gais am adolygiad statudol, caiff yr Uchel Lys –
  - (a) gwneud gorchymyn interim sy'n atal dros dro weithrediad y penderfyniad neu'r gorchymyn y mae'r cais yn ymwneud ag ef, hyd nes y penderfynir yn derfynol ar yr achos;
  - (b) diddymu'r penderfyniad hwnnw neu'r gorchymyn hwnnw os yw wedi ei fodloni –
    - (i) nad yw o fewn y pwerau a roddir gan y Ddeddf hon, neu
    - (ii) bod methiant i gydymffurfio â gofyniad perthnasol mewn perthynas â'r penderfyniad neu'r gorchymyn wedi cael effaith andwyol sylweddol ar fuddiannau'r ceisydd.
- (5) Yn yr adran hon ystyr "gofyniad perthnasol" yw unrhyw ofyniad –
  - (a) yn y Ddeddf hon neu yn Neddf Tribiwnlysoedd ac Ymchwiliadau 1992 (p. 53), neu
  - (b) mewn unrhyw is-ddeddfwriaeth a wneir o dan y Ddeddf hon neu o dan y Ddeddf honno.

#### 74 Tir y Goron

- (1) Nid yw'r Rhan hon yn gymwys mewn perthynas â thir y Goron ond i'r graddau a nodir isod.
- (2) Caniateir cynnwys heneb sydd ar dir y Goron, ynddo neu odano yn y gofrestr.
- (3) Mae unrhyw gyfyngiadau neu unrhyw bwerau a osodir neu a roddir gan y Rhan hon yn gymwys ac yn arferadwy mewn perthynas â thir y Goron ac mewn perthynas ag unrhyw beth a wneir ar dir y Goron ac eithrio gan neu ar ran y Goron, ond nid fel y byddai'n effeithio ar unrhyw fuddiant sydd gan y Goron yn y tir.
- (4) Nid yw'r adran hon yn caniatáu –
  - (a) i bŵer o dan y Rhan hon i fynd ar unrhyw dir, neu i wneud unrhyw beth ar unrhyw dir, gael ei arfer mewn perthynas â thir y Goron, na
  - (b) i fuddiant yn nhir y Goron a ddelir ac eithrio gan neu ar ran y Goron gael ei gaffael yn orfodol o dan y Rhan hon,
 heb gytundeb awdurdod priodol y Goron.

#### 75 Dehongli'r Rhan hon

- (1) Yn y Rhan hon –
  - mae i "archwiliad archaeolegol" ("*archaeological examination*") yr ystyr a roddir gan is-adran (3);
  - ystyr "awdurdod lleol" ("*local authority*") yw –
    - (a) cyngor sir neu gyngor bwrdeistref sirol yng Nghymru, a
    - (b) awdurdod Parc Cenedlaethol yng Nghymru;



- (b) a relevant requirement has not been complied with in relation to the decision or order.
- (3) An application for statutory review must be made before the end of 6 weeks beginning with the day after the day the decision or order to which the application relates is made.
- (4) On any application for statutory review the High Court –
  - (a) may make an interim order suspending the operation of the decision or order to which the application relates, until the proceedings are finally determined;
  - (b) may quash that decision or order if satisfied that –
    - (i) it is not within the powers conferred by this Act, or
    - (ii) the interests of the applicant have been substantially prejudiced by a failure to comply with a relevant requirement in relation to the decision or order.
- (5) In this section “relevant requirement” means any requirement of –
  - (a) this Act or the Tribunals and Inquiries Act 1992 (c. 53), or
  - (b) any subordinate legislation made under this Act or under that Act.

#### **74 Crown land**

- (1) This Part applies in relation to Crown land only to the extent set out below.
- (2) A monument situated in, on or under Crown land may be included in the schedule.
- (3) Any restrictions or powers imposed or conferred by this Part apply and are exercisable in relation to Crown land and in relation to anything done on Crown land otherwise than by or on behalf of the Crown, but not so as to affect any interest of the Crown in the land.
- (4) This section does not permit –
  - (a) a power under this Part to enter, or to do anything on, any land to be exercised in relation to Crown land, or
  - (b) an interest in Crown land held otherwise than by or on behalf of the Crown to be acquired compulsorily under this Part,without the agreement of the appropriate Crown authority.

#### **75 Interpretation of this Part**

- (1) In this Part –
  - “archaeological examination” (“*archwiliad archaeolegol*”) has the meaning given by subsection (3);
  - “archaeological investigation” (“*ymchwiliad archaeolegol*”) has the meaning given by subsection (2);

mae i “cydsyniad heneb gofrestredig” (“*scheduled monument consent*”) yr ystyr a roddir gan adran 13;

mae i “y gofrestr” (“*the schedule*”) yr ystyr a roddir gan adran 3;

mae “gwaith” (“*works*”) yn cynnwys –

- (a) gweithrediadau i foddi tir neu weithrediadau tipio,
- (b) unrhyw weithrediadau a gyflawnir at ddibenion amaethyddiaeth (o fewn ystyr “agriculture” yn Neddf Cynllunio Gwlad a Thref 1990 (p. 8)) neu goedwigaeth (gan gynnwys coedwigo), ac
- (c) gweithrediadau o unrhyw ddisgrifiad arall;

mae “gwarcheidwad” (“*guardian*”) i’w ddehongli yn unol ag adrannau 45 a 49;

mae i “gwarchodaeth interim” (“*interim protection*”) yr ystyr a roddir gan adran 6(3);

mae i “gweithred warcheidiaeth” (“*guardianship deed*”) yr ystyr a roddir gan adran 45(7);

ystyr “gweithrediadau i foddi tir” (“*flooding operations*”) yw gorchuddio tir â dŵr neu â sylwedd arall sy’n hylifol neu’n rhannol hylifol;

ystyr “gweithrediadau tipio” (“*tipping operations*”) yw tipio pridd neu gloddion neu ddyddodi deunyddiau adeiladu neu ddeunyddiau eraill neu sylwedd adeiladu neu sylwedd arall (gan gynnwys gwastraff) ar unrhyw dir;

mae i “heneb o ddiddordeb hanesyddol arbennig” (“*monument of special historic interest*”) yr ystyr a roddir gan is-adran (6);

ystyr “hysbysiad gorfodi” (“*enforcement notice*”) yw hysbysiad gorfodi a ddyroddir o dan adran 35;

ystyr “hysbysiad stop dros dro” (“*temporary stop notice*”) yw hysbysiad stop dros dro a ddyroddir o dan adran 31;

mae “meddiant” (“*possession*”) yn cynnwys cael rhent ac elw neu’r hawl i gael rhent ac elw (os oes rhent neu elw);

mae i “ymchwiliad archaeolegol” (“*archaeological investigation*”) yr ystyr a roddir gan is-adran (2).

- (2) Yn y Rhan hon ystyr “ymchwiliad archaeolegol” yw unrhyw ymchwiliad o dir, o wrthrychau neu o ddeunydd arall at ddiben cael a chofnodi unrhyw wybodaeth o ddiddordeb archaeolegol neu hanesyddol ac mae’n cynnwys, yn achos ymchwiliad archaeolegol o dir –
- (a) unrhyw ymchwiliad at ddiben darganfod a datgelu a (phan fo’n briodol) adennill a symud ymaith unrhyw wrthrychau neu unrhyw ddeunydd arall o ddiddordeb archaeolegol neu hanesyddol yn y tir, arno neu odano, a
  - (b) archwilio, profi, trin, cofnodi a diogelu unrhyw wrthrychau o’r fath neu unrhyw ddeunydd o’r fath a ddarganfyddir yng nghwrs unrhyw gloddiadau neu unrhyw arolygiadau a gynhelir at ddibenion unrhyw ymchwiliad o’r fath.

“enforcement notice” (*“hysbysiad gorfodi”*) means an enforcement notice issued under section 35;

“flooding operations” (*“gweithrediadau i foddi tir”*) means covering land with water or another liquid or partially liquid substance;

“guardian” (*“gwarcheidwad”*) is to be interpreted in accordance with sections 45 and 49;

“guardianship deed” (*“gweithred warcheidiaeth”*) has the meaning given by section 45(7);

“interim protection” (*“gwarchodaeth interim”*) has the meaning given by section 6(3);

“local authority” (*“awdurdod lleol”*) means –

- (a) a county council or county borough council in Wales, and
- (b) a National Park authority in Wales;

“monument of special historic interest” (*“heneb o ddiddordeb hanesyddol arbennig”*) has the meaning given by subsection (6);

“possession” (*“meddiant”*) includes receipt of rents and profits or the right to receive rents and profits (if any);

“the schedule” (*“y gofrestr”*) has the meaning given by section 3;

“scheduled monument consent” (*“cydsyniad heneb gofrestredig”*) has the meaning given by section 13;

“temporary stop notice” (*“hysbysiad stop dros dro”*) means a temporary stop notice issued under section 31;

“tipping operations” (*“gweithrediadau tipio”*) means tipping soil or spoil or depositing building or other materials or matter (including waste) on any land;

“works” (*“gwaith”*) includes –

- (a) flooding or tipping operations,
- (b) any operations carried out for the purposes of agriculture (within the meaning of the Town and Country Planning Act 1990 (c. 8)) or forestry (including afforestation), and
- (c) operations of any other description.

(2) In this Part “archaeological investigation” means any investigation of land, objects or other material for the purpose of obtaining and recording any information of archaeological or historical interest and includes in the case of an archaeological investigation of land –

- (a) any investigation for the purpose of discovering and revealing and (where appropriate) recovering and removing any objects or other material of archaeological or historical interest situated in, on or under the land, and
- (b) examining, testing, treating, recording and preserving any such objects or material discovered during the course of any excavations or inspections carried out for the purposes of any such investigation.

- (3) Yn y Rhan hon ystyr “archwiliad archaeolegol”, mewn perthynas â thir, yw unrhyw archwiliad neu unrhyw arolygiad o’r tir (gan gynnwys adeiladau neu strwythurau eraill ar y tir) at ddiben cael a chofnodi unrhyw wybodaeth o ddiddordeb archaeolegol neu hanesyddol.
- (4) Yn y Rhan hon (ac eithrio ym Mhennod 4) mae cyfeiriadau at dir sy’n gysylltiedig â heneb (neu at dir cysylltiedig) i’w dehongli yn unol ag adran 49(9).
- (5) Yn y Rhan hon mae cyfeiriadau at heneb, mewn perthynas â chaffael neu drosglwyddo unrhyw heneb (pa un ai o dan y Rhan hon neu fel arall), yn cynnwys unrhyw fuddiant yn yr heneb neu hawl drosti.
- (6) Yn y Rhan hon ystyr “heneb o ddiddordeb hanesyddol arbennig” yw –
  - (a) unrhyw heneb gofrestredig, a
  - (b) unrhyw heneb arall sy’n gyfan gwbl neu’n bennaf yng Nghymru y mae Gweinidogion Cymru yn ystyried ei bod o ddiddordeb i’r cyhoedd oherwydd y diddordeb hanesyddol, pensaernïol, traddodiadol, artistig neu archaeolegol sy’n gysylltiedig â hi.
- (7) Ond nid yw’r cyfeiriad at heneb yn is-adran (6)(b) yn cynnwys heneb yn, ar neu o dan wely’r môr islaw’r marc distyll.

### RHAN 3

#### ADEILADAU O DDIDDORDEB PENSAERNÏOL NEU HANESYDDOL ARBENNIG

##### PENNOD 1

##### RHESTRU ADEILADAU O DDIDDORDEB ARBENNIG

###### *Rhestr o adeiladau*

#### 76 Dyletswydd i gynnal a chyhoeddi rhestr o adeiladau

- (1) Rhaid i Weinidogion Cymru gynnal rhestr o adeiladau y mae rhaid iddi gynnwys pob adeilad yng Nghymru y maent yn ystyried ei fod o ddiddordeb pensaernïol neu hanesyddol arbennig, a rhaid iddynt gyhoeddi’r rhestr gyfredol.
- (2) Caiff Gweinidogion Cymru ddiwygio’r rhestr drwy –
  - (a) ychwanegu adeilad,
  - (b) dileu adeilad, neu
  - (c) diwygio’r cofnod ar gyfer adeilad.
- (3) Wrth ystyried a ddylai adeilad gael ei gynnwys yn y rhestr, caiff Gweinidogion Cymru ystyried nid yn unig yr adeilad ei hun ond hefyd –
  - (a) unrhyw ffordd y mae’r tu allan i’r adeilad yn cyfrannu at ddiddordeb pensaernïol neu hanesyddol unrhyw grŵp o adeiladau y mae’n ffurfio rhan ohono, a
  - (b) dymunoldeb diogelu unrhyw nodweddd artiffisial o’r adeilad ar sail ei diddordeb pensaernïol neu hanesyddol.
- (4) Yn is-adran (3)(b) ystyr “nodweddd artiffisial” yw unrhyw nodweddd o’r adeilad sy’n cynnwys strwythur neu wrthrych artiffisial –
  - (a) sy’n sownd wrth yr adeilad, neu

- (3) In this Part “archaeological examination”, in relation to land, means any examination or inspection of the land (including buildings or other structures on the land) for the purpose of obtaining and recording any information of archaeological or historical interest.
- (4) In this Part (other than in Chapter 4) references to land associated with a monument (or to associated land) are to be interpreted in accordance with section 49(9).
- (5) In this Part references to a monument, in relation to the acquisition or transfer of any monument (whether under this Part or otherwise), include any interest in or right over the monument.
- (6) In this Part “monument of special historic interest” means –
  - (a) any scheduled monument, and
  - (b) any other monument wholly or mainly in Wales which the Welsh Ministers consider to be of public interest by reason of the historic, architectural, traditional, artistic or archaeological interest attaching to it.
- (7) But the reference to a monument in subsection (6)(b) does not include a monument situated in, on or under the bed of the sea below the low water mark.

### PART 3

#### BUILDINGS OF SPECIAL ARCHITECTURAL OR HISTORIC INTEREST

##### CHAPTER 1

##### LISTING BUILDINGS OF SPECIAL INTEREST

##### *List of buildings*

#### **76 Duty to maintain and publish list of buildings**

- (1) The Welsh Ministers must maintain a list of buildings which must include every building in Wales they consider to be of special architectural or historic interest, and must publish the up-to-date list.
- (2) The Welsh Ministers may amend the list by –
  - (a) adding a building,
  - (b) removing a building, or
  - (c) amending the entry for a building.
- (3) In considering whether a building should be included in the list, the Welsh Ministers may take into account not only the building itself but also –
  - (a) any way in which the exterior of the building contributes to the architectural or historic interest of any group of buildings of which it forms part, and
  - (b) the desirability of preserving any artificial feature of the building on the ground of its architectural or historic interest.
- (4) In subsection (3)(b) “artificial feature” means any feature of the building consisting of a structure or artificial object that –
  - (a) is fixed to the building, or

- (b) sy'n ffurfio rhan o'r tir ac sydd o fewn cwrtil yr adeilad.
- (5) Yn y Ddeddf hon ystyr "adeilad rhestredig" yw adeilad sydd wedi ei gynnwys yn y rhestr a gynhelir o dan yr adran hon, ac mae'n cynnwys –
  - (a) unrhyw strwythur neu unrhyw wrthrych artiffisial sy'n sownd wrth yr adeilad ac sy'n atodol iddo;
  - (b) unrhyw strwythur neu unrhyw wrthrych artiffisial arall –
    - (i) sy'n ffurfio rhan o'r tir ac wedi gwneud hynny ers cyn 1 Gorffennaf 1948, a
    - (ii) a oedd o fewn cwrtil yr adeilad, ac yn atodol iddo, ar y dyddiad y cynhwyswyd yr adeilad yn y rhestr am y tro cyntaf, neu ar 1 Ionawr 1969, pa un bynnag oedd y diweddaraf.
- (6) Yn y Rhan hon –
  - (a) ystyr "rhestru" adeilad yw diwygio'r rhestr drwy ychwanegu'r adeilad;
  - (b) ystyr "dadrestru" adeilad yw diwygio'r rhestr drwy ddileu'r adeilad.

#### 77 Hysbysiad o restru neu ddadrestru adeilad

- (1) Cyn gynted â phosibl ar ôl i Weinidogion Cymru restru neu ddadrestru adeilad, rhaid iddynt gyflwyno hysbysiad eu bod wedi gwneud hynny –
  - (a) i bob perchennog a phob meddiannydd ar yr adeilad, a
  - (b) i bob awdurdod lleol perthnasol y mae'r adeilad yn ei ardal.
- (2) Pan fo Gweinidogion Cymru wedi rhestru adeilad –
  - (a) rhaid i'r hysbysiad bennu'r dyddiad y gwnaethant hynny, a
  - (b) rhaid iddynt gynnwys gyda'r hysbysiad gopi o'r cofnod ar gyfer yr adeilad yn y rhestr a gynhelir o dan adran 76.
- (3) Mae copi o gofnod a gyflwynir o dan yr adran hon yn bridiant tir lleol, ac at ddibenion Deddf Pridiannau Tir Lleol 1975 (p. 76) y cyngor sir neu'r cyngor bwrdeistref sirol y cyflwynir y copi iddo yw'r awdurdod tarddiadol o ran y pridiant.
- (4) Rhaid i awdurdod lleol perthnasol gadw'r canlynol ar gael i'r cyhoedd edrych arnynt –
  - (a) copïau o gofnodion yn y rhestr sydd wedi eu cyflwyno iddo o dan yr adran hon, a
  - (b) copïau o unrhyw rannau o'r rhestr a adneuwyd gydag ef o dan adran 2(1) o Ddeddf Cynllunio (Adeiladau Rhestredig ac Ardaloedd Cadwraeth) 1990 (p. 9) neu ddarpariaeth gyfatebol mewn unrhyw Ddeddf gynharach, i'r graddau y mae'r rhannau hynny yn parhau i fod yn gyfredol.
- (5) Rhaid i'r copïau fod ar gael i edrych arnynt –
  - (a) yn rhad ac am ddim,
  - (b) ar adegau rhesymol, ac
  - (c) mewn man cyfleus.
- (6) Yn yr adran hon ystyr "awdurdod lleol perthnasol" yw –
  - (a) cyngor sir neu gyngor bwrdeistref sirol;
  - (b) awdurdod Parc Cenedlaethol;

- (b) forms part of the land and is within the curtilage of the building.
- (5) In this Act “listed building” means a building included in the list maintained under this section, and includes –
  - (a) any structure or artificial object that is fixed to the building and ancillary to it;
  - (b) any other structure or artificial object that –
    - (i) forms part of the land and has done so since before 1 July 1948, and
    - (ii) was within the curtilage of the building, and ancillary to it, on the date on which the building was first included in the list, or on 1 January 1969, whichever was later.
- (6) In this Part –
  - (a) “listing” a building means amending the list by adding the building;
  - (b) “de-listing” a building means amending the list by removing the building.

## **77 Notification of listing or de-listing of building**

- (1) As soon as possible after the Welsh Ministers list or de-list a building, they must serve notice that they have done so on –
  - (a) every owner and occupier of the building, and
  - (b) every relevant local authority in whose area the building is situated.
- (2) Where the Welsh Ministers have listed a building –
  - (a) the notice must specify the date on which they did so, and
  - (b) they must include with the notice a copy of the entry for the building in the list maintained under section 76.
- (3) A copy of an entry served under this section is a local land charge, and for the purposes of the Local Land Charges Act 1975 (c. 76) the county council or county borough council on which the copy is served is the originating authority as respects the charge.
- (4) A relevant local authority must keep available for public inspection –
  - (a) copies of entries in the list that have been served on it under this section, and
  - (b) copies of any parts of the list that were deposited with it under section 2(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 (c. 9) or a corresponding provision of any earlier Act, so far as those parts remain up-to-date.
- (5) The copies must be available for inspection –
  - (a) free of charge,
  - (b) at reasonable times, and
  - (c) at a convenient place.
- (6) In this section “relevant local authority” means –
  - (a) a county council or county borough council;
  - (b) a National Park authority;

(c) bwrdd cydgynllunio.

*Cynigion i restru a dadrestru adeiladau: ymgynghori a gwarchodaeth dros dro*

## 78 Ymgynghori cyn restru neu ddadrestru adeilad

- (1) Pan fo Gweinidogion Cymru yn cynnig restru neu ddadrestru adeilad, rhaid iddynt gyflwyno i'r personau a grybwyllir yn is-adran (2) hysbysiad –
  - (a) sy'n nodi'r diwygiad arfaethedig i'r rhestr a gynhelir o dan adran 76, a
  - (b) sy'n gwahodd y personau hynny i gyflwyno sylwadau ysgrifenedig ynghylch y cynnig.
- (2) Y personau yw –
  - (a) pob perchennog a phob meddiannydd ar yr adeilad,
  - (b) pob awdurdod cynllunio y mae'r adeilad yn ei ardal, ac
  - (c) unrhyw bersonau eraill y mae Gweinidogion Cymru yn ystyried eu bod yn briodol a bod ganddynt wybodaeth arbennig am adeiladau o ddiddordeb pensaernïol neu hanesyddol, neu ddiddordeb arbennig ynddynt.
- (3) Rhaid i hysbysiad o dan is-adran (1) –
  - (a) pennu'r cyfnod y caniateir i sylwadau gael eu cyflwyno ynddo, a
  - (b) yn achos cynnig i restru adeilad –
    - (i) cynnwys datganiad o effaith adran 79 (gwarchodaeth interim), a
    - (ii) pennu'r dyddiad y mae gwarchodaeth interim yn cymryd effaith o dan yr adran honno.
- (4) Rhaid i'r cyfnod a bennir o dan is-adran (3)(a) fod o leiaf 28 o ddiwrnodau sy'n dechrau â'r diwrnod y cyflwynir yr hysbysiad.

## 79 Gwarchodaeth interim wrth aros am benderfyniad o ran pa un ai i restru adeilad

- (1) Mae'r adran hon yn gymwys pan fo Gweinidogion Cymru yn cyflwyno hysbysiad o dan adran 78(1) o gynnig i restru adeilad.
- (2) O ddechrau'r diwrnod a bennir o dan adran 78(3)(b)(ii), mae'r Ddeddf hon (ac eithrio adrannau 118 a 137 i 142) a Deddf Cynllunio Gwlad a Thref 1990 (p. 8) yn cael effaith mewn perthynas â'r adeilad fel pe bai'n adeilad rhestredig.
- (3) Cyfeirir at y warchodaeth a roddir yn rhinwedd is-adran (2) yn y Rhan hon fel "gwarchodaeth interim".
- (4) Rhaid i Weinidogion Cymru –
  - (a) cyhoeddi rhestr o'r adeiladau sy'n ddarostyngedig i warchodaeth interim, a
  - (b) darparu copi o'r hysbysiad a gyflwynir o dan adran 78(1) mewn cysylltiad ag adeilad o'r fath i unrhyw berson sy'n gofyn am gopi.
- (5) Daw gwarchodaeth interim i ben mewn perthynas ag adeilad –
  - (a) pan fo Gweinidogion Cymru yn restru'r adeilad, ar ddechrau'r diwrnod a bennir yn yr hysbysiad o dan adran 77(1);



- (c) a joint planning board.

*Proposals to list and de-list buildings: consultation and interim protection*

## **78 Consultation before listing or de-listing building**

- (1) Where the Welsh Ministers are proposing to list or de-list a building, they must serve a notice on the persons mentioned in subsection (2) which—
  - (a) sets out the proposed amendment to the list maintained under section 76, and
  - (b) invites those persons to make written representations about the proposal.
- (2) The persons are—
  - (a) every owner and occupier of the building,
  - (b) every planning authority in whose area the building is situated, and
  - (c) any other persons the Welsh Ministers consider appropriate as having special knowledge of, or special interest in, buildings of architectural or historic interest.
- (3) A notice under subsection (1) must—
  - (a) specify the period within which representations may be made, and
  - (b) in the case of a proposal to list a building—
    - (i) include a statement of the effect of section 79 (interim protection), and
    - (ii) specify the date on which interim protection takes effect under that section.
- (4) The period specified under subsection (3)(a) must be at least 28 days beginning with the day the notice is served.

## **79 Interim protection pending decision whether to list building**

- (1) This section applies where the Welsh Ministers serve notice under section 78(1) of a proposal to list a building.
- (2) From the beginning of the day specified under section 78(3)(b)(ii), this Act (except sections 118 and 137 to 142) and the Town and Country Planning Act 1990 (c. 8) have effect in relation to the building as if it were a listed building.
- (3) The protection conferred by virtue of subsection (2) is referred to in this Part as “interim protection”.
- (4) The Welsh Ministers must—
  - (a) publish a list of the buildings subject to interim protection, and
  - (b) provide a copy of the notice served under section 78(1) in respect of such a building to any person who requests one.
- (5) Interim protection ends in relation to a building—
  - (a) where the Welsh Ministers list the building, at the beginning of the day specified in the notice under section 77(1);

- (b) pan fo Gweinidogion Cymru yn penderfynu peidio â rhestru'r adeilad, ar ddechrau'r diwrnod a bennir mewn hysbysiad a gyflwynir –
  - (i) i bob perchennog a phob meddiannydd ar yr adeilad, a
  - (ii) i bob awdurdod cynllunio y mae'r adeilad yn ei ardal.
- (6) Mae Atodlen 7 yn gwneud darpariaeth ynghylch effaith gwarchodaeth interim yn dod i ben o dan is-adran (5)(b).
- (7) Nid yw'r adran hon yn gymwys i adeilad sy'n heneb gofrestredig.

## 80 **Digollediad am golled neu ddifrod a achosir gan warchodaeth interim**

- (1) Mae'r adran hon yn gymwys pan fo gwarchodaeth interim yn dod i ben mewn perthynas ag adeilad oherwydd bod Gweinidogion Cymru yn cyflwyno hysbysiad o dan adran 79(5)(b) eu bod wedi penderfynu peidio â rhestru'r adeilad.
- (2) Mae gan unrhyw berson a oedd â buddiant yn yr adeilad pan gymerodd y warchodaeth interim effaith hawlogaeth, wrth wneud hawliad i Weinidogion Cymru, i gael ei ddigolledu ganddynt am unrhyw golled neu unrhyw ddifrod a ddioddefir gan y person y gellir ei phriodoli neu ei briodoli'n uniongyrchol i'r warchodaeth interim.
- (3) Mae'r golled neu'r difrod y mae digollediad yn daladwy amdani neu amdano yn cynnwys unrhyw swm sy'n daladwy gan yr hawlydd mewn cysylltiad â thor contract a achosir gan yr angen i stopio neu ganslo gwaith i'r adeilad oherwydd y warchodaeth interim.
- (4) Rhaid i hawliad am ddigollediad o dan yr adran hon gael ei wneud yn ysgrifenedig o fewn 6 mis sy'n dechrau pan ddaw'r warchodaeth interim i ben.
- (5) Pan oedd yr adeilad yn ddarostyngedig yn flaenorol i restru dros dro o dan adran 83 a ddaeth i ben oherwydd i'r warchodaeth interim gymryd effaith –
  - (a) mae'r cyfeiriad yn is-adran (2) at yr amser pan gymerodd y warchodaeth interim effaith i'w drin fel pe bai'n gyfeiriad at yr amser pan gymerodd y rhestru dros dro effaith;
  - (b) mae'r cyfeiriad yn yr is-adran honno at golled neu ddifrod y gellir ei phriodoli neu ei briodoli'n uniongyrchol i'r warchodaeth interim yn cynnwys colled neu ddifrod y gellir ei phriodoli neu ei briodoli'n uniongyrchol i'r rhestru dros dro;
  - (c) mae'r cyfeiriad yn is-adran (3) at yr angen i stopio neu ganslo gwaith oherwydd y warchodaeth interim yn cynnwys yr angen i wneud hynny oherwydd y rhestru dros dro.

### *Adolygu penderfyniadau rhestru*

## 81 **Adolygu penderfyniad i restru adeilad**

- (1) Pan fo Gweinidogion Cymru yn rhestru adeilad, rhaid i'r hysbysiad o dan adran 77(1) ddatgan y caiff unrhyw berchennog neu unrhyw feddiannydd ar yr adeilad wneud cais i Weinidogion Cymru yn gofyn am adolygiad o'r penderfyniad.
- (2) Ni chaniateir gwneud cais ond ar y sail nad yw'r adeilad o ddiddordeb pensaernïol neu hanesyddol arbennig.
- (3) Pan fo perchennog neu feddiannydd yn gwneud cais am adolygiad, rhaid i Weinidogion Cymru benodi person –

- (b) where the Welsh Ministers decide not to list the building, at the beginning of the day specified in a notice served on—
  - (i) every owner and occupier of the building, and
  - (ii) every planning authority in whose area the building is situated.
- (6) Schedule 7 makes provision about the effect of interim protection coming to an end under subsection (5)(b).
- (7) This section does not apply to a building which is a scheduled monument.

## **80 Compensation for loss or damage caused by interim protection**

- (1) This section applies where interim protection ends in relation to a building because the Welsh Ministers serve notice under section 79(5)(b) that they have decided not to list the building.
- (2) Any person who had an interest in the building when the interim protection took effect is entitled, on making a claim to the Welsh Ministers, to be paid compensation by them for any loss or damage suffered by the person that is directly attributable to the interim protection.
- (3) The loss or damage for which compensation is payable includes any amount payable by the claimant in respect of a breach of contract caused by the need to stop or cancel works to the building because of the interim protection.
- (4) A claim for compensation under this section must be made in writing within 6 months beginning when the interim protection ends.
- (5) Where the building was previously subject to temporary listing under section 83 which ended because the interim protection took effect—
  - (a) the reference in subsection (2) to the time when the interim protection took effect is to be treated as a reference to the time when the temporary listing took effect;
  - (b) the reference in that subsection to loss or damage directly attributable to the interim protection includes loss or damage directly attributable to the temporary listing;
  - (c) the reference in subsection (3) to the need to stop or cancel works because of the interim protection includes the need to do so because of the temporary listing.

### *Review of listing decisions*

## **81 Review of decision to list building**

- (1) Where the Welsh Ministers list a building, the notice under section 77(1) must state that any owner or occupier of the building may make an application to the Welsh Ministers requesting a review of the decision.
- (2) An application may be made only on the ground that the building is not of special architectural or historic interest.
- (3) Where an owner or occupier makes an application for a review, the Welsh Ministers must appoint a person to—

- (a) i gynnal yr adolygiad, a
  - (b) i wneud penderfyniad ar yr adolygiad.
- (4) Caiff Gweinidogion Cymru drwy reoliadau bennu disgrifiadau o achosion pan fydd rhaid iddynt hwy, yn hytrach na pherson a benodir ganddynt, gynnal adolygiad a gwneud penderfyniad arno.
- (5) Rhaid i Weinidogion Cymru wneud unrhyw ddiwygiad i'r rhestr a gynhelir o dan adran 76 y maent yn ystyried ei fod yn briodol i roi effaith i benderfyniad ar adolygiad.
- (6) Caiff Gweinidogion Cymru drwy reoliadau ddiwygio is-adran (2)–
- (a) i ychwanegu sail ar gyfer adolygiad;
  - (b) i addasu sail ar gyfer adolygiad;
  - (c) i ddileu sail ar gyfer adolygiad.

## 82 Darpariaeth atodol ynghylch adolygiadau

- (1) Rhaid i Weinidogion Cymru drwy reoliadau wneud darpariaeth ynghylch –
- (a) y ffurf a'r ffordd y mae rhaid i gais o dan adran 81 gael ei wneud;
  - (b) yr wybodaeth y mae rhaid ei darparu i Weinidogion Cymru, neu y gall fod yn ofynnol ganddynt, mewn cysylltiad â chais;
  - (c) y cyfnod y mae rhaid i gais gael ei wneud ynddo.
- (2) Rhaid i adolygiad o dan adran 81 gael ei gynnal mewn un neu ragor o'r ffyrdd a ganlyn (fel y'i penderfynir gan y person sy'n cynnal yr adolygiad) –
- (a) drwy ymchwiliad lleol;
  - (b) drwy wrandawriad;
  - (c) ar sail sylwadau ysgrifenedig.
- (3) Pan fo adolygiad yn cael ei gynnal gan berson a benodir gan Weinidogion Cymru, mae gan y person a benodir yr un pwerau a'r un dyletswyddau mewn perthynas â'r adolygiad ag sydd gan Weinidogion Cymru o dan –
- (a) unrhyw reoliadau a wneir o dan adran 175 (gofynion gweithdrefnol), a
  - (b) adrannau 180 a 181 (costau Gweinidogion Cymru a chostau partion).
- (4) Pan fo adolygiad yn cael ei gynnal drwy ymchwiliad lleol, mae adran 177 (pŵer i wneud tystiolaeth yn ofynnol) yn gymwys i'r ymchwiliad fel y mae'n gymwys i ymchwiliad a gynhelir o dan Ran 5.
- (5) Caiff Gweinidogion Cymru drwy reoliadau wneud darpariaeth bellach mewn cysylltiad ag adolygiadau o dan adran 81.
- (6) Mae Atodlen 2 yn gwneud darpariaeth bellach ynghylch swyddogaethau personau a benodir gan Weinidogion Cymru i gynnal adolygiadau o dan adran 81.

- (a) carry out the review, and
  - (b) make a decision on the review.
- (4) The Welsh Ministers may by regulations specify descriptions of cases in which they, instead of a person appointed by them, must carry out and make a decision on a review.
- (5) The Welsh Ministers must make any amendment to the list maintained under section 76 they consider appropriate to give effect to a decision on a review.
- (6) The Welsh Ministers may by regulations amend subsection (2) to—
- (a) add a ground of review;
  - (b) modify a ground of review;
  - (c) remove a ground of review.

## **82 Supplementary provision about reviews**

- (1) The Welsh Ministers must by regulations make provision about—
- (a) the form and way in which an application under section 81 must be made;
  - (b) the information that must be provided to, or may be required by, the Welsh Ministers in connection with an application;
  - (c) the period within which an application must be made.
- (2) A review under section 81 must be carried out in one or more of the following ways (as determined by the person carrying out the review)—
- (a) by means of a local inquiry;
  - (b) by means of a hearing;
  - (c) on the basis of written representations.
- (3) Where a review is carried out by a person appointed by the Welsh Ministers, the appointed person has the same powers and duties in relation to the review as the Welsh Ministers have under—
- (a) any regulations made under section 175 (procedural requirements), and
  - (b) sections 180 and 181 (costs of Welsh Ministers and parties).
- (4) Where a review is carried out by means of a local inquiry, section 177 (power to require evidence) applies to the inquiry as it applies to an inquiry held under Part 5.
- (5) The Welsh Ministers may by regulations make further provision in connection with reviews under section 81.
- (6) Schedule 2 makes further provision about the functions of persons appointed by the Welsh Ministers to carry out reviews under section 81.

*Rhestru dros dro***83 Cyflwyno hysbysiad rhestru dros dro**

- (1) Mae'r adran hon yn gymwys os yw awdurdod cynllunio yn ystyried bod adeilad yn ei ardal nad yw'n adeilad rhestredig (ac nad yw'n cael ei drin fel pe bai'n adeilad rhestredig yn rhinwedd adran 79(2)) –
  - (a) o ddiddordeb pensaernïol neu hanesyddol arbennig, a
  - (b) mewn perygl o gael ei ddymchwel neu o gael ei newid mewn ffordd a fyddai'n effeithio ar ei gymeriad fel adeilad o ddiddordeb pensaernïol neu hanesyddol arbennig.
- (2) Caiff yr awdurdod gyflwyno hysbysiad rhestru dros dro i bob perchennog a phob meddiannydd ar yr adeilad.
- (3) Mae hysbysiad rhestru dros dro yn hysbysiad –
  - (a) sy'n datgan bod yr awdurdod cynllunio –
    - (i) yn ystyried bod yr adeilad o ddiddordeb pensaernïol neu hanesyddol arbennig, a
    - (ii) wedi gofyn i Weinidogion Cymru ystyried ei restru, a
  - (b) sy'n esbonio effaith is-adran (4), adran 85 ac Atodlen 7.
- (4) Cyn gynted ag y bo hysbysiad rhestru dros dro wedi ei gyflwyno i bob perchennog a phob meddiannydd ar yr adeilad y mae'n ymwneud ag ef, mae'r Ddeddf hon (ac eithrio adrannau 118 a 137 i 142) a Deddf Cynllunio Gwlad a Thref 1990 (p. 8) yn cael effaith mewn perthynas â'r adeilad fel pe bai'n adeilad rhestredig.
- (5) Cyfeirir yn y Rhan hon at y warchodaeth a roddir yn rhinwedd is-adran (4) fel "rhestru dros dro".
- (6) Nid yw'r adran hon nac adran 84 yn gymwys –
  - (a) i adeilad sy'n heneb gofrestredig, na
  - (b) i adeilad crefyddol esempt.

**84 Rhestru dros dro mewn achosion brys**

- (1) Mae'r adran hon yn gymwys os yw awdurdod cynllunio yn ystyried ei bod yn fater o frys y dylai rhestru dros dro gymryd effaith mewn perthynas ag adeilad yn ei ardal.
- (2) Caiff yr awdurdod, yn lle cyflwyno hysbysiad rhestru dros dro i bob perchennog a phob meddiannydd ar yr adeilad –
  - (a) gosod yr hysbysiad yn sownd mewn lle gweladwy ar yr adeilad, neu
  - (b) os nad yw'n rhesymol ymarferol gosod yr hysbysiad yn sownd ar yr adeilad, neu os yw'r awdurdod yn ystyried y gellid difrodi'r adeilad wrth wneud hynny, arddangos yr hysbysiad mewn lle amlwg mor agos i'r adeilad ag y bo'n rhesymol ymarferol.
- (3) Mae gosod neu arddangos hysbysiad yn unol ag is-adran (2) i'w drin at ddibenion adran 83(4) fel pe bai'r hysbysiad wedi ei gyflwyno i bob perchennog a phob meddiannydd ar yr adeilad.

*Temporary listing***83 Service of temporary listing notice**

- (1) This section applies if a planning authority considers that a building in its area which is not a listed building (and is not treated as one by virtue of section 79(2)) is –
  - (a) of special architectural or historic interest, and
  - (b) in danger of being demolished or of being altered in a way that would affect its character as a building of special architectural or historic interest.
- (2) The authority may serve a temporary listing notice on every owner and occupier of the building.
- (3) A temporary listing notice is a notice which –
  - (a) states that the planning authority –
    - (i) considers the building to be of special architectural or historic interest, and
    - (ii) has requested the Welsh Ministers to consider listing it, and
  - (b) explains the effect of subsection (4), section 85 and Schedule 7.
- (4) As soon as a temporary listing notice has been served on every owner and occupier of the building to which it relates, this Act (except sections 118 and 137 to 142) and the Town and Country Planning Act 1990 (c. 8) have effect in relation to the building as if it were a listed building.
- (5) The protection conferred by virtue of subsection (4) is referred to in this Part as “temporary listing”.
- (6) This section and section 84 do not apply to –
  - (a) a building which is a scheduled monument, or
  - (b) an exempt religious building.

**84 Temporary listing in urgent cases**

- (1) This section applies if a planning authority considers it urgent that temporary listing should take effect in relation to a building in its area.
- (2) The authority may, instead of serving a temporary listing notice on each owner and occupier of the building –
  - (a) attach the notice conspicuously to the building, or
  - (b) if it is not reasonably practicable to attach the notice to the building, or the authority considers that doing so might damage the building, display the notice in a prominent place as near to the building as is reasonably practicable.
- (3) Attaching or displaying a notice in accordance with subsection (2) is to be treated for the purposes of section 83(4) as serving the notice on every owner and occupier of the building.

- (4) Rhaid i'r hysbysiad esbonio, yn rhinwedd ei fod wedi ei osod neu ei arddangos yn unol ag is-adran (2), fod yr hysbysiad i'w drin fel pe bai wedi ei gyflwyno at y dibenion hynny.

## 85 Diwedd rhestru dros dro

- (1) Mae rhestru dros dro adeilad yn cael effaith tan ddiwedd y 6 mis sy'n dechrau â'r diwrnod y mae'n cymryd effaith o dan adran 83(4), oni bai ei fod yn dod i ben o dan is-adran (2) neu (3).
- (2) Os yw Gweinidogion Cymru yn cyflwyno hysbysiad o dan adran 78(1) o gynnig i restru'r adeilad, daw rhestru dros dro i ben pan fydd gwarchodaeth interim yn cymryd effaith mewn perthynas â'r adeilad (ac mae'r adeilad yn parhau i gael ei drin fel pe bai'n adeilad rhestredig at ddibenion penodol yn rhinwedd adran 79(2)).
- (3) Os yw Gweinidogion Cymru yn hysbysu'r awdurdod cynllunio yn ysgrifenedig nad ydynt yn bwriadu ymgynghori o dan adran 78 ar gynnig i restru'r adeilad, daw rhestru dros dro i ben ar ddechrau'r diwrnod a bennir yn yr hysbysiad.
- (4) Mae Atodlen 7 yn gwneud darpariaeth ynghylch effaith rhestru dros dro yn dod i ben –
- ar ddiwedd y cyfnod o 6 mis a grybwyllir yn is-adran (1), neu
  - oherwydd bod Gweinidogion Cymru yn rhoi hysbysiad o dan is-adran (3) nad ydynt yn bwriadu ymgynghori ar gynnig i restru'r adeilad.
- (5) Os daw rhestru dros dro i ben mewn perthynas ag adeilad oherwydd bod Gweinidogion Cymru yn hysbysu'r awdurdod cynllunio nad ydynt yn bwriadu ymgynghori ar gynnig i restru'r adeilad –
- rhaid i'r awdurdod roi hysbysiad o'r penderfyniad hwnnw ar unwaith i bob perchennog a phob meddiannydd ar yr adeilad;
  - ni chaiff yr awdurdod gyflwyno hysbysiad rhestru dros dro arall mewn cysylltiad â'r adeilad yn ystod y 12 mis sy'n dechrau â'r diwrnod y mae Gweinidogion Cymru yn rhoi'r hysbysiad.

## 86 Digollediad am golled neu ddifrod a achosir gan restru dros dro

- (1) Mae'r adran hon yn gymwys pan fo rhestru dros dro yn dod i ben mewn perthynas ag adeilad –
- ar ddiwedd y cyfnod o 6 mis a grybwyllir yn adran 85(1), neu
  - oherwydd bod Gweinidogion Cymru yn rhoi hysbysiad o dan adran 85(3) nad ydynt yn bwriadu ymgynghori ar gynnig i restru'r adeilad.
- (2) Mae gan unrhyw berson a oedd â buddiant yn yr adeilad pan gymerodd y rhestru dros dro effaith hawlogaeth, wrth wneud hawliad i'r awdurdod cynllunio y mae'r adeilad yn ei ardal, i gael ei ddigolledu gan yr awdurdod am unrhyw golled neu unrhyw ddifrod a ddioddefir gan y person y gellir ei phriodoli neu ei briodoli'n uniongyrchol i'r rhestru dros dro.
- (3) Mae'r golled neu'r difrod y mae digollediad yn daladwy amdani neu amdano yn cynnwys unrhyw swm sy'n daladwy gan yr hawlydd mewn cysylltiad â thor contract a achosir gan yr angen i stopio neu ganslo gwaith i'r adeilad oherwydd y rhestru dros dro.
- (4) Rhaid i hawliad am ddigollediad o dan yr adran hon gael ei wneud yn ysgrifenedig o fewn 6 mis sy'n dechrau pan ddaw'r rhestru dros dro i ben.



- (4) The notice must explain that by virtue of having been attached or displayed in accordance with subsection (2) the notice is treated as having been served for those purposes.

## **85 End of temporary listing**

- (1) Temporary listing of a building has effect until the end of the 6 months beginning with the day it takes effect under section 83(4), unless it ends under subsection (2) or (3).
- (2) If the Welsh Ministers serve notice under section 78(1) of a proposal to list the building, temporary listing ends when interim protection takes effect in relation to the building (and the building continues to be treated as if it were a listed building for certain purposes by virtue of section 79(2)).
- (3) If the Welsh Ministers notify the planning authority in writing that they do not intend to consult under section 78 on a proposal to list the building, temporary listing ends at the beginning of the day specified in the notification.
- (4) Schedule 7 makes provision about the effect of temporary listing coming to an end –
  - (a) at the end of the 6-month period mentioned in subsection (1), or
  - (b) because the Welsh Ministers give notification under subsection (3) that they do not intend to consult on a proposal to list the building.
- (5) If temporary listing ends in relation to a building because the Welsh Ministers notify the planning authority that they do not intend to consult on a proposal to list the building –
  - (a) the authority must immediately give notice of that decision to every owner and occupier of the building;
  - (b) the authority may not serve another temporary listing notice in respect of the building during the 12 months beginning with the day the Welsh Ministers give the notification.

## **86 Compensation for loss or damage caused by temporary listing**

- (1) This section applies where temporary listing ends in relation to a building –
  - (a) at the end of the 6-month period mentioned in section 85(1), or
  - (b) because the Welsh Ministers give notification under section 85(3) that they do not intend to consult on a proposal to list the building.
- (2) Any person who had an interest in the building when the temporary listing took effect is entitled, on making a claim to the planning authority in whose area the building is situated, to be paid compensation by the authority for any loss or damage suffered by the person that is directly attributable to the temporary listing.
- (3) The loss or damage for which compensation is payable includes any amount payable by the claimant in respect of a breach of contract caused by the need to stop or cancel works to the building because of the temporary listing.
- (4) A claim for compensation under this section must be made in writing within 6 months beginning when the temporary listing ends.

*Adeiladau na fwriedir iddynt gael eu rhestru***87 Tystysgrif nad yw Gweinidogion Cymru yn bwriadu rhestru adeilad**

- (1) Caiff Gweinidogion Cymru, ar gais unrhyw berson, ddyroddi tystysgrif sy'n datgan nad ydynt yn bwriadu rhestru adeilad.
- (2) Yn ystod y 5 mlynedd sy'n dechrau â'r diwrnod y dyroddir y dystysgrif—
  - (a) ni chaiff Gweinidogion Cymru restru'r adeilad na chyflwyno hysbysiad o dan adran 78(1) o gynnig i restru'r adeilad;
  - (b) ni chaiff awdurdod cynllunio y mae'r adeilad yn ei ardal gyflwyno hysbysiad rhestru dros dro mewn perthynas â'r adeilad.
- (3) Rhaid i geisydd am dystysgrif roi hysbysiad o'r cais i bob awdurdod cynllunio y mae'r adeilad yn ei ardal ar yr un pryd ag y mae'n cyflwyno'r cais i Weinidogion Cymru.

**PENNOD 2****RHEOLAETHU GWAITH SY'N EFFEITHIO AR ADEILADAU RHESTREDIG***Awdurdodi gwaith***88 Gofyniad i waith gael ei awdurdodi**

- (1) Ni chaiff person gyflawni gwaith y mae'r adran hon yn gymwys iddo, neu beri i waith o'r fath gael ei gyflawni, oni bai bod y gwaith wedi ei awdurdodi o dan adran 89.
- (2) Mae'r adran hon yn gymwys—
  - (a) i waith ar gyfer addasu neu estyn adeilad rhestredig mewn unrhyw ffordd a fyddai'n effeithio ar ei gymeriad fel adeilad o ddiddordeb pensaernïol neu hanesyddol arbennig;
  - (b) i waith ar gyfer dymchwel adeilad rhestredig.
- (3) Ond nid yw'r adran hon yn gymwys—
  - (a) i waith mewn perthynas ag adeilad sy'n heneb gofrestredig (ond gweler adran 11);
  - (b) i waith mewn perthynas ag adeilad crefyddol esempt;
  - (c) i waith ar gyfer dymchwel adeilad sydd ar gau ar gyfer addoli rheolaidd gan y cyhoedd, neu ran o adeilad o'r fath, yn unol â darpariaeth a wneir o dan Ran 6 o Fesur Cenhadaeth a Bugeiliol 2011 (Rhif 3) gan gynllun bugeiliol adeiladau eglwysi neu gynllun bugeiliol (gwaredu adeiladau eglwysi);
  - (d) i waith a gyflawnir gan neu ar ran y Goron o dan yr amgylchiadau a nodir ym mharagraffau (a) i (d) o adran 117(4) (gwaith brys).

**89 Awdurdodi gwaith drwy gydsyniad adeilad rhestredig**

- (1) Mae gwaith y mae adran 88 yn gymwys iddo wedi ei awdurdodi—
  - (a) os yw cydsyniad ysgrifenedig i'w gyflawni wedi ei roi gan yr awdurdod cynllunio y mae'r adeilad yn ei ardal neu gan Weinidogion Cymru, a
  - (b) os yw'r gwaith yn cael ei gyflawni yn unol â thelerau'r cydsyniad (gan gynnwys unrhyw amodau sydd ynghlwm wrtho).

*Buildings not intended to be listed***87 Certificate that Welsh Ministers do not intend to list building**

- (1) The Welsh Ministers may, on the application of any person, issue a certificate stating that they do not intend to list a building.
- (2) During the 5 years beginning with the day the certificate is issued –
  - (a) the Welsh Ministers may not list the building or serve notice under section 78(1) of a proposal to list the building;
  - (b) a planning authority in whose area the building is situated may not serve a temporary listing notice in relation to the building.
- (3) An applicant for a certificate must give notice of the application to every planning authority in whose area the building is situated at the same time as submitting the application to the Welsh Ministers.

**CHAPTER 2****CONTROL OF WORKS AFFECTING LISTED BUILDINGS***Authorisation of works***88 Requirement for works to be authorised**

- (1) A person must not carry out works to which this section applies, or cause such works to be carried out, unless the works are authorised under section 89.
- (2) This section applies to –
  - (a) works for the alteration or extension of a listed building in any way that would affect its character as a building of special architectural or historic interest;
  - (b) works for the demolition of a listed building.
- (3) But this section does not apply to –
  - (a) works in relation to a building which is a scheduled monument (but see section 11);
  - (b) works in relation to an exempt religious building;
  - (c) works for the demolition of a building closed for regular public worship, or a part of such a building, in accordance with provision made under Part 6 of the Mission and Pastoral Measure 2011 (No. 3) by a pastoral church buildings scheme or a pastoral (church buildings disposal) scheme;
  - (d) works carried out by or on behalf of the Crown in the circumstances set out in paragraphs (a) to (d) of section 117(4) (emergency works).

**89 Authorisation of works by listed building consent**

- (1) Works to which section 88 applies are authorised if –
  - (a) written consent to carry them out has been granted by the planning authority in whose area the building is situated or the Welsh Ministers, and
  - (b) the works are carried out in accordance with the terms of the consent (including any conditions attached to it).

- (2) Pan—
- (a) bo gwaith y mae adran 88 yn gymwys iddo wedi ei gyflawni heb gael ei awdurdodi o dan is-adran (1), a
  - (b) bo'r awdurdod cynllunio neu Weinidogion Cymru yn rhoi cydsyniad ysgrifenedig ar gyfer y gwaith,
- mae'r gwaith wedi ei awdurdodi o adeg rhoi'r cydsyniad hwnnw.
- (3) Cyfeirir at gydsyniad o dan is-adran (1) neu (2) yn y Ddeddf hon fel cydsyniad adeilad rhestredig.

*Ceisiadau am gydsyniad adeilad rhestredig*

**90 Gwneud cais am gydsyniad adeilad rhestredig**

- (1) Rhaid i gais am gydsyniad adeilad rhestredig gael ei wneud i'r awdurdod cynllunio y mae'r adeilad rhestredig yn ei ardal, oni bai ei fod yn cael ei wneud i Weinidogion Cymru yn unol—
- (a) â rheoliadau a wneir o dan adran 105 (ceisiadau gan awdurdodau cynllunio neu'r Goron),
  - (b) ag adran 106 (ceisiadau sy'n ymwneud â gwaith brys ar dir y Goron),
  - (c) ag adran 305 neu 306 o Ddeddf Tai 1985 (p. 68) (ceisiadau gan awdurdodau tai lleol am gydsyniad i ddymchwel adeiladau mewn cysylltiad â chaffael tir ar gyfer ei glirio), neu
  - (d) ag unrhyw ddeddfiad arall.
- (2) Rhaid i gais am gydsyniad adeilad rhestredig gynnwys—
- (a) digon o wybodaeth i adnabod yr adeilad rhestredig y mae'n ymwneud ag ef, gan gynnwys plan,
  - (b) unrhyw blaniau eraill ac unrhyw luniadau eraill sy'n angenrheidiol i ddisgrifio'r gwaith y mae'n ymwneud ag ef, ac
  - (c) unrhyw wybodaeth arall sy'n ofynnol gan yr awdurdod cynllunio neu Weinidogion Cymru (yn ôl y digwydd).
- (3) Caiff Gweinidogion Cymru drwy reoliadau wneud darpariaeth ynghylch—
- (a) ffurf a chynnwys cais (a gaiff gynnwys darpariaeth ar gyfer defnyddio ffurflen sydd i'w chyhoeddi neu i'w darparu gan Weinidogion Cymru neu berson arall);
  - (b) sut y mae rhaid gwneud cais.
- (4) Rhaid i Weinidogion Cymru drwy reoliadau ei gwneud yn ofynnol i berson sy'n gwneud cais o ddisgrifiad a bennir yn y rheoliadau gynnwys gyda'r cais ddatganiad ynghylch—
- (a) sut y bydd y gwaith yn effeithio ar gymeriad yr adeilad rhestredig fel adeilad o ddiddordeb pensaernïol neu hanesyddol arbennig, a
  - (b) y naill neu'r llall o'r canlynol, neu'r ddau ohonynt (fel y'i pennir yn y rheoliadau)—
    - (i) yr egwyddorion dylunio sydd wedi eu cymhwyso i'r gwaith;
    - (ii) sut yr ymdriniwyd â materion sy'n ymwneud â mynediad i'r adeilad.
- (5) Caiff Gweinidogion Cymru drwy reoliadau wneud darpariaeth ynghylch—

- (2) Where –
- (a) works to which section 88 applies have been carried out without being authorised under subsection (1), and
  - (b) the planning authority or the Welsh Ministers grant written consent for the works, the works are authorised from the grant of that consent.
- (3) Consent under subsection (1) or (2) is referred to in this Act as listed building consent.

*Applications for listed building consent*

**90 Applying for listed building consent**

- (1) An application for listed building consent must be made to the planning authority in whose area the listed building is situated, unless it is made to the Welsh Ministers in accordance with –
- (a) regulations made under section 105 (applications by planning authorities or the Crown),
  - (b) section 106 (applications relating to urgent works on Crown land),
  - (c) section 305 or 306 of the Housing Act 1985 (c. 68) (applications by local housing authorities for consent to demolish buildings in connection with acquisition of land for clearance), or
  - (d) any other enactment.
- (2) An application for listed building consent must contain –
- (a) enough information to identify the listed building to which it relates, including a plan,
  - (b) any other plans and drawings that are necessary to describe the works to which it relates, and
  - (c) any other information required by the planning authority or the Welsh Ministers (as the case may be).
- (3) The Welsh Ministers may by regulations make provision about –
- (a) the form and content of an application (which may include provision for using a form to be published or provided by the Welsh Ministers or another person);
  - (b) how an application must be made.
- (4) The Welsh Ministers must by regulations require a person who makes an application of a description specified in the regulations to include with the application a statement about –
- (a) how the works will affect the character of the listed building as a building of special architectural or historic interest, and
  - (b) either or both of the following (as specified in the regulations) –
    - (i) the design principles that have been applied to the works;
    - (ii) how issues relating to access to the building have been dealt with.
- (5) The Welsh Ministers may by regulations make provision about –

- (a) ffurf a chynnwys datganiad sy'n ofynnol o dan is-adran (4);
  - (b) dogfennau neu ddeunyddiau eraill y mae rhaid eu cynnwys gyda chais.
- (6) Ni chaiff awdurdod cynllunio ystyried cais a wneir iddo am gydsyniad adeilad rhestredig os yw'r cais yn methu â chydymffurfio â gofyniad a osodir gan yr adran hon neu odani.

## 91 Hysbysiad o gais i berchnogion adeilad

- (1) Caiff Gweinidogion Cymru drwy reoliadau ei gwneud yn ofynnol i geisydd am gydsyniad adeilad rhestredig –
- (a) rhoi hysbysiad o'r cais i bob person (ac eithrio'r ceisydd) sydd ar ddyddiad a bennir yn y rheoliadau yn berchennog ar unrhyw ran o'r adeilad rhestredig y mae'r cais yn ymwneud ag ef, a
  - (b) cynnwys gyda'r cais dystysgrif a ddyroddir gan y ceisydd sy'n datgan y cydymffurfiwyd ag unrhyw ofynion yn y rheoliadau.
- (2) Caiff y rheoliadau wneud darpariaeth ynghylch –
- (a) ffurf a chynnwys hysbysiad neu dystysgrif (a gaiff gynnwys darpariaeth ar gyfer defnyddio ffurflen sydd i'w chyhoeddi neu i'w darparu gan Weinidogion Cymru neu berson arall);
  - (b) sut y mae rhaid rhoi hysbysiad (a gaiff gynnwys darpariaeth sy'n ei gwneud yn ofynnol ei gyhoeddi).
- (3) Ni chaniateir i gais am gydsyniad adeilad rhestredig gael ei ystyried os na chydymffurfiwyd ag unrhyw ofynion a osodir o dan is-adran (1) neu (2).
- (4) Caiff Gweinidogion Cymru drwy reoliadau ddarparu, pan fo hysbysiad wedi ei roi o gais yn unol â gofynion a osodir o dan yr is-adrannau hynny –
- (a) na chaniateir penderfynu'r cais yn ystod cyfnod a bennir yn y rheoliadau;
  - (b) bod rhaid i'r awdurdod cynllunio neu Weinidogion Cymru, wrth benderfynu'r cais, ystyried sylwadau a gyflwynir yn ystod y cyfnod hwnnw gan unrhyw berson sy'n berchennog ar unrhyw ran o'r adeilad rhestredig.
- (5) Mae'n drosedd i berson, wrth ymhoni ei fod yn cydymffurfio â gofyniad a osodir o dan is-adran (1) neu (2) –
- (a) dyroddi tystysgrif sy'n cynnwys datganiad y mae'r person yn gwybod ei fod yn anwir neu'n gamarweiniol mewn modd perthnasol, neu
  - (b) yn ddi-hid ddyroddi tystysgrif sy'n cynnwys datganiad sy'n anwir neu'n gamarweiniol mewn modd perthnasol.
- (6) Mae person sy'n euog o drosedd o dan is-adran (5) yn agored ar euogfarn ddiannod i ddirwy nad yw'n uwch na lefel 3 ar y raddfa safonol.
- (7) Yn yr adran hon ystyr "perchennog" yw –
- (a) perchennog ar yr ystad rydd-ddaliadol, neu
  - (b) tenant o dan les a roddir neu a estynnir am gyfnod penodol sydd ag o leiaf 7 mlynedd yn weddill.

- (a) the form and content of a statement required under subsection (4);
  - (b) other documents or materials that must be included with an application.
- (6) A planning authority must not consider an application made to it for listed building consent if the application fails to comply with a requirement imposed by or under this section.

## **91 Notice of application to owners of building**

- (1) The Welsh Ministers may by regulations require an applicant for listed building consent –
- (a) to give notice of the application to every person (other than the applicant) who on a date specified in the regulations is an owner of any part of the listed building to which the application relates, and
  - (b) to include with the application a certificate issued by the applicant stating that any requirements of the regulations have been complied with.
- (2) The regulations may make provision about –
- (a) the form and content of a notice or certificate (which may include provision for using a form to be published or provided by the Welsh Ministers or another person);
  - (b) how notice must be given (which may include provision requiring it to be published).
- (3) An application for listed building consent must not be considered if any requirements imposed under subsection (1) or (2) have not been complied with.
- (4) The Welsh Ministers may by regulations provide that, where notice has been given of an application in accordance with requirements imposed under those subsections –
- (a) the application must not be determined during a period specified in the regulations;
  - (b) the planning authority or the Welsh Ministers must, in determining the application, take account of representations made during that period by any person who is an owner of any part of the listed building.
- (5) It is an offence for a person in purported compliance with a requirement imposed under subsection (1) or (2) –
- (a) to issue a certificate containing a statement which the person knows to be false or misleading in a material respect, or
  - (b) to recklessly issue a certificate containing a statement which is false or misleading in a material respect.
- (6) A person guilty of an offence under subsection (5) is liable on summary conviction to a fine not exceeding level 3 on the standard scale.
- (7) In this section “owner” means –
- (a) an owner of the freehold estate, or
  - (b) a tenant under a lease granted or extended for a fixed term that has at least 7 years left to run.

*Ymdrin â cheisiadau am gydsyniad***92 Y weithdrefn ar gyfer ymdrin â chais**

- (1) Rhaid i awdurdod cynllunio ymdrin â chais am gydsyniad adeilad rhestredig a wneir i'r awdurdod oni bai –
  - (a) ei bod yn ofynnol iddo beidio ag ystyried y cais o dan adran 90(6) neu 91(3), neu ei fod yn gwrthod gwneud hynny o dan adran 93 (ceisiadau tebyg), neu
  - (b) ei bod yn ofynnol iddo atgyfeirio'r cais at Weinidogion Cymru o dan adran 94.
- (2) Caiff Gweinidogion Cymru drwy reoliadau –
  - (a) gosod gofynion sy'n ymwneud â chyhoeddusrwydd ar gyfer ceisiadau am gydsyniad adeilad rhestredig a wneir i awdurdodau cynllunio neu Weinidogion Cymru;
  - (b) gosod gofynion ar gyfer ymgynghori neu hysbysu mewn perthynas â cheisiadau;
  - (c) darparu na chaniateir penderfynu cais yn ystod cyfnod a bennir yn y rheoliadau;
  - (d) ei gwneud yn ofynnol i awdurdodau cynllunio neu Weinidogion Cymru, wrth benderfynu ceisiadau, ystyried ymatebion gan bersonau yr ymgynghorir â hwy neu a hysbysir;
  - (e) gwneud darpariaeth ynghylch o fewn pa gyfnod o amser y mae rhaid i awdurdod cynllunio neu Weinidogion Cymru ymdrin â chais.
- (3) Caiff Gweinidogion Cymru gyfarwyddo awdurdod cynllunio i hysbysu personau a bennir yn y cyfarwyddyd –
  - (a) am gais a wneir i'r awdurdod am gydsyniad adeilad rhestredig, a
  - (b) am y penderfyniad a wneir gan yr awdurdod ar y cais.
- (4) Caiff cyfarwyddyd ymwneud –
  - (a) ag achos penodol, neu
  - (b) ag achosion sydd o ddisgrifiad a bennir yn y cyfarwyddyd.

**93 Pŵer i wrthod ystyried ceisiadau tebyg**

- (1) Caiff awdurdod cynllunio wrthod ystyried cais am gydsyniad adeilad rhestredig os yw'r amod cyntaf a'r ail amod wedi eu bodloni.
- (2) Yr amod cyntaf yw bod unrhyw un neu ragor o'r canlynol wedi digwydd yn ystod y 2 flynedd sy'n dod i ben â'r diwrnod y mae'r awdurdod yn cael y cais –
  - (a) bod Gweinidogion Cymru wedi gwrthod cais tebyg am gydsyniad adeilad rhestredig a gyfeiriwyd atynt o dan adran 94,
  - (b) bod Gweinidogion Cymru wedi gwrthod –
    - (i) apêl o dan adran 100(2) yn erbyn gwrthod cais tebyg am gydsyniad adeilad rhestredig, neu
    - (ii) apêl o dan adran 100(3) sy'n ymwneud â chais tebyg, neu
  - (c) bod yr awdurdod cynllunio wedi gwrthod dau neu ragor o geisiadau tebyg am gydsyniad adeilad rhestredig ac ym mhob achos –



*Dealing with applications for consent***92 Procedure for dealing with application**

- (1) A planning authority must deal with an application for listed building consent made to the authority unless –
  - (a) it is required not to consider the application under section 90(6) or 91(3), or refuses to do so under section 93 (similar applications), or
  - (b) it is required to refer the application to the Welsh Ministers under section 94.
- (2) The Welsh Ministers may by regulations –
  - (a) impose requirements relating to publicity for applications for listed building consent made to planning authorities or the Welsh Ministers;
  - (b) impose requirements for consultation or notification in relation to applications;
  - (c) provide that an application must not be determined during a period specified in the regulations;
  - (d) require planning authorities or the Welsh Ministers, in determining applications, to take account of responses from persons consulted or notified;
  - (e) make provision about the time within which a planning authority or the Welsh Ministers must deal with an application.
- (3) The Welsh Ministers may direct a planning authority to notify persons specified in the direction of –
  - (a) an application made to the authority for listed building consent, and
  - (b) the decision taken by the authority on the application.
- (4) A direction may relate to –
  - (a) a particular case, or
  - (b) cases of a description specified in the direction.

**93 Power to refuse to consider similar applications**

- (1) A planning authority may refuse to consider an application for listed building consent if the first and second conditions are met.
- (2) The first condition is that in the 2 years ending with the day the authority receives the application any of the following has occurred –
  - (a) the Welsh Ministers have refused a similar application for listed building consent referred to them under section 94,
  - (b) the Welsh Ministers have dismissed –
    - (i) an appeal under section 100(2) against the refusal of a similar application for listed building consent, or
    - (ii) an appeal under section 100(3) relating to a similar application, or
  - (c) the planning authority has refused two or more similar applications for listed building consent and in each case –

- (i) ni fu apêl i Weinidogion Cymru, neu
  - (ii) mae unrhyw apêl i Weinidogion Cymru wedi ei thynnu'n ôl.
- (3) Yr ail amod yw bod yr awdurdod cynllunio yn ystyried na fu unrhyw newid sylweddol mewn unrhyw ystyriaethau perthnasol ers –
- (a) i Weinidogion Cymru wrthod y cais tebyg, mewn achos sy'n dod o fewn is-adran (2)(a),
  - (b) i Weinidogion Cymru wrthod yr apêl, mewn achos sy'n dod o fewn is-adran (2)(b), neu
  - (c) i'r awdurdod cynllunio wrthod cais tebyg yn fwyaf diweddar, mewn achos sy'n dod o fewn is-adran (2)(c).
- (4) At ddibenion yr adran hon mae cais yn debyg i gais arall os (a dim ond os) yw'r awdurdod cynllunio yn ystyried bod yr adeilad rhestredig a'r gwaith y mae'r ceisiadau yn ymwneud â hwy yr un fath neu'r un fath i raddau helaeth.

#### 94 **Atgyfeirio cais at Weinidogion Cymru**

- (1) Caiff Gweinidogion Cymru gyfarwyddo awdurdod cynllunio i atgyfeirio cais am gydsyniad adeilad rhestredig atynt i'w benderfynu yn lle ymdrin â'r cais ei hun.
- (2) Caiff cyfarwyddyd ymwneud â chais penodol, neu â cheisiadau mewn perthynas ag adeiladau a bennir yn y cyfarwyddyd.
- (3) Rhaid i awdurdod cynllunio atgyfeirio cais y mae cyfarwyddyd o dan yr adran hon yn gymwys iddo at Weinidogion Cymru.
- (4) Rhaid i awdurdod cynllunio atgyfeirio cais am gydsyniad adeilad rhestredig at Weinidogion Cymru i'w benderfynu, heb gael cyfarwyddyd i wneud hynny, os ceisir y cydsyniad o ganlyniad i gynigion a gynhwysir mewn cais am orchymyn o dan adran 1 neu 3 o Ddeddf Trafnidiaeth a Gweithfeydd 1992 (p. 42) (gorchmynion sy'n ymwneud ag adeiladu neu weithredu rheilffyrdd, tramffyrdd, dyfrffyrdd mewndirol etc.).
- (5) Mae Pennod 2 o Ran 5 yn gwneud darpariaeth ynghylch y weithdrefn ar gyfer ystyried ceisiadau a atgyfeirir at Weinidogion Cymru o dan yr adran hon.
- (6) Mae penderfyniad Gweinidogion Cymru ar gais yn derfynol.

#### 95 **Hysbysu Gweinidogion Cymru cyn rhoi cydsyniad**

- (1) Ni chaiff awdurdod cynllunio y gwneir cais am gydsyniad adeilad rhestredig iddo roi cydsyniad oni bai –
  - (a) ei fod wedi hysbysu Gweinidogion Cymru am y cais, gan roi manylion y gwaith y ceisir cydsyniad ar ei gyfer, a
  - (b) bod yr amod cyntaf neu'r ail amod wedi ei fodloni.
- (2) Yr amod cyntaf yw bod yr 28 o ddiwrnodau sy'n dechrau â'r diwrnod yr hysbyswyd Gweinidogion Cymru wedi dod i ben heb i Weinidogion Cymru naill ai –
  - (a) cyfarwyddo'r awdurdod i atgyfeirio'r cais atynt o dan adran 94, neu
  - (b) hysbysu'r awdurdod bod angen rhagor o amser arnynt i ystyried pa un ai i roi cyfarwyddyd o dan yr adran honno.

- (i) there has been no appeal to the Welsh Ministers, or
  - (ii) any appeal to the Welsh Ministers has been withdrawn.
- (3) The second condition is that the planning authority considers that there has been no significant change in any relevant considerations since –
  - (a) the Welsh Ministers refused the similar application, in a case falling within subsection (2)(a),
  - (b) the Welsh Ministers dismissed the appeal, in a case falling within subsection (2)(b), or
  - (c) the planning authority most recently refused a similar application, in a case falling within subsection (2)(c).
- (4) For the purposes of this section an application is similar to another application if (and only if) the planning authority considers that the listed building and works to which the applications relate are the same or substantially the same.

#### **94 Reference of application to Welsh Ministers**

- (1) The Welsh Ministers may direct a planning authority to refer an application for listed building consent to them for determination instead of dealing with the application itself.
- (2) A direction may relate to a particular application, or to applications in relation to buildings specified in the direction.
- (3) A planning authority must refer an application to which a direction under this section applies to the Welsh Ministers.
- (4) A planning authority must refer an application for listed building consent to the Welsh Ministers for determination, without being directed to do so, if the consent is sought in consequence of proposals included in an application for an order under section 1 or 3 of the Transport and Works Act 1992 (c. 42) (orders relating to construction or operation of railways, tramways, inland waterways etc.).
- (5) Chapter 2 of Part 5 makes provision about the procedure for the consideration of applications referred to the Welsh Ministers under this section.
- (6) The decision of the Welsh Ministers on an application is final.

#### **95 Notification to Welsh Ministers before granting consent**

- (1) A planning authority to which an application for listed building consent is made may not grant consent unless –
  - (a) it has notified the Welsh Ministers of the application, giving details of the works for which consent is sought, and
  - (b) the first or second condition is met.
- (2) The first condition is that the 28 days beginning with the day the Welsh Ministers were notified have ended without the Welsh Ministers either –
  - (a) directing the authority to refer the application to them under section 94, or
  - (b) notifying the authority that they need more time to consider whether to give a direction under that section.

- (3) Yr ail amod yw bod Gweinidogion Cymru wedi hysbysu'r awdurdod nad ydynt yn bwriadu ei gyfarwyddo i atgyfeirio'r cais atynt.
- (4) Caiff Gweinidogion Cymru drwy reoliadau ddarparu nad yw is-adran (1) yn gymwys i geisiadau am gydsyniad adeilad rhestredig sydd o ddisgrifiad a bennir yn y rheoliadau.
- (5) Caiff Gweinidogion Cymru gyfarwyddo awdurdod cynllunio –
  - (a) nad yw is-adran (1) i fod yn gymwys i gais i'r awdurdod am gydsyniad adeilad rhestredig, neu
  - (b) bod is-adran (1) i fod yn gymwys i gais i'r awdurdod er gwaethaf unrhyw ddarpariaeth a wneir gan reoliadau o dan is-adran (4) neu gan gyfarwyddyd o dan baragraff (a).
- (6) Caiff cyfarwyddyd ymwneud –
  - (a) â chais penodol am gydsyniad adeilad rhestredig, neu
  - (b) â cheisiadau sydd o ddisgrifiad a bennir yn y cyfarwyddyd,
 ac mae'n cael effaith mewn perthynas ag unrhyw gais nad yw'r awdurdod wedi ei benderfynu.
- (7) Caiff Gweinidogion Cymru bennu disgrifiad o geisiadau o dan is-adran (4) neu (6)(b) drwy gyfeirio at farn unrhyw berson, argaeledd cyngor arbenigol mewn perthynas â'r ceisiadau, neu unrhyw amgylchiad arall.

## 96 Rhoi neu wrthod cydsyniad

- (1) Wrth benderfynu cais am gydsyniad adeilad rhestredig, caiff awdurdod cynllunio neu Weinidogion Cymru roi neu wrthod cydsyniad.
- (2) Wrth ystyried pa un ai i roi cydsyniad adeilad rhestredig, rhaid i awdurdod cynllunio neu Weinidogion Cymru roi sylw arbennig i ddymunoldeb diogelu –
  - (a) yr adeilad rhestredig y mae'r cais yn ymwneud ag ef,
  - (b) safle'r adeilad, ac
  - (c) unrhyw nodweddion o ddiddordeb pensaernïol neu hanesyddol arbennig sydd gan yr adeilad.
- (3) Mae cydsyniad adeilad rhestredig yn cael effaith er budd yr adeilad rhestredig a'r tir y mae arno, a phob person sydd â buddiant yn yr adeilad a'r tir am y tro; ond mae hyn yn ddarostyngedig i delerau'r cydsyniad.

*Rhoi cydsyniad adeilad rhestredig yn ddarostyngedig i amodau*

## 97 Pŵer i roi cydsyniad yn ddarostyngedig i amodau

- (1) Caniateir rhoi cydsyniad adeilad rhestredig yn ddarostyngedig i amodau.
- (2) Caniateir i amod, er enghraifft, ei gwneud yn ofynnol –
  - (a) i nodweddion penodol yr adeilad rhestredig gael eu diogelu, naill ai fel rhan ohono neu ar ôl cael eu datgysylltu ohono;
  - (b) i unrhyw ddifrod a achosir i'r adeilad gan y gwaith gael ei unioni ar ôl i'r gwaith gael ei gwblhau;

- (3) The second condition is that the Welsh Ministers have notified the authority that they do not intend to direct it to refer the application to them.
- (4) The Welsh Ministers may by regulations provide that subsection (1) does not apply to applications for listed building consent of a description specified in the regulations.
- (5) The Welsh Ministers may direct a planning authority –
  - (a) that subsection (1) is not to apply to an application to the authority for listed building consent, or
  - (b) that subsection (1) is to apply to an application to the authority despite any provision made by regulations under subsection (4) or by a direction under paragraph (a).
- (6) A direction may relate to –
  - (a) a particular application for listed building consent, or
  - (b) applications of a description specified in the direction,and has effect in relation to any application that the authority has not determined.
- (7) The Welsh Ministers may specify a description of applications under subsection (4) or (6)(b) by reference to the opinion of any person, the availability of specialist advice in relation to the applications, or any other circumstance.

## **96 Grant or refusal of consent**

- (1) On determining an application for listed building consent, a planning authority or the Welsh Ministers may grant or refuse consent.
- (2) In considering whether to grant listed building consent, a planning authority or the Welsh Ministers must have special regard to the desirability of preserving –
  - (a) the listed building to which the application relates,
  - (b) the setting of the building, and
  - (c) any features of special architectural or historic interest the building possesses.
- (3) Listed building consent has effect for the benefit of the listed building and the land on which it is situated, and of all persons for the time being interested in the building and land; but this is subject to the terms of the consent.

*Grant of listed building consent subject to conditions*

## **97 Power to grant consent subject to conditions**

- (1) Listed building consent may be granted subject to conditions.
- (2) A condition may, for example, require –
  - (a) particular features of the listed building to be preserved, either as part of it or after severance from it;
  - (b) any damage caused to the building by the works to be made good after the works are completed;

- (c) i'r adeilad neu unrhyw ran ohono gael ei ailadeiladu neu ei hailadeiladu ar ôl cyflawni unrhyw waith, gan ddefnyddio deunyddiau gwreiddiol i'r graddau y bo'n ymarferol a chan wneud unrhyw addasiadau, a bennir yn yr amodau, i'r tu mewn i'r adeilad.
- (3) Caniateir rhoi cydsyniad hefyd yn ddarostyngedig i amod sy'n ei gwneud yn ofynnol i fanylion penodedig y gwaith (pa un a ydynt wedi eu nodi mewn cais am gydsyniad ai peidio) gael eu cymeradwyo'n ddiweddarach.
- (4) Rhaid i amod a osodir o dan is-adran (3) –
- (a) yn achos cydsyniad a roddir gan awdurdod cynllunio, ei gwneud yn ofynnol cael cymeradwyaeth yr awdurdod hwnnw;
- (b) yn achos cydsyniad a roddir gan Weinidogion Cymru, bennu pa un ai cymeradwyaeth yr awdurdod cynllunio neu gymeradwyaeth Gweinidogion Cymru sy'n ofynnol.
- (5) Rhaid i gydsyniad i ddymchwel adeilad rhestredig gael ei roi yn ddarostyngedig i amod na chaniateir i'r gwaith ddechrau –
- (a) hyd nes bod hysbysiad o'r cynnig i ddymchwel yr adeilad wedi ei roi i Gomisiwn Brenhinol Henebion Cymru, a
- (b) hyd nes, ar ôl rhoi'r hysbysiad hwnnw, fod y Comisiwn Brenhinol –
- (i) wedi cael mynediad rhesymol i'r adeilad am o leiaf 1 mis at ddiben ei gofnodi, neu
- (ii) wedi datgan yn ysgrifenedig ei fod wedi cwblhau cofnodi'r adeilad neu nad yw'n dymuno ei gofnodi.
- (6) Os rhoddir cydsyniad i ddymchwel adeilad rhestredig heb yr amod sy'n ofynnol gan is-adran (5), mae i'w drin fel pe bai wedi ei roi yn ddarostyngedig i'r amod hwnnw.
- (7) Caniateir i gydsyniad i ddymchwel adeilad rhestredig hefyd gael ei roi yn ddarostyngedig i amod na chaniateir i'r gwaith ddechrau hyd nes –
- (a) bod contract ar gyfer gwaith i ailddatblygu'r safle wedi ei wneud, a
- (b) bod caniatâd cynllunio wedi ei roi ar gyfer y gwaith ailddatblygu hwnnw.
- (8) Nid yw is-adrannau (5) a (6) yn atal amodau eraill rhag cael eu gosod at ddiben galluogi cofnodi adeilad rhestredig.
- (9) Caiff Gweinidogion Cymru drwy reoliadau roi cyfeiriadau at gorff arall yn lle'r cyfeiriadau yn is-adran (5) at Gomisiwn Brenhinol Henebion Cymru.

## 98 **Amod ynghylch y cyfnod y mae rhaid i'r gwaith ddechrau ynddo**

- (1) Rhaid i gydsyniad adeilad rhestredig gael ei roi yn ddarostyngedig i'r amod bod rhaid i'r gwaith y mae'n ymwneud ag ef ddechrau cyn diwedd cyfnod a bennir yn yr amod ac sy'n dechrau â'r diwrnod y rhoddir y cydsyniad.
- (2) Os rhoddir cydsyniad heb yr amod sy'n ofynnol gan is-adran (1), mae i'w drin fel pe bai wedi ei roi yn ddarostyngedig i'r amod bod rhaid i'r gwaith y mae'n ymwneud ag ef ddechrau o fewn 5 mlynedd sy'n dechrau â'r diwrnod y'i rhoddwyd.
- (3) Nid yw'r adran hon yn gymwys –

- (c) the building or any part of it to be reconstructed after any works are carried out, using original materials so far as practicable and making any alterations to the interior of the building specified in the conditions.
- (3) Consent may also be granted subject to a condition requiring specified details of the works (whether or not set out in an application for consent) to be approved later.
- (4) A condition imposed under subsection (3) must –
  - (a) in the case of consent granted by a planning authority, require the approval of that authority;
  - (b) in the case of consent granted by the Welsh Ministers, specify whether the approval required is that of the planning authority or the Welsh Ministers.
- (5) Consent for the demolition of a listed building must be granted subject to a condition that the works must not start until –
  - (a) notice of the proposal to demolish the building has been given to the Royal Commission on the Ancient and Historical Monuments of Wales, and
  - (b) after the giving of that notice, the Royal Commission –
    - (i) has been given reasonable access to the building for at least 1 month for the purpose of recording it, or
    - (ii) has stated in writing that it has completed its recording of the building or does not wish to record it.
- (6) If consent for the demolition of a listed building is granted without the condition required by subsection (5), it is to be treated as having been granted subject to that condition.
- (7) Consent for the demolition of a listed building may also be granted subject to a condition that the works must not start until –
  - (a) a contract for works to redevelop the site has been made, and
  - (b) planning permission has been granted for those redevelopment works.
- (8) Subsections (5) and (6) do not prevent the imposition of other conditions for the purpose of enabling a listed building to be recorded.
- (9) The Welsh Ministers may by regulations replace the references in subsection (5) to the Royal Commission on the Ancient and Historical Monuments of Wales with references to another body.

## **98 Condition about period within which works must start**

- (1) Listed building consent must be granted subject to the condition that the works to which it relates must start before the end of a period which is specified in the condition and begins with the day the consent is granted.
- (2) If consent is granted without the condition required by subsection (1), it is to be treated as having been granted subject to the condition that the works to which it relates must start within 5 years beginning with the day it was granted.
- (3) This section does not apply to –

- (a) i gydsyniad o dan adran 89(2) (cydsyniad ar gyfer gwaith sydd wedi ei gyflawni eisoes);
- (b) i gydsyniad a roddir gan gytundeb partneriaeth adeilad rhestredig (gweler adran 113).

### 99 Cais i amrywio neu ddileu amodau

- (1) Pan fo cydsyniad adeilad rhestredig wedi ei roi yn ddarostyngedig i amodau, caiff unrhyw berson sydd â buddiant yn yr adeilad rhestredig wneud cais i'r amodau gael eu hamrywio neu eu dileu.
- (2) Rhaid i'r cais nodi pa amrywiad neu ddilead o amodau y gwneir cais amdano.
- (3) Mae adrannau 90 i 95 (ac eithrio adran 90(4) a (5)(a)) yn gymwys i gais o dan yr adran hon fel y maent yn gymwys i gais am gydsyniad adeilad rhestredig.
- (4) Ar gais o dan yr adran hon, caiff yr awdurdod cynllunio neu Weinidogion Cymru, yn ogystal ag amrywio neu ddileu amodau'r cydsyniad, osod amodau newydd sy'n ganlyniadol ar yr amrywiad neu'r dilead.
- (5) Nid yw'r adran hon yn gymwys i gydsyniad a roddir gan gytundeb partneriaeth adeilad rhestredig.

#### *Apelau i Weinidogion Cymru*

### 100 Yr hawl i apelio yn erbyn penderfyniad awdurdod cynllunio neu fethiant awdurdod cynllunio i wneud penderfyniad

- (1) Mae'r adran hon yn gymwys pan fo cais wedi ei wneud i awdurdod cynllunio –
  - (a) am gydsyniad adeilad rhestredig,
  - (b) i amodau cydsyniad adeilad rhestredig gael eu hamrywio neu eu dileu, neu
  - (c) i fanylion gwaith o dan amod mewn cydsyniad adeilad rhestredig gael eu cymeradwyo.
- (2) Caiff y ceisydd apelio i Weinidogion Cymru os yw'r awdurdod cynllunio –
  - (a) yn gwrthod y cais, neu
  - (b) yn caniatáu'r cais yn ddarostyngedig i amodau neu, yn achos cais i amodau gael eu hamrywio neu eu dileu, yn ei ganiatáu ac yn gosod amodau newydd.
- (3) Caiff y ceisydd hefyd apelio i Weinidogion Cymru os nad yw'r awdurdod cynllunio wedi gwneud dim un o'r canlynol o fewn y cyfnod penderfynu –
  - (a) rhoi hysbysiad i'r ceisydd o'i benderfyniad ar y cais, neu
  - (b) yn achos cais am gydsyniad adeilad rhestredig neu i amodau gael eu hamrywio neu eu dileu, rhoi hysbysiad i'r ceisydd ei fod –
    - (i) wedi arfer ei bŵer o dan adran 93 i wrthod ystyried y cais, neu
    - (ii) wedi atgyfeirio'r cais at Weinidogion Cymru o dan adran 94.
- (4) Yn is-adran (3) ystyr "y cyfnod penderfynu" yw –
  - (a) y cyfnod a bennir mewn rheoliadau a wneir gan Weinidogion Cymru, neu



- (a) consent under section 89(2) (consent for works already carried out);
- (b) consent granted by a listed building partnership agreement (see section 113).

**99 Application for variation or removal of conditions**

- (1) Where listed building consent has been granted subject to conditions, any person interested in the listed building may apply for the variation or removal of the conditions.
- (2) The application must indicate what variation or removal of conditions is applied for.
- (3) Sections 90 to 95 (except section 90(4) and (5)(a)) apply to an application under this section as they apply to an application for listed building consent.
- (4) On an application under this section the planning authority or the Welsh Ministers may, in addition to varying or removing the conditions of the consent, impose new conditions that are consequential on the variation or removal.
- (5) This section does not apply to consent granted by a listed building partnership agreement.

*Appeals to the Welsh Ministers*

**100 Right to appeal against planning authority decision or failure to make decision**

- (1) This section applies where an application has been made to a planning authority for –
  - (a) listed building consent,
  - (b) the variation or removal of conditions of listed building consent, or
  - (c) approval of details of works under a condition of listed building consent.
- (2) The applicant may appeal to the Welsh Ministers if the planning authority –
  - (a) refuses the application, or
  - (b) grants the application subject to conditions or, in the case of an application for the variation or removal of conditions, grants it and imposes new conditions.
- (3) The applicant may also appeal to the Welsh Ministers if the planning authority has done none of the following within the determination period –
  - (a) given notice to the applicant of its decision on the application, or
  - (b) in the case of an application for listed building consent or for the variation or removal of conditions, given notice to the applicant that it has –
    - (i) exercised its power under section 93 to refuse to consider the application, or
    - (ii) referred the application to the Welsh Ministers under section 94.
- (4) In subsection (3) “the determination period” means –
  - (a) the period specified in regulations made by the Welsh Ministers, or

- (b) cyfnod hwy y cytunir arno yn ysgrifenedig rhwng y ceisydd a'r awdurdod cynllunio.

### 101 Y weithdrefn ar gyfer gwneud apêl

- (1) Rhaid gwneud apêl o dan adran 100 drwy gyflwyno hysbysiad o apêl i Weinidogion Cymru.
- (2) Caiff y seiliau dros apelio a ddatgenir yn yr hysbysiad gynnwys (ar eu pen eu hunain neu gyda seiliau eraill) –
  - (a) honiad nad yw'r adeilad y mae'r apêl yn ymwneud ag ef o ddiddordeb pensaernïol neu hanesyddol arbennig ac y dylai gael ei ddadrestru, neu
  - (b) yn achos adeilad sy'n ddarostyngedig i warchodaeth interim neu restru dros dro, honiad na ddylai'r adeilad gael ei restru.
- (3) Caiff Gweinidogion Cymru drwy reoliadau wneud darpariaeth ynghylch –
  - (a) ffurf hysbysiad o apêl (a gaiff gynnwys darpariaeth ar gyfer defnyddio ffurflen sydd i'w chyhoeddi neu i'w darparu gan Weinidogion Cymru neu berson arall);
  - (b) gwybodaeth y mae rhaid iddi gael ei chynnwys gyda hysbysiad o apêl;
  - (c) y ffordd a'r cyfnod y mae rhaid cyflwyno hysbysiad o apêl ynddi neu o'i fewn (a gaiff gynnwys darpariaeth sy'n galluogi Gweinidogion Cymru i estyn y cyfnod).
- (4) Mae adran 91 (hysbysiad i berchnogion adeilad) yn gymwys mewn perthynas ag apelau o dan adran 100 sy'n ymwneud â cheisiadau am gydsyniad adeilad rhestredig neu i amodau gael eu hamrywio neu eu dileu, ond fel pe bai cyfeiriadau at gais a cheisydd yn gyfeiriadau at apêl ac apelydd.
- (5) Rhaid i'r cyfnod a bennir gan reoliadau o dan is-adran (3)(c) fod o leiaf 28 o ddiwrnodau sy'n dechrau â thrannoeth –
  - (a) yn achos apêl o dan is-adran (2) o adran 100, y diwrnod y mae'r ceisydd yn cael hysbysiad o'r penderfyniad;
  - (b) yn achos apêl o dan is-adran (3) o'r adran honno, ddiwedd y cyfnod penderfynu (sydd â'r un ystyr ag yn yr is-adran honno).

### 102 Cyfyngiad ar amrywio cais ar ôl cyflwyno hysbysiad o apêl

- (1) Unwaith y bydd hysbysiad o apêl o dan adran 100 wedi ei gyflwyno, ni chaniateir amrywio'r cais y mae'r apêl yn ymwneud ag ef ac eithrio o dan amgylchiadau a bennir mewn rheoliadau a wneir gan Weinidogion Cymru.
- (2) Pan fo cais yn cael ei amrywio o dan yr adran hon, caiff Gweinidogion Cymru gyfarwyddo bod rhaid ymgynghori ymhellach mewn perthynas â'r cais.

### 103 Penderfyniad ar gais ar ôl cyflwyno hysbysiad o apêl

- (1) Mae'r adran hon yn gymwys os yw person sydd wedi gwneud cais am gydsyniad adeilad rhestredig yn apelio o dan adran 100(3) (methiant i roi hysbysiad o benderfyniad).
- (2) Ni chaiff Gweinidogion Cymru benderfynu'r apêl cyn diwedd y cyfnod a bennir mewn rheoliadau a wneir gan Weinidogion Cymru ac sy'n dechrau â'r diwrnod y cyflwynir yr hysbysiad o apêl.

- (b) a longer period agreed in writing between the applicant and the planning authority.

#### **101 Procedure for making appeal**

- (1) An appeal under section 100 must be made by serving a notice of appeal on the Welsh Ministers.
- (2) The grounds of appeal stated in the notice may include (alone or with other grounds) –
  - (a) a claim that the building to which the appeal relates is not of special architectural or historic interest and ought to be de-listed, or
  - (b) in the case of a building subject to interim protection or temporary listing, a claim that the building should not be listed.
- (3) The Welsh Ministers may by regulations make provision about –
  - (a) the form of a notice of appeal (which may include provision for using a form to be published or provided by the Welsh Ministers or another person);
  - (b) information that must be included with a notice of appeal;
  - (c) the way in which, and period within which, a notice of appeal must be served (which may include provision enabling the Welsh Ministers to extend the period).
- (4) Section 91 (notice to owners of building) applies in relation to appeals under section 100 relating to applications for listed building consent or for the variation or removal of conditions, but as if references to an application and an applicant were references to an appeal and an appellant.
- (5) The period specified by regulations under subsection (3)(c) must be at least 28 days beginning with the day after –
  - (a) in the case of an appeal under subsection (2) of section 100, the day the applicant receives notice of the decision;
  - (b) in the case of an appeal under subsection (3) of that section, the end of the determination period (which has the same meaning as in that subsection).

#### **102 Restriction on varying application after service of notice of appeal**

- (1) Once notice of an appeal under section 100 has been served, the application to which the appeal relates may not be varied except in circumstances specified in regulations made by the Welsh Ministers.
- (2) Where an application is varied under this section, the Welsh Ministers may direct that further consultation must be carried out in relation to the application.

#### **103 Decision on application after service of notice of appeal**

- (1) This section applies if a person who has made an application for listed building consent appeals under section 100(3) (failure to give notice of decision).
- (2) The Welsh Ministers must not determine the appeal before the end of the period which is specified in regulations made by the Welsh Ministers and begins with the day the notice of appeal is served.

- (3) Caiff yr awdurdod cynllunio roi hysbysiad o'i benderfyniad ar y cais y mae'r apêl yn ymwneud ag ef ar unrhyw adeg cyn diwedd y cyfnod hwnnw.
- (4) Os yw'r awdurdod yn rhoi hysbysiad yn unol ag is-adran (3) mai gwrthod y cais yw ei benderfyniad –
  - (a) rhaid trin yr apêl fel apêl o dan adran 100(2) yn erbyn y gwrthodiad, a
  - (b) rhaid i Weinidogion Cymru roi cyfle i'r apelydd i ddiwygio'r seiliau dros apelio.
- (5) Os yw'r awdurdod yn rhoi hysbysiad yn unol ag is-adran (3) mai caniatáu'r cais yn ddarostyngedig i amodau yw ei benderfyniad, rhaid i Weinidogion Cymru roi cyfle i'r apelydd –
  - (a) i fwrw ymlaen â'r apêl fel apêl o dan adran 100(2) yn erbyn caniatáu'r cais yn ddarostyngedig i amodau, a
  - (b) i ddiwygio'r seiliau dros apelio.

#### 104 Penderfynu apêl

- (1) Ar apêl o dan adran 100 caiff Gweinidogion Cymru –
  - (a) caniatáu neu wrthod yr apêl, neu
  - (b) gwrthdroi neu amrywio unrhyw ran o benderfyniad yr awdurdod cynllunio ar y cais y mae'r apêl yn ymwneud ag ef (pa un a yw'r apêl yn ymwneud â'r rhan honno ai peidio),

a chânt ymdrin â'r cais fel pe bai wedi ei wneud iddynt hwy.
- (2) Pan wnaed yr apêl o dan adran 100(3) (methiant i roi hysbysiad o benderfyniad) ac nad yw'r awdurdod cynllunio wedi rhoi hysbysiad o dan adran 103(3), mae i'w thybio at ddibenion is-adran (1) i'r awdurdod benderfynu gwrthod y cais.
- (3) Ar apêl o dan adran 100 caiff Gweinidogion Cymru hefyd arfer eu pŵer o dan adran 76 i ddadrestu'r adeilad y mae'r apêl yn ymwneud ag ef.
- (4) Mae Pennod 2 o Ran 5 yn gwneud darpariaeth ynghylch y weithdrefn ar gyfer ystyried apelau (gan gynnwys darpariaeth iddynt gael eu penderfynu gan bersonau a benodir gan Weinidogion Cymru).
- (5) Mae penderfyniad Gweinidogion Cymru ar apêl yn derfynol.

#### *Achosion arbennig*

#### 105 Ceisiadau gan awdurdodau cynllunio a'r Goron

- (1) Caiff Gweinidogion Cymru drwy reoliadau ddarparu nad yw darpariaeth a wneir gan neu o dan y Ddeddf hon i fod yn gymwys, neu ei bod i fod yn gymwys gydag addasiadau, i gais a grybwyllir yn is-adran (2) a wneir –
  - (a) gan awdurdod cynllunio, neu
  - (b) gan neu ar ran y Goron.
- (2) Mae'r ceisiadau y cyfeirir atynt yn is-adran (1) yn geisiadau –
  - (a) am gydsyniad adeilad rhestredig,
  - (b) i amodau cydsyniad adeilad rhestredig gael eu hamrywio neu eu dileu, neu

- (3) The planning authority may give notice of its decision on the application to which the appeal relates at any time before the end of that period.
- (4) If the authority gives notice in accordance with subsection (3) that its decision is to refuse the application –
  - (a) the appeal must be treated as an appeal under section 100(2) against the refusal, and
  - (b) the Welsh Ministers must give the appellant the opportunity to revise the grounds of appeal.
- (5) If the authority gives notice in accordance with subsection (3) that its decision is to grant the application subject to conditions, the Welsh Ministers must give the appellant the opportunity –
  - (a) to proceed with the appeal as an appeal under section 100(2) against the grant of the application subject to conditions, and
  - (b) to revise the grounds of the appeal.

#### **104 Determination of appeal**

- (1) On an appeal under section 100 the Welsh Ministers may –
  - (a) allow or dismiss the appeal, or
  - (b) reverse or vary any part of the planning authority’s decision on the application to which the appeal relates (whether or not the appeal relates to that part),and may deal with the application as if it had been made to them.
- (2) Where the appeal was made under section 100(3) (failure to give notice of decision) and the planning authority has not given notice under section 103(3), it is to be assumed for the purposes of subsection (1) that the authority decided to refuse the application.
- (3) On an appeal under section 100 the Welsh Ministers may also exercise their power under section 76 to de-list the building to which the appeal relates.
- (4) Chapter 2 of Part 5 makes provision about the procedure for the consideration of appeals (including provision for them to be determined by persons appointed by the Welsh Ministers).
- (5) The decision of the Welsh Ministers on an appeal is final.

#### *Special cases*

#### **105 Applications by planning authorities and the Crown**

- (1) The Welsh Ministers may by regulations provide that any provision made by or under this Act is not to apply, or is to apply with modifications, to an application mentioned in subsection (2) that is made –
  - (a) by a planning authority, or
  - (b) by or on behalf of the Crown.
- (2) The applications referred to in subsection (1) are applications for –
  - (a) listed building consent,
  - (b) the variation or removal of conditions of listed building consent, or

(c) i fanylion gwaith o dan amod mewn cydsyniad adeilad rhestredig gael eu cymeradwyo.

(3) Caiff y rheoliadau, yn benodol, ddarparu i gais gael ei wneud i Weinidogion Cymru.

**106 Ceisiadau sy'n ymwneud â gwaith brys ar dir y Goron**

(1) Caiff awdurdod priodol y Goron wneud cais am gydsyniad adeilad rhestredig i Weinidogion Cymru (yn lle gwneud cais i awdurdod cynllunio) –

(a) os yw'r adeilad rhestredig y mae'r cais yn ymwneud ag ef ar dir y Goron, a

(b) os yw awdurdod priodol y Goron yn ardystio –

(i) bod y gwaith y ceisir cydsyniad ar ei gyfer o bwysigrwydd cenedlaethol, a

(ii) ei bod yn angenrheidiol i'r gwaith gael ei gyflawni fel mater o frys.

(2) Cyn gwneud y cais, rhaid i awdurdod priodol y Goron gyhoeddi hysbysiad mewn un neu ragor o bapurau newydd sy'n cylchredeg yn ardal leol yr adeilad rhestredig –

(a) sy'n disgrifio'r gwaith arfaethedig, a

(b) sy'n datgan ei fod yn cynnig gwneud y cais i Weinidogion Cymru o dan yr adran hon.

(3) Pan fo awdurdod priodol y Goron yn gwneud cais o dan yr adran hon –

(a) rhaid iddo roi i Weinidogion Cymru ddatganiad o'i seiliau dros wneud y cais;

(b) caiff Gweinidogion Cymru ei gwneud yn ofynnol iddo roi iddynt unrhyw wybodaeth bellach y maent yn ystyried ei bod yn angenrheidiol i'w galluogi i benderfynu'r cais.

(4) Cyn gynted ag y bo'n ymarferol ar ôl cael dogfen neu ddeunydd arall yn rhinwedd is-adran (3), rhaid i Weinidogion Cymru roi copi o'r ddogfen neu'r deunydd arall ar gael i'r cyhoedd edrych arno yn ardal leol y gwaith arfaethedig.

(5) Rhaid i Weinidogion Cymru, yn unol ag unrhyw ofynion a osodir gan reoliadau, gyhoeddi hysbysiad o'r cais ac o'r ffaith bod dogfennau a deunydd arall ar gael i edrych arnynt.

(6) Rhaid i Weinidogion Cymru ymgynghori â'r personau a ganlyn ynghylch y cais –

(a) yr awdurdod cynllunio y mae'r adeilad rhestredig yn ei ardal, a

(b) unrhyw berson arall a bennir mewn rheoliadau.

(7) Mae Pennod 2 o Ran 5 yn gwneud darpariaeth ynghylch y weithdrefn ar gyfer ystyried ceisiadau a wneir i Weinidogion Cymru o dan yr adran hon.

(8) Nid yw is-adran (4) yn gymwys i'r graddau y mae dogfen neu ddeunydd arall yn ddarostyngedig i gyfarwyddyd o dan adran 178 (cyfyngu mynediad at dystiolaeth ar sail diogelwch gwladol).

(9) Mae penderfyniad Gweinidogion Cymru ar gais yn derfynol.

(10) Yn yr adran hon mae cyfeiriadau at reoliadau yn gyfeiriadau at reoliadau a wneir gan Weinidogion Cymru.

- (c) approval of details of works under a condition of listed building consent.
- (3) The regulations may, in particular, provide for an application to be made to the Welsh Ministers.

#### 106 Applications relating to urgent works on Crown land

- (1) The appropriate Crown authority may make an application for listed building consent to the Welsh Ministers (instead of to a planning authority) if –
  - (a) the listed building to which the application relates is on Crown land, and
  - (b) the appropriate Crown authority certifies –
    - (i) that the works for which consent is sought are of national importance, and
    - (ii) that it is necessary that the works are carried out as a matter of urgency.
- (2) Before making the application, the appropriate Crown authority must publish in one or more newspapers circulating in the locality of the listed building a notice –
  - (a) describing the proposed works, and
  - (b) stating that it proposes to make the application to the Welsh Ministers under this section.
- (3) Where the appropriate Crown authority makes an application under this section –
  - (a) it must give the Welsh Ministers a statement of its grounds for making the application;
  - (b) the Welsh Ministers may require it to give them any further information they consider necessary to enable them to determine the application.
- (4) As soon as practicable after receiving a document or other material by virtue of subsection (3), the Welsh Ministers must make a copy of the document or other material available for inspection by the public in the locality of the proposed works.
- (5) The Welsh Ministers must, in accordance with any requirements imposed by regulations, publish notice of the application and of the fact that documents and other material are available for inspection.
- (6) The Welsh Ministers must consult the following persons about the application –
  - (a) the planning authority in whose area the listed building is situated, and
  - (b) any other person that may be specified in regulations.
- (7) Chapter 2 of Part 5 makes provision about the procedure for the consideration of applications made to the Welsh Ministers under this section.
- (8) Subsection (4) does not apply to the extent that a document or other material is subject to a direction under section 178 (restriction of access to evidence on national security grounds).
- (9) The decision of the Welsh Ministers on an application is final.
- (10) In this section references to regulations are to regulations made by the Welsh Ministers.

*Addasu a dirymu cydsyniad adeilad rhestredig***107 Addasu a dirymu cydsyniad**

- (1) Pan fo cydsyniad adeilad rhestredig wedi ei roi ar gais neu apêl o dan y Rhan hon, caiff yr awdurdod cynllunio y mae'r adeilad rhestredig yn ei ardal neu Weinidogion Cymru drwy orchymyn addasu neu ddirymu'r cydsyniad i unrhyw raddau.
- (2) Caniateir i orchymyn sy'n addasu neu'n dirymu cydsyniad adeilad rhestredig ar gyfer unrhyw waith gael ei wneud ar unrhyw adeg cyn cwblhau'r gwaith, ond nid yw'n effeithio ar gydsyniad ar gyfer gwaith sydd wedi ei gyflawni cyn i'r gorchymyn gymryd effaith.
- (3) Yn Atodlen 8—
  - (a) mae Rhan 1 yn gwneud darpariaeth ynghylch y gweithdrefnau y mae rhaid eu dilyn cyn i orchymyn a wneir gan awdurdod cynllunio o dan yr adran hon gymryd effaith (naill ai gyda chadarnhad gan Weinidogion Cymru neu hebdo);
  - (b) mae Rhan 2 yn gwneud darpariaeth ynghylch y weithdrefn y mae rhaid ei dilyn cyn i Weinidogion Cymru wneud gorchymyn o dan yr adran hon.

**108 Digollediad pan fo cydsyniad yn cael ei addasu neu ei ddirymu**

- (1) Mae'r adran hon yn gymwys pan fo cydsyniad adeilad rhestredig yn cael ei addasu neu ei ddirymu gan orchymyn o dan adran 107—
  - (a) sydd wedi ei wneud gan awdurdod cynllunio ac wedi ei gadarnhau gan Weinidogion Cymru, neu
  - (b) sydd wedi ei wneud gan Weinidogion Cymru.
- (2) Mae gan unrhyw berson sydd â buddiant yn yr adeilad rhestredig y mae'r cydsyniad yn ymwneud ag ef hawlogaeth, wrth wneud hawliad i'r awdurdod cynllunio, i gael ei ddigolledu gan yr awdurdod—
  - (a) am unrhyw wariant yr eir iddo gan y person wrth gyflawni gwaith y mae addasu neu ddirymu'r cydsyniad yn peri ei fod yn waith ofer;
  - (b) am unrhyw golled arall neu unrhyw ddifrod arall a ddioddefir gan y person y gellir ei phriodoli neu ei briodoli'n uniongyrchol i'r addasu neu'r dirymu.
- (3) At ddibenion yr adran hon mae gwariant yr eir iddo wrth lunio planiau at ddibenion unrhyw waith, neu ar faterion tebyg eraill sy'n baratoadol i unrhyw waith, i'w drin fel pe bai'n wariant yr eir iddo wrth gyflawni'r gwaith.
- (4) Yn ddarostyngedig i hynny, nid oes digollediad yn daladwy o dan yr adran hon mewn cysylltiad—
  - (a) â gwaith a gyflawnir cyn rhoi'r cydsyniad adeilad rhestredig sydd wedi ei addasu neu ei ddirymu, neu
  - (b) â cholled neu ddifrod arall (ac eithrio colled neu ddifrod sy'n ddibrisiant yng ngwerth buddiant mewn tir) sy'n deillio o unrhyw beth a wnaed neu nas gwnaed cyn i'r cydsyniad gael ei roi.
- (5) Rhaid i hawliad am ddigollediad o dan yr adran hon gael ei wneud yn ysgrifenedig o fewn 6 mis sy'n dechrau â'r diwrnod y mae addasu neu ddirymu'r cydsyniad yn cymryd effaith.
- (6) Yn is-adran (2) ystyr "yr awdurdod cynllunio" yw—



*Modification and revocation of listed building consent***107 Modification and revocation of consent**

- (1) Where listed building consent has been granted on an application or appeal under this Part, the planning authority in whose area the listed building is situated or the Welsh Ministers may by order modify or revoke the consent to any extent.
- (2) An order modifying or revoking listed building consent for any works may be made at any time before the works are completed, but does not affect consent for works carried out before the order takes effect.
- (3) In Schedule 8 –
  - (a) Part 1 makes provision about the procedures that must be followed before an order made by a planning authority under this section takes effect (either with or without confirmation by the Welsh Ministers);
  - (b) Part 2 makes provision about the procedure that must be followed before the Welsh Ministers make an order under this section.

**108 Compensation where consent is modified or revoked**

- (1) This section applies where listed building consent is modified or revoked by an order under section 107 that is –
  - (a) made by a planning authority and confirmed by the Welsh Ministers, or
  - (b) made by the Welsh Ministers.
- (2) Any person interested in the listed building to which the consent relates is entitled, on making a claim to the planning authority, to be paid compensation by the authority for –
  - (a) any expenditure incurred by the person in carrying out works that become abortive because of the modification or revocation of the consent;
  - (b) any other loss or damage suffered by the person that is directly attributable to the modification or revocation.
- (3) For the purposes of this section expenditure incurred in the preparation of plans for the purposes of any works, or on other similar matters preparatory to any works, is to be treated as expenditure incurred in carrying out the works.
- (4) Subject to that, no compensation is payable under this section in respect of –
  - (a) works carried out before the grant of the listed building consent that is modified or revoked, or
  - (b) other loss or damage (other than loss or damage consisting of depreciation of the value of an interest in land) arising out of anything done or omitted to be done before the consent was granted.
- (5) A claim for compensation under this section must be made in writing within 6 months beginning with the day the modification or revocation of the consent takes effect.
- (6) In subsection (2) “the planning authority” means –

- (a) yr awdurdod cynllunio a wnaeth y gorchymyn o dan adran 107, neu
- (b) os gwnaed y gorchymyn gan Weinidogion Cymru, yr awdurdod cynllunio y mae'r adeilad rhestredig y mae'r gorchymyn yn ymwneud ag ef yn ei ardal.

*Hawl perchennog adeilad rhestredig i'w gwneud yn ofynnol prynu buddiant*

**109 Hysbysiad prynu pan fo cydsyniad wedi ei wrthod, wedi ei roi yn ddarostyngedig i amodau, wedi ei addasu neu wedi ei ddirymu**

- (1) Mae'r adran hon yn gymwys pan—
  - (a) ar gais am gydsyniad adeilad rhestredig, fo cydsyniad yn cael ei wrthod neu ei roi yn ddarostyngedig i amodau, neu
  - (b) bo gorchymyn o dan adran 107 yn addasu neu'n dirymu cydsyniad adeilad rhestredig.
- (2) Os yw perchennog ar yr adeilad rhestredig y mae'r cais neu'r gorchymyn yn ymwneud ag ef yn honni—
  - (a) bod y set gyntaf o amodau wedi ei bodloni mewn perthynas â'r adeilad, a
  - (b) bod y set gyntaf a'r ail set o amodau wedi eu bodloni mewn perthynas ag unrhyw dir cysylltiedig,
 caiff y perchennog gyflwyno hysbysiad prynu i'r awdurdod cynllunio y mae'r adeilad rhestredig yn ei ardal.
- (3) Mae hysbysiad prynu yn hysbysiad sy'n ei gwneud yn ofynnol i'r awdurdod cynllunio brynu buddiant y perchennog yn yr adeilad rhestredig a'r tir cysylltiedig.
- (4) Y set gyntaf o amodau yw—
  - (a) bod yr adeilad rhestredig a'r tir cysylltiedig y cyflwynir yr hysbysiad mewn cysylltiad â hwy yn anefnyddiadwy yn eu cyflwr presennol,
  - (b) mewn achos pan fo cydsyniad adeilad rhestredig wedi ei roi 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 yn unol â'r amodau, ac
  - (c) pa un bynnag, nad yw'n bosibl gwneud yr adeilad na'r tir yn ddefnyddiadwy drwy gyflawni unrhyw waith arall y rhoddwyd cydsyniad adeilad rhestredig ar ei gyfer neu y mae'r awdurdod cynllunio neu Weinidogion Cymru wedi ymrwmo i roi cydsyniad adeilad rhestredig ar ei gyfer.
- (5) Yr ail set o amodau yw—
  - (a) na ellir gwahanu'n sylweddol y defnydd o'r tir cysylltiedig oddi wrth y defnydd o'r adeilad rhestredig, a
  - (b) y dylid trin y tir cysylltiedig, ynghyd â'r adeilad, fel un daliad.
- (6) 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;

- (a) the planning authority that made the order under section 107, or
- (b) if the order was made by the Welsh Ministers, the planning authority in whose area the listed building to which the order relates is situated.

*Right of owner of listed building to require purchase of interest*

**109 Purchase notice where consent is refused, granted subject to conditions, modified or revoked**

- (1) This section applies where –
  - (a) on an application for listed building consent, consent is refused or is granted subject to conditions, or
  - (b) an order under section 107 modifies or revokes listed building consent.
- (2) If an owner of the listed building to which the application or order relates claims –
  - (a) that the first set of conditions is met in relation to the building, and
  - (b) that the first and second sets of conditions are met in relation to any associated land, the owner may serve a purchase notice on the planning authority in whose area the listed building is situated.
- (3) A purchase notice is a notice requiring the planning authority to purchase the owner’s interest in the listed building and associated land.
- (4) The first set of conditions is –
  - (a) that the listed building and associated land in respect of which the notice is served are unusable in their existing state,
  - (b) in a case where listed building consent has been granted 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 in accordance with the conditions, and
  - (c) in any case, that the building and land cannot be made usable by carrying out any other works for which listed building consent has been granted or for which the planning authority or the Welsh Ministers have undertaken to grant listed building consent.
- (5) The second set of conditions is –
  - (a) that the use of the associated land is substantially inseparable from the use of the listed building, and
  - (b) that the associated land ought to be treated, together with the building, as a single holding.
- (6) 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;

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.
- (7) Wrth benderfynu a yw adeilad rhestredig a’r tir cysylltiedig yn ddefnyddiadwy yn eu cyflwr presennol, rhaid anwybyddu defnydd arfaethedig o’r adeilad neu’r tir pe bai’n golygu –
- (a) cyflawni gwaith y mae cydsyniad adeilad rhestredig, nad yw wedi ei roi ac nad yw awdurdod cynllunio na Gweinidogion Cymru wedi ymrwymo i’w roi, yn ofynnol ar ei gyfer, neu
  - (b) cyflawni datblygiad nad yw caniatâd cynllunio wedi ei roi ar ei gyfer ac nad yw awdurdod cynllunio na Gweinidogion Cymru wedi ymrwymo i roi caniatâd ar ei gyfer.
- (8) Nid yw adeilad rhestredig yn andefnyddiadwy yn ei gyflwr presennol –
- (a) os achoswyd cyflwr presennol yr adeilad gan doriad o adran 88 (gofyniad i waith gael ei awdurdodi) neu o amod y rhoddwyd cydsyniad adeilad rhestredig yn ddarostyngedig iddo, a
  - (b) pe gellid gwneud yr adeilad yn ddefnyddiadwy drwy gymryd camau sy’n ofynnol neu a allai fod yn ofynnol gan hysbysiad gorfodi o dan adran 123.

#### 110 Hysbysiad prynu mewn cysylltiad â thir y Goron

- (1) Ni chaiff perchennog buddiant preifat yn nhir y Goron gyflwyno hysbysiad prynu mewn cysylltiad â’r buddiant hwnnw oni bai –
- (a) bod y perchennog wedi cynnig gwaredu’r buddiant i awdurdod priodol y Goron am bris sy’n hafal i’r digollediad (ac os na chytunir arno, mae i’w benderfynu yn yr un ffordd â’r digollediad) a fyddai’n daladwy am y buddiant pe bai’n cael ei gaffael yn unol â hysbysiad prynu, a
  - (b) bod awdurdod priodol y Goron wedi gwrthod y cynnig.
- (2) Dim ond awdurdod priodol y Goron a gaiff gyflwyno hysbysiad prynu mewn cysylltiad â buddiant y Goron neu fuddiant y Ddugiaeth mewn tir –
- (a) sy’n rhan o Ystad y Goron,
  - (b) sy’n perthyn i’w Fawrhydi yn hawl Ei ystadau preifat,
  - (c) sy’n perthyn i’w Fawrhydi yn hawl Dugiaeth Caerhirfryn, neu
  - (d) sy’n perthyn i Ddugiaeth Cernyw.
- (3) Ni chaniateir cyflwyno hysbysiad prynu mewn cysylltiad â buddiant y Goron neu fuddiant y Ddugiaeth mewn unrhyw dir arall.

#### 111 Darpariaeth bellach ynghylch cyflwyno hysbysiad prynu

- (1) Rhaid cyflwyno hysbysiad prynu o fewn 12 mis sy’n dechrau –

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

- (7) In determining whether a listed building and associated land are usable in their existing state, a prospective use of the building or land must be ignored if it would involve –
- (a) carrying out works requiring listed building consent which has not been granted and which neither a planning authority nor the Welsh Ministers have undertaken to grant, or
  - (b) carrying out development for which planning permission has not been granted and for which neither a planning authority nor the Welsh Ministers have undertaken to grant permission.
- (8) A listed building is not unusable in its existing state if –
- (a) the existing state of the building was caused by a breach of section 88 (requirement for works to be authorised) or of a condition subject to which listed building consent has been granted, and
  - (b) the building could be made usable by taking steps that are or could be required by an enforcement notice under section 123.

#### **110 Purchase notice in respect of Crown land**

- (1) The owner of a private interest in Crown land may not serve a purchase notice in respect of that interest unless –
- (a) the owner has offered to dispose of the interest to the appropriate Crown authority for a price that is equal to (and if not agreed, is to be determined in the same way as) the compensation that would be payable for the interest if it were acquired in pursuance of a purchase notice, and
  - (b) the appropriate Crown authority has refused the offer.
- (2) Only the appropriate Crown authority may serve a purchase notice in respect of a Crown interest or Duchy interest in land which –
- (a) forms part of the Crown Estate,
  - (b) belongs to His Majesty in right of His private estates,
  - (c) belongs to His Majesty in right of the Duchy of Lancaster, or
  - (d) belongs to the Duchy of Cornwall.
- (3) A purchase notice may not be served in respect of a Crown interest or Duchy interest in any other land.

#### **111 Further provision about service of purchase notice**

- (1) A purchase notice must be served within 12 months beginning with –

- (a) yn achos hysbysiad sy'n ymwneud â phenderfyniad i wrthod cydsyniad adeilad rhestredig neu i'w roi yn ddarostyngedig i amodau, â'r diwrnod y gwneir y penderfyniad, neu
  - (b) yn achos hysbysiad sy'n ymwneud â gorchymyn o dan adran 107 sy'n addasu neu'n dirymu cydsyniad adeilad rhestredig, â'r diwrnod y mae'r gorchymyn yn cymryd effaith.
- (2) Mewn achos pan fo Gweinidogion Cymru yn penderfynu apêl yn erbyn penderfyniad gan awdurdod cynllunio i wrthod cydsyniad adeilad rhestredig neu i'w roi yn ddarostyngedig i amodau, mae'r cyfeiriad yn is-adran (1)(a) at y diwrnod y gwneir y penderfyniad i'w ddarllen fel pe bai'n gyfeiriad at y diwrnod y mae Gweinidogion Cymru yn penderfynu'r apêl.
- (3) Caiff Gweinidogion Cymru ar unrhyw adeg estyn y cyfnod ar gyfer cyflwyno hysbysiad prynu mewn achos penodol, os ydynt wedi eu bodloni bod rhesymau da dros wneud hynny.
- (4) Caiff Gweinidogion Cymru drwy reoliadau wneud darpariaeth ynghylch sut y mae rhaid cyflwyno hysbysiad prynu.
- (5) Pan fo hysbysiad atgyweirio wedi ei gyflwyno i berchennog ar adeilad rhestredig o dan adran 138, nid oes gan y perchennog hawlogaeth i gyflwyno hysbysiad prynu mewn cysylltiad â'r adeilad—
- (a) cyn diwedd y 3 mis sy'n dechrau â'r diwrnod y cyflwynir yr hysbysiad atgyweirio, neu
  - (b) os dechreuir caffael yr adeilad yn orfodol o dan adran 137 yn ystod y cyfnod hwnnw, oni bai bod y caffaeliad gorfodol yn cael ei derfynu.
- (6) Ni chaiff perchennog ar adeilad rhestredig sydd wedi cyflwyno hysbysiad prynu ddiwygio'r hysbysiad; ond nid yw hynny yn atal y perchennog rhag cyflwyno hysbysiad prynu pellach sy'n ymwneud â'r un penderfyniad neu'r un gorchymyn.
- (7) Os yw perchennog yn cyflwyno hysbysiad prynu pellach sy'n ymwneud â'r un penderfyniad neu'r un gorchymyn, mae'r hysbysiad cynharach i'w drin fel pe bai wedi ei dynnu'n ôl oni bai bod yr hysbysiad diweddarach yn datgan nad yw'r perchennog yn bwriadu ei dynnu'n ôl.
- (8) At ddibenion is-adran (5)—
- (a) mae caffaeliad gorfodol yn cael ei ddechrau —
    - (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.

- (a) in the case of a notice relating to a decision to refuse listed building consent or grant it subject to conditions, the day the decision is made, or
  - (b) in the case of a notice relating to an order under section 107 modifying or revoking listed building consent, the day the order takes effect.
- (2) In a case where the Welsh Ministers determine an appeal against a decision of a planning authority to refuse listed building consent or grant it subject to conditions, the reference in subsection (1)(a) to the day the decision is made is to be read as a reference to the day the Welsh Ministers determine the appeal.
- (3) The Welsh Ministers may at any time extend the period for serving a purchase notice in a particular case, if they are satisfied that there are good reasons for doing so.
- (4) The Welsh Ministers may by regulations make provision about how a purchase notice must be served.
- (5) Where a repairs notice has been served on an owner of a listed building under section 138, the owner is not entitled to serve a purchase notice in respect of the building –
  - (a) before the end of 3 months beginning with the day the repairs notice is served, or
  - (b) if during that period the compulsory acquisition of the building is started under section 137, unless the compulsory acquisition is discontinued.
- (6) An owner of a listed building who has served a purchase notice may not amend the notice; but that does not prevent the owner serving a further purchase notice relating to the same decision or order.
- (7) If an owner serves a further purchase notice relating to the same decision or order, the earlier notice is to be treated as withdrawn unless the later notice states that the owner does not intend to withdraw it.
- (8) For the purposes of subsection (5) –
  - (a) a compulsory acquisition is started –
    - (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.

**112 Camau gweithredu yn dilyn cyflwyno hysbysiad prynu**

Mae Atodlen 9 yn gwneud darpariaeth ynghylch y camau gweithredu sydd i'w cymryd gan awdurdodau cynllunio a Gweinidogion Cymru yn dilyn cyflwyno hysbysiad prynu.

**PENNOD 3****CYTUNDEBAU PARTNERIAETHAU ADEILADAU RHESTREDIG****113 Cytundebau partneriaethau adeiladau rhestredig**

- (1) Caiff awdurdod cynllunio wneud cytundeb o dan yr adran hon ag unrhyw berchennog ar adeilad rhestredig, neu ran o adeilad rhestredig, sydd yn ei ardal.
- (2) Caiff unrhyw un neu ragor o'r personau a ganlyn hefyd fod yn barti i'r cytundeb (yn ogystal â'r perchennog a'r awdurdod) –
  - (a) Gweinidogion Cymru;
  - (b) unrhyw feddiannydd ar yr adeilad;
  - (c) unrhyw berson arall sydd â buddiant yn yr adeilad;
  - (d) unrhyw berson sy'n ymwneud â rheoli'r adeilad;
  - (e) unrhyw berson arall y mae'r awdurdod cynllunio yn ystyried ei fod yn briodol gan fod ganddo wybodaeth arbennig am yr adeilad, neu ddiddordeb arbennig ynddo, neu wybodaeth arbennig am adeiladau o ddiddordeb pensaernïol neu hanesyddol yn fwy cyffredinol, neu ddiddordeb arbennig ynddynt.
- (3) Caiff Gweinidogion Cymru wneud cytundeb o dan yr adran hon ag unrhyw berchennog ar adeilad rhestredig neu ran o adeilad rhestredig.
- (4) Caiff unrhyw un neu ragor o'r personau a ganlyn hefyd fod yn barti i'r cytundeb (yn ogystal â'r perchennog a Gweinidogion Cymru) –
  - (a) unrhyw awdurdod cynllunio y mae'r adeilad neu'r rhan yn ei ardal;
  - (b) unrhyw feddiannydd ar yr adeilad;
  - (c) unrhyw berson arall sydd â buddiant yn yr adeilad;
  - (d) unrhyw berson sy'n ymwneud â rheoli'r adeilad;
  - (e) unrhyw berson arall y mae Gweinidogion Cymru yn ystyried ei fod yn briodol gan fod ganddo wybodaeth arbennig am yr adeilad, neu ddiddordeb arbennig ynddo, neu wybodaeth arbennig am adeiladau o ddiddordeb pensaernïol neu hanesyddol yn fwy cyffredinol, neu ddiddordeb arbennig ynddynt.
- (5) Cyfeirir at gytundeb o dan yr adran hon fel "cytundeb partneriaeth adeilad rhestredig" yn y Ddeddf hon.
- (6) Caiff cytundeb partneriaeth adeilad rhestredig roi cydsyniad adeilad rhestredig o dan adran 89(1) ar gyfer gwaith penodedig ar gyfer addasu neu estyn yr adeilad rhestredig y mae'r cytundeb yn ymwneud ag ef.
- (7) Pan fo cytundeb partneriaeth adeilad rhestredig yn rhoi cydsyniad adeilad rhestredig yn ddarostyngedig i amodau, rhaid i'r cytundeb bennu'r amodau hynny.
- (8) Caiff cytundeb partneriaeth adeilad rhestredig hefyd –



**112 Action following service of purchase notice**

Schedule 9 makes provision about the action to be taken by planning authorities and the Welsh Ministers following the service of a purchase notice.

**CHAPTER 3****LISTED BUILDING PARTNERSHIP AGREEMENTS****113 Listed building partnership agreements**

- (1) A planning authority may make an agreement under this section with any owner of a listed building, or part of a listed building, situated in its area.
- (2) Any of the following persons may also be a party to the agreement (in addition to the owner and the authority) –
  - (a) the Welsh Ministers;
  - (b) any occupier of the building;
  - (c) any other person who has an interest in the building;
  - (d) any person involved in the management of the building;
  - (e) any other person the planning authority considers appropriate as having special knowledge of, or special interest in, the building or in buildings of architectural or historic interest more generally.
- (3) The Welsh Ministers may make an agreement under this section with any owner of a listed building or part of a listed building.
- (4) Any of the following persons may also be a party to the agreement (in addition to the owner and the Welsh Ministers) –
  - (a) any planning authority in whose area the building or part is situated;
  - (b) any occupier of the building;
  - (c) any other person who has an interest in the building;
  - (d) any person involved in the management of the building;
  - (e) any other person the Welsh Ministers consider appropriate as having special knowledge of, or special interest in, the building or in buildings of architectural or historic interest more generally.
- (5) An agreement under this section is referred to in this Act as a “listed building partnership agreement”.
- (6) A listed building partnership agreement may grant listed building consent under section 89(1) for specified works for the alteration or extension of the listed building to which the agreement relates.
- (7) Where a listed building partnership agreement grants listed building consent subject to conditions, the agreement must specify those conditions.
- (8) A listed building partnership agreement may also –

- (a) pennu gwaith a fyddai neu na fyddai, ym marn y partïon, yn effeithio ar gymeriad yr adeilad rhestredig fel adeilad o ddiddordeb pensaernïol neu hanesyddol arbennig;
  - (b) gwneud darpariaeth ynghylch cynnal a chadw a diogelu'r adeilad;
  - (c) gwneud darpariaeth ynghylch cyflawni gwaith penodedig, neu wneud unrhyw beth penodedig, mewn perthynas â'r adeilad;
  - (d) darparu ar gyfer mynediad y cyhoedd i'r adeilad a darparu cyfleusterau cysylltiedig, gwybodaeth gysylltiedig neu wasanaethau cysylltiedig i'r cyhoedd;
  - (e) cyfyngu ar fynediad i'r adeilad neu ar y defnydd o'r adeilad;
  - (f) gwahardd gwneud unrhyw beth penodedig mewn perthynas â'r adeilad;
  - (g) darparu i awdurdod cynllunio neu Weinidogion Cymru wneud taliadau o symiau penodedig ac ar delerau penodedig –
    - (i) am gostau unrhyw waith y darperir ar ei gyfer o dan y cytundeb, neu tuag at y costau hynny, neu
    - (ii) yn gydnabyddiaeth am unrhyw gyfyngiad, unrhyw waharddiad neu unrhyw rwymedigaeth a dderbynnir gan unrhyw barti arall i'r cytundeb.
- (9) Caiff cytundeb partneriaeth adeilad rhestredig ymwneud â mwy nag un adeilad rhestredig neu fwy nag un rhan o adeilad rhestredig, ond dim ond os yw'r partïon i'r cytundeb yn cynnwys mewn perthynas â phob adeilad neu bob rhan –
- (a) perchennog ar yr adeilad hwnnw neu'r rhan honno, a
  - (b) yr awdurdod cynllunio y mae'r adeilad hwnnw neu'r rhan honno yn ei ardal neu Weinidogion Cymru.
- (10) Yn yr adran hon –
- ystyr "penodedig" ("*specified*") yw wedi ei bennu neu ei ddisgrifio mewn cytundeb partneriaeth adeilad rhestredig;
- ystyr "perchennog" ("*owner*"), mewn perthynas ag adeilad rhestredig neu ran o adeilad rhestredig, yw person –
- (a) sy'n berchen ar yr ystad rydd-ddaliadol yn yr adeilad neu'r rhan, neu
  - (b) sy'n denant o dan les ar yr adeilad neu'r rhan a roddir neu a estynnir am gyfnod penodol sydd ag o leiaf 7 mlynedd yn weddill.

#### 114 Darpariaeth bellach ynghylch cytundebau partneriaethau adeiladau rhestredig

- (1) Rhaid i gytundeb partneriaeth adeilad rhestredig fod yn ysgrifenedig.
- (2) Rhaid i gytundeb partneriaeth adeilad rhestredig –
  - (a) cynnwys digon o wybodaeth i adnabod yr adeilad rhestredig y mae'n ymwneud ag ef, gan gynnwys plan;
  - (b) cynnwys unrhyw blaniau eraill ac unrhyw luniadau eraill sy'n angenrheidiol i ddisgrifio unrhyw waith y mae'n ymwneud ag ef;
  - (c) pennu'r dyddiad y mae'n cymryd effaith a'i hyd;

- (a) specify works that would or would not, in the view of the parties, affect the character of the listed building as a building of special architectural or historic interest;
  - (b) make provision about the maintenance and preservation of the building;
  - (c) make provision about the carrying out of specified works, or the doing of any specified thing, in relation to the building;
  - (d) provide for public access to the building and the provision of associated facilities, information or services to the public;
  - (e) restrict access to, or use of, the building;
  - (f) prohibit the doing of any specified thing in relation to the building;
  - (g) provide for a planning authority or the Welsh Ministers to make payments of specified amounts and on specified terms –
    - (i) for or towards the costs of any works provided for under the agreement, or
    - (ii) in consideration of any restriction, prohibition or obligation accepted by any other party to the agreement.
- (9) A listed building partnership agreement may relate to more than one listed building or part of a listed building, but only if the parties to the agreement include in relation to each building or part –
- (a) an owner of that building or part, and
  - (b) the planning authority in whose area that building or part is situated or the Welsh Ministers.
- (10) In this section –
- “owner” (“*perchennog*”), in relation to a listed building or part of a listed building, means –
- (a) an owner of the freehold estate in the building or part, or
  - (b) a tenant under a lease of the building or part granted or extended for a fixed term that has at least 7 years left to run;
- “specified” (“*penodedig*”) means specified or described in a listed building partnership agreement.

#### **114 Further provision about listed building partnership agreements**

- (1) A listed building partnership agreement must be in writing.
- (2) A listed building partnership agreement must –
  - (a) contain enough information to identify the listed building to which it relates, including a plan;
  - (b) contain any other plans and drawings that are necessary to describe any works to which it relates;
  - (c) specify the date on which it takes effect and its duration;

- (d) gwneud darpariaeth i'r partïon adolygu telerau'r cytundeb ar ysbeidiau a bennir ynddo;
  - (e) gwneud darpariaeth ar gyfer ei amrywio (ond mae hyn yn ddarostyngedig i reoliadau o dan is-adran (5));
  - (f) gwneud darpariaeth ar gyfer ei derfynu (ond mae hyn yn ddarostyngedig i adran 115).
- (3) Caiff cytundeb partneriaeth adeilad rhestredig gynnwys darpariaeth ddeilliadol a darpariaeth ganlyniadol.
- (4) Caiff Gweinidogion Cymru drwy reoliadau bennu telerau eraill y mae rhaid eu cynnwys mewn cytundeb partneriaeth adeilad rhestredig.
- (5) Rhaid i Weinidogion Cymru drwy reoliadau wneud darpariaeth ynghylch—
- (a) yr ymgynghoriad y mae rhaid ei gynnal cyn i gytundeb partneriaeth adeilad rhestredig gael ei wneud neu ei amrywio;
  - (b) y cyhoeddusrwydd y mae rhaid ei roi i gytundeb partneriaeth adeilad rhestredig cyn neu ar ôl iddo gael ei wneud neu ei amrywio.
- (6) Wrth ystyried pa un ai i wneud cytundeb partneriaeth adeilad rhestredig sy'n rhoi cydsyniad adeilad rhestredig, neu amrywio cytundeb fel ei fod yn rhoi cydsyniad, rhaid i awdurdod cynllunio neu Weinidogion Cymru roi sylw arbennig i ddymunoldeb diogelu—
- (a) yr adeilad rhestredig y mae'r cytundeb yn ymwneud ag ef,
  - (b) safle'r adeilad, ac
  - (c) unrhyw nodweddion o ddiddordeb pensaernïol neu hanesyddol arbennig sydd gan yr adeilad.
- (7) Ni chaiff cytundeb partneriaeth adeilad rhestredig osod unrhyw rwymedigaeth neu unrhyw atebolrwydd ar berson nad yw'n barti i'r cytundeb, na rhoi unrhyw hawl i berson o'r fath; ac nid yw cydsyniad adeilad rhestredig a roddir gan gytundeb o'r fath yn cael effaith ond er budd y partïon iddo.
- (8) Caiff Gweinidogion Cymru drwy reoliadau—
- (a) datgymhwyso, neu gymhwyso neu atgynhyrchu gydag addasiadau neu hebddynt, unrhyw ddarpariaeth yn adrannau 90 i 104 (rhoi cydsyniad adeilad rhestredig) neu Bennod 4 (gorfodi) at ddibenion cytundebau partneriaethau adeiladau rhestredig, a
  - (b) darparu i unrhyw ddarpariaeth arall yn y Ddeddf hon fod yn gymwys gydag addasiadau sy'n ganlyniadol ar ddarpariaeth a wneir o dan baragraff (a).

### 115 Terfynu cytundeb neu ddarpariaeth mewn cytundeb

- (1) Caiff awdurdod cynllunio drwy orchymyn derfynu cytundeb partneriaeth adeilad rhestredig y mae'n barti iddo neu unrhyw ddarpariaeth mewn cytundeb o'r fath.
- (2) Caiff Gweinidogion Cymru drwy orchymyn derfynu cytundeb partneriaeth adeilad rhestredig (pa un a ydynt yn barti iddo ai peidio) neu unrhyw ddarpariaeth mewn cytundeb o'r fath.
- (3) Caiff gorchymyn o dan yr adran hon gynnwys darpariaeth atodol, darpariaeth ddeilliadol, darpariaeth ddarfodol, darpariaeth drosiannol neu ddarpariaeth arbed.

- (d) make provision for the parties to review the terms of the agreement at intervals specified in it;
  - (e) make provision for its variation (but this is subject to regulations under subsection (5));
  - (f) make provision for its termination (but this is subject to section 115).
- (3) A listed building partnership agreement may contain incidental and consequential provision.
- (4) The Welsh Ministers may by regulations specify other terms that must be included in a listed building partnership agreement.
- (5) The Welsh Ministers must by regulations make provision about –
- (a) the consultation that must take place before a listed building partnership agreement is made or varied;
  - (b) the publicity that must be given to a listed building partnership agreement before or after it is made or varied.
- (6) In considering whether to make a listed building partnership agreement that grants listed building consent, or vary an agreement so that it grants consent, a planning authority or the Welsh Ministers must have special regard to the desirability of preserving –
- (a) the listed building to which the agreement relates,
  - (b) the setting of the building, and
  - (c) any features of special architectural or historic interest the building possesses.
- (7) A listed building partnership agreement may not impose any obligation or liability, or confer any right, on a person who is not a party to the agreement; and listed building consent granted by such an agreement has effect only for the benefit of the parties to it.
- (8) The Welsh Ministers may by regulations –
- (a) disapply, or apply or reproduce with or without modifications, any provision of sections 90 to 104 (granting listed building consent) or Chapter 4 (enforcement) for the purposes of listed building partnership agreements, and
  - (b) provide for any other provision of this Act to apply with modifications that are consequential on provision made under paragraph (a).

## **115 Termination of agreement or provision of agreement**

- (1) A planning authority may by order terminate a listed building partnership agreement to which it is a party or any provision of such an agreement.
- (2) The Welsh Ministers may by order terminate a listed building partnership agreement (whether or not they are a party to it) or any provision of such an agreement.
- (3) An order under this section may contain supplementary, incidental, transitory, transitional or saving provision.

- (4) Caniateir i orchymyn o dan yr adran hon sy'n terfynu darpariaeth sy'n rhoi cydsyniad adeilad rhestredig ar gyfer unrhyw waith gael ei wneud ar unrhyw adeg cyn cwblhau'r gwaith, ond nid yw'n effeithio ar gydsyniad adeilad rhestredig ar gyfer gwaith sydd wedi ei gyflawni cyn i'r gorchymyn gymryd effaith.
- (5) Yn Atodlen 10—
  - (a) mae Rhan 1 yn gwneud darpariaeth ynghylch y weithdrefn y mae rhaid ei dilyn cyn i orchymyn a wneir gan awdurdod cynllunio o dan yr adran hon gymryd effaith;
  - (b) mae Rhan 2 yn gwneud darpariaeth ynghylch y weithdrefn y mae rhaid ei dilyn cyn i Weinidogion Cymru wneud gorchymyn o dan yr adran hon.
- (6) Caiff Gweinidogion Cymru drwy reoliadau ddiwygio Atodlen 10, a chaiff y rheoliadau wneud diwygiadau canlyniadol i unrhyw ddarpariaeth arall yn y Ddeddf hon.

**116 Digollediad pan fo cytundeb neu ddarpariaeth yn cael ei derfynu neu ei therfynu**

- (1) Mae'r adran hon yn gymwys pan fo cytundeb partneriaeth adeilad rhestredig, neu unrhyw ddarpariaeth mewn cytundeb o'r fath, yn cael ei derfynu neu ei therfynu gan orchymyn o dan adran 115.
- (2) Mae gan unrhyw berson hawlogaeth, wrth wneud hawliad i'r awdurdod cynllunio, i gael ei ddigolledu gan yr awdurdod—
  - (a) am unrhyw wariant yr eir iddo gan y person wrth gyflawni gwaith y mae terfynu'r cytundeb neu'r ddarpariaeth yn peri ei fod yn waith ofer;
  - (b) am unrhyw golled arall neu unrhyw ddifrod arall a ddioddefir gan y person y gellir ei phriodoli neu ei briodoli'n uniongyrchol i'r terfynu.
- (3) At ddibenion yr adran hon mae gwariant yr eir iddo wrth lunio planiau at ddibenion unrhyw waith, neu ar faterion tebyg eraill sy'n baratoadol i unrhyw waith, i'w drin fel pe bai'n wariant yr eir iddo wrth gyflawni'r gwaith.
- (4) Yn ddarostyngedig i hynny, nid oes digollediad yn daladwy o dan yr adran hon mewn cysylltiad—
  - (a) â gwaith a gyflawnwyd cyn i'r cytundeb partneriaeth adeilad rhestredig, neu'r ddarpariaeth berthnasol yn y cytundeb, gymryd effaith, neu
  - (b) â cholled neu ddifrod arall (ac eithrio colled neu ddifrod sy'n ddibrisiant yng ngwerth buddiant mewn tir) sy'n deillio o unrhyw beth a wnaed neu nas gwnaed cyn i'r cytundeb neu'r ddarpariaeth gymryd effaith.
- (5) Rhaid i hawliad am ddigollediad o dan yr adran hon gael ei wneud yn ysgrifenedig o fewn 6 mis sy'n dechrau â'r diwrnod y mae terfynu'r cytundeb neu'r ddarpariaeth yn cymryd effaith.
- (6) Yn is-adran (2) ystyr "yr awdurdod cynllunio" yw—
  - (a) yr awdurdod cynllunio a wnaeth y gorchymyn o dan adran 115, neu
  - (b) os gwnaed y gorchymyn gan Weinidogion Cymru, yr awdurdod cynllunio y mae'r adeilad rhestredig, neu'r rhan o adeilad rhestredig y mae'r gorchymyn yn ymwneud ag ef neu hi, yn ei ardal.

- (4) An order under this section terminating a provision which grants listed building consent for any works may be made at any time before the works are completed, but does not affect listed building consent for works carried out before the order takes effect.
- (5) In Schedule 10—
  - (a) Part 1 makes provision about the procedure that must be followed before an order made by a planning authority under this section takes effect;
  - (b) Part 2 makes provision about the procedure that must be followed before the Welsh Ministers make an order under this section.
- (6) The Welsh Ministers may by regulations amend Schedule 10, and the regulations may make consequential amendments to any other provision of this Act.

#### **116 Compensation where agreement or provision is terminated**

- (1) This section applies where a listed building partnership agreement, or any provision of such an agreement, is terminated by an order under section 115.
- (2) Any person is entitled, on making a claim to the planning authority, to be paid compensation by the authority for—
  - (a) any expenditure incurred by the person in carrying out works that become abortive because of the termination of the agreement or provision;
  - (b) any other loss or damage suffered by the person that is directly attributable to the termination.
- (3) For the purposes of this section expenditure incurred in the preparation of plans for the purposes of any works, or on other similar matters preparatory to any works, is to be treated as expenditure incurred in carrying out the works.
- (4) Subject to that, no compensation is payable under this section in respect of—
  - (a) works carried out before the listed building partnership agreement, or the relevant provision of the agreement, took effect, or
  - (b) other loss or damage (other than loss or damage consisting of depreciation of the value of an interest in land) arising out of anything done or omitted to be done before the agreement or provision took effect.
- (5) A claim for compensation under this section must be made in writing within 6 months beginning with the day the termination of the agreement or provision takes effect.
- (6) In subsection (2) “the planning authority” means—
  - (a) the planning authority that made the order under section 115, or
  - (b) if the order was made by the Welsh Ministers, the planning authority in whose area the listed building, or the part of a listed building, to which the order relates is situated.

- (7) Caiff Gweinidogion Cymru drwy reoliadau ddiwygio'r adran hon, a chaiff y rheoliadau wneud diwygiadau canlyniadol i unrhyw ddarpariaeth arall yn y Ddeddf hon.

#### PENNOD 4

#### GORFODI RHEOLAETHAU SY'N YMWNEUD AG ADEILADAU RHESTREDIG

##### *Gwaith anawdurdodedig a difrod bwriadol: troseddau*

#### 117 Y drosedd o gyflawni gwaith anawdurdodedig neu dorri amod mewn cydsyniad

- (1) Mae person yn cyflawni trosedd os yw'r person yn cyflawni gwaith, neu'n peri i waith gael ei gyflawni, mewn perthynas ag adeilad rhestredig yn groes i adran 88 (gofyniad i waith gael ei awdurdodi).
- (2) Mae person hefyd yn cyflawni trosedd os yw'r person –
  - (a) yn cyflawni gwaith, neu'n peri i waith gael ei gyflawni, mewn perthynas ag adeilad rhestredig, a
  - (b) yn methu â chydymffurfio ag amod y rhoddwyd cydsyniad adeilad rhestredig yn ddarostyngedig iddo ar gyfer y gwaith.
- (3) Nid yw is-adran (2) yn cyfyngu ar yr hyn a all fod yn drosedd o dan is-adran (1).
- (4) Mewn achos yn erbyn person am drosedd o dan yr adran hon, mae'n amddiffyniad i'r person brofi –
  - (a) bod gwaith yn angenrheidiol ar frys er lles diogelwch neu iechyd neu ar gyfer diogelu'r adeilad,
  - (b) nad oedd yn ymarferol sicrhau diogelwch neu iechyd neu sicrhau bod yr adeilad yn cael ei ddiogelu drwy gyflawni gwaith atgyweirio neu waith i ategu neu gysgodu'r adeilad dros dro,
  - (c) bod y gwaith a gyflawnwyd wedi ei gyfyngu i isafswm y mesurau a oedd yn angenrheidiol ar unwaith, a
  - (d) i hysbysiad ysgrifenedig a oedd yn cyfiawnhau'n fanwl gyflawni'r gwaith gael ei roi i'r awdurdod cynllunio y mae'r adeilad yn ei ardal, neu yr oedd yr adeilad yn ei ardal, cyn gynted ag yr oedd yn rhesymol ymarferol.
- (5) Mewn achos yn erbyn person am drosedd o dan yr adran hon mewn perthynas ag adeilad y rhoddir gwarchodaeth interim iddo –
  - (a) mae'n amddiffyniad i'r person brofi nad oedd y person yn gwybod, ac na ellid bod wedi disgwyl yn rhesymol iddo wybod, bod y warchodaeth interim wedi ei rhoi, a
  - (b) pan fo'r amddiffyniad yn cael ei godi gan berson y dylai hysbysiad fod wedi cael ei gyflwyno iddo o dan adran 78(1), yr erlyniad sydd i brofi i'r hysbysiad gael ei gyflwyno i'r person.
- (6) Mae person sy'n euog o drosedd o dan yr adran hon yn agored –
  - (a) ar euogfarn ddiannod, i ddirwy neu i'w garcharu am gyfnod nad yw'n hwy na'r terfyn cymwys o dan adran 224(1A)(b) o'r Cod Dedfrydu, neu'r ddau;
  - (b) ar euogfarn ar ddiad, i ddirwy neu i'w garcharu am gyfnod nad yw'n hwy na 2 flynedd, neu'r ddau.



- (7) The Welsh Ministers may by regulations amend this section, and the regulations may make consequential amendments to any other provision of this Act.

#### CHAPTER 4

#### ENFORCEMENT OF CONTROLS RELATING TO LISTED BUILDINGS

##### *Unauthorised works and intentional damage: offences*

#### **117 Offence of carrying out unauthorised works or breaching condition of consent**

- (1) A person commits an offence if the person carries out, or causes to be carried out, works in relation to a listed building in breach of section 88 (requirement for works to be authorised).
- (2) A person also commits an offence if the person –
- (a) carries out, or causes to be carried out, works in relation to a listed building, and
  - (b) fails to comply with a condition subject to which listed building consent has been granted for the works.
- (3) Subsection (2) does not limit what may be an offence under subsection (1).
- (4) In proceedings against a person for an offence under this section, it is a defence for the person to prove that –
- (a) works were urgently necessary in the interests of safety or health or for the preservation of the building,
  - (b) it was not practicable to secure safety or health or the preservation of the building by carrying out works of repair or works to provide temporary support or shelter,
  - (c) the works carried out were limited to the minimum measures immediately necessary, and
  - (d) notice in writing justifying in detail the carrying out of the works was given to the planning authority in whose area the building is or was situated as soon as reasonably practicable.
- (5) In proceedings against a person for an offence under this section in relation to a building on which interim protection is conferred –
- (a) it is a defence for the person to prove that the person did not know, and could not reasonably have been expected to know, that the interim protection had been conferred, and
  - (b) where the defence is raised by a person on whom a notice should have been served under section 78(1), it is for the prosecution to prove that the notice was served on the person.
- (6) A person guilty of an offence under this section is liable –
- (a) on summary conviction, to a fine or imprisonment for a term not exceeding the applicable limit under section 224(1A)(b) of the Sentencing Code, or both;
  - (b) on conviction on indictment, to a fine or imprisonment for a term not exceeding 2 years, or both.

- (7) Wrth benderfynu swm unrhyw ddirwy sydd i'w gosod ar berson a euogfarnwyd o drosedd o dan yr adran hon, rhaid i'r llys roi sylw yn benodol i unrhyw fudd ariannol sydd wedi cronni, neu yr ymddengys ei fod yn debygol o gronni, i'r person o ganlyniad i'r drosedd.

### 118 Y drosedd o ddifrodi adeilad rhestredig yn fwriadol

- (1) Mae person yn cyflawni trosedd os yw'r person, gyda'r bwriad o achosi difrod i adeilad rhestredig, yn gwneud unrhyw beth neu'n caniatáu i unrhyw beth gael ei wneud –
- sy'n achosi difrod i'r adeilad neu sy'n debygol o arwain at ddifrod iddo, a
  - y byddai gan y person hawlogaeth i'w wneud neu ei ganiatáu oni bai am yr is-adran hon.
- (2) Nid yw is-adran (1) yn gymwys –
- i waith y rhoddwyd cydsyniad adeilad rhestredig ar ei gyfer;
  - i unrhyw beth a wneir mewn perthynas â heneb gofrestrredig (ond gweler adran 58);
  - i waith mewn perthynas ag adeilad crefyddol esempt;
  - i unrhyw beth a awdurdoddir gan ganiatâd cynllunio a roddwyd neu a gaiff ei drin fel pe bai wedi ei roi ar gais o dan Ddeddf Cynllunio Gwlad a Thref 1990 (p. 8);
  - i unrhyw beth y rhoddwyd cydsyniad datblygu ar ei gyfer o dan Ddeddf Cynllunio 2008 (p. 29).
- (3) Mae person sy'n euog o drosedd o dan is-adran (1) yn agored ar euogfarn ddiannod i ddirwy nad yw'n uwch na lefel 3 ar y raddfa safonol.
- (4) Os yw person a euogfarnwyd o drosedd o dan is-adran (1) yn methu â chymryd unrhyw gamau rhesymol sy'n angenrheidiol i atal difrod neu ddifrod pellach sy'n deillio o'r drosedd, mae'r person yn euog o drosedd bellach.
- (5) Mae person sy'n euog o drosedd o dan is-adran (4) yn agored ar euogfarn ddiannod i ddirwy nad yw'n fwy nag un rhan o ddeg o lefel 3 ar y raddfa safonol ar gyfer pob diwrnod y mae'r methiant yn parhau.

#### *Hysbysiadau stop dros dro*

### 119 Pŵer awdurdod cynllunio i ddyroddi hysbysiad stop dros dro

- (1) Caiff awdurdod cynllunio ddyroddi hysbysiad stop dros dro os yw'n ystyried –
- bod gwaith wedi cael ei gyflawni neu yn cael ei gyflawni mewn perthynas ag adeilad rhestredig yn ei ardal sy'n golygu torri adran 88 (gofyniad i waith gael ei awdurdodi) neu amod y rhoddwyd cydsyniad adeilad rhestredig yn ddarostyngedig iddo, a
  - y dylai'r gwaith (neu unrhyw ran o'r gwaith) gael ei stopio ar unwaith, gan roi sylw i'w effaith ar gymeriad yr adeilad fel un sydd o ddiddordeb pensaernïol neu hanesyddol arbennig.
- (2) Rhaid i hysbysiad stop dros dro –
- pennu'r gwaith y mae'n ymwneud ag ef,
  - gwahardd cyflawni'r gwaith (neu unrhyw ran o'r gwaith a bennir yn yr hysbysiad),

- (7) In determining the amount of any fine to be imposed on a person convicted of an offence under this section, the court must in particular have regard to any financial benefit which has accrued or appears likely to accrue to the person in consequence of the offence.

### **118 Offence of intentionally damaging listed building**

- (1) A person commits an offence if, with the intention of causing damage to a listed building, the person does anything or permits anything to be done –
- (a) which causes or is likely to result in damage to the building, and
  - (b) which the person would be entitled to do or permit were it not for this subsection.
- (2) Subsection (1) does not apply to –
- (a) works for which listed building consent has been granted;
  - (b) anything done in relation to a scheduled monument (but see section 58);
  - (c) works in relation to an exempt religious building;
  - (d) anything authorised by planning permission granted or treated as having been granted on an application under the Town and Country Planning Act 1990 (c. 8);
  - (e) anything for which development consent has been granted under the Planning Act 2008 (c. 29).
- (3) A person guilty of an offence under subsection (1) is liable on summary conviction to a fine not exceeding level 3 on the standard scale.
- (4) If a person convicted of an offence under subsection (1) fails to take any reasonable steps that are necessary to prevent damage or further damage resulting from the offence, the person is guilty of a further offence.
- (5) A person guilty of an offence under subsection (4) is liable on summary conviction to a fine not exceeding one tenth of level 3 on the standard scale for each day on which the failure continues.

#### *Temporary stop notices*

### **119 Power of planning authority to issue temporary stop notice**

- (1) A planning authority may issue a temporary stop notice if it considers –
- (a) that works have been or are being carried out in relation to a listed building in its area which involve a breach of section 88 (requirement for works to be authorised) or of a condition subject to which listed building consent has been granted, and
  - (b) that the works (or any of them) ought to be stopped immediately, having regard to their effect on the character of the building as one of special architectural or historic interest.
- (2) A temporary stop notice must –
- (a) specify the works to which it relates,
  - (b) prohibit the carrying out of the works (or any of them specified in the notice),

- (c) nodi rhesymau'r awdurdod dros ddyroddi'r hysbysiad, a
  - (d) datgan effaith adran 121 (y drosedd o dorri hysbysiad stop dros dro).
- (3) Rhaid i'r awdurdod cynllunio arddangos copi o'r hysbysiad stop dros dro ar yr adeilad rhestredig y mae'n ymwneud ag ef; a rhaid i'r copi bennu'r dyddiad y caiff ei arddangos am y tro cyntaf.
- (4) Ond –
- (a) os nad yw'n rhesymol ymarferol arddangos copi o'r hysbysiad ar yr adeilad, neu
  - (b) os yw'r awdurdod yn ystyried y gallai arddangos copi o'r hysbysiad ar yr adeilad ei ddifrodi,
- caiff yr awdurdod, yn lle hynny, arddangos copi mewn lle amlwg mor agos i'r adeilad ag y bo'n rhesymol ymarferol.
- (5) Caiff yr awdurdod gyflwyno copi o'r hysbysiad i unrhyw berson y mae'r awdurdod yn ystyried –
- (a) ei fod yn cyflawni'r gwaith y mae'r hysbysiad yn ei wahardd neu'n peri neu'n caniatáu iddo gael ei gyflawni,
  - (b) ei fod yn feddiannydd ar yr adeilad rhestredig y mae'r hysbysiad yn ymwneud ag ef, neu
  - (c) bod ganddo fuddiant yn yr adeilad.
- (6) Ni chaiff hysbysiad stop dros dro wahardd cyflawni gwaith o ddisgrifiad, neu o dan amgylchiadau, a bennir mewn rheoliadau a wneir gan Weinidogion Cymru.

## 120 Hyd etc. hysbysiad stop dros dro

- (1) Mae hysbysiad stop dros dro yn cymryd effaith pan arddangosir copi ohono yn unol ag adran 119 am y tro cyntaf.
- (2) Mae hysbysiad stop dros dro yn peidio â chael effaith –
- (a) ar ddiwedd 28 o ddiwrnodau sy'n dechrau â'r diwrnod pan arddangosir y copi ohono yn unol ag adran 119 am y tro cyntaf, neu
  - (b) os yw'n pennu cyfnod byrrach sy'n dechrau â'r diwrnod hwnnw, ar ddiwedd y cyfnod hwnnw.
- (3) Ond os yw'r awdurdod cynllunio yn tynnu'r hysbysiad yn ôl cyn diwedd y cyfnod y byddai fel arall yn cael effaith ar ei gyfer, mae'r hysbysiad yn peidio â chael effaith pan gaiff ei dynnu'n ôl.
- (4) Ni chaiff awdurdod cynllunio ddyroddi ail hysbysiad stop dros dro neu hysbysiad stop dros dro dilynol mewn perthynas â'r un gwaith oni bai ei fod, ers dyroddi'r hysbysiad blaenorol, wedi cymryd camau gorfodi eraill mewn perthynas â'r toriad y cyfeirir ato yn adran 119(1)(a).
- (5) Yn is-adran (4) mae'r cyfeiriad at gymryd camau gorfodi eraill yn gyfeiriad at –
- (a) dyroddi hysbysiad gorfodi o dan adran 123, neu
  - (b) cael gwaharddeb o dan adran 135.

- (c) set out the authority's reasons for issuing the notice, and
  - (d) state the effect of section 121 (offence of breaching temporary stop notice).
- (3) The planning authority must display a copy of the temporary stop notice on the listed building to which it relates; and the copy must specify the date on which it is first displayed.
- (4) But if—
- (a) it is not reasonably practicable to display a copy of the notice on the building, or
  - (b) the authority considers that displaying a copy of the notice on the building might damage it,
- the authority may instead display a copy in a prominent place as near to the building as is reasonably practicable.
- (5) The authority may serve a copy of the notice on any person the authority considers—
- (a) to be carrying out the works that the notice prohibits or causing or permitting them to be carried out,
  - (b) to be an occupier of the listed building to which the notice relates, or
  - (c) to have an interest in the building.
- (6) A temporary stop notice may not prohibit the carrying out of works of a description, or in circumstances, specified in regulations made by the Welsh Ministers.

## **120 Duration etc. of temporary stop notice**

- (1) A temporary stop notice takes effect when a copy of it is first displayed in accordance with section 119.
- (2) A temporary stop notice ceases to have effect—
- (a) at the end of 28 days beginning with the day the copy of it is first displayed in accordance with section 119, or
  - (b) if it specifies a shorter period beginning with that day, at the end of that period.
- (3) But if the planning authority withdraws the notice before the end of the period for which it would otherwise have effect, the notice ceases to have effect when it is withdrawn.
- (4) A planning authority may not issue a second or subsequent temporary stop notice in relation to the same works unless the authority has, since issuing the previous notice, taken other enforcement action in relation to the breach referred to in section 119(1)(a).
- (5) In subsection (4) the reference to taking other enforcement action is a reference to—
- (a) issuing an enforcement notice under section 123, or
  - (b) obtaining an injunction under section 135.

**121 Y drosedd o dorri hysbysiad stop dros dro**

- (1) Mae person yn cyflawni trosedd os yw'r person, ar unrhyw adeg pan fydd hysbysiad stop dros dro yn cael effaith, yn cyflawni gwaith sydd wedi ei wahardd gan yr hysbysiad neu'n peri neu'n caniatáu i waith o'r fath gael ei gyflawni.
- (2) Caniateir i berson gael ei gyhuddo o drosedd o dan yr adran hon drwy gyfeirio at ddiwrnod neu at gyfnod hwy, a chaniateir iddo gael ei euogfarnu o fwy nag un drosedd mewn perthynas â'r un hysbysiad stop dros dro drwy gyfeirio at gyfnodau gwahanol.
- (3) Mewn achos yn erbyn person am drosedd o dan yr adran hon, mae'n amddiffyniad i'r person brofi nad oedd y person yn gwybod, ac na ellid bod wedi disgwyl yn rhesymol iddo wybod, am fodolaeth yr hysbysiad stop dros dro.
- (4) Mewn achos am drosedd o dan yr adran hon, mae'n amddiffyniad profi—
  - (a) bod gwaith i'r adeilad rhestredig yn angenrheidiol ar frys er lles diogelwch neu iechyd neu ar gyfer diogelu'r adeilad,
  - (b) nad oedd yn ymarferol sicrhau diogelwch neu iechyd neu sicrhau bod yr adeilad yn cael ei ddiogelu drwy gyflawni gwaith atgyweirio neu waith i ategu neu gysgod i'r adeilad dros dro,
  - (c) bod y gwaith a gyflawnwyd wedi ei gyfyngu i isafswm y mesurau a oedd yn angenrheidiol ar unwaith, a
  - (d) i hysbysiad ysgrifenedig a oedd yn cyfiawnhau'n fanwl gyflawni'r gwaith gael ei roi i'r awdurdod cynllunio y mae'r adeilad yn ei ardal, neu yr oedd yr adeilad yn ei ardal, cyn gynted ag yr oedd yn rhesymol ymarferol.
- (5) Mae person sy'n euog o drosedd o dan yr adran hon yn agored ar euogfarn ddiannod, neu ar euogfarn ar dditiad, i ddirwy.
- (6) Wrth benderfynu swm y ddirwy, rhaid i'r llys roi sylw yn benodol i unrhyw fudd ariannol sydd wedi cronni, neu yr ymddengys ei fod yn debygol o gronni, i'r person o ganlyniad i'r drosedd.

**122 Digollediad am golled neu ddifrod a achosir gan hysbysiad stop dros dro**

- (1) Mae'r adran hon yn gymwys pan—
  - (a) na fo'r gwaith a bennir mewn hysbysiad stop dros dro, ar yr adeg y bydd yr hysbysiad yn cymryd effaith, yn golygu torri adran 88 (gofyniad i waith gael ei awdurdodi) neu amod y rhoddwyd cydsyniad adeilad rhestredig yn ddarostyngedig iddo, neu
  - (b) bo awdurdod cynllunio yn tynnu'n ôl hysbysiad stop dros dro ar ôl iddo gymryd effaith.
- (2) Nid yw'r adran hon yn gymwys yn rhinwedd is-adran (1)(b) pan—
  - (a) bo cydsyniad adeilad rhestredig wedi ei roi ar gyfer y gwaith a bennir yn yr hysbysiad stop dros dro ar ôl i'r hysbysiad gymryd effaith, a
  - (b) bo'r awdurdod cynllunio yn tynnu'r hysbysiad yn ôl ar ôl i'r cydsyniad hwnnw gael ei roi.

**121 Offence of breaching temporary stop notice**

- (1) A person commits an offence if, at any time when a temporary stop notice has effect, the person carries out works prohibited by the notice or causes or permits such works to be carried out.
- (2) A person may be charged with an offence under this section by reference to a day or a longer period, and may be convicted of more than one offence in relation to the same temporary stop notice by reference to different periods.
- (3) In proceedings against a person for an offence under this section, it is a defence for the person to prove that the person did not know, and could not reasonably have been expected to know, of the existence of the temporary stop notice.
- (4) In proceedings for an offence under this section, it is a defence to prove that –
  - (a) works to the listed building were urgently necessary in the interests of safety or health or for the preservation of the building,
  - (b) it was not practicable to secure safety or health or the preservation of the building by carrying out works of repair or works to provide temporary support or shelter,
  - (c) the works carried out were limited to the minimum measures immediately necessary, and
  - (d) notice in writing justifying in detail the carrying out of the works was given to the planning authority in whose area the building is or was situated as soon as reasonably practicable.
- (5) A person guilty of an offence under this section is liable on summary conviction, or on conviction on indictment, to a fine.
- (6) In determining the amount of the fine, the court must in particular have regard to any financial benefit which has accrued or appears likely to accrue to the person in consequence of the offence.

**122 Compensation for loss or damage caused by temporary stop notice**

- (1) This section applies where –
  - (a) the works specified in a temporary stop notice do not, at the time the notice takes effect, involve a breach of section 88 (requirement for works to be authorised) or of a condition subject to which listed building consent has been granted, or
  - (b) a planning authority withdraws a temporary stop notice after it has taken effect.
- (2) This section does not apply by virtue of subsection (1)(b) where –
  - (a) listed building consent is granted for the works specified in the temporary stop notice after the notice has taken effect, and
  - (b) the planning authority withdraws the notice after the grant of that consent.

- (3) Mae gan unrhyw berson a chanddo fuddiant yn yr adeilad rhestredig y mae'r hysbysiad yn ymwneud ag ef ar yr adeg y mae'r hysbysiad yn cymryd effaith hawlogaeth, wrth wneud hawliad i'r awdurdod cynllunio, i gael ei ddigolledu gan yr awdurdod am unrhyw golled neu unrhyw ddifrod a ddioddefir gan y person y gellir ei phriodoli neu ei briodoli'n uniongyrchol i effaith yr hysbysiad.
- (4) Mae'r golled neu'r difrod y mae digollediad yn daladwy amdani neu amdano yn cynnwys unrhyw swm sy'n daladwy gan yr hawlydd mewn cysylltiad â thor contract a achosir drwy gymryd camau gweithredu sy'n angenrheidiol i gydymffurfio â'r hysbysiad.
- (5) Nid oes digollediad yn daladwy o dan yr adran hon am golled neu ddifrod y gallai'r hawlydd fod wedi ei hosgoi neu ei osgoi—
  - (a) drwy ddarparu gwybodaeth yr oedd hysbysiad a gyflwynwyd gan yr awdurdod cynllunio o dan adran 197 o'r Ddeddf hon neu adran 16 o Ddeddf Llywodraeth Leol (Darpariaethau Amrywiol) 1976 (p. 57) yn ei gwneud yn ofynnol i'r hawlydd ei darparu, neu
  - (b) drwy gydweithredu â'r awdurdod cynllunio mewn unrhyw ffordd arall wrth ymateb i hysbysiad o'r fath.
- (6) Rhaid i hawliad am ddigollediad o dan yr adran hon gael ei wneud yn ysgrifenedig o fewn 6 mis sy'n dechrau—
  - (a) mewn achos sy'n dod o fewn is-adran (1)(a) ond nid o fewn is-adran (1)(b), â'r diwrnod y mae'r hysbysiad stop dros dro yn cymryd effaith;
  - (b) mewn achos sy'n dod o fewn is-adran (1)(b), â'r diwrnod y mae'r hysbysiad wedi ei dynnu'n ôl.

*Hysbysiadau gorfodi a ddyroddir gan awdurdodau cynllunio*

### 123 Pŵer awdurdod cynllunio i ddyroddi hysbysiad gorfodi

- (1) Caiff awdurdod cynllunio ddyroddi hysbysiad gorfodi os yw'n ystyried—
  - (a) bod gwaith sy'n golygu torri adran 88 (gofyniad i waith gael ei awdurdodi) neu amod y rhoddwyd cydsyniad adeilad rhestredig yn ddarostyngedig iddo wedi cael ei gyflawni neu yn cael ei gyflawni mewn perthynas ag adeilad rhestredig yn ei ardal, a
  - (b) ei bod yn briodol dyroddi'r hysbysiad, gan roi sylw i effaith y gwaith ar gymeriad yr adeilad fel adeilad o ddiddordeb pensaernïol neu hanesyddol arbennig.
- (2) Rhaid i hysbysiad gorfodi—
  - (a) pennu'r toriad honedig, a
  - (b) ei gwneud yn ofynnol i gamau a bennir yn yr hysbysiad gael eu cymryd at un neu ragor o'r dibenion a nodir yn is-adran (3).
- (3) Y dibenion yw—
  - (a) adfer yr adeilad rhestredig i'w gyflwr cyn i'r toriad ddigwydd,
  - (b) os yw'r awdurdod cynllunio yn ystyried na fyddai gwaith adfer yn rhesymol ymarferol neu y byddai'n annymunol, cyflawni gwaith pellach i leddfu effaith y toriad, neu



- (3) Any person who has an interest in the listed building to which the notice relates at the time the notice takes effect is entitled, on making a claim to the planning authority, to be paid compensation by the authority for any loss or damage suffered by the person that is directly attributable to the effect of the notice.
- (4) The loss or damage for which compensation is payable includes any amount payable by the claimant in respect of a breach of contract caused by taking action necessary to comply with the notice.
- (5) No compensation is payable under this section for loss or damage that the claimant could have avoided by –
  - (a) providing information that the claimant was required to provide by a notice served by the planning authority under section 197 of this Act or section 16 of the Local Government (Miscellaneous Provisions) Act 1976 (c. 57), or
  - (b) co-operating with the planning authority in any other way when responding to such a notice.
- (6) A claim for compensation under this section must be made in writing within 6 months beginning –
  - (a) in a case falling within subsection (1)(a) but not within subsection (1)(b), with the day the temporary stop notice takes effect;
  - (b) in a case falling within subsection (1)(b), with the day the notice is withdrawn.

*Enforcement notices issued by planning authorities*

**123 Power of planning authority to issue enforcement notice**

- (1) A planning authority may issue an enforcement notice if it considers –
  - (a) that works which involve a breach of section 88 (requirement for works to be authorised) or of a condition subject to which listed building consent has been granted have been or are being carried out in relation to a listed building in its area, and
  - (b) that it is appropriate to issue the notice, having regard to the effect of the works on the character of the building as a building of special architectural or historic interest.
- (2) An enforcement notice must –
  - (a) specify the alleged breach, and
  - (b) require steps specified in the notice to be taken for one or more of the purposes set out in subsection (3).
- (3) The purposes are –
  - (a) restoring the listed building to its condition before the breach took place,
  - (b) if the planning authority considers that restoration would not be reasonably practicable or would be undesirable, carrying out further works to alleviate the effect of the breach, or

- (c) rhoi'r adeilad yn y cyflwr y byddai wedi bod ynddo pe cydymffurfiwyd â thelerau unrhyw gydsyniad adeilad rhestredig ar gyfer y gwaith y mae'r hysbysiad yn ymwneud ag ef (gan gynnwys unrhyw amodau sydd ynghlwm wrth y cydsyniad).
- (4) Pan fo hysbysiad gorfodi yn gosod gofyniad o dan is-adran (3)(b), mae cydsyniad adeilad rhestredig i'w drin fel pe bai wedi ei roi ar gyfer unrhyw waith sydd wedi ei gyflawni yn unol â'r gofyniad.

#### **124 Cyflwyno hysbysiad gorfodi a'r hysbysiad yn cymryd effaith**

- (1) Rhaid i hysbysiad gorfodi bennu –
  - (a) y dyddiad y mae i gymryd effaith, a
  - (b) o fewn pa gyfnod y mae rhaid cymryd y camau a bennir ynddo.
- (2) Mae'r hysbysiad yn cymryd effaith ar ddechrau'r diwrnod a bennir o dan is-adran (1)(a); ond pan fo apêl yn cael ei gwneud yn erbyn yr hysbysiad o dan adran 127, mae hyn yn ddarostyngedig i adrannau 127(4)(a) a 184(5).
- (3) Caiff hysbysiad gorfodi bennu cyfnodau gwahanol ar gyfer cymryd camau gwahanol.
- (4) Pan fo awdurdod cynllunio yn dyroddi hysbysiad gorfodi, rhaid iddo gyflwyno copi o'r hysbysiad –
  - (a) i bob perchennog a phob meddiannydd ar yr adeilad rhestredig y mae'r hysbysiad yn ymwneud ag ef, a
  - (b) i unrhyw berson arall a chanddo fuddiant yn yr adeilad y mae'r awdurdod yn ystyried bod yr hysbysiad yn effeithio'n sylweddol arno.
- (5) Rhaid cyflwyno pob copi o'r hysbysiad –
  - (a) cyn diwedd 28 o ddiwrnodau ar ôl y diwrnod y dyroddir yr hysbysiad, a
  - (b) o leiaf 28 o ddiwrnodau cyn y dyddiad a bennir yn yr hysbysiad fel y dyddiad y mae i gymryd effaith.

#### **125 Amrywio hysbysiad gorfodi a thynnu hysbysiad gorfodi yn ôl**

- (1) Pan fo awdurdod cynllunio wedi dyroddi hysbysiad gorfodi, caiff –
  - (a) tynnu'r hysbysiad yn ôl;
  - (b) hepgor neu lacio unrhyw ofyniad yn yr hysbysiad, ac yn benodol estyn y cyfnod y mae'r hysbysiad yn ei gwneud yn ofynnol i unrhyw gam gael ei gymryd ynddo.
- (2) Caiff yr awdurdod arfer y pwerau yn is-adran (1) pa un a yw'r hysbysiad wedi cymryd effaith ai peidio.
- (3) Nid yw tynnu hysbysiad gorfodi yn ôl yn atal yr awdurdod cynllunio rhag dyroddi hysbysiad gorfodi arall.
- (4) Mae is-adran (5) yn gymwys pan oedd yr awdurdod cynllunio wedi cyflwyno copïau o'r hysbysiad gorfodi o dan adran 124(4) cyn arfer y pwerau yn is-adran (1).
- (5) Yn union ar ôl arfer unrhyw un o'r pwerau hynny, rhaid i'r awdurdod roi hysbysiad ei fod wedi gwneud hynny i bob person y cyflwynwyd copi o'r hysbysiad gorfodi iddo (neu y byddai copi o'r hysbysiad yn cael ei gyflwyno iddo pe bai'n cael ei ailddyroddi).

- (c) putting the building in the condition it would have been in if the terms of any listed building consent for the works to which the notice relates (including any conditions attached to the consent) had been complied with.
- (4) Where an enforcement notice imposes a requirement under subsection (3)(b), listed building consent is to be treated as having been granted for any works carried out in compliance with the requirement.

#### **124 Service and taking effect of enforcement notice**

- (1) An enforcement notice must specify –
  - (a) the date on which it is to take effect, and
  - (b) the period within which the steps specified in it must be taken.
- (2) The notice takes effect at the beginning of the day specified under subsection (1)(a); but where an appeal is made against the notice under section 127, this is subject to sections 127(4)(a) and 184(5).
- (3) An enforcement notice may specify different periods for taking different steps.
- (4) Where a planning authority issues an enforcement notice, it must serve a copy of the notice on –
  - (a) every owner and occupier of the listed building to which the notice relates, and
  - (b) any other person who has an interest in the building which the authority considers to be materially affected by the notice.
- (5) Each copy of the notice must be served –
  - (a) before the end of 28 days after the day the notice is issued, and
  - (b) at least 28 days before the date specified in the notice as the date on which it is to take effect.

#### **125 Variation and withdrawal of enforcement notice**

- (1) Where a planning authority has issued an enforcement notice, it may –
  - (a) withdraw the notice;
  - (b) waive or relax any requirement of the notice, and in particular extend the period within which the notice requires any step to be taken.
- (2) The authority may exercise the powers in subsection (1) whether or not the notice has taken effect.
- (3) The withdrawal of an enforcement notice does not prevent the planning authority from issuing another enforcement notice.
- (4) Subsection (5) applies where the planning authority had served copies of the enforcement notice under section 124(4) before exercising the powers in subsection (1).
- (5) Immediately after exercising any of those powers, the authority must give notice that it has done so to every person who was served with a copy of the enforcement notice (or who would be served with a copy of the notice if it were reissued).

**126 Effaith rhoi cydsyniad adeilad rhestredig ar hysbysiad gorfodi**

- (1) Mae'r adran hon yn gymwys os rhoddir, ar ôl i hysbysiad gorfodi gael ei ddyroddi, gydsyniad adeilad rhestredig o dan adran 89(2) –
  - (a) sy'n awdurdodi unrhyw waith y mae'r hysbysiad yn ymwneud ag ef sydd wedi ei gyflawni yn groes i adran 88, neu
  - (b) sy'n awdurdodi gwaith sy'n golygu torri amod y rhoddwyd cydsyniad blaenorol yn ddarostyngedig iddo.
- (2) Mae'r hysbysiad yn peidio â chael effaith (neu nid yw'n cymryd effaith) i'r graddau y mae'n –
  - (a) ei gwneud yn ofynnol i gamau gael eu cymryd sy'n anghyson â'r awdurdodiad i'r gwaith, neu
  - (b) ei gwneud yn ofynnol i gamau gael eu cymryd er mwyn cydymffurfio â'r amod.
- (3) Nid yw'r ffaith bod hysbysiad gorfodi wedi peidio â chael effaith yn gyfan gwbl neu'n rhannol yn rhinwedd yr adran hon yn effeithio ar atebolrwydd unrhyw berson am drosedd mewn cysylltiad â methiant blaenorol i gydymffurfio â'r hysbysiad (gweler adran 133).

*Apelau ac achosion eraill sy'n ymwneud â hysbysiadau gorfodi*

**127 Yr hawl i apelio yn erbyn hysbysiad gorfodi**

- (1) Caiff y personau a ganlyn apelio i Weinidogion Cymru yn erbyn hysbysiad gorfodi (pa un a oes copi o'r hysbysiad wedi ei gyflwyno iddynt ai peidio) –
  - (a) unrhyw berson a chanddo fuddiant yn yr adeilad rhestredig y mae'r hysbysiad yn ymwneud ag ef;
  - (b) unrhyw berson sydd, yn rhinwedd trwydded –
    - (i) yn meddiannu'r adeilad ar y diwrnod y dyroddir yr hysbysiad, a
    - (ii) yn parhau i'w feddiannu pan wneir yr apêl.
- (2) Caniateir gwneud apêl ar un neu ragor o'r seiliau a ganlyn –
  - (a) nad yw'r adeilad o ddiddordeb pensaernïol neu hanesyddol arbennig;
  - (b) nad yw'r materion yr honnir eu bod yn torri adran 88 neu amod yn y cydsyniad adeilad rhestredig wedi digwydd;
  - (c) nad yw'r materion hynny (os digwyddasant) yn doriad o'r fath;
  - (d) bod yr amodau a ganlyn wedi eu bodloni –
    - (i) bod y gwaith i'r adeilad yn angenrheidiol ar frys er lles diogelwch neu iechyd neu ar gyfer diogelu'r adeilad,
    - (ii) nad oedd yn ymarferol sicrhau diogelwch neu iechyd neu sicrhau bod yr adeilad yn cael ei ddiogelu drwy gyflawni gwaith atgyweirio neu waith i ategu neu gysgod i'r adeilad dros dro, a
    - (iii) bod y gwaith a gyflawnwyd wedi ei gyfyngu i isafswm y mesurau a oedd yn angenrheidiol ar unwaith;

**126 Effect of granting listed building consent on enforcement notice**

- (1) This section applies if, after an enforcement notice has been issued, listed building consent is granted under section 89(2) –
  - (a) authorising any works to which the notice relates that have been carried out in breach of section 88, or
  - (b) authorising works which involve a breach of a condition subject to which a previous consent was granted.
- (2) The notice ceases to have effect (or does not take effect) so far as it –
  - (a) requires steps to be taken that are inconsistent with the authorisation of the works, or
  - (b) requires steps to be taken for complying with the condition.
- (3) The fact that an enforcement notice has wholly or partly ceased to have effect by virtue of this section does not affect the liability of any person for an offence in respect of a previous failure to comply with the notice (see section 133).

*Appeals and other proceedings relating to enforcement notices*

**127 Right to appeal against enforcement notice**

- (1) The following persons may appeal to the Welsh Ministers against an enforcement notice (whether or not a copy of the notice has been served on them) –
  - (a) any person who has an interest in the listed building to which the notice relates;
  - (b) any person who by virtue of a licence –
    - (i) occupies the building on the day the notice is issued, and
    - (ii) continues to occupy it when the appeal is made.
- (2) An appeal may be made on one or more of the following grounds –
  - (a) that the building is not of special architectural or historic interest;
  - (b) that the matters alleged to constitute a breach of section 88 or of a condition of listed building consent have not occurred;
  - (c) that those matters (if they occurred) do not constitute such a breach;
  - (d) that the following conditions are met –
    - (i) works to the building were urgently necessary in the interests of safety or health or for the preservation of the building,
    - (ii) it was not practicable to secure safety or health or the preservation of the building by carrying out works of repair or works to provide temporary support or shelter, and
    - (iii) the works carried out were limited to the minimum measures immediately necessary;

- (e) y dylai cydsyniad adeilad rhestredig gael ei roi ar gyfer y gwaith y mae'r hysbysiad yn ymwneud ag ef, neu y dylai unrhyw amod perthnasol yn y cydsyniad adeilad rhestredig a roddwyd ar gyfer y gwaith gael ei ddileu neu gael ei ddisodli gan amodau gwahanol;
  - (f) na chyflwynwyd copi o'r hysbysiad i berson fel sy'n ofynnol gan adran 124;
  - (g) na fyddai camau y mae'r hysbysiad yn eu gwneud yn ofynnol o dan adran 123(3)(a) yn ateb y diben o adfer cymeriad yr adeilad;
  - (h) bod camau y mae'r hysbysiad yn eu gwneud yn ofynnol at unrhyw un neu ragor o'r dibenion a nodir yn adran 123(3) yn mynd y tu hwnt i'r hyn sy'n angenrheidiol at y diben o dan sylw;
  - (i) bod y cyfnod y mae'r hysbysiad yn ei gwneud yn ofynnol i unrhyw gam gael ei gymryd ynddo yn afresymol o fyr.
- (3) Rhaid i apêl gael ei gwneud drwy –
- (a) cyflwyno hysbysiad o apêl i Weinidogion Cymru cyn y dyddiad a bennir yn yr hysbysiad gorfodi fel y dyddiad y mae i gymryd effaith,
  - (b) anfon hysbysiad o apêl at Weinidogion Cymru mewn llythyr wedi ei gyfeirio'n briodol a'i ragdalau a'i bostio atynt ar adeg pan fyddai, yng nghwrs arferol y post, yn cael ei ddanfôn atynt cyn y dyddiad hwnnw, neu
  - (c) anfon hysbysiad o apêl at Weinidogion Cymru drwy ddefnyddio cyfathrebiadau electronig ar adeg pan fyddai, yng nghwrs arferol trosglwyddo, yn cael ei ddanfôn atynt cyn y dyddiad hwnnw.
- (4) Pan fo apêl wedi ei gwneud –
- (a) nid yw'r hysbysiad gorfodi yn cael effaith hyd nes y penderfynir yn derfynol ar yr apêl neu y tynnir yr apêl yn ôl; ond mae hyn yn ddarostyngedig i unrhyw orchymyn o dan adran 184(5);
  - (b) nid oes gan yr apelydd nac unrhyw berson arall hawlogaeth, mewn unrhyw achos arall a ddechreuodd ar ôl i'r apêl gael ei gwneud, i honni na chyflwynwyd yr hysbysiad gorfodi i'r apelydd yn unol ag adran 124.
- (5) Rhaid i apelydd gyflwyno datganiad ysgrifenedig i Weinidogion Cymru sy'n cynnwys gwybodaeth sy'n ofynnol gan reoliadau a wneir gan Weinidogion Cymru.
- (6) Rhaid i'r apelydd gyflwyno'r datganiad naill ai –
- (a) gyda'r hysbysiad o apêl, neu
  - (b) o fewn y cyfnod a bennir mewn rheoliadau a wneir gan Weinidogion Cymru.
- (7) Pan fo apêl yn cael ei gwneud ar fwy nag un sail, os yw'r apelydd yn methu â rhoi gwybodaeth sy'n ofynnol o dan is-adran (5) mewn perthynas â sail o fewn y cyfnod a bennir o dan is-adran (6)(b), caiff Gweinidogion Cymru benderfynu'r apêl heb ystyried y sail honno.
- (8) Mae Pennod 2 o Ran 5 yn gwneud darpariaeth ynghylch y weithdrefn ar gyfer ystyried apelau o dan yr adran hon (gan gynnwys darpariaeth iddynt gael eu penderfynu gan bersonau a benodir gan Weinidogion Cymru).

- (e) that listed building consent ought to be granted for the works to which the notice relates, or that any relevant condition of listed building consent which has been granted for the works ought to be removed or replaced with different conditions;
  - (f) that a copy of the notice was not served on a person as required by section 124;
  - (g) that steps which the notice requires under section 123(3)(a) would not serve the purpose of restoring the character of the building;
  - (h) that steps which the notice requires for any of the purposes set out in section 123(3) exceed what is necessary for the purpose in question;
  - (i) that the period within which the notice requires any step to be taken is unreasonably short.
- (3) An appeal must be made by –
- (a) serving a notice of appeal on the Welsh Ministers before the date specified in the enforcement notice as the date on which it is to take effect,
  - (b) sending a notice of appeal to the Welsh Ministers in a properly addressed and pre-paid letter posted to them at a time when, in the ordinary course of post, it would be delivered to them before that date, or
  - (c) sending a notice of appeal to the Welsh Ministers using electronic communications at a time when, in the ordinary course of transmission, it would be delivered to them before that date.
- (4) Where an appeal is made –
- (a) the enforcement notice has no effect until the appeal is finally determined or withdrawn; but this is subject to any order under section 184(5);
  - (b) neither the appellant nor any other person is entitled, in any other proceedings started after the making of the appeal, to claim that the enforcement notice was not served on the appellant in accordance with section 124.
- (5) An appellant must submit to the Welsh Ministers a statement in writing containing information required by regulations made by the Welsh Ministers.
- (6) The appellant must submit the statement either –
- (a) with the notice of appeal, or
  - (b) within the period specified in regulations made by the Welsh Ministers.
- (7) Where an appeal is made on more than one ground, if the appellant fails to give information required under subsection (5) in relation to a ground within the period specified under subsection (6)(b), the Welsh Ministers may determine the appeal without considering that ground.
- (8) Chapter 2 of Part 5 makes provision about the procedure for the consideration of appeals under this section (including provision for them to be determined by persons appointed by the Welsh Ministers).

**128 Penderfynu apêl**

- (1) Ar apêl o dan adran 127, caiff Gweinidogion Cymru –
- (a) cywiro unrhyw ddiffyg, unrhyw wall neu unrhyw gamddisgrifiad yn yr hysbysiad gorfodi y mae'r apêl yn ymwneud ag ef, neu
  - (b) amrywio telerau'r hysbysiad,
- os ydynt wedi eu bodloni na fydd y cywiriad neu'r amrywiad yn achosi anghyfiawnder i'r apelydd na'r awdurdod cynllunio.
- (2) Pan fo Gweinidogion Cymru yn penderfynu apêl –
- (a) os ydynt yn caniatáu'r apêl, cânt ddiddymu'r hysbysiad gorfodi;
  - (b) rhaid iddynt roi unrhyw gyfarwyddydau sy'n angenrheidiol i roi effaith i'w penderfyniad.
- (3) Wrth benderfynu apêl caiff Gweinidogion Cymru –
- (a) rhoi cydsyniad adeilad rhestredig ar gyfer unrhyw ran o'r gwaith y mae'r hysbysiad gorfodi yn ymwneud ag ef;
  - (b) dileu unrhyw amod y rhoddwyd cydsyniad adeilad rhestredig yn ddarostyngedig iddo a rhoi unrhyw amod arall yn ei le, pa un a yw'n fwy neu'n llai beichus;
  - (c) arfer eu pŵer o dan adran 76 i ddadrestu'r adeilad y mae'r apêl yn ymwneud ag ef.
- (4) Pan fyddai fel arall yn sail dros benderfynu caniatáu apêl na chyflwynwyd copi o'r hysbysiad gorfodi i berson yr oedd yn ofynnol cyflwyno copi iddo, caiff Gweinidogion Cymru anwybyddu'r ffaith honno os nad yw'r methiant wedi cael effaith andwyol sylweddol ar yr apelydd na'r person hwnnw.
- (5) Caiff Gweinidogion Cymru –
- (a) gwrthod apêl os yw'r apelydd yn methu â chydymffurfio ag adran 127(6);
  - (b) caniatáu apêl a diddymu'r hysbysiad gorfodi os yw'r awdurdod cynllunio yn methu, o fewn y cyfnod a bennir mewn rheoliadau a wneir o dan adran 175, â chydymffurfio â gofyniad yn y rheoliadau –
    - (i) i gyflwyno datganiad o'r sylwadau y mae'r awdurdod yn cynnig eu gwneud ar apêl sy'n cynnwys y materion a bennir yn y rheoliadau, neu
    - (ii) i anfon at Weinidogion Cymru gopi o'r hysbysiad gorfodi a rhestr o'r personau y cyflwynwyd copïau iddynt.
- (6) Mae penderfyniad Gweinidogion Cymru ar yr apêl (gan gynnwys unrhyw benderfyniad sy'n ymwneud ag arfer y pwerau a roddir gan is-adran (3)) yn derfynol.

**129 Y seiliau dros apelio i beidio â chael eu codi mewn achosion eraill**

Ni chaniateir cwestiynu dilysrwydd hysbysiad gorfodi, ar unrhyw un neu ragor o'r seiliau y caniateir gwneud apêl arnynt o dan adran 127, mewn unrhyw achos ac eithrio apêl o dan yr adran honno.



**128 Determination of appeal**

- (1) On an appeal under section 127, the Welsh Ministers may –
  - (a) correct any defect, error or misdescription in the enforcement notice to which the appeal relates, or
  - (b) vary the terms of the notice,if they are satisfied that the correction or variation will not cause injustice to the appellant or the planning authority.
- (2) Where the Welsh Ministers determine an appeal –
  - (a) if they allow the appeal, they may quash the enforcement notice;
  - (b) they must give any directions necessary to give effect to their determination.
- (3) On the determination of an appeal the Welsh Ministers may –
  - (a) grant listed building consent for any of the works to which the enforcement notice relates;
  - (b) remove any condition subject to which listed building consent was granted and replace it with any other condition, whether more or less onerous;
  - (c) exercise their power under section 76 to de-list the building to which the appeal relates.
- (4) Where it would otherwise be a ground for determining to allow an appeal that a copy of the enforcement notice was not served on a person who was required to be served, the Welsh Ministers may ignore that fact if neither the appellant nor that person has been substantially prejudiced by the failure.
- (5) The Welsh Ministers may –
  - (a) dismiss an appeal if the appellant fails to comply with section 127(6);
  - (b) allow an appeal and quash the enforcement notice if the planning authority fails, within the period specified in regulations made under section 175, to comply with a requirement of the regulations to –
    - (i) submit a statement of the representations the authority proposes to make on the appeal which includes the matters specified in the regulations, or
    - (ii) send the Welsh Ministers a copy of the enforcement notice and a list of the persons on whom copies of it were served.
- (6) The decision of the Welsh Ministers on the appeal (including any decision relating to the exercise of the powers conferred by subsection (3)) is final.

**129 Grounds for appeal not to be raised in other proceedings**

The validity of an enforcement notice may not be questioned, on any of the grounds on which an appeal may be made under section 127, in any proceedings except an appeal under that section.

*Cydymffurfio â hysbysiadau gorfodi***130 Gorchymyn i ganiatáu camau sy'n ofynnol gan hysbysiad gorfodi**

- (1) Caiff perchennog tir wneud cais drwy gŵyn i lys ynadon am orchymyn sy'n ei gwneud yn ofynnol i berson arall a chanddo fuddiant yn y tir ganiatáu i'r perchennog gymryd camau sy'n ofynnol gan hysbysiad gorfodi.
- (2) Caiff y llys wneud gorchymyn o'r fath os yw wedi ei fodloni bod y person arall yn atal y perchennog rhag cymryd camau sy'n ofynnol gan yr hysbysiad gorfodi.

**131 Pŵer i fynd ar dir a chymryd camau sy'n ofynnol gan hysbysiad gorfodi**

- (1) Os yw'r cyfnod y mae hysbysiad gorfodi yn ei gwneud yn ofynnol i unrhyw gam gael ei gymryd ynddo wedi dod i ben ac nad yw'r cam wedi ei gymryd, caiff yr awdurdod cynllunio a ddyroddodd yr hysbysiad, ar unrhyw adeg resymol, fynd ar y tir y mae'r hysbysiad yn ymwneud ag ef a chymryd y cam.
- (2) Mae person sy'n fwriadol yn rhwystro person sy'n arfer pŵer o dan is-adran (1) yn cyflawni trosedd.
- (3) Mae person sy'n euog o drosedd o dan is-adran (2) yn agored ar euogfarn ddiannod i ddirwy nad yw'n uwch na lefel 3 ar y raddfa safonol.
- (4) Nid yw'r adran hon yn gymwys mewn perthynas â thir y Goron.

**132 Adennill costau cydymffurfio â hysbysiad gorfodi**

- (1) Pan fo awdurdod cynllunio yn arfer y pwerau o dan adran 131(1) i fynd ar dir a chymryd cam sy'n ofynnol gan hysbysiad gorfodi, caiff yr awdurdod adennill oddi wrth berson sydd ar y pryd yn berchennog ar y tir y costau y mae'n mynd iddynt yn rhesymol wrth wneud hynny.
- (2) Os yw awdurdod cynllunio yn ceisio adennill costau o dan is-adran (1) oddi wrth berchennog ar dir —
  - (a) y mae ganddo hawlogaeth i gael crogent y tir dim ond fel asiant neu ymddiriedolwr ar gyfer person arall (y "penadur"), a
  - (b) nad oes ganddo, ac nad oedd ganddo ar unrhyw adeg ers y diwrnod pan fynnwyd bod y costau yn cael eu talu, ddigon o arian ar ran y penadur i dalu'r costau yn llawn,

mae atebolrwydd yr asiant neu'r ymddiriedolwr wedi ei gyfyngu i gyfanswm yr arian y mae'r asiant neu'r ymddiriedolwr wedi ei gael ar ran y penadur ers y diwrnod hwnnw.

- (3) Os yw is-adran (2) yn atal awdurdod cynllunio rhag adennill y cyfan o'i gostau oddi wrth asiant neu ymddiriedolwr, caiff eu hadennill oddi wrth y penadur, neu'n rhannol oddi wrth y penadur ac yn rhannol oddi wrth yr asiant neu'r ymddiriedolwr.
- (4) Pan fo copi o hysbysiad gorfodi wedi cael ei gyflwyno mewn cysylltiad ag adeilad rhestredig, mae —
  - (a) costau y mae perchennog neu feddiannydd ar yr adeilad yn mynd iddynt at ddiben cydymffurfio â'r hysbysiad, a

*Compliance with enforcement notices***130 Order to permit steps required by enforcement notice**

- (1) An owner of land may apply by way of complaint to a magistrates' court for an order requiring another person who has an interest in the land to permit the owner to take steps required by an enforcement notice.
- (2) The court may make such an order if it is satisfied that the other person is preventing the owner from taking steps required by the enforcement notice.

**131 Power to enter land and take steps required by enforcement notice**

- (1) If the period within which an enforcement notice requires any step to be taken has ended and the step has not been taken, the planning authority that issued the notice may at any reasonable time enter the land to which the notice relates and take the step.
- (2) A person who intentionally obstructs a person exercising a power under subsection (1) commits an offence.
- (3) A person guilty of an offence under subsection (2) is liable on summary conviction to a fine not exceeding level 3 on the standard scale.
- (4) This section does not apply in relation to Crown land.

**132 Recovery of costs of compliance with enforcement notice**

- (1) Where a planning authority exercises the powers under section 131(1) to enter land and take a step required by an enforcement notice, the authority may recover from a person who is then an owner of the land the costs it reasonably incurs in doing so.
- (2) If a planning authority seeks to recover costs under subsection (1) from an owner of land who—
  - (a) is entitled to receive the rack rent of the land merely as agent or trustee for another person (the "principal"), and
  - (b) does not have, and has not had at any time since the day payment of the costs was demanded, enough money on behalf of the principal to pay the costs in full,the liability of the agent or trustee is limited to the total amount of money that the agent or trustee has had on behalf of the principal since that day.
- (3) If subsection (2) prevents a planning authority recovering the whole of its costs from an agent or trustee, it may recover them from the principal, or partly from the principal and partly from the agent or trustee.
- (4) Where a copy of an enforcement notice has been served in respect of a listed building—
  - (a) costs which an owner or occupier of the building incurs for the purpose of complying with the notice, and

- (b) symiau y mae perchennog ar dir yn eu talu o dan is-adran (1) mewn cysylltiad â chostau y mae'r awdurdod cynllunio yn mynd iddynt wrth gymryd camau sy'n ofynnol gan yr hysbysiad,
- i'w trin fel pe aed iddynt neu pe baent wedi eu talu at ddefnydd ac ar gais y person a gyflawnodd y gwaith y mae'r hysbysiad yn ymwneud ag ef.
- (5) Mae'r costau y gellir eu hadennill gan awdurdod cynllunio o dan is-adran (1), hyd nes iddynt gael eu hadennill, yn bridiant ar y tir y mae'r hysbysiad gorfodi yn ymwneud ag ef.
- (6) Mae'r pridiant yn cymryd effaith fel pridiant tir lleol ar ddechrau'r diwrnod ar ôl y diwrnod y mae'r awdurdod yn cwblhau'r cam y mae'r costau'n ymwneud ag ef.
- (7) Mae is-adran (8) yn gymwys pan –
- (a) bo awdurdod cynllunio yn symud ymaith ddeunyddiau o dir yng nghwrs cymryd camau sy'n ofynnol gan hysbysiad gorfodi, a
- (b) na fo perchennog y deunyddiau, o fewn 3 diwrnod ar ôl y diwrnod y cânt eu symud ymaith, yn hawlio'r deunyddiau ac yn mynd â hwy i ffwrdd.
- (8) O ran yr awdurdod cynllunio –
- (a) caiff werthu'r deunyddiau, a
- (b) os yw'n gwneud hynny, rhaid iddo dalu'r enillion i'r person a oedd yn berchen ar y deunyddiau, ar ôl didynnu unrhyw gostau y gall yr awdurdod eu hadennill oddi wrth y person.
- (9) Ni chaiff awdurdod cynllunio adennill costau o dan yr adran hon oddi wrth y Goron.

### 133 Y drosedd o fetu â chydymffurfio â hysbysiad gorfodi

- (1) Pan, ar unrhyw adeg ar ôl diwedd y cyfnod y mae hysbysiad gorfodi yn ei gwneud yn ofynnol i unrhyw gam gael ei gymryd ynddo, na fo'r cam wedi ei gymryd, mae person sydd ar y pryd yn berchennog ar yr adeilad rhestredig y mae'r hysbysiad yn ymwneud ag ef yn euog o drosedd.
- (2) Caniateir i berson gael ei gyhuddo o drosedd o dan yr adran hon drwy gyfeirio at ddiwrnod neu at gyfnod hwy, a chaniateir iddo gael ei euogfarnu o fwy nag un drosedd mewn perthynas â'r un hysbysiad gorfodi drwy gyfeirio at gyfnodau gwahanol.
- (3) Mewn achos yn erbyn person am drosedd o dan yr adran hon, mae'n amddiffyniad i'r person profi –
- (a) iddo wneud popeth y gellid bod wedi disgwyl iddo ei wneud i sicrhau i'r camau a oedd yn ofynnol gan yr hysbysiad gael eu cymryd, neu
- (b) na chyflwynwyd copi o'r hysbysiad gorfodi i'r person ac nad oedd yn ymwybodol o'i fodolaeth.
- (4) Mae person sy'n euog o drosedd o dan yr adran hon yn agored ar euogfarn ddiannod, neu ar euogfarn ar ddiad, i ddirwy.
- (5) Wrth benderfynu swm y ddirwy, rhaid i'r llys roi sylw yn benodol i unrhyw fudd ariannol sydd wedi cronni, neu yr ymddengys ei fod yn debygol o gronni, i'r person o ganlyniad i'r drosedd.

- (b) amounts which an owner of land pays under subsection (1) in respect of costs incurred by the planning authority in taking steps required by the notice, are to be treated as incurred or paid for the use and at the request of the person who carried out the works to which the notice relates.
- (5) The costs recoverable by a planning authority under subsection (1) are, until recovered, a charge on the land to which the enforcement notice relates.
- (6) The charge takes effect as a local land charge at the beginning of the day after the day the authority completes the step to which the costs relate.
- (7) Subsection (8) applies where –
- (a) a planning authority removes materials from land in the course of taking steps required by an enforcement notice, and
  - (b) the owner of the materials does not, within 3 days after the day they are removed, claim the materials and take them away.
- (8) The planning authority –
- (a) may sell the materials, and
  - (b) if it does so, must pay the proceeds to the person who owned the materials, after deducting any costs recoverable by it from the person.
- (9) A planning authority may not recover costs under this section from the Crown.

### **133 Offence of failing to comply with enforcement notice**

- (1) Where, at any time after the end of the period within which an enforcement notice requires any step to be taken, the step has not been taken, a person who is at that time an owner of the listed building to which the notice relates is guilty of an offence.
- (2) A person may be charged with an offence under this section by reference to a day or a longer period, and may be convicted of more than one offence in relation to the same enforcement notice by reference to different periods.
- (3) In proceedings against a person for an offence under this section, it is a defence for the person to prove –
- (a) that the person did everything the person could be expected to do to secure that the steps required by the notice were taken, or
  - (b) that the person was not served with a copy of the enforcement notice and was not aware of its existence.
- (4) A person guilty of an offence under this section is liable on summary conviction, or on conviction on indictment, to a fine.
- (5) In determining the amount of the fine, the court must in particular have regard to any financial benefit which has accrued or appears likely to accrue to the person in consequence of the offence.

*Hysbysiadau gorfodi a ddyroddir gan Weinidogion Cymru***134 Pŵer Gweinidogion Cymru i ddyroddi hysbysiad gorfodi**

- (1) Caiff Gweinidogion Cymru ddyroddi hysbysiad gorfodi os ydynt yn ystyried –
  - (a) bod gwaith sy'n golygu torri adran 88 (gofyniad i waith gael ei awdurdodi) neu amod y rhoddwyd cydsyniad adeilad rhestredig yn ddarostyngedig iddo wedi cael ei gyflawni neu yn cael ei gyflawni mewn perthynas ag adeilad rhestredig, a
  - (b) ei bod yn briodol dyroddi'r hysbysiad, gan roi sylw i effaith y gwaith ar gymeriad yr adeilad fel adeilad o ddiddordeb pensaernïol neu hanesyddol arbennig.
- (2) Cyn dyroddi'r hysbysiad, rhaid i Weinidogion Cymru ymgynghori â'r awdurdod cynllunio y mae'r adeilad yn ei ardal.
- (3) Mae hysbysiad gorfodi a ddyroddir gan Weinidogion Cymru yn cael yr un effaith ag un a ddyroddir gan awdurdod cynllunio.
- (4) Mae adrannau 123 i 132 yn gymwys mewn perthynas â hysbysiad gorfodi a ddyroddir gan Weinidogion Cymru fel pe bai cyfeiriadau at awdurdod cynllunio yn gyfeiriadau at Weinidogion Cymru.

*Gwaharddebau***135 Gwaharddeb i atal gwaith anawdurdodedig neu fethiant i gydymffurfio ag amod mewn cydsyniad**

- (1) Caiff awdurdod cynllunio wneud cais i'r Uchel Lys neu'r llys sirol am waharddeb i atal –
  - (a) toriad gwirioneddol neu doriad disgwylidig o adran 88 (gofyniad i waith gael ei awdurdodi) mewn perthynas ag adeilad rhestredig yn ei ardal, neu
  - (b) methiant gwirioneddol neu fethiant disgwylidig i gydymffurfio ag amod mewn cydsyniad adeilad rhestredig ar gyfer gwaith i adeilad rhestredig yn ei ardal.
- (2) Caiff awdurdod wneud cais pa un a yw wedi arfer, neu'n cynnig arfer, unrhyw un neu ragor o'i bwerau eraill o dan y Rhan hon ai peidio.
- (3) Caiff y llys roi gwaharddeb ar unrhyw delerau y mae'n ystyried eu bod yn briodol at ddiben atal y toriad.
- (4) Caiff rheolau llys ddarparu i waharddeb gael ei dyroddi yn erbyn person nad yw'n hysbys pwy ydyw.
- (5) Ni chaniateir dyroddi gwaharddeb o dan yr adran hon yn erbyn y Goron.

**PENNOD 5****CAFFAEL A DIOGELU ADEILADAU O DDIDDORDEB ARBENNIG***Caffael drwy gytundeb adeiladau o ddiddordeb arbennig***136 Pŵer awdurdod cynllunio i gaffael adeilad drwy gytundeb**

- (1) Caiff awdurdod cynllunio gaffael drwy gytundeb –
  - (a) unrhyw adeilad sy'n gyfan gwbl neu'n bennaf yng Nghymru y mae'n ystyried ei fod o ddiddordeb pensaernïol neu hanesyddol arbennig, a
  - (b) unrhyw dir y mae'r amodau yn is-adran (2) wedi eu bodloni mewn cysylltiad ag ef.

*Enforcement notices issued by Welsh Ministers***134 Power of Welsh Ministers to issue enforcement notice**

- (1) The Welsh Ministers may issue an enforcement notice if they consider –
  - (a) that works which involve a breach of section 88 (requirement for works to be authorised) or of a condition subject to which listed building consent has been granted have been or are being carried out in relation to a listed building, and
  - (b) that it is appropriate to issue the notice, having regard to the effect of the works on the character of the building as a building of special architectural or historic interest.
- (2) Before issuing the notice, the Welsh Ministers must consult the planning authority in whose area the building is situated.
- (3) An enforcement notice issued by the Welsh Ministers has the same effect as one issued by a planning authority.
- (4) Sections 123 to 132 apply in relation to an enforcement notice issued by the Welsh Ministers as if references to a planning authority were references to the Welsh Ministers.

*Injunctions***135 Injunction to restrain unauthorised works or failure to comply with condition of consent**

- (1) A planning authority may apply to the High Court or the county court for an injunction restraining –
  - (a) an actual or expected breach of section 88 (requirement for works to be authorised) in relation to a listed building in its area, or
  - (b) an actual or expected failure to comply with a condition of listed building consent for works to a listed building in its area.
- (2) An authority may make an application whether or not it has exercised or is proposing to exercise any of its other powers under this Part.
- (3) The court may grant an injunction on any terms it considers appropriate for the purpose of restraining the breach.
- (4) Rules of court may provide for an injunction to be issued against a person whose identity is unknown.
- (5) An injunction may not be issued under this section against the Crown.

**CHAPTER 5****ACQUISITION AND PRESERVATION OF BUILDINGS OF SPECIAL INTEREST***Acquisition by agreement of buildings of special interest***136 Power of planning authority to acquire building by agreement**

- (1) A planning authority may acquire by agreement –
  - (a) any building wholly or mainly in Wales that it considers to be of special architectural or historic interest, and
  - (b) any land in respect of which the conditions in subsection (2) are met.

- (2) Yr amodau yw –
- (a) bod y tir yn cynnwys yr adeilad, yn cydffinio ag ef neu'n gyfagos iddo, a
  - (b) bod yr awdurdod cynllunio yn ystyried bod angen y tir –
    - (i) ar gyfer diogelu'r adeilad neu ei amwynderau,
    - (ii) ar gyfer darparu neu hwyluso mynediad iddo, neu
    - (iii) ar gyfer ei reolaethu'n briodol neu ei reoli'n briodol.
- (3) Mae Rhan 1 o Ddeddf Prynu Gorfodol 1965 (p. 56) yn gymwys (i'r graddau y mae'n berthnasol) i gaffaeliad o dan yr adran hon, ac eithrio adrannau 4 i 8, adran 10 ac adran 31 o'r Ddeddf honno.
- (4) Mae cyfeiriadau yn y Rhan honno at "the execution of the works" i'w darllen mewn perthynas â chaffaeliad o dan yr adran hon fel pe baent yn cynnwys cyflawni gwaith adeiladu neu waith cynnal a chadw sydd wedi ei awdurdodi gan adran 203 o Ddeddf Tai a Chynllunio 2016 (p. 22) (pŵer i drechu hawddfrentiau a hawliau eraill).

*Caffael yn orfodol adeiladau rhestredig y mae angen eu hatgyweirio*

### 137 Pwerau i gaffael adeilad rhestredig yn orfodol at ddiben ei ddiogelu

- (1) Mae'r adran hon yn gymwys os yw Gweinidogion Cymru –
- (a) yn ystyried nad yw camau rhesymol yn cael eu cymryd ar gyfer diogelu adeilad rhestredig yn briodol, a
  - (b) wedi eu bodloni bod achos cymhellol er budd y cyhoedd i'r adeilad gael ei gaffael yn orfodol at ddiben ei ddiogelu.
- (2) Caiff Gweinidogion Cymru –
- (a) awdurdodi'r awdurdod cynllunio y mae'r adeilad rhestredig yn ei ardal i gaffael yn orfodol yr adeilad ac unrhyw dir y mae'r amodau yn is-adran (3) wedi eu bodloni mewn cysylltiad ag ef, neu
  - (b) caffael yr adeilad a'r tir eu hunain yn orfodol.
- (3) Yr amodau yw –
- (a) bod y tir yn cynnwys yr adeilad, yn cydffinio ag ef neu'n gyfagos iddo, a
  - (b) bod Gweinidogion Cymru yn ystyried bod angen y tir –
    - (i) ar gyfer diogelu'r adeilad neu ei amwynderau,
    - (ii) ar gyfer darparu neu hwyluso mynediad iddo, neu
    - (iii) ar gyfer ei reolaethu'n briodol neu ei reoli'n briodol.
- (4) Nid yw'r adran hon yn caniatáu caffael –
- (a) adeilad sy'n heneb gofrestrredig (ond gweler adran 43), neu
  - (b) adeilad crefyddol esempt.
- (5) Nid yw'r adran hon yn caniatáu caffael buddiant yn nhir y Goron oni bai –
- (a) bod y buddiant yn cael ei ddal ac eithrio gan neu ar ran y Goron, a
  - (b) bod awdurdod priodol y Goron yn cytuno i'r caffaeliad.
- (6) Mae Deddf Caffael Tir 1981 (p. 67) yn gymwys i gaffaeliad o dan yr adran hon.



- (2) The conditions are that—
  - (a) the land includes, adjoins or is adjacent to the building, and
  - (b) the planning authority considers that the land is required—
    - (i) for preserving the building or its amenities,
    - (ii) for providing or facilitating access to it, or
    - (iii) for its proper control or management.
- (3) Part 1 of the Compulsory Purchase Act 1965 (c. 56) applies (so far as relevant) to an acquisition under this section, other than sections 4 to 8, section 10 and section 31 of that Act.
- (4) References in that Part to the execution of the works are to be read in relation to an acquisition under this section as including the carrying out of building or maintenance work authorised by section 203 of the Housing and Planning Act 2016 (c. 22) (power to override easements and other rights).

*Compulsory acquisition of listed buildings in need of repair*

**137 Powers to acquire listed building compulsorily for purpose of preservation**

- (1) This section applies if the Welsh Ministers—
  - (a) consider that reasonable steps are not being taken for properly preserving a listed building, and
  - (b) are satisfied that there is a compelling case in the public interest for the building to be acquired compulsorily for the purpose of preserving it.
- (2) The Welsh Ministers—
  - (a) may authorise the planning authority in whose area the listed building is situated to acquire compulsorily the building and any land in respect of which the conditions in subsection (3) are met, or
  - (b) may themselves acquire the building and land compulsorily.
- (3) The conditions are that—
  - (a) the land includes, adjoins or is adjacent to the building, and
  - (b) the Welsh Ministers consider that the land is required—
    - (i) for preserving the building or its amenities,
    - (ii) for providing or facilitating access to it, or
    - (iii) for its proper control or management.
- (4) This section does not permit the acquisition of—
  - (a) a building which is a scheduled monument (but see section 43), or
  - (b) an exempt religious building.
- (5) This section does not permit the acquisition of an interest in Crown land unless—
  - (a) the interest is held otherwise than by or on behalf of the Crown, and
  - (b) the appropriate Crown authority agrees to the acquisition.
- (6) The Acquisition of Land Act 1981 (c. 67) applies to an acquisition under this section.

- (7) Yn y Bennod hon ystyr “awdurdod caffael” yw –
- (a) yn achos caffaeliad neu gaffaeliad arfaethedig o dan is-adran (2)(a), yr awdurdod cynllunio sy’n caffael neu’n cynnig caffael yr adeilad rhestredig neu’r tir;
  - (b) yn achos caffaeliad neu gaffaeliad arfaethedig o dan is-adran (2)(b), Gweinidogion Cymru.

### 138 Gofyniad i gyflwyno hysbysiad atgyweirio cyn dechrau caffael yn orfodol

- (1) Ni chaiff awdurdod caffael ddechrau caffael adeilad rhestredig yn orfodol o dan adran 137 oni bai –
  - (a) bod yr awdurdod wedi cyflwyno hysbysiad atgyweirio i bob perchennog ar yr adeilad,
  - (b) bod y 2 fis sy’n dechrau â’r diwrnod y cyflwynwyd yr hysbysiad atgyweirio wedi dod i ben, ac
  - (c) nad yw’r hysbysiad atgyweirio wedi ei dynnu’n ôl.
- (2) Mae hysbysiad atgyweirio yn hysbysiad –
  - (a) sy’n pennu’r gwaith y mae’r awdurdod yn ystyried ei fod yn rhesymol angenrheidiol ar gyfer diogelu’r adeilad rhestredig yn briodol, a
  - (b) sy’n esbonio effaith adrannau 137 i 141 o’r Ddeddf hon ac adran 49 o Ddeddf Cynllunio (Adeiladau Rhestredig ac Ardaloedd Cadwraeth) 1990 (p. 9) (rhagdybiaeth ynghylch cydsyniad adeilad rhestredig wrth asesu digollediad am gaffaeliad gorfodol).
- (3) Os –
  - (a) yw adeilad rhestredig yn cael ei ddymchwel ar ôl cyflwyno hysbysiad atgyweirio mewn cysylltiad ag ef, ond
  - (b) bod Gweinidogion Cymru wedi eu bodloni y byddent wedi cadarnhau neu wedi gwneud gorchymyn prynu gorfodol mewn cysylltiad â’r adeilad pe na bai wedi cael ei ddymchwel,

nid yw dymchwel yr adeilad yn atal caffael safle’r adeilad yn orfodol o dan adran 137.

- (4) Caiff awdurdod caffael ar unrhyw adeg dynnu’n ôl hysbysiad atgyweirio y mae wedi ei gyflwyno i unrhyw berson; ac os yw’n gwneud hynny, rhaid iddo roi hysbysiad i’r person ar unwaith ei fod wedi ei dynnu’n ôl.
- (5) At ddibenion is-adran (1) mae awdurdod caffael yn dechrau caffaeliad gorfodol pan fydd 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.

### 139 Cais i stopio caffaeliad gorfodol

- (1) Mae’r adran hon yn gymwys pan fo gorchymyn prynu gorfodol ar gyfer caffael adeilad rhestredig o dan adran 137 yn cael ei wneud gan awdurdod cynllunio neu’n cael ei lunio ar ffurf ddrafft gan Weinidogion Cymru.
- (2) Caiff unrhyw berson a chanddo fuddiant yn yr adeilad rhestredig wneud cais i lys ynadon am orchymyn na chaniateir cymryd unrhyw gamau pellach mewn perthynas â’r gorchymyn prynu gorfodol.

- (7) In this Chapter “acquiring authority” means –
- (a) in the case of an acquisition or proposed acquisition under subsection (2)(a), the planning authority that acquires or proposes to acquire the listed building or land;
  - (b) in the case of an acquisition or proposed acquisition under subsection (2)(b), the Welsh Ministers.

### **138 Requirement to serve repairs notice before starting compulsory acquisition**

- (1) An acquiring authority may not start the compulsory acquisition of a listed building under section 137 unless –
- (a) the authority has served a repairs notice on every owner of the building,
  - (b) the 2 months beginning with the day the repairs notice was served have ended, and
  - (c) the repairs notice has not been withdrawn.
- (2) A repairs notice is a notice –
- (a) specifying the works the authority considers reasonably necessary for the proper preservation of the listed building, and
  - (b) explaining the effect of sections 137 to 141 of this Act and section 49 of the Planning (Listed Buildings and Conservation Areas) Act 1990 (c. 9) (assumption about listed building consent when assessing compensation for compulsory acquisition).
- (3) If –
- (a) a listed building is demolished after a repairs notice has been served in respect of it, but
  - (b) the Welsh Ministers are satisfied that they would have confirmed or made a compulsory purchase order in respect of the building had it not been demolished,
- the demolition of the building does not prevent the compulsory acquisition of the site of the building under section 137.
- (4) An acquiring authority may at any time withdraw a repairs notice it has served on any person; and if it does do so, it must immediately give the person notice of the withdrawal.
- (5) For the purposes of subsection (1) an acquiring authority starts a compulsory acquisition when it 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.

### **139 Application to stop compulsory acquisition**

- (1) This section applies where a compulsory purchase order for the acquisition of a listed building under section 137 is made by a planning authority or prepared in draft by the Welsh Ministers.
- (2) Any person who has an interest in the listed building may apply to a magistrates’ court for an order that no further steps may be taken in relation to the compulsory purchase order.

- (3) Rhaid i'r cais gael ei wneud o fewn 28 o ddiwrnodau ar ôl y diwrnod y cyflwynir yr 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.
- (4) Os yw'r llys ynadon wedi ei fodloni bod camau rhesymol wedi eu cymryd ar gyfer diogelu'r adeilad rhestredig yn briodol, rhaid iddo wneud y gorchymyn y gwnaed cais amdano.
- (5) Caiff unrhyw berson a dramgwyddir gan benderfyniad y llys ynadon ar y cais apelio yn erbyn y penderfyniad i Lys y Goron.

**140 Cyfarwyddyd ar gyfer digollediad isafol pan ganiatawyd i adeilad fynd i gyflwr gwael yn fwriadol**

- (1) Caiff gorchymyn prynu gorfodol ar gyfer caffael adeilad rhestredig o dan adran 137 gynnwys cyfarwyddyd ar gyfer digollediad isafol os yw'r awdurdod caffael wedi ei fodloni y caniatawyd i'r adeilad fynd i gyflwr gwael yn fwriadol at ddiben cyfiawnhau ei ddymchwel a datblygu'r safle neu unrhyw safle cydffiniol.
- (2) Mae cyfarwyddyd ar gyfer digollediad isafol yn gyfarwyddyd, wrth asesu digollediad am gaffael yr adeilad rhestredig yn orfodol, ei bod i'w thybio—
  - (a) na fyddai caniatâd cynllunio yn cael ei roi ar gyfer unrhyw ddatblygiad o safle'r adeilad, a
  - (b) na fyddai cydsyniad adeilad rhestredig yn cael ei roi ar gyfer unrhyw waith ar gyfer dymchwel, addasu neu estyn yr adeilad ac eithrio gwaith sy'n angenrheidiol i'w adfer i gyflwr priodol ac i'w gynnal mewn cyflwr priodol.
- (3) Pan fo cyfarwyddyd ar gyfer digollediad isafol wedi ei gynnwys mewn gorchymyn a wnaed gan awdurdod cynllunio neu a luniwyd ar ffurf ddrafft gan Weinidogion Cymru, rhaid i'r datganiad o effaith y gorchymyn yn yr 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—
  - (a) cynnwys datganiad bod y cyfarwyddyd wedi ei gynnwys, a
  - (b) esbonio effaith y cyfarwyddyd.
- (4) Os yw Gweinidogion Cymru yn cadarnhau neu'n gwneud gorchymyn prynu gorfodol sy'n cynnwys cyfarwyddyd ar gyfer digollediad isafol, mae'r digollediad am y caffaeliad gorfodol i'w asesu yn unol â'r cyfarwyddyd, er gwaethaf unrhyw beth i'r gwrthwyneb yn—
  - (a) Deddf Digollediad Tir 1961 (p. 33),
  - (b) Deddf Cynllunio Gwlad a Thref 1990 (p. 8),
  - (c) adran 49 o Ddeddf Cynllunio (Adeiladau Rhestredig ac Ardaloedd Cadwraeth) 1990 (p. 9), neu
  - (d) y Ddeddf hon.

**141 Cais i ddileu cyfarwyddyd ar gyfer digollediad isafol**

- (1) Mae'r adran hon yn gymwys pan fo cyfarwyddyd ar gyfer digollediad isafol wedi ei gynnwys mewn gorchymyn prynu gorfodol ar gyfer caffael adeilad rhestredig o dan adran 137 a wnaed gan awdurdod cynllunio neu a luniwyd ar ffurf ddrafft gan Weinidogion Cymru.

- (3) The application must be made within 28 days after the day 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 is served.
- (4) If the magistrates' court is satisfied that reasonable steps have been taken for properly preserving the listed building, it must make the order applied for.
- (5) Any person aggrieved by the decision of the magistrates' court on the application may appeal against the decision to the Crown Court.

**140 Direction for minimum compensation where building deliberately allowed to fall into disrepair**

- (1) A compulsory purchase order for the acquisition of a listed building under section 137 may include a direction for minimum compensation if the acquiring authority is satisfied that the building has been deliberately allowed to fall into disrepair for the purpose of justifying its demolition and the development of the site or any adjoining site.
- (2) A direction for minimum compensation is a direction that, in assessing compensation for the compulsory acquisition of the listed building, it is to be assumed –
  - (a) that planning permission would not be granted for any development of the site of the building, and
  - (b) that listed building consent would not be granted for any works for the demolition, alteration or extension of the building other than works necessary for restoring it to and maintaining it in a proper state of repair.
- (3) Where a direction for minimum compensation is included in an order made by a planning authority or prepared in draft by the Welsh Ministers, the statement of the effect of the order in 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 must –
  - (a) include a statement that the direction has been included, and
  - (b) explain the effect of the direction.
- (4) If the Welsh Ministers confirm or make a compulsory purchase order which includes a direction for minimum compensation, the compensation for the compulsory acquisition is to be assessed in accordance with the direction, despite anything to the contrary in –
  - (a) the Land Compensation Act 1961 (c. 33),
  - (b) the Town and Country Planning Act 1990 (c. 8),
  - (c) section 49 of the Planning (Listed Buildings and Conservation Areas) Act 1990 (c. 9), or
  - (d) this Act.

**141 Application for removal of direction for minimum compensation**

- (1) This section applies where a direction for minimum compensation is included in a compulsory purchase order for the acquisition of a listed building under section 137 that is made by a planning authority or prepared in draft by the Welsh Ministers.

- (2) Caiff unrhyw berson a chanddo fuddiant yn yr adeilad rhestredig wneud cais i lys ynadon am orchymyn nad yw cyfarwyddyd ar gyfer digollediad isafol i'w gynnwys yn y gorchymyn prynu gorfodol fel y'i cadarnheir neu y'i gwneir gan Weinidogion Cymru.
- (3) Rhaid i'r cais gael ei wneud o fewn 28 o ddiwrnodau ar ôl y diwrnod y cyflwynir yr 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.
- (4) Os yw'r llys ynadon wedi ei fodloni na chaniatawyd i'r adeilad rhestredig fynd i gyflwr gwael yn fwriadol at y diben a grybwyllir yn adran 140(1), rhaid iddo wneud y gorchymyn y gwnaed cais amdano.
- (5) Caiff unrhyw berson a dramgwyddir gan benderfyniad y llys ynadon ar y cais apelio yn erbyn y penderfyniad i Lys y Goron.
- (6) Mae'r hawliau a roddir gan yr adran hon yn ychwanegol at yr hawliau a roddir gan adran 139 ac nid ydynt yn cyfyngu arnynt.

#### 142 **Dod â hawliau dros dir a gaffaelwyd yn orfodol i ben**

- (1) Wrth gwblhau caffaeliad gorfodol o dir o dan adran 137 –
  - (a) mae'r holl hawliau tramwy preifat dros y tir wedi eu diddymu,
  - (b) mae'r holl hawliau i osod cyfarpar, ei gadw neu ei gynnal a'i gadw ar y tir, odano neu drosto wedi eu diddymu, ac
  - (c) mae gan yr awdurdod caffael hawlogaeth i unrhyw gyfarpar ar y tir, odano neu drosto.
- (2) Nid yw is-adran (1) yn gymwys –
  - (a) i unrhyw hawl y mae gan ymgymwrwr statudol hawlogaeth iddi, nac i gyfarpar sy'n perthyn i ymgymwrwr statudol, at ddiben cynnal ei ymgymeriad,
  - (b) i unrhyw hawl a roddir gan y cod cyfathrebu electronig neu yn unol â'r cod hwnnw i weithredwr rhwydwaith cod cyfathrebu electronig, nac i unrhyw gyfarpar cyfathrebu electronig sydd wedi ei osod at ddibenion rhwydwaith o'r fath, nac
  - (c) i unrhyw hawl nac i unrhyw gyfarpar a bennir gan yr awdurdod caffael mewn cyfarwyddyd a roddir cyn cwblhau'r caffaeliad.
- (3) Mae is-adran (1) hefyd yn ddarostyngedig i unrhyw gytundeb (pa un a yw wedi ei wneud cyn neu ar ôl cwblhau'r caffaeliad) rhwng yr awdurdod caffael a'r person sydd â hawlogaeth i'r hawl neu y mae'r cyfarpar yn perthyn iddo.
- (4) Mae gan unrhyw berson sy'n dioddef colled drwy ddiddymu hawl neu drosglwyddo cyfarpar o dan yr adran hon hawlogaeth i gael ei ddigolledu gan yr awdurdod caffael.
- (5) Mae digollediad o dan yr adran hon i'w benderfynu yn unol â Deddf Digollediad Tir 1961 (p. 33).
- (6) Yn is-adran (2)(b) –
 

ystyr "cod cyfathrebu electronig" ("*electronic communications code*") yw'r cod a nodir yn Atodlen 3A i Ddeddf Cyfathrebiadau 2003 (p. 21);

- (2) Any person who has an interest in the listed building may apply to a magistrates' court for an order that no direction for minimum compensation is to be included in the compulsory purchase order as confirmed or made by the Welsh Ministers.
- (3) The application must be made within 28 days after the day 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 is served.
- (4) If the magistrates' court is satisfied that the listed building has not been deliberately allowed to fall into disrepair for the purpose mentioned in section 140(1), it must make the order applied for.
- (5) Any person aggrieved by the decision of the magistrates' court on the application may appeal against the decision to the Crown Court.
- (6) The rights conferred by this section are in addition to, and do not limit, the rights conferred by section 139.

#### **142 Ending of rights over land acquired compulsorily**

- (1) On the completion of a compulsory acquisition of land under section 137 –
  - (a) all private rights of way over the land are extinguished,
  - (b) all rights to install, keep or maintain apparatus on, under or over the land are extinguished, and
  - (c) the acquiring authority becomes entitled to any apparatus on, under or over the land.
- (2) Subsection (1) does not apply to –
  - (a) any right to which a statutory undertaker is entitled, or apparatus belonging to a statutory undertaker, for the purpose of carrying on its undertaking,
  - (b) any right conferred by or in accordance with the electronic communications code on the operator of an electronic communications code network, or any electronic communications apparatus installed for the purposes of such a network, or
  - (c) any right or apparatus specified by the acquiring authority in a direction given before the completion of the acquisition.
- (3) Subsection (1) is also subject to any agreement (whether made before or after the completion of the acquisition) between the acquiring authority and the person who is entitled to the right or to whom the apparatus belongs.
- (4) Any person who suffers loss by the extinguishment of a right or the transfer of apparatus under this section is entitled to be paid compensation by the acquiring authority.
- (5) Compensation under this section is to be determined in accordance with the Land Compensation Act 1961 (c. 33).
- (6) In subsection (2)(b) –

*“electronic communications code” (“cod cyfathrebu electronig”)* means the code set out in Schedule 3A to the Communications Act 2003 (c. 21);

mae i “cyfarpar cyfathrebu electronig”, “gweithredwr” a “rhwydwaith cod cyfathrebu electronig” yr un ystyron ag a roddir i “electronic communications apparatus”, “operator” ac “electronic communications code network” gan baragraff 1(1) o Atodlen 17 i Ddeddf Cyfathrebiadau 2003.

*Rheoli, defnyddio a gwaredu adeiladau*

**143 Rheoli, defnyddio a gwaredu adeilad a gaffaelir o dan y Bennod hon**

- (1) Pan fo awdurdod cynllunio yn caffael adeilad neu dir arall o dan y Bennod hon, caiff wneud unrhyw drefniadau ar gyfer rheoli, defnyddio neu waredu'r adeilad neu'r tir y mae'n ystyried eu bod yn briodol at ddiben diogelu'r adeilad neu'r tir.
- (2) Am ddarpariaeth bellach ynghylch y defnydd o dir y mae awdurdod cynllunio yn ei gaffael drwy gytundeb o dan adran 136, gweler adrannau 232, 233 a 235 (neilltuo, gwaredu a datblygu), 242 (trechu hawliau i feddiannu) a 243 (cyd-gorff i ddal tir) o Ddeddf Cynllunio Gwlad a Thref 1990 (p. 8).
- (3) Pan fo Gweinidogion Cymru yn caffael adeilad neu dir arall o dan adran 137, cânt –
  - (a) gwneud unrhyw drefniadau y maent yn ystyried eu bod yn briodol ar gyfer rheoli'r adeilad neu'r tir, gwarchodaeth ohono neu'r defnydd ohono, a
  - (b) gwaredu'r adeilad neu'r tir, neu ymdrin â'r adeilad neu'r tir mewn unrhyw ffordd arall.
- (4) Am ddarpariaeth sy'n dileu cyfyngiadau ar y defnydd o fathau penodol o dir a gaffaelir o dan y Bennod hon, gweler adrannau 238 i 240 (tir cysegredig a chladdfeydd) a 241 (tiroedd comin, mannau agored a rhandiroedd tanwydd neu ardd gae) o Ddeddf Cynllunio Gwlad a Thref 1990.

*Diogelu adeiladau rhestredig ar frys*

**144 Gwaith brys i ddiogelu adeilad rhestredig**

- (1) Caiff awdurdod lleol gyflawni unrhyw waith y mae'n ystyried ei fod yn angenrheidiol ar frys ar gyfer diogelu adeilad rhestredig yn ei ardal.
- (2) Caiff Gweinidogion Cymru gyflawni unrhyw waith y maent yn ystyried ei fod yn angenrheidiol ar frys ar gyfer diogelu unrhyw adeilad rhestredig.
- (3) Mae'r gwaith y caniateir ei gyflawni o dan yr adran hon yn cynnwys gwaith i ategu neu gysgodî'r adeilad rhestredig dros dro.
- (4) Os yw'r adeilad rhestredig neu unrhyw ran ohono yn cael ei ddefnyddio at ddiben preswyl, dim ond os na fyddai'n ymyrryd yn afresymol â'r defnydd hwnnw y caniateir cyflawni gwaith o dan yr adran hon.
- (5) Rhaid rhoi o leiaf 7 niwrnod clir o rybudd ysgrifenedig o'r bwriad i gyflawni gwaith o dan yr adran hon –
  - (a) i bob perchennog ar yr adeilad rhestredig, a
  - (b) os yw'r adeilad neu unrhyw ran ohono yn cael ei ddefnyddio at ddiben preswyl, i bob meddiannydd ar yr adeilad.
- (6) Rhaid i'r rhybudd ddisgrifio'r gwaith y cynigir ei gyflawni.
- (7) Ni chaniateir cyflawni gwaith o dan yr adran hon mewn perthynas –



“operator” (“*gweithredwr*”), “electronic communications code network” (“*rhwydwaith cod cyfathrebu electronig*”) and “electronic communications apparatus” (“*cyfarpar cyfathrebu electronig*”) have the meanings given by paragraph 1(1) of Schedule 17 to the Communications Act 2003.

*Management, use and disposal of buildings*

**143 Management, use and disposal of building acquired under this Chapter**

- (1) Where a planning authority acquires a building or other land under this Chapter, it may make any arrangements for the management, use or disposal of the building or land that it considers appropriate for the purpose of preserving the building or land.
- (2) For further provision about the use of land that a planning authority acquires by agreement under section 136, see sections 232, 233 and 235 (appropriation, disposal and development), 242 (overriding rights of possession) and 243 (joint body to hold land) of the Town and Country Planning Act 1990 (c. 8).
- (3) Where the Welsh Ministers acquire a building or other land under section 137, they may –
  - (a) make any arrangements they consider appropriate for the management, custody or use of the building or land, and
  - (b) dispose of the building or land, or deal with the building or land in any other way.
- (4) For provision removing restrictions on the use of certain types of land acquired under this Chapter, see sections 238 to 240 (consecrated land and burial grounds) and 241 (commons, open spaces and fuel or field garden allotments) of the Town and Country Planning Act 1990.

*Urgent preservation of listed buildings*

**144 Urgent works to preserve listed building**

- (1) A local authority may carry out any works it considers urgently necessary for the preservation of a listed building in its area.
- (2) The Welsh Ministers may carry out any works they consider urgently necessary for the preservation of any listed building.
- (3) The works that may be carried out under this section include works to provide temporary support or shelter for the listed building.
- (4) If the listed building or any part of it is in residential use, works may be carried out under this section only if they would not interfere unreasonably with that use.
- (5) At least 7 clear days’ written notice of the intention to carry out works under this section must be given –
  - (a) to every owner of the listed building, and
  - (b) if the building or any part of it is in residential use, every occupier of the building.
- (6) The notice must describe the works proposed to be carried out.
- (7) Works may not be carried out under this section in relation to –

- (a) ag adeilad sy'n heneb gofrestredig (ond gweler adran 61),
- (b) ag adeilad crefyddol esempt, neu
- (c) ag adeilad rhestredig ar dir y Goron.

**145 Pŵer i'w gwneud yn ofynnol i berchennog dalu costau gwaith diogelu**

- (1) Pan fo gwaith ar gyfer diogelu adeilad rhestredig wedi ei gyflawni gan awdurdod lleol neu Weinidogion Cymru o dan adran 144, caiff yr awdurdod lleol neu (yn ôl y digwydd) Weinidogion Cymru gyflwyno hysbysiad i unrhyw berchennog ar yr adeilad rhestredig sy'n ei gwneud yn ofynnol i'r perchennog dalu costau'r gwaith.
- (2) Pan fo'r gwaith yn waith i ategu neu gysgodi'r adeilad rhestredig dros dro neu'n cynnwys gwaith o'r fath—
  - (a) mae'r costau y caniateir eu hadennill yn cynnwys unrhyw wariant parhaus sy'n ymwneud â rhoi ar gael y cyfarpar neu'r deunyddiau a ddefnyddir, a
  - (b) caniateir rhoi hysbysiadau o dan is-adran (1) o bryd i'w gilydd mewn cysylltiad â'r gwariant parhaus hwnnw.
- (3) Mae is-adran (4) yn gymwys os yw'r perchennog, o fewn 28 o ddiwrnodau ar ôl y diwrnod y cyflwynir hysbysiad o dan is-adran (1), yn cwyno'n ysgrifenedig i Weinidogion Cymru—
  - (a) bod rhywfaint neu'r cyfan o'r gwaith yn ddiangen ar gyfer diogelu'r adeilad rhestredig,
  - (b) yn achos gwaith i ategu neu gysgodi adeilad rhestredig dros dro, fod y trefniadau dros dro wedi parhau am gyfnod afresymol o amser,
  - (c) bod y swm a bennir yn yr hysbysiad yn afresymol, neu
  - (d) y byddai adennill y swm hwnnw yn achosi caledi i'r perchennog.
- (4) Rhaid i Weinidogion Cymru—
  - (a) penderfynu i ba raddau y mae sail dda i gŵyn y perchennog, a
  - (b) cyflwyno hysbysiad o'u penderfyniad—
    - (i) i'r perchennog, a
    - (ii) os rhoddwyd yr hysbysiad o dan is-adran (1) gan awdurdod lleol, i'r awdurdod hwnnw.
- (5) Rhaid i'r hysbysiad o benderfyniad Gweinidogion Cymru ddatgan—
  - (a) y rhesymau dros y penderfyniad, a
  - (b) y swm y maent wedi penderfynu y caniateir iddo gael ei adennill.
- (6) Caiff perchennog neu awdurdod lleol y cyflwynir hysbysiad iddo o dan is-adran (4)(b), o fewn 28 o ddiwrnodau ar ôl y diwrnod y cyflwynir yr hysbysiad, apelio i'r llys sirol yn erbyn penderfyniad Gweinidogion Cymru.

**146 Darpariaeth bellach ynghylch adennill costau gwaith diogelu**

- (1) Mae'r costau y caiff awdurdod lleol neu Weinidogion Cymru eu hadennill o dan adran 145 yn dwyn llog, ar y gyfradd a bennir mewn rheoliadau a wneir gan Weinidogion Cymru, o'r adeg y daw'r hysbysiad o dan is-adran (1) o'r adran honno yn weithredol hyd nes y caiff yr holl symiau sy'n ddyledus o dan yr adran honno eu hadennill.

- (a) a building which is a scheduled monument (but see section 61),
- (b) an exempt religious building, or
- (c) a listed building on Crown land.

#### **145 Power to require owner to meet costs of preservation works**

- (1) Where works for the preservation of a listed building have been carried out by a local authority or the Welsh Ministers under section 144, the local authority or (as the case may be) the Welsh Ministers may serve notice on any owner of the listed building requiring the owner to meet the costs of the works.
- (2) Where the works consist of or include works to provide temporary support or shelter for the listed building –
  - (a) the costs that may be recovered include any continuing expenditure involved in making available the equipment or materials used, and
  - (b) notices under subsection (1) may be given from time to time in respect of that continuing expenditure.
- (3) Subsection (4) applies if, within 28 days after the day a notice under subsection (1) is served, the owner complains in writing to the Welsh Ministers –
  - (a) that some or all of the works were unnecessary for the preservation of the listed building,
  - (b) in the case of works to provide temporary support or shelter, that the temporary arrangements have continued for an unreasonable length of time,
  - (c) that the amount specified in the notice is unreasonable, or
  - (d) that the recovery of that amount would cause hardship to the owner.
- (4) The Welsh Ministers must –
  - (a) determine to what extent the owner’s complaint is well-founded, and
  - (b) serve notice of their determination on –
    - (i) the owner, and
    - (ii) if the notice under subsection (1) was given by a local authority, that authority.
- (5) The notice of the Welsh Ministers’ determination must state –
  - (a) the reasons for the determination, and
  - (b) the amount that they have decided may be recovered.
- (6) An owner or local authority on whom notice is served under subsection (4)(b) may, within 28 days after the day the notice is served, appeal to the county court against the Welsh Ministers’ decision.

#### **146 Further provision about recovery of costs of preservation works**

- (1) The costs which a local authority or the Welsh Ministers may recover under section 145 carry interest, at the rate specified in regulations made by the Welsh Ministers, from the time when the notice under subsection (1) of that section becomes operative until all of the amounts due under that section are recovered.

- (2) Mae'r costau ac unrhyw log yn adenilladwy gan yr awdurdod lleol neu (yn ôl y digwydd) Weinidogion Cymru fel dyled.
- (3) Mae'r costau ac unrhyw log, o'r adeg pan ddaw'r hysbysiad o dan adran 145(1) yn weithredol hyd nes iddynt gael eu hadennill, yn bridiant ar y tir y mae'r adeilad rhestredig o dan sylw arno.
- (4) Mae'r pridiant yn cymryd effaith, ar yr adeg y daw'r hysbysiad yn weithredol, fel pridiant cyfreithiol sy'n bridiant tir lleol.
- (5) At ddiben gorfodi'r pridiant, mae gan yr awdurdod lleol neu (yn ôl y digwydd) Weinidogion Cymru yr un pwerau a rhwymedïau o dan Ddeddf Cyfraith Eiddo 1925 (p. 20) ac fel arall fel pe bai neu pe baent yn forgeisai drwy weithred sydd â phwerau i werthu'r tir, gwneud lesoedd, derbyn ildio lesoedd a phenodi derbynnydd.
- (6) Mae'r pŵer i benodi derbynnydd yn arferadwy ar unrhyw adeg ar ôl diwedd 1 mis yn dechrau â'r diwrnod y mae'r pridiant yn cymryd effaith.
- (7) At ddibenion yr adran hon mae hysbysiad o dan adran 145(1) yn dod yn weithredol –
  - (a) pan na fo unrhyw gŵyn wedi ei gwneud i Weinidogion Cymru o fewn y cyfnod y cyfeirir ato yn adran 145(3), ar ddiwedd y cyfnod hwnnw;
  - (b) pan fo cwyn wedi ei gwneud ond na wneir apêl i'r llys sirol o fewn y cyfnod y cyfeirir ato yn adran 145(6), ar ddiwedd y cyfnod hwnnw;
  - (c) pan fo apêl wedi ei gwneud a bod y penderfyniad ar yr apêl yn cadarnhau penderfyniad Gweinidogion Cymru o dan adran 145(4) (gydag amrywiad neu heb amrywiad), ar adeg y penderfyniad;
  - (d) pan fo apêl wedi ei gwneud ond ei bod yn cael ei thynnu'n ôl, ar adeg y tynnu'n ôl.

*Darpariaeth bellach ynghylch diogelu adeiladau rhestredig*

**147 Camau ar gyfer diogelu adeiladau rhestredig sydd mewn cyflwr gwael**

- (1) Caiff Gweinidogion Cymru drwy reoliadau wneud darpariaeth ar gyfer rhoi pwerau i awdurdodau lleol neu Weinidogion Cymru i gymryd camau i sicrhau bod adeiladau rhestredig sydd wedi mynd i gyflwr gwael yn cael eu diogelu'n briodol, ac mewn cysylltiad â rhoi'r pwerau hynny.
- (2) Caiff y rheoliadau, yn benodol, ddarparu ar gyfer –
  - (a) hysbysiadau sy'n ei gwneud yn ofynnol i berchnogion adeiladau rhestredig sydd wedi mynd i gyflwr gwael gyflawni gwaith i sicrhau eu bod yn cael eu diogelu'n briodol ("hysbysiadau diogelu");
  - (b) apelau yn erbyn hysbysiadau diogelu;
  - (c) troseddau am fethu â chydymffurfio â hysbysiadau diogelu.
- (3) Caiff rheoliadau o dan yr adran hon –
  - (a) datgymhwyso, neu gymhwyso neu atgynhyrchu gydag addasiadau neu hebddynt, unrhyw ddarpariaeth yn y Rhan hon neu Ran 5 neu 7;
  - (b) diwygio'r Rhan hon neu'r Rhannau hynny.
- (4) Ni chaiff rheoliadau o dan yr adran hon wneud unrhyw ddarpariaeth sy'n rhwymo'r Goron.

- (2) The costs and any interest are recoverable by the local authority or (as the case may be) the Welsh Ministers as a debt.
- (3) The costs and any interest are, from the time when the notice under section 145(1) becomes operative until they are recovered, a charge on the land on which the listed building in question is situated.
- (4) The charge takes effect, at the time when the notice becomes operative, as a legal charge which is a local land charge.
- (5) For the purpose of enforcing the charge, the local authority or (as the case may be) the Welsh Ministers have the same powers and remedies under the Law of Property Act 1925 (c. 20) and otherwise as if they were a mortgagee by deed with powers to sell the land, make leases, accept surrenders of leases and appoint a receiver.
- (6) The power to appoint a receiver is exercisable at any time after the end of 1 month beginning with the day the charge takes effect.
- (7) For the purposes of this section a notice under section 145(1) becomes operative –
  - (a) where no complaint is made to the Welsh Ministers within the period referred to in section 145(3), at the end of that period;
  - (b) where a complaint is made but no appeal is made to the county court within the period referred to in section 145(6), at the end of that period;
  - (c) where an appeal is made and the decision on the appeal confirms the Welsh Ministers' determination under section 145(4) (with or without variation), at the time of the decision;
  - (d) where an appeal is made but is withdrawn, at the time of the withdrawal.

*Further provision about preservation of listed buildings*

**147 Steps for preservation of listed buildings in disrepair**

- (1) The Welsh Ministers may by regulations make provision for and in connection with conferring powers on local authorities or the Welsh Ministers to take steps to secure the proper preservation of listed buildings which have fallen into disrepair.
- (2) The regulations may, in particular, provide for –
  - (a) notices requiring owners of listed buildings which have fallen into disrepair to carry out works to secure their proper preservation (“preservation notices”);
  - (b) appeals against preservation notices;
  - (c) offences for failure to comply with preservation notices.
- (3) Regulations under this section –
  - (a) may disapply, or apply or reproduce with or without modifications, any provision of this Part or Part 5 or 7;
  - (b) may amend this Part or those Parts.
- (4) Regulations under this section may not make any provision that binds the Crown.

*Cyllid ar gyfer atgyweirio a chynnal a chadw adeiladau o ddiddordeb arbennig etc.*

**148 Grant neu fenthyciad gan awdurdod lleol ar gyfer atgyweirio neu gynnal a chadw adeilad**

- (1) Caiff awdurdod lleol perthnasol gyfrannu tuag at unrhyw wariant yr aed iddo, neu yr eir iddo, wrth atgyweirio neu gynnal a chadw –
  - (a) adeilad rhestredig sydd yn ardal yr awdurdod neu yn ei chyffiniau, neu
  - (b) adeilad yn ardal yr awdurdod nad yw'n adeilad rhestredig ond y mae'r awdurdod yn ystyried ei fod o ddiddordeb pensaernïol neu hanesyddol arbennig.
- (2) Ar yr un pryd â gwneud cyfraniad o'r fath, caiff yr awdurdod hefyd gyfrannu tuag at unrhyw wariant yr aed iddo, neu yr eir iddo, wrth gynnal a chadw unrhyw ardd –
  - (a) sy'n cael ei meddiannu gyda'r adeilad, a
  - (b) sy'n cydffinio ag ef neu'n gyfagos iddo.
- (3) Caniateir i gyfraniad o dan yr adran hon gael ei wneud drwy grant neu fenthyciad.
- (4) Caiff awdurdod lleol perthnasol roi benthyciad o dan yr adran hon ar unrhyw delerau ac unrhyw amodau y mae'n penderfynu arnynt, a all er enghraifft gynnwys teler bod y benthyciad yn ddi-log.
- (5) Caiff awdurdod lleol perthnasol –
  - (a) ildio ei hawl i gael ad-daliad o fenthyciad neu unrhyw log sy'n weddill, a
  - (b) cytuno â'r benthyciwr i amrywio unrhyw un neu ragor o delerau ac amodau benthyciad.
- (6) Caiff awdurdod lleol perthnasol roi grant o dan yr adran hon yn ddarostyngedig i unrhyw amodau y mae'n ystyried eu bod yn briodol, a all er enghraifft gynnwys amod bod rhaid i dderbynydd y grant wneud cytundeb â'r awdurdod at ddiben sicrhau mynediad y cyhoedd i'r cyfan neu ran o'r adeilad neu'r ardd y mae'r grant yn ymwneud ag ef neu â hi.
- (7) Yn yr adran hon ac yn adran 149, ystyr "awdurdod lleol perthnasol" yw –
  - (a) cyngor sir neu gyngor bwrdeistref sirol yng Nghymru;
  - (b) awdurdod Parc Cenedlaethol yng Nghymru;
  - (c) bwrdd cydgynllunio a gyfansoddir o dan adran 2(1B) o Ddeddf Cynllunio Gwlad a Thref 1990 (p. 8).

**149 Adennill grant a roddir gan awdurdod lleol**

- (1) Mae'r adran hon yn gymwys pan fo awdurdod lleol perthnasol yn rhoi grant o dan adran 148.
- (2) Os na chydymffurfir ag unrhyw un neu ragor o amodau a osodir wrth roi'r grant, caiff yr awdurdod adennill swm y grant, neu unrhyw ran o'r swm hwnnw, oddi wrth dderbynydd y grant.
- (3) Mae is-adrannau (4) a (5) yn gymwys os, yn ystod y 3 blynedd sy'n dechrau â'r diwrnod y rhoddir y grant –

*Finance for repair and maintenance of buildings of special interest etc.***148 Grant or loan by local authority for repair or maintenance of building**

- (1) A relevant local authority may contribute towards any expenditure incurred, or to be incurred, in the repair or maintenance of—
  - (a) a listed building which is situated in or in the vicinity of the authority's area, or
  - (b) a building in the authority's area which is not a listed building but which the authority considers to be of special architectural or historic interest.
- (2) At the same time as making such a contribution, the authority may also contribute towards any expenditure incurred, or to be incurred, in the maintenance of any garden which—
  - (a) is occupied with the building, and
  - (b) adjoins or is adjacent to it.
- (3) A contribution under this section may be made by grant or loan.
- (4) A relevant local authority may make a loan under this section on any terms and conditions that it determines, which may for example include a term that the loan is free of interest.
- (5) A relevant local authority—
  - (a) may renounce its right to repayment of a loan or any outstanding interest, and
  - (b) may agree with the borrower to vary any of the terms and conditions of a loan.
- (6) A relevant local authority may make a grant under this section subject to any conditions it considers appropriate, which may for example include a condition that the recipient of the grant must make an agreement with the authority for the purpose of securing public access to all or part of the building or garden to which the grant relates.
- (7) In this section and section 149, "relevant local authority" means—
  - (a) a county council or county borough council in Wales;
  - (b) a National Park authority in Wales;
  - (c) a joint planning board constituted under section 2(1B) of the Town and Country Planning Act 1990 (c. 8).

**149 Recovery of grant made by local authority**

- (1) This section applies where a relevant local authority makes a grant under section 148.
- (2) If any condition imposed on the making of the grant is not complied with, the authority may recover the amount of the grant, or any part of that amount, from the recipient of the grant.
- (3) Subsections (4) and (5) apply if, during the 3 years beginning with the day the grant is made—

- (a) gwaredir y cyfan neu ran o'r buddiant yr oedd derbynnydd y grant yn ei ddal neu ei dal yn yr adeilad neu'r ardd y mae'r grant yn ymwneud ag ef neu â hi ar y diwrnod y rhoddwyd y grant ("y buddiant perthnasol"), a
  - (b) gwneir y gwarediad drwy werthu, drwy gyfnewid neu drwy les am gyfnod o 21 o flynyddoedd o leiaf.
- (4) Os gwneir y gwarediad gan dderbynnydd y grant neu gan berson y mae derbynnydd y grant wedi rhoi rhan o'r buddiant perthnasol iddo, caiff yr awdurdod lleol perthnasol adennill swm y grant, neu unrhyw ran o'r swm hwnnw, oddi wrth dderbynnydd y grant.
- (5) Os gwneir y gwarediad gan berson y mae derbynnydd y grant wedi rhoi'r cyfan o'r buddiant perthnasol iddo, caiff yr awdurdod adennill swm y grant, neu unrhyw ran o'r swm hwnnw, oddi wrth y person y rhoddwyd y rhodd iddo.
- (6) Ni chaiff awdurdod lleol perthnasol adennill symiau o dan yr adran hon sydd, gyda'i gilydd, yn fwy na swm y grant.
- (7) Yn yr adran hon mae cyfeiriadau at roi buddiant i berson yn gyfeiriadau at ei roi i'r person yn uniongyrchol neu'n anuniongyrchol, ac eithrio ar farwolaeth deiliad y buddiant.

**150 Grant gan Weinidogion Cymru ar gyfer atgyweirio neu gynnal a chadw adeilad, gardd etc.**

- (1) Caiff Gweinidogion Cymru roi grantiau i dalu unrhyw wariant yr aed iddo, neu yr eir iddo, wrth—
- (a) atgyweirio neu gynnal a chadw adeilad y maent yn ystyried ei fod o ddiddordeb pensaernïol neu hanesyddol arbennig,
  - (b) cynnal a chadw unrhyw dir sy'n cynnwys adeilad o'r fath, yn cydffinio ag ef neu'n gyfagos iddo,
  - (c) atgyweirio neu gynnal a chadw unrhyw wrthrychau a gedwir fel arfer mewn adeilad o'r fath, neu
  - (d) cynnal a chadw gardd neu dir arall y maent yn ystyried ei bod neu ei fod o ddiddordeb hanesyddol arbennig.
- (2) Mae'r darpariaethau a ganlyn yn yr adran hon yn gymwys—
- (a) pan fo Gweinidogion Cymru yn rhoi grant o dan is-adran (1) ar delerau sy'n darparu y gellir ei adennill o dan yr adran hon, a
  - (b) pan fo Gweinidogion Cymru, cyn neu wrth roi'r grant, yn rhoi hysbysiad ysgrifenedig i dderbynnydd y grant sydd—
    - (i) yn crynhoi effaith yr adran hon, a
    - (ii) yn pennu cyfnod, sy'n dechrau â'r diwrnod y rhoddir y grant ac sy'n dod i ben heb fod yn fwy na 10 mlynedd ar ôl y diwrnod hwnnw, y caniateir adennill y grant ynddo yn unol ag is-adrannau (4) i (6) ("y cyfnod adennill").
- (3) Os na chydymffurfir ag unrhyw un neu ragor o amodau a osodir wrth roi'r grant, caiff Gweinidogion Cymru adennill swm y grant, neu unrhyw ran o'r swm hwnnw, oddi wrth dderbynnydd y grant.
- (4) Mae is-adrannau (5) a (6) yn gymwys os, yn ystod y cyfnod adennill—



- (a) there is a disposal of the whole or part of the interest that the recipient of the grant held in the building or garden to which the grant relates on the day the grant was made (“the relevant interest”), and
  - (b) the disposal is made by sale, by exchange or by lease for a term of at least 21 years.
- (4) If the disposal is made by the recipient of the grant or by a person to whom the recipient of the grant has given part of the relevant interest, the relevant local authority may recover the amount of the grant, or any part of that amount, from the recipient of the grant.
- (5) If the disposal is made by a person to whom the recipient of the grant has given the whole of the relevant interest, the authority may recover the amount of the grant, or any part of that amount, from the person to whom the gift was made.
- (6) A relevant local authority may not recover amounts under this section which in aggregate exceed the amount of the grant.
- (7) In this section references to giving an interest to a person are references to giving it to the person directly or indirectly, other than on the death of the holder of the interest.

**150 Grant by Welsh Ministers for repair or maintenance of building, garden etc.**

- (1) The Welsh Ministers may make grants to meet any expenditure incurred, or to be incurred, in—
- (a) the repair or maintenance of a building which they consider to be of special architectural or historic interest,
  - (b) the maintenance of any land which includes, adjoins or is adjacent to such a building,
  - (c) the repair or maintenance of any objects ordinarily kept in such a building, or
  - (d) the maintenance of a garden or other land which they consider to be of special historic interest.
- (2) The following provisions of this section apply where—
- (a) the Welsh Ministers make a grant under subsection (1) on terms which provide for it to be recoverable under this section, and
  - (b) before or on making the grant the Welsh Ministers give notice in writing to the recipient of the grant which—
    - (i) summarises the effect of this section, and
    - (ii) specifies a period, beginning with the day the grant is made and ending not more than 10 years after that day, during which the grant is to be recoverable in accordance with subsections (4) to (6) (“the recovery period”).
- (3) If any condition imposed on the making of the grant is not complied with, the Welsh Ministers may recover the amount of the grant, or any part of that amount, from the recipient of the grant.
- (4) Subsections (5) and (6) apply if during the recovery period—

- (a) caiff y cyfan neu ran o'r buddiant yr oedd derbynnydd y grant yn ei ddal, ar y diwrnod y rhoddwyd y grant, yn yr adeilad, y tir neu'r gwrthrychau ("y buddiant perthnasol") y mae'r grant yn ymwneud ag ef neu â hwy ei waredu neu ei gwaredu, a
  - (b) gwneir y gwarediad drwy werthu, drwy gyfnewid neu drwy les am gyfnod o 21 o flynyddoedd o leiaf.
- (5) Os gwneir y gwarediad gan dderbynnydd y grant neu gan berson y mae derbynnydd y grant wedi rhoi rhan o'r buddiant perthnasol iddo, caiff Gweinidogion Cymru adennill swm y grant, neu unrhyw ran o'r swm hwnnw, oddi wrth dderbynnydd y grant.
- (6) Os gwneir y gwarediad gan berson y mae derbynnydd y grant wedi rhoi'r cyfan o'r buddiant perthnasol iddo, caiff Gweinidogion Cymru adennill swm y grant, neu unrhyw ran o'r swm hwnnw, oddi wrth y person y rhoddwyd y rhodd iddo.
- (7) Ni chaiff Gweinidogion Cymru adennill symiau o dan yr adran hon sydd, gyda'i gilydd, yn fwy na swm y grant.
- (8) Yn yr adran hon mae cyfeiriadau at roi buddiant i berson yn gyfeiriadau at ei roi i'r person yn uniongyrchol neu'n anuniongyrchol, ac eithrio ar farwolaeth deiliad y buddiant.

#### 151 Gweinidogion Cymru yn derbyn gwaddol ar gyfer cynnal adeilad

- (1) Mae'r adran hon yn gymwys –
- (a) pan fo offeryn yn cynnwys darpariaeth sy'n ymhonni ei bod yn rhodd eiddo o unrhyw fath i Weinidogion Cymru ar ymddiriedolaeth i ddefnyddio incwm yr eiddo (naill ai am gyfnod cyfyngedig neu am gyfnod amhenodol) ar gyfer neu tuag at atgyweirio a chynnal a chadw adeilad perthnasol, neu adeilad perthnasol ynghyd ag eiddo arall,
  - (b) pan na fo'r ddarpariaeth yn creu ymddiriedolaeth elusennol, ac
  - (c) pan fo Gweinidogion Cymru yn derbyn y rhodd.
- (2) Yn yr adran hon –
- ystyr "adeilad perthnasol" (*"relevant building"*) yw –
- (a) adeilad y mae Gweinidogion Cymru yn ystyried ei fod o ddiddordeb pensaernïol neu hanesyddol arbennig ac –
    - (i) ar yr adeg y daw'r offeryn ymddiriedolaeth i rym, y mae ganddynt hawlogaeth i fuddiant ynddo, neu y bydd ganddynt hawlogaeth i fuddiant ynddo yn fuan, neu
    - (ii) sydd, ar yr adeg honno, o dan eu rheolaeth neu'n cael ei reoli ganddynt neu a fydd o dan eu rheolaeth neu'n cael ei reoli ganddynt yn fuan, neu
  - (b) adeilad sydd, ar yr adeg honno, o dan eu gwarcheidiaeth o dan Bennod 6 o Ran 2 neu a fydd o dan eu gwarcheidiaeth felly yn fuan;
- ystyr "cronfa'r ymddiriedolaeth" (*"trust fund"*) yw'r eiddo a roddir i Weinidogion Cymru ac unrhyw eiddo sydd am y tro yn cynrychioli'r eiddo hwnnw;
- ystyr "ymddiriedolaeth waddol" (*"endowment trust"*) yw'r ymddiriedolaeth y cyfeirir ati yn is-adran (1)(a).

- (a) there is a disposal of the whole or part of the interest that the recipient of the grant held in the building, land or objects to which the grant relates on the day the grant was made (“the relevant interest”), and
  - (b) the disposal is made by sale, by exchange or by lease for a term of at least 21 years.
- (5) If the disposal is made by the recipient of the grant or by a person to whom the recipient of the grant has given a part of the relevant interest, the Welsh Ministers may recover the amount of the grant, or any part of that amount, from the recipient of the grant.
- (6) If the disposal is made by a person to whom the recipient of the grant has given the whole of the relevant interest, the Welsh Ministers may recover the amount of the grant, or any part of that amount, from the person to whom the gift was made.
- (7) The Welsh Ministers may not recover amounts under this section which in aggregate exceed the amount of the grant.
- (8) In this section references to giving an interest to a person are references to giving it to the person directly or indirectly, other than on the death of the holder of the interest.

### 151 Acceptance by Welsh Ministers of endowment for upkeep of building

- (1) This section applies where –
- (a) an instrument contains a provision purporting to be a gift of property of any kind to the Welsh Ministers on trust to use the income of the property (either for a limited time or indefinitely) for or towards the repair and maintenance of a relevant building, or of a relevant building together with other property,
  - (b) the provision does not create a charitable trust, and
  - (c) the Welsh Ministers accept the gift.
- (2) In this section –
- “endowment trust” (*“ymddiriedolaeth waddol”*) means the trust referred to in subsection (1)(a);
- “relevant building” (*“adeilad perthnasol”*) means –
- (a) a building which the Welsh Ministers consider to be of special architectural or historic interest and –
    - (i) in which, at the time when the trust instrument comes into operation, they are or soon will be entitled to an interest, or
    - (ii) which at that time is or soon will be under their control or management, or
  - (b) a building which at that time is or soon will be under their guardianship under Chapter 6 of Part 2;
- “trust fund” (*“cronfa’r ymddiriedolaeth”*) means the property given to the Welsh Ministers and any property for the time being representing that property.

- (3) Nid effeithir ar ddilysrwydd y rhodd na dilysrwydd yr ymddiriedolaeth waddol gan unrhyw reol gyfreithiol neu unrhyw reol ecwiti na fyddai wedi effeithio ar eu dilysrwydd pe bai'r ymddiriedolaeth wedi bod yn un elusennol ac mae eu dilysrwydd i'w drin fel pe na bai unrhyw reol gyfreithiol o'r fath neu unrhyw reol ecwiti o'r fath erioed wedi effeithio arno.
- (4) Tra bo'r ymddiriedolaeth waddol yn parhau, mae gan Weinidogion Cymru yr un pwerau o ran rheoli, gwaredu a buddsoddi mewn perthynas â chronfa'r ymddiriedolaeth ag a roddir gan y gyfraith i ymddiriedolwyr tir mewn perthynas â'r tir a'r enillion o'i werthu.
- (5) Mae'r pwerau a roddir gan is-adran (4) yn ychwanegol at unrhyw bwerau a roddir i Weinidogion Cymru gan yr offeryn ymddiriedolaeth ac nid ydynt yn cyfyngu arnynt.
- (6) Tra bo'r ymddiriedolaeth waddol yn parhau, os bydd digwyddiad –
  - (a) sy'n cael, ar unwaith, yr effaith nad oes gan Weinidogion Cymru hawlogaeth i unrhyw fuddiant yn yr adeilad y mae'r ymddiriedolaeth yn ymwneud ag ef ac nad oes ganddynt yr adeilad o dan eu rheolaeth neu nad yw'r adeilad yn cael ei reoli ganddynt, a
  - (b) na fyddai fel arall yn peri i'r ymddiriedolaeth waddol ddod i ben neu gael ei thrin fel pe bai wedi methu,

pan ddaw'r digwyddiad hwnnw i fod, mae'r ymddiriedolaeth waddol yn dod i ben ac mae cronfa'r ymddiriedolaeth yn pasio fel y byddai pe bai'r ymddiriedolaeth yn methu.

- (7) Mae is-adran (8) yn gymwys os yw'r offeryn ymddiriedolaeth yn cynnwys darpariaeth sy'n ymhomni ei bod yn rhoi cronfa'r ymddiriedolaeth, neu'n cyfarwyddo i gronfa'r ymddiriedolaeth gael ei dal, ar ymddiriedolaeth at ddibenion elusennol os yw'r ymddiriedolaeth waddol yn methu neu'n dod i ben.
- (8) Nid effeithir ar ddilysrwydd y rhodd na dilysrwydd y cyfarwyddyd gan unrhyw reol gyfreithiol sy'n ymwneud â bytholbarhadau neu unrhyw reol ecwiti sy'n ymwneud â bytholbarhadau ac mae eu dilysrwydd i'w drin fel pe na bai unrhyw reol gyfreithiol o'r fath neu unrhyw reol ecwiti o'r fath erioed wedi effeithio arno.
- (9) Yn is-adran (4) mae i "ymddiriedolwyr tir" yr un ystyr ag a roddir i "trustees of land" yn Neddf Ymddiriedolaethau Tir a Phenodi Ymddiriedolwyr 1996 (p. 47) (gweler adran 1(1) o'r Ddeddf honno).

## PENNOD 6

### CYFFREDINOL

#### *Pwerau mynediad*

#### 152 Pwerau i fynd ar dir

- (1) Caiff person sydd wedi ei awdurdodi'n ysgrifenedig gan Weinidogion Cymru fynd ar unrhyw dir i gynnal arolwg o adeilad ar y tir hwnnw neu ar unrhyw dir arall mewn cysylltiad â chynnig i restru neu ddadrestru'r adeilad.
- (2) Caiff person sydd wedi ei awdurdodi'n ysgrifenedig gan awdurdod cynllunio fynd ar unrhyw dir i gynnal arolwg o adeilad ar y tir hwnnw neu ar unrhyw dir arall mewn cysylltiad â chynnig i gyflwyno hysbysiad rhestru dros dro mewn perthynas â'r adeilad.

- (3) The validity of the gift and of the endowment trust is not affected, and is to be treated as never having been affected, by any rule of law or equity which would not have affected their validity if the trust had been charitable.
- (4) While the endowment trust continues the Welsh Ministers have the same powers of management, disposition and investment in relation to the trust fund as are conferred by law on trustees of land in relation to the land and the proceeds of its sale.
- (5) The powers conferred by subsection (4) are in addition to, and do not limit, any powers conferred on the Welsh Ministers by the trust instrument.
- (6) If, while the endowment trust continues, an event happens –
  - (a) which has the immediate effect that the Welsh Ministers are not entitled to any interest in the building to which the trust relates and do not have the building under their control or management, and
  - (b) which would not otherwise cause the endowment trust to come to an end or be treated as having failed,on the happening of that event the endowment trust comes to an end and the trust fund passes as it would on a failure of the trust.
- (7) Subsection (8) applies if the trust instrument contains a provision purporting to give the trust fund, or to direct the trust fund to be held, on trust for charitable purposes if the endowment trust fails or comes to an end.
- (8) The validity of the gift or direction is not, and is to be treated as never having been, affected by any rule of law or equity relating to perpetuities.
- (9) In subsection (4) “trustees of land” has the same meaning as in the Trusts of Land and Appointment of Trustees Act 1996 (c. 47) (see section 1(1) of that Act).

## CHAPTER 6

### GENERAL

#### *Powers of entry*

#### **152 Powers to enter land**

- (1) A person authorised in writing by the Welsh Ministers may enter any land to survey a building on that land or on any other land in connection with a proposal to list or de-list the building.
- (2) A person authorised in writing by a planning authority may enter any land to survey a building on that land or on any other land in connection with a proposal to serve a temporary listing notice in relation to the building.

- (3) Caiff person sydd wedi ei awdurdodi'n ysgrifenedig gan awdurdod cynllunio neu Weinidogion Cymru fynd ar unrhyw dir –
  - (a) i gynnal arolwg o'r tir hwnnw neu unrhyw dir arall mewn cysylltiad â chynnig i wneud gorchymyn o dan adran 107 (addasu neu ddirymu cydsyniad adeilad rhestredig neu gydsyniad ardal gadwraeth),
  - (b) i gynnal arolwg o'r tir hwnnw neu unrhyw dir arall mewn cysylltiad â chynnig i wneud gorchymyn o dan adran 115 (terfynu cytundeb partneriaeth adeilad rhestredig neu ddarpariaeth mewn cytundeb), neu
  - (c) i asesu a yw trosedd wedi cael ei chyflawni neu yn cael ei chyflawni o dan adran 91(5), 117 neu 118.
- (4) Caiff person sydd wedi ei awdurdodi'n ysgrifenedig gan awdurdod cynllunio fynd ar unrhyw dir –
  - (a) i benderfynu a ddylai hysbysiad stop dros dro gael ei ddyroddi,
  - (b) i arddangos copi o hysbysiad stop dros dro yn unol ag adran 119, neu
  - (c) i asesu a gydymffurfiwyd â hysbysiad stop dros dro.
- (5) Caiff person sydd wedi ei awdurdodi'n ysgrifenedig gan awdurdod cynllunio neu Weinidogion Cymru fynd ar unrhyw dir –
  - (a) i gynnal arolwg o'r tir hwnnw neu unrhyw dir arall mewn cysylltiad â chynnig i ddyroddi hysbysiad gorfodi,
  - (b) i asesu â gydymffurfiwyd â hysbysiad gorfodi,
  - (c) i asesu a yw adeilad rhestredig ar y tir hwnnw neu ar unrhyw dir arall yn cael ei gynnal a'i gadw mewn cyflwr priodol,
  - (d) i gynnal arolwg o'r tir hwnnw neu unrhyw dir arall mewn cysylltiad â chynnig i gyflwyno hysbysiad atgyweirio o dan adran 138, neu
  - (e) i asesu a gydymffurfiwyd â hysbysiad atgyweirio.
- (6) Caiff person sydd wedi ei awdurdodi'n ysgrifenedig gan awdurdod lleol neu Weinidogion Cymru fynd ar unrhyw dir –
  - (a) i benderfynu a ddylai gwaith gael ei gyflawni o dan adran 144 ar gyfer diogelu adeilad ar y tir hwnnw neu ar unrhyw dir arall, neu
  - (b) i gyflawni gwaith o dan yr adran honno ar gyfer diogelu adeilad ar y tir hwnnw neu ar unrhyw dir arall.
- (7) Caiff person awdurdodedig fynd ar unrhyw dir i gynnal arolwg ohono, neu i amcangyfrif ei werth, mewn cysylltiad â hawliad am ddigollediad sy'n daladwy gan awdurdod cynllunio neu Weinidogion Cymru o dan y Rhan hon mewn perthynas â'r tir hwnnw neu unrhyw dir arall.
- (8) Yn is-adran (7) ystyr "person awdurdodedig" yw –
  - (a) swyddog o Swyddfa Brisio Cyllid a Thollau Ei Fawrhydi, neu
  - (b) person sydd wedi ei awdurdodi'n ysgrifenedig gan yr awdurdod cynllunio neu Weinidogion Cymru (yn ôl y digwydd).
- (9) Mae pŵer i gynnal arolwg o dir o dan yr adran hon yn cynnwys pŵer i chwilio a thurio i benderfynu natur yr isbridd neu i benderfynu a oes mwynau yn bresennol.

- (3) A person authorised in writing by a planning authority or the Welsh Ministers may enter any land to—
  - (a) survey that land or any other land in connection with a proposal to make an order under section 107 (modification or revocation of listed building consent or conservation area consent),
  - (b) survey that land or any other land in connection with a proposal to make an order under section 115 (termination of listed building partnership agreement or provision of agreement), or
  - (c) assess whether an offence has been or is being committed under section 91(5), 117 or 118.
- (4) A person authorised in writing by a planning authority may enter any land to—
  - (a) determine whether a temporary stop notice should be issued,
  - (b) display a copy of a temporary stop notice in accordance with section 119, or
  - (c) assess whether a temporary stop notice has been complied with.
- (5) A person authorised in writing by a planning authority or the Welsh Ministers may enter any land to—
  - (a) survey that land or any other land in connection with a proposal to issue an enforcement notice,
  - (b) assess whether an enforcement notice has been complied with,
  - (c) assess whether a listed building on that land or any other land is being maintained in a proper state of repair,
  - (d) survey that land or any other land in connection with a proposal to serve a repairs notice under section 138, or
  - (e) assess whether a repairs notice has been complied with.
- (6) A person authorised in writing by a local authority or the Welsh Ministers may enter any land to—
  - (a) determine whether works should be carried out under section 144 for the preservation of a building on that land or on any other land, or
  - (b) carry out works under that section for the preservation of a building on that land or on any other land.
- (7) An authorised person may enter any land to survey it, or estimate its value, in connection with a claim for compensation payable by a planning authority or the Welsh Ministers under this Part in relation to that land or any other land.
- (8) In subsection (7) “authorised person” means—
  - (a) an officer of the Valuation Office of His Majesty’s Revenue and Customs, or
  - (b) a person authorised in writing by the planning authority or the Welsh Ministers (as the case may be).
- (9) A power to survey land under this section includes power to search and bore to determine the nature of the subsoil or the presence of minerals.

**153 Arfer pŵer i fynd ar dir heb warant**

- (1) Caniateir i bŵer i fynd ar dir o dan adran 152 gael ei arfer ar unrhyw adeg resymol.
- (2) Ni chaiff person sydd wedi ei awdurdodi i fynd ar dir o dan adran 152 fynnu mynediad fel hawl i unrhyw dir sydd wedi ei feddiannu oni bai bod o leiaf 24 awr o rybudd o'r mynediad bwriadedig wedi ei roi i bob meddiannydd.
- (3) Nid yw is-adran (2) yn gymwys i'r pŵer i fynd ar dir o dan adran 152(4) (hysbysiadau stop dros dro).
- (4) O ran person sydd wedi ei awdurdodi i fynd ar dir o dan adran 152—
  - (a) rhaid iddo, os yw'n ofynnol iddo wneud hynny gan neu ar ran unrhyw berchennog ar y tir neu unrhyw feddiannydd ar y tir, ddangos tystiolaeth o awdurdodiad y person a datgan diben mynd ar y tir cyn mynd arno;
  - (b) caiff fynd ag unrhyw bersonau eraill sy'n angenrheidiol ar y tir;
  - (c) rhaid iddo, os yw'n ymadael â'r tir ar adeg pan nad oes perchennog neu feddiannydd yn bresennol, ei adael wedi ei ddiogelu yr un mor effeithiol rhag tresmaswyr ag yr oedd pan aeth y person arno.
- (5) Pan—
  - (a) bo person yn cynnig cyflawni gwaith wrth arfer pŵer mynediad o dan adran 152, a
  - (b) bo'n ofynnol i'r person roi rhybudd o'r mynediad bwriadedig o dan is-adran (2) o'r adran hon,

ni chaiff y person gyflawni'r gwaith oni bai bod y rhybudd o'r mynediad bwriadedig yn cynnwys hysbysiad o fwriad y person i gyflawni'r gwaith.

- (6) Pan—
  - (a) bo person yn cynnig cyflawni gwaith wrth arfer pŵer mynediad o dan adran 152 ar dir sy'n perthyn i ymgymerwr statudol, a
  - (b) bo'r ymgymerwr yn gwrthwynebu'r gwaith arfaethedig ar y sail y byddai ei gyflawni yn ddifrifol niweidiol i gynnal ei ymgymeriad,
 ni chaiff y person gyflawni'r gwaith heb gytundeb y Gweinidog priodol.
- (7) Ni chaiff person fynd ar dir y Goron wrth arfer pŵer o dan adran 152 heb gytundeb—
  - (a) person y mae'n ymddangos i'r person sy'n ceisio mynediad i'r tir fod hawlogaeth ganddo i roi'r cytundeb hwnnw, neu
  - (b) awdurdod priodol y Goron.
- (8) Nid yw is-adrannau (2) i (6) yn gymwys i unrhyw beth a wneir yn rhinwedd is-adran (7).
- (9) Yn is-adran (6) mae i "Gweinidog priodol" yr ystyr a roddir i "appropriate Minister" gan adran 265 o Ddeddf Cynllunio Gwlad a Thref 1990 (p. 8).

**154 Gwarant i fynd ar dir**

- (1) Mae'r adran hon yn gymwys os yw ynad heddwch wedi ei fodloni ar sail gwybodaeth ysgrifenedig ar lw—
  - (a) bod sail resymol dros fynd ar dir at ddiben a grybwyllir yn adran 152, a
  - (b) bod—



**153 Exercise of power to enter land without warrant**

- (1) A power to enter land under section 152 may be exercised at any reasonable time.
- (2) A person authorised to enter land under section 152 may not demand admission as of right to any land which is occupied unless at least 24 hours' notice of the intended entry has been given to every occupier.
- (3) Subsection (2) does not apply to the power to enter land under section 152(4) (temporary stop notices).
- (4) A person authorised to enter land under section 152 –
  - (a) must, if required to do so by or on behalf of any owner or occupier of the land, produce evidence of the person's authorisation and state the purpose of the entry before entering the land;
  - (b) may take on to the land any other persons that are necessary;
  - (c) must, if leaving the land at a time when no owner or occupier is present, leave it as effectively secured against trespassers as the person found it.
- (5) Where a person –
  - (a) proposes to carry out works in the exercise of a power of entry under section 152, and
  - (b) is required to give notice of the intended entry under subsection (2) of this section, the person may not carry out the works unless the notice of intended entry includes notice of the person's intention to carry them out.
- (6) Where –
  - (a) a person proposes to carry out works in the exercise of a power of entry under section 152 on land which belongs to a statutory undertaker, and
  - (b) the undertaker objects to the proposed works on the ground that carrying them out would be seriously detrimental to the carrying on of its undertaking,the person may not carry out the works without the agreement of the appropriate Minister.
- (7) A person may not enter Crown land in the exercise of a power under section 152 without the agreement of –
  - (a) a person who appears to the person seeking entry to the land to be entitled to give that agreement, or
  - (b) the appropriate Crown authority.
- (8) Subsections (2) to (6) do not apply to anything done by virtue of subsection (7).
- (9) In subsection (6) "appropriate Minister" has the meaning given by section 265 of the Town and Country Planning Act 1990 (c. 8).

**154 Warrant to enter land**

- (1) This section applies if a justice of the peace is satisfied on sworn information in writing –
  - (a) that there are reasonable grounds for entering land for a purpose mentioned in section 152, and
  - (b) that –

- (i) mynediad i'r tir wedi ei wrthod neu fod gwrthodiad yn cael ei ddisgwyl yn rhesymol, neu
  - (ii) yr achos yn un brys.
- (2) Caiff yr ynad heddwch ddyroddi gwarant sy'n rhoi pŵer i fynd ar y tir i unrhyw berson sydd wedi ei awdurdodi'n ysgrifenedig gan berson a gaiff awdurdodi mynediad o dan adran 152 at y diben o dan sylw.
  - (3) At ddibenion is-adran (1)(b) mae mynediad i dir i'w drin fel pe bai wedi ei wrthod os na cheir ateb i gais am fynediad o fewn cyfnod rhesymol.
  - (4) Mae adran 152(9) yn gymwys i bŵer i gynnal arolwg o dir a roddir drwy warant o dan yr adran hon.
  - (5) Mae gwarant o dan yr adran hon yn rhoi pŵer i fynd ar dir –
    - (a) ar un achlysur yn unig, a
    - (b) ar adeg resymol yn unig, oni bai bod yr achos yn un brys.
  - (6) O ran person sydd wedi ei awdurdodi i fynd ar dir o dan yr adran hon –
    - (a) rhaid iddo, os yw'n ofynnol iddo wneud hymny gan neu ar ran unrhyw berchennog ar y tir neu unrhyw feddiannydd ar y tir, ddangos tystiolaeth o awdurdodiad y person a datgan diben y mynediad cyn mynd ar y tir,
    - (b) caiff fynd ag unrhyw bersonau eraill sy'n angenrheidiol ar y tir,
    - (c) rhaid iddo, os yw'n ymadael â'r tir ar adeg pan nad oes perchennog neu feddiannydd yn bresennol, ei adael wedi ei ddiogelu yr un mor effeithiol rhag tresmaswyr ag yr oedd pan aeth y person arno.
  - (7) Mae gwarant o dan yr adran hon yn peidio â chael effaith ar ddiwedd 1 mis sy'n dechrau â'r diwrnod y'i dyroddir.
  - (8) Nid yw'r adran hon yn gymwys mewn perthynas â thir y Goron.

#### 155 **Darpariaeth atodol ynghylch pwerau mynediad**

- (1) Mae'r adran hon yn gymwys pan fo gan berson bŵer i fynd ar dir a roddir gan adran 152 neu drwy warant o dan adran 154.
- (2) Mae person sy'n rhwystro'n fwriadol berson sy'n arfer y pŵer mynediad yn cyflawni trosedd.
- (3) Mae person sy'n euog o drosedd o dan is-adran (2) yn agored ar euogfarn ddiannod i ddirwy nad yw'n uwch na lefel 3 ar y raddfa safonol.
- (4) Os achosir difrod i dir neu eiddo arall –
  - (a) wrth arfer y pŵer mynediad, neu
  - (b) wrth wneud unrhyw arolwg at y diben y rhoddwyd y pŵer mynediad ato, caiff person sy'n dioddef y difrod adennill digollediad oddi wrth y person a awdurdododd y mynediad.
- (5) Rhaid gwneud hawliad am ddigollediad o dan is-adran (4) yn ysgrifenedig o fewn 6 mis sy'n dechrau â'r diwrnod yr achoswyd y difrod (neu os achoswyd y difrod dros fwy nag un diwrnod, y diwrnod olaf y'i hachoswyd).

- (i) admission to the land has been refused or a refusal is reasonably expected, or
  - (ii) the case is one of urgency.
- (2) The justice of the peace may issue a warrant conferring a power to enter the land on any person who is authorised in writing by a person who may authorise entry under section 152 for the purpose in question.
- (3) For the purposes of subsection (1)(b) admission to land is to be treated as having been refused if no reply is received to a request for admission within a reasonable period.
- (4) Section 152(9) applies to a power to survey land conferred by a warrant under this section.
- (5) A warrant under this section confers a power to enter land –
  - (a) on one occasion only, and
  - (b) only at a reasonable time, unless the case is one of urgency.
- (6) A person authorised to enter land under this section –
  - (a) must, if required to do so by or on behalf of any owner or occupier of the land, produce evidence of the person’s authorisation and state the purpose of the entry before entering the land,
  - (b) may take on to the land any other persons that are necessary,
  - (c) must, if leaving the land at a time when no owner or occupier is present, leave it as effectively secured against trespassers as the person found it.
- (7) A warrant under this section ceases to have effect at the end of 1 month beginning with the day it is issued.
- (8) This section does not apply in relation to Crown land.

## **155 Supplementary provision about powers of entry**

- (1) This section applies where a person has a power to enter land conferred by section 152 or by a warrant under section 154.
- (2) A person who intentionally obstructs a person exercising the power of entry commits an offence.
- (3) A person guilty of an offence under subsection (2) is liable on summary conviction to a fine not exceeding level 3 on the standard scale.
- (4) If damage is caused to land or other property –
  - (a) in the exercise of the power of entry, or
  - (b) in making any survey for the purpose of which the power of entry was conferred,a person suffering the damage may recover compensation from the person who authorised the entry.
- (5) A claim for compensation under subsection (4) must be made in writing within 6 months beginning with the day the damage was caused (or if the damage was caused over more than one day, the last day it was caused).

- (6) Mae person yn cyflawni trosedd os yw'r person yn datgelu gwybodaeth a gafodd y person wrth arfer y pŵer mynediad, ac sy'n ymwneud â phroses weithgynhyrchu neu gyfrinach fasnach, at ddiben ac eithrio'r un yr awdurdodwyd y person i fynd ar y tir ato.
- (7) Mae person sy'n euog o drosedd o dan is-adran (6) yn agored –
  - (a) ar euogfarn ddiannod, i ddirwy;
  - (b) ar euogfarn ar ddiad, i ddirwy neu i'w garcharu am gyfnod nad yw'n hwy na 2 flynedd, neu'r ddau.
- (8) Nid yw'r adran hon yn gymwys i unrhyw beth a wneir yn rhinwedd adran 153(7) (mynediad ar dir y Goron).

*Atodol***156 Adeiladau crefyddol esempt**

- (1) Caiff Gweinidogion Cymru drwy reoliadau ddarparu bod adeilad crefyddol a ddefnyddir at ddibenion crefyddol yn adeilad crefyddol esempt at ddibenion –
  - (a) adrannau 83 a 84 (rhestru adeiladau dros dro);
  - (b) adran 88 (gofyniad i waith sy'n effeithio ar adeilad rhestredig gael ei awdurdodi);
  - (c) adran 118 (y drosedd o ddifrodi adeilad rhestredig yn fwriadol);
  - (d) adran 137 (caffael adeilad rhestredig yn orfodol at ddiben ei ddiogelu);
  - (e) adran 144 (gwaith brys i ddiogelu adeilad rhestredig).
- (2) At ddibenion adran 88 mae adeilad i'w drin fel pe bai'n un sy'n cael ei ddefnyddio at ddibenion crefyddol pe bai'n cael ei ddefnyddio at y dibenion hynny oni bai am y gwaith o dan sylw.
- (3) Caiff rheoliadau o dan yr adran hon –
  - (a) gwneud darpariaeth mewn perthynas ag adeiladau crefyddol o ddisgrifiad a bennir yn y rheoliadau (pa un ai drwy gyfeirio at ffydd crefyddol neu enwad crefyddol, defnydd a wneir o'r adeiladau, neu unrhyw amgylchiad arall) neu mewn perthynas ag adeilad penodol;
  - (b) gwneud darpariaeth mewn perthynas ag adeilad crefyddol cyfan neu ran o adeilad crefyddol;
  - (c) darparu bod adeilad yn adeilad crefyddol esempt dim ond mewn perthynas â gwaith o ddisgrifiad a bennir yn y rheoliadau (pa un ai drwy gyfeirio at raddau'r gwaith, y person sy'n cyflawni'r gwaith, neu unrhyw amgylchiad arall);
  - (d) gwneud darpariaeth wahanol ar gyfer adeiladau mewn ardaloedd gwahanol;
  - (e) gwneud diwygiadau canlyniadol i unrhyw ddarpariaeth arall yn y Ddeddf hon.
- (4) Yn yr adran hon o ran cyfeiriadau at adeilad crefyddol –
  - (a) maent yn cynnwys unrhyw strwythur neu unrhyw wrthrych artiffisial sy'n sownd wrth adeilad crefyddol neu sydd o fewn ei gwrtil;
  - (b) nid ydynt yn cynnwys adeilad sy'n cael ei ddefnyddio, neu sydd ar gael i'w ddefnyddio, gan weinidog crefydd yn gyfan gwbl neu'n bennaf fel preswylfa i gyflawni dyletswyddau'r swydd honno ohoni.

- (6) A person commits an offence if the person discloses information which the person obtained in the exercise of the power of entry, and which relates to a manufacturing process or trade secret, for a purpose other than that for which the person was authorised to enter the land.
- (7) A person guilty of an offence under subsection (6) is liable –
  - (a) on summary conviction, to a fine;
  - (b) on conviction on indictment, to a fine or imprisonment for a term not exceeding 2 years, or both.
- (8) This section does not apply to anything done by virtue of section 153(7) (entry on Crown land).

*Supplementary*

**156 Exempt religious buildings**

- (1) The Welsh Ministers may by regulations provide that a religious building used for religious purposes is an exempt religious building for the purposes of –
  - (a) sections 83 and 84 (temporary listing of building);
  - (b) section 88 (requirement for works affecting listed building to be authorised);
  - (c) section 118 (offence of intentionally damaging listed building);
  - (d) section 137 (compulsory acquisition of listed building for preservation);
  - (e) section 144 (urgent works for preservation of listed building).
- (2) For the purposes of section 88 a building is to be treated as being used for religious purposes if it would be used for those purposes but for the works in question.
- (3) Regulations under this section may –
  - (a) make provision in relation to religious buildings of a description specified in the regulations (whether by reference to a religious faith or denomination, a use made of the buildings, or any other circumstance) or in relation to a particular building;
  - (b) make provision in relation to all or part of a religious building;
  - (c) provide that a building is an exempt religious building only in relation to works of a description specified in the regulations (whether by reference to the extent of the works, the person by whom they are carried out, or any other circumstance);
  - (d) make different provision for buildings in different areas;
  - (e) make consequential amendments to any other provision of this Act.
- (4) In this section references to a religious building –
  - (a) include any structure or artificial object that is fixed to a religious building or within its curtilage;
  - (b) do not include a building used, or available for use, by a minister of religion wholly or mainly as a residence from which to perform the duties of that office.

**157 Dehongli'r Rhan hon**

Yn y Rhan hon –

mae “adeilad crefyddol esempt” (“*exempt religious building*”) i’w ddehongli yn unol ag adran 156;

ystyr “awdurdod lleol” (“*local authority*”) yw –

- (a) cyngor sir neu gyngor bwrdeistref sirol yng Nghymru;
- (b) awdurdod Parc Cenedlaethol yng Nghymru;
- (c) cyngor cymuned;
- (d) comisiynydd heddlu a throseddu yng Nghymru;
- (e) awdurdod tân ac achub yng Nghymru a gyfansoddwyd gan gynllun o dan adran 2 o Ddeddf y Gwasanaethau Tân ac Achub 2004 (p. 21) neu gynllun y mae adran 4 o’r Ddeddf honno yn gymwys iddo;
- (f) corff yng Nghymru sy’n gorff codi ardoll o fewn ystyr “levying body” yn adran 74(1) o Ddeddf Cyllid Llywodraeth Leol 1988 (p. 41);
- (g) corff yng Nghymru y mae adran 75 o’r Ddeddf honno (ardollau arbennig) yn gymwys iddo;
- (h) cyd-fwrdd neu gyd-bwyllgor, os yw pob un o’r awdurdodau sy’n ei gyfansoddi yn awdurdod lleol o fewn paragraffau (a) i (g);

ystyr “Cymru” (“*Wales*”) yw ardal gyfunol y siroedd a’r bwrdeistrefi sirol yng Nghymru;

mae i “gwarchodaeth interim” (“*interim protection*”) yr ystyr a roddir gan adran 79(3);

ystyr “hysbysiad gorfodi” (“*enforcement notice*”) yw hysbysiad gorfodi a ddyroddir o dan adran 123 neu 134 (yn ôl y digwydd);

ystyr “hysbysiad stop dros dro” (“*temporary stop notice*”) yw hysbysiad stop dros dro a ddyroddir o dan adran 119;

mae i “rhestru” (“*listing*”) a “dadrestru” (“*de-listing*”), mewn perthynas ag adeilad, yr ystyron a roddir gan adran 76(6);

mae i “rhestru dros dro” (“*temporary listing*”) yr ystyr a roddir gan adran 83(5).

**RHAN 4****ARDALOEDD CADWRAETH**

*Dynodi ardaloedd cadwraeth*

**158 Dynodi ardaloedd o ddiddordeb pensaernïol neu hanesyddol arbennig yn ardaloedd cadwraeth**

(1) Rhaid i awdurdod cynllunio –

- (a) o bryd i’w gilydd benderfynu pa rannau o’i ardal sy’n ardaloedd o ddiddordeb pensaernïol neu hanesyddol arbennig y mae’n ddymunol diogelu neu wella eu cymeriad neu eu golwg, a
- (b) dynodi’r rhannau hynny yn ardaloedd cadwraeth.

**157 Interpretation of this Part**

In this Part –

“enforcement notice” (*“hysbysiad gorfodi”*) means an enforcement notice issued under section 123 or 134 (as the case may be);

“exempt religious building” (*“adeilad crefyddol esempt”*) is to be interpreted in accordance with section 156;

“interim protection” (*“gwarchodaeth interim”*) has the meaning given by section 79(3);

“listing” (*“rhestru”*) and “de-listing” (*“dadrestru”*), in relation to a building, have the meanings given by section 76(6);

“local authority” (*“awdurdod lleol”*) means –

- (a) a county council or county borough council in Wales;
- (b) a National Park authority in Wales;
- (c) a community council;
- (d) a police and crime commissioner in Wales;
- (e) a fire and rescue authority in Wales constituted by a scheme under section 2 of the Fire and Rescue Services Act 2004 (c. 21) or a scheme to which section 4 of that Act applies;
- (f) a body in Wales which is a levying body within the meaning of section 74(1) of the Local Government Finance Act 1988 (c. 41);
- (g) a body in Wales to which section 75 of that Act (special levies) applies;
- (h) a joint board or joint committee, if all the constituent authorities are local authorities within paragraphs (a) to (g);

“temporary listing” (*“rhestru dros dro”*) has the meaning given by section 83(5);

“temporary stop notice” (*“hysbysiad stop dros dro”*) means a temporary stop notice issued under section 119;

“Wales” (*“Cymru”*) means the combined area of the counties and county boroughs in Wales.

**PART 4****CONSERVATION AREAS***Designation of conservation areas***158 Designating areas of special architectural or historic interest as conservation areas**

(1) A planning authority must –

- (a) from time to time determine which parts of its area are areas of special architectural or historic interest whose character or appearance it is desirable to preserve or enhance, and
- (b) designate those parts as conservation areas.

- (2) Caiff awdurdod cynllunio amrywio neu ganslo dynodiad.
- (3) Os yw awdurdod cynllunio yn dynodi ardal gadwraeth, neu'n amrywio neu'n canslo dynodiad, rhaid iddo roi hysbysiad ei fod wedi gwneud hynny i Weinidogion Cymru.
- (4) Rhaid i'r hysbysiad gynnwys digon o wybodaeth i adnabod yr ardal yr effeithir arni.
- (5) Rhaid i'r awdurdod cynllunio gyhoeddi'r hysbysiad gydag eglurhad o effaith y dynodiad, yr amrywiad neu'r canslo –
  - (a) yn y London Gazette, a
  - (b) mewn o leiaf un papur newydd sy'n cylchredeg yn ardal yr awdurdod.
- (6) Mae dynodiad o dan yr adran hon yn bridiant tir lleol.

*Dyletswyddau sy'n ymwneud ag ardaloedd cadwraeth*

**159 Dyletswydd i lunio a chyhoeddi cynigion ar gyfer diogelu a gwella ardaloedd cadwraeth**

- (1) Rhaid i awdurdod cynllunio o bryd i'w gilydd lunio a chyhoeddi cynigion ar gyfer diogelu a gwella unrhyw ran o'i ardal sy'n ardal gadwraeth.
- (2) Rhaid i'r awdurdod gyflwyno'r cynigion i'w hystyried i gyfarfod cyhoeddus a gynhelir yn yr ardal gadwraeth y mae'r cynigion yn ymwneud â hi neu, pan na fo lle addas yn yr ardal gadwraeth, mor agos iddi ag y bo'n rhesymol ymarferol.
- (3) Rhaid i'r awdurdod roi sylw i unrhyw safbwyntiau, ynghylch y cynigion, a fynegir yn y cyfarfod.

**160 Arfer swyddogaethau cynllunio: dyletswydd gyffredinol sy'n ymwneud ag ardaloedd cadwraeth**

- (1) Wrth arfer swyddogaeth gynllunio mewn perthynas ag adeilad neu dir arall mewn ardal gadwraeth, rhaid i berson roi sylw arbennig i ddymunoldeb diogelu neu wella cymeriad neu olwg yr ardal honno.
- (2) Yn yr adran hon ystyr "swyddogaeth gynllunio" yw unrhyw swyddogaeth o dan neu yn rhinwedd y canlynol –
  - (a) Rhan 3, y Rhan hon, Rhan 5 neu Ran 7 fel y mae'n gymwys at ddibenion unrhyw un neu ragor o'r Rhannau hynny,
  - (b) Deddf Cynllunio Gwlad a Thref 1990 (p. 8), neu
  - (c) adran 70 neu 73 o Ddeddf Diwygio Cyfraith Lesddaliad, Tai a Datblygu Trefol 1993 (p. 28) (cynlluniau rheoli ystad).

*Rheolaethu dymchwel mewn ardaloedd cadwraeth*

**161 Gofyniad i ddymchweliad gael ei awdurdodi**

- (1) Ni chaiff person gyflawni gwaith ar gyfer dymchwel adeilad y mae'r adran hon yn gymwys iddo, neu beri i waith o'r fath gael ei gyflawni, oni bai bod y gwaith wedi ei awdurdodi o dan adran 162.
- (2) Mae'r adran hon yn gymwys i unrhyw adeilad mewn ardal gadwraeth, ac eithrio –
  - (a) adeilad sy'n heneb gofrestredig (ond gweler adran 11);
  - (b) adeilad rhestredig (ond gweler adran 88);



- (2) A planning authority may vary or cancel a designation.
- (3) If a planning authority designates a conservation area, or varies or cancels a designation, it must give notice that it has done so to the Welsh Ministers.
- (4) The notice must contain enough information to identify the area affected.
- (5) The planning authority must publish the notice with an explanation of the effect of the designation, variation or cancellation –
  - (a) in the London Gazette, and
  - (b) in at least one newspaper circulating in the authority's area.
- (6) A designation under this section is a local land charge.

*Duties relating to conservation areas*

**159 Duty to formulate and publish proposals for preservation and enhancement of conservation areas**

- (1) A planning authority must from time to time prepare and publish proposals for the preservation and enhancement of any part of its area which is a conservation area.
- (2) The authority must submit the proposals for consideration to a public meeting held in the conservation area to which the proposals relate or, where there is no suitable place in the conservation area, as near to it as reasonably practicable.
- (3) The authority must have regard to any views about the proposals which are expressed at the meeting.

**160 Exercise of planning functions: general duty relating to conservation areas**

- (1) In exercising a planning function in relation to a building or other land in a conservation area, a person must have special regard to the desirability of preserving or enhancing the character or appearance of that area.
- (2) In this section “planning function” means any function under or by virtue of –
  - (a) Part 3, this Part, Part 5 or Part 7 as it applies for the purposes of any of those Parts,
  - (b) the Town and Country Planning Act 1990 (c. 8), or
  - (c) section 70 or 73 of the Leasehold Reform, Housing and Urban Development Act 1993 (c. 28) (estate management schemes).

*Control of demolition in conservation areas*

**161 Requirement for demolition to be authorised**

- (1) A person must not carry out works for the demolition of a building to which this section applies, or cause such works to be carried out, unless the works are authorised under section 162.
- (2) This section applies to any building in a conservation area, except –
  - (a) a building which is a scheduled monument (but see section 11);
  - (b) a listed building (but see section 88);

- (c) adeilad o ddisgrifiad a bennir mewn rheoliadau a wneir gan Weinidogion Cymru;
  - (d) adeilad o ddisgrifiad a bennir mewn cyfarwyddyd a roddir i awdurdod cynllunio unigol gan Weinidogion Cymru.
- (3) Caiff Gweinidogion Cymru gyfarwyddo awdurdod cynllunio bod yr adran hon, er gwaethaf unrhyw ddarpariaeth a wneir gan reoliadau o dan is-adran (2)(c), i fod yn gymwys i adeilad o ddisgrifiad a bennir yn y cyfarwyddyd.
- (4) Nid yw is-adran (1) yn gwahardd gwaith a gyflawnir gan neu ar ran y Goron o dan yr amgylchiadau a nodir ym mharagraffau (a) i (d) o adran 117(4) (gwaith brys).
- (5) Mae Atodlen 11 yn gwneud darpariaeth ynghylch effaith yr adran hon yn peidio â bod yn gymwys i adeilad.

### 162 Awdurdodi dymchweliad drwy gydsyniad ardal gadwraeth

- (1) Mae gwaith ar gyfer dymchwel adeilad y mae adran 161 yn gymwys iddo wedi ei awdurdodi—
- (a) os yw cydsyniad ysgrifenedig i'w gyflawni wedi ei roi gan yr awdurdod cynllunio y mae'r adeilad yn ei ardal neu gan Weinidogion Cymru, a
  - (b) os yw'r gwaith yn cael ei gyflawni yn unol â thelerau'r cydsyniad (gan gynnwys unrhyw amodau sydd ynghlwm wrtho).
- (2) Pan—
- (a) bo gwaith ar gyfer dymchwel adeilad y mae adran 161 yn gymwys iddo wedi ei gyflawni heb gael ei awdurdodi, a
  - (b) bo'r awdurdod cynllunio neu Weinidogion Cymru yn rhoi cydsyniad ysgrifenedig ar gyfer y gwaith,
- mae'r gwaith wedi ei awdurdodi o adeg rhoi'r cydsyniad hwnnw.
- (3) Cyfeirir at gydsyniad o dan is-adran (1) neu (2) yn y Ddeddf hon fel cydsyniad ardal gadwraeth.

### 163 Cymhwyso Rhan 3 i ardaloedd cadwraeth

- (1) Mae'r darpariaethau a ganlyn yn Rhan 3 yn gymwys mewn perthynas ag adeiladau y mae adran 161 yn gymwys iddynt fel y maent yn gymwys i adeiladau rhestredig—
- (a) Pennod 2 (rheolaethu gwaith), ac eithrio—
    - (i) adrannau 88 a 89;
    - (ii) adran 90(1)(c) a (4)(b);
    - (iii) adran 95;
    - (iv) adran 96(2);
    - (v) adran 97(5), (6) ac (9);
    - (vi) adrannau 98(3)(b) a 99(5);
    - (vii) adran 101(2);
    - (viii) adran 104(3);
    - (ix) adran 111(5) ac (8);

- (c) a building of a description specified in regulations made by the Welsh Ministers;
  - (d) a building of a description specified in a direction given to an individual planning authority by the Welsh Ministers.
- (3) The Welsh Ministers may direct a planning authority that, despite any provision made by regulations under subsection (2)(c), this section is to apply to a building of a description specified in the direction.
- (4) Subsection (1) does not prohibit works carried out by or on behalf of the Crown in the circumstances set out in paragraphs (a) to (d) of section 117(4) (emergency works).
- (5) Schedule 11 makes provision about the effect of this section ceasing to apply to a building.

## **162 Authorisation of demolition by conservation area consent**

- (1) Works for the demolition of a building to which section 161 applies are authorised if –
- (a) written consent to carry them out has been granted by the planning authority in whose area the building is situated or the Welsh Ministers, and
  - (b) the works are carried out in accordance with the terms of the consent (including any conditions attached to it).
- (2) Where –
- (a) works for the demolition of a building to which section 161 applies have been carried out without being authorised, and
  - (b) the planning authority or the Welsh Ministers grant written consent for the works, the works are authorised from the grant of that consent.
- (3) Consent under subsection (1) or (2) is referred to in this Act as conservation area consent.

## **163 Application of Part 3 to conservation areas**

- (1) The following provisions of Part 3 apply in relation to buildings to which section 161 applies as they apply in relation to listed buildings –
- (a) Chapter 2 (control of works), except –
    - (i) sections 88 and 89;
    - (ii) section 90(1)(c) and (4)(b);
    - (iii) section 95;
    - (iv) section 96(2);
    - (v) section 97(5), (6) and (9);
    - (vi) sections 98(3)(b) and 99(5);
    - (vii) section 101(2);
    - (viii) section 104(3);
    - (ix) section 111(5) and (8);

- (b) Pennod 4 (gorfodi), ac eithrio –
    - (i) adran 117(5);
    - (ii) adran 118;
    - (iii) adran 128(3)(c);
  - (c) Pennod 6 (cyffredinol), ac eithrio –
    - (i) adran 152(1), (2), (3)(b) a (5)(c) i (e);
    - (ii) adran 156.
- (2) Wrth eu cymhwyso mewn perthynas ag adeiladau y mae adran 161 yn gymwys iddynt –
- (a) mae'r darpariaethau a gymhwysir gan is-adran (1) i'w darllen fel be bai –
    - (i) unrhyw gyfeiriad at gydsyniad adeilad rhestredig yn gyfeiriad at gydsyniad ardal gadwraeth;
    - (ii) unrhyw gyfeiriad at gymeriad adeilad rhestredig yn gyfeiriad at gymeriad neu olwg yr ardal gadwraeth y mae'r adeilad ynddi;
    - (iii) unrhyw gyfeiriad arall at adeilad rhestredig yn gyfeiriad at adeilad y mae adran 161 yn gymwys iddo;
    - (iv) unrhyw gyfeiriad at adran 88 yn gyfeiriad at adran 161;
  - (b) mae'r darpariaethau a gymhwysir gan is-adran (1)(a) i'w darllen fel pe bai –
    - (i) yn adran 98(3)(a), y cyfeiriad at adran 89(2) yn gyfeiriad at adran 162(2);
    - (ii) yn adran 99(3), "adrannau 90 i 94" wedi ei roi yn lle "adrannau 90 i 95";
  - (c) mae'r darpariaethau a gymhwysir gan is-adran (1)(b) i'w darllen fel pe bai –
    - (i) yn adrannau 117(4), 121(4) a 127(2)(d), y cyfeiriadau at ddiogelu'r adeilad wedi eu hepgor;
    - (ii) yn adran 126(1), y cyfeiriad at adran 89(2) yn gyfeiriad at adran 162(2);
    - (iii) yn adran 127(2), "nad oes angen cadw'r adeilad er lles diogelu neu wella cymeriad neu olwg yr ardal gadwraeth y mae ynddi" wedi ei roi yn lle paragraff (a);
  - (d) mae'r darpariaethau a gymhwysir gan is-adran (1)(c) i'w darllen fel pe bai, yn adran 152(3)(c), y cyfeiriad at adran 118 wedi ei hepgor.
- (3) Caiff Gweinidogion Cymru drwy reoliadau ddiwygio'r adran hon i wneud darpariaeth ychwanegol neu ddarpariaeth wahanol ynghylch cymhwyso Penodau 2, 4 a 6 o Ran 3 mewn perthynas ag adeiladau y mae adran 161 yn gymwys iddynt.

- (b) Chapter 4 (enforcement), except—
    - (i) section 117(5);
    - (ii) section 118;
    - (iii) section 128(3)(c);
  - (c) Chapter 6 (general), except—
    - (i) section 152(1), (2), (3)(b) and (5)(c) to (e);
    - (ii) section 156.
- (2) In their application in relation to buildings to which section 161 applies—
- (a) the provisions applied by subsection (1) are to be read as if—
    - (i) any reference to listed building consent were a reference to conservation area consent;
    - (ii) any reference to the character of a listed building were a reference to the character or appearance of the conservation area in which the building is situated;
    - (iii) any other reference to a listed building were a reference to a building to which section 161 applies;
    - (iv) any reference to section 88 were a reference to section 161;
  - (b) the provisions applied by subsection (1)(a) are to be read as if—
    - (i) in section 98(3)(a), the reference to section 89(2) were a reference to section 162(2);
    - (ii) in section 99(3), for “Sections 90 to 95” there were substituted “Sections 90 to 94”;
  - (c) the provisions applied by subsection (1)(b) are to be read as if—
    - (i) in sections 117(4), 121(4) and 127(2)(d), the references to the preservation of the building were omitted;
    - (ii) in section 126(1), the reference to section 89(2) were a reference to section 162(2);
    - (iii) in section 127(2), for paragraph (a) there were substituted “that retention of the building is not necessary in the interests of preserving or enhancing the character or appearance of the conservation area in which it is situated”;
  - (d) the provisions applied by subsection (1)(c) are to be read as if, in section 152(3)(c), the reference to section 118 were omitted.
- (3) The Welsh Ministers may by regulations amend this section to make additional or different provision about the application of Chapters 2, 4 and 6 of Part 3 in relation to buildings to which section 161 applies.

*Diogelu adeiladau mewn ardaloedd cadwraeth ar frys***164 Gwaith brys i ddiogelu adeiladau mewn ardaloedd cadwraeth**

- (1) Mae is-adran (2) yn gymwys pan fo Gweinidogion Cymru yn ystyried bod diogelu adeilad mewn ardal gadwraeth yn bwysig ar gyfer cynnal cymeriad neu olwg yr ardal honno.
- (2) Caiff Gweinidogion Cymru gyfarwyddo bod adran 144 (gwaith brys) yn gymwys i'r adeilad fel y mae'n gymwys i adeiladau rhestredig.
- (3) Pan fo cyfarwyddyd yn cael effaith mewn perthynas ag adeilad –
  - (a) mae adrannau 144 i 146 i'w darllen fel pe bai cyfeiriadau at adeilad rhestredig yn gyfeiriadau at yr adeilad;
  - (b) mae adran 144(7) i'w darllen fel pe bai paragraff (b) wedi ei hepgor.

*Grantiau a chytundebau ardaloedd cadwraeth***165 Grant gan Weinidogion Cymru ar gyfer diogelu neu wella ardaloedd cadwraeth**

- (1) Caiff Gweinidogion Cymru roi grantiau i dalu unrhyw wariant perthnasol y maent yn ystyried ei fod wedi gwneud neu y bydd yn gwneud cyfraniad sylweddol at ddiogelu neu wella cymeriad neu olwg ardal gadwraeth.
- (2) Mae gwariant yn berthnasol at ddibenion is-adran (1) os aed iddo neu os eir iddo wrth wneud y gwaith diogelu neu wella a grybwyllir yn yr is-adran honno, mewn cysylltiad â'r gwaith diogelu neu wella hwnnw, neu gyda golwg ar hybu'r gwaith diogelu neu wella hwnnw.
- (3) Mae'r darpariaethau a ganlyn yn yr adran hon yn gymwys pan –
  - (a) bo Gweinidogion Cymru yn rhoi grant o dan is-adran (1) mewn perthynas ag adeilad neu dir arall ar delerau sy'n darparu y gellir ei adennill o dan yr adran hon, a
  - (b) cyn neu wrth roi'r grant, fo Gweinidogion Cymru yn rhoi hysbysiad ysgrifenedig i dderbynnydd y grant sy'n –
    - (i) crynhoi effaith yr adran hon, a
    - (ii) pennu cyfnod, sy'n dechrau â'r diwrnod y rhoddir y grant ac sy'n dod i ben heb fod yn hwy na 10 mlynedd ar ôl y diwrnod hwnnw, y gellir adennill y grant ynddo yn unol ag is-adrannau (5) i (7) ("y cyfnod adennill").
- (4) Os na chydymffurfir ag unrhyw un neu ragor o amodau a osodir wrth roi'r grant, caiff Gweinidogion Cymru adennill swm y grant, neu unrhyw ran o'r swm hwnnw, oddi wrth dderbynnydd y grant.
- (5) Mae is-adrannau (6) a (7) yn gymwys os, yn ystod y cyfnod adennill –
  - (a) caiff y cyfan neu ran o'r buddiant yr oedd derbynnydd y grant yn ei ddal, ar y diwrnod y rhoddwyd y grant, yn yr adeilad neu dir arall ("y buddiant perthnasol") y mae'r grant yn ymwneud ag ef ei waredu neu ei gwaredu, a
  - (b) caiff y gwarediad ei wneud drwy werthu, drwy gyfnewid neu drwy les am gyfnod o 21 o flynyddoedd o leiaf.

*Urgent preservation of buildings in conservation areas***164 Urgent works to preserve buildings in conservation areas**

- (1) Subsection (2) applies where the Welsh Ministers consider that the preservation of a building in a conservation area is important for maintaining the character or appearance of that area.
- (2) The Welsh Ministers may direct that section 144 (urgent works) applies to the building as it applies to listed buildings.
- (3) Where a direction has effect in relation to a building—
  - (a) sections 144 to 146 are to be read as if references to a listed building were references to the building;
  - (b) section 144(7) is to be read as if paragraph (b) were omitted.

*Grants and conservation area agreements***165 Grant by Welsh Ministers for preservation or enhancement of conservation areas**

- (1) The Welsh Ministers may make grants to meet any relevant expenditure that they consider has made or will make a significant contribution towards the preservation or enhancement of the character or appearance of a conservation area.
- (2) Expenditure is relevant for the purposes of subsection (1) if it has been or is to be incurred in or in connection with, or with a view to the promotion of, such preservation or enhancement as is mentioned in that subsection.
- (3) The following provisions of this section apply where—
  - (a) the Welsh Ministers make a grant under subsection (1) in relation to a building or other land on terms which provide for it to be recoverable under this section, and
  - (b) before or on making the grant the Welsh Ministers give notice in writing to the recipient of the grant which—
    - (i) summarises the effect of this section, and
    - (ii) specifies a period, beginning with the day the grant is made and ending not more than 10 years after that day, during which the grant is to be recoverable in accordance with subsections (5) to (7) (“the recovery period”).
- (4) If any condition imposed on the making of the grant is not complied with, the Welsh Ministers may recover the amount of the grant, or any part of that amount, from the recipient of the grant.
- (5) Subsections (6) and (7) apply if during the recovery period—
  - (a) there is a disposal of the whole or part of the interest that the recipient of the grant held in the building or other land to which the grant relates on the day the grant was made (“the relevant interest”), and
  - (b) the disposal is made by sale, by exchange or by lease for a term of at least 21 years.

- (6) Os caiff y gwarediad ei wneud gan dderbynnydd y grant neu gan berson y mae derbynnydd y grant wedi rhoi rhan o'r buddiant perthnasol iddo, caiff Gweinidogion Cymru adennill swm y grant, neu unrhyw ran o'r swm hwnnw, oddi wrth dderbynnydd y grant.
- (7) Os caiff y gwarediad ei wneud gan berson y mae derbynnydd y grant wedi rhoi'r cyfan o'r buddiant perthnasol iddo, caiff Gweinidogion Cymru adennill swm y grant, neu unrhyw ran o'r swm hwnnw, oddi wrth y person y rhoddwyd y rhodd iddo.
- (8) Ni chaiff Gweinidogion Cymru adennill symiau o dan yr adran hon sydd, gyda'i gilydd, yn fwy na swm y grant.
- (9) Yn yr adran hon mae cyfeiriadau at roi buddiant i berson yn gyfeiriadau at ei roi i'r person yn uniongyrchol neu'n anuniongyrchol, ac eithrio ar farwolaeth deiliad y buddiant.

#### 166 Cytundebau ardaloedd cadwraeth

- (1) Caiff Gweinidogion Cymru wneud cytundeb ardal gadwraeth ag un neu ragor o awdurdodau cynllunio.
- (2) Mae cytundeb ardal gadwraeth yn gytundeb y bydd swm penodedig o arian yn cael ei roi o'r neilltu am gyfnod penodedig o flynyddoedd at ddiben rhoi grantiau ar gyfer atgyweirio adeiladau sydd mewn ardal gadwraeth ac –
  - (a) sydd wedi eu cynnwys mewn rhestr a lunnir at ddibenion y cytundeb gan y partiön iddo, neu ganddynt hwy ac awdurdodau cynllunio eraill, neu
  - (b) a ddangosir ar fap a luniwyd at y dibenion hynny gan y partiön, neu ganddynt hwy ac awdurdodau cynllunio eraill.
- (3) Caiff Gweinidogion Cymru dalu grant at ddibenion cytundeb ardal gadwraeth i awdurdod cynllunio sy'n barti i'r cytundeb neu i unrhyw berson arall.
- (4) Caiff Gweinidogion Cymru wneud trefniadau ag unrhyw awdurdod o'r fath ynghylch sut y mae'r cytundeb i'w gyflawni (gan gynnwys trefniadau ar gyfer cynnig a thalu grantiau o dan yr adran hon).
- (5) Mae adran 165(4) i (9) yn gymwys i grant o dan yn yr adran hon, ond gan gymryd bod y cyfnod adennill yn 3 blynedd sy'n dechrau â'r diwrnod y rhoddir y grant.

### RHAN 5

#### DARPARIAETH ATODOL YNGHYLCH ADEILADAU O DDIDDORDEB ARBENNIG AC ARDALOEDD CADWRAETH

#### PENNOD 1

#### ARFER SWYDDOGAETHAU GAN AWDURDODAU CYNLLUNIO AC AWDURDODAU LLEOL ERAILL

#### 167 Ffioedd a thaliadau am arfer swyddogaethau

- (1) Caiff Gweinidogion Cymru drwy reoliadau ei gwneud yn ofynnol i ffi gael ei thalu neu i dâl gael ei dalu i awdurdod cynllunio am –
  - (a) cyflawni unrhyw un neu ragor o'i swyddogaethau o dan Ran 3, Rhan 4, y Rhan hon neu Ran 7 fel y mae'n gymwys at ddibenion unrhyw un neu ragor o'r Rhannau hynny;



- (6) If the disposal is made by the recipient of the grant or by a person to whom the recipient of the grant has given part of the relevant interest, the Welsh Ministers may recover the amount of the grant, or any part of that amount, from the recipient of the grant.
- (7) If the disposal is made by a person to whom the recipient of the grant has given the whole of the relevant interest, the Welsh Ministers may recover the amount of the grant, or any part of that amount, from the person to whom the gift was made.
- (8) The Welsh Ministers may not recover amounts under this section which in aggregate exceed the amount of the grant.
- (9) In this section references to giving an interest to a person are references to giving it to the person directly or indirectly, other than on the death of the holder of the interest.

## **166 Conservation area agreements**

- (1) The Welsh Ministers may make a conservation area agreement with one or more planning authorities.
- (2) A conservation area agreement is an agreement that a specified amount of money will be set aside for a specified period of years for the purpose of making grants for the repair of buildings which are situated in a conservation area and –
  - (a) included in a list compiled for the purposes of the agreement by the parties to it, or by them and other planning authorities, or
  - (b) shown on a map prepared for those purposes by the parties, or by them and other planning authorities.
- (3) The Welsh Ministers may pay a grant for the purposes of a conservation area agreement to a planning authority which is a party to the agreement or any other person.
- (4) The Welsh Ministers may make arrangements with any such authority about how the agreement is to be carried out (including arrangements for the offer and payment of grants under this section).
- (5) Section 165(4) to (9) apply to a grant under this section, but taking the recovery period to be 3 years beginning with the day the grant is made.

## **PART 5**

### **SUPPLEMENTARY PROVISION ABOUT BUILDINGS OF SPECIAL INTEREST AND CONSERVATION AREAS**

#### **CHAPTER 1**

#### **EXERCISE OF FUNCTIONS BY PLANNING AUTHORITIES AND OTHER LOCAL AUTHORITIES**

## **167 Fees and charges for exercising functions**

- (1) The Welsh Ministers may by regulations require the payment of a fee or charge to a planning authority for –
  - (a) performing any of its functions under Part 3, Part 4, this Part or Part 7 as it applies for the purposes of any of those Parts;

- (b) gwneud unrhyw beth y bwriedir iddo hwyluso cyflawni unrhyw un neu ragor o'r swyddogaethau hynny, neu sy'n ffafriol i'w cyflawni neu'n ddeilliadol i'w cyflawni.
- (2) Caiff rheoliadau o dan yr adran hon yn benodol –
  - (a) gwneud darpariaeth ynghylch pryd y mae rhaid talu ffi neu dâl;
  - (b) gwneud darpariaeth ynghylch pwy y mae rhaid iddo dalu ffi neu dâl;
  - (c) gwneud darpariaeth ynghylch sut y mae ffi neu dâl i'w chyfrifo neu ei gyfrifo (gan gynnwys pwy sydd i'w chyfrifo neu ei gyfrifo);
  - (d) pennu amgylchiadau pan fo ffi neu dâl i'w hepgor neu i'w had-dalu neu ei ad-dalu (yn gyfan gwbl neu'n rhannol);
  - (e) pennu amgylchiadau pan nad oes ffi neu dâl i'w thalu neu ei dalu;
  - (f) gwneud darpariaeth ynghylch effaith talu neu fethu â thalu ffi neu dâl yn unol â'r rheoliadau (a gaiff gynnwys darpariaeth sy'n diwygio, yn diddymu neu'n dirymu unrhyw ddeddfiad, gan gynnwys unrhyw ddarpariaeth yn y Ddeddf hon);
  - (g) pennu amgylchiadau pan fo ffi neu dâl sy'n daladwy i un awdurdod cynllunio i'w throsglwyddo neu ei drosglwyddo i awdurdod cynllunio arall.
- (3) Os yw rheoliadau o dan yr adran hon yn darparu i awdurdod cynllunio gyfrifo swm unrhyw ffioedd neu daliadau, rhaid i'r awdurdod sicrhau, gan ystyried un flwyddyn ariannol gydag un arall, nad yw ei incwm o'r ffioedd neu'r taliadau yn fwy na chost cyflawni'r swyddogaethau, neu wneud y pethau, y maent yn ymwneud â hwy.

#### 168 Trefniadau ar gyfer arfer swyddogaethau mewn perthynas â cheisiadau

- (1) Mae adrannau 319ZA i 319ZD o Ddeddf Cynllunio Gwlad a Thref 1990 (p. 8) (cyflawni swyddogaethau sy'n ymwneud â cheisiadau) yn gymwys i arfer gan awdurdod cynllunio ei swyddogaethau mewn perthynas â cheisiadau o dan neu yn rhinwedd Rhannau 3 a 4 fel y maent yn gymwys i arfer ei swyddogaethau mewn perthynas â cheisiadau o dan y Ddeddf honno.
- (2) Ni chaniateir cwestiynu dilysrwydd cydsyniad neu benderfyniad a roddir neu a wneir, neu yr ymhonnir ei fod wedi ei roi neu ei wneud, gan awdurdod cynllunio mewn cysylltiad â chais a wneir o dan neu yn rhinwedd y naill neu'r llall o'r Rhannau hynny mewn unrhyw achos cyfreithiol, nac mewn unrhyw achos arall o dan y Ddeddf hon, ar y sail y dylai'r cydsyniad neu'r penderfyniad fod wedi ei roi neu ei wneud gan awdurdod cynllunio arall.

#### 169 Trefniadau ar gyfer cael cyngor arbenigol

- (1) Caiff Gweinidogion Cymru gyfarwyddo awdurdod cynllunio ar unrhyw adeg i gyflwyno i'w cymeradwyo ganddynt y trefniadau y mae'r awdurdod yn cynnig eu gwneud ar gyfer cael cyngor arbenigol mewn cysylltiad â'i swyddogaethau perthnasol.
- (2) Rhaid i'r awdurdod gyflwyno ei drefniadau arfaethedig i Weinidogion Cymru o fewn y cyfnod a bennir yn y cyfarwyddyd.
- (3) Os nad yw Gweinidogion Cymru wedi eu bodloni â'r trefniadau y mae'r awdurdod ("awdurdod A") yn cynnig eu gwneud, cânt gyfarwyddo awdurdod A ac awdurdod cynllunio arall a bennir yn y cyfarwyddyd ("awdurdod B") –

- (b) doing anything which is calculated to facilitate, or is conducive or incidental to, the performance of any of those functions.
- (2) Regulations under this section may in particular –
- (a) make provision about when a fee or charge must be paid;
  - (b) make provision about who must pay a fee or charge;
  - (c) make provision about how a fee or charge is to be calculated (including who is to make the calculation);
  - (d) specify circumstances in which a fee or charge is to be waived or refunded (wholly or in part);
  - (e) specify circumstances in which no fee or charge is to be paid;
  - (f) make provision about the effect of paying or failing to pay a fee or charge in accordance with the regulations (which may include provision that amends, repeals or revokes any enactment, including any provision of this Act);
  - (g) specify circumstances in which a fee or charge payable to one planning authority is to be transferred to another planning authority.
- (3) If regulations under this section provide for a planning authority to calculate the amount of any fees or charges, the authority must ensure that, taking one financial year with another, its income from the fees or charges does not exceed the cost of performing the functions, or doing the things, to which they relate.

#### **168 Arrangements for exercising functions in relation to applications**

- (1) Sections 319ZA to 319ZD of the Town and Country Planning Act 1990 (c. 8) (discharge of functions relating to applications) apply to the exercise by a planning authority of its functions in relation to applications under or by virtue of Parts 3 and 4 as they apply to the exercise of its functions in relation to applications under that Act.
- (2) The validity of a consent or determination granted or made, or purported to be granted or made, by a planning authority in respect of an application made under or by virtue of either of those Parts may not be questioned in any legal proceedings, or in any other proceedings under this Act, on the ground that the consent or determination should have been granted or made by another planning authority.

#### **169 Arrangements for obtaining specialist advice**

- (1) The Welsh Ministers may at any time direct a planning authority to submit for their approval the arrangements the authority proposes to make for obtaining specialist advice in connection with its relevant functions.
- (2) The authority must submit its proposed arrangements to the Welsh Ministers within the period specified in the direction.
- (3) If the Welsh Ministers are not satisfied with the arrangements that the authority (“authority A”) proposes to make, they may direct authority A and another planning authority specified in the direction (“authority B”) –

- (a) i wneud cytundeb o dan adran 113 o Ddeddf Llywodraeth Leol 1972 (p. 70) i osod ar gael i awdurdod A wasanaethau personau a gyflogir gan awdurdod B sy'n gymwys i roi'r cyngor arbenigol, neu
  - (b) i wneud trefniadau i awdurdod B arfer unrhyw un neu ragor o swyddogaethau perthnasol awdurdod A.
- (4) Caiff cyfarwyddyd o dan is-adran (3)(b) wneud darpariaeth ynghylch telerau'r trefniadau.
- (5) Cyn rhoi cyfarwyddyd o dan is-adran (3) rhaid i Weinidogion Cymru ymgynghori â'r ddau awdurdod cynllunio.
- (6) At ddibenion yr adran hon swyddogaethau perthnasol awdurdod cynllunio yw ei swyddogaethau o dan neu yn rhinwedd –
- (a) adrannau 83 a 84 (rhestru adeiladau dros dro),
  - (b) Pennod 2 (rhoi, addasu a dirymu cydsyniad) o Ran 3,
  - (c) Pennod 3 (cytundebau partneriaethau adeiladau rhestredig) o'r Rhan honno,
  - (d) Pennod 4 (gorfodi rheolaethau) o'r Rhan honno,
  - (e) adran 314A(1) o Ddeddf Cynllunio Gwlad a Thref 1990 (p. 8) (caniatâd cynllunio ar gyfer datblygiad sy'n effeithio ar adeiladau rhestredig), ac
  - (f) adrannau 158 i 163 o'r Ddeddf hon (dynodi ardaloedd cadwraeth, dyletswyddau awdurdodau cynllunio a rheolaethu dymchwel).

#### 170 Ffurf ar ddogfennau

Caiff Gweinidogion Cymru drwy reoliadau bennu ffurf a chynnwys unrhyw hysbysiad, unrhyw orchymyn neu unrhyw ddogfen arall y mae awdurdod lleol wedi ei awdurdodi i'w gyflwyno neu ei chyflwyno, i'w wneud neu ei gwneud neu i'w ddyroddi neu ei dyroddi neu y mae'n ofynnol iddo ei gyflwyno neu ei chyflwyno, ei wneud neu ei gwneud neu ei ddyroddi neu ei dyroddi o dan neu yn rhinwedd Rhan 3, Rhan 4, y Rhan hon neu Ran 7 fel y mae'n gymwys at ddibenion unrhyw un neu ragor o'r Rhannau hynny.

#### 171 Cyfraniadau tuag at wariant gan awdurdodau lleol

- (1) Caiff unrhyw awdurdod lleol neu unrhyw ymgymwrwr statudol gyfrannu tuag at wariant yr eir iddo gan awdurdod cynllunio neu awdurdod lleol arall wrth arfer, neu mewn cysylltiad ag arfer, ei swyddogaethau o dan Ran 3 (gan gynnwys ei swyddogaethau o dan y Rhan honno fel y'i cymhwysir gan adran 163).
- (2) Nid yw is-adran (1) yn gymwys i wariant yr eir iddo –
- (a) wrth dalu digollediad o dan adrannau 80, 86, 108, 116 a 122 (ond nid yw hyn yn atal awdurdod rhag cydymffurfio â chyfarwyddyd o dan is-adran (3)(b)), neu
  - (b) wrth arfer, neu mewn cysylltiad ag arfer, swyddogaethau o dan adrannau 143 i 146, 148 a 149.
- (3) Pan fo digollediad yn daladwy gan awdurdod cynllunio neu awdurdod lleol arall o ganlyniad i unrhyw beth a wneir o dan Benodau 1 i 4 o Ran 3 (gan gynnwys unrhyw beth a wneir o dan Bennod 2 neu 4 o'r Rhan honno fel y'i cymhwysir gan adran 163), caiff Gweinidogion Cymru –

- (a) to make an agreement under section 113 of the Local Government Act 1972 (c. 70) to place the services of persons employed by authority B who are qualified to give the specialist advice at the disposal of authority A, or
  - (b) to make arrangements for authority B to exercise of any of the relevant functions of authority A.
- (4) A direction under subsection (3)(b) may make provision about the terms of the arrangements.
- (5) Before giving a direction under subsection (3) the Welsh Ministers must consult both planning authorities.
- (6) For the purposes of this section the relevant functions of a planning authority are its functions under or by virtue of—
- (a) sections 83 and 84 (temporary listing of buildings),
  - (b) Chapter 2 (grant, modification and revocation of consent) of Part 3,
  - (c) Chapter 3 (listed building partnership agreements) of that Part,
  - (d) Chapter 4 (enforcement of controls) of that Part,
  - (e) section 314A(1) of the Town and Country Planning Act 1990 (c. 8) (planning permission for development affecting listed buildings), and
  - (f) sections 158 to 163 of this Act (designation of conservation areas, duties of planning authorities and control of demolition).

#### **170 Form of documents**

The Welsh Ministers may by regulations specify the form and content of any notice, order or other document that a local authority is authorised or required to serve, make or issue under or by virtue of Part 3, Part 4, this Part or Part 7 as it applies for the purposes of any of those Parts.

#### **171 Contributions towards expenditure by local authorities**

- (1) Any local authority or statutory undertaker may contribute towards expenditure incurred by a planning authority or other local authority in or in connection with the exercise of its functions under Part 3 (including its functions under that Part as applied by section 163).
- (2) Subsection (1) does not apply to expenditure incurred—
- (a) in the payment of compensation under sections 80, 86, 108, 116 and 122 (but this does not prevent an authority complying with a direction under subsection (3)(b)), or
  - (b) in or in connection with the exercise of functions under sections 143 to 146, 148 and 149.
- (3) Where compensation is payable by a planning authority or other local authority in consequence of anything done under Chapters 1 to 4 of Part 3 (including anything done under Chapter 2 or 4 of that Part as applied by section 163), the Welsh Ministers may—

- (a) cyfrannu tuag at dalu'r digollediad, os gwnaed y peth yn gyfan gwbl neu'n rhannol er budd gwasanaeth a ddarperir gan Weinidogion Cymru, neu
  - (b) cyfarwyddo awdurdod lleol arall i gyfrannu swm y mae Gweinidogion Cymru yn ystyried ei fod yn rhesymol, gan roi sylw i unrhyw fudd sy'n cronni i'r awdurdod arall hwnnw o ganlyniad i wneud y peth.
- (4) Nid yw is-adran (3)(b) yn gymwys pan fo awdurdod cynllunio yn agored i dalu digollediad o dan adran 116 o ganlyniad i derfynu cytundeb partneriaeth adeilad rhestredig neu ddarpariaeth mewn cytundeb o'r fath.
- (5) Mewn achos o'r fath, caiff Gweinidogion Cymru gyfarwyddo unrhyw awdurdod cynllunio arall sy'n barti i'r cytundeb, neu a oedd yn barti i'r cytundeb, i ad-dalu'r awdurdod y mae'r digollediad yn daladwy ganddo, yn gyfan gwbl neu'n rhannol.
- (6) Ni chaiff Gweinidogion Cymru roi cyfarwyddyd o dan is-adran (5) oni bai eu bod wedi ymgynghori â'r holl awdurdodau cynllunio sy'n bartion i'r cytundeb, neu a oedd yn bartion i'r cytundeb.

## PENNOD 2

### ACHOSION GERBRON GWEINIDOGION CYMRU

#### *Darpariaethau gweithdrefnol sy'n gymwys i apelau i Weinidogion Cymru*

#### 172 Ffioedd am apelau

- (1) Caiff Gweinidogion Cymru drwy reoliadau ei gwneud yn ofynnol i berson sy'n gwneud apêl y mae'r adran hon yn gymwys iddo dalu ffi i Weinidogion Cymru.
- (2) Mae'r adran hon yn gymwys –
- (a) i apêl o dan adran 100 (apêl yn erbyn penderfyniad neu fethiant i wneud penderfyniad ar gais am gydsyniad adeilad rhestredig neu gydsyniad ardal gadwraeth, i amrywio neu ddileu amodau neu i gymeradwyo manylion);
  - (b) i apêl o dan adran 127 (apêl yn erbyn hysbysiad gorfodi).
- (3) Caiff rheoliadau o dan yr adran hon yn benodol –
- (a) gwneud darpariaeth ynghylch pryd y mae rhaid talu ffi;
  - (b) gwneud darpariaeth ynghylch sut y mae ffi i'w chyfrifo (gan gynnwys pwy sydd i'w chyfrifo);
  - (c) pennu amgylchiadau pan fo ffi i'w hepgor neu ei had-dalu (yn gyfan gwbl neu'n rhannol);
  - (d) pennu amgylchiadau pan nad oes ffi i'w thalu;
  - (e) gwneud darpariaeth ynghylch effaith talu neu fethu â thalu ffi yn unol â'r rheoliadau (a gaiff gynnwys darpariaeth sy'n diwygio, yn diddymu neu'n dirymu unrhyw ddeddfiad, gan gynnwys unrhyw ddarpariaeth yn y Ddeddf hon).

#### 173 Penderfynu apêl gan berson a benodir

- (1) Mae apêl y mae'r adran hon yn gymwys iddi i'w phenderfynu gan berson a benodir gan Weinidogion Cymru (yn hytrach na chan Weinidogion Cymru).
- (2) Mae'r adran hon yn gymwys –

- (a) contribute towards the payment of the compensation, if the thing was done wholly or partly in the interest of a service which is provided by the Welsh Ministers, or
  - (b) direct another local authority to contribute an amount that the Welsh Ministers consider reasonable, having regard to any benefit accruing to that other authority as a result of the thing being done.
- (4) Subsection (3)(b) does not apply where a planning authority is liable to pay compensation under section 116 in consequence of the termination of a listed building partnership agreement or a provision of such an agreement.
- (5) In such a case, the Welsh Ministers may direct any other planning authority that is or was a party to the agreement to reimburse the authority by which the compensation is payable, in whole or in part.
- (6) The Welsh Ministers may not give a direction under subsection (5) unless they have consulted all of the planning authorities that are or were parties to the agreement.

## CHAPTER 2

### PROCEEDINGS BEFORE THE WELSH MINISTERS

#### *Procedural provisions applying to appeals to Welsh Ministers*

#### **172 Fees for appeals**

- (1) The Welsh Ministers may by regulations require a person who makes an appeal to which this section applies to pay a fee to the Welsh Ministers.
- (2) This section applies to –
- (a) an appeal under section 100 (appeal against decision or failure to make decision on application for listed building consent or conservation area consent, for the variation or removal of conditions or for approval of details);
  - (b) an appeal under section 127 (appeal against enforcement notice).
- (3) Regulations under this section may in particular –
- (a) make provision about when a fee must be paid;
  - (b) make provision about how a fee is to be calculated (including who is to make the calculation);
  - (c) specify circumstances in which a fee is to be waived or refunded (wholly or in part);
  - (d) specify circumstances in which no fee is to be paid;
  - (e) make provision about the effect of paying or failing to pay a fee in accordance with the regulations (which may include provision that amends, repeals or revokes any enactment, including any provision of this Act).

#### **173 Determination of appeal by appointed person**

- (1) An appeal to which this section applies is to be determined by a person appointed by the Welsh Ministers (instead of by the Welsh Ministers).
- (2) This section applies to –

- (a) i apêl o dan adran 100 (apêl yn erbyn penderfyniad neu fethiant i wneud penderfyniad ar gais am gydsyniad adeilad rhestredig neu gydsyniad ardal gadwraeth, i amrywio neu ddileu amodau neu i gymeradwyo manylion);
  - (b) i apêl o dan adran 127 (apêl yn erbyn hysbysiad gorfodi).
- (3) Ond nid yw'r adran hon yn gymwys i apêl –
- (a) os yw'n apêl o ddisgrifiad a bennir mewn rheoliadau a wneir gan Weinidogion Cymru, neu
  - (b) os yw Gweinidogion Cymru yn cyfarwyddo bod yr apêl i'w phenderfynu ganddynt hwy yn hytrach na chan berson a benodir.
- (4) Nid yw'r adran hon yn effeithio ar unrhyw ddarpariaeth yn y Ddeddf hon neu mewn rheoliadau a wneir odani sy'n darparu y caniateir i apêl gael ei gwneud i Weinidogion Cymru, neu fod rhaid i hysbysiad o apêl gael ei gyflwyno i Weinidogion Cymru.
- (5) Pan fo person a benodir yn penderfynu apêl, mae penderfyniad y person a benodir i'w drin fel pe bai'n benderfyniad gan Weinidogion Cymru.
- (6) Mae Atodlen 12 yn gwneud darpariaeth bellach mewn cysylltiad â phenodiadau o dan is-adran (1) a chyfarwyddydau o dan is-adran (3)(b).

*Darpariaethau gweithdrefnol sy'n gymwys i apelau ac achosion eraill gerbron Gweinidogion Cymru*

**174 Dewis o ymchwiliad, gwrandawriad neu weithdrefn ysgrifenedig**

- (1) Rhaid i Weinidogion Cymru ym mhob achos benderfynu'r weithdrefn ar gyfer ystyried achos y mae'r adran hon yn gymwys iddo.
- (2) Rhaid i benderfyniad ddarparu i'r achos gael ei ystyried mewn un neu ragor o'r ffyrdd a ganlyn –
  - (a) mewn ymchwiliad lleol;
  - (b) mewn gwrandawriad;
  - (c) ar sail sylwadau ysgrifenedig.
- (3) Rhaid i Weinidogion Cymru wneud penderfyniad cyn diwedd y cyfnod a bennir mewn rheoliadau a wneir gan Weinidogion Cymru.
- (4) Caniateir i benderfyniad gael ei amrywio drwy benderfyniad pellach ar unrhyw adeg cyn penderfynu'r achos y mae'r penderfyniad yn ymwneud ag ef.
- (5) Rhaid i Weinidogion Cymru hysbysu'r personau a ganlyn am benderfyniad –
  - (a) y ceisydd neu'r apelydd (fel y bo'n briodol), a
  - (b) yr awdurdod cynllunio o dan sylw.
- (6) Rhaid i Weinidogion Cymru gyhoeddi'r meini prawf y byddant yn eu cymhwyso wrth wneud penderfyniadau.
- (7) Mae'r adran hon yn gymwys i'r achosion a ganlyn –
  - (a) cais a atgyfeirir at Weinidogion Cymru o dan adran 94 (atgyfeirio cais am gydsyniad adeilad rhestredig neu gydsyniad ardal gadwraeth neu i amrywio neu ddileu amodau);



- (a) an appeal under section 100 (appeal against decision or failure to make decision on application for listed building consent or conservation area consent, for the variation or removal of conditions or for approval of details);
  - (b) an appeal under section 127 (appeal against enforcement notice).
- (3) But this section does not apply to an appeal if –
  - (a) it is an appeal of a description specified in regulations made by the Welsh Ministers, or
  - (b) the Welsh Ministers direct that the appeal is to be determined by them instead of by an appointed person.
- (4) This section does not affect any provision of this Act or of regulations made under it that an appeal may be made to, or that a notice of appeal must be served on, the Welsh Ministers.
- (5) Where an appointed person determines an appeal, the appointed person's decision is to be treated as the decision of the Welsh Ministers.
- (6) Schedule 12 makes further provision in connection with appointments under subsection (1) and directions under subsection (3)(b).

*Procedural provisions applying to appeals and other proceedings before Welsh Ministers*

#### **174 Choice of inquiry, hearing or written procedure**

- (1) The Welsh Ministers must in each case determine the procedure by which proceedings to which this section applies are to be considered.
- (2) A determination must provide for the proceedings to be considered in one or more of the following ways –
  - (a) at a local inquiry;
  - (b) at a hearing;
  - (c) on the basis of representations in writing.
- (3) The Welsh Ministers must make a determination before the end of the period specified in regulations made by the Welsh Ministers.
- (4) A determination may be varied by a further determination at any time before the proceedings to which it relates are determined.
- (5) The Welsh Ministers must notify the following persons of a determination –
  - (a) the applicant or appellant (as appropriate), and
  - (b) the planning authority concerned.
- (6) The Welsh Ministers must publish the criteria they will apply in making determinations.
- (7) This section applies to the following proceedings –
  - (a) an application referred to the Welsh Ministers under section 94 (reference of application for listed building consent or conservation area consent or for the variation or removal of conditions);

- (b) apêl o dan adran 100 (apêl yn erbyn penderfyniad neu fethiant i wneud penderfyniad ar gais am gydsyniad, i amrywio neu ddileu amodau neu i gymeradwyo manylion);
  - (c) cais am gydsyniad adeilad rhestredig neu gydsyniad ardal gadwraeth a wneir i Weinidogion Cymru o dan adran 106 (gwaith brys ar dir y Goron);
  - (d) apêl o dan adran 127 (apêl yn erbyn hysbysiad gorfodi).
- (8) Caiff Gweinidogion Cymru drwy reoliadau ddiwygio is-adran (7) –
- (a) i ychwanegu achos o dan neu yn rhinwedd Rhan 3, Rhan 4 neu’r Rhan hon,
  - (b) i ddileu achos, neu
  - (c) i addasu disgrifiad o achos.

### 175 Gofynion gweithdrefnol

- (1) Caiff Gweinidogion Cymru drwy reoliadau wneud darpariaeth ynghylch y weithdrefn sydd i’w dilyn mewn cysylltiad –
- (a) ag achos ar unrhyw gais, unrhyw apêl neu unrhyw atgyfeiriad a wneir i neu at Weinidogion Cymru o dan neu yn rhinwedd Rhan 3 neu 4 (pa un a yw’n cael ei ystyried mewn ymchwiliad lleol, mewn gwrandawriad neu ar sail sylwadau ysgrifenedig);
  - (b) ag unrhyw ymchwiliad lleol neu unrhyw wrandawriad arall a gynhelir neu sydd i’w gynnal gan Weinidogion Cymru neu ar eu rhan o dan neu yn rhinwedd unrhyw ddarpariaeth yn y Rhannau hynny neu’r Rhan hon.
- (2) Caiff y rheoliadau gynnwys darpariaeth ynghylch –
- (a) y weithdrefn sydd i’w dilyn mewn cysylltiad â materion paratoadol ar gyfer ymchwiliad neu wrandawriad neu gyflwyno sylwadau ysgrifenedig neu faterion sy’n codi yn dilyn ymchwiliad neu wrandawriad neu gyflwyno sylwadau ysgrifenedig;
  - (b) cynnal achos.
- (3) Caiff y rheoliadau gynnwys darpariaeth ynghylch y weithdrefn sydd i’w dilyn –
- (a) pan fo camau wedi eu cymryd gyda golwg ar gynnal ymchwiliad neu wrandawriad nad yw’n digwydd,
  - (b) pan fo camau wedi eu cymryd gyda golwg ar benderfynu unrhyw fater gan berson a benodir gan Weinidogion Cymru a bod yr achos yn destun cyfarwyddyd bod rhaid i’r mater gael ei benderfynu yn lle hynny gan Weinidogion Cymru, neu
  - (c) pan fo camau wedi eu cymryd yn unol â chyfarwyddyd o’r fath a bod cyfarwyddyd pellach yn cael ei roi sy’n dirymu’r cyfarwyddyd hwnnw,
- a chânt ddarparu bod camau o’r fath i’w trin fel pe baent yn cydymffurfio, yn gyfan gwbl neu’n rhannol, â gofynion y rheoliadau.
- (4) Caiff y rheoliadau –

- (b) an appeal under section 100 (appeal against decision or failure to make decision on application for consent, for the variation or removal of conditions or for approval of details);
  - (c) an application for listed building consent or conservation area consent made to the Welsh Ministers under section 106 (urgent works on Crown land);
  - (d) an appeal under section 127 (appeal against enforcement notice).
- (8) The Welsh Ministers may by regulations amend subsection (7) to—
- (a) add proceedings under or by virtue of Part 3, Part 4 or this Part,
  - (b) remove proceedings, or
  - (c) modify a description of proceedings.

### 175 Procedural requirements

- (1) The Welsh Ministers may by regulations make provision about the procedure to be followed in connection with—
- (a) proceedings on any application, appeal or reference made to the Welsh Ministers under or by virtue of Part 3 or 4 (whether it is considered at a local inquiry, at a hearing or on the basis of representations in writing);
  - (b) any other local inquiry or hearing held or to be held by or on behalf of the Welsh Ministers under or by virtue of any provision of those Parts or this Part.
- (2) The regulations may include provision about—
- (a) the procedure to be followed in connection with matters preparatory or subsequent to an inquiry or hearing or to the making of representations in writing;
  - (b) the conduct of proceedings.
- (3) The regulations may include provision about the procedure to be followed—
- (a) where steps have been taken with a view to the holding of an inquiry or hearing which does not take place,
  - (b) where steps have been taken with a view to the determination of any matter by a person appointed by the Welsh Ministers and the proceedings are the subject of a direction that the matter must instead be determined by the Welsh Ministers, or
  - (c) where steps have been taken in pursuance of such a direction and a further direction is given revoking that direction,

and may provide that such steps are to be treated as compliance, in whole or in part, with the requirements of the regulations.

- (4) The regulations may—

- (a) pennu terfyn amser y mae rhaid i barti i achos gyflwyno sylwadau ysgrifenedig ac unrhyw ddogfennau ategol oddi mewn iddo, neu alluogi Gweinidogion Cymru i roi cyfarwyddydau sy'n gosod y terfyn amser mewn achos penodol neu mewn achosion o ddisgrifiad penodol;
  - (b) galluogi Gweinidogion Cymru i fynd ymlaen i wneud penderfyniad gan ystyried dim ond y sylwadau ysgrifenedig a'r dogfennau ategol a gyflwynwyd o fewn y terfyn amser;
  - (c) galluogi Gweinidogion Cymru, ar ôl rhoi hysbysiad ysgrifenedig i'r partion o'u bwriad i wneud hynny, i fynd ymlaen i wneud penderfyniad er na chyflwynwyd unrhyw sylwadau ysgrifenedig o fewn y terfyn amser, os ydynt yn ystyried bod ganddynt ddigon o ddeunydd ger eu bron i'w galluogi i ddod i benderfyniad ar rinweddau'r achos.
- (5) Caiff y rheoliadau hefyd wneud darpariaeth ynghylch yr amgylchiadau pan –
- (a) caniateir i gyfarwyddyd ynghylch talu costau Gweinidogion Cymru gael ei roi o dan adran 180;
  - (b) caniateir i orchymyn ynghylch talu costau parti gael ei wneud o dan adran 181.
- (6) Caiff y rheoliadau ddarparu na chaniateir, o dan amgylchiadau a bennir yn y rheoliadau, godi mater mewn achos ar apêl i Weinidogion Cymru oni bai –
- (a) y codwyd y mater yn flaenorol cyn adeg a bennir yn y rheoliadau, neu
  - (b) y dangosir na ellid bod wedi codi'r mater cyn yr adeg honno.

*Ymchwiliadau lleol***176 Pŵer Gweinidogion Cymru i gynnal ymchwiliad lleol**

- (1) Caiff Gweinidogion Cymru beri i ymchwiliad lleol gael ei gynnal at ddibenion arfer unrhyw un neu ragor o'u swyddogaethau o dan neu yn rhinwedd Rhan 3, Rhan 4 neu'r Rhan hon.
- (2) Gweler hefyd baragraff 3(1) o Atodlen 12 ar gyfer y pŵer sydd gan berson a benodir gan Weinidogion Cymru o dan adran 173 i gynnal ymchwiliad lleol mewn cysylltiad ag apêl.

**177 Pŵer person sy'n cynnal ymchwiliad i wneud tystiolaeth yn ofynnol**

- (1) Caiff person sy'n cynnal ymchwiliad lleol o dan y Rhan hon ei gwneud yn ofynnol drwy wŷs i unrhyw berson –
  - (a) bod yn bresennol yn yr ymchwiliad, ar adeg ac mewn lle a ddatgenir yn y wŷs, a rhoi tystiolaeth, neu
  - (b) dangos unrhyw ddogfennau sydd ym meddiant y person neu sydd o dan reolaeth y person, sy'n ymwneud ag unrhyw fater o dan sylw yn yr ymchwiliad.
- (2) Caiff y person sy'n cynnal yr ymchwiliad gymryd tystiolaeth ar lw, ac at y diben hwnnw caiff weinyddu llwon.
- (3) Nid yw gwŷs o dan yr adran hon yn ei gwneud yn ofynnol i berson fod yn bresennol yn yr ymchwiliad oni bai bod treuliau angenrheidiol y person ar gyfer bod yn bresennol yn cael eu talu neu eu cynnig i'r person.

- (a) specify a time limit within which a party to proceedings must submit representations in writing and any supporting documents, or enable the Welsh Ministers to give directions setting the time limit in a particular case or in cases of a particular description;
  - (b) enable the Welsh Ministers to proceed to a decision taking into account only the representations in writing and supporting documents that were submitted within the time limit;
  - (c) enable the Welsh Ministers, after giving the parties notice in writing of their intention to do so, to proceed to a decision even though no representations in writing were submitted within the time limit, if they consider that they have sufficient material before them to enable them to reach a decision on the merits of the case.
- (5) The regulations may also make provision about the circumstances in which –
- (a) a direction about the payment of the Welsh Ministers' costs may be given under section 180;
  - (b) an order about the payment of a party's costs may be made under section 181.
- (6) The regulations may provide that in circumstances specified in the regulations a matter may not be raised in proceedings on an appeal to the Welsh Ministers unless –
- (a) the matter was previously raised before a time specified in the regulations, or
  - (b) it is shown that the matter could not have been raised before that time.

*Local inquiries*

**176 Power of Welsh Ministers to hold local inquiry**

- (1) The Welsh Ministers may cause a local inquiry to be held for the purposes of the exercise of any of their functions under or by virtue of Part 3, Part 4 or this Part.
- (2) See also paragraph 3(1) of Schedule 12 for the power of a person appointed by the Welsh Ministers under section 173 to hold a local inquiry in connection with an appeal.

**177 Power of person holding inquiry to require evidence**

- (1) A person holding a local inquiry under this Part may by summons require any person –
  - (a) to attend the inquiry, at a time and place stated in the summons, and to give evidence, or
  - (b) to produce any documents in the person's possession or under the person's control which relate to any matter in question at the inquiry.
- (2) The person holding the inquiry may take evidence on oath, and for that purpose may administer oaths.
- (3) A summons under this section does not require a person to attend the inquiry unless the person's necessary expenses of attending are paid or offered to the person.

- (4) Ni chaniateir ei gwneud yn ofynnol o dan yr adran hon i berson ddangos teitl (nac unrhyw offeryn sy'n ymwneud â theitl) unrhyw dir nad yw'n perthyn i awdurdod lleol.
- (5) Mae'n drosedd i berson—
  - (a) gwrthod cydymffurfio â gofyniad mewn gwŷs o dan yr adran hon neu fethu'n fwriadol â chydymffurfio â gofyniad o'r fath, neu
  - (b) newid, atal, cuddio neu ddinistrio'n fwriadol ddogfen y mae'n ofynnol i'r person ei dangos o dan yr adran hon, neu y mae'r person yn agored i orfod ei dangos o dan yr adran hon.
- (6) Mae person sy'n euog o drosedd o dan is-adran (5) yn agored ar euogfarn ddiannod i ddirwy nad yw'n uwch na lefel 3 ar y raddfa safonol neu i'w garcharu am gyfnod nad yw'n hwy na'r uchafswm cyfnod am droseddau diannod, neu'r ddau.
- (7) Yn is-adran (6) ystyr "yr uchafswm cyfnod am droseddau diannod" yw—
  - (a) mewn perthynas â throsedd a gyflawnir cyn i adran 281(5) o Ddeddf Cyfiawnder Troseddol 2003 (p. 44) ddod i rym, 6 mis;
  - (b) mewn perthynas â throsedd a gyflawnir ar ôl iddi ddod i rym, 51 o wythnosau.

#### 178 Mynediad at dystiolaeth mewn ymchwiliad

- (1) Mewn ymchwiliad lleol a gynhelir o dan y Rhan hon—
  - (a) rhaid clywed tystiolaeth lafar yn gyhoeddus, a
  - (b) rhaid i dystiolaeth ddogfennol fod ar gael i'r cyhoedd edrych arni.
- (2) Ond os yw awdurdod gweinidogol wedi ei fodloni bod y ddau amod yn is-adran (3) wedi eu bodloni mewn perthynas ag ymchwiliad, caiff gyfarwyddo nad yw tystiolaeth o ddisgrifiad a bennir yn y cyfarwyddyd i'w chlywed nac ar gael i edrych arni yn yr ymchwiliad hwnnw ond gan bersonau a bennir yn y cyfarwyddyd neu gan bersonau o ddisgrifiad a bennir ynddo.
- (3) Yr amodau yw—
  - (a) y byddai rhoi tystiolaeth o ddisgrifiad penodol yn gyhoeddus neu ei rhoi ar gael i'r cyhoedd edrych arni yn debygol o arwain at ddatgelu gwybodaeth—
    - (i) am ddiogelwch cenedlaethol, neu
    - (ii) am y mesurau a gymerwyd neu sydd i'w cymryd i sicrhau diogelwch unrhyw dir neu unrhyw eiddo arall, a
  - (b) y byddai datgelu'r wybodaeth i'r cyhoedd yn erbyn y buddiant cenedlaethol.
- (4) Os yw awdurdod gweinidogol yn ystyried rhoi cyfarwyddyd o dan yr adran hon, caiff y Cwnsler Cyffredinol benodi person ("cynrychiolydd a benodir") i gynrychioli buddiannau unrhyw berson a fydd yn cael ei atal rhag clywed unrhyw dystiolaeth neu edrych ar unrhyw dystiolaeth mewn ymchwiliad lleol os rhoddir y cyfarwyddyd.
- (5) Os nad oes cynrychiolydd a benodir pan fydd awdurdod gweinidogol yn rhoi cyfarwyddyd o dan yr adran hon, caiff y Cwnsler Cyffredinol benodi person yn gynrychiolydd a benodir ar unrhyw adeg at ddibenion yr ymchwiliad.
- (6) Caiff Gweinidogion Cymru drwy reoliadau wneud darpariaeth ynghylch—

- (4) A person may not be required under this section to produce the title (or any instrument relating to the title) of any land which does not belong to a local authority.
- (5) It is an offence for a person to –
  - (a) refuse or deliberately fail to comply with a requirement of a summons under this section, or
  - (b) deliberately alter, suppress, conceal or destroy a document the person is required, or is liable to be required, to produce under this section.
- (6) A person guilty of an offence under subsection (5) is liable on summary conviction to a fine not exceeding level 3 on the standard scale or imprisonment for a term not exceeding the maximum term for summary offences, or both.
- (7) In subsection (6) “the maximum term for summary offences” means –
  - (a) in relation to an offence committed before section 281(5) of the Criminal Justice Act 2003 (c. 44) comes into force, 6 months;
  - (b) in relation to an offence committed after it comes into force, 51 weeks.

#### 178 Access to evidence at inquiry

- (1) At a local inquiry held under this Part –
  - (a) oral evidence must be heard in public, and
  - (b) documentary evidence must be available for public inspection.
- (2) But if a ministerial authority is satisfied that both of the conditions in subsection (3) are met in relation to an inquiry, it may direct that evidence of a description specified in the direction is to be heard or available for inspection at that inquiry only by persons who are specified in the direction or of a description specified in it.
- (3) The conditions are –
  - (a) that giving evidence of a particular description in public or making it available for public inspection would be likely to result in the disclosure of information about –
    - (i) national security, or
    - (ii) the measures taken or to be taken to ensure the security of any land or other property, and
  - (b) that the public disclosure of the information would be against the national interest.
- (4) If a ministerial authority is considering giving a direction under this section, the Counsel General may appoint a person (an “appointed representative”) to represent the interests of any person who will be prevented from hearing or inspecting any evidence at a local inquiry if the direction is given.
- (5) If there is no appointed representative when a ministerial authority gives a direction under this section, the Counsel General may at any time appoint a person as an appointed representative for the purposes of the inquiry.
- (6) The Welsh Ministers may by regulations make provision about –

- (a) y weithdrefn sydd i'w dilyn gan awdurdod gweinidogol cyn iddo roi cyfarwyddyd o dan yr adran hon mewn achos pan fo cynrychiolydd a benodir;
  - (b) swyddogaethau cynrychiolydd a benodir.
- (7) Yn yr adran hon ac adran 179, ystyr "awdurdod gweinidogol" yw Gweinidogion Cymru neu'r Ysgrifennydd Gwladol.

**179 Talu cynrychiolydd a benodir pan fo mynediad i dystiolaeth wedi ei gyfyngu**

- (1) Mae'r adran hon yn gymwys os yw person wedi ei benodi o dan adran 178 yn gynrychiolydd a benodir at ddibenion ymchwiliad lleol, pa un a yw'r ymchwiliad yn digwydd ai peidio.
- (2) Caiff awdurdod gweinidogol gyfarwyddo person ("y person cyfrifol") i dalu ffioedd a threuliau'r cynrychiolydd a benodir.
- (3) Rhaid i'r person cyfrifol fod yn berson y mae'r awdurdod gweinidogol yn ystyried ei fod â buddiant yn yr ymchwiliad, neu y byddai wedi bod â buddiant yn yr ymchwiliad, mewn perthynas –
  - (a) â diogelwch cenedlaethol, neu
  - (b) â'r mesurau a gymerwyd neu sydd i'w cymryd i sicrhau diogelwch unrhyw dir neu unrhyw eiddo arall.
- (4) Os nad yw'r cynrychiolydd a benodir a'r person cyfrifol yn gallu cytuno ar swm y ffioedd a'r treuliau, rhaid i'r swm gael ei benderfynu gan yr awdurdod gweinidogol a roddodd y cyfarwyddyd.
- (5) Rhaid i'r awdurdod gweinidogol beri i'r swm y cytunir arno rhwng y cynrychiolydd a benodir a'r person cyfrifol, neu a benderfynir gan yr awdurdod gweinidogol, gael ei ardystio.
- (6) Gellir adennill y swm ardystiedig oddi wrth y person cyfrifol fel dyled.

*Costau achosion gerbron Gweinidogion Cymru*

**180 Talu costau Gweinidogion Cymru**

- (1) Mae'r adran hon yn gymwys i'r achosion a ganlyn –
  - (a) achos ar gais, apêl neu atgyfeiriad a wneir i neu at Weinidogion Cymru o dan neu yn rhinwedd Rhan 3 neu 4 (pa un a yw'n cael ei ystyried neu ei hystyried mewn ymchwiliad lleol, mewn gwrandawriad neu ar sail sylwadau ysgrifenedig);
  - (b) unrhyw ymchwiliad lleol neu unrhyw wrandawriad arall a gynhelir neu sydd i'w gynnal gan Weinidogion Cymru neu ar eu rhan o dan neu yn rhinwedd unrhyw ddarpariaeth yn y Rhannau hynny neu'r Rhan hon.
- (2) Caiff Gweinidogion Cymru roi cyfarwyddyd sy'n ei gwneud yn ofynnol i'r ceisydd neu'r apelydd, neu awdurdod cynllunio neu barti arall i'r achos, dalu'r costau y mae Gweinidogion Cymru yn mynd iddynt mewn perthynas â'r achos (neu gymaint o'r costau ag a gyfarwyddir gan Weinidogion Cymru).
- (3) Mae'r costau y mae Gweinidogion Cymru yn mynd iddynt mewn perthynas ag unrhyw achos yn cynnwys –



- (a) the procedure to be followed by a ministerial authority before it gives a direction under this section in a case where there is an appointed representative;
  - (b) the functions of an appointed representative.
- (7) In this section and section 179, “ministerial authority” means the Welsh Ministers or the Secretary of State.

**179 Payment of appointed representative where access to evidence restricted**

- (1) This section applies if a person is appointed under section 178 as an appointed representative for the purposes of a local inquiry, whether or not the inquiry takes place.
- (2) A ministerial authority may direct a person (“the responsible person”) to pay the fees and expenses of the appointed representative.
- (3) The responsible person must be a person that the ministerial authority considers is, or would have been, interested in the inquiry in relation to –
  - (a) national security, or
  - (b) the measures taken or to be taken to ensure the security of any land or other property.
- (4) If the appointed representative and the responsible person are unable to agree the amount of the fees and expenses, the amount must be determined by the ministerial authority that gave the direction.
- (5) The ministerial authority must cause the amount agreed between the appointed representative and the responsible person, or determined by the ministerial authority, to be certified.
- (6) The certified amount is recoverable from the responsible person as a debt.

*Costs of proceedings before Welsh Ministers*

**180 Payment of costs of Welsh Ministers**

- (1) This section applies to the following proceedings –
  - (a) proceedings on an application, appeal or reference made to the Welsh Ministers under or by virtue of Part 3 or 4 (whether it is considered at a local inquiry, at a hearing or on the basis of representations in writing);
  - (b) any other local inquiry or hearing held or to be held by or on behalf of the Welsh Ministers under or by virtue of any provision of those Parts or this Part.
- (2) The Welsh Ministers may give a direction requiring the applicant or appellant, or a planning authority or other party to the proceedings, to pay the costs incurred by the Welsh Ministers in relation to the proceedings (or so much of those costs as the Welsh Ministers may direct).
- (3) The costs incurred by the Welsh Ministers in relation to any proceedings include –

- (a) yr holl gost weinyddol y mae Gweinidogion Cymru yn mynd iddi mewn cysylltiad â'r achos, gan gynnwys yn benodol swm rhesymol y maent yn ei benderfynu mewn cysylltiad â chostau staff cyffredinol a gorbenion Llywodraeth Cymru;
  - (b) costau mewn cysylltiad ag ymchwiliad neu wrandawriad nad yw'n digwydd.
- (4) Caiff Gweinidogion Cymru drwy reoliadau bennu swm dyddiol safonol ar gyfer achos o ddisgrifiad penodedig.
- (5) Pan fo achos o ddisgrifiad penodedig yn digwydd, rhaid cymryd mai'r costau y mae Gweinidogion Cymru yn mynd iddynt yw –
- (a) y swm dyddiol safonol am bob diwrnod (neu gyfran briodol o'r swm hwnnw am ran o ddiwrnod) y mae person penodedig yn ymwneud ag ymdrin â'r achos;
  - (b) costau yr eir iddynt mewn gwirionedd mewn cysylltiad ag ymdrin â'r achos –
    - (i) ar lwfansau teithio neu gynhaliaeth, neu
    - (ii) ar ddarparu llety neu gyfleusterau eraill;
  - (c) unrhyw gostau y gellir eu priodoli i benodi personau penodedig i gynorthwyo i ymdrin â'r achos;
  - (d) unrhyw gostau neu alldaliadau cyfreithiol yr eir iddynt neu a wneir gan Weinidogion Cymru neu ar eu rhan mewn cysylltiad â'r achos.
- (6) Yn yr adran hon ystyr "penodedig" yw wedi ei bennu mewn rheoliadau a wneir gan Weinidogion Cymru.

### 181 Gorchmynion sy'n ymwneud â chostau partïon

- (1) Mae'r adran hon yn gymwys i'r achosion a ganlyn –
- (a) achos ar gais, apêl neu atgyfeiriad a wneir i neu at Weinidogion Cymru o dan neu yn rhinwedd Rhan 3 neu 4 (pa un a yw'n cael ei ystyried neu ei hystyried mewn ymchwiliad lleol, mewn gwrandawriad neu ar sail sylwadau ysgrifenedig);
  - (b) unrhyw ymchwiliad lleol neu unrhyw wrandawriad arall a gynhelir neu sydd i'w gynnal gan Weinidogion Cymru neu ar eu rhan o dan neu yn rhinwedd unrhyw ddarpariaeth yn y Rhannau hynny neu'r Rhan hon.
- (2) Caiff Gweinidogion Cymru wneud gorchmynion ynghylch –
- (a) costau'r ceisydd neu'r apelydd neu awdurdod cynllunio neu barti arall i'r achos (a all gynnwys costau mewn cysylltiad ag ymchwiliad neu wrandawriad nad yw'n digwydd), a
  - (b) y person neu'r personau sydd i dalu'r costau hynny.
- (3) Ond ni chaiff Gweinidogion Cymru orchymyn i berson dalu costau parti arall oni bai eu bod wedi eu bodloni –
- (a) bod y person wedi ymddwyn yn afresymol mewn perthynas â'r achos, a
  - (b) bod ymddygiad afresymol y person wedi achosi i'r parti arall fynd i wariant diangen neu wariant a wastraffwyd.
- (4) Rhaid i'r pŵer i wneud gorchmynion o dan yr adran hon hefyd gael ei arfer yn unol ag unrhyw ddarpariaeth a wneir o dan adran 175(5)(b) (gofynion gweithdrefnol).

- (a) the entire administrative cost incurred by the Welsh Ministers in connection with the proceedings, including in particular a reasonable amount that they determine in respect of general staff costs and overheads of the Welsh Government;
  - (b) costs in respect of an inquiry or hearing that does not take place.
- (4) The Welsh Ministers may by regulations specify a standard daily amount for proceedings of a specified description.
- (5) Where proceedings of a specified description take place, the costs incurred by the Welsh Ministers are to be taken to be—
  - (a) the standard daily amount for each day (or an appropriate proportion of that amount for a part of a day) on which a specified person is engaged in dealing with the case;
  - (b) costs actually incurred in connection with dealing with the case on—
    - (i) travelling or subsistence allowances, or
    - (ii) the provision of accommodation or other facilities;
  - (c) any costs attributable to the appointment of specified persons to assist in dealing with the case;
  - (d) any legal costs or disbursements incurred or made by or on behalf of the Welsh Ministers in connection with the case.
- (6) In this section “specified” means specified in regulations made by the Welsh Ministers.

## **181 Orders relating to costs of parties**

- (1) This section applies to the following proceedings—
  - (a) proceedings on an application, appeal or reference made to the Welsh Ministers under or by virtue of Part 3 or 4 (whether it is considered at a local inquiry, at a hearing or on the basis of representations in writing);
  - (b) any other local inquiry or hearing held or to be held by or on behalf of the Welsh Ministers under or by virtue of any provision of those Parts or this Part.
- (2) The Welsh Ministers may make orders about—
  - (a) the costs of the applicant or appellant, or a planning authority or other party to the proceedings (which may include costs in respect of an inquiry or hearing that does not take place), and
  - (b) the person or persons who must pay the costs.
- (3) But the Welsh Ministers may not order a person to pay the costs of another party unless they are satisfied that—
  - (a) the person has behaved unreasonably in relation to the proceedings, and
  - (b) the person’s unreasonable behaviour has caused the other party to incur unnecessary or wasted expenditure.
- (4) The power to make orders under this section must also be exercised in accordance with any provision made under section 175(5)(b) (procedural requirements).

## PENNOD 3

## DILYSRWYDD PENDERFYNIADAU A'U CYWIRO

*Dilysrwydd penderfyniadau a gorchmynion***182 Dilysrwydd penderfyniadau a gorchmynion penodol sy'n ymwneud ag adeiladau**

- (1) Ni chaniateir cwestiynu dilysrwydd penderfyniad neu orchymyn y mae'r adran hon yn gymwys iddo mewn unrhyw achos cyfreithiol ac eithrio cais am adolygiad statudol o dan adran 183.
- (2) Y penderfyniadau y mae'r adran hon yn gymwys iddynt yw –
  - (a) penderfyniad ar adolygiad o dan adran 81 (adolygu penderfyniad rhestru);
  - (b) penderfyniad ar gais a atgyfeirir at Weinidogion Cymru o dan adran 94 (atgyfeirio cais am gydsyniad adeilad rhestredig neu gydsyniad ardal gadwraeth neu i amrywio neu ddileu amodau);
  - (c) penderfyniad ar apêl o dan adran 100 (apêl yn erbyn penderfyniad neu fethiant i wneud penderfyniad ar gais am gydsyniad, i amrywio neu ddileu amodau neu i gymeradwyo manylion);
  - (d) penderfyniad ar gais am gydsyniad adeilad rhestredig neu gydsyniad ardal gadwraeth a wneir i Weinidogion Cymru o dan adran 106 (gwaith brys ar dir y Goron);
  - (e) penderfyniad o dan baragraff 2 o Atodlen 9 i gadarnhau neu beidio â chadarnhau hysbysiad prynu, gan gynnwys –
    - (i) penderfyniad i gadarnhau'r hysbysiad mewn perthynas â rhan yn unig o'r tir y mae'n ymwneud ag ef, a
    - (ii) penderfyniad i roi cydsyniad adeilad rhestredig neu gydsyniad ardal gadwraeth, neu gyfarwyddo bod rhaid rhoi cydsyniad, yn hytrach na chadarnhau'r hysbysiad mewn perthynas â'r tir neu unrhyw ran ohono;
  - (f) penderfyniad o dan adran 128(3)(a) neu (b) (penderfynu apêl yn erbyn hysbysiad gorfodi) i roi cydsyniad adeilad rhestredig neu gydsyniad ardal gadwraeth neu i ddileu amod mewn cydsyniad.
- (3) Y gorchmynion y mae'r adran hon yn gymwys iddynt yw –
  - (a) gorchymyn o dan adran 107 (addasu neu ddirymu cydsyniad) a wneir gan awdurdod cynllunio (pa un a yw wedi ei gadarnhau gan Weinidogion Cymru ai peidio) neu Weinidogion Cymru;
  - (b) gorchymyn o dan adran 115 (terfynu cytundeb partneriaeth adeilad rhestredig neu ddarpariaeth mewn cytundeb) a wneir gan awdurdod cynllunio neu Weinidogion Cymru;
  - (c) gorchymyn o dan adran 181 (gorchmynion sy'n ymwneud â chostau partion) a wneir mewn cysylltiad â phenderfyniad a grybwyllir yn is-adran (2) neu orchymyn a grybwyllir ym mharagraff (a) neu (b).
- (4) Nid yw'r adran hon yn atal unrhyw lys rhag arfer unrhyw awdurdodaeth mewn perthynas â gwrthodiad neu fethiant i wneud penderfyniad y mae'r adran hon yn gymwys iddo.

**CHAPTER 3****VALIDITY AND CORRECTION OF DECISIONS***Validity of decisions and orders***182 Validity of certain decisions and orders relating to buildings**

- (1) The validity of a decision or order to which this section applies may not be questioned in any legal proceedings except an application for statutory review under section 183.
- (2) The decisions to which this section applies are –
  - (a) a decision on a review under section 81 (review of listing decision);
  - (b) a decision on an application referred to the Welsh Ministers under section 94 (reference of application for listed building consent or conservation area consent or for the variation or removal of conditions);
  - (c) a decision on an appeal under section 100 (appeal against decision or failure to make decision on application for consent, for the variation or removal of conditions or for approval of details);
  - (d) a decision on an application for listed building consent or conservation area consent made to the Welsh Ministers under section 106 (urgent works on Crown land);
  - (e) a decision under paragraph 2 of Schedule 9 to confirm or not to confirm a purchase notice, including –
    - (i) a decision to confirm the notice in relation to only part of the land to which it relates, and
    - (ii) a decision to grant listed building consent or conservation area consent, or direct that consent must be granted, instead of confirming the notice in relation to the land or any part of it;
  - (f) a decision under section 128(3)(a) or (b) (determination of appeal against enforcement notice) to grant listed building consent or conservation area consent or remove a condition of consent.
- (3) The orders to which this section applies are –
  - (a) an order under section 107 (modification or revocation of consent) made by a planning authority (whether or not it has been confirmed by the Welsh Ministers) or the Welsh Ministers;
  - (b) an order under section 115 (termination of listed building partnership agreement or provision of agreement) made by a planning authority or the Welsh Ministers;
  - (c) an order under section 181 (orders relating to costs of parties) made in connection with a decision mentioned in subsection (2) or an order mentioned in paragraph (a) or (b).
- (4) This section does not prevent any court exercising any jurisdiction in relation to a refusal or failure to make a decision to which this section applies.

**183 Cais i'r Uchel Lys am adolygiad statudol o benderfyniad neu orchymyn**

- (1) Caiff person a dramgwyddir gan benderfyniad neu orchymyn y mae adran 182 yn gymwys iddo, neu'r awdurdod sy'n ymwneud yn uniongyrchol â phenderfyniad neu orchymyn o'r fath, wneud cais am adolygiad statudol.
- (2) Mae cais am adolygiad statudol yn gais i'r Uchel Lys sy'n cwestiynu dilysrwydd y penderfyniad neu'r gorchymyn ar y sail –
  - (a) nad yw o fewn y pwerau a roddir gan y Ddeddf hon, neu
  - (b) na chydymffurfiwyd â gofyniad yn y Ddeddf hon, neu mewn is-ddeddfwriaeth a wneir odani, mewn perthynas â'r penderfyniad neu'r gorchymyn.
- (3) Ni chaniateir gwneud cais am adolygiad statudol ond gyda chaniatâd yr Uchel Lys.
- (4) Rhaid i gais am ganiatâd gael ei wneud cyn diwedd 6 wythnos sy'n dechrau â thrannoeth –
  - (a) yn achos cais sy'n ymwneud â penderfyniad a grybwyllir yn adran 182(2), y diwrnod y gwneir y penderfyniad;
  - (b) yn achos cais sy'n ymwneud â gorchymyn a wneir gan awdurdod cynllunio o dan adran 107 ac a gadarnheir gan Weinidogion Cymru (gydag addasiadau neu hebddynt), y diwrnod y cadarnheir y gorchymyn;
  - (c) yn achos unrhyw gais arall sy'n ymwneud â gorchymyn o dan adran 107, y diwrnod y mae'r gorchymyn yn cymryd effaith;
  - (d) yn achos cais sy'n ymwneud â gorchymyn a wneir gan awdurdod cynllunio o dan adran 115, y diwrnod y cadarnheir y gorchymyn;
  - (e) yn achos cais sy'n ymwneud ag unrhyw orchymyn arall a grybwyllir yn adran 182(3), y diwrnod y gwneir y gorchymyn.
- (5) Wrth ystyried pa un ai i roi caniatâd, caiff yr Uchel Lys wneud gorchymyn interim sy'n atal dros dro weithrediad y penderfyniad neu'r gorchymyn y mae'r cais arfaethedig am adolygiad statudol yn ymwneud ag ef hyd nes y penderfynir yn derfynol ar yr achos –
  - (a) ar y cais am ganiatâd, neu
  - (b) pan fo caniatâd wedi ei roi, ar y cais am adolygiad statudol.
- (6) Ar gais am adolygiad statudol, caiff yr Uchel Lys –
  - (a) gwneud gorchymyn interim sy'n atal dros dro weithrediad y penderfyniad neu'r gorchymyn y mae'r cais yn ymwneud ag ef hyd nes y penderfynir yn derfynol ar yr achos;
  - (b) diddymu'r penderfyniad hwnnw neu'r gorchymyn hwnnw os yw wedi ei fodloni –
    - (i) nad yw o fewn y pwerau a roddir gan y Ddeddf hon, neu
    - (ii) bod methiant i gydymffurfio â gofyniad yn y Ddeddf hon, neu mewn is-ddeddfwriaeth a wneir odani, mewn perthynas â'r penderfyniad neu'r gorchymyn, wedi cael effaith andwyol sylweddol ar fuddiannau'r ceisydd.
- (7) At ddibenion yr adran hon yr awdurdod sy'n ymwneud yn uniongyrchol â phenderfyniad neu orchymyn yw –
  - (a) yn achos penderfyniad ar gais a atgyfeiriwyd at Weinidogion Cymru o dan adran 94, yr awdurdod cynllunio a wnaeth yr atgyfeiriad;

**183 Application to High Court for statutory review of decision or order**

- (1) A person aggrieved by a decision or order to which section 182 applies, or the authority directly concerned with such a decision or order, may make an application for statutory review.
- (2) An application for statutory review is an application to the High Court questioning the validity of the decision or order on the grounds that –
  - (a) it is not within the powers conferred by this Act, or
  - (b) a requirement of this Act, or of subordinate legislation made under it, has not been complied with in relation to the decision or order.
- (3) An application for statutory review may only be made with the permission of the High Court.
- (4) An application for permission must be made before the end of 6 weeks beginning with the day after –
  - (a) in the case of an application relating to a decision mentioned in section 182(2), the day the decision is made;
  - (b) in the case of an application relating to an order made by a planning authority under section 107 and confirmed by the Welsh Ministers (with or without modifications), the day the order is confirmed;
  - (c) in the case of any other application relating to an order under section 107, the day the order takes effect;
  - (d) in the case of an application relating to an order made by a planning authority under section 115, the day the order is confirmed;
  - (e) in the case of an application relating to any other order mentioned in section 182(3), the day the order is made.
- (5) When considering whether to give permission, the High Court may make an interim order suspending the operation of the decision or order to which the proposed application for statutory review relates until the final determination of the proceedings on –
  - (a) the application for permission, or
  - (b) where permission is given, the application for statutory review.
- (6) On an application for statutory review the High Court –
  - (a) may make an interim order suspending the operation of the decision or order to which the application relates until the proceedings are finally determined;
  - (b) may quash that decision or order if satisfied that –
    - (i) it is not within the powers conferred by this Act, or
    - (ii) the interests of the applicant have been substantially prejudiced by a failure to comply with a requirement of this Act, or of subordinate legislation made under it, in relation to the decision or order.
- (7) For the purposes of this section the authority directly concerned with a decision or order is –
  - (a) in the case of a decision on an application referred to the Welsh Ministers under section 94, the planning authority that made the reference;

- (b) yn achos penderfyniad ar apêl o dan adran 100, yr awdurdod cynllunio y gwnaed y cais y mae'r apêl yn ymwneud ag ef iddo;
- (c) yn achos penderfyniad i gadarnhau neu i beidio â chadarnhau hysbysiad prynu –
  - (i) yr awdurdod cynllunio y cyflwynwyd yr hysbysiad prynu iddo (gweler adran 109), a
  - (ii) os yw Gweinidogion Cymru wedi addasu'r hysbysiad yn gyfan gwbl neu'n rhannol drwy roi awdurdod lleol arall neu ymgymwrwr statudol yn lle'r awdurdod cynllunio, yr awdurdod lleol arall hwnnw neu'r ymgymwrwr statudol hwnnw;
- (d) yn achos penderfyniad o dan adran 128(3)(a) neu (b) ar apêl yn erbyn hysbysiad gorfodi a ddyroddwyd gan awdurdod cynllunio, yr awdurdod a ddyroddodd yr hysbysiad;
- (e) yn achos gorchymyn o dan adran 107, yr awdurdod cynllunio y mae'r adeilad y mae'r gorchymyn yn ymwneud ag ef yn ei ardal;
- (f) yn achos gorchymyn o dan adran 115, unrhyw awdurdod cynllunio sy'n barti i'r cytundeb partneriaeth adeilad rhestredig y mae'r gorchymyn yn ymwneud ag ef neu a oedd yn barti i'r cytundeb hwnnw;
- (g) yn achos gorchymyn a wnaed o dan adran 181 mewn cysylltiad â phenderfyniad neu orchymyn a grybwyllir ym mharagraffau (a) i (f), yr awdurdod a oedd yn ymwneud yn uniongyrchol â'r penderfyniad hwnnw neu'r gorchymyn hwnnw.

**184 Apelio i'r Uchel Lys yn erbyn penderfyniad sy'n ymwneud â hysbysiad gorfodi**

- (1) Rhaid i reolau llys ddarparu naill ai –
  - (a) y caiff person sydd â buddiant apelio i'r Uchel Lys ar bwynt cyfreithiol yn erbyn penderfyniad perthnasol a wneir gan Weinidogion Cymru, neu
  - (b) pan fo Gweinidogion Cymru yn gwneud penderfyniad perthnasol, y caiff person sydd â buddiant ei gwneud yn ofynnol iddynt ddatgan a llofnodi achos i gael barn yr Uchel Lys.
- (2) At ddibenion yr adran hon –
  - (a) mae penderfyniad perthnasol yn unrhyw benderfyniad (gan gynnwys cyfarwyddyd neu orchymyn) a wneir mewn achos ar apêl o dan adran 127 yn erbyn hysbysiad gorfodi, ac eithrio penderfyniad o dan adran 128(3)(a) neu (b) i roi cydsyniad neu i ddileu amod mewn cydsyniad;
  - (b) mae'r personau a ganlyn yn bersonau sydd â buddiant –
    - (i) y person a wnaeth yr apêl,
    - (ii) yr awdurdod cynllunio y mae'r adeilad y mae'r hysbysiad gorfodi yn ymwneud ag ef yn ei ardal, a
    - (iii) unrhyw berson arall a chanddo fuddiant yn yr adeilad.
- (3) Ar unrhyw gam o'r achos ar apêl o dan adran 127, caiff Gweinidogion Cymru ddatgan cwestiwn cyfreithiol sy'n codi yn ystod yr achos ar ffurf achos arbennig i gael penderfyniad yr Uchel Lys.



- (b) in the case of a decision on an appeal under section 100, the planning authority to which the application to which the appeal relates was made;
- (c) in the case of a decision to confirm or not to confirm a purchase notice –
  - (i) the planning authority on which the purchase notice was served (see section 109), and
  - (ii) if the Welsh Ministers have modified the notice wholly or in part by substituting another local authority or statutory undertaker for the planning authority, that other local authority or statutory undertaker;
- (d) in the case of a decision under section 128(3)(a) or (b) on an appeal against an enforcement notice issued by a planning authority, the authority that issued the notice;
- (e) in the case of an order under section 107, the planning authority in whose area the building to which the order relates is situated;
- (f) in the case of an order under section 115, any planning authority that is or was a party to the listed building partnership agreement to which the order relates;
- (g) in the case of an order made under section 181 in connection with a decision or order mentioned in paragraphs (a) to (f), the authority directly concerned with that decision or order.

#### **184 Appeal to High Court against decision relating to enforcement notice**

- (1) Rules of court must provide either –
  - (a) 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
  - (b) that where the Welsh Ministers make a relevant decision an interested person may require them to state and sign a case for the opinion of the High Court.
- (2) For the purposes of this section –
  - (a) a relevant decision is any decision (including a direction or order) made in proceedings on an appeal under section 127 against an enforcement notice, other than a decision under section 128(3)(a) or (b) to grant consent or remove a condition of consent;
  - (b) the following are interested persons –
    - (i) the person who made the appeal,
    - (ii) the planning authority in whose area the building to which the enforcement notice relates is situated, and
    - (iii) any other person who has an interest in the building.
- (3) At any stage of the proceedings on an appeal under section 127, the Welsh Ministers may state a question of law arising in the course of the proceedings in the form of a special case for the decision of the High Court.

- (4) Mae penderfyniad gan yr Uchel Lys ar achos a ddatgenir o dan is-adran (3) i'w drin fel pe bai'n ddyfarniad gan y llys at ddibenion adran 16 o Ddeddf Uwchlysoedd 1981 (p. 54) (awdurdodaeth y Llys Apêl i glywed a phenderfynu apelau o ddyfarniadau neu orchmynion yr Uchel Lys).
- (5) Pan fo achos yn cael ei ddwyn yn rhinwedd yr adran hon, caiff yr Uchel Lys neu'r Llys Apêl (yn ôl y digwydd) orchymyn bod yr hysbysiad gorfodi i gael effaith, naill ai'n llawn neu i'r graddau a bennir yn y gorchymyn, hyd nes y penderfynir yn derfynol ar yr achos ac unrhyw ail wrandawriad a phenderfyniad ar yr apêl gan Weinidogion Cymru.
- (6) Caniateir gwneud gorchymyn o dan is-adran (5) ar ba delerau bynnag y mae'r llys yn ystyried eu bod yn briodol, a all gynnwys telerau sy'n ei gwneud yn ofynnol i'r awdurdod cynllunio roi ymgymeriad ynghylch iawndal neu unrhyw fater arall.
- (7) Caiff rheolau llys wneud darpariaeth—
  - (a) i Weinidogion Cymru fod yn barti i achos yn yr Uchel Lys neu'r Llys Apêl a ddygir yn rhinwedd yr adran hon, naill ai'n gyffredinol neu o dan amgylchiadau a bennir yn y rheolau;
  - (b) ynghylch pwerau'r Uchel Lys neu'r Llys Apêl i anfon y mater yn ôl at Weinidogion Cymru ar gyfer ail wrandawriad a phenderfyniad yn unol â barn neu gyfarwyddyd y llys.
- (8) Ni chaniateir dwyn achos yn yr Uchel Lys o dan yr adran hon ond gyda chaniatâd yr Uchel Lys.
- (9) Ni chaniateir dwyn apêl i'r Llys Apêl yn rhinwedd yr adran hon ond gyda chaniatâd yr Uchel Lys neu'r Llys Apêl.

*Cywiro penderfyniadau Gweinidogion Cymru*

**185 Ystyr "dogfen penderfyniad" a "gwall cywiradwy"**

- (1) Mae'r adran hon yn gymwys at ddibenion adrannau 186 a 187.
- (2) Ystyr "dogfen penderfyniad" yw dogfen sy'n cofnodi—
  - (a) penderfyniad y mae adran 182 yn gymwys iddo (gweler is-adran (2) o'r adran honno),
  - (b) penderfyniad ar apêl o dan adran 127 (apêl yn erbyn hysbysiad gorfodi), neu
  - (c) unrhyw benderfyniad arall a wneir o dan neu yn rhinwedd Rhan 3, Rhan 4 neu'r Rhan hon sydd o ddisgrifiad a bennir mewn rheoliadau a wneir gan Weinidogion Cymru.
- (3) Ystyr "gwall cywiradwy" yw gwall—
  - (a) sydd wedi ei gynnwys mewn unrhyw ran o'r ddogfen penderfyniad sy'n cofnodi'r penderfyniad, ond
  - (b) nad yw'n rhan o unrhyw resymau a roddir dros y penderfyniad, ac mae "gwall" yn cynnwys hepgoriad.

**186 Pŵer i gywiro gwallau cywiradwy mewn dogfennau penderfyniad**

- (1) Mae'r adran hon yn gymwys pan fo dogfen penderfyniad yn cael ei dyroddi sy'n cynnwys gwall cywiradwy.

- (4) A decision of the High Court on a case stated under subsection (3) is to be treated as a judgment of the court for the purposes of section 16 of the Senior Courts Act 1981 (c. 54) (jurisdiction of Court of Appeal to hear and determine appeals from judgments or orders of High Court).
- (5) Where proceedings are brought by virtue of this section, the High Court or the Court of Appeal (as the case may be) may order that the enforcement notice is to have effect, either in full or to the extent specified in the order, pending the final determination of the proceedings and any re-hearing and determination of the appeal by the Welsh Ministers.
- (6) An order under subsection (5) may be made on whatever terms the court considers appropriate, which may include terms requiring the planning authority to give an undertaking as to damages or any other matter.
- (7) Rules of court may make provision –
  - (a) for the Welsh Ministers to be a party to proceedings in the High Court or the Court of Appeal brought by virtue of this section, either generally or in circumstances specified in the rules;
  - (b) about the powers of the High Court or the Court of Appeal to remit the matter to the Welsh Ministers for re-hearing and determination in accordance with the opinion or direction of the court.
- (8) Proceedings in the High Court under this section may only be brought with the permission of the High Court.
- (9) An appeal to the Court of Appeal by virtue of this section may only be brought with the permission of the High Court or the Court of Appeal.

*Correction of decisions of Welsh Ministers*

**185 Meaning of “decision document” and “correctable error”**

- (1) This section applies for the purposes of sections 186 and 187.
- (2) “Decision document” means a document which records –
  - (a) a decision to which section 182 applies (see subsection (2) of that section),
  - (b) a decision on an appeal under section 127 (appeal against enforcement notice), or
  - (c) any other decision made under or by virtue of Part 3, Part 4 or this Part that is of a description specified in regulations made by the Welsh Ministers.
- (3) “Correctable error” means an error which –
  - (a) is contained in any part of the decision document which records the decision, but
  - (b) is not part of any reasons given for the decision,and “error” includes omission.

**186 Power to correct correctable errors in decision documents**

- (1) This section applies where a decision document is issued which contains a correctable error.

- (2) Os bydd Gweinidogion Cymru, cyn diwedd y cyfnod adolygu –
- (a) yn cael cais ysgrifenedig i gywiro'r gwall oddi wrth unrhyw berson, neu
  - (b) yn anfon datganiad ysgrifenedig at y ceisydd sy'n esbonio'r gwall ac yn datgan eu bod yn ystyried ei gywiro,
- rhaid i Weinidogion Cymru benderfynu pa un ai i gywiro'r gwall ai peidio.
- (3) Ond ni chaiff Gweinidogion Cymru wneud cywiriad oni bai eu bod wedi hysbysu'r awdurdod cynllunio eu bod wedi cael y cais a grybwyllir yn is-adran (2)(a) neu wedi anfon y datganiad a grybwyllir yn is-adran (2)(b).
- (4) Y cyfnod adolygu yw –
- (a) pan fo'r ddogfen penderfyniad yn cofnodi penderfyniad y mae adran 182 yn gymwys iddo, y cyfnod y caniateir i gais am ganiatâd i wneud cais am adolygiad statudol o dan adran 183 gael ei wneud ynddo i'r Uchel Lys;
  - (b) pan fo'r ddogfen penderfyniad yn cofnodi penderfyniad ar apêl o dan adran 127 nad yw adran 182 yn gymwys iddo, y cyfnod y caniateir i gais am ganiatâd i ddwyn achos o dan adran 184 gael ei wneud ynddo i'r Uchel Lys, heb gynnwys unrhyw amser y caiff yr Uchel Lys estyn y cyfnod hwnnw,
- ac nid oes gwahaniaeth a wneir unrhyw gais o'r fath mewn gwirionedd.
- (5) Cyn gynted ag y bo'n ymarferol ar ôl i Weinidogion Cymru gywiro'r gwall neu ar ôl iddynt benderfynu peidio â'i gywiro, rhaid iddynt ddyroddi hysbysiad cywiro.
- (6) Mae hysbysiad cywiro yn hysbysiad sydd –
- (a) yn pennu cywiriad y gwall, neu
  - (b) yn rhoi hysbysiad o benderfyniad i beidio â'i gywiro.
- (7) Rhaid i Weinidogion Cymru gyflwyno'r hysbysiad cywiro –
- (a) i'r ceisydd;
  - (b) os nad y ceisydd yw perchennog yr adeilad neu'r tir arall y mae'r penderfyniad gwreiddiol yn ymwneud ag ef, i bob perchennog ar yr adeilad neu'r tir;
  - (c) i'r awdurdod cynllunio;
  - (d) os gofynnodd unrhyw berson arall am y cywiriad, i'r person hwnnw;
  - (e) i unrhyw berson arall a bennir, neu sydd o ddisgrifiad a bennir, mewn rheoliadau a wneir gan Weinidogion Cymru.
- (8) Pan ddyroddwyd y ddogfen penderfyniad gan berson a benodir o dan adran 173, caniateir i swyddogaethau Gweinidogion Cymru o dan yr adran hon gael eu harfer hefyd gan y person hwnnw neu gan unrhyw berson arall a benodir o dan yr adran honno i benderfynu apelau yn lle Gweinidogion Cymru.
- (9) Yn yr adran hon –
- ystyr "yr awdurdod cynllunio" ("*the planning authority*") yw'r awdurdod cynllunio y mae'r adeilad neu'r tir arall y mae'r penderfyniad gwreiddiol yn ymwneud ag ef yn ei ardal;

- (2) If, before the end of the review period, the Welsh Ministers –
- (a) receive a request in writing to correct the error from any person, or
  - (b) send a statement in writing to the applicant which explains the error and states that they are considering correcting it,
- the Welsh Ministers must decide whether or not to correct the error.
- (3) But the Welsh Ministers may not make a correction unless they have informed the planning authority that they have received the request mentioned in subsection (2)(a) or sent the statement mentioned in subsection (2)(b).
- (4) The review period is –
- (a) where the decision document records a decision to which section 182 applies, the period within which an application for permission to apply for statutory review under section 183 may be made to the High Court;
  - (b) where the decision document records a decision on an appeal under section 127 to which section 182 does not apply, the period within which an application for permission to bring proceedings under section 184 may be made to the High Court, not including any time by which the High Court may extend that period,
- and it does not matter whether any such application is actually made.
- (5) As soon as practicable after the Welsh Ministers correct the error or decide not to correct it, they must issue a correction notice.
- (6) A correction notice is a notice which –
- (a) specifies the correction of the error, or
  - (b) gives notice of a decision not to correct it.
- (7) The Welsh Ministers must serve the correction notice on –
- (a) the applicant;
  - (b) if the applicant is not the owner of the building or other land to which the original decision relates, every owner of the building or land;
  - (c) the planning authority;
  - (d) if the correction was requested by any other person, that person;
  - (e) any other person who is specified, or is of a description specified, in regulations made by the Welsh Ministers.
- (8) Where the decision document was issued by a person appointed under section 173, the functions of the Welsh Ministers under this section may also be exercised by that person or by any other person appointed under that section to determine appeals instead of the Welsh Ministers.
- (9) In this section –
- “the applicant” (“*y ceisydd*”) means the person who made the application or appeal, or served the purchase notice, to which the original decision relates;

ystyr “y ceisydd” (“*the applicant*”) yw’r person a wnaeth y cais neu’r apêl, neu a gyflwynodd yr hysbysiad prynu, y mae’r penderfyniad gwreiddiol yn ymwneud ag ef neu hi;

ystyr “perchennog” (“*owner*”), mewn perthynas ag adeilad neu dir arall, yw –

- (a) perchennog ar yr ystad rydd-ddaliadol yn yr adeilad neu’r tir, neu
- (b) tenant o dan les ar yr adeilad neu’r tir a roddir neu a estynnir am gyfnod penodol sydd ag o leiaf 7 mlynedd yn weddill.

#### 187 Effaith a dilysrwydd hysbysiad cywiro

- (1) Os gwneir cywiriad o dan adran 186 –
  - (a) mae’r penderfyniad gwreiddiol i’w drin fel pe na bai wedi ei wneud;
  - (b) mae’r penderfyniad i’w drin at bob diben fel pe bai wedi ei wneud ar y diwrnod y dyroddir yr hysbysiad cywiro.
- (2) Os na wneir cywiriad –
  - (a) mae’r penderfyniad gwreiddiol yn parhau i gael effaith;
  - (b) nid yw adran 186 na’r adran hon yn effeithio ar unrhyw beth a wneir yn unol â’r penderfyniad neu mewn perthynas ag ef.
- (3) Pan fo hysbysiad cywiro yn cael ei ddyroddi mewn perthynas â phenderfyniad y mae adran 182 yn gymwys iddo, mae adran 183 yn gymwys i’r hysbysiad cywiro fel pe bai’n benderfyniad y mae adran 182 yn gymwys iddo.
- (4) Pan fo hysbysiad cywiro yn cael ei ddyroddi mewn perthynas â phenderfyniad y mae adran 184 yn gymwys iddo, mae adran 184 yn gymwys i’r hysbysiad cywiro fel pe bai’n benderfyniad y mae’r adran honno yn gymwys iddo.
- (5) Pan fo rheoliadau o dan adran 185(2)(c) yn pennu disgrifiad o benderfyniad, rhaid i Weinidogion Cymru drwy reoliadau wneud darpariaeth sy’n cyfateb i adran 183 neu 184 ar gyfer cwstyynu dilysrwydd hysbysiad cywiro a ddyroddir mewn perthynas â phenderfyniad o’r disgrifiad hwnnw.
- (6) Ni chaniateir cwstyynu dilysrwydd hysbysiad cywiro mewn unrhyw achos cyfreithiol ac eithrio i’r graddau a ddarperir yn rhinwedd yr adran hon.

### PENNOD 4

#### CYFFREDINOL

##### *Y Goron*

#### 188 Cynrychiolaeth buddiannau’r Goron a buddiannau’r Ddugiaeth mewn tir

- (1) Mae’r adran hon yn gymwys i unrhyw beth y mae’n ofynnol ei wneud neu sydd wedi ei awdurdodi i’w wneud at ddibenion Rhan 3, Rhan 4 neu’r Rhan hon gan berchennog ar fuddiant mewn tir (gan gynnwys buddiant fel meddiannydd ar y tir yn unig) neu mewn perthynas â pherchennog o’r fath.
- (2) I’r graddau y mae’r buddiant yn fuddiant y Goron neu fuddiant y Ddugiaeth, rhaid i’r peth gael ei wneud gan awdurdod priodol y Goron neu mewn perthynas â’r awdurdod hwnnw.

“owner” (“*perchennog*”), in relation to a building or other land, means –

- (a) an owner of the freehold estate in the building or land, or
- (b) a tenant under a lease of the building or land granted or extended for a fixed term that has at least 7 years left to run;

“the planning authority” (“*yr awdurdod cynllunio*”) means the planning authority in whose area the building or other land to which the original decision relates is situated.

### 187 Effect and validity of correction notice

- (1) If a correction is made under section 186 –
  - (a) the original decision is to be treated as not having been made;
  - (b) the decision is to be treated for all purposes as having been made on the day the correction notice is issued.
- (2) If a correction is not made –
  - (a) the original decision continues to have effect;
  - (b) section 186 and this section do not affect anything done in pursuance of or in relation to the decision.
- (3) Where a correction notice is issued in relation to a decision to which section 182 applies, section 183 applies to the correction notice as if it were a decision to which section 182 applies.
- (4) Where a correction notice is issued in relation to a decision to which section 184 applies, section 184 applies to the correction notice as if it were a decision to which that section applies.
- (5) Where regulations under section 185(2)(c) specify a description of decision, the Welsh Ministers must by regulations make provision which corresponds to section 183 or 184 for questioning the validity of a correction notice issued in relation to a decision of that description.
- (6) The validity of a correction notice may not be questioned in any legal proceedings except to the extent provided by virtue of this section.

## CHAPTER 4

### GENERAL

#### *The Crown*

### 188 Representation of Crown and Duchy interests in land

- (1) This section applies to anything that is required or authorised to be done for the purposes of Part 3, Part 4 or this Part by or in relation to an owner of an interest in land (including an interest only as an occupier of the land).
- (2) To the extent that the interest is a Crown interest or a Duchy interest, the thing must be done by or in relation to the appropriate Crown authority.

**189 Cyflwyno dogfennau i'r Goron**

- (1) Mae'r adran hon yn gymwys pan fo cyflwyno hysbysiad neu ddogfen arall i'r Goron yn ofynnol neu wedi ei awdurdodi o dan neu yn rhinwedd Rhan 3, Rhan 4 neu'r Rhan hon.
- (2) Rhaid cyflwyno'r ddogfen i awdurdod priodol y Goron.
- (3) Nid yw adrannau 205 a 206 (darpariaethau cyffredinol ynghylch dulliau cyflwyno) yn gymwys i gyflwyno'r ddogfen.

**190 Camau gorfodi mewn perthynas â thir y Goron**

- (1) Ni chaiff awdurdod cynllunio gymryd cam gorfodi perthnasol mewn perthynas â thir y Goron heb gytundeb awdurdod priodol y Goron.
- (2) Caiff awdurdod priodol y Goron roi cytundeb yn ddarostyngedig i amodau.
- (3) Yn yr adran hon ystyr "cam gorfodi perthnasol" yw unrhyw beth a wneir mewn cysylltiad â gorfodi gofyniad neu waharddiad a osodir gan neu o dan Ran 3, Rhan 4 neu'r Rhan hon.
- (4) Mae'n cynnwys –
  - (a) mynd ar dir, a
  - (b) dwyn achos neu wneud cais.
- (5) Ond nid yw'n cynnwys –
  - (a) dyroddi neu gyflwyno hysbysiad (er enghraifft hysbysiad gorfodi neu hysbysiad stop dros dro), neu
  - (b) gwneud gorchymyn (er enghraifft gorchymyn o dan adran 107 neu 115).

*Dehongli***191 Ystyr "awdurdod lleol" yn y Rhan hon**

Yn y Rhan hon mae i "awdurdod lleol" yr ystyr a roddir gan adran 157.

**RHAN 6****ASEDAU TREFTADAETH ERAILL A CHOFNODION***Parciau a gerddi hanesyddol***192 Dyletswydd i gynnal a chyhoeddi cofrestr o barciau a gerddi hanesyddol**

- (1) Rhaid i Weinidogion Cymru gynnal cofrestr o barciau a gerddi yng Nghymru y maent yn ystyried eu bod o ddi-ddordeb hanesyddol arbennig, a rhaid iddynt gyhoeddi'r gofrestr gyfredol.
- (2) Rhaid i Weinidogion Cymru benderfynu pa un ai i gynnwys, neu i ba raddau y dylid cynnwys, fel rhan o gofrestriad parc neu ardd –
  - (a) unrhyw adeilad neu ddŵr sydd arno neu arni, sy'n cydffinio ag ef neu â hi neu sy'n gyfagos iddo neu iddi, neu
  - (b) unrhyw dir sy'n cydffinio ag ef neu â hi neu sy'n gyfagos iddo neu iddi.
- (3) Caiff Gweinidogion Cymru ddiwygio'r gofrestr drwy –
  - (a) ychwanegu cofnod,



**189 Service of documents on the Crown**

- (1) This section applies where a notice or other document is required or authorised under or by virtue of Part 3, Part 4 or this Part to be served on the Crown.
- (2) The document must be served on the appropriate Crown authority.
- (3) Sections 205 and 206 (general provisions about methods of service) do not apply to the service of the document.

**190 Enforcement steps in relation to Crown land**

- (1) A planning authority must not take a relevant enforcement step in relation to Crown land without the agreement of the appropriate Crown authority.
- (2) The appropriate Crown authority may give agreement subject to conditions.
- (3) In this section “relevant enforcement step” means anything done in connection with the enforcement of a requirement or prohibition imposed by or under Part 3, Part 4 or this Part.
- (4) It includes –
  - (a) entering land, and
  - (b) bringing proceedings or making an application.
- (5) But it does not include –
  - (a) issuing or serving a notice (for example an enforcement notice or temporary stop notice), or
  - (b) making an order (for example an order under section 107 or 115).

*Interpretation***191 Meaning of “local authority” in this Part**

In this Part “local authority” has the meaning given by section 157.

**PART 6****OTHER HERITAGE ASSETS AND RECORDS***Historic parks and gardens***192 Duty to maintain and publish register of historic parks and gardens**

- (1) The Welsh Ministers must maintain a register of parks and gardens in Wales they consider to be of special historic interest, and must publish the up-to-date register.
- (2) The Welsh Ministers must decide whether, or to what extent, to include as part of the registration of a park or garden –
  - (a) any building or water on, adjoining or adjacent to it, or
  - (b) any land adjoining or adjacent to it.
- (3) The Welsh Ministers may amend the register by –
  - (a) adding an entry,

- (b) dileu cofnod, neu
  - (c) diwygio cofnod.
- (4) Cyn gynted ag y bo'n bosibl ar ôl diwygio'r gofrestr, rhaid i Weinidogion Cymru –
- (a) cyflwyno hysbysiad eu bod wedi gwneud hynny i'r personau a grybwyllir yn is-adran (5), a
  - (b) yn achos unrhyw ddiwygiad o dan is-adran (3)(a) neu (c), gynnwys gyda'r hysbysiad gopi o'r cofnod neu'r cofnod diwygiedig yn y gofrestr.
- (5) Y personau y cyfeirir atynt yn is-adran (4) yw –
- (a) pob perchennog a phob meddiannydd ar y parc neu'r ardd o dan sylw (gan gynnwys, os ydynt yn wahanol, berchnogion a meddianwyr unrhyw beth sy'n ymddangos yn y gofrestr yn rhinwedd is-adran (2));
  - (b) yr awdurdod cynllunio y mae'r parc neu'r ardd yn ei ardal (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).
- (6) Yn yr adran hon mae cyfeiriadau at barciau a gerddi yn cynnwys –
- (a) manau hamdden, a
  - (b) unrhyw diroedd eraill sydd wedi eu dylunio (gan gynnwys tirweddau addurnol sydd wedi eu dylunio).

*Enwau lleoedd hanesyddol***193 Dyletswydd i gynnal a chyhoeddi rhestr o enwau lleoedd hanesyddol**

Rhaid i Weinidogion Cymru gynnal rhestr o enwau lleoedd hanesyddol yng Nghymru, a rhaid iddynt gyhoeddi'r rhestr gyfredol.

*Cofnodion amgylchedd hanesyddol***194 Dyletswydd i gynnal cofnodion amgylchedd hanesyddol**

- (1) Rhaid i Weinidogion Cymru gynnal cofnod amgylchedd hanesyddol ar gyfer pob ardal awdurdod lleol.
- (2) Mae cofnod amgylchedd hanesyddol yn gofnod sy'n darparu –
- (a) manylion pob heneb gofrestredig yn ardal yr awdurdod,
  - (b) manylion pob adeilad rhestredig yn ardal yr awdurdod,
  - (c) manylion pob ardal gadwraeth yn ardal yr awdurdod,
  - (d) manylion pob parc neu ardd yn ardal yr awdurdod sydd wedi ei gynnwys neu ei chynnwys yn y gofrestr o barciau a gerddi hanesyddol a gynhelir o dan adran 192,
  - (e) manylion pob safle gwrthdaro yn ardal yr awdurdod y mae Gweinidogion Cymru yn ystyried ei fod o ddiddordeb hanesyddol,
  - (f) pan fo awdurdod cyhoeddus (pa un ai ar ei ben ei hun neu ar y cyd â phersonau eraill) yn cynnal rhestr o dirweddau hanesyddol yng Nghymru, fanylion pob tirwedd hanesyddol yn ardal yr awdurdod lleol sydd wedi ei chynnwys yn y rhestr,
  - (g) manylion pob safle treftadaeth y byd yn ardal yr awdurdod,

- (b) removing an entry, or
  - (c) amending an entry.
- (4) As soon as possible after amending the register, the Welsh Ministers must –
- (a) serve notice that they have done so on the persons mentioned in subsection (5), and
  - (b) in the case of any amendment under subsection (3)(a) or (c), include with the notice a copy of the entry or amended entry in the register.
- (5) The persons referred to in subsection (4) are –
- (a) every owner and occupier of the park or garden in question (including, if different, the owners and occupiers of anything appearing in the register by virtue of subsection (2));
  - (b) the planning authority in whose area the park or garden is situated (including, if different, the planning authority in whose area anything appearing in the register by virtue of subsection (2) is situated).
- (6) In this section references to parks and gardens include –
- (a) places of recreation, and
  - (b) any other designed grounds (including designed ornamental landscapes).

*Historic place names*

**193 Duty to maintain and publish list of historic place names**

The Welsh Ministers must maintain a list of historic place names in Wales, and must publish the up-to-date list.

*Historic environment records*

**194 Duty to maintain historic environment records**

- (1) The Welsh Ministers must maintain a historic environment record for every local authority area.
- (2) A historic environment record is a record which provides –
- (a) details of every scheduled monument in the authority's area,
  - (b) details of every listed building in the authority's area,
  - (c) details of every conservation area in the authority's area,
  - (d) details of every park or garden in the authority's area which is included in the register of historic parks and gardens maintained under section 192,
  - (e) details of every conflict site in the authority's area which the Welsh Ministers consider to be of historic interest,
  - (f) where a public authority (whether by itself or jointly with other persons) maintains a list of historic landscapes in Wales, details of every historic landscape in the local authority's area which is included in the list,
  - (g) details of every world heritage site in the authority's area,

- (h) manylion pob ardal arall neu safle arall yn ardal yr awdurdod y mae'r awdurdod neu Weinidogion Cymru yn ystyried ei bod neu ei fod o ddiddordeb hanesyddol, archaeolegol neu bensaernïol lleol,
  - (i) gwybodaeth am y ffordd y mae datblygiad hanesyddol, archaeolegol neu bensaernïol ardal yr awdurdod, neu unrhyw ran ohoni, wedi cyfrannu at gymeriad presennol yr ardal neu'r rhan ac am sut y gellir diogelu'r cymeriad hwnnw,
  - (j) manylion ymchwiliadau perthnasol a gynhelir yn ardal yr awdurdod a manylion canfyddiadau'r ymchwiliadau hynny, a
  - (k) dull o gael mynediad at fanylion pob enw lle hanesyddol yn ardal yr awdurdod sydd wedi ei gynnwys yn y rhestr a gynhelir o dan adran 193.
- (3) Yn is-adran (2)(e) ystyr "safle gwrthdaro" yw –
- (a) maes brwydr neu safle lle y digwyddodd rhyw wrthdaro arall yr oedd lluoedd arfog yn rhan ohono, neu
  - (b) safle lle y digwyddodd gweithgareddau sylweddol a oedd yn ymwneud â brwydr neu wrthdaro arall yr oedd lluoedd arfog yn rhan ohono.
- (4) Yn is-adran (2)(g) ystyr "safle treftadaeth y byd" yw unrhyw beth sy'n ymddangos ar Restr Treftadaeth y Byd a gedwir o dan Erthygl 11(2) o Gonfensiwn UNESCO ynghylch Gwarchod Treftadaeth Ddiwylliannol a Naturiol y Byd a fabwysiadwyd ym Mharis ar 16 Tachwedd 1972.
- (5) Yn is-adran (2)(j) ystyr "ymchwiliad perthnasol" yw –
- (a) ymchwiliad gan awdurdod lleol neu Weinidogion Cymru at ddiben cael gwybodaeth o ddiddordeb hanesyddol, archaeolegol neu bensaernïol sy'n ymwneud ag ardal yr awdurdod, a
  - (b) unrhyw ymchwiliad arall at y diben hwnnw y mae Gweinidogion Cymru yn ystyried ei bod yn briodol ei gynnwys yn y cofnod.
- (6) Caiff Gweinidogion Cymru drwy reoliadau ddiwygio'r adran hon i amrywio ystyr "cofnod amgylchedd hanesyddol".
- (7) Cyn gwneud rheoliadau o dan is-adran (6), rhaid i Weinidogion Cymru ymgynghori –
- (a) â phob awdurdod lleol, a
  - (b) ag unrhyw bersonau eraill y mae Gweinidogion Cymru yn ystyried eu bod yn briodol.
- (8) At ddibenion yr adran hon –
- (a) mae unrhyw gyfeiriad at ardal awdurdod lleol yn cynnwys, yn achos awdurdod y mae ei ardal yn cynnwys rhan o lan y môr, unrhyw ran o'r môr sy'n gorwedd tua'r môr o'r rhan honno o'r lan ac sy'n ffurfio rhan o Gymru, a
  - (b) mae ardal, safle neu beth i gael ei thrin neu ei drin fel pe bai mewn ardal awdurdod lleol os yw unrhyw ran ohoni neu ohono yn yr ardal.
- (9) Yn yr adran hon ac adran 196, ystyr "awdurdod lleol" yw cyngor sir neu gyngor bwrdeistref sirol yng Nghymru.

- (h) details of every other area or site in the authority's area which the authority considers or the Welsh Ministers consider to be of local historic, archaeological or architectural interest,
  - (i) information about the way in which the historic, archaeological or architectural development of the authority's area, or any part of it, has contributed to the present character of the area or part and about how that character may be preserved,
  - (j) details of relevant investigations carried out in the authority's area and of the findings of those investigations, and
  - (k) a means of accessing details of every historic place name in the authority's area which is included in the list maintained under section 193.
- (3) In subsection (2)(e) "conflict site" means –
- (a) a battlefield or a site on which some other conflict involving military forces took place, or
  - (b) a site on which significant activities relating to a battle or other conflict involving military forces occurred.
- (4) In subsection (2)(g) "world heritage site" means anything appearing on the World Heritage List kept under Article 11(2) of the UNESCO Convention concerning the Protection of the World Cultural and Natural Heritage adopted at Paris on 16 November 1972.
- (5) In subsection (2)(j) "relevant investigation" means –
- (a) an investigation by a local authority or the Welsh Ministers for the purpose of obtaining information of historic, archaeological or architectural interest relating to the authority's area, and
  - (b) any other investigation for that purpose which the Welsh Ministers consider appropriate to include in the record.
- (6) The Welsh Ministers may by regulations amend this section to vary the meaning of "historic environment record".
- (7) Before making regulations under subsection (6), the Welsh Ministers must consult –
- (a) every local authority, and
  - (b) any other persons the Welsh Ministers consider appropriate.
- (8) For the purposes of this section –
- (a) any reference to a local authority's area includes, in the case of an authority whose area includes part of the seashore, any part of the sea that lies seaward from that part of the shore and forms part of Wales, and
  - (b) an area, site or thing is to be treated as being in a local authority's area if any part of it is in the area.
- (9) In this section and section 196, "local authority" means a county council or county borough council in Wales.

**195 Mynediad at gofnodion amgylchedd hanesyddol**

- (1) Rhaid i Weinidogion Cymru –
  - (a) rhoi pob cofnod amgylchedd hanesyddol ar gael i'r cyhoedd edrych arno, a
  - (b) rhoi ar gael i berson sy'n dymuno edrych ar gofnod amgylchedd hanesyddol gyngor ar adalw a deall gwybodaeth sydd wedi ei darparu yn y cofnod neu y ceir mynediad ati drwy'r cofnod, neu gynhorthwy i wneud hynny.
- (2) Os yw –
  - (a) person yn gofyn am gopi o ran o gofnod amgylchedd hanesyddol neu fanylion y ceir mynediad atynt drwy gofnod o'r fath, a
  - (b) Gweinidogion Cymru yn ystyried bod y cais yn rhesymol,
 rhaid i Weinidogion Cymru ddarparu'r copi hwnnw neu'r manylion hynny i'r person.
- (3) Os yw –
  - (a) person yn gofyn i wybodaeth sydd wedi ei darparu mewn cofnod amgylchedd hanesyddol neu y ceir mynediad ati drwy gofnod o'r fath gael ei hadalw, a
  - (b) Gweinidogion Cymru yn ystyried bod y cais yn rhesymol,
 rhaid i Weinidogion Cymru lunio dogfen ar gyfer y person sy'n cynnwys yr wybodaeth.
- (4) Wrth asesu a yw cais yn rhesymol at ddibenion is-adran (2) neu (3), mae'r materion y caiff Gweinidogion Cymru eu hystyried yn cynnwys unrhyw geisiadau blaenorol a wnaed gan y person o dan sylw neu ar ei ran.
- (5) Caiff Gweinidogion Cymru godi ffi –
  - (a) am ddarparu cyngor neu gynhorthwy o dan is-adran (1)(b);
  - (b) am ddarparu copi neu fanylion o dan is-adran (2);
  - (c) am lunio dogfen o dan is-adran (3).
- (6) Rhaid i ffi gael ei chyfrifo gan ystyried y gost o ddarparu'r gwasanaeth y mae'r ffi yn ymwneud ag ef.

**196 Canllawiau i gyrff cyhoeddus penodol ynghylch cofnodion amgylchedd hanesyddol**

- (1) Rhaid i Weinidogion Cymru ddyroddi canllawiau i'r gyrff a restrir yn is-adran (2) –
  - (a) ar sut y gall y gyrff gyfrannu tuag at lunio cofnodion amgylchedd hanesyddol a chynorthwyo i gynnal y cofnodion, a
  - (b) ar y defnydd o gofnodion amgylchedd hanesyddol wrth arfer swyddogaethau'r gyrff.
- (2) Y gyrff yw –
  - (a) awdurdodau lleol,
  - (b) awdurdodau Parciau Cenedlaethol yng Nghymru, ac
  - (c) Cyfoeth Naturiol Cymru.
- (3) Rhaid i'r gyrff hynny roi sylw i'r canllawiau.
- (4) Cyn dyroddi canllawiau o dan yr adran hon, rhaid i Weinidogion Cymru ymgynghori –
  - (a) â'r gyrff, a

**195 Access to historic environment records**

- (1) The Welsh Ministers must –
  - (a) make every historic environment record available for public inspection, and
  - (b) make available to a person wishing to inspect a historic environment record advice on or assistance with retrieving and understanding information provided in the record or accessed by means of the record.
- (2) If –
  - (a) a person requests a copy of part of a historic environment record or of details accessed by means of such a record, and
  - (b) the Welsh Ministers consider that the request is reasonable,the Welsh Ministers must provide the person with that copy or those details.
- (3) If –
  - (a) a person requests the retrieval of information provided in a historic environment record or accessed by means of such a record, and
  - (b) the Welsh Ministers consider that the request is reasonable,the Welsh Ministers must compile a document for the person containing the information.
- (4) In assessing whether a request is reasonable for the purposes of subsection (2) or (3), the matters which the Welsh Ministers may take into account include any previous requests made by or on behalf of the person concerned.
- (5) The Welsh Ministers may charge a fee for –
  - (a) providing advice or assistance under subsection (1)(b);
  - (b) providing a copy or details under subsection (2);
  - (c) compiling a document under subsection (3).
- (6) A fee must be calculated by reference to the cost of providing the service to which the fee relates.

**196 Guidance to certain public bodies about historic environment records**

- (1) The Welsh Ministers must issue guidance to the bodies listed in subsection (2) on –
  - (a) how the bodies may contribute to the compilation of historic environment records and assist in maintaining the records, and
  - (b) the use of historic environment records in the exercise of the bodies' functions.
- (2) The bodies are –
  - (a) local authorities,
  - (b) National Park authorities in Wales, and
  - (c) Natural Resources Wales.
- (3) Those bodies must have regard to the guidance.
- (4) Before issuing guidance under this section, the Welsh Ministers must consult –
  - (a) the bodies, and

- (b) ag unrhyw bersonau eraill y maent yn ystyried eu bod yn briodol.
- (5) Rhaid i Weinidogion Cymru osod gerbron Senedd Cymru unrhyw ganllawiau a ddyroddir o dan yr adran hon.

## RHAN 7

### CYFFREDINOL

*Pwerau i wneud gwybodaeth am fuddiannau mewn tir yn ofynnol*

#### 197 Pŵer i wneud gwybodaeth yn ofynnol drwy hysbysiad

- (1) Caiff awdurdod perthnasol gyflwyno hysbysiad (“hysbysiad gwybodaeth”) sy’n ei gwneud yn ofynnol i feddiannydd unrhyw dir neu i berson sy’n cael rhent (naill ai’n uniongyrchol neu’n anuniongyrchol) mewn cysylltiad ag unrhyw dir gadarnhau’n ysgrifenedig –
- natur buddiant y person yn y tir, a
  - enw a chyfeiriad unrhyw berson arall sy’n wybyddus i’r person fel rhywun y mae ganddo fuddiant yn y tir.
- (2) Ond ni chaiff awdurdod perthnasol gyflwyno hysbysiad gwybodaeth oni bai bod ar yr awdurdod angen yr wybodaeth sy’n ofynnol gan yr hysbysiad i’w alluogi –
- i arfer unrhyw un neu ragor o swyddogaethau’r awdurdod o dan neu yn rhinwedd Rhan 2, neu
  - i wneud gorchymyn neu ddyroddi neu gyflwyno hysbysiad neu ddogfen arall o dan neu yn rhinwedd Rhan 3, 4 neu 5.
- (3) Caiff hysbysiad gwybodaeth ei gwneud yn ofynnol i’r wybodaeth gael ei rhoi –
- o fewn 21 o ddiwrnodau sy’n dechrau â thrannoeth y diwrnod y cyflwynir yr hysbysiad, neu
  - o fewn unrhyw gyfnod hwy a bennir gan yr hysbysiad neu a ganiateir gan yr awdurdod perthnasol.
- (4) Yn yr adran hon ystyr “awdurdod perthnasol” yw –
- Gweinidogion Cymru;
  - awdurdod lleol (o fewn yr ystyr a roddir gan adran 157).

#### 198 Troseddau mewn cysylltiad ag adran 197

- (1) Mae person y mae hysbysiad o dan adran 197 yn ei gwneud yn ofynnol iddo ddarparu gwybodaeth yn cyflawni trosedd os yw’r person yn methu, heb esgus rhesymol, â darparu’r wybodaeth.
- (2) Mae person sy’n euog o drosedd o dan is-adran (1) yn agored ar euogfarn ddiannod i ddirwy nad yw’n uwch na lefel 3 ar y raddfa safonol.
- (3) Mae person y mae hysbysiad o dan adran 197 yn ei gwneud yn ofynnol iddo ddarparu gwybodaeth yn cyflawni trosedd os yw’r person, gan ymholni ei fod yn cydymffurfio â’r hysbysiad, yn darparu gwybodaeth y mae’n gwybod ei bod yn anwir neu’n gamarweiniol mewn modd perthnasol.



- (b) any other persons they consider appropriate.
- (5) The Welsh Ministers must lay before Senedd Cymru any guidance issued under this section.

## PART 7 GENERAL

### *Powers to require information about interests in land*

#### **197 Power to require information by notice**

- (1) A relevant authority may serve a notice (an “information notice”) requiring the occupier of any land or a person who receives rent (either directly or indirectly) in respect of any land to confirm in writing –
  - (a) the nature of the person’s interest in the land, and
  - (b) the name and address of any other person known to the person as having an interest in the land.
- (2) But a relevant authority may not serve an information notice unless the information required by the notice is needed by the authority to enable it to –
  - (a) exercise any of the authority’s functions under or by virtue of Part 2, or
  - (b) make an order or issue or serve a notice or other document under or by virtue of Part 3, 4 or 5.
- (3) An information notice may require the information to be given within –
  - (a) 21 days beginning with the day after the day the notice is served, or
  - (b) any longer period specified by the notice or allowed by the relevant authority.
- (4) In this section “relevant authority” means –
  - (a) the Welsh Ministers;
  - (b) a local authority (within the meaning given by section 157).

#### **198 Offences in connection with section 197**

- (1) A person required to provide information by a notice under section 197 commits an offence if the person fails, without reasonable excuse, to provide the information.
- (2) A person guilty of an offence under subsection (1) is liable on summary conviction to a fine not exceeding level 3 on the standard scale.
- (3) A person required to provide information by a notice under section 197 commits an offence if the person, in purported compliance with the notice, knowingly provides information which is false or misleading in a material respect.

- (4) Mae person sy'n euog o drosedd o dan is-adran (3) yn agored ar euogfarn ddiannod, neu ar euogfarn ar dditiad, i ddirwy.

### 199 Gwybodaeth am fuddiannau yn nhir y Goron

- (1) Mae'r adran hon yn gymwys i fuddiant yn nhir y Goron nad yw'n fuddiant preifat.
- (2) Nid yw adran 197 yn gymwys i fuddiant y mae'r adran hon yn gymwys iddo.
- (3) Ond caiff Gweinidogion Cymru, at ddiben galluogi awdurdod perthnasol i arfer swyddogaeth a grybwyllir yn adran 197(2)(a) neu (b), ofyn i awdurdod priodol y Goron gadarnhau'n ysgrifenedig –
- (a) natur buddiant yr awdurdod yn y tir;
  - (b) enw a chyfeiriad unrhyw berson arall sy'n wybyddus i'r awdurdod fel rhywun y mae ganddo fuddiant yn y tir.
- (4) Rhaid i awdurdod priodol y Goron gydymffurfio â chais o dan is-adran (3) ac eithrio i'r graddau –
- (a) nad yw'r wybodaeth y gofynnir amdani o fewn gwybodaeth yr awdurdod, neu
  - (b) y bydd gwneud hynny yn datgelu gwybodaeth –
    - (i) am ddiogelwch gwladol, neu
    - (ii) am y mesurau sydd wedi eu cymryd neu sydd i'w cymryd i sicrhau diogelwch unrhyw dir neu eiddo arall.

#### *Troseddau*

### 200 Troseddau gan gyrff corfforedig

- (1) Mae'r adran hon yn gymwys pan brofir bod trosedd o dan y Ddeddf hon a gyflawnwyd gan gorff corfforedig wedi ei chyflawni gyda chydysniad neu ymoddefiad y canlynol, neu y gellir ei phriodoli i esgeulustod ar ran y canlynol –
- (a) uwch-swyddog i'r corff, neu
  - (b) person a oedd yn ymholni ei fod yn uwch-swyddog i'r corff.
- (2) Mae'r uwch-swyddog neu'r person (yn ogystal â'r corff corfforedig) yn euog o'r drosedd, ac yn agored i gael ei erlyn a'i gosbi yn unol â hynny.
- (3) Yn yr adran hon ystyr "uwch-swyddog" yw cyfarwyddwr, rheolwr, ysgrifennydd neu swyddog tebyg arall i'r corff corfforedig.
- (4) Ond yn achos corff corfforedig y mae ei faterion yn cael eu rheoli gan ei aelodau, ystyr "cyfarwyddwr" yw aelod o'r corff.

### 201 Sanctsiynau sifil

- (1) Caiff Gweinidogion Cymru drwy reoliadau wneud unrhyw ddarpariaeth mewn perthynas â throsedd o dan y Ddeddf hon y gallent ei gwneud o dan Ran 3 o DGRhS 2008 (sanctsiynau sifil) pe bai, at ddibenion y Rhan honno –
- (a) Gweinidogion Cymru neu unrhyw awdurdod arall a chanddo swyddogaeth orfodi mewn perthynas â'r drosedd yn rheoleiddiwr, a
  - (b) y drosedd yn drosedd berthnasol mewn perthynas â'r rheoleiddiwr hwnnw.

- (4) A person guilty of an offence under subsection (3) is liable on summary conviction, or on conviction on indictment, to a fine.

## 199 Information about interests in Crown land

- (1) This section applies to an interest in Crown land which is not a private interest.
- (2) Section 197 does not apply to an interest to which this section applies.
- (3) But the Welsh Ministers may, for the purpose of enabling a relevant authority to exercise a function mentioned in section 197(2)(a) or (b), request the appropriate Crown authority to confirm in writing –
  - (a) the nature of the authority's interest in the land;
  - (b) the name and address of any other person known to the authority as having an interest in the land.
- (4) The appropriate Crown authority must comply with a request under subsection (3) except to the extent –
  - (a) that the information requested is not within the knowledge of the authority, or
  - (b) that to do so will disclose information about –
    - (i) national security, or
    - (ii) the measures taken or to be taken to ensure the security of any land or other property.

### *Offences*

## 200 Offences by bodies corporate

- (1) This section applies where an offence under this Act committed by a body corporate is proved to have been committed with the consent or connivance of, or to be attributable to neglect on the part of –
  - (a) a senior officer of the body, or
  - (b) a person who was purporting to be a senior officer of the body.
- (2) The senior officer or person (as well as the body corporate) is guilty of the offence, and is liable to be proceeded against and punished accordingly.
- (3) In this section "senior officer" means a director, manager, secretary or other similar officer of the body corporate.
- (4) But in the case of a body corporate whose affairs are managed by its members, "director" means a member of the body.

## 201 Civil sanctions

- (1) The Welsh Ministers may by regulations make any provision in relation to an offence under this Act that they could make under Part 3 of RESA 2008 (civil sanctions) if, for the purposes of that Part –
  - (a) the Welsh Ministers or any other authority which has an enforcement function in relation to the offence were a regulator, and
  - (b) the offence were a relevant offence in relation to that regulator.

- (2) Mae adrannau 59(3) a 60(1) a (2) o DGRhS 2008 (ymgyngori) yn gymwys i reoliadau o dan is-adran (1) fel y maent yn gymwys i orchymyn o dan Ran 3 o DGRhS 2008.
- (3) Mae adrannau 63 i 70 o DGRhS 2008 (canllawiau, arfer pwerau, taliadau i Gronfa Gyfunol Cymru a datgelu gwybodaeth) ym gymwys mewn perthynas â darpariaeth a wneir o dan is-adran (1) fel y maent yn gymwys mewn perthynas â darpariaeth a wneir o dan Ran 3 o DGRhS 2008.
- (4) Yn is-adran (1) mae'r cyfeiriad at awdurdod a chanddo swyddogaeth orfodi i'w ddehongli yn unol ag adran 71 o DGRhS 2008.
- (5) Yn yr adran hon ystyr "DGRhS 2008" yw Deddf Gorfodi Rheoleiddiol a Sancsiynau 2008 (p. 13).

### *Digollediad*

#### **202 Gwneud hawliadau am ddigollediad**

- (1) Caiff Gweinidogion Cymru drwy reoliadau –
  - (a) gwneud darpariaeth ynghylch sut y mae rhaid gwneud hawliad am ddigollediad o dan y Ddeddf hon;
  - (b) diwygio unrhyw ddarpariaeth yn y Ddeddf hon sy'n pennu'r cyfnod y mae rhaid gwneud hawliad am ddigollediad ynddo.
- (2) Caiff Gweinidogion Cymru estyn y cyfnod ar gyfer gwneud hawliad am ddigollediad o dan y Ddeddf hon mewn achos penodol, os ydynt wedi eu bodloni bod rhesymau da dros wneud hynny.
- (3) Caniateir estyn y cyfnod ar gyfer gwneud hawliad –
  - (a) ar unrhyw adeg, pa un ai cyn neu ar ôl i'r cyfnod ddod i ben, a
  - (b) mwy nag unwaith.

#### **203 Penderfynu hawliadau digollediad gan yr Uwch Dribiwnlys**

- (1) Mae unrhyw anghydfod ynghylch digollediad o dan y Ddeddf hon i'w atgyfeirio at yr Uwch Dribiwnlys ac i'w benderfynu ganddo.
- (2) Mae adran 4 o Ddeddf Digollediad Tir 1961 (p. 33) (costau) yn gymwys i benderfynu cwestiwn a atgyfeirir o dan yr adran hon fel y mae'n gymwys i benderfynu cwestiwn a atgyfeirir o dan adran 1 o'r Ddeddf honno, ond fel pe bai cyfeiriadau at yr "acquiring authority" yn gyfeiriadau at y person yr hawlir digollediad oddi wrtho.

#### **204 Digollediad am ddibrisiant yng ngwerth tir**

- (1) Mae'r rheolau yn adran 5 o Ddeddf Digollediad Tir 1961 (p. 33) yn cael effaith at ddiben asesu unrhyw ddigollediad am ddibrisiant sy'n daladwy o dan y Ddeddf hon, i'r graddau y maent yn berthnasol a chydag unrhyw addasiadau angenrheidiol, fel y maent yn cael effaith at ddiben asesu digollediad am gaffael yn orfodol fuddiant mewn tir.
- (2) Pan fo buddiant mewn tir yn ddarostyngedig i forgais –
  - (a) rhaid i unrhyw ddigollediad am ddibrisiant sy'n daladwy o dan y Ddeddf hon mewn cysylltiad â'r buddiant gael ei asesu fel pe na bai'r buddiant yn ddarostyngedig i'r morgais;

- (2) Sections 59(3) and 60(1) and (2) of RESA 2008 (consultation) apply to regulations under subsection (1) as they apply to an order under Part 3 of RESA 2008.
- (3) Sections 63 to 70 of RESA 2008 (guidance, exercise of powers, payment into Welsh Consolidated Fund and disclosure of information) apply in relation to provision made under subsection (1) as they apply in relation to provision made under Part 3 of RESA 2008.
- (4) In subsection (1) the reference to an authority which has an enforcement function is to be interpreted in accordance with section 71 of RESA 2008.
- (5) In this section “RESA 2008” means the Regulatory Enforcement and Sanctions Act 2008 (c. 13).

### *Compensation*

#### **202 Making claims for compensation**

- (1) The Welsh Ministers may by regulations –
  - (a) make provision about how a claim for compensation under this Act must be made;
  - (b) amend any provision of this Act which specifies the period within which a claim for compensation must be made.
- (2) The Welsh Ministers may extend the period for making a claim for compensation under this Act in a particular case, if they are satisfied that there are good reasons for doing so.
- (3) The period for making a claim may be extended –
  - (a) at any time, whether before or after the period ends, and
  - (b) more than once.

#### **203 Determination of compensation claims by Upper Tribunal**

- (1) Any dispute about compensation under this Act is to be referred to and determined by the Upper Tribunal.
- (2) Section 4 of the Land Compensation Act 1961 (c. 33) (costs) applies to the determination of a question referred under this section as it applies to the determination of a question referred under section 1 of that Act, but as if references to the acquiring authority were references to the person from whom compensation is claimed.

#### **204 Compensation for depreciation of value of land**

- (1) The rules in section 5 of the Land Compensation Act 1961 (c. 33) have effect for the purpose of assessing any compensation for depreciation payable under this Act, so far as relevant and with any necessary modifications, as they have effect for the purpose of assessing compensation for the compulsory acquisition of an interest in land.
- (2) Where an interest in land is subject to a mortgage –
  - (a) any compensation for depreciation that is payable under this Act in respect of the interest must be assessed as if the interest were not subject to the mortgage;

- (b) caniateir i hawliad am ddigollediad am ddibrisiant gael ei wneud gan unrhyw forgeisai i'r buddiant, ond nid yw hynny yn effeithio ar hawl y person y mae ei fuddiant yn ddarostyngedig i'r morgais i wneud hawliad;
  - (c) nid oes digollediad am ddibrisiant yn daladwy mewn cysylltiad â buddiant y morgeisai (sy'n wahanol i'r buddiant sy'n ddarostyngedig i'r morgais);
  - (d) rhaid i unrhyw ddigollediad am ddibrisiant sy'n daladwy mewn cysylltiad â'r buddiant sy'n ddarostyngedig i'r morgais gael ei dalu i'r morgeisai neu, os oes mwy nag un morgeisai, i'r morgeisai cyntaf; a rhaid iddo gael ei gymhwyso gan y morgeisai y telir y digollediad iddo fel pe bai'n enillion gwerthu.
- (3) Yn yr adran hon ystyr "digollediad am ddibrisiant" yw digollediad am golled neu ddifrod sy'n ddibrisiant yng ngwerth buddiant mewn tir.

*Cyflwyno dogfennau*

**205 Cyflwyno hysbysiadau a dogfennau eraill: cyffredinol**

- (1) Mae'r adran hon yn gymwys pan fo darpariaeth sydd wedi ei chynnwys yn y Ddeddf hon neu a wneir odani yn ei gwneud yn ofynnol i hysbysiad neu ddogfen arall gael ei gyflwyno neu ei chyflwyno i berson neu'n awdurdodi cyflwyno hysbysiad neu ddogfen arall i berson (pa un a yw'r ddarpariaeth yn defnyddio'r gair "cyflwyno" neu "rhoi" neu unrhyw derm arall).
- (2) Caniateir cyflwyno'r ddogfen i'r person yn unrhyw un o'r ffyrdd a ganlyn –
- (a) drwy ei rhoi â llaw i'r person neu, yn achos person sy'n gorff corfforedig, ei rhoi â llaw i ysgrifennydd neu glerc y corff yn ei swyddfa gofrestrredig neu ei brif swyddfa;
  - (b) drwy ei gadael ym man preswyllo arferol y person neu ym man preswyllo hysbys diwethaf y person neu, os yw'r person wedi rhoi cyfeiriad ar gyfer cyflwyno, yn y cyfeiriad hwnnw;
  - (c) drwy ei hanfon drwy'r post mewn llythyr wedi ei ragdalau –
    - (i) wedi ei gyfeirio at y person ym man preswyllo arferol y person neu ym man preswyllo hysbys diwethaf y person neu, yn achos person sy'n gorff corfforedig, wedi ei gyfeirio at ysgrifennydd neu glerc y corff yn ei swyddfa gofrestrredig neu ei brif swyddfa, neu
    - (ii) os yw'r person wedi rhoi cyfeiriad ar gyfer cyflwyno, wedi ei gyfeirio i'r person yn y cyfeiriad hwnnw;
  - (d) os yw'r person wedi rhoi cyfeiriad ar gyfer cyflwyno gan ddefnyddio cyfathrebiadau electronig, drwy ei hanfon at y person yn y cyfeiriad hwnnw gan ddefnyddio cyfathrebiad electronig sy'n cydymffurfio â'r amodau yn is-adran (3).
- (3) Yr amodau yw –
- (a) bod modd i'r person yr anfonir y ddogfen ato gyrchu'r ddogfen,
  - (b) bod y ddogfen yn ddarllenadwy ym mhob modd perthnasol, ac
  - (c) bod y ddogfen yn gallu cael ei defnyddio i gyfeirio ati yn ddiweddarach.
- (4) Pan fo cyfathrebiad electronig yn cael ei ddefnyddio i gyflwyno dogfen i berson a bod y ddogfen yn dod i law'r person y tu allan i oriau busnes y person, mae'r ddogfen i'w thrin fel pe bai wedi ei chyflwyno ar y diwrnod gwaith nesaf.

- (b) a claim for compensation for depreciation may be made by any mortgagee of the interest, but that does not affect the right of the person whose interest is subject to the mortgage to make a claim;
  - (c) no compensation for depreciation is payable in respect of the interest of the mortgagee (as distinct from the interest that is subject to the mortgage);
  - (d) any compensation for depreciation that is payable in respect of the interest subject to the mortgage must be paid to the mortgagee or, if there is more than one mortgagee, to the first mortgagee; and it must be applied by the mortgagee to whom it is paid as if it were proceeds of sale.
- (3) In this section “compensation for depreciation” means compensation for loss or damage consisting of depreciation of the value of an interest in land.

*Service of documents*

**205 Service of notices and other documents: general**

- (1) This section applies where a provision contained in or made under this Act requires or authorises a notice or other document to be served on a person (whether the provision uses the word “serve” or “give” or any other term).
- (2) The document may be served on the person in any of the following ways –
- (a) by handing it to the person or, in the case of a person who is a body corporate, handing it to the secretary or clerk of the body at its registered or principal office;
  - (b) by leaving it at the person’s usual or last known place of residence or, if the person has given an address for service, at that address;
  - (c) by sending it by post in a pre-paid letter –
    - (i) addressed to the person at the person’s usual or last known place of residence or, in the case of a person who is a body corporate, addressed to the secretary or clerk of the body at its registered or principal office, or
    - (ii) if the person has given an address for service, addressed to the person at that address;
  - (d) if the person has given an address for service using electronic communications, by sending it to the person at that address using an electronic communication which complies with the conditions in subsection (3).
- (3) The conditions are that the document is –
- (a) capable of being accessed by the person to whom it is sent,
  - (b) legible in all material respects, and
  - (c) capable of being used for subsequent reference.
- (4) Where an electronic communication is used to serve a document on a person and is received by the person outside the person’s business hours, the document is to be treated as having been served on the next working day.

- (5) Gweler adran 233 o Ddeddf Llywodraeth Leol 1972 (p. 70) am ddarpariaeth ychwanegol ynghylch y dulliau y caiff awdurdodau lleol eu defnyddio i gyflwyno dogfennau.

**206 Darpariaeth ychwanegol ynghylch cyflwyno i bersonau sydd â buddiant mewn tir neu sy'n meddiannu tir**

- (1) Mae'r adran hon yn gymwys (yn ychwanegol at adran 205) pan fo darpariaeth sydd wedi ei chynnwys yn y Ddeddf hon neu a wneir odani yn ei gwneud yn ofynnol i hysbysiad neu ddogfen arall gael ei gyflwyno neu ei chyflwyno i berson, neu'n awdurdodi cyflwyno hysbysiad neu ddogfen arall i berson –
- (a) am fod ganddo fuddiant mewn adeilad, heneb neu dir, neu
  - (b) am ei fod yn feddiannydd ar adeilad, heneb neu dir.
- (2) Pan fo'r ddogfen i'w chyflwyno i berson am fod ganddo fuddiant mewn adeilad, heneb neu dir, ac na ellir darganfod enw'r person ar ôl gwneud ymholiadau rhesymol, caniateir cyfeirio'r ddogfen at y person fel "y perchennog" ar yr adeilad, yr heneb neu'r tir (y mae rhaid ei ddisgrifio neu ei disgrifio).
- (3) Pan fo'r ddogfen i'w chyflwyno i berson am ei fod yn feddiannydd ar adeilad, heneb neu dir, caniateir ei chyfeirio at y person wrth ei enw neu fel "y meddiannydd" ar yr adeilad, yr heneb neu'r tir (y mae rhaid ei ddisgrifio neu ei disgrifio).
- (4) Mae is-adran (5) yn gymwys –
- (a) pan –
    - (i) bo dogfen i'w chyflwyno i berson am fod ganddo fuddiant mewn adeilad, heneb neu dir,
    - (ii) na fo modd darganfod man preswyllo arferol neu fan preswyllo hysbys diwethaf y person ar ôl gwneud ymholiadau rhesymol, a
    - (iii) na fo'r person wedi rhoi cyfeiriad ar gyfer cyflwyno'r ddogfen, neu
  - (b) pan fo dogfen i'w chyflwyno i berson am ei fod yn feddiannydd ar adeilad, heneb neu dir.
- (5) Mae'r ddogfen i'w thrin fel pe bai wedi ei chyflwyno'n briodol os yw wedi ei chyfeirio at y person, wedi ei marcio'n glir fel cyfathrebiad pwysig sy'n effeithio ar eiddo'r person, a'i bod –
- (a) wedi ei hanfon i'r adeilad, yr heneb neu'r tir drwy'r post ac nad yw wedi ei dychwelyd fel dogfen nas danfonwyd,
  - (b) wedi ei rhoi â llaw i berson sydd, neu yr ymddengys ei fod, yn preswyllo neu wedi ei gyflogi yn neu ar yr adeilad, yr heneb neu'r tir, neu
  - (c) wedi ei gosod yn sownd mewn lle gweladwy ar yr adeilad neu'r heneb neu ar wrthrych ar safle'r heneb neu ar y tir.

*Achosion arbennig*

**207 Diffiniadau sy'n ymwneud â'r Goron**

- (1) Mae'r adran hon yn gymwys at ddibenion y Ddeddf hon.
- (2) Ystyr "tir y Goron" yw tir y mae buddiant y Goron neu fuddiant y Ddugiaeth ynddo.



- (5) See section 233 of the Local Government Act 1972 (c. 70) for additional provision about the methods by which local authorities may serve documents.

**206 Additional provision about service on persons interested in or occupying land**

- (1) This section applies (in addition to section 205) where a provision contained in or made under this Act requires or authorises a notice or other document to be served on a person –
- (a) as having an interest in a building, monument or land, or
  - (b) as an occupier of a building, monument or land.
- (2) Where the document is to be served on a person as having an interest in a building, monument or land, and the name of the person cannot be discovered after making reasonable inquiries, the document may be addressed to the person as “the owner” of the building, monument or land (which must be described).
- (3) Where the document is to be served on a person as an occupier of a building, monument or land, it may be addressed to the person by name or as “the occupier” of the building, monument or land (which must be described).
- (4) Subsection (5) applies –
- (a) where –
    - (i) a document is to be served on a person as having an interest in a building, monument or land,
    - (ii) the person’s usual or last known place of residence cannot be discovered after making reasonable inquiries, and
    - (iii) the person has not given an address for the service of the document, or
  - (b) where a document is to be served on a person as an occupier of a building, monument or land.
- (5) The document is to be treated as properly served if it is addressed to the person, clearly marked as an important communication affecting the person’s property, and is –
- (a) sent to the building, monument or land by post and not returned as undelivered,
  - (b) handed to a person who is, or appears to be, resident or employed in or on the building, monument or land, or
  - (c) attached conspicuously to the building or monument or to an object on the site of the monument or on the land.

*Special cases*

**207 Definitions relating to the Crown**

- (1) This section applies for the purposes of this Act.
- (2) “Crown land” means land in which there is a Crown interest or a Duchy interest.

- (3) Ystyr “buddiant y Goron” yw buddiant –
- (a) sy’n perthyn i’w Fawrhydi yn hawl y Goron neu yn hawl Ei ystadau preifat, neu
  - (b) sy’n perthyn i adran o’r llywodraeth neu sy’n cael ei ddal mewn ymddiriedolaeth ar gyfer Ei Fawrhydi at ddibenion adran o’r llywodraeth.
- (4) Ystyr “buddiant y Ddugiaeth” yw –
- (a) buddiant sy’n perthyn i’w Fawrhydi yn hawl Dugiaeth Caerhirfryn, neu
  - (b) buddiant sy’n perthyn i Ddugiaeth Cernyw.
- (5) Ystyr “buddiant preifat”, mewn perthynas â thir y Goron, yw buddiant nad yw’n fuddiant y Goron nac yn fuddiant y Ddugiaeth.
- (6) Ystyr “awdurdod priodol y Goron”, mewn perthynas â thir y Goron, yw –
- (a) yn achos tir sy’n perthyn i’w Fawrhydi yn hawl y Goron ac sy’n ffurfio rhan o Ystad y Goron, Comisiynwyr Ystad y Goron;
  - (b) mewn perthynas ag unrhyw dir arall sy’n perthyn i’w Fawrhydi yn hawl y Goron, yr adran o’r llywodraeth sy’n rheoli’r tir;
  - (c) mewn perthynas â thir sy’n perthyn i’w Fawrhydi yn hawl Ei ystadau preifat, person a benodir gan Ei Fawrhydi yn ysgrifenedig o dan y Llofnod Brenhinol neu, os na wneir unrhyw benodiad o’r fath, Gweinidogion Cymru;
  - (d) mewn perthynas â thir sy’n perthyn i’w Fawrhydi yn hawl Dugiaeth Caerhirfryn, Canghellor y Ddugiaeth;
  - (e) mewn perthynas â thir sy’n perthyn i Ddugiaeth Cernyw, person a benodir gan Ddug Cernyw neu gan berson sy’n meddu ar y Ddugiaeth am y tro;
  - (f) yn achos tir sy’n perthyn i adran o’r llywodraeth neu sy’n cael ei ddal mewn ymddiriedolaeth ar gyfer Ei Fawrhydi at ddibenion adran o’r llywodraeth, yr adran.
- (7) Mae “y Goron” i’w drin fel pe bai’n cynnwys Comisiwn y Senedd.
- (8) Rhaid atgyfeirio unrhyw gwestiwn sy’n codi ynghylch pwy yw awdurdod priodol y Goron mewn perthynas ag unrhyw dir i’r Trysorlys, y mae ei benderfyniad yn derfynol.
- (9) Yn yr adran hon –
- (a) mae cyfeiriadau at ystadau preifat Ei Fawrhydi i’w darllen yn unol ag adran 1 o Ddeddf Ystadau Preifat y Goron 1862 (p. 37);
  - (b) mae cyfeiriadau at adran o’r llywodraeth yn cynnwys Gweinidog y Goron a Chomisiwn y Senedd (a gweler adran 85 o Ddeddf Llywodraeth Cymru 2006 (p. 32), sy’n darparu i gyfeiriadau at adran o’r llywodraeth gynnwys Gweinidogion Cymru, y Prif Weinidog a’r Cwnsler Cyffredinol).

## 208 Tir Eglwys Loegr

- (1) Pan fo unrhyw ddarpariaeth sydd wedi ei chynnwys yn y Ddeddf hon neu a wneir odani yn ei gwneud yn ofynnol neu’n awdurdodi cyflwyno hysbysiad neu ddogfen arall i berchennog ar dir, a thir Eglwys Loegr yw’r tir, rhaid cyflwyno dogfen gyfatebol i’r Bwrdd Cyllid priodol hefyd.
- (2) Mae tir Eglwys Loegr sy’n perthyn i fywoliaeth eglwysig sydd heb ddeiliad i’w drin at ddibenion y Ddeddf hon fel pe bai’n perthyn i’r Bwrdd Cyllid priodol.

- (3) “Crown interest” means an interest which –
  - (a) belongs to His Majesty in right of the Crown or in right of His private estates, or
  - (b) belongs to a government department or is held in trust for His Majesty for the purposes of a government department.
- (4) “Duchy interest” means –
  - (a) an interest belonging to His Majesty in right of the Duchy of Lancaster, or
  - (b) an interest belonging to the Duchy of Cornwall.
- (5) “Private interest”, in relation to Crown land, means an interest which is neither a Crown interest nor a Duchy interest.
- (6) “Appropriate Crown authority”, in relation to Crown land, means –
  - (a) in the case of land belonging to His Majesty in right of the Crown and forming part of the Crown Estate, the Crown Estate Commissioners;
  - (b) in relation to any other land belonging to His Majesty in right of the Crown, the government department having the management of the land;
  - (c) in relation to land belonging to His Majesty in right of His private estates, a person appointed by His Majesty in writing under the Royal Sign Manual or, if no such appointment is made, the Welsh Ministers;
  - (d) in relation to land belonging to His Majesty in right of the Duchy of Lancaster, the Chancellor of the Duchy;
  - (e) in relation to land belonging to the Duchy of Cornwall, a person appointed by the Duke of Cornwall or by the possessor for the time being of the Duchy;
  - (f) in the case of land belonging to a government department or held in trust for His Majesty for the purposes of a government department, the department.
- (7) “The Crown” is to be treated as including the Senedd Commission.
- (8) Any question that arises about who is the appropriate Crown authority in relation to any land must be referred to the Treasury, whose decision is final.
- (9) In this section –
  - (a) references to His Majesty’s private estates are to be read in accordance with section 1 of the Crown Private Estates Act 1862 (c. 37);
  - (b) references to a government department include a Minister of the Crown and the Senedd Commission (and see section 85 of the Government of Wales Act 2006 (c. 32), which provides for references to a government department to include the Welsh Ministers, the First Minister and the Counsel General).

## 208 Church of England land

- (1) Where any provision contained in or made under this Act requires or authorises a notice or other document to be served on an owner of land, and the land is Church of England land, a corresponding document must also be served on the appropriate Board of Finance.
- (2) Church of England land belonging to an ecclesiastical benefice which is vacant is to be treated for the purposes of this Act as belonging to the appropriate Board of Finance.

- (3) Rhaid i unrhyw ddigollediad sy'n daladwy o dan y Ddeddf hon mewn perthynas â thir Eglwys Loegr –
- (a) cael ei dalu i'r Bwrdd Cyllid priodol, a
  - (b) cael ei gymhwyso gan y Bwrdd hwnnw at y dibenion y byddai enillion gwerthu'r tir drwy gytundeb yn gymwys iddynt o dan unrhyw ddeddfiad neu Fesur gan Eglwys Loegr sy'n awdurdodi neu'n gwaredu enillion gwerthiant o'r fath.
- (4) Pan fo swm yn adenilladwy o dan adran 22 mewn perthynas â thir Eglwys Loegr, caiff y Bwrdd Cyllid priodol gymhwyso unrhyw arian neu unrhyw warannau a ddelir ganddo i ad-dalu'r swm hwnnw.
- (5) Yn yr adran hon –
- ystyr "Bwrdd Cyllid priodol" (*"appropriate Board of Finance"*), mewn perthynas ag unrhyw dir, yw'r Bwrdd Cyllid Esgobaethol ar gyfer yr esgobaeth y mae'r tir ynddi; ystyr "Mesur gan Eglwys Loegr" (*"Church Measure"*) yw Mesur gan Gynulliad Eglwys Loegr neu gan Synod Cyffredinol Eglwys Loegr;
- ystyr "tir Eglwys Loegr" (*"Church of England land"*) yw tir –
- (a) sy'n perthyn i fywoliaeth eglwysig i Eglwys Loegr,
  - (b) sy'n eglwys neu'n ffurfio rhan o eglwys sy'n ddarostyngedig i awdurdodaeth esgob yn un o esgobaethau Eglwys Loegr neu safle eglwys o'r fath, neu
  - (c) sy'n gladdfa neu'n ffurfio rhan o gladdfa sy'n ddarostyngedig i awdurdodaeth esgob o'r fath.

*Cyffredinol*

**209 Rheoliadau o dan y Ddeddf hon**

- (1) Mae pŵer i wneud rheoliadau o dan y Ddeddf hon yn arferadwy drwy offeryn statudol.
- (2) Mae pŵer i wneud rheoliadau o dan y Ddeddf hon yn cynnwys pŵer –
  - (a) i wneud darpariaeth wahanol at ddibenion gwahanol;
  - (b) i wneud darpariaeth ddeilliadol, darpariaeth atodol, darpariaeth ganlyniadol, darpariaeth ddarfodol, darpariaeth drosiannol neu ddarpariaeth arbed.
- (3) Yn achos rheoliadau a wneir o dan y pwerau a grybwyllir yn is-adran (4), mae'r ddarpariaeth y caniateir ei gwneud yn rhinwedd is-adran (2)(b) yn cynnwys darpariaeth sy'n diwygio, yn diddymu neu'n dirymu unrhyw ddeddfiad, gan gynnwys unrhyw ddarpariaeth yn y Ddeddf hon.
- (4) Y pwerau y cyfeirir atynt yn is-adran (3) yw'r pwerau a roddir gan –
  - (a) adran 167 (ffioedd am arfer swyddogaethau awdurdodau cynllunio);
  - (b) adran 172 (ffioedd am apelau sy'n ymwneud ag adeiladau rhestredig ac adeiladau mewn ardaloedd cadwraeth);
  - (c) adran 174(8) (achosion y mae rhaid i Weinidogion Cymru benderfynu'r weithdrefn ar eu cyfer);
  - (d) adrannau 185(2)(c), 186(7)(e) a 187(5) (cywiro penderfyniadau).

- (3) Any compensation payable under this Act in relation to Church of England land must be –
- (a) paid to the appropriate Board of Finance, and
  - (b) applied by that Board for the purposes for which the proceeds of a sale by agreement of the land would be applicable under any enactment or Church Measure authorising or disposing of the proceeds of such a sale.
- (4) Where an amount is recoverable under section 22 in relation to Church of England land, the appropriate Board of Finance may apply any money or securities held by it towards repaying that amount.
- (5) In this section –
- “appropriate Board of Finance” (*“Bwrdd Cyllid priodol”*), in relation to any land, means the Diocesan Board of Finance for the diocese in which the land is situated;
- “Church Measure” (*“Mesur gan Eglwys Loegr”*) means a Measure of the Church Assembly or of the General Synod of the Church of England;
- “Church of England land” (*“tir Eglwys Loegr”*) means land which –
- (a) belongs to an ecclesiastical benefice of the Church of England,
  - (b) is or forms part of a church subject to the jurisdiction of a bishop of a diocese of the Church of England or the site of such a church, or
  - (c) is or forms part of a burial ground subject to the jurisdiction of such a bishop.

*General*

**209 Regulations under this Act**

- (1) A power to make regulations under this Act is exercisable by statutory instrument.
- (2) A power to make regulations under this Act includes power –
  - (a) to make different provision for different purposes;
  - (b) to make incidental, supplementary, consequential, transitory, transitional or saving provision.
- (3) In the case of regulations made under the powers mentioned in subsection (4), the provision that may be made by virtue of subsection (2)(b) includes provision that amends, repeals or revokes any enactment, including any provision of this Act.
- (4) The powers referred to in subsection (3) are the powers conferred by –
  - (a) section 167 (fees for exercise of planning authority functions);
  - (b) section 172 (fees for appeals relating to listed buildings and buildings in conservation areas);
  - (c) section 174(8) (proceedings for which Welsh Ministers must determine procedure);
  - (d) sections 185(2)(c), 186(7)(e) and 187(5) (correction of decisions).

- (5) Ni chaniateir gwneud offeryn statudol sy'n cynnwys unrhyw un o'r canlynol oni bai bod drafft o'r offeryn wedi ei osod gerbron Senedd Cymru ac wedi ei gymeradwyo ganddi drwy benderfyniad –
- (a) rheoliadau o dan adran 2(3) (adeiladau crefyddol sydd i'w trin fel pe baent yn henebion);
  - (b) rheoliadau o dan adran 26(8) (cymhwysio darpariaethau i gytundebau partneriaethau henebion cofrestredig);
  - (c) rheoliadau o dan adran 114(8) (cymhwysio darpariaethau i gytundebau partneriaethau adeiladau rhestredig);
  - (d) rheoliadau o dan adran 147 (camau ar gyfer diogelu adeiladau rhestredig sydd mewn cyflwr gwael);
  - (e) rheoliadau o dan adran 167 (ffioedd am arfer swyddogaethau awdurdodau cynllunio);
  - (f) rheoliadau o dan adran 172 (ffioedd am apelau sy'n ymwneud ag adeiladau rhestredig ac adeiladau mewn ardaloedd cadwraeth);
  - (g) rheoliadau o dan adran 201 (sanctsiynau sifil);
  - (h) rheoliadau sy'n diwygio neu'n diddymu unrhyw ddeddfiad sydd wedi ei gynnwys mewn deddfwriaeth sylfaenol (gan gynnwys unrhyw ddarpariaeth yn y Ddeddf hon).
- (6) Mae unrhyw offeryn statudol arall sy'n cynnwys rheoliadau o dan y Ddeddf hon yn ddarostyngedig i'w diddymu yn unol â phenderfyniad gan Senedd Cymru.
- (7) Yn is-adran (5)(h) ystyr "deddfwriaeth sylfaenol" yw –
- (a) Deddf gan Senedd Cymru;
  - (b) Mesur gan y Cynulliad;
  - (c) Deddf gan Senedd y Deyrnas Unedig.

## 210 Dehongli

Yn y Ddeddf hon –

ystyr "adeilad" ("*building*") (ac eithrio yn Rhan 2) yw –

- (a) unrhyw adeilad neu unrhyw strwythur, neu
- (b) unrhyw ran o adeilad neu strwythur,

ond nid yw'n cynnwys (ac eithrio yn adran 148) gyfarpar neu beiriannau sy'n ffurfio rhan o adeilad neu strwythur;

mae i "adeilad rhestredig" ("*listed building*") yr ystyr a roddir gan adran 76;

ystyr "ardal gadwraeth" ("*conservation area*") yw ardal sydd wedi ei dynodi o dan adran 158;

ystyr "awdurdod cynllunio" ("*planning authority*") yw awdurdod cynllunio lleol, o fewn yr ystyr a roddir i "local planning authority" gan Ran 1 o Ddeddf Cynllunio Gwlad a Thref 1990 (p. 8), ar gyfer ardal yng Nghymru;

- (5) A statutory instrument containing any of the following may not be made unless a draft of the instrument has been laid before, and approved by a resolution of, Senedd Cymru –
- (a) regulations under section 2(3) (religious buildings that are to be treated as monuments);
  - (b) regulations under section 26(8) (application of provisions to scheduled monument partnership agreements);
  - (c) regulations under section 114(8) (application of provisions to listed building partnership agreements);
  - (d) regulations under section 147 (steps for preservation of listed buildings in disrepair);
  - (e) regulations under section 167 (fees for exercise of planning authority functions);
  - (f) regulations under section 172 (fees for appeals relating to listed buildings and buildings in conservation areas);
  - (g) regulations under section 201 (civil sanctions);
  - (h) regulations that amend or repeal any enactment contained in primary legislation (including any provision of this Act).
- (6) Any other statutory instrument containing regulations under this Act is subject to annulment in pursuance of a resolution of Senedd Cymru.
- (7) In subsection (5)(h) “primary legislation” means –
- (a) an Act of Senedd Cymru;
  - (b) an Assembly Measure;
  - (c) an Act of the Parliament of the United Kingdom.

## 210 Interpretation

In this Act –

“address” (“*cyfeiriad*”), in relation to electronic communications, means any number or address used for the purpose of electronic communications;

“appropriate Crown authority” (“*awdurdod priodol y Goron*”) has the meaning given by section 207(6);

“building” (“*adeilad*”) (except in Part 2) means –

- (a) any building or structure, or
- (b) any part of a building or structure,

but does not (except in section 148) include plant or machinery forming part of a building or structure;

“conservation area” (“*ardal gadwraeth*”) means an area designated under section 158;

mae i "awdurdod priodol y Goron" ("*appropriate Crown authority*") yr ystyr a roddir gan adran 207(6);

mae i "buddiant y Ddugiaeth" ("*Duchy interest*") yr ystyr a roddir gan adran 207(4);

mae i "buddiant y Goron" ("*Crown interest*") yr ystyr a roddir gan adran 207(3);

mae i "buddiant preifat" ("*private interest*"), mewn perthynas â thir y Goron, yr ystyr a roddir gan adran 207(5);

mae i "caniatâd cynllunio" yr ystyr a roddir i "planning permission" gan adran 336(1) o Ddeddf Cynllunio Gwlad a Thref 1990 (p. 8);

mae i "cydsyniad adeilad rhestredig" ("*listed building consent*") yr ystyr a roddir gan adran 89;

mae i "cydsyniad ardal gadwraeth" ("*conservation area consent*") yr ystyr a roddir gan adran 162;

mae i "cyfathrebiad electronig" yr ystyr a roddir i "electronic communication" gan adran 15(1) o Ddeddf Cyfathrebiadau Electronig 2000 (p. 7);

ystyr "cyfeiriad" ("*address*"), mewn perthynas â chyfathrebiadau electronig, yw unrhyw rif neu unrhyw gyfeiriad a ddefnyddir at ddiben cyfathrebiadau electronig;

mae i "cytundeb partneriaeth adeilad rhestredig" ("*listed building partnership agreement*") yr ystyr a roddir gan adran 113(5);

mae i "datblygiad" yr ystyr a roddir i "development" gan adran 55 o Ddeddf Cynllunio Gwlad a Thref 1990 (p. 8);

ystyr "deddfiad" ("*enactment*") yw unrhyw ddeddfiad, pryd bynnag y'i deddfir neu y'i gwneir;

mae "y Goron" ("*the Crown*") i'w ddehongli yn unol ag adran 207(7);

ystyr "gwaredu" ("*disposal*"), mewn perthynas â thir, yw gwaredu drwy werthu, drwy gyfnewid neu drwy les, drwy greu hawddfrait, hawl neu frait, neu mewn unrhyw ffordd arall, ond nid yw'n cynnwys gwaredu drwy neilltuo, drwy rodd neu drwy forgais;

mae "heneb" ("*monument*") i'w ddehongli yn unol ag adran 2;

mae i "heneb gofrestredig" ("*scheduled monument*") yr ystyr a roddir gan adran 3(7);

mae "les" ("*lease*") yn cynnwys is-les a chytundeb am les neu is-les, ond nid yw'n cynnwys opsiwn i gymryd les neu forgais;

ystyr "perchennog" ("*owner*"), mewn perthynas â thir (ac eithrio yn adrannau 15, 25, 26, 91, 113 a 186), yw person, pa un ai yn ei hawl ei hun neu fel ymddiriedolwr ar gyfer unrhyw berson arall –

(a) sydd â hawlogaeth i gael crogent y tir, neu

(b) a fyddai â hawlogaeth o'r fath pe bai'r tir yn cael ei osod am grogent,

ond nid yw'n cynnwys morgaisai nad yw mewn meddiant;

mae "safle" ("*site*"), mewn perthynas â heneb, i'w ddehongli yn unol ag adran 2;

mae "swyddogaethau" ("*functions*") yn cynnwys pwerau a dyletswyddau;



“conservation area consent” (“*cydsyniad ardal gadwraeth*”) has the meaning given by section 162;

“the Crown” (“*y Goron*”) is to be interpreted in accordance with section 207(7);

“Crown interest” (“*buddiant y Goron*”) has the meaning given by section 207(3);

“Crown land” (“*tir y Goron*”) has the meaning given by section 207(2);

“development” (“*datblygiad*”) has the meaning given by section 55 of the Town and Country Planning Act 1990 (c. 8);

“disposal” (“*gwaredu*”), in relation to land, means disposal by sale, exchange or lease, by creating an easement, right or privilege, or in any other way, but does not include disposal by appropriation, gift or mortgage;

“Duchy interest” (“*buddiant y Ddugiaeth*”) has the meaning given by section 207(4);

“electronic communication” (“*cyfathrebiad electronig*”) has the meaning given by section 15(1) of the Electronic Communications Act 2000 (c. 7);

“enactment” (“*deddfiad*”) means any enactment, whenever enacted or made;

“functions” (“*swyddogaethau*”) includes powers and duties;

“land” (“*tir*”) –

- (a) means any corporeal hereditament, including a building or monument, and
- (b) in relation to the acquisition of land, includes any interest in or right over land;

“lease” (“*les*”) includes an underlease and an agreement for a lease or underlease, but does not include an option to take a lease or a mortgage;

“listed building” (“*adeilad rhestredig*”) has the meaning given by section 76;

“listed building consent” (“*cydsyniad adeilad rhestredig*”) has the meaning given by section 89;

“listed building partnership agreement” (“*cytundeb partneriaeth adeilad rhestredig*”) has the meaning given by section 113(5);

“monument” (“*heneb*”) is to be interpreted in accordance with section 2;

“owner” (“*perchennog*”), in relation to land (except in sections 15, 25, 26, 91, 113 and 186), means a person who, whether in their own right or as trustee for any other person –

- (a) is entitled to receive the rack rent of the land, or
- (b) would be so entitled if the land were let at a rack rent,

but does not include a mortgagee who is not in possession;

“planning authority” (“*awdurdod cynllunio*”) means a local planning authority, within the meaning given by Part 1 of the Town and Country Planning Act 1990 (c. 8), for an area in Wales;

“planning permission” (“*caniatâd cynllunio*”) has the meaning given by section 336(1) of the Town and Country Planning Act 1990 (c. 8);

“private interest” (“*buddiant preifat*”), in relation to Crown land, has the meaning given by section 207(5);

o ran “tir” (“land”)—

- (a) ei ystyr yw unrhyw hereditament corfforol, gan gynnwys adeilad neu heneb, a
- (b) mewn perthynas â chaffael tir, mae’n cynnwys unrhyw fuddiant mewn tir neu unrhyw hawl dros dir;

mae i “tir y Goron” (“Crown land”) yr ystyr a roddir gan adran 207(2);

ystyr “ymgymerwr statudol” (“statutory undertaker”) yw person—

- (a) sy’n ymgwymerwr statudol o fewn yr ystyr a roddir i “statutory undertakers” gan adran 262 o Ddeddf Cynllunio Gwlad a Thref 1990 (p. 8), neu
- (b) y tybir gan yr adran honno ei fod yn ymgwymerwr statudol at ddibenion unrhyw ddarpariaeth yn y Ddeddf honno,

ac mae cyfeiriadau at “ymgymeriad” ymgwymerwr statudol i’w dehongli yn unol â’r adran honno.

## 211 Darpariaeth ganlyniadol a darpariaeth drosiannol etc.

- (1) Mae Atodlen 13 yn cynnwys mân ddiwygiadau, diwygiadau canlyniadol a diddymadau.
- (2) Mae Atodlen 14 yn cynnwys darpariaethau trosiannol a darpariaethau arbed.
- (3) Caiff Gweinidogion Cymru drwy reoliadau—
  - (a) gwneud darpariaeth sy’n ddeilliadol neu’n atodol i unrhyw ddarpariaeth yn y Ddeddf hon neu sy’n ganlyniadol ar unrhyw ddarpariaeth yn y Ddeddf hon;
  - (b) gwneud darpariaeth drosiannol, darpariaeth ddarfodol neu ddarpariaeth arbed mewn cysylltiad ag unrhyw ddarpariaeth yn y Ddeddf hon.
- (4) Caiff rheoliadau o dan is-adran (3) ddiwygio, diddymu neu ddirymu unrhyw ddeddfiad (gan gynnwys unrhyw ddarpariaeth yn y Ddeddf hon).

## 212 Dod i rym

- (1) Daw’r darpariaethau a ganlyn i rym drannoeth y diwrnod y mae’r Ddeddf hon yn cael y Cydsyniad Brenhinol—
  - (a) Rhan 1;
  - (b) adran 209;
  - (c) adran 210;
  - (d) adran 211(3) a (4);
  - (e) yr adran hon;
  - (f) adran 213.
- (2) Daw darpariaethau eraill y Ddeddf hon i rym ar ddiwrnod a bennir gan Weinidogion Cymru mewn gorchymyn a wneir drwy offeryn statudol.
- (3) Caiff gorchymyn o dan is-adran (2) wneud darpariaeth drosiannol, darpariaeth ddarfodol neu ddarpariaeth arbed mewn cysylltiad â dyfodiad darpariaeth yn y Ddeddf hon i rym.

“scheduled monument” (*“heneb gofrestredig”*) has the meaning given by section 3(7);  
“site” (*“safle”*), in relation to a monument, is to be interpreted in accordance with section 2;

“statutory undertaker” (*“ymgymerwr statudol”*) means a person who –

- (a) is a statutory undertaker within the meaning given by section 262 of the Town and Country Planning Act 1990 (c. 8), or
- (b) is deemed by that section to be a statutory undertaker for the purposes of any provision of that Act,

and references to the “undertaking” of a statutory undertaker are to be interpreted in accordance with that section.

## **211 Consequential and transitional provision etc.**

- (1) Schedule 13 contains minor and consequential amendments and repeals.
- (2) Schedule 14 contains transitional and saving provisions.
- (3) The Welsh Ministers may by regulations –
  - (a) make provision that is incidental or supplementary to, or consequential on, any provision of this Act;
  - (b) make transitional, transitory or saving provision in connection with any provision of this Act.
- (4) Regulations under subsection (3) may amend, repeal or revoke any enactment (including any provision of this Act).

## **212 Coming into force**

- (1) The following provisions come into force on the day after the day this Act receives Royal Assent –
  - (a) Part 1;
  - (b) section 209;
  - (c) section 210;
  - (d) section 211(3) and (4);
  - (e) this section;
  - (f) section 213.
- (2) The other provisions of this Act come into force on a day appointed by the Welsh Ministers in an order made by statutory instrument.
- (3) An order under subsection (2) may make transitional, transitory or saving provision in connection with the coming into force of a provision of this Act.

**213 Enw byr**

Enw byr y Ddeddf hon yw Deddf yr Amgylchedd Hanesyddol (Cymru) 2023.

**213 Short title**

The short title of this Act is the Historic Environment (Wales) Act 2023.

ATODLEN 1  
(a gyflwynir gan adran 7(4))

DIWEDD GWARCHODAETH INTERIM AR GYFER HENEBION

*Cymhwyso'r Atodlen hon*

- 1 Mae'r Atodlen hon yn gymwys pan fo gwarchodaeth interim yn dod i ben mewn perthynas â heneb oherwydd hysbysiad o dan adran 7(1)(b) neu (2)(b).

*Atebolrwydd troseddol*

- 2 Nid yw'r ffaith bod gwarchodaeth interim wedi dod i ben yn effeithio ar atebolrwydd unrhyw berson i gael ei erlyn a'i gosbi am drosedd o dan y Ddeddf hon a gyflawnwyd tra oedd y warchodaeth interim yn cael effaith.

*Cydsyniad heneb gofrestredig*

- 3 Mae unrhyw achos sy'n ymwneud â chais am gydsyniad heneb gofrestredig sy'n ymwneud â'r heneb neu sy'n deillio o gais o'r fath yn darfod, i'r graddau y mae'n ymwneud â chydsyniad sy'n ofynnol yn rhinwedd y warchodaeth interim; ac mae unrhyw gydsyniad o'r fath yn peidio â chael effaith i'r un graddau.

*Hysbysiadau stop dros dro*

- 4 Mae unrhyw hysbysiad stop dros dro sy'n ymwneud â'r heneb yn peidio â chael effaith, i'r graddau y mae'r hysbysiad yn ymwneud â gwaith sy'n effeithio ar unrhyw beth yr oedd y warchodaeth interim yn cael effaith mewn cysylltiad ag ef.

*Hysbysiadau gorfodi*

- 5 (1) Mae unrhyw hysbysiad gorfodi sy'n ymwneud â'r heneb yn peidio â chael effaith, i'r graddau y mae'r hysbysiad yn ymwneud â gwaith sy'n effeithio ar unrhyw beth yr oedd y warchodaeth interim yn cael effaith mewn cysylltiad ag ef.
- (2) Mae unrhyw achos o dan adran 39 neu 40(3) sy'n ymwneud â hysbysiad gorfodi yn darfod, i'r graddau y mae'r hysbysiad yn ymwneud â gwaith sy'n effeithio ar unrhyw beth yr oedd y warchodaeth interim yn cael effaith mewn cysylltiad ag ef.
- (3) Er gwaethaf is-baragraff (1), mae adran 40(1) a (2) yn parhau i gael effaith mewn perthynas ag—
- (a) unrhyw dreuliau yr eir iddynt gan berson sydd wedi ei awdurdodi gan Weinidogion Cymru fel y'i crybwyllir yn yr adran honno, a
- (b) unrhyw symiau a delir o ganlyniad i'r treuliau hynny.

*Gwaharddebau*

- 6 Mae unrhyw achos sy'n ymwneud â chais am waharddeb o dan adran 42 sy'n ymwneud â'r heneb yn darfod, i'r graddau y mae'n ymwneud ag atal unrhyw doriad gwirioneddol neu unrhyw doriad disgwylledig mewn perthynas ag unrhyw beth yr oedd y warchodaeth interim yn cael effaith mewn cysylltiad ag ef.

SCHEDULE 1  
(introduced by section 7(4))

END OF INTERIM PROTECTION FOR MONUMENTS

*Application of this Schedule*

- 1 This Schedule applies where interim protection ends in relation to a monument because of a notice under section 7(1)(b) or (2)(b).

*Criminal liability*

- 2 The fact that interim protection has ended does not affect the liability of any person to be prosecuted and punished for an offence under this Act committed while the interim protection had effect.

*Scheduled monument consent*

- 3 Any proceedings on or arising out of an application for scheduled monument consent relating to the monument lapse, in so far as they relate to consent required by virtue of the interim protection; and any such consent ceases to have effect to the same extent.

*Temporary stop notices*

- 4 Any temporary stop notice relating to the monument ceases to have effect, in so far as the notice relates to works affecting anything in respect of which the interim protection had effect.

*Enforcement notices*

- 5 (1) Any enforcement notice relating to the monument ceases to have effect, in so far as the notice relates to works affecting anything in respect of which the interim protection had effect.
- (2) Any proceedings under section 39 or 40(3) relating to an enforcement notice lapse, in so far as the notice relates to works affecting anything in respect of which the interim protection had effect.
- (3) Despite sub-paragraph (1), section 40(1) and (2) continue to have effect in relation to—
- (a) any expenses incurred by a person authorised by the Welsh Ministers as mentioned in that section, and
  - (b) any amounts paid on account of those expenses.

*Injunctions*

- 6 Any proceedings on an application for an injunction under section 42 relating to the monument lapse, in so far as they relate to the restraint of any actual or expected breach in relation to anything in respect of which the interim protection had effect.

## ATODLEN 2

(a gyflwynir gan adrannau 10(5) a 82(6))

## PENDERFYNIAD AR ADOLYGIAD GAN BERSON A BENODIR GAN WEINIDOGION CYMRU

*Cymhwyso'r Atodlen hon ac ystyr "person a benodir"*

- 1 (1) Mae'r Atodlen hon yn gymwys i adolygiad a gynhelir gan berson a benodir –
- (a) o dan adran 9 (adolygiadau o ddiwygiadau penodol i'r gofrestr), neu
  - (b) o dan adran 81 (adolygu penderfyniadau i restru adeiladau).
- (2) Yn yr Atodlen hon ystyr "person a benodir" yw person a benodir o dan adran 9(3) neu 81(3) (yn ôl y digwydd) i gynnal adolygiad a gwneud penderfyniad arno.

*Penodi person arall i wneud penderfyniad ar adolygiad*

- 2 (1) Ar unrhyw adeg cyn i berson a benodir wneud penderfyniad ar adolygiad caiff Gweinidogion Cymru –
- (a) dirymu penodiad y person, a
  - (b) penodi person arall i wneud y penderfyniad yn ei le.
- (2) Pan fo penodiad newydd wedi ei wneud, rhaid dechrau'r adolygiad, ac unrhyw ymchwiliad neu unrhyw wrandawriad arall mewn cysylltiad â'r adolygiad, o'r newydd.
- (3) Nid yw is-baragraff (2) yn ei gwneud yn ofynnol rhoi cyfle i unrhyw berson i gyflwyno sylwadau newydd nac i addasu neu i dynnu'n ôl unrhyw sylwadau a gyflwynwyd eisoes.

*Penodi asesydd i gynorthwyo person a benodir*

- 3 Caiff person a benodir benodi asesydd i ddarparu cyngor –
- (a) ar unrhyw faterion sy'n codi mewn ymchwiliad lleol neu mewn gwrandawriad a gynhelir gan y person a benodir mewn cysylltiad ag adolygiad neu o ganlyniad i ymchwiliad neu wrandawriad o'r fath, neu
  - (b) ar unrhyw faterion sy'n codi mewn sylwadau ysgrifenedig a gyflwynir i'r person a benodir mewn cysylltiad ag adolygiad o'r fath neu o ganlyniad i sylwadau o'r fath.

*Cyfarwyddydau*

- 4 Caiff Gweinidogion Cymru gyfarwyddo bod unrhyw beth y byddai'n dod i ran person a benodir i'w wneud mewn cysylltiad ag adolygiad, ac eithrio gwneud penderfyniad ar yr adolygiad, i'w wneud gan Weinidogion Cymru yn lle hynny.

*Dirprwyo*

- 5 (1) Caiff person a benodir ddirprwyo i berson arall unrhyw beth y byddai'n dod i ran y person a benodir i'w wneud mewn cysylltiad ag adolygiad, ac eithrio –
- (a) cynnal ymchwiliad lleol neu wrandawriad a gosod y dull y'i cynhelir, a



## SCHEDULE 2

(introduced by sections 10(5) and 82(6))

## DECISION ON REVIEW BY PERSON APPOINTED BY THE WELSH MINISTERS

*Application of this Schedule and meaning of “appointed person”*

- 1 (1) This Schedule applies to a review carried out by an appointed person—
- (a) under section 9 (reviews of certain amendments to the schedule), or
  - (b) under section 81 (reviews of decisions to list buildings).
- (2) In this Schedule “appointed person” means a person appointed under section 9(3) or 81(3) (as the case may be) to carry out and make a decision on a review.

*Appointment of another person to make a decision on a review*

- 2 (1) At any time before an appointed person has made a decision on a review the Welsh Ministers may—
- (a) revoke the person’s appointment, and
  - (b) appoint another person to make the decision instead.
- (2) Where a new appointment is made, the review, and any inquiry or other hearing in connection with the review, must start afresh.
- (3) Sub-paragraph (2) does not require any person to be given an opportunity to make fresh representations or to modify or withdraw any representations already made.

*Appointment of assessor to assist appointed person*

- 3 An appointed person may appoint an assessor to provide advice on—
- (a) any matters arising at a local inquiry or hearing held by the appointed person in connection with a review or in consequence of such an inquiry or hearing, or
  - (b) any matters arising in written representations made to the appointed person in connection with such a review or in consequence of such representations.

*Directions*

- 4 The Welsh Ministers may direct that anything that would fall to be done by an appointed person in connection with a review, other than making a decision on the review, is to be done instead by the Welsh Ministers.

*Delegation*

- 5 (1) An appointed person may delegate to another person anything that would fall to be done by the appointed person in connection with a review, other than—
- (a) the conduct of a local inquiry or hearing, and

- (b) gwneud penderfyniad ar yr adolygiad o dan adran 9(3)(b) neu 81(3)(b) a gosod y dull y'i gwneir.
- (2) Caiff y person a benodir benderfynu graddau a thelerau dirprwyad o dan is-baragraff (1) a chaiff ddiwygio neu ddirymu'r dirprwyad.

*Deddf Ombwdsmon Gwasanaethau Cyhoeddus (Cymru) 2019 (dccc 3)*

- 6 Pan fo person a benodir yn aelod o staff Llywodraeth Cymru, mae swyddogaethau'r person o wneud penderfyniad ar adolygiad a gwneud unrhyw beth mewn cysylltiad ag ef i'w trin at ddibenion Deddf Ombwdsmon Gwasanaethau Cyhoeddus (Cymru) 2019 (dccc 3) fel swyddogaethau Llywodraeth Cymru.

(b) the making of a decision on the review under section 9(3)(b) or 81(3)(b).

- (2) The appointed person may determine the extent and terms of a delegation under subparagraph (1) and may amend or revoke the delegation.

*Public Services Ombudsman (Wales) Act 2019 (anaw 3)*

- 6 Where an appointed person is a member of the staff of the Welsh Government, the person's functions of making a decision on a review and doing anything in connection with it are to be treated for the purposes of the Public Services Ombudsman (Wales) Act 2019 (anaw 3) as functions of the Welsh Government.

## ATODLEN 3

(a gyflwynir gan adran 12(1))

## AWDURDODIAD AR GYFER DOSBARTHAU O WAITH

## TABL

Enw'r dosbarth	Gwaith awdurdodedig
<p><b>Dosbarth 1: Gwaith Amaethyddol, Gwaith Garddwriaethol a Gwaith Coedwigaeth</b></p>	<p>Gwaith amaethyddol, gwaith garddwriaethol a gwaith coedwigaeth o'r un math â gwaith a gyflawnwyd yn gyfreithlon yn yr un man o fewn y 6 mlynedd cyn y diwrnod y mae'r gwaith yn dechrau; ac eithrio –</p> <ul style="list-style-type: none"> <li>(a) yn achos tir y cyflawnwyd gwaith aredig arno'n flaenorol, gwaith sy'n debygol o aflonyddu ar y pridd o dan y dyfnder y cyflawnwyd gwaith aredig arno'n gyfreithlon yn flaenorol;</li> <li>(b) yn achos tir arall, gwaith sy'n debygol o aflonyddu ar y pridd o dan ddyfnder o 300 o filimetrau;</li> <li>(c) troi'r isbridd, gwaith draenio, plannu neu ddadwreiddio coed, gwrychoedd neu berthi neu lwyni, stripio'r uwchbridd, gweithrediadau tipio, neu dorri a symud ymaith dyweirch yn fasnachol;</li> <li>(d) dymchwel, symud ymaith, estyn, addasu neu aflonyddu ar adeilad, strwythur neu waith, neu olion adeilad, strwythur neu waith;</li> <li>(e) codi adeilad neu strwythur;</li> <li>(f) yn achos gwaith ac eithrio gwaith garddio domestig, gosod llwybrau, manau arwyneb caled neu sylfeini ar gyfer adeiladau neu godi ffensys neu rwystrau eraill.</li> </ul> <p><i>Dehongli</i></p> <p>At ddibenion y dosbarth hwn –</p> <ul style="list-style-type: none"> <li>(a) mae "gwaith garddio domestig" yn cynnwys gwaith a gyflawnir wrth drin rhandiroedd yn anfasnachol;</li> <li>(b) mae "gwaith garddwriaethol" yn cynnwys gwaith garddio domestig;</li> <li>(c) mae gwaith i'w drin fel pe bai wedi ei gyflawni'n gyfreithlon os – <ul style="list-style-type: none"> <li>(i) mewn perthynas ag unrhyw adeg ar ôl i'r Atodlen hon ddod i rym, cyflawnwyd y gwaith yn unol â thelerau'r dosbarth hwn, neu byddai wedi cael ei gyflawni felly pe bai'r heneb, yn ystod y cyfnod o dan sylw, wedi bod yn heneb gofrestredig;</li> <li>(ii) mewn perthynas ag unrhyw adeg cyn i'r Atodlen hon ddod i rym, cyflawnwyd y gwaith yn unol â thelerau Dosbarth 1 o'r Atodlen i Orchymyn Henebion Hynafol (Cydsyniadau Dosbarth) 1994 (O.S. 1994/1381), neu byddai wedi cael ei gyflawni felly pe bai'r heneb, yn ystod y cyfnod o dan sylw, wedi bod yn heneb gofrestredig at ddibenion Deddf Henebion Hynafol ac Ardaloedd Archaeolegol 1979 (p. 46).</li> </ul> </li> </ul>

SCHEDULE 3  
(introduced by section 12(1))

AUTHORISATION FOR CLASSES OF WORKS

TABLE

Name of class	Authorised works
<p><b>Class 1: Agricultural, Horticultural and Forestry Works</b></p>	<p>Agricultural, horticultural and forestry works of the same kind as works carried out lawfully on the same spot within the 6 years before the day the works start; except—</p> <ul style="list-style-type: none"> <li>(a) in the case of land on which ploughing has previously been carried out, works likely to disturb the soil below the depth at which ploughing has previously been carried out lawfully;</li> <li>(b) in the case of other land, works likely to disturb the soil below a depth of 300 millimetres;</li> <li>(c) sub-soiling, drainage works, the planting or uprooting of trees, hedges or shrubs, the stripping of top soil, tipping operations, or the commercial cutting and removal of turf;</li> <li>(d) the demolition, removal, extension, alteration or disturbance of a building, structure or work or of the remains of a building, structure or work;</li> <li>(e) the erection of a building or structure;</li> <li>(f) in the case of works other than domestic gardening works, the laying of paths, hard-standings or foundations for buildings or the erection of fences or other barriers.</li> </ul> <p><i>Interpretation</i></p> <p>For the purposes of this class —</p> <ul style="list-style-type: none"> <li>(a) “domestic gardening works” includes works carried out in the non-commercial cultivation of allotments;</li> <li>(b) “horticultural works” includes domestic gardening works;</li> <li>(c) works are to be treated as having been carried out lawfully if—                             <ul style="list-style-type: none"> <li>(i) in relation to any time after the coming into force of this Schedule, the works were carried out in accordance with the terms of this class, or would have been so carried out if during the period in question the monument had been a scheduled monument;</li> <li>(ii) in relation to any time before the coming into force of this Schedule, the works were carried out in accordance with the terms of Class 1 of the Schedule to the Ancient Monuments (Class Consents) Order 1994 (S.I. 1994/1381), or would have been so carried out if during the period in question the monument had been a scheduled monument for the purposes of the Ancient Monuments and Archaeological Areas Act 1979 (c. 46).</li> </ul> </li> </ul>

<b>Dosbarth 2: Gweithrediadau mwyngloddio glo</b>	Gwaith a gyflawnir fwy na 10 metr o dan lefel y ddaear gan unrhyw weithredwr trwyddedig (o fewn yr ystyr a roddir i “licensed operator” yn Neddf y Diwydiant Glo 1994 (p. 21)).
<b>Dosbarth 3: Gwaith gan Glandŵr Cymru</b>	Gwaith atgyweirio neu gynnal a chadw a gyflawnir gan Glandŵr Cymru, mewn perthynas â thir y mae’n berchen arno neu sydd wedi ei feddiannu ganddi, sy’n hanfodol er mwyn sicrhau gweithrediad camlas; ac eithrio gwaith sy’n ymwneud ag addasiad sylweddol i heneb gofrestrdig.
<b>Dosbarth 4: Gwaith i atgyweirio neu gynnal a chadw peiriannau</b>	Gwaith i atgyweirio neu gynnal a chadw peiriannau, ac eithrio gwaith sy’n ymwneud ag addasiad sylweddol i heneb gofrestrdig.
<b>Dosbarth 5: Gwaith a gyflawnir gan Historic England</b>	Gwaith a gyflawnir gan Gomisiwn Adeiladau Hanesyddol a Henebion Lloegr.
<b>Dosbarth 6: Gwaith gwerthuso archaeolegol</b>	Gwaith gwerthuso archaeolegol a gyflawnir gan berson sydd wedi gwneud cais am gydsyniad heneb gofrestrdig, neu ar ran person o’r fath, pan fo’r gwaith yn cael ei gyflawni – <ul style="list-style-type: none"> <li>(a) i roi i Weinidogion Cymru wybodaeth sy’n ofynnol ganddynt i benderfynu’r cais,</li> <li>(b) o dan oruchwyliaeth person sydd wedi ei gymeradwyo’n ysgrifenedig gan Weinidogion Cymru, ac</li> <li>(c) yn unol â manyleb ysgrifenedig sydd wedi ei chymeradwyo gan Weinidogion Cymru.</li> </ul>
<b>Dosbarth 7: Gwaith gyda chymorth grant gan Weinidogion Cymru</b>	Gwaith i ddiogelu, cynnal a chadw neu reoli heneb gofrestrdig pan fo’r gwaith yn cael ei gyflawni yn unol â thelerau cytundeb ysgrifenedig y mae Gweinidogion Cymru yn talu costau’r gwaith hwnnw, neu’n cyfrannu tuag at y costau hynny, odano.
<b>Dosbarth 8: Gwaith a gyflawnir gan Gomisiwn Brenhinol Henebion Cymru</b>	Gwaith i osod marcwyr arolwg i ddyfnder nad yw’n fwy na 300 o filimetrau at ddiben arolygon wedi eu mesur o olion gweladwy, pan fo’r gwaith wedi ei gyflawni gan Gomisiwn Brenhinol Henebion Cymru.

*Pŵer i ddiwygio’r Atodlen*

- 1 Caiff Gweinidogion Cymru drwy reoliadau ddiwygio’r Atodlen hon –
- (a) i ychwanegu dosbarth o waith at y tabl;
  - (b) i addasu disgrifiad o ddosbarth o waith;
  - (c) i ddileu dosbarth o waith.

<b>Class 2: Coal mining operations</b>	Works carried out more than 10 metres below ground level by any licensed operator (within the meaning of the Coal Industry Act 1994 (c. 21)).
<b>Class 3: Works by Canal &amp; River Trust</b>	Works of repair or maintenance carried out by Canal & River Trust, in relation to land owned or occupied by it, which are essential to ensure the functioning of a canal; except works involving a material alteration to a scheduled monument.
<b>Class 4: Works for the repair or maintenance of machinery</b>	Works of repair or maintenance to machinery, except works involving a material alteration to a scheduled monument.
<b>Class 5: Works carried out by Historic England</b>	Works carried out by the Historic Buildings and Monuments Commission for England.
<b>Class 6: Works of archaeological evaluation</b>	Works of archaeological evaluation carried out by or on behalf of a person who has applied for scheduled monument consent, where the works are carried out – (a) to supply the Welsh Ministers with information required by them to determine the application, (b) under the supervision of a person approved in writing by the Welsh Ministers, and (c) in accordance with a written specification approved by the Welsh Ministers.
<b>Class 7: Works grant aided by the Welsh Ministers</b>	Works for the preservation, maintenance or management of a scheduled monument where the works are carried out in accordance with the terms of a written agreement under which the Welsh Ministers meet, or contribute towards, the cost of those works.
<b>Class 8: Works undertaken by the Royal Commission on the Ancient and Historical Monuments of Wales</b>	Works consisting of placing survey markers to a depth not exceeding 300 millimetres for the purpose of measured surveying of visible remains, where the works are carried out by the Royal Commission on the Ancient and Historical Monuments of Wales.

*Power to amend Schedule*

- 1 The Welsh Ministers may by regulations amend this Schedule to –
- (a) add a class of works to the table;
  - (b) modify a description of a class of works;
  - (c) remove a class of works.

## ATODLEN 4

*(a gyflwynir gan adran 20(3))*Y WEITHDREFN AR GYFER GORCHMYNION SY'N ADDASU NEU'N DIRYMU  
CYDSYNIAD HENEB GOFRESTREDIG

## RHAN 1

## HYSBYSIAD O ADDASIAD NEU DDIRYMIAD ARFAETHEDIG

*Gofyniad i gyflwyno hysbysiad o addasiad neu ddirymiad arfaethedig*

- 1 (1) Cyn gwneud gorchymyn o dan adran 20 sy'n addasu neu'n dirymu cydsyniad heneb gofrestredig rhaid i Weinidogion Cymru gyflwyno hysbysiad o'r addasiad arfaethedig neu'r dirymiad arfaethedig—
  - (a) i bob perchennog a phob meddiannydd ar yr heneb, a
  - (b) i unrhyw berson arall y mae Gweinidogion Cymru yn ystyried y byddai'r cynnig yn effeithio arno.
- (2) Rhaid i hysbysiad o dan y paragraff hwn—
  - (a) cynnwys copi o'r gorchymyn y mae Gweinidogion Cymru yn cynnig ei wneud,
  - (b) nodi'r rhesymau dros yr addasiad arfaethedig neu'r dirymiad arfaethedig,
  - (c) datgan bod gan y person y cyflwynir yr hysbysiad iddo 28 o ddiwrnodau, sy'n dechrau â thrannoeth y diwrnod y cyflwynir yr hysbysiad, i wneud gwrthwynebiad ynghylch y cynnig i Weinidogion Cymru, a
  - (d) datgan y ffordd y mae rhaid i wrthwynebiad gael ei wneud.
- (3) Pan fyddai addasiad arfaethedig yn eithrio unrhyw waith o gwmpas y cydsyniad heneb gofrestredig, rhaid i'r hysbysiad ddarparu na chaniateir i'r gwaith hwnnw gael ei gyflawni ar ddiwrnod a bennir gan yr hysbysiad nac ar ôl y diwrnod hwnnw.
- (4) Pan fyddai addasiad arfaethedig yn effeithio ar gyflawni unrhyw waith y mae'r cydsyniad yn ymwneud ag ef mewn unrhyw ffordd arall, rhaid i'r hysbysiad ddarparu na chaniateir i'r gwaith gael ei gyflawni ar ddiwrnod a bennir gan yr hysbysiad nac ar ôl y diwrnod hwnnw mewn ffordd a bennir yn yr hysbysiad.
- (5) Rhaid i hysbysiad o ddirymiad arfaethedig ddarparu na chaniateir i'r gwaith y mae'r cydsyniad heneb gofrestredig yn ymwneud ag ef gael ei gyflawni ar ddiwrnod a bennir gan yr hysbysiad nac ar ôl y diwrnod hwnnw.

*Effaith hysbysiad o dan baragraff 1 ar awdurdodiad i gyflawni gwaith*

- 2 (1) Pan fo hysbysiad o dan baragraff 1 yn darparu na chaniateir i waith a bennir yn yr hysbysiad gael ei gyflawni ar ddiwrnod a bennir gan yr hysbysiad nac ar ôl y diwrnod hwnnw, nid yw'r gwaith penodedig wedi ei awdurdodi at ddibenion Pennod 3 o Ran 2 o'r Ddeddf hon o ddechrau'r diwrnod hwnnw.



SCHEDULE 4  
(introduced by section 20(3))

PROCEDURE FOR ORDERS MODIFYING OR REVOKING SCHEDULED MONUMENT  
CONSENT

PART 1

NOTICE OF PROPOSED MODIFICATION OR REVOCATION

*Requirement to serve a notice of proposed modification or revocation*

- 1 (1) Before making an order under section 20 modifying or revoking a scheduled monument consent the Welsh Ministers must serve a notice of the proposed modification or proposed revocation on—
- (a) every owner and occupier of the monument, and
  - (b) any other person the Welsh Ministers consider would be affected by the proposal.
- (2) A notice under this paragraph must—
- (a) include a copy of the order the Welsh Ministers propose to make,
  - (b) set out the reasons for the proposed modification or proposed revocation,
  - (c) state that the person served with the notice has 28 days, beginning with the day after the day of service of the notice, to make an objection about the proposal to the Welsh Ministers, and
  - (d) state the way in which an objection must be made.
- (3) Where a proposed modification would exclude any works from the scope of the scheduled monument consent, the notice must provide that those works must not be carried out on or after a day specified by the notice.
- (4) Where a proposed modification would affect the carrying out of any of the works to which the consent relates in any other way, the notice must provide that the works must not be carried out on or after a day specified by the notice in a way specified in the notice.
- (5) A notice of proposed revocation must provide that the works to which the scheduled monument consent relates must not be carried out on or after a day specified by the notice.

*Effect of notice under paragraph 1 on authorisation to carry out works*

- 2 (1) Where a notice under paragraph 1 provides that works specified in the notice must not be carried out on or after a day specified by the notice, the specified works are not authorised for the purposes of Chapter 3 of Part 2 of this Act from the beginning of that day.

- (2) Pan fo hysbysiad o dan baragraff 1 yn darparu na chaniateir i waith a bennir yn yr hysbysiad gael ei gyflawni ar ddiwrnod a bennir gan yr hysbysiad nac ar ôl y diwrnod hwnnw mewn ffordd a bennir yn yr hysbysiad, nid yw'r gwaith penodedig, os yw wedi ei gyflawni yn y ffordd honno, wedi ei awdurdodi at ddibenion Pennod 3 o Ran 2 o'r Ddeddf hon o ddechrau'r diwrnod hwnnw.
- (3) Pan fo hysbysiad o dan baragraff 1 yn darparu na chaniateir i'r gwaith y mae'r cydsyniad heneb gofrestredig yn ymwneud ag ef gael ei gyflawni ar ddiwrnod a bennir gan yr hysbysiad nac ar ôl y diwrnod hwnnw, nid yw'r gwaith hwnnw wedi ei awdurdodi o dan Bennod 3 o Ran 2 o'r Ddeddf hon o ddechrau'r diwrnod hwnnw.
- (4) Mae darpariaethau blaenorol y paragraff hwn yn peidio â bod yn gymwys mewn perthynas ag unrhyw waith y mae hysbysiad o dan baragraff 1 yn effeithio arno—
  - (a) pan fo Gweinidogion Cymru yn gwneud gorchymyn o dan adran 20 o fewn y cyfnod o 21 mis sy'n dechrau â'r diwrnod y cyflwynwyd yr hysbysiad ("y cyfnod o 21 mis"), pan gaiff y gorchymyn ei wneud (a phryd hynny, mae'r awdurdodiad yn peidio i'r graddau a ddarperir yn y gorchymyn),
  - (b) pan fo Gweinidogion Cymru, o fewn y cyfnod o 21 mis, yn cyflwyno hysbysiad i bob perchennog ac i bob meddiannydd ar yr heneb eu bod wedi penderfynu peidio â gwneud y gorchymyn, ar ddechrau'r diwrnod a bennir gan Weinidogion Cymru at ddibenion y paragraff hwn yn yr hysbysiad, neu
  - (c) mewn unrhyw achos arall, ar ddiwedd y cyfnod o 21 mis.

## RHAN 2

## MYND YMLAEN I WNEUD GORCHYMYN AR ÔL CYFLWYNO HYSBYSIAD

*Gwneud gorchymyn o dan adran 20*

- 3 (1) Mae'r paragraff hwn yn gymwys pan fo hysbysiad o dan baragraff 1 wedi ei gyflwyno o dan Ran 1 o'r Atodlen hon.
- (2) Ni chaiff Gweinidogion Cymru wneud y gorchymyn y mae'r hysbysiad yn ymwneud ag ef oni bai—
  - (a) bod y cyfnod ar gyfer gwneud gwrthwynebiadau i'r cynnig wedi dod i ben heb i wrthwynebiad gael ei wneud gan berson y cyflwynwyd yr hysbysiad iddo,
  - (b) os gwnaed gwrthwynebiad gan berson o'r fath o fewn y cyfnod hwnnw, fod pob gwrthwynebiad o'r fath wedi ei dynnu'n ôl, neu
  - (c) os gwnaed gwrthwynebiad yn ystod y cyfnod hwnnw gan berson o'r fath ac nad yw'r gwrthwynebiad wedi ei dynnu'n ôl, fod gofynion is-baragraffau (3) a (4) wedi eu bodloni.
- (3) Mae gofynion yr is-baragraff hwn wedi eu bodloni os yw Gweinidogion Cymru—
  - (a) yn peri i ymchwiliad lleol gael ei gynnal, neu
  - (b) yn rhoi i'r person a wnaeth y gwrthwynebiad gyfle i ymddangos gerbron person a benodir ganddynt a chael gwrandawriad ganddo.
- (4) Mae gofynion yr is-baragraff hwn wedi eu bodloni os yw Gweinidogion Cymru—

- (2) Where a notice under paragraph 1 provides that works specified in the notice must not be carried out on or after a day specified by the notice in a way specified in the notice, the specified works, if carried out that way, are not authorised for the purposes of Chapter 3 of Part 2 of this Act from the beginning of that day.
- (3) Where a notice under paragraph 1 provides that the works to which the scheduled monument consent relates must not be carried out on or after a day specified by the notice, those works are not authorised under Chapter 3 of Part 2 of this Act from the beginning of that day.
- (4) The preceding provisions of this paragraph cease to apply in relation to any works affected by a notice under paragraph 1 –
  - (a) where the Welsh Ministers make an order under section 20 within the period of 21 months beginning with the day the notice was served (“the 21 month period”), when the order is made (at which point authorisation ceases to the extent provided in the order),
  - (b) where the Welsh Ministers, within the 21 month period, serve notice on every owner and occupier of the monument that they have decided not to make the order, at the beginning of the day specified for the purposes of this paragraph by the Welsh Ministers in the notice, or
  - (c) in any other case, at the end of the 21 month period.

## PART 2

### PROCEEDING TO MAKE AN ORDER AFTER SERVICE OF NOTICE

#### *Making an order under section 20*

- 3 (1) This paragraph applies where a notice under paragraph 1 has been served under Part 1 of this Schedule.
- (2) The Welsh Ministers may not make the order to which the notice relates unless –
  - (a) the period for making objections to the proposal has ended without an objection being made by a person on whom the notice was served,
  - (b) if an objection was made by such a person within that period, all such objections have been withdrawn, or
  - (c) if an objection was made during that period by such a person and the objection has not been withdrawn, the requirements of sub-paragraphs (3) and (4) have been met.
- (3) The requirements of this sub-paragraph are met if the Welsh Ministers –
  - (a) cause a local inquiry to be held, or
  - (b) give the person who made the objection an opportunity to appear before and be heard by a person appointed by them.
- (4) The requirements of this sub-paragraph are met if the Welsh Ministers –

- (a) yn ystyried pob gwrthwynebiad a wnaed fel y'i disgrifir yn is-baragraff (2)(c) ac nas tynnwyd yn ôl, a
  - (b) os oes ymchwiliad neu wrandawriad wedi ei gynnal o dan is-baragraff (3), yn ystyried adroddiad y person a'i cynhaliodd.
- (5) Pan fo person yn cymryd y cyfle i ymddangos gerbron person a benodir gan Weinidogion Cymru o dan is-baragraff (3)(b) a chael gwrandawriad ganddo, rhaid i Weinidogion Cymru roi'r cyfle i bob un o'r personau a ganlyn i gael gwrandawriad ar yr un pryd –
- (a) pob person arall y cyflwynwyd yr hysbysiad o dan baragraff 1 iddo, a
  - (b) unrhyw berson arall y mae Gweinidogion Cymru yn ystyried ei fod yn briodol.
- (6) Pan fo Gweinidogion Cymru yn gwneud gorchymyn o dan adran 20 yn rhinwedd is-baragraff (2)(a) neu (b), rhaid i'r gorchymyn gael ei wneud ar y telerau a nodir gan yr hysbysiad.
- (7) Pan fo Gweinidogion Cymru yn gwneud gorchymyn o dan adran 20 yn rhinwedd is-baragraff (2)(c), caniateir i'r gorchymyn gael ei wneud naill ai ar y telerau a nodir yn yr hysbysiad neu gydag addasiadau.

*Hysbysu ar ôl gwneud gorchymyn*

- 4 Cyn gynted ag y bo'n ymarferol ar ôl gwneud gorchymyn o dan adran 20 rhaid i Weinidogion Cymru anfon copi o'r gorchymyn –
- (a) at bob person y cyflwynwyd hysbysiad o dan baragraff 1 iddo, a
  - (b) pan –
    - (i) bo ymchwiliad wedi ei gynnal o dan baragraff 3(3)(a), at unrhyw berson arall a roddodd dystiolaeth yn yr ymchwiliad, neu
    - (ii) bo gwrandawriad wedi ei gynnal at ddibenion paragraff 3(3)(b), at unrhyw berson arall y rhoddwyd y cyfle iddo i ymddangos yn y gwrandawriad.

RHAN 3

ATODOL

*Y weithdrefn ar ôl gwrandawriad neu ymchwiliad*

- 5 (1) Rhaid i'r person a benodir i gynnal gwrandawriad neu ymchwiliad o dan baragraff 3 lunio adroddiad ysgrifenedig i Weinidogion Cymru ar ôl diwedd y gwrandawriad neu'r ymchwiliad.
- (2) Rhaid i'r adroddiad gynnwys casgliadau ac argymhelliad y person a benodir ynghylch a ddylid gwneud yr addasiad neu'r dirymiad (neu resymau'r person a benodir dros beidio â gwneud argymhelliad).

- (a) consider each objection made as described in sub-paragraph (2)(c) and not withdrawn, and
  - (b) if an inquiry or hearing has been held under sub-paragraph (3), consider the report of the person who held it.
- (5) Where a person takes the opportunity to appear before and be heard by a person appointed by the Welsh Ministers under sub-paragraph (3)(b), the Welsh Ministers must give each of the following persons the opportunity to be heard on the same occasion –
- (a) every other person on whom the notice under paragraph 1 was served, and
  - (b) any other person the Welsh Ministers consider appropriate.
- (6) Where the Welsh Ministers make an order under section 20 by virtue of sub-paragraph (2)(a) or (b), the order must be made on the terms set out by the notice.
- (7) Where the Welsh Ministers make an order under section 20 by virtue of sub-paragraph (2)(c), the order may be made either on the terms set out in the notice or with modifications.

*Notification once order made*

- 4 As soon as practicable after making an order under section 20 the Welsh Ministers must send a copy of the order –
- (a) to every person served with a notice under paragraph 1, and
  - (b) where –
    - (i) an inquiry was held under paragraph 3(3)(a), to any other person who gave evidence at the inquiry, or
    - (ii) a hearing was held for the purposes of paragraph 3(3)(b), to any other person who was given the opportunity to appear at the hearing.

PART 3

SUPPLEMENTARY

*Procedure after hearing or inquiry*

- 5 (1) The person appointed to carry out a hearing or inquiry under paragraph 3 must, after the close of the hearing or inquiry, make a report in writing to the Welsh Ministers.
- (2) The report must include the appointed person's conclusions and recommendation as to whether the modification or revocation ought to be made (or the appointed person's reasons for not making a recommendation).

## ATODLEN 5

*(a gyflwynir gan adran 27(4))*TERFYNU DRWY ORCHYMYN GYTUNDEB PARTNERIAETH HENEB  
GOFRESTREDIG

## RHAN 1

## HYSBYSIAD O DERFYNIAD ARFAETHEDIG

*Gofyniad i gyflwyno hysbysiad o derfyniad arfaethedig*

- 1 (1) Cyn gwneud gorchymyn o dan adran 27 sy'n terfynu cytundeb partneriaeth heneb gofrestredig neu ddarpariaeth mewn cytundeb o'r fath, rhaid i Weinidogion Cymru gyflwyno hysbysiad o gynnig i wneud y gorchymyn ("hysbysiad o derfyniad arfaethedig")—
- (a) i'r partion eraill i'r cytundeb, a
  - (b) i unrhyw berson arall y mae Gweinidogion Cymru yn ystyried bod ganddo fuddiant yn y cytundeb.
- (2) Rhaid i hysbysiad o derfyniad arfaethedig—
- (a) cynnwys copi o'r gorchymyn y mae Gweinidogion Cymru yn cynnig ei wneud,
  - (b) nodi'r rhesymau dros y terfyniad arfaethedig,
  - (c) datgan bod gan y person y cyflwynir yr hysbysiad iddo 28 o ddiwrnodau, sy'n dechrau â thrannoeth y diwrnod y cyflwynir yr hysbysiad, i wneud gwrthwynebiad ynghylch y cynnig i Weinidogion Cymru, a
  - (d) datgan y ffordd y mae rhaid i wrthwynebiad gael ei wneud.
- (3) Pan mai effaith y gorchymyn y cynigir ei wneud o dan adran 27 fyddai dirymu cydsyniad heneb gofrestredig a roddwyd gan y cytundeb, rhaid i'r hysbysiad o derfyniad arfaethedig ddarparu na chaniateir i'r gwaith y mae'r cydsyniad yn ymwneud ag ef gael ei gyflawni ar ddiwrnod a bennir gan yr hysbysiad nac ar ôl y diwrnod hwnnw.
- (4) Pan mai effaith gorchymyn y cynigir ei wneud o dan adran 27 fyddai eithrio unrhyw waith o gwmpas cydsyniad heneb gofrestredig a roddwyd gan y cytundeb, rhaid i'r hysbysiad o derfyniad arfaethedig ddarparu na chaniateir i'r gwaith yr effeithir arno gael ei gyflawni ar ddiwrnod a bennir gan yr hysbysiad nac ar ôl y diwrnod hwnnw.

*Effaith cyflwyno hysbysiad o derfyniad arfaethedig ar waith awdurdodedig*

- 2 (1) Pan fo hysbysiad o derfyniad arfaethedig yn darparu na chaniateir i'r gwaith y mae cydsyniad heneb gofrestredig yn ymwneud ag ef gael ei gyflawni ar ddiwrnod a bennir gan yr hysbysiad nac ar ôl y diwrnod hwnnw, nid yw'r gwaith hwnnw wedi ei awdurdodi at ddibenion Pennod 3 o Ran 2 o'r Ddeddf hon o ddechrau'r diwrnod hwnnw.
- (2) Pan fo hysbysiad o derfyniad arfaethedig yn darparu na chaniateir i waith a bennir yn yr hysbysiad gael ei gyflawni ar ddiwrnod a bennir gan yr hysbysiad nac ar ôl y diwrnod hwnnw, nid yw'r gwaith penodedig wedi ei awdurdodi at ddibenion Pennod 3 o Ran 2 o'r Ddeddf hon o ddechrau'r diwrnod hwnnw.

SCHEDULE 5  
(introduced by section 27(4))

TERMINATION BY ORDER OF SCHEDULED MONUMENT PARTNERSHIP  
AGREEMENT

PART 1

NOTICE OF PROPOSED TERMINATION

*Requirement to serve notice of proposed termination*

- 1 (1) Before making an order under section 27 terminating a scheduled monument partnership agreement or a provision of such an agreement the Welsh Ministers must serve notice of a proposal to make the order (a “notice of proposed termination”) on –
- (a) the other parties to the agreement, and
  - (b) any other person the Welsh Ministers consider to have an interest in the agreement.
- (2) A notice of proposed termination must –
- (a) include a copy of the order the Welsh Ministers propose to make,
  - (b) set out the reasons for the proposed termination,
  - (c) state that the person served with the notice has 28 days, beginning with the day after the day the notice is served, to make an objection about the proposal to the Welsh Ministers, and
  - (d) state the way in which an objection must be made.
- (3) Where the effect of the order proposed to be made under section 27 would be to revoke a scheduled monument consent granted by the agreement, the notice of proposed termination must provide that the works to which the consent relates must not be carried out on or after a day specified by the notice.
- (4) Where the effect of an order proposed to be made under section 27 would be to exclude any works from the scope of a scheduled monument consent granted by the agreement, the notice of proposed termination must provide that the affected works must not be carried out on or after a day specified by the notice.

*Effect on authorised works of service of notice of proposed termination*

- 2 (1) Where a notice of proposed termination provides that the works to which a scheduled monument consent relates must not be carried out on or after a day specified by the notice, those works are not authorised for the purposes of Chapter 3 of Part 2 of this Act from the beginning of that day.
- (2) Where a notice of proposed termination provides that works specified in the notice must not be carried out on or after a day specified by the notice, the specified works are not authorised for the purposes of Chapter 3 of Part 2 of this Act from the beginning of that day.

- (3) Mae darpariaethau blaenorol y paragraff hwn yn peidio â bod yn gymwys mewn perthynas ag unrhyw waith y mae hysbysiad o derfyniad arfaethedig yn effeithio arno –
- pan fo Gweinidogion Cymru yn gwneud gorchymyn o dan adran 27 o fewn y cyfnod o 21 mis sy'n dechrau â'r diwrnod y cyflwynwyd yr hysbysiad o derfyniad arfaethedig ("y cyfnod o 21 mis"), pan gaiff y gorchymyn ei wneud (a phryd hynny, mae'r awdurdodiad yn peidio i'r graddau a ddarperir yn y gorchymyn),
  - pan fo Gweinidogion Cymru, o fewn y cyfnod o 21 mis, yn cyflwyno hysbysiad i bob person y cyflwynwyd yr hysbysiad o derfyniad arfaethedig iddo eu bod wedi penderfynu peidio â gwneud y gorchymyn, ar ddechrau'r diwrnod a bennir gan Weinidogion Cymru at ddibenion y paragraff hwn yn yr hysbysiad, neu
  - mewn unrhyw achos arall, ar ddiwedd y cyfnod o 21 mis.

## RHAN 2

## MYND YMLAEN I WNEUD GORCHYMYN AR ÔL CYFLWYNO HYSBYSIAD

*Gwneud gorchymyn o dan adran 27*

- 3 (1) Mae'r paragraff hwn yn gymwys pan fo hysbysiad o derfyniad arfaethedig wedi ei gyflwyno o dan Ran 1 o'r Atodlen hon.
- (2) Ni chaiff Gweinidogion Cymru wneud y gorchymyn y mae'r hysbysiad yn ymwneud ag ef oni bai –
- bod y cyfnod ar gyfer gwneud gwrthwynebiadau i'r cynnig wedi dod i ben heb i wrthwynebiad gael ei wneud gan berson y cyflwynwyd yr hysbysiad iddo,
  - os gwnaed gwrthwynebiad gan berson o'r fath o fewn y cyfnod hwnnw, fod pob gwrthwynebiad o'r fath wedi ei dynnu'n ôl, neu
  - os gwnaed gwrthwynebiad yn ystod y cyfnod hwnnw gan berson o'r fath ac nad yw'r gwrthwynebiad wedi ei dynnu'n ôl, fod gofynion is-baragraffau (3) a (4) wedi eu bodloni.
- (3) Mae gofynion yr is-baragraff hwn wedi eu bodloni os yw Gweinidogion Cymru –
- yn peri i ymchwiliad lleol gael ei gynnal, neu
  - yn rhoi i'r person a wnaeth y gwrthwynebiad gyfle i ymddangos gerbron person a benodir ganddynt a chael gwrandawriad ganddo.
- (4) Mae gofynion yr is-baragraff hwn wedi eu bodloni os yw Gweinidogion Cymru –
- yn ystyried pob gwrthwynebiad a wnaed fel y'i disgrifir yn is-baragraff (2)(c) ac nas tynnwyd yn ôl, a
  - os oes ymchwiliad neu wrandawriad wedi ei gynnal o dan is-baragraff (3), yn ystyried adroddiad y person a'i cynhaliodd.
- (5) Pan fo person yn cymryd y cyfle i ymddangos gerbron person a benodir gan Weinidogion Cymru a chael gwrandawriad ganddo o dan is-baragraff (3)(b), rhaid i Weinidogion Cymru roi cyfle i bob un o'r personau a ganlyn i gael gwrandawriad ar yr un pryd –
- pob person arall y cyflwynwyd yr hysbysiad o derfyniad arfaethedig iddo, a
  - unrhyw berson arall y mae Gweinidogion Cymru yn ystyried ei fod yn briodol.



- (3) The preceding provisions of this paragraph cease to apply in relation to any works affected by a notice of proposed termination –
- (a) where the Welsh Ministers make an order under section 27 within the period of 21 months beginning with the day the notice of proposed termination was served (“the 21 month period”), when the order is made (at which point authorisation ceases to the extent provided in the order),
  - (b) where the Welsh Ministers, within the 21 month period, serve notice on each person on whom the notice of proposed termination was served that they have decided not to make the order, at the beginning of the day specified for the purposes of this paragraph by the Welsh Ministers in the notice, or
  - (c) in any other case, at the end of the 21 month period.

## PART 2

### PROCEEDING TO MAKE AN ORDER AFTER SERVICE OF NOTICE

#### *Making an order under section 27*

- 3 (1) This paragraph applies where a notice of proposed termination has been served under Part 1 of this Schedule.
- (2) The Welsh Ministers may not make the order to which the notice relates unless –
- (a) the period for making objections to the proposal has ended without an objection being made by a person on whom the notice was served,
  - (b) if an objection was made by such a person within that period, all such objections have been withdrawn, or
  - (c) if an objection was made during that period by such a person and the objection has not been withdrawn, the requirements of sub-paragraphs (3) and (4) have been met.
- (3) The requirements of this sub-paragraph are met if the Welsh Ministers –
- (a) cause a local inquiry to be held, or
  - (b) give the person who made the objection an opportunity to appear before and be heard by a person appointed by them.
- (4) The requirements of this sub-paragraph are met if the Welsh Ministers –
- (a) consider each objection made as described in sub-paragraph (2)(c) and not withdrawn, and
  - (b) if an inquiry or hearing has been held under sub-paragraph (3), consider the report of the person who held it.
- (5) Where a person takes the opportunity to appear before and be heard by a person appointed by the Welsh Ministers under sub-paragraph (3)(b), the Welsh Ministers must give each of the following persons the opportunity to be heard on the same occasion –
- (a) every other person served with the notice of proposed termination, and
  - (b) any other person the Welsh Ministers consider appropriate.

- (6) Pan fo Gweinidogion Cymru yn gwneud gorchymyn o dan adran 27 yn rhinwedd is-baragraff (2)(a) neu (b), rhaid gwneud y gorchymyn ar y telerau a nodir gan yr hysbysiad o derfyniad arfaethedig.
- (7) Pan fo Gweinidogion Cymru yn gwneud gorchymyn o dan adran 27 yn rhinwedd is-baragraff (2)(c), caniateir gwneud y gorchymyn naill ai ar y telerau a nodir gan yr hysbysiad o derfyniad arfaethedig neu gydag addasiadau.

*Hysbysiad ar ôl gwneud gorchymyn*

- 4 Cyn gynted ag y bo'n ymarferol ar ôl gwneud gorchymyn o dan adran 27, rhaid i Weinidogion Cymru anfon copi o'r gorchymyn –
- (a) at bob person y cyflwynwyd hysbysiad o derfyniad arfaethedig iddo, a
  - (b) pan –
    - (i) bo ymchwiliad wedi ei gynnal o dan baragraff 3(3)(a), at unrhyw berson arall a roddodd dystiolaeth yn yr ymchwiliad, neu
    - (ii) bo gwrandawriad wedi ei gynnal o dan baragraff 3(3)(b), at unrhyw berson arall y rhoddwyd y cyfle iddo i ymddangos yn y gwrandawriad.

RHAN 3

ATODOL

*Y weithdrefn ar ôl gwrandawriad neu ymchwiliad*

- 5 (1) Rhaid i'r person a benodir i gynnal gwrandawriad neu ymchwiliad o dan baragraff 3 lunio adroddiad ysgrifenedig i Weinidogion Cymru ar ôl diwedd y gwrandawriad neu'r ymchwiliad.
- (2) Rhaid i'r adroddiad gynnwys casgliadau ac argymhelliad y person a benodir ynghylch a ddylid gwneud gorchymyn o dan adran 27 (neu resymau'r person a benodir dros beidio â gwneud argymhelliad).

- (6) Where the Welsh Ministers make an order under section 27 by virtue of sub-paragraph (2)(a) or (b), the order must be made on the terms set out by the notice of proposed termination.
- (7) Where the Welsh Ministers make an order under section 27 by virtue of sub-paragraph (2)(c), the order may be made either on the terms set out by the notice of proposed termination or with modifications.

*Notification once order made*

- 4 As soon as practicable after making an order under section 27 the Welsh Ministers must send a copy of the order –
- (a) to every person on whom a notice of proposed termination was served, and
  - (b) where –
    - (i) an inquiry was held under paragraph 3(3)(a), to any other person who gave evidence at the inquiry, or
    - (ii) a hearing was held under paragraph 3(3)(b), to any other person who was given the opportunity to appear at the hearing.

PART 3

SUPPLEMENTARY

*Procedure after hearing or inquiry*

- 5 (1) The person appointed to carry out a hearing or inquiry under paragraph 3 must, after the close of the hearing or inquiry, make a report in writing to the Welsh Ministers.
- (2) The report must include the appointed person's conclusions and recommendation as to whether an order under section 27 ought to be made (or the appointed person's reasons for not making a recommendation).

## ATODLEN 6

(a gyflwynir gan adrannau 10(5), 17(6), 20(3) a 27(4))

## ACHOSION O DAN RAN 2

*Tystiolaeth mewn ymchwiliadau lleol*

- 1 (1) Caiff person a benodir i gynnal ymchwiliad lleol o dan Ran 2 o'r Ddeddf hon, drwy wŷs, ei gwneud yn ofynnol i unrhyw berson –
- (a) bod yn bresennol yn yr ymchwiliad, ar adeg ac mewn man a ddatgenir yn y wŷs, a rhoi tystiolaeth, neu
  - (b) dangos unrhyw ddogfennau sydd ym meddiant y person neu o dan reolaeth y person, sy'n ymwneud ag unrhyw fater sydd o dan sylw yn yr ymchwiliad.
- (2) Caiff y person a benodir i gynnal yr ymchwiliad gymryd tystiolaeth ar lw, ac at y diben hwnnw caiff weinyddu llwon.
- (3) Nid yw gwŷs o dan y paragraff hwn yn ei gwneud yn ofynnol i berson fod yn bresennol yn yr ymchwiliad oni bai bod treuliau angenrheidiol y person ar gyfer bod yn bresennol yn cael eu talu neu eu cynnig i'r person.
- (4) Ni chaniateir ei gwneud yn ofynnol o dan y paragraff hwn i berson ddangos teitl (nac unrhyw offeryn sy'n ymwneud â theitl) unrhyw dir nad yw'n perthyn i awdurdod lleol.

*Trosedd sy'n ymwneud â methu â chydymffurfio â gwŷs o dan baragraff 1*

- 2 (1) Mae'n drosedd i berson –
- (a) gwrthod cydymffurfio â gofyniad mewn gwŷs o dan baragraff 1 neu fetu'n fwriadol â chydymffurfio â gofyniad o'r fath, neu
  - (b) newid, atal, cuddio neu ddinistrio'n fwriadol ddogfen y mae'n ofynnol i'r person ei dangos, neu y mae'r person yn agored i orfod ei dangos, o dan y paragraff hwnnw.
- (2) Mae person sy'n euog o drosedd o dan is-baragraff (1) yn agored ar euogfarn ddiannod i ddirwy nad yw'n uwch na lefel 3 ar y raddfa safonol neu i'w garcharu am gyfnod nad yw'n hwy na'r uchafswm cyfnod am droseddau diannod, neu i'r ddau.
- (3) Yn is-baragraff (2) ystyr "yr uchafswm cyfnod am droseddau diannod" yw –
- (a) mewn perthynas â throsedd a gyflawnir cyn i adran 281(5) o Ddeddf Cyfiawnder Troseddol 2003 (p. 44) ddod i rym, 6 mis;
  - (b) mewn perthynas â throsedd a gyflawnir ar ôl iddi ddod i rym, 51 o wythnosau.

*Costau achosion penodol o dan y Rhan hon*

- 3 (1) Mae'r paragraff hwn yn gymwys mewn perthynas â'r achosion a ganlyn –
- (a) adolygiad gan Weinidogion Cymru o dan adran 9 (adolygiadau o benderfyniadau i ychwanegu heneb at y gofrestr etc.);
  - (b) ymchwiliad lleol neu wrandawriad, neu gyfle i gyflwyno sylwadau ysgrifenedig, o dan adran 17 (penderfynu ceisiadau am gydsyniad heneb gofrestredig);

## SCHEDULE 6

(introduced by sections 10(5), 17(6), 20(3) and 27(4))

## PROCEEDINGS UNDER PART 2

*Evidence at local inquiries*

- 1 (1) A person appointed to hold a local inquiry under Part 2 of this Act may by summons require any person –
- (a) to attend the inquiry, at a time and place stated in the summons, and to give evidence, or
  - (b) to produce any documents in the person's possession or under the person's control which relate to any matter in question at the inquiry.
- (2) The person appointed to hold the inquiry may take evidence on oath, and for that purpose may administer oaths.
- (3) A summons under this paragraph does not require a person to attend the inquiry unless the person's necessary expenses of attending are paid or offered to the person.
- (4) A person may not be required under this paragraph to produce the title (or any instrument relating to the title) of any land which does not belong to a local authority.

*Offence relating to failure to comply with summons under paragraph 1*

- 2 (1) It is an offence for a person to –
- (a) refuse or deliberately fail to comply with a requirement of a summons under paragraph 1, or
  - (b) deliberately alter, suppress, conceal or destroy a document the person is required, or is liable to be required, to produce under that paragraph.
- (2) A person guilty of an offence under sub-paragraph (1) is liable on summary conviction to a fine not exceeding level 3 on the standard scale or imprisonment for a term not exceeding the maximum term for summary offences, or both.
- (3) In sub-paragraph (2) "the maximum term for summary offences" means –
- (a) in relation to an offence committed before section 281(5) of the Criminal Justice Act 2003 (c. 44) comes into force, 6 months;
  - (b) in relation to an offence committed after it comes into force, 51 weeks.

*Costs of certain proceedings under this Part*

- 3 (1) This paragraph applies in relation to the following proceedings –
- (a) a review by the Welsh Ministers under section 9 (reviews of decisions to add monument to the schedule etc.);
  - (b) a local inquiry or hearing, or an opportunity to make written representations, under section 17 (determining applications for scheduled monument consent);

- (c) ymchwiliad lleol neu wrandawriad o dan Ran 2 o Atodlen 4 (addasiad neu ddirymiad arfaethedig o gydsyniad heneb gofrestredig).
- (2) Caiff Gweinidogion Cymru gyfarwyddo bod rhaid i'r costau y maent yn mynd iddynt mewn perthynas â'r achos (gan gynnwys costau unrhyw berson a benodir ganddynt i gynnal yr achos) gael eu talu gan unrhyw barti i'r achos a bennir yn y cyfarwyddyd.
- (3) Caniateir i swm y costau yr eir iddynt ac y cyfarwyddir iddynt gael eu talu fel y'i crybwyllir yn is-baragraff (2) gael ei adennill gan Weinidogion Cymru yn ddiannod fel dyled sifil.
- (4) Caiff Gweinidogion Cymru, mewn perthynas â'r achos, wneud gorchmynion ynghylch—
- (a) costau'r partiön i'r achos, a
  - (b) y parti neu'r partiön y mae rhaid iddynt dalu'r costau.
- (5) Caniateir adennill costau sy'n daladwy yn rhinwedd is-baragraff (4) fel pe baent yn daladwy o dan orchymyn gan yr Uchel Lys, os yw'r Uchel Lys yn gorchymyn felly ar gais y person y mae'r costau yn ddyledus iddo.
- (6) Ni chaiff Gweinidogion Cymru wneud gorchymyn o dan is-baragraff (4) sy'n ei gwneud yn ofynnol i berson dalu costau parti arall i'r achos oni bai bod Gweinidogion Cymru wedi eu bodloni—
- (a) bod y person wedi ymddwyn yn afresymol mewn perthynas â'r achos, a
  - (b) bod ymddygiad afresymol y person wedi peri i'r parti arall fynd i wariant diangen neu wariant a wastraffwyd.
- (7) Mae cyfeiriadau yn y paragraff hwn at gostau y mae Gweinidogion Cymru yn mynd iddynt yn cynnwys—
- (a) y gost weinyddol gyfan y maent yn mynd iddi mewn cysylltiad â'r achos, gan gynnwys yn benodol swm rhesymol y maent yn ei benderfynu mewn cysylltiad â chostau cyffredinol staff a gorbenion Llywodraeth Cymru;
  - (b) costau y maent (neu y mae personau a benodir ganddynt) yn mynd iddynt mewn cysylltiad ag achos nad yw'n digwydd.

*Costau adolygiadau a gynhelir o dan adran 9 gan berson a benodir*

- 4 Pan fo adolygiad o dan adran 9 yn cael ei gynnal gan berson a benodir gan Weinidogion Cymru o dan is-adran (3) o'r adran honno, mae gan y person a benodir yr un pwerau mewn perthynas â'r adolygiad ag sydd gan Weinidogion Cymru o dan baragraff 3.

- (c) a local inquiry or hearing under Part 2 of Schedule 4 (proposed modification or revocation of scheduled monument consent).
- (2) The Welsh Ministers may direct that the costs incurred by them in relation to the proceedings (including the costs of any person appointed by them to hold the proceedings) must be paid by any party to the proceedings specified in the direction.
- (3) The amount of the costs incurred and directed to be paid as mentioned in sub-paragraph (2) may be recovered by the Welsh Ministers summarily as a civil debt.
- (4) The Welsh Ministers may, in relation to the proceedings, make orders about –
  - (a) the costs of the parties to the proceedings, and
  - (b) the party or parties who must pay the costs.
- (5) Costs payable by virtue of sub-paragraph (4) may be recovered as if they were payable under an order of the High Court, if the High Court so orders on the application of the person to whom the costs are due.
- (6) The Welsh Ministers may not make an order under sub-paragraph (4) requiring a person to pay the costs of another party to the proceedings unless they are satisfied that –
  - (a) the person has behaved unreasonably in relation to the proceedings, and
  - (b) the person's unreasonable behaviour has caused the other party to incur unnecessary or wasted expenditure.
- (7) References in this paragraph to costs incurred by the Welsh Ministers include –
  - (a) the entire administrative cost incurred by them in connection with the proceedings, including in particular a reasonable amount that they determine in respect of general staff costs and overheads of the Welsh Government;
  - (b) costs incurred by them (or by persons appointed by them) in respect of proceedings that do not take place.

*Costs of reviews held under section 9 by appointed person*

- 4 Where a review under section 9 is carried out by a person appointed by the Welsh Ministers under subsection (3) of that section, the appointed person has the same powers in relation to the review as the Welsh Ministers have under paragraph 3.

## ATODLEN 7

(a gyflwynir gan adrannau 79(6) a 85(4))

DIWEDD GWARCHODAETH INTERIM NEU RESTRU DROS DRO AR GYFER  
ADEILADAU*Cyflwyniad*

1 Mae'r Atodlen hon yn gymwys –

- (a) pan fo gwarchodaeth interim yn dod i ben mewn perthynas ag adeilad oherwydd bod Gweinidogion Cymru yn cyflwyno hysbysiad o dan adran 79(5)(b) eu bod wedi penderfynu peidio â rhestru'r adeilad, neu
- (b) pan fo rhestru dros dro yn dod i ben mewn perthynas ag adeilad –
  - (i) ar ddiwedd y cyfnod o 6 mis a grybwyllir yn adran 85(1), neu
  - (ii) oherwydd bod Gweinidogion Cymru yn rhoi hysbysiad o dan adran 85(3) nad ydynt yn bwriadu ymgynghori ar gynnig i restru'r adeilad.

*Atebolrwydd troseddol*

2 Nid yw'r ffaith nad yw'r adeilad yn cael ei drin mwyach fel pe bai'n adeilad rhestredig yn effeithio ar atebolrwydd unrhyw berson i gael ei erlyn a'i gosbi am drosedd o dan y Ddeddf hon a gyflawnwyd tra oedd yr adeilad yn cael ei drin fel adeilad rhestredig.

*Cydsyniad adeilad rhestredig*

3 Mae unrhyw achos ynghylch cais am gydsyniad adeilad rhestredig sy'n ymwneud â'r adeilad, neu sy'n deillio o gais o'r fath, yn darfod; ac mae unrhyw gydsyniad o'r fath yn peidio â chael effaith.

*Hysbysiadau stop dros dro*

4 Mae unrhyw hysbysiad stop dros dro sy'n ymwneud â'r adeilad yn peidio â chael effaith.

*Hysbysiadau gorfodi*

- 5 (1) Mae unrhyw hysbysiad gorfodi sy'n ymwneud â'r adeilad yn peidio â chael effaith.
- (2) Mae unrhyw achos ynghylch apêl yn erbyn hysbysiad o'r fath yn darfod.
- (3) Er gwaethaf is-baragraff (1), mae adran 132(1) i (6) yn parhau i gael effaith mewn perthynas –
  - (a) ag unrhyw dreuliau yr eir iddynt gan awdurdod cynllunio neu Weinidogion Cymru, neu gan berchennog neu feddiannydd, fel y'i crybwyllir yn yr adran honno, a
  - (b) ag unrhyw symiau a delir o ganlyniad i'r treuliau hynny.

*Gwaharddebau*

6 Mae unrhyw achos ynghylch cais am waharddeb o dan adran 135 sy'n ymwneud â'r adeilad yn darfod.



SCHEDULE 7

(introduced by sections 79(6) and 85(4))

END OF INTERIM PROTECTION OR TEMPORARY LISTING FOR BUILDINGS

*Introduction*

- 1 This Schedule applies where –
- (a) interim protection ends in relation to a building because the Welsh Ministers serve notice under section 79(5)(b) that they have decided not to list the building, or
  - (b) temporary listing ends in relation to a building –
    - (i) at the end of the 6-month period mentioned in section 85(1), or
    - (ii) because the Welsh Ministers give notification under section 85(3) that they do not intend to consult on a proposal to list the building.

*Criminal liability*

- 2 The fact that the building is no longer treated as if it were a listed building does not affect the liability of any person to be prosecuted and punished for an offence under this Act committed while the building was treated as a listed building.

*Listed building consent*

- 3 Any proceedings on or arising out of an application for listed building consent relating to the building lapse; and any such consent ceases to have effect.

*Temporary stop notices*

- 4 Any temporary stop notice relating to the building ceases to have effect.

*Enforcement notices*

- 5
- (1) Any enforcement notice relating to the building ceases to have effect.
  - (2) Any proceedings on an appeal against such a notice lapse.
  - (3) Despite sub-paragraph (1), section 132(1) to (6) continue to have effect in relation to –
    - (a) any expenses incurred by a planning authority or the Welsh Ministers, or by an owner or occupier, as mentioned in that section, and
    - (b) any amounts paid on account of those expenses.

*Injunctions*

- 6 Any proceedings on an application for an injunction under section 135 relating to the building lapse.

## ATODLEN 8

*(a gyflwynir gan adran 107(3))*Y WEITHDREFN AR GYFER GORCHMYNION SY'N ADDASU NEU'N DIRYMU  
CYDSYNIAD ADEILAD RHESTREDIG

## RHAN 1

## GORCHMYNION A WNEIR GAN AWDURDODAU CYNLLUNIO

*Yr amgylchiadau pan fydd gorchmynion yn cymryd effaith*

- 1 Nid yw gorchmyn o dan adran 107 a wneir gan awdurdod cynllunio ond yn cymryd effaith—
- (a) os caiff ei gadarnhau gan Weinidogion Cymru o dan baragraff 2, neu
  - (b) yn unol â pharagraff 3.

*Y weithdrefn ar gyfer cadarnhau gorchmynion gan Weinidogion Cymru*

- 2 (1) Pan fo awdurdod cynllunio yn cyflwyno gorchmyn o dan adran 107 i Weinidogion Cymru i'w gadarnhau, rhaid iddo gyflwyno hysbysiad o gyflwyno'r gorchmyn—
- (a) i bob perchennog a phob meddiannydd ar yr adeilad rhestredig y mae'r gorchmyn yn ymwneud ag ef, a
  - (b) i unrhyw berson arall y mae'n meddwl y bydd y gorchmyn yn effeithio arno.
- (2) Rhaid i'r hysbysiad bennu o fewn pa gyfnod y caiff person y'i cyflwynir iddo wneud cais ysgrifenedig i Weinidogion Cymru am gyfle i ymddangos gerbron person a benodir gan Weinidogion Cymru a chael gwrandawriad ganddo.
- (3) Os yw person y cyflwynir yr hysbysiad iddo yn gwneud cais o'r fath o fewn y cyfnod hwnnw, cyn cadarnhau'r gorchmyn rhaid i Weinidogion Cymru roi cyfle o'r fath i'r person hwnnw a'r awdurdod cynllunio.
- (4) Rhaid i'r cyfnod a bennir o dan is-baragraff (2) fod o leiaf 28 o ddiwrnodau sy'n dechrau â thrannoeth y diwrnod y cyflwynir yr hysbysiad.
- (5) Caiff Gweinidogion Cymru gadarnhau'r gorchmyn gydag addasiadau neu hebddynt.

*Y weithdrefn i orchmynion gymryd effaith heb gadarnhad*

- 3 (1) Mae'r paragraff hwn yn gymwys pan—
- (a) bo awdurdod cynllunio wedi gwneud gorchmyn o dan adran 107, a
  - (b) bo'r personau a ganlyn wedi hysbysu'r awdurdod yn ysgrifenedig nad ydynt yn gwrthwynebu'r gorchmyn—
    - (i) pob perchennog a phob meddiannydd ar yr adeilad rhestredig y mae'r gorchmyn yn ymwneud ag ef, a
    - (ii) pob person arall y mae'r awdurdod yn meddwl y bydd y gorchmyn yn effeithio arno.

SCHEDULE 8  
(introduced by section 107(3))

PROCEDURE FOR ORDERS MODIFYING OR REVOKING LISTED BUILDING  
CONSENT

PART 1

ORDERS MADE BY PLANNING AUTHORITIES

*Circumstances in which orders take effect*

- 1 An order under section 107 made by a planning authority takes effect only –
- (a) if it is confirmed by the Welsh Ministers under paragraph 2, or
  - (b) in accordance with paragraph 3.

*Procedure for confirmation of orders by Welsh Ministers*

- 2 (1) Where a planning authority submits an order under section 107 to the Welsh Ministers for confirmation, it must serve notice of the submission of the order on –
- (a) every owner and occupier of the listed building to which the order relates, and
  - (b) any other person it thinks will be affected by the order.
- (2) The notice must specify the period within which a person on whom it is served may make a request in writing to the Welsh Ministers for an opportunity to appear before and be heard by a person appointed by the Welsh Ministers.
- (3) If a person on whom the notice is served makes such a request within that period, before confirming the order the Welsh Ministers must give such an opportunity to that person and the planning authority.
- (4) The period specified under sub-paragraph (2) must be at least 28 days beginning with the day after the day the notice is served.
- (5) The Welsh Ministers may confirm the order with or without modifications.

*Procedure for orders to take effect without confirmation*

- 3 (1) This paragraph applies where –
- (a) a planning authority has made an order under section 107, and
  - (b) the following persons have notified the authority in writing that they do not object to the order –
    - (i) every owner and occupier of the listed building to which the order relates, and
    - (ii) every other person the authority thinks will be affected by the order.

- (2) Rhaid i'r awdurdod cynllunio (yn lle cyflwyno'r gorchymyn i Weinidogion Cymru i'w gadarnhau) –
- cyhoeddi hysbysiad yn y ffordd a bennir mewn rheoliadau a wneir gan Weinidogion Cymru fod y gorchymyn wedi ei wneud,
  - cyflwyno copi o'r hysbysiad i'r personau a grybwyllir yn is-baragraff (1)(b), ac
  - anfon copi o'r hysbysiad at Weinidogion Cymru heb fod yn hwyrach na 3 diwrnod ar ôl y diwrnod y'i cyhoeddir.
- (3) Rhaid i'r hysbysiad bennu –
- o fewn pa gyfnod y caiff personau y mae'r gorchymyn yn effeithio arnynt roi hysbysiad i Weinidogion Cymru eu bod am i'r gorchymyn gael ei gyflwyno i Weinidogion Cymru i'w gadarnhau o dan y weithdrefn ym mharagraff 2;
  - y cyfnod, os na roddir hysbysiad o'r fath ac nad yw Gweinidogion Cymru yn cyfarwyddo bod rhaid cyflwyno'r gorchymyn iddynt i'w gadarnhau, y bydd y gorchymyn yn cymryd effaith heb gael ei gadarnhau gan Weinidogion Cymru ar ei ddiwedd.
- (4) Os, ar ddiwedd y cyfnod a bennir o dan is-baragraff (3)(a) –
- nad yw unrhyw berson y mae'r gorchymyn yn effeithio arno wedi rhoi hysbysiad i Weinidogion Cymru fel y'i crybwyllir yn is-baragraff (3)(a), a
  - nad yw Gweinidogion Cymru wedi cyfarwyddo bod rhaid cyflwyno'r gorchymyn iddynt i'w gadarnhau,
- mae'r gorchymyn yn cymryd effaith ar ddiwedd y cyfnod a bennir o dan is-baragraff (3)(b).
- (5) Rhaid i'r cyfnod a bennir o dan is-baragraff (3)(a) fod o leiaf 28 o ddiwrnodau sy'n dechrau â thrannoeth y diwrnod y caiff yr hysbysiad o wneud y gorchymyn ei gyhoeddi am y tro cyntaf.
- (6) Rhaid i'r cyfnod a bennir o dan is-baragraff (3)(b) fod o leiaf 14 o ddiwrnodau ar ôl diwedd y cyfnod a bennir o dan is-baragraff (3)(a).

## RHAN 2

### GORCHMYNION A WNEIR GAN WEINIDOGION CYMRU

#### *Y weithdrefn i'w dilyn cyn gwneud gorchymyn*

- 4 (1) Ni chaiff Gweinidogion Cymru wneud gorchymyn o dan adran 107 heb ymgynghori â'r awdurdod cynllunio y mae'r adeilad rhestredig y mae'r gorchymyn yn ymwneud ag ef yn ei ardal.
- (2) Cyn gwneud gorchymyn o dan adran 107 rhaid i Weinidogion Cymru hefyd gyflwyno hysbysiad o'r gorchymyn arfaethedig –
- i bob perchennog a phob meddiannydd ar yr adeilad, a
  - i unrhyw berson arall y maent yn meddwl y bydd y gorchymyn yn effeithio arno.
- (3) Rhaid i'r hysbysiad bennu o fewn pa gyfnod y caiff person y'i cyflwynir iddo wneud cais ysgrifenedig i Weinidogion Cymru am gyfle i ymddangos gerbron person a benodir gan Weinidogion Cymru a chael gwrandawriad ganddo.

- (2) The planning authority must (instead of submitting the order to the Welsh Ministers for confirmation) –
  - (a) publish notice of the making of the order in the way specified in regulations made by the Welsh Ministers,
  - (b) serve a copy of the notice on the persons mentioned in sub-paragraph (1)(b), and
  - (c) send a copy of the notice to the Welsh Ministers not later than 3 days after the day it is published.
- (3) The notice must specify –
  - (a) the period within which persons affected by the order may give notice to the Welsh Ministers that they want the order to be submitted to the Welsh Ministers for confirmation under the procedure in paragraph 2;
  - (b) the period at the end of which, if no such notice is given and the Welsh Ministers do not direct that the order must be submitted to them for confirmation, the order will take effect without being confirmed by the Welsh Ministers.
- (4) If at the end of the period specified under sub-paragraph (3)(a) –
  - (a) no person affected by the order has given notice to the Welsh Ministers as mentioned in sub-paragraph (3)(a), and
  - (b) the Welsh Ministers have not directed that the order must be submitted to them for confirmation,the order takes effect at the end of the period specified under sub-paragraph (3)(b).
- (5) The period specified under sub-paragraph (3)(a) must be at least 28 days beginning with the day after the day the notice of the making of the order is first published.
- (6) The period specified under sub-paragraph (3)(b) must be at least 14 days after the end of the period specified under sub-paragraph (3)(a).

## PART 2

### ORDERS MADE BY THE WELSH MINISTERS

#### *Procedure to be followed before making order*

- 4 (1) The Welsh Ministers must not make an order under section 107 without consulting the planning authority in whose area the listed building to which the order relates is situated.
- (2) Before making an order under section 107 the Welsh Ministers must also serve notice of the proposed order on –
  - (a) every owner and occupier of the building, and
  - (b) any other person they think will be affected by the order.
- (3) The notice must specify the period within which a person on whom it is served may make a request in writing to the Welsh Ministers for an opportunity to appear before and be heard by a person appointed by the Welsh Ministers.

- (4) Os yw person y cyflwynir yr hysbysiad iddo yn gwneud cais o'r fath o fewn y cyfnod hwnnw, cyn gwneud y gorchymyn rhaid i Weinidogion Cymru roi cyfle o'r fath i'r person hwnnw a'r awdurdod cynllunio.
- (5) Rhaid i'r cyfnod a bennir o dan is-baragraff (3) fod o leiaf 28 o ddiwrnodau sy'n dechrau â thrannoeth y diwrnod y cyflwynir yr hysbysiad.

- (4) If a person on whom the notice is served makes such a request within that period, before making the order the Welsh Ministers must give such an opportunity to that person and the planning authority.
- (5) The period specified under sub-paragraph (3) must be at least 28 days beginning with the day after the day the notice is served.

ATODLEN 9  
(a gyflwynir gan adran 112)

CAMAU GWEITHREDU YN DILYN CYFLWYNO HYSBYSIAD PRYNU

*Ymateb i hysbysiad prynu gan awdurdod cynllunio*

- 1 (1) Pan fo person wedi cyflwyno hysbysiad prynu i awdurdod cynllunio, rhaid i'r awdurdod gyflwyno hysbysiad derbyn neu hysbysiad gwrthod i'r person.
- (2) Mae hysbysiad derbyn yn hysbysiad sy'n datgan naill ai –
  - (a) bod yr awdurdod cynllunio yn fodlon cydymffurfio â'r hysbysiad prynu, neu
  - (b) bod awdurdod lleol arall neu ymgymwrwr statudol a bennir yn yr hysbysiad derbyn wedi cytuno i gydymffurfio â'r hysbysiad prynu.
- (3) Mae hysbysiad gwrthod yn hysbysiad sy'n datgan –
  - (a) nad yw'r awdurdod cynllunio, am resymau a bennir yn yr hysbysiad, yn fodlon cydymffurfio â'r hysbysiad prynu ac nad yw wedi dod o hyd i unrhyw awdurdod lleol arall neu ymgymwrwr statudol sy'n fodlon cydymffurfio ag ef, a
  - (b) bod yr awdurdod cynllunio wedi anfon copïau o'r hysbysiad prynu a'r hysbysiad gwrthod at Weinidogion Cymru.
- (4) Rhaid cyflwyno hysbysiad derbyn neu hysbysiad gwrthod cyn diwedd 3 mis sy'n dechrau â'r diwrnod y cyflwynwyd yr hysbysiad prynu.
- (5) Pan fo'r awdurdod cynllunio yn cyflwyno hysbysiad derbyn i berson, mae'r awdurdod hwnnw neu (yn achos hysbysiad sy'n dod o fewn is-baragraff (2)(b)) yr awdurdod lleol arall neu'r ymgymwrwr statudol a bennir yn yr hysbysiad i'w drin –
  - (a) fel pe bai wedi ei awdurdodi o dan adran 137 i gaffael buddiant y person yn orfodol, a
  - (b) fel pe bai wedi cyflwyno hysbysiad i drafod telerau mewn cysylltiad â'r buddiant hwnnw ar y diwrnod y cyflwynir yr hysbysiad derbyn.
- (6) Cyn cyflwyno hysbysiad gwrthod i berson, rhaid i'r awdurdod cynllunio anfon at Weinidogion Cymru –
  - (a) copi o'r hysbysiad gwrthod, a
  - (b) copi o'r hysbysiad prynu.
- (7) Ni chaniateir i hysbysiad i drafod telerau a drinnir fel pe bai wedi ei gyflwyno yn rhinwedd is-baragraff (5)(b) gael ei dynnu'n ôl o dan adran 31 o Ddeddf Digollediad Tir 1961 (p. 33).

*Camau gweithredu i'w cymryd gan Weinidogion Cymru os caiff hysbysiad prynu ei wrthod gan awdurdod cynllunio*

- 2 (1) Mae'r paragraff hwn yn gymwys pan fo copi o hysbysiad prynu yn cael ei anfon at Weinidogion Cymru o dan baragraff 1(6).
- (2) Rhaid i Weinidogion Cymru gadarnhau'r hysbysiad prynu os ydynt wedi eu bodloni –
  - (a) bod y setiau o amodau yn adran 109 wedi eu bodloni mewn perthynas â'r tir y mae'r hysbysiad yn ymwneud ag ef, a



SCHEDULE 9  
(introduced by section 112)

ACTION FOLLOWING SERVICE OF PURCHASE NOTICE

*Response to purchase notice by planning authority*

- 1 (1) Where a person has served a purchase notice on a planning authority, the authority must serve an acceptance notice or rejection notice on the person.
- (2) An acceptance notice is a notice stating either –
  - (a) that the planning authority is willing to comply with the purchase notice, or
  - (b) that another local authority or statutory undertaker specified in the acceptance notice has agreed to comply with the purchase notice.
- (3) A rejection notice is a notice stating –
  - (a) that for reasons specified in the notice, the planning authority is not willing to comply with the purchase notice and has not found any other local authority or statutory undertaker willing to comply with it, and
  - (b) that the planning authority has sent copies of the purchase notice and rejection notice to the Welsh Ministers.
- (4) An acceptance notice or rejection notice must be served before the end of 3 months beginning with the day the purchase notice was served.
- (5) Where the planning authority serves an acceptance notice on a person, that authority or (in the case of a notice falling within sub-paragraph (2)(b)) the other local authority or statutory undertaker specified in the notice is to be treated –
  - (a) as being authorised under section 137 to acquire the person’s interest compulsorily, and
  - (b) as having served a notice to treat in respect of that interest on the day the acceptance notice is served.
- (6) Before serving a rejection notice on a person, the planning authority must send the Welsh Ministers –
  - (a) a copy of the rejection notice, and
  - (b) a copy of the purchase notice.
- (7) A notice to treat which is treated as having been served by virtue of sub-paragraph (5)(b) may not be withdrawn under section 31 of the Land Compensation Act 1961 (c. 33).

*Action to be taken by Welsh Ministers on rejection of purchase notice by planning authority*

- 2 (1) This paragraph applies where a copy of a purchase notice is sent to the Welsh Ministers under paragraph 1(6).
- (2) The Welsh Ministers must confirm the purchase notice if they are satisfied –
  - (a) that the sets of conditions in section 109 are met in relation to the land to which the notice relates, and

- (b) bod y tir y mae'r hysbysiad yn ymwneud ag ef yn cynnwys yr holl dir sy'n cydffinio â'r adeilad rhestredig neu sy'n gyfagos iddo y maent yn ystyried bod ei angen –
- (i) ar gyfer diogelu'r adeilad neu ei amwynderau,
  - (ii) ar gyfer darparu neu hwyluso mynediad iddo, neu
  - (iii) ar gyfer ei reolaethu'n briodol neu ei reoli'n briodol,
- ond mae hyn yn ddarostyngedig i'r darpariaethau a ganlyn.
- (3) Os yw Gweinidogion Cymru wedi eu bodloni nad yw'r setiau o amodau yn adran 109 wedi eu bodloni ond mewn perthynas â rhan o'r tir, rhaid iddynt gadarnhau'r hysbysiad mewn perthynas â'r rhan honno yn unig.
- (4) Yn lle cadarnhau'r hysbysiad prynu, caiff Gweinidogion Cymru –
- (a) yn achos hysbysiad a gyflwynir o ganlyniad i wrthod cydsyniad adeilad rhestredig ar gyfer unrhyw waith, roi cydsyniad adeilad rhestredig ar gyfer y gwaith;
  - (b) yn achos hysbysiad a gyflwynir o ganlyniad i roi cydsyniad adeilad rhestredig ar gyfer unrhyw waith yn ddarostyngedig i amodau, amrywio neu ddileu'r amodau i'r graddau y maent yn ystyried bod hynny yn angenrheidiol i alluogi gwneud y tir y mae'r hysbysiad yn ymwneud ag ef yn ddefnyddiadwy drwy gyflawni'r gwaith;
  - (c) yn achos hysbysiad a gyflwynir o ganlyniad i orchymyn o dan adran 107 sy'n dirymu cydsyniad adeilad rhestredig, ddirymu'r gorchymyn;
  - (d) yn achos hysbysiad a gyflwynir o ganlyniad i orchymyn o dan yr adran honno sy'n addasu cydsyniad adeilad rhestredig ar gyfer unrhyw waith drwy osod amodau, amrywio neu ddileu'r amodau i'r graddau y maent yn ystyried bod hynny yn angenrheidiol i alluogi gwneud y tir y mae'r hysbysiad yn ymwneud ag ef yn ddefnyddiadwy drwy gyflawni'r gwaith.
- (5) Mae is-baragraff (6) yn gymwys os yw Gweinidogion Cymru yn ystyried y gellid gwneud y tir y mae'r hysbysiad yn ymwneud ag ef, neu unrhyw ran ohono, yn ddefnyddiadwy o fewn amser rhesymol drwy gyflawni –
- (a) unrhyw waith arall y dylai cydsyniad adeilad rhestredig gael ei roi ar ei gyfer, neu
  - (b) unrhyw ddatblygiad y dylai caniatâd cynllunio gael ei roi ar ei gyfer.
- (6) Yn lle cadarnhau'r hysbysiad prynu mewn perthynas â'r tir neu'r rhan honno ohono, caiff Gweinidogion Cymru gyfarwyddo, os gwneir cais am gydsyniad adeilad rhestredig ar gyfer y gwaith hwnnw, neu am ganiatâd cynllunio ar gyfer y datblygiad hwnnw, fod rhaid ei roi.
- (7) Wrth gadarnhau hysbysiad prynu caiff Gweinidogion Cymru, os ydynt yn ystyried ei bod yn briodol gan roi sylw i'r defnydd tebygol yn y pen draw o'r tir y mae'r hysbysiad yn ymwneud ag ef, addasu'r hysbysiad mewn perthynas â'r holl dir neu unrhyw ran ohono drwy roi awdurdod lleol arall neu ymgwymerwr statudol yn lle'r awdurdod cynllunio y cyflwynwyd yr hysbysiad iddo.
- (8) Os nad yw Gweinidogion Cymru wedi eu bodloni fel a grybwyllir yn is-baragraff (2) mewn perthynas â hysbysiad prynu, rhaid iddynt wrthod cadarnhau'r hysbysiad.
- (9) Yn y paragraff hwn mae cyfeiriadau at y tir y mae hysbysiad prynu yn ymwneud ag ef yn gyfeiriadau at yr adeilad rhestredig a'r tir cysylltiedig (os oes tir cysylltiedig) y cyflwynir yr hysbysiad mewn cysylltiad ag ef.

- (b) that the land to which the notice relates includes all of the land adjoining or adjacent to the listed building that they consider is required –
  - (i) for preserving the building or its amenities,
  - (ii) for providing or facilitating access to it, or
  - (iii) for its proper control or management,

but this is subject to the following provisions.

- (3) If the Welsh Ministers are satisfied that the sets of conditions in section 109 are met only in relation to part of the land, they must confirm the notice only in relation to that part.
- (4) Instead of confirming the purchase notice, the Welsh Ministers may –
  - (a) in the case of a notice served in consequence of a refusal of listed building consent for any works, grant listed building consent for the works;
  - (b) in the case of a notice served in consequence of a grant of listed building consent for any works subject to conditions, vary or remove the conditions so far as they consider necessary to enable the land to which the notice relates to be made usable by carrying out the works;
  - (c) in the case of a notice served in consequence of an order under section 107 revoking listed building consent, revoke the order;
  - (d) in the case of a notice served in consequence of an order under that section modifying listed building consent for any works by imposing conditions, vary or remove the conditions so far as they consider necessary to enable the land to which the notice relates to be made usable by carrying out the works.
- (5) Sub-paragraph (6) applies if the Welsh Ministers consider that the land to which the notice relates, or any part of it, could be made usable within a reasonable time by carrying out –
  - (a) any other works for which listed building consent ought to be granted, or
  - (b) any development for which planning permission ought to be granted.
- (6) Instead of confirming the purchase notice in relation to the land or that part of it, the Welsh Ministers may direct that, if an application is made for listed building consent for those works, or for planning permission for that development, it must be granted.
- (7) In confirming a purchase notice the Welsh Ministers may, if they consider it appropriate having regard to the probable ultimate use of the land to which the notice relates, modify the notice in relation to all or any part of the land by substituting another local authority or statutory undertaker for the planning authority on which the notice was served.
- (8) If the Welsh Ministers are not satisfied as mentioned in sub-paragraph (2) in relation to a purchase notice, they must refuse to confirm the notice.
- (9) In this paragraph references to the land to which a purchase notice relates are to the listed building and associated land (if any) in respect of which the notice is served.

*Y weithdrefn cyn i Weinidogion Cymru gymryd camau gweithredu mewn perthynas â hysbysiad prynu*

- 3 (1) Cyn cymryd unrhyw gamau gweithredu mewn perthynas â hysbysiad prynu o dan baragraff 2, rhaid i Weinidogion Cymru gyflwyno hysbysiad o'u camau gweithredu arfaethedig—
- (a) i'r person a gyflwynodd yr hysbysiad prynu,
  - (b) i'r awdurdod cynllunio y cyflwynwyd yr hysbysiad prynu iddo, ac
  - (c) os ydynt yn cynnig rhoi unrhyw awdurdod lleol arall neu ymgymwrwr statudol yn lle'r awdurdod cynllunio, i'r awdurdod lleol arall neu'r ymgymwrwr statudol.
- (2) Rhaid i hysbysiad o dan is-baragraff (1) bennu o fewn pa gyfnod y caiff unrhyw un neu ragor o'r personau y'i cyflwynir iddynt wneud cais ysgrifenedig i Weinidogion Cymru am gyfle i ymddangos gerbron person a benodir gan Weinidogion Cymru a chael gwrandawriad ganddo.
- (3) Os yw person y cyflwynir yr hysbysiad iddo yn gwneud cais o fewn y cyfnod hwnnw, rhaid i Weinidogion Cymru roi cyfle o'r fath i'r person hwnnw cyn iddynt gymryd unrhyw gamau gweithredu mewn perthynas â'r hysbysiad prynu o dan baragraff 2.
- (4) Rhaid i'r cyfnod a bennir o dan is-baragraff (2) fod o leiaf 28 o ddiwrnodau sy'n dechrau â thrannoeth y diwrnod y cyflwynir yr hysbysiad o dan is-baragraff (1).
- (5) Os yw Gweinidogion Cymru, ar ôl i unrhyw bersonau ymddangos gerbron person a benodir a chael gwrandawriad ganddo, yn ystyried ei bod yn briodol cymryd camau gweithredu o dan baragraff 2 nad ydynt yn unol â'r hysbysiad a gyflwynir o dan is-baragraff (1), cânt wneud hynny.

*Effaith camau gweithredu gan Weinidogion Cymru mewn perthynas â hysbysiad prynu*

- 4 (1) Pan fo Gweinidogion Cymru yn cadarnhau hysbysiad prynu, mae'r awdurdod a grybwyllir yn is-baragraff (2) i'w drin—
- (a) fel pe bai wedi ei awdurdodi o dan adran 137 i gaffael yn orfodol fuddiant y person a gyflwynodd yr hysbysiad, a
  - (b) fel pe bai wedi cyflwyno hysbysiad i drafod telerau mewn cysylltiad â'r buddiant hwnnw ar y dyddiad y mae Gweinidogion Cymru yn ei gyfarwyddo.
- (2) Yr awdurdod y cyfeirir ato yn is-baragraff (1) yw—
- (a) yr awdurdod cynllunio y cyflwynwyd yr hysbysiad prynu iddo, neu
  - (b) os addasodd Gweinidogion Cymru yr hysbysiad prynu o dan baragraff 2(7) drwy roi awdurdod lleol arall neu ymgymwrwr statudol yn lle'r awdurdod cynllunio, yr awdurdod lleol arall neu'r ymgymwrwr statudol.
- (3) Os anfonir hysbysiad prynu at Weinidogion Cymru o dan baragraff 1(6) ac nad ydynt yn cymryd unrhyw gamau gweithredu mewn perthynas ag ef o dan baragraff 2 erbyn diwedd y cyfnod perthnasol—
- (a) mae'r hysbysiad prynu i'w drin fel pe bai wedi ei gadarnhau ganddynt ar ddiwedd y cyfnod perthnasol, a
  - (b) mae'r awdurdod cynllunio y cyflwynwyd yr hysbysiad prynu iddo i'w drin—

*Procedure before Welsh Ministers take action in relation to purchase notice*

- 3 (1) Before taking any action in relation to a purchase notice under paragraph 2, the Welsh Ministers must serve notice of their proposed action –
- (a) on the person who served the purchase notice,
  - (b) on the planning authority on which the purchase notice was served, and
  - (c) if they propose to substitute any other local authority or statutory undertaker for the planning authority, on the other local authority or statutory undertaker.
- (2) A notice under sub-paragraph (1) must specify the period within which any of the persons on whom it is served may make a request in writing to the Welsh Ministers for an opportunity to appear before and be heard by a person appointed by the Welsh Ministers.
- (3) If a person on whom the notice is served makes a request within that period, the Welsh Ministers must give that person such an opportunity before they take any action in relation to the purchase notice under paragraph 2.
- (4) The period specified under sub-paragraph (2) must be at least 28 days beginning with the day after the day the notice under sub-paragraph (1) is served.
- (5) If, after any persons have appeared before and been heard by an appointed person, the Welsh Ministers consider it appropriate to take action under paragraph 2 otherwise than in accordance with the notice served under sub-paragraph (1), they may do so.

*Effect of Welsh Ministers' action in relation to purchase notice*

- 4 (1) Where the Welsh Ministers confirm a purchase notice, the authority mentioned in sub-paragraph (2) is to be treated –
- (a) as being authorised under section 137 to acquire compulsorily the interest of the person who served the notice, and
  - (b) as having served a notice to treat in respect of that interest on the date that the Welsh Ministers direct.
- (2) The authority referred to in sub-paragraph (1) is –
- (a) the planning authority on which the purchase notice was served, or
  - (b) if the Welsh Ministers modified the purchase notice under paragraph 2(7) by substituting another local authority or statutory undertaker for the planning authority, the other local authority or statutory undertaker.
- (3) If a purchase notice is sent to the Welsh Ministers under paragraph 1(6) and they do not take any action in relation to it under paragraph 2 by the end of the relevant period –
- (a) the purchase notice is to be treated as having been confirmed by them at the end of the relevant period, and
  - (b) the planning authority on which the purchase notice was served is to be treated –

- (i) fel pe bai wedi ei awdurdodi o dan adran 137 i gaffael yn orfodol fuddiant y person a gyflwynodd yr hysbysiad, a
  - (ii) fel pe bai wedi cyflwyno hysbysiad i drafod telerau mewn cysylltiad â'r buddiant hwnnw ar ddiwedd y cyfnod perthnasol.
- (4) Pan na fo hysbysiad prynu yn cael ei gadarnhau ond mewn perthynas â rhan o'r tir y mae'n ymwneud ag ef, mae cyfeiriadau yn y paragraff hwn at fuddiant y perchennog yn gyfeiriadau at fuddiant y perchennog yn y rhan honno.
- (5) Yn is-baragraff (3) ystyr y "cyfnod perthnasol" yw pa un bynnag o'r canlynol sy'n dod i ben yn gynharach –
- (a) 9 mis sy'n dechrau â'r diwrnod y cyflwynwyd yr hysbysiad prynu i'r awdurdod cynllunio;
  - (b) 6 mis sy'n dechrau â'r diwrnod yr anfonwyd copi o'r hysbysiad at Weinidogion Cymru o dan baragraff 1(6).
- (6) Ond nid yw'r cyfnod perthnasol yn cynnwys unrhyw adeg pan fydd gan Weinidogion Cymru ger eu bron y naill a'r llall o'r canlynol –
- (a) copi o'r hysbysiad prynu a anfonwyd atynt o dan baragraff 1(6), a
  - (b) hysbysiad o apêl o dan adran 100 (apêl yn erbyn gwrthod etc. cydsyniad adeilad rhestredig) neu 127 (apêl yn erbyn hysbysiad gorfodi) sy'n ymwneud ag unrhyw ran o'r tir y mae'r hysbysiad prynu yn ymwneud ag ef.
- (7) Ni chaniateir i hysbysiad i drafod telerau a drinnir fel pe bai wedi ei gyflwyno yn rhinwedd is-baragraff (1)(b) neu (3)(b)(ii) gael ei dynnu'n ôl o dan adran 31 o Ddeddf Digollediad Tir 1961 (p. 33).
- (8) Yn y paragraff hwn mae cyfeiriadau at y tir y mae hysbysiad prynu yn ymwneud ag ef yn gyfeiriadau at yr adeilad rhestredig a'r tir cysylltiedig (os oes tir cysylltiedig) y cyflwynir yr hysbysiad mewn perthynas â hwy.

*Her gyfreithiol i gamau gweithredu Gweinidogion Cymru mewn perthynas â hysbysiad prynu*

- 5 (1) Os caiff penderfyniad gan Weinidogion Cymru i gymryd unrhyw gamau gweithredu mewn perthynas â hysbysiad prynu o dan baragraff 2 ei ddiddymu mewn achos o dan adran 183, mae'r hysbysiad prynu i'w drin fel pe bai wedi ei ganslo, ond caiff y person a'i cyflwynodd gyflwyno hysbysiad prynu pellach.
- (2) At ddiben penderfynu a yw'r hysbysiad prynu pellach wedi ei gyflwyno o fewn yr amser a bennir yn adran 111(1), mae'r penderfyniad y mae'r hysbysiad yn ymwneud ag ef i'w drin fel pe bai wedi ei wneud, neu mae'r gorchymyn y mae'n ymwneud ag ef i'w drin fel pe bai wedi cymryd effaith, ar y diwrnod y diddymwyd penderfyniad Gweinidogion Cymru.

*Didynnu digollediad sy'n daladwy o dan adran 108 wrth gaffael*

- 6 Pan fo digollediad yn daladwy o dan adran 108 (digollediad pan fo cydsyniad yn cael ei addasu neu ei ddirymu) am wariant yr eir iddo wrth gyflawni gwaith i adeilad rhestredig, rhaid lleihau unrhyw ddigollediad sy'n dod yn daladwy mewn cysylltiad â chaffael buddiant yn yr adeilad ac unrhyw dir cysylltiedig yn unol â hysbysiad prynu gan swm y digollediad sy'n ymwneud â'r gwaith.

- (i) as being authorised under section 137 to acquire compulsorily the interest of the person who served the notice, and
  - (ii) as having served a notice to treat in respect of that interest at the end of the relevant period.
- (4) Where a purchase notice is confirmed only in relation to part of the land to which it relates, references in this paragraph to the owner’s interest are to the owner’s interest in that part.
- (5) In sub-paragraph (3) the “relevant period” means whichever of the following ends earlier –
- (a) 9 months beginning with the day the purchase notice was served on the planning authority;
  - (b) 6 months beginning with the day a copy of the notice was sent to the Welsh Ministers under paragraph 1(6).
- (6) But the relevant period does not include any time when the Welsh Ministers have before them both –
- (a) a copy of the purchase notice sent to them under paragraph 1(6), and
  - (b) a notice of appeal under section 100 (appeal against refusal etc. of listed building consent) or 127 (appeal against enforcement notice) relating to any of the land to which the purchase notice relates.
- (7) A notice to treat which is treated as having been served by virtue of sub-paragraph (1)(b) or (3)(b)(ii) may not be withdrawn under section 31 of the Land Compensation Act 1961 (c. 33).
- (8) In this paragraph references to the land to which a purchase notice relates are to the listed building and associated land (if any) in respect of which the notice is served.

*Legal challenge to Welsh Ministers’ action in relation to purchase notice*

- 5 (1) If a decision of the Welsh Ministers to take any action in relation to a purchase notice under paragraph 2 is quashed in proceedings under section 183, the purchase notice is to be treated as cancelled, but the person who served it may serve a further purchase notice.
- (2) For the purpose of determining whether the further purchase notice has been served within the time specified in section 111(1), the decision to which the notice relates is to be treated as having been made, or the order to which it relates is to be treated as having taken effect, on the day the Welsh Ministers’ decision was quashed.

*Deduction of compensation payable under section 108 on acquisition*

- 6 Where compensation is payable under section 108 (compensation where consent is modified or revoked) for expenditure incurred in carrying out works to a listed building, any compensation that becomes payable in respect of the acquisition of an interest in the building and any associated land in pursuance of a purchase notice must be reduced by the amount of the compensation relating to the works.

*Dehongli'r Atodlen*

## 7 (1) Yn yr Atodlen hon—

mae i “defnyddiadwy” (“usable”) a “tir cysylltiedig” (“associated land”) yr ystyron a roddir gan adran 109(6);

mae “ymgymerwr statudol” (“statutory undertaker”) yn cynnwys gweithredwr cod cyfathrebu electronig a chyn-weithredwr telathrebu cyhoeddus.

## (2) Yn y diffiniad o “ymgymerwr statudol” yn is-baragraff (1)—

mae i “cyn-weithredwr telathrebu cyhoeddus” (“former public telecommunications operator”) yr ystyr a roddir i “former PTO” gan baragraff 1(1) o Atodlen 17 i Ddeddf Cyfathrebiadau 2003 (p. 21);

mae i “gweithredwr cod cyfathrebu electronig” yr ystyr a roddir i “electronic communications code operator” gan baragraff 1(1) o Atodlen 17 i Ddeddf Cyfathrebiadau 2003.



*Interpretation of Schedule*

7 (1) In this Schedule—

“associated land” (*“tir cysylltiedig”*) and “usable” (*“defnyddiadwy”*) have the meanings given by section 109(6);

“statutory undertaker” (*“ymgymerwr statudol”*) includes an electronic communications code operator and a former public telecommunications operator.

(2) In the definition of “statutory undertaker” in sub-paragraph (1)—

“electronic communications code operator” (*“gweithredwr cod cyfathrebu electronig”*) has the meaning given by paragraph 1(1) of Schedule 17 to the Communications Act 2003 (c. 21);

“former public telecommunications operator” (*“cyn-weithredwr telathrebu cyhoeddus”*) has the meaning given to “former PTO” by paragraph 1(1) of Schedule 17 to the Communications Act 2003.

## ATODLEN 10

(a gyflwynir gan adran 115(5))

Y WEITHDREFN AR GYFER GORCHMYNION SY'N TERFYNU CYTUNDEBAU  
PARTNERIAETHAU ADEILADAU RHESTREDIG

## RHAN 1

## GORCHMYNION A WNEIR GAN AWDURDODAU CYNLLUNIO

*Gofyniad i gael cadarnhad Gweinidogion Cymru*

- 1 (1) Nid yw gorchymyn o dan adran 115 a wneir gan awdurdod cynllunio yn cymryd effaith oni bai ei fod yn cael ei gadarnhau gan Weinidogion Cymru.
- (2) Pan fo awdurdod cynllunio yn cyflwyno gorchymyn i Weinidogion Cymru i'w gadarnhau, rhaid iddo gyflwyno hysbysiad o gyflwyno'r gorchymyn—
  - (a) i'r partïon eraill i'r cytundeb partneriaeth adeilad rhestredig,
  - (b) i unrhyw berson arall sy'n meddiannu'r adeilad rhestredig, neu'r rhan o adeilad rhestredig, y mae'r cytundeb yn ymwneud ag ef o dan les a roddir neu a estynnir am gyfnod penodol sydd ag o leiaf 2 flynedd yn weddill, ac
  - (c) i unrhyw berson arall y mae'r awdurdod yn meddwl y bydd y gorchymyn yn effeithio arno.
- (3) Rhaid i'r hysbysiad bennu o fewn pa gyfnod y caiff person y'i cyflwynir iddo wneud cais ysgrifenedig i Weinidogion Cymru am gyfle i ymddangos gerbron person a benodir gan Weinidogion Cymru a chael gwrandawriad ganddo.
- (4) Os yw person y cyflwynir yr hysbysiad iddo yn gwneud cais o'r fath o fewn y cyfnod hwnnw, cyn cadarnhau'r gorchymyn rhaid i Weinidogion Cymru roi cyfle o'r fath i'r person hwnnw a phob awdurdod cynllunio sy'n barti i'r cytundeb partneriaeth adeilad rhestredig.
- (5) Rhaid i'r cyfnod a bennir o dan is-baragraff (3) fod o leiaf 28 o ddiwrnodau sy'n dechrau â thrannoeth y diwrnod y cyflwynir yr hysbysiad.
- (6) Caiff Gweinidogion Cymru gadarnhau'r gorchymyn gydag addasiadau neu hebddynt.

## RHAN 2

## GORCHMYNION A WNEIR GAN WEINIDOGION CYMRU

*Y weithdrefn i'w dilyn cyn gwneud gorchymyn*

- 2 (1) Cyn gwneud gorchymyn o dan adran 115, rhaid i Weinidogion Cymru gyflwyno hysbysiad o'r gorchymyn arfaethedig—
  - (a) i'r partïon i'r cytundeb partneriaeth adeilad rhestredig (neu os yw Gweinidogion Cymru yn barti i'r cytundeb, y partïon eraill iddo),
  - (b) i unrhyw berson arall sy'n meddiannu'r adeilad rhestredig, neu'r rhan o adeilad rhestredig, y mae'r cytundeb yn ymwneud ag ef o dan les a roddir neu a estynnir am gyfnod penodol sydd ag o leiaf 2 flynedd yn weddill, a

SCHEDULE 10  
(introduced by section 115(5))

PROCEDURE FOR ORDERS TERMINATING LISTED BUILDING PARTNERSHIP  
AGREEMENTS

PART 1

ORDERS MADE BY PLANNING AUTHORITIES

*Requirement for confirmation by Welsh Ministers*

- 1 (1) An order under section 115 made by a planning authority does not take effect unless it is confirmed by the Welsh Ministers.
- (2) Where a planning authority submits an order to the Welsh Ministers for confirmation, it must serve notice of the submission of the order on—
- (a) the other parties to the listed building partnership agreement,
  - (b) any other person occupying the listed building, or the part of a listed building, to which the agreement relates under a lease granted or extended for a fixed term that has at least 2 years left to run, and
  - (c) any other person the authority thinks will be affected by the order.
- (3) The notice must specify the period within which a person on whom it is served may make a request in writing to the Welsh Ministers for an opportunity to appear before and be heard by a person appointed by the Welsh Ministers.
- (4) If a person on whom the notice is served makes such a request within that period, before confirming the order the Welsh Ministers must give such an opportunity to that person and each planning authority that is a party to the listed building partnership agreement.
- (5) The period specified under sub-paragraph (3) must be at least 28 days beginning with the day after the day the notice is served.
- (6) The Welsh Ministers may confirm the order with or without modifications.

PART 2

ORDERS MADE BY THE WELSH MINISTERS

*Procedure to be followed before making order*

- 2 (1) Before making an order under section 115, the Welsh Ministers must serve notice of the proposed order on—
- (a) the parties to the listed building partnership agreement (or if the Welsh Ministers are a party to the agreement, the other parties to it),
  - (b) any other person occupying the listed building, or the part of a listed building, to which the agreement relates under a lease granted or extended for a fixed term that has at least 2 years left to run, and

- (c) i unrhyw berson arall y mae Gweinidogion Cymru yn meddwl y bydd y gorchymyn yn effeithio arno.
- (2) Rhaid i'r hysbysiad bennu o fewn pa gyfnod y caiff person y'i cyflwynir iddo wneud cais ysgrifenedig i Weinidogion Cymru am gyfle i ymddangos gerbron person a benodir gan Weinidogion Cymru a chael gwrandawriad ganddo.
- (3) Os yw person y cyflwynir yr hysbysiad iddo yn gwneud cais o'r fath o fewn y cyfnod hwnnw, cyn gwneud y gorchymyn rhaid i Weinidogion Cymru roi cyfle o'r fath i'r person hwnnw ac i unrhyw awdurdod cynllunio sy'n barti i'r cytundeb partneriaeth adeilad rhestredig.
- (4) Rhaid i'r cyfnod a bennir o dan is-baragraff (2) fod o leiaf 28 o ddiwrnodau sy'n dechrau â thrannoeth y diwrnod y cyflwynir yr hysbysiad.

- (c) any other person the Welsh Ministers think will be affected by the order.
- (2) The notice must specify the period within which a person on whom it is served may make a request in writing to the Welsh Ministers for an opportunity to appear before and be heard by a person appointed by the Welsh Ministers.
- (3) If a person on whom the notice is served makes such a request within that period, before making the order the Welsh Ministers must give such an opportunity to that person and any planning authority that is a party to the listed building partnership agreement.
- (4) The period specified under sub-paragraph (2) must be at least 28 days beginning with the day after the day the notice is served.

## ATODLEN 11

(a gyflwynir gan adran 161(5))

## EFFAITH ADRAN 161 YN PEIDIO Â BOD YN GYMWYS I ADEILAD

*Cyflwyniad*

- 1 Mae'r Atodlen hon yn gymwys pan fo adeilad yn peidio â bod yn adeilad y mae adran 161 yn gymwys iddo.

*Atebolrwydd troseddol*

- 2 Nid yw'r ffaith bod yr adeilad yn peidio â bod yn adeilad y mae adran 161 yn gymwys iddo yn effeithio ar atebolrwydd unrhyw berson i gael ei erlyn a'i gosbi am drosedd o dan y Ddeddf hon a gyflawnwyd tra oedd adran 161 yn gymwys iddo.

*Cydsyniad ardal gadwraeth*

- 3 Mae unrhyw achos ynghylch cais am gydsyniad ardal gadwraeth sy'n ymwneud â'r adeilad, neu sy'n deillio o gais o'r fath, yn darfod; ac mae unrhyw gydsyniad o'r fath yn peidio â chael effaith.

*Hysbysiadau stop dros dro*

- 4 Mae unrhyw hysbysiad stop dros dro sy'n ymwneud â'r adeilad yn peidio â chael effaith.

*Hysbysiadau gorfodi*

- 5 (1) Mae unrhyw hysbysiad gorfodi a ddyroddir sy'n ymwneud â'r adeilad yn peidio â chael effaith.
- (2) Mae unrhyw achos ynghylch apêl yn erbyn hysbysiad o'r fath yn darfod.
- (3) Er gwaethaf is-baragraff (1), mae adran 132(1) i (6) (fel y'i cymhwysir gan adran 163) yn parhau i gael effaith mewn perthynas –
- (a) ag unrhyw dreuliau yr eir iddynt gan awdurdod cynllunio neu Weinidogion Cymru, neu gan berchennog neu feddiannydd, fel y'i crybwyllir yn yr adran honno, a
- (b) ag unrhyw symiau a delir o ganlyniad i'r treuliau hynny.

*Gwaharddebau*

- 6 Mae unrhyw achos ynghylch cais am waharddeb o dan adran 135 (fel y'i cymhwysir gan adran 163) sy'n ymwneud â'r adeilad yn darfod.

SCHEDULE 11  
(introduced by section 161(5))

EFFECT OF SECTION 161 CEASING TO APPLY TO BUILDING

*Introduction*

1 This Schedule applies where a building ceases to be a building to which section 161 applies.

*Criminal liability*

2 The fact that the building ceases to be a building to which section 161 applies does not affect the liability of any person to be prosecuted and punished for an offence under this Act committed while section 161 applied to it.

*Conservation area consent*

3 Any proceedings on or arising out of an application for conservation area consent relating to the building lapse; and any such consent ceases to have effect.

*Temporary stop notices*

4 Any temporary stop notice relating to the building ceases to have effect.

*Enforcement notices*

- 5
- (1) Any enforcement notice relating to the building ceases to have effect.
  - (2) Any proceedings on an appeal against such a notice lapse.
  - (3) Despite sub-paragraph (1), section 132(1) to (6) (as applied by section 163) continue to have effect in relation to—
    - (a) any expenses incurred by a planning authority or the Welsh Ministers, or by an owner or occupier, as mentioned in that section, and
    - (b) any amounts paid on account of those expenses.

*Injunctions*

6 Any proceedings on an application for an injunction under section 135 (as applied by section 163) relating to the building lapse.

## ATODLEN 12

(a gyflwynir gan adran 173(6))

## PENDERFYNU APÊL GAN BERSON A BENODIR NEU WEINIDOGION CYMRU

*Cyflwyniad*

1 Yn yr Atodlen hon –

ystyr “yr awdurdod cynllunio” (“*the planning authority*”) yw’r awdurdod cynllunio y mae’r adeilad y mae’r apêl yn ymwneud ag ef yn ei ardal;

ystyr “person a benodir” (“*appointed person*”) yw person a benodir gan Weinidogion Cymru o dan adran 173 i benderfynu apêl o dan adran 100 neu 127.

*Pwerau a dyletswyddau person a benodir*

2 (1) Mae gan berson a benodir yr un pwerau a dyletswyddau –

(a) mewn perthynas ag apêl o dan adran 100 ag sydd gan Weinidogion Cymru o dan adran 104;

(b) mewn perthynas ag apêl o dan adran 127 ag sydd gan Weinidogion Cymru o dan adran 128.

(2) Mae is-baragraff (3) yn gymwys pan fo unrhyw ddeddfiad (ac eithrio’r Atodlen hon neu adran 174) –

(a) yn cyfeirio (neu i’w ddarllen fel pe bai’n cyfeirio) at Weinidogion Cymru mewn cyd-destun sy’n ymwneud neu sy’n gallu ymwneud ag apêl y mae adran 173 yn gymwys iddi, neu

(b) yn cyfeirio (neu i’w ddarllen fel pe bai’n cyfeirio) at unrhyw beth a wneir neu a awdurdodir neu y mae’n ofynnol ei wneud gan Weinidogion Cymru, iddynt neu ger eu bron mewn cysylltiad ag unrhyw apêl o’r fath.

(3) I’r graddau y mae’r cyd-destun yn caniatáu hynny, mae’r deddfiad i’w ddarllen, mewn perthynas ag apêl a benderfynir neu sydd i’w phenderfynu gan berson a benodir, fel pe bai’r cyfeiriad at Weinidogion Cymru yn gyfeiriad at berson a benodir neu’n cynnwys cyfeiriad o’r fath.

*Ymchwiliad lleol, gwrandawriad neu sylwadau ysgrifenedig*

3 (1) Caiff person a benodir gynnal ymchwiliad lleol neu wrandawriad mewn cysylltiad ag apêl pan fo penderfyniad o dan adran 174 yn darparu i’r apêl gael ei hystyried yn y ffordd honno.

(2) Caiff Gweinidogion Cymru neu berson a benodir benodi asesydd i gynghori’r person a benodir ar unrhyw faterion sy’n codi –

(a) mewn ymchwiliad lleol neu wrandawriad a gynhelir gan y person a benodir mewn cysylltiad ag apêl neu o ganlyniad i ymchwiliad neu wrandawriad o’r fath, neu

(b) mewn sylwadau ysgrifenedig a gyflwynir i’r person a benodir mewn cysylltiad ag apêl neu o ganlyniad i sylwadau o’r fath.



SCHEDULE 12  
(introduced by section 173(6))

DETERMINATION OF APPEAL BY APPOINTED PERSON OR THE WELSH MINISTERS

*Introduction*

1 In this Schedule –

“appointed person” (“*person a benodir*”) means a person appointed by the Welsh Ministers under section 173 to determine an appeal under section 100 or 127;

“the planning authority” (“*yr awdurdod cynllunio*”) means the planning authority in whose area the building to which the appeal relates is situated.

*Powers and duties of appointed person*

2 (1) An appointed person has the same powers and duties –

(a) in relation to an appeal under section 100 as the Welsh Ministers have under section 104;

(b) in relation to an appeal under section 127 as the Welsh Ministers have under section 128.

(2) Sub-paragraph (3) applies where any enactment (other than this Schedule or section 174) –

(a) refers (or is to be read as referring) to the Welsh Ministers in a context relating to or capable of relating to an appeal to which section 173 applies, or

(b) refers (or is to be read as referring) to anything done or authorised or required to be done by, to or before the Welsh Ministers in connection with any such appeal.

(3) So far as the context permits, the enactment is to be read, in relation to an appeal determined or to be determined by an appointed person, as if the reference to the Welsh Ministers were or included a reference to an appointed person.

*Local inquiry, hearing or written representations*

3 (1) An appointed person may hold a local inquiry or a hearing in connection with an appeal where a determination under section 174 provides for the appeal to be considered in that way.

(2) The Welsh Ministers or an appointed person may appoint an assessor to advise the appointed person on any matters that arise –

(a) at a local inquiry or hearing held by the appointed person in connection with an appeal or in consequence of such an inquiry or hearing, or

(b) in written representations made to the appointed person in connection with an appeal or in consequence of such representations.

*Amnewid y person a benodir*

- 4 (1) Ar unrhyw adeg cyn i berson a benodir benderfynu apêl, caiff Gweinidogion Cymru –
- (a) dirymu penodiad y person, a
  - (b) penodi person arall o dan adran 173 i benderfynu'r apêl.
- (2) Pan fo penodiad newydd yn cael ei wneud, rhaid dechrau ystyried yr apêl, ac unrhyw ymchwiliad neu unrhyw wrandawriad arall mewn cysylltiad â'r apêl, o'r newydd.
- (3) Nid yw is-baragraff (2) yn ei gwneud yn ofynnol i unrhyw berson gael cyfle –
- (a) i gyflwyno sylwadau newydd, neu
  - (b) i addasu neu dynnu'n ôl unrhyw sylwadau y mae'r person eisoes wedi eu cyflwyno.

*Cyfarwyddyd o dan adran 173(3)(b) bod apêl i'w phenderfynu gan Weinidogion Cymru*

- 5 (1) Mae'r paragraff hwn yn gymwys pan fo Gweinidogion Cymru yn rhoi cyfarwyddyd o dan adran 173(3)(b) bod apêl a fyddai fel arall yn cael ei phenderfynu gan berson a benodir i'w phenderfynu ganddynt hwy yn lle hynny.
- (2) Rhaid i'r cyfarwyddyd ddatgan y rhesymau dros ei roi a rhaid ei gyflwyno –
- (a) i'r person, os oes un, a benodir i benderfynu'r apêl,
  - (b) i'r apelydd,
  - (c) i'r awdurdod cynllunio, a
  - (d) yn achos apêl o dan adran 100, i unrhyw berson a gyflwynodd sylwadau sy'n ymwneud â phwnc yr apêl y mae rheoliadau o dan adran 91(4) yn ei gwneud yn ofynnol i'r awdurdod cynllunio eu hystyried.
- (3) Rhaid i Weinidogion Cymru roi cyfle i'r personau a grybwyllir yn is-baragraff (2)(b) i (d) i gyflwyno sylwadau pellach os yw'r rhesymau dros y cyfarwyddyd yn codi materion nad yw unrhyw un neu ragor o'r personau hynny wedi cyflwyno sylwadau yn eu cylch.
- (4) Ac eithrio fel y'i darperir gan is-baragraff (3), nid oes angen i Weinidogion Cymru roi cyfle i unrhyw berson –
- (a) i ymddangos gerbron person a benodir ganddynt ac i gael gwrandawriad ganddo,
  - (b) i gyflwyno sylwadau newydd, neu
  - (c) i addasu neu dynnu'n ôl unrhyw sylwadau y mae'r person eisoes wedi eu cyflwyno.
- (5) Wrth benderfynu'r apêl caiff Gweinidogion Cymru ystyried unrhyw adroddiad a wneir iddynt gan berson a benodwyd yn flaenorol i'w phenderfynu.
- (6) Yn ddarostyngedig i'r paragraff hwn, mae'r darpariaethau yn y Ddeddf hon sy'n berthnasol i'r apêl yn gymwys iddi fel pe na bai'r Atodlen hon erioed wedi bod yn gymwys.

*Dirymu cyfarwyddyd o dan adran 173(3)(b)*

- 6 (1) Caiff Gweinidogion Cymru drwy gyfarwyddyd pellach ddirymu cyfarwyddyd o dan adran 173(3)(b) ar unrhyw adeg cyn i'r apêl gael ei phenderfynu.

*Replacement of appointed person*

- 4 (1) At any time before an appointed person has determined an appeal, the Welsh Ministers may –
- (a) revoke the person’s appointment, and
  - (b) appoint another person under section 173 to determine the appeal.
- (2) Where a new appointment is made, the consideration of the appeal, and any inquiry or other hearing in connection with the appeal, must start afresh.
- (3) Sub-paragraph (2) does not require any person to be given an opportunity to –
- (a) make fresh representations, or
  - (b) modify or withdraw any representations the person has already made.

*Direction under section 173(3)(b) that appeal is to be determined by Welsh Ministers*

- 5 (1) This paragraph applies where the Welsh Ministers give a direction under section 173(3)(b) that an appeal which would otherwise be determined by an appointed person is instead to be determined by them.
- (2) The direction must state the reasons for which it is given and must be served on –
- (a) the person, if any, appointed to determine the appeal,
  - (b) the appellant,
  - (c) the planning authority, and
  - (d) in the case of an appeal under section 100, any person who made representations relating to the subject matter of the appeal which regulations under section 91(4) required the planning authority to take into account.
- (3) The Welsh Ministers must give the persons mentioned in sub-paragraph (2)(b) to (d) an opportunity to make further representations if the reasons for the direction raise matters about which any of those persons have not made representations.
- (4) Except as provided by sub-paragraph (3), the Welsh Ministers need not give any person an opportunity to –
- (a) appear before and be heard by a person appointed by them,
  - (b) make fresh representations, or
  - (c) modify or withdraw any representations the person has already made.
- (5) In determining the appeal the Welsh Ministers may take into account any report made to them by a person previously appointed to determine it.
- (6) Subject to this paragraph, the provisions of this Act that are relevant to the appeal apply to it as if this Schedule had never applied.

*Revocation of direction under section 173(3)(b)*

- 6 (1) The Welsh Ministers may by a further direction revoke a direction under section 173(3)(b) at any time before the determination of the appeal.

- (2) Rhaid i'r cyfarwyddyd pellach ddatgan y rhesymau dros ei roi a rhaid ei gyflwyno i'r personau yr oedd paragraff 5(2) yn ei gwneud yn ofynnol i'r cyfarwyddyd o dan adran 173(3)(b) gael ei gyflwyno iddynt.
- (3) Pan fo cyfarwyddyd pellach yn cael ei roi o dan y paragraff hwn, mae adran 173 a'r Atodlen hon yn gymwys fel pe na bai cyfarwyddyd wedi ei roi o dan baragraff 5 (ac yn unol â hynny rhaid i Weinidogion Cymru benodi person o dan yr adran honno i benderfynu'r apêl).
- (4) Ond mae unrhyw beth a wneir gan Weinidogion Cymru neu ar eu rhan mewn cysylltiad â'r apêl a allai fod wedi cael ei wneud gan y person a benodir (gan gynnwys unrhyw drefniadau a wneir ar gyfer cynnal gwrandawriad neu ymchwiliad lleol), oni bai bod y person a benodir yn cyfarwyddo fel arall, i'w drin fel pe bai wedi ei wneud gan y person a benodir.

#### *Darpariaethau atodol*

- 7 (1) Nid yw'n sail i gais i'r Uchel Lys o dan adran 183, nac i apêl i'r Uchel Lys o dan adran 184, y dylai apêl fod wedi cael ei phenderfynu gan Weinidogion Cymru yn hytrach na pherson a benodir, oni bai bod yr apelydd neu'r awdurdod cynllunio yn herio pŵer y person a benodir i benderfynu'r apêl cyn i'r penderfyniad ar yr apêl gael ei roi.
- (2) Pan fo person a benodir yn aelod o staff Llywodraeth Cymru, mae swyddogaethau'r person o ran penderfynu apêl a gwneud unrhyw beth mewn cysylltiad â hi i'w trin at ddibenion Deddf Ombwdsmon Gwasanaethau Cyhoeddus (Cymru) 2019 (dccc 3) fel pe baent yn swyddogaethau Llywodraeth Cymru.

- (2) The further direction must state the reasons for which it is given and must be served on the persons on whom paragraph 5(2) required the direction under section 173(3)(b) to be served.
- (3) Where a further direction is given under this paragraph, section 173 and this Schedule apply as if no direction had been given under paragraph 5 (and accordingly the Welsh Ministers must appoint a person under that section to determine the appeal).
- (4) But anything done by or on behalf of the Welsh Ministers in connection with the appeal which might have been done by the appointed person (including any arrangements made for the holding of a hearing or local inquiry) is, unless the appointed person directs otherwise, to be treated as having been done by the appointed person.

*Supplementary provisions*

- 7 (1) It is not a ground of application to the High Court under section 183, or of appeal to the High Court under section 184, that an appeal ought to have been determined by the Welsh Ministers instead of an appointed person, unless the appellant or the planning authority challenges the appointed person's power to determine the appeal before the decision on the appeal is given.
- (2) Where an appointed person is a member of the staff of the Welsh Government, the person's functions of determining an appeal and doing anything in connection with it are to be treated for the purposes of the Public Services Ombudsman (Wales) Act 2019 (anaw 3) as functions of the Welsh Government.

## ATODLEN 13

*(a gyflwynir gan adran 211(1))*

## MÂN DDIWYGIADAU, DIWYGIADAU CANLYNIADOL A DIDDYMIADAU

*Deddf Tir Setledig 1925 (p. 18)*

- 1 Yn Rhan 2 o Atodlen 3 i Ddeddf Tir Setledig 1925, ar ôl paragraff (vi) mewnosoder –
- “(vii) Works specified by the Welsh Ministers as being required for properly maintaining a listed building (within the meaning given by section 76 of the Historic Environment (Wales) Act 2023) on the settled land.”

*Deddf Adeiladau Hanesyddol a Henebion Hynafol 1953 (p. 49)*

- 2 Mae Deddf Adeiladau Hanesyddol a Henebion Hynafol 1953 wedi ei diwygio fel a ganlyn.
- 3 Hepgorer adran 4.
- 4 Yn adran 4A –
- (a) yn y pennawd, yn lle “section 4” rhodder “section 3A”;
- (b) yn is-adran (1) –
- (i) hepgorer “or 4”;
- (ii) hepgorer “or (as the case may be) by the Secretary of State”;
- (c) yn is-adrannau (3), (4) ac (8), hepgorer “or (as the case may be) by the Secretary of State”.
- 5 (1) Yn adran 5, ar ôl is-adran (5) mewnosoder –
- “(6) In this section references to a building do not include a building situated wholly or mainly in Wales.”
- (2) Nid yw’r paragraff hwn yn gymwys mewn perthynas ag eiddo a gaffaelwyd neu a dderbyniwyd cyn iddo ddod i rym.
- 6 Hepgorer adran 6.
- 7 Yn adran 8, ar ôl is-adran (7) mewnosoder –
- “(8) In this section references to a building do not include a building situated wholly or mainly in Wales.”

*Deddf Pwerau Tir (Amddiffyn) 1958 (p. 30)*

- 8 Yn adran 6(4)(b) o Ddeddf Pwerau Tir (Amddiffyn) 1958, ar ôl “the Ancient Monuments and Archaeological Areas Act 1979” mewnosoder “or section 3 of the Historic Environment (Wales) Act 2023”.

*Deddf Iechyd y Cyhoedd 1961 (p. 64)*

- 9 Yn y tabl yn Atodlen 4 i Ddeddf Iechyd y Cyhoedd 1961, ar ôl y cofnod sy’n ymwneud ag adran 1 o Ddeddf Cynllunio (Adeiladau Rhestredig ac Ardaloedd Cadwraeth) 1990 mewnosoder –

SCHEDULE 13  
*(introduced by section 211(1))*

MINOR AND CONSEQUENTIAL AMENDMENTS AND REPEALS

*Settled Land Act 1925 (c. 18)*

- 1 In Part 2 of Schedule 3 to the Settled Land Act 1925, after paragraph (vi) insert –
- “(vii) Works specified by the Welsh Ministers as being required for properly maintaining a listed building (within the meaning given by section 76 of the Historic Environment (Wales) Act 2023) on the settled land.”

*Historic Buildings and Ancient Monuments Act 1953 (c. 49)*

- 2 The Historic Buildings and Ancient Monuments Act 1953 is amended as follows.
- 3 Omit section 4.
- 4 In section 4A –
- (a) in the heading, for “section 4” substitute “section 3A”;
- (b) in subsection (1) –
- (i) omit “or 4”;
- (ii) omit “or (as the case may be) by the Secretary of State”;
- (c) in subsections (3), (4) and (8), omit “or (as the case may be) by the Secretary of State”.
- 5 (1) In section 5, after subsection (5) insert –
- “(6) In this section references to a building do not include a building situated wholly or mainly in Wales.”
- (2) This paragraph does not apply in relation to property that was acquired or accepted before it comes into force.
- 6 Omit section 6.
- 7 In section 8, after subsection (7) insert –
- “(8) In this section references to a building do not include a building situated wholly or mainly in Wales.”

*Land Powers (Defence) Act 1958 (c. 30)*

- 8 In section 6(4)(b) of the Land Powers (Defence) Act 1958, after “the Ancient Monuments and Archaeological Areas Act 1979” insert “or section 3 of the Historic Environment (Wales) Act 2023”.

*Public Health Act 1961 (c. 64)*

- 9 In the table in Schedule 4 to the Public Health Act 1961, after the entry relating to section 1 of the Planning (Listed Buildings and Conservation Areas) Act 1990 insert –

<p>“A building which is included in the schedule of monuments maintained under section 3 of the Historic Environment (Wales) Act 2023 or the list of buildings maintained under section 76 of that Act, except –</p> <p>(a) a building owned by railway, canal, dock, harbour or inland navigation undertakers,</p> <p>(b) a building owned by a holder of a licence under section 6 of the Electricity Act 1989 (c. 29),</p> <p>(c) a building owned by a gas transporter (within the meaning given by section 7(1) of the Gas Act 1986 (c. 44)), or</p> <p>(d) a building forming part of an aerodrome.</p>	<p>The Welsh Ministers.”</p>
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*Deddf Prynu Gorfodol 1965 (p. 56)*

10 Yn adran 1(4) o Ddeddf Prynu Gorfodol 1965 –

- (a) yn lle “or section 52 of the Planning (Listed Buildings and Conservation Areas) Act 1990” rhodder “, section 52 of the Planning (Listed Buildings and Conservation Areas) Act 1990 or section 136 of the Historic Environment (Wales) Act 2023,”;
- (b) ar ôl “section 52(2) of the Planning (Listed Buildings and Conservation Areas) Act 1990” mewnosoder “or section 136(4) of the Historic Environment (Wales) Act 2023”.

*Deddf Mwyngloddiau (Cyfleusterau Gweithio a Chynnal) 1966 (p. 4)*

11 Yn adran 7 o Ddeddf Mwyngloddiau (Cyfleusterau Gweithio a Chynnal) 1966, ar ôl is-adran (8) mewnosoder –

- “(9) For the purposes of this section, where any building or work is a monument of special historic interest within the meaning of Part 2 of the Historic Environment (Wales) Act 2023 and is, in pursuance of that Part, under the guardianship of the Welsh Ministers or a local authority, the Welsh Ministers or the local authority, as the case may be, shall be deemed to be persons entitled to make an application under this section.”

*Deddf Amwynderau Dinesig (p. 69)*

12 Hepgorer adran 4 o Ddeddf Amwynderau Dinesig 1967.

*Deddf Eglwysi ac Adeiladau Crefyddol Afreidiol eraill 1969 (p. 22)*

13 Mae Deddf Eglwysi ac Adeiladau Crefyddol Afreidiol eraill 1969 wedi ei diwygio fel a ganlyn.

14 Yn adran 4 –

- (a) yn is-adran (2)(b), ar ôl is-baragraff (i) mewnosoder –

“(ia) the Welsh Ministers,”;

- (b) yn is-adran (9), ar ôl “in relation to” mewnosoder “the Secretary of State and”;



<p>“A building which is included in the schedule of monuments maintained under section 3 of the Historic Environment (Wales) Act 2023 or the list of buildings maintained under section 76 of that Act, except –</p> <p>(a) a building owned by railway, canal, dock, harbour or inland navigation undertakers,</p> <p>(b) a building owned by a holder of a licence under section 6 of the Electricity Act 1989 (c. 29),</p> <p>(c) a building owned by a gas transporter (within the meaning given by section 7(1) of the Gas Act 1986 (c. 44)), or</p> <p>(d) a building forming part of an aerodrome.</p>	The Welsh Ministers.”
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*Compulsory Purchase Act 1965 (c. 56)*

- 10 In section 1(4) of the Compulsory Purchase Act 1965 –
- (a) for “or section 52 of the Planning (Listed Buildings and Conservation Areas) Act 1990” substitute “, section 52 of the Planning (Listed Buildings and Conservation Areas) Act 1990 or section 136 of the Historic Environment (Wales) Act 2023,”;
- (b) after “section 52(2) of the Planning (Listed Buildings and Conservation Areas) Act 1990” insert “or section 136(4) of the Historic Environment (Wales) Act 2023”.

*Mines (Working Facilities and Support) Act 1966 (c. 4)*

- 11 In section 7 of the Mines (Working Facilities and Support) Act 1966, after subsection (8) insert –
- “(9) For the purposes of this section, where any building or work is a monument of special historic interest within the meaning of Part 2 of the Historic Environment (Wales) Act 2023 and is, in pursuance of that Part, under the guardianship of the Welsh Ministers or a local authority, the Welsh Ministers or the local authority, as the case may be, shall be deemed to be persons entitled to make an application under this section.”

*Civic Amenities Act 1967 (c. 69)*

- 12 Omit section 4 of the Civic Amenities Act 1967.

*Redundant Churches and other Religious Buildings Act 1969 (c. 22)*

- 13 The Redundant Churches and other Religious Buildings Act 1969 is amended as follows.
- 14 In section 4 –
- (a) in subsection (2)(b), after sub-paragraph (i) insert –
- “(ia) the Welsh Ministers,”;
- (b) in subsection (9), after “in relation to” insert “the Secretary of State and”;

(c) ar ôl is-adran (9) mewnosoder –

“(9A) In relation to the Welsh Ministers –

- (a) this section only applies to any premises falling within subsection (1) if they are situated in Wales, and
- (b) references in this section to land are references only to land situated in Wales.”;

(d) yn is-adran (10) –

- (i) ym mharagraff (a), ar ôl “the Planning (Listed Buildings and Conservation Areas) Act 1990” mewnosoder “or the Historic Environment (Wales) Act 2023”;
- (ii) ym mharagraff (b), ar ôl “the Ancient Monuments and Archaeological Areas Act 1979” mewnosoder “or the Historic Environment (Wales) Act 2023”.

15 Yn adran 5(1), ar ôl “Secretary of State,”, yn y ddau le, mewnosoder “the Welsh Ministers,”.

*Deddf Llywodraeth Leol 1972 (p. 70)*

16 Yn adran 131(2) o Ddeddf Llywodraeth Leol 1972, ar ôl paragraff (m) mewnosoder –

“and

(n) Part 2 of the Historic Environment (Wales) Act 2023.”

*Deddf Digollediad Tir 1973 (p. 26)*

17 Yn adran 33D(4)(d) o Ddeddf Digollediad Tir 1973, ar ôl “section 48 of the Planning (Listed Buildings and Conservation Areas) Act 1990” mewnosoder “or section 138 of the Historic Environment (Wales) Act 2023”.

*Deddf Asiantiaid Eiddo 1979 (p. 38)*

18 Yn adran 1(2)(e) o Ddeddf Asiantiaid Eiddo 1979, ar ôl “the Planning (Listed Buildings and Conservation Areas) Act 1990,” mewnosoder “Parts 3 to 5 of the Historic Environment (Wales) Act 2023,”.

*Deddf Henebion Hynafol ac Ardaloedd Archaeolegol 1979 (p. 46)*

19 Mae Deddf Henebion Hynafol ac Ardaloedd Archaeolegol 1979 wedi ei diwygio fel a ganlyn.

20 Yn adran 1 –

(a) yn is-adran (3), yn lle “subsection” rhodder “subsections (3A) and”;

(b) ar ôl is-adran (3) mewnosoder –

“(3A) The power of the Secretary of State under subsection (3) above to include any monument in the Schedule does not apply to a monument situated in Wales (and in this subsection “Wales” has the meaning given by section 158(1) of the Government of Wales Act 2006).”

(c) hepgorer is-adran (5A);

(c) after subsection (9) insert –

“(9A) In relation to the Welsh Ministers –

- (a) this section only applies to any premises falling within subsection (1) if they are situated in Wales, and
- (b) references in this section to land are references only to land situated in Wales.”;

(d) in subsection (10) –

- (i) in paragraph (a), after “the Planning (Listed Buildings and Conservation Areas) Act 1990” insert “or the Historic Environment (Wales) Act 2023”;
- (ii) in paragraph (b), after “the Ancient Monuments and Archaeological Areas Act 1979” insert “or the Historic Environment (Wales) Act 2023”.

15 In section 5(1), after “Secretary of State,”, in both places, insert “the Welsh Ministers,”.

*Local Government Act 1972 (c. 70)*

16 In section 131(2) of the Local Government Act 1972, after paragraph (m) insert –

“and

- (n) Part 2 of the Historic Environment (Wales) Act 2023.”

*Land Compensation Act 1973 (c. 26)*

17 In section 33D(4)(d) of the Land Compensation Act 1973, after “section 48 of the Planning (Listed Buildings and Conservation Areas) Act 1990” insert “or section 138 of the Historic Environment (Wales) Act 2023”.

*Estate Agents Act 1979 (c. 38)*

18 In section 1(2)(e) of the Estate Agents Act 1979, after “the Planning (Listed Buildings and Conservation Areas) Act 1990,” insert “Parts 3 to 5 of the Historic Environment (Wales) Act 2023,”.

*Ancient Monuments and Archaeological Areas Act 1979 (c. 46)*

19 The Ancient Monuments and Archaeological Areas Act 1979 is amended as follows.

20 In section 1 –

(a) in subsection (3), for “subsection” substitute “subsections (3A) and”;

(b) after subsection (3) insert –

“(3A) The power of the Secretary of State under subsection (3) above to include any monument in the Schedule does not apply to a monument situated in Wales (and in this subsection “Wales” has the meaning given by section 158(1) of the Government of Wales Act 2006).”

(c) omit subsection (5A);

(d) yn lle is-adran (6A) rhodder –

“(6A) As soon as may be after –

- (a) including any monument in England in the Schedule under subsection (3) above;
- (b) amending the entry in the Schedule relating to any such monument; or
- (c) excluding the entry in the Schedule relating to any such monument;

the Secretary of State shall inform the Commission of the action taken and, in a case falling within paragraph (a) or (b), shall also send to the Commission a copy of the entry or (as the case may be) of the amended entry in the Schedule relating to that monument.”;

(e) hepgorer is-adrannau (6B) a (6C);

(f) yn is-adran (9) hepgorer “and Wales”.

21 Hepgorer adrannau 1AA i 1AE.

22 Yn adran 2 –

(a) hepgorer is-adrannau (3A) a (3B);

(b) yn is-adran (5) –

(i) ym mharagraff (a), hepgorer “(in a case where the monument in question is situated in England), or”;

(ii) hepgorer paragraff (b);

(c) hepgorer is-adrannau (5A) a (5B);

(d) hepgorer is-adran (6A);

(e) yn is-adran (8), hepgorer “which have been executed in relation to a scheduled monument situated in England or land in, on or under which there is such a scheduled monument”;

(f) hepgorer is-adran (8A).

23 Yn adran 4(3), hepgorer “Where a direction would (if given) affect a monument situated in England,”.

24 Yn adran 6, hepgorer is-adran (5).

25 Yn adran 7(1), hepgorer “the Secretary of State or (where the monument in question is situated in England)”.

26 Yn adran 8 –

(a) yn is-adran (2A), hepgorer paragraff (c);

(b) yn is-adran (6), hepgorer “and Wales”.

27 Yn adran 9(1), hepgorer “the Secretary of State or (where the monument in question is situated in England)”.

28 Hepgorer adrannau 9ZA a 9ZB a’r pennawd italg o flaen adran 9ZA.

29 Hepgorer adrannau 9ZC i 9ZH a’r pennawd italg o flaen adran 9ZC.

(d) for subsection (6A) substitute—

“(6A) As soon as may be after—

- (a) including any monument in England in the Schedule under subsection (3) above;
- (b) amending the entry in the Schedule relating to any such monument; or
- (c) excluding the entry in the Schedule relating to any such monument;

the Secretary of State shall inform the Commission of the action taken and, in a case falling within paragraph (a) or (b), shall also send to the Commission a copy of the entry or (as the case may be) of the amended entry in the Schedule relating to that monument.”;

(e) omit subsections (6B) and (6C);

(f) in subsection (9) omit “and Wales”.

21 Omit sections 1AA to 1AE.

22 In section 2—

(a) omit subsections (3A) and (3B);

(b) in subsection (5)—

(i) in paragraph (a), omit “(in a case where the monument in question is situated in England), or”;

(ii) omit paragraph (b);

(c) omit subsections (5A) and (5B);

(d) omit subsection (6A);

(e) in subsection (8), omit “which have been executed in relation to a scheduled monument situated in England or land in, on or under which there is such a scheduled monument”;

(f) omit subsection (8A).

23 In section 4(3), omit “Where a direction would (if given) affect a monument situated in England,”.

24 In section 6, omit subsection (5).

25 In section 7(1), omit “the Secretary of State or (where the monument in question is situated in England)”.

26 In section 8—

(a) in subsection (2A), omit paragraph (c);

(b) in subsection (6), omit “and Wales”.

27 In section 9(1), omit “the Secretary of State or (where the monument in question is situated in England)”.

28 Omit sections 9ZA and 9ZB and the italic heading before section 9ZA.

29 Omit sections 9ZC to 9ZH and the italic heading before section 9ZC.

- 30 Hepgorer adrannau 9ZI i 9ZL a'r pennawd italig o flaen adran 9ZI.
- 31 Hepgorer adran 9ZM a'r pennawd italig o'i blaen.
- 32 Yn adran 26, hepgorer is-adran (4).
- 33 Yn adran 27(2), yn lle "section 1AD, 7, 9 or 9ZL" rhodder "section 7 or 9".
- 34 Yn adran 28 –
- (a) yn is-adran (1), hepgorer "situated in England";
  - (b) hepgorer is-adran (1A).
- 35 Yn adran 33 –
- (a) ar ôl is-adran (1) mewnosoder –  
" (1A) An order under subsection (1) may not designate an area in Wales. ";
  - (b) yn is-adran (5), hepgorer "and Wales".
- 36 Yn adran 35(5), hepgorer paragraff (aa).
- 37 Yn adran 38 –
- (a) yn is-adran (3)(b), hepgorer "and Wales";
  - (b) yn is-adran (9)(b), hepgorer "and Wales".
- 38 Hepgorer adran 41A a'r pennawd italig o'i blaen.
- 39 Yn adran 42 –
- (a) yn is-adran (1), hepgorer "or of the Secretary of State (in any other case)";
  - (b) yn is-adran (3), hepgorer "or of the Secretary of State (in any other case)";
  - (c) yn is-adran (4), hepgorer "the Secretary of State or";
  - (d) yn is-adran (5)(a), hepgorer "the Secretary of State or";
  - (e) yn is-adran (7), hepgorer "relating to a protected place situated in England";
  - (f) hepgorer is-adran (8).
- 40 Yn adran 44(2), yn yr ail frawddeg, hepgorer y geiriau o " , or in relation to" hyd at y diwedd.
- 41 Yn adran 45 –
- (a) hepgorer is-adran (1);
  - (b) yn is-adran (3), hepgorer "The Secretary of State or".
- 42 Yn adran 46(3), hepgorer "9ZF, 9ZJ,".
- 43 Yn adran 50, hepgorer is-adran (3A).
- 44 Yn adran 51(3), hepgorer "1AD, 9ZL,".
- 45 Yn adran 53 –
- (a) yn is-adran (2), yn lle " , or of Wales; and, subject to subsection (2B)," rhodder "and";
  - (b) hepgorer is-adrannau (2A) a (2B).
- 46 Yn adran 55, hepgorer is-adran (3A).
- 47 Yn adran 56 –

- 30 Omit sections 9ZI to 9ZL and the italic heading before section 9ZI.
- 31 Omit section 9ZM and the italic heading before it.
- 32 In section 26, omit subsection (4).
- 33 In section 27(2), for “section 1AD, 7, 9 or 9ZL” substitute “section 7 or 9”.
- 34 In section 28 –
- (a) in subsection (1), omit “situated in England”;
  - (b) omit subsection (1A).
- 35 In section 33 –
- (a) after subsection (1) insert –  
“(1A) An order under subsection (1) may not designate an area in Wales.”;
  - (b) in subsection (5), omit “and Wales”.
- 36 In section 35(5), omit paragraph (aa).
- 37 In section 38 –
- (a) in subsection (3)(b), omit “and Wales”;
  - (b) in subsection (9)(b), omit “and Wales”.
- 38 Omit section 41A and the italic heading before it.
- 39 In section 42 –
- (a) in subsection (1), omit “or of the Secretary of State (in any other case)”;
  - (b) in subsection (3), omit “or of the Secretary of State (in any other case)”;
  - (c) in subsection (4), omit “the Secretary of State or”;
  - (d) in subsection (5)(a), omit “the Secretary of State or”;
  - (e) in subsection (7), omit “relating to a protected place situated in England”;
  - (f) omit subsection (8).
- 40 In section 44(2), in the second sentence, omit the words from “, or in relation to” to the end.
- 41 In section 45 –
- (a) omit subsection (1);
  - (b) in subsection (3), omit “The Secretary of State or”.
- 42 In section 46(3), omit “9ZF, 9ZJ,”.
- 43 In section 50, omit subsection (3A).
- 44 In section 51(3), omit “1AD, 9ZL,”.
- 45 In section 53 –
- (a) in subsection (2), for “, or of Wales; and, subject to subsection (2B),” substitute “and”;
  - (b) omit subsections (2A) and (2B).
- 46 In section 55, omit subsection (3A).
- 47 In section 56 –

- (a) yn is-adran (1), hepgorer paragraff (ca) a'r "or" ar ei ôl;
- (b) hepgorer is-adran (1A);
- (c) hepgorer is-adran (3).

48 Yn adran 60 –

- (a) hepgorer is-adran (1A);
- (b) hepgorer is-adrannau (3), (4) a (5).

49 Yn adran 61 –

- (a) yn is-adran (1) –
  - (i) hepgorer y diffiniadau o "address", "electronic communication" ac "interim protection";
  - (ii) yn y diffiniad o "local authority", hepgorer paragraff (aa);
  - (iii) yn y diffiniad o "owner", hepgorer "sections 9ZA and 9ZB and";
  - (iv) yn y diffiniad o "scheduled monument consent", hepgorer "and (3B)";
- (b) hepgorer is-adran (2B);
- (c) yn is-adran (6), hepgorer "(other than in section 9ZA)";
- (d) yn is-adran (7), hepgorer paragraff (d) a'r "and" o'i flaen;
- (e) hepgorer is-adran (7A);
- (f) yn is-adran (12), ym mharagraff (b), ar y diwedd mewnosoder " , except any monument situated wholly or mainly in Wales".

50 Hepgorer Atodlenni A1 ac A2.

51 Yn Atodlen 1 –

- (a) ym mharagraff 1, hepgorer is-baragraff (3);
- (b) ym mharagraff 2(4), hepgorer "or of regulations made by the Welsh Ministers under it";
- (c) hepgorer paragraff 2B;
- (d) ym mharagraff 3, hepgorer is-baragraff (5);
- (e) hepgorer paragraff 3A;
- (f) ym mharagraff 4(1), hepgorer "and Wales";
- (g) ym mharagraff 5(1A), hepgorer "Where the monument in question is situated in England,".

*Deddf Llywodraeth Leol, Cynllunio a Thir 1980 (p. 65)*

52 Yn adran 148(3) o Ddeddf Llywodraeth Leol, Cynllunio a Thir 1980, ar ôl "(which relates to the compilation or approval by the Secretary of State of lists of buildings of special architectural or historic interest)" mewnosoder " , under section 76 of the Historic Environment (Wales) Act 2023 (which makes similar provision for Wales),".



- (a) in subsection (1), omit paragraph (ca) and the “or” after it;
  - (b) omit subsection (1A);
  - (c) omit subsection (3).
- 48 In section 60 –
- (a) omit subsection (1A);
  - (b) omit subsections (3), (4) and (5).
- 49 In section 61 –
- (a) in subsection (1) –
    - (i) omit the definitions of “address”, “electronic communication” and “interim protection”;
    - (ii) in the definition of “local authority”, omit paragraph (aa);
    - (iii) in the definition of “owner”, omit “sections 9ZA and 9ZB and”;
    - (iv) in the definition of “scheduled monument consent”, omit “and (3B)”;
  - (b) omit subsection (2B);
  - (c) in subsection (6), omit “(other than in section 9ZA)”;
  - (d) in subsection (7), omit paragraph (d) and the “and” before it;
  - (e) omit subsection (7A);
  - (f) in subsection (12), in paragraph (b), at the end insert “, except any monument situated wholly or mainly in Wales”.
- 50 Omit Schedules A1 and A2.
- 51 In Schedule 1 –
- (a) in paragraph 1, omit sub-paragraph (3);
  - (b) in paragraph 2(4), omit “or of regulations made by the Welsh Ministers under it”;
  - (c) omit paragraph 2B;
  - (d) in paragraph 3, omit sub-paragraph (5);
  - (e) omit paragraph 3A;
  - (f) in paragraph 4(1), omit “and Wales”;
  - (g) in paragraph 5(1A), omit “Where the monument in question is situated in England,”.

*Local Government, Planning and Land Act 1980 (c. 65)*

- 52 In section 148(3) of the Local Government, Planning and Land Act 1980, after “(which relates to the compilation or approval by the Secretary of State of lists of buildings of special architectural or historic interest)” insert “, under section 76 of the Historic Environment (Wales) Act 2023 (which makes similar provision for Wales),”.

*Deddf Priffyrdd 1980 (p. 66)*

53 Mae Deddf Priffyrdd 1980 wedi ei diwygio fel a ganlyn.

54 Yn adran 79(15)–

(a) ym mharagraff (a), ar ôl “local highway authority” mewnosoder “in England”;

(b) ar ôl y paragraff hwnnw mewnosoder –

“(aa) authorises the service by a local highway authority in Wales of a notice under this section with respect to any wall forming part of a monument of special historic interest (within the meaning of Part 2 of the Historic Environment (Wales) Act 2023) or other object of archaeological interest, except with the consent of the Welsh Ministers; or”

55 Yn adran 105ZA(1), ym mharagraff (g) o’r diffiniad o “sensitive area”, ar ôl “the Ancient Monuments and Archaeological Areas Act 1979” mewnosoder “or the Historic Environment (Wales) Act 2023”.

*Deddf Trefi Newydd 1981 (p. 64)*

56 Yn adran 8 o Ddeddf Trefi Newydd 1981, ar y diwedd mewnosoder “or under section 76 of the Historic Environment (Wales) Act 2023 (which makes similar provision for Wales)”.

*Deddf Caffael Tir 1981 (p. 67)*

57 Yn adran 31(1)(a) o Ddeddf Caffael Tir 1981, ar ôl “Planning (Listed Buildings and Conservation Areas) Act 1990” mewnosoder “or Part 3 of the Historic Environment (Wales) Act 2023”.

*Deddf Treftadaeth Genedlaethol 1983 (p. 47)*

58 Yn Atodlen 4 i Ddeddf Treftadaeth Genedlaethol 1983 –

(a) hepgorer paragraff 4;

(b) hepgorer paragraff 8;

(c) hepgorer paragraff 31.

*Deddf Treth Etifeddiant 1984 (p. 51)*

59 Yn adran 230(3)(c) o Ddeddf Treth Etifeddiant 1984, ar ôl “the Ancient Monuments and Archaeological Areas Act 1979” mewnosoder “, or of which the Welsh Ministers are guardians under Part 2 of the Historic Environment (Wales) Act 2023”.

*Deddf Adeiladu 1984 (p. 55)*

60 Mae Deddf Adeiladu 1984 wedi ei diwygio fel a ganlyn.

61 Yn adran 1A(2)–

(a) ym mharagraff (a), ar ôl “(see section 1(5) of that Act)” mewnosoder “or the Historic Environment (Wales) Act 2023 (see section 76 of that Act)”;

*Highways Act 1980 (c. 66)*

53 The Highways Act 1980 is amended as follows.

54 In section 79(15) –

(a) in paragraph (a), after “local highway authority” insert “in England”;

(b) after that paragraph insert –

“(aa) authorises the service by a local highway authority in Wales of a notice under this section with respect to any wall forming part of a monument of special historic interest (within the meaning of Part 2 of the Historic Environment (Wales) Act 2023) or other object of archaeological interest, except with the consent of the Welsh Ministers; or”

55 In section 105ZA(1), in paragraph (g) of the definition of “sensitive area”, after “the Ancient Monuments and Archaeological Areas Act 1979” insert “or the Historic Environment (Wales) Act 2023”.

*New Towns Act 1981 (c. 64)*

56 In section 8 of the New Towns Act 1981, at the end insert “or under section 76 of the Historic Environment (Wales) Act 2023 (which makes similar provision for Wales)”.

*Acquisition of Land Act 1981 (c. 67)*

57 In section 31(1)(a) of the Acquisition of Land Act 1981, after “Planning (Listed Buildings and Conservation Areas) Act 1990” insert “or Part 3 of the Historic Environment (Wales) Act 2023”.

*National Heritage Act 1983 (c. 47)*

58 In Schedule 4 to the National Heritage Act 1983 –

(a) omit paragraph 4;

(b) omit paragraph 8;

(c) omit paragraph 31.

*Inheritance Tax Act 1984 (c. 51)*

59 In section 230(3)(c) of the Inheritance Tax Act 1984, after “the Ancient Monuments and Archaeological Areas Act 1979” insert “, or of which the Welsh Ministers are guardians under Part 2 of the Historic Environment (Wales) Act 2023”.

*Building Act 1984 (c. 55)*

60 The Building Act 1984 is amended as follows.

61 In section 1A(2) –

(a) in paragraph (a), after “(see section 1(5) of that Act)” insert “or the Historic Environment (Wales) Act 2023 (see section 76 of that Act)”;

(b) ym mharagraff (b), yn lle “that Act” rhodder “the Planning (Listed Buildings and Conservation Areas) Act 1990 or under section 158 of the Historic Environment (Wales) Act 2023”.

62 Yn adran 20(1), ar ôl “the Planning (Listed Buildings and Conservation Areas) Act 1990” mewnosoder “, Part 3 of the Historic Environment (Wales) Act 2023”.

63 Yn adran 77(3), ar ôl “subject to” mewnosoder “section 79A and to”.

64 Yn adran 79(5), ar ôl “subject to” mewnosoder “section 79A and to”.

65 Ar ôl adran 79 mewnosoder –

**“79A Wales: exercise of powers under sections 77 and 79 in relation to listed buildings, buildings in conservation areas etc.**

(1) Before taking any steps mentioned in subsection (3) in relation to a listed building, a local authority in Wales must –

(a) if it is the planning authority for the area in which the building is situated, consider whether it should instead exercise its powers under sections 137 and 138 of the Historic Environment (Wales) Act 2023 (compulsory acquisition and repairs notices), and

(b) in any case, consider whether it should instead exercise its powers under section 144 of that Act (urgent preservation works).

(2) Before taking any steps mentioned in subsection (3) in relation to –

(a) a building in relation to which interim protection or temporary listing has effect under Chapter 1 of Part 3 of the Historic Environment (Wales) Act 2023, or

(b) a building that is subject to a direction under section 164 of that Act (urgent works to preserve buildings in conservation areas),

a local authority in Wales must consider whether it should instead exercise its powers under section 144 of that Act.

(3) The steps referred to in subsections (1) and (2) are steps with a view to –

(a) obtaining an order under section 77(1)(a), or

(b) serving a notice under section 79(1).

(4) In subsection (1), “listed building” and “planning authority” have the same meanings as in the Historic Environment (Wales) Act 2023.”

*Deddf Tai 1985 (p. 68)*

66 Mae Deddf Tai 1985 wedi ei diwygio fel a ganlyn.

67 Yn adran 303, ar ôl “section 1 of the Planning (Listed Buildings and Conservation Areas) Act 1990” mewnosoder “or section 76 of the Historic Environment (Wales) Act 2023”.

68 Yn adran 305 –

(b) in paragraph (b), for “that Act” substitute “the Planning (Listed Buildings and Conservation Areas) Act 1990 or under section 158 of the Historic Environment (Wales) Act 2023”.

62 In section 20(1), after “the Planning (Listed Buildings and Conservation Areas) Act 1990” insert “, Part 3 of the Historic Environment (Wales) Act 2023”.

63 In section 77(3), after “subject to” insert “section 79A and to”.

64 In section 79(5), after “subject to” insert “section 79A and to”.

65 After section 79 insert—

**“79A Wales: exercise of powers under sections 77 and 79 in relation to listed buildings, buildings in conservation areas etc.**

(1) Before taking any steps mentioned in subsection (3) in relation to a listed building, a local authority in Wales must—

(a) if it is the planning authority for the area in which the building is situated, consider whether it should instead exercise its powers under sections 137 and 138 of the Historic Environment (Wales) Act 2023 (compulsory acquisition and repairs notices), and

(b) in any case, consider whether it should instead exercise its powers under section 144 of that Act (urgent preservation works).

(2) Before taking any steps mentioned in subsection (3) in relation to—

(a) a building in relation to which interim protection or temporary listing has effect under Chapter 1 of Part 3 of the Historic Environment (Wales) Act 2023, or

(b) a building that is subject to a direction under section 164 of that Act (urgent works to preserve buildings in conservation areas),

a local authority in Wales must consider whether it should instead exercise its powers under section 144 of that Act.

(3) The steps referred to in subsections (1) and (2) are steps with a view to—

(a) obtaining an order under section 77(1)(a), or

(b) serving a notice under section 79(1).

(4) In subsection (1), “listed building” and “planning authority” have the same meanings as in the Historic Environment (Wales) Act 2023.”

*Housing Act 1985 (c. 68)*

66 The Housing Act 1985 is amended as follows.

67 In section 303, after “section 1 of the Planning (Listed Buildings and Conservation Areas) Act 1990” insert “or section 76 of the Historic Environment (Wales) Act 2023”.

68 In section 305—

- (a) yn is-adran (1), ar ôl “Where a building” mewnosoder “in England”;
- (b) ar ôl is-adran (1) mewnosoder –
  - “(1A) Where a building in Wales to which a compulsory purchase order under section 290 applies becomes a listed building at any time after the making of the order, the authority making the order may, within the period of three months beginning with the date on which the building becomes a listed building, apply to the Welsh Ministers (and only to them) for their consent under section 89 of the Historic Environment (Wales) Act 2023 to the demolition of the building.”;
- (c) yn is-adran (2), ar ôl “Secretary of State gives” mewnosoder “, or (as the case may be) the Welsh Ministers give,”.

69 Yn adran 306 –

- (a) yn is-adran (1), ar ôl “applies to a building” mewnosoder “in England”;
- (b) ar ôl is-adran (1) mewnosoder –
  - “(1A) Where section 291 applies to a building in Wales purchased by the local housing authority by agreement and the building becomes a listed building, the authority may, within the period of three months beginning with the date on which the building becomes a listed building, apply to the Welsh Ministers (and only to them) for their consent under section 89 of the Historic Environment (Wales) Act 2023 to the demolition of the building.”

*Deddf Gwarchod Olion Milwrol 1986 (p. 35)*

70 Yn adran 9(1) o Ddeddf Gwarchod Olion Milwrol 1986, yn y diffiniad o “Crown land”, ar ôl “the Ancient Monuments and Archaeological Areas Act 1979” mewnosoder “except that in relation to land in Wales, it has the meaning given in section 207 of the Historic Environment (Wales) Act 2023”.

*Deddf Cynllunio Gwlad a Thref 1990 (p. 8)*

- 71 Mae Deddf Cynllunio Gwlad a Thref 1990 wedi ei diwygio fel a ganlyn.
- 72 Yn adran 70(3), fel y mae’n cael effaith cyn y daw adran 5(8) o Ddeddf Tai a Chynllunio 2016 (p. 22) i rym, ar ôl “Planning (Listed Buildings and Conservation Areas) Act 1990” mewnosoder “, to section 160 of the Historic Environment (Wales) Act 2023”.
- 73 Yn adran 108(3F), ar y diwedd mewnosoder “or the Historic Environment (Wales) Act 2023”.
- 74 Yn adran 137 –
  - (a) yn is-adran (6) –
    - (i) yn y geiriau o flaen paragraff (a), ar ôl “section 48 of the Planning (Listed Buildings and Conservation Areas) Act 1990” mewnosoder “or section 138 of the Historic Environment (Wales) Act 2023”;

- (a) in subsection (1), after “Where a building” insert “in England”;
- (b) after subsection (1) insert –
  - “(1A) Where a building in Wales to which a compulsory purchase order under section 290 applies becomes a listed building at any time after the making of the order, the authority making the order may, within the period of three months beginning with the date on which the building becomes a listed building, apply to the Welsh Ministers (and only to them) for their consent under section 89 of the Historic Environment (Wales) Act 2023 to the demolition of the building.”;
- (c) in subsection (2), after “Secretary of State gives” insert “, or (as the case may be) the Welsh Ministers give,”.

69 In section 306 –

- (a) in subsection (1), after “applies to a building” insert “in England”;
- (b) after subsection (1) insert –
  - “(1A) Where section 291 applies to a building in Wales purchased by the local housing authority by agreement and the building becomes a listed building, the authority may, within the period of three months beginning with the date on which the building becomes a listed building, apply to the Welsh Ministers (and only to them) for their consent under section 89 of the Historic Environment (Wales) Act 2023 to the demolition of the building.”

*Protection of Military Remains Act 1986 (c. 35)*

70 In section 9(1) of the Protection of Military Remains Act 1986, in the definition of “Crown land”, after “the Ancient Monuments and Archaeological Areas Act 1979” insert “except that in relation to land in Wales, it has the meaning given in section 207 of the Historic Environment (Wales) Act 2023”.

*Town and Country Planning Act 1990 (c. 8)*

71 The Town and Country Planning Act 1990 is amended as follows.

72 In section 70(3), as it has effect before section 5(8) of the Housing and Planning Act 2016 (c. 22) comes into force, after “Planning (Listed Buildings and Conservation Areas) Act 1990” insert “, to section 160 of the Historic Environment (Wales) Act 2023”.

73 In section 108(3F), at the end insert “or the Historic Environment (Wales) Act 2023”.

74 In section 137 –

- (a) in subsection (6) –
  - (i) in the words before paragraph (a), after “section 48 of the Planning (Listed Buildings and Conservation Areas) Act 1990” insert “or section 138 of the Historic Environment (Wales) Act 2023”;

- (ii) ym mharagraff (b), yn lle “that Act” rhodder “the Planning (Listed Buildings and Conservation Areas) Act 1990 or section 137 of the Historic Environment (Wales) Act 2023”;
- (b) yn is-adran (7)(b)(i) –
  - (i) ar ôl “Secretary of State” mewnosoder “or the Welsh Ministers”;
  - (ii) ar ôl “he decides” mewnosoder “or they decide”.
- 75 Yn adran 143(4), ar ôl “Planning (Listed Buildings and Conservation Areas) Act 1990” mewnosoder “or section 100 or 127 of the Historic Environment (Wales) Act 2023”.
- 76 Yn adran 157(1)(b) –
  - (a) ar ôl “section 47 of the Planning (Listed Buildings and Conservation Areas) Act 1990” mewnosoder “or section 137 of the Historic Environment (Wales) Act 2023”;
  - (b) ar ôl “section 50 of that Act of 1990” mewnosoder “or section 140 of that Act of 2023”.
- 77 Yn adran 232(1), ar ôl “Chapter V of Part 1 of the Planning (Listed Buildings and Conservation Areas) Act 1990” mewnosoder “or Chapter 5 of Part 3 of the Historic Environment (Wales) Act 2023”.
- 78 Yn adran 235(6), yn y diffiniad o “alternative enactment”, ar ôl “Chapter V of Part 1 of the Planning (Listed Buildings and Conservation Areas) Act 1990” mewnosoder “or Chapter 5 of Part 3 of the Historic Environment (Wales) Act 2023”.
- 79 Yn adran 240(3), yn y diffiniad o “relevant acquisition or appropriation”, ar ôl “Chapter V of Part 1 of the Planning (Listed Buildings and Conservation Areas) Act 1990” mewnosoder “or Chapter 5 of Part 3 of the Historic Environment (Wales) Act 2023”.
- 80 Yn adran 241(1), ar ôl “Chapter V of Part 1 of the Planning (Listed Buildings and Conservation Areas) Act 1990” mewnosoder “or Chapter 5 of Part 3 of the Historic Environment (Wales) Act 2023”.
- 81 Yn adran 243(3)(b), ar ôl “Chapter V of Part 1 of the Planning (Listed Buildings and Conservation Areas) Act 1990” mewnosoder “or Chapter 5 of Part 3 of the Historic Environment (Wales) Act 2023”.
- 82 Yn adran 246(1)(a), ar ôl “section 52 of the Planning (Listed Buildings and Conservation Areas) Act 1990” mewnosoder “or section 136 of the Historic Environment (Wales) Act 2023”.
- 83 Yn adran 271(1), ar ôl “Chapter V of Part 1 of the Planning (Listed Buildings and Conservation Areas) Act 1990” mewnosoder “or Chapter 5 of Part 3 of the Historic Environment (Wales) Act 2023”.
- 84 Yn adran 272(1), ar ôl “Chapter V of Part 1 of the Planning (Listed Buildings and Conservation Areas) Act 1990” mewnosoder “or Chapter 5 of Part 3 of the Historic Environment (Wales) Act 2023”.
- 85 Yn adran 275 –
  - (a) yn is-adran (1)(a), ar ôl “Chapter V of Part 1 of the Planning (Listed Buildings and Conservation Areas) Act 1990” mewnosoder “or Chapter 5 of Part 3 of the Historic Environment (Wales) Act 2023”;
  - (b) yn is-adran (2)(a), yn lle “that Chapter” rhodder “either of those Chapters”;



- (ii) in paragraph (b), for “that Act” substitute “the Planning (Listed Buildings and Conservation Areas) Act 1990 or section 137 of the Historic Environment (Wales) Act 2023”;
- (b) in subsection (7)(b)(i) –
  - (i) after “Secretary of State” insert “or the Welsh Ministers”;
  - (ii) after “he decides” insert “or they decide”.
- 75 In section 143(4), after “Planning (Listed Buildings and Conservation Areas) Act 1990” insert “or section 100 or 127 of the Historic Environment (Wales) Act 2023”.
- 76 In section 157(1)(b) –
  - (a) after “section 47 of the Planning (Listed Buildings and Conservation Areas) Act 1990” insert “or section 137 of the Historic Environment (Wales) Act 2023”;
  - (b) after “section 50 of that Act of 1990” insert “or section 140 of that Act of 2023”.
- 77 In section 232(1), after “Chapter V of Part 1 of the Planning (Listed Buildings and Conservation Areas) Act 1990” insert “or Chapter 5 of Part 3 of the Historic Environment (Wales) Act 2023”.
- 78 In section 235(6), in the definition of “alternative enactment”, after “Chapter V of Part 1 of the Planning (Listed Buildings and Conservation Areas) Act 1990” insert “or Chapter 5 of Part 3 of the Historic Environment (Wales) Act 2023”.
- 79 In section 240(3), in the definition of “relevant acquisition or appropriation”, after “Chapter V of Part 1 of the Planning (Listed Buildings and Conservation Areas) Act 1990” insert “or Chapter 5 of Part 3 of the Historic Environment (Wales) Act 2023”.
- 80 In section 241(1), after “Chapter V of Part 1 of the Planning (Listed Buildings and Conservation Areas) Act 1990” insert “or Chapter 5 of Part 3 of the Historic Environment (Wales) Act 2023”.
- 81 In section 243(3)(b), after “Chapter V of Part 1 of the Planning (Listed Buildings and Conservation Areas) Act 1990” insert “or Chapter 5 of Part 3 of the Historic Environment (Wales) Act 2023”.
- 82 In section 246(1)(a), after “section 52 of the Planning (Listed Buildings and Conservation Areas) Act 1990” insert “or section 136 of the Historic Environment (Wales) Act 2023”.
- 83 In section 271(1), after “Chapter V of Part 1 of the Planning (Listed Buildings and Conservation Areas) Act 1990” insert “or Chapter 5 of Part 3 of the Historic Environment (Wales) Act 2023”.
- 84 In section 272(1), after “Chapter V of Part 1 of the Planning (Listed Buildings and Conservation Areas) Act 1990” insert “or Chapter 5 of Part 3 of the Historic Environment (Wales) Act 2023”.
- 85 In section 275 –
  - (a) in subsection (1)(a), after “Chapter V of Part 1 of the Planning (Listed Buildings and Conservation Areas) Act 1990” insert “or Chapter 5 of Part 3 of the Historic Environment (Wales) Act 2023”;
  - (b) in subsection (2)(a), for “that Chapter” substitute “either of those Chapters”;

(c) yn is-adran (3), ar ôl “Chapter V of Part 1 of the Planning (Listed Buildings and Conservation Areas) Act 1990” mewnosoder “or Chapter 5 of Part 3 of the Historic Environment (Wales) Act 2023”.

86 Yn adran 277(2)(a), ar ôl “Chapter V of Part 1 of the Planning (Listed Buildings and Conservation Areas) Act 1990” mewnosoder “or Chapter 5 of Part 3 of the Historic Environment (Wales) Act 2023”.

87 Yn adran 303, ar ôl is-adran (1) mewnosoder –

“(1ZZA) References in subsection (1) to functions of a local planning authority do not, in the case of a local planning authority in Wales, include functions under the Historic Environment (Wales) Act 2023 (as to which, see section 167 of that Act).”

88 Yn adran 303ZA(5)(b), sydd wedi ei mewnosod gan adran 200 o Ddeddf Cynllunio 2008 (p. 29), ar ôl “the Welsh Ministers” mewnosoder “in relation to appeals under any provision made by or under this Act as it applies”.

89 Yn adran 306(1)(a), ar ôl “Chapter V of Part 1 of the Planning (Listed Buildings and Conservation Areas) Act 1990” mewnosoder “or Chapter 5 of Part 3 of the Historic Environment (Wales) Act 2023”.

90 O flaen adran 315 (ond ar ôl y pennawd italig o flaen yr adran honno) mewnosoder –

**“314A Wales: duties relating to listed buildings and features of architectural or historic interest**

- (1) In considering whether to grant planning permission for development which affects a listed building or its setting, the Welsh Ministers or a local planning authority in Wales must have special regard to the desirability of preserving –
  - (a) the listed building,
  - (b) the setting of the building, or
  - (c) any features of special architectural or historic interest the building possesses.
- (2) In exercising the powers conferred by sections 232, 233 and 235(1) (appropriation, disposal and development of land held for planning purposes), a relevant local authority must have regard to the desirability of preserving features of special architectural or historic interest, and in particular listed buildings.
- (3) In subsection (2), “relevant local authority” means –
  - (a) a county council or county borough council in Wales;
  - (b) a National Park authority in Wales;
  - (c) a joint planning board constituted under section 2(1B).
- (4) In this section, “listed building” means –
  - (a) a listed building (within the meaning given by section 76 of the Historic Environment (Wales) Act 2023) situated in Wales, or

- (c) in subsection (3), after “Chapter V of Part 1 of the Planning (Listed Buildings and Conservation Areas) Act 1990” insert “or Chapter 5 of Part 3 of the Historic Environment (Wales) Act 2023”.
- 86 In section 277(2)(a), after “Chapter V of Part 1 of the Planning (Listed Buildings and Conservation Areas) Act 1990” insert “or Chapter 5 of Part 3 of the Historic Environment (Wales) Act 2023”.
- 87 In section 303, after subsection (1) insert –
- “(1ZZA) References in subsection (1) to functions of a local planning authority do not, in the case of a local planning authority in Wales, include functions under the Historic Environment (Wales) Act 2023 (as to which, see section 167 of that Act).”
- 88 In section 303ZA(5)(b), which is inserted by section 200 of the Planning Act 2008 (c. 29), after “the Welsh Ministers” insert “in relation to appeals under any provision made by or under this Act as it applies”.
- 89 In section 306(1)(a), after “Chapter V of Part 1 of the Planning (Listed Buildings and Conservation Areas) Act 1990” insert “or Chapter 5 of Part 3 of the Historic Environment (Wales) Act 2023”.
- 90 Before section 315 (but after the italic heading before that section) insert –

**“314A Wales: duties relating to listed buildings and features of architectural or historic interest**

- (1) In considering whether to grant planning permission for development which affects a listed building or its setting, the Welsh Ministers or a local planning authority in Wales must have special regard to the desirability of preserving –
- (a) the listed building,
  - (b) the setting of the building, or
  - (c) any features of special architectural or historic interest the building possesses.
- (2) In exercising the powers conferred by sections 232, 233 and 235(1) (appropriation, disposal and development of land held for planning purposes), a relevant local authority must have regard to the desirability of preserving features of special architectural or historic interest, and in particular listed buildings.
- (3) In subsection (2), “relevant local authority” means –
- (a) a county council or county borough council in Wales;
  - (b) a National Park authority in Wales;
  - (c) a joint planning board constituted under section 2(1B).
- (4) In this section, “listed building” means –
- (a) a listed building (within the meaning given by section 76 of the Historic Environment (Wales) Act 2023) situated in Wales, or

- (b) a listed building (within the meaning given by section 1 of the Planning (Listed Buildings and Conservation Areas) Act 1990) situated in England."

91 Yn adran 336(1) –

- (a) yn y diffiniad o "conservation area", ar ôl "section 69 of the Planning (Listed Buildings and Conservation Areas) Act 1990" mewnosoder "or section 158 of the Historic Environment (Wales) Act 2023";
- (b) yn y diffiniad o "the planning Acts", ar ôl "Planning (Listed Buildings and Conservation Areas) Act 1990," mewnosoder "Parts 3 to 5 of the Historic Environment (Wales) Act 2023 (and Part 7 of that Act as it applies for the purposes of those Parts)".

92 Yn Atodlen 4B, ym mharagraff 8(5), yn lle "has the same meaning as in the Planning (Listed Buildings and Conservation Areas) Act 1990" rhodder –

"means –

- (a) a listed building (within the meaning given by section 1 of the Planning (Listed Buildings and Conservation Areas) Act 1990) situated in England, or
- (b) a listed building (within the meaning given by section 76 of the Historic Environment (Wales) Act 2023) situated in Wales."

*Deddf Cynllunio (Adeiladau Rhestredig ac Ardaloedd Cadwraeth) 1990 (p. 9)*

93 Mae Deddf Cynllunio (Adeiladau Rhestredig ac Ardaloedd Cadwraeth) 1990 wedi ei diwygio fel a ganlyn.

94 Yn adran 1 –

- (a) yn is-adran (1), ar ôl "buildings of special architectural or historic interest" mewnosoder "in England";
- (b) hepgorer is-adran (2);
- (c) yn is-adran (4), hepgorer "in relation to buildings which are situated in England";
- (d) hepgorer is-adran (4A);
- (e) yn is-adran (5A), hepgorer "situated in England".

95 Yn adran 2 –

- (a) yn is-adran (1) –
  - (i) yn y geiriau o flaen paragraff (a), hepgorer ", Welsh county, county borough,";
  - (ii) ar ôl paragraff (a), mewnosoder "and";
  - (iii) hepgorer paragraff (c) a'r "and" o'i flaen;
- (b) yn is-adran (3), yn y geiriau o flaen paragraff (a) –
  - (i) hepgorer "situated in England";
  - (ii) yn lle "any such building" rhodder "any building";
- (c) hepgorer is-adrannau (3A) a (3B).

- (b) a listed building (within the meaning given by section 1 of the Planning (Listed Buildings and Conservation Areas) Act 1990) situated in England.”

91 In section 336(1) –

- (a) in the definition of “conservation area”, after “section 69 of the Planning (Listed Buildings and Conservation Areas) Act 1990” insert “or section 158 of the Historic Environment (Wales) Act 2023”;
- (b) in the definition of “the planning Acts”, after “Planning (Listed Buildings and Conservation Areas) Act 1990,” insert “Parts 3 to 5 of the Historic Environment (Wales) Act 2023 (and Part 7 of that Act as it applies for the purposes of those Parts)”.

92 In Schedule 4B, in paragraph 8(5), for “has the same meaning as in the Planning (Listed Buildings and Conservation Areas) Act 1990” substitute –

“means –

- (a) a listed building (within the meaning given by section 1 of the Planning (Listed Buildings and Conservation Areas) Act 1990) situated in England, or
- (b) a listed building (within the meaning given by section 76 of the Historic Environment (Wales) Act 2023) situated in Wales.”

*Planning (Listed Buildings and Conservation Areas) Act 1990 (c. 9)*

93 The Planning (Listed Buildings and Conservation Areas) Act 1990 is amended as follows.

94 In section 1 –

- (a) in subsection (1), after “buildings of special architectural or historic interest” insert “in England”;
- (b) omit subsection (2);
- (c) in subsection (4), omit “in relation to buildings which are situated in England”;
- (d) omit subsection (4A);
- (e) in subsection (5A), omit “situated in England”.

95 In section 2 –

- (a) in subsection (1) –
  - (i) in the words before paragraph (a), omit “, Welsh county, county borough,”;
  - (ii) after paragraph (a), insert “and”;
  - (iii) omit paragraph (c) and the “and” before it;
- (b) in subsection (3), in the words before paragraph (a) –
  - (i) omit “situated in England”;
  - (ii) for “any such building” substitute “any building”;
- (c) omit subsections (3A) and (3B).

- 96 Hepgorer adrannau 2A i 2D.
- 97 Yn adran 3—
- (a) yn y pennawd, hepgorer “in England”;
  - (b) yn is-adran (1), yn lle “If it appears to a local planning authority in England who are not a county planning authority” rhodder “If it appears to a local planning authority, other than a county planning authority,”;
  - (c) yn is-adrannau (2), (3), (4), (5) a (6), hepgorer “under this section”.
- 98 Hepgorer adran 3A.
- 99 Yn adran 4(2), yn lle “sections 3 and 3A,” rhodder “section 3,”.
- 100 Yn adran 5—
- (a) ar ddechrau is-adran (1), hepgorer “(1)”;
  - (b) hepgorer is-adran (2).
- 101 Yn adran 6—
- (a) yn y pennawd, hepgorer “: England”;
  - (b) yn is-adran (A1), hepgorer “situated in England”.
- 102 Hepgorer adran 6A.
- 103 Yn adran 8—
- (a) yn is-adran (4)—
    - (i) ym mharagraff (a), hepgorer “in relation to England,”;
    - (ii) hepgorer paragraff (b);
  - (b) yn is-adran (6), hepgorer paragraff (b) a’r “and” o’i flaen.
- 104 Yn adran 9, hepgorer is-adran (3A).
- 105 Yn adran 12, hepgorer is-adran (4B).
- 106 Yn adran 15(3), hepgorer “in England”.
- 107 Yn adran 20—
- (a) yn is-adran (4), hepgorer “in relation to England”;
  - (b) hepgorer is-adran (5).
- 108 Yn adran 21—
- (a) yn is-adran (4), hepgorer “interim protection has effect or”;
  - (b) hepgorer is-adrannau (4A) a (4B);
  - (c) hepgorer is-adran (9).
- 109 Yn adran 22—
- (a) hepgorer is-adran (2B);
  - (b) yn is-adran (3), yn lle “an appeal under section 20” rhodder “the appeal”.
- 110 Yn adran 26A(1), hepgorer “, situated in England”.
- 111 Yn adran 26C(1), hepgorer “in England”.

- 96 Omit sections 2A to 2D.
- 97 In section 3 –
- (a) in the heading, omit “in England”;
  - (b) in subsection (1), for “If it appears to a local planning authority in England who are not a county planning authority” substitute “If it appears to a local planning authority, other than a county planning authority,”;
  - (c) in subsections (2), (3), (4), (5) and (6), omit “under this section”.
- 98 Omit section 3A.
- 99 In section 4(2), for “sections 3 and 3A,” substitute “section 3,”.
- 100 In section 5 –
- (a) at the beginning of subsection (1), omit “(1)”;
  - (b) omit subsection (2).
- 101 In section 6 –
- (a) in the heading, omit “: England”;
  - (b) in subsection (A1), omit “situated in England”.
- 102 Omit section 6A.
- 103 In section 8 –
- (a) in subsection (4) –
    - (i) in paragraph (a), omit “in relation to England,”;
    - (ii) omit paragraph (b);
  - (b) in subsection (6), omit paragraph (b) and the “and” before it.
- 104 In section 9, omit subsection (3A).
- 105 In section 12, omit subsection (4B).
- 106 In section 15(3), omit “in England”.
- 107 In section 20 –
- (a) in subsection (4), omit “in relation to England”;
  - (b) omit subsection (5).
- 108 In section 21 –
- (a) in subsection (4), omit “interim protection has effect or”;
  - (b) omit subsections (4A) and (4B);
  - (c) omit subsection (9).
- 109 In section 22 –
- (a) omit subsection (2B);
  - (b) in subsection (3), for “an appeal under section 20” substitute “the appeal”.
- 110 In section 26A(1), omit “, situated in England”.
- 111 In section 26C(1), omit “in England”.

- 112 Yn adran 26D(1), hepgorer “for any area in England”.
- 113 Yn adran 26H(1), hepgorer “in England”.
- 114 Hepgorer adrannau 26L a 26M a’r pennawd italg o flaen adran 26L.
- 115 Hepgorer adran 28B.
- 116 Yn adran 29—
- (a) yn is-adran (1), hepgorer “in respect of a building situated in England”;
  - (b) hepgorer is-adran (1A).
- 117 Yn adran 31(2), yn lle “28, 28B, 29 and 44D” rhodder “28 and 29”.
- 118 Yn adran 32(1), yn y geiriau ar ôl paragraff (b), hepgorer “, Welsh county, county borough,”.
- 119 Yn adran 34(2)—
- (a) ym mharagraff (c), hepgorer “in England”;
  - (b) hepgorer paragraff (cc).
- 120 Yn adran 40, hepgorer is-adran (2B).
- 121 Yn adran 41—
- (a) yn is-adran (4)—
    - (i) hepgorer “section 40(2) would otherwise apply and”;
    - (ii) hepgorer “of this section”;
  - (b) yn is-adran (8), hepgorer “in England”.
- 122 Yn adran 44A(4), hepgorer “, as respects England,”.
- 123 Hepgorer adrannau 44B i 44D.
- 124 Yn adran 46—
- (a) yn is-adran (2)(b), hepgorer “if the land is situated in England,”;
  - (b) yn is-adran (5), hepgorer “in England”.
- 125 Yn adran 47—
- (a) yn is-adran (3)(a), hepgorer “situated in England”;
  - (b) yn is-adran (7), yn y diffiniad o “the appropriate authority,” ym mharagraff (a), hepgorer “, county borough”.
- 126 Yn adran 48(4), hepgorer “situated in England”.
- 127 Yn adran 49—
- (a) yn y pennawd, ar ôl “listed building” mewnosoder “in England or Wales”;
  - (b) daw’r ddarpariaeth bresennol yn is-adran (1);
  - (c) ar ôl yr is-adran honno mewnosoder—
    - “(2) In subsection (1)—
      - (a) the reference to a building which was listed includes a building in Wales which was included in the list maintained under section 76 of the Historic Environment (Wales) Act 2023;



- 112 In section 26D(1), omit “for any area in England”.
- 113 In section 26H(1), omit “in England”.
- 114 Omit sections 26L and 26M and the italic heading before section 26L.
- 115 Omit section 28B.
- 116 In section 29 –
- (a) in subsection (1), omit “in respect of a building situated in England”;
  - (b) omit subsection (1A).
- 117 In section 31(2), for “28, 28B, 29 and 44D” substitute “28 and 29”.
- 118 In section 32(1), in the words after paragraph (b), omit “, Welsh county, county borough,”.
- 119 In section 34(2) –
- (a) in paragraph (c), omit “in England”;
  - (b) omit paragraph (cc).
- 120 In section 40, omit subsection (2B).
- 121 In section 41 –
- (a) in subsection (4) –
    - (i) omit “section 40(2) would otherwise apply and”;
    - (ii) omit “of this section”;
  - (b) in subsection (8), omit “in England”.
- 122 In section 44A(4), omit “, as respects England,”.
- 123 Omit sections 44B to 44D.
- 124 In section 46 –
- (a) in subsection (2)(b), omit “if the land is situated in England,”;
  - (b) in subsection (5), omit “in England”.
- 125 In section 47 –
- (a) in subsection (3)(a), omit “situated in England”;
  - (b) in subsection (7), in the definition of “the appropriate authority,” in paragraph (a), omit “, county borough”.
- 126 In section 48(4), omit “situated in England”.
- 127 In section 49 –
- (a) in the heading, after “listed building” insert “in England or Wales”;
  - (b) the existing provision becomes subsection (1);
  - (c) after that subsection insert –
    - “(2) In subsection (1) –
      - (a) the reference to a building which was listed includes a building in Wales which was included in the list maintained under section 76 of the Historic Environment (Wales) Act 2023;

- (b) in relation to such a building –
- (i) the reference to section 50 of this Act is to be read as a reference to section 140 of that Act;
  - (ii) the reference to listed building consent is a reference to consent under section 89 of that Act.”
- 128 Yn adran 52(1) –
- (a) yn y geiriau o flaen paragraff (a) –
    - (i) yn lle “, county borough,” rhodder “in England,”;
    - (ii) ar ôl “joint planning board for an area” mewnosoder “in England”;
  - (b) ym mharagraff (a), ar ôl “building” mewnosoder “situated wholly or mainly in England”.
- 129 Yn adran 53(3), hepgorer “if they relate to property situated in England”.
- 130 Yn adran 54 –
- (a) yn is-adran (2) –
    - (i) ym mharagraff (a), hepgorer “if the building is in England”;
    - (ii) hepgorer paragraff (b);
  - (b) yn is-adran (4), hepgorer “, in the case of a building in England,”;
  - (c) hepgorer is-adran (4A);
  - (d) hepgorer is-adran (5A);
  - (e) yn is-adran (6), hepgorer “or (5A)”.
- 131 Yn adran 55, hepgorer is-adrannau (5A) i (5G).
- 132 Yn adran 57(7) –
- (a) ym mharagraff (a), yn lle “, county borough,” rhodder “in England,”;
  - (b) ym mharagraff (b), ar ôl “principal Act” mewnosoder “for an area in England”.
- 133 Yn adran 60(2), hepgorer “, 3A”.
- 134 Yn adran 61(2), yn lle “sections 2B, 3, 3A,” rhodder “sections 3,”.
- 135 Yn adran 62(2), hepgorer paragraff (za).
- 136 Yn adran 66, ar ôl is-adran (4) mewnosoder –
- “(5) In this section, “listed building” includes a listed building (within the meaning given by section 76 of the Historic Environment (Wales) Act 2023) situated in Wales.”
- 137 Yn adran 70 –
- (a) yn is-adran (5)(b), hepgorer “it affects an area in England and”;
  - (b) yn is-adran (6)(b), hepgorer “if it affects an area in England,”.
- 138 Yn adran 74 –
- (a) hepgorer is-adrannau (1), (1A) a (2);
  - (b) yn is-adran (2A), hepgorer “in England”;

- (b) in relation to such a building –
    - (i) the reference to section 50 of this Act is to be read as a reference to section 140 of that Act;
    - (ii) the reference to listed building consent is a reference to consent under section 89 of that Act.”
- 128 In section 52(1) –
  - (a) in the words before paragraph (a) –
    - (i) for “, county borough,” substitute “in England,”;
    - (ii) after “joint planning board for an area” insert “in England”;
  - (b) in paragraph (a), after “building” insert “situated wholly or mainly in England”.
- 129 In section 53(3), omit “if they relate to property situated in England”.
- 130 In section 54 –
  - (a) in subsection (2) –
    - (i) in paragraph (a), omit “if the building is in England”;
    - (ii) omit paragraph (b);
  - (b) in subsection (4), omit “, in the case of a building in England,”;
  - (c) omit subsection (4A);
  - (d) omit subsection (5A);
  - (e) in subsection (6), omit “or (5A)”.
- 131 In section 55, omit subsections (5A) to (5G).
- 132 In section 57(7) –
  - (a) in paragraph (a), for “, county borough,” substitute “in England,”;
  - (b) in paragraph (b), after “principal Act” insert “for an area in England”.
- 133 In section 60(2), omit “, 3A”.
- 134 In section 61(2), for “sections 2B, 3, 3A,” substitute “sections 3,”.
- 135 In section 62(2), omit paragraph (za).
- 136 In section 66, after subsection (4) insert –
  - “(5) In this section, “listed building” includes a listed building (within the meaning given by section 76 of the Historic Environment (Wales) Act 2023) situated in Wales.”
- 137 In section 70 –
  - (a) in subsection (5)(b), omit “it affects an area in England and”;
  - (b) in subsection (6)(b), omit “if it affects an area in England,”.
- 138 In section 74 –
  - (a) omit subsections (1), (1A) and (2);
  - (b) in subsection (2A), omit “in England”;

- (c) hepgorer is-adrannau (3) a (4).
- 139 Yn adran 75 –
- (a) hepgorer is-adran (6);
  - (b) hepgorer is-adran (10);
  - (c) yn is-adran (11), hepgorer “under section 9 or 43 or”.
- 140 Yn adran 76(2), hepgorer “in respect of a building in England”.
- 141 Yn adran 77 –
- (a) yn is-adran (1), hepgorer “situated in England”;
  - (b) hepgorer is-adran (2);
  - (c) yn is-adran (3), hepgorer “or (2)”;
  - (d) yn is-adran (4), hepgorer “or, as the case may be, the Secretary of State”;
  - (e) hepgorer is-adran (6).
- 142 Yn adran 79 –
- (a) yn is-adran (1), hepgorer “, or the Secretary of State and one or more local authorities in Wales,”;
  - (b) yn is-adran (3), hepgorer paragraff (aa).
- 143 Yn adran 80 –
- (a) yn is-adran (1)(b), hepgorer “in England”;
  - (b) hepgorer is-adran (2);
  - (c) yn is-adran (3), hepgorer “or, as the case may be, the Secretary of State” yn y ddau le;
  - (d) yn is-adran (5), hepgorer “or the Secretary of State”.
- 144 Yn adran 81, ar ôl ““local planning authority”” mewnosoder “means a local planning authority for an area in England and”.
- 145 Yn adran 82 –
- (a) yn is-adran (1) –
    - (i) hepgorer “, (2)”;
    - (ii) hepgorer “to 2D,”;
  - (b) yn is-adran (3) –
    - (i) hepgorer “2B, 2C,”;
    - (ii) hepgorer “28B,”;
    - (iii) hepgorer “, 1A”.
- 146 Yn adran 82A(2), hepgorer paragraff (fa).
- 147 Yn adran 86(2) –
- (a) ym mharagraff (a), hepgorer “if the property is situated in England, then”;
  - (b) ym mharagraff (b), hepgorer “in any case,”.
- 148 Yn adran 88 –

- (c) omit subsections (3) and (4).
- 139 In section 75 –
- (a) omit subsection (6);
  - (b) omit subsection (10);
  - (c) in subsection (11), omit “under section 9 or 43 or”.
- 140 In section 76(2), omit “in respect of a building in England”.
- 141 In section 77 –
- (a) in subsection (1), omit “situated in England”;
  - (b) omit subsection (2);
  - (c) in subsection (3), omit “or (2)”;
  - (d) in subsection (4), omit “or, as the case may be, the Secretary of State”;
  - (e) omit subsection (6).
- 142 In section 79 –
- (a) in subsection (1), omit “, or the Secretary of State and one or more local authorities in Wales,”;
  - (b) in subsection (3), omit paragraph (aa).
- 143 In section 80 –
- (a) in subsection (1)(b), omit “in England”;
  - (b) omit subsection (2);
  - (c) in subsection (3), omit “or, as the case may be, the Secretary of State” in both places;
  - (d) in subsection (5), omit “or the Secretary of State”.
- 144 In section 81, after ““local planning authority”” insert “means a local planning authority for an area in England and”.
- 145 In section 82 –
- (a) in subsection (1) –
    - (i) omit “, (2)”;
    - (ii) omit “to 2D,”;
  - (b) in subsection (3) –
    - (i) omit “2B, 2C,”;
    - (ii) omit “28B,”;
    - (iii) omit “, 1A”.
- 146 In section 82A(2), omit paragraph (fa).
- 147 In section 86(2) –
- (a) in paragraph (a), omit “if the property is situated in England, then”;
  - (b) in paragraph (b), omit “in any case,”.
- 148 In section 88 –

- (a) hepgorer is-adran (3A);
- (b) yn is-adran (4), yn lle “, 28B, 29 or 44D” rhodder “or 29”.
- 149 Yn adran 88B, hepgorer is-adran (1A).
- 150 Yn adran 88D –
- (a) yn y pennawd, hepgorer “: England”;
- (b) yn is-adran (7), ym mharagraffau (a), (b) ac (c), hepgorer “in England”.
- 151 Hepgorer adran 88E.
- 152 Yn adran 89 –
- (a) yn is-adran (1) –
- (i) hepgorer y cofnod ar gyfer adrannau 319ZA i 319ZD;
- (ii) yn y cofnod ar gyfer adran 322, hepgorer “: England”;
- (iii) hepgorer y cofnod ar gyfer adran 322C;
- (iv) yn y cofnod ar gyfer adran 323, hepgorer “: England”;
- (v) hepgorer y cofnod ar gyfer adran 323A;
- (b) yn is-adran (1A), hepgorer “In the case of a building situated in England,”.
- 153 Yn adran 90(5), ar ôl “council of a county” mewnosoder “in England”.
- 154 Yn adran 91 –
- (a) yn is-adran (1) –
- (i) yn y diffiniad o “building preservation notice”, yn lle “sections 3(1) and 3A(1)” rhodder “section 3(1);
- (ii) hepgorer y diffiniad o “interim protection”;
- (b) yn is-adran (2), yn y geiriau ar ôl y rhestr o ymadroddion, hepgorer “, 26L or 26M”.
- 155 Yn adran 93 –
- (a) yn is-adran (1), hepgorer “in relation to England and the Welsh Ministers may make regulations under this Act in relation to Wales”;
- (b) yn is-adran (3) –
- (i) hepgorer “, other than regulations under section 2A, 26M or 56A,”;
- (ii) hepgorer “(in the case of regulations made by the Secretary of State) or the National Assembly for Wales (in the case of regulations made by the Welsh Ministers)”;
- (c) hepgorer is-adran (3A);
- (d) yn is-adran (4) –
- (i) hepgorer “55(5B),”;
- (ii) hepgorer “, 88E”;
- (e) yn is-adran (5) –
- (i) hepgorer “55(5B),”;

- (a) omit subsection (3A);
  - (b) in subsection (4), for “, 28B, 29 or 44D” substitute “or 29”.
- 149 In section 88B, omit subsection (1A).
- 150 In section 88D –
- (a) in the heading, omit “: England”;
  - (b) in subsection (7), in paragraphs (a), (b) and (c), omit “in England”.
- 151 Omit section 88E.
- 152 In section 89 –
- (a) in subsection (1) –
    - (i) omit the entry for sections 319ZA to 319ZD;
    - (ii) in the entry for section 322, omit “: England”;
    - (iii) omit the entry for section 322C;
    - (iv) in the entry for section 323, omit “: England”;
    - (v) omit the entry for section 323A;
  - (b) in subsection (1A), omit “In the case of a building situated in England,”.
- 153 In section 90(5), after “council of a county” insert “in England”.
- 154 In section 91 –
- (a) in subsection (1) –
    - (i) in the definition of “building preservation notice”, for “sections 3(1) and 3A(1)” substitute “section 3(1);
    - (ii) omit the definition of “interim protection”;
  - (b) in subsection (2), in the words after the list of expressions, omit “, 26L or 26M”.
- 155 In section 93 –
- (a) in subsection (1), omit “in relation to England and the Welsh Ministers may make regulations under this Act in relation to Wales”;
  - (b) in subsection (3) –
    - (i) omit “, other than regulations under section 2A, 26M or 56A,”;
    - (ii) omit “(in the case of regulations made by the Secretary of State) or the National Assembly for Wales (in the case of regulations made by the Welsh Ministers)”;
  - (c) omit subsection (3A);
  - (d) in subsection (4) –
    - (i) omit “55(5B),”;
    - (ii) omit “, 88E”;
  - (e) in subsection (5) –
    - (i) omit “55(5B),”;

- (ii) hepgorer “(in the case of an order made by the Secretary of State) or the National Assembly for Wales (in the case of an order made by the Welsh Ministers)”;
- (f) yn is-adran (6), hepgorer “or (as the case may be) the Welsh Ministers”.
- 156 Yn Atodlen 1, ym mharagraff 2 –
- (a) yn is-baragraff (3), hepgorer “situated in England”;
- (b) hepgorer is-baragraff (4).
- 157 Hepgorer Atodlenni 1A ac 1B.
- 158 Yn Atodlen 2 –
- (a) ym mharagraff 1 –
- (i) ar ôl is-baragraff (a) mewnosoder “or”;
- (ii) hepgorer is-baragraffau (c) a (d);
- (b) ym mharagraff 2, yn lle “, 43 or 44C” rhodder “or 43”;
- (c) hepgorer paragraff 5.
- 159 Yn Atodlen 3 –
- (a) ym mharagraff 2 –
- (i) hepgorer is-baragraff (4B);
- (ii) hepgorer is-baragraff (10);
- (b) ym mharagraff 3 –
- (i) hepgorer is-baragraffau (4C) a (4D);
- (ii) yn is-baragraff (5), hepgorer “or (4D)”;
- (c) ym mharagraff 6 –
- (i) hepgorer is-baragraff (1B);
- (ii) yn is-baragraff (2)(a), hepgorer “or this paragraph”;
- (iii) yn is-baragraff (4), hepgorer “in England”;
- (iv) hepgorer is-baragraff (4A);
- (v) yn is-baragraff (5), yn lle “inquiry held by virtue of this paragraph” rhodder “such inquiry”;
- (vi) yn is-baragraff (8), hepgorer “in England”;
- (d) ym mharagraff 7, hepgorer is-baragraff (3);
- (e) hepgorer paragraff 8 a’r pennawd itilig o’i flaen.
- 160 Yn Atodlen 4 –
- (a) ym mharagraff 1 –
- (i) ar ddechrau is-baragraff (1), hepgorer “(1)”;
- (ii) hepgorer is-baragraff (2);
- (b) ym mharagraff 7(1) –
- (i) hepgorer “3A,”;



- (ii) omit “(in the case of an order made by the Secretary of State) or the National Assembly for Wales (in the case of an order made by the Welsh Ministers)”;
  - (f) in subsection (6), omit “or (as the case may be) the Welsh Ministers”.
- 156 In Schedule 1, in paragraph 2—
  - (a) in sub-paragraph (3), omit “situated in England”;
  - (b) omit sub-paragraph (4).
- 157 Omit Schedules 1A and 1B.
- 158 In Schedule 2—
  - (a) in paragraph 1—
    - (i) after sub-paragraph (a) insert “or”;
    - (ii) omit sub-paragraphs (c) and (d);
  - (b) in paragraph 2, for “, 43 or 44C” substitute “or 43”;
  - (c) omit paragraph 5.
- 159 In Schedule 3—
  - (a) in paragraph 2—
    - (i) omit sub-paragraph (4B);
    - (ii) omit sub-paragraph (10);
  - (b) in paragraph 3—
    - (i) omit sub-paragraphs (4C) and (4D);
    - (ii) in sub-paragraph (5), omit “or (4D)”;
  - (c) in paragraph 6—
    - (i) omit sub-paragraph (1B);
    - (ii) in sub-paragraph (2)(a), omit “or this paragraph”;
    - (iii) in sub-paragraph (4), omit “in England”;
    - (iv) omit sub-paragraph (4A);
    - (v) in sub-paragraph (5), for “inquiry held by virtue of this paragraph” substitute “such inquiry”;
    - (vi) in sub-paragraph (8), omit “in England”;
  - (d) in paragraph 7, omit sub-paragraph (3);
  - (e) omit paragraph 8 and the italic heading before it.
- 160 In Schedule 4—
  - (a) in paragraph 1—
    - (i) at the beginning of sub-paragraph (1), omit “(1)”;
    - (ii) omit sub-paragraph (2);
  - (b) in paragraph 7(1)—
    - (i) omit “3A,”;

(ii) hepgorer “44D”.

*Deddf Cynllunio a Digolledu 1991 (p. 34)*

161 Yn Rhan 1 o Atodlen 18 i Ddeddf Cynllunio a Digolledu 1991, ar ôl y cofnod sy’n ymwneud ag adran 29(5) o Deddf Draenio Tir 1991 mewnosoder –

“Section 8 of the Historic Environment (Wales) Act 2023	Date interim protection takes effect
Section 21 of that Act	Date scheduled monument consent is refused or granted subject to conditions
Section 24 of that Act	Date works ceased to be authorised
Section 28 of that Act	Date notice of proposed termination is served
Section 34 of that Act	Date temporary stop notice takes effect
Section 70 of that Act	Date damage is caused
Section 80 of that Act	Date interim protection takes effect
Section 86 of that Act	Date temporary listing notice is served
Section 108 of that Act	Date modification or revocation of consent takes effect
Section 116 of that Act	Date termination of agreement or provision takes effect
Section 122 of that Act	Date temporary stop notice takes effect
Section 155(4) of that Act	Date damage is caused”

*Deddf Ymsuddiant Glofaol 1991 (p. 45)*

162 Yn adran 19 o Ddeddf Ymsuddiant Glofaol 1991, ar ôl is-adran (1) mewnosoder –

“(1A) This section also applies where any property in Wales which –

- (a) is a scheduled monument within the meaning given by section 3 of the Historic Environment (Wales) Act 2023,
- (b) has been notified to the Corporation by the Secretary of State as a monument of special historic interest, within the meaning given by section 75(6) of that Act, for the time being under the guardianship of the Welsh Ministers, or
- (c) is a listed building within the meaning given by section 76 of that Act, and is not of a description specified in an order made by the Secretary of State,

is affected by subsidence damage and the character of the property as one of historic, architectural, archaeological or other special interest is or may be affected by that damage.”

*Deddf Draenio Tir 1991 (p. 59)*

163 Yn adran 67(3) o Ddeddf Draenio Tir 1991, ar ôl “the Ancient Monuments and Archaeological Areas Act 1979” mewnosoder “or Part 2 of the Historic Environment (Wales) Act 2023”.

- (ii) omit “44D,”.

*Planning and Compensation Act 1991 (c. 34)*

161 In Part 1 of Schedule 18 to the Planning and Compensation Act 1991, after the entry relating to section 29(5) of the Land Drainage Act 1991 insert –

“Section 8 of the Historic Environment (Wales) Act 2023	Date interim protection takes effect
Section 21 of that Act	Date scheduled monument consent is refused or granted subject to conditions
Section 24 of that Act	Date works ceased to be authorised
Section 28 of that Act	Date notice of proposed termination is served
Section 34 of that Act	Date temporary stop notice takes effect
Section 70 of that Act	Date damage is caused
Section 80 of that Act	Date interim protection takes effect
Section 86 of that Act	Date temporary listing notice is served
Section 108 of that Act	Date modification or revocation of consent takes effect
Section 116 of that Act	Date termination of agreement or provision takes effect
Section 122 of that Act	Date temporary stop notice takes effect
Section 155(4) of that Act	Date damage is caused”

*Coal Mining Subsidence Act 1991 (c. 45)*

162 In section 19 of the Coal Mining Subsidence Act 1991, after subsection (1) insert –

“(1A) This section also applies where any property in Wales which –

- (a) is a scheduled monument within the meaning given by section 3 of the Historic Environment (Wales) Act 2023,
- (b) has been notified to the Corporation by the Secretary of State as a monument of special historic interest, within the meaning given by section 75(6) of that Act, for the time being under the guardianship of the Welsh Ministers, or
- (c) is a listed building within the meaning given by section 76 of that Act, and is not of a description specified in an order made by the Secretary of State,

is affected by subsidence damage and the character of the property as one of historic, architectural, archaeological or other special interest is or may be affected by that damage.”

*Land Drainage Act 1991 (c. 59)*

163 In section 67(3) of the Land Drainage Act 1991, after “the Ancient Monuments and Archaeological Areas Act 1979” insert “or Part 2 of the Historic Environment (Wales) Act 2023”.

*Deddf Gwarchod Moch Daear 1992 (p. 51)*

- 164 Yn adran 10(1)(e) o Ddeddf Gwarchod Moch Daear 1992, ar ôl “the Ancient Monuments and Archaeological Areas Act 1979” mewnosoder “or section 3 of the Historic Environment (Wales) Act 2023”.

*Deddf Tribiwnlysoedd ac Ymchwiliadau 1992 (p. 53)*

- 165 Yn adran 16(1) o Ddeddf Tribiwnlysoedd ac Ymchwiliadau 1992, yn y diffiniad o “statutory inquiry”, yn lle “the Planning (Listed Buildings and Conservation Areas) Act 1990” rhodder “Parts 3 to 5 of the Historic Environment (Wales) Act 2023”.

*Deddf Diwygio Cyfraith Lesddaliad, Tai a Datblygu Trefol 1993 (p. 28)*

- 166 Yn adran 70 o Ddeddf Diwygio Cyfraith Lesddaliad, Tai a Datblygu Trefol 1993 –
- (a) yn is-adran (14) –
    - (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 in relation to England,”;
  - (b) ar ôl is-adran (14) mewnosoder –
    - “(15) In this section and section 73 as they apply in relation to Wales –
      - (a) “conservation area” has the same meaning as in the Historic Environment (Wales) Act 2023;
      - (b) “local planning authority” 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.”

*Deddf Llywodraeth Leol (Cymru) 1994 (p. 19)*

- 167 Mae Deddf Llywodraeth Leol (Cymru) 1994 wedi ei diwygio fel a ganlyn.
- 168 Yn Atodlen 6, hepgorer paragraff 25 a’r pennawd italig o’i flaen.
- 169 Yn Atodlen 16, hepgorer paragraff 56 a’r pennawd italig o’i flaen.

*Deddf Treth ar Werth 1994 (p. 23)*

- 170 Yn Atodlen 8 i Ddeddf Treth ar Werth 1994, yng Ngrŵp 6, yn Nodyn (1) –
- (a) ym mharagraff (a), ar ôl is-baragraff (i) mewnosoder –
    - “(ia) the Historic Environment (Wales) Act 2023; or”;
  - (b) ym mharagraff (b), ar ôl is-baragraff (i) mewnosoder –
    - “(ia) the Historic Environment (Wales) Act 2023; or”.

*Deddf Cyfiawnder Troseddol a Threfn Gyhoeddus 1994 (p. 33)*

- 171 Mae Deddf Cyfiawnder Troseddol a Threfn Gyhoeddus 1994 wedi ei diwygio fel a ganlyn.

*Protection of Badgers Act 1992 (c. 51)*

- 164 In section 10(1)(e) of the Protection of Badgers Act 1992, after “the Ancient Monuments and Archaeological Areas Act 1979” insert “or section 3 of the Historic Environment (Wales) Act 2023”.

*Tribunals and Inquiries Act 1992 (c. 53)*

- 165 In section 16(1) of the Tribunals and Inquiries Act 1992, in the definition of “statutory inquiry”, for “the Planning (Listed Buildings and Conservation Areas) Act 1990” substitute “Parts 3 to 5 of the Historic Environment (Wales) Act 2023”.

*Leasehold Reform, Housing and Urban Development Act 1993 (c. 28)*

- 166 In section 70 of the Leasehold Reform, Housing and Urban Development Act 1993 –
- (a) in subsection (14) –
    - (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 in relation to England,”;
  - (b) after subsection (14) insert –
    - “(15) In this section and section 73 as they apply in relation to Wales –
      - (a) “conservation area” has the same meaning as in the Historic Environment (Wales) Act 2023;
      - (b) “local planning authority” 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.”

*Local Government (Wales) Act 1994 (c. 19)*

- 167 The Local Government (Wales) Act 1994 is amended as follows.
- 168 In Schedule 6, omit paragraph 25 and the italic heading before it.
- 169 In Schedule 16, omit paragraph 56 and the italic heading before it.

*Value Added Tax Act 1994 (c. 23)*

- 170 In Schedule 8 to the Value Added Tax Act 1994, in Group 6, in Note (1) –
- (a) in paragraph (a), after sub-paragraph (i) insert –
    - “(ia) the Historic Environment (Wales) Act 2023; or”;
  - (b) in paragraph (b), after sub-paragraph (i) insert –
    - “(ia) the Historic Environment (Wales) Act 2023; or”.

*Criminal Justice and Public Order Act 1994 (c. 33)*

- 171 The Criminal Justice and Public Order Act 1994 is amended as follows.

- 172 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".
- 173 Yn adran 61(9), ym mharagraff (a)(ii) o'r diffiniad o "land", ar ôl "the Ancient Monuments and Archaeological Areas Act 1979" mewnosoder "or the Historic Environment (Wales) Act 2023".
- 174 Yn adran 62E(2)(b), ar ôl "the Ancient Monuments and Archaeological Areas Act 1979" mewnosoder "or the Historic Environment (Wales) Act 2023".

*Deddf yr Amgylchedd 1995 (p. 25)*

- 175 Yn Atodlen 9 i Ddeddf yr Amgylchedd 1995, ym mharagraff 13(1), hepgorer "and in section 6 of the Historic Buildings and Ancient Monuments Act 1953 (under which grants for the acquisition of buildings in Wales may be made)".

*Deddf Cynllunio (Darpariaethau Canlyniadol) (Yr Alban) 1997 (p. 11)*

- 176 Yn Atodlen 2 i Ddeddf Cynllunio (Darpariaethau Canlyniadol) (Yr Alban) 1997, ym mharagraff 4, hepgorer is-baragraff (2).

*Gorchymyn Cynulliad Cenedlaethol Cymru (Trosglwyddo Swyddogaethau) 1999 (O.S. 1999/672)*

- 177 Yn Atodlen 1 i Orchymyn Cynulliad Cenedlaethol Cymru (Trosglwyddo Swyddogaethau) 1999, hepgorer y cofnodion ar gyfer –
- (a) Deddf Adeiladau Hanesyddol a Henebion Hynafol 1953;
  - (b) Deddf Mwyngloddiau (Cyfleusterau Gweithio a Chynnal) 1966;
  - (c) Deddf Henebion Hynafol ac Ardaloedd Archaeolegol 1979;
  - (d) Deddf Cynllunio (Adeiladau Rhestredig ac Ardaloedd Cadwraeth) 1990.

*Deddf Cefn Gwlad a Hawliau Tramwy 2000 (p. 37)*

- 178 Mae Deddf Cefn Gwlad a Hawliau Tramwy 2000 wedi ei diwygio fel a ganlyn.
- 179 Yn adran 15(1), ar ôl paragraff (d) mewnosoder –
- "or
- (e) the public have access to it under subsection (1) of section 55 of the Historic Environment (Wales) Act 2023 (public access to monuments under public control) or would have access to it under that subsection but for any of the things mentioned in paragraphs (a) to (c) of that subsection."
- 180 Yn adran 26(3)(b)(i), ar ôl "the Ancient Monuments and Archaeological Areas Act 1979" mewnosoder "or section 3 of the Historic Environment (Wales) Act 2023".

*Deddf Cynllunio a Phrynu Gorfodol 2004 (p. 5)*

- 181 Yn adran 81 o Ddeddf Cynllunio a Phrynu Gorfodol 2004, hepgorer is-adran (2).

- 172 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”.
- 173 In section 61(9), in paragraph (a)(ii) of the definition of “land”, after “the Ancient Monuments and Archaeological Areas Act 1979” insert “or the Historic Environment (Wales) Act 2023”.
- 174 In section 62E(2)(b), after “the Ancient Monuments and Archaeological Areas Act 1979” insert “or the Historic Environment (Wales) Act 2023”.

*Environment Act 1995 (c. 25)*

- 175 In Schedule 9 to the Environment Act 1995, in paragraph 13(1), omit “and in section 6 of the Historic Buildings and Ancient Monuments Act 1953 (under which grants for the acquisition of buildings in Wales may be made)”.

*Planning (Consequential Provisions) (Scotland) Act 1997 (c. 11)*

- 176 In Schedule 2 to the Planning (Consequential Provisions) (Scotland) Act 1997, in paragraph 4, omit sub-paragraph (2).

*National Assembly for Wales (Transfer of Functions) Order 1999 (S.I. 1999/672)*

- 177 In Schedule 1 to the National Assembly for Wales (Transfer of Functions) Order 1999, omit the entries for –
- (a) the Historic Buildings and Ancient Monuments Act 1953;
  - (b) the Mines (Working Facilities and Support) Act 1966;
  - (c) the Ancient Monuments and Archaeological Areas Act 1979;
  - (d) the Planning (Listed Buildings and Conservation Areas) Act 1990.

*Countryside and Rights of Way Act 2000 (c. 37)*

- 178 The Countryside and Rights of Way Act 2000 is amended as follows.
- 179 In section 15(1), after paragraph (d) insert –
- “or
- (e) the public have access to it under subsection (1) of section 55 of the Historic Environment (Wales) Act 2023 (public access to monuments under public control) or would have access to it under that subsection but for any of the things mentioned in paragraphs (a) to (c) of that subsection.”
- 180 In section 26(3)(b)(i), after “the Ancient Monuments and Archaeological Areas Act 1979” insert “or section 3 of the Historic Environment (Wales) Act 2023”.

*Planning and Compulsory Purchase Act 2004 (c. 5)*

- 181 In section 81 of the Planning and Compulsory Purchase Act 2004, omit subsection (2).

*Deddf Llywodraeth Cymru 2006 (p. 32)*

- 182 Mae Deddf Llywodraeth Cymru 2006 wedi ei diwygio fel a ganlyn.
- 183 Yn Atodlen 3A, yn y tabl ym mharagraff 1, hepgorer y cofnod sy'n ymwneud â pharagraff 6(6) o Atodlen 3 i Ddeddf Cynllunio (Adeiladau Rhestredig ac Ardaloedd Cadwraeth) 1990.
- 184 Yn Atodlen 10, hepgorer paragraff 36.

*Gorchymyn Comisiwn Cynulliad Cenedlaethol Cymru (Statws y Goron) (Rhif 2) 2007 (O.S. 2007/1353)*

- 185 Yng Ngorchymyn Comisiwn Cynulliad Cenedlaethol Cymru (Statws y Goron) (Rhif 2) 2007 –
- (a) hepgorer erthygl 3;
  - (b) hepgorer erthygl 5.

*Deddf Gorfodi Rheoleiddiol a Sanctiynau 2008 (p. 13)*

- 186 Yn Atodlen 7 i Ddeddf Gorfodi Rheoleiddiol a Sanctiynau 2008, yn y lle priodol mewnosoder –
- “Historic Environment (Wales) Act 2023, section 147”.

*Deddf Cynllunio 2008 (p. 29)*

- 187 Yn Atodlen 2 i Ddeddf Cynllunio 2008, hepgorer paragraff 41.

*Deddf Menter a Diwygio Rheoleiddio 2013 (p. 24)*

- 188 Yn Atodlen 17 i Ddeddf Menter a Diwygio Rheoleiddio 2013, ym mharagraff 12 –
- (a) hepgorer is-baragraff (2);
  - (b) hepgorer is-baragraffau (4) a (5).

*Deddf Cynllunio (Cymru) 2015 (dccc 4)*

- 189 Mae Deddf Cynllunio (Cymru) 2015 wedi ei diwygio fel a ganlyn.
- 190 Hepgorer adran 39(3).
- 191 Hepgorer adran 47(3).
- 192 Yn Atodlen 5, hepgorer paragraffau 19 i 22 a'r pennawd italig o flaen paragraff 19.

*Deddf yr Amgylchedd Hanesyddol (Cymru) 2016 (dccc 4)*

- 193 Mae Deddf yr Amgylchedd Hanesyddol (Cymru) 2016 wedi ei diddymu.

*Deddf Tai a Chynllunio 2016 (p. 22)*

- 194 Yn adran 5(8) o Ddeddf Tai a Chynllunio 2016, yn adran 70(3) newydd o Ddeddf Cynllunio Gwlad a Thref 1990, ar ôl paragraff (c) mewnosoder –
- “(ca) section 160 of the Historic Environment (Wales) Act 2023;”.



*Government of Wales Act 2006 (c. 32)*

- 182 The Government of Wales Act 2006 is amended as follows.
- 183 In Schedule 3A, in the table in paragraph 1, omit the entry relating to paragraph 6(6) of Schedule 3 to the Planning (Listed Buildings and Conservation Areas) Act 1990.
- 184 In Schedule 10, omit paragraph 36.

*National Assembly for Wales Commission (Crown Status) (No. 2) Order 2007 (S.I. 2007/1353)*

- 185 In the National Assembly for Wales Commission (Crown Status) (No. 2) Order 2007 –
- (a) omit article 3;
  - (b) omit article 5.

*Regulatory Enforcement and Sanctions Act 2008 (c. 13)*

- 186 In Schedule 7 to the Regulatory Enforcement and Sanctions Act 2008, at the appropriate place insert –
- “Historic Environment (Wales) Act 2023, section 147”.

*Planning Act 2008 (c. 29)*

- 187 In Schedule 2 to the Planning Act 2008, omit paragraph 41.

*Enterprise and Regulatory Reform Act 2013 (c. 24)*

- 188 In Schedule 17 to the Enterprise and Regulatory Reform Act 2013, in paragraph 12 –
- (a) omit sub-paragraph (2);
  - (b) omit sub-paragraphs (4) and (5).

*Planning (Wales) Act 2015 (anaw 4)*

- 189 The Planning (Wales) Act 2015 is amended as follows.
- 190 Omit section 39(3).
- 191 Omit section 47(3).
- 192 In Schedule 5, omit paragraphs 19 to 22 and the italic heading before paragraph 19.

*Historic Environment (Wales) Act 2016 (anaw 4)*

- 193 The Historic Environment (Wales) Act 2016 is repealed.

*Housing and Planning Act 2016 (c. 22)*

- 194 In section 5(8) of the Housing and Planning Act 2016, in the new section 70(3) of the Town and Country Planning Act 1990, after paragraph (c) insert –
- “(ca) section 160 of the Historic Environment (Wales) Act 2023;”.

*Deddf Ombwdsmon Gwasanaethau Cyhoeddus (Cymru) 2019 (dccc 3)*

- 195 Yn Atodlen 5 i Ddeddf Ombwdsmon Gwasanaethau Cyhoeddus (Cymru) 2019 –
- (a) hepgorer paragraff 10 a’r pennawd italg o’i flaen;
  - (b) hepgorer paragraffau 13 a 14 a’r pennawd italg o flaen paragraff 13.

*Deddf Dedfrydu 2020 (p. 17)*

- 196 Yn adran 137(3) o Ddeddf Dedfrydu 2020, yn lle “is to be made” rhodder “in England is to be made, and section 59 of the Historic Environment (Wales) Act 2023 makes equivalent provision for monuments in Wales”.

*Public Services Ombudsman (Wales) Act 2019 (anaw 3)*

- 195 In Schedule 5 to the Public Services Ombudsman (Wales) Act 2019 –
- (a) omit paragraph 10 and the italic heading before it;
  - (b) omit paragraphs 13 and 14 and the italic heading before paragraph 13.

*Sentencing Act 2020 (c. 17)*

- 196 In section 137(3) of the Sentencing Act 2020, for “is to be made” substitute “in England is to be made, and section 59 of the Historic Environment (Wales) Act 2023 makes equivalent provision for monuments in Wales”.

## ATODLEN 14

*(a gyflwynir gan adran 211(2))*

## DARPARIAETHAU TROSIANNOL A DARPARIAETHAU ARBED

## RHAN 1

## DARPARIAETHAU CYFFREDINOL

*Cyfeiriadau statudol a chyfeiriadau eraill at y Ddeddf hon*

- 1 (1) Mae'r paragraff hwn yn gymwys i unrhyw gyfeiriad (penodol neu ymhlyg) yn y Ddeddf hon neu mewn unrhyw ddeddfiad arall, neu mewn unrhyw offeryn arall neu unrhyw ddogfen arall –
- (a) at ddarpariaeth yn y Ddeddf hon, neu
  - (b) at unrhyw beth a wneir neu sydd i'w wneud o dan ddarpariaeth yn y Ddeddf hon neu at ddibenion darpariaeth o'r fath.
- (2) Mewn perthynas ag unrhyw adeg pan oedd darpariaeth gyfatebol mewn deddfiad a ddiddymwyd (neu mewn unrhyw ddeddfiad cynharach) yn cael effaith, mae'r cyfeiriad i'w ddarllen fel pe bai'n cynnwys cyfeiriad –
- (a) at y ddarpariaeth gyfatebol fel yr oedd yn cael effaith ar yr adeg honno, neu
  - (b) at bethau a wnaed neu a oedd i'w gwneud o dan y ddarpariaeth honno neu at ddibenion y ddarpariaeth honno fel yr oedd yn cael effaith ar yr adeg honno.

*Dogfennau sy'n cyfeirio at ddeddfiadau a ddiddymwyd*

- 2 (1) Mae'r paragraff hwn yn gymwys i unrhyw gyfeiriad at ddeddfiad a ddiddymwyd sydd wedi ei gynnwys mewn dogfen a wneir, a gyflwynir neu a ddyroddir ar ôl i'r deddfiad hwnnw gael ei ddiddymu.
- (2) Oni bai bod y cyd-destun yn mynnu fel arall, mae'r cyfeiriad i'w ddarllen (yn ôl y cyd-destun) fel pe bai'n cyfeirio neu'n cynnwys cyfeiriad at y ddarpariaeth gyfatebol yn y Ddeddf hon.

*Perthynas â Deddf Deddfwriaeth (Cymru) 2019*

- 3 Mae'r Atodlen hon yn gymwys yn ychwanegol at adrannau 34 a 35 o Ddeddf Deddfwriaeth (Cymru) 2019 (dccc 4) (arbedion cyffredinol ac effaith ailddeddfu) ac nid yw'n cyfyngu ar weithrediad yr adrannau hynny mewn cysylltiad â diddymu, dirymu neu ailddeddfu unrhyw ddeddfiad gan y Ddeddf hon.

*Dehongli*

- 4 Yn y Rhan hon o'r Atodlen hon –
- (a) mae cyfeiriadau at ddarpariaeth yn y Ddeddf hon yn cynnwys darpariaeth sydd wedi ei mewnosod mewn unrhyw ddeddfiad arall gan y Ddeddf hon;
  - (b) ystyr "deddfiad a ddiddymwyd" yw unrhyw ddeddfiad sydd wedi ei ddiddymu gan y Ddeddf hon;

SCHEDULE 14  
(introduced by section 211(2))

TRANSITIONAL AND SAVING PROVISIONS

PART 1

GENERAL PROVISIONS

*Statutory and other references to this Act*

- 1 (1) This paragraph applies to any reference (express or implied) in this Act or any other enactment, or in any other instrument or document, to –
- (a) a provision of this Act, or
  - (b) anything done or to be done under or for the purposes of a provision of this Act.
- (2) In relation to any time when a corresponding provision of a repealed enactment (or of any earlier enactment) had effect, the reference is to be read as including a reference to –
- (a) the corresponding provision as it had effect at that time, or
  - (b) things done or to be done under or for the purposes of that provision as it had effect at that time.

*Documents referring to repealed enactments*

- 2 (1) This paragraph applies to any reference to a repealed enactment which is contained in a document made, served or issued after the repeal of that enactment.
- (2) Unless the context requires otherwise, the reference is to be read (according to the context) as referring to, or including a reference to, the corresponding provision of this Act.

*Relationship with Legislation (Wales) Act 2019*

- 3 This Schedule applies in addition to sections 34 and 35 of the Legislation (Wales) Act 2019 (anaw 4) (general savings and effect of re-enactment) and does not limit the operation of those sections in connection with the repeal, revocation or re-enactment of any enactment by this Act.

*Interpretation*

- 4 In this Part of this Schedule –
- (a) references to a provision of this Act include a provision inserted into any other enactment by this Act;
  - (b) “repealed enactment” means any enactment that is repealed by this Act;

- (c) mae cyfeiriadau at ddiddymu deddfiad yn cynnwys eithrio ei gymhwysiad neu ei effaith neu gyfyngu ar ei gymhwysiad neu ei effaith (pa un ai o ran Cymru neu fel arall).

## RHAN 2

## GWARCHEIDIAETH HENEBION

*Gorchymynion gwarcheidiaeth a wnaed o dan Ddeddf 1953*

- 5 (1) Pan fo Gweinidogion Cymru, yn union cyn i Ran 2 o'r Ddeddf hon ddod i rym, yn warcheidwaid heneb yn rhinwedd gorchymyn gwarcheidiaeth—
- (a) a wnaed, neu a gaiff ei drin fel pe bai wedi ei wneud, o dan adran 12(5) o Ddeddf Adeiladau Hanesyddol a Henebion Hynafol 1953 (p. 49), a
- (b) a barheir mewn grym gan baragraff 2(1) o Atodlen 3 i Ddeddf Henebion Hynafol ac Ardaloedd Archaeolegol 1979 (p. 46),
- mae'r gorchymyn yn parhau mewn grym er gwaethaf y ffaith bod y Rhan honno wedi dod i rym.
- (2) Mae'r Rhan honno yn gymwys tra bo'r gorchymyn gwarcheidiaeth mewn grym fel pe bai Gweinidogion Cymru wedi cael eu penodi yn warcheidwaid yr heneb drwy weithred o dan adran 45 o'r Ddeddf hon—
- (a) nad yw'n cynnwys unrhyw gyfyngiad nad yw wedi ei gynnwys yn y gorchymyn, a
- (b) a gyflawnwyd gan yr holl bersonau a oedd, ar yr adeg pan wnaed y gorchymyn, yn gallu drwy weithred benodi Gweinidogion Cymru yn warcheidwaid yr heneb.
- (3) Caiff Gweinidogion Cymru ddirymu gorchymyn gwarcheidiaeth y mae'r paragraff hwn yn gymwys iddo.

*Rheolaethu a rheoli heneb pan fo gwarcheidiaeth yn rhagddyddio Deddf 1979*

- 6 (1) Mae'r paragraff hwn yn gymwys pan—
- (a) cymerwyd heneb i warcheidiaeth cyn 9 Hydref 1981 (y dyddiad y daeth Rhan 1 o Ddeddf Henebion Hynafol ac Ardaloedd Archaeolegol 1979 i rym), a
- (b) yn union cyn i Ran 2 o'r Ddeddf hon ddod i rym, bo'r heneb o dan warcheidiaeth Gweinidogion Cymru neu awdurdod lleol.
- (2) Nid yw adran 47(2) (rheolaethu a rheoli'n llawn) yn gymwys i'r heneb oni bai—
- (a) bod y weithred a oedd yn sefydlu gwarcheidiaeth yn darparu ar gyfer rheolaethu a rheoli'r heneb gan y gwarcheidwaid, neu
- (b) bod y personau y mae gweithrediad y weithred warcheidiaeth, am y tro, yn cael effaith uniongyrchol arnynt wedi cydsynio i'r gwarcheidwaid reolaethu a rheoli'r heneb.

*Mynediad y cyhoedd i heneb pan fo gwarcheidiaeth yn rhagddyddio Deddf 1913*

- 7 (1) Mae'r paragraff hwn yn gymwys pan—

- (c) references to repealing an enactment include excluding or limiting its application or effect (whether in relation to Wales or otherwise).

## PART 2

## GUARDIANSHIP OF MONUMENTS

*Guardianship orders made under 1953 Act*

- 5 (1) Where, immediately before Part 2 of this Act comes into force, the Welsh Ministers are guardians of a monument by virtue of a guardianship order –
- (a) made, or treated as having been made, under section 12(5) of the Historic Buildings and Ancient Monuments Act 1953 (c. 49), and
  - (b) continued in force by paragraph 2(1) of Schedule 3 to the Ancient Monuments and Archaeological Areas Act 1979 (c. 46),
- the order continues in force despite the coming into force of that Part.
- (2) That Part applies while the guardianship order is in force as if the Welsh Ministers had been appointed as guardians of the monument by a deed under section 45 of this Act –
- (a) not containing any restriction not contained in the order, and
  - (b) executed by all the persons who, at the time when the order was made, were able by deed to appoint the Welsh Ministers guardians of the monument.
- (3) The Welsh Ministers may revoke a guardianship order to which this paragraph applies.

*Control and management of monument where guardianship pre-dates 1979 Act*

- 6 (1) This paragraph applies where –
- (a) a monument was taken into guardianship before 9 October 1981 (the date Part 1 of the Ancient Monuments and Archaeological Areas Act 1979 came into force), and
  - (b) immediately before Part 2 of this Act comes into force, the monument is under the guardianship of the Welsh Ministers or a local authority.
- (2) Section 47(2) (full control and management) does not apply to the monument unless –
- (a) the deed establishing guardianship provided for control and management of the monument by the guardians, or
  - (b) the persons for the time being immediately affected by the operation of the guardianship deed have consented to the control and management of the monument by the guardians.

*Public access to monument where guardianship pre-dates 1913 Act*

- 7 (1) This paragraph applies where –

- (a) cymerwyd heneb i warcheidiaeth cyn 15 Awst 1913 (y dyddiad y daeth Deddf Cydgrynhoi a Diwygio Henebion Hynafol 1913 (p. 32) i rym), a
  - (b) yn union cyn i Ran 2 o'r Ddeddf hon ddod i rym, bo'r heneb o dan warcheidiaeth Gweinidogion Cymru neu awdurdod lleol.
- (2) Nid yw adran 55(1) (dyletswydd i sicrhau mynediad y cyhoedd) yn gymwys i'r heneb oni bai –
- (a) bod y weithred a oedd yn sefydlu gwarcheidiaeth yn darparu ar gyfer mynediad y cyhoedd i'r heneb, neu
  - (b) bod y personau y mae gweithrediad y weithred warcheidiaeth, am y tro, yn cael effaith uniongyrchol arnynt wedi cydsynio i'r cyhoedd gael mynediad i'r heneb.

*Dehongli*

- 8 At ddibenion paragraffau 6 a 7, mae gweithrediad gweithred warcheidiaeth sy'n ymwneud â heneb yn cael effaith uniongyrchol ar berson os yw'r person wedi ei rwymo gan y weithred honno a bod yr heneb yn ei feddiant neu yn ei feddiannaeth.

## RHAN 3

## AMRYWIOL

*Y drosedd o dorri hysbysiad stop dros dro mewn perthynas â heneb gofrestrdig*

- 9 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 gofrestrdig*

- 10 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*

- 11 (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.



- (a) a monument was taken into guardianship before 15 August 1913 (the date the Ancient Monuments Consolidation and Amendment Act 1913 (c. 32) came into force), and
  - (b) immediately before Part 2 of this Act comes into force, the monument is under the guardianship of the Welsh Ministers or a local authority.
- (2) Section 55(1) (duty to ensure public access) does not apply to the monument unless –
- (a) the deed establishing guardianship provided for public access to the monument, or
  - (b) the persons for the time being immediately affected by the operation of the guardianship deed have consented to the public having access to the monument.

### *Interpretation*

- 8 For the purposes of paragraphs 6 and 7, a person is immediately affected by the operation of a guardianship deed relating to a monument if the person is bound by that deed and is in possession or occupation of the monument.

## PART 3

### MISCELLANEOUS

#### *Offence of breaching temporary stop notice in relation to scheduled monument*

- 9 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*

- 10 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*

- 11 (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.

