



OFFERYNNAU STATUDOL
CYMRU

WELSH STATUTORY
INSTRUMENTS

2017 Rhif 633 (Cy. 143) (C. 55)

2017 No. 633 (W. 143) (C. 55)

**CYNLLUNIO GWLAD A
THREF, CYMRU**

**TOWN AND COUNTRY
PLANNING, WALES**

**HENEBION HYNAFOL,
CYMRU**

**ANCIENT MONUMENTS,
WALES**

Gorchymyn Deddf yr Amgylchedd
Hanesyddol (Cymru) 2016
(Cychwyn Rhif 1 a Darpariaethau
Trosiannol) 2017

The Historic Environment (Wales)
Act 2016 (Commencement No. 1
and Transitional Provisions) Order
2017

NODYN ESBONIADOL

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

Y Gorchymyn hwn yw'r gorchymyn cychwyn cyntaf a wneir gan Weinidogion Cymru o dan Ddeddf yr Amgylchedd Hanesyddol (Cymru) 2016 ("Deddf 2016").

Mae erthygl 2 yn dwyn adran 30(6) (gwaith brys: estyn y cwmpas ac adennill costau) o Ddeddf 2016 i rym, i'r graddau y mae'n rhoi pŵer i wneud gorchymynion o dan Ddeddf Cynllunio (Adeiladau Rhestredig ac Ardaloedd Cadwraeth) 1990, drannoeth y diwrnod y gwneir y Gorchymyn hwn.

Mae erthygl 3 yn dwyn adran 34 (rhestr o enwau lleoedd hanesyddol) o Ddeddf 2016 i rym ar 8 Mai 2017.

Mae erthygl 4 yn dwyn yr adrannau a ganlyn o Ddeddf 2016 i rym ar 31 Mai 2017:

- adran 4 (diwygiadau sy'n ymwneud â'r Gofrestr: darpariaeth ganlyniadol);
- adran 25 (diwygiadau sy'n ymwneud â rhestru adeiladau dros dro);
- adran 26 (diwygiadau sy'n ymwneud â rhestru adeiladau: darpariaeth ganlyniadol);
- adran 35 (cofnodion amgylchedd hanesyddol);

EXPLANATORY NOTE

(This note is not part of the Order)

This Order is the first commencement order made by the Welsh Ministers under the Historic Environment (Wales) Act 2016 ("the 2016 Act").

Article 2 brings section 30(6) (urgent works: extension of scope and recovery of costs) of the 2016 Act into force, so far as it confers power to make orders under the Planning (Listed Buildings and Conservation Areas) Act 1990, on the day after this Order is made.

Article 3 brings section 34 (list of historic place names) of the 2016 Act into force on 8 May 2017.

Article 4 brings the following sections of the 2016 Act into force on 31 May 2017:

- section 4 (amendments relating to the Schedule: consequential provision);
- section 25 (amendments relating to the temporary listing of buildings);
- section 26 (amendments relating to the listing of buildings: consequential provision);
- section 35 (historic environment records);

- adran 36 (mynediad i gofnodion amgylchedd hanesyddol); ac
- adran 37 (canllawiau).

Mae erthygl 5 yn dwyn y darpariaethau a ganlyn o Ddeddf 2016 i rym, i'r graddau nad ydynt eisoes mewn grym, ar 31 Mai 2017:

- adran 3 (diwygiadau sy'n ymwneud â'r Gofrestr);
- adran 5 (symleiddio'r broses);
- adran 24 (diwygiadau sy'n ymwneud â rhestru adeiladau);
- adran 30(6) (gwaith brys: estyn y cwmpas ac adennill costau);
- Atodlen 1; ac
- Atodlen 2.

Mae erthygl 6 yn cynnwys darpariaethau trosiannol.

Gweler adran 41 (dod i rym) o Ddeddf 2016 am ddarpariaethau a ddaeth i rym pan basiwyd Deddf 2016 ac ar ôl hynny.

- section 36 (access to historic environment records); and
- section 37 (guidance).

Article 5 brings the following provisions of the 2016 Act into force, in so far as they are not already in force, on 31 May 2017:

- section 3 (amendments relating to the Schedule);
- section 5 (simplification of process);
- section 24 (amendments relating to the listing of buildings);
- section 30(6) (urgent works: extension of scope and recovery of costs);
- Schedule 1; and
- Schedule 2.

Article 6 contains transitional provisions.

See section 41 (coming into force) of the 2016 Act for provisions which came into force on and after the passing of the 2016 Act.

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Trosiannol) 2017

Gwnaed

3 Mai 2017

Mae Gweinidogion Cymru yn gwneud y Gorchymyn a ganlyn drwy arfer y pwerau a roddir iddynt gan adran 41 o Ddeddf yr Amgylchedd Hanesyddol (Cymru) 2016(1).

Enwi a dehongli

1.—(1) Enw'r Gorchymyn hwn yw Gorchymyn Deddf yr Amgylchedd Hanesyddol (Cymru) 2016 (Cychwyn Rhif 1 a Darpariaethau Trosiannol) 2017.

(2) Yn y Gorchymyn hwn—

ystyr “Deddf 1979” (“*the 1979 Act*”) yw Deddf Henebion Hynafol ac Ardaloedd Archaeolegol 1979(2);

ystyr “Deddf 1990” (“*the 1990 Act*”) yw Deddf Cynllunio (Adeiladau Rhestredig ac Ardaloedd Cadwraeth) 1990(3);

ystyr “Deddf 2016” (“*the 2016 Act*”) yw Deddf yr Amgylchedd Hanesyddol (Cymru) 2016;

ystyr “y Gofrestr” (“*the Schedule*”) yw'r Gofrestr o henebion a lunnir ac a gynhelir o dan adran 1 o Ddeddf 1979.

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The Historic Environment (Wales)
Act 2016 (Commencement No. 1
and Transitional Provisions) Order
2017

Made

3 May 2017

The Welsh Ministers make the following Order in exercise of the powers conferred upon them by section 41 of the Historic Environment (Wales) Act 2016(1).

Title and interpretation

1.—(1) The title of this Order is the Historic Environment (Wales) Act 2016 (Commencement No. 1 and Transitional Provisions) Order 2017.

(2) In this Order—

“the 1979 Act” (“*Deddf 1979*”) means the Ancient Monuments and Archaeological Areas Act 1979(2);

“the 1990 Act” (“*Deddf 1990*”) means the Planning (Listed Buildings and Conservation Areas) Act 1990(3);

“the 2016 Act” (“*Deddf 2016*”) means the Historic Environment (Wales) Act 2016;

“the Schedule” (“*y Gofrestr*”) means the Schedule of monuments compiled and maintained under section 1 of the 1979 Act.

(1) 2016 dccc 4.
(2) 1979 p. 46.
(3) 1990 p. 9.

(1) 2016 anaw 4.
(2) 1979 c. 46.
(3) 1990 c. 9.

Y ddarpariaeth sy'n dod i rym ar y diwrnod ar ôl i'r Gorchymyn hwn gael ei wneud

2. Y diwrnod penodedig i adran 30(6) o Ddeddf 2016 ddod i rym, i'r graddau y mae'n rhoi pŵer i wneud Gorchymynion o dan Ddeddf 1990, yw drannoeth y diwrnod y gwneir y Gorchymyn hwn.

Y ddarpariaeth sy'n dod i rym ar 8 Mai 2017

3. Y diwrnod penodedig i adran 34 o Ddeddf 2016 ddod i rym yw 8 Mai 2017.

Y darpariaethau sy'n dod i rym ar 31 Mai 2017

4. Y diwrnod penodedig i'r adrannau a ganlyn o Ddeddf 2016 ddod i rym yw 31 Mai 2017—

- (a) adran 4;
- (b) adran 25;
- (c) adran 26; a
- (d) adrannau 35 i 37.

5. Y diwrnod penodedig i'r darpariaethau a ganlyn o Ddeddf 2016 ddod i rym, i'r graddau nad ydynt eisoes mewn grym, yw 31 Mai 2017—

- (a) adran 3;
- (b) adran 5;
- (c) adran 24;
- (d) adran 30(6);
- (e) Atodlen 1; ac
- (f) Atodlen 2.

Darpariaethau trosiannol

6.—(1) Nid yw'r diwygiadau i Ddeddf 1979 a wnaed gan adrannau 3 a 4 o Ddeddf 2016 yn gymwys i gynnig i gynnwys heneb yn y Gofrestr neu i eithrio heneb o'r Gofrestr, neu, yn achos heneb a nodir yn y Gofrestr drwy gyfeirio at fap a gynhelir gan Weinidogion Cymru, i wneud diwygiad perthnasol mewn perthynas â'r heneb, pan fo'r cynnig hwnnw yn destun, neu wedi bod yn destun, ymgynghoriad a ddyroddir rhwng 1 Ionawr 2017 a 31 Mai 2017.

(2) Nid yw'r diwygiadau i Ddeddf 1990 a wnaed gan adrannau 24 a 26(1) i (3), (7), (8), (10) i (13), (14)(b) ac (16) o Ddeddf 2016 yn gymwys i gynnig i ddiwygio'r rhestr o adeiladau a lunnir neu a gymeradwyir o dan adran 1 o Ddeddf 1990 pan fo'r cynnig hwnnw yn destun, neu wedi bod yn destun, ymgynghoriad a ddyroddir yn unol ag adran 1 o Ddeddf 1990 cyn 31 Mai 2017.

Provision coming into force on the day after this Order is made

2. The appointed day for the coming into force of section 30(6) of the 2016 Act, so far as it confers power to make Orders under the 1990 Act, is the day after this Order is made.

Provision coming into force on 8 May 2017

3. The appointed day for the coming into force of section 34 of the 2016 Act is 8 May 2017.

Provisions coming into force on 31 May 2017

4. The appointed day for the coming into force of the following sections of the 2016 Act is 31 May 2017—

- (a) section 4;
- (b) section 25;
- (c) section 26; and
- (d) sections 35 to 37.

5. The appointed day for the coming into force of the following provisions of the 2016 Act, so far as they are not already in force, is 31 May 2017—

- (a) section 3;
- (b) section 5;
- (c) section 24;
- (d) section 30(6);
- (e) Schedule 1; and
- (f) Schedule 2.

Transitional provisions

6.—(1) The amendments to the 1979 Act made by sections 3 and 4 of the 2016 Act do not apply to a proposal to include a monument in or exclude a monument from the Schedule or, in the case of a monument which is identified in the Schedule by reference to a map maintained by the Welsh Ministers, to make a material amendment in relation to the monument, where that proposal is or has been the subject of a consultation issued between 1 January 2017 and 31 May 2017.

(2) The amendments to the 1990 Act made by sections 24 and 26(1) to (3), (7), (8), (10) to (13), (14)(b) and (16) of the 2016 Act do not apply to a proposal to amend a list of buildings compiled or approved under section 1 of the 1990 Act where that proposal is or has been the subject of a consultation issued pursuant to section 1 of the 1990 Act before 31 May 2017.

(3) Nid yw'r diwygiadau i Ddeddf 1990 a wnaed gan adrannau 25 a 26(4) i (6), (8) i (10), (12)(b)(ii), (13), (14)(a) a (15) o Ddeddf 2016 yn gymwys i hysbysiad diogelu adeilad a gyflwynir yn unol ag adran 3 o Ddeddf 1990 cyn 31 Mai 2017.

(4) Nid yw'r diwygiad i Ddeddf 1990 a wnaed gan adran 30(6) o Ddeddf 2016 yn gymwys i adennill treuliau gwaith a gyflawnir o dan adran 54 o Ddeddf 1990 pan fo hysbysiad o'r bwriad i wneud y gwaith hwnnw wedi ei roi i berchennog yr adeilad cyn 31 Mai 2017.

(3) The amendments to the 1990 Act made by sections 25 and 26(4) to (6), (8) to (10), (12)(b)(ii), (13), (14)(a) and (15) of the 2016 Act do not apply to a building preservation notice served pursuant to section 3 of the 1990 Act before 31 May 2017.

(4) The amendment to the 1990 Act made by section 30(6) of the 2016 Act does not apply to the recovery of expenses of works executed under section 54 of the 1990 Act where notice of the intention to carry out those works was given to the owner of the building before 31 May 2017.

Ken Skates

Ysgrifennydd y Cabinet dros yr Economi a'r
Seilwaith, un o Weinidogion Cymru

3 Mai 2017

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Cabinet Secretary for Economy and Infrastructure, one
of the Welsh Ministers

3 May 2017

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