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WELSH STATUTORY  
INSTRUMENTS

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**2017 Rhif 641 (Cy. 147)**

**2017 No. 641 (W. 147)**

**HENEBION HYNAFOL,  
CYMRU**

**ANCIENT MONUMENTS,  
WALES**

**Rheoliadau Henebion Hynafol  
(Hawliadau am Ddigollediad)  
(Cymru) 2017**

**The Ancient Monuments (Claims  
for Compensation) (Wales)  
Regulations 2017**

**NODYN ESBONIADOL**

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

**EXPLANATORY NOTE**

*(This note is not part of the Regulations)*

Mae'r Rheoliadau hyn yn dirymu ac yn disodli Rheoliadau Henebion Hynafol (Hawliadau am Ddigollediad) (Cymru) 1991 at ddiben gweithredu newidiadau a wnaed i Ddeddf Henebion Hynafol ac Ardaloedd Archaeolegol 1979 ("Deddf 1979") gan Ddeddf yr Amgylchedd Hanesyddol (Cymru) 2016.

These Regulations revoke and replace the Ancient Monuments (Claims for Compensation) (Wales) Regulations 1991 for the purpose of implementing changes made to the Ancient Monuments and Archaeological Areas Act 1979 ("the 1979 Act") by the Historic Environment (Wales) Act 2016.

Mae rheoliad 2 yn gwneud darpariaeth weithdrefnol ynghylch y cyfnod y mae'n rhaid gwneud hawliadau am ddiogollediad o'i fewn, a'r dull o wneud yr hawliadau hynny, o dan adrannau 1AD (digollediad am golled neu ddifrod a achosir gan warchodaeth interim), 7 (digollediad am wrthod cydsyniad heneb gofrestredig), 9 (digollediad pan fo gwaith sy'n effeithio ar heneb gofrestredig yn peidio â bod yn awdurdodedig), 9ZL (hysbysiad stop dros dro: digollediad) a 46 (digollediad am ddifrod a achosir drwy arfer pwerau penodol o dan y Ddeddf hon) o Ddeddf 1979, i Weinidogion Cymru.

Regulation 2 makes procedural provision about the time and manner in which claims for compensation under sections 1AD (compensation for loss or damage caused by interim protection), 7 (compensation for refusal of scheduled monument consent), 9 (compensation where works affecting a scheduled monument cease to be authorised), 9ZL (temporary stop notice: compensation) and 46 (compensation for damage caused by exercise of certain powers under this Act) of the 1979 Act must be made to the Welsh Ministers.

Mae rheoliad 3 yn gwneud darpariaeth ddirymu ac arbed mewn cysylltiad â Rheoliadau Henebion Hynafol (Hawliadau am Ddigollediad) (Cymru) 1991.

Regulation 3 makes revocation and saving provision in respect of the Ancient Monuments (Claims for Compensation) (Wales) Regulations 1991.

Ystyriwyd Cod Ymarfer Gweinidogion Cymru ar gynnal Aseidiadau Effaith Rheoleiddiol mewn perthynas â'r Rheoliadau hyn. O ganlyniad, ystyriwyd nad oedd yn angenrheidiol cynnal aseiad effaith rheoleiddiol o'r costau a'r manteision sy'n debygol o ddeillio o gydymffurfio â'r Rheoliadau hyn.

The Welsh Ministers' Code of Practice on the carrying out of Regulatory Impact Assessments was considered in relation to these Regulations. As a result, it was not considered necessary to carry out a regulatory impact assessment as to the likely costs and benefits of complying with these Regulations.

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**Rheoliadau Henebion Hynafol  
(Hawliadau am Ddigollediad)  
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**The Ancient Monuments (Claims  
for Compensation) (Wales)  
Regulations 2017**

*Gwnaed* 4 Mai 2017  
*Gosodwyd gerbron Cynulliad Cenedlaethol Cymru* 8 Mai 2017  
*Yn dod i rym* 31 Mai 2017

*Made* 4 May 2017  
*Laid before the National Assembly for Wales* 8 May 2017  
*Coming into force* 31 May 2017

Mae Gweinidogion Cymru, drwy arfer y pwerau a roddir i'r Ysgrifennydd Gwladol gan adrannau 47 a 60 o Ddeddf Henebion Hynafol ac Ardaloedd Archaeolegol 1979(1) ac sydd bellach yn arferadwy ganddynt hwy(2), a thrwy'r pwerau a roddir iddynt gan adrannau 1AD a 9ZL o'r Ddeddf honno(3), yn gwneud y Rheoliadau a ganlyn:

The Welsh Ministers, in exercise of the powers conferred on the Secretary of State by sections 47 and 60 of the Ancient Monuments and Archaeological Areas Act 1979(1) and now exercisable by them(2), and the powers conferred on them by sections 1AD and 9ZL of that Act(3) make the following Regulations:

**Enwi, cychwyn, cymhwyso a dehongli**

**Title, commencement, application and interpretation**

1.—(1) Enw'r Rheoliadau hyn yw Rheoliadau Henebion Hynafol (Hawliadau am Ddigollediad) (Cymru) 2017 a deuant i rym ar 31 Mai 2017.

1.—(1) The title of these Regulations is the Ancient Monuments (Claims for Compensation) (Wales) Regulations 2017 and they come into force on 31 May 2017.

(2) Mae'r Rheoliadau hyn yn gymwys o ran Cymru.

(2) These Regulations apply to Wales.

(3) Yn y Rheoliadau hyn, ystyr "Deddf 1979" ("the 1979 Act") yw Deddf Henebion Hynafol ac Ardaloedd Archaeolegol 1979.

(3) In these Regulations "the 1979 Act" ("Deddf 1979") means the Ancient Monuments and Archaeological Areas Act 1979.

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(1) 1979 p. 46.

(2) Trosglwyddwyd swyddogaethau'r Ysgrifennydd Gwladol i Gynulliad Cenedlaethol Cymru gan erthygl 2 o Orchymyn Cynulliad Cenedlaethol Cymru (Trosglwyddo Swyddogaethau) 1999 (O.S. 1999/672). Trosglwyddwyd swyddogaethau Cynulliad Cenedlaethol Cymru i Weindogion Cymru yn rhinwedd adran 162 o Ddeddf Llywodraeth Cymru 2006 (p. 32) a pharagraffau 30 a 32 o Atodlen 11 iddi.

(3) Mewnosodwyd adrannau 1AD a 9ZL gan adrannau 3(1) a 13(1) yn eu tro o Ddeddf yr Amgylchedd Hanesyddol (Cymru) 2016 (anaw 4) ("Deddf 2016").

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(1) 1979 c. 46.

(2) The functions of the Secretary of State were transferred to the National Assembly for Wales by article 2 of the National Assembly for Wales (Transfer of Functions) Order 1999 (S.I. 1999/672). The functions of the National Assembly for Wales were transferred to the Welsh Ministers by virtue of section 162 of, and paragraphs 30 and 32 of Schedule 11 to, the Government of Wales Act 2006 (c. 32).

(3) Sections 1AD and 9ZL were inserted by sections 3(1) and 13(1) respectively of the Historic Environment (Wales) Act 2016 (anaw 4) ("the 2016 Act").

## Hawliadau am ddigollediad

2.—(1) Rhaid gwneud hawliad am ddigollediad i Weinidogion Cymru yn ysgrifenedig, a rhaid ei gyflwyno fel ei fod yn dod i'w llaw hwythau o fewn cyfnod o chwe mis sy'n dechrau ag—

- (a) yn achos digollediad sy'n daladwy o dan adran 1AD o Ddeddf 1979 (digollediad am golled neu ddifrod a achosir gan warchodaeth interim), y dyddiad y mae'r warchodaeth interim yn peidio â chael effaith;
- (b) yn achos digollediad sy'n daladwy o dan adran 7 o Ddeddf 1979 (digollediad am wrthod cydsyniad heneb gofrestrdig)(1), ddyddiad yr hysbysiad gwrthod neu, yn ôl y digwydd, ddyddiad rhoi cydsyniad yn ddarostyngedig i amodau cydsyniad heneb gofrestrdig;
- (c) yn achos digollediad sy'n daladwy o dan adran 9 o Ddeddf 1979 (digollediad pan fo gwaith sy'n effeithio ar heneb gofrestrdig yn peidio â bod yn awdurdodedig), y dyddiad y mae'r gwaith yn peidio â bod yn awdurdodedig;
- (d) yn achos digollediad sy'n daladwy o dan adran 9ZL o Ddeddf 1979 (hysbysiad stop dros dro: digollediad)—
  - (i) o dan yr amgylchiadau a nodir yn adran 9ZL(2)(a) o Ddeddf 1979, y dyddiad yr arddangosir yr hysbysiad stop dros dro am y tro cyntaf; neu
  - (ii) o dan yr amgylchiadau a nodir yn adran 9ZL(2)(b) o Ddeddf 1979, y dyddiad y tynnir yr hysbysiad stop dros dro yn ôl; neu
  - (iii) o dan yr amgylchiadau pan fo paragraffau (i) a (ii) ill dau o is-baragraff (d) yn gymwys, y diweddaraf o'r dyddiadau sy'n gymwys i'r paragraffau hynny;
- (e) yn achos digollediad y gellir ei adennill o dan adran 46 o Ddeddf 1979 (digollediad am ddifrod a achosir drwy arfer pwerau penodol o dan y Ddeddf hon)(2), y dyddiad yr achoswyd y difrod neu, pan fo'r difrod wedi ei achosi o ganlyniad i weithred sy'n parhau, y dyddiad y daeth y weithred i ben.

## Claims for compensation

2.—(1) A claim for compensation must be made to the Welsh Ministers in writing and be submitted so that it is received by them within a period of six months beginning with—

- (a) in the case of compensation payable under section 1AD of the 1979 Act (compensation for loss or damage caused by interim protection), the date on which interim protection ceases to have effect;
- (b) in the case of compensation payable under section 7 of the 1979 Act (compensation for refusal of scheduled monument consent)(1), the date of the notice of refusal or, as the case may be, the grant subject to conditions of scheduled monument consent;
- (c) in the case of compensation payable under section 9 of the 1979 Act (compensation where works affecting a scheduled monument cease to be authorised), the date on which the works cease to be authorised;
- (d) in the case of compensation payable under section 9ZL of the 1979 Act (temporary stop notice: compensation)—
  - (i) in the circumstances set out in section 9ZL(2)(a) of the 1979 Act, the date on which the temporary stop notice is first displayed; or
  - (ii) in the circumstances set out in section 9ZL(2)(b) of the 1979 Act, the date on which the temporary stop notice is withdrawn; or
  - (iii) in the circumstances where both paragraphs (i) and (ii) of sub-paragraph (d) apply the later of the dates applicable to those paragraphs;
- (e) in the case of compensation recoverable under section 46 of the 1979 Act (compensation for damage caused by exercise of certain powers under this Act)(2), the date on which the damage was caused or, where the damage was caused as a result of a continuing act, the date when the act ceased.

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(1) Diwygiwyd adran 7 gan adran 10(1) a (2) o Ddeddf 2016. Ceir diwygiadau eraill nad ydynt yn berthnasol i'r offeryn hwn.

(2) Diwygiwyd adran 46 gan adran 12(1) o Ddeddf 2016.

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(1) Section 7 was amended by section 10(1) and (2) of the 2016 Act. There are other amendments which are not relevant to this instrument.

(2) Section 46 was amended by section 12(1) of the 2016 Act.

(2) Os yw Gweinidogion Cymru wedi eu bodloni bod rheswm rhesymol dros fethu â gwneud hawliad o fewn y cyfnod a nodir ym mharagraff (1) cânt ar unrhyw adeg estyn y cyfnod y caniateir gwneud hawliad o'i fewn.

### **Darpariaeth dirymu ac arbed**

3.—(1) Yn ddarostyngedig i baragraff (2), mae Rheoliadau Henebion Hynafol (Hawliadau am Ddigollediad) (Cymru) 1991(1) wedi eu dirymu.

(2) Mae'r Rheoliadau a grybwyllir ym mharagraff (1) yn parhau i gael effaith mewn perthynas â hawliad am ddigollediad sy'n dod i law Gweinidogion Cymru cyn 31 Mai 2017.

(2) If the Welsh Ministers are satisfied that there is a reasonable cause for a failure to make a claim within the period set out in paragraph (1) they may at any time extend the period within which a claim may be made.

### **Revocation and saving provision**

3.—(1) Subject to paragraph (2), the Ancient Monuments (Claims for Compensation) (Wales) Regulations 1991(1) are revoked.

(2) The Regulations mentioned in paragraph (1) continue to have effect in relation to a claim for compensation received by the Welsh Ministers before 31 May 2017.

### *Ken Skates*

Ysgrifennydd y Cabinet dros yr Economi a'r  
Seilwaith, un o Weinidogion Cymru  
4 Mai 2017

Cabinet Secretary for Economy and Infrastructure, one  
of the Welsh Ministers  
4 May 2017

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(1) O.S. 1991/2647.

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(1) S.I. 1991/2647.





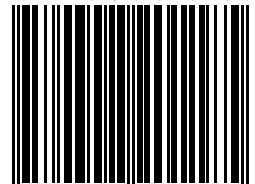


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