Deddf Tomenni Mwyngloddiau a Chwareli Nas Defnyddir (Cymru) 2025

2025 dsc 4

Disused Mine and Quarry Tips (Wales) Act 2025

2025 asc 4

Lluniwyd Nodiadau Esboniadol yn gymorth i ddeall y Ddeddf hon ac maent ar gael ar wahân.

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

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Deddf Tomenni Mwyngloddiau a Chwareli Nas Defnyddir (Cymru) 2025

Deddf gan Senedd Cymru i sefydlu Awdurdod Tomenni Nas Defnyddir Cymru; i wneud darpariaeth i atal tomenni nas defnyddir rhag bygwth lles pobl oherwydd eu hansefydlogrwydd; ac i wneud darpariaeth at ddibenion cysylltiedig. [11 Medi 2025]

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

RHAN 1

AWDURDOD TOMENNI NAS DEFNYDDIR CYMRU

Sefydlu ac arfer swyddogaethau

1 Awdurdod Tomenni Nas Defnyddir Cymru

(1) Mae Awdurdod Tomenni Nas Defnyddir Cymru wedi ei sefydlu fel corff corfforedig.

(2) Yn y Ddeddf hon, mae cyfeiriadau at "yr Awdurdod" yn gyfeiriadau at y corff hwnnw.

(3) Mae Atodlen 1 yn gwneud darpariaeth bellach ynghylch yr Awdurdod.

2 Yr Awdurdod yn arfer ei swyddogaethau

(1) Rhaid i'r Awdurdod arfer ei swyddogaethau o dan y Ddeddf hon gyda golwg ar sicrhau nad yw tomenni nas defnyddir yn bygwth lles pobl oherwydd eu hansefydlogrwydd.

(2) Wrth arfer ei swyddogaethau o dan y Ddeddf hon, rhaid i'r Awdurdod hefyd hyrwyddo safonau uchel mewn perthynas â rheoli tomenni nas defnyddir a bygythiadau i'w sefydlogrwydd.



Disused Mine and Quarry Tips (Wales) Act 2025

An Act of Senedd Cymru to establish the Disused Tips Authority for Wales; to make provision to prevent disused tips from threatening human welfare by reason of their instability; and to make provision for connected purposes. [11 September 2025]

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

PART 1

THE DISUSED TIPS AUTHORITY FOR WALES

Establishment and exercise of functions

1 The Disused Tips Authority for Wales

(1) The Disused Tips Authority for Wales is established as a body corporate.

(2) In this Act, references to "the Authority" are to that body.

(3) Schedule 1 makes further provision about the Authority.

2 The Authority's exercise of its functions

(1) The Authority must exercise its functions under this Act with a view to ensuring that disused tips do not threaten human welfare by reason of their instability.

(2) In exercising its functions under this Act, the Authority must also promote high standards in relation to the management of disused tips and threats to their stability.

Swyddogaethau cyffredinol

3 Gwybodaeth, cyngor a chynhorthwy

(1) Rhaid i'r Awdurdod roi unrhyw wybodaeth, cyngor neu gynhorthwy i Weinidogion Cymru y gall fod eu hangen arnynt mewn cysylltiad ag unrhyw fater sy'n berthnasol i arfer eu swyddogaethau o dan y Ddeddf hon neu unrhyw un neu ragor o'u swyddogaethau eraill.

(2) Caiff yr Awdurdod, ar ei gymhelliad ei hun, roi gwybodaeth, cyngor neu gynhorthwy i Weinidogion Cymru mewn cysylltiad ag unrhyw fater sy'n berthnasol i arfer eu swyddogaethau o dan y Ddeddf hon neu unrhyw un neu ragor o'u swyddogaethau eraill.

(3) Caiff yr Awdurdod roi gwybodaeth neu gyngor i unrhyw berson ac eithrio Gweinidogion Cymru ar unrhyw fater sy'n ymwneud â thomen nas defnyddir benodol neu domenni nas defnyddir yn gyffredinol, neu roi cynorthwy iddynt â'r mater hwnnw.

(4) Caiff yr Awdurdod godi ffi am ddarparu gwybodaeth, cyngor neu gynhorthwy o dan is-adran (3).

(5) Yn yr adran hon, mae "cynhorthwy" yn cynnwys cynnal gweithrediadau ar dir.

4 Cynhorthwy ariannol

(1) Caiff yr Awdurdod, gyda chydsyniad Gweinidogion Cymru, roi cynhorthwy ariannol i unrhyw berson mewn cysylltiad â gwariant perthnasol.

(2) Yn is-adran (1), ystyr "gwariant perthnasol" yw gwariant yr aed iddo neu yr eir iddo gan y person ar unrhyw beth y mae'r Awdurdod ystyried ei fod yn ffafriol i gyflawni ei brif amcan.

(3) Caniateir rhoi cynhorthwy ariannol o dan is-adran (1)—

(a) drwy grant neu fenthyciad;

(b) yn ddarostyngedig i amodau.

5 Pwerau ategol

(1) Caiff yr Awdurdod wneud unrhyw beth y bwriedir iddo hwyluso arfer ei swyddogaethau neu sy'n ffafriol neu'n ddeilliadol i'w harfer.

(2) Ond ni chaiff yr Awdurdod gael benthyg arian oddi wrth unrhyw berson heblaw Gweinidogion Cymru.

RHAN 2

ASESU, COFRESTRU A MONITRO TOMENNI NAS DEFNYDDIR

PENNOD 1

COFRESTR TOMENNI NAS DEFNYDDIR

Y gofrestr

6 Dyletswydd i lunio a chadw cofrestr

(1) Rhaid i'r Awdurdod lunio a chadw cofrestr electronig o domenni nas defnyddir y mae'r Awdurdod yn penderfynu—

General functions

3 Information, advice and assistance

(1) The Authority must give the Welsh Ministers such information, advice or assistance as they may require in connection with any matter relevant to the exercise of their functions under this Act or any of their other functions.

(2) The Authority may, of its own initiative, give the Welsh Ministers information, advice or assistance in connection with any matter relevant to the exercise of their functions under this Act or any of their other functions.

(3) The Authority may give any person other than the Welsh Ministers information or advice on, or assistance with, any matter relating to a particular disused tip or to disused tips generally.

(4) The Authority may charge a fee for the provision of information, advice or assistance under subsection (3).

(5) In this section, "assistance" includes carrying out operations on land.

4 Financial assistance

(1) The Authority may, with the consent of the Welsh Ministers, give financial assistance to any person in respect of relevant expenditure.

(2) In subsection (1), "relevant expenditure" means expenditure incurred or to be incurred by the person on anything which the Authority considers conducive to the attainment of its main objective.

(3) Financial assistance may be given under subsection (1)—

(a) by grant or loan;

(b) subject to conditions.

5 Ancillary powers

(1) The Authority may do anything which is calculated to facilitate, or which is conducive or incidental to, the exercise of its functions.

(2) But the Authority may not borrow money from any person other than the Welsh Ministers.

PART 2

ASSESSMENT, REGISTRATION AND MONITORING OF DISUSED TIPS

CHAPTER 1

REGISTER OF DISUSED TIPS

The register

6 Duty to compile and maintain register

(1) The Authority must compile and maintain an electronic register of disused tips that the Authority decides—

(a) eu bod yn bygwth lles pobl oherwydd ansefydlogrwydd, neu

(b) y gallant beri bygythiad o'r fath pe bai ansefydlogrwydd.

(2) Mae Pennod 3 yn nodi'r broses ar gyfer cynnwys tomenni nas defnyddir yn y gofrestr neu eu dileu o'r gofrestr.

(3) Yn y Rhan hon, mae cyfeiriadau at "y gofrestr" yn gyfeiriadau at y gofrestr y cyfeirir ati yn is-adran (1).

7 Y meini prawf ar gyfer cofrestru

At ddibenion y Rhan hon, y meini prawf ar gyfer cofrestru tomen nas defnyddir yw—

(a) bod y domen yn bygwth lles pobl oherwydd ansefydlogrwydd, neu

(b) y gallai beri bygythiad o'r fath pe bai ansefydlogrwydd.

8 Cynnwys y gofrestr

(1) Rhaid i gofnod yn y gofrestr ar gyfer tomen nas defnyddir gynnwys—

(a) map sy'n dangos ardal y domen, a

(b) yr wybodaeth a ddisgrifir yn is-adran (2).

(2) Yr wybodaeth yw—

(a) enw neu enwau cyffredin y domen (os oes un neu rai);

(b) lleoliad y domen;

(c) dynodydd unigryw y mae'r Awdurdod wedi ei roi i'r domen;

(d) categori'r domen (gweler Pennod 4);

(e) dyddiad yr arolygiad diweddaraf o'r domen (os bu un);

(f) unrhyw wybodaeth ychwanegol a bennir drwy reoliadau a wneir gan Weinidogion Cymru.

(3) Rhaid i Weinidogion Cymru ymgynghori â'r Awdurdod cyn gwneud rheoliadau o dan is-adran (2)(f).

(4) Ni chaniateir newid y map sy'n dangos ardal tomen nas defnyddir na newid categori tomen ond yn unol â Phennod 5.

9 Caniatáu i'r cyhoedd weld y gofrestr

Rhaid i'r Awdurdod gyhoeddi'r mapiau a'r wybodaeth yn y gofrestr, ac eithrio unrhyw wybodaeth a bennir drwy reoliadau o dan adran 8(2)(f).

Monitro tomenni cofrestredig

10 Dyletswydd i fonitro tomenni cofrestredig

(1) Rhaid i'r Awdurdod fonitro sefydlogrwydd, a bygythiadau i sefydlogrwydd, pob tomen nas defnyddir yn y gofrestr.

(2) Er mwyn cyflawni ei ddyletswydd o dan is-adran (1) mewn perthynas â thomen sy'n domen categori 1, rhaid i'r Awdurdod—

(a) pose a threat to human welfare by reason of instability, or

(b) could pose such a threat in the event of instability.

(2) Chapter 3 sets out the process for including disused tips in the register or removing them from it.

(3) In this Part, references to "the register" are to the register referred to in subsection (1).

7 The criteria for registration

For the purposes of this Part, the criteria for registering a disused tip are that the tip—

(a) poses a threat to human welfare by reason of instability, or

(b) could pose such a threat in the event of instability.

8 Content of the register

(1) An entry in the register for a disused tip must include—

(a) a map showing the area of the tip, and

(b) the information described in subsection (2).

(2) The information is—

(a) the name or names by which the tip is commonly known (if any);

(b) the location of the tip;

(c) a unique identifier given by the Authority to the tip;

(d) the tip's category (see Chapter 4);

(e) the date of the most recent inspection of the tip (if any);

(f) any additional information specified by regulations made by the Welsh Ministers.

(3) The Welsh Ministers must consult the Authority before making regulations under subsection (2)(f).

(4) A change to the map showing the area of a disused tip or a change to a tip's category may only be made in accordance with Chapter 5.

9 Public access to the register

The Authority must publish the maps and information in the register, other than any information specified by regulations under section 8(2)(f).

Monitoring registered tips

10 Duty to monitor registered tips

(1) The Authority must monitor the stability, and threats to the stability, of each disused tip in the register.

(2) In order to perform its duty under subsection (1) in relation to a tip which is a category 1 tip, the Authority—

(a) arolygu'r domen o fewn 6 mis ar ôl i'r domen gael ei chofnodi yn y gofrestr fel tomen categori 1, a

(b) rhaid iddo yna arolygu'r domen—

(i) dwywaith o fewn y cyfnod o 12 mis sy'n dechrau â'r diwrnod y cwblheir yr arolygiad sy'n ofynnol gan baragraff (a), a

(ii) dwywaith o fewn pob cyfnod dilynol o 12 mis.

(3) Er mwyn cyflawni ei ddyletswydd o dan is-adran (1) mewn perthynas â thomen sy'n domen categori 2, rhaid i'r Awdurdod—

(a) arolygu'r domen o fewn 12 mis ar ôl i'r domen gael ei chofnodi yn y gofrestr fel tomen categori 2, a

(b) rhaid iddo yna arolygu'r domen—

(i) unwaith o fewn y cyfnod o 12 mis sy'n dechrau â'r diwrnod y cwblheir yr arolygiad sy'n ofynnol gan baragraff (a), a

(ii) unwaith o fewn pob cyfnod dilynol o 12 mis.

(4) Caiff yr Awdurdod gynnal unrhyw weithgareddau monitro eraill (gan gynnwys arolygiadau ychwanegol) y mae'n ystyried eu bod yn briodol mewn perthynas â thomen sy'n domen categori 1 neu'n domen categori 2.

(5) Er mwyn cyflawni ei ddyletswydd o dan is-adran (1) mewn perthynas â thomen sy'n domen categori 3 neu'n domen categori 4, caiff yr Awdurdod gynnal unrhyw arolygiadau neu weithgareddau monitro eraill y mae'n ystyried eu bod yn briodol.

(6) Caiff Gweinidogion Cymru drwy reoliadau ddiwygio is-adran (2) neu (3)—

(a) i newid unrhyw gyfnod y cyfeirir ato am y tro yn yr is-adrannau hynny fel y cyfnod y mae rhaid cynnal arolygiad neu arolygiadau (yn ôl y digwydd) ynddo;

(b) i newid, mewn perthynas ag unrhyw gyfnod o'r fath, nifer yr arolygiadau y mae'n ofynnol i'r Awdurdod eu cynnal.

PENNOD 2

ASESU TOMENNI NAS DEFNYDDIR

Cyffredinol

11 Trosolwg

Mae'r Bennod hon yn gwneud darpariaeth ar gyfer asesu tomenni nas defnyddir; yn benodol, mae'n ei gwneud yn ofynnol i'r Awdurdod gynnal—

(a) asesiad rhagarweiniol o domenni nas defnyddir nad ydynt yn y gofrestr, er mwyn nodi'r tomenni hynny y gall fod angen eu cynnwys ynddi;

(b) asesiad llawn o'r tomenni hynny y mae asesiad rhagarweiniol yn nodi eu bod yn rhai y gall fod angen eu cynnwys yn y gofrestr;

(c) mewn amgylchiadau penodol, asesiad llawn o domenni sydd eisoes yn y gofrestr.

(a) must inspect the tip within 6 months of the tip being recorded in the register as a category 1 tip, and

(b) must then inspect the tip—

(i) twice within the period of 12 months beginning with the day on which the inspection required by paragraph (a) is completed, and

(ii) twice within each subsequent period of 12 months.

(3) In order to perform its duty under subsection (1) in relation to a tip which is a category 2 tip, the Authority—

(a) must inspect the tip within 12 months of the tip being recorded in the register as a category 2 tip, and

(b) must then inspect the tip—

(i) once within the period of 12 months beginning with the day on which the inspection required by paragraph (a) is completed, and

(ii) once within each subsequent period of 12 months.

(4) The Authority may carry out any other monitoring activities (including additional inspections) that it considers appropriate in relation to a tip which is a category 1 tip or a category 2 tip.

(5) In order to perform its duty under subsection (1) in relation to a tip which is a category 3 tip or a category 4 tip, the Authority may carry out any inspections or other monitoring activities that it considers appropriate.

(6) The Welsh Ministers may by regulations amend subsection (2) or (3)—

(a) to change any period referred to for the time being in those subsections as the period within which an inspection or inspections (as the case may be) must be carried out;

(b) to change, in relation to any such period, the number of inspections which the Authority is required to carry out.

CHAPTER 2

ASSESSMENT OF DISUSED TIPS

General

11 Overview

This Chapter makes provision for the assessment of disused tips; in particular, it requires the Authority to carry out—

(a) a preliminary assessment of disused tips not in the register, to identify those tips that may need to be included in it;

(b) a full assessment of those tips identified by a preliminary assessment as ones that may need to be included in the register;

(c) in certain circumstances, a full assessment of tips already in the register.

Asesiad rhagarweiniol

12 Ystyr "asesiad rhagarweiniol"

Yn y Bennod hon, ystyr "asesiad rhagarweiniol" yw asesiad o ba un a yw'n ymddangos y gallai'r meini prawf ar gyfer cofrestru tomen nas defnyddir fod wedi eu bodloni.

13 Asesiadau rhagarweiniol o'r holl domenni nas defnyddir

(1) Rhaid i'r Awdurdod—

(a) cynnal asesiad rhagarweiniol mewn perthynas â phob tomen nas defnyddir, a

(b) llunio a chyhoeddi adroddiad ar bob asesiad.

(2) Caiff yr Awdurdod gyhoeddi adroddiad o dan is-adran (1)(b) ar ffurf olygedig os yw'r Awdurdod yn ystyried ei bod yn angenrheidiol gwneud hynny er mwyn osgoi datgelu gwybodaeth yn groes i unrhyw waharddiad a osodir gan ddeddfiad neu reol gyfreithiol arall.

(3) Rhaid i'r Awdurdod lunio rhaglen sy'n nodi sut y mae'n bwriadu cynnal yr asesiadau rhagarweiniol sy'n ofynnol gan yr adran hon, a'i amserlen arfaethedig ar gyfer hynny.

(4) Rhaid i'r Awdurdod anfon y rhaglen at Weinidogion Cymru i'w chymeradwyo cyn diwedd 12 mis sy'n dechrau â phan ddaw'r adran hon i rym.

(5) Caiff Gweinidogion Cymru gymeradwyo'r rhaglen ag addasiadau neu hebddynt.

(6) Rhaid i'r Awdurdod gyhoeddi'r rhaglen fel y'i cymeradwyir gan Weinidogion Cymru cyn gynted ag y bo'n ymarferol.

(7) Caiff yr Awdurdod ddiwygio'r rhaglen gyhoeddedig gyda chymeradwyaeth Gweinidogion Cymru.

(8) Os yw'r Awdurdod yn diwygio'r rhaglen gyhoeddedig, rhaid iddo ei chyhoeddi ar ei ffurf ddiwygiedig cyn gynted ag y bo'n ymarferol ar ôl gwneud y diwygiad.

(9) Wrth gydymffurfio ag is-adran (1), rhaid i'r Awdurdod roi sylw i'r rhaglen ddiweddaraf a gyhoeddwyd ganddo o dan yr adran hon.

14 Asesiadau rhagarweiniol ychwanegol

(1) Mae'r adran hon yn gymwys pan fo asesiad rhagarweiniol wedi ei gynnal o dan y Bennod hon mewn perthynas â thomen nas defnyddir nad yw yn y gofrestr, ond bod yr Awdurdod yn ystyried y dylid cynnal asesiad rhagarweiniol ychwanegol mewn perthynas â'r domen—

(a) oherwydd newid mewn amgylchiadau, neu

(b) oherwydd bod gwybodaeth ar gael nas ystyriwyd pan gynhaliwyd yr asesiad blaenorol.

(2) Rhaid i'r Awdurdod, cyn gynted ag y bo'n ymarferol—

(a) cynnal asesiad rhagarweiniol ychwanegol mewn perthynas â'r domen, a

(b) llunio a chyhoeddi adroddiad ar yr asesiad.

Preliminary assessment

12 Meaning of "preliminary assessment"

In this Chapter, "preliminary assessment" means an assessment of whether it appears that the criteria for registering a disused tip may be met.

13 Preliminary assessments of all disused tips

(1) The Authority must—

(a) carry out a preliminary assessment in relation to every disused tip, and

(b) produce and publish a report of each assessment.

(2) The Authority may publish a report under subsection (1)(b) in a redacted form if the Authority considers it necessary to do so in order to avoid disclosing information contrary to any prohibition imposed by an enactment or other rule of law.

(3) The Authority must prepare a programme which sets out its proposed approach to, and proposed timetable for, carrying out the preliminary assessments required by this section.

(4) The Authority must send the programme to the Welsh Ministers for approval before the end of 12 months beginning with the coming into force of this section.

(5) The Welsh Ministers may approve the programme with or without modifications.

(6) The Authority must publish the programme as approved by the Welsh Ministers as soon as practicable.

(7) The Authority may revise the published programme with the approval of the Welsh Ministers.

(8) If the Authority revises the published programme, it must publish it in its revised form as soon as practicable after making the revision.

(9) In complying with subsection (1), the Authority must have regard to the most recent programme published by it under this section.

14 Additional preliminary assessments

(1) This section applies where a preliminary assessment has been carried out under this Chapter in relation to a disused tip that is not in the register, but the Authority considers that an additional preliminary assessment ought to be carried out in relation to the tip—

(a) because of a change in circumstances, or

(b) because information is available that was not taken into account when the previous assessment was carried out.

(2) The Authority must, as soon as practicable—

(a) carry out an additional preliminary assessment in relation to the tip, and

(b) produce and publish a report of the assessment.

(3) Caiff yr Awdurdod gyhoeddi adroddiad o dan is-adran (2)(b) ar ffurf olygedig os yw'r Awdurdod yn ystyried ei bod yn angenrheidiol gwneud hynny er mwyn osgoi datgelu gwybodaeth yn groes i unrhyw waharddiad a osodir gan ddeddfiad neu reol gyfreithiol arall.

Asesiad llawn

15 Ystyr "asesiad llawn"

Yn y Bennod hon ystyr "asesiad llawn", mewn perthynas â thomen nas defnyddir, yw asesiad o—

(a) sefydlogrwydd y domen;

(b) materion sy'n effeithio ar sefydlogrwydd y domen neu a allai effeithio ar hynny (gan gynnwys unrhyw ryngddibyniaethau rhwng y domen ac unrhyw domen nas defnyddir arall);

(c) a allai unrhyw ryngddibyniaethau rhwng y domen a thomen nas defnyddir arall effeithio ar sefydlogrwydd y domen arall;

(d) a yw'r meini prawf ar gyfer cofrestru wedi eu bodloni.

16 Asesiad llawn o domen anghofrestredig

(1) Os, ar sail asesiad rhagarweiniol o dan y Bennod hon, yr ymddengys i'r Awdurdod y gallai'r meini prawf ar gyfer cofrestru tomen nas defnyddir fod wedi eu bodloni mewn perthynas â thomen nas defnyddir nad yw yn y gofrestr, rhaid i'r Awdurdod—

(a) cynnal asesiad llawn mewn perthynas â'r domen, a

(b) llunio a chyhoeddi adroddiad ar yr asesiad.

(2) Caiff yr Awdurdod gyhoeddi adroddiad o dan is-adran (1)(b) ar ffurf olygedig os yw'r Awdurdod yn ystyried ei bod yn angenrheidiol gwneud hynny er mwyn osgoi datgelu gwybodaeth yn groes i unrhyw waharddiad a osodir gan ddeddfiad neu reol gyfreithiol arall.

17 Asesiad llawn o domen gofrestredig

(1) Mae'r adran hon yn gymwys pan fo'r Awdurdod yn ystyried y dylid cynnal asesiad llawn ychwanegol mewn perthynas â thomen nas defnyddir sydd eisoes yn y gofrestr—

(a) oherwydd newid mewn amgylchiadau, neu

(b) oherwydd bod gwybodaeth ar gael nas ystyriwyd pan gynhaliwyd asesiad llawn ddiwethaf mewn perthynas â'r domen.

(2) Rhaid i'r Awdurdod, cyn gynted ag y bo'n ymarferol—

(a) cynnal asesiad llawn ychwanegol mewn perthynas â'r domen, a

(b) llunio a chyhoeddi adroddiad ar yr asesiad.

(3) Caiff yr Awdurdod gyhoeddi adroddiad o dan is-adran (2)(b) ar ffurf olygedig os yw'r Awdurdod yn ystyried ei bod yn angenrheidiol gwneud hynny er mwyn osgoi datgelu gwybodaeth yn groes i unrhyw waharddiad a osodir gan ddeddfiad neu reol gyfreithiol arall.

(3) The Authority may publish a report under subsection (2)(b) in a redacted form if the Authority considers it necessary to do so in order to avoid disclosing information contrary to any prohibition imposed by an enactment or other rule of law.

Full assessment

15 Meaning of "full assessment"

In this Chapter, "full assessment", in relation to a disused tip, means an assessment of—

(a) the stability of the tip;

(b) matters affecting or with the potential to affect the stability of the tip (including any interdependencies between the tip and any other disused tip);

(c) whether any interdependencies between the tip and another disused tip could affect the stability of the other tip;

(d) whether the criteria for registration are met.

16 Full assessment of unregistered tip

(1) If, on the basis of a preliminary assessment under this Chapter, it appears to the Authority that the criteria for registering a disused tip may be met in relation to a disused tip that is not in the register, the Authority must—

(a) carry out a full assessment in relation to the tip, and

(b) produce and publish a report of the assessment.

(2) The Authority may publish a report under subsection (1)(b) in a redacted form if the Authority considers it necessary to do so in order to avoid disclosing information contrary to any prohibition imposed by an enactment or other rule of law.

17 Full assessment of registered tip

(1) This section applies where the Authority considers that an additional full assessment ought to be carried out in relation a disused tip already in the register—

(a) because of a change in circumstances, or

(b) because information is available that was not taken into account when a full assessment was last carried out in relation to the tip.

(2) The Authority must, as soon as practicable—

(a) carry out an additional full assessment in relation to the tip, and

(b) produce and publish a report of the assessment.

(3) The Authority may publish a report under subsection (2)(b) in a redacted form if the Authority considers it necessary to do so in order to avoid disclosing information contrary to any prohibition imposed by an enactment or other rule of law.

18 Hysbysiad o fwriad i gynnal asesiad llawn

(1) Cyn cynnal asesiad llawn mewn perthynas â thomen nas defnyddir, rhaid i'r Awdurdod roi hysbysiad i bob perchennog a phob meddiannydd ar dir y mae angen mynediad iddo at ddibenion yr asesiad.

(2) Rhaid i'r hysbysiad—

(a) datgan bod yr Awdurdod wedi trefnu asesiad llawn mewn perthynas â'r domen;

(b) esbonio y gallai fod angen mynd ar y tir i gynnal yr asesiad;

(c) pennu'r dyddiad y gallai fod angen mynd ar y tir (na chaiff fod yn llai na 14 o ddiwrnodau ar ôl y dyddiad y rhoddir yr hysbysiad);

(d) datgan y caiff yr Awdurdod, oni bai mai tir y Goron yw'r tir, wneud cais am warant i fynd ar y tir o dan adran 67 os gwrthodir mynediad.

19 Hysbysiad o gasgliadau asesiad llawn

Pan fo'r Awdurdod yn llunio adroddiad ar asesiad llawn mewn perthynas â thomen nas defnyddir, rhaid iddo, cyn gynted ag y bo'n ymarferol, roi hysbysiad ynghylch casgliadau'r adroddiad i bob perchennog a phob meddiannydd ar y tir y mae'r domen wedi ei lleoli arno.

PENNOD 3

COFRESTRU A DATGOFRESTRU TOMENNI NAS DEFNYDDIR

20 Cynnig i gofrestru tomen

(1) Mae'r adran hon yn gymwys pan fo adroddiad ar asesiad llawn o dan adran 16 yn dod i'r casgliad fod y meini prawf ar gyfer cofrestru tomen nas defnyddir wedi eu bodloni.

(2) Rhaid i'r Awdurdod, cyn gynted ag y bo'n ymarferol, roi hysbysiad ei fod yn cynnig cynnwys y domen yn y gofrestr ("hysbysiad o gofrestriad arfaethedig") i—

(a) pob perchennog a phob meddiannydd ar y tir y mae'r domen wedi ei lleoli arno, a

(b) unrhyw berson arall a chanddo, hyd y gŵyr yr Awdurdod, ystad neu fuddiant yn y tir hwnnw heblaw fel morgeisai.

(3) Rhaid i hysbysiad o gofrestriad arfaethedig—

(a) nodi'r domen nas defnyddir;

(b) cynnwys map sy'n dangos ardal y domen;

(c) esbonio bod yr Awdurdod yn cynnig cofrestru'r domen a'i resymau dros y cynnig;

(d) pennu'r categori y mae'r Awdurdod yn ei gynnig ar gyfer y domen a'i resymau dros y cynnig;

(e) pennu'r cyfnod ar gyfer cyflwyno sylwadau i'r Awdurdod ynghylch y cynnig, y mae'n rhaid iddo fod yn gyfnod o 30 o ddiwrnodau o leiaf sy'n dechrau â'r diwrnod drannoeth y diwrnod y rhoddir yr hysbysiad;

(f) esbonio sut y caiff person gyflwyno sylwadau.

(4) Caiff Gweinidogion Cymru drwy reoliadau ddiwygio is-adran (3)(e) i newid y cyfnod hysbysu byrraf a ganiateir ar gyfer cyflwyno sylwadau, ond ni chaiff y cyfnod diwygiedig fod yn llai na 14 diwrnod.

18 Notice of intention to carry out full assessment

(1) Before carrying out a full assessment in relation to a disused tip, the Authority must give a notice to every owner and every occupier of land to which access is required for the purposes of the assessment.

(2) The notice must—

(a) state that the Authority has arranged a full assessment in relation to the tip;

(b) explain that access to the land may be needed to carry out the assessment;

(c) specify the date on which access to the land may be needed (which must not be less than 14 days after the date on which the notice is given);

(d) state that the Authority may, unless the land is Crown land, apply for a warrant to enter the land under section 67 if access is refused.

19 Notice of conclusions of full assessment

Where the Authority produces a report of a full assessment in relation to a disused tip, it must, as soon as practicable, give notice of the conclusions of the report to every owner and every occupier of the land on which the tip is situated.

CHAPTER 3

REGISTERING AND DEREGISTERING DISUSED TIPS

20 Proposal to register tip

(1) This section applies where a report of a full assessment under section 16 concludes that the criteria for registering a disused tip are met.

(2) The Authority must, as soon as practicable, give notice that it proposes to include the tip in the register (a "notice of proposed registration") to—

(a) every owner and every occupier of the land on which the tip is situated, and

(b) any other person who, to the Authority's knowledge, has an estate or interest in that land otherwise than as a mortgagee.

(3) A notice of proposed registration must—

(a) identify the disused tip;

(b) include a map showing the area of the tip;

(c) explain that the Authority is proposing to register the tip and its reasons for the proposal;

(d) specify the category the Authority is proposing for the tip and its reasons for the proposal;

(e) specify the period for making representations to the Authority about the proposal, which must be a period of at least 30 days beginning with the day after the day on which the notice is given;

(f) explain how a person may make representations.

(4) The Welsh Ministers may by regulations amend subsection (3)(e) to change the minimum period for making representations, but the amended period must not be less than 14 days.

21 Penderfyniad ynghylch cofrestru

(1) Mae'r adran hon yn gymwys pan fo'r cyfnod ar gyfer cyflwyno sylwadau ynghylch cynnig i gynnwys tomen nas defnyddir yn y gofrestr wedi dod i ben.

(2) Rhaid i'r Awdurdod, cyn gynted ag y bo'n ymarferol, benderfynu pa un a yw'n fodlon bod y meini prawf ar gyfer cofrestru'r domen wedi eu bodloni.

(3) Wrth wneud ei benderfyniad, rhaid i'r Awdurdod roi sylw i—

(a) casgliadau yr adroddiad ar yr asesiad llawn a grybwyllir yn adran 20, a

(b) unrhyw sylwadau a wnaed am y cynnig gan berson y rhoddwyd yr hysbysiad o gofrestriad arfaethedig iddo.

(4) Caiff yr Awdurdod hefyd roi sylw i unrhyw wybodaeth arall y mae'n ystyried ei bod yn berthnasol.

(5) Pan fo'r Awdurdod yn penderfynu bod y meini prawf ar gyfer cofrestru wedi eu bodloni, rhaid iddo gynnwys y domen yn y gofrestr cyn gynted ag y bo'n ymarferol.

(6) Caiff yr Awdurdod gofrestru tomen nas defnyddir rywfodd arall yn hytrach nag yn unol â'r cynnig yn yr hysbysiad o gofrestriad arfaethedig os yw'n ystyried ei bod yn briodol gwneud hynny.

(7) Rhaid i'r Awdurdod roi hysbysiad o benderfyniad o dan yr adran hon ("hysbysiad penderfynu") i—

(a) pob perchennog a phob meddiannydd ar y tir y mae'r domen nas defnyddir wedi ei lleoli arno,

(b) unrhyw berson arall a chanddo, hyd y gŵyr yr Awdurdod, ystad neu fuddiant yn y tir hwnnw heblaw fel morgeisai, ac

(c) unrhyw berson arall y rhoddwyd yr hysbysiad o gofrestriad arfaethedig iddo.

(8) Rhaid i hysbysiad penderfynu—

(a) nodi'r domen nas defnyddir;

(b) cynnwys map sy'n dangos ardal y domen;

(c) esbonio penderfyniad yr Awdurdod a'i resymau dros wneud y penderfyniad;

(d) os yw'r domen wedi ei chynnwys yn y gofrestr—

(i) pennu'r dyddiad yr ychwanegwyd y domen at y gofrestr,

(ii) pennu categori'r domen, a

(iii) pan fo'r domen wedi ei chofrestru rywfodd arall yn hytrach nag yn unol â'r hysbysiad o gofrestriad arfaethedig, esbonio unrhyw wahaniaethau a'r rhesymau dros y gwahaniaethau.

22 Cynnig i ddileu tomen o'r gofrestr

(1) Mae'r adran hon yn gymwys pan fo adroddiad ar asesiad llawn o dan adran 17 yn dod i'r casgliad nad yw'r meini prawf ar gyfer cofrestru wedi eu bodloni mwyach mewn perthynas â thomen nas defnyddir yn y gofrestr.

(2) Rhaid i'r Awdurdod, cyn gynted ag y bo'n ymarferol, roi hysbysiad ei fod yn bwriadu dileu'r domen o'r gofrestr ("hysbysiad o ddatgofrestriad arfaethedig") i—

21 Decision on registration

(1) This section applies where the period for making representations about a proposal to include a disused tip in the register has ended.

(2) The Authority must, as soon as practicable, decide whether it is satisfied that the criteria for registering the tip are met.

(3) In making its decision, the Authority must have regard to—

(a) the conclusions of the report of the full assessment mentioned in section 20, and

(b) any representations made about the proposal by a person who was given the notice of proposed registration.

(4) The Authority may also have regard to any other information it considers relevant.

(5) Where the Authority decides that the criteria for registration are met, it must include the tip in the register as soon as practicable.

(6) The Authority may register a disused tip otherwise than in accordance with the proposal in the notice of proposed registration if it considers it appropriate to do so.

(7) The Authority must give notice of a decision under this section (a "decision notice") to—

(a) every owner and every occupier of the land on which the disused tip is situated,

(b) any other person who, to the Authority's knowledge, has an estate or interest in that land otherwise than as a mortgagee, and

(c) any other person who was given the notice of proposed registration.

(8) A decision notice must—

(a) identify the disused tip;

(b) include a map showing the area of the tip;

(c) explain the Authority's decision and its reasons for the decision;

(d) if the tip has been included in the register—

(i) specify the date on which tip was added to the register,

(ii) specify the tip's category, and

(iii) where the tip has been registered otherwise than in accordance with the notice of proposed registration, explain any differences and the reasons for the differences.

22 Proposal to remove tip from register

(1) This section applies where a report of a full assessment under section 17 concludes that the criteria for registration are no longer met in relation to a disused tip in the register.

(2) The Authority must, as soon as practicable, give notice that it proposes to remove the tip from the register (a "notice of proposed deregistration") to—

(a) pob perchennog a phob meddiannydd ar y tir y mae'r domen wedi ei lleoli arno, a

(b) unrhyw berson arall a chanddo, hyd y gŵyr yr Awdurdod, ystad neu fuddiant yn y tir hwnnw heblaw fel morgeisai.

(3) Rhaid i hysbysiad o ddatgofrestriad arfaethedig—

(a) nodi'r domen nas defnyddir;

(b) cynnwys map sy'n dangos ardal y domen;

(c) esbonio bod yr Awdurdod yn cynnig dileu'r domen o'r gofrestr a'i resymau dros y cynnig;

(d) pennu'r cyfnod ar gyfer cyflwyno sylwadau i'r Awdurdod mewn perthynas â'r cynnig, y mae'n rhaid iddo fod yn gyfnod o 30 o ddiwrnodau o leiaf sy'n dechrau â'r diwrnod drannoeth y diwrnod y rhoddir yr hysbysiad;

(e) esbonio sut y caiff person gyflwyno sylwadau.

(4) Caiff Gweinidogion Cymru drwy reoliadau ddiwygio is-adran (3)(d) i newid y cyfnod hysbysu byrraf a ganiateir ar gyfer cyflwyno sylwadau, ond ni chaiff y cyfnod diwygiedig fod yn llai na 14 o ddiwrnodau.

23 Penderfyniad ynghylch dileu tomen o'r gofrestr

(1) Mae'r adran hon yn gymwys pan fo'r cyfnod ar gyfer cyflwyno sylwadau mewn perthynas â chynnig i ddileu tomen nas defnyddir o'r gofrestr wedi dod i ben.

(2) Rhaid i'r Awdurdod, cyn gynted ag y bo'n ymarferol, benderfynu pa un a yw'n fodlon nad yw'r meini prawf ar gyfer cofrestru wedi eu bodloni mwyach mewn perthynas â'r domen.

(3) Wrth wneud ei benderfyniad, rhaid i'r Awdurdod roi sylw i—

(a) casgliadau'r adroddiad ar yr asesiad llawn a grybwyllir yn adran 22, a

(b) unrhyw sylwadau a wnaed am y cynnig gan berson y rhoddwyd yr hysbysiad o ddatgofrestriad arfaethedig iddo.

(4) Caiff yr Awdurdod hefyd roi sylw i unrhyw wybodaeth arall y mae'n ystyried ei bod yn berthnasol.

(5) Pan fo'r Awdurdod yn penderfynu nad yw'r meini prawf ar gyfer cofrestru yn cael eu bodloni mwyach, rhaid iddo ddileu'r domen o'r gofrestr cyn gynted ag y bo'n ymarferol.

(6) Rhaid i'r Awdurdod roi hysbysiad o benderfyniad o dan yr adran hon ("hysbysiad penderfynu") i—

(a) pob perchennog a phob meddiannydd ar y tir y mae'r domen nas defnyddir wedi ei lleoli arno,

(b) unrhyw berson arall a chanddo, hyd y gŵyr yr Awdurdod, ystad neu fuddiant yn y tir hwnnw heblaw fel morgeisai, ac

(c) unrhyw berson arall y rhoddwyd yr hysbysiad o ddatgofrestriad arfaethedig iddo.

(7) Rhaid i hysbysiad penderfynu—

(a) nodi'r domen nas defnyddir;

(b) cynnwys map sy'n dangos ardal y domen;

(c) esbonio penderfyniad yr Awdurdod a'i resymau dros wneud y penderfyniad;

(a) every owner and every occupier of the land on which the tip is situated, and

(b) any other person who, to the Authority's knowledge, has an estate or interest in that land otherwise than as a mortgagee.

(3) A notice of proposed deregistration must—

(a) identify the disused tip;

(b) include a map showing the area of the tip;

(c) explain that the Authority is proposing to remove the tip from the register and its reasons for the proposal;

(d) specify the period for making representations to the Authority about the proposal, which must be a period of at least 30 days beginning with the day after the day on which the notice is given;

(e) explain how a person may make representations.

(4) The Welsh Ministers may by regulations amend subsection (3)(d) to change the minimum period for making representations, but the amended period must not be less than 14 days.

23 Decision on removal of tip from register

(1) This section applies where the period for making representations about a proposal to remove a disused tip from the register has ended.

(2) The Authority must, as soon as practicable, decide whether it is satisfied that the criteria for registration are no longer met in relation to the tip.

(3) In making its decision, the Authority must have regard to—

(a) the conclusions of the report of the full assessment mentioned in section 22, and

(b) any representations made about the proposal by a person who was given the notice of proposed deregistration.

(4) The Authority may also have regard to any other information it considers relevant.

(5) Where the Authority decides that the criteria for registration are no longer met, it must remove the tip from the register as soon as practicable.

(6) The Authority must, as soon as practicable, give notice of a decision under this section (a "decision notice") to—

(a) every owner and every occupier of the land on which the disused tip is situated,

(b) any other person who, to the Authority's knowledge, has an estate or interest in that land otherwise than as a mortgagee, and

(c) any other person who was given the notice of proposed deregistration.

(7) A decision notice must—

(a) identify the disused tip;

(b) include a map showing the area of the tip;

(c) explain the Authority's decision and its reasons for the decision;

(d) os yw'r domen wedi ei dileu o'r gofrestr, pennu'r dyddiad y cafodd ei dileu.

PENNOD 4

Y CATEGORÏAU O DOMENNI NAS DEFNYDDIR ETC.

24 Categorïau tomenni nas defnyddir

(1) Mae pedwar categori y caniateir rhoi tomen nas defnyddir yn y gofrestr ynddo o dan y Rhan hon: categori 1, 2, 3 neu 4.

(2) Mae'r pedwar categori yn cynrychioli'r graddau gwahanol y mae tomenni nas defnyddir yn peri pryder i'r Awdurdod, fel a ganlyn—

(a) categori 1 yn cynrychioli'r tomenni nas defnyddir hynny sy'n peri'r pryder mwyaf i'r Awdurdod, a

(b) categori 4 yn cynrychioli'r tomenni nas defnyddir hynny sy'n peri'r pryder lleiaf i'r Awdurdod,

ar sail asesiad o un neu ragor o'r materion a nodir yn is-adran (3).

(3) Y materion yw—

(a) ansefydlogrwydd y domen;

(b) ansefydlogrwydd posibl y domen;

(c) y bygythiad i les pobl a berir gan ansefydlogrwydd y domen;

(d) y bygythiad y gallai'r domen ei beri i les pobl pe bai ansefydlogrwydd.

25 Datganiad polisi ar gategoreiddio

(1) Rhaid i'r Awdurdod gyhoeddi datganiad o'i bolisi ar gategoreiddio tomenni nas defnyddir.

(2) Caiff yr Awdurdod ddiwygio'r datganiad ond, pan fo'n gwneud hynny, rhaid iddo gyhoeddi'r datganiad ar ei ffurf ddiwygiedig cyn gynted ag y bo'n ymarferol ar ôl gwneud y diwygiad.

(3) Cyn cyhoeddi'r datganiad (gan gynnwys ar ffurf ddiwygiedig), rhaid i'r Awdurdod ymgynghori â'r personau hynny y mae'n ystyried eu bod yn briodol.

26 Categoreiddio cychwynnol tomen nas defnyddir

(1) Mae'r adran hon yn gymwys mewn perthynas ag—

(a) cynnig o dan adran 20 i gofrestru tomen nas defnyddir, a

(b) penderfyniad o dan adran 21 i gofrestru tomen nas defnyddir.

(2) Wrth gynnig categori neu benderfynu categori ar gyfer tomen, rhaid i'r Awdurdod—

(a) rhoi sylw i'r adroddiad ar yr asesiad llawn a gynhaliwyd o dan adran 16 mewn perthynas â'r domen, a

(b) dilyn y polisi yn y datganiad a gyhoeddir o dan adran 25.

(3) Wrth gynnig neu benderfynu categori ar gyfer tomen, caiff yr Awdurdod roi sylw i unrhyw wybodaeth arall y mae'n ystyried ei bod yn berthnasol.

(d) if the tip has been removed from the register, specify the date on which it was removed.

CHAPTER 4

THE CATEGORIES OF DISUSED TIP ETC.

24 Categories of disused tip

(1) There are four categories in which a disused tip in the register may be placed under this Part: category 1, 2, 3 or 4.

(2) The four categories represent the different degrees to which disused tips cause the Authority concern, with—

(a) category 1 representing those disused tips causing the Authority most concern, and

(b) category 4 representing those disused tips causing the Authority the least concern,

on the basis of one or more of the matters in subsection (3).

(3) The matters are—

(a) the tip's instability;

(b) the tip's potential for instability;

(c) the threat to human welfare posed by the tip's instability;

(d) the threat the tip could pose to human welfare in the event of instability.

25 Statement of policy on categorisation

(1) The Authority must publish a statement of its policy on the categorisation of disused tips.

(2) The Authority may revise the statement; but where it does so, it must publish the statement in its revised form as soon as practicable after making the revision.

(3) Before publishing the statement (including in a revised form), the Authority must consult such persons as it considers appropriate.

26 Initial categorisation of a disused tip

(1) This section applies in relation to—

(a) a proposal under section 20 to register a disused tip, and

(b) a decision under section 21 to register a disused tip.

(2) In proposing or deciding on a tip's category, the Authority must—

(a) have regard to the report of the full assessment carried out under section 16 in relation to the tip, and

(b) follow the policy in the statement published under section 25.

(3) The Authority may have regard to any other information it considers relevant in proposing or deciding on a tip's category.

27 Adolygiadau o gategori

(1) Pan fo—

(a) yr Awdurdod yn cynnal asesiad llawn o dan adran 17 mewn perthynas â thomen nas defnyddir yn y gofrestr, a

(b) yr adroddiad yn dod i'r casgliad bod y meini prawf ar gyfer cofrestru'r domen yn parhau i gael eu bodloni,

rhaid i'r Awdurdod adolygu categori'r domen cyn gynted ag y bo'n ymarferol.

(2) Caiff yr Awdurdod adolygu categori tomen nas defnyddir ar unrhyw adeg arall.

(3) Os yw'r Awdurdod yn ystyried, ar adolygiad, y dylid newid categori tomen, nas defnyddir, rhaid iddo gynnig categori gwahanol ar gyfer y domen cyn gynted ag y bo'n ymarferol.

(4) Wrth adolygu categori tomen nas defnyddir, ac wrth gynnig categori gwahanol ar gyfer tomen nas defnyddir, rhaid i'r Awdurdod—

(a) rhoi sylw i'r adroddiad ar yr asesiad llawn diweddaraf a gynhaliwyd mewn perthynas â'r domen, a

(b) dilyn y polisi yn y datganiad a gyhoeddir o dan adran 25.

(5) Wrth adolygu categori tomen nas defnyddir, neu gynnig categori gwahanol ar gyfer tomen nas defnyddir, caiff yr Awdurdod roi sylw i unrhyw wybodaeth arall y mae'n ystyried ei bod yn berthnasol.

(6) Gweler Pennod 5 ar gyfer darpariaeth ynghylch y weithdrefn sydd i'w dilyn gan yr Awdurdod pan fydd yn cynnig newid i'r categori ar gyfer tomen nas defnyddir, a phan fydd yn gwneud newid o'r fath.

PENNOD 5

NEWIDIADAU HYSBYSADWY I'R GOFRESTR

28 Ystyr "newid hysbysadwy"

Yn y Bennod hon, ystyr "newid hysbysadwy" yw—

(a) newid i'r ardal a ddangosir fel ardal tomen nas defnyddir ar fap yn y gofrestr (gweler adran 8(1)(a)), neu

(b) newid i gategori tomen nas defnyddir.

29 Cynnig i wneud newid hysbysadwy

(1) Os yw'r Awdurdod yn cynnig gwneud newid hysbysadwy mewn perthynas â thomen nas defnyddir, rhaid iddo roi hysbysiad o'r cynnig ("hysbysiad o newid arfaethedig i'r gofrestr") i—

(a) pob perchennog a phob meddiannydd ar y tir y mae'r domen wedi ei lleoli arno, a

(b) unrhyw berson arall a chanddo, hyd y gŵyr yr Awdurdod, ystad neu fuddiant yn y tir hwnnw heblaw fel morgeisai.

(2) Rhaid i hysbysiad o newid arfaethedig i'r gofrestr—

(a) nodi'r domen nas defnyddir;

27 Reviews of categorisation

(1) Where—

(a) the Authority carries out a full assessment under section 17 in relation to a disused tip in the register, and

(b) the report concludes that the criteria for registering the tip continue to be met,

the Authority must review the tip's category as soon as practicable.

(2) The Authority may review a disused tip's category at any other time.

(3) If the Authority considers, on a review, that a disused tip's category ought to be changed, it must propose a different category for the tip as soon as practicable.

(4) In reviewing a disused tip's category, and in proposing a different category for a disused tip, the Authority must—

(a) have regard to the report of the most recent full assessment carried out in relation to the tip, and

(b) follow the policy in the statement published under section 25.

(5) The Authority may have regard to any other information it considers relevant in reviewing a disused tip's category, or in proposing a different category for a disused tip.

(6) See Chapter 5 for provision about the procedure to be followed by the Authority when proposing, and making, a change to the category for a disused tip.

CHAPTER 5

NOTIFIABLE CHANGES TO THE REGISTER

28 Meaning of "notifiable change"

In this Chapter, "notifiable change" means—

(a) a change to the area shown as the area of a disused tip on a map in the register (see section 8(1)(a)), or

(b) a change to a disused tip's category.

29 Proposal to make notifiable change

(1) If the Authority proposes to make a notifiable change in relation to a disused tip, it must give notice of the proposal (a "notice of a proposed change to the register") to—

(a) every owner and every occupier of the land on which the tip is situated, and

(b) any other person who, to the Authority's knowledge, has an estate or interest in that land otherwise than as a mortgagee.

(2) A notice of a proposed change to the register must—

(a) identify the disused tip;

(b) cynnwys copi o'r map yn y gofrestr sy'n dangos ardal y domen;

(c) esbonio'r newid y mae'r Awdurdod yn ei gynnig (y mae rhaid iddo, yn achos newid i ardal tomen sydd wedi ei dangos ar fap yn y gofrestr, gynnwys map sy'n dangos y diwygiadau arfaethedig wedi eu marcio'n glir);

(d) esbonio rhesymau'r Awdurdod dros y cynnig;

(e) pennu'r cyfnod ar gyfer cyflwyno sylwadau i'r Awdurdod mewn perthynas â'r cynnig, y mae'n rhaid iddo fod yn gyfnod o 30 o ddiwrnodau o leiaf sy'n dechrau â'r diwrnod drannoeth y diwrnod y rhoddir yr hysbysiad;

(f) esbonio sut y caiff person gyflwyno sylwadau.

(3) Caiff Gweinidogion Cymru drwy reoliadau ddiwygio is-adran (2)(e) i newid y cyfnod hysbysu byrraf a ganiateir ar gyfer cyflwyno sylwadau, ond ni chaiff y cyfnod diwygiedig fod yn llai na 14 o ddiwrnodau.

30 Penderfyniad ynghylch newid hysbysadwy

(1) Mae'r adran hon yn gymwys pan fo'r cyfnod ar gyfer cyflwyno sylwadau mewn perthynas â chynnig i wneud newid hysbysadwy wedi dod i ben.

(2) Rhaid i'r Awdurdod, cyn gynted ag y bo'n ymarferol, benderfynu pa un ai i wneud y newid.

(3) Pan fo—

(a) y newid arfaethedig yn newid i'r map yn y gofrestr sy'n dangos ardal tomen nas defnyddir, a

(b) yr Awdurdod yn ystyried y dylid gwneud y newid ar ffurf addasedig,

caiff benderfynu gwneud y newid gydag unrhyw addasiadau y mae'n ystyried eu bod yn angenrheidiol.

(4) Pan fo'r newid arfaethedig yn newid i gategori tomen nas defnyddir, caiff yr Awdurdod benderfynu newid y categori i gategori sy'n wahanol i'r categori a gynigiwyd ganddo.

(5) Wrth wneud ei benderfyniad o dan is-adran (2) , rhaid i'r Awdurdod roi sylw i unrhyw sylwadau a gyflwynwyd gan berson y rhoddwyd hysbysiad o'r cynnig iddo.

(6) Caiff yr Awdurdod hefyd roi sylw i unrhyw wybodaeth arall y mae'n ystyried ei bod yn berthnasol.

(7) Pan fo'r Awdurdod yn penderfynu gwneud newid hysbysadwy, rhaid iddo, cyn gynted ag y bo'n ymarferol, ddiweddaru'r gofrestr i adlewyrchu ei benderfyniad.

(8) Rhaid i'r Awdurdod roi hysbysiad o'i benderfyniad o dan is-adran (2) ("hysbysiad penderfynu") i—

(a) pob perchennog a phob meddiannydd ar y tir y mae'r domen nas defnyddir wedi ei lleoli arno,

(b) unrhyw berson arall a chanddo, hyd y gŵyr yr Awdurdod, ystad neu fuddiant yn y tir hwnnw heblaw fel morgeisai, ac

(c) unrhyw berson arall y rhoddwyd hysbysiad o'r newid arfaethedig i'r gofrestr iddo.

(9) Rhaid i hysbysiad penderfynu—

(a) nodi'r domen nas defnyddir;

(b) include a copy of the map in the register that shows the area of the tip;

(c) explain the change the Authority is proposing (which must, in the case of a change to the area of a tip shown on a map in the register, include a map showing the proposed revisions clearly marked);

(d) explain the Authority's reasons for the proposal;

(e) specify the period for making representations to the Authority about the proposal, which must be a period of at least 30 days beginning with the day after the day on which the notice is given;

(f) explain how a person may make representations.

(3) The Welsh Ministers may by regulations amend subsection (2)(e) to change the minimum period for making representations, but the amended period must not be less than 14 days.

30 Decision on notifiable change

(1) This section applies where the period for making representations about a proposal to make a notifiable change has ended.

(2) The Authority must, as soon as practicable, decide whether to make the change.

(3) Where—

(a) the proposed change is a change to the map in the register showing the area of a disused tip, and

(b) the Authority considers that the change ought to be made in a modified form,

it may decide to make the change with any modifications it considers necessary.

(4) Where the proposed change is a change to a disused tip's category, the Authority may decide to change the category to a category that is different from the proposed category.

(5) In making its decision under subsection (2), the Authority must have regard to any representations made by a person who was given notice of the proposal.

(6) The Authority may also have regard to any other information it considers relevant.

(7) Where the Authority decides to make a notifiable change, it must update the register to reflect its decision as soon as practicable.

(8) The Authority must give notice of its decision under subsection (2) (a "decision notice") to—

(a) every owner and every occupier of the land on which the disused tip is situated,

(b) any other person who, to the Authority's knowledge, has an estate or interest in that land otherwise than as a mortgagee, and

(c) any other person who was given notice of the proposed change to the register.

(9) A decision notice must—

(a) identify the disused tip;

(b) cynnwys map sy'n dangos ardal y domen;

(c) esbonio penderfyniad yr Awdurdod a'i resymau dros wneud y penderfyniad;

(d) os gwnaed newid i'r cofnod yn y gofrestr ar gyfer y domen, roi'r dyddiad y gwnaed y newid.

PENNOD 6

DARPARIAETH ATODOL

31 Dyletswydd i lunio a chadw cofrestr o'r holl domenni nas defnyddir

(1) Rhaid i'r Awdurdod lunio a chadw cofrestr electronig o'r holl domenni nas defnyddir y cynhaliwyd asesiad o dan adran 13 (asesiadau rhagarweiniol o'r holl domenni nas defnyddir) mewn perthynas â hwy.

(2) Rhaid i'r Awdurdod gynnwys tomen nas defnyddir yn y gofrestr cyn gynted ag y bo'n ymarferol ar ôl cwblhau'r asesiad y cyfeirir ato yn is-adran (1) mewn perthynas â'r domen.

(3) Rhaid i gofnod yn y gofrestr ar gyfer tomen nas defnyddir gynnwys—

(a) enw neu enwau cyffredin y domen (os oes un neu rai);

(b) lleoliad y domen;

(c) dynodydd unigryw y mae'r Awdurdod wedi ei roi i'r domen.

(4) Rhaid i'r Awdurdod gyhoeddi'r gofrestr.

32 Dyletswydd i gyhoeddi hysbysiadau

(1) Pan fo darpariaeth ym Mhennod 3 neu 5 o'r Rhan hon yn ei gwneud yn ofynnol i hysbysiad gael ei roi i berson, rhaid i'r Awdurdod gyhoeddi'r hysbysiad cyn gynted ag y bo'n ymarferol ar ôl iddo gael ei roi.

(2) Wrth gydymffurfio ag is-adran (1), caiff yr Awdurdod gyhoeddi hysbysiad ar ffurf olygedig os yw'r Awdurdod yn ystyried ei bod yn angenrheidiol gwneud hynny er mwyn osgoi datgelu gwybodaeth yn groes i unrhyw waharddiad a osodir gan ddeddfiad neu reol gyfreithiol arall.

33 Digolledi ad am ddifrod neu aflonyddu

(1) Mae'r adran hon yn gymwys pan fo—

(a) arolygiad neu weithgaredd monitro arall yn cael ei gynnal o dan Bennod 1, neu

(b) asesiad rhagarweiniol neu asesiad llawn yn cael ei gynnal o dan Bennod 2.

(2) Os, o ganlyniad i gynnal yr arolygiad, y gweithgaredd neu'r asesiad—

(a) difrodir unrhyw dir neu eiddo arall, neu

(b) aflonyddir ar fwynhad unrhyw berson o unrhyw dir,

mae gan y personau y cyfeirir atynt yn is-adran (3) hawlogaeth i adennill digolledi oddi wrth yr Awdurdod mewn cysylltiad â'r difrod neu'r aflonyddu.

(3) Y personau yw—

(a) yn achos difrod i dir, unrhyw berson a chanddo ystad neu fuddiant yn y tir;

(b) yn achos difrod i eiddo arall, perchennog yr eiddo;

(b) include a map showing the area of the tip;

(c) explain the Authority's decision and its reasons for the decision;

(d) if a change has been made to the entry in the register for the tip, give the date on which the change was made.

CHAPTER 6

SUPPLEMENTARY PROVISION

31 Duty to compile and maintain list of all disused tips

(1) The Authority must compile and maintain an electronic list of all disused tips in relation to which an assessment under section 13 (preliminary assessment of all disused tips) has been carried out.

(2) The Authority must include a disused tip in the list as soon as practicable after completing the assessment referred to in subsection (1) in relation to the tip.

(3) An entry in the list for a disused tip must include—

(a) the name or names by which the tip is commonly known (if any);

(b) the location of the tip;

(c) a unique identifier given by the Authority to the tip.

(4) The Authority must publish the list.

32 Duty to publish notices

(1) Where a provision in Chapter 3 or 5 of this Part requires a notice to be given to a person, the Authority must publish the notice as soon as practicable after it is given.

(2) In complying with subsection (1), the Authority may publish a notice in a redacted form if it considers it necessary to do so in order to avoid disclosing information contrary to any prohibition imposed by an enactment or other rule of law.

33 Compensation for damage or disturbance

(1) This section applies where—

(a) an inspection or other monitoring activity is carried out under Chapter 1, or

(b) a preliminary assessment or a full assessment is carried out under Chapter 2.

(2) If, as a result of carrying out the inspection, activity or assessment—

(a) any land or other property is damaged, or

(b) any person's enjoyment of any land is disturbed,

the persons referred to in subsection (3) are entitled to recover compensation from the Authority in respect of the damage or disturbance.

(3) The persons are—

(a) in the case of damage to land, any person with an estate or interest in the land;

(b) in the case of damage to other property, the owner of the property;

(c) mewn achos o aflonyddu ar fwynhad person o dir, y person yr aflonyddir ar ei fwynhad o'r tir.

(4) Mae unrhyw anghydfod sy'n codi ynghylch hawliad am ddigollediad o dan yr adran hon i'w benderfynu gan y llys.

(5) Mae Atodlen 2 yn cael effaith mewn perthynas â hawliadau penodol am ddigollediad o dan yr adran hon.

34 Cosb am rwystro gweithgareddau monitro neu asesiadau

(1) Mae person sy'n rhwystro'n fwriadol neu'n ymyrryd yn fwriadol ag—

(a) arolygiad neu weithgaredd monitro arall o dan Bennod 1, neu

(b) asesiad rhagarweiniol neu asesiad llawn o dan Bennod 2,

yn cyflawni trosedd.

(2) Mae person sy'n euog o drosedd o dan is-adran (1) yn agored ar euogfarn ddiannod i ddirwy.

(3) Nid yw torri is-adran (1) gan y Goron yn gwneud y Goron yn atebol o ran cyfraith trosedd (ond gweler adran 28(3) o Ddeddf Deddfwriaeth (Cymru) 2019 (dccc 4) ynghylch atebolrwydd personau sy'n gwasanaethu'r Goron).

RHAN 3

YMDRIN AG ANSEFYDLOGRWYDD TOMEN A BYGYTHIADAU I SEFYDLOGRWYDD TOMEN

PENNOD 1

EI GWNEUD YN OFYNNOL I BERCHENNOG AR DIR I GYNNAL GWEITHREDIADAU

35 Hysbysiad yn ei gwneud yn ofynnol i berchennog ar dir i gynnal gweithrediadau

(1) Caiff yr Awdurdod drwy hysbysiad ei gwneud yn ofynnol i berchennog ar dir gynnal gweithrediadau ar y tir os yw'r Awdurdod yn ystyried bod y gweithrediadau yn angenrheidiol i gyflawni'r amcan a ganlyn.

(2) Yr amcan yw—

(a) atal bygythiadau i sefydlogrwydd tomen nas defnyddir neu ymdrin â'r bygythiadau hynny, neu

(b) sefydlogi tomen nas defnyddir neu atal tomen nas defnyddir rhag mynd yn fwy ansefydlog,

er mwyn osgoi neu leihau bygythiadau i les pobl.

(3) Rhaid i'r hysbysiad bennu—

(a) y domen nas defnyddir y rhoddir yr hysbysiad mewn cysylltiad â hi,

(b) y gweithrediadau y mae rhaid eu cynnal, ac

(c) y bygythiad i les pobl y bwriedir i'r gweithrediadau penodedig ei osgoi neu ei leihau.

(c) in the case of disturbance to a person's enjoyment of land, the person whose enjoyment of the land is disturbed.

(4) Any dispute arising on a claim for compensation under this section is to be determined by the court.

(5) Schedule 2 has effect in relation to certain claims for compensation under this section.

34 Penalty for obstructing monitoring activities or assessments

(1) A person who intentionally obstructs or interferes with—

(a) an inspection or other monitoring activity under Chapter 1, or

(b) a preliminary assessment or full assessment under Chapter 2,

commits an offence.

(2) A person guilty of an offence under subsection (1) is liable on summary conviction to a fine.

(3) A contravention of subsection (1) by the Crown does not make the Crown criminally liable (but see section 28(3) of the Legislation (Wales) Act 2019 (anaw 4) regarding the liability of persons in the service of the Crown).

PART 3

DEALING WITH TIP INSTABILITY AND THREATS TO TIP STABILITY

CHAPTER 1

REQUIRING AN OWNER OF LAND TO CARRY OUT OPERATIONS

35 Notice requiring owner of land to carry out operations

(1) The Authority may by notice require an owner of land to carry out operations on the land if the Authority considers the operations to be necessary to achieve the following objective.

(2) The objective is to—

(a) prevent or deal with threats to the stability of a disused tip, or

(b) stabilise a disused tip or prevent a disused tip from becoming more unstable,

so as to avoid or reduce threats to human welfare.

(3) A notice must specify—

(a) the disused tip in connection with which the notice is given,

(b) the operations that must be carried out, and

(c) the threat to human welfare that the specified operations are intended to avoid or reduce.

(4) Rhaid i hysbysiad hefyd bennu'r cyfnod y mae'r gweithrediadau i'w cwblhau ynddo, a rhaid iddo fod yn gyfnod sy'n dechrau o leiaf 21 o ddiwrnodau ar ôl y diwrnod y rhoddir yr hysbysiad i'r perchennog.

36 Hawl y perchennog i fynd ar dir etc.

(1) O dan yr amgylchiadau a ganlyn—

(a) os nad yw perchennog ar dir y rhoddir hysbysiad iddo o dan adran 35 yn meddiannu'r tir, neu unrhyw ran o'r tir, y mae rhaid cynnal y gweithrediadau sy'n ofynnol gan yr hysbysiad arno, a

(b) os yw ystad y perchennog yn y tir yn uwch nag unrhyw ystad neu fuddiant sydd gan y meddiannydd,

mae gan y perchennog yr hawl i fynd ar y tir er mwyn cynnal y gweithrediadau ac unrhyw waith adfer canlyniadol.

(2) Caiff perchennog sy'n arfer hawl mynediad o dan is-adran (1) fynd ag unrhyw bersonau eraill, unrhyw gyfarpar ac unrhyw ddeunydd ar y tir fel y bo'n angenrheidiol.

(3) Caiff perchennog ar dir y rhoddir hysbysiad iddo o dan adran 35, at ddiben cynnal gweithrediadau sy'n ofynnol gan yr hysbysiad ar y tir, symud ymaith a gwaredu unrhyw eiddo y mae person arall yn berchen arno sydd wedi ei leoli ar y tir.

(4) Os yw perchennog ar dir yn gwaredu eiddo o dan is-adran (3) drwy ei werthu, rhaid i berchennog y tir roi cyfrif i berchennog yr eiddo am yr enillion gwerthu.

(5) Nid yw is-adran (4) yn atal perchennog ar dir rhag—

(a) didynnu o'r enillion gwerthu unrhyw dreuliau yr eir iddynt yn rhesymol gan y perchennog wrth werthu'r eiddo;

(b) gosod yr enillion gwerthu, neu unrhyw ran o'r enillion hynny, yn erbyn unrhyw swm y mae gan y perchennog hawlogaeth i'w adennill oddi wrth berchennog yr eiddo o dan Bennod 3.

37 Dyletswydd i roi copïau o hysbysiad i bartïon â buddiant

(1) Pan fo'r Awdurdod yn rhoi hysbysiad i berchennog ar dir o dan adran 35, rhaid iddo hefyd roi copi o'r hysbysiad i unrhyw berson arall a chanddo fuddiant yn yr hysbysiad.

(2) At ddibenion yr adran hon, mae'r personau a ganlyn (yn ogystal â'r perchennog) yn bersonau a chanddynt fuddiant mewn hysbysiad—

(a) person sy'n meddiannu tir y mae'r gweithrediadau sy'n ofynnol gan yr hysbysiad i'w cynnal arno;

(b) person a chanddo, hyd y gŵyr yr Awdurdod, ystad neu fuddiant yn y tir hwnnw heblaw fel morgeisai;

(c) person—

(i) a chanddo, hyd y gŵyr yr Awdurdod, heblaw fel morgeisai, ystâd neu fuddiant yn y tir y mae'r domen nas defnyddir wedi ei lleoli arno, neu

(ii) y bu ganddo, hyd y gŵyr yr Awdurdod, heblaw fel morgeisai, ystâd neu fuddiant yn y tir hwnnw ar unrhyw adeg yn y 12 mlynedd cyn y diwrnod y rhoddir yr hysbysiad i'r perchennog;

(4) A notice must also specify the period within which the operations are to be completed, which must be a period beginning at least 21 days after the day on which the notice is given to the owner.

36 Owner's right of entry onto land etc.

(1) If—

(a) an owner of land who is given a notice under section 35 is not in occupation of the land, or any part of the land, on which the operations required by the notice must be carried out, and

(b) the owner's estate in the land is superior to any estate or interest of the occupier,

the owner has the right to enter the land in order to carry out the operations and any consequential works of reinstatement.

(2) An owner exercising a right of entry under subsection (1) may take any other persons, equipment and material onto the land as may be necessary.

(3) An owner of land who is given a notice under section 35 may, for the purpose of carrying out operations required by the notice on the land, remove and dispose of any property situated on the land that belongs to another person.

(4) If an owner of land disposes of property under subsection (3) by selling it, the owner of the land must account to the owner of the property for the proceeds of sale.

(5) Subsection (4) does not prevent an owner of land from—

(a) deducting from the proceeds of sale any expenses reasonably incurred by the owner in selling the property;

(b) setting off the proceeds of sale, or any part of those proceeds, against any sum which the owner is entitled to recover from the owner of the property under Chapter 3.

37 Duty to give interested parties copies of notice

(1) Where the Authority gives a notice to an owner of land under section 35, it must also give a copy of the notice to any other person with an interest in the notice.

(2) For the purposes of this section, the following persons (in addition to the owner) are persons with an interest in a notice—

(a) a person occupying land on which the operations required by the notice are to be carried out;

(b) a person who, to the Authority's knowledge, has an estate or interest in that land otherwise than as a mortgagee;

(c) a person who, to the Authority's knowledge, otherwise than as a mortgagee—

(i) has an estate or interest in the land on which the disused tip is situated, or

(ii) had an estate or interest in that land at any time in the 12 years before the day on which the notice is given to the owner;

(d) person a chanddo, hyd y gŵyr yr Awdurdod, fuddiant yn (gan gynnwys hawl i gaffael) yr holl ddeunydd neu unrhyw ddeunydd sydd yn y domen nas defnyddir;

(e) person sydd, hyd y gŵyr yr Awdurdod, ar unrhyw adeg o fewn y cyfnod o 12 mlynedd a grybwyllir ym mharagraff (c), wedi defnyddio'r domen nas defnyddir i ddyddodi gwastraff o fwynglawdd neu chwarel;

(f) person y mae'r Awdurdod yn credu ei fod, ar unrhyw adeg o fewn y cyfnod o 12 mlynedd a grybwyllir ym mharagraff (c), wedi peri neu gyfrannu at yr angen am y gweithrediadau sy'n ofynnol gan yr hysbysiad drwy—

(i) cynnal gweithrediadau eraill neu gyflawni unrhyw weithgaredd arall ar unrhyw dir, neu

(ii) methu â gwneud rhywbeth y gallai'r person yn rhesymol fod wedi ei wneud ar unrhyw dir i osgoi creu neu gyfrannu at yr angen am y gweithrediadau sy'n ofynnol gan yr hysbysiad.

(3) Yn is-adran (2), ystyr "tomen nas defnyddir" yw'r domen nas defnyddir y rhoddir yr hysbysiad o dan adran 35 mewn cysylltiad â hi.

(4) Rhaid i'r Awdurdod roi'r copïau sy'n ofynnol gan yr adran hon o fewn 7 niwrnod sy'n dechrau â'r diwrnod y rhoddir yr hysbysiad i'r perchennog.

38 Hawl perchennog a phartïon â buddiant i apelio yn erbyn hysbysiad

(1) Caiff perchennog ar dir y rhoddir hysbysiad iddo o dan adran 35, neu berson y rhoddir copi o'r hysbysiad iddo o dan adran 37, wneud cais i Weinidogion Cymru i amrywio neu ganslo'r hysbysiad.

(2) Rhaid gwneud cais o dan yr adran hon o fewn 21 o ddiwrnodau sy'n dechrau â'r diwrnod y rhoddir yr hysbysiad i'r perchennog.

(3) Caniateir gwneud cais o dan yr adran hon ar un neu ragor o'r seiliau a ganlyn—

(a) nad oes sail resymol dros gredu bod y gweithrediadau sy'n ofynnol gan yr hysbysiad yn angenrheidiol er mwyn osgoi neu leihau'r bygythiad i les pobl a bennir yn yr hysbysiad;

(b) bod y gweithrediadau sy'n ofynnol gan yr hysbysiad yn fwy helaeth nag sy'n angenrheidiol er mwyn osgoi neu leihau'r bygythiad i les pobl a bennir yn yr hysbysiad;

(c) bod—

(i) y bygythiad i les dynol a bennir yn yr hysbysiad yn fygythiad y gellid ei osgoi, neu ei leihau i'r un graddau o leiaf, drwy gynnal gweithrediadau gwahanol, yn gyfan gwbl neu'n rhannol, i'r gweithrediadau sy'n ofynnol gan yr hysbysiad, a

(ii) y perchennog yn fodlon cynnal y gweithrediadau amgen;

(d) bod—

(i) y perchennog neu berson arall eisoes wedi dechrau, neu wedi ymrwymo i gontract gyda thrydydd parti i ddechrau, gweithrediadau sy'n wahanol, yn gyfan gwbl neu'n rhannol, i'r gweithrediadau sy'n ofynnol gan yr hysbysiad, a

(d) a person who, to the Authority's knowledge, has an interest in (including a right to acquire) all or any of the material comprised in the disused tip;

(e) a person who, to the Authority's knowledge, has at any time within the 12 year period mentioned in paragraph (c), used the disused tip to deposit waste from a mine or quarry;

(f) a person who the Authority believes has, at any time within the 12 year period mentioned in paragraph (c), caused or contributed to the need for the operations required by the notice by—

(i) carrying out other operations or performing any other activity on any land, or

(ii) failing to do something which the person might reasonably have done on any land to avoid creating or contributing to the need for the operations required by the notice.

(3) In subsection (2), "disused tip" means the disused tip in connection with which the notice under section 35 is given.

(4) The Authority must give the copies required by this section within 7 days beginning with the day on which the notice is given to the owner.

38 Right of owner and interested parties to appeal against notice

(1) An owner of land who is given a notice under section 35, or a person who is given a copy of the notice under section 37, may apply to the Welsh Ministers to vary or cancel the notice.

(2) An application under this section must be made within 21 days beginning with the day that the notice is given to the owner.

(3) An application under this section may be made on one or more of the following grounds—

(a) that there is no reasonable ground for believing that the operations required by the notice are necessary to avoid or reduce the threat to human welfare specified in the notice;

(b) that the operations required by the notice are more extensive than is necessary to avoid or reduce the threat to human welfare specified in the notice;

(c) that—

(i) the threat to human welfare specified in the notice could be avoided, or reduced to at least the same extent, by carrying out different operations, in whole or in part, from the operations required by the notice, and

(ii) the owner is prepared to carry out the alternative operations;

(d) that—

(i) the owner or another person has already started, or has entered into a contract with a third party to start, operations different, in whole or in part, from the operations required by the notice, and

(ii) y gweithrediadau amgen yn osgoi, neu'n lleihau i'r un graddau o leiaf, y bygythiad i les pobl a bennir yn yr hysbysiad;

(e) nad yw'r cyfnod y mae rhaid cynnal y gweithrediadau sy'n ofynnol gan yr hysbysiad ynddo yn rhesymol ddigonol;

(f) bod diffyg neu wall perthnasol yn yr hysbysiad, neu mewn perthynas ag ef.

(4) Caiff perchennog ar dir y rhoddir hysbysiad iddo o dan adran 35 hefyd wneud cais o dan yr adran hon ar y sail nad yw'r perchennog yn gallu talu costau'r gweithrediadau sy'n ofynnol gan yr hysbysiad.

(5) Ar ôl cael cais o dan yr adran hon, rhaid i Weinidogion Cymru hysbysu—

(a) yr Awdurdod, a

(b) pob person y rhoddwyd yr hysbysiad neu gopi o'r hysbysiad iddo.

39 Penderfynu apelau

(1) Mae cais o dan adran 38 i'w benderfynu gan berson a benodir gan Weinidogion Cymru ("person penodedig").

(2) Os yw'r person penodedig wedi ei fodloni, ar gais o dan adran 38, fod y sail (neu unrhyw un neu ragor o'r seiliau) y gwneir y cais arno wedi ei phrofi neu eu profi, caiff y person penodedig amrywio neu ganslo'r hysbysiad drwy gyfarwyddyd.

(3) Pan fo person penodedig yn amrywio hysbysiad o dan is-adran (2), mae'r hysbysiad ac unrhyw gopi ohono a roddir o dan adran 37 i'w drin fel pe bai bob amser wedi cael effaith fel y'i hamrywiwyd.

(4) Pan wneir cais o dan adran 38 ac nad yw'n cael ei dynnu'n ôl, nid yw'r cyfnod a bennir yn yr hysbysiad fel y cyfnod y mae rhaid cwblhau'r gweithrediadau ynddo yn dod i ben cyn penderfynu'r cais.

(5) Pan wneir cais o dan adran 38, caiff y person penodedig estyn y cyfnod a bennir yn yr hysbysiad fel y cyfnod y mae rhaid cwblhau'r gweithrediadau ynddo, ni waeth pa un a yw'r sail (neu unrhyw un neu ragor o'r seiliau) y gwneir y cais arno wedi ei phrofi neu eu profi.

(6) Cyn gynted ag y bo'n ymarferol ar ôl i berson penodedig benderfynu cais o dan yr adran hon, rhaid i Weinidogion Cymru hysbysu'r personau a ganlyn am y canlyniad—

(a) yr Awdurdod, a

(b) pob person y rhoddwyd yr hysbysiad neu gopi o'r hysbysiad iddo.

(7) Pan fo person penodedig yn amrywio hysbysiad, rhaid i Weinidogion Cymru hefyd roi copi o'r hysbysiad fel y'i hamrywiwyd i'r personau a grybwyllir yn is-adran (6)(a) a (b).

40 Darpariaeth atodol ynghylch apelau

(1) Rhaid i Weinidogion Cymru wneud darpariaeth drwy reoliadau ynghylch y weithdrefn i'w dilyn wrth benderfynu ceisiadau o dan adran 38.

(2) Caiff Gweinidogion Cymru drwy reoliadau wneud darpariaeth arall mewn cysylltiad â phenderfynu ceisiadau o dan adran 38.

(3) Caiff rheoliadau o dan yr adran hon, ymysg pethau eraill, wneud darpariaeth—

(ii) the alternative operations will avoid, or reduce to at least the same extent, the threat to human welfare specified in the notice;

(e) that the period within which the operations required by the notice must be carried out is not reasonably sufficient;

(f) that there is a material defect or error in, or in connection with, the notice.

(4) An owner of land who is given a notice under section 35 may also make an application under this section on the ground that the owner is unable to meet the costs of the operations required by the notice.

(5) On receiving an application under this section, the Welsh Ministers must notify—

(a) the Authority, and

(b) each person who was given the notice or a copy of the notice.

39 Determination of appeals

(1) An application under section 38 is to be determined by a person appointed by the Welsh Ministers (an "appointed person").

(2) If the appointed person is satisfied, on an application under section 38, that the ground (or any of the grounds) of the application is made out, the appointed person may by direction vary or cancel the notice.

(3) Where an appointed person varies a notice under subsection (2), the notice and any copy of it given under section 37 is to be treated as always having had effect as varied.

(4) Where an application is made under section 38 and is not withdrawn, the period specified in the notice as the period within which the operations must be completed does not end before the application is determined.

(5) Where an application is made under section 38, the appointed person may extend the period specified in the notice as the period within which the operations must be completed, regardless of whether the ground (or any of the grounds) of the application is made out.

(6) As soon as practicable after an appointed person determines an application under this section, the Welsh Ministers must notify the following persons of the outcome—

(a) the Authority, and

(b) each person who was given the notice or a copy of the notice.

(7) Where an appointed person varies a notice, the Welsh Ministers must also give the persons mentioned in subsection (6)(a) and (b) a copy of the notice as varied.

40 Supplementary provision about appeals

(1) The Welsh Ministers must by regulations make provision about the procedure to be followed in determining applications under section 38.

(2) The Welsh Ministers may by regulations make other provision in connection with the determination of applications under section 38.

(3) Regulations under this section may, among other things, make provision—

(a) ynghylch presenoldeb a holi partïon neu dystion (gan gynnwys darpariaeth sy'n awdurdodi person penodedig i weinyddu llwon neu i gymryd cadarnhadau);

(b) ynghylch dangos dogfennau ac arolygu dogfennau;

(c) ar gyfer pwerau i fynd ar dir.

(4) Caiff rheoliadau o dan yr adran hon roi disgresiwn i berson.

(5) Caiff rheoliadau o dan yr adran hon greu troseddau mewn cysylltiad â methiannau i gydymffurfio ag unrhyw ofynion a osodir gan y rheoliadau neu odanynt.

41 Cosb am fethu â chydymffurfio â hysbysiad

(1) Mae perchennog ar dir y rhoddir hysbysiad iddo o dan adran 35 yn cyflawni trosedd os yw'r perchennog, heb esgus rhesymol, yn methu â chynnal y gweithrediadau sy'n ofynnol gan yr hysbysiad o fewn y cyfnod a bennir yn yr hysbysiad neu, os caiff y cyfnod hwnnw ei estyn o dan adran 39, o fewn y cyfnod estynedig.

(2) Mae person sy'n euog o drosedd o dan is-adran (1) yn agored ar euogfarn ddiannod i ddirwy.

(3) Nid yw torri is-adran (1) gan y Goron yn gwneud y Goron yn atebol o ran cyfraith trosedd (ond gweler adran 28(3) o Ddeddf Deddfwriaeth (Cymru) 2019 (dccc 4) ynghylch atebolrwydd personau sy'n gwasanaethu'r Goron).

42 Pŵer i ganslo hysbysiad

(1) Mae'r adran hon yn gymwys—

(a) pan fo'r Awdurdod wedi rhoi hysbysiad i berchennog ar dir o dan adran 35 ("yr hysbysiad adran 35"), a

(b) pan na fo'r gweithrediadau sy'n ofynnol gan yr hysbysiad wedi eu cwblhau.

(2) Caiff yr Awdurdod roi hysbysiad i'r perchennog ("hysbysiad canslo") yn canslo'r hysbysiad adran 35.

(3) Pan roddir hysbysiad canslo i berchennog ar dir, nid yw'n ofynnol mwyach i'r perchennog gynnal y gweithrediadau a bennir yn yr hysbysiad adran 35.

(4) Caiff yr Awdurdod roi hysbysiad canslo hyd yn oed—

(a) os yw cais o dan adran 38 wedi ei wneud mewn cysylltiad â'r hysbysiad adran 35,

(b) os yw'r gweithrediadau sy'n ofynnol gan yr hysbysiad adran 35 wedi dechrau cael eu cynnal, neu

(c) os yw'r cyfnod a bennir yn yr hysbysiad adran 35 ar gyfer cwblhau'r gweithrediadau wedi dod i ben.

(5) Pan fo'r Awdurdod yn rhoi hysbysiad canslo o dan yr adran hon, rhaid iddo hefyd roi copi o'r hysbysiad i bob person a gafodd gopi o'r hysbysiad adran 35.

(6) Nid yw hysbysiad canslo yn effeithio ar—

(a) unrhyw gosb a gafwyd eisoes gan y perchennog o dan adran 41, neu

(b) pŵer yr Awdurdod i roi hysbysiad pellach o dan adran 35 mewn perthynas â'r tir.

(a) about the attendance and examination of parties or witnesses (including provision authorising an appointed person to administer oaths or to take affirmations);

(b) about the production and inspection of documents;

(c) for powers to enter land.

(4) Regulations under this section may confer a discretion on a person.

(5) Regulations under this section may create offences in connection with failures to comply with any requirements imposed by or under the regulations.

41 Penalty for failure to comply with notice

(1) An owner of land who is given a notice under section 35 commits an offence if, without reasonable excuse, the owner fails to carry out the operations required by the notice within the period specified in the notice or, if that period is extended under section 39, within the extended period.

(2) A person who is guilty of an offence under subsection (1) is liable on summary conviction to a fine.

(3) A contravention of subsection (1) by the Crown does not make the Crown criminally liable (but see section 28(3) of the Legislation (Wales) Act 2019 (anaw 4) regarding the liability of persons in the service of the Crown).

42 Power to cancel notice

(1) This section applies where—

(a) the Authority has given a notice to an owner of land under section 35 ("the section 35 notice"), and

(b) the operations required by the notice have not been completed.

(2) The Authority may give the owner a notice (a "notice of cancellation") cancelling the section 35 notice.

(3) Where an owner of land is given a notice of cancellation, the owner is no longer required to carry out the operations specified in the section 35 notice.

(4) The Authority may give a notice of cancellation even if—

(a) an application under section 38 has been made in respect of the section 35 notice,

(b) the operations required by the section 35 notice have started to be carried out, or

(c) the period specified in the section 35 notice for the completion of the operations has ended.

(5) Where the Authority gives a notice of cancellation under this section, it must also give a copy of the notice to each person who was given a copy of the section 35 notice.

(6) A notice of cancellation does not affect—

(a) any penalty already incurred by the owner under section 41, or

(b) the Authority's power to give a further notice under section 35 in relation to the land.

43 Ad-dalu treuliau'r perchennog ar ôl canslo hysbysiad

(1) Mae'r adran hon yn gymwys—

(a) pan fo'r Awdurdod wedi canslo hysbysiad a roddwyd o dan adran 35, a

(b) pan fo perchennog ar dir y rhoddwyd yr hysbysiad iddo wedi mynd i wariant wrth gydymffurfio ag ef.

(2) Caiff y perchennog wneud cais i Weinidogion Cymru i gael ad-daliad gan yr Awdurdod ar gyfer—

(a) unrhyw wariant yr aed iddo gan y perchennog o ganlyniad i roi'r hysbysiad, a

(b) unrhyw wariant yr aed iddo gan y perchennog y gellir ei briodoli i ganslo'r hysbysiad (pa un a ellir ei briodoli i adfer unrhyw dir, canslo unrhyw gontract neu fel arall).

(3) Mae cais o dan yr adran hon i'w benderfynu gan berson a benodir gan Weinidogion Cymru ("person penodedig").

(4) Caiff y person penodedig gyfarwyddo'r Awdurdod i ad-dalu i'r perchennog y cyfan neu unrhyw ran o'r gwariant y cyfeirir ato yn is-adran (2).

(5) Wrth benderfynu pa un ai i roi cyfarwyddyd o dan is-adran (4), neu i ba raddau y dylai fod yn ofynnol i'r Awdurdod ad-dalu'r perchennog, rhaid i'r person penodedig roi sylw i holl amgylchiadau'r achos ac, yn benodol, i—

(a) y seiliau y rhoddodd yr awdurdod yr hysbysiad canslo arnynt o dan adran 42, a

(b) pa un a yw'r Awdurdod wedi rhoi neu'n bwriadu rhoi hysbysiad pellach i'r perchennog o dan adran 35 neu'n bwriadu cynnal gweithrediadau ei hun o dan adran 44.

(6) Rhaid i'r Awdurdod gydymffurfio â chyfarwyddyd a roddir o dan is-adran (4).

(7) Rhaid i Weinidogion Cymru drwy reoliadau wneud darpariaeth ynghylch y weithdrefn sydd i'w dilyn wrth benderfynu ceisiadau o dan yr adran hon.

(8) Caiff Gweinidogion Cymru drwy reoliadau wneud darpariaeth arall mewn cysylltiad â phenderfynu ceisiadau o dan yr adran hon.

(9) Mae is-adrannau (3) i (5) o adran 40 yn gymwys mewn perthynas â rheoliadau o dan yr adran hon fel pe bai'r cyfeiriadau yn yr is-adrannau hynny at adran 40 yn gyfeiriadau at yr adran hon.

PENNOD 2

GWEITHREDIADAU A GYNHELIR GAN YR AWDURDOD

44 Pŵer yr Awdurdod i gynnal gweithrediadau

(1) Caiff yr Awdurdod gynnal gweithrediadau ar unrhyw dir os yw'n ystyried ei bod yn angenrheidiol gwneud hynny er mwyn cyflawni'r amcan a ganlyn, ond mae hyn yn ddarostyngedig i adran 46.

(2) Yr amcan yw—

(a) atal bygythiadau i sefydlogrwydd tomen nas defnyddir neu ymdrin â'r bygythiadau hynny, neu

43 Reimbursement of owner's expenses on cancellation of notice

(1) This section applies where—

(a) the Authority has cancelled a notice given under section 35, and

(b) the owner of land who was given the notice has incurred expenditure in complying with it.

(2) The owner may apply to the Welsh Ministers to be reimbursed by the Authority for—

(a) any expenditure incurred by the owner in consequence of the giving of the notice, and

(b) any expenditure incurred by the owner which is attributable to the cancellation of the notice (whether attributable to the reinstatement of any land, the cancellation of any contract or otherwise).

(3) An application under this section is to be determined by a person appointed by the Welsh Ministers (an "appointed person").

(4) The appointed person may direct the Authority to reimburse to the owner the whole or any part of the expenditure referred to in subsection (2).

(5) In deciding whether to give a direction under subsection (4), or to what extent the Authority should be required to reimburse the owner, the appointed person must have regard to all the circumstances of the case and, in particular, to—

(a) the grounds on which the Authority gave the notice of cancellation under section 42, and

(b) whether the Authority has given or intends to give the owner a further notice under section 35 or intends to carry out operations itself under section 44.

(6) The Authority must comply with a direction given under subsection (4).

(7) The Welsh Ministers must by regulations make provision about the procedure to be followed in determining applications under this section.

(8) The Welsh Ministers may by regulations make other provision in connection with determining applications under this section.

(9) Subsections (3) to (5) of section 40 apply in relation to regulations under this section as if the references in those subsections to section 40 were to this section.

CHAPTER 2

OPERATIONS CARRIED OUT BY THE AUTHORITY

44 Authority's power to carry out operations

(1) The Authority may carry out operations on any land if it considers it necessary to do so to achieve the following objective, but this is subject to section 46.

(2) The objective is to—

(a) prevent or deal with threats to the stability of a disused tip, or

(b) sefydlogi tomen nas defnyddir neu atal tomen nas defnyddir rhag mynd yn fwy ansefydlog,

er mwyn osgoi neu leihau bygythiadau i les pobl.

(3) Pan fo'r Awdurdod yn cynnal gweithrediadau o dan is-adran (1), caiff hefyd gynnal unrhyw waith adfer canlyniadol y mae'n ystyried ei fod yn rhesymol angenrheidiol.

45 Hawl yr Awdurdod i symud ymaith eiddo a'i waredu

(1) Caiff yr Awdurdod, at ddiben cynnal gweithrediadau neu waith adfer canlyniadol ar dir o dan adran 44, symud ymaith a gwaredu unrhyw eiddo y mae person arall yn berchen arno sydd wedi ei leoli ar y tir.

(2) Os yw'r Awdurdod yn gwaredu eiddo o dan is-adran (1) drwy ei werthu, rhaid i'r Awdurdod roi cyfrif i berchennog yr eiddo am yr enillion gwerthu.

(3) Nid yw is-adran (2) yn atal yr Awdurdod rhag—

(a) didynnu o'r enillion gwerthu unrhyw dreuliau yr eir iddynt yn rhesymol gan yr Awdurdod wrth werthu'r eiddo;

(b) gosod yr enillion gwerthu, neu unrhyw ran o'r enillion hynny, yn erbyn unrhyw swm y mae gan yr Awdurdod hawlogaeth i'w adennill oddi wrth berchennog yr eiddo o dan Bennod 3.

46 Dyletswydd i roi hysbysiad i berchnogion

(1) Ni chaiff yr Awdurdod gynnal gweithrediadau ar dir o dan adran 44 oni bai ei fod wedi rhoi o leiaf 21 o ddiwrnodau clir o hysbysiad i berchennog y tir o'i fwriad i wneud hynny, ond mae hyn yn ddarostyngedig i is-adran (3).

(2) Rhaid i hysbysiad o dan is-adran (1) bennu—

(a) y domen nas defnyddir y rhoddir yr hysbysiad mewn cysylltiad â hi,

(b) natur a maint y gweithrediadau arfaethedig ac unrhyw waith adfer canlyniadol arfaethedig, ac

(c) y bygythiad i les pobl y bwriedir i'r gweithrediadau ei osgoi neu ei leihau.

(3) Os yw'r Awdurdod yn ystyried bod angen cynnal gweithrediadau ar unwaith, caiff gynnal y gweithrediadau hynny—

(a) heb roi hysbysiad o dan is-adran (1), neu

(b) pan fo wedi rhoi hysbysiad o dan is-adran (1), cyn diwedd y cyfnod o 21 o ddiwrnodau a grybwyllir yn yr is-adran honno.

(4) Pan fo'r Awdurdod yn dechrau gweithrediadau ar dir heb roi hysbysiad, rhaid iddo, cyn gynted ag y bo'n ymarferol, roi hysbysiad i berchennog y tir bod y gweithrediadau wedi dechrau.

(5) Rhaid i hysbysiad o dan is-adran (4) bennu—

(a) y domen nas defnyddir y rhoddir yr hysbysiad mewn cysylltiad â hi,

(b) natur a maint y gweithrediadau ac unrhyw waith adfer canlyniadol, ac

(c) y bygythiad i les pobl y bwriedir i'r gweithrediadau ei osgoi neu ei leihau.

(b) stabilise a disused tip or prevent a disused tip from becoming more unstable,

so as to avoid or reduce threats to human welfare.

(3) Where the Authority carries out operations under subsection (1), it may also carry out any consequential works of reinstatement that it considers are reasonably necessary.

45 Authority's right to remove and dispose of property

(1) The Authority may, for the purpose of carrying out operations or consequential works of reinstatement on land under section 44, remove and dispose of any property situated on the land that belongs to another person.

(2) If the Authority disposes of property under subsection (1) by selling it, the Authority must account to the owner of the property for the proceeds of sale.

(3) Subsection (2) does not prevent the Authority from—

(a) deducting from the proceeds of sale any expenses reasonably incurred by the Authority in selling the property;

(b) setting off the proceeds of sale, or any part of those proceeds, against any sum which the Authority is entitled to recover from the owner of the property under Chapter 3.

46 Duty to give notice to owners

(1) The Authority may not carry out operations on land under section 44 unless it has given the owner of the land at least 21 clear days' notice of its intention to do so, but this is subject to subsection (3).

(2) A notice under subsection (1) must specify—

(a) the disused tip in connection with which the notice is given,

(b) the nature and extent of the proposed operations and of any proposed consequential works of reinstatement, and

(c) the threat to human welfare that the operations are intended to avoid or reduce.

(3) If the Authority considers that operations need to be carried out immediately, it may carry out those operations—

(a) without giving notice under subsection (1), or

(b) where it has given notice under subsection (1), before the end of the 21 day period mentioned in that subsection.

(4) Where the Authority starts operations on land without having given notice, it must, as soon as practicable, give the owner of the land notice that the operations have started.

(5) A notice under subsection (4) must specify—

(a) the disused tip in connection with which the notice is given,

(b) the nature and extent of the operations and of any consequential works of reinstatement, and

(c) the threat to human welfare that the operations are intended to avoid or reduce.

47 Dyletswydd i roi copïau o hysbysiad i bartïon â buddiant

(1) Pan fo'r Awdurdod yn rhoi hysbysiad o dan adran 46 i berchennog ar dir, rhaid iddo hefyd roi copi o'r hysbysiad i unrhyw berson arall a chanddo fuddiant yn yr hysbysiad.

(2) At ddibenion yr adran hon, mae'r personau a ganlyn (yn ychwanegol at y perchennog) yn bersonau a chanddynt fuddiant mewn hysbysiad—

(a) person sy'n meddiannu tir y mae'r gweithrediadau a bennir yn yr hysbysiad i'w cynnal arno;

(b) person a chanddo, hyd y gŵyr yr Awdurdod, ystad neu fuddiant yn y tir hwnnw heblaw fel morgeisai;

(c) person—

(i) a chanddo, hyd y gŵyr yr Awdurdod, heblaw fel morgeisai, ystâd neu fuddiant yn y tir y mae'r domen nas defnyddir wedi ei lleoli arno, neu

(ii) y bu ganddo, hyd y gŵyr yr Awdurdod, heblaw fel morgeisai, ystâd neu fuddiant yn y tir hwnnw ar unrhyw adeg yn y 12 mlynedd cyn y diwrnod y rhoddir yr hysbysiad i'r perchennog;

(d) person a chanddo, hyd y gŵyr yr Awdurdod, fuddiant yn (gan gynnwys hawl i gaffael) yr holl ddeunydd neu unrhyw ddeunydd sydd yn y domen nas defnyddir;

(e) person sydd, hyd y gŵyr yr Awdurdod, ar unrhyw adeg o fewn y cyfnod o 12 mlynedd a grybwyllir ym mharagraff (c), wedi defnyddio'r domen nas defnyddir i ddyddodi gwastraff o fwynglawdd neu chwarel;

(f) person y mae'r Awdurdod yn credu ei fod ar unrhyw adeg o fewn y cyfnod o 12 mlynedd a grybwyllir ym mharagraff (c), wedi peri neu gyfrannu at yr angen am y gweithrediadau a bennir yn yr hysbysiad drwy—

(i) cynnal gweithrediadau eraill neu gyflawni unrhyw weithgaredd arall ar unrhyw dir, neu

(ii) methu â gwneud rhywbeth y gallai'r person yn rhesymol fod wedi ei wneud ar unrhyw dir i osgoi creu neu gyfrannu at yr angen am y gweithrediadau a bennir yn yr hysbysiad.

(3) Yn is-adran (2), ystyr "tomen nas defnyddir" yw'r domen nas defnyddir y rhoddir yr hysbysiad o dan adran 46 mewn cysylltiad â hi.

(4) Rhaid i'r Awdurdod roi'r copïau sy'n ofynnol gan yr adran hon ar y diwrnod y rhoddir yr hysbysiad i'r perchennog neu cyn gynted ag y bo'n ymarferol ar ôl y diwrnod hwnnw.

PENNOD 3

TALIADAU MEWN CYSYLLTIAD Â GWEITHREDIADAU

48 Gorchmynion cyfrannu

(1) Caiff y llys, ar gais a wneir o dan yr adran hon, orchymyn bod rhaid i un neu ragor o'r personau y cyfeirir atynt yn is-adran (2) gyfrannu tuag at y treuliau y byddai'n rhaid i berchennog ar dir eu hysgwyddo fel arall o ganlyniad i gynnal gweithrediadau a bennir mewn hysbysiad o dan adran 35 neu 46.

47 Duty to give interested parties copies of notice

(1) Where the Authority gives a notice under section 46 to an owner of land, it must also give a copy of the notice to any other person with an interest in the notice.

(2) For the purposes of this section, the following persons (in addition to the owner) are persons with an interest in a notice—

(a) a person occupying land on which the operations specified in the notice are to be carried out;

(b) a person who, to the Authority's knowledge, has an estate or interest in that land otherwise than as a mortgagee;

(c) a person who, to the Authority's knowledge, otherwise than as a mortgagee—

(i) has an estate or interest in the land on which the disused tip is situated, or

(ii) had an estate or interest in that land at any time in the 12 years before the day on which the notice is given to the owner;

(d) a person who, to the Authority's knowledge, has an interest in (including a right to acquire) all or any of the material comprised in the disused tip;

(e) a person who, to the Authority's knowledge, has at any time within the 12 year period mentioned in paragraph (c), used the disused tip to deposit waste from a mine or quarry;

(f) a person who the Authority believes has, at any time within the 12 year period mentioned in paragraph (c), caused or contributed to the need for the operations specified in the notice by—

(i) carrying out other operations or performing any other activity on any land, or

(ii) failing to do something which the person might reasonably have done on any land to avoid creating or contributing to the need for the operations specified in the notice.

(3) In subsection (2), "disused tip" means the disused tip in connection with which the notice under section 46 is given.

(4) The Authority must give the copies required by this section on the day that the notice is given to the owner or as soon as practicable after that day.

CHAPTER 3

PAYMENTS IN CONNECTION WITH OPERATIONS

48 Contribution orders

(1) The court may, on an application made under this section, order that one or more of the persons referred to in subsection (2) must contribute towards the expenses that an owner of land would otherwise have to bear as a result of the carrying out of operations specified in a notice under section 35 or 46.

(2) Y personau yw—

(a) person yr oedd ganddo, heblaw fel morgeisai, ystad neu fuddiant yn y tir y mae'r domen nas defnyddir wedi ei lleoli arno—

(i) ar y diwrnod y rhoddwyd yr hysbysiad i'r perchennog, neu

(ii) ar unrhyw adeg yn y 12 mlynedd sy'n dod i ben yn union cyn y diwrnod hwnnw;

(b) person sydd, ar unrhyw adeg o fewn y cyfnod o 12 mlynedd a grybwyllir ym mharagraff (a), wedi defnyddio'r domen nas defnyddir i ddyddodi gwastraff o fwynglawdd neu chwarel;

(c) person sydd, ym marn y llys, ar unrhyw adeg o fewn y cyfnod o 12 mlynedd a grybwyllir ym mharagraff (a), wedi peri neu gyfrannu at yr angen am y gweithrediadau a bennir yn yr hysbysiad drwy—

(i) cynnal gweithrediadau eraill neu gyflawni unrhyw weithgaredd arall ar unrhyw dir, neu

(ii) methu â gwneud rhywbeth y gallai'r person yn rhesymol fod wedi ei wneud ar unrhyw dir i osgoi creu neu gyfrannu at yr angen am y gweithrediadau a bennir yn yr hysbysiad.

(3) Yn yr adran hon, ystyr "tomen nas defnyddir" yw'r domen nas defnyddir y rhoddwyd yr hysbysiad mewn cysylltiad â hi.

(4) Caiff cais o dan yr adran hon gael ei wneud gan—

(a) y perchennog ar dir y rhoddwyd yr hysbysiad iddo, a

(b) yn achos hysbysiad o dan adran 46, yr Awdurdod.

(5) Rhaid i berson sy'n gwneud cais o dan yr adran hon, ar yr un pryd, roi copi o'r cais i bob person y ceisir gorchymyn mewn perthynas ag ef.

(6) Rhaid i gais o dan yr adran hon gael ei wneud—

(a) pan fo'n ymwneud â hysbysiad o dan adran 35 ac nad oes cais yn cael ei wneud mewn cysylltiad â'r hysbysiad hwnnw o dan adran 38 (hawl i apelio yn erbyn hysbysiad), o fewn 3 mis sy'n dechrau â'r diwrnod y rhoddir yr hysbysiad;

(b) pan fo'n ymwneud â hysbysiad o dan adran 35 ac y gwneir cais mewn cysylltiad â'r hysbysiad hwnnw o dan adran 38, o fewn 3 mis sy'n dechrau â'r diwrnod y caiff y cais ei dynnu yn ôl neu ei benderfynu;

(c) pan fo'n ymwneud â hysbysiad o dan adran 46, o fewn 3 mis sy'n dechrau â'r diwrnod y rhoddir yr hysbysiad.

(7) Wrth benderfynu pa un ai i wneud gorchymyn o dan yr adran hon, ac wrth bennu swm unrhyw gyfraniad, rhaid i'r llys roi sylw i'r holl amgylchiadau, ac yn benodol—

(a) i'r graddau y mae'n ymddangos i'r llys fod y person, drwy unrhyw weithred neu anweithred, wedi peri neu gyfrannu at yr angen am y gweithrediadau a bennir yn yr hysbysiad;

(b) i'r graddau y mae'r person wedi defnyddio'r domen nas defnyddir i ddyddodi gwastraff o fwynglawdd neu chwarel;

(2) The persons are—

(a) a person who, otherwise than as a mortgagee, had an estate or interest in the land on which the disused tip is situated—

(i) on the day on which the notice was given to the owner, or

(ii) at any time in the 12 years ending immediately before that day;

(b) a person who has, at any time within the 12 year period mentioned in paragraph (a), used the disused tip to deposit waste from a mine or quarry;

(c) a person who, in the court's opinion, has at any time within the 12 year period mentioned in paragraph (a), caused or contributed to the need for the operations specified in the notice by—

(i) carrying out other operations or performing any other activity on any land, or

(ii) failing to do something that the person might reasonably have done on any land to avoid creating or contributing to the need for the operations specified in the notice.

(3) In this section, "disused tip" means the disused tip in connection with which the notice was given.

(4) An application under this section may be made—

(a) by the owner of land who was given the notice, and

(b) in the case of a notice under section 46, by the Authority.

(5) A person who makes an application under this section must, at the same time, give a copy of the application to each person in relation to whom an order is sought.

(6) An application under this section must be made—

(a) where it relates to a notice under section 35 and no application is made in respect of that notice under section 38 (right to appeal against notice), within 3 months beginning with the day on which the notice is given;

(b) where it relates to a notice under section 35 and an application is made in respect of that notice under section 38, within 3 months beginning with the day on which the application is withdrawn or determined;

(c) where it relates to a notice under section 46, within 3 months beginning with day on which the notice is given.

(7) In determining whether to make an order under this section, and in determining the amount of any contribution, the court must have regard to all the circumstances, and in particular—

(a) to the extent to which it appears to the court that the person has, by any act or omission, caused or contributed to the need for the operations specified in the notice;

(b) to the extent to which the person has used the disused tip to deposit waste from a mine or quarry;

(c) i natur a maint unrhyw ystad neu fuddiant a oedd gan y person, ar y dyddiad y rhoddwyd yr hysbysiad, yn y tir yr oedd y gweithrediadau a bennir yn yr hysbysiad i'w cynnal arno;

(d) pan fu gan berson ystad neu fuddiant yn y tir hwnnw ond yr oedd wedi ei waredu cyn y dyddiad hwnnw, i ba un, a wnaeth y person hwnnw, yn marn y llys, y gwarediad hwnnw at y diben o osgoi unrhyw atebolrwydd (pa un ai o dan y Ddeddf hon neu fel arall) mewn cysylltiad â'r tir;

(e) i delerau unrhyw gyfamod, cytundeb neu ddarpariaeth statudol sy'n effeithio ar hawliau a rhwymedigaethau'r person a'r perchennog mewn perthynas â'r tir hwnnw.

(8) Rhaid i orchymyn o dan yr adran hon bennu swm y cyfraniad sydd i'w wneud gan y person y mae'n ymwneud ag ef fel canran (a all fod yn 100 y cant) o'r cyfanswm y gellir hawlio cyfraniad mewn cysylltiad ag ef o dan y Bennod hon.

49 Ystyr "gorchymyn cyfrannu", "cyfrannydd" ac "y ganran benodedig"

Yn y Ddeddf hon—

ystyr "gorchymyn cyfrannu" ("*contribution order*") yw gorchymyn o dan adran 48;

ystyr "cyfrannydd" ("*contributory*") yw'r person y mae gorchymyn cyfrannu yn ymwneud ag ef;

ystyr "y ganran benodedig" ("*the specified percentage*") , mewn perthynas â chyfrannydd, yw'r ganran a bennir, yn unol ag adran 48(8), yn y gorchymyn cyfrannu sy'n ymwneud â'r cyfrannydd.

50 Digolledia am ddifrod, colled neu aflonyddu etc.

(1) Mae'r adran hon yn gymwys—

(a) pan fo, o ganlyniad i weithrediadau a gynhelir gan berchennog ar dir mewn cydymffurfedd â hysbysiad o dan adran 35, neu unrhyw waith adfer canlyniadol—

(i) unrhyw dir yn cael ei ddifrodi,

(ii) unrhyw eiddo arall yn cael ei ddifrodi, ei symud ymaith neu ei waredu, neu

(iii) aflonyddu ar fwynhad unrhyw berson o unrhyw dir;

(b) pan fo, o ganlyniad i weithrediadau, neu unrhyw waith adfer canlyniadol, a gynhelir gan yr Awdurdod o dan adran 44—

(i) unrhyw dir yn cael ei ddifrodi,

(ii) unrhyw eiddo arall yn cael ei ddifrodi, ei symud ymaith neu ei waredu, neu

(iii) aflonyddu ar fwynhad unrhyw berson o unrhyw dir;

(c) pan fo, o ganlyniad i ymchwiliadau a gynhelir o dan adran 55 i benderfynu a oes angen i weithrediadau fod yn ofynnol o dan adran 35 neu a oes angen eu cynnal o dan adran 44—

(i) unrhyw dir yn cael ei ddifrodi,

(ii) unrhyw eiddo arall yn cael ei ddifrodi, neu

(iii) aflonyddu ar fwynhad unrhyw berson o unrhyw dir.

(c) to the nature and extent of any estate or interest that the person had, at the date on which the notice was given, in the land on which the operations specified in the notice were to be carried out;

(d) where a person had an estate or interest in that land but disposed of it before that date, to whether, in the court's opinion, the person made that disposal for the purpose of avoiding any liability (whether under this Act or otherwise) in connection with the land;

(e) to the terms of any covenant, agreement or statutory provision affecting the rights and obligations of the person and the owner in relation to that land.

(8) An order under this section must specify the amount of the contribution to be made by the person to whom it relates as a percentage (which may be 100 per cent) of the total amount in respect of which a contribution can be claimed under this Chapter.

49 Meaning of "contribution order", "contributory" and "the specified percentage"

In this Act—

"contribution order" ("*gorchymyn cyfrannu*") means an order under section 48;

"contributory" ("*cyfrannydd*") means the person to whom a contribution order relates;

"the specified percentage" ("*y ganran benodedig*"), in relation to a contributory, means the percentage specified, in accordance with section 48(8), in the contribution order relating to the contributory.

50 Compensation for damage, loss or disturbance etc.

(1) This section applies where—

(a) as a result of operations carried out by an owner of land in compliance with a notice under section 35, or any consequential works of reinstatement—

(i) any land is damaged,

(ii) any other property is damaged, removed or disposed of, or

(iii) any person's enjoyment of any land is disturbed;

(b) as a result of operations, or any consequential works of reinstatement, carried out by the Authority under section 44—

(i) any land is damaged,

(ii) any other property is damaged, removed or disposed of, or

(iii) any person's enjoyment of any land is disturbed;

(c) as a result of investigations carried out under section 55 to determine whether operations need to be required under section 35 or carried out under section 44—

(i) any land is damaged,

(ii) any other property is damaged, or

(iii) any person's enjoyment of any land is disturbed.

(2) Mae gan y personau y cyfeirir atynt yn is-adran (3) hawlogaeth i ddigolledi mewn perthynas â'r difrod, y golled neu'r aflonyddu neu, yn achos symud ymaith eiddo, mewn perthynas ag unrhyw golled ariannol y gellir ei phriodoli'n uniongyrchol i'r symud ymaith.

(3) Y personau yw—

(a) yn achos difrod i dir, unrhyw berson a chanddo ystad neu fuddiant yn y tir;

(b) yn achos difrod i eiddo arall, neu symud ymaith neu waredu'r eiddo hwnnw, perchennog yr eiddo;

(c) mewn achos o aflonyddu ar fwynhad person o dir, y person yr aflonyddir ar ei fwynhad o'r tir.

(4) Mae digolledi mewn perthynas â difrod, symud ymaith, colled neu aflonyddu sy'n deillio o gynnal gweithrediadau neu waith adfer canlyniadol yn adenilladwy oddi wrth—

(a) perchennog y tir, os cynhaliwyd y gweithrediadau neu'r gwaith gan y perchennog;

(b) yr Awdurdod, os cynhaliwyd y gweithrediadau neu'r gwaith gan yr Awdurdod.

(5) Mae digolledi mewn perthynas â difrod neu aflonyddu sy'n deillio o gynnal ymchwiliadau yn adenilladwy oddi wrth yr Awdurdod.

(6) Nid oes dim yn yr adran hon yn rhoi hawlogaeth i berchennog ar dir i gael digolledi mewn perthynas â difrod, symud ymaith, colled neu aflonyddu sy'n deillio o weithrediadau a gynhelir gan y perchennog neu gan unrhyw berson arall a oedd yn berchennog ar y tir ar yr adeg y cynhaliwyd y gweithrediadau.

(7) Mae unrhyw anghydfod sy'n codi ynghylch hawliad am ddigolledi o dan yr adran hon i'w benderfynu gan y llys.

(8) Mae Atodlen 2 yn cael effaith mewn perthynas â hawliadau penodol am ddigolledi o dan yr adran hon.

51 Hawl perchennog i adennill treuliau oddi wrth gyfrannydd

(1) Mae'r adran hon yn gymwys pan fo—

(a) perchennog ar dir wedi cynnal gweithrediadau mewn cydymffurfedd â hysbysiad o dan adran 35, a

(b) gorchymyn cyfrannu wedi ei wneud mewn perthynas â'r gweithrediadau hynny.

(2) Mae gan berchennog y tir hawlogaeth i adennill oddi wrth y cyfrannydd y ganran benodedig o'r cyfanswm a bennir yn unol ag is-adran (3) (ond gweler is-adran (7)).

(3) At ddibenion yr adran hon, y cyfanswm yw swm cyfanredol—

(a) y treuliau yr eir iddynt yn rhesymol gan berchennog y tir wrth gynnal y gweithrediadau ac unrhyw waith adfer sy'n rhesymol angenrheidiol o ganlyniad i gynnal y gweithrediadau hynny,

(b) swm unrhyw ddigolledi sy'n adenilladwy (neu a adenillwyd) oddi wrth berchennog y tir o dan adran 50, ac

(2) The persons referred to in subsection (3) are entitled to compensation in respect of the damage, loss or disturbance or, in the case of the removal of property, in respect of any financial loss directly attributable to the removal.

(3) The persons are—

(a) in the case of damage to land, any person with an estate or interest in the land;

(b) in the case of damage to other property, or the removal or disposal of that property, the owner of the property;

(c) in the case of disturbance to a person's enjoyment of land, the person whose enjoyment of the land is disturbed.

(4) Compensation in relation to damage, removal, loss or disturbance resulting from the carrying out of operations or consequential works of reinstatement is recoverable from—

(a) the owner of the land, if the owner carried out the operations or works;

(b) the Authority, if the Authority carried out the operations or works.

(5) Compensation in relation to damage or disturbance resulting from the carrying out of investigations is recoverable from the Authority.

(6) Nothing in this section entitles an owner of land to compensation in relation to damage, removal, loss or disturbance resulting from operations carried out by the owner or by any other person who was the owner of the land at the time the operations were carried out.

(7) Any dispute arising on a claim for compensation under this section is to be determined by the court.

(8) Schedule 2 has effect in relation to certain claims for compensation under this section.

51 Owner's right to recover expenses from contributory

(1) This section applies where—

(a) an owner of land has carried out operations in compliance with a notice under section 35, and

(b) a contribution order has been made in relation to those operations.

(2) The owner of the land is entitled to recover from the contributory the specified percentage of the total amount determined in accordance with subsection (3) (but see subsection (7)).

(3) For the purposes of this section, the total amount is the aggregate of—

(a) the expenses reasonably incurred by the owner of the land in carrying out the operations and any works of reinstatement reasonably necessary in consequence of carrying out those operations,

(b) the amount of any compensation that is recoverable (or has been recovered) from the owner of the land under section 50, and

(c) swm unrhyw ddigolledi o dan adran 50 y gallai perchennog y tir fod wedi gwneud hawliad o dan yr adran honno mewn cysylltiad ag ef pe bai'r gweithrediadau ac unrhyw waith adfer canlyniadol wedi cael eu cynnal gan yr Awdurdod.

(4) Nid yw unrhyw gyfraniad yn adenilladwy o dan yr adran hon oni bai bod y perchennog yn rhoi archiad i'r cyfrannydd am y cyfraniad.

(5) Rhaid i archiad o dan is-adran (4) bennu—

(a) swm y cyfraniad;

(b) y cyfanswm yr hawlir y cyfraniad mewn perthynas ag ef;

(c) y symiau ar wahân sy'n ffurfio'r cyfanswm, a nodwyd drwy gyfeirio at baragraffau (a), (b) ac (c) o is-adran (3).

(6) Mae archiad o dan is-adran (4) yn derfynol ac yn bendant, oni bai bod cais i amrywio'r archiad yn cael ei wneud o dan adran 52.

(7) Pan fo perchennog y tir wedi cynnal gweithrediadau a bennir mewn hysbysiad o dan adran 35 a bod yr hysbysiad hwnnw yn cael ei ganslo gan yr Awdurdod o dan adran 42, mae'r adran hon ac adran 52 yn cael effaith gyda'r addasiadau yn Atodlen 3.

52 Hawl cyfrannydd i apelio yn erbyn archiad perchennog

(1) Caiff cyfrannydd y rhoddir archiad iddo o dan adran 51(4) wneud cais i'r llys am orchymyn sy'n amrywio'r archiad.

(2) Rhaid gwneud cais o dan yr adran hon o fewn 6 wythnos sy'n dechrau â'r diwrnod y rhoddir yr archiad i'r cyfrannydd.

(3) Caniateir gwneud cais o dan yr adran hon ar un neu ragor o'r seiliau a ganlyn—

(a) bod swm y treuliau yr aed iddynt gan berchennog y tir wrth gynnal y gweithrediadau yn fwy nag a oedd yn rhesymol;

(b) bod swm y treuliau yr aed iddynt gan berchennog y tir wrth gynnal gwaith adfer yn fwy nag a oedd yn rhesymol angenrheidiol i adfer y tir o ganlyniad i'r gweithrediadau;

(c) bod swm y digolledi a dalwyd neu sy'n daladwy i berson yn unol â hawliad o dan adran 50 yn fwy nag y byddai wedi bod fel arall, oherwydd bod y perchennog ar y tir wedi cymryd amser afresymol o hir i gynnal y gweithrediadau neu'r gwaith adfer canlyniadol;

(d) bod swm y digolledi a dalwyd neu sy'n daladwy i berson yn unol â hawliad o dan adran 50 yn fwy nag sy'n angenrheidiol i ddigolledu'r person o dan yr adran honno;

(e) bod y swm a bennir yn yr archiad fel y swm y cyfeirir ato yn adran 51(3)(c) yn fwy na'r digolledi y gallai perchennog y tir fod wedi ei hawlio o dan yr amgylchiadau a ddisgrifir yn y paragraff hwnnw;

(f) bod y swm a hawlir yn yr archiad yn fwy na'r ganran benodedig o'r cyfanswm a bennir o dan adran 51(3).

(c) the amount of any compensation under section 50 in respect of which the owner of the land could have made a claim under that section if the operations and any consequential works of reinstatement had been carried out by the Authority.

(4) No contribution is recoverable under this section unless the owner gives the contributory a demand for the contribution.

(5) A demand under subsection (4) must specify—

(a) the amount of the contribution;

(b) the total amount in respect of which the contribution is claimed;

(c) the separate amounts which comprise the total amount, identified by reference to paragraphs (a), (b) and (c) of subsection (3).

(6) A demand under subsection (4) is final and conclusive, unless an application to vary the demand is made under section 52.

(7) Where the owner of the land has carried out operations specified in a notice under section 35 and that notice is cancelled by the Authority under section 42, this section and section 52 have effect with the modifications in Schedule 3.

52 Right of contributory to appeal against owner's demand

(1) A contributory who is given a demand under section 51(4) may apply to the court for an order varying the demand.

(2) An application under this section must be made within 6 weeks beginning with the day on which the demand is given to the contributory.

(3) An application under this section may be made on one or more of the following grounds—

(a) that the amount of the expenses incurred by the owner of the land in carrying out the operations was greater than was reasonable;

(b) that the amount of the expenses incurred by the owner of the land in carrying out works of reinstatement was greater than was reasonably necessary to reinstate the land in consequence of the operations;

(c) that the amount of compensation paid or payable to a person in pursuance of a claim under section 50 is greater than it would otherwise have been, because the owner of the land has taken an unreasonably long time to carry out the operations or consequential works of reinstatement;

(d) that the amount of the compensation paid or payable to a person in pursuance of a claim under section 50 is greater than is necessary to compensate the person under that section;

(e) that the amount specified in the demand as being the amount referred to in section 51(3)(c) is greater than the compensation that could have been claimed by the owner of the land in the circumstances described in that paragraph;

(f) that the amount claimed in the demand is greater than the specified percentage of the total amount determined under section 51(3).

(4) Os yw'r llys wedi ei fodloni bod y sail (neu unrhyw un neu ragor o'r seiliau) ar gyfer y cais yn wedi ei phrofi neu eu profi, caiff y llys wneud gorchymyn sy'n lleihau'r swm y gellir ei adennill gan berchennog y tir oddi wrth y cyfrannydd.

53 Hawl yr Awdurdod i adennill treuliau penodol

(1) Pan fo'r Awdurdod wedi cynnal gweithrediadau ar dir o dan adran 44, mae ganddo hawlogaeth i adennill oddi wrth berchennog y tir—

(a) y treuliau yr aed iddynt yn rhesymol gan yr Awdurdod wrth gynnal unrhyw ymchwiliadau o dan adran 55 a arweiniodd at gynnal y gweithrediadau,

(b) y treuliau yr aed iddynt yn rhesymol gan yr Awdurdod wrth gynnal y gweithrediadau ac unrhyw waith adfer a oedd yn rhesymol angenrheidiol o ganlyniad i gynnal y gweithrediadau, ac

(c) swm unrhyw ddigolledia o dan adran 50 sy'n adenilladwy (neu a adenillwyd) oddi wrth yr Awdurdod yn unol â hawliad o dan yr adran honno.

(2) Pan fo'r Awdurdod wedi cynnal ymchwiliadau o dan adran 55 a arweiniodd at roi hysbysiad o dan adran 35 sy'n ei gwneud yn ofynnol i berchennog ar dir gynnal gweithrediadau ar y tir, mae gan yr Awdurdod hawlogaeth i adennill oddi wrth y perchennog ar y tir—

(a) y treuliau yr aed iddynt yn rhesymol gan yr Awdurdod wrth gynnal yr ymchwiliadau, a

(b) swm unrhyw ddigolledia o dan adran 50 sy'n adenilladwy (neu a adenillwyd) oddi wrth yr Awdurdod yn unol â hawliad o dan yr adran honno.

(3) Pan fo gorchymyn cyfrannu wedi ei wneud mewn perthynas â'r treuliau y byddai'n rhaid i berchennog y tir eu hysgwyddo fel arall o dan is-adran (1) neu (2)—

(a) mae gan yr Awdurdod hawlogaeth i adennill oddi wrth y cyfrannydd y ganran benodedig o'r swm sy'n adenilladwy oddi wrth berchennog y tir o dan yr is-adran berthnasol, a

(b) mae'r swm y caiff yr Awdurdod ei adennill oddi wrth berchennog y tir o dan yr is-adran berthnasol yn cael ei ostwng gan y swm y mae gan yr Awdurdod hawlogaeth i'w adennill oddi wrth y cyfrannydd o dan baragraff (a).

(4) Nid yw unrhyw swm yn adenilladwy o dan yr adran hon oddi wrth berchennog ar dir neu gyfrannydd oni bai bod yr Awdurdod yn rhoi archiad i'r person hwnnw am y swm hwnnw.

(5) Rhaid i archiad o dan is-adran (4) bennu—

(a) y swm a hawlir gan yr Awdurdod oddi wrth y person;

(b) os rhoddir yr archiad i gyfrannydd, y cyfanswm yr hawlir y cyfraniad mewn cysylltiad ag ef;

(c) os rhoddir yr archiad i berchennog y tir, y symiau (os oes rhai) y mae gan yr Awdurdod hawlogaeth i'w hadennill oddi unrhyw gyfrannydd neu gyfranwyr;

(d) ym mhob achos, y symiau ar wahân sy'n ffurfio'r cyfanswm sy'n adenilladwy gan yr Awdurdod, a nodir drwy gyfeirio at baragraffau (a) i (c) o is-adran (1) neu, yn ôl y digwydd, baragraffau (a) a (b) o is-adran (2).

(4) If the court is satisfied that the ground (or any of the grounds) of the application is made out, the court may make an order reducing the amount recoverable by the owner of the land from the contributory.

53 Authority's right to recover certain expenses

(1) Where the Authority has carried out operations on land under section 44, it is entitled to recover from the owner of the land—

(a) the expenses reasonably incurred by the Authority in carrying out any investigations under section 55 that resulted in the carrying out of the operations,

(b) the expenses reasonably incurred by the Authority in carrying out the operations and any works of reinstatement reasonably necessary in consequence of carrying out the operations, and

(c) the amount of any compensation under section 50 that is recoverable (or has been recovered) from the Authority in pursuance of a claim under that section.

(2) Where the Authority has carried out investigations under section 55 that resulted in the giving of a notice under section 35 requiring an owner of land to carry out operations on the land, it is entitled to recover from the owner of the land—

(a) the expenses reasonably incurred by the Authority in carrying out the investigations, and

(b) the amount of any compensation under section 50 that is recoverable (or has been recovered) from the Authority in pursuance of a claim under that section.

(3) Where a contribution order has been made in relation to the expenses that the owner of the land would otherwise have to bear under subsection (1) or (2)—

(a) the Authority is entitled to recover from the contributory the specified percentage of the amount recoverable from the owner of the land under the relevant subsection, and

(b) the amount that the Authority may recover from the owner of the land under the relevant subsection is reduced by the sum that the Authority is entitled to recover from the contributory under paragraph (a).

(4) No sum is recoverable under this section from an owner of land or a contributory unless the Authority gives that person a demand for that sum.

(5) A demand under subsection (4) must specify—

(a) the sum claimed by the Authority from the person;

(b) if the demand is given to a contributory, the total amount in respect of which the contribution is claimed;

(c) if the demand is given to the owner of the land, the sums (if any) that the Authority is entitled to recover from any contributory or contributories;

(d) in all cases, the separate amounts which comprise the total amount recoverable by the Authority, identified by reference to paragraphs (a) to (c) of subsection (1) or, as the case may be, paragraphs (a) and (b) of subsection (2).

(6) Mae archiad o dan is-adran (4) yn derfynol ac yn bendant, oni bai bod cais i amrywio neu ganslo'r archiad yn cael ei wneud o dan adran 54.

(7) Mae gan yr Awdurdod hawlogaeth i adennill llog ar unrhyw swm sy'n adenilladwy o dan yr adran hon, ar gyfradd a bennir gan yr Awdurdod, o'r dyddiad y rhoddir yr archiad am y swm i'r person hyd nes y telir y swm yn llawn.

(8) Caniateir i unrhyw swm sy'n adenilladwy o dan yr adran hon, os yw'r Awdurdod yn cytuno, gael ei dalu mewn rhandaliadau y cytunwyd arnynt gan yr Awdurdod.

(9) At ddibenion yr adran hon—

(a) perchennog y tir—

(i) mewn achos sy'n dod o fewn is-adran (1), yw'r person a oedd yn berchennog pan ddechreuodd yr Awdurdod gynnal y gweithrediadau y cyfeirir atynt yn yr is-adran honno;

(ii) mewn achos sy'n dod o fewn is-adran (2), yw'r person y rhoddwyd yr hysbysiad y cyfeirir ato yn yr is-adran honno iddo;

(b) mae ymchwiliadau i'w trin fel pe baent wedi arwain at gynnal gweithrediadau o dan adran 44 os dechreuodd yr Awdurdod gynnal y gweithrediadau o fewn 12 mis sy'n dechrau â'r diwrnod ar ôl cwblhau'r ymchwiliadau;

(c) mae ymchwiliadau i'w trin fel pe baent wedi arwain at roi hysbysiad o dan adran 35 i berchennog ar dir os rhoddodd yr Awdurdod hysbysiad o dan yr adran honno i berchennog y tir o fewn 6 mis sy'n dechrau â'r diwrnod ar ôl cwblhau'r ymchwiliadau.

54 Yr hawl i apelio yn erbyn archiad yr Awdurdod

(1) Caiff person y rhoddir archiad iddo o dan adran 53(4) wneud cais i'r llys am orchymyn yn amrywio neu ganslo'r archiad.

(2) Rhaid gwneud cais o dan yr adran hon o fewn 6 wythnos sy'n dechrau â'r diwrnod y rhoddir yr archiad i'r person.

(3) Pan fo'r archiad yn cael ei wneud mewn achos sy'n dod o fewn adran 53(1), y seiliau y caniateir gwneud cais arnynt yw—

(a) bod swm y treuliau yr aed iddynt gan yr Awdurdod wrth gynnal yr ymchwiliadau neu'r gweithrediadau yn fwy nag a oedd yn rhesymol;

(b) bod swm y treuliau yr aed iddynt gan yr Awdurdod wrth gynnal gwaith adfer yn fwy nag a oedd yn rhesymol angenrheidiol i adfer y tir o ganlyniad i'r gweithrediadau;

(c) nad oedd unrhyw sail resymol dros gredu, ar yr adeg y dechreuwyd y gweithrediadau, bod y gweithrediadau'n angenrheidiol er mwyn osgoi neu leihau'r bygythiad i les pobl a bennir yn yr hysbysiad a roddwyd i berchennog y tir o dan adran 46 ynghylch y gweithrediadau;

(d) bod y gweithrediadau a gynhaliwyd gan yr Awdurdod yn fwy helaeth nag oedd yn angenrheidiol er mwyn osgoi neu leihau'r bygythiad i les pobl a bennir yn yr hysbysiad a roddwyd i berchennog y tir o dan adran 46 ynghylch y gweithrediadau;

(6) A demand under subsection (4) is final and conclusive, unless an application to vary or cancel the demand is made under section 54.

(7) The Authority is entitled to recover interest on any sum recoverable under this section, at a rate determined by the Authority, from the date on which the demand for the sum is given to the person until the sum is paid in full.

(8) Any sum recoverable under this section may, if the Authority agrees, be paid in instalments agreed by the Authority.

(9) For the purposes of this section—

(a) the owner of the land—

(i) in a case falling within subsection (1), is the person who was the owner when the Authority started to carry out the operations referred to in that subsection;

(ii) in a case falling within subsection (2), is the person who was given the notice referred to in that subsection;

(b) investigations are to be treated as having resulted in the carrying out of operations under section 44 if the Authority started to carry out the operations within 12 months beginning with the day after the completion of the investigations;

(c) investigations are to be treated as having resulted in the giving of a notice under section 35 to an owner of land if the Authority gave a notice under that section to the owner of the land within 6 months beginning with the day after the completion of the investigations.

54 Right to appeal against Authority's demand

(1) A person who is given a demand under section 53(4) may apply to the court for an order varying or cancelling the demand.

(2) An application under this section must be made within 6 weeks beginning with the day on which the demand is given to the person.

(3) Where the demand is made in a case falling within section 53(1), the grounds on which an application may be made are—

(a) that the amount of the expenses incurred by the Authority in carrying out the investigations or operations was greater than was reasonable;

(b) that the amount of the expenses incurred by the Authority in carrying out works of reinstatement was greater than was reasonably necessary to reinstate the land in consequence of the operations;

(c) that, at the time the operations were begun, there was no reasonable ground for believing that the operations were necessary to avoid or reduce the threat to human welfare specified in the notice given to the owner of the land under section 46 regarding the operations;

(d) that the operations carried out by the Authority were more extensive than was necessary to avoid or reduce the threat to human welfare specified in the notice given to the owner of the land under section 46 regarding the operations;

(e) bod swm y digolledigad a dalwyd neu sy'n daladwy i berson yn unol â hawliad o dan adran 50 yn fwy nag y byddai wedi bod fel arall, oherwydd bod yr amser a gymerodd yr Awdurdod i gynnal yr ymchwiliadau neu'r gweithrediadau neu unrhyw waith adfer canlyniadol yn afresymol o hir;

(f) bod swm y digolledigad a dalwyd neu sy'n daladwy i berson yn unol â hawliad o dan adran 50 yn fwy nag sy'n angenrheidiol i ddigolledu'r person o dan yr adran honno;

(g) yn achos archiad a roddir i gyfrannydd, bod y swm a hawlir yn yr archiad yn fwy na'r ganran benodedig o'r cyfanswm sy'n adenilladwy gan yr Awdurdod o dan adran 53(1);

(h) yn achos archiad a roddir i berchennog y tir y cynhaliwyd y gweithrediadau arno, nad yw'r swm a hawlir yn yr archiad yn rhoi ystyriaeth briodol i swm y mae gan yr Awdurdod hawlogaeth i'w adennill oddi wrth gyfrannydd.

(4) Pan fo'r archiad yn cael ei wneud mewn achos sy'n dod o fewn adran 53(2), y seiliau y caniateir gwneud cais arnynt yw—

(a) bod swm y treuliau yr aed iddynt gan yr Awdurdod wrth gynnal yr ymchwiliadau yn fwy nag a oedd yn rhesymol;

(b) bod y digolledigad a dalwyd neu sy'n daladwy i berson yn unol â hawliad o dan adran 50 yn fwy nag y byddai wedi bod fel arall, oherwydd bod yr amser a gymerodd yr Awdurdod i gynnal yr ymchwiliadau yn afresymol o hir;

(c) bod swm y digolledigad a dalwyd neu sy'n daladwy i berson yn unol â hawliad o dan adran 50 yn fwy nag sy'n angenrheidiol i ddigolledu'r person o dan yr adran honno;

(d) yn achos archiad a roddir i gyfrannydd, bod y swm a hawlir yn yr archiad yn fwy na'r ganran benodedig o'r cyfanswm sy'n adenilladwy gan yr Awdurdod o dan adran 53(2);

(e) yn achos archiad a roddir i berchennog y tir y cynhaliwyd y gweithrediadau arno, nad yw'r swm a hawlir yn yr archiad yn rhoi ystyriaeth briodol i swm y mae gan yr Awdurdod hawlogaeth i'w adennill oddi wrth gyfrannydd.

(5) Os yw'r llys, ar gais o dan yr adran hon, wedi ei fodloni bod sail (neu unrhyw un neu ragor o seiliau) y cais yn gymwys, caiff y llys wneud gorchymyn—

(a) yn canslo'r archiad y gwnaed y cais mewn cysylltiad ag ef, neu

(b) yn gostwng y swm sy'n adenilladwy oddi wrth y person y rhoddwyd yr archiad iddo.

PENNOD 4

DARPARIAETH ATODOL

55 Pŵer i gynnal ymchwiliadau

Caiff yr Awdurdod gynnal ymchwiliadau ar dir i benderfynu—

(a) pa un a oes angen gwneud gweithrediadau yn ofynnol o dan adran 35 neu ba un a oes angen eu cynnal o dan adran 44, neu

(e) that the amount of the compensation paid or payable to a person in pursuance of a claim under section 50 is greater than it would otherwise have been, because the time the Authority took to carry out the investigations or operations or any consequential works of reinstatement was unreasonably long;

(f) that the amount of the compensation paid or payable to a person in pursuance of a claim under section 50 is greater than is necessary to compensate the person under that section;

(g) that, in the case of a demand given to a contributory, the amount claimed in the demand is greater than the specified percentage of the total amount recoverable by the Authority under section 53(1);

(h) that, in the case of a demand given to the owner of the land on which the operations were carried out, the amount claimed in the demand does not make proper allowance for a sum that the Authority is entitled to recover from a contributory.

(4) Where the demand is made in a case falling within section 53(2), the grounds on which an application may be made are—

(a) that the amount of the expenses incurred by the Authority in carrying out the investigations was greater than was reasonable;

(b) that the compensation paid or payable to a person in pursuance of a claim under section 50 is greater than it would otherwise have been, because the time the Authority took to carry out the investigations was unreasonably long;

(c) that the amount of the compensation paid or payable to a person in pursuance of a claim under section 50 is greater than is necessary to compensate the person under that section;

(d) that, in the case of a demand given to a contributory, the amount claimed in the demand is greater than the specified percentage of the total amount recoverable by the Authority under section 53(2);

(e) that, in the case of a demand given to the owner of the land on which the operations were carried out, the amount claimed in the demand does not make proper allowance for a sum that the Authority is entitled to recover from a contributory.

(5) If, on an application under this section, the court is satisfied that the ground (or any of the grounds) of the application is made out, the court may make an order—

(a) cancelling the demand in respect of which the application was made, or

(b) reducing the amount recoverable from the person who was given the demand.

CHAPTER 4

SUPPLEMENTARY PROVISION

55 Power to carry out investigations

The Authority may carry out investigations on land to determine—

(a) whether operations need to be required under section 35 or carried out under section 44, or

(b) pa un a yw gweithrediadau yn cael eu cynnal mewn cydymffurfedd â hysbysiad a roddir o dan adran 35.

56 Cosb am rwystro gweithrediadau etc.

(1) Mae person sy'n rhwystro neu'n ymyrryd yn fwriadol ag—

(a) ymchwiliad i—

(i) pa un a oes angen gwneud gweithrediadau yn ofynnol o dan adran 35 neu ba un a oes angen eu cynnal o dan adran 44, neu

(ii) pa un a yw gweithrediadau yn cael eu cynnal mewn cydymffurfedd â hysbysiad a roddir o dan adran 35,

(b) cynnal gweithrediadau sy'n ofynnol drwy hysbysiad o dan adran 35, neu

(c) cynnal gweithrediadau o dan adran 44,

yn cyflawni trosedd.

(2) Mae person sy'n difrodi'n fwriadol neu'n ymyrryd fel arall ag unrhyw waith a gwblhawyd yn ystod gweithrediadau sy'n ofynnol drwy hysbysiad o dan adran 35 neu a gynhaliwyd o dan adran 44 yn cyflawni trosedd.

(3) Mae person sy'n euog o drosedd o dan is-adran (1) neu (2) yn agored ar euogfarn ddiannod i ddirwy.

(4) Nid yw torri is-adran (1) neu (2) gan y Goron yn gwneud y Goron yn atebol o ran cyfraith trosedd (ond gweler adran 28(3) o Ddeddf Deddfwriaeth (Cymru) 2019 (dccc 4) ynghylch atebolrwydd personau sy'n gwasanaethu'r Goron).

RHAN 4

DARPARIAETH ATODOL

Cynlluniau rheoli ar gyfer tomenni cofrestredig

57 Cynlluniau rheoli

(1) Rhaid i'r Awdurdod lunio a chadw cynllun rheoli ar gyfer pob tomen nas defnyddir yn y gofrestr sy'n domen categori 1 neu'n domen categori 2.

(2) Rhaid i'r cynllun rheoli ar gyfer tomen nas defnyddir y mae is-adran (1) yn gymwys iddi gael ei lunio cyn gynted ag y bo'n ymarferol ar ôl i'r domen gael ei chofnodi gyntaf yn y gofrestr fel tomen categori 1 neu domen categori 2.

(3) Caiff yr Awdurdod ar unrhyw adeg lunio a chadw cynllun rheoli ar gyfer tomen nas defnyddir yn y gofrestr sy'n domen categori 3 neu'n domen categori 4.

(4) Rhaid i gynllun rheoli nodi—

(a) sut y mae'r Awdurdod yn bwriadu arfer ei swyddogaethau o dan y Ddeddf hon mewn perthynas â'r domen (gan gynnwys manylion unrhyw wybodaeth neu gyngor y mae'n bwriadu ei rhoi neu ei roi i berchnogion tir neu feddianwyr ar dir o dan adran 3);

(b) gwybodaeth y mae'r Awdurdod yn ystyried y gallai fod yn berthnasol mewn argyfwng sy'n ymwneud â'r domen;

(b) whether operations are being carried out in compliance with a notice given under section 35.

56 Penalty for obstructing operations etc.

(1) A person who intentionally obstructs or interferes with—

(a) an investigation into—

(i) whether operations need to be required under section 35 or carried out under section 44, or

(ii) whether operations are being carried out in compliance with a notice given under section 35,

(b) the carrying out of operations required by a notice under section 35, or

(c) the carrying out of operations under section 44,

commits an offence.

(2) A person who intentionally damages or otherwise interferes with any works completed in the course of operations required by a notice under section 35 or carried out under section 44 commits an offence.

(3) A person guilty of an offence under subsection (1) or (2) is liable on summary conviction to a fine.

(4) A contravention of subsection (1) or (2) by the Crown does not make the Crown criminally liable (but see section 28(3) of the Legislation (Wales) Act 2019 (anaw 4) regarding the liability of persons in the service of the Crown).

PART 4

SUPPLEMENTARY

Management plans for registered tips

57 Management plans

(1) The Authority must prepare and maintain a management plan for every disused tip in the register which is a category 1 tip or category 2 tip.

(2) The management plan for a disused tip to which subsection (1) applies must be prepared as soon as practicable after the tip is first recorded in the register as a category 1 tip or category 2 tip.

(3) The Authority may at any time prepare and maintain a management plan for a disused tip in the register which is a category 3 tip or category 4 tip.

(4) A management plan must set out—

(a) how the Authority intends to exercise its functions under this Act in relation to the tip (including details of any information or advice that it intends to give to owners or occupiers of land under section 3);

(b) information that the Authority considers may be relevant in an emergency involving the tip;

(c) gwybodaeth am rolau a chyfrifoldebau'r Awdurdod ac awdurdodau cyhoeddus eraill mewn argyfwng o'r fath;

(d) sut y mae'r Awdurdod yn bwriadu cydweithredu â'r awdurdodau cyhoeddus hynny mewn argyfwng o'r fath.

(5) Caiff cynllun rheoli gynnwys unrhyw wybodaeth arall y mae'r Awdurdod yn ystyried ei bod yn briodol.

Rhannu gwybodaeth

58 Ystyr "awdurdod cyhoeddus perthnasol"

(1) Yn y Rhan hon, ystyr "awdurdod cyhoeddus perthnasol" yw—

(a) Gweinidogion Cymru;

(b) Cyfoeth Naturiol Cymru;

(c) cyngor ar gyfer sir neu fwrdeistref sirol yng Nghymru;

(d) Awdurdod Parc Cenedlaethol ar gyfer Parc Cenedlaethol yng Nghymru;

(e) yr Awdurdod Glo;

(f) Awdurdod Tân ac Achub ar gyfer ardal yng Nghymru.

(2) Yn is-adran (1)(f), ystyr "Awdurdod Tân ac Achub" yw awdurdod tân ac achub a ffurfiwyd o dan adran 2 o Ddeddf Gwasanaethau Tân ac Achub 2004 (p. 21), neu gynllun y mae adran 4 o'r Ddeddf honno yn gymwys iddo.

(3) Caiff Gweinidogion Cymru drwy reoliadau ddiwygio'r adran hon i newid y diffiniad o "awdurdod cyhoeddus perthnasol".

(4) Ni chaiff rheoliadau o dan is-adran (3) gynnwys person o fewn cwmpas y diffiniad oni bai bod y person yn awdurdod Cymreig datganoledig (o fewn yr ystyr a roddir i "devolved Welsh authority" yn adran 157A(1)(a) o Ddeddf Llywodraeth Cymru 2006 (p. 32)).

59 Pŵer yr Awdurdod i'w gwneud yn ofynnol i awdurdodau cyhoeddus perthnasol roi gwybodaeth

(1) Rhaid i awdurdod cyhoeddus perthnasol roi unrhyw wybodaeth i'r Awdurdod y mae'r Awdurdod yn gofyn amdani at ddiben arfer swyddogaethau a roddir gan neu o dan y Ddeddf hon.

(2) Nid yw'r adran hon yn ei gwneud yn ofynnol nac yn caniatáu i wybodaeth gael ei rhoi yn groes i unrhyw waharddiad a osodir gan ddeddfiad neu reol gyfreithiol arall.

(3) Os yw awdurdod cyhoeddus perthnasol yn penderfynu peidio â chydymffurfio a chais o dan is-adran (1), rhaid iddo roi ei resymau ysgrifenedig dros y penderfyniad i'r Awdurdod.

60 Dyletswyddau'r Awdurdod ac awdurdodau cyhoeddus perthnasol i rannu gwybodaeth

(1) Os yw awdurdod cyhoeddus perthnasol, wrth arfer ei swyddogaethau—

(a) yn dod yn ymwybodol o fygythiad i sefydlogrwydd tomen nas defnyddir, neu dystiolaeth o ansefydlogrwydd tomen nas defnyddir, a

(c) information about the roles and responsibilities of the Authority and other public authorities in such an emergency;

(d) how the Authority intends to co-operate with those public authorities in such an emergency.

(5) A management plan may include any other information that the Authority considers appropriate.

Information sharing

58 Meaning of "relevant public authority"

(1) In this Part, "relevant public authority" means—

(a) the Welsh Ministers;

(b) Natural Resources Wales;

(c) a council for a county or county borough in Wales;

(d) a National Park Authority for a National Park in Wales;

(e) the Coal Authority;

(f) a Fire and Rescue Authority for an area in Wales.

(2) In subsection (1)(f), "Fire and Rescue Authority" means a fire and rescue authority constituted under section 2 of the Fire and Rescue Services Act 2004 (c. 21), or a scheme to which section 4 of that Act applies.

(3) The Welsh Ministers may by regulations amend this section to change the definition of "relevant public authority".

(4) Regulations under subsection (3) may not include a person within the scope of the definition unless the person is a devolved Welsh authority (within the meaning of section 157A(1)(a) of the Government of Wales Act 2006 (c. 32)).

59 Authority's power to require relevant public authorities to give information

(1) A relevant public authority must give the Authority such information as the Authority requests for the purpose of exercising functions conferred by or under this Act.

(2) This section does not require or permit information to be given contrary to any prohibition imposed by an enactment or other rule of law.

(3) If a relevant public authority decides not to comply with a request under subsection (1), it must give the Authority its written reasons for the decision.

60 Duties of Authority and relevant public authorities to share information

(1) If, in exercising its functions, a relevant public authority—

(a) becomes aware of a threat to the stability of a disused tip, or evidence of a disused tip's instability, and

(b) yn ystyried y dylid rhannu'r wybodaeth â'r Awdurdod er mwyn osgoi neu leihau bygythiad i les pobl,

rhaid i'r awdurdod cyhoeddus roi'r wybodaeth i'r Awdurdod cyn gynted ag y bo'n ymarferol.

(2) Os daw'r Awdurdod, wrth arfer ei swyddogaethau, yn ymwybodol o rywbeth y mae'n ystyried y dylid ei ddwyn i sylw awdurdod cyhoeddus perthnasol at ddiben arfer swyddogaethau'r awdurdod cyhoeddus, rhaid iddo roi'r wybodaeth i'r awdurdod cyhoeddus cyn gynted ag y bo'n ymarferol.

(3) Nid yw'r adran hon yn ei gwneud yn ofynnol nac yn caniatáu i wybodaeth gael ei rhoi yn groes i unrhyw waharddiad a osodir gan ddeddfiad neu reol gyfreithiol arall.

61 Gwybodaeth am ystadau neu fuddiannau mewn tir

(1) Caiff yr Awdurdod roi hysbysiad i feddiannydd tir, neu i berson sy'n cael rhent (naill ai'n uniongyrchol neu'n anuniongyrchol) mewn cysylltiad â thir, sy'n ei gwneud yn ofynnol i'r person gadarnhau yn ysgrifenedig—

(a) natur ystâd neu fuddiant y person yn y tir, a

(b) os yw'r person hwnnw'n gwybod am berson arall a chanddo ystad neu fuddiant yn y tir, enw a manylion cyswllt y person arall (os ydynt yn hysbys).

(2) Yn is-adran (1)(b), ystyr "manylion cyswllt", mewn perthynas a pherson, yw cyfeiriad y person ac unrhyw wybodaeth arall ynghylch sut y gellir cysylltu â'r person.

(3) Ni chaiff yr Awdurdod roi hysbysiad o dan yr adran hon oni bai bod arno angen yr wybodaeth sy'n ofynnol gan yr hysbysiad i'w alluogi neu i'w gynorthwyo i arfer swyddogaeth a roddir gan neu o dan y Ddeddf hon.

(4) Caiff hysbysiad o dan yr adran hon ei gwneud yn ofynnol rhoi'r wybodaeth o fewn—

(a) 20 o ddiwrnodau gwaith sy'n dechrau â'r diwrnod gwaith cyntaf drannoeth y diwrnod y rhoddir yr hysbysiad, neu

(b) unrhyw gyfnod hwy a bennir yn yr hysbysiad neu a gytunir gan yr Awdurdod.

(5) Nid yw'r adran hon yn ei gwneud yn ofynnol nac yn caniatáu i wybodaeth gael ei rhoi yn groes i unrhyw waharddiad a osodir gan ddeddfiad neu reol gyfreithiol arall.

(6) Ni chaiff yr Awdurdod roi hysbysiad o dan yr adran hon i awdurdod cyhoeddus perthnasol.

(7) Ni chaiff yr Awdurdod roi hysbysiad o dan yr adran hon i awdurdod priodol y Goron mewn cysylltiad ag ystâd neu fuddiant yn nhir y Goron nad yw'n fuddiant preifat.

62 Gwybodaeth am ystadau neu fuddiannau yn nhir y Goron

(1) Mae'r adran hon yn gymwys i ystâd neu fuddiant yn nhir y Goron nad yw'n fuddiant preifat.

(2) Caiff yr Awdurdod, at y diben o'i alluogi neu ei gynorthwyo i arfer swyddogaeth a roddir gan neu o dan y Ddeddf hon, wneud cais i awdurdod priodol y Goron i gadarnhau yn ysgrifenedig—

(a) natur yr ystâd neu fuddiant, a

(b) considers that the information ought to be shared with the Authority in the interests of avoiding or reducing a threat to human welfare,

the public authority must give the Authority the information as soon as practicable.

(2) If the Authority, in exercising its functions, becomes aware of something that it considers ought to be brought to the attention of a relevant public authority for the purpose of the public authority's exercise of its functions, it must give the public authority the information as soon as practicable.

(3) This section does not require or permit information to be given contrary to any prohibition imposed by an enactment or other rule of law.

61 Information about estates or interests in land

(1) The Authority may give a notice to an occupier of land, or to a person who receives rent (either directly or indirectly) in respect of land, requiring the person to confirm in writing—

(a) the nature of the person's estate or interest in the land, and

(b) if that person knows of another person who has an estate or interest in the land, the other person's name and contact details (if known).

(2) In subsection (1)(b), "contact details", in relation to a person, means the person's address and any other information about how the person may be contacted.

(3) The Authority may not give a notice under this section unless it needs the information required by the notice to enable or assist it to exercise a function conferred by or under this Act.

(4) A notice under this section may require the information to be given within—

(a) 20 working days beginning with the first working day after the day the notice is given, or

(b) any longer period specified in the notice or agreed by the Authority.

(5) This section does not require or permit information to be given contrary to any prohibition imposed by an enactment or other rule of law.

(6) The Authority may not give a notice under this section to a relevant public authority.

(7) The Authority may not give a notice under this section to an appropriate Crown authority in respect of an estate or interest in Crown land which is not a private interest.

62 Information about estates or interests in Crown land

(1) This section applies to an estate or interest in Crown land which is not a private interest.

(2) The Authority may, for the purpose of enabling or assisting it to exercise a function conferred by or under this Act, request the appropriate Crown authority to confirm in writing—

(a) the nature of the estate or interest, and

(b) os yw'r awdurdod yn gwybod am berson arall a chanddo ystad neu fuddiant yn y tir, enw a manylion cyswllt y person arall (os ydynt yn hysbys).

(3) Yn is-adran (2)(b), ystyr "manylion cyswllt", mewn perthynas â pherson, yw cyfeiriad y person ac unrhyw wybodaeth arall ynghylch sut y gellir cysylltu â'r person.

(4) Rhaid i awdurdod priodol y Goron gydymffurfio a chais o dan is-adran (2) ac eithrio i'r graddau—

(a) nad yw'r wybodaeth y gofynnir amdani o fewn gwybodaeth yr awdurdod, neu

(b) y byddai gwneud hynny yn datgelu gwybodaeth am—

(i) diogelwch gwladol, neu

(ii) y mesurau a gymerwyd, neu sydd i'w cymryd, i sicrhau diogelwch unrhyw dir neu unrhyw eiddo arall.

63 Gwybodaeth i adnabod neu asesu bygythiadau i sefydlogrwydd tomen nas defnyddir etc.

(1) Caiff yr Awdurdod roi hysbysiad ("hysbysiad gwybodaeth") i berson sy'n ei gwneud yn ofynnol i'r person roi gwybodaeth i'r Awdurdod o ddisgrifiad a bennir yn yr hysbysiad, os yw'r Awdurdod—

(a) yn ystyried y bydd gwybodaeth o'r disgrifiad hwnnw yn ei alluogi neu ei gynorthwyo i adnabod neu asesu bygythiad i sefydlogrwydd tomen nas defnyddir, neu i asesu sefydlogrwydd tomen nas defnyddir, a

(b) bod ganddo reswm i gredu bod yr wybodaeth ym meddiant y person neu o dan reolaeth y person.

(2) Caiff hysbysiad gwybodaeth ei gwneud yn ofynnol i berson roi'r wybodaeth mewn ffordd ac ar ffurf a bennir yn yr hysbysiad.

(3) Caiff hysbysiad gwybodaeth ei gwneud yn ofynnol i berson roi'r wybodaeth o fewn—

(a) 20 o ddiwrnodau gwaith sy'n dechrau â'r diwrnod gwaith cyntaf drannoeth y diwrnod y rhoddir yr hysbysiad, neu

(b) unrhyw gyfnod hwy a bennir yn yr hysbysiad neu a gytunir gan yr Awdurdod.

(4) Nid yw'r adran hon yn ei gwneud yn ofynnol nac yn caniatáu i wybodaeth gael ei rhoi yn groes i unrhyw waharddiad a osodir gan ddeddfiad neu reol gyfreithiol arall.

(5) Ni chaiff yr Awdurdod roi hysbysiad gwybodaeth i awdurdod cyhoeddus perthnasol.

64 Cosbau mewn cysylltiad â hysbysiadau sy'n gofyn am wybodaeth

(1) Mae person y mae'n ofynnol iddo roi gwybodaeth o dan adran 61 neu 63 yn cyflawni trosedd os yw'r person yn methu, heb esgus rhesymol, â rhoi'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'n ofynnol iddo roi gwybodaeth o dan adran 61 neu 63 yn cyflawni trosedd os yw'r person, gan honni ei fod yn cydymffurfio â'r hysbysiad—

(a) yn rhoi gwybodaeth sy'n anwir neu yn gamarweiniol mewn modd perthnasol, a

(b) naill ai—

(b) if the authority knows of another person who has an estate or interest in the land, the other person's name and contact details (if known).

(3) In subsection (2)(b), "contact details", in relation to a person, means the person's address and any other information about how the person may be contacted.

(4) The appropriate Crown authority must comply with a request under subsection (2) except to the extent—

(a) that the information requested is not within the knowledge of the authority, or

(b) that do to 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.

63 Information to identify or assess threats to stability of a disused tip etc.

(1) The Authority may give a notice (an "information notice") to a person requiring the person to give the Authority information of a description specified in the notice, if the Authority—

(a) considers that information of that description will enable or assist it to identify or assess a threat to the stability of a disused tip, or to assess the stability of a disused tip, and

(b) has reason to believe that the information is in the person's possession or under the person's control.

(2) An information notice may require a person to give the information in a way and in a form specified in the notice.

(3) An information notice may require a person to give the information within—

(a) 20 working days beginning with the first working day after the day the notice is given, or

(b) any longer period specified in the notice or agreed by the Authority.

(4) This section does not require or permit information to be given contrary to any prohibition imposed by an enactment or other rule of law.

(5) The Authority may not give an information notice to a relevant public authority.

64 Penalties in connection with notices requiring information

(1) A person who is required to give information under section 61 or 63 commits an offence if the person fails, without reasonable excuse, to give the information.

(2) A person who is 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 who is required to give information under section 61 or 63 commits an offence if the person, in purported compliance with the notice—

(a) gives information which is false or misleading in a material respect, and

(b) either—

(i) yn gwybod bod yr wybodaeth yn anwir neu'n gamarweiniol, neu

(ii) yn ddi-hid ynghylch pa un a yw'r wybodaeth yn anwir neu'n gamarweiniol.

(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.

(5) Nid yw torri is-adran (1) neu (3) gan y Goron yn gwneud y Goron yn atebol o ran cyfraith trosedd (ond gweler adran 28(3) o Ddeddf Deddfwriaeth (Cymru) 2019 (dccc 4) ynghylch atebolrwydd personau sy'n gwasanaethu'r Goron).

Pwerau mynediad

65 Pŵer i fynd ar dir

(1) Caiff person awdurdodedig fynd ar dir at ddiben gwneud unrhyw un neu ragor o'r pethau a ganlyn ar ran yr Awdurdod—

(a) cynnal asesiad rhagarweiniol neu asesiad llawn o dan Ran 2;

(b) cynnal arolygiad neu weithgaredd monitro arall mewn perthynas â thomen a gofrestrwyd o dan y Rhan honno;

(c) ymchwilio i weld pa un a oes angen i weithrediadau fod yn ofynnol neu gael eu cynnal o dan Ran 3;

(d) ymchwilio i weld pa un a yw gweithrediadau yn cael eu cynnal mewn cydymffurfedd â hysbysiad a roddir o dan adran 35 o'r Rhan honno;

(e) cynnal gweithrediadau a gwaith adfer canlyniadol o dan adran 44 o'r Rhan honno;

(f) archwilio unrhyw weithgareddau eraill sy'n cael eu cynnal ar y tir lle gallai'r gweithgareddau hynny effeithio ar sefydlogrwydd tomen nas defnyddir.

(2) Caiff person awdurdodedig, at y dibenion a grybwyllir yn is-adran (1)—

(a) mynd ag unrhyw bersonau eraill, unrhyw gyfarpar ac unrhyw ddeunydd ar y tir fel y bo'n angenrheidiol;

(b) gadael cyfarpar a deunydd ar y tir.

(3) Caiff person awdurdodedig, at y dibenion a grybwyllir yn is-adran (1)—

(a) cynnal arolygiadau ac archwiliadau (gan gynnwys profion ac arolygon) ar y tir;

(b) cymryd mesuriadau a thynnu lluniau a gwneud recordiadau;

(c) cymryd samplau a'u symud ymaith o'r tir.

(4) Yn y Rhan hon, ystyr "person awdurdodedig" yw person sydd wedi ei awdurdodi'n ysgrifenedig gan yr Awdurdod i weithredu ar ei ran.

66 Mynediad i dir heb warant

(1) Ni chaiff person awdurdodedig, o dan adran 65, fynnu mynediad fel mater o hawl i unrhyw dir a feddiennir oni bai bod o leiaf 48 awr o rybudd o'r mynediad arfaethedig wedi ei roi i bob meddiannydd ar y tir.

(2) Ni chaiff person awdurdodedig, o dan adran 65, fynnu fel mater o hawl—

(a) mynd â phersonau eraill, cyfarpar neu ddeunydd ar dir a feddiennir, neu

(b) gadael cyfarpar neu ddeunydd ar y tir,

(i) knows that the information is false or misleading, or

(ii) is reckless as to whether the information is false or misleading.

(4) A person who is guilty of an offence under subsection (3) is liable on summary conviction, or on conviction on indictment, to a fine.

(5) A contravention of subsection (1) or (3) by the Crown does not make the Crown criminally liable (but see section 28(3) of the Legislation (Wales) Act 2019 (anaw 4) regarding the liability of persons in the service of the Crown).

Powers of entry

65 Power to enter land

(1) An authorised person may enter land for the purpose of doing any of the following things on behalf of the Authority—

(a) carrying out a preliminary assessment or a full assessment under Part 2;

(b) carrying out an inspection or other monitoring activity in relation to a tip registered under that Part;

(c) investigating whether operations need to be required or carried out under Part 3;

(d) investigating whether operations are being carried out in compliance with a notice given under section 35 of that Part;

(e) carrying out operations and consequential works of reinstatement under section 44 of that Part;

(f) inspecting any other activities that are being carried out on the land where those activities may affect the stability of a disused tip.

(2) An authorised person may, for the purposes mentioned in subsection (1)—

(a) take any other persons, equipment and material onto the land that may be necessary;

(b) leave equipment and material on the land.

(3) An authorised person may, for the purposes mentioned in subsection (1)—

(a) carry out inspections and examinations (including tests and surveys) on the land;

(b) take measurements and photographs and make recordings;

(c) take and remove samples from the land.

(4) In this Part, "authorised person" means a person authorised in writing by the Authority to act on its behalf.

66 Entry to land without a warrant

(1) An authorised person may not, under section 65, demand admission as of right to any land which is occupied unless at least 48 hours' notice of the intended entry has been given to every occupier of the land.

(2) An authorised person may not, under section 65, demand as of right—

(a) to take other persons, equipment or material onto land which is occupied, or

(b) to leave equipment or material on the land,

oni bai bod o leiaf 48 awr o rybudd o'r bwriad i wneud hynny (gan gynnwys manylion y personau, y cyfarpar neu'r deunydd) wedi ei roi i bob meddiannydd ar y tir.

(3) Nid yw is-adrannau (1) a (2) yn gymwys os yw'r Awdurdod yn credu—

(a) bod tomen nas defnyddir yn ansefydlog, a

(b) bod ansefydlogrwydd y domen yn peri bygythiad i les pobl sy'n golygu bod angen mynd ar y tir ar unwaith at ddiben a grybwyllir yn adran 65(1)(c) neu (e).

(4) Ni chaiff person awdurdodedig, o dan adran 65, fynnu mynediad i dir preswyl fel mater o hawl.

(5) Caiff person awdurdodedig fynnu mynediad fel mater o hawl i dir o dan adran 65—

(a) dim ond ar adeg resymol, oni bai bod yr amod yn is-adran (3) wedi ei fodloni;

(b) ar unrhyw adeg, os bodlonir yr amod hwnnw.

(6) Rhaid i berson awdurdodedig—

(a) os gofynnir 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 o dan adran 65;

(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.

(7) Yn yr adran hon—

nid yw "tir" ("*land*") yn cynnwys tir y Goron;

ystyr "tir preswyl" ("*residential land*") yw cymaint o unrhyw dir ag sy'n cynnwys—

(a) annedd neu ran o annedd,

(b) gardd, iard, garej breifat neu dŷ allan sy'n cael ei defnyddio neu ei ddefnyddio a'i mwynhau neu ei fwynhau yn gyfan gwbl neu'n bennaf gydag annedd, neu

(c) yn achos adeilad sy'n cynnwys un neu ragor o anheddau, unrhyw ran o'r adeilad a ddefnyddir ac a fwynheir yn gyfan gwbl neu'n bennaf gyda'r anheddau hynny neu unrhyw un neu ragor ohonynt.

(8) Gweler adran 70 ar gyfer darpariaeth ynghylch mynd ar dir y Goron o dan adran 65.

67 Gwarant i fynd ar dir

(1) Caiff ynad heddwch, ar gais a wneir gan yr Awdurdod, ddyroddi gwarant sy'n rhoi pŵer i berson awdurdodedig i fynd ar dir, drwy rym os oes angen.

(2) Ni chaiff ynad heddwch ddyroddi gwarant ond os yw wedi ei fodloni ar sail gwybodaeth ysgrifenedig ar lw—

(a) bod sail resymol dros fynd ar y tir at ddiben a grybwyllir yn adran 65(1), a

(b) y bodlonir un neu ragor o'r amodau yn is-adran (3).

(3) Yr amodau yw—

(a) nad yw wedi bod yn bosibl rhoi hysbysiad o dan adran 66 i bob meddiannydd ar y tir, er gwaethaf ymdrechion rhesymol i wneud hynny;

unless at least 48 hours' notice of the intention to do so (including details of the persons, equipment or material) has been given to every occupier of the land.

(3) Subsections (1) and (2) do not apply if the Authority believes—

(a) that a disused tip is unstable, and

(b) that the instability of the tip poses a threat to human welfare that requires immediate entry to the land for a purpose mentioned in section 65(1)(c) or (e).

(4) An authorised person may not, under section 65, demand admission as of right to residential land.

(5) An authorised person may demand admission as of right to land under section 65—

(a) only at a reasonable time, unless the condition in subsection (3) is satisfied;

(b) at any time, if that condition is satisfied.

(6) An authorised person must—

(a) if requested 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 under section 65;

(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.

(7) In this section—

"land" ("*tir*") does not include Crown land;

"residential land" ("*tir preswyl*") means so much of any land as consists of—

(a) a dwelling or part of a dwelling,

(b) a garden, yard, private garage or outhouse which is used and enjoyed wholly or mainly with a dwelling, or

(c) in the case of a building which includes one or more dwellings, any part of the building which is used and enjoyed wholly or mainly with those dwellings or any of them.

(8) See section 70 for provision about entry to Crown land under section 65.

67 Warrant to enter land

(1) A justice of the peace may, on an application made by the Authority, issue a warrant conferring power on an authorised person to enter land, if necessary by force.

(2) A justice of the peace may issue a warrant only if satisfied, on sworn information in writing—

(a) that there are reasonable grounds for entering the land for a purpose mentioned in section 65(1), and

(b) that one or more of the conditions in subsection (3) is met.

(3) The conditions are—

(a) that it has not been possible to give notice under section 66 to every occupier of the land, despite reasonable efforts to do so;

(b) bod mynediad i'r tir wedi ei wrthod neu ei rwystro neu y disgwylir yn rhesymol iddo gael ei wrthod neu ei rwystro;

(c) ei bod yn angenrheidiol i'r person awdurdodedig fynd ar dir preswyl.

(4) At ddibenion is-adran (3)(b), mae mynediad i dir i'w drin fel pe bai wedi ei wrthod os na cheir ateb i gais neu archiad i fynd ar y tir o fewn cyfnod rhesymol.

(5) Os yw ynad heddwch wedi ei fodloni, ar sail gwybodaeth ysgrifenedig ar lw, ei bod yn angenrheidiol i'r person awdurdodedig, at ddiben a grybwyllir yn adran 65(1)—

(a) mynd ag unrhyw bersonau eraill, unrhyw gyfarpar neu unrhyw ddeunydd ar y tir, neu

(b) gadael cyfarpar neu ddeunydd ar y tir,

caiff y warant hefyd roi pŵer i'r person awdurdodedig i wneud y pethau hynny; ac os yw'r warant yn gwneud hynny, rhaid iddo gynnwys manylion y personau, y cyfarpar neu'r deunydd.

(6) Caiff gwarant a ddyroddir o dan is-adran (1) roi pŵer i'r person awdurdodedig—

(a) i gynnal arolygiadau ac archwiliadau (gan gynnwys profion ac arolygon) ar y tir;

(b) i gymryd mesuriadau a thynnu lluniau a gwneud recordiadau;

(c) i gymryd samplau a'u symud ymaith o'r tir.

(7) Mae gwarant a ddyroddir o dan yr adran hon yn parhau i fod mewn grym hyd nes y cyflawnir y diben y'i dyroddir ar ei gyfer.

(8) Yn yr adran hon—

nid yw "tir" ("*land*")yn cynnwys tir y Goron;

mae i "tir preswyl" ("*residential land*") yr ystyr a roddir gan adran 66(7).

68 Mynd ar dir gyda gwarant

(1) Ni chaiff gwarant o dan adran 67 roi pŵer i fynd ar dir ond ar adeg resymol.

(2) Ond nid yw is-adran (1) yn gymwys os yw'r ynad heddwch sy'n dyroddi'r warant wedi ei fodloni, ar sail gwybodaeth ysgrifenedig ar lw—

(a) bod tomen nas defnyddir yn ansefydlog, a

(b) bod ansefydlogrwydd y domen yn peri bygythiad i les pobl sy'n golygu bod angen mynd ar y tir ar unwaith, drwy rym os oes angen, at ddiben a grybwyllir yn adran 65(1)(c) neu (e).

(3) Rhaid i berson a awdurdodir drwy warant o dan adran 67 i fynd ar dir—

(a) os gofynnir iddo wneud hynny gan neu ar ran unrhyw berchennog ar y tir neu unrhyw feddiannydd ar y tir, ddangos y warant 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.

(b) that entry to the land has been refused or obstructed or that a refusal or obstruction is reasonably expected;

(c) that it is necessary for the authorised person to enter residential land.

(4) For the purposes of subsection (3)(b), entry to land is to be treated as having been refused if no reply is received to a request or demand for admission within a reasonable period.

(5) If a justice of the peace is satisfied, on sworn information in writing, that it is necessary for the authorised person, for a purpose mentioned in section 65(1)—

(a) to take other persons, equipment or material on the land, or

(b) to leave equipment or material on the land,

the warrant may also confer power on the authorised person to do those things; and if the warrant does so, it must include details of the persons, equipment or material.

(6) A warrant issued under subsection (1) may confer power on the authorised person—

(a) to carry out inspections and examinations (including tests and surveys) on the land;

(b) to take measurements and photographs and make recordings;

(c) to take and remove samples from the land.

(7) A warrant issued under this section continues in force until the purpose for which it is issued has been fulfilled.

(8) In this section--

"land" ("*tir*") does not include Crown land;

"residential land" ("*tir preswyl*") has the meaning given by section 66(7).

68 Entry to land with a warrant

(1) A warrant under section 67 may confer a power to enter land only at a reasonable time.

(2) But subsection (1) does not apply if the justice of the peace issuing the warrant is satisfied, on sworn information in writing—

(a) that a disused tip is unstable, and

(b) that the instability of the tip poses a threat to human welfare that requires immediate entry to the land, if necessary by force, for a purpose mentioned in section 65(1)(c) or (e).

(3) A person authorised by a warrant under section 67 to enter land must—

(a) if requested to do so by or on behalf of an owner or occupier of the land, produce the warrant 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.

69 Cosb am rwystro mynd ar dir

(1) Mae'r adran hon yn gymwys pan fo pŵer i fynd ar dir yn cael ei roi i berson gan adran 65(1) neu drwy warant a ddyroddir o dan adran 67(1).

(2) Mae person sy'n rhwystro'n fwriadol arfer y pŵer 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 torri is-adran (2) gan y Goron yn gwneud y Goron yn atebol o ran cyfraith trosedd (ond gweler adran 28(3) o Ddeddf Deddfwriaeth (Cymru) 2019 (dccc 4) ynghylch atebolrwydd personau sy'n gwasanaethu'r Goron).

70 Mynd ar dir y Goron

(1) Ni chaiff person awdurdodedig fynd ar dir y Goron o dan adran 65 oni bai—

(a) bod awdurdod priodol y Goron wedi rhoi caniatâd i'r person awdurdodedig wneud hynny, neu

(b) bod yr Awdurdod yn credu—

(i) bod tomen nas defnyddir yn ansefydlog, a

(ii) bod ansefydlogrwydd y domen yn peri bygythiad i les pobl sy'n golygu bod angen mynd ar y tir ar unwaith at ddiben a grybwyllir yn adran 65(1)(c) neu (e).

(2) Yn yr amgylchiadau a grybwyllir yn is-adran (1)(b), caiff y person awdurdodedig—

(a) mynnu mynediad i'r tir fel mater o hawl, a

(b) mynnu fel mater o hawl—

(i) mynd â phersonau eraill, cyfarpar neu ddeunydd ar y tir, a

(ii) gadael cyfarpar neu ddeunydd ar y tir.

(3) Ond ni chaiff y person awdurdodedig fynnu mynediad fel mater o hawl i unrhyw ran o dir y Goron sy'n dir preswyl.

(4) Os yw person awdurdodedig yn mynd ar dir y Goron o dan yr amgylchiadau a grybwyllir yn is-adran (1)(b) heb ganiatâd awdurdod priodol y Goron, rhaid i'r Awdurdod hysbysu awdurdod priodol y Goron cyn gynted ag y bo'n rhesymol ymarferol.

(5) Rhaid i berson awdurdodedig—

(a) os gofynnir iddo wneud hynny gan neu ar ran unrhyw berchennog ar dir y Goron neu unrhyw feddiannydd ar dir y Goron, ddangos tystiolaeth o awdurdodiad y person a datgan diben mynd ar y tir cyn mynd ar y tir o dan adran 65;

(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) Yn yr adran hon, mae i "tir preswyl" yr un ystyr ag yn adran 66(7).

69 Penalty for obstructing entry to land

(1) This section applies where a power to enter land is conferred on a person by section 65(1) or by a warrant issued under section 67(1).

(2) A person who intentionally obstructs the exercise of the power 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) A contravention of subsection (2) by the Crown does not make the Crown criminally liable (but see section 28(3) of the Legislation (Wales) Act 2019 (anaw 4) regarding the liability of persons in the service of the Crown).

70 Entry to Crown land

(1) An authorised person may not enter Crown land under section 65 unless—

(a) the appropriate Crown authority has given the authorised person permission to do so, or

(b) the Authority believes—

(i) that a disused tip is unstable, and

(ii) that the tip's instability poses a threat to human welfare that requires immediate entry to the land for a purpose mentioned in section 65(1)(c) or (e).

(2) In the circumstances mentioned in subsection (1)(b), the authorised person may—

(a) demand admission as of right to the land, and

(b) demand as of right—

(i) to take other persons, equipment or material onto the land, and

(ii) to leave equipment or material on the land.

(3) But the authorised person may not demand admission as of right to any part of Crown land that is residential land.

(4) If an authorised person enters Crown land in the circumstances mentioned in subsection (1)(b) without the permission of the appropriate Crown authority, the Authority must inform the appropriate Crown authority as soon as reasonably practicable.

(5) An authorised person must—

(a) if requested to do so by or on behalf of an owner or occupier of Crown land, produce evidence of the person's authorisation and state the purpose of the entry before entering the land under section 65;

(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) In this section, "residential land" has the same meaning as in section 66(7).

Amrywiol

71 Dyletswydd i sefydlu a chynnal gwefan neu gyfleuster electronig arall

Rhaid i'r Awdurdod sefydlu a chynnal gwefan, neu gyfleuster electronig arall (megis cymhwysiad meddalwedd), y gall y cyhoedd ei chyrchu neu ei gyrchu yn ddi-dâl.

72 Cyhoeddi

Pan fo'r Ddeddf hon yn ei gwneud yn ofynnol i'r Awdurdod gyhoeddi unrhyw beth—

(a) rhaid iddo gael ei gyhoeddi ar y wefan, neu gyfleuster electronig arall, a sefydlir ac a gynhelir o dan adran 71, a

(b) caniateir ei gyhoeddi hefyd mewn unrhyw fodd arall y mae'r Awdurdod yn ystyried ei fod yn briodol.

73 Darparu gwasanaethau gweinyddol, technegol neu broffesiynol

(1) Caiff yr Awdurdod ddarparu gwasanaethau gweinyddol, proffesiynol neu dechnegol i unrhyw awdurdod Cymreig datganoledig (o fewn yr ystyr a roddir i "devolved Welsh authority" yn adran 157A o Ddeddf Llywodraeth Cymru 2006 (p. 32)).

(2) Caiff yr Awdurdod godi ffi am ddarparu gwasanaeth o dan is-adran (1).

74 Canllawiau

(1) Rhaid i Weinidogion Cymru roi canllawiau i'r Awdurdod mewn perthynas ag arfer ei swyddogaethau o dan—

(a) adran 3(4) (pŵer yr Awdurdod i godi ffioedd);

(b) adran 10 (dyletswydd yr Awdurdod i fonitro tomenni cofrestredig);

(c) Pennod 2 o Ran 2 (asesiad rhagarweiniol ac asesiad llawn o domenni gan yr Awdurdod);

(d) adran 33 (digolledi am ddifrod neu aflonyddu a achosir gan weithgareddau monitro neu asesu);

(e) Pennod 3 o Ran 3 (taliadau mewn cysylltiad â gweithrediadau);

(f) adran 57 (cynlluniau rheoli).

(2) Caiff Gweinidogion Cymru roi canllawiau i'r Awdurdod mewn perthynas ag arfer unrhyw un neu ragor o'i swyddogaethau eraill o dan y Ddeddf hon.

(3) Rhaid i'r Awdurdod roi sylw i ganllawiau a roddir o dan is-adran (1) neu (2) wrth arfer ei swyddogaethau.

(4) Rhaid i Weinidogion Cymru roi canllawiau i berson a benodir i benderfynu—

(a) cais o dan adran 38 (cais i amrywio neu ganslo hysbysiad sy'n ei gwneud yn ofynnol i berchennog gynnal gweithrediadau), neu

(b) cais o dan adran 43 (cais i ad-dalu gwariant perchennog pan fo hysbysiad i gynnal gweithrediadau yn cael ei ganslo).

Miscellaneous

71 Duty to establish and maintain a website or other electronic facility

The Authority must establish and maintain a website, or other electronic facility (such as a software application), which the public can access without charge.

72 Publication

Where this Act requires the Authority to publish anything—

(a) it must be published on the website, or other electronic facility, established and maintained under section 71, and

(b) it may also be published in any other manner the Authority considers appropriate.

73 Provision of administrative, technical or professional services

(1) The Authority may provide administrative, professional or technical services to any devolved Welsh authority (within the meaning of section 157A of the Government of Wales Act 2006 (c. 32)).

(2) The Authority may charge a fee for providing a service under subsection (1).

74 Guidance

(1) The Welsh Ministers must give guidance to the Authority in relation to the exercise of its functions under—

(a) section 3(4) (Authority's power to charge fees);

(b) section 10 (Authority's duty to monitor registered tips);

(c) Chapter 2 of Part 2 (preliminary and full assessment of tips by the Authority);

(d) section 33 (compensation for damage or disturbance caused by monitoring or assessment activity);

(e) Chapter 3 of Part 3 (payments in connection with operations);

(f) section 57 (management plans).

(2) The Welsh Ministers may give guidance to the Authority in relation to the exercise of any of its other functions under this Act.

(3) The Authority must have regard to guidance given under subsection (1) or (2) in exercising its functions.

(4) The Welsh Ministers must give guidance to a person appointed to determine—

(a) an application under section 38 (application to vary or cancel notice requiring owner to carry out operations), or

(b) an application under section 43 (application for reimbursement of owner's expenditure where notice to carry out operations is cancelled).

(5) Rhaid i berson a benodir i benderfynu cais y cyfeirir ato yn is-adran (4), wrth arfer swyddogaethau a roddir i'r person gan y Ddeddf hon neu odani, roi sylw i ganllawiau a roddir o dan yr is-adran honno.

(6) Cyn rhoi canllawiau o dan yr adran hon, rhaid i Weinidogion Cymru ymgynghori â'r personau hynny y maent yn ystyried eu bod yn briodol.

75 Diwygio Deddf Mwyngloddiau a Chwareli (Tomenni) 1969

(1) Mae Deddf Mwyngloddiau a Chwareli (Tomenni) 1969 (p. 10) wedi ei diwygio fel a ganlyn.

(2) Ym mhennawd Rhan 2 (atal perygl i'r cyhoedd o domenni nas defnyddir), ar ôl "tips" mewnosoder ": England and Scotland".

(3) Yn adran 11 (awdurdodau lleol sydd â swyddogaethau o dan Ran 2)—

(a) yn y pennawd, ar ôl "local authorities" mewnosoder "in England and Scotland";

(b) yn is-adran (1), ar ôl "local authorities" mewnosoder "in England and Scotland";

(c) yn is-adran (3), hepgorer paragraff (aa).

(4) Yn adran 36 (dehongli Rhan 2)—

(a) yn is-adran (1), yn y diffiniad o "Ministers", hepgorer ", the Secretary of State for Wales";

(b) yn is-adran (4), hepgorer paragraff (b).

RHAN 5

CYFFREDINOL

Troseddau

76 Troseddau gan gyrff corfforedig

(1) Mae'r adran hon yn gymwys pan brofir bod trosedd yn y Ddeddf hon, neu mewn rheoliadau a wneir odani, a gyflawnwyd gan gorff corfforedig wedi ei chyflawni gyda chydsyniad neu ymoddefiad, neu i'w phriodoli i esgeulustod ar ran—

(a) uwch-swyddog i'r corff, neu

(b) person a oedd yn honni 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, 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.

77 Dwyn achos

Ni chaniateir dwyn achos mewn cysylltiad â throsedd yn y Ddeddf hon, neu mewn rheoliadau a wneir odani, ac eithrio gan yr Awdurdod neu'r Cyfarwyddwr Erlyniadau Cyhoeddus neu drwy gydsyniad y Cyfarwyddwr Erlyniadau Cyhoeddus.

(5) A person appointed to determine an application referred to in subsection (4) must, in exercising functions conferred on the person by or under this Act, have regard to guidance given under that subsection.

(6) Before giving guidance under this section, the Welsh Ministers must consult such persons as they consider appropriate.

75 Amendments to the Mines and Quarries (Tips) Act 1969

(1) The Mines and Quarries (Tips) Act 1969 (c. 10) is amended as follows.

(2) In the heading of Part 2 (prevention of public danger from disused tips), after "tips" insert ": England and Scotland".

(3) In section 11 (local authorities having functions under Part 2)—

(a) in the heading, after "local authorities" insert "in England and Scotland";

(b) in subsection (1), after "local authorities" insert "in England and Scotland";

(c) in subsection (3), omit paragraph (aa).

(4) In section 36 (interpretation of Part 2)—

(a) in subsection (1), in the definition of "Ministers", omit ", the Secretary of State for Wales";

(b) in subsection (4), omit paragraph (b).

PART 5

GENERAL

Offences

76 Offences by bodies corporate

(1) This section applies where an offence in this Act, or in regulations made under it, 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, 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.

77 Bringing proceedings

Proceedings in respect of an offence in this Act, or in regulations made under it, may not be brought otherwise than by the Authority or by or with the consent of the Director of Public Prosecutions.

Rheoliadau

78 Pŵer i wneud darpariaeth ganlyniadol, darpariaeth drosiannol etc.

(1) Os yw Gweinidogion Cymru yn ystyried ei bod yn angenrheidiol neu'n briodol at ddibenion y Ddeddf hon, o ganlyniad iddi, neu er mwyn rhoi effaith lawn i unrhyw ddarpariaeth ynddi, cânt drwy reoliadau wneud—

(a) darpariaeth atodol, darpariaeth ddeilliadol neu ddarpariaeth ganlyniadol;

(b) darpariaeth drosiannol neu ddarpariaeth arbed.

(2) Caiff rheoliadau o dan is-adran (1) addasu unrhyw ddeddfiad (pa bryd bynnag y'i deddfir neu y'i gwneir, a chan gynnwys y Ddeddf hon).

(3) Yn is-adran (2), mae "addasu" yn cynnwys diwygio, dirymu a diddymu.

79 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—

(a) pŵer i wneud darpariaeth wahanol at ddibenion gwahanol;

(b) pŵer i wneud—

(i) darpariaeth atodol, darpariaeth ddeilliadol neu ddarpariaeth ganlyniadol;

(ii) darpariaeth drosiannol neu ddarpariaeth arbed.

(3) Ni chaniateir gwneud offeryn statudol y mae'r is-adran hon yn gymwys iddo oni fo drafft o'r offeryn wedi ei osod gerbron Senedd Cymru, ac wedi ei gymeradwyo ganddi drwy benderfyniad.

(4) Mae is-adran (3) yn gymwys i offeryn statudol sy'n cynnwys rheoliadau o dan unrhyw un neu ragor o'r darpariaethau a ganlyn—

(a) adran 10(5) (newid yr isafswm o arolygiadau neu gyfnod arolygiadau ar gyfer tomenni categori 1 neu domenni categori 2);

(b) adran 20(4), adran 22(4) neu adran 29(3) (newid y cyfnod byrraf a ganiateir ar gyfer cyflwyno sylwadau i'r Awdurdod);

(c) adran 40 (gweithdrefn etc. ar gyfer apelau o dan Bennod 1 o Ran 3);

(d) adran 43 (gweithdrefn etc ar gyfer hawliadau am ad-dalu treuliau perchnogion o dan Bennod 1 o Ran 3);

(e) adran 58 (newid i ystyr "awdurdod cyhoeddus perthnasol" yn Rhan 4);

(f) adran 85 (cymhwyso'r Ddeddf i dir y mae'r Awdurdod yn berchen arno);

(g) adran 86 (newid i ystyr "tomen nas defnyddir");

(h) paragraff 2(4) o Atodlen 1 (newid i nifer aelodau'r Awdurdod);

(i) paragraff 19(11) o Atodlen 1 (newid i'r cyfnod y mae cynllun corfforaethol yr Awdurdod yn ymwneud ag ef).

(5) Mae is-adran (3) hefyd yn gymwys i offeryn statudol sy'n cynnwys rheoliadau o dan adran 78 sy'n addasu unrhyw ddarpariaeth mewn deddfwriaeth sylfaenol.

Regulations

78 Power to make consequential, transitional etc. provision

(1) If the Welsh Ministers consider it necessary or appropriate for the purposes of, in consequence of, or for giving full effect to, any provision of this Act, they may by regulations make—

(a) supplementary, incidental or consequential provision;

(b) transitional or saving provision.

(2) Regulations under subsection (1) may modify any enactment (whenever enacted or made, and including this Act).

(3) In subsection (2), "modify" includes amend, revoke and repeal.

79 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—

(a) power to make different provision for different purposes;

(b) power to make—

(i) supplementary, incidental or consequential provision;

(ii) transitional or saving provision.

(3) A statutory instrument to which this subsection applies may not be made unless a draft of the instrument has been laid before, and approved by a resolution of, Senedd Cymru.

(4) Subsection (3) applies to a statutory instrument containing regulations under any of the following provisions—

(a) section 10(5) (change to minimum number or period of inspections for category 1 tips or category 2 tips);

(b) section 20(4), section 22(4) or section 29(3) (change to minimum period for making representations to the Authority);

(c) section 40 (procedure etc. for appeals under Chapter 1 of Part 3);

(d) section 43 (procedure etc. for claims for reimbursement of owners' expenses under Chapter 1 of Part 3);

(e) section 58 (change to meaning of "relevant public authority" in Part 4);

(f) section 85 (application of Act to land owned by the Authority);

(g) section 86 (change to meaning of "disused tip");

(h) paragraph 2(4) of Schedule 1 (change to the number of members of the Authority);

(i) paragraph 19(11) of Schedule 1 (change to the period to which the Authority's corporate plan relates).

(5) Subsection (3) also applies to a statutory instrument containing regulations under section 78 that modify any provision of primary legislation.

(6) Mae unrhyw offeryn statudol arall sy'n cynnwys rheoliadau o dan y Ddeddf hon yn ddarostyngedig i'w ddiddymu yn unol â phenderfyniad gan Senedd Cymru.

(7) Yn yr adran hon, ystyr "deddfwriaeth sylfaenol" yw unrhyw un neu ragor o'r canlynol—

(a) Deddf gan Senedd Cymru;

(b) Mesur gan y Cynulliad;

(c) Deddf gan Senedd y Deyrnas Unedig.

Rhoi hysbysiadau a dogfennau eraill

80 Darpariaeth gyffredinol ynghylch rhoi hysbysiadau etc.

(1) Mae'r adran hon yn gymwys pan fo darpariaeth yn y Ddeddf hon, neu reoliadau a wneir odani, yn ei gwneud yn ofynnol neu'n awdurdodi rhoi hysbysiad neu ddogfen arall i berson (pa un a yw'r ddarpariaeth yn defnyddio'r ymadrodd "rhoi" neu unrhyw ymadrodd arall).

(2) Caniateir rhoi'r ddogfen drwy—

(a) ei rhoi i'r person â llaw,

(b) ei gadael yng nghyfeiriad priodol y person,

(c) ei hanfon drwy'r post at y person yn y cyfeiriad hwnnw, neu

(d) ei hanfon drwy e-bost i gyfeiriad e-bost y person.

(3) Rhoddir dogfen yn unol ag is-adran (2)(a)—

(a) os yw'r person yn gorff corfforedig, drwy ei rhoi â llaw i un o swyddogion y corff,

(b) os yw'r person yn bartneriaeth, drwy ei rhoi â llaw i bartner, neu

(c) os yw'r person yn gymdeithas anghorfforedig ac eithrio partneriaeth, drwy ei rhoi â llaw i aelod o gorff llywodraethu'r gymdeithas.

(4) At ddibenion is-adran (2)(b) ac (c), cyfeiriad priodol person yw—

(a) yn achos corff corfforedig, cyfeiriad swyddfa gofrestredig neu brif swyddfa'r corff yn y Deyrnas Unedig;

(b) yn achos partneriaeth, cyfeiriad prif swyddfa'r bartneriaeth yn y Deyrnas Unedig;

(c) mewn unrhyw achos arall, cyfeiriad hysbys diwethaf y person (pa un ai preswylfa'r person neu fan lle y mae'r person yn cynnal busnes neu wedi ei gyflogi) neu, os yw'r person wedi darparu cyfeiriad lle caniateir rhoi dogfennau o dan y Ddeddf hon, y cyfeiriad hwnnw.

(5) At ddibenion is-adran (2)(d), cyfeiriad e-bost person yw—

(a) unrhyw gyfeiriad e-bost a gyhoeddir am y tro gan y person hwnnw fel cyfeiriad ar gyfer cysylltu â'r person hwnnw, neu

(b) os nad oes cyfeiriad a gyhoeddir o'r fath, unrhyw gyfeiriad e-bost y mae'r person wedi cytuno i gael dogfennau ynddo neu wedi cytuno i gael y ddogfen ynddo.

(6) Yn yr adran hon—

ystyr "swyddog" ("*officer*") mewn perthynas â chorff corfforedig, yw unrhyw gyfarwyddwr, rheolwr, ysgrifennydd neu swyddog tebyg arall i'r corff;

(6) Any other statutory instrument containing regulations under this Act is subject to annulment in pursuance of a resolution of Senedd Cymru.

(7) In this section, "primary legislation" means any of the following—

(a) an Act of Senedd Cymru;

(b) an Assembly Measure;

(c) an Act of the Parliament of the United Kingdom.

Giving notices and other documents

80 General provision about giving notices etc.

(1) This section applies where a provision of this Act, or of regulations made under it, requires or authorises a notice or other document to be given to a person (whether the provision uses the expression "give" or any other expression).

(2) The document may be given by—

(a) handing it to the person,

(b) leaving it at the person's proper address,

(c) sending it by post to the person at that address, or

(d) sending it by email to the person's email address.

(3) A document is given in accordance with subsection (2)(a)—

(a) if the person is a body corporate, by handing it to an officer of the body,

(b) if the person is a partnership, by handing it to a partner, or

(c) if the person is an unincorporated association other than a partnership, by handing it to a member of the governing body of the association.

(4) For the purposes of subsection (2)(b) and (c), the proper address of a person is—

(a) in the case of a body corporate, the address of the body's registered or principal office in the United Kingdom;

(b) in the case of a partnership, the address of the principal office of the partnership in the United Kingdom;

(c) in any other case, the last known address of the person (whether of the person's residence or of a place where the person carries on business or is employed) or, if the person has provided an address at which documents may be given under this Act, that address.

(5) For the purposes of subsection (2)(d), a person's email address is—

(a) any email address published for the time being by that person as an address for contacting that person, or

(b) if there is no such published address, any email address at which the person has agreed to receive documents or has agreed to receive the document.

(6) In this section—

"agreed" ("*wedi cytuno*") means agreed in writing;

ystyr "wedi cytuno" ("*agreed*") yw wedi cytuno yn ysgrifenedig.

(7) Nid yw adrannau 231 a 233 o Ddeddf Llywodraeth Leol 1972 (p. 70) yn gymwys i ddogfennau sydd i'w rhoi i awdurdod lleol neu gan awdurdod lleol o dan y Ddeddf hon.

(8) Nid yw'r adran hon yn gymwys pan fo darpariaeth yn y Ddeddf hon, neu mewn rheoliadau a wneir odani, yn ei gwneud yn ofynnol neu'n awdurdodi rhoi hysbysiad neu ddogfen arall i'r Goron.

81 Darpariaeth ychwanegol ynghylch rhoi hysbysiadau etc. i bersonau sy'n meddiannu tir neu sydd â buddiant mewn tir

(1) Mae'r adran hon yn gymwys (yn ogystal ag adran 80) pan fo darpariaeth yn y Ddeddf hon, neu mewn rheoliadau a wneir odani, yn ei gwneud yn ofynnol neu'n awdurdodi rhoi hysbysiad neu ddogfen arall—

(a) i berson am fod ganddo ystad neu fuddiant mewn tir, neu

(b) i berson am ei fod yn meddiannu tir,

(pa un a yw'r ddarpariaeth yn defnyddio'r ymadrodd "rhoi" neu unrhyw ymadrodd arall).

(2) Pan—

(a) bo'r ddogfen i'w rhoi i berson am fod ganddo ystad neu fuddiant mewn tir, a

(b) nad oes modd darganfod enw'r person ar ôl gwneud ymholiadau rhesymol,

caniateir cyfeirio'r ddogfen at y person fel "y perchennog" ar y tir (y mae rhaid ei ddisgrifio).

(3) Pan fo'r ddogfen i'w rhoi i berson am ei fod yn feddiannydd ar dir, caniateir ei chyfeirio at y person yn ôl ei enw neu fel "y meddiannydd" y tir (y mae rhaid ei disgrifio).

(4) Mae is-adran (5) yn gymwys—

(a) pan—

(i) bo dogfen i'w rhoi i berson am fod ganddo ystad neu fuddiant mewn tir, a

(ii) nad oes modd darganfod cyfeiriad priodol y person (o fewn ystyr adran 80) ar ôl gwneud ymholiadau rhesymol;

(b) pan fo dogfen i'w rhoi i berson am ei fod yn feddiannydd ar dir.

(5) Mae'r ddogfen i'w thrin fel pe bai wedi ei rhoi yn briodol os caiff ei chyfeirio at y person, ei marcio'n glir fel cyfathrebiad pwysig sy'n effeithio ar dir y person, ac—

(a) yn cael ei hanfon i'r tir drwy'r post ac nad yw'n cael ei dychwelyd fel dogfen nas danfonwyd,

(b) yn cael ei rhoi â llaw i berson sy'n preswylio neu'n cael ei gyflogi ar y tir, neu yr ymddengys ei fod yn preswylio neu'n cael ei gyflogi ar y tir, neu

(c) wedi ei gosod yn sownd, mewn lle gweladwy, wrth wrthrych ar y tir.

(6) Nid yw'r adran hon yn gymwys pan fo darpariaeth yn y Ddeddf hon, neu mewn rheoliadau a wneir odani, yn ei gwneud yn ofynnol neu'n awdurdodi rhoi hysbysiad neu ddogfen arall i'r Goron.

"officer" ("*swyddog*"), in relation to a body corporate, means a director, manager, secretary or other similar officer of the body.

(7) Sections 231 and 233 of the Local Government Act 1972 (c. 70) do not apply to documents to be given to or by a local authority under this Act.

(8) This section does not apply where a provision of this Act, or of regulations made under it, requires or authorises a notice or other document to be given to the Crown.

81 Additional provision about giving notices etc. to persons occupying or interested in land

(1) This section applies (in addition to section 80) where a provision of this Act, or of regulations made under it, requires or authorises a notice or other document to be given—

(a) to a person as having an estate or interest in land, or

(b) to a person as an occupier of land,

(whether the provision uses the expression "give" or any other expression).

(2) Where—

(a) the document is to be given to a person as having an estate or interest in land, and

(b) 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 land (which must be described).

(3) Where the document is to be given to a person as being the occupier of land, it may be addressed to the person by name or as "the occupier" of the land (which must be described).

(4) Subsection (5) applies—

(a) where—

(i) a document is to be given to a person as having an estate or interest in land, and

(ii) the person's proper address (within the meaning of section 80) cannot be discovered after making reasonable inquiries;

(b) where a document is to be given to a person as being the occupier of land.

(5) The document is to be treated as having been properly given if it is addressed to the person, clearly marked as an important communication affecting the person's land, and is—

(a) sent to the land by post and not returned as undelivered,

(b) handed to a person who is, or appears to be, resident or employed on the land, or

(c) attached conspicuously to an object on the land.

(6) This section does not apply where a provision of this Act, or of regulations made under it, requires or authorises a notice or other document to be given to the Crown.

82 Rhoi hysbysiadau etc. i'r Goron

Pan fo darpariaeth yn y Ddeddf hon, neu mewn rheoliadau a wneir odani, yn ei gwneud yn ofynnol neu'n awdurdodi rhoi hysbysiad neu ddogfen arall i'r Goron (pa un a yw'r ddarpariaeth yn defnyddio'r ymadrodd "rhoi" neu unrhyw ymadrodd arall), rhaid rhoi'r ddogfen i awdurdod priodol y Goron.

Achosion arbennig

83 Codi arian mewn achosion penodol i gwrdd â gwariant

(1) Mae'r adran hon yn cael effaith mewn cysylltiad â chodi arian mewn achosion penodol ar gyfer talu—

(a) treuliau yr eir iddynt wrth gynnal gweithrediadau yn unol â hysbysiad o dan adran 35 ac wrth gynnal unrhyw waith adfer canlyniadol;

(b) digollediad sy'n adenilladwy o dan adran 50 ac sydd i'w briodoli i unrhyw weithrediadau neu waith adfer o'r fath;

(c) symiau sy'n adenilladwy o dan adran 51 neu 53.

(2) Yn yr adran hon, ystyr "gwariant perthnasol" yw unrhyw dreuliau, unrhyw ddigollediad neu unrhyw symiau y cyfeirir atynt yn is-adran (1)(a) i (c).

(3) Mae'r dibenion a awdurdodir ar gyfer cymhwyso arian cyfalaf gan adran 73 o Ddeddf Tir Setledig 1925 (p. 18) yn cynnwys talu unrhyw wariant perthnasol.

(4) Mae'r dibenion a awdurdodir ar gyfer codi arian drwy forgais gan adran 71 o Ddeddf Tir Setledig 1925 yn cynnwys talu unrhyw wariant perthnasol.

(5) Mae'r dibenion a awdurdodir gan adran 25 o Ddeddf Dugiaeth Caerhirfryn 1817 (p. 97) ar gyfer cymhwyso arian sy'n codi drwy'r gwerthiant hwnnw o flwydd-daliadau sy'n sefyll yn enw neu i gyfrif Dugiaeth Caerhirfryn a grybwyllir yn yr adran honno yn cynnwys talu unrhyw wariant perthnasol.

(6) Mae'r dibenion a awdurdodir gan adran 8 o Ddeddf Rheoli Dugiaeth Cernyw 1863 (p. 49) ar gyfer blaendalu rhannau o'r symiau gros hynny a grybwyllir yn yr adran honno yn cynnwys talu unrhyw wariant perthnasol.

84 Tir Eglwys Loegr

(1) Pan fo darpariaeth yn y Ddeddf hon, neu mewn rheoliadau a wneir odani, yn ei gwneud yn ofynnol neu'n awdurdodi rhoi hysbysiad neu ddogfen arall i berson gan ei fod yn meddiannu tir sy'n dir Eglwys Loegr, neu berson am ei fod yn berchennog ar ystad neu fuddiant mewn tir sy'n dir Eglwys Loegr, rhaid rhoi copi o'r ddogfen hefyd i'r Bwrdd Cyllid Esgobaethol priodol.

(2) Rhaid i ddigollediad sy'n daladwy o dan adran 33 neu 50 i berson yn rhinwedd bod gan y person ystad rydd-ddaliadol mewn tir sy'n dir Eglwys Loegr (pan fo'r ystad wedi ei breinio mewn person heblaw'r Bwrdd Cyllid Esgobaethol priodol)—

(a) cael ei dalu i'r Bwrdd Cyllid Esgobaethol 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.

82 Giving notices etc. to the Crown

Where a provision of this Act, or of regulations made under it, requires or authorises a notice or other document to be given to the Crown (whether the provision uses the expression "give" or any other expression), the document must be given to the appropriate Crown authority.

Special cases

83 Raising of money in particular cases to meet expenditure

(1) This section has effect with respect to the raising of money in particular cases for the payment of—

(a) expenses incurred in carrying out operations in pursuance of a notice under section 35 and in carrying out any consequential works of reinstatement;

(b) compensation recoverable under section 50 and referable to any such operations or works of reinstatement;

(c) sums recoverable under section 51 or 53.

(2) In this section, "relevant expenditure" means any expenses, compensation or sums referred to in subsection (1)(a) to (c).

(3) The purposes authorised for the application of capital moneys by section 73 of the Settled Land Act 1925 (c. 18) include the payment of any relevant expenditure.

(4) The purposes authorised for raising moneys by mortgage by section 71 of the Settled Land Act 1925 include the payment of any relevant expenditure.

(5) The purposes authorised by section 25 of the Duchy of Lancaster Act 1817 (c. 97) for the application of moneys arising by such sale of annuities standing in the name or to the account of the Duchy of Lancaster as is mentioned in that section include the payment of any relevant expenditure.

(6) The purposes authorised by section 8 of the Duchy of Cornwall Management Act 1863 (c. 49) for the advancement of parts of such gross sums as are mentioned in that section include the payment of any relevant expenditure.

84 Church of England land

(1) Where a provision of this Act, or of regulations made under it, requires or authorises a notice or other document to be given to a person as occupier of, or owner of an estate or interest in, land which is Church of England land, a copy of the document must also be given to the appropriate Diocesan Board of Finance.

(2) Compensation payable under section 33 or 50 to a person by virtue of the person having the freehold estate in land which is Church of England land must (where the estate is vested in a person other than the appropriate Diocesan Board of Finance)—

(a) be paid to the appropriate Diocesan Board of Finance, and

(b) be 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.

(3) Pan fo tir Eglwys Loegr wedi ei freinio ym mheriglor bywoliaeth eglwysig sydd heb ddeiliad, mae'r tir i'w drin at ddibenion y Ddeddf hon fel pe bai wedi ei freinio yn y Bwrdd Cyllid Esgobaethol priodol.

(4) Mewn achos—

(a) pan na fo is-adran (3) yn gymwys, a

(b) pan fo person yn atebol i dalu swm o dan y Ddeddf hon, naill ai fel perchennog neu fel cyfrannydd, yn rhinwedd bod yr ystad rydd-ddaliadol mewn tir yn eiddo i fywoliaeth eglwysig a freinir yn y person,

caiff y Bwrdd Cyllid Esgobaethol priodol gymhwyso unrhyw symiau a ddelir ganddo wrth gyflawni'r cyfan neu unrhyw ran o'r rhwymedigaeth honno.

(5) Yn yr adran hon—

ystyr "Bwrdd Cyllid Esgobaethol priodol" ("*appropriate Diocesan Board of Finance*"), mewn perthynas ag unrhyw dir, yw'r Bwrdd Cyllid Esgobaethol ar gyfer yr esgobaeth y mae'r tir ynddi;

ystyr "tir Eglwys Loegr" ("*Church of England land*") yw tir—

(a) sy'n perthyn i fywoliaeth eglwysig,

(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;

ystyr "Mesur gan Eglwys Loegr" ("*Church Measure*") yw Mesur gan Gynulliad Eglwys Loegr neu gan Synod Cyffredinol Eglwys Loegr;

ystyr "bywoliaeth eglwysig" ("*ecclesiastical benefice*") yw un o fywiolaethau eglwysig Eglwys Loegr.

85 Pŵer i addasu cymhwysiad y Ddeddf i dir yr Awdurdod

Caiff Gweinidogion Cymru, drwy reoliadau, addasu cymhwysiad y Ddeddf hon mewn perthynas â thir y mae gan yr Awdurdod ystad neu fuddiant ynddo.

Dehongli

86 Ystyr "tomen" a "tomen nas defnyddir"

(1) Yn y Ddeddf hon, ystyr "tomen" yw croniad neu ddyddodiad gwastraff (beth bynnag ei ffurf neu ei gyfansoddiad) o fwynglawdd neu chwarel ac eithrio croniad neu ddyddodiad sydd wedi ei leoli o dan y ddaear.

(2) Mae unrhyw wal neu strwythur arall (pa un a yw wedi ei ffurfio yn gyfan gwbl neu'n rhannol o wastraff ai peidio) sy'n cadw neu'n cyfyngu tomen i'w thrin neu i'w drin at ddibenion y Ddeddf hon fel rhan o'r domen.

(3) Yn y Ddeddf hon, ystyr "tomen nas defnyddir" yw tomen wedi ei lleoli yn gyfan gwbl neu'n rhannol yng Nghymru ac eithrio un y mae Rheoliadau Chwareli 1999 (O.S. 1999/2024) neu Reoliadau Mwyngloddiau 2014 (O.S. 2014/3248) yn gymwys iddi.

(3) Where Church of England land is vested in the incumbent of an ecclesiastical benefice which is vacant, the land is to be treated for the purposes of this Act as being vested in the appropriate Diocesan Board of Finance.

(4) Where—

(a) subsection (3) does not apply, and

(b) a person is liable to pay a sum under this Act, either as owner or as a contributory, by virtue of the freehold estate in land belonging to an ecclesiastical benefice being vested in the person,

the appropriate Diocesan Board of Finance may apply any sums held by it in discharging the whole or any part of that liability.

(5) In this section—

"appropriate Diocesan Board of Finance" ("*Bwrdd Cyllid Esgobaethol priodol*"), in relation to any land, means the Diocesan Board of Finance for the diocese in which the land is situated;

"Church of England land" ("*tir Eglwys Loegr*") means land which—

(a) belongs to an ecclesiastical benefice,

(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;

"Church Measure" ("*Mesur gan Eglwys Loegr*") means a Measure of the Church Assembly or the General Synod of the Church of England;

"ecclesiastical benefice" ("*bywoliaeth eglwysig*") means an ecclesiastical benefice of the Church of England.

85 Power to modify application of Act to Authority land

The Welsh Ministers may, by regulations, modify the application of this Act in relation to land in which the Authority has an estate or interest.

Interpretation

86 Meaning of "tip" and "disused tip"

(1) In this Act, "tip" means an accumulation or deposit of waste (whatever its form or composition) from a mine or quarry other than an accumulation or deposit situated underground.

(2) Any wall or other structure (whether or not composed entirely or partially of waste) which retains or confines a tip is to be treated for the purposes of this Act as forming part of the tip.

(3) In this Act, "disused tip" means a tip situated wholly or partly in Wales other than one to which the Quarries Regulations 1999 (S.I. 1999/2024) or the Mines Regulations 2014 (S.I. 2014/3248) applies.

(4) Os yw'r naill neu'r llall o'r Rheoliadau a grybwyllir yn is-adran (3) yn cael ei ddirymu neu ei ddiwygio, caiff Gweinidogion Cymru ddiwygio'r adran hon drwy reoliadau i newid y diffiniad o "tomen nas defnyddir".

(5) Caiff Gweinidogion Cymru ddarparu drwy reoliadau nad yw tomen o ddisgrifiad a ragnodir gan y rheoliadau i'w thrin, er gwaethaf is-adran (3), fel tomen nas defnyddir at ddibenion y Ddeddf hon neu unrhyw ddarpariaeth yn y Ddeddf hon a ragnodir gan y rheoliadau.

(6) Cyn gwneud rheoliadau o dan is-adran (5), rhaid i Weinidogion Cymru ymgynghori â'r personau hynny y maent yn ystyried eu bod yn briodol.

87 Ystyr "bygythiad i les pobl"

At ddibenion y Ddeddf hon, mae bygythiad i les pobl yn bodoli pan fo posibilrwydd o—

(a) marwolaeth pobl,

(b) salwch neu anaf difrifol i bobl,

(c) difrod difrifol i eiddo,

(d) tarfu difrifol ar gyflenwad o fwyd, dŵr, ynni neu danwydd,

(e) tarfu difrifol ar system gyfathrebu,

(f) tarfu difrifol ar gyfleusterau ar gyfer trafnidiaeth, neu

(g) tarfu difrifol ar wasanaethau sy'n ymwneud ag iechyd.

88 Ystyr "perchennog"

Yn y Ddeddf hon, ystyr "perchennog", mewn perthynas ag unrhyw dir, yw'r person sydd ag ystad gyfreithiol yn y tir—

(a) sydd naill ai yr ystad rydd-ddaliadol neu'n denantiaeth am gyfnod penodol sydd ag o leiaf blwyddyn ar ôl ac nad yw'n gyfnod morgais, a

(b) nad yw mewn rifersiwn sy'n ddibynnol ar derfynu tenantiaeth o'r fath.

89 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 ceir buddiant y Goron neu fuddiant Dugiaeth ynddo.

(3) Ystyr "buddiant y Goron" yw ystâd neu fuddiant—

(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 Dugiaeth" yw ystâd neu fuddiant—

(a) sy'n perthyn i'w Fawrhydi yn hawl Dugiaeth Caerhirfryn, neu

(b) sy'n perthyn i Ddugiaeth Cernyw.

(5) Ystyr "buddiant preifat" mewn perthynas â thir y Goron, yw ystâd neu fuddiant nad yw'n fuddiant y Goron nac yn fuddiant Dugiaeth.

(6) Ystyr "awdurdod priodol y Goron"—

(4) If either of the Regulations mentioned in subsection (3) is revoked or amended, the Welsh Ministers may amend this section by regulations to change the definition of "disused tip".

(5) The Welsh Ministers may by regulations provide that a tip of a description prescribed by the regulations is not to be treated, despite subsection (3), as a disused tip for the purpose of this Act or any provision of this Act specified by the regulations.

(6) Before making regulations under subsection (5), the Welsh Ministers must consult such persons as they consider appropriate.

87 Meaning of "threat to human welfare"

For the purposes of this Act, a threat to human welfare exists where there is a possibility of—

(a) loss of human life,

(b) serious human illness or injury,

(c) serious damage to property,

(d) serious disruption of a supply of food, water, energy or fuel,

(e) serious disruption of a system of communication,

(f) serious disruption of facilities for transport, or

(g) serious disruption of services relating to health.

88 Meaning of "owner"

In this Act, "owner", in relation to any land, means the person who has a legal estate in the land which—

(a) is either the freehold estate or a tenancy for a specific term which has at least a year left to run and is not a mortgage term, and

(b) is not in reversion expectant on the termination of such a tenancy.

89 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) "Crown interest" means an estate or 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 an estate or interest which—

(a) belongs to His Majesty in right of the Duchy of Lancaster, or

(b) belongs to the Duchy of Cornwall.

(5) "Private interest", in relation to Crown land, means an estate or interest which is neither a Crown interest nor a Duchy interest.

(6) "Appropriate Crown authority"—

(a) mewn perthynas â thir y Goron, yw—

(i) 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;

(ii) 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;

(iii) 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;

(iv) mewn perthynas â thir sy'n perthyn i'w Fawrhydi yn hawl Dugiaeth Caerhirfryn, Canghellor y Ddugiaeth;

(v) mewn perthynas â thir sy'n perthyn i Ddugiaeth Cernyw, person a benodir gan Ddug Cernyw, neu gan y person sy'n meddu ar y Ddugiaeth am y tro;

(vi) 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;

(b) mewn unrhyw achos arall, y Trysorlys.

(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 bod cyfeiriadau at adran o'r llywodraeth yn cynnwys Gweinidogion Cymru, y Prif Weinidog a'r Cwnsler Cyffredinol).

90 Dehongli cyffredinol

Yn y Ddeddf hon—

ystyr "y llys" ("*the court*") yw'r Uchel Lys neu'r llys sirol.

mae "gweithrediadau" ("*operations*") yn cynnwys gweithrediadau adeiladu a pheirianneg, ond nid yw'n gyfyngedig i hynny.

91 Mynegai o dermau wedi eu diffinio

Mae'r tabl isod yn rhestru termau sy'n cael eu diffinio neu eu hesbonio fel arall yn y Ddeddf hon.

TABL

Term	Y Ddarpariaeth
aelodau anweithredol ("*non-executive members*")	Atodlen 1, paragraff 2(3)(a)
aelodau gweithredol ("*executive members*")	Atodlen 1, paragraff 2(3)(b)

(a) in relation to Crown land, means—

(i) in the case of land that belongs to His Majesty in right of the Crown and forms part of the Crown Estate, the Crown Estate Commissioners;

(ii) in relation to any other land that belongs to His Majesty in right of the Crown, the government department having the management of the land;

(iii) in relation to land that belongs 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;

(iv) in relation to land that belongs to His Majesty in right of the Duchy of Lancaster, the Chancellor of the Duchy;

(v) in relation to land that belongs to the Duchy of Cornwall, a person appointed by the Duke of Cornwall or by the possessor for the time being of the Duchy;

(vi) in the case of land that belongs to a government department or is held in trust for His Majesty for the purposes of a government department, the department;

(b) in any other case, the Treasury.

(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).

90 General interpretation

In this Act—

"the court" ("*y llys*") means the High Court or the county court.

"operations" ("*gweithrediadau*") includes, but is not limited to, building and engineering operations.

91 Index of defined terms

The Table below lists terms that are defined or otherwise explained in this Act.

TABLE

Terms	Provision
appropriate Crown authority ("*awdurdod priodol y Goron*")	section 89(6)
authorised person ("*person awdurdodedig*")	section 65(4)

asesiad llawn ("*full assessment*")	adran 15
asesiad rhagarweiniol ("*preliminary assessment*")	adran 12
yr Awdurdod ("*the Authority*")	adran 1(2)
awdurdod cyhoeddus perthnasol ("*relevant public authority*")	adran 58
awdurdod priodol y Goron ("*appropriate Crown authority*")	adran 89(6)
buddiant preifat ("*private interest*")	adran 89(5)
bygythiad i les pobl ("*threat to human welfare*")	adran 87
categori ("*category*")	adran 24
cyfrannydd ("*contributory*")	adran 49
cynllun rheoli ("*management plan*")	adran 57
y ganran benodedig ("*the specified percentage*")	adran 49
y gofrestr ("*the register*")	adran 6(3)
gorchymyn cyfrannu ("*contribution order*")	adran 49
y Goron ("*the Crown*")	adran 89(7)
gweithrediadau ("*operations*")	adran 90
y llys ("*the court*")	adran 90
y meini prawf ar gyfer cofrestru ("*criteria for registration*")	adran 7
newid hysbysadwy ("*notifiable change*")	adran 28
perchennog ("*owner*")	adran 88
person awdurdodedig ("*authorised person*")	adran 65(4)
tir y Goron ("*Crown land*")	adran 89(2)
tir preswyl ("*residential land*")	adran 66(7)
tomen ("*tip*")	adran 86(1)
tomen nas defnyddir ("*disused tip*")	adran 86(3)

Amrywiol

92 Dod i rym

(1) Daw'r Rhan hon i rym drannoeth y diwrnod y caiff y Ddeddf hon y Cydsyniad Brenhinol.

(2) Daw adrannau 1, 2 a 5 ac Atodlen 1 i rym ar 1 Ebrill 2027.

(3) Daw darpariaethau eraill y Ddeddf hon i rym ar ddiwrnod a bennir gan Weinidogion Cymru mewn gorchymyn a wneir drwy offeryn statudol.

(4) Caiff gorchymyn o dan is-adran (3) wneud darpariaeth drosiannol neu ddarpariaeth arbed.

the Authority ("*yr Awdurdod*")	section 1(2)
category ("*categori*")	section 24
contribution order ("*gorchymyn cyfrannu*")	section 49
contributory ("*cyfrannydd*")	section 49
the court ("*y llys*")	section 90
criteria for registration ("*y meini prawf ar gyfer cofrestru*")	section 7
the Crown ("*y Goron*")	section 89(7)
Crown land ("*tir y Goron*")	section 89(2)
disused tip ("*tomen nas defnyddir*")	section 86(3)
executive members ("*aelodau gweithredol*")	Schedule 1, paragraph 2(3)(b)
full assessment ("*asesiad llawn*")	section 15
management plan ("*cynllun rheoli*")	Section 57
non-executive members ("*aelodau anweithredol*")	Schedule 1, paragraph 2(3)(a)
notifiable change ("*newid hysbysadwy*")	section 28
operations ("*gweithrediadau*")	section 90
owner ("*perchennog*")	section 88
preliminary assessment ("*asesiad rhagarweiniol*")	section 12
private interest ("*buddiant preifat*")	section 89(5)
the register ("*y gofrestr*")	section 6(3)
relevant public authority ("*awdurdod cyhoeddus perthnasol*")	section 58
residential land ("*tir preswyl*")	section 66(7)
the specified percentage ("*y ganran benodedig*")	section 49
threat to human welfare ("*bygythiad i les pobl*")	section 87
tip ("*tomen*")	section 86(1)

Miscellaneous

92 Coming into force

(1) This Part comes into force on the day after the day on which this Act receives Royal Assent.

(2) Sections 1, 2 and 5 and Schedule 1 come into force on 1 April 2027.

(3) The other provisions of this Act come into force on a day appointed by the Welsh Ministers in an order made by statutory instrument.

(4) An order under subsection (3) may make transitional or saving provision.

93 Enw byr

Caniateir cyfeirio at y Ddeddf hon fel—

(a) Deddf Mwyngloddiau a Chwareli Nas Defnyddir (Cymru) 2025, neu

(b) the Disused Mine and Quarry Tips (Wales) Act 2025.

93 Short title

This Act may be referred to as—

(a) the Disused Mine and Quarry Tips (Wales) Act 2025, or

(b) Deddf Tomenni Mwyngloddiau a Chwareli Nas Defnyddir (Cymru) 2025.

ATODLEN 1
(a gyflwynir gan adran 1(3))

AWDURDOD TOMENNI NAS DEFNYDDIR CYMRU

RHAN 1

STATWS

Statws

1 (1) Nid yw'r Awdurdod i'w ystyried yn was nac yn asiant i'r Goron nac yn un sy'n mwynhau unrhyw statws, imiwnedd na braint sydd gan y Goron.

(2) Nid yw eiddo'r Awdurdod i'w ystyried yn eiddo i'r Goron nac yn eiddo a ddelir ar ran y Goron.

RHAN 2

AELODAU

Aelodau

2 (1) Aelodau'r Awdurdod yw—

(a) person a benodir gan Weinidogion Cymru yn gadeirydd iddo,

(b) o leiaf 3 ond dim mwy na 5 person arall a benodir gan Weinidogion Cymru,

(c) ei brif weithredwr (gweler paragraff 6), a

(d) o leiaf 1 ond dim mwy na 2 aelod arall a benodir gan y prif weithredwr a'r aelodau anweithredol o blith staff yr Awdurdod.

(2) Caiff Gweinidogion Cymru benodi un o'r aelodau a benodir o dan is-baragraff (1)(b) yn ddirprwy gadeirydd.

(3) Yn yr Atodlen hon—

(a) cyfeirir at y cadeirydd ac aelodau'r Awdurdod a benodir o dan is-baragraff (1)(b) ar y cyd fel "aelodau anweithredol";

(b) cyfeirir at y prif weithredwr ac aelodau'r Awdurdod a benodir o dan is-baragraff (1)(d) ar y cyd fel "aelodau gweithredol".

(4) Caiff Gweinidogion Cymru ddiwygio is-baragraff (1) drwy reoliadau er mwyn rhoi rhif gwahanol yn lle unrhyw un neu ragor o'r rhifau a bennir ynddo am y tro; ond rhaid i'r rheoliadau sicrhau bod nifer yr aelodau anweithredol yn parhau i fod yn fwy na nifer yr aelodau gweithredol.

Anghymhwyso rhag bod yn aelod anweithredol

3 Mae person wedi ei anghymhwyso rhag cael ei benodi, neu rhag dal swydd, fel aelod anweithredol o'r Awdurdod os yw'r person yn, neu'n dod yn—

(a) aelod o staff yr Awdurdod,

SCHEDULE 1

(introduced by section 1(3))

THE DISUSED TIPS AUTHORITY FOR WALES

PART 1

STATUS

Status

1 (1) The Authority is not to be regarded as a servant or agent of the Crown or as enjoying any status, immunity or privilege of the Crown.

(2) The Authority's property is not to be regarded as property of the Crown or property held on behalf of the Crown.

PART 2

MEMBERS

Members

2 (1) The members of the Authority are—

(a) a person appointed by the Welsh Ministers as its chairperson,

(b) at least 3 but not more than 5 other persons appointed by the Welsh Ministers,

(c) its chief executive (see paragraph 6), and

(d) at least 1 but no more than 2 other members appointed by the chief executive and the non-executive members from among the Authority's staff.

(2) The Welsh Ministers may appoint one of the members appointed under sub-paragraph (1)(b) as deputy chairperson.

(3) In this Schedule—

(a) the chairperson and members of the Authority appointed under sub-paragraph (1)(b) are collectively referred to as "non-executive members";

(b) the chief executive and members of the Authority appointed under sub-paragraph (1)(d) are collectively referred to as "executive members".

(4) The Welsh Ministers may by regulations amend sub-paragraph (1) so as to substitute a different number for any of the numbers for the time being specified in it; but the regulations must ensure that the number of non-executive members continues to exceed the number of executive members.

Disqualification from being a non-executive member

3 A person is disqualified from being appointed, or holding office, as a non-executive member of the Authority if the person is or becomes—

(a) a member of the Authority's staff,

(b) aelod o Senedd Cymru,

(c) aelod o gyngor ar gyfer sir neu fwrdeistref sirol yng Nghymru,

(d) aelod o Dŷ'r Cyffredin neu Dŷ'r Arglwyddi,

(e) aelod o Lywodraeth Cymru,

(f) person a gyflogir yng ngwasanaeth sifil y Wladwriaeth, neu

(g) deiliad swydd, neu'n aelod o gorff neu'n aelod o staff corff, a bennir drwy reoliadau a wneir gan Weinidogion Cymru.

Telerau aelodaeth anweithredol

4 (1) Mae aelod anweithredol o'r Awdurdod yn dal swydd am unrhyw gyfnod, ac ar unrhyw delerau ac amodau, a bennir yn nhelerau'r penodiad, ond mae hyn yn ddarostyngedig i is-baragraffau (2) a (3) a pharagraff 5.

(2) Ni chaiff cyfnod y swydd a bennir yn nhelerau penodiad aelod anweithredol fod yn hwy na 5 mlynedd.

(3) Caniateir i berson sydd wedi dal swydd fel aelod anweithredol gael ei ailbenodi'n aelod anweithredol unwaith yn unig (ac mae is-baragraff (2) yn gymwys mewn perthynas â'r ailbenodiad).

(4) Caiff yr Awdurdod, gyda chymeradwyaeth Gweinidogion Cymru—

(a) talu tâl, treuliau a lwfansau i'w aelodau anweithredol;

(b) talu pensiynau i bersonau sydd wedi bod yn aelodau anweithredol o'r Awdurdod, neu mewn cysylltiad â hwy, a symiau ar gyfer darparu pensiynau neu tuag at ddarparu pensiynau i bersonau sydd wedi bod yn aelodau anweithredol o'r Awdurdod, neu mewn cysylltiad â hwy.

Diswyddo etc. aelodau

5 (1) Caiff Gweinidogion Cymru ddiswyddo person sy'n aelod anweithredol drwy hysbysiad os ydynt wedi eu bodloni—

(a) bod y person yn anaddas i barhau'n aelod, neu

(b) nad yw'r person yn gallu arfer swyddogaethau aelod neu ei fod yn anfodlon gwneud hynny.

(2) Caiff Gweinidogion Cymru drwy hysbysiad atal dros dro berson sy'n aelod anweithredol o'i swydd os yw'n ymddangos iddynt—

(a) ei bod yn bosib fod y person yn anaddas i barhau'n aelod, neu

(b) ei bod yn bosib nad yw'r person yn gallu arfer swyddogaethau aelod neu ei fod yn anfodlon gwneud hynny.

(3) Mae person wedi ei atal dros dro o dan is-baragraff (2) nes y bydd Gweinidogion Cymru yn rhoi hysbysiad pellach iddo.

(4) Caiff person sy'n aelod anweithredol ymddiswyddo drwy roi hysbysiad i Weinidogion Cymru.

(b) a member of Senedd Cymru,

(c) a member of a council for a county or county borough in Wales,

(d) a member of the House of Commons or the House of Lords,

(e) a member of the Welsh Government,

(f) a person employed in the civil service of the State, or

(g) the holder of an office, or a member or member of staff of a body, specified by regulations made by the Welsh Ministers.

Terms of non-executive membership

4 (1) A non-executive member of the Authority holds office for such period, and on such terms and conditions, as may be specified in the terms of appointment, but this is subject to sub-paragraphs (2) and (3) and paragraph 5.

(2) The period of office specified in a non-executive member's terms of appointment may not exceed 5 years.

(3) A person who has held office as a non-executive member may be reappointed as a non-executive member once only (and sub-paragraph (2) applies in relation to the reappointment).

(4) The Authority may, with the approval of the Welsh Ministers—

(a) pay its non-executive members remuneration, expenses and allowances;

(b) pay pensions to, or in respect of, persons who have been non-executive members of the Authority, and amounts for or towards the provision of pensions to, or in respect of, persons who have been non-executive members of the Authority.

Removal etc. of members

5 (1) The Welsh Ministers may by notice remove a person who is a non-executive member from office if satisfied—

(a) that the person is unfit to continue as a member, or

(b) that the person is unable or unwilling to exercise the functions of a member.

(2) The Welsh Ministers may by notice suspend a person who is a non-executive member from office if it appears to them—

(a) that the person may be unfit to continue as a member, or

(b) that the person may be unable or unwilling to exercise the functions of a member.

(3) A suspension under sub-paragraph (2) has effect until the Welsh Ministers give a further notice to the person suspended.

(4) A person who is a non-executive member may resign from office by giving notice to the Welsh Ministers.

(5) Mae person yn peidio â bod yn aelod anweithredol o'r Awdurdod os yw'r person hwnnw'n dod yn anghymwys o dan baragraff 3.

(6) Mae person yn peidio â bod yn gadeirydd neu'n ddirprwy gadeirydd (yn ôl y digwydd) os yw'r person hwnnw'n peidio â bod yn aelod anweithredol o'r Awdurdod.

(7) Mae person yn peidio â bod yn aelod gweithredol o'r Awdurdod pan fo'n peidio â bod yn aelod o staff yr Awdurdod.

RHAN 3

STAFF

Prif weithredwr

6 (1) Rhaid i'r Awdurdod gael prif weithredwr.

(2) Mae prif weithredwr cyntaf yr Awdurdod i'w benodi gan Weinidogion Cymru ar unrhyw delerau ac amodau (gan gynnwys telerau ac amodau o ran tâl, treuliau, lwfansau a phensiwn) y maent yn penderfynu arnynt.

(3) Mae penodiadau dilynol i'w gwneud gan yr aelodau anweithredol ar unrhyw delerau ac amodau (gan gynnwys telerau ac amodau o ran tâl, treuliau, lwfansau a phensiwn) y maent, gyda chymeradwyaeth Gweinidogion Cymru, yn penderfynu arnynt.

Staff eraill

7 (1) Caiff yr Awdurdod benodi aelodau o staff heblaw prif weithredwr.

(2) Penodir aelod o staff a benodir o dan y paragraff hwn ar unrhyw delerau ac amodau (gan gynnwys telerau ac amodau o ran tâl, treuliau, lwfansau a phensiwn) y penderfynir arnynt gan yr Awdurdod.

(3) Ni chaiff yr Awdurdod gytuno ar delerau ac amodau o ran tâl, treuliau, lwfansau neu bensiwn heb gymeradwyaeth Gweinidogion Cymru.

RHAN 4

DIRPRWYO

Pwyllgorau ac is-bwyllgorau

8 (1) Caiff yr Awdurdod sefydlu pwyllgorau ac is-bwyllgorau.

(2) Caiff pwyllgor a sefydlir o dan y paragraff hwn sefydlu is-bwyllgorau.

(3) Caiff pwyllgor neu is-bwyllgor a sefydlir o dan y paragraff hwn gynnwys personau nad ydynt yn aelodau o'r Awdurdod nac yn aelodau o'i staff, ond nid oes gan y personau hynny yr hawl i bleidleisio yng nghyfarfodydd y pwyllgor neu'r is-bwyllgor (yn ôl y digwydd).

(4) Caiff yr Awdurdod dalu unrhyw dâl, treuliau a lwfansau a bennir gan Weinidogion Cymru i unrhyw berson—

(a) sy'n aelod o bwyllgor neu is-bwyllgor a sefydlir o dan y paragraff hwn, ond

(b) nad yw'n aelod o'r Awdurdod, nac yn aelod o'i staff.

(5) A person ceases to be a non-executive member of the Authority if that person becomes disqualified under paragraph 3.

(6) A person ceases to be chairperson or deputy chairperson (as the case may be) if that person ceases to be a non-executive member of the Authority.

(7) A person ceases to be an executive member of the Authority upon ceasing to be a member of the Authority's staff.

PART 3

STAFF

Chief executive

6 (1) The Authority must have a chief executive.

(2) The first chief executive of the Authority is to be appointed by the Welsh Ministers on such terms and conditions (including terms and conditions as to remuneration, expenses, allowances and pension) as they may determine.

(3) Subsequent appointments are to be made by the non-executive members on such terms and conditions (including terms and conditions as to remuneration, expenses, allowances and pension) as they may determine with the approval of the Welsh Ministers.

Other staff

7 (1) The Authority may appoint members of staff other than a chief executive.

(2) A member of staff appointed under this paragraph is appointed on such terms and conditions (including terms and conditions as to remuneration, expenses, allowances and pension) as the Authority may determine.

(3) The Authority may not agree terms and conditions as to remuneration, expenses, allowances or pension without the approval of the Welsh Ministers.

PART 4

DELEGATION

Committees and sub-committees

8 (1) The Authority may establish committees and sub-committees.

(2) A committee established under this paragraph may establish sub-committees.

(3) A committee or sub-committee established under this paragraph may include persons who are not members of the Authority or members of its staff, but such persons are not entitled to vote at meetings of the committee or sub-committee (as the case may be).

(4) The Authority may pay such remuneration, expenses and allowances as the Welsh Ministers may determine to any person who—

(a) is a member of a committee or sub-committee established under this paragraph, but

(b) is not a member of the Authority, or a member of its staff.

Dirprwyo

9 (1) Caiff yr Awdurdod ddirprwyo unrhyw un neu ragor o'i swyddogaethau i unrhyw un neu ragor—

(a) o'i bwyllgorau,

(b) o'i is-bwyllgorau (pa un ai y'u sefydlir o dan baragraff 8(1) neu (2)),

(c) o'i aelodau, neu

(d) o'i aelodau o staff.

(2) Caiff pwyllgor o'r Awdurdod ddirprwyo unrhyw swyddogaeth sy'n arferadwy ganddo i—

(a) is-bwyllgor o'r Awdurdod (pa un ai y'i sefydlir o dan baragraff 8(1) neu (2)),

(b) aelod o'r Awdurdod, neu

(c) aelod o staff yr Awdurdod.

(3) Caiff is-bwyllgor o'r Awdurdod (pa un ai y'i sefydlir o dan baragraff 8(1) neu (2)) ddirprwyo unrhyw swyddogaeth sy'n arferadwy ganddo i—

(a) aelod o'r Awdurdod, neu

(b) aelod o staff yr Awdurdod.

(4) Caiff yr Awdurdod—

(a) cyfarwyddo pwyllgor neu is-bwyllgor o'r Awdurdod na chaiff ddirprwyo swyddogaeth a bennir yn y cyfarwyddyd;

(b) cyfarwyddo pwyllgor neu is-bwyllgor o'r Awdurdod i amrywio neu ddirymu unrhyw ddirprwyad a bennir yn y cyfarwyddyd;

(c) cyfarwyddo pwyllgor o'r Awdurdod i amrywio neu ddirymu unrhyw gyfarwyddyd a roddir gan y pwyllgor o dan is-baragraff (5).

(5) Caiff pwyllgor o'r Awdurdod sydd wedi dirprwyo swyddogaeth i is-bwyllgor—

(a) cyfarwyddo'r is-bwyllgor na chaiff ddirprwyo'r swyddogaeth;

(b) cyfarwyddo'r is-bwyllgor i amrywio neu ddirymu unrhyw ddirprwyad o'r swyddogaeth honno a wneir ganddo.

(6) Dirprwyir swyddogaeth o dan y paragraff hwn i'r graddau ac ar y telerau a bennir gan y person sy'n gwneud y dirprwyad, ond mae hyn yn ddarostyngedig i unrhyw gyfarwyddyd o dan is-baragraff (4) neu (5).

(7) Nid yw dirprwyo swyddogaeth o dan y paragraff hwn yn atal yr Awdurdod (na'r pwyllgor neu'r is-bwyllgor, yn ôl y digwydd) rhag arfer y swyddogaeth.

(8) Nid yw dirprwyo swyddogaeth o dan y paragraff hwn yn effeithio ar gyfrifoldeb yr Awdurdod dros arfer y swyddogaeth.

Delegation

9 (1) The Authority may delegate any of its functions to any of its—

(a) committees,

(b) sub-committees (whether established under paragraph 8(1) or (2)),

(c) members, or

(d) members of staff.

(2) A committee of the Authority may delegate any function exercisable by it to—

(a) a sub-committee of the Authority (whether established under paragraph 8(1) or (2)),

(b) a member of the Authority, or

(c) a member of the Authority's staff.

(3) A sub-committee of the Authority (whether established under paragraph 8(1) or (2)) may delegate any function exercisable by it to—

(a) a member of the Authority, or

(b) a member of the Authority's staff.

(4) The Authority may—

(a) direct a committee or sub-committee of the Authority that it may not delegate a function specified in the direction;

(b) direct a committee or sub-committee of the Authority to vary or revoke any delegation specified in the direction;

(c) direct a committee of the Authority to vary or revoke any direction given by the committee under sub-paragraph (5).

(5) A committee of the Authority that has delegated a function to a sub-committee may—

(a) direct the sub-committee that it may not delegate the function;

(b) direct the sub-committee to vary or revoke any delegation of that function made by it.

(6) A function is delegated under this paragraph to the extent and on the terms determined by the person making the delegation, but this is subject to any direction under sub-paragraph (4) or (5).

(7) Delegation of a function under this paragraph does not prevent the Authority (or the committee or sub-committee, as the case may be) from exercising the function.

(8) Delegation of a function under this paragraph does not affect the Authority's responsibility for the exercise of the function.

RHAN 5

GWEITHDREFN ETC.

Gweithdrefn

10 (1) Rhaid i'r Awdurdod wneud rheolau i reoleiddio ei weithdrefn ei hun (gan gynnwys cworwm).

(2) Rhaid i'r rheolau ddarparu nad yw cyfarfod o'r Awdurdod yn ffurfio cworwm oni bai bod y mwyafrif o'r aelodau sy'n bresennol yn aelodau anweithredol.

(3) Rhaid i'r Awdurdod wneud rheolau i reoleiddio gweithdrefn ei bwyllgorau a'i is-bwyllgorau (gan gynnwys cworwm).

(4) Caiff rheolau a wneir gan yr Awdurdod o dan is-baragraff (3) awdurdodi ei bwyllgorau a'i is-bwyllgorau i benderfynu ar eu gweithdrefn eu hunain (gan gynnwys cworwm).

Dilysrwydd trafodion a gweithredoedd

11 Nid yw'r canlynol yn effeithio ar ddilysrwydd trafodion a gweithredoedd yr Awdurdod (na'i bwyllgorau a'i is-bwyllgorau)—

(a) unrhyw swydd wag ymhlith aelodaeth yr Awdurdod, na

(b) unrhyw ddiffyg o ran penodi aelod.

Sêl

12 Os oes gan yr Awdurdod sêl, rhaid iddi gael ei dilysu drwy lofnod—

(a) aelod o'r Awdurdod; neu

(b) aelod o staff yr Awdurdod,

a awdurdodwyd at y diben hwnnw.

Tystiolaeth

13 Mae dogfen yr honnir ei bod wedi ei gweithredu'n briodol o dan sêl yr Awdurdod, neu wedi ei llofnodi ar ran yr Awdurdod, i'w derbyn yn dystiolaeth ac, oni phrofir i'r gwrthwyneb, i'w chymryd fel pe bai wedi ei gweithredu neu ei llofnodi felly.

RHAN 6

MATERION ARIANNOL

Cyllid

14 Caiff Gweinidogion Cymru wneud taliadau i'r Awdurdod o unrhyw symiau, ac ar unrhyw adegau, ac yn unol ag unrhyw amodau, y mae Gweinidogion Cymru yn penderfynu arnynt.

Swyddog cyfrifyddu

15 (1) Prif weithredwr yr Awdurdod yw ei swyddog cyfrifyddu.

PART 5

PROCEDURE ETC.

Procedure

10 (1) The Authority must make rules to regulate its own procedure (including quorum).

(2) The rules must provide that a meeting of the Authority is not quorate unless a majority of the members present are non-executive members.

(3) The Authority must make rules to regulate the procedure of its committees and sub-committees (including quorum).

(4) Rules made by the Authority under sub-paragraph (3) may authorise its committees and sub-committees to determine their own procedure (including quorum).

Validity of proceedings and acts

11 The validity of proceedings and acts of the Authority (or of its committees and sub-committees) is not affected by—

(a) any vacancy in the membership of the Authority, or

(b) any defect in the appointment of a member.

Seal

12 If the Authority has a seal, it must be authenticated by the signature of—

(a) a member of the Authority, or

(b) a member of the Authority's staff

who is authorised for that purpose.

Evidence

13 A document purporting to be duly executed under the seal of the Authority, or to be signed on the Authority's behalf, is to be received in evidence and, unless the contrary is proved, taken to be so executed or signed.

PART 6

FINANCIAL MATTERS

Funding

14 The Welsh Ministers may make payments to the Authority of such amounts, and at such times, and on such conditions, as the Welsh Ministers determine.

Accounting officer

15 (1) The chief executive of the Authority is its accounting officer.

(2) Mae gan y swyddog cyfrifyddu, mewn perthynas â chyfrifon a chyllid yr Awdurdod, y cyfrifoldebau a bennir am y tro gan Weinidogion Cymru.

(3) Mae'r cyfrifoldebau y caniateir eu pennu o dan y paragraff hwn yn cynnwys (ymhlith pethau eraill)—

(a) cyfrifoldebau mewn perthynas â llofnodi'r cyfrifon;

(b) cyfrifoldebau am briodoldeb a rheoleidd-dra cyllid yr Awdurdod;

(c) cyfrifoldebau am ddarbodaeth, effeithlonrwydd ac effeithiolrwydd o ran defnydd yr Awdurdod o'i adnoddau;

(d) cyfrifoldebau sy'n ddyledus i Weinidogion Cymru, Senedd Cymru neu ei Phwyllgor Cyfrifon Cyhoeddus.

Cyfrifon

16 (1) Rhaid i'r Awdurdod, ar gyfer pob blwyddyn ariannol—

(a) cadw cyfrifon priodol a chofnodion priodol mewn perthynas â'r cyfrifon hynny, a

(b) llunio datganiad o gyfrifon.

(2) Rhaid i bob datganiad o gyfrifon gydymffurfio ag unrhyw gyfarwyddydau a roddir gan Weinidogion Cymru o ran—

(a) yr wybodaeth sydd i'w chynnwys ynddo,

(b) y modd y mae'r wybodaeth i'w chyflwyno, ac

(c) y dulliau a'r egwyddorion y mae'r datganiad i'w lunio yn unol â hwy.

(3) Heb fod yn hwyrach na 30 Medi ar ôl diwedd pob blwyddyn ariannol, rhaid i'r Awdurdod gyflwyno ei ddatganiad o gyfrifon ar gyfer y flwyddyn ariannol honno i—

(a) Gweinidogion Cymru, a

(b) Archwilydd Cyffredinol Cymru.

Archwilio

17 (1) Mae'r paragraff hwn yn gymwys mewn perthynas â phob datganiad o gyfrifon a gyflwynir i Archwilydd Cyffredinol Cymru gan yr Awdurdod o dan baragraff 16(3)(b).

(2) Rhaid i Archwilydd Cyffredinol Cymru—

(a) archwilio'r datganiad o gyfrifon, ei ardystio ac adrodd arno;

(b) darparu copi o'r datganiad ardystiedig o gyfrifon ynghyd a'r adroddiad i'r Awdurdod.

(3) Rhaid i Archwilydd Cyffredinol Cymru, cyn diwedd y cyfnod o 4 mis sy'n dechrau â'r diwrnod pan gyflwynir y datganiad o gyfrifon ("y cyfnod o 4 mis"), osod gerbron Senedd Cymru—

(a) copi o'r datganiad ardystiedig o gyfrifon a'r adroddiad, neu

(b) os nad yw'n rhesymol ymarferol cydymffurfio â pharagraff (a), ddatganiad i'r perwyl hwnnw, y mae rhaid iddo gynnwys rhesymau o ran pam felly.

(2) The accounting officer has, in relation to the accounts and finances of the Authority, the responsibilities which are for the time being specified by the Welsh Ministers.

(3) The responsibilities which may be specified under this paragraph include (among other things)—

(a) responsibilities in relation to the signing of the accounts;

(b) responsibilities for the propriety and regularity of the finances of the Authority;

(c) responsibilities for the economy, efficiency and effectiveness with which the Authority uses its resources;

(d) responsibilities owed to the Welsh Ministers, Senedd Cymru or its Public Accounts Committee.

Accounts

16 (1) The Authority must, for each financial year—

(a) keep proper accounts and proper records in relation to those accounts, and

(b) prepare a statement of accounts.

(2) Each statement of accounts must comply with any directions given by the Welsh Ministers as to—

(a) the information to be contained in it,

(b) the manner in which the information is to be presented, and

(c) the methods and principles according to which the statement is to be prepared.

(3) No later than 30 September after the end of each financial year, the Authority must submit its statement of accounts for that financial year to—

(a) the Welsh Ministers, and

(b) the Auditor General for Wales.

Audit

17 (1) This paragraph applies in relation to each statement of accounts submitted to the Auditor General for Wales by the Authority under paragraph 16(3)(b).

(2) The Auditor General for Wales must—

(a) examine, certify and report on the statement of accounts;

(b) provide a copy of the certified statement of accounts and the report to the Authority.

(3) The Auditor General for Wales must, before the end of the period of 4 months beginning with the day on which the statement of accounts is submitted ("the 4-month period"), lay before Senedd Cymru—

(a) a copy of the certified statement of accounts and the report, or

(b) if it is not reasonably practicable to comply with paragraph (a), a statement to that effect, which must include reasons as to why this is the case.

(4) Pan fo datganiad wedi ei osod o dan is-baragraff (3)(b), rhaid i'r Archwilydd Cyffredinol osod copi o'r datganiad ardystiedig o gyfrifon a'r adroddiad gerbron Senedd Cymru cyn gynted ag y bo'n rhesymol ymarferol ar ôl diwedd y cyfnod o 4 mis.

(5) Wrth gydymffurfio ag is-baragraff (2), rhaid i Archwilydd Cyffredinol Cymru archwilio a aed, ym marn yr Archwilydd Cyffredinol, i'r gwariant y mae'r cyfrifon yn ymwneud ag ef yn gyfreithlon ac yn unol â'r awdurdod sy'n llywodraethu'r gwariant hwnnw, ac adrodd ar hynny.

Archwilio'r defnydd o adnoddau

18 (1) Caiff Archwilydd Cyffredinol Cymru gynnal archwiliadau i ddarbodaeth, effeithlonrwydd ac effeithiolrwydd o ran sut y mae adnoddau wedi eu defnyddio wrth gyflawni swyddogaethau'r Awdurdod.

(2) Ond nid yw hynny'n rhoi'r hawl i Archwilydd Cyffredinol Cymru i gwestiynu rhinweddau amcanion polisi'r Awdurdod.

(3) Cyn cynnal archwiliad o dan y paragraff hwn, rhaid i Archwilydd Cyffredinol Cymru—

(a) ymgynghori â Senedd Cymru, a

(b) ystyried barn Senedd Cymru ynghylch pa un a ddylid cynnal archwiliad ai peidio.

(4) Rhaid i Archwilydd Cyffredinol Cymru—

(a) cyn gynted ag y bo'n rhesymol ymarferol, gyhoeddi adroddiad ar ganlyniadau archwiliad a gynhelir o dan y paragraff hwn, a

(b) gosod copi o'r adroddiad gerbron Senedd Cymru.

RHAN 7

GOFYNION ADRODD ETC.

Cynllun corfforaethol

19 (1) Rhaid i'r Awdurdod lunio cynllun corfforaethol ar gyfer pob cyfnod cynllunio.

(2) Rhaid i'r cynllun corfforaethol nodi sut y mae'r Awdurdod yn bwriadu cyflawni ei swyddogaethau o dan y Ddeddf hon yn ystod y cyfnod cynllunio.

(3) Rhaid i'r Awdurdod gyflwyno'r cynllun corfforaethol i'w gymeradwyo gan Weinidogion Cymru.

(4) Cyn cyflwyno'r cynllun corfforaethol i'w gymeradwyo, rhaid i'r Awdurdod ymgynghori â'r personau hynny y mae'n ystyried eu bod yn briodol.

(5) Caiff Gweinidogion Cymru gymeradwyo'r cynllun corfforaethol yn ddarostyngedig i unrhyw addasiadau y cytunir arnynt rhyngddynt hwy a'r Awdurdod.

(6) Rhaid i'r Awdurdod gyhoeddi'r cynllun corfforaethol a gymeradwywyd gan Weinidogion Cymru.

(7) Rhaid i Weinidogion Cymru osod copi o'r cynllun corfforaethol a gymeradwywyd gerbron Senedd Cymru.

(4) Where a statement has been laid under sub-paragraph (3)(b), the Auditor General must lay a copy of the certified statement of accounts and the report before Senedd Cymru as soon as is reasonably practicable after the end of the 4-month period.

(5) In complying with sub-paragraph (2), the Auditor General for Wales must examine and report on whether, in the opinion of the Auditor General, the expenditure to which the accounts relate has been incurred lawfully and in accordance with the authority which governs it.

Examination into use of resources

18 (1) The Auditor General for Wales may carry out examinations into the economy, efficiency and effectiveness with which resources have been used in the discharging of the Authority's functions.

(2) But that does not entitle the Auditor General for Wales to question the merits of the policy objectives of the Authority.

(3) Before carrying out an examination under this paragraph, the Auditor General for Wales must—

(a) consult Senedd Cymru, and

(b) take into account the views of Senedd Cymru as to whether or not an examination should be carried out.

(4) The Auditor General for Wales must—

(a) as soon as is reasonably practicable, publish a report of the results of any examination carried out under this paragraph, and

(b) lay a copy of the report before Senedd Cymru.

PART 7

REPORTING REQUIREMENTS ETC.

Corporate plan

19 (1) The Authority must prepare a corporate plan for each planning period.

(2) The corporate plan must set out how the Authority intends to discharge its functions under this Act during the planning period.

(3) The Authority must submit the corporate plan for approval by the Welsh Ministers.

(4) Before submitting the corporate plan for approval, the Authority must consult such persons as it considers appropriate.

(5) The Welsh Ministers may approve the corporate plan subject to such modifications as may be agreed between them and the Authority.

(6) The Authority must publish the corporate plan approved by the Welsh Ministers.

(7) The Welsh Ministers must lay a copy of the approved corporate plan before Senedd Cymru.

(8) Caiff yr Awdurdod adolygu'r cynllun corfforaethol a gymeradwywyd yn ystod y cyfnod cynllunio y mae'n ymwneud ag ef a chyflwyno cynllun corfforaethol diwygiedig i Weinidogion Cymru i'w gymeradwyo.

(9) Mae is-baragraffau (2) i (8) yn gymwys i gynllun corfforaethol diwygiedig fel y maent yn gymwys i gynllun corfforaethol.

(10) Ystyr "cyfnod cynllunio" yw—

(a) y cyfnod o 3 blynedd sy'n dechrau ag 1 Hydref 2027, a

(b) pob cyfnod dilynol o 3 blynedd.

(11) Caiff Gweinidogion Cymru drwy reoliadau ddiwygio is-baragraff (10)(b).

(12) Rhaid i'r cynllun corfforaethol ar gyfer cyfnod cynllunio gael ei gyflwyno i'w gymeradwyo gan Weinidogion Cymru cyn dechrau'r cyfnod.

Adroddiad blynyddol

20 (1) Cyn gynted ag y bo'n rhesymol ymarferol ar ôl diwedd pob blwyddyn ariannol, rhaid i'r Awdurdod—

(a) llunio a chyhoeddi adroddiad ("adroddiad blynyddol") ar arfer ei swyddogaethau yn ystod y flwyddyn ariannol honno, a

(b) anfon copi o'i adroddiad blynyddol at Weinidogion Cymru.

(2) Rhaid i Weinidogion Cymru osod copi o'r adroddiad blynyddol gerbron Senedd Cymru.

RHAN 8

MÂN DDIWYGIADAU A DIWYGIADAU CANLYNIADOL

Deddf y Diwydiant Glo 1994 (p. 21)

21 Yn adran 59 o Ddeddf y Diwydiant Glo 1994 (gwybodaeth i'w chadw'n gyfrinachol gan yr Awdurdod Glo), ar ôl is-adran (3)(f) mewnosoder—

"(g) the Disused Tips Authority for Wales is a relevant authority in relation to its functions under the Disused Mine and Quarry Tips (Wales) Act [2025]."

Deddf Llywodraeth Cymru 2006 (p. 32)

22 Yn adran 148 o Ddeddf Llywodraeth Cymru 2006 (ystyr "Welsh public records"), ar ôl is-adran (2)(ca) mewnosoder—

"(cb) the Disused Tips Authority for Wales,".

Mesur y Gymraeg (Cymru) 2011 (mccc 1)

23 Yn Atodlen 6 i Fesur y Gymraeg (Cymru) 2011 (cyrff cyhoeddus etc.: safonau), yn y tabl, o dan y pennawd "Cyffredinol", ar ôl y cofnod ar gyfer yr Awdurdod Rheoleiddio Darbodus mewnosoder—

(8) The Authority may review the approved corporate plan during the planning period to which it relates and submit a revised corporate plan to the Welsh Ministers for approval.

(9) Sub-paragraphs (2) to (8) apply to a revised corporate plan as they apply to a corporate plan.

(10) "Planning period" means—

(a) the period of 3 years beginning with 1 October 2027, and

(b) each subsequent period of 3 years.

(11) The Welsh Ministers may by regulations amend sub-paragraph (10)(b).

(12) The corporate plan for a planning period must be submitted to the Welsh Ministers for approval before the period begins.

Annual report

20 (1) As soon as is reasonably practicable after the end of each financial year, the Authority must—

(a) prepare and publish a report (an "annual report") on the exercise of its functions during that financial year, and

(b) send a copy of its annual report to the Welsh Ministers.

(2) The Welsh Ministers must lay a copy of the annual report before Senedd Cymru.

PART 8

MINOR AND CONSEQUENTIAL AMENDMENTS

Coal Industry Act 1994 (c. 21)

21 In section 59 of the Coal Industry Act 1994 (information to be kept confidential by the Coal Authority), after subsection (3)(f) insert—

"(g) the Disused Tips Authority for Wales is a relevant authority in relation to its functions under the Disused Mine and Quarry Tips (Wales) Act [2025]."

Government of Wales Act 2006 (c. 32)

22 In section 148 of the Government of Wales Act 2006 (meaning of "Welsh public records"), after subsection (2)(ca) insert—

"(cb) the Disused Tips Authority for Wales,".

Welsh Language (Wales) Measure 2011 (nawm 1)

23 In Schedule 6 to the Welsh Language (Wales) Measure 2011 (public bodies etc.: standards), in the table, under the heading "General", after the entry for the Disabled Persons Transport Advisory Committee insert—

"Awdurdod Tomenni Nas Defnyddir Cymru ("*The Disused Tips Authority for Wales*")	Safonau cyflenwi gwasanaethau Safonau llunio polisi Safonau gweithredu Safonau cadw cofnodion".

Deddf Llesiant Cenedlaethau'r Dyfodol (Cymru) 2015 (dccc 2)

24 (1) Yn adran 6 o Ddeddf Llesiant Cenedlaethau'r Dyfodol (Cymru) 2015 (ystyr corff cyhoeddus), ar ôl is-adran (1)(l) mewnosoder—

"(la) Awdurdod Tomenni Nas Defnyddir Cymru;".

(2) Mae adran 9 o Ddeddf Llesiant Cenedlaethau'r Dyfodol (Cymru) 2015 (amcanion llesiant cyrff cyhoeddus eraill) i'w darllen mewn perthynas â'r Awdurdod fel pe bai'r canlynol wedi ei roi yn lle is-adran (2)(a)—

"(a) heb fod yn hwyrach na diwedd y flwyddyn ariannol ar ôl y flwyddyn ariannol y sefydlir Awdurdod Tomenni Nas Defnyddir Cymru ynddi, a".

"The Disused Tips Authority for Wales ("*Awdurdod Tomenni Nas Defnyddir Cymru*")	Service delivery standards Policy making standards Operational standards Record keeping standards".

Well-being of Future Generations (Wales) Act 2015 (anaw 2)

24 (1) In section 6 of the Well-being of Future Generations (Wales) Act 2015 (meaning of public body), after subsection (1)(l) insert—

"(la) the Disused Tips Authority for Wales;".

(2) Section 9 of the Well-being of Future Generations (Wales) Act 2015 (other public bodies' well-being objectives) is to be read in relation to the Authority as if for subsection (2)(a) there were substituted—

"(a) no later than the end of the financial year after the financial year in which the Disused Tips Authority for Wales is established, and".

ATODLEN 2

(a gyflwynir gan adrannau 33(5) a 50(8))

HAWLIADAU AM DDIGOLLEDIAD GAN BERCHNOGION A CHYFRANWYR

1 (1) Mae'r Atodlen hon yn gymwys i berchennog ar dir—

(a) os yw'r Awdurdod wedi cynnal gweithrediadau ar y tir o dan adran 44, neu wedi cynnal ymchwiliadau o dan adran 55 a arweiniodd at gynnal y gweithrediadau,

(b) os yw'r perchennog wedi hawlio digolledíad gan yr awdurdod o dan y Ddeddf hon, ac

(c) naill ai—

(i) nad oes gorchymyn cyfrannu wedi ei wneud mewn cysylltiad â'r treuliau y mae rhaid i'r perchennog eu hysgwyddo fel arall mewn perthynas â chynnal y gweithrediadau neu'r ymchwiliadau hynny, neu

(ii) mae un neu ragor o orchmynion o'r fath wedi eu gwneud ond mae'r ganran benodedig neu, yn ôl y digwydd, gyfanswm y canrannau penodedig yn llai na 100.

(2) Mae'r Atodlen hon yn gymwys i gyfrannydd—

(a) os yw'r treuliau y caniateir hawlio cyfraniad mewn cysylltiad â hwy o dan adran 51 neu 53 yn cynnwys treuliau yr aed iddynt wrth gynnal unrhyw weithrediadau neu ymchwiliadau y cyfeirir atynt yn adran 53(1) neu (2), a

(b) os yw'r cyfrannydd wedi hawlio digolledíad gan berchennog ar dir neu'r Awdurdod o dan y Ddeddf hon.

(3) At ddibenion is-baragraff (1), mae ymchwiliadau i'w trin fel pe baent wedi arwain at gynnal gweithrediadau os, o fewn 12 mis sy'n dechrau â'r diwrnod ar ôl cwblhau'r ymchwiliadau, y dechreuodd yr Awdurdod gynnal y gweithrediadau.

2 (1) Pan fo'r Atodlen hon yn gymwys i berchennog ar dir, nid oes gan y perchennog hawlogaeth i orfodi'r hawliad am ddigolledíad, ac eithrio drwy ei osod yn erbyn swm y gwneir archiad ar ei gyfer oddi wrth y perchennog gan yr Awdurdod o dan adran 53, hyd at ddiwedd 12 mis sy'n dechrau â'r diwrnod y cwblhawyd y gweithrediadau y cyfeirir atynt ym mharagraff 1.

(2) Ond pan fo—

(a) yr Awdurdod yn rhoi archiad i berchennog y tir o dan adran 53(4), a

(b) bod y swm y gellir ei adennill yn rhinwedd yr archiad hwnnw (gan roi sylw i unrhyw gais a wneir gan y perchennog o dan adran 54) yn llai na swm hawliad y perchennog am ddigolledíad oddi wrth yr Awdurdod,

nid yw is-baragraff (1) yn gymwys i achos a ddygir gan y perchennog i adennill gweddill y digolledíad hwnnw oddi wrth yr Awdurdod.

3 (1) Pan fo'r Atodlen hon yn gymwys i gyfrannydd, nid oes gan y cyfrannydd hawlogaeth i orfodi'r hawliad am ddigolledíad, ac eithrio drwy ei osod yn erbyn unrhyw swm y gwneir archiad ar ei gyfer oddi wrth y cyfrannydd o dan adran 51 neu 53, hyd at ddiwedd y cyfnod perthnasol.

SCHEDULE 2

(introduced by sections 33(5) and 50(8))

CLAIMS FOR COMPENSATION BY OWNERS AND CONTRIBUTORIES

1 (1) This Schedule applies to an owner of land if—

(a) the Authority has carried out operations on the land under section 44, or has carried out investigations under section 55 that resulted in the carrying out of the operations,

(b) the owner has claimed compensation from the Authority under this Act, and

(c) either—

(i) no contribution order has been made in respect of the expenses that the owner otherwise has to bear in respect of the carrying out of those operations or investigations, or

(ii) one or more such orders have been made but the specified percentage or, as the case may be, the aggregate of the specified percentages is less than 100.

(2) This Schedule applies to a contributory if—

(a) the expenses in respect of which a contribution may be claimed under section 51 or 53 include expenses incurred in carrying out any operations or investigations referred to in section 53(1) or (2), and

(b) the contributory has claimed compensation from an owner of land or the Authority under this Act.

(3) For the purposes of sub-paragraph (1), investigations are to be treated as having resulted in the carrying out of operations if, within 12 months beginning with the day after the completion of the investigations, the Authority started to carry out the operations.

2 (1) Where this Schedule applies to an owner of land, the owner is not entitled to enforce the claim for compensation, otherwise than by way of set-off against a sum demanded from the owner by the Authority under section 53, until the end of 12 months beginning with the day on which the operations referred to in paragraph 1 were completed.

(2) But where—

(a) the Authority gives the owner of the land a demand under section 53(4), and

(b) the amount recoverable by virtue of that demand (having regard to any application made by the owner under section 54) is less than the amount of the owner's claim for compensation from the Authority,

sub-paragraph (1) does not apply to proceedings brought by the owner to recover the balance of that compensation from the Authority.

3 (1) Where this Schedule applies to a contributory, the contributory is not entitled to enforce the claim for compensation, otherwise than by way of set-off against any sum demanded from the contributory under section 51 or 53, until the end of the relevant period.

(2) Ond—

(a) pan roddir archiad am gyfraniad i'r cyfrannydd o dan adran 51 neu 53, a

(b) pan fo'r swm y gellir ei adennill yn rhinwedd yr archiad hwnnw (gan roi sylw i unrhyw gais a wneir o dan adran 52 neu 54) yn llai na swm hawliad y cyfrannydd am ddigolledіad oddi wrth y person a roddodd yr archiad,

nid yw is-baragraff (1) yn gymwys i achos a ddygir gan y cyfrannydd i adennill gweddill y digolledіad oddi wrth y person hwnnw.

(3) At ddibenion y paragraff hwn, y "cyfnod perthnasol" yw—

(a) mewn perthynas â hawliad gan gyfrannydd am ddigolledіad sy'n adenilladwy oddi wrth berchennog ar dir, 12 mis sy'n dechrau â'r diwrnod y cwblhaodd y perchennog y gweithrediadau y cyfeirir atynt ym mharagraff 1(2)(a);

(b) mewn perthynas â hawliad gan gyfrannydd am ddigolledіad sy'n adenilladwy oddi wrth yr Awdurdod—

(i) pan fo'r treuliau y caniateir hawlio cyfraniad mewn cysylltiad â hwy oddi wrth y cyfrannydd yn dod o fewn adran 53(1), 12 mis sy'n dechrau â'r diwrnod y cwblhawyd y gweithrediadau y cyfeirir atynt yn yr adran honno;

(ii) pan fo'r treuliau y caniateir hawlio cyfraniad mewn cysylltiad â hwy oddi wrth y cyfrannydd yn dod o fewn adran 53(2), 12 mis sy'n dechrau â'r diwrnod y cwblhawyd yr ymchwiliadau y cyfeirir atynt yn yr adran honno.

4 Yn yr Atodlen hon, mae cyfeiriadau at weithrediadau yn cynnwys gwaith adfer sy'n ganlyniadol ar y gweithrediadau hynny.

5 Yn achos perchennog ar dir neu gyfrannydd y mae'r Atodlen hon yn gymwys iddo, mae sail i achos y person i adennill y digolledіad y cyfeirir ato ym mharagraff 1 i'w ystyried, at ddibenion adran 9 o Ddeddf Cyfyngiadau 1980 (p. 58), fel pe bai wedi cronni—

(a) ar ddiwedd y cyfnod y cyfeirir ato ym mharagraff 2(1) neu 3(1), pa un bynnag sy'n gymwys, neu

(b) os yw paragraff 2(2) neu 3(2) yn gymwys, ar y dyddiad y rhoddwyd yr archiad y cyfeirir ato yn y paragraff perthnasol.

(2) But where—

(a) the contributory is given a demand for a contribution under section 51 or 53, and

(b) the amount recoverable by virtue of that demand (having regard to any application made under section 52 or 54) is less than the amount of the contributory's claim for compensation from the person who gave the demand,

sub-paragraph (1) does not apply to proceedings brought by the contributory to recover the balance of the compensation from that person.

(3) For the purposes of this paragraph, the "relevant period" is—

(a) in relation to a claim by a contributory for compensation recoverable from an owner of land, 12 months beginning with the day on which the owner completed the operations referred to in paragraph 1(2)(a);

(b) in relation to a claim by a contributory for compensation recoverable from the Authority—

(i) where the expenses in respect of which a contribution may be claimed from the contributory fall within section 53(1), 12 months beginning with day on which the operations referred to in that section were completed;

(ii) where the expenses in respect of which a contribution may be claimed from the contributory fall within section 53(2), 12 months beginning with day on which the investigations referred to in that section were completed.

4 In this Schedule, references to operations include works of reinstatement consequential on those operations.

5 In the case of an owner of land or contributory to whom this Schedule applies, the person's cause of action to recover the compensation referred to in paragraph 1 is to be regarded, for the purposes of section 9 of the Limitation Act 1980 (c.58), as having accrued—

(a) at the end of the period referred to in paragraph 2(1) or 3(1), whichever is applicable, or

(b) if paragraph 2(2) or 3(2) applies, on the date on which the demand referred to in the applicable paragraph was given.

ATODLEN 3
(a gyflwynir gan adran 51(7))

ADDASIADAU I ADRANNAU 51 A 52 PAN FO HYSBYSIAD O DAN ADRAN 35 YN CAEL EI GANSLO

1 Pan fo'r Awdurdod wedi canslo hysbysiad a roddir i berchennog ar dir o dan adran 35, mae adrannau 51 a 52 yn cael effaith gyda'r addasiadau a bennir yn yr Atodlen hon.

2 Mae cyfeiriad yn yr adrannau hynny at weithrediadau a gynhelir yn unol â'r hysbysiad o dan adran 35 i'w ddehongli fel cyfeiriad at weithrediadau a gynhaliwyd felly cyn canslo'r hysbysiad.

3 (1) Wrth benderfynu, at ddibenion adrannau 51 ac 52, swm y treuliau yr aed iddynt yn rhesymol gan berchennog y tir wrth gynnal y gweithrediadau, didynner unrhyw swm—

(a) y gellir ei adennill (neu sydd wedi ei adennill) gan y perchennog oddi wrth yr Awdurdod yn rhinwedd cyfarwyddyd o dan adran 43, a

(b) sydd i'w briodoli i wariant yr aed iddo gan y perchennog o ganlyniad i roi'r hysbysiad o dan adran 35.

(2) Nid yw unrhyw swm yn adenilladwy gan berchennog ar dir o dan adran 51 mewn perthynas â threuliau yr aed iddynt gan y perchennog wrth gynnal gwaith adfer.

4 Pan fo gan berchennog ar dir, yn rhinwedd cyfarwyddyd o dan adran 43, hawlogaeth i adennill (neu pan fo wedi adennill) swm oddi wrth yr Awdurdod mewn cysylltiad â'r gwariant yr aed iddo gan y perchennog o ganlyniad i roi hysbysiad o dan adran 35—

(a) rhaid i archiad o dan adran 51(4) bennu'r cyfanswm sy'n adenilladwy (neu sydd wedi ei adennill) yn rhinwedd y cyfarwyddyd, gan wahaniaethu rhwng—

(i) y rhan sydd i'w phriodoli i wariant yr aed iddo o ganlyniad i roi'r hysbysiad o dan adran 35, a

(ii) y rhan sydd i'w phriodoli i wariant yr aed iddo gan y perchennog sydd i'w briodoli i ganslo'r hysbysiad;

(b) mae'r cyfeiriad yn adran 51(5) at y cyfanswm y mae'r cyfraniad yn cael ei hawlio mewn cysylltiad ag ef i'w ddehongli fel cyfeiriad at y swm y gellid bod wedi hawlio'r cyfraniad mewn perthynas ag ef pe na bai cyfarwyddyd wedi ei roi;

(c) caniateir gwneud cais o dan adran 52 ar y sail nad yw'r swm a hawlir yn yr archiad yn rhoi ystyriaeth briodol i swm y mae rhaid ei ddidynnu yn rhinwedd paragraff 3.

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Argraffwyd a chyhoeddwyd yn y DU gan Y Llyfrfa Cyf dan awdurdod a goruchwyliaeth Saul Nassé, Rheolwr Llyfrfa Ei Fawrhydi ac Argraffydd Deddfau Senedd y Brenin.

SCHEDULE 3

(introduced by section 51(7))

MODIFICATIONS OF SECTIONS 51 AND 52 WHERE A NOTICE UNDER SECTION 35 IS CANCELLED

1 Where the Authority has cancelled a notice given to an owner of land under section 35, sections 51 and 52 have effect with the modifications specified in this Schedule.

2 A reference in those sections to operations carried out in compliance with the notice under section 35 is to be interpreted as a reference to operations so carried out before the notice was cancelled.

3 (1) In determining, for the purpose of sections 51 and 52, the amount of the expenses reasonably incurred by the owner of the land in carrying out the operations, deduct any sum that—

(a) is recoverable (or has been recovered) by the owner from the Authority by virtue of a direction under section 43, and

(b) is referable to expenditure incurred by the owner in consequence of the giving of the notice under section 35.

(2) No sum is recoverable by the owner of land under section 51 in respect of expenses incurred by the owner in carrying out works of reinstatement.

4 Where, by virtue of a direction under section 43, the owner of land is entitled to recover (or has recovered) a sum from the Authority in respect of the expenditure incurred by the owner in consequence of the giving of a notice under section 35—

(a) a demand under section 51(4) must specify the total sum recoverable (or recovered) by virtue of the direction, distinguishing between—

(i) the part referable to expenditure incurred in consequence of the giving of the notice under section 35, and

(ii) the part referable to expenditure incurred by the owner that is attributable to the cancellation of the notice;

(b) the reference in section 51(5) to the total amount in respect of which the contribution is claimed is to be interpreted as a reference to the amount in respect of which the contribution could have been claimed if no direction had been given;

(c) an application may be made under section 52 on the ground that the amount claimed in the demand does not make proper allowance for a sum that must be deducted by virtue of paragraph 3.

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