OFFERYNNAU STATUDOL CYMRU

WELSH STATUTORY INSTRUMENTS

2024 Rhif 1061 (Cy. 177)

YR AMGYLCHEDD HANESYDDOL, CYMRU

Rheoliadau Deddf yr Amgylchedd Hanesyddol (Cymru) 2023 (Darpariaeth Ganlyniadol) (Deddfwriaeth Sylfaenol) 2024

2024 No. 1061 (W. 177)

HISTORIC ENVIRONMENT, WALES

The Historic Environment (Wales) Act 2023 (Consequential Provision) (Primary Legislation) Regulations 2024

NODYN ESBONIADOL

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

Mae Deddf yr Amgylchedd Hanesyddol (Cymru) 2023 ("Deddf 2023") yn cydgrynhoi'r brif ddeddfwriaeth ar gyfer cadwraeth yr amgylchedd hanesyddol yng Nghymru. Mae Deddf 2023 yn ffurfio rhan o god o gyfraith sy'n ymwneud ag amgylchedd hanesyddol Cymru.

Y prif Ddeddfau a ddygwyd ynghyd yn yr ymarfer cydgrynhoi hwnnw yw Deddf Adeiladau Hanesyddol a Henebion Hynafol 1953 (p. 49), Deddf Henebion Hynafol ac Ardaloedd Archaeolegol 1979 (p. 46), Deddf Cynllunio (Adeiladau Rhestredig ac Ardaloedd Cadwraeth) 1990 (p. 9) ("Deddf 1990") a Deddf yr Amgylchedd Hanesyddol (Cymru) 2016 (dccc 4).

Gwnaeth Atodlen 13 i Ddeddf 2023 fân newidiadau a newidiadau canlyniadol i ddeddfwriaeth sylfaenol. Mae rheoliad 3 yn mewnosod yn Atodlen 13 newid canlyniadol i Ddeddf Harbyrau 1964.

Mae rheoliad 4 yn hepgor darpariaeth nad yw'n ofynnol.

Gwnaeth Atodlen 13 i Ddeddf 2023 newidiadau hefyd i Ddeddf 1990. Ers hynny, mae Deddf 1990 wedi cael ei diwygio ymhellach gan Ddeddf Ffyniant Bro ac Adfywio 2023. Mae rheoliadau 5 i 21 yn gwneud diwygiadau pellach i Atodlen 13 i Ddeddf 2023 yng ngoleuni'r diwygiadau pellach hynny a wnaed gan Ddeddf Ffyniant Bro ac Adfywio 2023. Mae'r diwygiadau yn cynnwys diddymiadau.

EXPLANATORY NOTE

(This note is not part of the Regulations)

The Historic Environment (Wales) Act 2023 ("the 2023 Act") consolidates the principal legislation for the conservation of the historic environment in Wales. The 2023 Act forms part of a code of law relating to the historic environment of Wales.

The main Acts brought together in that consolidation are the Historic Buildings and Ancient Monuments Act 1953 (c. 49), the Ancient Monuments and Archaeological Areas Act 1979 (c. 46), the Planning (Listed Buildings and Conservation Areas) Act 1990 (c. 9) ("the 1990 Act") and the Historic Environment (Wales) Act 2016 (anaw 4).

Schedule 13 to the 2023 Act made minor and consequential changes to primary legislation. Regulation 3 inserts in Schedule 13 a consequential change to the Harbours Act 1964.

Regulation 4 omits provision which is not required.

Schedule 13 to the 2023 Act also made changes to the 1990 Act. The 1990 Act has since been further amended by the Levelling-Up and Regeneration Act 2023. Regulations 5 to 21 make further amendments to Schedule 13 to the 2023 Act in the light of those further amendments made by the Levelling-Up and Regeneration Act 2023. The amendments include repeals.

Mae Atodlen 14 i Ddeddf 2023 yn gwneud darpariaeth drosiannol a darpariaeth arbed. Mae rheoliad 22 yn gwneud arbediad pellach.

Schedule 14 to the 2023 Act makes transitional and saving provision. Regulation 22 makes a further saving.

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

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

2024 Rhif 1061 (Cy. 177)

YR AMGYLCHEDD HANESYDDOL, CYMRU

Rheoliadau Deddf yr Amgylchedd Hanesyddol (Cymru) 2023 (Darpariaeth Ganlyniadol) (Deddfwriaeth Sylfaenol) 2024

Gwnaed	*23 Hydref 2024*
Yn dod i rym	*3 Tachwedd 2024*

Mae Gweinidogion Cymru, drwy arfer y pwerau a roddir iddynt gan adran 211(3) a (4) o Ddeddf yr Amgylchedd Hanesyddol (Cymru) 2023(**1**), yn gwneud y Rheoliadau a ganlyn.

Yn unol ag adran 209(5)(h) o'r Ddeddf honno, gosodwyd drafft o'r offeryn hwn gerbron Senedd Cymru ac fe'i cymeradwywyd ganddi drwy benderfyniad.

Enwi a dod i rym

1.—(1) Enw'r Rheoliadau hyn yw Rheoliadau Deddf yr Amgylchedd Hanesyddol (Cymru) 2023 (Darpariaeth Ganlyniadol) (Deddfwriaeth Sylfaenol) 2024.

(2) Daw'r Rheoliadau hyn i rym ar 3 Tachwedd 2024.

(**1**) 2023 dsc 3.

2024 No. 1061 (W. 177)

HISTORIC ENVIRONMENT, WALES

The Historic Environment (Wales) Act 2023 (Consequential Provision) (Primary Legislation) Regulations 2024

Made	*23 October 2024*
Coming into force	*3 November 2024*

The Welsh Ministers, in exercise of the powers conferred on them by section 211(3) and (4) of the Historic Environment (Wales) Act 2023(**1**), make the following Regulations.

In accordance with section 209(5)(h) of that Act, a draft of this instrument has been laid before, and approved by a resolution of, Senedd Cymru.

Title and coming into force

1.—(1) The title of these Regulations is the Historic Environment (Wales) Act 2023 (Consequential Provision) (Primary Legislation) Regulations 2024.

(2) These Regulations come into force on 3 November 2024.

(**1**) 2023 asc 3.

Darpariaeth ganlyniadol ac arbediad

2. Mae Atodlen 13 i Ddeddf yr Amgylchedd Hanesyddol (Cymru) 2023 wedi ei diwygio fel a ganlyn.

3. Ar ôl paragraff 9, mewnosoder—

"*Deddf Harbyrau 1964 (p. 40)*

9A. Yn Atodlen 3 i Ddeddf Harbyrau 1964, ym mharagraff 1, yn y diffiniad o "sensitive area", ym mharagraff (h), ar y diwedd mewnosoder "or section 3 of the Historic Environment (Wales) Act 2023"."

4. Hepgorer paragraff 73.

5. Ar ôl paragraff 106, mewnosoder—

"**106A.** Yn adran 17(4), hepgorer "in relation to England"."

6. Yn lle paragraff 116, rhodder—

"**116.** Hepgorer adran 29."

7. Ar ôl paragraff 116, mewnosoder—

"**116A.** Yn adran 30—

(a) yn is-adran (1)—

(i) hepgorer paragraff (c);

(ii) yn y geiriau ar ôl y paragraffau, yn lle "those sections" rhodder "section 28";

(b) yn is-adran (2), hepgorer "or 29"."

8. Yn lle paragraff 117, rhodder—

"**117.** Yn adran 31—

(a) yn is-adran (2), yn lle "28, 28B, 29, 44AC and 44D" rhodder "28 and 44AC";

(b) yn is-adran (4), yn lle "sections 28 and 29" rhodder "section 28"."

9. Ar ôl paragraff 122, mewnosoder—

"**122A.** Yn adran 44AA(1) ac yn y pennawd o'i blaen, hepgorer "in England" yn y ddau le y mae'n digwydd.

122B. Ym mhennawd adran 44AB, hepgorer "in England".

122C. Ym mhennawd adran 44AC, hepgorer "in England"."

Consequential provision and saving

2. Schedule 13 to the Historic Environment (Wales) Act 2023 is amended as follows.

3. After paragraph 9, insert—

"*The Harbours Act 1964 (c. 40)*

9A. In Schedule 3 to the Harbours Act 1964, in paragraph 1, in the definition of "sensitive area", in paragraph (h), at the end insert "or section 3 of the Historic Environment (Wales) Act 2023"."

4. Omit paragraph 73.

5. After paragraph 106, insert—

"**106A.** In section 17(4), omit "in relation to England"."

6. For paragraph 116, substitute—

"**116.** Omit section 29."

7. After paragraph 116, insert—

"**116A.** In section 30—

(a) in subsection (1)—

(i) omit paragraph (c);

(ii) in the words after the paragraphs, for "those sections" substitute "section 28";

(b) in subsection (2), omit "or 29"."

8. For paragraph 117, substitute—

"**117.** In section 31—

(a) in subsection (2), for "28, 28B, 29, 44AC and 44D" substitute "28 and 44AC";

(b) in subsection (4), for "sections 28 and 29" substitute "section 28"."

9. After paragraph 122, insert—

"**122A.** In section 44AA(1) and in the heading before it, omit "in England" in both places it occurs.

122B. In the heading to section 44AB, omit "in England".

122C. In the heading to section 44AC, omit "in England"."

10. Ym mharagraff 124, o flaen is-baragraff (a) mewnosoder—

"(za) yn is-adran (1A), hepgorer "in England";".

11. Yn lle paragraff 130, rhodder—

"**130.** Yn adran 54—

(a) yn is-adran (2)—

(i) ym mharagraff (a), hepgorer "if the building is in England,";

(ii) hepgorer paragraff (b) a'r "or" o'i flaen;

(b) yn is-adran (4), hepgorer ", in the case of a building in England,";

(c) hepgorer is-adran (4A);

(d) yn is-adran (5), hepgorer ", in the case of works authorised under subsection (2)(a),";

(e) hepgorer is-adran (5A);

(f) yn is-adran (6), hepgorer "or (5A)"."

12. Yn lle paragraff 145(b)(ii), rhodder—

"(ii) hepgorer "28B, 29,";".

13. Ar ôl paragraff 147, mewnosoder—

"**147A.** Hepgorer adran 86(3)."

14. Ym mharagraff 148—

(a) o flaen is-baragraff (a), mewnosoder—

"(za) yn is-adran (3ZA), hepgorer "in England";";

(b) yn lle is-baragraff (b), rhodder—

"(b) yn is-adran (4), yn lle ", 28B, 29, 44AC or 44D" rhodder "or 44AC"."

15. Ym mharagraff 152(a), ar y diwedd mewnosoder—

"(vi)yn y cofnod ar gyfer adran 327ZA, hepgorer "in England";".

16. Yn lle paragraff 153, rhodder—

"**153.** Yn adran 90—

(a) yn is-adran (5), ar ôl "council of a county" mewnosoder "in England";

(b) yn is-adran (6)(b), yn lle "29" rhodder "28A";

(c) yn is-adran (7)(a), yn lle "sections 28 or 29" rhodder "section 28"."

10. In paragraph 124, before sub-paragraph (a) insert—

"(za) in subsection (1A), omit "in England";".

11. For paragraph 130, substitute—

"**130.** In section 54—

(a) in subsection (2)—

(i) in paragraph (a), omit "if the building is in England,";

(ii) omit paragraph (b) and the "or" before it;

(b) in subsection (4), omit ", in the case of a building in England,";

(c) omit subsection (4A);

(d) in subsection (5), omit ", in the case of works authorised under subsection (2)(a),";

(e) omit subsection (5A);

(f) in subsection (6), omit "or (5A)"."

12. For paragraph 145(b)(ii), substitute—

"(ii) omit "28B, 29,";".

13. After paragraph 147, insert—

"**147A.** Omit section 86(3)."

14. In paragraph 148—

(a) before sub-paragraph (a), insert—

"(za) in subsection (3ZA), omit "in England";";

(b) for sub-paragraph (b), substitute—

"(b) in subsection (4), for ", 28B, 29, 44AC or 44D" substitute "or 44AC"."

15. In paragraph 152(a), at the end insert—

"(vi) in the entry for section 327ZA, omit "in England";".

16. For paragraph 153, substitute—

"**153.** In section 90—

(a) in subsection (5), after "council of a county" insert "in England";

(b) in subsection (6)(b), for "29" substitute "28A";

(c) in subsection (7)(a), for "sections 28 or 29" substitute "section 28"."

17. Ar ôl paragraff 154, mewnosoder—

"**154A.** Yn adran 92(2)(b), yn lle "29" rhodder "28A"."

18. Hepgorer paragraff 155(f).

19. Ym mharagraff 158, yn lle is-baragraff (b) rhodder—

"(b) ym mharagraff 2, yn lle ", 44AB or 44C" rhodder "or 44AB";".

20. Ym mharagraff 161, yn lle'r geiriau o flaen y tabl rhodder—

"**161.** Mae Deddf Cynllunio a Digolledu 1991 wedi ei diwygio fel a ganlyn.

161A. Yn Atodlen 6, hepgorer paragraff 43.

161B. Yn Atodlen 18—

(a) hepgorer y cofnod sy'n ymwneud ag adran 29 o Ddeddf Cynllunio (Adeiladau Rhestredig ac Ardaloedd Cadwraeth) 1990;

(b) ar ôl y cofnod sy'n ymwneud ag adran 29(5) o Ddeddf Draenio Tir 1991 mewnosoder—".

21. Ar ôl paragraff 196, mewnosoder—

"*Deddf Ffyniant Bro ac Adfywio 2023 (p. 55)*

197. Mae Deddf Ffyniant Bro ac Adfywio 2023 wedi ei diwygio fel a ganlyn.

198. Yn adran 102—

(a) yn is-adran (3), yn lle'r geiriau o "after subsection (2)" hyd at y diwedd rhodder "in subsection (2), after "preserving" insert "or enhancing"";

(b) yn is-adran (4)—

(i) o flaen paragraff (a) mewnosoder—

"(za) in subsection (1), after "preserving" insert "or enhancing";";

(ii) yn lle paragraff (b) rhodder—

"(b) in subsection (2), after "preserving" insert "or enhancing"."

199. Yn adran 103—

(a) hepgorer is-adrannau (3) i (6);

(b) hepgorer is-adran (10)(b) ac (c);

(c) hepgorer is-adran (12)(a) ac (c).

200. Hepgorer adran 105(3) a (4)."

17. After paragraph 154, insert—

"**154A.** In section 92(2)(b), for "29" substitute "28A"."

18. Omit paragraph 155(f).

19. In paragraph 158, for sub-paragraph (b) substitute—

"(b) in paragraph 2, for ", 44AB or 44C" substitute "or 44AB";".

20. In paragraph 161, for the words before the table substitute—

"**161.** The Planning and Compensation Act 1991 is amended as follows.

161A. In Schedule 6, omit paragraph 43.

161B. In Schedule 18—

(a) omit the entry relating to section 29 of the Planning (Listed Buildings and Conservation Areas) Act 1990;

(b) after the entry relating to section 29(5) of the Land Drainage Act 1991 insert—".

21. After paragraph 196, insert—

"*The Levelling-Up and Regeneration Act 2023 (c. 55)*

197. The Levelling-Up and Regeneration Act 2023 is amended as follows.

198. In section 102—

(a) in subsection (3), for the words from "after subsection (2)" to the end substitute "in subsection (2), after "preserving" insert "or enhancing"";

(b) in subsection (4)—

(i) before paragraph (a) insert—

"(za) in subsection (1), after "preserving" insert "or enhancing";";

(ii) for paragraph (b) substitute—

"(b) in subsection (2), after "preserving" insert "or enhancing"."

199. In section 103—

(a) omit subsections (3) to (6);

(b) omit subsection (10)(b) and (c);

(c) omit subsection (12)(a) and (c).

200. Omit section 105(3) and (4)."

22. Yn Atodlen 14, Rhan 3, ar ôl paragraff 11, mewnosoder—

"*Hysbysiadau diogelu adeilad yn Lloegr: digolledia*d

12. Nid yw diddymu adran 105(4) o Ddeddf Ffyniant Bro ac Adfywio 2023 gan baragraff 200 o Atodlen 13 i'r Ddeddf hon yn effeithio ar weithrediad parhaus yr arbediad a wneir gan yr adran honno, ac nid yw diddymu adran 29 o Ddeddf Cynllunio (Adeiladau Rhestredig ac Ardaloedd Cadwraeth) 1990 gan baragraff 116 o'r Atodlen honno, nac unrhyw ddarpariaeth arall yn yr Atodlen honno ychwaith yn effeithio ar ei weithrediad parhaus."

22. In Schedule 14, Part 3, after paragraph 11, insert—

"*Building preservation notices in England: compensation*

12. The continuing operation of the saving made by section 105(4) of the Levelling-up and Regeneration Act 2023 is not affected by the repeal of that provision by paragraph 200 of Schedule 13 to this Act, by the repeal of section 29 of the Planning (Listed Buildings and Conservation Areas) Act 1990 by paragraph 116 of that Schedule, or by any other provision of that Schedule."

Jack Sargeant

Y Gweinidog Diwylliant, Sgiliau a Phartneriaeth Gymdeithasol, o dan awdurdod Ysgrifennydd y Cabinet dros yr Economi, Ynni a Chynllunio, un o Weinidogion Cymru
23 Hydref 2024

Minister for Culture, Skills and Social Partnership, under the authority of the Cabinet Secretary for Economy, Energy and Planning, one of the Welsh Ministers
23 October 2024

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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.

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