OFFERYNNAU STATUDOL CYMRU

WELSH STATUTORY INSTRUMENTS

2024 Rhif 927 (Cy. 153)

2024 No. 927 (W. 153)

YR AMGYLCHEDD HANESYDDOL, CYMRU

HISTORIC ENVIRONMENT, WALES

Rheoliadau Adeiladau Rhestredig (Adeiladau Crefyddol Esempt) (Cymru) 2024

The Listed Buildings (Exempt Religious Buildings) (Wales) Regulations 2024

NODYN ESBONIADOL

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

Mae'r Rheoliadau hyn wedi eu gwneud o dan bwerau a roddir i Weinidogion Cymru gan Ddeddf yr Amgylchedd Hanesyddol (Cymru) 2023 ("Deddf 2023"). Mae Deddf 2023 yn ffurfio rhan o god o gyfraith sy'n ymwneud ag amgylchedd hanesyddol Cymru. Mae'r Rheoliadau hyn hefyd yn ffurfio rhan o'r Cod hwnnw.

Mae'r Rheoliadau yn gwneud darpariaeth ynghylch adeiladau crefyddol sy'n esempt rhag rhai o ddarpariaethau Deddf 2023 sy'n gymwys i adeiladau rhestredig.

Mae Deddf 2023 yn gwarchod adeiladau o ddiddordeb pensaernïol neu hanesyddol arbennig, a all gynnwys adeiladau neu strwythurau. Mae Deddf 2023 yn darparu bod rhaid i Weinidogion Cymru gynnal rhestr o adeiladau o'r fath yng Nghymru. Ni chaniateir i fathau penodol o waith gael eu cyflawni i "adeilad rhestredig" oni bai bod y gwaith wedi ei awdurdodi gan yr awdurdod cynllunio neu gan Weinidogion Cymru. Mae cyfyngiadau eraill ar ymdrin ag adeiladau cofrestredig.

Mae rheoliad 2 yn darparu bod adeiladau crefyddol penodol a ddefnyddir at ddibenion crefyddol yn "adeiladau crefyddol esempt" ac nad yw'r darpariaethau ynghylch adeiladau cofrestredig a nodir yn adran 156 o Ddeddf 2023 yn gymwys iddynt. Mae'r darpariaethau hynny yn ymwneud â rhestru adeilad

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations are made under powers given to the Welsh Ministers by the Historic Environment (Wales) Act 2023 ("the 2023 Act"). The 2023 Act forms part of a code of law relating to the historic environment of Wales. These Regulations also form part of that Code.

The Regulations make provision about religious buildings which are exempt from some of the provisions of the 2023 Act which apply to listed buildings.

The 2023 Act protects buildings of special architectural or historic interest, which may include buildings or structures. The 2023 Act provides that the Welsh Ministers must maintain a list of such buildings in Wales. Particular types of works may only be carried out to a "listed building" if they are authorised by the planning authority or by the Welsh Ministers. There are other restrictions on dealing with listed buildings.

Regulation 2 provides that certain religious buildings used for religious purposes are "exempt religious buildings" and that the provisions about listed buildings set out in section 156 of the 2023 Act do not apply to them. Those provisions are about the temporary listing of a building, the requirement for

dros dro, y gofyniad i waith sy'n effeithio ar adeilad rhestredig gael ei awdurdodi, y drosedd o ddifrodi adeilad rhestredig yn fwriadol, caffael adeilad rhestredig yn orfodol a gwaith brys i ddiogelu adeilad rhestredig.

Mae rheoliad 3 yn dirymu Gorchymyn Eseptiad Eglwysig (Adeiladau Rhestredig ac Ardaloedd Cadwraeth) (Cymru) 2018.

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.

works affecting a listed building to be authorised, the offence of intentionally damaging a listed building, compulsory acquisition of a listed building and urgent works for preservation of a listed building.

Regulation 3 revokes the Ecclesiastical Exemption (Listed Buildings and Conservation Areas) (Wales) Order 2018.

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

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YR AMGYLCHEDD HANESYDDOL, CYMRU

Rheoliadau Adeiladau Rhestredig (Adeiladau Crefyddol Esempt) (Cymru) 2024

Gwnaed	*9 Medi 2024*
Gosodwyd gerbron Senedd Cymru	*11 Medi 2024*
Yn dod i rym	*4 Tachwedd 2024*

Mae Gweinidogion Cymru, drwy arfer y pwerau a roddir iddynt gan adrannau 156(1), (3)(a) ac (c), 209(2) a 211(3)(a) a (4) o Ddeddf yr Amgylchedd Hanesyddol (Cymru) 2023(**1**), yn gwneud y Rheoliadau a ganlyn.

Enwi, dod i rym a chod

1.—(1) Enw'r Rheoliadau hyn yw Rheoliadau Adeiladau Rhestredig (Adeiladau Crefyddol Esempt) (Cymru) 2024.

(2) Daw'r Rheoliadau hyn i rym ar 4 Tachwedd 2024.

(3) Mae'r Rheoliadau hyn yn ffurfio rhan o god o gyfraith sy'n ymwneud ag amgylchedd hanesyddol Cymru(**2**).

(**1**) 2023 dsc 3.
(**2**) Gweler paragraffau 8 i 10 o'r Nodiadau Esboniadol i Ddeddf 2023, sydd i'w gweld yn https://www.legislation.gov.uk/asc/2023/3/notes/division/3/welsh.

2024 No. 927 (W. 153)

HISTORIC ENVIRONMENT, WALES

The Listed Buildings (Exempt Religious Buildings) (Wales) Regulations 2024

Made	*9 September 2024*
Laid before Senedd Cymru	*11 September 2024*
Coming into force	*4 November 2024*

The Welsh Ministers, in exercise of the powers conferred on them by sections 156(1), (3)(a) and (c), 209(2) and 211(3)(a) and (4) of the Historic Environment (Wales) Act 2023(**1**), make the following Regulations.

Title, coming into force and code

1.—(1) The title of these Regulations is the Listed Buildings (Exempt Religious Buildings) (Wales) Regulations 2024.

(2) These Regulations come into force on 4 November 2024.

(3) These Regulations form part of a code of law relating to the historic environment of Wales(**2**).

(**1**) 2023 asc 3.
(**2**) See paragraphs 8 to 10 of the Explanatory Notes to the 2023 Act, which can be found at https://www.legislation.gov.uk/asc/2023/3/notes/division/3.

Adeiladau crefyddol esempt

2.—(1) Mae'r adeiladau a ganlyn yn adeiladau crefyddol esempt at ddibenion adran 156 o Ddeddf yr Amgylchedd Hanesyddol (Cymru) 2023—

(a) adeiladau eglwys yr Eglwys yng Nghymru sydd wedi eu breinio yng Nghorff Cynrychiolwyr yr Eglwys yng Nghymru neu unrhyw gorff cynrychiolwyr arall a ymgorfforir o dan adran 13(2) o Ddeddf yr Eglwys yng Nghymru 1914(**1**);

(b) adeiladau eglwys sy'n cael eu dal mewn ymddiriedolaeth gan ymddiriedolwyr esgobaethol un o esgobaethau'r Eglwys Gatholig;

(c) adeiladau eglwys sy'n eiddo i'r Eglwys Fethodistaidd, neu unrhyw sefydliad cyfundebol neu leol i'r Eglwys Fethodistaidd, neu sy'n cael eu dal mewn ymddiriedolaeth ar ei chyfer neu ar ei gyfer, neu at ei dibenion neu at ei ddibenion;

(d) adeiladau eglwys sy'n eiddo i eglwys sy'n aelod o Undeb Bedyddwyr Prydain Fawr neu Undeb Bedyddwyr Cymru, neu sy'n cael eu dal mewn ymddiriedolaeth ar ei chyfer gan naill ai—

(i) the Baptist Union Corporation Limited (pa un ai'n unigol neu ar y cyd â pherson arall), neu

(ii) the Welsh Baptist Union Corporation Limited (pa un ai'n unigol neu ar y cyd â pherson arall);

(e) adeiladau eglwys o fewn awdurdodaeth hawlebau Eglwys Loegr.

(2) Nid yw'r adeiladau ym mharagraff (1)(a) i (d) yn adeiladau crefyddol esempt ond mewn perthynas â gwaith a gynhelir—

(a) gan neu ar ran corff eglwysig, neu ran gyfansoddol o gorff eglwysig, y cyfeirir ato yn y paragraff hwnnw, neu

(b) pan fo'r adeilad eglwys ar unrhyw fangre sy'n ffurfio rhan o brifysgol, coleg, ysgol, ysbyty neu sefydliad cyhoeddus neu sefydliad elusennol, gan neu ar ran corff llywodraethu neu ymddiriedolwyr y sefydliad hwnnw.

(3) At ddibenion y rheoliad hwn—

(a) mae adeilad yn adeilad eglwys os yw'n cael ei ddefnyddio'n bennaf fel man addoli;

(**1**) 1914 p. 91. Diwygiwyd adran 13(2) gan adran 48(2) o Ddeddf Elusennau 1960 (p. 58) a Rhan 2 o Atodlen 7 iddi.

Exempt religious buildings

2.—(1) The following buildings are exempt religious buildings for the purposes of section 156 of the Historic Environment (Wales) Act 2023—

(a) church buildings of the Church in Wales vested in the Representative Body of the Church in Wales or any other representative body incorporated under section 13(2) of the Welsh Church Act 1914(**1**);

(b) church buildings held in trust by the diocesan trustees of a diocese of the Roman Catholic Church;

(c) church buildings owned by or held in trust for or for the purposes of the Methodist Church or any connexional or local organisation of the Methodist Church;

(d) church buildings owned by or held in trust for a church in membership with the Baptist Union of Great Britain or the Baptist Union of Wales by either—

(i) the Baptist Union Corporation Limited (whether solely or jointly with another person), or

(ii) the Welsh Baptist Union Corporation Limited (whether solely or jointly with another person);

(e) church buildings within the faculty jurisdiction of the Church of England.

(2) The buildings in paragraph (1)(a) to (d) are exempt religious buildings only in relation to works carried out—

(a) by or on behalf of a church body, or a constituent part of a church body, referred to in that paragraph, or

(b) where the church building is on any premises forming part of a university, college, school, hospital or public or charitable institution, by or on behalf of the governing body or the trustees of that institution.

(3) For the purposes of this regulation—

(a) a building is a church building if it is used primarily as a place of worship;

(**1**) 1914 c. 91. Section 13(2) was amended by the Charities Act 1960 (c. 58) section 48(2) and Schedule 7, Part 2.

(b) mae “adeilad crefyddol esempt” i’w ddehongli yn unol ag adran 156 o Ddeddf yr Amgylchedd Hanesyddol (Cymru) 2023;

(c) ystyr “Eglwys Fethodistaidd” yw’r Eglwys Unedig neu’r enwad a ffurfiwyd o dan Ddeddf Uno’r Eglwys Fethodistaidd 1929(**1**).

Dirymu

3. Mae Gorchymyn Eseptiad Eglwysig (Adeiladau Rhestredig ac Ardaloedd Cadwraeth) (Cymru) 2018(**2**) wedi ei ddirymu.

(b) “exempt religious building” is to be interpreted in accordance with section 156 of the Historic Environment (Wales) Act 2023;

(c) “Methodist Church” means the United Church or denomination formed under the Methodist Church Union Act 1929(**1**).

Revocation

3. The Ecclesiastical Exemption (Listed Buildings and Conservation Areas) (Wales) Order 2018(**2**) is revoked.

Jane Hutt

Ysgrifennydd y Cabinet dros Ddiwylliant, Cyfiawnder Cymdeithasol, Trefnydd a’r Prif Chwip, un o Weinidogion Cymru
9 Medi 2024

Cabinet Secretary for Culture, Social Justice, Trefnydd and Chief Whip, one of the Welsh Ministers

9 September 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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(**1**) 1929 p. lix.
(**2**) O.S. 2018/1087 (Cy. 227).

(**1**) 1929 c. lix.
(**2**) S.I. 2018/1087 (W. 227).

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