

HYSBYSIAD YNGHYLCH GWELLIANNAU NOTICE OF AMENDMENTS

Cyflwynwyd ar 27 Hydref 2015
Tabled on 27 October 2015

Bil yr Amgylchedd Hanesyddol (Cymru) Historic Environment (Wales) Bill

Ken Skates

1

Section 3, page 6, after line 25, insert—

- ‘() The Welsh Ministers must by regulations make provision about—
- (a) the grounds on which an application for a review under this section may be made;
 - (b) the information that must be provided to, or may be required by, the Welsh Ministers in connection with such an application;
 - (c) the form and manner in which such an application must be made; and
 - (d) the period within which such an application must be made.’

Adran 3, tudalen 6, ar ôl llinell 25, mewnosoder—

- ‘() The Welsh Ministers must by regulations make provision about—
- (a) the grounds on which an application for a review under this section may be made;
 - (b) the information that must be provided to, or may be required by, the Welsh Ministers in connection with such an application;
 - (c) the form and manner in which such an application must be made; and
 - (d) the period within which such an application must be made.’

Ken Skates

2

Section 3, page 6, leave out lines 29 to 37.

Adran 3, tudalen 6, hepgorer llinellau 29 hyd at 37.



Ken Skates

3

Section 3, page 6, line 40, after 'subsection', insert '[subsection to be inserted by amendment 1] or'.

Adran 3, tudalen 6, llinell 40, ar ôl 'subsection', mewnosoder '[yr is-adran i'w mewnosod gan welliant 1] or'.

Ken Skates

4

Section 3, page 6, line 40, leave out '(e), (f) or (g)'.

Adran 3, tudalen 6, llinell 40, hepgorer '(e), (f) or (g)'.

Ken Skates

5

Page 9, line 24, leave out section 9 and insert –

[] Procedure for determining applications

- (1) In Part 1 of Schedule 1 to the Ancient Monuments and Archaeological Areas Act 1979 (c.46) (applications for scheduled monument consent), in paragraph 3, after subparagraph (4) insert –

“(5) This paragraph does not apply to applications for scheduled monument consent in respect of works to a scheduled monument situated in Wales.”

- (2) After paragraph 3 of that Schedule insert –

“3A (1) This paragraph applies to applications for scheduled monument consent in respect of works to a scheduled monument situated in Wales.

(2) The Welsh Ministers may grant scheduled monument consent in respect of all or any part of the works to which an application relates.

(3) Before determining whether or not to grant scheduled monument consent on an application, the Welsh Ministers may –

(a) cause a public local inquiry to be held; or

(b) afford to the applicant, and to any other person to whom it appears to the Welsh Ministers expedient to do so –

(i) an opportunity to appear before and be heard by a person appointed by the Welsh Ministers for that purpose; or

(ii) an opportunity to make representations to a person appointed by the Welsh Ministers for that purpose.

(4) Before determining whether or not to grant scheduled monument consent on an application, the Welsh Ministers –

(a) must, in every case, consider any representations made by any person with respect to that application; and



- (b) must also, if an inquiry or hearing has been held or representations have been made in accordance with subparagraph (3), consider the report of the person who held the inquiry or hearing or to whom the representations were made.
- (5) The Welsh Ministers must serve notice of their decision with respect to the application on the applicant and on every person who has made representations with respect to the application.”

Tudalen 9, llinell 24, hepgorer adran 9 a mewnosoder –

[] Y weithdrefn ar gyfer penderfynu ar geisiadau

- (1) Yn Rhan 1 o Atodlen 1 i Ddeddf Henebion Hynafol ac Ardaloedd Archaeolegol 1979 (p.46) (ceisiadau am gydsyniad heneb gofrestredig), ym mharagraff 3, ar ôl is-baragraff (4) mewnosoder –

“(5) This paragraph does not apply to applications for scheduled monument consent in respect of works to a scheduled monument situated in Wales.”

- (2) Ar ôl paragraff 3 o’r Atodlen honno mewnosoder –

“3A (1) This paragraph applies to applications for scheduled monument consent in respect of works to a scheduled monument situated in Wales.

- (2) The Welsh Ministers may grant scheduled monument consent in respect of all or any part of the works to which an application relates.
- (3) Before determining whether or not to grant scheduled monument consent on an application, the Welsh Ministers may –
 - (a) cause a public local inquiry to be held; or
 - (b) afford to the applicant, and to any other person to whom it appears to the Welsh Ministers expedient to do so –
 - (i) an opportunity to appear before and be heard by a person appointed by the Welsh Ministers for that purpose; or
 - (ii) an opportunity to make representations to a person appointed by the Welsh Ministers for that purpose.
- (4) Before determining whether or not to grant scheduled monument consent on an application, the Welsh Ministers –
 - (a) must, in every case, consider any representations made by any person with respect to that application; and
 - (b) must also, if an inquiry or hearing has been held or representations have been made in accordance with subparagraph (3), consider the report of the person who held the inquiry or hearing or to whom the representations were made.
- (5) The Welsh Ministers must serve notice of their decision with respect



to the application on the applicant and on every person who has made representations with respect to the application.”’.

Ken Skates

6

Section 11, page 11, line 14, after ‘the’ at the second place where it appears, insert ‘scheduled’.

Adran 11, tudalen 11, llinell 14, ar ôl ‘the’ yn yr ail le y mae'n ymddangos, mewnosoder ‘scheduled’.

Ken Skates

7

Section 11, page 12, after line 19, insert—

‘() The Welsh Ministers must by regulations make provision about—

- (a) the consultation that must take place before a heritage partnership agreement is made or varied; and
- (b) the publicity that must be given to a heritage partnership agreement before or after it is made or varied.’.

Adran 11, tudalen 12, ar ôl llinell 19, mewnosoder—

‘() The Welsh Ministers must by regulations make provision about—

- (a) the consultation that must take place before a heritage partnership agreement is made or varied; and
- (b) the publicity that must be given to a heritage partnership agreement before or after it is made or varied.’.

Ken Skates

8

Section 11, page 12, leave out lines 21 to 24.

Adran 11, tudalen 12, hepgorer llinellau 21 hyd at 24.

Ken Skates

9

Section 13, page 18, line 39, leave out ‘or removal’.

Adran 13, tudalen 18, llinell 39, hepgorer ‘or removal’.



Ken Skates

10

Section 13, page 20, after line 17, insert—

‘() In section 44 of that Act (supplementary provisions with respect to powers of entry), in subsection (2), at the end insert—

“, or in relation to the power of entry under section 9ZJ of this Act where it is exercised for any of the purposes mentioned in paragraphs (a) to (c) of that section.”’.

Adran 13, tudalen 20, ar ôl llinell 17, mewnosoder—

‘() Yn adran 44 o’r Ddeddf honno (darpariaethau atodol mewn cysylltiad â phwerau mynediad), yn is-adran (2), ar y diwedd mewnosoder—

“, or in relation to the power of entry under section 9ZJ of this Act where it is exercised for any of the purposes mentioned in paragraphs (a) to (c) of that section.”’.

Ken Skates

11

Section 24, page 28, after line 21, insert—

‘() The Welsh Ministers must by regulations make provision about—

- (a) the grounds on which an application for a review under this section may be made;
- (b) the form and manner in which such an application must be made;
- (c) the information that must be provided to, or may be required by, the Welsh Ministers in connection with such an application; and
- (d) the period within which such an application must be made.’.

Adran 24, tudalen 28, ar ôl llinell 21, mewnosoder—

‘() The Welsh Ministers must by regulations make provision about—

- (a) the grounds on which an application for a review under this section may be made;
- (b) the form and manner in which such an application must be made;
- (c) the information that must be provided to, or may be required by, the Welsh Ministers in connection with such an application; and
- (d) the period within which such an application must be made.’.



Ken Skates

12

Section 24, page 28, line 23, leave out ‘, including provision about –

- (a) the grounds on which an application for a review may be made;
- (b) the form and manner in which an application must be made;
- (c) the information that is to be provided to, or may be required by, the Welsh Ministers in connection with an application; and
- (d) the period within which an application must be made’.

Adran 24, tudalen 28, llinell 23, hepgorer ‘, including provision about –

- (a) the grounds on which an application for a review may be made;
- (b) the form and manner in which an application must be made;
- (c) the information that is to be provided to, or may be required by, the Welsh Ministers in connection with an application; and
- (d) the period within which an application must be made’.

Ken Skates

13

Section 26, page 32, line 33, leave out ‘after “section 3,” insert “” and insert ‘for “section 3,” substitute “sections 3 and’.

Adran 26, tudalen 32, llinell 34, hepgorer ‘ar ôl “section 3,” mewnosoder “” a mewnosoder ‘yn lle “section 3,” rhodder “sections 3 and’.

Ken Skates

14

Section 26, page 33, after line 8, insert –

- ‘() In section 60 of that Act (exceptions for ecclesiastical buildings and redundant churches), in subsection (2), after “sections 3,” insert “3A,”’.

Adran 26, tudalen 33, ar ôl llinell 9, mewnosoder –

- ‘() Yn adran 60 o’r Ddeddf honno (eithriadau ar gyfer adeiladau eglwysig ac eglwysi wedi eu cau), yn is-adran (2), ar ôl “sections 3,” mewnosoder “3A,”’.

Ken Skates

15

Section 26, page 33, after line 8, insert –

- ‘() In section 61 of that Act (exceptions for ancient monuments etc), in subsection (2), after “sections 3,” insert “3A,”’.

Adran 26, tudalen 33, ar ôl llinell 9, mewnosoder –

- ‘() Yn adran 61 o’r Ddeddf honno (eithriadau ar gyfer henebion hynafol etc), yn is-adran (2), ar ôl “sections 3,” mewnosoder “3A,”’.



Ken Skates

16

Section 26, page 33, after line 11, insert—

- ‘() In section 82 of that Act (application of Act to land and works of local planning authorities)—
- (a) in subsection (1), after “sections 2” insert “to 2D,”, and
 - (b) in subsection (3)—
 - (i) after “sections 1(3), (5) and (6),” insert “2B, 2C,”,
 - (ii) after “28,” insert “28B,”, and
 - (iii) after “Schedules 1” insert “, 1A”’.

Adran 26, tudalen 33, ar ôl llinell 12, mewnosoder—

- ‘() Yn adran 82 o’r Ddeddf honno (cymhwysu’r Ddeddf i dir a gwaith awdurdodau cynllunio lleol)—
- (a) yn is-adran (1), ar ôl “sections 2” mewnosoder “to 2D,”, a
 - (b) yn is-adran (3)—
 - (i) ar ôl “sections 1(3), (5) and (6),” mewnosoder “2B, 2C,”,
 - (ii) ar ôl “28,” mewnosoder “28B,”, a
 - (iii) ar ôl “Schedules 1” mewnosoder “, 1A”’.

Ken Skates

17

Section 26, page 33, line 15, leave out ‘after “3(1)” insert “” and insert ‘for “section 3(1)” substitute “sections 3(1)’.

Adran 26, tudalen 33, llinell 16, hepgorer ‘ar ôl “3(1)” mewnosoder “” a mewnosoder ‘yn lle “section 3(1)” rhodder “sections 3(1)’.

Ken Skates

18

Section 26, page 33, after line 18, insert—

- ‘() In Schedule 4 to that Act (further provisions as to exercise of functions by different authorities), in paragraph 7, in sub-paragraph (1), after “sections 3,” insert “3A,”’.

Adran 26, tudalen 33, ar ôl llinell 19, mewnosoder—

- ‘() Yn Atodlen 4 i’r Ddeddf honno (darpariaethau pellach o ran arfer swyddogaethau gan awdurdodau gwahanol), ym mharagraff 7, yn is-baragraff (1), ar ôl “sections 3,” mewnosoder “3A,”’.



Ken Skates

19

Section 28, page 36, after line 23, insert –

- ‘() The Welsh Ministers must by regulations make provision about –
 - (a) the consultation that must take place before a heritage partnership agreement is made or varied; and
 - (b) the publicity that must be given to a heritage partnership agreement before or after it is made or varied.’.

Adran 28, tudalen 36, ar ôl llinell 23, mewnosoder –

- ‘() The Welsh Ministers must by regulations make provision about –
 - (a) the consultation that must take place before a heritage partnership agreement is made or varied; and
 - (b) the publicity that must be given to a heritage partnership agreement before or after it is made or varied.’.

Ken Skates

20

Section 28, page 36, leave out lines 25 to 28.

Adran 28, tudalen 36, hepgorer llinellau 25 hyd at 28.

Ken Skates

21

Section 29, page 40, line 16, leave out ‘or removal’.

Adran 29, tudalen 40, llinell 18, hepgorer ‘or removal’.

Ken Skates

22

Section 29, page 40, after line 22, insert –

- ‘() In section 88B of that Act (rights of entry: supplementary provisions), after subsection (1) insert –

- “(1A) Subsection (1) does not apply to a person authorised under section 88(3A) who intends to enter the land for either of the purposes mentioned in paragraphs (a) and (b) of that subsection.”.

Adran 29, tudalen 40, ar ôl llinell 24, mewnosoder –

- ‘() Yn adran 88B o’r Ddeddf honno (hawliau mynediad: darpariaethau atodol), ar ôl is-adran (1) mewnosoder –

- “(1A) Subsection (1) does not apply to a person authorised under section 88(3A) who intends to enter the land for either of the purposes mentioned in paragraphs (a) and (b) of that subsection.”.



Ken Skates

23

Section 29, page 40, after line 28, insert –

‘(7) In Schedule 4 to that Act (further provisions as to exercise of functions by different authorities), in paragraph 7, in sub-paragraph (1), after “42,” insert “44D,”.’.

Adran 29, tudalen 40, ar ôl llinell 30, mewnosoder –

‘(7) Yn Atodlen 4 i’r Ddeddf honno (darpariaethau pellach o ran arfer swyddogaethau gan awdurdodau gwahanol), ym mharagraff 7, yn is-baragraff (1), ar ôl “42,” mewnosoder “44D,”.’.

Ken Skates

24

Section 36, page 45, after line 29, insert –

‘() The Welsh Ministers must lay before the National Assembly for Wales any guidance issued under this section.’.

Adran 36, tudalen 45, ar ôl llinell 30, mewnosoder –

‘() Rhaid i Weinidogion Cymru osod gerbron Cynulliad Cenedlaethol Cymru unrhyw ganllawiau a ddyroddir o dan yr adran hon.’.

Ken Skates

25

Section 37, page 46, after line 17, insert –

‘(8) The Panel must, within 6 months after the end of the period to which the work programme relates, publish a report about the matters on which it has provided the Welsh Ministers with advice during that period.’.

Adran 37, tudalen 46, ar ôl llinell 17, mewnosoder –

‘(8) Rhaid i’r Panel, o fewn 6 mis ar ôl diwedd y cyfnod y mae’r rhaglen waith yn ymwneud ag ef, gyhoeddi adroddiad ynghylch y materion y mae wedi rhoi cyngor i Weinidogion Cymru arnynt yn ystod y cyfnod hwnnw.’.

Ken Skates

26

Section 39, page 47, line 23, after ‘9ZB’, insert –

’, or

() regulations which, by virtue of subsection (1A), amend or repeal any provision of an Act of Parliament or an Act or Measure of the National Assembly for Wales,’.

Adran 39, tudalen 47, llinell 24, ar ôl ‘9ZB’, mewnosoder –

’, or

() regulations which, by virtue of subsection (1A), amend or repeal any provision of an Act of Parliament or an Act or Measure of the National Assembly for Wales,’.



Ken Skates

27

Schedule 2, page 54, line 10, leave out '2B(5)(b)' and insert '2B(4)(b)'.

Atodlen 2, tudalen 54, llinell 10, hepgorer '2B(5)(b)' a mewnosoder '2B(4)(b)'.

