



# Deddf yr Amgylchedd Hanesyddol (Cymru) 2016

2016 dccc 4

## RHAN 2

### HENEBION HYNAFOL ETC

*Addasiadau sy'n ymwneud â throeddau*

#### 15 Rheoli gwaith sy'n effeithio ar henebion cofrestredig

(1) Mae adran 2 o [Ddeddf Henebion Hynafol ac Ardaloedd Archaeolegol 1979 \(p.46\)](#) (rheoli gwaith sy'n effeithio ar henebion cofrestredig) wedi ei diwygio fel a ganlyn.

(2) Yn is-adran (8), ar ôl “works within subsection (2)(a) or (c) above” mewnosoder “which have been executed in relation to a scheduled monument situated in England or land in, on or under which there is such a scheduled monument”.

(3) Ar ôl yr is-adran honno mewnosoder—

“(8A) In any proceedings for an offence under this section in relation to works within subsection (2)(a) or (c) which have been executed in relation to a scheduled monument situated in Wales or land in, on or under which there is such a scheduled monument, it is a defence for the accused to prove that, before executing the works or before causing or permitting their execution (as the case may be), the accused—

- (a) had taken all reasonable steps to find out whether there was a scheduled monument in the area affected by the works; and
- (b) did not know, and had no reason to believe, that the monument was within the area affected by the works or (as the case may be) that it was a scheduled monument.”

## **16 Difrodi henebion hynafol penodol**

- (1) Mae adran 28 o [Ddeddf Henebion Hynafol ac Ardaloedd Archaeolegol 1979 \(p.46\)](#) (y drosedd o ddifrodi henebion hynafol penodol) wedi ei diwygio fel a ganlyn.
- (2) Yn is-adran (1), ar ôl “any protected monument” mewnosoder “situated in England”.
- (3) Ar ôl yr is-adran honno mewnosoder—

“(1A) A person who without lawful excuse destroys or damages a protected monument situated in Wales is guilty of an offence if the person—

- (a) knew or ought reasonably to have known that it was a protected monument; and
- (b) intended to destroy or damage the monument or was reckless as to whether the monument would be damaged or destroyed.”

## **17 Cyfyngiadau ar y defnydd o ddatgelyddion metel**

- (1) Mae adran 42 o [Ddeddf Henebion Hynafol ac Ardaloedd Archaeolegol 1979 \(p.46\)](#) (cyfyngiadau ar y defnydd o ddatgelyddion metel) wedi ei diwygio fel a ganlyn.
- (2) Yn is-adran (7), ar ôl “an offence under subsection (1) or (3) above” mewnosoder “relating to a protected place situated in England”.
- (3) Ar ôl yr is-adran honno mewnosoder—

“(8) In proceedings for an offence under subsection (1) or (3) relating to a protected place situated in Wales, it is a defence for the accused to prove that the accused—

- (a) had taken all reasonable steps to find out whether the place in which the metal detector was used was a protected place; and
- (b) did not know, and had no reason to believe, that the place was a protected place.”