



Deddf yr Amgylchedd Hanesyddol (Cymru) 2016

2016 dccc 4

RHAN 3

ADEILADAU RHESTREDIG

Trosolwg

23 Trosolwg o'r Rhan hon

Mae'r Rhan hon yn ymwneud â gwarchod adeiladau yng Nghymru sydd o ddiddordeb pensaernïol neu hanesyddol arbennig. Mae'n gwneud darpariaeth—

- (a) i Weinidogion Cymru ymgynghori cyn cynnwys adeilad mewn rhestr o adeiladau, neu eithrio adeilad o restr o adeiladau, o dan adran 1 o [Ddeddf Cynllunio \(Adeiladau Rhestredig ac Ardaloedd Cadwraeth\) 1990](#) (p.9) (“Deddf 1990”) (adran 24);
- (b) i roi gwarchodaeth statudol i adeilad wrth i Weinidogion Cymru benderfynu pa un ai i gynnwys yr adeilad mewn rhestr (adran 24);
- (c) i Weinidogion Cymru adolygu eu penderfyniad i gynnwys adeilad mewn rhestr (adran 24);
- (d) ar gyfer addasu'r trefniadau rhestru dros dro a gychwynnir drwy gyflwyno hysbysiad diogelu adeilad yng ngoleuni'r ddarpariaeth a grybwyllir ym mharagraffau (a) a (b) (adran 25);
- (e) i Weinidogion Cymru ardystio nad ydynt yn bwriadu cynnwys adeilad penodol mewn rhestr (adran 27);
- (f) i awdurdod cynllunio lleol neu Weinidogion Cymru ymrwmo i gytundeb â pherchennog adeilad rhestredig ynghylch materion megis cydsyniad i waith gael ei wneud i'r adeilad (adran 28);
- (g) i awdurdod cynllunio lleol ddyroddi hysbysiad stop dros dro mewn achos sy'n ymwneud â gwaith penodol i adeilad rhestredig (adran 29);

- (h) i estyn cwmpas y gwaith brys y caiff awdurdod cynllunio lleol ei wneud o dan Ddeddf 1990 ac i ddarparu i gostau'r awdurdod wrth wneud y gwaith hwnnw fod yn adenilladwy fel pridiant tir lleol (adran 30);
- (i) i alluogi Gweinidogion Cymru i wneud rheoliadau ynghylch camau pellach y caniateir iddynt gael eu cymryd i sicrhau bod adeiladau rhestredig yng Nghymru sydd wedi mynd i gyflwr gwael yn cael eu diogelu'n briodol (adran 31);
- (j) i alluogi cyflwyno drwy gyfathrebiadau electronig fathau penodol o hysbysiadau a dogfennau eraill sy'n ymwneud ag adeiladau rhestredig (adran 32);
- (k) mewn perthynas â phenderfynuo ar apelau penodol sy'n ymwneud ag adeiladau rhestredig gan bersonau a benodir gan Weinidogion Cymru (adran 33).

Rhestru adeiladau o ddiddordeb pensaernïol neu hanesyddol arbennig

24 Diwygiadau sy'n ymwneud â rhestru adeiladau

- (1) Ar ôl adran 2 o [Ddeddf Cynllunio \(Adeiladau Rhestredig ac Ardaloedd Cadwraeth\) 1990](#) (p.9) mewnosoder—

“2A Duty to consult on certain changes to lists

- (1) This section applies where the Welsh Ministers are proposing to—
- (a) include a building in a list compiled or approved under section 1; or
 - (b) exclude a building from such a list.
- (2) The Welsh Ministers must—
- (a) serve a notice of the proposed inclusion or exclusion on the appropriate persons; and
 - (b) invite those persons to submit written representations about the proposal.
- (3) The appropriate persons are—
- (a) the owner and occupier of the building;
 - (b) the local planning authority in whose area the building is situated; and
 - (c) such other persons or bodies of persons as appear to the Welsh Ministers appropriate as having special knowledge of, or interest in, buildings of architectural or historic interest.
- (4) A notice under subsection (2) must—
- (a) specify the proposed inclusion or exclusion;
 - (b) specify the period within which representations about the proposal may be made, which must be at least 28 days beginning with the date on which the notice is served; and
 - (c) in the case of a proposed inclusion—
 - (i) include a statement of the effect of section 2B; and
 - (ii) specify the date on which interim protection takes effect under subsection (2) of that section.
- (5) The Welsh Ministers may by regulations amend subsection (3) by adding a description of person to the list of appropriate persons in that subsection; and

where the Welsh Ministers do so, they may also make such amendments to this Act as they consider appropriate in consequence of the amendment to subsection (3).

2B Interim protection pending certain listing decisions

- (1) This section applies where the Welsh Ministers consult under section 2A on a proposal to include a building in a list compiled or approved under section 1.
- (2) The provisions of this Act (other than sections 47 to 51 and 59) and the principal Act have effect in relation to the building, from the beginning of the day specified in the notice for the purposes of section 2A(4)(c)(ii), as if the building were a listed building.
- (3) The protection conferred upon a building by virtue of subsection (2) is referred to in this Act as “interim protection”.
- (4) Interim protection conferred by virtue of subsection (2) ceases to have effect—
 - (a) where the Welsh Ministers include the building in a list compiled or approved under section 1, from the beginning of the day specified in the notice for the purposes of section 2D(2)(b); and
 - (b) where the Welsh Ministers decide not to include the building in such a list, from the beginning of the day specified in a notice issued to—
 - (i) the owner and occupier of the building; and
 - (ii) the local planning authority in whose area the building is situated.
- (5) The Welsh Ministers—
 - (a) must publish by electronic means a list containing particulars of each building in relation to which interim protection has effect; and
 - (b) must, on request, provide a copy of the notice served under section 2A(2) in respect of such a building.

2C Provisions applicable on lapse of interim protection

Schedule 1A has effect as respects the lapse of interim protection.

2D Review of certain listing decisions

- (1) This section applies where the Welsh Ministers include a building in a list compiled or approved under section 1.
- (2) As soon as possible after amending the list to include the building, the Welsh Ministers must serve on the owner and occupier of the building a notice which—
 - (a) states that the Welsh Ministers have included the building in the list;
 - (b) specifies the date on which the Welsh Ministers did so (and on which interim protection under section 2B(2) ceased to have effect); and
 - (c) states that the owner or occupier may make an application to the Welsh Ministers requesting them to review their decision to do so.

- (3) Where an owner or occupier of the building makes such an application, the Welsh Ministers must—
- (a) carry out the review requested;
 - (b) make a decision on the review; and
 - (c) make such amendment to the list as they consider appropriate to give effect to that decision.
- (4) Except as provided in sections 62 and 63, the validity of a decision of the Welsh Ministers on the review is not to be questioned in any legal proceedings.
- (5) The Welsh Ministers must carry out a review under this section in such one or more of the following ways as appears to them to be appropriate—
- (a) by means of a local inquiry;
 - (b) by means of a hearing;
 - (c) on the basis of written representations.
- (6) 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.
- (7) The Welsh Ministers may by regulations make further provision in connection with reviews under this section.
- (8) Schedule 1B applies to reviews under this section.”
- (2) Yn adran 9 o’r Ddeddf honno (troseddau), ar ôl is-adran (3) mewnosoder—
- “(3A) In proceedings for an offence under this section in relation to a building on which interim protection is conferred (which is, as a result of section 2B(2), treated as a listed building)—
- (a) it is a defence for the person to show that the person did not know, and could not reasonably have been expected to know, that interim protection had been conferred on the building; and
 - (b) where the defence is raised by a person on whom a notice should have been served under section 2A(2), it is for the prosecution to prove that the notice was served on that person.”
- (3) Ar ôl adran 28A o’r Ddeddf honno mewnosoder—

“28B Compensation for loss or damage caused by interim protection

- (1) This section applies where interim protection in respect of a building ceases to have effect as a result of the issue of a notice by the Welsh Ministers under section 2B(4)(b).
- (2) Any person who, at the time when the interim protection took effect, had an interest in the building is, on making a claim to the Welsh Ministers within the prescribed time and in the prescribed manner, entitled to be paid compensation

by the Welsh Ministers in respect of any loss or damage directly attributable to the effect of the protection.

- (3) The loss or damage in respect of which compensation is payable under subsection (2) includes a sum payable in respect of any breach of contract caused by the necessity of discontinuing or countermanding any works to the building on account of the interim protection having effect.”
- (4) Ar ôl Atodlen 1 i'r Ddeddf honno mewnosoder yr Atodlenni 1A ac 1B a nodir yn Atodlen 2 i'r Ddeddf hon.

25 Diwygiadau sy'n ymwneud â rhestru dros dro

- (1) Yn adran 3 o [Ddeddf Cynllunio \(Adeiladau Rhestredig ac Ardaloedd Cadwraeth\) 1990 \(p.9\)](#) (rhestru dros dro: hysbysiadau diogelu adeiladau), yng ngeiriau agoriadol is-adran (1), yn lle'r geiriau o'r dechrau i “county planning authority,” rhodder “If it appears to a local planning authority in England who are not a county planning authority”.
- (2) Yn y pennawd i'r adran honno, ar ôl “listing” mewnosoder “in England”.
- (3) Ar ôl yr adran honno mewnosoder—

“3A Temporary listing in Wales: building preservation notices

- (1) If it appears to a local planning authority in Wales that a building in their area which is not a listed building (and which is not treated as such by virtue of section 2B(2))—
- (a) is of special architectural or historic interest; and
 - (b) is in danger of demolition or of alteration in such a way as to affect its character as a building of such interest,
- they may serve a notice on the owner and occupier of the building (in this Act referred to as a “building preservation notice”).
- (2) A building preservation notice under this section must—
- (a) state that the building appears to them to be of special architectural or historic interest and that they have requested the Welsh Ministers to consider including it in a list compiled or approved under section 1; and
 - (b) explain the effect of subsections (3) to (5) and Schedule 2.
- (3) A building preservation notice under this section—
- (a) comes into force as soon as it has been served on both the owner and occupier of the building to which it relates; and
 - (b) subject to subsection (4), remains in force for six months from the date when it is served or, as the case may be, last served.
- (4) A building preservation notice under this section ceases to be in force—
- (a) if interim protection under section 2B(2) takes effect in relation to the building; or
 - (b) if the Welsh Ministers notify the local planning authority in writing that they do not intend to consult under section 2A on a proposal to include the building in a list compiled or approved under section 1.

- (5) While a building preservation notice under this section is in force with respect to a building, the provisions of this Act (other than sections 47 to 51 and 59) and the principal Act have effect in relation to the building as if it were a listed building.
- (6) If, following the service of a building preservation notice under this section, interim protection under section 2B(2) takes effect in relation to the building, anything done by virtue of subsection (5) is to be treated as having been done by virtue of section 2B(2).
- (7) If, following the service of a building preservation notice under this section, the Welsh Ministers notify the local planning authority that they do not intend to consult under section 2A on a proposal to include the building in a list compiled or maintained under section 1, the authority must immediately give notice of that decision to the owner and occupier of the building.
- (8) Where such a notification is given by the Welsh Ministers, no further building preservation notice in respect of the building may be served by the local planning authority within the period of 12 months beginning with the date of the notification.”
- (4) Yn adran 28B o’r Ddeddf honno (digollediad am golled neu ddifrod a achosir gan warchodaeth interim) (a fewnosodir gan adran 24), ar y diwedd mewnosoder—
- “(4) Subsection (5) applies where—
- (a) a building preservation notice was in force in respect of the building before interim protection took effect; and
- (b) the notice ceased to be in force by virtue of section 3A(4)(a).
- (5) In such a case—
- (a) the reference in subsection (2) to the time when the interim protection took effect is to be treated as a reference to the time when the building preservation notice came into force;
- (b) the reference in that subsection to loss or damage directly attributable to the effect of the interim protection is to be treated as including a reference to loss or damage directly attributable to the effect of the building preservation notice being in force; and
- (c) the reference in subsection (3) to the necessity of discontinuing or countermanding works on account of the interim protection having effect is to be treated as including a reference to the necessity of discontinuing or countermanding works on account of the building preservation notice being in force.”
- (5) Yn adran 29 o’r Ddeddf honno (digollediad am golled neu ddifrod a achosir drwy gyflwyno hysbysiad diogelu adeilad)—
- (a) yn is-adran (1), ar ôl “a building preservation notice” mewnosoder “in respect of a building situated in England”, a
- (b) ar ôl yr is-adran honno mewnosoder—
- “(1A) This section also applies where a building preservation notice in respect of a building situated in Wales ceases to have effect by virtue of section 3A(3)(b) or (4)(b).”

- (6) Yn Atodlen 2 i'r Ddeddf honno (darfodiad hysbysiad diogelu adeilad), ym mharagraff 1—
- (a) hepgorer yr “or” ar ôl paragraff (a), a
 - (b) ar ôl paragraff (b) mewnosoder—
 - “(c) the expiry of the six month period mentioned in subsection (3)(b) of section 3A; or
 - (d) the service of a notification by the Welsh Ministers under subsection (4)(b) of that section.”

26 Diwygiadau sy'n ymwneud â rhestru adeiladau: darpariaeth ganlyniadol

- (1) Yn adran 1 o **Ddeddf Cynllunio (Adeiladau Rhestredig ac Ardaloedd Cadwraeth) 1990** (p.9) (rhestru adeiladau o ddidordeb pensaernïol neu hanesyddol arbennig)—
- (a) yn is-adran (4)—
 - (i) yn y geiriau agoriadol, ar ôl “any list under this section” mewnosoder “in relation to buildings which are situated in England”, a
 - (ii) ym mharagraff (a), hepgorer “in relation to buildings which are situated in England”, a
 - (b) ar ôl is-adran (4) mewnosoder—
 - “(4A) Section 2A makes provision about consultation on amendments of any list under this section to include or exclude a building which is situated in Wales.”
- (2) Yn adran 2 o'r Ddeddf honno (cyhoeddi rhestrau), yn is-adran (3)—
- (a) yn y geiriau agoriadol—
 - (i) ar ôl “any building”, yn y lle cyntaf y mae'n digwydd, mewnosoder “situated in England”, a
 - (ii) yn lle “any building”, yn yr ail le y mae'n digwydd, rhodder “any such building”, a
 - (b) ym mharagraff (a), hepgorer “, Welsh county, county borough,”.
- (3) Yn yr adran honno, ar ôl is-adran (3) mewnosoder—
- “(3A) As soon as possible after amending a list under section 1 to include or exclude a building which is situated in Wales, the Welsh Ministers—
 - (a) must inform the local planning authority in whose area the building is situated of its inclusion or exclusion; and
 - (b) in the case of an amendment to exclude a building, must serve a notice on every owner and occupier of the building, stating that the building has been excluded from the list.
 - (3B) Section 2D makes provision about the further steps that the Welsh Ministers must take after amending a list under section 1 to include a building which is situated in Wales.”
- (4) Yn adran 3 o'r Ddeddf honno (rhestru dros dro: hysbysiadau diogelu adeiladau)—
- (a) yng ngeiriau agoriadol is-adran (2), ar ôl “a local planning authority” mewnosoder “under this section”,
 - (b) yng ngeiriau agoriadol is-adran (3), ar ôl “building preservation notice” mewnosoder “under this section”,

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- (c) yng ngeiriau agoriadol is-adran (4), ar ôl “building preservation notice” mewnosoder “under this section”,
 - (d) yn is-adran (5), ar ôl “building preservation notice” mewnosoder “under this section”, ac
 - (e) yn is-adran (6), ar ôl “building preservation notice” mewnosoder “under this section”.
- (5) Yn adran 4 o’r Ddeddf honno (rhestru dros dro mewn achosion brys), yn is-adran (2), yn lle “section 3,” rhodder “sections 3 and 3A.”
- (6) Yn adran 5 o’r Ddeddf honno (darpariaethau sy’n gymwys ar ddarfodiad hysbysiad diogelu adeilad)—
- (a) daw’r ddarpariaeth bresennol yn is-adran (1), a
 - (b) ar ôl yr is-adran honno mewnosoder—
 - “(2) See section 3A(6) for provision as respects the lapse of building preservation notices in consequence of interim protection taking effect.”
- (7) Yn adran 21 o’r Ddeddf honno (apelau: darpariaethau atodol), yn is-adran (4), ar ôl “a building with respect to which” mewnosoder “interim protection has effect or”.
- (8) Yn adran 31 o’r Ddeddf honno (darpariaethau cyffredinol o ran digollediad am ddibrisiant o dan Ran 1 o’r Ddeddf), yn is-adran (2), ar ôl “payable under sections 28” mewnosoder “, 28B”.
- (9) 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.”
- (10) Yn adran 61 o’r Ddeddf honno (eithriadau ar gyfer henebion hynafol etc), yn is-adran (2), yn lle “sections 3,” rhodder “sections 2B, 3, 3A.”
- (11) Yn adran 62 o’r Ddeddf honno (dilysrwydd gorchmynion a phenderfyniadau penodol), yn is-adran (2), cyn paragraff (a) mewnosoder—
- “(za) any decision on a review under section 2D;”.
- (12) Yn adran 82 o’r Ddeddf honno (cymhwyso’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”.
- (13) Yn adran 88 o’r Ddeddf honno (hawliau mynediad), yn is-adran (4), ar ôl “section 28” mewnosoder “, 28B”.
- (14) Yn adran 91 o’r Ddeddf honno (dehongli), yn is-adran (1)—
- (a) yn y diffiniad o “building preservation notice”, yn lle “section 3(1)” rhodder “sections 3(1) and 3A(1)”, a
 - (b) mewnosoder yn y lle priodol—
 - ““interim protection” has the meaning given in section 2B(3);”.

- (15) 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.”
- (16) Yn Atodlen 6 i [Ddeddf Llywodraeth Leol \(Cymru\) 1994 \(p.19\)](#) (mân ddiwygiadau a diwygiadau canlyniadol: cynllunio), ym mharagraff 25, yn is-baragraff (1), hepgorer paragraff (b).

27 Dyroddi tystysgrif na fwriedir rhestru adeilad

- (1) Yn adran 6 o [Ddeddf Cynllunio \(Adeiladau Rhestredig ac Ardaloedd Cadwraeth\) 1990 \(p.9\)](#) (dyroddi tystysgrif na fwriedir rhestru adeilad)—
- (a) hepgorer is-adran (1),
 - (b) yn is-adran (2), hepgorer “or (1)”, ac
 - (c) yn is-adran (3), hepgorer “or (1)”.
- (2) Ym mhennawd yr adran honno, ar ôl “listed” mewnosoder “: England”.
- (3) Ar ôl yr adran honno mewnosoder—

“6A Issue of certificate that building not intended to be listed: Wales

- (1) The Welsh Ministers may, on the application of any person, issue a certificate stating that the Welsh Ministers do not intend to list a building situated in Wales.
- (2) The issue of a certificate under subsection (1) in respect of a building—
- (a) precludes the Welsh Ministers for a period of 5 years from the date of issue from exercising in relation to that building any of the powers conferred on them by section 1 or 2A; and
 - (b) precludes the local planning authority for that period from serving a building preservation notice in relation to it.
- (3) Notice of an application under subsection (1) must be given to the local planning authority within whose area the building is situated at the same time as the application is submitted to the Welsh Ministers.”
- (4) Ym mharagraff 9 o Atodlen 17 i [Ddeddf Menter a Diwygio Rheoleiddio 2013 \(p.24\)](#) (rheoleiddio cynllunio treftadaeth), hepgorer is-baragraff (3).

Cytundebau sy'n ymwneud ag adeiladau rhestredig

28 Cytundebau partneriaeth dreftadaeth

- (1) Ar ôl adran 26K o [Ddeddf Cynllunio \(Adeiladau Rhestredig ac Ardaloedd Cadwraeth\) 1990 \(p.9\)](#) mewnosoder—

*“Buildings in Wales: heritage partnership agreements***26L Heritage partnership agreements**

- (1) A relevant local planning authority may make an agreement under this section with any owner of a listed building, or part of such a building, situated in Wales.
- (2) Any of the following may also be a party to an agreement made by a relevant local planning authority under this section (in addition to the owner and the authority)—
 - (a) any other relevant local planning authority;
 - (b) the Welsh Ministers;
 - (c) any occupier of the listed building;
 - (d) any person who has an interest in the listed building;
 - (e) any person involved in the management of the listed building;
 - (f) any other person who appears to the relevant planning authority appropriate as having special knowledge of, or interest in, the listed building, or in buildings of architectural or historic interest more generally.
- (3) The Welsh Ministers may make an agreement under this section with any owner of a listed building, or part of such a building, situated in Wales.
- (4) Any of the following may also be a party to an agreement made by the Welsh Ministers under this section (in addition to the owner and the Welsh Ministers) —
 - (a) any relevant local planning authority;
 - (b) any occupier of the listed building;
 - (c) any person who has an interest in the listed building;
 - (d) any person involved in the management of the listed building;
 - (e) any other person who appears to the Welsh Ministers appropriate as having special knowledge of, or interest in, the listed building, or in buildings of architectural or historic interest more generally.
- (5) An agreement under this section is referred to in this section and in section 26M as a “heritage partnership agreement”.
- (6) A heritage partnership agreement may contain provision—
 - (a) granting listed building consent under section 8(1) in respect of specified works for the alteration or extension of the listed building to which the agreement relates; and
 - (b) specifying any conditions to which the consent is subject.
- (7) The conditions to which listed building consent may be subject under subsection (6)(b) in respect of specified works are those that could be attached to listed building consent in respect of the works if consent were to be granted under section 16.
- (8) A heritage partnership agreement may also—

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- (a) specify or describe works that would or would not, in the view of the parties to the agreement, affect the character of the listed building as a building of special architectural or historic interest;
 - (b) make provision about the maintenance and preservation of the listed building;
 - (c) make provision about the carrying out of specified works, or the doing of any specified thing, in relation to the listed building;
 - (d) provide for public access to the listed building and the provision to the public of associated facilities, information or services;
 - (e) restrict access to, or use of, the listed building;
 - (f) prohibit the doing of any specified thing in relation to the listed building;
 - (g) provide for a relevant local planning authority or the Welsh Ministers to make payments of specified amounts and on specified terms—
 - (i) for, or towards, the costs of any works provided for under the agreement; or
 - (ii) in consideration of any restriction, prohibition or obligation accepted by any other party to the agreement.
- (9) In this section “specified” means specified or described in the heritage partnership agreement.
- (10) In this section and in section 26M—
“owner”, in relation to a listed building or part of such a building, means a person who is for the time being—
 - (a) the estate owner in respect of the fee simple in the building or part; or
 - (b) entitled to a tenancy of the building or part granted or extended for a term of years certain of which not less than 7 years remain unexpired;“relevant local planning authority”, in relation to a listed building, means a local planning authority in whose area the building or any part of the building is situated.

26M Heritage partnership agreements: supplemental

- (1) A heritage partnership agreement—
 - (a) must be in writing;
 - (b) must make provision for the parties to review its terms at intervals specified in the agreement;
 - (c) must make provision for its termination and variation; and
 - (d) may contain incidental and consequential provision.
- (2) A heritage partnership agreement may relate to more than one listed building or part of such a building, provided that the following are parties to the agreement in each case—
 - (a) a relevant local planning authority or the Welsh Ministers; and
 - (b) an owner of the building or part.
- (3) The Welsh Ministers must by regulations make provision—

- (a) about the consultation that must take place before a heritage partnership agreement is made or varied;
 - (b) about the publicity that must be given to a heritage partnership agreement before or after it is made or varied;
 - (c) specifying terms that must be included in a heritage partnership agreement;
 - (d) enabling the Welsh Ministers to terminate by order a heritage partnership agreement or any provision of such an agreement; and
 - (e) enabling any local planning authority who is a party to the heritage partnership agreement to terminate the agreement, or any provision of the agreement, by order.
- (4) Regulations under subsection (3)(d) or (e) may specify the provision that may be included in orders made by virtue of those paragraphs, including provision enabling such orders to contain supplementary, incidental, transitory, transitional or saving provision.
- (5) The Welsh Ministers may by regulations make provision—
- (a) disapplying, or applying or reproducing with or without modifications, any provision of sections 10 to 13, 15 to 26, 28, and 38 to 46 for the purposes of heritage partnership agreements;
 - (b) providing for any of the following, as they apply for the purposes of provisions mentioned in paragraph (a), to apply with any modifications consequential on provision made under that paragraph—
 - (i) sections 30 to 37;
 - (ii) sections 62 and 63;
 - (iii) Parts 3 and 4;
 - (iv) Schedule 3.
- (6) A heritage partnership agreement cannot impose any obligation or liability, or confer any right, on a person who is not a party to the agreement (and, accordingly, listed building consent granted by such an agreement enures only for the benefit of the parties to the agreement).”
- (2) Yn adran 91 (dehongli), yn is-adran (2), yn y geiriau cloi, ar ôl “but this subsection does not affect the meaning of owner in section 11” mewnosoder “, 26L or 26M”.

Adeiladau rhestredig: gorfodi

29 Hysbysiadau stop dros dro

- (1) Ar ôl adran 44A o [Ddeddf Cynllunio \(Adeiladau Rhestredig ac Ardaloedd Cadwraeth\) 1990 \(p.9\)](#) mewnosoder—

“44B Temporary stop notices

- (1) This section applies where it appears to a local planning authority in Wales that—
- (a) works have been or are being executed to a listed building in their area; and

Statws This is the original version (as it was originally enacted).

- (b) the works are such as to involve a contravention of section 9(1) or (2).
- (2) The authority may issue a temporary stop notice if, having regard to the effect of the works on the character of the building as one of special architectural or historic interest, they consider it is expedient that the works are stopped immediately (or that part of them is).
- (3) A temporary stop notice must be in writing and must—
 - (a) specify the works in question;
 - (b) prohibit execution of the works (or so much of them as is specified in the notice);
 - (c) set out the authority’s reasons for issuing the notice; and
 - (d) include a statement of the effect of section 44C.
- (4) A temporary stop notice may be served on a person who appears to the authority—
 - (a) to be executing the works or causing them to be executed; or
 - (b) to have an interest in the building.
- (5) The authority must display a copy of the notice on the building; and the copy must specify the date on which it is first displayed.
- (6) A temporary stop notice takes effect when the copy of it is first displayed in accordance with subsection (5).
- (7) A temporary notice ceases to have effect—
 - (a) at the end of the period of 28 days beginning with the day on which the copy of it is first displayed in accordance with subsection (5); or
 - (b) if the notice specifies a shorter period beginning with that day, at the end of that period.
- (8) But if the authority withdraws the notice before the time when it would otherwise cease to have effect under subsection (7), the notice ceases to have effect on its withdrawal.
- (9) A local planning authority may not issue a subsequent temporary stop notice in relation to the same works unless the authority have, since issuing the previous notice, taken other enforcement action in relation to the contravention referred to in subsection (1)(b).
- (10) The reference in subsection (9) to taking other enforcement action includes a reference to obtaining an injunction under section 44A.
- (11) A temporary stop notice does not prohibit the execution of works of such description, or the execution of works in such circumstances, as the Welsh Ministers may by regulations prescribe.

44C Temporary stop notices: offence

- (1) A person is guilty of an offence if the person contravenes, or causes or permits a contravention of, a temporary stop notice—
 - (a) which has been served on the person; or
 - (b) a copy of which has been displayed in accordance with section 44B(5).

- (2) An offence under this section may be charged by reference to a day or to some longer period; accordingly, a person may, in relation to the same temporary stop notice, be convicted of more than one offence under this section by reference to different periods.
- (3) In proceedings against a person for an offence under this section, it is a defence for the person to show that the person did not know, and could not reasonably have been expected to know, of the existence of the temporary stop notice.
- (4) In proceedings against a person for an offence under this section, it is also a defence for the person to show—
 - (a) that works to the building were urgently necessary in the interests of safety or health or for the preservation of the building;
 - (b) that it was not practicable to secure safety or health or, as the case may be, the preservation of the building by works of repair or works for affording temporary support or shelter;
 - (c) that the works carried out were limited to the minimum measures immediately necessary; and
 - (d) that notice in writing justifying in detail the carrying out of the works was given to the local planning authority as soon as reasonably practicable.
- (5) A person guilty of an offence under this section is liable on summary conviction, or on conviction on indictment, to a fine.
- (6) In determining the amount of a fine to be imposed on a person convicted under this section, the court must in particular have regard to any financial benefit which has accrued or appears likely to accrue to the person in consequence of the offence.

44D Temporary stop notices: compensation

- (1) A person who, on the day when a temporary stop notice is first displayed in accordance with section 44B(5), has an interest in the building is, on making a claim to the local planning authority within the prescribed time and in the prescribed manner, entitled to be paid compensation by the authority in respect of any loss or damage directly attributable to the effect of the notice.
- (2) But subsection (1) applies only if—
 - (a) the works specified in the notice are not such as to involve a contravention of section 9(1) or (2); or
 - (b) the authority withdraws the notice other than following the grant of listed building consent, after the day mentioned in subsection (1), which authorises the works.
- (3) The loss or damage in respect of which compensation is payable under this section includes a sum payable in respect of a breach of contract caused by the taking of action necessary to comply with the notice.
- (4) No compensation is payable under this section in the case of loss or damage suffered by a claimant if—
 - (a) the claimant was required to provide information under a relevant provision; and

Statws This is the original version (as it was originally enacted).

- (b) the loss or damage could have been avoided if the claimant had provided the information or had otherwise co-operated with the planning authority when responding to the notice.
- (5) In subsection (4)(a), each of the following is a relevant provision—
 - (a) section 16 of the Local Government (Miscellaneous Provisions) Act 1976;
 - (b) section 330 of the principal Act.”
- (2) Yn adran 31 o’r Ddeddf honno (darpariaethau cyffredinol o ran digollediad am ddibrisiant o dan Ran 1 o’r Ddeddf), yn is-adran (2), yn lle “and 29” rhodder “, 29 and 44D”.
- (3) Yn adran 82A(2) o’r Ddeddf honno (cymhwysio i’r Goron: eithriadau), ar ôl paragraff (f) mewnosoder—
 - “(fa) section 44C;”.
- (4) Yn adran 88 o’r Ddeddf honno (hawliau mynediad), ar ôl is-adran (3) mewnosoder—
 - “(3A) Any person duly authorised in writing by a local planning authority in Wales may at any reasonable time enter any land for any of the following purposes—
 - (a) securing the display of a temporary stop notice (see section 44B);
 - (b) ascertaining whether a temporary stop notice is being complied with;
 - (c) considering any claim for compensation under section 44D.”
- (5) Yn is-adran (4) o’r adran honno (mynediad gan y Swyddfa Brisio etc mewn cysylltiad â hawliadau digollediad), yn lle “or 29” rhodder “, 29 or 44D”.
- (6) 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.”
- (7) Yn Atodlen 2 i’r Ddeddf honno (darfodiad hysbysiadau diogelu adeiladau)—
 - (a) ym mharagraff 2, yn lle “or 43” rhodder “, 43 or 44C”, a
 - (b) ar ôl paragraff 4 mewnosoder—
 - “5 Any temporary stop notice served by the local planning authority with respect to the building while the building preservation notice was in force ceases to have effect.”
- (8) 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,”.

Atal adeiladau rhestredig rhag dirywio neu rhag cael eu difrodi

30 Gwaith brys: estyn y cwmpas ac adennill costau

- (1) Yn adran 54 o [Ddeddf Cynllunio \(Adeiladau Rhestredig ac Ardaloedd Cadwraeth\) 1990 \(p.9\)](#) (gwaith brys i ddiogelu adeiladau rhestredig), yn is-adran (4), ar ôl “If” mewnosoder “, in the case of a building in England,”.

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

“(4A) If, in the case of a building in Wales, the whole or part of the building is in residential use, works may be carried out only where they would not interfere unreasonably with that use.”

(3) Ar ôl is-adran (5) mewnosoder—

“(5A) Where the works are to be executed to a building in Wales the whole or part of which is in residential use, the occupier of the building must also be given not less than seven days’ notice in writing of the intention to carry out the works.”

(4) Yn is-adran (6), ar ôl “subsection (5)” mewnosoder “or (5A)”.

(5) Ym mhennawd yr adran honno, hepgorer “unoccupied”; ac ym mhennawd adran 76 o’r Ddeddf honno (sy’n galluogi Gweinidogion Cymru i gyfarwyddo bod adran 54 o’r Ddeddf honno i fod yn gymwys i adeiladau mewn ardaloedd cadwraeth), hepgorer “unoccupied”.

(6) Yn adran 55 o’r Ddeddf honno (adennill treuliau), ar ôl is-adran (5) mewnosoder—

“(5A) Where the Welsh Ministers make a determination under subsection (4), the owner of the building or (if it is given notice under subsection (5)) the local authority may, within 28 days of the service of the notice under subsection (5), appeal to the county court against the decision.

(5B) In the case of a building in Wales, as from the time when the notice under subsection (2) becomes operative, the expenses which an authority may recover under this section carry interest at such rate as the Welsh Ministers may prescribe by order until recovery of all sums due under this section; and the expenses and any interest are recoverable by the authority as a debt.

(5C) As from that time, the expenses and any interest are, until recovery, a charge on the land on which the building stands.

(5D) The charge takes effect at that time as a legal charge which is a local land charge.

(5E) For the purpose of enforcing the charge, the authority have the same powers and remedies under the Law of Property Act 1925 and otherwise as if they were a mortgagee by deed having powers of sale and lease, of accepting surrenders of leases and of appointing a receiver.

(5F) The power of appointing a receiver is exercisable at any time after the end of the period of one month beginning with the date on which the charge takes effect.

(5G) For the purposes of subsections (5B) to (5F), the notice becomes operative—

- (a) where no representations are made under subsection (4) within the period referred to in that subsection, at the end of that period;
- (b) where representations are made as mentioned in paragraph (a) but no appeal against the determination under subsection (4) is made under subsection (5A) within the period referred to in that subsection, at the end of that period;

- (c) where an appeal is made as mentioned in paragraph (b) and the decision on the appeal confirms the determination under subsection (4) (with or without variation), at the time of the decision;
- (d) where an appeal is made as mentioned in paragraph (b) but is withdrawn, at the time of the withdrawal.”

31 Diogelu adeiladau rhestredig mewn cyflwr gwael

- (1) Ar ôl adran 56 o [Ddeddf Cynllunio \(Adeiladau Rhestredig ac Ardaloedd Cadwraeth\) 1990 \(p.9\)](#) mewnosoder—

“Further provision about preservation

56A Preservation of listed buildings in disrepair

- (1) The Welsh Ministers may by regulations make provision about further steps that may be taken by local authorities or the Welsh Ministers to secure the proper preservation of listed buildings in Wales which have fallen into disrepair, and about connected matters.
 - (2) Regulations under this section may, among other things, make provision for—
 - (a) the service of a notice (a “preservation notice”) on the owner of a listed building in Wales which has fallen into disrepair, specifying—
 - (i) the works which the owner must execute to secure the proper preservation of the building; and
 - (ii) the time by which such works must be executed;
 - (b) appeals against preservation notices;
 - (c) offences for failure to comply with preservation notices;
 - (d) appeals in respect of such offences.
 - (3) Regulations under this section may disapply, or apply or reproduce with or without modifications, any provision of this Act.
 - (4) Regulations under this section may amend this Act.”
- (2) Yn adran 82A o’r [Ddeddf honno](#) (cymhwyso i’r Goron), yn is-adran (2), ar ôl paragraff (h) mewnosoder—
- “(ha) section 56A;”.
- (3) Yn adran 88 o’r [Ddeddf honno](#) (hawliau mynediad), yn is-adran (2)—
- (a) ym mharagraff (a), ar ôl “55,” mewnosoder “56A,” a
 - (b) ym mharagraff (c), ar ôl “section 9, 11, 26J or 43” mewnosoder “or under regulations made under section 56A”.
- (4) Yn Atodlen 7 i [Ddeddf Gorfodi Rheoleiddiol a Sancsiynau 2008 \(p.13\)](#) (pŵer o dan ddeddfiadau penodedig i gynnwys pŵer i wneud darpariaeth ar gyfer sancsiynau sifil), yn y lle priodol mewnosoder—
- “[Planning \(Listed Buildings and Conservation Areas\) Act 1990 \(c.9\)](#), section 56A”.

*Amrywiol***32 Cyflwyno dogfennau drwy gyfathrebiadau electronig**

Yn adran 89 o [Ddeddf Cynllunio \(Adeiladau Rhestredig ac Ardaloedd Cadwraeth\) 1990 \(p.9\)](#) (cymhwyso darpariaethau cyffredinol penodol y brif Ddeddf), yn is-adran (1A), ar y dechrau mewnosoder “In the case of a building situated in England,”.

33 Penderfynu ar apelau gan berson a benodir: darpariaeth atodol

(1) Yn Atodlen 3 i [Ddeddf Cynllunio \(Adeiladau Rhestredig ac Ardaloedd Cadwraeth\) 1990 \(p.9\)](#) (penderynu ar apelau penodol gan berson a benodir gan Weinidogion Cymru), ym mharagraff 7, yn is-baragraff (2)—

- (a) yn y geiriau agoriadol, hepgorer “or the Welsh Office”; a
- (b) hepgorer paragraff (b) a’r “and” sydd o’i flaen.

(2) Yn y paragraff hwnnw o’r Atodlen honno, ar ôl is-baragraff (2) mewnosoder—

“(3) Where an appointed person is a member of the staff of the Welsh Government, the functions of determining an appeal and doing anything in connection with it conferred on the person by this Schedule are to be treated for the purposes of the Public Services Ombudsman (Wales) Act 2005 as functions of the Welsh Government.”