



**CYNULLIAD CENEDLAETHOL CYMRU**

**NATIONAL ASSEMBLY FOR WALES**

**OFFERYNNAU STATUDOL**

**STATUTORY INSTRUMENTS**

**2006 Rhif 63 (Cy.12)**

**2006 No. 63 (W.12)**

**CYRFF CYHOEDDUS, CYMRU**

**PUBLIC BODIES, WALES**

**Gorchymyn (Diddymu) Cyngor  
Adeiladau Hanesyddol Cymru  
2006**

**The Historic Buildings Council for  
Wales (Abolition) Order  
2006**

**NODYN ESBONIADOL**

**EXPLANATORY NOTE**

*(Nid yw'r nodyn hwn yn rhan o'r Gorchymyn)*

*(This note is not part of the Order)*

Sefydlodd adran 3 o Ddeddf Adeiladau Hanesyddol a Henebion 1953 ("Deddf 1953") Gyngor Adeiladau Hanesyddol Cymru ("y Cyngor") i gynghori'r Ysgrifennydd Gwladol ar arfer pwerau'r Ysgrifennydd Gwladol o dan Ddeddf 1953.

Section 3 of the Historic Buildings and Ancient Monuments Act 1953 ("the 1953 Act") established the Historic Buildings Council for Wales ("the Council") to advise the Secretary of State on the exercise of the Secretary of State's powers under the 1953 Act.

Effaith erthygl 2 o Orchymyn Cynulliad Cenedlaethol Cymru (Trosglwyddo Swyddogaethau) 1999 (O.S. 1999/672) ac Atodlen 1 iddi yw mai prif swyddogaeth y Cyngor bellach yw cynghori Cynulliad Cenedlaethol Cymru ("y Cynulliad Cenedlaethol").

The effect of article 2 of, and Schedule 1 to, the National Assembly for Wales (Transfer of Functions) Order 1999 (S.I. 1999/672) is that the main function of the Council is now to advise the National Assembly for Wales ("the National Assembly").

Mae'r Cyngor wedi'i bennu yn Rhan I o Atodlen 4 i Ddeddf Llywodraeth Cymru 1998 ("Deddf 1998") yn gorff y caiff y Cynulliad Cenedlaethol, drwy Orchymyn wedi'i wneud o dan adran 28(1) o Ddeddf 1998, drosglwyddo ei swyddogaethau statudol i gorff arall, gan gynnwys eu trosglwyddo iddo'i hun.

The Council is specified in Part I of Schedule 4 to the Government of Wales Act 1998 ("the 1998 Act") as a body whose statutory functions the National Assembly may, by Order made under section 28(1) of the 1998 Act, transfer to another body, including to itself.

Mae adran 28(2) o Ddeddf 1998 yn darparu y caiff y Cynulliad Cenedlaethol, drwy Orchymyn, ddiddymu unrhyw swyddogaeth sydd gan gorff o'r fath yn hytrach na'i throsglwyddo i gorff arall os yw'r swyddogaeth, fel y mae, yn ei gwneud yn ofynnol gwneud rhywbeth mewn cysylltiad â'r corff arall hwnnw (enghraifft o hyn yw'r swyddogaeth sydd gan y Cyngor o gynghori'r Cynulliad Cenedlaethol: byddai trosglwyddo'r swyddogaeth honno i'r Cynulliad Cenedlaethol yn ei gwneud yn ofynnol i'r Cynulliad Cenedlaethol ei gynghori ei hun).

Section 28(2) of the 1998 Act provides that the National Assembly may, by Order, abolish a function of such a body instead of transferring it to another body if the function, as it stands, requires something to be done in relation to that other body (an example being the Council's function of advising the National Assembly, the transfer of which to the National Assembly would require the National Assembly to advise itself).

Mae adran 28(3) o Ddeddf 1998 yn darparu y caiff y Cynulliad Cenedlaethol, drwy Orchymyn, ddiddymu corff a bennir yn Rhan I o Atodlen 4 i Ddeddf 1998 os

Section 28(3) of the 1998 Act provides that the National Assembly may, by Order, abolish a body specified in Part I of Schedule 4 to the 1998 Act if each

yw pob un o swyddogaethau statudol y corff yn cael eu trosglwyddo neu eu diddymu.

Mae adran 28(4) yn darparu y caiff Gorchymyn sy'n cynnwys darpariaeth a ganiateir gan adran 28(3) drosglwyddo unrhyw eiddo, unrhyw hawliau ac unrhyw rwymedigaethau sydd gan y corff hwnnw.

Mae adran 28(7) o Ddeddf 1998 yn darparu y caiff Gorchymyn o dan adran 28 gynnwys darpariaethau canlyniadol priodol, gan gynnwys diddymu deddfiadau.

Yn unol â hynny—

- (a) mae erthygl 2 o'r Gorchymyn hwn yn diddymu'r Cyngor ac yn trosglwyddo unrhyw eiddo, unrhyw hawliau ac unrhyw rwymedigaethau sydd gan y Cyngor i'r Cynulliad Cenedlaethol; a
- (b) mae erthygl 3 o'r Gorchymyn hwn yn gwneud y diddymiadau, y dirymiadau a'r diwygiadau canlyniadol angenrheidiol i Ddeddfau ac offerynnau eraill.

of the statutory functions of the body are transferred or abolished.

Section 28(4) of the 1998 Act provides that an Order which includes provision permitted by section 28(3) may transfer any property, rights or liabilities of that body.

Section 28(7) of the 1998 Act provides that an Order under section 28 may contain appropriate consequential provisions, including the repeal of enactments.

Accordingly—

- (a) article 2 of this Order abolishes the Council and transfers any property, rights or liabilities of the Council to the National Assembly; and
- (b) article 3 of this Order makes the necessary consequential repeals, revocations and amendments of Acts and other instruments.

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Adeiladau Hanesyddol Cymru  
2006****The Historic Buildings Council for  
Wales (Abolition) Order  
2006***Wedi'i wneud**18 Ionawr 2006**Made**18 January 2006**Yn dod i rym**1 Ebrill 2006**Coming into force**1 April 2006*

GAN FOD adran 28(1)(d) o Ddeddf Llywodraeth Cymru 1998 (“Deddf 1998”)(1) a Rhan I o Atodlen 4 iddi yn galluogi Cynulliad Cenedlaethol Cymru (“y Cynulliad Cenedlaethol”) i drosglwyddo iddo’i hun swyddogaethau statudol Cyngor Adeiladau Hanesyddol Cymru (“y Cyngor”) a gyfansoddwyd o dan adran 3 o Ddeddf Adeiladau Hanesyddol a Henebion 1953 (“Deddf 1953”)(2)

A CHAN FOD y Cynulliad Cenedlaethol o’r farn fod swyddogaethau statudol y Cyngor o dan Ddeddf 1953 naill ai yn ei gwneud yn ofynnol fod cyngor yn cael ei roi i’r Cynulliad Cenedlaethol ei hun (ac, yn unol â hynny, eu bod yn dod o fewn adran 28(2)(a) o Ddeddf 1998 ac i gael eu diddymu) neu’n ei gwneud yn ofynnol i eraill ymgynghori â’r Cyngor (ac, yn unol â hynny, eu bod i gael eu trosglwyddo i’r Cynulliad Cenedlaethol)

YN AWR FELLY mae’r Cynulliad Cenedlaethol, drwy arfer ei bwerau o dan adran 28 o Ddeddf 1998, a Rhan I o Atodlen 4 ohoni, yn gwneud y Gorchymyn a ganlyn:

**Enwi, cychwyn a dehongli**

1.—(1) Enw’r Gorchymyn hwn yw Gorchymyn (Diddymu) Cyngor Adeiladau Hanesyddol Cymru 2006.

(2) Daw’r Gorchymyn hwn i rym ar 1 Ebrill 2006.

(3) Yn y Gorchymyn hwn—

ystyr “y Cyngor” (“*the Council*”) yw Cyngor Adeiladau Hanesyddol Cymru; ac

ystyr “Deddf 1953” (“*the 1953 Act*”) yw Deddf Adeiladau Hanesyddol a Henebion 1953.

WHEREAS section 28(1)(d) of, and Part I of Schedule 4 to, the Government of Wales Act 1998 (“the 1998 Act”)(1) enables the National Assembly for Wales (“the National Assembly”) to transfer to itself the statutory functions of the Historic Buildings Council for Wales (“the Council”) constituted under section 3 of the Historic Buildings and Ancient Monuments Act 1953 (“the 1953 Act”)(2)

AND WHEREAS the National Assembly considers that the statutory functions of the Council under the 1953 Act either require advice to be given to the National Assembly itself (and, accordingly, fall within section 28(2)(a) of the 1998 Act and are to be abolished) or require the Council to be consulted by others (and, accordingly, are to be transferred to the National Assembly)

NOW THEREFORE the National Assembly, in exercise of its powers under section 28 of, and Part I of Schedule 4 to, the 1998 Act makes the following Order:

**Title, commencement and interpretation**

1.—(1) The title of this Order is the Historic Buildings Council for Wales (Abolition) Order 2006.

(2) This Order comes into force on 1 April 2006.

(3) In this Order—

“the 1953 Act” (“*Deddf 1953*”) means the Historic Buildings and Ancient Monuments Act 1953; and

“the Council” (“*y Cyngor*”) means the Historic Buildings Council for Wales.

(1) 1998 p.38.

(2) 1953 p.49.

(1) 1998 c.38.

(2) 1953 c.49.

## Diddymu'r Cyngor

2.—(1) Diddymir y Cyngor.

(2) Trosglwyddir pob eiddo a phob hawl y mae gan y Cyngor hawl iddynt, a phob rhwymedigaeth y mae'r Cyngor yn ddarostyngedig iddi, i'r Cynulliad Cenedlaethol.

## Diwygiadau canlyniadol

3.—(1) Diddymir y darpariaethau a ganlyn—

- (a) adrannau 2 (i'r graddau y mae'r adran honno'n gymwys i adran 3), 3 a 9(1) o Ddeddf 1953;
- (b) adrannau 77(7), (8) a (9), 79(2) ac 80(4) o Ddeddf Cynllunio (Adeiladau Rhestredig ac Ardaloedd Cadwraeth) 1990(1); ac
- (c) y cofnod sy'n ymwneud â'r Cyngor yn—
  - (i) Rhan II o Atodlen 1A i Ddeddf Cysylltiadau Hiliol 1976(2),
  - (ii) Rhan I o Atodlen 4 i Ddeddf Llywodraeth Cymru 1998, a
  - (iii) Rhan VI o Atodlen 1 i Ddeddf Rhyddid Gwybodaeth 2000(3).

(2) Dirymir y cofnod sy'n ymwneud â'r Cyngor yn—

- (a) Atodlen 3 i Orchymyn Deddf Cysylltiadau Hiliol 1976 (Dyletswyddau Statudol) 2001(4);
- (b) Rhan 1 o Atodlen 1 i Orchymyn Deddf Rhyddid Gwybodaeth 2000 (Cychwyn Rhif 2) 2002(5).

(3) Yn adran 5(4) o Ddeddf 1953—

- (a) yn lle “the appropriate Commission or Council”, rhodder “the Commission”;
- (b) ar ôl “accepting any property”, mewnosoder “situated in England”;
- (c) ar ôl “dealing with any”, mewnosoder “such”; ac
- (ch) yn lle “the said Commission or Council”, rhodder “the Commission”.

## Abolition of the Council

2.—(1) The Council is abolished.

(2) All property and rights to which the Council is entitled, and any liabilities to which the Council is subject, are transferred to the National Assembly.

## Consequential amendments

3.—(1) The following provisions are repealed—

- (a) sections 2 (insofar as it applies to section 3), 3 and 9(1) of the 1953 Act;
- (b) sections 77(7), (8) and (9), 79(2) and 80(4) of the Planning (Listed Buildings and Conservation Areas) Act 1990(1); and
- (c) the entry relating to the Council in—
  - (i) Part II of Schedule 1A to the Race Relations Act 1976(2),
  - (ii) Part I of Schedule 4 to the Government of Wales Act 1998, and
  - (iii) Part VI of Schedule 1 to the Freedom of Information Act 2000(3).

(2) The entry relating to the Council in—

- (a) Schedule 3 to the Race Relations Act 1976 (Statutory Duties) Order 2001(4),
- (b) Part I of Schedule 1 to the Freedom of Information Act 2000 (Commencement No.2) Order 2002(5).

is revoked.

(3) In section 5(4) of the 1953 Act—

- (a) for “the appropriate Commission or Council”, substitute “the Commission”;
- (b) after “accepting any property”, insert “situated in England”;
- (c) after “dealing with any”, insert “such”; and
- (d) for “the said Commission or Council”, substitute “the Commission”.

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(1) 1990 p.9.

(2) 1976 p.74.

(3) 2000 p.36.

(4) O.S. 2001/3458.

(5) O.S. 2002/2812.

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(1) 1990 c.9.

(2) 1976 c.74.

(3) 2000 c.36.

(4) S.I. 2001/3458.

(5) S.I. 2002/2812.

(4) Yn—

- (a) paragraff 2(2)(b) o Atodlen 9 i Ddeddf Trydan 1989(1); a
- (b) paragraff (a) o'r diffiniad o "competent authority" yn rheoliad 1(2) o Reoliadau Diogelu'r Amgylchedd (Rheolaeth ar Sylweddau Niweidiol) 1992(2),

yn lle "Historic Buildings Council", rhodder "National Assembly".

(4) In—

- (a) paragraph 2(2)(b) of Schedule 9 to the Electricity Act 1989(1); and
- (b) paragraph (a) of the definition of "competent authority" in regulation 1(2) of the Environmental Protection (Controls on Injurious Substances) Regulations 1992(2),

for "Historic Buildings Council", substitute "National Assembly".

Llofnodwyd ar ran Cynulliad Cenedlaethol Cymru o dan adran 66(1) o Ddeddf Llywodraeth Cymru 1998.

Signed on behalf of the National Assembly for Wales under section 66(1) of the Government of Wales Act 1998.

18 Ionawr 2006

18 January 2006

*D. Elis-Thomas*

Llywydd y Cynulliad Cenedlaethol

The Presiding Officer of the National Assembly

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(1) 1989 p.29.

(2) O.S. 1992/31.

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(1) 1989 c.29.

(2) S.I. 1992/31.

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