

Mick Antoniw AS/MS
Y Cwnsler Cyffredinol a Gweinidog y Cyfansoddiad
Counsel General and Minister for the Constitution



Llywodraeth Cymru
Welsh Government

Ein cyf/Our ref: CG/PO/24/2023

All Members of the Senedd
Senedd Cymru
Cardiff Bay
Cardiff
CF99 1SN

25 January 2023

Dear Members,

Historic Environment (Wales) Bill – Government amendments

I am enclosing detail of the Government amendments tabled to the Historic Environment (Wales) Bill, together with an explanation of their purpose and effect. I also attach a document illustrating how the Bill would be amended by these proposed changes.

Yours sincerely,

Mick Antoniw AS/MS
Y Cwnsler Cyffredinol a Gweinidog y Cyfansoddiad
Counsel General and Minister for the Constitution

Canolfan Cyswllt Cyntaf / First Point of Contact Centre:
0300 0604400

Bae Caerdydd • Cardiff Bay
Caerdydd • Cardiff
CF99 1SN

Gohebiaeth.Mick.Antoniw@llyw.cymru
Correspondence.Mick.Antoniw@gov.Wales

Rydym yn croesawu derbyn gohebiaeth yn Gymraeg. Byddwn yn ateb gohebiaeth a dderbynnir yn Gymraeg yn Gymraeg ac ni fydd gohebu yn Gymraeg yn arwain at oedi.

We welcome receiving correspondence in Welsh. Any correspondence received in Welsh will be answered in Welsh and corresponding in Welsh will not lead to a delay in responding.

HISTORIC ENVIRONMENT (WALES) BILL – GOVERNMENT AMENDMENTS TO BE CONSIDERED IN DETAILED COMMITTEE CONSIDERATION

This table provides information about the amendments tabled in the name of Mick Antoniw MS on 24 January 2023.

Reference in this table to “the Committee’s report on the Bill” are to the Legislation, Justice and Constitution Committee’s [Report on the Historic Environment \(Wales\) Bill](#) published 23 December 2022.

No.	GOVERNMENT AMENDMENT	GWELLIANT Y LLYWODRAETH	PURPOSE AND EFFECT
1.	Section 2, page 3, line 4, leave out ‘or on’ and insert ‘, on or under’.	Adran 2, tudalen 3, llinell 5, hepgorer ‘neu arno’ a mewnosoder ‘, arno neu odano’.	<p>This amendment will resolve an unnecessary inconsistency in the legislation being consolidated (now in section 2(5) of the Bill) of land “in or on” which a monument is situated.</p> <p>If agreed the provisions in the Bill about monuments would all refer (where necessary) to the land “in, on or under which” a monument is situated.</p>
2.	Section 17, page 10, line 36, after ‘may’ insert ‘do one or more of the following’.	Adran 17, tudalen 10, llinell 35, ar ôl ‘Cymru’, mewnosoder ‘wneud un neu ragor o’r canlynol’.	<p>This amendment is to provide consistency with other provisions in the Bill where cases can be determined by local inquiries, hearings or by written representations. The other provisions make clear that a combination of these procedures may be required, and section 17 should be consistent with those.</p> <p>The effect is to clarify that the Welsh Ministers, in dealing with applications for</p>

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			scheduled monument consent, are permitted to arrange for more than one of the proceedings to be held or applied before determining the application.
3.	Section 34, page 22, line 14, leave out 'on the day' and insert 'at the time'.	Adran 34, tudalen 22, llinell 17, hepgorer 'y diwrnod' a mewnosoder 'yr adeg'.	This amendment seeks to ensure consistency of terminology within section 34 of the Bill: subsection (1) refers to the time the notice takes effect whereas subsection (3) refers to a notice "on the day", which is less clear. The effect of this amendment is that a person who has an interest in the monument or land "at the time" when the notice takes effect will be able to claim for compensation. See also amendment 20.
4.	Section 36, page 24, at the beginning of line 9, insert 'Each copy of'.	Adran 36, tudalen 24, llinell 11, hepgorer 'cyflwyno'r' a mewnosoder 'cyflwyno pob copi o'r'.	This amendment (and amendment 5) seeks to ensure consistency of terminology such that all relevant provisions will refer to serving "copies" of an enforcement notice (rather than serving the notice itself), to reflect the requirement to serve copies in section 36(4). See also amendment 21.
5.	Section 39, page 25, line 9, after 'whom', insert 'a copy of'	Adran 39, tudalen 25, llinell 10, ar ôl 'cyflwynir', mewnosoder 'copi o'.	This amendment seeks to ensure consistency of terminology such that all relevant provisions will refer to serving "copies" of an enforcement notice (rather

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			than serving the notice itself), to reflect the duty to serve copies in section 36(4).
6.	Section 76, page 49, line 17, leave out 'fixed to the building' and insert 'that is fixed to the building and ancillary to it'.	Adran 76, tudalen 49, llinell 17, ar ôl 'adeilad', mewnosoder 'ac sy'n atodol iddo'.	This amendment (and amendment 7) incorporates case law that a 'listed building' includes any structure or artificial object that is ancillary to the building. This amendment will ensure that the definition of a listed building makes clear that the additional objects and structures that are included in the definition must be "ancillary" to the building. See paragraphs 199 to 201 and 299 of the Committee's report on the Bill.
7.	Section 76, page 49, line 20, after 'building' at the first place where it occurs on a line, insert ', and ancillary to it,'.	Adran 76, tudalen 49, llinell 20, ar ôl 'adeilad' yn y lle cyntaf y mae'n ymddangos, mewnosoder ', ac yn atodol iddo,'.	See amendment 6.
8.	Section 97, page 62, after line 1, insert – '() Subsections (5) and (6) do not prevent the imposition of other conditions for the purpose of enabling a listed building to be recorded.'	Adran 97, tudalen 62, ar ôl llinell 1, mewnosoder – '() Nid yw is-adrannau (5) a (6) yn atal amodau eraill rhag cael eu gosod at ddiben galluogi cofnodi adeilad rhestredig.'	This amendment will make it clear that granting consent subject to a condition which enables the Royal Commission to record a building does not limit powers to attach other conditions about recording buildings. See paragraphs 207 to 210 and 300 of the Committee's report on the Bill.
9.	Section 101, page 63, line 25, after 'served', insert '(which may include provision	Adran 101, tudalen 63, llinell 27, ar ôl 'fewn', mewnosoder '(a gaiff gynnwys darpariaeth	This amendment is to put beyond doubt that regulations about the period for

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	enabling the Welsh Ministers to extend the period)'. '.	sy'n galluogi Gweinidogion Cymru i estyn y cyfnod)'. '.	appealing may include provision for the period to be extended. This brings consistency with other provisions in the Bill dealing with extensions of time. The existing regulations made under the powers being consolidated into the Bill make provision regarding the extension of time.
10.	Section 109, page 67, line 32, leave out 'incapable of reasonably beneficial use' and insert 'unusable'.	Adran 109, tudalen 67, llinell 35, hepgorer 'nad oes modd gwneud defnydd rhesymol fuddiol o'r adeilad rhestredig na'r tir cysylltiedig, y cyflwynir yr hysbysiad mewn cysylltiad â hwy,' a mewnosoder 'bod yr adeilad rhestredig a'r tir cysylltiedig y cyflwynir yr hysbysiad mewn cysylltiad â hwy yn annefnyddiadwy'.	This amendment, and amendments 11, 12, 13, 14, 15, 16, 17, 36, 37, 38 and 39, seek to simplify the drafting relating to purchase notices in order to make the provisions easier to understand. At present section 109 and Schedule 9 refers to buildings and land being "[in]capable of reasonably beneficial use". These amendments will replace that long phrase with "[un]usable" and define that as meaning "[in]capable of reasonably beneficial use".
11.	Section 109, page 68, line 1, leave out 'for any works subject to conditions or has been modified by the imposition of conditions, that the building and land cannot be made capable of reasonably beneficial use by carrying out the works' and insert 'subject to conditions or has been modified by the imposition of conditions, that the building	Adran 109, tudalen 68, llinell 1, hepgorer 'ar gyfer unrhyw waith yn ddarostyngedig i amodau neu wedi ei addasu drwy osod amodau, nad yw'n bosibl gwneud yr adeilad na'r tir fel bod modd gwneud defnydd rhesymol fuddiol ohonynt drwy gyflawni'r gwaith' a mewnosoder 'yn ddarostyngedig i amodau neu wedi ei	See amendment 10.

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	and land cannot be made usable by carrying out the works to which the consent relates’.	addasu drwy osod amodau, nad yw’n bosibl gwneud yr adeilad na’r tir yn ddefnyddiadwy drwy gyflawni’r gwaith y mae’r cydsyniad yn ymwneud ag ef’.	
12.	Section 109, page 68, line 5, leave out ‘capable of reasonably beneficial use’ and insert ‘usable’.	Adran 109, tudalen 68, llinell 5, hepgorer ‘fel bod modd gwneud defnydd rhesymol fuddiol ohonynt’ a mewnosoder ‘yn ddefnyddiadwy’.	See amendment 10.
13.	Section 109, page 68, after line 13, insert – ‘() In this section and Schedule 9 – “associated land” (“tir cysylltiedig”), in relation to a listed building, means land which – (a) includes, adjoins or is adjacent to the building, and (b) is owned with the building; “usable” (“defnyddiadwy”), in relation to a listed building or associated land, means capable of reasonably beneficial use.’.	Adran 109, tudalen 68, ar ôl llinell 12, mewnosoder – ‘() Yn yr adran hon ac yn Atodlen 9 – ystyr “defnyddiadwy” (“usable”), mewn perthynas ag adeilad rhestredig neu dir cysylltiedig, yw bod modd gwneud defnydd rhesymol fuddiol ohono; ystyr “tir cysylltiedig” (“associated land”), mewn perthynas ag adeilad rhestredig, yw tir – (a) sy’n cynnwys yr adeilad, sy’n cydffinio ag ef neu sy’n gyfagos iddo, a (b) a berchnogir gyda’r adeilad.’.	See amendment 10.

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14.	Section 109, page 68, line 14, leave out 'capable of reasonably beneficial use' and insert 'usable'.	Adran 109, tudalen 68, llinell 13, hepgorer 'oes modd i adeilad rhestredig a'r tir cysylltiedig gael eu defnyddio'n rhesymol fuddiol' a mewnosoder 'yw adeilad rhestredig a'r tir cysylltiedig yn ddefnyddiadwy'.	See amendment 10.
15.	Section 109, page 68, line 23, leave out 'incapable of reasonably beneficial use' and insert 'unusable'.	Adran 109, tudalen 68, llinell 22, hepgorer 'un nad oes modd gwneud defnydd rhesymol fuddiol ohono' a mewnosoder 'annefnyddiadwy'.	See amendment 10.
16.	Section 109, page 68, line 27, leave out 'capable of reasonably beneficial use' and insert 'usable'.	Adran 109, tudalen 68, llinell 27, hepgorer 'fel bod modd ei ddefnyddio'n rhesymol fuddiol' a mewnosoder 'yn ddefnyddiadwy'.	See amendment 10.
17.	Section 109, page 68, line 29, leave out subsection (8).	Adran 109, tudalen 68, llinell 30, hepgorer is-adran (8).	See amendment 10.
18.	Section 111, page 69, line 26, leave out 'acquiring authority starts the compulsory acquisition of the building' and insert 'compulsory acquisition of the building is started'.	Adran 111, tudalen 69, llinell 32, hepgorer 'yw'r awdurdod caffael yn ystod y cyfnod hwnnw yn dechrau caffael yr adeilad yn orfodol o dan adran 137' a mewnosoder 'dechreuir caffael yr adeilad yn orfodol o dan adran 137 yn ystod y cyfnod hwnnw'.	This amendment and amendment 19 seek to simplify the drafting of section 11. In referring to compulsory acquisition the provisions use the term "acquiring authority" which is only defined later in the Bill. This amendment, and amendment 19 reword the section so it is easier to understand.
19.	Section 111, page 70, line 2, leave out -	Adran 111, tudalen 70, llinell 2, hepgorer -	See amendment 18.

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	<p>'when the acquiring authority serves the notice required by section 12 of the Acquisition of Land Act 1981 (c. 67) or paragraph 3(1) of Schedule 1 to that Act;</p> <p>(b) is discontinued –</p> <p>(i) in the case of an acquisition by the Welsh Ministers, when they decide not to make the compulsory purchase order;</p> <p>(ii) in the case of an acquisition by a planning authority, when the order is withdrawn or the Welsh Ministers decide not to confirm it,</p> <p>and “acquiring authority” has the meaning given by section 137(7)’</p> <p>and insert</p> <p>‘ –</p> <p>(i) by a planning authority when it serves the notice required by section 12 of the Acquisition of Land Act 1981 (c. 67);</p>	<p>'pan fydd yr awdurdod caffael yn cyflwyno'r hysbysiad sy'n ofynnol gan adran 12 o Ddeddf Caffael Tir 1981 (p. 67) neu baragraff 3(1) o Atodlen 1 i'r Ddeddf honno;</p> <p>(b) yn cael ei derfynu –</p> <p>(i) yn achos caffaeliad gan Weinidogion Cymru, pan fyddant yn penderfynu peidio â gwneud y gorchymyn prynu gorfodol;</p> <p>(ii) yn achos caffaeliad gan awdurdod cynllunio, pan fydd y gorchymyn wedi ei dynnu'n ôl neu pan fydd Gweinidogion Cymru yn penderfynu peidio â'i gadarnhau,</p> <p>ac mae i “awdurdod caffael” yr ystyr a roddir gan adran 137(7)’</p> <p>a mewnosoder</p> <p>‘ –</p> <p>(i) gan awdurdod cynllunio pan fydd yn cyflwyno'r hysbysiad sy'n ofynnol gan adran 12 o Ddeddf Caffael Tir 1981 (p. 67);</p>	

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	<p>(ii) by the Welsh Ministers when they serve the notice required by paragraph 3(1) of Schedule 1 to that Act;</p> <p>(b) a compulsory acquisition is discontinued –</p> <p>(i) in the case of an acquisition by a planning authority, when the compulsory purchase order is withdrawn or the Welsh Ministers decide not to confirm it;</p> <p>(ii) in the case of an acquisition by the Welsh Ministers, when they decide not to make the compulsory purchase order’.</p>	<p>(ii) gan Weinidogion Cymru pan fyddant yn cyflwyno’r hybysiad sy’n ofynnol gan baragraff 3(1) o Atodlen 1 i’r Ddeddf honno;</p> <p>(b) mae caffaeliad gorfodol yn cael ei derfynu –</p> <p>(i) yn achos caffaeliad gan awdurdod cynllunio, pan fydd y gorchymyn prynu gorfodol wedi ei dynnu’n ôl neu pan fydd Gweinidogion Cymru yn penderfynu peidio â’i gadarnhau;</p> <p>(ii) yn achos caffaeliad gan Weinidogion Cymru, pan fyddant yn penderfynu peidio â gwneud y gorchymyn prynu gorfodol.’</p>	
20.	Section 122, page 78, line 11, leave out ‘on the day’ and insert ‘at the time’.	Adran 122, tudalen 78, llinell 15, hepgorer ‘y diwrnod’ a mewnosoder ‘yr adeg’.	As with amendment 3, this amendment seeks to ensure consistency of terminology within section 122 of the Bill: currently subsection (1) refers to the time the notice takes effect whereas subsection (3) refers to a notice “on the day”, which is less clear. This amendment brings consistency to the drafting.

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21.	Section 124, page 80, at the beginning of line 1, insert 'Each copy of'.	Adran 124, tudalen 80, llinell 1, hepgorer 'cyflwyno'r' a mewnosoder 'cyflwyno pob copi o'r'.	This amendment seeks to ensure consistency of terminology such that all relevant provisions will refer to serving "copies" of an enforcement notice (rather than serving the notice itself), to reflect the duty to serve copies in section 124(4). See also amendments 4 and 5.
22.	Section 147, page 93, after line 34, insert – '(4) Regulations under this section may not make any provision that binds the Crown.'	Adran 147, tudalen 93, ar ôl llinell 36, mewnosoder – '(4) Ni chaiff rheoliadau o dan yr adran hon wneud unrhyw ddarpariaeth sy'n rhwymo'r Goron.'	The Historic Environment (Wales) Act 2016 provides that section 56A of the Planning (Listed Buildings and Conservation Areas) Act 1990 does not bind the Crown, but this provision was inadvertently omitted from the Bill and therefore needs to be inserted. This amendment will maintain the existing legal effect of the 1990 Listed Buildings Act.
23.	Section 157, page 102, line 29, leave out 'of which' and insert ', if'.	Adran 157, tudalen 102, llinell 25, hepgorer 'y mae' a mewnosoder ', os yw'.	The purpose of the amendment is to avoid any doubt as to whether the requirement for the constituent authorities to be other local authorities applies to a joint board as well as a joint committee.
24.	Section 164, page 106, after line 19, insert – '() section 144(7) is to be read as if paragraph (b) were omitted.'	Adran 164, tudalen 106, ar ôl llinell 17, mewnosoder – '() mae adran 144(7) i'w darllen fel pe bai paragraff (b) wedi ei hepgor.'	The purpose of the amendment is to explicitly exclude section 144(7)(b) of the Bill from applying to buildings in conservation areas. Section 144(7)(b) refers to an exempt religious building, but the concept of exempt religious buildings is not relevant to conservation areas.

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25.	Section 174, page 112, line 17, after 'consent', insert 'or conservation area consent'.	Adran 174, tudalen 112, llinell 18, ar ôl 'rhestredig', mewnosoder 'neu gydsyniad ardal gadwraeth'.	Part 5 of the Bill contains general provisions that apply to cases involving both listed buildings and conservation areas. The reference to conservation areas in section 174 is missing, and this amendment remedies that. See also amendment 27.
26.	There is no need to amend the English version.	Adran 179, tudalen 115, llinell 24, hepgorer 'diddordeb yn yr ymchwiliad, neu y byddai wedi bod â diddordeb' a mewnosoder 'buddiant yn yr ymchwiliad, neu y byddai wedi bod â buddiant'.	This amendment, to the Welsh text of the Bill only, is intended to better reflect the intended meaning of the word (from "diddordeb" to "buddiant", which corresponds to "interest" in English).
27.	Section 182, page 117, line 35, leave out ', or direct that listed building' and insert 'or conservation area consent, or direct that'.	Adran 182, tudalen 117, llinell 38, hepgorer ', neu gyfarwyddo bod rhaid rhoi cydsyniad adeilad rhestredig' a mewnosoder 'neu gydsyniad ardal gadwraeth, neu gyfarwyddo bod rhaid rhoi cydsyniad'.	Part 5 of the Bill contains general provisions that apply to cases involving both listed buildings and conservation areas. The reference to conservation areas in section 122 is missing, and this amendment remedies that. See also amendment 25.
28.	Section 184, page 120, line 2, leave out - 'that, where the Welsh Ministers make a relevant decision, an interested person may either – (a) appeal to the High Court against the decision on a point of law, or (b) require the Welsh Ministers'	Adran 184, tudalen 120, llinell 2, hepgorer - , pan fo Gweinidogion Cymru yn gwneud penderfyniad perthnasol, y caiff person sydd â buddiant naill ai – (a) apelio i'r Uchel Lys yn erbyn y penderfyniad ar bwyt cyfreithiol, neu	This amendment is to make it clearer that rules of court must determine whether a decision of the Welsh Ministers can be challenged by bringing an appeal or by requiring them to state a case, instead of leaving the choice to the appellant. This is ambiguous in the existing legislation but has been clarified by case law.

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	<p>and insert –</p> <p>‘either –</p> <p>() that an interested person may appeal to the High Court on a point of law against a relevant decision made by the Welsh Ministers, or</p> <p>() that where the Welsh Ministers make a relevant decision an interested person may require them’.</p>	<p>(b)ei gwneud yn ofynnol i Weinidogion Cymru’</p> <p>a mewnosoder –</p> <p>‘naill ai –</p> <p>() y caiff person sydd â buddiant apelio i’r Uchel Lys ar bwynt cyfreithiol yn erbyn penderfyniad perthnasol a wneir gan Weinidogion Cymru, neu</p> <p>() pan fo Gweinidogion Cymru yn gwneud penderfyniad perthnasol, y caiff person sydd â buddiant ei gwneud yn ofynnol iddynt’.</p>	
29.	Section 192, page 124, line 11, leave out ‘it would be appropriate’.	Adran 192, tudalen 124, llinell 12, hepgorer ‘a fyddai’n briodol, neu i ba raddau y byddai’n briodol, cynnwys’ a mewnosoder ‘pa un ai i gynnwys, neu i ba raddau y dylid cynnwys,’.	This amendment proposes removing an unnecessary use of the word “appropriate” (see paragraphs 329 to 332 and 343 of the Committee’s report on the Bill and also amendments 33 and 34).
30.	Section 192, page 124, line 27, after ‘situated’, insert ‘(including, if different, the planning authority in whose area anything appearing in the register by virtue of subsection (2) is situated)’.	Adran 192, tudalen 124, llinell 30, ar ôl ‘ardal’, mewnosoder ‘(gan gynnwys, os yw’n wahanol, yr awdurdod cynllunio y mae unrhyw beth sy’n ymddangos yn y gofrestr yn rhinwedd is-adran (2) yn ei ardal)’.	Section 192 requires notices to owners and planning authorities of changes in the register of historic parks and gardens. It deals with the case where any additional land included in the register has a different owner, but not the case where it is in the area of a different planning authority. This

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			amendment will ensure that section 192 deals consistently with both circumstances.
31.	Section 197, page 128, line 1, leave out 'which, under or by virtue of Part 3, 4 or 5, the authority is authorised to make, issue or serve' and insert 'under or by virtue of Part 3, 4 or 5'.	Adran 197, tudalen 128, llinell 1, hepgorer 'y mae'r awdurdod wedi ei awdurdodi, o dan neu yn rhinwedd Rhan 3, 4 neu 5, i'w wneud, ei ddyroddi neu ei dyroddi neu ei gyflwyno neu ei chyflwyno' a mewnosoder 'o dan neu yn rhinwedd Rhan 3, 4 neu 5'.	Section 197(2)(b) enables an authority to obtain information it requires in order to do certain things it is "authorised" to do, but the provision that it restates also refers to things an authority is "required" to do. This amendment rectifies that omission. It clarifies the drafting so as refer simply to obtaining information to enable the authority to do the things in question.
32.	Schedule 1, page 138, line 9, leave out 'section 30, 33, 41, 58 or 60' and insert 'this Act'.	Atodlen 1, tudalen 138, llinell 9, hepgorer 'adran 30, 33, 41, 58 neu 60' a mewnosoder 'y Ddeddf hon'.	This change is proposed following further consideration of the inadvertent inclusion of an offence under section 118 of the Bill in Schedule 7 identified by the Committee – see paragraphs 239 to 240 and 306 of the Committee's report on the Bill. Specific offences do not need to be mentioned in the provisions that continue criminal liability after interim protection or temporary listing ends or after a building ceases to be in a conservation area. We consider that the most sensible and likely interpretation of the legislation is that those events would not affect an existing liability for any offence. There is no reason to expressly mention liability for some offences but not others, and doing so is misleading. The

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			<p>references to specific offences can therefore be replaced with a general reference to “offences under this Act”.</p> <p>This amendment makes this change for the purpose of clarifying the effect the law, in reliance on SO 26C.2(ii).</p> <p>See also amendments 35 and 40.</p>
33.	Schedule 4, page 146, line 14, leave out ‘any modification the Welsh Ministers consider appropriate’ and insert ‘modifications’.	Atodlen 4, tudalen 146, llinell 16, hepgorer ‘unrhyw addasiad y mae Gweinidogion Cymru yn ystyried ei fod yn briodol’ a mewnosoder ‘addasiadau’.	This amendment proposes removing an unnecessary use of the word “appropriate” (see paragraphs 329 to 332 and 343 of the Committee’s report on the Bill and also amendments 29 and 34).
34.	Schedule 5, page 149, line 6, leave out ‘any modification the Welsh Ministers consider appropriate’ and insert ‘modifications’.	Atodlen 5, tudalen 149, llinell 6, hepgorer ‘unrhyw addasiad y mae Gweinidogion Cymru yn ystyried ei fod yn briodol’ a mewnosoder ‘addasiadau’.	This amendment proposes removing an unnecessary use of the word “appropriate” (see paragraphs 329 to 332 and 343 of the Committee’s report on the Bill and also amendments 29 and 33).
35.	Schedule 7, page 152, line 14, leave out ‘section 117, 118, 121 or 133’ and insert ‘this Act’.	Atodlen 7, tudalen 152, llinell 16, hepgorer ‘adran 117, 118, 121 neu 133’ a mewnosoder ‘y Ddeddf hon’.	See amendment 32.
36.	Schedule 9, page 158, line 14, leave out ‘capable of reasonably beneficial use’ and insert ‘usable’.	Atodlen 9, tudalen 158, llinell 16, hepgorer ‘fel bod modd ei ddefnyddio’n rhesymol fuddiol’ a mewnosoder ‘yn ddefnyddiadwy’.	See amendment 10.
37.	Schedule 9, page 158, line 21, leave out ‘capable of reasonably beneficial use’ and insert ‘usable’.	Atodlen 9, tudalen 158, llinell 23, hepgorer ‘fel bod modd ei ddefnyddio’n rhesymol	See amendment 10.

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		fuddiol' a mewnosoder 'yn ddefnyddiadwy'.	
38.	Schedule 9, page 158, line 24, leave out 'capable of reasonably beneficial use' and insert 'usable'.	Atodlen 9, tudalen 158, llinell 26, hepgorer 'fel bod modd ei ddefnyddio neu ei defnyddio yn rhesymol fuddiol' a mewnosoder 'yn ddefnyddiadwy'.	See amendment 10.
39.	Schedule 9, page 161, line 9, leave out 'has the meaning' and insert 'and "usable" ("defnyddiadwy") have the meanings'.	Atodlen 9, tudalen 161, llinell 9, hepgorer "'tir cysylltiedig" ("associated land") yr ystyr' a mewnosoder "'defnyddiadwy" ("usable") a "tir cysylltiedig" ("associated land") yr ystyron'.	See amendment 10.
40.	<p>Schedule 11, page 164, line 8, leave out –</p> <p>‘mentioned in sub-paragraph (2) committed while section 161 applied to it.</p> <p>(2) The offences referred to in sub-paragraph (1) are offences committed under –</p> <p>(a) section 117 as applied by section 163 (breaching section 161 or failing to comply with condition of consent),</p> <p>(b) section 121 as applied by section 163 (breaching temporary stop notice), or</p> <p>(c) section 133 as applied by section 163 (failing to</p>	<p>Atodlen 11, tudalen 164, llinell 9, hepgorer –</p> <p>‘a grybwyllir yn is-baragraff (2) a gyflawnwyd tra oedd adran 161 yn gymwys iddo.</p> <p>(2) Y troseddau y cyfeirir atynt yn is-adran (1) yw troseddau a gyflawnir o dan –</p> <p>(a) adran 117 fel y'i cymhwysir gan adran 163 (torri adran 161 neu fethu â chydymffurfio ag amod mewn cydsyniad),</p> <p>(b) adran 121 fel y'i cymhwysir gan adran 163 (torri hysbysiad stop dros dro), neu</p>	See amendment 32.

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	<p>comply with enforcement notice)’</p> <p>and insert –</p> <p>‘under this Act committed while section 161 applied to it’.</p>	<p>(c) adran 133 fel y’i cymhwysir gan adran 163 (methu â chydymffurfio â hysbysiad gorfodi)’</p> <p>a mewnosoder –</p> <p>‘o dan y Ddeddf hon a gyflawnwyd tra oedd adran 161 yn gymwys iddo’.</p>	
41.	<p>Schedule 13, page 176, line 30, leave out ‘to which section 161 of that Act applies’.</p>	<p>Atodlen 13, tudalen 176, llinell 30, hepgorer ‘to which section 161 of that Act applies’.</p>	<p>Section 164 of the Bill provides that certain powers to carry out urgent preservation works apply to buildings in conservation areas. Current paragraph 65 of Schedule 13 restates a provision about the relation between these powers and similar powers in the Building Act 1984 (and move that provision into the 1984 Act). This amendment will ensure that the way the two provisions describe the buildings to which urgent preservation powers apply is consistent.</p>
42.	<p>Schedule 13, page 188, line 18, leave out –</p> <p>‘, after “section 73” insert “as they apply’</p> <p>and insert –</p> <p>‘ –</p> <p>(i) in the words before paragraph (a), for “in section 73” substitute</p>	<p>Atodlen 13, tudalen 188, llinell 18, hepgorer –</p> <p>‘, ar ôl “section 73” mewnosoder “as they apply’</p> <p>a mewnosoder –</p> <p>‘ –</p> <p>(i) yn y geiriau o flaen paragraff (a), yn lle “in</p>	<p>Schedule 13 contains consequential amendments to the Leasehold Reform, Housing and Urban Development Act 1993. This amendment, and amendment 43 corrects a technical mistake in the consequential provisions.</p>

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	<p>“section 73 as they apply in relation to England,”;</p> <p>(ii) in paragraph (a), after “Town and Country Planning Act 1990” insert “as it applies”.</p>	<p>section 73” rhodder “section 73 as they apply in relation to England,”;</p> <p>(ii)ym mharagraff (a), ar ôl “Town and Country Planning Act 1990” mewnosoder “as it applies”.</p>	
43.	<p>Schedule 13, page 188, line 23, leave out –</p> <p>‘has the same meaning as in the Town and Country Planning Act 1990.’”</p> <p>and insert –</p> <p>‘is to be interpreted in accordance with Part 1 of the Town and Country Planning Act 1990,</p> <p>and in that Part as it applies in relation to Wales references to “the planning Acts” are to be treated as including this Act.’.</p>	<p>Atodlen 13, tudalen 188, llinell 24, hepgorer –</p> <p>‘has the same meaning as in the Town and Country Planning Act 1990.’”</p> <p>a mewnosoder –</p> <p>‘is to be interpreted in accordance with Part 1 of the Town and Country Planning Act 1990,</p> <p>and in that Part as it applies in relation to Wales references to “the planning Acts” are to be treated as including this Act.’.</p>	See amendment 42.
44.	<p>Schedule 13, page 189, after line 4, insert –</p> <p>[] In section 60C(8), in paragraph (b) of the definition of “land”, after “the Ancient Monuments and Archaeological Areas Act 1979” insert “or the Historic Environment (Wales) Act 2023”’.</p>	<p>Atodlen 13, tudalen 189, ar ôl llinell 4, mewnosoder –</p> <p>[] Yn adran 60C(8), ym mharagraff (b) o’r diffiniad o “land”, ar ôl “the Ancient Monuments and Archaeological Areas</p>	This amendment adds an additional consequential provision which takes account of a recent amendment to the Criminal Justice and Public Order Act 1994 by the Police, Crime, Sentencing and Courts Act 2022.

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		Act 1979” mewnosoder “or the Historic Environment (Wales) Act 2023” ‘.	
45.	<p>Schedule 14, page 194, after line 15, insert – <i>‘Offence of breaching temporary stop notice in relation to scheduled monument</i></p> <p>[] Section 33(4)(b) does not apply in relation to proceedings for an offence relating to a temporary stop notice that was issued before section 33 comes into force.</p> <p><i>Service and taking effect of enforcement notice in relation to scheduled monument</i></p> <p>[] Section 36(5)(a) does not apply in relation to the service of an enforcement notice that was issued before section 36 comes into force.</p> <p><i>Purchase notice served on council in relation to building in National Park</i></p> <p>[] (1) Sub-paragraph (2) applies in relation to a purchase notice that has been served on a county council or county borough council in Wales in relation to a building in a National Park before section 109 comes into force.</p> <p>(2) The following provisions are to be read as if references to a planning authority were references to the council –</p> <p>(a) section 183(7)(c);</p> <p>(b) section 186(3) and (7);</p>	<p>Atodlen 14, tudalen 194, ar ôl llinell 16, mewnosoder –</p> <p><i>‘Y drosedd o dorri hysbysiad stop dros dro mewn perthynas â heneb gofrestredig</i></p> <p>[] Nid yw adran 33(4)(b) yn gymwys mewn perthynas ag achos ar gyfer trosedd sy’n ymwneud â hysbysiad stop dros dro a ddyroddwyd cyn i adran 33 ddod i rym.</p> <p><i>Cyflwyno hysbysiad gorfodi a’r hysbysiad yn cymryd effaith mewn perthynas â heneb gofrestredig</i></p> <p>[] Nid yw adran 36(5)(a) yn gymwys mewn perthynas â chyflwyno hysbysiad gorfodi a ddyroddwyd cyn i adran 36 ddod i rym.</p> <p><i>Hysbysiad prynu a gyflwynir i gyngor mewn perthynas ag adeilad mewn Parc Cenedlaethol</i></p> <p>[] (1) Mae is-baragraff (2) yn gymwys mewn perthynas â hysbysiad prynu sydd wedi ei gyflwyno i gyngor sir neu gyngor bwrdeistref sirol yng Nghymru mewn perthynas ag adeilad mewn Parc Cenedlaethol cyn i adran 109 ddod i rym.</p> <p>(2) Mae’r darpariaethau a ganlyn i’w darllen fel pe bai cyfeiriadau at awdurdod cynllunio yn gyfeiriadau at y cyngor –</p>	<p>In certain cases where the Bill makes a change in the law, Schedule 14 (which is concerned with transitional provisions) needs to make clear whether the existing law or the new Bill will apply to cases that are ongoing when the Bill comes into force.</p> <p>This amendment makes provision about:</p> <ul style="list-style-type: none"> • A change in the defence to the offence of breaching a temporary stop notice relating to a scheduled monument; • The introduction of a requirement to serve an enforcement notice relating to a scheduled monument within 28 days of issuing it; and • A change in the authority on which a purchase notice must be served in some cases following a refusal or revocation of listed building consent or conservation area consent.

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	(c) Schedule 9'.	(a) adran 183(7)(c); (b) adran 186(3) a (7); (c) Atodlen 9'.	