

HYSBYSIAD YNGHYLCH GWELLIANNAU NOTICE OF AMENDMENTS

Cyflwynwyd ar 16 Mai 2025

Tabled on 16 May 2025

Bil Tomenni Mwyngloddiau a Chwareli Nas Defnyddir (Cymru) Disused Mine and Quarry Tips (Wales) Bill

Huw Irranca-Davies

16

Section 2, page 1, line 14, leave out –

‘Authority’s main objective, in carrying out its functions under this Act, is to ensure that disused tips do not threaten human welfare by reason of their instability.

(2) In pursuance of its main objective, the Authority must’

and insert –

‘Authority must exercise its functions under this Act with a view to ensuring that disused tips do not threaten human welfare by reason of their instability.

(2) In exercising its functions under this Act, the Authority must also’.

Adran 2, tudalen 1, llinell 14, hepgorer –

‘(1) Prif amcan yr Awdurdod, wrth gyflawni ei swyddogaethau o dan y Ddeddf hon, yw sicrhau nad yw tomenni nas defnyddir yn bygwth lles pobl oherwydd eu hansefydlogrwydd.

(2) Yn unol â’i brif amcan, rhaid i’r Awdurdod’

a mewnosoder –

‘(1) Rhaid i’r Awdurdod arfer ei swyddogaethau o dan y Ddeddf hon gyda golwg ar sicrhau nad yw tomenni nas defnyddir yn bygwth lles pobl oherwydd eu hansefydlogrwydd.

(2) Wrth arfer ei swyddogaethau o dan y Ddeddf hon, rhaid i’r Awdurdod hefyd’.

Huw Irranca-Davies

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Section 10, page 3, line 24, leave out –

‘, the Authority may carry out any inspections or other monitoring activities that it considers appropriate.’

and insert –

'in relation to a tip which is a category 1 tip, the Authority –

- (a) must inspect the tip within 6 months of the tip being recorded in the register as a category 1 tip, and
 - (b) must then inspect the tip –
 - (i) twice within the period of 12 months beginning with the day on which the inspection required by paragraph (a) is completed, and
 - (ii) twice within each subsequent period of 12 months.
- (3) In order to perform its duty under subsection (1) in relation to a tip which is a category 2 tip, the Authority –
- (a) must inspect the tip within 12 months of the tip being recorded in the register as a category 2 tip, and
 - (b) must then inspect the tip –
 - (i) once within the period of 12 months beginning with the day on which the inspection required by paragraph (a) is completed, and
 - (ii) once within each subsequent period of 12 months.
- (4) The Authority may carry out any other monitoring activities (including additional inspections) that it considers appropriate in relation to a tip which is a category 1 tip or a category 2 tip.
- (5) In order to perform its duty under subsection (1) in relation to a tip which is a category 3 tip or category 4 tip, the Authority may carry out any inspections or other monitoring activities that it considers appropriate.
- (6) The Welsh Ministers may by regulations amend subsection (2) or (3) –
- (a) to change any period referred to for the time being in those subsections as the period within which an inspection or inspections (as the case may be) must be carried out;
 - (b) to change, in relation to any such period, the number of inspections which the Authority is required to carry out.'

Adran 10, tudalen 3, llinell 25, hepgorer –

' , caiff yr Awdurdod gynnal unrhyw arolygiadau neu weithgareddau monitro eraill y mae'n ystyried eu bod yn briodol.'

a mewnosoder –

'mewn perthynas â thomen sy'n domen categori 1, rhaid i'r Awdurdod –

- (a) arolygu'r domen o fewn 6 mis ar ôl i'r domen gael ei chofnodi yn y gofrestr fel tomen categori 1, a
 - (b) rhaid iddo yna arolygu'r domen –
 - (i) dwywaith o fewn y cyfnod o 12 mis sy'n dechrau â'r diwrnod y cwblheir yr arolygiad sy'n ofynnol gan baragraff (a), a
 - (ii) dwywaith o fewn pob cyfnod dilynol o 12 mis.
- (3) Er mwyn cyflawni ei ddyletswydd o dan is-adran (1) mewn perthynas â thomen sy'n domen categori 2, rhaid i'r Awdurdod –
- (a) arolygu'r domen o fewn 12 mis ar ôl i'r domen gael ei chofnodi yn y gofrestr fel tomen categori 2, a
 - (b) rhaid iddo yna arolygu'r domen –



- (i) unwaith o fewn y cyfnod o 12 mis sy'n dechrau â'r diwrnod y cwblheir yr arolygiad sy'n ofynnol gan baragraff (a), a
- (iii) unwaith o fewn pob cyfnod dilynol o 12 mis.
- (4) Caiff yr Awdurdod gynnal unrhyw weithgareddau monitro eraill (gan gynnwys arolygiadau ychwanegol) y mae'n ystyried eu bod yn briodol mewn perthynas â thomen sy'n domen categori 1 neu'n domen categori 2.
- (5) Er mwyn cyflawni ei ddyletswydd o dan is-adran (1) mewn perthynas â thomen sy'n domen categori 3 neu'n domen categori 4, caiff yr Awdurdod gynnal unrhyw arolygiadau neu weithgareddau monitor eraill y mae'n ystyried eu bod yn briodol.
- (6) Caiff Gweinidogion Cymru drwy reoliadau ddiwygio is-adran (2) neu (3) –
 - (a) i newid unrhyw gyfnod y cyfeirir ato am y tro yn yr is-adrannau hynny fel y cyfnod y mae rhaid cynnal arolygiad neu arolygiadau (yn ôl y digwydd) ynddo;
 - (b) i newid, mewn perthynas ag unrhyw gyfnod o'r fath, nifer yr arolygiadau y mae'n ofynnol i'r Awdurdod eu cynnal.'

Huw Irranca-Davies

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Section 13, page 4, line 9, leave out 'a report of each assessment.' and insert –

'and publish a report of each assessment.

- (1) The Authority may publish a report under subsection (1)(b) in a redacted form if the Authority considers it necessary to do so in order to avoid disclosing information contrary to any prohibition imposed by an enactment or other rule of law.'

Adran 13, tudalen 4, llinell 9, hepgorer 'adroddiad ar bob asesiad.' a mewnosoder –

'a chyhoeddi adroddiad ar bob asesiad.

- (1) Caiff yr Awdurdod gyhoeddi adroddiad o dan is-adran (1)(b) ar ffurf olygedig os yw'r Awdurdod yn ystyried ei bod yn angenrheidiol gwneud hynny er mwyn osgoi datgelu gwybodaeth yn groes i unrhyw waharddiad a osodir gan ddeddfiad neu reol gyfreithiol arall.'

Huw Irranca-Davies

19

Section 14, page 4, line 32, leave out 'a report of the assessment.' and insert –

'and publish a report of each assessment.

- (3) The Authority may publish a report under subsection (2)(b) in a redacted form if the Authority considers it necessary to do so in order to avoid disclosing information contrary to any prohibition imposed by an enactment or other rule of law.'

Adran 14, tudalen 4, llinell 33, hepgorer 'adroddiad ar yr asesiad.' a mewnosoder –

'a chyhoeddi adroddiad ar bob asesiad.

- (3) Caiff yr Awdurdod gyhoeddi adroddiad o dan is-adran (2)(b) ar ffurf olygedig os yw'r Awdurdod yn ystyried ei bod yn angenrheidiol gwneud hynny er mwyn osgoi datgelu gwybodaeth yn groes i unrhyw waharddiad a osodir gan ddeddfiad neu reol gyfreithiol arall.'

Huw Irranca-Davies

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Section 16, page 5, line 15, leave out ‘a report of the assessment.’ and insert –

‘and publish a report of each assessment.

- () The Authority may publish a report under subsection (1)(b) in a redacted form if the Authority considers it necessary to do so in order to avoid disclosing information contrary to any prohibition imposed by an enactment or other rule of law.’.

Adran 16, tudalen 5, llinell 17, hepgorer ‘adroddiad ar yr asesiad.’ a mewnosoder –

‘a chyhoeddi adroddiad ar bob asesiad.

- () Caiff yr Awdurdod gyhoeddi adroddiad o dan is-adran (1)(b) ar ffurf olygedig os yw’r Awdurdod yn ystyried ei bod yn angenrheidiol gwneud hynny er mwyn osgoi datgelu gwybodaeth yn groes i unrhyw waharddiad a osodir gan ddeddfiad neu reol gyfreithiol arall.’.

Huw Irranca-Davies

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Section 17, page 5, line 24, leave out ‘a report of the assessment.’ and insert –

‘and publish a report of each assessment.

- (3) The Authority may publish a report under subsection (2)(b) in a redacted form if the Authority considers it necessary to do so in order to avoid disclosing information contrary to any prohibition imposed by an enactment or other rule of law.’.

Adran 17, tudalen 5, llinell 26, hepgorer ‘adroddiad ar yr asesiad.’ a mewnosoder –

‘a chyhoeddi adroddiad ar bob asesiad.

- (3) Caiff yr Awdurdod gyhoeddi adroddiad o dan is-adran (2)(b) ar ffurf olygedig os yw’r Awdurdod yn ystyried ei bod yn angenrheidiol gwneud hynny er mwyn osgoi datgelu gwybodaeth yn groes i unrhyw waharddiad a osodir gan ddeddfiad neu reol gyfreithiol arall.’.

Huw Irranca-Davies

22

Section 25, page 9, after line 14, insert –

- ‘(3) Before publishing the statement (including in a revised form), the Authority must consult such persons as it considers appropriate.’.

Adran 25, tudalen 9, ar ôl llinell 18, mewnosoder –

- ‘(3) Cyn cyhoeddi’r datganiad (gan gynnwys ar ffurf ddiwygiedig), rhaid i’r Awdurdod ymgynghori â’r personau hynny y mae’n ystyried eu bod yn briodol.’.

Huw Irranca-Davies

23

Page 12, after line 2, insert a new section –

[] **Duty to compile and maintain list of all disused tips**

- (1) The Authority must compile and maintain an electronic list of all disused tips in relation to which an assessment under section 13 (preliminary assessment of all disused tips) has been carried out.
- (2) The Authority must include a disused tip in the list as soon as practicable after completing the assessment referred to in subsection (1) in relation to the tip.
- (3) An entry in the list for a disused tip must include –
 - (a) the name or names by which the tip is commonly known (if any);
 - (b) the location of the tip;
 - (c) a unique identifier given by the Authority to the tip.
- (4) The Authority must ensure that the list can be accessed electronically by members of the public at all reasonable times.’.

Tudalen 12, ar ôl llinell 2, mewnosoder adran newydd –

[] Dyletswydd i lunio a chadw cofrestr o’r holl domenni nas defnyddir

- (1) Rhaid i’r Awdurdod lunio a chadw cofrestr electronig o’r holl domenni nas defnyddir y cynhaliwyd asesiad o dan adran 13 (asesiadau rhagarweiniol o’r holl domenni nas defnyddir) mewn perthynas â hwy.
- (2) Rhaid i’r Awdurdod gynnwys tomen nas defnyddir yn y gofrestr cyn gynted ag y bo’n ymarferol ar ôl cwblhau’r asesiad y cyfeirir ato yn is-adran (1) mewn perthynas â’r domen.
- (3) Rhaid i gofnod yn y gofrestr ar gyfer tomen nas defnyddir gynnwys –
 - (a) enw neu enwau cyffredin y domen (os oes un neu rai);
 - (b) lleoliad y domen;
 - (c) dynodydd unigryw y mae’r Awdurdod wedi ei roi i’r domen.
- (4) Rhaid i’r Awdurdod sicrhau y gall aelodau o’r cyhoedd weld y gofrestr yn electronig ar bob adeg resymol.’.

Huw Irranca-Davies

24

Page 28, after line 10, insert a new section –

‘Management plans for registered tips

[] Management plans

- (1) The Authority must prepare and maintain a management plan for every disused tip in the register which is a category 1 or category 2 tip.
- (2) The management plan for a disused tip to which subsection (1) applies must be prepared as soon as practicable after the tip is first recorded in the register as a category 1 tip or category 2 tip.
- (3) The Authority may at any time prepare and maintain a management plan for a disused tip in the register which is a category 3 tip or category 4 tip.
- (4) A management plan must set out –
 - (a) how the Authority intends to exercise its functions under this Act in relation to the tip (including details of any information or advice that it intends to give to owners or occupiers of land under section 3);

- (b) information that the Authority considers may be relevant in an emergency involving the tip;
 - (c) information about the roles and responsibilities of the Authority and other public authorities in such an emergency;
 - (d) how the Authority intends to co-operate with those public authorities in such an emergency.
- (5) A management plan may include any other information that the Authority considers appropriate.’

Tudalen 28, ar ôl llinell 10, mewnosoder adran newydd –

‘Cynlluniau rheoli ar gyfer tomenni cofrestredig

[] Cynlluniau rheoli

- (1) Rhaid i’r Awdurdod lunio a chadw cynllun rheoli ar gyfer pob tomen nas defnyddir yn y gofrestr sy’n domen categori 1 neu’n domen categori 2.
- (2) Rhaid i’r cynllun rheoli ar gyfer tomen nas defnyddir y mae is-adran (1) yn gymwys iddi gael ei lunio cyn gynted ag y bo’n ymarferol ar ôl i’r domen gael ei chofnodi gyntaf yn y gofrestr fel tomen categori 1 neu domen categori 2.
- (3) Caiff yr Awdurdod ar unrhyw adeg lunio a chadw cynllun rheoli ar gyfer tomen nas defnyddir yn y gofrestr sy’n domen categori 3 neu’n domen categori 4.
- (4) Rhaid i gynllun rheoli nodi –
 - (a) sut y mae’r Awdurdod yn bwriadu arfer ei swyddogaethau o dan y Ddeddf hon mewn perthynas â’r domen (gan gynnwys manylion unrhyw wybodaeth neu gyngor y mae’n bwriadu ei rhoi neu ei roi i berchnogion tir neu feddianwyr ar dir o dan adran 3);
 - (b) gwybodaeth y mae’r Awdurdod yn ystyried y gallai fod yn berthnasol mewn argyfwng sy’n ymwneud â’r domen;
 - (c) gwybodaeth am rolau a chyfrifoldebau’r Awdurdod ac awdurdodau cyhoeddus eraill mewn argyfwng o’r fath;
 - (d) sut y mae’r Awdurdod yn bwriadu cydweithredu â’r awdurdodau cyhoeddus hynny mewn argyfwng o’r fath.
- (5) Caiff cynllun rheoli gynnwys unrhyw wybodaeth arall y mae’r Awdurdod yn ystyried ei bod yn briodol.’

Huw Irranca-Davies

25

Section 69, page 35, line 11, leave out subsection (1) and insert –

- ‘() The Welsh Ministers must give guidance to the Authority in relation to the exercise of its functions under –
 - (a) section 3(4) (Authority’s power to charge fees);
 - (b) section 10 (Authority’s duty to monitor registered tips);
 - (c) Chapter 2 of Part 2 (preliminary and full assessment of tips by the Authority);
 - (d) section 31 (compensation for damage or disturbance caused by monitoring or assessment activity);



- (e) Chapter 3 of Part 3 (payments in connection with operations);
- (f) section [*new section to be inserted by amendment 24*] (management plans).
- () The Welsh Ministers may give guidance to the Authority in relation to the exercise of any of its other functions under this Act.
- () The Authority must have regard to guidance given under subsection (*[first subsection to be inserted by this amendment]*) or (*[second subsection to be inserted by this amendment]*) in exercising its functions.’.

Adran 69, tudalen 35, llinell 12, hepgorer is-adran (1) a mewnosoder –

- ‘() Rhaid i Weinidogion Cymru roi canllawiau i’r Awdurdod mewn perthynas ag arfer ei swyddogaethau o dan –
 - (a) adran 3(4) (pŵer yr Awdurdod i godi ffioedd);
 - (b) adran 10 (dyletswydd yr Awdurdod i fonitro tomenni cofrestredig);
 - (c) Pennod 2 o Ran 2 (asesiad rhagarweiniol ac asesiad llawn o domenni gan yr Awdurdod);
 - (d) adran 31 (digollediad am ddifrod neu aflonyddu a achosir gan weithgareddau monitro neu asesu);
 - (e) Pennod 3 o Ran 3 (taliadau mewn cysylltiad â gweithrediadau);
 - (f) adran [*adran i’w mewnosod gan welliant 24*] (cynlluniau rheoli).
- () Caiff Gweinidogion Cymru roi canllawiau i’r Awdurdod mewn perthynas ag arfer unrhyw un neu ragor o’i swyddogaethau eraill o dan y Ddeddf hon.
- () Rhaid i’r Awdurdod roi sylw i ganllawiau a roddir o dan is-adran (*[yr is-adran gyntaf i’w mewnosod gan y gwelliant hwn]*) neu (*[yr ail is-adran i’w mewnosod gan y gwelliant hwn]*) wrth arfer ei swyddogaethau.’.

Huw Irranca-Davies

26

Section 69, page 35, line 13, leave out subsection (2) and insert –

- ‘() The Welsh Ministers must give guidance to a person appointed to determine –
 - (a) an application under section 36 (application to vary or cancel notice requiring owner to carry out operations), or
 - (b) an application under section 41 (application for reimbursement of owner’s expenditure where notice to carry out operations is cancelled).
- () A person appointed to determine an application referred to in subsection (*[first subsection to be inserted by this amendment]*) must, in exercising functions conferred on the person by or under this Act, have regard to guidance given under that subsection.
- () Before giving guidance under this section, the Welsh Ministers must consult such persons as they consider appropriate.’.

Adran 69, tudalen 35, llinell 14, hepgorer is-adran (2) a mewnosoder –

- ‘() Rhaid i Weinidogion Cymru roi canllawiau i berson a benodir i benderfynu –
 - (a) cais o dan adran 36 (cais i amrywio neu ganslo hysbysiad sy’n ei gwneud yn ofynnol i berchennog gynnal gweithrediadau), neu

- (b) cais o dan adran 41 (cais i ad-dalu gwariant perchennog pan fo hysbysiad i gynnal gweithrediadau yn cael ei ganslo).
- (i) Rhaid i berson a benodir i benderfynu cais y cyfeirir ato yn is-adran (*[yr is-adran gyntaf i'w mewnosod gan y gwelliant hwn]*), wrth arfer swyddogaethau a roddir i'r person gan y Ddeddf hon neu odani, roi sylw i ganllawiau a roddir o dan yr is-adran honno.
- (i) Cyn rhoi canllawiau o dan yr adran hon, rhaid i Weinidogion Cymru ymgynghori â'r personau hynny y maent yn ystyried eu bod yn briodol.'

Huw Irranca-Davies

27

Section 74, page 37, after line 4, insert –

- '(i) section 10(5) (change to minimum number or period of inspections for category 1 tips or category 2 tips);'.

Adran 74, tudalen 37, ar ôl llinell 5, mewnosoder –

- '(i) adran 10(5) (newid yr isafswm o arolygiadau neu gyfnod arolygiadau ar gyfer tomenni categori 1 neu domenni categori 2);'.

Huw Irranca-Davies

28

Section 74, page 37, after line 4, insert –

- '(i) section 20(4), section 22(4) or section 29(3) (change to minimum period for making representations to the Authority);'.

Adran 74, tudalen 37, ar ôl llinell 5, mewnosoder –

- '(i) adran 20(4), adran 22(4) neu adran 29(3) (newid y cyfnod byrraf a ganiateir ar gyfer cyflwyno sylwadau i'r Awdurdod);'.

Huw Irranca-Davies

29

Section 74, page 37, after line 10, insert –

- '(f) paragraph 2(4) of Schedule 1 (change to the number of members of the Authority);
(g) paragraph 19(10) of Schedule 1 (change to the period to which the Authority's corporate plan relates).'

Adran 74, tudalen 37, ar ôl llinell 11, mewnosoder –

- '(f) paragraff 2(4) o Atodlen 1 (newid i nifer aelodau'r Awdurdod);
(g) paragraff 19(10) o Atodlen 1 (newid i'r cyfnod y mae cynllun corfforaethol yr Awdurdod yn ymwneud ag ef).'

Huw Irranca-Davies

30

Section 81, page 41, after line 16, insert –

- '(6) Before making regulations under subsection (5), the Welsh Ministers must consult such persons as they consider appropriate.'

Adran 81, tudalen 41, ar ôl llinell 18, mewnosoder –

'(6) Cyn gwneud rheoliadau o dan is-adran (5), rhaid i Weinidogion Cymru ymgynghori â'r personau hynny y maent yn ystyried eu bod yn briodol.'

Huw Irranca-Davies

31

Section 86, page 43, Table 1, after line 21, insert –

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management plan (“ <i>cynllun rheoli</i> ”)	section [<i>section to be inserted by amendment 24</i>]
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Adran 86, tudalen 43, Tabl 1, ar ôl llinell 21, mewnosoder –

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cynllun rheoli (“ <i>management plan</i> ”)	adran [<i>adran i'w mewnosod gan welliant 24</i>]
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