

HYSBYSIAD YNGHYLCH GWELLIANNAU

NOTICE OF AMENDMENTS

Cyflwynwyd ar 22 Mai 2025
Tabled on 22 May 2025

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

Delyth Jewell

76

Page 1, after line 18, insert a new section –

[] The Authority’s duties when exercising its functions

In carrying out its functions under this Act, the Authority must have regard to the principles of sustainable management of natural resources as defined in section 4 of the Environment (Wales) Act 2016 (anaw 3).’.

Tudalen 1, ar ôl llinell 19, mewnosoder adran newydd –

[] Dyletswyddau’r Awdurdod wrth arfer ei swyddogaethau

Wrth gyflawni ei swyddogaethau o dan y Ddeddf hon, rhaid i’r Awdurdod roi sylw i egwyddorion rheoli cynaliadwy ar adnoddau naturiol fel y’i diffinnir yn adran 4 o Ddeddf yr Amgylchedd (Cymru) 2016 (dccc 3).’.

Delyth Jewell

77

Section 13, page 4, after line 13, insert –

‘() Before sending the programme (including in revised form), to the Welsh Ministers under subsection (3) the Authority must consult –

- (a) such persons as appear to it likely to be affected by the programme,
- (b) such organisations as appear to it to represent the interests of persons likely to be affected by the programme, and
- (c) such other persons as it considers appropriate.’.

Adran 13, tudalen 4, ar ôl llinell 13, mewnosoder –

‘() Cyn anfon y rhaglen (gan gynnwys ar ffurf ddiwygiedig) at Weinidogion Cymru o dan is-adran (3), rhaid i’r Awdurdod ymgynghori â’r canlynol –

- (a) unrhyw bersonau y mae’n ymddangos bod y rhaglen yn debygol o effeithio arnynt,

- (b) unrhyw sefydliadau y mae'n ymddangos eu bod yn cynrychioli buddiannau personau y mae'r rhaglen yn debygol o effeithio arnynt, ac
- (c) unrhyw bersonau eraill y mae'n ystyried eu bod yn briodol.'

Delyth Jewell

78

Section 13, page 4, after line 14, insert –

- '() Where the Welsh Ministers approve the programme with or without modifications they must explain their decision and the reasons for the decision.'

Adran 13, tudalen 4, ar ôl llinell 14, mewnosoder –

- '() Pan fo Gweinidogion Cymru yn cymeradwyo'r rhaglen ag addasiadau neu hebddynt, rhaid iddynt esbonio eu penderfyniad a'r rhesymau dros y penderfyniad.'

Delyth Jewell

79

Section 20, page 6, after line 16, insert –

- '() The Authority must also, as soon as practicable, publish a notice of proposed registration on its website.'

Adran 20, tudalen 6, ar ôl llinell 17, mewnosoder –

- '() Rhaid i'r Awdurdod hefyd, cyn gynted ag y bo'n ymarferol, gyhoeddi hysbysiad o gofrestriad arfaethedig ar ei wefan.'

Delyth Jewell

80

Section 20, page 6, line 29, after 'representations', insert ', but the amended period must not be less than 14 days'.

Adran 20, tudalen 6, llinell 29, ar ôl 'sylwadau', mewnosoder ', ond ni chaiff y cyfnod diwygiedig fod yn llai na 14 diwrnod'.

Delyth Jewell

81

Gyda chefnogaeth / Supported by: Janet Finch-Saunders

Section 21, page 6, line 37, leave out 'a person who was given the notice of proposed registration' and insert 'any person'.

Adran 21, tudalen 6, llinell 37, hepgorer 'berson y rhoddwyd yr hysbysiad o gofrestriad arfaethedig iddo' a mewnosoder 'unrhyw berson'.

Delyth Jewell

82

Section 22, page 7, after line 28, insert –

- '() The Authority must also, as soon as practicable, publish a notice of proposed deregistration on its website'.

Adran 22, tudalen 7, ar ôl llinell 33, mewnosoder –

‘() Rhaid i’r Awdurdod hefyd, cyn gynted ag y bo’n ymarferol, gyhoeddi hysbysiad o ddatgofrestriad arfaethedig ar ei wefan.’.

Delyth Jewell

83

Gyda chefnogaeth / Supported by: Janet Finch-Saunders

Section 23, page 8, line 14, leave out ‘a person who was given the notice of proposed deregistration’ and insert ‘any person’.

Adran 23, tudalen 8, llinell 14, hepgorer ‘berson y rhoddwyd yr hysbysiad o ddatgofrestriad arfaethedig iddo’ a mewnosoder ‘unrhyw berson’.

Delyth Jewell

84

Section 29, page 10, after line 24, insert –

‘() The Authority must also, as soon as practicable, publish a notice of proposed change to the register on its website’.

Adran 29, tudalen 10, ar ôl llinell 27, mewnosoder –

‘() Rhaid i’r Awdurdod hefyd, cyn gynted ag y bo’n ymarferol, gyhoeddi hysbysiad o newid arfaethedig i’r gofrestr ar ei wefan.’.

Delyth Jewell

85

Gyda chefnogaeth / Supported by: Janet Finch-Saunders

Section 30, page 11, line 15, leave out ‘a person who was given notice of the proposal’ and insert ‘any person’.

Adran 30, tudalen 11, llinell 17, hepgorer ‘berson y rhoddwyd hysbysiad o’r cynnig iddo’ a mewnosoder ‘unrhyw berson’.

Delyth Jewell

86

Page 36, after line 19, insert a new section –

[] Civil sanctions

- (1) In this section, “the 2008 Act” means the Regulatory Enforcement and Sanctions Act 2008 (c. 13).
- (2) The Welsh Ministers may by regulations make any provision, in relation to an offence under this Act, that could be made under Part 3 of the 2008 Act (civil sanctions) if –
 - (a) the Authority was a regulator for the purposes of Part 3 of that Act, and
 - (b) the offence was a relevant offence in relation to the Authority for the purposes of Part 3 of that Act.
- (3) Sections 63 to 70 of the 2008 Act (guidance; exercise of powers; payment into Consolidated Fund) apply to provision made under this section as they apply to provision made under Part 3 of that Act.

- (4) Section 60(1) and (2) of the 2008 Act (consultation) apply to regulations under subsection (1) as they apply to an order under Part 3 of that Act.
- (5) For the purposes of subsections (3) and (4), references to a regulator in sections 60 and 63 to 70 of the 2008 Act are to be read as references to the Authority.’.

Tudalen 36, ar ôl llinell 19, mewnosoder adran newydd –

[1] Sanctsiynau sifil

- (1) Yn yr adran hon, ystyr “Deddf 2008” yw Deddf Gorfodi Rheoleiddiol a Sanctsiynau 2008 (p. 13).
- (2) Caiff Gweinidogion Cymru drwy reoliadau wneud unrhyw ddarpariaeth, mewn perthynas â throedd o dan y Ddeddf hon, y gellid ei gwneud o dan Ran 3 o Ddeddf 2008 (sanctsiynau sifil) os oedd –
 - (a) yr Awdurdod yn rheoleiddiwr at ddibenion Rhan 3 o’r Ddeddf honno, a
 - (b) y drosedd yn drosedd berthnasol mewn perthynas â’r Awdurdod at ddibenion Rhan 3 o’r Ddeddf honno.
- (3) Mae adrannau 63 i 70 o Ddeddf 2008 (canllawiau; arfer pwerau; talu i mewn i Gronfa Gyfunol) yn gymwys i ddarpariaeth a wneir o dan yr is-adran hon fel y maent yn gymwys i ddarpariaeth a wneir o dan Ran 3 o’r Ddeddf honno.
- (4) Mae adran 60(1) a (2) o Ddeddf 2008 (ymgyngori) yn gymwys i reoliadau o dan is-adran (1) fel y maent yn gymwys i orchymyn o dan Ran 3 o’r Ddeddf honno.
- (5) At ddibenion is-adrannau (3) a (4), mae cyfeiriadau at reoleiddiwr yn adrannau 60 a 63 i 70 o Ddeddf 2008 i’w darllen fel cyfeiriadau at yr Awdurdod.’.

Delyth Jewell

87

Section 74, page 37, after line 8, insert –

‘() section [section to be inserted by amendment 86] (civil sanctions);’.

Adran 74, tudalen 37, ar ôl llinell 9, mewnosoder –

‘() adran [adran i’w mewnosod gan welliant 86] (sanctsiynau sifil);’.

Delyth Jewell

88

Schedule 1, page 52, after line 16, insert –

- ‘() The annual report must set out how the Authority has had regard to the principles of sustainable management of natural resources (as defined in section 4 of the Environment (Wales) Act 2016 (anaw 3)) when carrying out its functions under this Act.’.

Atodlen 1, tudalen 52, ar ôl llinell 17, mewnosoder –

- ‘() Rhaid i’r adroddiad blynyddol nodi sut y mae’r Awdurdod wedi rhoi sylw i egwyddorion rheoli cynaliadwy ar adnoddau naturiol (fel y’i diffinnir yn adran 4 o Ddeddf yr Amgylchedd (Cymru) 2016 (dccc 3)) wrth gyflawni ei swyddogaethau o dan y Ddeddf hon.’.

Janet Finch-Saunders

89

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

[] Identification of disused tips

- (1) The Authority must, by 1 January 2030, identify and compile a list of all disused tips.
- (2) The list of disused tips required by subsection (1) must include the following information –
 - (a) the location of each disused tip, and
 - (b) the potential threat to human welfare by reason of its instability posed by each disused tip.’.

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

[] Nodi tomenni nas defnyddir

- (1) Rhaid i’r Awdurdod, erbyn 1 Ionawr 2030, nodi a llunio rhestr o’r holl domenni nas defnyddir.
- (2) Rhaid i’r rhestr o domenni nas defnyddir sy’n ofynnol gan is-adran (1) gynnwys yr wybodaeth a ganlyn –
 - (a) lleoliad pob tomen nas defnyddir, a
 - (b) y bygythiad posibl i les pobl oherwydd yr ansefydlogrwydd a berir gan bob tomen nas defnyddir.’.

Janet Finch-Saunders

90

Section 35, page 14, line 34, leave out ‘give the copies required by’ and insert ‘comply with the requirements of’.

Adran 35, tudalen 14, llinell 37, hepgorer ‘roi’r copïau sy’n ofynnol gan’ a mewnosoder ‘gydymffurfio â gofynion’.

Janet Finch-Saunders

91

Section 45, page 20, line 16, leave out ‘give the copies required by’ and insert ‘comply with the requirements of’.

Adran 45, tudalen 20, llinell 16, hepgorer ‘roi’r copïau sy’n ofynnol gan’ a mewnosoder ‘gydymffurfio â gofynion’.

Janet Finch-Saunders

92

Page 28, after line 8, insert a new section –

‘PART []

DEALING WITH ACTIVITIES THAT DESTABILISE A DISUSED TIP

[] Offence of destabilising a disused tip

- (1) The Welsh Ministers may by regulations create a new criminal offence in relation to activity on a disused tip which destabilises the tip and threatens human welfare.
- (2) Regulations under this section may make provision, amongst other things, for powers to enter land.’.

Tudalen 28, ar ôl llinell 8, mewnosoder adran newydd –

‘RHAN []

YMDRIN Â GWEITHGAREDDAU SY’N ANSEFYDLOGI TOMEN NAS DEFNYDDIR

[] Y drosedd o ansefydlogi tomen nas defnyddir

- (1) Caiff Gweinidogion Cymru drwy reoliadau greu trosedd newydd mewn perthynas â gweithgaredd ar domen nas defnyddir sy’n ansefydlogi’r domen ac yn bygwth lles pobl.
- (2) Caiff rheoliadau o dan yr adran hon wneud darpariaeth, ymhlith pethau eraill, ar gyfer pwerau i fynd ar dir.’.

Janet Finch-Saunders

93

Page 28, after line 8, insert a new section –

‘[] Stop notices

- (1) The Welsh Ministers may by regulations confer on the Authority the power to serve a stop notice on a person in relation to an offence under section *[section to be inserted by amendment 92]*.
- (2) Regulations under subsection (1) may include provision about –
 - (a) the procedure for issuing a stop notice;
 - (b) the provision of completion certificates;
 - (c) appeals against the service of a stop notice;
 - (d) compensation;
 - (e) enforcement.
- (3) Regulations under this section may create offences in connection with a failure to comply with any requirements imposed by or under the regulations.’.

Tudalen 28, ar ôl llinell 8, mewnosoder adran newydd –

‘[] Hysbysiadau stop

- (1) Caiff Gweinidogion Cymru drwy reoliadau roi i’r Awdurdod y pŵer i gyflwyno hysbysiad stop i berson mewn perthynas â throsedd o dan adran *[adran i’w mewnosod gan welliant 92]*.
- (2) Caiff rheoliadau o dan is-adran (1) gynnwys darpariaeth ynghylch –
 - (a) y weithdrefn ar gyfer dyroddi hysbysiad stop;
 - (b) darparu tystysgrifau cwblhau;
 - (c) apelau yn erbyn cyflwyno hysbysiad stop;
 - (d) digollediad;



(e) gorfodi.

- (3) Caiff rheoliadau o dan yr adran hon greu troseddau mewn cysylltiad â methu â chydymffurfio ag unrhyw ofynion a osodir gan y rheoliadau neu odanynt.’.

Janet Finch-Saunders

94

Page 29, after line 13, insert a new section –

[] Duties of owners to share information

- (1) If an owner of land –
- (a) becomes aware of a threat to the stability of a disused tip, or evidence of a disused tip’s instability, and
 - (b) considers that the information ought to be shared with the Authority in the interests of avoiding or reducing a threat to human welfare,
- the owner must give the Authority the information as soon as practicable.
- (2) This section does not require or permit information to be given contrary to any prohibition imposed by an enactment or other rule of law.’.

Tudalen 29, ar ôl llinell 14, mewnosoder adran newydd –

[] Dyletswyddau perchnogion i rannu gwybodaeth

- (1) Os yw perchennog ar dir –
- (a) yn dod yn ymwybodol o fygythiad i sefydlogrwydd tomen nas defnyddir, neu dystiolaeth o ansefydlogrwydd tomen nas defnyddir, a
 - (b) yn ystyried y dylid rhannu’r wybodaeth â’r Awdurdod er mwyn osgoi neu leihau bygythiad i les pobl,
- rhaid i’r perchennog roi’r wybodaeth i’r Awdurdod cyn gynted ag y bo’n ymarferol.
- (2) Nid yw’r adran hon yn ei gwneud yn ofynnol nac yn caniatáu i wybodaeth gael ei rhoi yn groes i unrhyw waharddiad a osodir gan ddeddfiad neu reol gyfreithiol arall.’.

Janet Finch-Saunders

95

Page 29, after line 13, insert a new section –

[] Penalties in connection with giving information

- (1) A person who is required to give information under section [section to be inserted by amendment 94] commits an offence if the person fails, without reasonable excuse, to give the information.
- (2) A person who is required to give information under section [section to be inserted by amendment 94] commits an offence if the person –
- (a) gives information which is false or misleading in a material respect, and
 - (b) either –
 - (i) knows that the information is false or misleading, or
 - (ii) is reckless as to whether the information is false or misleading.

- (3) A person who is guilty of an offence under subsection (1) or subsection (2) is liable on summary conviction to a fine.
- (4) A contravention of subsection (1) by the Crown does not make the Crown criminally liable (but see section 28(3) of the Legislation Wales Act 2019 (anaw 4) regarding the liability of persons in the service of the Crown).’.

Tudalen 29, ar ôl llinell 14, mewnosoder adran newydd –

[] Cosbau mewn cysylltiad â rhoi gwybodaeth

- (1) Mae person y mae’n ofynnol iddo roi gwybodaeth o dan adran [adran i’w mewnosod gan welliant 94] yn cyflawni trosedd os yw’r person yn methu, heb esgus rhesymol, â rhoi’r wybodaeth.
- (2) Mae person y mae’n ofynnol iddo roi gwybodaeth o dan adran [adran i’w mewnosod gan welliant 94] yn cyflawni trosedd os yw’r person –
 - (a) yn rhoi gwybodaeth sy’n anwir neu yn gamarweiniol mewn modd perthnasol, a
 - (b) naill ai –
 - (i) yn gwybod bod yr wybodaeth yn anwir neu’n gamarweiniol, neu
 - (ii) yn ddi-hid ynghylch pa un a yw’r wybodaeth yn anwir neu’n gamarweiniol.
- (3) Mae person sy’n euog o drosedd o dan is-adran (1) neu is-adran (2) yn agored ar euogfarn ddiannod i ddirwy.
- (4) Nid yw torri is-adran (1) gan y Goron yn gwneud y Goron yn atebol o ran cyfraith trosedd (ond gweler adran 28(3) o Ddeddf Deddfwriaeth (Cymru) 2019 (dccc 4) ynghylch atebolrwydd personau sy’n gwasanaethu’r Goron).’.

Janet Finch-Saunders

96

Section 74, page 37, after line 7, insert –

‘() section [section to be inserted by amendment 93] (stop notices);’.

Adran 74, tudalen 37, ar ôl llinell 8, mewnosoder –

‘() adran [adran i’w mewnosod gan welliant 93] (hysbysiadau stop);’.

Janet Finch-Saunders

97

Section 74, page 37, after line 7, insert –

‘() section [section to be inserted by amendment 92] (offence of destabilising a disused tip);’.

Adran 74, tudalen 37, ar ôl llinell 8, mewnosoder –

‘() adran [adran i’w mewnosod gan welliant 92] (y drosedd o ansefydlogi tomen nas defnyddir);’.