



# Historic Environment (Wales) Act 2023

## 2023 asc 3

### HISTORIC ENVIRONMENT (WALES) ACT 2023

#### **PART 1**

#### OVERVIEW

- 1 Overview

#### **PART 2**

#### MONUMENTS OF SPECIAL HISTORIC INTEREST

#### **CHAPTER 1**

#### KEY TERMS

- 2 Meaning of “monument” and “site of monument”

#### **CHAPTER 2**

#### SCHEDULE OF MONUMENTS OF NATIONAL IMPORTANCE

#### *Schedule of monuments*

- 3 Duty to maintain and publish schedule of monuments
- 4 Notification of owner etc. where the schedule is amended

#### *Proposals to add or remove monument to or from the schedule: consultation and interim protection*

- 5 Consultation before adding or removing monument to or from the schedule
- 6 Interim protection pending decision on certain amendments relating to the schedule
- 7 When interim protection ends

*Changes to legislation: Historic Environment (Wales) Act 2023 is up to date with all changes known to be in force on or before 17 April 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes*

---

8 Compensation for loss or damage caused by interim protection

*Review of decisions to amend schedule to add monuments etc.*

9 Review of decision to add monument to the schedule etc.

10 Supplementary provision about reviews

### CHAPTER 3

#### CONTROL OF WORKS AFFECTING SCHEDULED MONUMENTS

*Authorisation of works*

11 Requirement for works to be authorised

12 Authorisation of classes of works

13 Authorisation of works by scheduled monument consent

*Applications for scheduled monument consent*

14 Applying for scheduled monument consent

15 Declarations of ownership in respect of monument

16 Power to refuse to consider similar applications

*Determining applications for scheduled monument consent*

17 Procedure for determining applications and effect of grant of consent

*Grant of scheduled monument consent subject to conditions*

18 Power to grant consent subject to conditions

19 Condition about period within which works must start

*Modification and revocation of scheduled monument consent*

20 Modification and revocation of consent

*Compensation*

21 Compensation for refusal of scheduled monument consent or grant of consent subject to conditions

22 Recovery of compensation paid under section 21 on subsequent grant of consent

23 Determination of amount recoverable under section 22

24 Compensation where works affecting a scheduled monument cease to be authorised

### CHAPTER 4

#### SCHEDULED MONUMENT PARTNERSHIP AGREEMENTS

25 Scheduled monument partnership agreements

26 Further provision about scheduled monument partnership agreements

27 Termination of agreement or provision of agreement

28 Compensation in relation to termination

29 Interpretation

**Changes to legislation:** Historic Environment (Wales) Act 2023 is up to date with all changes known to be in force on or before 17 April 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes

---

## CHAPTER 5

### ENFORCEMENT OF CONTROLS RELATING TO SCHEDULED MONUMENTS

#### *Offences relating to unauthorised works*

- 30 Offence of carrying out unauthorised works or breaching condition of consent

#### *Temporary stop notices*

- 31 Power of Welsh Ministers to issue temporary stop notice  
32 Duration etc. of temporary stop notice  
33 Offence of breaching temporary stop notice  
34 Compensation for loss or damage caused by temporary stop notice

#### *Enforcement notices*

- 35 Power of Welsh Ministers to issue enforcement notice  
36 Service and taking effect of enforcement notice  
37 Variation and withdrawal of enforcement notice  
38 Effect of granting scheduled monument consent on enforcement notice  
39 Appeal against enforcement notice  
40 Powers to enter land and take steps required by enforcement notice  
41 Offence of failing to comply with enforcement notice

#### *Injunctions*

- 42 Injunction to restrain unauthorised works or failure to comply with condition of consent

## CHAPTER 6

### ACQUISITION, GUARDIANSHIP AND PUBLIC ACCESS

#### *Acquisition of monuments of special historic interest*

- 43 Compulsory acquisition of monuments of special historic interest  
44 Acquisition by agreement or gift of monuments of special historic interest

#### *Guardianship of monuments of special historic interest*

- 45 Power to place monument of special historic interest under guardianship  
46 Supplementary provision about guardianship deeds  
47 General functions of guardians  
48 Termination of guardianship

#### *Acquisition and guardianship of land in the vicinity of a monument of special historic interest etc.*

- 49 Acquisition and guardianship of land in the vicinity of a monument  
50 Acquisition of easements and other similar rights over land in the vicinity of a monument

*Changes to legislation: Historic Environment (Wales) Act 2023 is up to date with all changes known to be in force on or before 17 April 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes*

---

*Agreements with occupiers of monuments or adjoining etc. land*

- 51 Agreements concerning management of monuments of special historic interest and land in their vicinity

*Powers of limited owners*

- 52 Powers of limited owners for purposes of sections 45, 50 and 51

*Transfer of ownership or guardianship and disposal of land*

- 53 Transfer of monuments of special historic interest between local authorities and the Welsh Ministers  
54 Disposal of land acquired under this Chapter

*Public access to monuments under public control*

- 55 Public access to monuments under public control  
56 Power to make regulations and byelaws in connection with public access to monuments under public control  
57 Provision of facilities for the public in connection with monuments of special historic interest

## CHAPTER 7

### GENERAL

*Damage to monuments*

- 58 Offence of damaging certain monuments of special historic interest  
59 Compensation orders for damage to monuments under guardianship  
60 Restrictions on use of metal detectors

*Urgent works for preservation of scheduled monument*

- 61 Works for preservation of scheduled monument in cases of urgency

*Expenditure and advice in relation to monuments*

- 62 Expenditure on acquisition and preservation of monuments of special historic interest etc.  
63 Advice and supervision of work by Welsh Ministers  
64 Expenditure by local authorities on archaeological investigation

*Powers of entry*

- 65 Powers of entry for inspection of scheduled monuments etc.  
66 Powers of entry relating to enforcement of controls on works  
67 Power of entry on land believed to contain monument of special historic interest  
68 Power of entry for survey and valuation in connection with claim for compensation  
69 Supplementary provision about powers of entry under this Part  
70 Compensation for damage caused by exercise of certain powers under this Part  
71 Treatment and preservation of finds

**Changes to legislation:** Historic Environment (Wales) Act 2023 is up to date with all changes known to be in force on or before 17 April 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes

---

### *Supplementary*

- 72 Validity of certain decisions and orders under this Part
- 73 Application to High Court for statutory review of decision or order
- 74 Crown land
- 75 Interpretation of this Part

## **PART 3**

### **BUILDINGS OF SPECIAL ARCHITECTURAL OR HISTORIC INTEREST**

#### **CHAPTER 1**

##### **LISTING BUILDINGS OF SPECIAL INTEREST**

###### *List of buildings*

- 76 Duty to maintain and publish list of buildings
- 77 Notification of listing or de-listing of building

###### *Proposals to list and de-list buildings: consultation and interim protection*

- 78 Consultation before listing or de-listing building
- 79 Interim protection pending decision whether to list building
- 80 Compensation for loss or damage caused by interim protection

###### *Review of listing decisions*

- 81 Review of decision to list building
- 82 Supplementary provision about reviews

###### *Temporary listing*

- 83 Service of temporary listing notice
- 84 Temporary listing in urgent cases
- 85 End of temporary listing
- 86 Compensation for loss or damage caused by temporary listing

###### *Buildings not intended to be listed*

- 87 Certificate that Welsh Ministers do not intend to list building

#### **CHAPTER 2**

##### **CONTROL OF WORKS AFFECTING LISTED BUILDINGS**

###### *Authorisation of works*

- 88 Requirement for works to be authorised
- 89 Authorisation of works by listed building consent

###### *Applications for listed building consent*

- 90 Applying for listed building consent
- 91 Notice of application to owners of building

*Changes to legislation: Historic Environment (Wales) Act 2023 is up to date with all changes known to be in force on or before 17 April 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes*

---

### *Dealing with applications for consent*

- 92 Procedure for dealing with application
- 93 Power to refuse to consider similar applications
- 94 Reference of application to Welsh Ministers
- 95 Notification to Welsh Ministers before granting consent
- 96 Grant or refusal of consent

### *Grant of listed building consent subject to conditions*

- 97 Power to grant consent subject to conditions
- 98 Condition about period within which works must start
- 99 Application for variation or removal of conditions

### *Appeals to the Welsh Ministers*

- 100 Right to appeal against planning authority decision or failure to make decision
- 101 Procedure for making appeal
- 102 Restriction on varying application after service of notice of appeal
- 103 Decision on application after service of notice of appeal
- 104 Determination of appeal

### *Special cases*

- 105 Applications by planning authorities and the Crown
- 106 Applications relating to urgent works on Crown land

### *Modification and revocation of listed building consent*

- 107 Modification and revocation of consent
- 108 Compensation where consent is modified or revoked

### *Right of owner of listed building to require purchase of interest*

- 109 Purchase notice where consent is refused, granted subject to conditions, modified or revoked
- 110 Purchase notice in respect of Crown land
- 111 Further provision about service of purchase notice
- 112 Action following service of purchase notice

## **CHAPTER 3**

### **LISTED BUILDING PARTNERSHIP AGREEMENTS**

- 113 Listed building partnership agreements
- 114 Further provision about listed building partnership agreements
- 115 Termination of agreement or provision of agreement
- 116 Compensation where agreement or provision is terminated

## **CHAPTER 4**

### **ENFORCEMENT OF CONTROLS RELATING TO LISTED BUILDINGS**

**Changes to legislation:** Historic Environment (Wales) Act 2023 is up to date with all changes known to be in force on or before 17 April 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes

---

*Unauthorised works and intentional damage: offences*

- 117 Offence of carrying out unauthorised works or breaching condition of consent
- 118 Offence of intentionally damaging listed building

*Temporary stop notices*

- 119 Power of planning authority to issue temporary stop notice
- 120 Duration etc. of temporary stop notice
- 121 Offence of breaching temporary stop notice
- 122 Compensation for loss or damage caused by temporary stop notice

*Enforcement notices issued by planning authorities*

- 123 Power of planning authority to issue enforcement notice
- 124 Service and taking effect of enforcement notice
- 125 Variation and withdrawal of enforcement notice
- 126 Effect of granting listed building consent on enforcement notice

*Appeals and other proceedings relating to enforcement notices*

- 127 Right to appeal against enforcement notice
- 128 Determination of appeal
- 129 Grounds for appeal not to be raised in other proceedings

*Compliance with enforcement notices*

- 130 Order to permit steps required by enforcement notice
- 131 Power to enter land and take steps required by enforcement notice
- 132 Recovery of costs of compliance with enforcement notice
- 133 Offence of failing to comply with enforcement notice

*Enforcement notices issued by Welsh Ministers*

- 134 Power of Welsh Ministers to issue enforcement notice

*Injunctions*

- 135 Injunction to restrain unauthorised works or failure to comply with condition of consent

**CHAPTER 5**

**ACQUISITION AND PRESERVATION OF BUILDINGS OF SPECIAL INTEREST**

*Acquisition by agreement of buildings of special interest*

- 136 Power of planning authority to acquire building by agreement

*Compulsory acquisition of listed buildings in need of repair*

- 137 Powers to acquire listed building compulsorily for purpose of preservation
- 138 Requirement to serve repairs notice before starting compulsory acquisition
- 139 Application to stop compulsory acquisition

*Changes to legislation: Historic Environment (Wales) Act 2023 is up to date with all changes known to be in force on or before 17 April 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes*

---

- 140 Direction for minimum compensation where building deliberately allowed to fall into disrepair
- 141 Application for removal of direction for minimum compensation
- 142 Ending of rights over land acquired compulsorily

*Management, use and disposal of buildings*

- 143 Management, use and disposal of building acquired under this Chapter

*Urgent preservation of listed buildings*

- 144 Urgent works to preserve listed building
- 145 Power to require owner to meet costs of preservation works
- 146 Further provision about recovery of costs of preservation works

*Further provision about preservation of listed buildings*

- 147 Steps for preservation of listed buildings in disrepair

*Finance for repair and maintenance of buildings of special interest etc.*

- 148 Grant or loan by local authority for repair or maintenance of building
- 149 Recovery of grant made by local authority
- 150 Grant by Welsh Ministers for repair or maintenance of building, garden etc.
- 151 Acceptance by Welsh Ministers of endowment for upkeep of building

## CHAPTER 6

### GENERAL

*Powers of entry*

- 152 Powers to enter land
- 153 Exercise of power to enter land without warrant
- 154 Warrant to enter land
- 155 Supplementary provision about powers of entry

*Supplementary*

- 156 Exempt religious buildings
- 157 Interpretation of this Part

## PART 4

### CONSERVATION AREAS

*Designation of conservation areas*

- 158 Designating areas of special architectural or historic interest as conservation areas

*Duties relating to conservation areas*

- 159 Duty to formulate and publish proposals for preservation and enhancement of conservation areas
- 160 Exercise of planning functions: general duty relating to conservation areas



**Changes to legislation:** Historic Environment (Wales) Act 2023 is up to date with all changes known to be in force on or before 17 April 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes

---

*Control of demolition in conservation areas*

- 161 Requirement for demolition to be authorised
- 162 Authorisation of demolition by conservation area consent
- 163 Application of Part 3 to conservation areas

*Urgent preservation of buildings in conservation areas*

- 164 Urgent works to preserve buildings in conservation areas

*Grants and conservation area agreements*

- 165 Grant by Welsh Ministers for preservation or enhancement of conservation areas
- 166 Conservation area agreements

**PART 5**

**SUPPLEMENTARY PROVISION ABOUT BUILDINGS  
OF SPECIAL INTEREST AND CONSERVATION AREAS**

**CHAPTER 1**

**EXERCISE OF FUNCTIONS BY PLANNING  
AUTHORITIES AND OTHER LOCAL AUTHORITIES**

- 167 Fees and charges for exercising functions
- 168 Arrangements for exercising functions in relation to applications
- 169 Arrangements for obtaining specialist advice
- 170 Form of documents
- 171 Contributions towards expenditure by local authorities

**CHAPTER 2**

**PROCEEDINGS BEFORE THE WELSH MINISTERS**

*Procedural provisions applying to appeals to Welsh Ministers*

- 172 Fees for appeals
- 173 Determination of appeal by appointed person

*Procedural provisions applying to appeals and other proceedings before Welsh Ministers*

- 174 Choice of inquiry, hearing or written procedure
- 175 Procedural requirements

*Local inquiries*

- 176 Power of Welsh Ministers to hold local inquiry
- 177 Power of person holding inquiry to require evidence
- 178 Access to evidence at inquiry
- 179 Payment of appointed representative where access to evidence restricted

*Costs of proceedings before Welsh Ministers*

- 180 Payment of costs of Welsh Ministers
- 181 Orders relating to costs of parties

*Changes to legislation: Historic Environment (Wales) Act 2023 is up to date with all changes known to be in force on or before 17 April 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes*

---

## CHAPTER 3

### VALIDITY AND CORRECTION OF DECISIONS

#### *Validity of decisions and orders*

- 182 Validity of certain decisions and orders relating to buildings
- 183 Application to High Court for statutory review of decision or order
- 184 Appeal to High Court against decision relating to enforcement notice

#### *Correction of decisions of Welsh Ministers*

- 185 Meaning of “decision document” and “correctable error”
- 186 Power to correct correctable errors in decision documents
- 187 Effect and validity of correction notice

## CHAPTER 4

### GENERAL

#### *The Crown*

- 188 Representation of Crown and Duchy interests in land
- 189 Service of documents on the Crown
- 190 Enforcement steps in relation to Crown land

#### *Interpretation*

- 191 Meaning of “local authority” in this Part

## PART 6

### OTHER HERITAGE ASSETS AND RECORDS

#### *Historic parks and gardens*

- 192 Duty to maintain and publish register of historic parks and gardens

#### *Historic place names*

- 193 Duty to maintain and publish list of historic place names

#### *Historic environment records*

- 194 Duty to maintain historic environment records
- 195 Access to historic environment records
- 196 Guidance to certain public bodies about historic environment records

## PART 7

### GENERAL

#### *Powers to require information about interests in land*

- 197 Power to require information by notice
- 198 Offences in connection with section 197
- 199 Information about interests in Crown land

**Changes to legislation:** Historic Environment (Wales) Act 2023 is up to date with all changes known to be in force on or before 17 April 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes

---

### *Offences*

- 200 Offences by bodies corporate
- 201 Civil sanctions

### *Compensation*

- 202 Making claims for compensation
- 203 Determination of compensation claims by Upper Tribunal
- 204 Compensation for depreciation of value of land

### *Service of documents*

- 205 Service of notices and other documents: general
- 206 Additional provision about service on persons interested in or occupying land

### *Special cases*

- 207 Definitions relating to the Crown
- 208 Church of England land

### *General*

- 209 Regulations under this Act
- 210 Interpretation
- 211 Consequential and transitional provision etc.
- 212 Coming into force
- 213 Short title

---

## SCHEDULE 1 — END OF INTERIM PROTECTION FOR MONUMENTS

- 1 Application of this Schedule
- 2 Criminal liability
- 3 Scheduled monument consent
- 4 Temporary stop notices
- 5 Enforcement notices
- 6 Injunctions

## SCHEDULE 2 — DECISION ON REVIEW BY PERSON APPOINTED BY THE WELSH MINISTERS

- 1 Application of this Schedule and meaning of “appointed person”
- 2 Appointment of another person to make a decision on a review
- 3 Appointment of assessor to assist appointed person
- 4 Directions
- 5 Delegation
- 6 Public Services Ombudsman (Wales) Act 2019 (anaw 3)

## SCHEDULE 3 — AUTHORISATION FOR CLASSES OF WORKS

- 1 Power to amend Schedule

## SCHEDULE 4 — PROCEDURE FOR ORDERS MODIFYING OR REVOKING SCHEDULED MONUMENT CONSENT

### PART 1 — NOTICE OF PROPOSED MODIFICATION OR REVOCATION

*Changes to legislation: Historic Environment (Wales) Act 2023 is up to date with all changes known to be in force on or before 17 April 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes*

---

- 1 Requirement to serve a notice of proposed modification or revocation
- 2 Effect of notice under paragraph 1 on authorisation to carry out works
  - PART 2 — PROCEEDING TO MAKE AN ORDER AFTER SERVICE OF NOTICE
- 3 Making an order under section 20
- 4 Notification once order made
  - PART 3 — SUPPLEMENTARY
- 5 Procedure after hearing or inquiry

#### SCHEDULE 5 — TERMINATION BY ORDER OF SCHEDULED MONUMENT PARTNERSHIP AGREEMENT

##### PART 1 — NOTICE OF PROPOSED TERMINATION

- 1 Requirement to serve notice of proposed termination
- 2 Effect on authorised works of service of notice of proposed termination
  - PART 2 — PROCEEDING TO MAKE AN ORDER AFTER SERVICE OF NOTICE
- 3 Making an order under section 27
- 4 Notification once order made
  - PART 3 — SUPPLEMENTARY
- 5 Procedure after hearing or inquiry

#### SCHEDULE 6 — PROCEEDINGS UNDER PART 2

- 1 Evidence at local inquiries
- 2 Offence relating to failure to comply with summons under paragraph 1
- 3 Costs of certain proceedings under this Part
- 4 Costs of reviews held under section 9 by appointed person

#### SCHEDULE 7 — END OF INTERIM PROTECTION OR TEMPORARY LISTING FOR BUILDINGS

- 1 Introduction
- 2 Criminal liability
- 3 Listed building consent
- 4 Temporary stop notices
- 5 Enforcement notices
- 6 Injunctions

#### SCHEDULE 8 — PROCEDURE FOR ORDERS MODIFYING OR REVOKING LISTED BUILDING CONSENT

##### PART 1 — ORDERS MADE BY PLANNING AUTHORITIES

- 1 Circumstances in which orders take effect
- 2 Procedure for confirmation of orders by Welsh Ministers
- 3 Procedure for orders to take effect without confirmation
  - PART 2 — ORDERS MADE BY THE WELSH MINISTERS
- 4 Procedure to be followed before making order

#### SCHEDULE 9 — ACTION FOLLOWING SERVICE OF PURCHASE NOTICE

- 1 Response to purchase notice by planning authority
- 2 Action to be taken by Welsh Ministers on rejection of purchase notice by planning authority
- 3 Procedure before Welsh Ministers take action in relation to purchase notice
- 4 Effect of Welsh Ministers' action in relation to purchase notice
- 5 Legal challenge to Welsh Ministers' action in relation to purchase notice

**Changes to legislation:** *Historic Environment (Wales) Act 2023 is up to date with all changes known to be in force on or before 17 April 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes*

---

- 6 Deduction of compensation payable under section 108 on acquisition
- 7 Interpretation of Schedule

#### SCHEDULE 10 — PROCEDURE FOR ORDERS TERMINATING LISTED BUILDING PARTNERSHIP AGREEMENTS

##### PART 1 — ORDERS MADE BY PLANNING AUTHORITIES

- 1 Requirement for confirmation by Welsh Ministers

##### PART 2 — ORDERS MADE BY THE WELSH MINISTERS

- 2 Procedure to be followed before making order

#### SCHEDULE 11 — EFFECT OF SECTION 161 CEASING TO APPLY TO BUILDING

- 1 Introduction
- 2 Criminal liability
- 3 Conservation area consent
- 4 Temporary stop notices
- 5 Enforcement notices
- 6 Injunctions

#### SCHEDULE 12 — DETERMINATION OF APPEAL BY APPOINTED PERSON OR THE WELSH MINISTERS

- 1 Introduction
- 2 Powers and duties of appointed person
- 3 Local inquiry, hearing or written representations
- 4 Replacement of appointed person
- 5 Direction under section 173(3)(b) that appeal is to be determined by Welsh Ministers
- 6 Revocation of direction under section 173(3)(b)
- 7 Supplementary provisions

#### SCHEDULE 13 — MINOR AND CONSEQUENTIAL AMENDMENTS AND REPEALS

- 1 Settled Land Act 1925 (c. 18)
- 2 Historic Buildings and Ancient Monuments Act 1953 (c. 49)
- 3 Omit section 4.
- 4 In section 4A— (a) in the heading, for “section 4”...
- 5 (1) In section 5, after subsection (5) insert—
- 6 Omit section 6.
- 7 In section 8, after subsection (7) insert—
- 8 Land Powers (Defence) Act 1958 (c. 30)
- 9 Public Health Act 1961 (c. 64)
- 10 Compulsory Purchase Act 1965 (c. 56)
- 11 Mines (Working Facilities and Support) Act 1966 (c. 4)
- 12 Civic Amenities Act 1967 (c. 69)
- 13 Redundant Churches and other Religious Buildings Act 1969 (c. 22)
- 14 In section 4— (a) in subsection (2)(b), after sub-paragraph (i)...
- 15 In section 5(1), after “Secretary of State,”, in both places,...
- 16 Local Government Act 1972 (c. 70)
- 17 Land Compensation Act 1973 (c. 26)
- 18 Estate Agents Act 1979 (c. 38)
- 19 Ancient Monuments and Archaeological Areas Act 1979 (c. 46)
- 20 In section 1— (a) in subsection (3), for “subsection” substitute...
- 21 Omit sections 1AA to 1AE.

**Changes to legislation:** *Historic Environment (Wales) Act 2023 is up to date with all changes known to be in force on or before 17 April 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes*

---

- 22 In section 2— (a) omit subsections (3A) and (3B);
- 23 In section 4(3), omit “Where a direction would (if given)...
- 24 In section 6, omit subsection (5).
- 25 In section 7(1), omit “the Secretary of State or (where...
- 26 In section 8— (a) in subsection (2A), omit paragraph (c);...
- 27 In section 9(1), omit “the Secretary of State or (where...
- 28 Omit sections 9ZA and 9ZB and the italic heading before...
- 29 Omit sections 9ZC to 9ZH and the italic heading before...
- 30 Omit sections 9ZI to 9ZL and the italic heading before...
- 31 Omit section 9ZM and the italic heading before it.
- 32 In section 26, omit subsection (4).
- 33 In section 27(2), for “section 1AD, 7, 9 or 9ZL”...
- 34 In section 28— (a) in subsection (1), omit “situated in...
- 35 In section 33— (a) after subsection (1) insert—
- 36 In section 35(5), omit paragraph (aa).
- 37 In section 38— (a) in subsection (3)(b), omit “and Wales”;...
- 38 Omit section 41A and the italic heading before it.
- 39 In section 42— (a) in subsection (1), omit “or of...
- 40 In section 44(2), in the second sentence, omit the words...
- 41 In section 45— (a) omit subsection (1);
- 42 In section 46(3), omit “9ZF, 9ZJ,”.
- 43 In section 50, omit subsection (3A).
- 44 In section 51(3), omit “1AD, 9ZL,”.
- 45 In section 53— (a) in subsection (2), for “, or...
- 46 In section 55, omit subsection (3A).
- 47 In section 56— (a) in subsection (1), omit paragraph (ca)...
- 48 In section 60— (a) omit subsection (1A);
- 49 In section 61— (a) in subsection (1)—
- 50 Omit Schedules A1 and A2.
- 51 In Schedule 1— (a) in paragraph 1, omit sub-paragraph (3);...
- 52 Local Government, Planning and Land Act 1980 (c. 65)
- 53 Highways Act 1980 (c. 66)
- 54 In section 79(15)— (a) in paragraph (a), after “local highway...
- 55 In section 105ZA(1), in paragraph (g) of the definition of...
- 56 New Towns Act 1981 (c. 64)
- 57 Acquisition of Land Act 1981 (c. 67)
- 58 National Heritage Act 1983 (c. 47)
- 59 Inheritance Tax Act 1984 (c. 51)
- 60 Building Act 1984 (c. 55)
- 61 In section 1A(2)— (a) in paragraph (a), after “(see section...
- 62 In section 20(1), after “the Planning (Listed Buildings and Conservation...
- 63 In section 77(3), after “subject to” insert “section 79A and...
- 64 In section 79(5), after “subject to” insert “section 79A and...
- 65 After section 79 insert— Wales: exercise of powers under sections...
- 66 Housing Act 1985 (c. 68)
- 67 In section 303, after “section 1 of the Planning (Listed...
- 68 In section 305— (a) in subsection (1), after “Where a...
- 69 In section 306— (a) in subsection (1), after “applies to...
- 70 Protection of Military Remains Act 1986 (c. 35)
- 71 Town and Country Planning Act 1990 (c. 8)
- 72 In section 70(3), as it has effect before section 5(8)...
- 73 In section 108(3F), at the end insert “or the Historic...

**Changes to legislation:** *Historic Environment (Wales) Act 2023 is up to date with all changes known to be in force on or before 17 April 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes*

---

- 74 In section 137— (a) in subsection (6)—
- 75 In section 143(4), after “Planning (Listed Buildings and Conservation Areas)...
- 76 In section 157(1)(b)— (a) after “section 47 of the Planning...
- 77 In section 232(1), after “Chapter V of Part 1 of...
- 78 In section 235(6), in the definition of “alternative enactment”, after...
- 79 In section 240(3), in the definition of “relevant acquisition or...
- 80 In section 241(1), after “Chapter V of Part 1 of...
- 81 In section 243(3)(b), after “Chapter V of Part 1 of...
- 82 In section 246(1)(a), after “section 52 of the Planning (Listed...
- 83 In section 271(1), after “Chapter V of Part 1 of...
- 84 In section 272(1), after “Chapter V of Part 1 of...
- 85 In section 275— (a) in subsection (1)(a), after “Chapter V...
- 86 In section 277(2)(a), after “Chapter V of Part 1 of...
- 87 In section 303, after subsection (1) insert—
- 88 In section 303ZA(5)(b), which is inserted by section 200 of...
- 89 In section 306(1)(a), after “Chapter V of Part 1 of...
- 90 Before section 315 (but after the italic heading before that...
- 91 In section 336(1)— (a) in the definition of “conservation area”,...
- 92 In Schedule 4B, in paragraph 8(5), for “has the same...
- 93 Planning (Listed Buildings and Conservation Areas) Act 1990 (c. 9)
- 94 In section 1— (a) in subsection (1), after “buildings of...
- 95 In section 2— (a) in subsection (1)—
- 96 Omit sections 2A to 2D.
- 97 In section 3— (a) in the heading, omit “in England”;...
- 98 Omit section 3A.
- 99 In section 4(2), for “sections 3 and 3A,” substitute “section...
- 100 In section 5— (a) at the beginning of subsection (1),...
- 101 In section 6— (a) in the heading, omit “: England”;...
- 102 Omit section 6A.
- 103 In section 8— (a) in subsection (4)—
- 104 In section 9, omit subsection (3A).
- 105 In section 12, omit subsection (4B).
- 106 In section 15(3), omit “in England”.
- 107 In section 20— (a) in subsection (4), omit “in relation...
- 108 In section 21— (a) in subsection (4), omit “interim protection...
- 109 In section 22— (a) omit subsection (2B);
- 110 In section 26A(1), omit “, situated in England”.
- 111 In section 26C(1), omit “in England”.
- 112 In section 26D(1), omit “for any area in England”.
- 113 In section 26H(1), omit “in England”.
- 114 Omit sections 26L and 26M and the italic heading before...
- 115 Omit section 28B.
- 116 In section 29— (a) in subsection (1), omit “in respect...
- 117 In section 31(2), for “28, 28B, 29 and 44D” substitute...
- 118 In section 32(1), in the words after paragraph (b), omit...
- 119 In section 34(2)— (a) in paragraph (c), omit “in England”;...
- 120 In section 40, omit subsection (2B).
- 121 In section 41— (a) in subsection (4)—
- 122 In section 44A(4), omit “, as respects England,”.
- 123 Omit sections 44B to 44D.
- 124 In section 46— (a) in subsection (2)(b), omit “if the...
- 125 In section 47— (a) in subsection (3)(a), omit “situated in...

**Changes to legislation:** *Historic Environment (Wales) Act 2023 is up to date with all changes known to be in force on or before 17 April 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes*

---

- 126 In section 48(4), omit “situated in England”.
- 127 In section 49— (a) in the heading, after “listed building”...
- 128 In section 52(1)— (a) in the words before paragraph (a)—...
- 129 In section 53(3), omit “if they relate to property situated...”
- 130 In section 54— (a) in subsection (2)—
- 131 In section 55, omit subsections (5A) to (5G).
- 132 In section 57(7)— (a) in paragraph (a), for “, county...”
- 133 In section 60(2), omit “, 3A”.
- 134 In section 61(2), for “sections 2B, 3, 3A,” substitute “sections...”
- 135 In section 62(2), omit paragraph (za).
- 136 In section 66, after subsection (4) insert—
- 137 In section 70— (a) in subsection (5)(b), omit “it affects...”
- 138 In section 74— (a) omit subsections (1), (1A) and (2);...
- 139 In section 75— (a) omit subsection (6);
- 140 In section 76(2), omit “in respect of a building in...”
- 141 In section 77— (a) in subsection (1), omit “situated in...”
- 142 In section 79— (a) in subsection (1), omit “, or...”
- 143 In section 80— (a) in subsection (1)(b), omit “in England”;...
- 144 In section 81, after ““local planning authority”” insert “means a...”
- 145 In section 82— (a) in subsection (1)—
- 146 In section 82A(2), omit paragraph (fa).
- 147 In section 86(2)— (a) in paragraph (a), omit “if the...”
- 148 In section 88— (a) omit subsection (3A);
- 149 In section 88B, omit subsection (1A).
- 150 In section 88D— (a) in the heading, omit “: England”;...
- 151 Omit section 88E.
- 152 In section 89— (a) in subsection (1)—
- 153 In section 90(5), after “council of a county” insert “in...”
- 154 In section 91— (a) in subsection (1)—
- 155 In section 93— (a) in subsection (1), omit “in relation...”
- 156 In Schedule 1, in paragraph 2— (a) in sub-paragraph (3),...
- 157 Omit Schedules 1A and 1B.
- 158 In Schedule 2— (a) in paragraph 1—
- 159 In Schedule 3— (a) in paragraph 2—
- 160 In Schedule 4— (a) in paragraph 1—
- 161 Planning and Compensation Act 1991 (c. 34)
- 162 Coal Mining Subsidence Act 1991 (c. 45)
- 163 Land Drainage Act 1991 (c. 59)
- 164 Protection of Badgers Act 1992 (c. 51)
- 165 Tribunals and Inquiries Act 1992 (c. 53)
- 166 Leasehold Reform, Housing and Urban Development Act 1993 (c. 28)
- 167 Local Government (Wales) Act 1994 (c. 19)
- 168 In Schedule 6, omit paragraph 25 and the italic heading...
- 169 In Schedule 16, omit paragraph 56 and the italic heading...
- 170 Value Added Tax Act 1994 (c. 23)
- 171 Criminal Justice and Public Order Act 1994 (c. 33)
- 172 In section 60C(8), in paragraph (b) of the definition of...
- 173 In section 61(9), in paragraph (a)(ii) of the definition of...
- 174 In section 62E(2)(b), after “the Ancient Monuments and Archaeological Areas...”
- 175 Environment Act 1995 (c. 25)
- 176 Planning (Consequential Provisions) (Scotland) Act 1997 (c. 11)



**Changes to legislation:** *Historic Environment (Wales) Act 2023 is up to date with all changes known to be in force on or before 17 April 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes*

---

- 177 National Assembly for Wales (Transfer of Functions) Order 1999 (S.I. 1999/672)
- 178 Countryside and Rights of Way Act 2000 (c. 37)
- 179 In section 15(1), after paragraph (d) insert— or
- 180 In section 26(3)(b)(i), after “the Ancient Monuments and Archaeological Areas...
- 181 Planning and Compulsory Purchase Act 2004 (c. 5)
- 182 Government of Wales Act 2006 (c. 32)
- 183 In Schedule 3A, in the table in paragraph 1, omit...
- 184 In Schedule 10, omit paragraph 36.
- 185 National Assembly for Wales Commission (Crown Status) (No. 2) Order 2007 (S.I. 2007/1353)
- 186 Regulatory Enforcement and Sanctions Act 2008 (c. 13)
- 187 Planning Act 2008 (c. 29)
- 188 Enterprise and Regulatory Reform Act 2013 (c. 24)
- 189 Planning (Wales) Act 2015 (anaw 4)
- 190 Omit section 39(3).
- 191 Omit section 47(3).
- 192 In Schedule 5, omit paragraphs 19 to 22 and the...
- 193 Historic Environment (Wales) Act 2016 (anaw 4)
- 194 Housing and Planning Act 2016 (c. 22)
- 195 Public Services Ombudsman (Wales) Act 2019 (anaw 3)
- 196 Sentencing Act 2020 (c. 17)

#### SCHEDULE 14 — TRANSITIONAL AND SAVING PROVISIONS

##### PART 1 — GENERAL PROVISIONS

- 1 Statutory and other references to this Act
- 2 Documents referring to repealed enactments
- 3 Relationship with Legislation (Wales) Act 2019
- 4 Interpretation

##### PART 2 — GUARDIANSHIP OF MONUMENTS

- 5 Guardianship orders made under 1953 Act
- 6 Control and management of monument where guardianship pre-dates 1979 Act
- 7 Public access to monument where guardianship pre-dates 1913 Act
- 8 Interpretation

##### PART 3 — MISCELLANEOUS

- 9 Offence of breaching temporary stop notice in relation to scheduled monument
- 10 Service and taking effect of enforcement notice in relation to scheduled monument
- 11 Purchase notice served on council in relation to building in National Park

**Changes to legislation:**

Historic Environment (Wales) Act 2023 is up to date with all changes known to be in force on or before 17 April 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations.

[View outstanding changes](#)

**Changes and effects yet to be applied to :**

- s. 111(8)(b)(i) words inserted by [2023 c. 55 Sch. 18 para. 7\(a\)\(i\)](#) (Amendment to English text)
- s. 111(8)(b)(i) words inserted by [2023 c. 55 Sch. 18 para. 7\(b\)\(i\)](#) (Amendment to Welsh text)
- s. 111(8)(b)(ii) words inserted by [2023 c. 55 Sch. 18 para. 7\(a\)\(ii\)](#) (Amendment to English text)
- s. 111(8)(b)(ii) words inserted by [2023 c. 55 Sch. 18 para. 7\(b\)\(ii\)](#) (Amendment to Welsh text)