



Historic Environment (Wales) Act 2023

2023 asc 3

PART 5

SUPPLEMENTARY PROVISION ABOUT BUILDINGS OF SPECIAL INTEREST AND CONSERVATION AREAS

CHAPTER 2

PROCEEDINGS BEFORE THE WELSH MINISTERS

PROSPECTIVE

Local inquiries

176 Power of Welsh Ministers to hold local inquiry

- (1) The Welsh Ministers may cause a local inquiry to be held for the purposes of the exercise of any of their functions under or by virtue of Part 3, Part 4 or this Part.
- (2) See also paragraph 3(1) of Schedule 12 for the power of a person appointed by the Welsh Ministers under section 173 to hold a local inquiry in connection with an appeal.

Commencement Information

- II** S. 176 not in force at Royal Assent, see [s. 212\(2\)](#)

177 Power of person holding inquiry to require evidence

- (1) A person holding a local inquiry under this Part may by summons require any person—
 - (a) to attend the inquiry, at a time and place stated in the summons, and to give evidence, or

Status: This version of this cross heading contains provisions that are prospective.

Changes to legislation: There are currently no known outstanding effects for the Historic Environment (Wales) Act 2023, Cross Heading: Local inquiries. (See end of Document for details)

- (b) to produce any documents in the person’s possession or under the person’s control which relate to any matter in question at the inquiry.
- (2) The person holding the inquiry may take evidence on oath, and for that purpose may administer oaths.
- (3) A summons under this section does not require a person to attend the inquiry unless the person’s necessary expenses of attending are paid or offered to the person.
- (4) A person may not be required under this section to produce the title (or any instrument relating to the title) of any land which does not belong to a local authority.
- (5) It is an offence for a person to—
 - (a) refuse or deliberately fail to comply with a requirement of a summons under this section, or
 - (b) deliberately alter, suppress, conceal or destroy a document the person is required, or is liable to be required, to produce under this section.
- (6) A person guilty of an offence under subsection (5) is liable on summary conviction to a fine not exceeding level 3 on the standard scale or imprisonment for a term not exceeding the maximum term for summary offences, or both.
- (7) In subsection (6) “the maximum term for summary offences” means—
 - (a) in relation to an offence committed before section 281(5) of the [Criminal Justice Act 2003 \(c. 44\)](#) comes into force, 6 months;
 - (b) in relation to an offence committed after it comes into force, 51 weeks.

Commencement Information

I2 S. 177 not in force at Royal Assent, see [s. 212\(2\)](#)

178 Access to evidence at inquiry

- (1) At a local inquiry held under this Part—
 - (a) oral evidence must be heard in public, and
 - (b) documentary evidence must be available for public inspection.
- (2) But if a ministerial authority is satisfied that both of the conditions in subsection (3) are met in relation to an inquiry, it may direct that evidence of a description specified in the direction is to be heard or available for inspection at that inquiry only by persons who are specified in the direction or of a description specified in it.
- (3) The conditions are—
 - (a) that giving evidence of a particular description in public or making it available for public inspection would be likely to result in the disclosure of information about—
 - (i) national security, or
 - (ii) the measures taken or to be taken to ensure the security of any land or other property, and
 - (b) that the public disclosure of the information would be against the national interest.

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- (4) If a ministerial authority is considering giving a direction under this section, the Counsel General may appoint a person (an “appointed representative”) to represent the interests of any person who will be prevented from hearing or inspecting any evidence at a local inquiry if the direction is given.
- (5) If there is no appointed representative when a ministerial authority gives a direction under this section, the Counsel General may at any time appoint a person as an appointed representative for the purposes of the inquiry.
- (6) The Welsh Ministers may by regulations make provision about—
 - (a) the procedure to be followed by a ministerial authority before it gives a direction under this section in a case where there is an appointed representative;
 - (b) the functions of an appointed representative.
- (7) In this section and section 179, “ministerial authority” means the Welsh Ministers or the Secretary of State.

Commencement Information

I3 S. 178 not in force at Royal Assent, see [s. 212\(2\)](#)

179 Payment of appointed representative where access to evidence restricted

- (1) This section applies if a person is appointed under section 178 as an appointed representative for the purposes of a local inquiry, whether or not the inquiry takes place.
- (2) A ministerial authority may direct a person (“the responsible person”) to pay the fees and expenses of the appointed representative.
- (3) The responsible person must be a person that the ministerial authority considers is, or would have been, interested in the inquiry in relation to—
 - (a) national security, or
 - (b) the measures taken or to be taken to ensure the security of any land or other property.
- (4) If the appointed representative and the responsible person are unable to agree the amount of the fees and expenses, the amount must be determined by the ministerial authority that gave the direction.
- (5) The ministerial authority must cause the amount agreed between the appointed representative and the responsible person, or determined by the ministerial authority, to be certified.
- (6) The certified amount is recoverable from the responsible person as a debt.

Commencement Information

I4 S. 179 not in force at Royal Assent, see [s. 212\(2\)](#)

Status:

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Changes to legislation:

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