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Historic Environment (Wales) Act 2023

2023 asc 3

PART 3

BUILDINGS OF SPECIAL ARCHITECTURAL OR HISTORIC INTEREST

CHAPTER 5

ACQUISITION AND PRESERVATION OF BUILDINGS OF SPECIAL INTEREST

PROSPECTIVE

Urgent preservation of listed buildings

144 Urgent works to preserve listed building

- (1) A local authority may carry out any works it considers urgently necessary for the preservation of a listed building in its area.
- (2) The Welsh Ministers may carry out any works they consider urgently necessary for the preservation of any listed building.
- (3) The works that may be carried out under this section include works to provide temporary support or shelter for the listed building.
- (4) If the listed building or any part of it is in residential use, works may be carried out under this section only if they would not interfere unreasonably with that use.
- (5) At least 7 clear days' written notice of the intention to carry out works under this section must be given—
 - (a) to every owner of the listed building, and
 - (b) if the building or any part of it is in residential use, every occupier of the building.

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- (6) The notice must describe the works proposed to be carried out.
- (7) Works may not be carried out under this section in relation to—
 - (a) a building which is a scheduled monument (but see section 61),
 - (b) an exempt religious building, or
 - (c) a listed building on Crown land.

Commencement Information

II S. 144 not in force at Royal Assent, see [s. 212\(2\)](#)

145 Power to require owner to meet costs of preservation works

- (1) Where works for the preservation of a listed building have been carried out by a local authority or the Welsh Ministers under section 144, the local authority or (as the case may be) the Welsh Ministers may serve notice on any owner of the listed building requiring the owner to meet the costs of the works.
- (2) Where the works consist of or include works to provide temporary support or shelter for the listed building—
 - (a) the costs that may be recovered include any continuing expenditure involved in making available the equipment or materials used, and
 - (b) notices under subsection (1) may be given from time to time in respect of that continuing expenditure.
- (3) Subsection (4) applies if, within 28 days after the day a notice under subsection (1) is served, the owner complains in writing to the Welsh Ministers—
 - (a) that some or all of the works were unnecessary for the preservation of the listed building,
 - (b) in the case of works to provide temporary support or shelter, that the temporary arrangements have continued for an unreasonable length of time,
 - (c) that the amount specified in the notice is unreasonable, or
 - (d) that the recovery of that amount would cause hardship to the owner.
- (4) The Welsh Ministers must—
 - (a) determine to what extent the owner’s complaint is well-founded, and
 - (b) serve notice of their determination on—
 - (i) the owner, and
 - (ii) if the notice under subsection (1) was given by a local authority, that authority.
- (5) The notice of the Welsh Ministers’ determination must state—
 - (a) the reasons for the determination, and
 - (b) the amount that they have decided may be recovered.
- (6) An owner or local authority on whom notice is served under subsection (4)(b) may, within 28 days after the day the notice is served, appeal to the county court against the Welsh Ministers’ decision.

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Commencement Information

I2 S. 145 not in force at Royal Assent, see [s. 212\(2\)](#)

146 Further provision about recovery of costs of preservation works

- (1) The costs which a local authority or the Welsh Ministers may recover under section 145 carry interest, at the rate specified in regulations made by the Welsh Ministers, from the time when the notice under subsection (1) of that section becomes operative until all of the amounts due under that section are recovered.
- (2) The costs and any interest are recoverable by the local authority or (as the case may be) the Welsh Ministers as a debt.
- (3) The costs and any interest are, from the time when the notice under section 145(1) becomes operative until they are recovered, a charge on the land on which the listed building in question is situated.
- (4) The charge takes effect, at the time when the notice becomes operative, as a legal charge which is a local land charge.
- (5) For the purpose of enforcing the charge, the local authority or (as the case may be) the Welsh Ministers have the same powers and remedies under the [Law of Property Act 1925 \(c. 20\)](#) and otherwise as if they were a mortgagee by deed with powers to sell the land, make leases, accept surrenders of leases and appoint a receiver.
- (6) The power to appoint a receiver is exercisable at any time after the end of 1 month beginning with the day the charge takes effect.
- (7) For the purposes of this section a notice under section 145(1) becomes operative—
 - (a) where no complaint is made to the Welsh Ministers within the period referred to in section 145(3), at the end of that period;
 - (b) where a complaint is made but no appeal is made to the county court within the period referred to in section 145(6), at the end of that period;
 - (c) where an appeal is made and the decision on the appeal confirms the Welsh Ministers' determination under section 145(4) (with or without variation), at the time of the decision;
 - (d) where an appeal is made but is withdrawn, at the time of the withdrawal.

Commencement Information

I3 S. 146 not in force at Royal Assent, see [s. 212\(2\)](#)

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