



Historic Environment (Wales) Act 2023

2023 asc 3

PROSPECTIVE

PART 6

OTHER HERITAGE ASSETS AND RECORDS

Historic parks and gardens

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

- (1) The Welsh Ministers must maintain a register of parks and gardens in Wales they consider to be of special historic interest, and must publish the up-to-date register.
- (2) The Welsh Ministers must decide whether, or to what extent, to include as part of the registration of a park or garden—
 - (a) any building or water on, adjoining or adjacent to it, or
 - (b) any land adjoining or adjacent to it.
- (3) The Welsh Ministers may amend the register by—
 - (a) adding an entry,
 - (b) removing an entry, or
 - (c) amending an entry.
- (4) As soon as possible after amending the register, the Welsh Ministers must—
 - (a) serve notice that they have done so on the persons mentioned in subsection (5), and
 - (b) in the case of any amendment under subsection (3)(a) or (c), include with the notice a copy of the entry or amended entry in the register.
- (5) The persons referred to in subsection (4) are—

Status: Point in time view as at 15/06/2023. This version of this part contains provisions that are prospective.

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- (a) every owner and occupier of the park or garden in question (including, if different, the owners and occupiers of anything appearing in the register by virtue of subsection (2));
 - (b) the planning authority in whose area the park or garden is situated (including, if different, the planning authority in whose area anything appearing in the register by virtue of subsection (2) is situated).
- (6) In this section references to parks and gardens include—
- (a) places of recreation, and
 - (b) any other designed grounds (including designed ornamental landscapes).

Commencement Information

II S. 192 not in force at Royal Assent, see [s. 212\(2\)](#)

Historic place names

193 Duty to maintain and publish list of historic place names

The Welsh Ministers must maintain a list of historic place names in Wales, and must publish the up-to-date list.

Commencement Information

I2 S. 193 not in force at Royal Assent, see [s. 212\(2\)](#)

Historic environment records

194 Duty to maintain historic environment records

- (1) The Welsh Ministers must maintain a historic environment record for every local authority area.
- (2) A historic environment record is a record which provides—
 - (a) details of every scheduled monument in the authority’s area,
 - (b) details of every listed building in the authority’s area,
 - (c) details of every conservation area in the authority’s area,
 - (d) details of every park or garden in the authority’s area which is included in the register of historic parks and gardens maintained under section 192,
 - (e) details of every conflict site in the authority’s area which the Welsh Ministers consider to be of historic interest,
 - (f) where a public authority (whether by itself or jointly with other persons) maintains a list of historic landscapes in Wales, details of every historic landscape in the local authority’s area which is included in the list,
 - (g) details of every world heritage site in the authority’s area,
 - (h) details of every other area or site in the authority’s area which the authority considers or the Welsh Ministers consider to be of local historic, archaeological or architectural interest,

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- (i) information about the way in which the historic, archaeological or architectural development of the authority’s area, or any part of it, has contributed to the present character of the area or part and about how that character may be preserved,
 - (j) details of relevant investigations carried out in the authority’s area and of the findings of those investigations, and
 - (k) a means of accessing details of every historic place name in the authority’s area which is included in the list maintained under section 193.
- (3) In subsection (2)(e) “conflict site” means—
- (a) a battlefield or a site on which some other conflict involving military forces took place, or
 - (b) a site on which significant activities relating to a battle or other conflict involving military forces occurred.
- (4) In subsection (2)(g) “world heritage site” means anything appearing on the World Heritage List kept under Article 11(2) of the UNESCO Convention concerning the Protection of the World Cultural and Natural Heritage adopted at Paris on 16 November 1972.
- (5) In subsection (2)(j) “relevant investigation” means—
- (a) an investigation by a local authority or the Welsh Ministers for the purpose of obtaining information of historic, archaeological or architectural interest relating to the authority’s area, and
 - (b) any other investigation for that purpose which the Welsh Ministers consider appropriate to include in the record.
- (6) The Welsh Ministers may by regulations amend this section to vary the meaning of “historic environment record”.
- (7) Before making regulations under subsection (6), the Welsh Ministers must consult—
- (a) every local authority, and
 - (b) any other persons the Welsh Ministers consider appropriate.
- (8) For the purposes of this section—
- (a) any reference to a local authority’s area includes, in the case of an authority whose area includes part of the seashore, any part of the sea that lies seaward from that part of the shore and forms part of Wales, and
 - (b) an area, site or thing is to be treated as being in a local authority’s area if any part of it is in the area.
- (9) In this section and section 196, “local authority” means a county council or county borough council in Wales.

Commencement Information

I3 S. 194 not in force at Royal Assent, see [s. 212\(2\)](#)

195 Access to historic environment records

- (1) The Welsh Ministers must—
- (a) make every historic environment record available for public inspection, and

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- (b) make available to a person wishing to inspect a historic environment record advice on or assistance with retrieving and understanding information provided in the record or accessed by means of the record.
- (2) If—
- (a) a person requests a copy of part of a historic environment record or of details accessed by means of such a record, and
 - (b) the Welsh Ministers consider that the request is reasonable,
- the Welsh Ministers must provide the person with that copy or those details.
- (3) If—
- (a) a person requests the retrieval of information provided in a historic environment record or accessed by means of such a record, and
 - (b) the Welsh Ministers consider that the request is reasonable,
- the Welsh Ministers must compile a document for the person containing the information.
- (4) In assessing whether a request is reasonable for the purposes of subsection (2) or (3), the matters which the Welsh Ministers may take into account include any previous requests made by or on behalf of the person concerned.
- (5) The Welsh Ministers may charge a fee for—
- (a) providing advice or assistance under subsection (1)(b);
 - (b) providing a copy or details under subsection (2);
 - (c) compiling a document under subsection (3).
- (6) A fee must be calculated by reference to the cost of providing the service to which the fee relates.

Commencement Information

I4 S. 195 not in force at Royal Assent, see [s. 212\(2\)](#)

196 Guidance to certain public bodies about historic environment records

- (1) The Welsh Ministers must issue guidance to the bodies listed in subsection (2) on—
- (a) how the bodies may contribute to the compilation of historic environment records and assist in maintaining the records, and
 - (b) the use of historic environment records in the exercise of the bodies' functions.
- (2) The bodies are—
- (a) local authorities,
 - (b) National Park authorities in Wales, and
 - (c) Natural Resources Wales.
- (3) Those bodies must have regard to the guidance.
- (4) Before issuing guidance under this section, the Welsh Ministers must consult—
- (a) the bodies, and
 - (b) any other persons they consider appropriate.

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(5) The Welsh Ministers must lay before Senedd Cymru any guidance issued under this section.

Commencement Information

I5 S. 196 not in force at Royal Assent, see [s. 212\(2\)](#)

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