

## SCHEDULE 4

### PROCEDURE FOR ORDERS MODIFYING OR REVOKING SCHEDULED MONUMENT CONSENT

#### PART 2

#### PROCEEDING TO MAKE AN ORDER AFTER SERVICE OF NOTICE

##### *Making an order under section 20*

- 3 (1) This paragraph applies where a notice under paragraph 1 has been served under Part 1 of this Schedule.
- (2) The Welsh Ministers may not make the order to which the notice relates unless—
- (a) the period for making objections to the proposal has ended without an objection being made by a person on whom the notice was served,
  - (b) if an objection was made by such a person within that period, all such objections have been withdrawn, or
  - (c) if an objection was made during that period by such a person and the objection has not been withdrawn, the requirements of sub-paragraphs (3) and (4) have been met.
- (3) The requirements of this sub-paragraph are met if the Welsh Ministers—
- (a) cause a local inquiry to be held, or
  - (b) give the person who made the objection an opportunity to appear before and be heard by a person appointed by them.
- (4) The requirements of this sub-paragraph are met if the Welsh Ministers—
- (a) consider each objection made as described in sub-paragraph (2)(c) and not withdrawn, and
  - (b) if an inquiry or hearing has been held under sub-paragraph (3), consider the report of the person who held it.
- (5) Where a person takes the opportunity to appear before and be heard by a person appointed by the Welsh Ministers under sub-paragraph (3)(b), the Welsh Ministers must give each of the following persons the opportunity to be heard on the same occasion—
- (a) every other person on whom the notice under paragraph 1 was served, and
  - (b) any other person the Welsh Ministers consider appropriate.
- (6) Where the Welsh Ministers make an order under section 20 by virtue of sub-paragraph (2)(a) or (b), the order must be made on the terms set out by the notice.
- (7) Where the Welsh Ministers make an order under section 20 by virtue of sub-paragraph (2)(c), the order may be made either on the terms set out in the notice or with modifications.

##### *Notification once order made*

- 4 As soon as practicable after making an order under section 20 the Welsh Ministers must send a copy of the order—

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*Status: This is the original version (as it was originally enacted).*

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- (a) to every person served with a notice under paragraph 1, and
- (b) where—
  - (i) an inquiry was held under paragraph 3(3)(a), to any other person who gave evidence at the inquiry, or
  - (ii) a hearing was held for the purposes of paragraph 3(3)(b), to any other person who was given the opportunity to appear at the hearing.