

Changes to legislation: Historic Environment (Wales) Act 2023 is up to date with all changes known to be in force on or before 10 June 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

PROSPECTIVE

SCHEDULE 1 **E+W**

(introduced by section 7(4))

END OF INTERIM PROTECTION FOR MONUMENTS

Application of this Schedule

- 1 This Schedule applies where interim protection ends in relation to a monument because of a notice under section 7(1)(b) or (2)(b).

Commencement Information

I1 Sch. 1 para. 1 not in force at Royal Assent, see [s. 212\(2\)](#)

Criminal liability

- 2 The fact that interim protection has ended does not affect the liability of any person to be prosecuted and punished for an offence under this Act committed while the interim protection had effect.

Commencement Information

I2 Sch. 1 para. 2 not in force at Royal Assent, see [s. 212\(2\)](#)

Scheduled monument consent

- 3 Any proceedings on or arising out of an application for scheduled monument consent relating to the monument lapse, in so far as they relate to consent required by virtue of the interim protection; and any such consent ceases to have effect to the same extent.

Commencement Information

I3 Sch. 1 para. 3 not in force at Royal Assent, see [s. 212\(2\)](#)

Temporary stop notices

- 4 Any temporary stop notice relating to the monument ceases to have effect, in so far as the notice relates to works affecting anything in respect of which the interim protection had effect.

Commencement Information

I4 Sch. 1 para. 4 not in force at Royal Assent, see [s. 212\(2\)](#)

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Enforcement notices

- 5 (1) Any enforcement notice relating to the monument ceases to have effect, in so far as the notice relates to works affecting anything in respect of which the interim protection had effect.
- (2) Any proceedings under section 39 or 40(3) relating to an enforcement notice lapse, in so far as the notice relates to works affecting anything in respect of which the interim protection had effect.
- (3) Despite sub-paragraph (1), section 40(1) and (2) continue to have effect in relation to—
- (a) any expenses incurred by a person authorised by the Welsh Ministers as mentioned in that section, and
 - (b) any amounts paid on account of those expenses.

Commencement Information

I5 Sch. 1 para. 5 not in force at Royal Assent, see [s. 212\(2\)](#)

Injunctions

- 6 Any proceedings on an application for an injunction under section 42 relating to the monument lapse, in so far as they relate to the restraint of any actual or expected breach in relation to anything in respect of which the interim protection had effect.

Commencement Information

I6 Sch. 1 para. 6 not in force at Royal Assent, see [s. 212\(2\)](#)

SCHEDULE 2 E+W (introduced by sections 10(5) and 82(6))

DECISION ON REVIEW BY PERSON APPOINTED BY THE WELSH MINISTERS

Application of this Schedule and meaning of “appointed person”

- 1 (1) This Schedule applies to a review carried out by an appointed person—
- (a) under section 9 (reviews of certain amendments to the schedule), or
 - (b) under section 81 (reviews of decisions to list buildings).
- (2) In this Schedule “appointed person” means a person appointed under section 9(3) or 81(3) (as the case may be) to carry out and make a decision on a review.

Commencement Information

I7 Sch. 2 para. 1 not in force at Royal Assent, see [s. 212\(2\)](#)

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Appointment of another person to make a decision on a review

- 2 (1) At any time before an appointed person has made a decision on a review the Welsh Ministers may—
- (a) revoke the person’s appointment, and
 - (b) appoint another person to make the decision instead.
- (2) Where a new appointment is made, the review, and any inquiry or other hearing in connection with the review, must start afresh.
- (3) Sub-paragraph (2) does not require any person to be given an opportunity to make fresh representations or to modify or withdraw any representations already made.

Commencement Information

I8 Sch. 2 para. 2 not in force at Royal Assent, see [s. 212\(2\)](#)

Appointment of assessor to assist appointed person

- 3 An appointed person may appoint an assessor to provide advice on—
- (a) any matters arising at a local inquiry or hearing held by the appointed person in connection with a review or in consequence of such an inquiry or hearing, or
 - (b) any matters arising in written representations made to the appointed person in connection with such a review or in consequence of such representations.

Commencement Information

I9 Sch. 2 para. 3 not in force at Royal Assent, see [s. 212\(2\)](#)

Directions

- 4 The Welsh Ministers may direct that anything that would fall to be done by an appointed person in connection with a review, other than making a decision on the review, is to be done instead by the Welsh Ministers.

Commencement Information

I10 Sch. 2 para. 4 not in force at Royal Assent, see [s. 212\(2\)](#)

Delegation

- 5 (1) An appointed person may delegate to another person anything that would fall to be done by the appointed person in connection with a review, other than—
- (a) the conduct of a local inquiry or hearing, and
 - (b) the making of a decision on the review under section 9(3)(b) or 81(3)(b).
- (2) The appointed person may determine the extent and terms of a delegation under sub-paragraph (1) and may amend or revoke the delegation.

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Commencement Information

I11 Sch. 2 para. 5 not in force at Royal Assent, see [s. 212\(2\)](#)

Public Services Ombudsman (Wales) Act 2019 (anaw 3)

6 Where an appointed person is a member of the staff of the Welsh Government, the person's functions of making a decision on a review and doing anything in connection with it are to be treated for the purposes of the [Public Services Ombudsman \(Wales\) Act 2019 \(anaw 3\)](#) as functions of the Welsh Government.

Commencement Information

I12 Sch. 2 para. 6 not in force at Royal Assent, see [s. 212\(2\)](#)

SCHEDULE 3 E+W

(introduced by section 12(1))

AUTHORISATION FOR CLASSES OF WORKS

TABLE

Name of class	Authorised works
Class 1: Agricultural, Horticultural and Forestry Works	Agricultural, horticultural and forestry works of the same kind as works carried out lawfully on the same spot within the 6 years before the day the works start; except— <ol style="list-style-type: none"> (a) in the case of land on which ploughing has previously been carried out, works likely to disturb the soil below the depth at which ploughing has previously been carried out lawfully; (b) in the case of other land, works likely to disturb the soil below a depth of 300 millimetres; (c) sub-soiling, drainage works, the planting or uprooting of trees, hedges or shrubs, the stripping of top soil, tipping operations, or the commercial cutting and removal of turf; (d) the demolition, removal, extension, alteration or disturbance of a building, structure or work or of the remains of a building, structure or work; (e) the erection of a building or structure; (f) in the case of works other than domestic gardening works, the laying of paths, hard-standings or foundations

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Name of class	Authorised works
	<p>for buildings or the erection of fences or other barriers.</p> <p><i>Interpretation</i></p> <p>For the purposes of this class—</p> <ul style="list-style-type: none">(a) “domestic gardening works” includes works carried out in the non-commercial cultivation of allotments;(b) “horticultural works” includes domestic gardening works;(c) works are to be treated as having been carried out lawfully if—<ul style="list-style-type: none">(i) in relation to any time after the coming into force of this Schedule, the works were carried out in accordance with the terms of this class, or would have been so carried out if during the period in question the monument had been a scheduled monument;(ii) in relation to any time before the coming into force of this Schedule, the works were carried out in accordance with the terms of Class 1 of the Schedule to the Ancient Monuments (Class Consents) Order 1994 (S.I. 1994/1381), or would have been so carried out if during the period in question the monument had been a scheduled monument for the purposes of the Ancient Monuments and Archaeological Areas Act 1979 (c. 46).
Class 2: Coal mining operations	Works carried out more than 10 metres below ground level by any licensed operator (within the meaning of the Coal Industry Act 1994 (c. 21)).
Class 3: Works by Canal & River Trust	Works of repair or maintenance carried out by Canal & River Trust, in relation to land owned or occupied by it, which are essential to ensure the functioning of a canal; except works involving a material alteration to a scheduled monument.
Class 4: Works for the repair or maintenance of machinery	Works of repair or maintenance to machinery, except works involving a material alteration to a scheduled monument.

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Name of class	Authorised works
Class 5: Works carried out by Historic England	Works carried out by the Historic Buildings and Monuments Commission for England.
Class 6: Works of archaeological evaluation	Works of archaeological evaluation carried out by or on behalf of a person who has applied for scheduled monument consent, where the works are carried out— <ul style="list-style-type: none"> (a) to supply the Welsh Ministers with information required by them to determine the application, (b) under the supervision of a person approved in writing by the Welsh Ministers, and (c) in accordance with a written specification approved by the Welsh Ministers.
Class 7: Works grant aided by the Welsh Ministers	Works for the preservation, maintenance or management of a scheduled monument where the works are carried out in accordance with the terms of a written agreement under which the Welsh Ministers meet, or contribute towards, the cost of those works.
Class 8: Works undertaken by the Royal Commission on the Ancient and Historical Monuments of Wales	Works consisting of placing survey markers to a depth not exceeding 300 millimetres for the purpose of measured surveying of visible remains, where the works are carried out by the Royal Commission on the Ancient and Historical Monuments of Wales.

Power to amend Schedule

- 1 The Welsh Ministers may by regulations amend this Schedule to—
- (a) add a class of works to the table;
 - (b) modify a description of a class of works;
 - (c) remove a class of works.

Commencement Information

I13 Sch. 3 para. 1 not in force at Royal Assent, see [s. 212\(2\)](#)

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SCHEDULE 4 **E+W**

(introduced by section 20(3))

PROCEDURE FOR ORDERS MODIFYING OR REVOKING SCHEDULED MONUMENT CONSENT

PART 1 **E+W**

NOTICE OF PROPOSED MODIFICATION OR REVOCATION

Requirement to serve a notice of proposed modification or revocation

- 1 (1) Before making an order under section 20 modifying or revoking a scheduled monument consent the Welsh Ministers must serve a notice of the proposed modification or proposed revocation on—
- (a) every owner and occupier of the monument, and
 - (b) any other person the Welsh Ministers consider would be affected by the proposal.
- (2) A notice under this paragraph must—
- (a) include a copy of the order the Welsh Ministers propose to make,
 - (b) set out the reasons for the proposed modification or proposed revocation,
 - (c) state that the person served with the notice has 28 days, beginning with the day after the day of service of the notice, to make an objection about the proposal to the Welsh Ministers, and
 - (d) state the way in which an objection must be made.
- (3) Where a proposed modification would exclude any works from the scope of the scheduled monument consent, the notice must provide that those works must not be carried out on or after a day specified by the notice.
- (4) Where a proposed modification would affect the carrying out of any of the works to which the consent relates in any other way, the notice must provide that the works must not be carried out on or after a day specified by the notice in a way specified in the notice.
- (5) A notice of proposed revocation must provide that the works to which the scheduled monument consent relates must not be carried out on or after a day specified by the notice.

Commencement Information

I14 Sch. 4 para. 1 not in force at Royal Assent, see [s. 212\(2\)](#)

Effect of notice under paragraph 1 on authorisation to carry out works

- 2 (1) Where a notice under paragraph 1 provides that works specified in the notice must not be carried out on or after a day specified by the notice, the specified works are not authorised for the purposes of Chapter 3 of Part 2 of this Act from the beginning of that day.
- (2) Where a notice under paragraph 1 provides that works specified in the notice must not be carried out on or after a day specified by the notice in a way specified in the

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notice, the specified works, if carried out that way, are not authorised for the purposes of Chapter 3 of Part 2 of this Act from the beginning of that day.

- (3) Where a notice under paragraph 1 provides that the works to which the scheduled monument consent relates must not be carried out on or after a day specified by the notice, those works are not authorised under Chapter 3 of Part 2 of this Act from the beginning of that day.
- (4) The preceding provisions of this paragraph cease to apply in relation to any works affected by a notice under paragraph 1—
 - (a) where the Welsh Ministers make an order under section 20 within the period of 21 months beginning with the day the notice was served (“the 21 month period”), when the order is made (at which point authorisation ceases to the extent provided in the order),
 - (b) where the Welsh Ministers, within the 21 month period, serve notice on every owner and occupier of the monument that they have decided not to make the order, at the beginning of the day specified for the purposes of this paragraph by the Welsh Ministers in the notice, or
 - (c) in any other case, at the end of the 21 month period.

Commencement Information

115 Sch. 4 para. 2 not in force at Royal Assent, see [s. 212\(2\)](#)

PART 2 E+W

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

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(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.

Commencement Information

I16 Sch. 4 para. 3 not in force at Royal Assent, see [s. 212\(2\)](#)

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—

- (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.

Commencement Information

I17 Sch. 4 para. 4 not in force at Royal Assent, see [s. 212\(2\)](#)

PART 3 **E+W**

SUPPLEMENTARY

Procedure after hearing or inquiry

- 5
- (1) The person appointed to carry out a hearing or inquiry under paragraph 3 must, after the close of the hearing or inquiry, make a report in writing to the Welsh Ministers.
 - (2) The report must include the appointed person's conclusions and recommendation as to whether the modification or revocation ought to be made (or the appointed person's reasons for not making a recommendation).

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Commencement Information

I18 Sch. 4 para. 5 not in force at Royal Assent, see [s. 212\(2\)](#)

SCHEDULE 5 **E+W**

(introduced by section 27(4))

TERMINATION BY ORDER OF SCHEDULED
MONUMENT PARTNERSHIP AGREEMENT

PART 1 **E+W**

NOTICE OF PROPOSED TERMINATION

Requirement to serve notice of proposed termination

- 1 (1) Before making an order under section 27 terminating a scheduled monument partnership agreement or a provision of such an agreement the Welsh Ministers must serve notice of a proposal to make the order (a “notice of proposed termination”) on—
- (a) the other parties to the agreement, and
 - (b) any other person the Welsh Ministers consider to have an interest in the agreement.
- (2) A notice of proposed termination must—
- (a) include a copy of the order the Welsh Ministers propose to make,
 - (b) set out the reasons for the proposed termination,
 - (c) state that the person served with the notice has 28 days, beginning with the day after the day the notice is served, to make an objection about the proposal to the Welsh Ministers, and
 - (d) state the way in which an objection must be made.
- (3) Where the effect of the order proposed to be made under section 27 would be to revoke a scheduled monument consent granted by the agreement, the notice of proposed termination must provide that the works to which the consent relates must not be carried out on or after a day specified by the notice.
- (4) Where the effect of an order proposed to be made under section 27 would be to exclude any works from the scope of a scheduled monument consent granted by the agreement, the notice of proposed termination must provide that the affected works must not be carried out on or after a day specified by the notice.

Commencement Information

I19 Sch. 5 para. 1 not in force at Royal Assent, see [s. 212\(2\)](#)

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Effect on authorised works of service of notice of proposed termination

- 2
- (1) Where a notice of proposed termination provides that the works to which a scheduled monument consent relates must not be carried out on or after a day specified by the notice, those works are not authorised for the purposes of Chapter 3 of Part 2 of this Act from the beginning of that day.
 - (2) Where a notice of proposed termination provides that works specified in the notice must not be carried out on or after a day specified by the notice, the specified works are not authorised for the purposes of Chapter 3 of Part 2 of this Act from the beginning of that day.
 - (3) The preceding provisions of this paragraph cease to apply in relation to any works affected by a notice of proposed termination—
 - (a) where the Welsh Ministers make an order under section 27 within the period of 21 months beginning with the day the notice of proposed termination was served (“the 21 month period”), when the order is made (at which point authorisation ceases to the extent provided in the order),
 - (b) where the Welsh Ministers, within the 21 month period, serve notice on each person on whom the notice of proposed termination was served that they have decided not to make the order, at the beginning of the day specified for the purposes of this paragraph by the Welsh Ministers in the notice, or
 - (c) in any other case, at the end of the 21 month period.

Commencement Information

I20 Sch. 5 para. 2 not in force at Royal Assent, see [s. 212\(2\)](#)

PART 2 **E+W**

PROCEEDING TO MAKE AN ORDER AFTER SERVICE OF NOTICE

Making an order under section 27

- 3
- (1) This paragraph applies where a notice of proposed termination 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—

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- (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 served with the notice of proposed termination, and
 - (b) any other person the Welsh Ministers consider appropriate.
- (6) Where the Welsh Ministers make an order under section 27 by virtue of sub-paragraph (2)(a) or (b), the order must be made on the terms set out by the notice of proposed termination.
- (7) Where the Welsh Ministers make an order under section 27 by virtue of sub-paragraph (2)(c), the order may be made either on the terms set out by the notice of proposed termination or with modifications.

Commencement Information

I21 Sch. 5 para. 3 not in force at Royal Assent, see [s. 212\(2\)](#)

Notification once order made

- 4 As soon as practicable after making an order under section 27 the Welsh Ministers must send a copy of the order—
- (a) to every person on whom a notice of proposed termination was served, 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 under paragraph 3(3)(b), to any other person who was given the opportunity to appear at the hearing.

Commencement Information

I22 Sch. 5 para. 4 not in force at Royal Assent, see [s. 212\(2\)](#)

PART 3 **E+W**

SUPPLEMENTARY

Procedure after hearing or inquiry

- 5 (1) The person appointed to carry out a hearing or inquiry under paragraph 3 must, after the close of the hearing or inquiry, make a report in writing to the Welsh Ministers.

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- (2) The report must include the appointed person’s conclusions and recommendation as to whether an order under section 27 ought to be made (or the appointed person’s reasons for not making a recommendation).

Commencement Information

I23 Sch. 5 para. 5 not in force at Royal Assent, see [s. 212\(2\)](#)

SCHEDULE 6 **E+W**

(introduced by sections 10(5), 17(6),
20(3) and 27(4))

PROCEEDINGS UNDER PART 2

Evidence at local inquiries

- 1 (1) A person appointed to hold a local inquiry under Part 2 of this Act 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
 - (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 appointed to hold the inquiry may take evidence on oath, and for that purpose may administer oaths.
- (3) A summons under this paragraph 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 paragraph to produce the title (or any instrument relating to the title) of any land which does not belong to a local authority.

Commencement Information

I24 Sch. 6 para. 1 not in force at Royal Assent, see [s. 212\(2\)](#)

Offence relating to failure to comply with summons under paragraph 1

- 2 (1) It is an offence for a person to—
- (a) refuse or deliberately fail to comply with a requirement of a summons under paragraph 1, or
 - (b) deliberately alter, suppress, conceal or destroy a document the person is required, or is liable to be required, to produce under that paragraph.
- (2) A person guilty of an offence under sub-paragraph (1) 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.
- (3) In sub-paragraph (2) “the maximum term for summary offences” means—

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- (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

I25 Sch. 6 para. 2 not in force at Royal Assent, see [s. 212\(2\)](#)

Costs of certain proceedings under this Part

- 3 (1) This paragraph applies in relation to the following proceedings—
- (a) a review by the Welsh Ministers under section 9 (reviews of decisions to add monument to the schedule etc.);
 - (b) a local inquiry or hearing, or an opportunity to make written representations, under section 17 (determining applications for scheduled monument consent);
 - (c) a local inquiry or hearing under Part 2 of Schedule 4 (proposed modification or revocation of scheduled monument consent).
- (2) The Welsh Ministers may direct that the costs incurred by them in relation to the proceedings (including the costs of any person appointed by them to hold the proceedings) must be paid by any party to the proceedings specified in the direction.
- (3) The amount of the costs incurred and directed to be paid as mentioned in sub-paragraph (2) may be recovered by the Welsh Ministers summarily as a civil debt.
- (4) The Welsh Ministers may, in relation to the proceedings, make orders about—
- (a) the costs of the parties to the proceedings, and
 - (b) the party or parties who must pay the costs.
- (5) Costs payable by virtue of sub-paragraph (4) may be recovered as if they were payable under an order of the High Court, if the High Court so orders on the application of the person to whom the costs are due.
- (6) The Welsh Ministers may not make an order under sub-paragraph (4) requiring a person to pay the costs of another party to the proceedings unless they are satisfied that—
- (a) the person has behaved unreasonably in relation to the proceedings, and
 - (b) the person’s unreasonable behaviour has caused the other party to incur unnecessary or wasted expenditure.
- (7) References in this paragraph to costs incurred by the Welsh Ministers include—
- (a) the entire administrative cost incurred by them in connection with the proceedings, including in particular a reasonable amount that they determine in respect of general staff costs and overheads of the Welsh Government;
 - (b) costs incurred by them (or by persons appointed by them) in respect of proceedings that do not take place.

Commencement Information

I26 Sch. 6 para. 3 not in force at Royal Assent, see [s. 212\(2\)](#)

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Costs of reviews held under section 9 by appointed person

- 4 Where a review under section 9 is carried out by a person appointed by the Welsh Ministers under subsection (3) of that section, the appointed person has the same powers in relation to the review as the Welsh Ministers have under paragraph 3.

Commencement Information

I27 Sch. 6 para. 4 not in force at Royal Assent, see [s. 212\(2\)](#)

SCHEDULE 7 **E+W** (introduced by sections 79(6) and 85(4))

END OF INTERIM PROTECTION OR TEMPORARY LISTING FOR BUILDINGS

Introduction

- 1 This Schedule applies where—
- (a) interim protection ends in relation to a building because the Welsh Ministers serve notice under section 79(5)(b) that they have decided not to list the building, or
 - (b) temporary listing ends in relation to a building—
 - (i) at the end of the 6-month period mentioned in section 85(1), or
 - (ii) because the Welsh Ministers give notification under section 85(3) that they do not intend to consult on a proposal to list the building.

Commencement Information

I28 Sch. 7 para. 1 not in force at Royal Assent, see [s. 212\(2\)](#)

Criminal liability

- 2 The fact that the building is no longer treated as if it were a listed building does not affect the liability of any person to be prosecuted and punished for an offence under this Act committed while the building was treated as a listed building.

Commencement Information

I29 Sch. 7 para. 2 not in force at Royal Assent, see [s. 212\(2\)](#)

Listed building consent

- 3 Any proceedings on or arising out of an application for listed building consent relating to the building lapse; and any such consent ceases to have effect.

Commencement Information

I30 Sch. 7 para. 3 not in force at Royal Assent, see [s. 212\(2\)](#)

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Temporary stop notices

- 4 Any temporary stop notice relating to the building ceases to have effect.

Commencement Information

I31 Sch. 7 para. 4 not in force at Royal Assent, see [s. 212\(2\)](#)

Enforcement notices

- 5 (1) Any enforcement notice relating to the building ceases to have effect.
- (2) Any proceedings on an appeal against such a notice lapse.
- (3) Despite sub-paragraph (1), section 132(1) to (6) continue to have effect in relation to—
- (a) any expenses incurred by a planning authority or the Welsh Ministers, or by an owner or occupier, as mentioned in that section, and
 - (b) any amounts paid on account of those expenses.

Commencement Information

I32 Sch. 7 para. 5 not in force at Royal Assent, see [s. 212\(2\)](#)

Injunctions

- 6 Any proceedings on an application for an injunction under section 135 relating to the building lapse.

Commencement Information

I33 Sch. 7 para. 6 not in force at Royal Assent, see [s. 212\(2\)](#)

SCHEDULE 8 **E+W** (introduced by section 107(3))

PROCEDURE FOR ORDERS MODIFYING OR REVOKING LISTED BUILDING CONSENT

PART 1 **E+W**

ORDERS MADE BY PLANNING AUTHORITIES

Circumstances in which orders take effect

- 1 An order under section 107 made by a planning authority takes effect only—
- (a) if it is confirmed by the Welsh Ministers under paragraph 2, or
 - (b) in accordance with paragraph 3.

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Commencement Information

I34 Sch. 8 para. 1 not in force at Royal Assent, see [s. 212\(2\)](#)

Procedure for confirmation of orders by Welsh Ministers

- 2 (1) Where a planning authority submits an order under section 107 to the Welsh Ministers for confirmation, it must serve notice of the submission of the order on—
- (a) every owner and occupier of the listed building to which the order relates, and
 - (b) any other person it thinks will be affected by the order.
- (2) The notice must specify the period within which a person on whom it is served may make a request in writing to the Welsh Ministers for an opportunity to appear before and be heard by a person appointed by the Welsh Ministers.
- (3) If a person on whom the notice is served makes such a request within that period, before confirming the order the Welsh Ministers must give such an opportunity to that person and the planning authority.
- (4) The period specified under sub-paragraph (2) must be at least 28 days beginning with the day after the day the notice is served.
- (5) The Welsh Ministers may confirm the order with or without modifications.

Commencement Information

I35 Sch. 8 para. 2 not in force at Royal Assent, see [s. 212\(2\)](#)

Procedure for orders to take effect without confirmation

- 3 (1) This paragraph applies where—
- (a) a planning authority has made an order under section 107, and
 - (b) the following persons have notified the authority in writing that they do not object to the order—
 - (i) every owner and occupier of the listed building to which the order relates, and
 - (ii) every other person the authority thinks will be affected by the order.
- (2) The planning authority must (instead of submitting the order to the Welsh Ministers for confirmation)—
- (a) publish notice of the making of the order in the way specified in regulations made by the Welsh Ministers,
 - (b) serve a copy of the notice on the persons mentioned in sub-paragraph (1) (b), and
 - (c) send a copy of the notice to the Welsh Ministers not later than 3 days after the day it is published.
- (3) The notice must specify—

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- (a) the period within which persons affected by the order may give notice to the Welsh Ministers that they want the order to be submitted to the Welsh Ministers for confirmation under the procedure in paragraph 2;
 - (b) the period at the end of which, if no such notice is given and the Welsh Ministers do not direct that the order must be submitted to them for confirmation, the order will take effect without being confirmed by the Welsh Ministers.
- (4) If at the end of the period specified under sub-paragraph (3)(a)—
- (a) no person affected by the order has given notice to the Welsh Ministers as mentioned in sub-paragraph (3)(a), and
 - (b) the Welsh Ministers have not directed that the order must be submitted to them for confirmation,
- the order takes effect at the end of the period specified under sub-paragraph (3)(b).
- (5) The period specified under sub-paragraph (3)(a) must be at least 28 days beginning with the day after the day the notice of the making of the order is first published.
- (6) The period specified under sub-paragraph (3)(b) must be at least 14 days after the end of the period specified under sub-paragraph (3)(a).

Commencement Information

I36 Sch. 8 para. 3 not in force at Royal Assent, see [s. 212\(2\)](#)

PART 2 E+W

ORDERS MADE BY THE WELSH MINISTERS

Procedure to be followed before making order

- 4 (1) The Welsh Ministers must not make an order under section 107 without consulting the planning authority in whose area the listed building to which the order relates is situated.
- (2) Before making an order under section 107 the Welsh Ministers must also serve notice of the proposed order on—
- (a) every owner and occupier of the building, and
 - (b) any other person they think will be affected by the order.
- (3) The notice must specify the period within which a person on whom it is served may make a request in writing to the Welsh Ministers for an opportunity to appear before and be heard by a person appointed by the Welsh Ministers.
- (4) If a person on whom the notice is served makes such a request within that period, before making the order the Welsh Ministers must give such an opportunity to that person and the planning authority.
- (5) The period specified under sub-paragraph (3) must be at least 28 days beginning with the day after the day the notice is served.

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Commencement Information

I37 Sch. 8 para. 4 not in force at Royal Assent, see [s. 212\(2\)](#)

SCHEDULE 9 **E+W**

(introduced by section 112)

ACTION FOLLOWING SERVICE OF PURCHASE NOTICE

Response to purchase notice by planning authority

- 1 (1) Where a person has served a purchase notice on a planning authority, the authority must serve an acceptance notice or rejection notice on the person.
- (2) An acceptance notice is a notice stating either—
 - (a) that the planning authority is willing to comply with the purchase notice, or
 - (b) that another local authority or statutory undertaker specified in the acceptance notice has agreed to comply with the purchase notice.
- (3) A rejection notice is a notice stating—
 - (a) that for reasons specified in the notice, the planning authority is not willing to comply with the purchase notice and has not found any other local authority or statutory undertaker willing to comply with it, and
 - (b) that the planning authority has sent copies of the purchase notice and rejection notice to the Welsh Ministers.
- (4) An acceptance notice or rejection notice must be served before the end of 3 months beginning with the day the purchase notice was served.
- (5) Where the planning authority serves an acceptance notice on a person, that authority or (in the case of a notice falling within sub-paragraph (2)(b)) the other local authority or statutory undertaker specified in the notice is to be treated—
 - (a) as being authorised under section 137 to acquire the person’s interest compulsorily, and
 - (b) as having served a notice to treat in respect of that interest on the day the acceptance notice is served.
- (6) Before serving a rejection notice on a person, the planning authority must send the Welsh Ministers—
 - (a) a copy of the rejection notice, and
 - (b) a copy of the purchase notice.
- (7) A notice to treat which is treated as having been served by virtue of sub-paragraph (5) (b) may not be withdrawn under section 31 of the [Land Compensation Act 1961](#) (c. 33).

Commencement Information

I38 Sch. 9 para. 1 not in force at Royal Assent, see [s. 212\(2\)](#)

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Action to be taken by Welsh Ministers on rejection of purchase notice by planning authority

- 2 (1) This paragraph applies where a copy of a purchase notice is sent to the Welsh Ministers under paragraph 1(6).
- (2) The Welsh Ministers must confirm the purchase notice if they are satisfied—
- (a) that the sets of conditions in section 109 are met in relation to the land to which the notice relates, and
 - (b) that the land to which the notice relates includes all of the land adjoining or adjacent to the listed building that they consider is required—
 - (i) for preserving the building or its amenities,
 - (ii) for providing or facilitating access to it, or
 - (iii) for its proper control or management,
 but this is subject to the following provisions.
- (3) If the Welsh Ministers are satisfied that the sets of conditions in section 109 are met only in relation to part of the land, they must confirm the notice only in relation to that part.
- (4) Instead of confirming the purchase notice, the Welsh Ministers may—
- (a) in the case of a notice served in consequence of a refusal of listed building consent for any works, grant listed building consent for the works;
 - (b) in the case of a notice served in consequence of a grant of listed building consent for any works subject to conditions, vary or remove the conditions so far as they consider necessary to enable the land to which the notice relates to be made usable by carrying out the works;
 - (c) in the case of a notice served in consequence of an order under section 107 revoking listed building consent, revoke the order;
 - (d) in the case of a notice served in consequence of an order under that section modifying listed building consent for any works by imposing conditions, vary or remove the conditions so far as they consider necessary to enable the land to which the notice relates to be made usable by carrying out the works.
- (5) Sub-paragraph (6) applies if the Welsh Ministers consider that the land to which the notice relates, or any part of it, could be made usable within a reasonable time by carrying out—
- (a) any other works for which listed building consent ought to be granted, or
 - (b) any development for which planning permission ought to be granted.
- (6) Instead of confirming the purchase notice in relation to the land or that part of it, the Welsh Ministers may direct that, if an application is made for listed building consent for those works, or for planning permission for that development, it must be granted.
- (7) In confirming a purchase notice the Welsh Ministers may, if they consider it appropriate having regard to the probable ultimate use of the land to which the notice relates, modify the notice in relation to all or any part of the land by substituting another local authority or statutory undertaker for the planning authority on which the notice was served.
- (8) If the Welsh Ministers are not satisfied as mentioned in sub-paragraph (2) in relation to a purchase notice, they must refuse to confirm the notice.
- (9) In this paragraph references to the land to which a purchase notice relates are to the listed building and associated land (if any) in respect of which the notice is served.

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Commencement Information

I39 Sch. 9 para. 2 not in force at Royal Assent, see [s. 212\(2\)](#)

Procedure before Welsh Ministers take action in relation to purchase notice

- 3
- (1) Before taking any action in relation to a purchase notice under paragraph 2, the Welsh Ministers must serve notice of their proposed action—
 - (a) on the person who served the purchase notice,
 - (b) on the planning authority on which the purchase notice was served, and
 - (c) if they propose to substitute any other local authority or statutory undertaker for the planning authority, on the other local authority or statutory undertaker.
 - (2) A notice under sub-paragraph (1) must specify the period within which any of the persons on whom it is served may make a request in writing to the Welsh Ministers for an opportunity to appear before and be heard by a person appointed by the Welsh Ministers.
 - (3) If a person on whom the notice is served makes a request within that period, the Welsh Ministers must give that person such an opportunity before they take any action in relation to the purchase notice under paragraph 2.
 - (4) The period specified under sub-paragraph (2) must be at least 28 days beginning with the day after the day the notice under sub-paragraph (1) is served.
 - (5) If, after any persons have appeared before and been heard by an appointed person, the Welsh Ministers consider it appropriate to take action under paragraph 2 otherwise than in accordance with the notice served under sub-paragraph (1), they may do so.

Commencement Information

I40 Sch. 9 para. 3 not in force at Royal Assent, see [s. 212\(2\)](#)

Effect of Welsh Ministers' action in relation to purchase notice

- 4
- (1) Where the Welsh Ministers confirm a purchase notice, the authority mentioned in sub-paragraph (2) is to be treated—
 - (a) as being authorised under section 137 to acquire compulsorily the interest of the person who served the notice, and
 - (b) as having served a notice to treat in respect of that interest on the date that the Welsh Ministers direct.
 - (2) The authority referred to in sub-paragraph (1) is—
 - (a) the planning authority on which the purchase notice was served, or
 - (b) if the Welsh Ministers modified the purchase notice under paragraph 2(7) by substituting another local authority or statutory undertaker for the planning authority, the other local authority or statutory undertaker.
 - (3) If a purchase notice is sent to the Welsh Ministers under paragraph 1(6) and they do not take any action in relation to it under paragraph 2 by the end of the relevant period—

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- (a) the purchase notice is to be treated as having been confirmed by them at the end of the relevant period, and
 - (b) the planning authority on which the purchase notice was served is to be treated—
 - (i) as being authorised under section 137 to acquire compulsorily the interest of the person who served the notice, and
 - (ii) as having served a notice to treat in respect of that interest at the end of the relevant period.
- (4) Where a purchase notice is confirmed only in relation to part of the land to which it relates, references in this paragraph to the owner’s interest are to the owner’s interest in that part.
- (5) In sub-paragraph (3) the “relevant period” means whichever of the following ends earlier—
- (a) 9 months beginning with the day the purchase notice was served on the planning authority;
 - (b) 6 months beginning with the day a copy of the notice was sent to the Welsh Ministers under paragraph 1(6).
- (6) But the relevant period does not include any time when the Welsh Ministers have before them both—
- (a) a copy of the purchase notice sent to them under paragraph 1(6), and
 - (b) a notice of appeal under section 100 (appeal against refusal etc. of listed building consent) or 127 (appeal against enforcement notice) relating to any of the land to which the purchase notice relates.
- (7) A notice to treat which is treated as having been served by virtue of sub-paragraph (1) (b) or (3)(b)(ii) may not be withdrawn under section 31 of the [Land Compensation Act 1961 \(c. 33\)](#).
- (8) In this paragraph references to the land to which a purchase notice relates are to the listed building and associated land (if any) in respect of which the notice is served.

Commencement Information

I41 Sch. 9 para. 4 not in force at Royal Assent, see [s. 212\(2\)](#)

Legal challenge to Welsh Ministers’ action in relation to purchase notice

- 5
- (1) If a decision of the Welsh Ministers to take any action in relation to a purchase notice under paragraph 2 is quashed in proceedings under section 183, the purchase notice is to be treated as cancelled, but the person who served it may serve a further purchase notice.
 - (2) For the purpose of determining whether the further purchase notice has been served within the time specified in section 111(1), the decision to which the notice relates is to be treated as having been made, or the order to which it relates is to be treated as having taken effect, on the day the Welsh Ministers’ decision was quashed.

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Commencement Information

I42 Sch. 9 para. 5 not in force at Royal Assent, see [s. 212\(2\)](#)

Deduction of compensation payable under section 108 on acquisition

- 6 Where compensation is payable under section 108 (compensation where consent is modified or revoked) for expenditure incurred in carrying out works to a listed building, any compensation that becomes payable in respect of the acquisition of an interest in the building and any associated land in pursuance of a purchase notice must be reduced by the amount of the compensation relating to the works.

Commencement Information

I43 Sch. 9 para. 6 not in force at Royal Assent, see [s. 212\(2\)](#)

Interpretation of Schedule

- 7 (1) In this Schedule—
- “associated land” (“*tir cysylltiedig*”) and “usable” (“*defnyddiadwy*”) have the meanings given by section 109(6);
 - “statutory undertaker” (“*ymgymerwr statudol*”) includes an electronic communications code operator and a former public telecommunications operator.
- (2) In the definition of “statutory undertaker” in sub-paragraph (1)—
- “electronic communications code operator” (“*gweithredwr cod cyfathrebu electronig*”) has the meaning given by paragraph 1(1) of Schedule 17 to the [Communications Act 2003 \(c. 21\)](#);
 - “former public telecommunications operator” (“*cyn-weithredwr telathrebu cyhoeddus*”) has the meaning given to “former PTO” by paragraph 1(1) of Schedule 17 to the Communications Act 2003.

Commencement Information

I44 Sch. 9 para. 7 not in force at Royal Assent, see [s. 212\(2\)](#)

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SCHEDULE 10 E+W

(introduced by section 115(5))

PROCEDURE FOR ORDERS TERMINATING LISTED BUILDING PARTNERSHIP AGREEMENTS

PART 1 E+W

ORDERS MADE BY PLANNING AUTHORITIES

Requirement for confirmation by Welsh Ministers

- 1 (1) An order under section 115 made by a planning authority does not take effect unless it is confirmed by the Welsh Ministers.
- (2) Where a planning authority submits an order to the Welsh Ministers for confirmation, it must serve notice of the submission of the order on—
- (a) the other parties to the listed building partnership agreement,
 - (b) any other person occupying the listed building, or the part of a listed building, to which the agreement relates under a lease granted or extended for a fixed term that has at least 2 years left to run, and
 - (c) any other person the authority thinks will be affected by the order.
- (3) The notice must specify the period within which a person on whom it is served may make a request in writing to the Welsh Ministers for an opportunity to appear before and be heard by a person appointed by the Welsh Ministers.
- (4) If a person on whom the notice is served makes such a request within that period, before confirming the order the Welsh Ministers must give such an opportunity to that person and each planning authority that is a party to the listed building partnership agreement.
- (5) The period specified under sub-paragraph (3) must be at least 28 days beginning with the day after the day the notice is served.
- (6) The Welsh Ministers may confirm the order with or without modifications.

Commencement Information

I45 Sch. 10 para. 1 not in force at Royal Assent, see [s. 212\(2\)](#)

PART 2 E+W

ORDERS MADE BY THE WELSH MINISTERS

Procedure to be followed before making order

- 2 (1) Before making an order under section 115, the Welsh Ministers must serve notice of the proposed order on—
- (a) the parties to the listed building partnership agreement (or if the Welsh Ministers are a party to the agreement, the other parties to it),

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- (b) any other person occupying the listed building, or the part of a listed building, to which the agreement relates under a lease granted or extended for a fixed term that has at least 2 years left to run, and
 - (c) any other person the Welsh Ministers think will be affected by the order.
- (2) The notice must specify the period within which a person on whom it is served may make a request in writing to the Welsh Ministers for an opportunity to appear before and be heard by a person appointed by the Welsh Ministers.
- (3) If a person on whom the notice is served makes such a request within that period, before making the order the Welsh Ministers must give such an opportunity to that person and any planning authority that is a party to the listed building partnership agreement.
- (4) The period specified under sub-paragraph (2) must be at least 28 days beginning with the day after the day the notice is served.

Commencement Information

I46 Sch. 10 para. 2 not in force at Royal Assent, see [s. 212\(2\)](#)

SCHEDULE 11 **E+W**

(introduced by section 161(5))

EFFECT OF SECTION 161 CEASING TO APPLY TO BUILDING

Introduction

- 1 This Schedule applies where a building ceases to be a building to which section 161 applies.

Commencement Information

I47 Sch. 11 para. 1 not in force at Royal Assent, see [s. 212\(2\)](#)

Criminal liability

- 2 The fact that the building ceases to be a building to which section 161 applies does not affect the liability of any person to be prosecuted and punished for an offence under this Act committed while section 161 applied to it.

Commencement Information

I48 Sch. 11 para. 2 not in force at Royal Assent, see [s. 212\(2\)](#)

Conservation area consent

- 3 Any proceedings on or arising out of an application for conservation area consent relating to the building lapse; and any such consent ceases to have effect.

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Commencement Information

I49 Sch. 11 para. 3 not in force at Royal Assent, see [s. 212\(2\)](#)

Temporary stop notices

4 Any temporary stop notice relating to the building ceases to have effect.

Commencement Information

I50 Sch. 11 para. 4 not in force at Royal Assent, see [s. 212\(2\)](#)

Enforcement notices

5 (1) Any enforcement notice relating to the building ceases to have effect.
 (2) Any proceedings on an appeal against such a notice lapse.
 (3) Despite sub-paragraph (1), section 132(1) to (6) (as applied by section 163) continue to have effect in relation to—
 (a) any expenses incurred by a planning authority or the Welsh Ministers, or by an owner or occupier, as mentioned in that section, and
 (b) any amounts paid on account of those expenses.

Commencement Information

I51 Sch. 11 para. 5 not in force at Royal Assent, see [s. 212\(2\)](#)

Injunctions

6 Any proceedings on an application for an injunction under section 135 (as applied by section 163) relating to the building lapse.

Commencement Information

I52 Sch. 11 para. 6 not in force at Royal Assent, see [s. 212\(2\)](#)

SCHEDULE 12 **E+W**

(introduced by section 173(6))

DETERMINATION OF APPEAL BY APPOINTED
 PERSON OR THE WELSH MINISTERS

Introduction

1 In this Schedule—

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“appointed person” (“*person a benodir*”) means a person appointed by the Welsh Ministers under section 173 to determine an appeal under section 100 or 127;

“the planning authority” (“*yr awdurdod cynllunio*”) means the planning authority in whose area the building to which the appeal relates is situated.

Commencement Information

I53 Sch. 12 para. 1 not in force at Royal Assent, see [s. 212\(2\)](#)

Powers and duties of appointed person

- 2 (1) An appointed person has the same powers and duties—
- (a) in relation to an appeal under section 100 as the Welsh Ministers have under section 104;
 - (b) in relation to an appeal under section 127 as the Welsh Ministers have under section 128.
- (2) Sub-paragraph (3) applies where any enactment (other than this Schedule or section 174)—
- (a) refers (or is to be read as referring) to the Welsh Ministers in a context relating to or capable of relating to an appeal to which section 173 applies, or
 - (b) refers (or is to be read as referring) to anything done or authorised or required to be done by, to or before the Welsh Ministers in connection with any such appeal.
- (3) So far as the context permits, the enactment is to be read, in relation to an appeal determined or to be determined by an appointed person, as if the reference to the Welsh Ministers were or included a reference to an appointed person.

Commencement Information

I54 Sch. 12 para. 2 not in force at Royal Assent, see [s. 212\(2\)](#)

Local inquiry, hearing or written representations

- 3 (1) An appointed person may hold a local inquiry or a hearing in connection with an appeal where a determination under section 174 provides for the appeal to be considered in that way.
- (2) The Welsh Ministers or an appointed person may appoint an assessor to advise the appointed person on any matters that arise—
- (a) at a local inquiry or hearing held by the appointed person in connection with an appeal or in consequence of such an inquiry or hearing, or
 - (b) in written representations made to the appointed person in connection with an appeal or in consequence of such representations.

Commencement Information

I55 Sch. 12 para. 3 not in force at Royal Assent, see [s. 212\(2\)](#)

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Replacement of appointed person

- 4 (1) At any time before an appointed person has determined an appeal, the Welsh Ministers may—
- (a) revoke the person’s appointment, and
 - (b) appoint another person under section 173 to determine the appeal.
- (2) Where a new appointment is made, the consideration of the appeal, and any inquiry or other hearing in connection with the appeal, must start afresh.
- (3) Sub-paragraph (2) does not require any person to be given an opportunity to—
- (a) make fresh representations, or
 - (b) modify or withdraw any representations the person has already made.

Commencement Information

I56 Sch. 12 para. 4 not in force at Royal Assent, see [s. 212\(2\)](#)

Direction under section 173(3)(b) that appeal is to be determined by Welsh Ministers

- 5 (1) This paragraph applies where the Welsh Ministers give a direction under section 173(3)(b) that an appeal which would otherwise be determined by an appointed person is instead to be determined by them.
- (2) The direction must state the reasons for which it is given and must be served on—
- (a) the person, if any, appointed to determine the appeal,
 - (b) the appellant,
 - (c) the planning authority, and
 - (d) in the case of an appeal under section 100, any person who made representations relating to the subject matter of the appeal which regulations under section 91(4) required the planning authority to take into account.
- (3) The Welsh Ministers must give the persons mentioned in sub-paragraph (2)(b) to (d) an opportunity to make further representations if the reasons for the direction raise matters about which any of those persons have not made representations.
- (4) Except as provided by sub-paragraph (3), the Welsh Ministers need not give any person an opportunity to—
- (a) appear before and be heard by a person appointed by them,
 - (b) make fresh representations, or
 - (c) modify or withdraw any representations the person has already made.
- (5) In determining the appeal the Welsh Ministers may take into account any report made to them by a person previously appointed to determine it.
- (6) Subject to this paragraph, the provisions of this Act that are relevant to the appeal apply to it as if this Schedule had never applied.

Commencement Information

I57 Sch. 12 para. 5 not in force at Royal Assent, see [s. 212\(2\)](#)

Changes to legislation: *Historic Environment (Wales) Act 2023 is up to date with all changes known to be in force on or before 10 June 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*

Revocation of direction under section 173(3)(b)

- 6 (1) The Welsh Ministers may by a further direction revoke a direction under section 173(3)(b) at any time before the determination of the appeal.
- (2) The further direction must state the reasons for which it is given and must be served on the persons on whom paragraph 5(2) required the direction under section 173(3)(b) to be served.
- (3) Where a further direction is given under this paragraph, section 173 and this Schedule apply as if no direction had been given under paragraph 5 (and accordingly the Welsh Ministers must appoint a person under that section to determine the appeal).
- (4) But anything done by or on behalf of the Welsh Ministers in connection with the appeal which might have been done by the appointed person (including any arrangements made for the holding of a hearing or local inquiry) is, unless the appointed person directs otherwise, to be treated as having been done by the appointed person.

Commencement Information

I58 Sch. 12 para. 6 not in force at Royal Assent, see [s. 212\(2\)](#)

Supplementary provisions

- 7 (1) It is not a ground of application to the High Court under section 183, or of appeal to the High Court under section 184, that an appeal ought to have been determined by the Welsh Ministers instead of an appointed person, unless the appellant or the planning authority challenges the appointed person's power to determine the appeal before the decision on the appeal is given.
- (2) Where an appointed person is a member of the staff of the Welsh Government, the person's functions of determining an appeal and doing anything in connection with it are to be treated for the purposes of the [Public Services Ombudsman \(Wales\) Act 2019 \(anaw 3\)](#) as functions of the Welsh Government.

Commencement Information

I59 Sch. 12 para. 7 not in force at Royal Assent, see [s. 212\(2\)](#)

SCHEDULE 13 **E+W**

(introduced by section 211(1))

MINOR AND CONSEQUENTIAL AMENDMENTS AND REPEALS

Settled Land Act 1925 (c. 18)

- 1 In Part 2 of Schedule 3 to the Settled Land Act 1925, after paragraph (vi) insert—
- “(vii) Works specified by the Welsh Ministers as being required for properly maintaining a listed building (within the meaning given by section 76 of the Historic Environment (Wales) Act 2023) on the settled land.”

Changes to legislation: *Historic Environment (Wales) Act 2023* is up to date with all changes known to be in force on or before 10 June 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

Commencement Information

I60 Sch. 13 para. 1 not in force at Royal Assent, see [s. 212\(2\)](#)

Historic Buildings and Ancient Monuments Act 1953 (c. 49)

2 The Historic Buildings and Ancient Monuments Act 1953 is amended as follows.

Commencement Information

I61 Sch. 13 para. 2 not in force at Royal Assent, see [s. 212\(2\)](#)

3 Omit section 4.

Commencement Information

I62 Sch. 13 para. 3 not in force at Royal Assent, see [s. 212\(2\)](#)

4 In section 4A—

- (a) in the heading, for “section 4” substitute “section 3A”;
- (b) in subsection (1)—
 - (i) omit “or 4”;
 - (ii) omit “or (as the case may be) by the Secretary of State”;
- (c) in subsections (3), (4) and (8), omit “or (as the case may be) by the Secretary of State”.

Commencement Information

I63 Sch. 13 para. 4 not in force at Royal Assent, see [s. 212\(2\)](#)

5 (1) In section 5, after subsection (5) insert—

“(6) In this section references to a building do not include a building situated wholly or mainly in Wales.”

(2) This paragraph does not apply in relation to property that was acquired or accepted before it comes into force.

Commencement Information

I64 Sch. 13 para. 5 not in force at Royal Assent, see [s. 212\(2\)](#)

6 Omit section 6.

Commencement Information

I65 Sch. 13 para. 6 not in force at Royal Assent, see [s. 212\(2\)](#)

7 In section 8, after subsection (7) insert—

Changes to legislation: *Historic Environment (Wales) Act 2023 is up to date with all changes known to be in force on or before 10 June 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) In this section references to a building do not include a building situated wholly or mainly in Wales.”

Commencement Information

I66 Sch. 13 para. 7 not in force at Royal Assent, see [s. 212\(2\)](#)

Commencement Information

I61 Sch. 13 para. 2 not in force at Royal Assent, see [s. 212\(2\)](#)

I62 Sch. 13 para. 3 not in force at Royal Assent, see [s. 212\(2\)](#)

I63 Sch. 13 para. 4 not in force at Royal Assent, see [s. 212\(2\)](#)

I64 Sch. 13 para. 5 not in force at Royal Assent, see [s. 212\(2\)](#)

I65 Sch. 13 para. 6 not in force at Royal Assent, see [s. 212\(2\)](#)

I66 Sch. 13 para. 7 not in force at Royal Assent, see [s. 212\(2\)](#)

Land Powers (Defence) Act 1958 (c. 30)

8 In section 6(4)(b) of the Land Powers (Defence) Act 1958, after “the Ancient Monuments and Archaeological Areas Act 1979” insert “or section 3 of the Historic Environment (Wales) Act 2023”.

Commencement Information

I67 Sch. 13 para. 8 not in force at Royal Assent, see [s. 212\(2\)](#)

Public Health Act 1961 (c. 64)

9 In the table in Schedule 4 to the Public Health Act 1961, after the entry relating to section 1 of the Planning (Listed Buildings and Conservation Areas) Act 1990 insert—

“A building which is included in the schedule of monuments maintained under section 3 of the Historic Environment (Wales) Act 2023 or the list of buildings maintained under section 76 of that Act, except— (a) a building owned by railway, canal, dock, harbour or inland navigation undertakers, (b) a building owned by a holder of a licence under section 6 of the Electricity Act 1989 (c. 29) , (c) a building owned by a gas transporter (within the meaning given by section 7(1) of the Gas Act 1986 (c. 44)), or	The Welsh Ministers.”
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Changes to legislation: Historic Environment (Wales) Act 2023 is up to date with all changes known to be in force on or before 10 June 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

- (d) a building forming part of an aerodrome.

Commencement Information

I68 Sch. 13 para. 9 not in force at Royal Assent, see [s. 212\(2\)](#)

Compulsory Purchase Act 1965 (c. 56)

- 10 In section 1(4) of the Compulsory Purchase Act 1965—
- (a) for “or section 52 of the Planning (Listed Buildings and Conservation Areas) Act 1990” substitute “, section 52 of the Planning (Listed Buildings and Conservation Areas) Act 1990 or section 136 of the Historic Environment (Wales) Act 2023,”;
- (b) after “section 52(2) of the Planning (Listed Buildings and Conservation Areas) Act 1990” insert “or section 136(4) of the Historic Environment (Wales) Act 2023”.

Commencement Information

I69 Sch. 13 para. 10 not in force at Royal Assent, see [s. 212\(2\)](#)

Mines (Working Facilities and Support) Act 1966 (c. 4)

- 11 In section 7 of the Mines (Working Facilities and Support) Act 1966, after subsection (8) insert—
- “(9) For the purposes of this section, where any building or work is a monument of special historic interest within the meaning of Part 2 of the Historic Environment (Wales) Act 2023 and is, in pursuance of that Part, under the guardianship of the Welsh Ministers or a local authority, the Welsh Ministers or the local authority, as the case may be, shall be deemed to be persons entitled to make an application under this section.”

Commencement Information

I70 Sch. 13 para. 11 not in force at Royal Assent, see [s. 212\(2\)](#)

Civic Amenities Act 1967 (c. 69)

- 12 Omit section 4 of the Civic Amenities Act 1967.

Commencement Information

I71 Sch. 13 para. 12 not in force at Royal Assent, see [s. 212\(2\)](#)

Changes to legislation: *Historic Environment (Wales) Act 2023 is up to date with all changes known to be in force on or before 10 June 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*

Redundant Churches and other Religious Buildings Act 1969 (c. 22)

13 The Redundant Churches and other Religious Buildings Act 1969 is amended as follows.

Commencement Information

I72 Sch. 13 para. 13 not in force at Royal Assent, see [s. 212\(2\)](#)

14 In section 4—

- (a) in subsection (2)(b), after sub-paragraph (i) insert—
“(ia) the Welsh Ministers,”;
- (b) in subsection (9), after “in relation to” insert “the Secretary of State and”;
- (c) after subsection (9) insert—
“(9A) In relation to the Welsh Ministers—
 - (a) this section only applies to any premises falling within subsection (1) if they are situated in Wales, and
 - (b) references in this section to land are references only to land situated in Wales.”;
- (d) in subsection (10)—
 - (i) in paragraph (a), after “the Planning (Listed Buildings and Conservation Areas) Act 1990” insert “or the Historic Environment (Wales) Act 2023”;
 - (ii) in paragraph (b), after “the Ancient Monuments and Archaeological Areas Act 1979” insert “or the Historic Environment (Wales) Act 2023”.

Commencement Information

I73 Sch. 13 para. 14 not in force at Royal Assent, see [s. 212\(2\)](#)

15 In section 5(1), after “Secretary of State,” in both places, insert “the Welsh Ministers,”.

Commencement Information

I74 Sch. 13 para. 15 not in force at Royal Assent, see [s. 212\(2\)](#)

Commencement Information

I72 Sch. 13 para. 13 not in force at Royal Assent, see [s. 212\(2\)](#)

I73 Sch. 13 para. 14 not in force at Royal Assent, see [s. 212\(2\)](#)

I74 Sch. 13 para. 15 not in force at Royal Assent, see [s. 212\(2\)](#)

Local Government Act 1972 (c. 70)

16 In section 131(2) of the Local Government Act 1972, after paragraph (m) insert—
“and

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(n) Part 2 of the Historic Environment (Wales) Act 2023.”

Commencement Information

I75 Sch. 13 para. 16 not in force at Royal Assent, see [s. 212\(2\)](#)

Land Compensation Act 1973 (c. 26)

- 17 In section 33D(4)(d) of the Land Compensation Act 1973, after “section 48 of the Planning (Listed Buildings and Conservation Areas) Act 1990” insert “or section 138 of the Historic Environment (Wales) Act 2023”.

Commencement Information

I76 Sch. 13 para. 17 not in force at Royal Assent, see [s. 212\(2\)](#)

Estate Agents Act 1979 (c. 38)

- 18 In section 1(2)(e) of the Estate Agents Act 1979, after “the Planning (Listed Buildings and Conservation Areas) Act 1990,” insert “Parts 3 to 5 of the Historic Environment (Wales) Act 2023,”.

Commencement Information

I77 Sch. 13 para. 18 not in force at Royal Assent, see [s. 212\(2\)](#)

Ancient Monuments and Archaeological Areas Act 1979 (c. 46)

- 19 The Ancient Monuments and Archaeological Areas Act 1979 is amended as follows.

Commencement Information

I78 Sch. 13 para. 19 not in force at Royal Assent, see [s. 212\(2\)](#)

- 20 In section 1—
- (a) in subsection (3), for “subsection” substitute “subsections (3A) and”;
 - (b) after subsection (3) insert—
 - “(3A) The power of the Secretary of State under subsection (3) above to include any monument in the Schedule does not apply to a monument situated in Wales (and in this subsection “Wales has the meaning given by section 158(1) of the Government of Wales Act 2006).”
 - (c) omit subsection (5A);
 - (d) for subsection (6A) substitute—
 - “(6A) As soon as may be after—
 - (a) including any monument in England in the Schedule under subsection (3) above;

Changes to legislation: *Historic Environment (Wales) Act 2023 is up to date with all changes known to be in force on or before 10 June 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*

(b) amending the entry in the Schedule relating to any such monument; or

(c) excluding the entry in the Schedule relating to any such monument;

the Secretary of State shall inform the Commission of the action taken and, in a case falling within paragraph (a) or (b), shall also send to the Commission a copy of the entry or (as the case may be) of the amended entry in the Schedule relating to that monument.”;

(e) omit subsections (6B) and (6C);

(f) in subsection (9) omit “and Wales”.

Commencement Information

I79 Sch. 13 para. 20 not in force at Royal Assent, see [s. 212\(2\)](#)

21 Omit sections 1AA to 1AE.

Commencement Information

I80 Sch. 13 para. 21 not in force at Royal Assent, see [s. 212\(2\)](#)

22 In section 2—

(a) omit subsections (3A) and (3B);

(b) in subsection (5)—

(i) in paragraph (a), omit “(in a case where the monument in question is situated in England), or”;

(ii) omit paragraph (b);

(c) omit subsections (5A) and (5B);

(d) omit subsection (6A);

(e) in subsection (8), omit “which have been executed in relation to a scheduled monument situated in England or land in, on or under which there is such a scheduled monument”;

(f) omit subsection (8A).

Commencement Information

I81 Sch. 13 para. 22 not in force at Royal Assent, see [s. 212\(2\)](#)

23 In section 4(3), omit “Where a direction would (if given) affect a monument situated in England.”.

Commencement Information

I82 Sch. 13 para. 23 not in force at Royal Assent, see [s. 212\(2\)](#)

24 In section 6, omit subsection (5).

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Commencement Information

I83 Sch. 13 para. 24 not in force at Royal Assent, see [s. 212\(2\)](#)

- 25 In section 7(1), omit “the Secretary of State or (where the monument in question is situated in England)”.

Commencement Information

I84 Sch. 13 para. 25 not in force at Royal Assent, see [s. 212\(2\)](#)

- 26 In section 8—
 (a) in subsection (2A), omit paragraph (c);
 (b) in subsection (6), omit “and Wales”.

Commencement Information

I85 Sch. 13 para. 26 not in force at Royal Assent, see [s. 212\(2\)](#)

- 27 In section 9(1), omit “the Secretary of State or (where the monument in question is situated in England)”.

Commencement Information

I86 Sch. 13 para. 27 not in force at Royal Assent, see [s. 212\(2\)](#)

- 28 Omit sections 9ZA and 9ZB and the italic heading before section 9ZA.

Commencement Information

I87 Sch. 13 para. 28 not in force at Royal Assent, see [s. 212\(2\)](#)

- 29 Omit sections 9ZC to 9ZH and the italic heading before section 9ZC.

Commencement Information

I88 Sch. 13 para. 29 not in force at Royal Assent, see [s. 212\(2\)](#)

- 30 Omit sections 9ZI to 9ZL and the italic heading before section 9ZI.

Commencement Information

I89 Sch. 13 para. 30 not in force at Royal Assent, see [s. 212\(2\)](#)

- 31 Omit section 9ZM and the italic heading before it.

Commencement Information

I90 Sch. 13 para. 31 not in force at Royal Assent, see [s. 212\(2\)](#)

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32 In section 26, omit subsection (4).

Commencement Information

I91 Sch. 13 para. 32 not in force at Royal Assent, see [s. 212\(2\)](#)

33 In section 27(2), for “section 1AD, 7, 9 or 9ZL” substitute “section 7 or 9”.

Commencement Information

I92 Sch. 13 para. 33 not in force at Royal Assent, see [s. 212\(2\)](#)

34 In section 28—
(a) in subsection (1), omit “situated in England”;
(b) omit subsection (1A).

Commencement Information

I93 Sch. 13 para. 34 not in force at Royal Assent, see [s. 212\(2\)](#)

35 In section 33—
(a) after subsection (1) insert—
“(1A) An order under subsection (1) may not designate an area in Wales.”;
(b) in subsection (5), omit “and Wales”.

Commencement Information

I94 Sch. 13 para. 35 not in force at Royal Assent, see [s. 212\(2\)](#)

36 In section 35(5), omit paragraph (aa).

Commencement Information

I95 Sch. 13 para. 36 not in force at Royal Assent, see [s. 212\(2\)](#)

37 In section 38—
(a) in subsection (3)(b), omit “and Wales”;
(b) in subsection (9)(b), omit “and Wales”.

Commencement Information

I96 Sch. 13 para. 37 not in force at Royal Assent, see [s. 212\(2\)](#)

38 Omit section 41A and the italic heading before it.

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Commencement Information

I97 Sch. 13 para. 38 not in force at Royal Assent, see [s. 212\(2\)](#)

39 In section 42—

- (a) in subsection (1), omit “or of the Secretary of State (in any other case)”;
- (b) in subsection (3), omit “or of the Secretary of State (in any other case)”;
- (c) in subsection (4), omit “the Secretary of State or”;
- (d) in subsection (5)(a), omit “the Secretary of State or”;
- (e) in subsection (7), omit “relating to a protected place situated in England”;
- (f) omit subsection (8).

Commencement Information

I98 Sch. 13 para. 39 not in force at Royal Assent, see [s. 212\(2\)](#)

40 In section 44(2), in the second sentence, omit the words from “, or in relation to” to the end.

Commencement Information

I99 Sch. 13 para. 40 not in force at Royal Assent, see [s. 212\(2\)](#)

41 In section 45—

- (a) omit subsection (1);
- (b) in subsection (3), omit “The Secretary of State or”.

Commencement Information

I100 Sch. 13 para. 41 not in force at Royal Assent, see [s. 212\(2\)](#)

42 In section 46(3), omit “9ZF, 9ZJ,”.

Commencement Information

I101 Sch. 13 para. 42 not in force at Royal Assent, see [s. 212\(2\)](#)

43 In section 50, omit subsection (3A).

Commencement Information

I102 Sch. 13 para. 43 not in force at Royal Assent, see [s. 212\(2\)](#)

44 In section 51(3), omit “1AD, 9ZL,”.

Commencement Information

I103 Sch. 13 para. 44 not in force at Royal Assent, see [s. 212\(2\)](#)

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- 45 In section 53—
- (a) in subsection (2), for “, or of Wales; and, subject to subsection (2B),” substitute “and”;
 - (b) omit subsections (2A) and (2B).

Commencement Information

I104 Sch. 13 para. 45 not in force at Royal Assent, see [s. 212\(2\)](#)

- 46 In section 55, omit subsection (3A).

Commencement Information

I105 Sch. 13 para. 46 not in force at Royal Assent, see [s. 212\(2\)](#)

- 47 In section 56—
- (a) in subsection (1), omit paragraph (ca) and the “or” after it;
 - (b) omit subsection (1A);
 - (c) omit subsection (3).

Commencement Information

I106 Sch. 13 para. 47 not in force at Royal Assent, see [s. 212\(2\)](#)

- 48 In section 60—
- (a) omit subsection (1A);
 - (b) omit subsections (3), (4) and (5).

Commencement Information

I107 Sch. 13 para. 48 not in force at Royal Assent, see [s. 212\(2\)](#)

- 49 In section 61—
- (a) in subsection (1)—
 - (i) omit the definitions of “address”, “electronic communication” and “interim protection”;
 - (ii) in the definition of “local authority”, omit paragraph (aa);
 - (iii) in the definition of “owner”, omit “sections 9ZA and 9ZB and”;
 - (iv) in the definition of “scheduled monument consent”, omit “and (3B)”;
 - (b) omit subsection (2B);
 - (c) in subsection (6), omit “(other than in section 9ZA)”;
 - (d) in subsection (7), omit paragraph (d) and the “and” before it;
 - (e) omit subsection (7A);
 - (f) in subsection (12), in paragraph (b), at the end insert “, except any monument situated wholly or mainly in Wales”.

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Commencement Information

I108 Sch. 13 para. 49 not in force at Royal Assent, see [s. 212\(2\)](#)

50 Omit Schedules A1 and A2.

Commencement Information

I109 Sch. 13 para. 50 not in force at Royal Assent, see [s. 212\(2\)](#)

51 In Schedule 1—

- (a) in paragraph 1, omit sub-paragraph (3);
- (b) in paragraph 2(4), omit “or of regulations made by the Welsh Ministers under it”;
- (c) omit paragraph 2B;
- (d) in paragraph 3, omit sub-paragraph (5);
- (e) omit paragraph 3A;
- (f) in paragraph 4(1), omit “and Wales”;
- (g) in paragraph 5(1A), omit “Where the monument in question is situated in England,”.

Commencement Information

I110 Sch. 13 para. 51 not in force at Royal Assent, see [s. 212\(2\)](#)

Commencement Information

I78 Sch. 13 para. 19 not in force at Royal Assent, see [s. 212\(2\)](#)

I79 Sch. 13 para. 20 not in force at Royal Assent, see [s. 212\(2\)](#)

I80 Sch. 13 para. 21 not in force at Royal Assent, see [s. 212\(2\)](#)

I81 Sch. 13 para. 22 not in force at Royal Assent, see [s. 212\(2\)](#)

I82 Sch. 13 para. 23 not in force at Royal Assent, see [s. 212\(2\)](#)

I83 Sch. 13 para. 24 not in force at Royal Assent, see [s. 212\(2\)](#)

I84 Sch. 13 para. 25 not in force at Royal Assent, see [s. 212\(2\)](#)

I85 Sch. 13 para. 26 not in force at Royal Assent, see [s. 212\(2\)](#)

I86 Sch. 13 para. 27 not in force at Royal Assent, see [s. 212\(2\)](#)

I87 Sch. 13 para. 28 not in force at Royal Assent, see [s. 212\(2\)](#)

I88 Sch. 13 para. 29 not in force at Royal Assent, see [s. 212\(2\)](#)

I89 Sch. 13 para. 30 not in force at Royal Assent, see [s. 212\(2\)](#)

I90 Sch. 13 para. 31 not in force at Royal Assent, see [s. 212\(2\)](#)

I91 Sch. 13 para. 32 not in force at Royal Assent, see [s. 212\(2\)](#)

I92 Sch. 13 para. 33 not in force at Royal Assent, see [s. 212\(2\)](#)

I93 Sch. 13 para. 34 not in force at Royal Assent, see [s. 212\(2\)](#)

I94 Sch. 13 para. 35 not in force at Royal Assent, see [s. 212\(2\)](#)

I95 Sch. 13 para. 36 not in force at Royal Assent, see [s. 212\(2\)](#)

I96 Sch. 13 para. 37 not in force at Royal Assent, see [s. 212\(2\)](#)

I97 Sch. 13 para. 38 not in force at Royal Assent, see [s. 212\(2\)](#)

I98 Sch. 13 para. 39 not in force at Royal Assent, see [s. 212\(2\)](#)

I99 Sch. 13 para. 40 not in force at Royal Assent, see [s. 212\(2\)](#)

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- I100 Sch. 13 para. 41 not in force at Royal Assent, see [s. 212\(2\)](#)
- I101 Sch. 13 para. 42 not in force at Royal Assent, see [s. 212\(2\)](#)
- I102 Sch. 13 para. 43 not in force at Royal Assent, see [s. 212\(2\)](#)
- I103 Sch. 13 para. 44 not in force at Royal Assent, see [s. 212\(2\)](#)
- I104 Sch. 13 para. 45 not in force at Royal Assent, see [s. 212\(2\)](#)
- I105 Sch. 13 para. 46 not in force at Royal Assent, see [s. 212\(2\)](#)
- I106 Sch. 13 para. 47 not in force at Royal Assent, see [s. 212\(2\)](#)
- I107 Sch. 13 para. 48 not in force at Royal Assent, see [s. 212\(2\)](#)
- I108 Sch. 13 para. 49 not in force at Royal Assent, see [s. 212\(2\)](#)
- I109 Sch. 13 para. 50 not in force at Royal Assent, see [s. 212\(2\)](#)
- I110 Sch. 13 para. 51 not in force at Royal Assent, see [s. 212\(2\)](#)

Local Government, Planning and Land Act 1980 (c. 65)

- 52 In section 148(3) of the Local Government, Planning and Land Act 1980, after “(which relates to the compilation or approval by the Secretary of State of lists of buildings of special architectural or historic interest)” insert “, under section 76 of the Historic Environment (Wales) Act 2023 (which makes similar provision for Wales),”.

Commencement Information

- I111 Sch. 13 para. 52 not in force at Royal Assent, see [s. 212\(2\)](#)

Highways Act 1980 (c. 66)

- 53 The Highways Act 1980 is amended as follows.

Commencement Information

- I112 Sch. 13 para. 53 not in force at Royal Assent, see [s. 212\(2\)](#)

- 54 In section 79(15)—
- (a) in paragraph (a), after “local highway authority” insert “in England”;
 - (b) after that paragraph insert—
 - “(aa) authorises the service by a local highway authority in Wales of a notice under this section with respect to any wall forming part of a monument of special historic interest (within the meaning of Part 2 of the Historic Environment (Wales) Act 2023) or other object of archaeological interest, except with the consent of the Welsh Ministers; or”

Commencement Information

- I113 Sch. 13 para. 54 not in force at Royal Assent, see [s. 212\(2\)](#)

- 55 In section 105ZA(1), in paragraph (g) of the definition of “sensitive area”, after “the Ancient Monuments and Archaeological Areas Act 1979” insert “or the Historic Environment (Wales) Act 2023”.

Changes to legislation: *Historic Environment (Wales) Act 2023* is up to date with all changes known to be in force on or before 10 June 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](#)

Commencement Information

I114 Sch. 13 para. 55 not in force at Royal Assent, see [s. 212\(2\)](#)

Commencement Information

I112 Sch. 13 para. 53 not in force at Royal Assent, see [s. 212\(2\)](#)

I113 Sch. 13 para. 54 not in force at Royal Assent, see [s. 212\(2\)](#)

I114 Sch. 13 para. 55 not in force at Royal Assent, see [s. 212\(2\)](#)

New Towns Act 1981 (c. 64)

- 56 In section 8 of the New Towns Act 1981, at the end insert “or under section 76 of the Historic Environment (Wales) Act 2023 (which makes similar provision for Wales)”.

Commencement Information

I115 Sch. 13 para. 56 not in force at Royal Assent, see [s. 212\(2\)](#)

Acquisition of Land Act 1981 (c. 67)

- 57 In section 31(1)(a) of the Acquisition of Land Act 1981, after “Planning (Listed Buildings and Conservation Areas) Act 1990” insert “or Part 3 of the Historic Environment (Wales) Act 2023”.

Commencement Information

I116 Sch. 13 para. 57 not in force at Royal Assent, see [s. 212\(2\)](#)

National Heritage Act 1983 (c. 47)

- 58 In Schedule 4 to the National Heritage Act 1983—
- (a) omit paragraph 4;
 - (b) omit paragraph 8;
 - (c) omit paragraph 31.

Commencement Information

I117 Sch. 13 para. 58 not in force at Royal Assent, see [s. 212\(2\)](#)

Inheritance Tax Act 1984 (c. 51)

- 59 In section 230(3)(c) of the Inheritance Tax Act 1984, after “the Ancient Monuments and Archaeological Areas Act 1979” insert “, or of which the Welsh Ministers are guardians under Part 2 of the Historic Environment (Wales) Act 2023”.

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Commencement Information

I118 Sch. 13 para. 59 not in force at Royal Assent, see [s. 212\(2\)](#)

Building Act 1984 (c. 55)

60 The Building Act 1984 is amended as follows.

Commencement Information

I119 Sch. 13 para. 60 not in force at Royal Assent, see [s. 212\(2\)](#)

61 In section 1A(2)—

- (a) in paragraph (a), after “(see section 1(5) of that Act)” insert “or the Historic Environment (Wales) Act 2023 (see section 76 of that Act)”;
- (b) in paragraph (b), for “that Act” substitute “the Planning (Listed Buildings and Conservation Areas) Act 1990 or under section 158 of the Historic Environment (Wales) Act 2023”.

Commencement Information

I120 Sch. 13 para. 61 not in force at Royal Assent, see [s. 212\(2\)](#)

62 In section 20(1), after “the Planning (Listed Buildings and Conservation Areas) Act 1990” insert “, Part 3 of the Historic Environment (Wales) Act 2023”.

Commencement Information

I121 Sch. 13 para. 62 not in force at Royal Assent, see [s. 212\(2\)](#)

63 In section 77(3), after “subject to” insert “section 79A and to”.

Commencement Information

I122 Sch. 13 para. 63 not in force at Royal Assent, see [s. 212\(2\)](#)

64 In section 79(5), after “subject to” insert “section 79A and to”.

Commencement Information

I123 Sch. 13 para. 64 not in force at Royal Assent, see [s. 212\(2\)](#)

65 After section 79 insert—

“79A Wales: exercise of powers under sections 77 and 79 in relation to listed buildings, buildings in conservation areas etc.

- (1) Before taking any steps mentioned in subsection (3) in relation to a listed building, a local authority in Wales must—

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- (a) if it is the planning authority for the area in which the building is situated, consider whether it should instead exercise its powers under sections 137 and 138 of the Historic Environment (Wales) Act 2023 (compulsory acquisition and repairs notices), and
 - (b) in any case, consider whether it should instead exercise its powers under section 144 of that Act (urgent preservation works).
- (2) Before taking any steps mentioned in subsection (3) in relation to—
- (a) a building in relation to which interim protection or temporary listing has effect under Chapter 1 of Part 3 of the Historic Environment (Wales) Act 2023, or
 - (b) a building that is subject to a direction under section 164 of that Act (urgent works to preserve buildings in conservation areas),
- a local authority in Wales must consider whether it should instead exercise its powers under section 144 of that Act.
- (3) The steps referred to in subsections (1) and (2) are steps with a view to—
- (a) obtaining an order under section 77(1)(a), or
 - (b) serving a notice under section 79(1).
- (4) In subsection (1), “listed building and “planning authority have the same meanings as in the Historic Environment (Wales) Act 2023.”

Commencement Information

I124 Sch. 13 para. 65 not in force at Royal Assent, see [s. 212\(2\)](#)

Commencement Information

I119 Sch. 13 para. 60 not in force at Royal Assent, see [s. 212\(2\)](#)

I120 Sch. 13 para. 61 not in force at Royal Assent, see [s. 212\(2\)](#)

I121 Sch. 13 para. 62 not in force at Royal Assent, see [s. 212\(2\)](#)

I122 Sch. 13 para. 63 not in force at Royal Assent, see [s. 212\(2\)](#)

I123 Sch. 13 para. 64 not in force at Royal Assent, see [s. 212\(2\)](#)

I124 Sch. 13 para. 65 not in force at Royal Assent, see [s. 212\(2\)](#)

Housing Act 1985 (c. 68)

66 The Housing Act 1985 is amended as follows.

Commencement Information

I125 Sch. 13 para. 66 not in force at Royal Assent, see [s. 212\(2\)](#)

67 In section 303, after “section 1 of the Planning (Listed Buildings and Conservation Areas) Act 1990” insert “or section 76 of the Historic Environment (Wales) Act 2023”.

Changes to legislation: *Historic Environment (Wales) Act 2023 is up to date with all changes known to be in force on or before 10 June 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*

Commencement Information

I126 Sch. 13 para. 67 not in force at Royal Assent, see [s. 212\(2\)](#)

68 In section 305—

- (a) in subsection (1), after “Where a building” insert “in England”;
- (b) after subsection (1) insert—

“(1A) Where a building in Wales to which a compulsory purchase order under section 290 applies becomes a listed building at any time after the making of the order, the authority making the order may, within the period of three months beginning with the date on which the building becomes a listed building, apply to the Welsh Ministers (and only to them) for their consent under section 89 of the Historic Environment (Wales) Act 2023 to the demolition of the building.”;

- (c) in subsection (2), after “Secretary of State gives” insert “, or (as the case may be) the Welsh Ministers give,”.

Commencement Information

I127 Sch. 13 para. 68 not in force at Royal Assent, see [s. 212\(2\)](#)

69 In section 306—

- (a) in subsection (1), after “applies to a building” insert “in England”;
- (b) after subsection (1) insert—

“(1A) Where section 291 applies to a building in Wales purchased by the local housing authority by agreement and the building becomes a listed building, the authority may, within the period of three months beginning with the date on which the building becomes a listed building, apply to the Welsh Ministers (and only to them) for their consent under section 89 of the Historic Environment (Wales) Act 2023 to the demolition of the building.”

Commencement Information

I128 Sch. 13 para. 69 not in force at Royal Assent, see [s. 212\(2\)](#)

Commencement Information

I125 Sch. 13 para. 66 not in force at Royal Assent, see [s. 212\(2\)](#)

I126 Sch. 13 para. 67 not in force at Royal Assent, see [s. 212\(2\)](#)

I127 Sch. 13 para. 68 not in force at Royal Assent, see [s. 212\(2\)](#)

I128 Sch. 13 para. 69 not in force at Royal Assent, see [s. 212\(2\)](#)

Protection of Military Remains Act 1986 (c. 35)

70 In section 9(1) of the Protection of Military Remains Act 1986, in the definition of “Crown land”, after “the Ancient Monuments and Archaeological Areas Act

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1979” insert “except that in relation to land in Wales, it has the meaning given in section 207 of the Historic Environment (Wales) Act 2023”.

Commencement Information

I129 Sch. 13 para. 70 not in force at Royal Assent, see [s. 212\(2\)](#)

Town and Country Planning Act 1990 (c. 8)

71 The Town and Country Planning Act 1990 is amended as follows.

Commencement Information

I130 Sch. 13 para. 71 not in force at Royal Assent, see [s. 212\(2\)](#)

72 In section 70(3), as it has effect before section 5(8) of the [Housing and Planning Act 2016 \(c. 22\)](#) comes into force, after “Planning (Listed Buildings and Conservation Areas) Act 1990” insert “, to section 160 of the Historic Environment (Wales) Act 2023”.

Commencement Information

I131 Sch. 13 para. 72 not in force at Royal Assent, see [s. 212\(2\)](#)

73 In section 108(3F), at the end insert “or the Historic Environment (Wales) Act 2023”.

Commencement Information

I132 Sch. 13 para. 73 not in force at Royal Assent, see [s. 212\(2\)](#)

74 In section 137—

- (a) in subsection (6)—
 - (i) in the words before paragraph (a), after “section 48 of the Planning (Listed Buildings and Conservation Areas) Act 1990” insert “or section 138 of the Historic Environment (Wales) Act 2023”;
 - (ii) in paragraph (b), for “that Act” substitute “the Planning (Listed Buildings and Conservation Areas) Act 1990 or section 137 of the Historic Environment (Wales) Act 2023”;
- (b) in subsection (7)(b)(i)—
 - (i) after “Secretary of State” insert “or the Welsh Ministers”;
 - (ii) after “he decides” insert “or they decide”.

Commencement Information

I133 Sch. 13 para. 74 not in force at Royal Assent, see [s. 212\(2\)](#)

75 In section 143(4), after “Planning (Listed Buildings and Conservation Areas) Act 1990” insert “or section 100 or 127 of the Historic Environment (Wales) Act 2023”.

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Commencement Information

I134 Sch. 13 para. 75 not in force at Royal Assent, see [s. 212\(2\)](#)

- 76 In section 157(1)(b)—
- (a) after “section 47 of the Planning (Listed Buildings and Conservation Areas) Act 1990” insert “or section 137 of the Historic Environment (Wales) Act 2023”;
 - (b) after “section 50 of that Act of 1990” insert “or section 140 of that Act of 2023”.

Commencement Information

I135 Sch. 13 para. 76 not in force at Royal Assent, see [s. 212\(2\)](#)

- 77 In section 232(1), after “Chapter V of Part 1 of the Planning (Listed Buildings and Conservation Areas) Act 1990” insert “or Chapter 5 of Part 3 of the Historic Environment (Wales) Act 2023”.

Commencement Information

I136 Sch. 13 para. 77 not in force at Royal Assent, see [s. 212\(2\)](#)

- 78 In section 235(6), in the definition of “alternative enactment”, after “Chapter V of Part 1 of the Planning (Listed Buildings and Conservation Areas) Act 1990” insert “or Chapter 5 of Part 3 of the Historic Environment (Wales) Act 2023”.

Commencement Information

I137 Sch. 13 para. 78 not in force at Royal Assent, see [s. 212\(2\)](#)

- 79 In section 240(3), in the definition of “relevant acquisition or appropriation”, after “Chapter V of Part 1 of the Planning (Listed Buildings and Conservation Areas) Act 1990” insert “or Chapter 5 of Part 3 of the Historic Environment (Wales) Act 2023”.

Commencement Information

I138 Sch. 13 para. 79 not in force at Royal Assent, see [s. 212\(2\)](#)

- 80 In section 241(1), after “Chapter V of Part 1 of the Planning (Listed Buildings and Conservation Areas) Act 1990” insert “or Chapter 5 of Part 3 of the Historic Environment (Wales) Act 2023”.

Commencement Information

I139 Sch. 13 para. 80 not in force at Royal Assent, see [s. 212\(2\)](#)

- 81 In section 243(3)(b), after “Chapter V of Part 1 of the Planning (Listed Buildings and Conservation Areas) Act 1990” insert “or Chapter 5 of Part 3 of the Historic Environment (Wales) Act 2023”.

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Commencement Information

I140 Sch. 13 para. 81 not in force at Royal Assent, see [s. 212\(2\)](#)

- 82 In section 246(1)(a), after “section 52 of the Planning (Listed Buildings and Conservation Areas) Act 1990” insert “or section 136 of the Historic Environment (Wales) Act 2023”.

Commencement Information

I141 Sch. 13 para. 82 not in force at Royal Assent, see [s. 212\(2\)](#)

- 83 In section 271(1), after “Chapter V of Part 1 of the Planning (Listed Buildings and Conservation Areas) Act 1990” insert “or Chapter 5 of Part 3 of the Historic Environment (Wales) Act 2023”.

Commencement Information

I142 Sch. 13 para. 83 not in force at Royal Assent, see [s. 212\(2\)](#)

- 84 In section 272(1), after “Chapter V of Part 1 of the Planning (Listed Buildings and Conservation Areas) Act 1990” insert “or Chapter 5 of Part 3 of the Historic Environment (Wales) Act 2023”.

Commencement Information

I143 Sch. 13 para. 84 not in force at Royal Assent, see [s. 212\(2\)](#)

- 85 In section 275—
- (a) in subsection (1)(a), after “Chapter V of Part 1 of the Planning (Listed Buildings and Conservation Areas) Act 1990” insert “or Chapter 5 of Part 3 of the Historic Environment (Wales) Act 2023”;
 - (b) in subsection (2)(a), for “that Chapter” substitute “either of those Chapters”;
 - (c) in subsection (3), after “Chapter V of Part 1 of the Planning (Listed Buildings and Conservation Areas) Act 1990” insert “or Chapter 5 of Part 3 of the Historic Environment (Wales) Act 2023”.

Commencement Information

I144 Sch. 13 para. 85 not in force at Royal Assent, see [s. 212\(2\)](#)

- 86 In section 277(2)(a), after “Chapter V of Part 1 of the Planning (Listed Buildings and Conservation Areas) Act 1990” insert “or Chapter 5 of Part 3 of the Historic Environment (Wales) Act 2023”.

Commencement Information

I145 Sch. 13 para. 86 not in force at Royal Assent, see [s. 212\(2\)](#)

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87 In section 303, after subsection (1) insert—

“(1ZZA) References in subsection (1) to functions of a local planning authority do not, in the case of a local planning authority in Wales, include functions under the Historic Environment (Wales) Act 2023 (as to which, see section 167 of that Act).”

Commencement Information

I146 Sch. 13 para. 87 not in force at Royal Assent, see [s. 212\(2\)](#)

88 In section 303ZA(5)(b), which is inserted by section 200 of the [Planning Act 2008 \(c. 29\)](#), after “the Welsh Ministers” insert “in relation to appeals under any provision made by or under this Act as it applies”.

Commencement Information

I147 Sch. 13 para. 88 not in force at Royal Assent, see [s. 212\(2\)](#)

89 In section 306(1)(a), after “Chapter V of Part 1 of the Planning (Listed Buildings and Conservation Areas) Act 1990” insert “or Chapter 5 of Part 3 of the Historic Environment (Wales) Act 2023”.

Commencement Information

I148 Sch. 13 para. 89 not in force at Royal Assent, see [s. 212\(2\)](#)

90 Before section 315 (but after the italic heading before that section) insert—

“314A Wales: duties relating to listed buildings and features of architectural or historic interest

- (1) In considering whether to grant planning permission for development which affects a listed building or its setting, the Welsh Ministers or a local planning authority in Wales must have special regard to the desirability of preserving—
 - (a) the listed building,
 - (b) the setting of the building, or
 - (c) any features of special architectural or historic interest the building possesses.
- (2) In exercising the powers conferred by sections 232, 233 and 235(1) (appropriation, disposal and development of land held for planning purposes), a relevant local authority must have regard to the desirability of preserving features of special architectural or historic interest, and in particular listed buildings.
- (3) In subsection (2), “relevant local authority” means—
 - (a) a county council or county borough council in Wales;
 - (b) a National Park authority in Wales;
 - (c) a joint planning board constituted under section 2(1B).

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(4) In this section, “listed building” means—

- (a) a listed building (within the meaning given by section 76 of the Historic Environment (Wales) Act 2023) situated in Wales, or
- (b) a listed building (within the meaning given by section 1 of the Planning (Listed Buildings and Conservation Areas) Act 1990) situated in England.”

Commencement Information

I149 Sch. 13 para. 90 not in force at Royal Assent, see [s. 212\(2\)](#)

91 In section 336(1)—

- (a) in the definition of “conservation area”, after “section 69 of the Planning (Listed Buildings and Conservation Areas) Act 1990” insert “or section 158 of the Historic Environment (Wales) Act 2023”;
- (b) in the definition of “the planning Acts”, after “Planning (Listed Buildings and Conservation Areas) Act 1990,” insert “Parts 3 to 5 of the Historic Environment (Wales) Act 2023 (and Part 7 of that Act as it applies for the purposes of those Parts)”.

Commencement Information

I150 Sch. 13 para. 91 not in force at Royal Assent, see [s. 212\(2\)](#)

92 In Schedule 4B, in paragraph 8(5), for “has the same meaning as in the Planning (Listed Buildings and Conservation Areas) Act 1990” substitute—

“means—

- (a) a listed building (within the meaning given by section 1 of the Planning (Listed Buildings and Conservation Areas) Act 1990) situated in England, or
- (b) a listed building (within the meaning given by section 76 of the Historic Environment (Wales) Act 2023) situated in Wales.”

Commencement Information

I151 Sch. 13 para. 92 not in force at Royal Assent, see [s. 212\(2\)](#)

Commencement Information

I130 Sch. 13 para. 71 not in force at Royal Assent, see [s. 212\(2\)](#)

I131 Sch. 13 para. 72 not in force at Royal Assent, see [s. 212\(2\)](#)

I132 Sch. 13 para. 73 not in force at Royal Assent, see [s. 212\(2\)](#)

I133 Sch. 13 para. 74 not in force at Royal Assent, see [s. 212\(2\)](#)

I134 Sch. 13 para. 75 not in force at Royal Assent, see [s. 212\(2\)](#)

I135 Sch. 13 para. 76 not in force at Royal Assent, see [s. 212\(2\)](#)

I136 Sch. 13 para. 77 not in force at Royal Assent, see [s. 212\(2\)](#)

I137 Sch. 13 para. 78 not in force at Royal Assent, see [s. 212\(2\)](#)

I138 Sch. 13 para. 79 not in force at Royal Assent, see [s. 212\(2\)](#)

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- I139 Sch. 13 para. 80 not in force at Royal Assent, see [s. 212\(2\)](#)
- I140 Sch. 13 para. 81 not in force at Royal Assent, see [s. 212\(2\)](#)
- I141 Sch. 13 para. 82 not in force at Royal Assent, see [s. 212\(2\)](#)
- I142 Sch. 13 para. 83 not in force at Royal Assent, see [s. 212\(2\)](#)
- I143 Sch. 13 para. 84 not in force at Royal Assent, see [s. 212\(2\)](#)
- I144 Sch. 13 para. 85 not in force at Royal Assent, see [s. 212\(2\)](#)
- I145 Sch. 13 para. 86 not in force at Royal Assent, see [s. 212\(2\)](#)
- I146 Sch. 13 para. 87 not in force at Royal Assent, see [s. 212\(2\)](#)
- I147 Sch. 13 para. 88 not in force at Royal Assent, see [s. 212\(2\)](#)
- I148 Sch. 13 para. 89 not in force at Royal Assent, see [s. 212\(2\)](#)
- I149 Sch. 13 para. 90 not in force at Royal Assent, see [s. 212\(2\)](#)
- I150 Sch. 13 para. 91 not in force at Royal Assent, see [s. 212\(2\)](#)
- I151 Sch. 13 para. 92 not in force at Royal Assent, see [s. 212\(2\)](#)

Planning (Listed Buildings and Conservation Areas) Act 1990 (c. 9)

93 The Planning (Listed Buildings and Conservation Areas) Act 1990 is amended as follows.

Commencement Information

- I152 Sch. 13 para. 93 not in force at Royal Assent, see [s. 212\(2\)](#)

94 In section 1—

- (a) in subsection (1), after “buildings of special architectural or historic interest” insert “in England”;
- (b) omit subsection (2);
- (c) in subsection (4), omit “in relation to buildings which are situated in England”;
- (d) omit subsection (4A);
- (e) in subsection (5A), omit “situated in England”.

Commencement Information

- I153 Sch. 13 para. 94 not in force at Royal Assent, see [s. 212\(2\)](#)

95 In section 2—

- (a) in subsection (1)—
 - (i) in the words before paragraph (a), omit “, Welsh county, county borough,”;
 - (ii) after paragraph (a), insert “and”;
 - (iii) omit paragraph (c) and the “and” before it;
- (b) in subsection (3), in the words before paragraph (a)—
 - (i) omit “situated in England”;
 - (ii) for “any such building” substitute “any building”;
- (c) omit subsections (3A) and (3B).

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Commencement Information

I154 Sch. 13 para. 95 not in force at Royal Assent, see [s. 212\(2\)](#)

96 Omit sections 2A to 2D.

Commencement Information

I155 Sch. 13 para. 96 not in force at Royal Assent, see [s. 212\(2\)](#)

97 In section 3—

- (a) in the heading, omit “in England”;
- (b) in subsection (1), for “If it appears to a local planning authority in England who are not a county planning authority” substitute “If it appears to a local planning authority, other than a county planning authority,”;
- (c) in subsections (2), (3), (4), (5) and (6), omit “under this section”.

Commencement Information

I156 Sch. 13 para. 97 not in force at Royal Assent, see [s. 212\(2\)](#)

98 Omit section 3A.

Commencement Information

I157 Sch. 13 para. 98 not in force at Royal Assent, see [s. 212\(2\)](#)

99 In section 4(2), for “sections 3 and 3A,” substitute “section 3,”.

Commencement Information

I158 Sch. 13 para. 99 not in force at Royal Assent, see [s. 212\(2\)](#)

100 In section 5—

- (a) at the beginning of subsection (1), omit “(1)”;
- (b) omit subsection (2).

Commencement Information

I159 Sch. 13 para. 100 not in force at Royal Assent, see [s. 212\(2\)](#)

101 In section 6—

- (a) in the heading, omit “: England”;
- (b) in subsection (A1), omit “situated in England”.

Commencement Information

I160 Sch. 13 para. 101 not in force at Royal Assent, see [s. 212\(2\)](#)

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102 Omit section 6A.

Commencement Information

I161 Sch. 13 para. 102 not in force at Royal Assent, see [s. 212\(2\)](#)

103 In section 8—

- (a) in subsection (4)—
 - (i) in paragraph (a), omit “in relation to England.”;
 - (ii) omit paragraph (b);
- (b) in subsection (6), omit paragraph (b) and the “and” before it.

Commencement Information

I162 Sch. 13 para. 103 not in force at Royal Assent, see [s. 212\(2\)](#)

104 In section 9, omit subsection (3A).

Commencement Information

I163 Sch. 13 para. 104 not in force at Royal Assent, see [s. 212\(2\)](#)

105 In section 12, omit subsection (4B).

Commencement Information

I164 Sch. 13 para. 105 not in force at Royal Assent, see [s. 212\(2\)](#)

106 In section 15(3), omit “in England”.

Commencement Information

I165 Sch. 13 para. 106 not in force at Royal Assent, see [s. 212\(2\)](#)

107 In section 20—

- (a) in subsection (4), omit “in relation to England.”;
- (b) omit subsection (5).

Commencement Information

I166 Sch. 13 para. 107 not in force at Royal Assent, see [s. 212\(2\)](#)

108 In section 21—

- (a) in subsection (4), omit “interim protection has effect or”;
- (b) omit subsections (4A) and (4B);
- (c) omit subsection (9).

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Commencement Information

I167 Sch. 13 para. 108 not in force at Royal Assent, see [s. 212\(2\)](#)

109 In section 22—

- (a) omit subsection (2B);
- (b) in subsection (3), for “an appeal under section 20” substitute “the appeal”.

Commencement Information

I168 Sch. 13 para. 109 not in force at Royal Assent, see [s. 212\(2\)](#)

110 In section 26A(1), omit “, situated in England”.

Commencement Information

I169 Sch. 13 para. 110 not in force at Royal Assent, see [s. 212\(2\)](#)

111 In section 26C(1), omit “in England”.

Commencement Information

I170 Sch. 13 para. 111 not in force at Royal Assent, see [s. 212\(2\)](#)

112 In section 26D(1), omit “for any area in England”.

Commencement Information

I171 Sch. 13 para. 112 not in force at Royal Assent, see [s. 212\(2\)](#)

113 In section 26H(1), omit “in England”.

Commencement Information

I172 Sch. 13 para. 113 not in force at Royal Assent, see [s. 212\(2\)](#)

114 Omit sections 26L and 26M and the italic heading before section 26L.

Commencement Information

I173 Sch. 13 para. 114 not in force at Royal Assent, see [s. 212\(2\)](#)

115 Omit section 28B.

Commencement Information

I174 Sch. 13 para. 115 not in force at Royal Assent, see [s. 212\(2\)](#)

116 In section 29—

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- (a) in subsection (1), omit “in respect of a building situated in England”;
- (b) omit subsection (1A).

Commencement Information

I175 Sch. 13 para. 116 not in force at Royal Assent, see [s. 212\(2\)](#)

- 117 In section 31(2), for “28, 28B, 29 and 44D” substitute “28 and 29”.

Commencement Information

I176 Sch. 13 para. 117 not in force at Royal Assent, see [s. 212\(2\)](#)

- 118 In section 32(1), in the words after paragraph (b), omit “, Welsh county, county borough,”.

Commencement Information

I177 Sch. 13 para. 118 not in force at Royal Assent, see [s. 212\(2\)](#)

- 119 In section 34(2)—
- (a) in paragraph (c), omit “in England”;
 - (b) omit paragraph (cc).

Commencement Information

I178 Sch. 13 para. 119 not in force at Royal Assent, see [s. 212\(2\)](#)

- 120 In section 40, omit subsection (2B).

Commencement Information

I179 Sch. 13 para. 120 not in force at Royal Assent, see [s. 212\(2\)](#)

- 121 In section 41—
- (a) in subsection (4)—
 - (i) omit “section 40(2) would otherwise apply and”;
 - (ii) omit “of this section”;
 - (b) in subsection (8), omit “in England”.

Commencement Information

I180 Sch. 13 para. 121 not in force at Royal Assent, see [s. 212\(2\)](#)

- 122 In section 44A(4), omit “, as respects England”.

Commencement Information

I181 Sch. 13 para. 122 not in force at Royal Assent, see [s. 212\(2\)](#)

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123 Omit sections 44B to 44D.

Commencement Information

I182 Sch. 13 para. 123 not in force at Royal Assent, see [s. 212\(2\)](#)

124 In section 46—

- (a) in subsection (2)(b), omit “if the land is situated in England,”;
- (b) in subsection (5), omit “in England”.

Commencement Information

I183 Sch. 13 para. 124 not in force at Royal Assent, see [s. 212\(2\)](#)

125 In section 47—

- (a) in subsection (3)(a), omit “situated in England”;
- (b) in subsection (7), in the definition of “the appropriate authority,” in paragraph (a), omit “, county borough”.

Commencement Information

I184 Sch. 13 para. 125 not in force at Royal Assent, see [s. 212\(2\)](#)

126 In section 48(4), omit “situated in England”.

Commencement Information

I185 Sch. 13 para. 126 not in force at Royal Assent, see [s. 212\(2\)](#)

127 In section 49—

- (a) in the heading, after “listed building” insert “in England or Wales”;
- (b) the existing provision becomes subsection (1);
- (c) after that subsection insert—
 - “(2) In subsection (1)—
 - (a) the reference to a building which was listed includes a building in Wales which was included in the list maintained under section 76 of the Historic Environment (Wales) Act 2023;
 - (b) in relation to such a building—
 - (i) the reference to section 50 of this Act is to be read as a reference to section 140 of that Act;
 - (ii) the reference to listed building consent is a reference to consent under section 89 of that Act.”

Commencement Information

I186 Sch. 13 para. 127 not in force at Royal Assent, see [s. 212\(2\)](#)

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- 128 In section 52(1)—
- (a) in the words before paragraph (a)—
 - (i) for “; county borough,” substitute “in England,”;
 - (ii) after “joint planning board for an area” insert “in England”;
 - (b) in paragraph (a), after “building” insert “situated wholly or mainly in England”.

Commencement Information

I187 Sch. 13 para. 128 not in force at Royal Assent, see [s. 212\(2\)](#)

- 129 In section 53(3), omit “if they relate to property situated in England”.

Commencement Information

I188 Sch. 13 para. 129 not in force at Royal Assent, see [s. 212\(2\)](#)

- 130 In section 54—
- (a) in subsection (2)—
 - (i) in paragraph (a), omit “if the building is in England”;
 - (ii) omit paragraph (b);
 - (b) in subsection (4), omit “; in the case of a building in England,”;
 - (c) omit subsection (4A);
 - (d) omit subsection (5A);
 - (e) in subsection (6), omit “or (5A)”.

Commencement Information

I189 Sch. 13 para. 130 not in force at Royal Assent, see [s. 212\(2\)](#)

- 131 In section 55, omit subsections (5A) to (5G).

Commencement Information

I190 Sch. 13 para. 131 not in force at Royal Assent, see [s. 212\(2\)](#)

- 132 In section 57(7)—
- (a) in paragraph (a), for “; county borough,” substitute “in England,”;
 - (b) in paragraph (b), after “principal Act” insert “for an area in England”.

Commencement Information

I191 Sch. 13 para. 132 not in force at Royal Assent, see [s. 212\(2\)](#)

- 133 In section 60(2), omit “; 3A”.

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Commencement Information

I192 Sch. 13 para. 133 not in force at Royal Assent, see [s. 212\(2\)](#)

134 In section 61(2), for “sections 2B, 3, 3A,” substitute “sections 3,”.

Commencement Information

I193 Sch. 13 para. 134 not in force at Royal Assent, see [s. 212\(2\)](#)

135 In section 62(2), omit paragraph (za).

Commencement Information

I194 Sch. 13 para. 135 not in force at Royal Assent, see [s. 212\(2\)](#)

136 In section 66, after subsection (4) insert—

“(5) In this section, “listed building includes a listed building (within the meaning given by section 76 of the Historic Environment (Wales) Act 2023) situated in Wales.”

Commencement Information

I195 Sch. 13 para. 136 not in force at Royal Assent, see [s. 212\(2\)](#)

137 In section 70—

- (a) in subsection (5)(b), omit “it affects an area in England and”;
- (b) in subsection (6)(b), omit “if it affects an area in England”.

Commencement Information

I196 Sch. 13 para. 137 not in force at Royal Assent, see [s. 212\(2\)](#)

138 In section 74—

- (a) omit subsections (1), (1A) and (2);
- (b) in subsection (2A), omit “in England”;
- (c) omit subsections (3) and (4).

Commencement Information

I197 Sch. 13 para. 138 not in force at Royal Assent, see [s. 212\(2\)](#)

139 In section 75—

- (a) omit subsection (6);
- (b) omit subsection (10);
- (c) in subsection (11), omit “under section 9 or 43 or”.

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Commencement Information

I198 Sch. 13 para. 139 not in force at Royal Assent, see [s. 212\(2\)](#)

140 In section 76(2), omit “in respect of a building in England”.

Commencement Information

I199 Sch. 13 para. 140 not in force at Royal Assent, see [s. 212\(2\)](#)

141 In section 77—

- (a) in subsection (1), omit “situated in England”;
- (b) omit subsection (2);
- (c) in subsection (3), omit “or (2)”;
- (d) in subsection (4), omit “or, as the case may be, the Secretary of State”;
- (e) omit subsection (6).

Commencement Information

I200 Sch. 13 para. 141 not in force at Royal Assent, see [s. 212\(2\)](#)

142 In section 79—

- (a) in subsection (1), omit “, or the Secretary of State and one or more local authorities in Wales,”;
- (b) in subsection (3), omit paragraph (aa).

Commencement Information

I201 Sch. 13 para. 142 not in force at Royal Assent, see [s. 212\(2\)](#)

143 In section 80—

- (a) in subsection (1)(b), omit “in England”;
- (b) omit subsection (2);
- (c) in subsection (3), omit “or, as the case may be, the Secretary of State” in both places;
- (d) in subsection (5), omit “or the Secretary of State”.

Commencement Information

I202 Sch. 13 para. 143 not in force at Royal Assent, see [s. 212\(2\)](#)

144 In section 81, after ““local planning authority”” insert “means a local planning authority for an area in England and”.

Commencement Information

I203 Sch. 13 para. 144 not in force at Royal Assent, see [s. 212\(2\)](#)

145 In section 82—

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- (a) in subsection (1)—
 - (i) omit “, (2)”;
 - (ii) omit “to 2D,”;
- (b) in subsection (3)—
 - (i) omit “2B, 2C,”;
 - (ii) omit “28B,”;
 - (iii) omit “, 1A”.

Commencement Information

I204 Sch. 13 para. 145 not in force at Royal Assent, see [s. 212\(2\)](#)

- 146 In section 82A(2), omit paragraph (fa).

Commencement Information

I205 Sch. 13 para. 146 not in force at Royal Assent, see [s. 212\(2\)](#)

- 147 In section 86(2)—
- (a) in paragraph (a), omit “if the property is situated in England, then”;
 - (b) in paragraph (b), omit “in any case,”.

Commencement Information

I206 Sch. 13 para. 147 not in force at Royal Assent, see [s. 212\(2\)](#)

- 148 In section 88—
- (a) omit subsection (3A);
 - (b) in subsection (4), for “, 28B, 29 or 44D” substitute “or 29”.

Commencement Information

I207 Sch. 13 para. 148 not in force at Royal Assent, see [s. 212\(2\)](#)

- 149 In section 88B, omit subsection (1A).

Commencement Information

I208 Sch. 13 para. 149 not in force at Royal Assent, see [s. 212\(2\)](#)

- 150 In section 88D—
- (a) in the heading, omit “: England”;
 - (b) in subsection (7), in paragraphs (a), (b) and (c), omit “in England”.

Commencement Information

I209 Sch. 13 para. 150 not in force at Royal Assent, see [s. 212\(2\)](#)

- 151 Omit section 88E.

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Commencement Information

I210 Sch. 13 para. 151 not in force at Royal Assent, see [s. 212\(2\)](#)

- 152 In section 89—
- (a) in subsection (1)—
 - (i) omit the entry for sections 319ZA to 319ZD;
 - (ii) in the entry for section 322, omit “: England”;
 - (iii) omit the entry for section 322C;
 - (iv) in the entry for section 323, omit “: England”;
 - (v) omit the entry for section 323A;
 - (b) in subsection (1A), omit “In the case of a building situated in England,”.

Commencement Information

I211 Sch. 13 para. 152 not in force at Royal Assent, see [s. 212\(2\)](#)

- 153 In section 90(5), after “council of a county” insert “in England”.

Commencement Information

I212 Sch. 13 para. 153 not in force at Royal Assent, see [s. 212\(2\)](#)

- 154 In section 91—
- (a) in subsection (1)—
 - (i) in the definition of “building preservation notice”, for “sections 3(1) and 3A(1)” substitute “section 3(1);
 - (ii) omit the definition of “interim protection”;
 - (b) in subsection (2), in the words after the list of expressions, omit “, 26L or 26M”.

Commencement Information

I213 Sch. 13 para. 154 not in force at Royal Assent, see [s. 212\(2\)](#)

- 155 In section 93—
- (a) in subsection (1), omit “in relation to England and the Welsh Ministers may make regulations under this Act in relation to Wales”;
 - (b) in subsection (3)—
 - (i) omit “, other than regulations under section 2A, 26M or 56A,”;
 - (ii) omit “(in the case of regulations made by the Secretary of State) or the National Assembly for Wales (in the case of regulations made by the Welsh Ministers)”;
 - (c) omit subsection (3A);
 - (d) in subsection (4)—
 - (i) omit “55(5B),”;
 - (ii) omit “, 88E”;
 - (e) in subsection (5)—

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- (i) omit “55(5B),”;
- (ii) omit “(in the case of an order made by the Secretary of State) or the National Assembly for Wales (in the case of an order made by the Welsh Ministers)”;
- (f) in subsection (6), omit “or (as the case may be) the Welsh Ministers”.

Commencement Information

I214 Sch. 13 para. 155 not in force at Royal Assent, see [s. 212\(2\)](#)

- 156 In Schedule 1, in paragraph 2—
- (a) in sub-paragraph (3), omit “situated in England”;
 - (b) omit sub-paragraph (4).

Commencement Information

I215 Sch. 13 para. 156 not in force at Royal Assent, see [s. 212\(2\)](#)

- 157 Omit Schedules 1A and 1B.

Commencement Information

I216 Sch. 13 para. 157 not in force at Royal Assent, see [s. 212\(2\)](#)

- 158 In Schedule 2—
- (a) in paragraph 1—
 - (i) after sub-paragraph (a) insert “or”;
 - (ii) omit sub-paragraphs (c) and (d);
 - (b) in paragraph 2, for “, 43 or 44C” substitute “or 43”;
 - (c) omit paragraph 5.

Commencement Information

I217 Sch. 13 para. 158 not in force at Royal Assent, see [s. 212\(2\)](#)

- 159 In Schedule 3—
- (a) in paragraph 2—
 - (i) omit sub-paragraph (4B);
 - (ii) omit sub-paragraph (10);
 - (b) in paragraph 3—
 - (i) omit sub-paragraphs (4C) and (4D);
 - (ii) in sub-paragraph (5), omit “or (4D)”;
 - (c) in paragraph 6—
 - (i) omit sub-paragraph (1B);
 - (ii) in sub-paragraph (2)(a), omit “or this paragraph”;
 - (iii) in sub-paragraph (4), omit “in England”;
 - (iv) omit sub-paragraph (4A);

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- (v) in sub-paragraph (5), for “inquiry held by virtue of this paragraph” substitute “such inquiry”;
- (vi) in sub-paragraph (8), omit “in England”;
- (d) in paragraph 7, omit sub-paragraph (3);
- (e) omit paragraph 8 and the italic heading before it.

Commencement Information

I218 Sch. 13 para. 159 not in force at Royal Assent, see [s. 212\(2\)](#)

160 In Schedule 4—

- (a) in paragraph 1—
 - (i) at the beginning of sub-paragraph (1), omit “(1)”;
 - (ii) omit sub-paragraph (2);
- (b) in paragraph 7(1)—
 - (i) omit “3A,”;
 - (ii) omit “44D,”.

Commencement Information

I219 Sch. 13 para. 160 not in force at Royal Assent, see [s. 212\(2\)](#)

Commencement Information

I152 Sch. 13 para. 93 not in force at Royal Assent, see [s. 212\(2\)](#)
I153 Sch. 13 para. 94 not in force at Royal Assent, see [s. 212\(2\)](#)
I154 Sch. 13 para. 95 not in force at Royal Assent, see [s. 212\(2\)](#)
I155 Sch. 13 para. 96 not in force at Royal Assent, see [s. 212\(2\)](#)
I156 Sch. 13 para. 97 not in force at Royal Assent, see [s. 212\(2\)](#)
I157 Sch. 13 para. 98 not in force at Royal Assent, see [s. 212\(2\)](#)
I158 Sch. 13 para. 99 not in force at Royal Assent, see [s. 212\(2\)](#)
I159 Sch. 13 para. 100 not in force at Royal Assent, see [s. 212\(2\)](#)
I160 Sch. 13 para. 101 not in force at Royal Assent, see [s. 212\(2\)](#)
I161 Sch. 13 para. 102 not in force at Royal Assent, see [s. 212\(2\)](#)
I162 Sch. 13 para. 103 not in force at Royal Assent, see [s. 212\(2\)](#)
I163 Sch. 13 para. 104 not in force at Royal Assent, see [s. 212\(2\)](#)
I164 Sch. 13 para. 105 not in force at Royal Assent, see [s. 212\(2\)](#)
I165 Sch. 13 para. 106 not in force at Royal Assent, see [s. 212\(2\)](#)
I166 Sch. 13 para. 107 not in force at Royal Assent, see [s. 212\(2\)](#)
I167 Sch. 13 para. 108 not in force at Royal Assent, see [s. 212\(2\)](#)
I168 Sch. 13 para. 109 not in force at Royal Assent, see [s. 212\(2\)](#)
I169 Sch. 13 para. 110 not in force at Royal Assent, see [s. 212\(2\)](#)
I170 Sch. 13 para. 111 not in force at Royal Assent, see [s. 212\(2\)](#)
I171 Sch. 13 para. 112 not in force at Royal Assent, see [s. 212\(2\)](#)
I172 Sch. 13 para. 113 not in force at Royal Assent, see [s. 212\(2\)](#)
I173 Sch. 13 para. 114 not in force at Royal Assent, see [s. 212\(2\)](#)
I174 Sch. 13 para. 115 not in force at Royal Assent, see [s. 212\(2\)](#)
I175 Sch. 13 para. 116 not in force at Royal Assent, see [s. 212\(2\)](#)
I176 Sch. 13 para. 117 not in force at Royal Assent, see [s. 212\(2\)](#)
I177 Sch. 13 para. 118 not in force at Royal Assent, see [s. 212\(2\)](#)

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- I178** Sch. 13 para. 119 not in force at Royal Assent, see s. 212(2)
- I179** Sch. 13 para. 120 not in force at Royal Assent, see s. 212(2)
- I180** Sch. 13 para. 121 not in force at Royal Assent, see s. 212(2)
- I181** Sch. 13 para. 122 not in force at Royal Assent, see s. 212(2)
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- I184** Sch. 13 para. 125 not in force at Royal Assent, see s. 212(2)
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- I203** Sch. 13 para. 144 not in force at Royal Assent, see s. 212(2)
- I204** Sch. 13 para. 145 not in force at Royal Assent, see s. 212(2)
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- I206** Sch. 13 para. 147 not in force at Royal Assent, see s. 212(2)
- I207** Sch. 13 para. 148 not in force at Royal Assent, see s. 212(2)
- I208** Sch. 13 para. 149 not in force at Royal Assent, see s. 212(2)
- I209** Sch. 13 para. 150 not in force at Royal Assent, see s. 212(2)
- I210** Sch. 13 para. 151 not in force at Royal Assent, see s. 212(2)
- I211** Sch. 13 para. 152 not in force at Royal Assent, see s. 212(2)
- I212** Sch. 13 para. 153 not in force at Royal Assent, see s. 212(2)
- I213** Sch. 13 para. 154 not in force at Royal Assent, see s. 212(2)
- I214** Sch. 13 para. 155 not in force at Royal Assent, see s. 212(2)
- I215** Sch. 13 para. 156 not in force at Royal Assent, see s. 212(2)
- I216** Sch. 13 para. 157 not in force at Royal Assent, see s. 212(2)
- I217** Sch. 13 para. 158 not in force at Royal Assent, see s. 212(2)
- I218** Sch. 13 para. 159 not in force at Royal Assent, see s. 212(2)
- I219** Sch. 13 para. 160 not in force at Royal Assent, see s. 212(2)

Planning and Compensation Act 1991 (c. 34)

- 161 In Part 1 of Schedule 18 to the Planning and Compensation Act 1991, after the entry relating to section 29(5) of the Land Drainage Act 1991 insert—

“Section 8 of the Historic Environment Date interim protection takes effect (Wales) Act 2023

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Section 21 of that Act	Date scheduled monument consent is refused or granted subject to conditions
Section 24 of that Act	Date works ceased to be authorised
Section 28 of that Act	Date notice of proposed termination is served
Section 34 of that Act	Date temporary stop notice takes effect
Section 70 of that Act	Date damage is caused
Section 80 of that Act	Date interim protection takes effect
Section 86 of that Act	Date temporary listing notice is served
Section 108 of that Act	Date modification or revocation of consent takes effect
Section 116 of that Act	Date termination of agreement or provision takes effect
Section 122 of that Act	Date temporary stop notice takes effect
Section 155(4) of that Act	Date damage is caused”

Commencement Information

I220 Sch. 13 para. 161 not in force at Royal Assent, see [s. 212\(2\)](#)

Coal Mining Subsidence Act 1991 (c. 45)

162 In section 19 of the Coal Mining Subsidence Act 1991, after subsection (1) insert—

“(1A) This section also applies where any property in Wales which—

- (a) is a scheduled monument within the meaning given by section 3 of the Historic Environment (Wales) Act 2023,
- (b) has been notified to the Corporation by the Secretary of State as a monument of special historic interest, within the meaning given by section 75(6) of that Act, for the time being under the guardianship of the Welsh Ministers, or
- (c) is a listed building within the meaning given by section 76 of that Act, and is not of a description specified in an order made by the Secretary of State,

is affected by subsidence damage and the character of the property as one of historic, architectural, archaeological or other special interest is or may be affected by that damage.”

Commencement Information

I221 Sch. 13 para. 162 not in force at Royal Assent, see [s. 212\(2\)](#)

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Land Drainage Act 1991 (c. 59)

- 163 In section 67(3) of the Land Drainage Act 1991, after “the Ancient Monuments and Archaeological Areas Act 1979” insert “or Part 2 of the Historic Environment (Wales) Act 2023”.

Commencement Information

I222 Sch. 13 para. 163 not in force at Royal Assent, see [s. 212\(2\)](#)

Protection of Badgers Act 1992 (c. 51)

- 164 In section 10(1)(e) of the Protection of Badgers Act 1992, after “the Ancient Monuments and Archaeological Areas Act 1979” insert “or section 3 of the Historic Environment (Wales) Act 2023”.

Commencement Information

I223 Sch. 13 para. 164 not in force at Royal Assent, see [s. 212\(2\)](#)

Tribunals and Inquiries Act 1992 (c. 53)

- 165 In section 16(1) of the Tribunals and Inquiries Act 1992, in the definition of “statutory inquiry”, for “the Planning (Listed Buildings and Conservation Areas) Act 1990” substitute “Parts 3 to 5 of the Historic Environment (Wales) Act 2023”.

Commencement Information

I224 Sch. 13 para. 165 not in force at Royal Assent, see [s. 212\(2\)](#)

Leasehold Reform, Housing and Urban Development Act 1993 (c. 28)

- 166 In section 70 of the Leasehold Reform, Housing and Urban Development Act 1993—
- (a) in subsection (14)—
 - (i) in the words before paragraph (a), for “in section 73” substitute “section 73 as they apply in relation to England,”;
 - (ii) in paragraph (a), after “Town and Country Planning Act 1990” insert “as it applies in relation to England,”;
 - (b) after subsection (14) insert—
 - “(15) In this section and section 73 as they apply in relation to Wales—
 - (a) “conservation area” has the same meaning as in the Historic Environment (Wales) Act 2023;
 - (b) “local planning authority” is to be interpreted in accordance with Part 1 of the Town and Country Planning Act 1990,
 and in that Part as it applies in relation to Wales references to “the planning Acts are to be treated as including this Act.”

Changes to legislation: *Historic Environment (Wales) Act 2023 is up to date with all changes known to be in force on or before 10 June 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*

Commencement Information

I225 Sch. 13 para. 166 not in force at Royal Assent, see [s. 212\(2\)](#)

Local Government (Wales) Act 1994 (c. 19)

167 The Local Government (Wales) Act 1994 is amended as follows.

Commencement Information

I226 Sch. 13 para. 167 not in force at Royal Assent, see [s. 212\(2\)](#)

168 In Schedule 6, omit paragraph 25 and the italic heading before it.

Commencement Information

I227 Sch. 13 para. 168 not in force at Royal Assent, see [s. 212\(2\)](#)

169 In Schedule 16, omit paragraph 56 and the italic heading before it.

Commencement Information

I228 Sch. 13 para. 169 not in force at Royal Assent, see [s. 212\(2\)](#)

Commencement Information

I226 Sch. 13 para. 167 not in force at Royal Assent, see [s. 212\(2\)](#)

I227 Sch. 13 para. 168 not in force at Royal Assent, see [s. 212\(2\)](#)

I228 Sch. 13 para. 169 not in force at Royal Assent, see [s. 212\(2\)](#)

Value Added Tax Act 1994 (c. 23)

170 In Schedule 8 to the Value Added Tax Act 1994, in Group 6, in Note (1)—

(a) in paragraph (a), after sub-paragraph (i) insert—
“(ia) the Historic Environment (Wales) Act 2023; or”;

(b) in paragraph (b), after sub-paragraph (i) insert—
“(ia) the Historic Environment (Wales) Act 2023; or”.

Commencement Information

I229 Sch. 13 para. 170 not in force at Royal Assent, see [s. 212\(2\)](#)

Criminal Justice and Public Order Act 1994 (c. 33)

171 The Criminal Justice and Public Order Act 1994 is amended as follows.

Changes to legislation: Historic Environment (Wales) Act 2023 is up to date with all changes known to be in force on or before 10 June 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

Commencement Information

I230 Sch. 13 para. 171 not in force at Royal Assent, see [s. 212\(2\)](#)

- 172 In section 60C(8), in paragraph (b) of the definition of “land”, after “the Ancient Monuments and Archaeological Areas Act 1979” insert “or the Historic Environment (Wales) Act 2023”.

Commencement Information

I231 Sch. 13 para. 172 not in force at Royal Assent, see [s. 212\(2\)](#)

- 173 In section 61(9), in paragraph (a)(ii) of the definition of “land”, after “the Ancient Monuments and Archaeological Areas Act 1979” insert “or the Historic Environment (Wales) Act 2023”.

Commencement Information

I232 Sch. 13 para. 173 not in force at Royal Assent, see [s. 212\(2\)](#)

- 174 In section 62E(2)(b), after “the Ancient Monuments and Archaeological Areas Act 1979” insert “or the Historic Environment (Wales) Act 2023”.

Commencement Information

I233 Sch. 13 para. 174 not in force at Royal Assent, see [s. 212\(2\)](#)

Commencement Information

I230 Sch. 13 para. 171 not in force at Royal Assent, see [s. 212\(2\)](#)

I231 Sch. 13 para. 172 not in force at Royal Assent, see [s. 212\(2\)](#)

I232 Sch. 13 para. 173 not in force at Royal Assent, see [s. 212\(2\)](#)

I233 Sch. 13 para. 174 not in force at Royal Assent, see [s. 212\(2\)](#)

Environment Act 1995 (c. 25)

- 175 In Schedule 9 to the Environment Act 1995, in paragraph 13(1), omit “and in section 6 of the Historic Buildings and Ancient Monuments Act 1953 (under which grants for the acquisition of buildings in Wales may be made)”.

Commencement Information

I234 Sch. 13 para. 175 not in force at Royal Assent, see [s. 212\(2\)](#)

Planning (Consequential Provisions) (Scotland) Act 1997 (c. 11)

- 176 In Schedule 2 to the Planning (Consequential Provisions) (Scotland) Act 1997, in paragraph 4, omit sub-paragraph (2).

Changes to legislation: *Historic Environment (Wales) Act 2023 is up to date with all changes known to be in force on or before 10 June 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*

Commencement Information

I235 Sch. 13 para. 176 not in force at Royal Assent, see [s. 212\(2\)](#)

National Assembly for Wales (Transfer of Functions) Order 1999 (S.I. 1999/672)

177 In Schedule 1 to the National Assembly for Wales (Transfer of Functions) Order 1999, omit the entries for—

- (a) the Historic Buildings and Ancient Monuments Act 1953;
- (b) the Mines (Working Facilities and Support) Act 1966;
- (c) the Ancient Monuments and Archaeological Areas Act 1979;
- (d) the Planning (Listed Buildings and Conservation Areas) Act 1990.

Commencement Information

I236 Sch. 13 para. 177 not in force at Royal Assent, see [s. 212\(2\)](#)

Countryside and Rights of Way Act 2000 (c. 37)

178 The Countryside and Rights of Way Act 2000 is amended as follows.

Commencement Information

I237 Sch. 13 para. 178 not in force at Royal Assent, see [s. 212\(2\)](#)

179 In section 15(1), after paragraph (d) insert—

“or

- (e) the public have access to it under subsection (1) of section 55 of the Historic Environment (Wales) Act 2023 (public access to monuments under public control) or would have access to it under that subsection but for any of the things mentioned in paragraphs (a) to (c) of that subsection.”

Commencement Information

I238 Sch. 13 para. 179 not in force at Royal Assent, see [s. 212\(2\)](#)

180 In section 26(3)(b)(i), after “the Ancient Monuments and Archaeological Areas Act 1979” insert “or section 3 of the Historic Environment (Wales) Act 2023”.

Commencement Information

I239 Sch. 13 para. 180 not in force at Royal Assent, see [s. 212\(2\)](#)

Commencement Information

I237 Sch. 13 para. 178 not in force at Royal Assent, see [s. 212\(2\)](#)

Changes to legislation: *Historic Environment (Wales) Act 2023 is up to date with all changes known to be in force on or before 10 June 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*

I238 Sch. 13 para. 179 not in force at Royal Assent, see [s. 212\(2\)](#)

I239 Sch. 13 para. 180 not in force at Royal Assent, see [s. 212\(2\)](#)

Planning and Compulsory Purchase Act 2004 (c. 5)

181 In section 81 of the Planning and Compulsory Purchase Act 2004, omit subsection (2).

Commencement Information

I240 Sch. 13 para. 181 not in force at Royal Assent, see [s. 212\(2\)](#)

Government of Wales Act 2006 (c. 32)

182 The Government of Wales Act 2006 is amended as follows.

Commencement Information

I241 Sch. 13 para. 182 not in force at Royal Assent, see [s. 212\(2\)](#)

183 In Schedule 3A, in the table in paragraph 1, omit the entry relating to paragraph 6(6) of Schedule 3 to the Planning (Listed Buildings and Conservation Areas) Act 1990.

Commencement Information

I242 Sch. 13 para. 183 not in force at Royal Assent, see [s. 212\(2\)](#)

184 In Schedule 10, omit paragraph 36.

Commencement Information

I243 Sch. 13 para. 184 not in force at Royal Assent, see [s. 212\(2\)](#)

Commencement Information

I241 Sch. 13 para. 182 not in force at Royal Assent, see [s. 212\(2\)](#)

I242 Sch. 13 para. 183 not in force at Royal Assent, see [s. 212\(2\)](#)

I243 Sch. 13 para. 184 not in force at Royal Assent, see [s. 212\(2\)](#)

National Assembly for Wales Commission (Crown Status) (No. 2) Order 2007 (S.I. 2007/1353)

185 In the National Assembly for Wales Commission (Crown Status) (No. 2) Order 2007—

(a) omit article 3;

(b) omit article 5.

Changes to legislation: *Historic Environment (Wales) Act 2023 is up to date with all changes known to be in force on or before 10 June 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*

Commencement Information

I244 Sch. 13 para. 185 not in force at Royal Assent, see [s. 212\(2\)](#)

Regulatory Enforcement and Sanctions Act 2008 (c. 13)

186 In Schedule 7 to the Regulatory Enforcement and Sanctions Act 2008, at the appropriate place insert—

“Historic Environment (Wales) Act 2023, section 147”.

Commencement Information

I245 Sch. 13 para. 186 not in force at Royal Assent, see [s. 212\(2\)](#)

Planning Act 2008 (c. 29)

187 In Schedule 2 to the Planning Act 2008, omit paragraph 41.

Commencement Information

I246 Sch. 13 para. 187 not in force at Royal Assent, see [s. 212\(2\)](#)

Enterprise and Regulatory Reform Act 2013 (c. 24)

188 In Schedule 17 to the Enterprise and Regulatory Reform Act 2013, in paragraph 12—

- (a) omit sub-paragraph (2);
- (b) omit sub-paragraphs (4) and (5).

Commencement Information

I247 Sch. 13 para. 188 not in force at Royal Assent, see [s. 212\(2\)](#)

Planning (Wales) Act 2015 (anaw 4)

189 The Planning (Wales) Act 2015 is amended as follows.

Commencement Information

I248 Sch. 13 para. 189 not in force at Royal Assent, see [s. 212\(2\)](#)

190 Omit section 39(3).

Commencement Information

I249 Sch. 13 para. 190 not in force at Royal Assent, see [s. 212\(2\)](#)

191 Omit section 47(3).

Changes to legislation: Historic Environment (Wales) Act 2023 is up to date with all changes known to be in force on or before 10 June 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

Commencement Information

I250 Sch. 13 para. 191 not in force at Royal Assent, see [s. 212\(2\)](#)

192 In Schedule 5, omit paragraphs 19 to 22 and the italic heading before paragraph 19.

Commencement Information

I251 Sch. 13 para. 192 not in force at Royal Assent, see [s. 212\(2\)](#)

Commencement Information

I248 Sch. 13 para. 189 not in force at Royal Assent, see [s. 212\(2\)](#)

I249 Sch. 13 para. 190 not in force at Royal Assent, see [s. 212\(2\)](#)

I250 Sch. 13 para. 191 not in force at Royal Assent, see [s. 212\(2\)](#)

I251 Sch. 13 para. 192 not in force at Royal Assent, see [s. 212\(2\)](#)

Historic Environment (Wales) Act 2016 (anaw 4)

193 The Historic Environment (Wales) Act 2016 is repealed.

Commencement Information

I252 Sch. 13 para. 193 not in force at Royal Assent, see [s. 212\(2\)](#)

Housing and Planning Act 2016 (c. 22)

194 In section 5(8) of the Housing and Planning Act 2016, in the new section 70(3) of the Town and Country Planning Act 1990, after paragraph (c) insert—
 “(ca) section 160 of the Historic Environment (Wales) Act 2023;”.

Commencement Information

I253 Sch. 13 para. 194 not in force at Royal Assent, see [s. 212\(2\)](#)

Public Services Ombudsman (Wales) Act 2019 (anaw 3)

195 In Schedule 5 to the Public Services Ombudsman (Wales) Act 2019—
 (a) omit paragraph 10 and the italic heading before it;
 (b) omit paragraphs 13 and 14 and the italic heading before paragraph 13.

Commencement Information

I254 Sch. 13 para. 195 not in force at Royal Assent, see [s. 212\(2\)](#)

Changes to legislation: *Historic Environment (Wales) Act 2023 is up to date with all changes known to be in force on or before 10 June 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*

Sentencing Act 2020 (c. 17)

- 196 In section 137(3) of the Sentencing Act 2020, for “is to be made” substitute “in England is to be made, and section 59 of the Historic Environment (Wales) Act 2023 makes equivalent provision for monuments in Wales”.

Commencement Information

I255 Sch. 13 para. 196 not in force at Royal Assent, see [s. 212\(2\)](#)

SCHEDULE 14 **E+W**

(introduced by section 211(2))

TRANSITIONAL AND SAVING PROVISIONS

PART 1 **E+W**

GENERAL PROVISIONS

Statutory and other references to this Act

- 1 (1) This paragraph applies to any reference (express or implied) in this Act or any other enactment, or in any other instrument or document, to—
- (a) a provision of this Act, or
 - (b) anything done or to be done under or for the purposes of a provision of this Act.
- (2) In relation to any time when a corresponding provision of a repealed enactment (or of any earlier enactment) had effect, the reference is to be read as including a reference to—
- (a) the corresponding provision as it had effect at that time, or
 - (b) things done or to be done under or for the purposes of that provision as it had effect at that time.

Commencement Information

I256 Sch. 14 para. 1 not in force at Royal Assent, see [s. 212\(2\)](#)

Documents referring to repealed enactments

- 2 (1) This paragraph applies to any reference to a repealed enactment which is contained in a document made, served or issued after the repeal of that enactment.
- (2) Unless the context requires otherwise, the reference is to be read (according to the context) as referring to, or including a reference to, the corresponding provision of this Act.

Changes to legislation: Historic Environment (Wales) Act 2023 is up to date with all changes known to be in force on or before 10 June 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

Commencement Information

I257 Sch. 14 para. 2 not in force at Royal Assent, see [s. 212\(2\)](#)

Relationship with Legislation (Wales) Act 2019

- 3 This Schedule applies in addition to sections 34 and 35 of the [Legislation \(Wales\) Act 2019 \(anaw 4\)](#) (general savings and effect of re-enactment) and does not limit the operation of those sections in connection with the repeal, revocation or re-enactment of any enactment by this Act.

Commencement Information

I258 Sch. 14 para. 3 not in force at Royal Assent, see [s. 212\(2\)](#)

Interpretation

- 4 In this Part of this Schedule—
- (a) references to a provision of this Act include a provision inserted into any other enactment by this Act;
 - (b) “repealed enactment” means any enactment that is repealed by this Act;
 - (c) references to repealing an enactment include excluding or limiting its application or effect (whether in relation to Wales or otherwise).

Commencement Information

I259 Sch. 14 para. 4 not in force at Royal Assent, see [s. 212\(2\)](#)

PART 2 E+W

GUARDIANSHIP OF MONUMENTS

Guardianship orders made under 1953 Act

- 5 (1) Where, immediately before Part 2 of this Act comes into force, the Welsh Ministers are guardians of a monument by virtue of a guardianship order—
- (a) made, or treated as having been made, under section 12(5) of the [Historic Buildings and Ancient Monuments Act 1953 \(c. 49\)](#), and
 - (b) continued in force by paragraph 2(1) of Schedule 3 to the [Ancient Monuments and Archaeological Areas Act 1979 \(c. 46\)](#),
- the order continues in force despite the coming into force of that Part.
- (2) That Part applies while the guardianship order is in force as if the Welsh Ministers had been appointed as guardians of the monument by a deed under section 45 of this Act—
- (a) not containing any restriction not contained in the order, and
 - (b) executed by all the persons who, at the time when the order was made, were able by deed to appoint the Welsh Ministers guardians of the monument.

Changes to legislation: *Historic Environment (Wales) Act 2023 is up to date with all changes known to be in force on or before 10 June 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*

(3) The Welsh Ministers may revoke a guardianship order to which this paragraph applies.

Commencement Information

I260 Sch. 14 para. 5 not in force at Royal Assent, see [s. 212\(2\)](#)

Control and management of monument where guardianship pre-dates 1979 Act

- 6 (1) This paragraph applies where—
- (a) a monument was taken into guardianship before 9 October 1981 (the date Part 1 of the Ancient Monuments and Archaeological Areas Act 1979 came into force), and
 - (b) immediately before Part 2 of this Act comes into force, the monument is under the guardianship of the Welsh Ministers or a local authority.
- (2) Section 47(2) (full control and management) does not apply to the monument unless—
- (a) the deed establishing guardianship provided for control and management of the monument by the guardians, or
 - (b) the persons for the time being immediately affected by the operation of the guardianship deed have consented to the control and management of the monument by the guardians.

Commencement Information

I261 Sch. 14 para. 6 not in force at Royal Assent, see [s. 212\(2\)](#)

Public access to monument where guardianship pre-dates 1913 Act

- 7 (1) This paragraph applies where—
- (a) a monument was taken into guardianship before 15 August 1913 (the date the [Ancient Monuments Consolidation and Amendment Act 1913 \(c. 32\)](#) came into force), and
 - (b) immediately before Part 2 of this Act comes into force, the monument is under the guardianship of the Welsh Ministers or a local authority.
- (2) Section 55(1) (duty to ensure public access) does not apply to the monument unless—
- (a) the deed establishing guardianship provided for public access to the monument, or
 - (b) the persons for the time being immediately affected by the operation of the guardianship deed have consented to the public having access to the monument.

Commencement Information

I262 Sch. 14 para. 7 not in force at Royal Assent, see [s. 212\(2\)](#)

Changes to legislation: Historic Environment (Wales) Act 2023 is up to date with all changes known to be in force on or before 10 June 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

Interpretation

- 8 For the purposes of paragraphs 6 and 7, a person is immediately affected by the operation of a guardianship deed relating to a monument if the person is bound by that deed and is in possession or occupation of the monument.

Commencement Information

I263 Sch. 14 para. 8 not in force at Royal Assent, see [s. 212\(2\)](#)

PART 3 E+W

MISCELLANEOUS

Offence of breaching temporary stop notice in relation to scheduled monument

- 9 Section 33(4)(b) does not apply in relation to proceedings for an offence relating to a temporary stop notice that was issued before section 33 comes into force.

Commencement Information

I264 Sch. 14 para. 9 not in force at Royal Assent, see [s. 212\(2\)](#)

Service and taking effect of enforcement notice in relation to scheduled monument

- 10 Section 36(5)(a) does not apply in relation to the service of an enforcement notice that was issued before section 36 comes into force.

Commencement Information

I265 Sch. 14 para. 10 not in force at Royal Assent, see [s. 212\(2\)](#)

Purchase notice served on council in relation to building in National Park

- 11 (1) Sub-paragraph (2) applies in relation to a purchase notice that has been served on a county council or county borough council in Wales in relation to a building in a National Park before section 109 comes into force.
- (2) The following provisions are to be read as if references to a planning authority were references to the council—
- (a) section 183(7)(c);
 - (b) section 186(3) and (7);
 - (c) Schedule 9.

Commencement Information

I266 Sch. 14 para. 11 not in force at Royal Assent, see [s. 212\(2\)](#)

Changes to legislation:

Historic Environment (Wales) Act 2023 is up to date with all changes known to be in force on or before 10 June 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)