



# Historic Environment (Wales) Act 2023

2023 asc 3

## PART 3

### BUILDINGS OF SPECIAL ARCHITECTURAL OR HISTORIC INTEREST

#### CHAPTER 5

#### ACQUISITION AND PRESERVATION OF BUILDINGS OF SPECIAL INTEREST

*Finance for repair and maintenance of buildings of special interest etc.*

PROSPECTIVE

#### **151 Acceptance by Welsh Ministers of endowment for upkeep of building**

(1) This section applies where—

- (a) an instrument contains a provision purporting to be a gift of property of any kind to the Welsh Ministers on trust to use the income of the property (either for a limited time or indefinitely) for or towards the repair and maintenance of a relevant building, or of a relevant building together with other property,
- (b) the provision does not create a charitable trust, and
- (c) the Welsh Ministers accept the gift.

(2) In this section—

“endowment trust” (“*ymdiriedolaeth waddol*”) means the trust referred to in subsection (1)(a);

“relevant building” (“*adeilad perthnasol*”) means—

- (a) a building which the Welsh Ministers consider to be of special architectural or historic interest and—
  - (i) in which, at the time when the trust instrument comes into operation, they are or soon will be entitled to an interest, or

*Status: Point in time view as at 15/06/2023. This version of this provision is prospective.*

*Changes to legislation: Historic Environment (Wales) Act 2023, Section 151 is up to date with all changes known to be in force on or before 16 July 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)*

- (ii) which at that time is or soon will be under their control or management, or
- (b) a building which at that time is or soon will be under their guardianship under Chapter 6 of Part 2;
  - “trust fund” (“*cronfa’r ymddiriedolaeth*”) means the property given to the Welsh Ministers and any property for the time being representing that property.
- (3) The validity of the gift and of the endowment trust is not affected, and is to be treated as never having been affected, by any rule of law or equity which would not have affected their validity if the trust had been charitable.
- (4) While the endowment trust continues the Welsh Ministers have the same powers of management, disposition and investment in relation to the trust fund as are conferred by law on trustees of land in relation to the land and the proceeds of its sale.
- (5) The powers conferred by subsection (4) are in addition to, and do not limit, any powers conferred on the Welsh Ministers by the trust instrument.
- (6) If, while the endowment trust continues, an event happens—
  - (a) which has the immediate effect that the Welsh Ministers are not entitled to any interest in the building to which the trust relates and do not have the building under their control or management, and
  - (b) which would not otherwise cause the endowment trust to come to an end or be treated as having failed,
 on the happening of that event the endowment trust comes to an end and the trust fund passes as it would on a failure of the trust.
- (7) Subsection (8) applies if the trust instrument contains a provision purporting to give the trust fund, or to direct the trust fund to be held, on trust for charitable purposes if the endowment trust fails or comes to an end.
- (8) The validity of the gift or direction is not, and is to be treated as never having been, affected by any rule of law or equity relating to perpetuities.
- (9) In subsection (4) “trustees of land” has the same meaning as in the [Trusts of Land and Appointment of Trustees Act 1996 \(c. 47\)](#) (see section 1(1) of that Act).

#### Commencement Information

**II** S. 151 not in force at Royal Assent, see [s. 212\(2\)](#)

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