



# Historic Environment (Wales) Act 2023

2023 asc 3

## PART 5

### SUPPLEMENTARY PROVISION ABOUT BUILDINGS OF SPECIAL INTEREST AND CONSERVATION AREAS

#### CHAPTER 3

##### VALIDITY AND CORRECTION OF DECISIONS

###### *Validity of decisions and orders*

PROSPECTIVE

#### **183 Application to High Court for statutory review of decision or order**

- (1) A person aggrieved by a decision or order to which section 182 applies, or the authority directly concerned with such a decision or order, may make an application for statutory review.
- (2) An application for statutory review is an application to the High Court questioning the validity of the decision or order on the grounds that—
  - (a) it is not within the powers conferred by this Act, or
  - (b) a requirement of this Act, or of subordinate legislation made under it, has not been complied with in relation to the decision or order.
- (3) An application for statutory review may only be made with the permission of the High Court.
- (4) An application for permission must be made before the end of 6 weeks beginning with the day after—

*Status: Point in time view as at 15/06/2023.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 183 is up to date with all changes known to be in force on or before 14 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)*

- (a) in the case of an application relating to a decision mentioned in section 182(2), the day the decision is made;
  - (b) in the case of an application relating to an order made by a planning authority under section 107 and confirmed by the Welsh Ministers (with or without modifications), the day the order is confirmed;
  - (c) in the case of any other application relating to an order under section 107, the day the order takes effect;
  - (d) in the case of an application relating to an order made by a planning authority under section 115, the day the order is confirmed;
  - (e) in the case of an application relating to any other order mentioned in section 182(3), the day the order is made.
- (5) When considering whether to give permission, the High Court may make an interim order suspending the operation of the decision or order to which the proposed application for statutory review relates until the final determination of the proceedings on—
- (a) the application for permission, or
  - (b) where permission is given, the application for statutory review.
- (6) On an application for statutory review the High Court—
- (a) may make an interim order suspending the operation of the decision or order to which the application relates until the proceedings are finally determined;
  - (b) may quash that decision or order if satisfied that—
    - (i) it is not within the powers conferred by this Act, or
    - (ii) the interests of the applicant have been substantially prejudiced by a failure to comply with a requirement of this Act, or of subordinate legislation made under it, in relation to the decision or order.
- (7) For the purposes of this section the authority directly concerned with a decision or order is—
- (a) in the case of a decision on an application referred to the Welsh Ministers under section 94, the planning authority that made the reference;
  - (b) in the case of a decision on an appeal under section 100, the planning authority to which the application to which the appeal relates was made;
  - (c) in the case of a decision to confirm or not to confirm a purchase notice—
    - (i) the planning authority on which the purchase notice was served (see section 109), and
    - (ii) if the Welsh Ministers have modified the notice wholly or in part by substituting another local authority or statutory undertaker for the planning authority, that other local authority or statutory undertaker;
  - (d) in the case of a decision under section 128(3)(a) or (b) on an appeal against an enforcement notice issued by a planning authority, the authority that issued the notice;
  - (e) in the case of an order under section 107, the planning authority in whose area the building to which the order relates is situated;
  - (f) in the case of an order under section 115, any planning authority that is or was a party to the listed building partnership agreement to which the order relates;
  - (g) in the case of an order made under section 181 in connection with a decision or order mentioned in paragraphs (a) to (f), the authority directly concerned with that decision or order.

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**Commencement Information**

**II** S. 183 not in force at Royal Assent, see [s. 212\(2\)](#)

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