



# Historic Environment (Wales) Act 2023

2023 asc 3

## PART 3

### BUILDINGS OF SPECIAL ARCHITECTURAL OR HISTORIC INTEREST

#### CHAPTER 2

##### CONTROL OF WORKS AFFECTING LISTED BUILDINGS

###### *Applications for listed building consent*

#### **91 Notice of application to owners of building**

- (1) The Welsh Ministers may by regulations require an applicant for listed building consent—
  - (a) to give notice of the application to every person (other than the applicant) who on a date specified in the regulations is an owner of any part of the listed building to which the application relates, and
  - (b) to include with the application a certificate issued by the applicant stating that any requirements of the regulations have been complied with.
- (2) The regulations may make provision about—
  - (a) the form and content of a notice or certificate (which may include provision for using a form to be published or provided by the Welsh Ministers or another person);
  - (b) how notice must be given (which may include provision requiring it to be published).
- (3) An application for listed building consent must not be considered if any requirements imposed under subsection (1) or (2) have not been complied with.
- (4) The Welsh Ministers may by regulations provide that, where notice has been given of an application in accordance with requirements imposed under those subsections—

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*Status: This is the original version (as it was originally enacted).*

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- (a) the application must not be determined during a period specified in the regulations;
  - (b) the planning authority or the Welsh Ministers must, in determining the application, take account of representations made during that period by any person who is an owner of any part of the listed building.
- (5) It is an offence for a person in purported compliance with a requirement imposed under subsection (1) or (2)—
- (a) to issue a certificate containing a statement which the person knows to be false or misleading in a material respect, or
  - (b) to recklessly issue a certificate containing a statement which is false or misleading in a material respect.
- (6) A person guilty of an offence under subsection (5) is liable on summary conviction to a fine not exceeding level 3 on the standard scale.
- (7) In this section “owner” means—
- (a) an owner of the freehold estate, or
  - (b) a tenant under a lease granted or extended for a fixed term that has at least 7 years left to run.