

Status: This version of this schedule contains provisions that are prospective.

Changes to legislation: Historic Environment (Wales) Act 2023, SCHEDULE 2 is up to date with all changes known to be in force on or before 07 August 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 2 (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

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

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

- I2** 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.

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Commencement Information

I3 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

I4 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.

Commencement Information

I5 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

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

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Changes and effects yet to be applied to the whole Act associated Parts and Chapters:

Whole provisions yet to be inserted into this Act (including any effects on those provisions):

- s. 11(3) inserted by [2024 asc 3 Sch. 3 para. 15\(2\)](#)
- s. 58(4)(c) inserted by [2024 asc 3 Sch. 3 para. 15\(3\)](#)
- s. 88(4) inserted by [2024 asc 3 Sch. 3 para. 15\(4\)](#)
- s. 118(2)(f) inserted by [2024 asc 3 Sch. 3 para. 15\(5\)](#)
- s. 161(6) inserted by [2024 asc 3 Sch. 3 para. 15\(6\)](#)