
WELSH STATUTORY INSTRUMENTS

2017 No. 644

Listed Buildings (Review of Listing
Decisions) (Wales) Regulations 2017

PART 2

Initial Procedure: Decisions by appointed person,
grounds for review and applications for review

Classes of review to be decided by an appointed person

3.—(1) A review applied for on the ground set out in regulation 4 is prescribed as a class of review for the purposes of paragraph 1(1) of Schedule 1B to the 1990 Act.

(2) The decision on a review belonging to the class mentioned in paragraph (1) is to be made by an appointed person.

Grounds for review

4. An application for a review may not be made otherwise than on the ground that the building to which it relates is not of special architectural or historic interest and therefore ought to be removed from a list.

Applications for review

5.—(1) An application for a review must be made to the Welsh Ministers in accordance with this regulation.

(2) An application must consist of—

- (a) the form published by the Welsh Ministers (or a form substantially to the like effect), including—
 - (i) the name of the listed building to which the application relates;
 - (ii) the address of the listed building or a description of the location of the land on which it is situated;
 - (iii) the name and address of the applicant;
 - (iv) a statement confirming whether the applicant is an owner or an occupier of the building;
 - (v) the name and address of the representative of the applicant (if any) and confirmation as to whether any notice or other correspondence which is required by these Regulations to be sent to the applicant should be sent to the representative instead of the applicant;
 - (vi) a statement setting out the full particulars of the grounds for the review, including all the matters which the applicant intends to raise in the course of the review and which

the applicant considers the appointed person should take into account in carrying out the review;

(vii) a statement as to which of the ways (or combination of ways) mentioned in section 2D(5) of the 1990 Act the applicant considers the review should be carried out; and

(b) the following—

(i) all documents, materials and evidence which the applicant intends to rely on in the course of the review;

(ii) a copy of the notice served by the Welsh Ministers in relation to the listed building under section 2D(2) of the 1990 Act;

(iii) where the applicant is not an owner of the listed building but an owner is known to the applicant, a certificate confirming that the owner of the listed building has been informed of the applicant's intention to request the review;

(iv) where the applicant is not an owner of the listed building and an owner is not known to the applicant, a signed certificate confirming that the applicant has taken all reasonable steps to identify any such owner but has been unable to do so.

(3) An application must be made within the period of 12 weeks beginning with the date on which notice was served on an owner or occupier of the building under section 2D(2) of the 1990 Act.

Notification of receipt of application for review and related requirements

6.—(1) The appointed person must as soon as practicable after receiving an application in accordance with regulation 5 advise the applicant and the Welsh Ministers in writing of—

(a) the date on which the review is to begin (“the starting date”);

(b) the reference number allocated to the review; and

(c) the address to which written communications about the review are to be sent.

(2) The Welsh Ministers must within the period of three working days beginning with the day on which they received notification under paragraph (1) send to the applicant and the appointed person a copy of any representation previously made to the Welsh Ministers under section 2A of the 1990 Act by any interested person.

(3) In this regulation “working day” means a day other than a Saturday, Sunday, Christmas Day, Good Friday or a bank holiday,

Notice to interested persons and others

7.—(1) The appointed person must as soon as practicable after the expiration of the period referred to in regulation 6(2) give written notice of the review to—

(a) each interested person; and

(b) any other person or body that the appointed person considers appropriate.

(2) A notice under paragraph (1) must—

(a) state the name of the applicant and the address of the listed building to which the review relates;

(b) set out the matters notified to the applicant under regulation 6(1);

(c) confirm that copies of any representations previously made to the Welsh Ministers under section 2A of the 1990 Act by any interested person have been sent to the applicant by the Welsh Ministers;

- (d) state that any such representations will be considered by the appointed person when making a decision on the review;
- (e) state that further written representations may be made to the appointed person in accordance with regulation 9(2); and
- (f) state how a copy of the application for review and other documents related to the review may be inspected.

Welsh Ministers' review statement

8.—(1) The Welsh Ministers must, within the period of four weeks beginning on the starting date, send to the applicant and the appointed person a statement setting out all the matters which the Welsh Ministers intend to raise in the course of the review and which they consider should be taken into account by the appointed person in carrying out the review (“the Welsh Ministers’ review statement”).

(2) The Welsh Ministers’ review statement must be accompanied by all documents, materials and evidence which the Welsh Ministers intend to rely on in the course of the review.

(3) Subject to paragraph (5) the applicant must send to the appointed person two copies of any written comments they have about the Welsh Ministers’ review statement so as to be received within the period of six weeks beginning on the starting date.

(4) Where written comments are sent to the appointed person under paragraph (3) or (5), the appointed person must, as soon as practicable after receipt, send a copy of any such comments to the Welsh Ministers.

(5) The requirement in paragraph (3) is to be construed as permitting the sending of only a single copy of any written comments for the purpose of satisfying that requirement in any case where the applicant elects to send the comments by means of electronic communications.