



# Historic Environment (Wales) Act 2016

2016 anaw 4

## PART 3

### LISTED BUILDINGS

*Listing of buildings of special architectural or historic interest*

#### **26 Amendments relating to the listing of buildings: consequential provision**

- (1) In section 1 of the Planning (Listed Buildings and Conservation Areas) Act 1990 (c.9) (listing of buildings of special architectural or historic interest)—
- (a) in subsection (4)—
    - (i) in the opening words, after “any list under this section” insert “ in relation to buildings which are situated in England ”, and
    - (ii) in paragraph (a), omit “in relation to buildings which are situated in England,”, and
  - (b) after subsection (4) insert—

“(4A) Section 2A makes provision about consultation on amendments of any list under this section to include or exclude a building which is situated in Wales.”
- (2) In section 2 of that Act (publication of lists), in subsection (3)—
- (a) in the opening words—
    - (i) after “any building”, in the first place it occurs, insert “ situated in England ”, and
    - (ii) for “any building”, in the second place it occurs, substitute “ any such building ”, and
  - (b) in paragraph (a), omit “, Welsh county, county borough,”.
- (3) In that section, after subsection (3) insert—
- “(3A) As soon as possible after amending a list under section 1 to include or exclude a building which is situated in Wales, the Welsh Ministers—

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- (a) must inform the local planning authority in whose area the building is situated of its inclusion or exclusion; and
  - (b) in the case of an amendment to exclude a building, must serve a notice on every owner and occupier of the building, stating that the building has been excluded from the list.
- (3B) Section 2D makes provision about the further steps that the Welsh Ministers must take after amending a list under section 1 to include a building which is situated in Wales.”
- (4) In section 3 of that Act (temporary listing: building preservation notices)—
- (a) in the opening words of subsection (2), after “a local planning authority” insert “ under this section ”,
  - (b) in the opening words of subsection (3), after “building preservation notice” insert “ under this section ”,
  - (c) in the opening words of subsection (4), after “building preservation notice” insert “ under this section ”,
  - (d) in subsection (5), after “building preservation notice” insert “ under this section ”, and
  - (e) in subsection (6), after “building preservation notice” insert “ under this section ”.
- (5) In section 4 of that Act (temporary listing in urgent cases), in subsection (2), for “section 3,” substitute “ sections 3 and 3A,”.
- (6) In section 5 of that Act (provisions applicable on lapse of building preservation notice)—
- (a) the existing provision becomes subsection (1), and
  - (b) after that subsection insert—
    - “(2) See section 3A(6) for provision as respects the lapse of building preservation notices in consequence of interim protection taking effect.”
- (7) In section 21 of that Act (appeals: supplementary provisions), in subsection (4), after “a building with respect to which” insert “ interim protection has effect or ”.
- (8) In section 31 of that Act (general provisions as to compensation for depreciation under Part 1 of the Act), in subsection (2), after “payable under sections 28” insert “ , 28B ”.
- (9) In section 60 of that Act (exceptions for ecclesiastical buildings and redundant churches), in subsection (2), after “sections 3,” insert “ 3A, ”.
- (10) In section 61 of that Act (exceptions for ancient monuments etc), in subsection (2), for “sections 3,” substitute “ sections 2B, 3, 3A, ”.
- (11) In section 62 of that Act (validity of certain orders and decisions), in subsection (2), before paragraph (a) insert—
- “(za) any decision on a review under section 2D;”.
- (12) In section 82 of that Act (application of Act to land and works of local planning authorities)—
- (a) in subsection (1), after “sections 2” insert “ to 2D, ”, and
  - (b) in subsection (3)—

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- (i) after “sections 1(3), (5) and (6),” insert “ 2B, 2C, ”,
  - (ii) after “28,” insert “ 28B, ”, and
  - (iii) after “Schedules 1” insert “ , 1A ”.
- (13) In section 88 of that Act (rights of entry), in subsection (4), after “section 28” insert “ , 28B ”.
- (14) In section 91 of that Act (interpretation), in subsection (1)—
- (a) in the definition of “building preservation notice”, for “section 3(1)” substitute “ sections 3(1) and 3A(1) ”, and
  - (b) insert at the appropriate place—  
““interim protection” has the meaning given in section 2B(3);”.
- (15) In Schedule 4 to that Act (further provisions as to exercise of functions by different authorities), in paragraph 7, in sub-paragraph (1), after “sections 3,” insert “ 3A, ”.
- (16) In Schedule 6 to the Local Government (Wales) Act 1994 (c.19) (minor and consequential amendments: planning), in paragraph 25, in sub-paragraph (1), omit paragraph (b).

**Annotations:**

**Commencement Information**

**II** [S. 26](#) in force at 31.5.2017 by [S.I. 2017/633](#), [art. 4\(c\)](#) (with [art. 6\(2\)\(3\)](#))

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