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WELSH STATUTORY INSTRUMENTS

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**2006 No. 63 (W.12)**

**PUBLIC BODIES, WALES**

**The Historic Buildings Council  
for Wales (Abolition) Order 2006**

*Made* - - - - - *18 January 2006*

*Coming into force* - - - - - *1 April 2006*

WHEREAS section 28(1)(d) of, and Part I of Schedule 4 to, the Government of Wales Act 1998 (“the 1998 Act”)(1) enables the National Assembly for Wales (“the National Assembly”) to transfer to itself the statutory functions of the Historic Buildings Council for Wales (“the Council”) constituted under section 3 of the Historic Buildings and Ancient Monuments Act 1953 (“the 1953 Act”)(2)

AND WHEREAS the National Assembly considers that the statutory functions of the Council under the 1953 Act either require advice to be given to the National Assembly itself (and, accordingly, fall within section 28(2)(a) of the 1998 Act and are to be abolished) or require the Council to be consulted by others (and, accordingly, are to be transferred to the National Assembly)

NOW THEREFORE the National Assembly, in exercise of its powers under section 28 of, and Part I of Schedule 4 to, the 1998 Act makes the following Order:

**Title, commencement and interpretation**

- 1.—(1) The title of this Order is the Historic Buildings Council for Wales (Abolition) Order 2006.
- (2) This Order comes into force on 1 April 2006.
- (3) In this Order—
  - “the 1953 Act” (“*Deddf 1953*”) means the Historic Buildings and Ancient Monuments Act 1953; and
  - “the Council” (“*y Cyngor*”) means the Historic Buildings Council for Wales.

**Abolition of the Council**

- 2.—(1) The Council is abolished.
- (2) All property and rights to which the Council is entitled, and any liabilities to which the Council is subject, are transferred to the National Assembly.

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(1) 1998 c. 38.  
(2) 1953 c. 49.

### Consequential amendments

3.—(1) The following provisions are repealed—

- (a) sections 2 (insofar as it applies to section 3), 3 and 9(1) of the 1953 Act;
- (b) sections 77(7), (8) and (9), 79(2) and 80(4) of the Planning (Listed Buildings and Conservation Areas) Act 1990<sup>(3)</sup>; and
- (c) the entry relating to the Council in—
  - (i) Part II of Schedule 1A to the Race Relations Act 1976<sup>(4)</sup>,
  - (ii) Part I of Schedule 4 to the Government of Wales Act 1998, and
  - (iii) Part VI of Schedule 1 to the Freedom of Information Act 2000<sup>(5)</sup>.

(2) The entry relating to the Council in—

- (a) Schedule 3 to the Race Relations Act 1976 (Statutory Duties) Order 2001<sup>(6)</sup>,
- (b) Part I of Schedule 1 to the Freedom of Information Act 2000 (Commencement No.2) Order 2002<sup>(7)</sup>.

is revoked.

(3) In section 5(4) of the 1953 Act—

- (a) for “the appropriate Commission or Council”, substitute “the Commission”;
- (b) after “accepting any property”, insert “situated in England”;
- (c) after “dealing with any”, insert “such”; and
- (d) for “the said Commission or Council”, substitute “the Commission”.

(4) In—

- (a) paragraph 2(2)(b) of Schedule 9 to the Electricity Act 1989<sup>(8)</sup>; and
- (b) paragraph (a) of the definition of “competent authority” in regulation 1(2) of the Environmental Protection (Controls on Injurious Substances) Regulations 1992<sup>(9)</sup>,

for “Historic Buildings Council”, substitute “National Assembly”.

Signed on behalf of the National Assembly for Wales under section 66(1) of the Government of Wales Act 1998.

18 January 2006

*D. Elis-Thomas*  
The Presiding Officer of the National Assembly

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(3) 1990 c. 9.  
(4) 1976 c. 74.  
(5) 2000 c. 36.  
(6) S.I. 2001/3458.  
(7) S.I. 2002/2812.  
(8) 1989 c. 29.  
(9) S.I. 1992/31.

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## EXPLANATORY NOTE

*(This note is not part of the Order)*

Section 3 of the Historic Buildings and Ancient Monuments Act 1953 (“the 1953 Act”) established the Historic Buildings Council for Wales (“the Council”) to advise the Secretary of State on the exercise of the Secretary of State’s powers under the 1953 Act.

The effect of article 2 of, and Schedule 1 to, the National Assembly for Wales (Transfer of Functions) Order 1999 (S.I.1999/672) is that the main function of the Council is now to advise the National Assembly for Wales (“the National Assembly”).

The Council is specified in Part I of Schedule 4 to the Government of Wales Act 1998 (“the 1998 Act”) as a body whose statutory functions the National Assembly may, by Order made under section 28(1) of the 1998 Act, transfer to another body, including to itself.

Section 28(2) of the 1998 Act provides that the National Assembly may, by Order, abolish a function of such a body instead of transferring it to another body if the function, as it stands, requires something to be done in relation to that other body (an example being the Council’s function of advising the National Assembly, the transfer of which to the National Assembly would require the National Assembly to advise itself).

Section 28(3) of the 1998 Act provides that the National Assembly may, by Order, abolish a body specified in Part I of Schedule 4 to the 1998 Act if each of the statutory functions of the body are transferred or abolished.

Section 28(4) of the 1998 Act provides that an Order which includes provision permitted by section 28(3) may transfer any property, rights or liabilities of that body.

Section 28(7) of the 1998 Act provides that an Order under section 28 may contain appropriate consequential provisions, including the repeal of enactments.

Accordingly—

- (a) article 2 of this Order abolishes the Council and transfers any property, rights or liabilities of the Council to the National Assembly; and
- (b) article 3 of this Order makes the necessary consequential repeals, revocations and amendments of Acts and other instruments.