

HISTORIC ENVIRONMENT (WALES) ACT 2016

EXPLANATORY NOTES

COMMENTARY ON SECTIONS

Part 2: Ancient Monuments Etc

Section 4 – Amendments relating to the Schedule: consequential provision

32. **Section 4** makes consequential amendments to the 1979 Act as a result of introducing the consultation, interim protection and review provisions.
33. **Section 4(1)** inserts new subsection (5A) into section 1 of the 1979 Act (schedule of monuments), signposting the new provisions about consultation by the Welsh Ministers on proposals to include a monument in the Schedule, exclude a monument from the Schedule or make a material amendment in relation to the Schedule.
34. **Section 4(2)** inserts new subsections (6B) and (6C) into section 1 of the 1979 Act. Section 1(6B) requires the Welsh Ministers to inform the owner and the occupier of a monument, and the local authority in whose area the monument is situated, where an amendment has been made to the area shown for the monument on the scheduling map, and to send them a copy of the amended map. Section 1(6C) signposts provisions about additional information that needs to be provided to owners and/or occupiers when certain amendments are made in relation to the Schedule, namely information about the right to request a review of the decision to make the amendment.
35. **Section 4(3)** applies section 27 of the 1979 Act, which sets out the manner in which compensation for the depreciation of the value of an interest in land is to be assessed, to the compensation payable under section 1AD for loss or damage caused by interim protection.
36. **Section 4(4)** applies subsection (3) of section 51 of the 1979 Act (ecclesiastical property) to any compensation for loss or damage caused by interim protection for a monument on land that is ecclesiastical property. “Ecclesiastical property”, in this context, means land belonging to the Church of England, and the effect of the provision is to require any such compensation to be paid to the Diocesan Board of Finance for the diocese in which the land is situated.
37. **Section 4(5)** applies section 55 of the 1979 Act (proceedings for questioning validity of certain orders) to a review decision under section 1AE, so that a decision taken by the Welsh Ministers on a review may only be referred to the High Court on certain grounds.