

# HISTORIC ENVIRONMENT (WALES) ACT 2016

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## EXPLANATORY NOTES

### COMMENTARY ON SECTIONS

#### **Part 3: Listed Buildings**

##### *Section 31 – Preservation of listed buildings in disrepair*

215. **Section 31(1)** inserts new section 56A into the 1990 Act, which allows Welsh Ministers to make regulations for local authorities or the Welsh Ministers to take further steps for the proper preservation of listed buildings that have fallen into disrepair. The regulations may make provision for the service of a preservation notice on the owner of a listed building. Such a notice may specify the works required to secure the building's proper preservation and a deadline for the execution of the works. The regulations may also make provision for appeals against preservation notices, offences for failure to comply with the notices and appeals in respect of such offences.
216. New section 56A(3) and(4) allows the regulations under this section to disapply, apply or reproduce, with or without modification, any provisions in the 1990 Act, as well as to amend the 1990 Act, for the purpose of the preservation of listed buildings in disrepair.
217. **Section 31(2)** amends section 82A of the 1990 Act (application to the Crown) so that provision made under section 56A cannot bind the Crown.
218. **Section 31(3)** amends section 88 of the 1990 Act (rights of entry) to allow for the service of preservation notices.
219. **Section 31(4)** amends the Regulatory Enforcement and Sanctions Act 2008 to enable civil sanctions to be imposed in respect of offences in regulations made under new section 56A. The kinds of civil sanctions that may be imposed are those contained in Part 3 of the 2008 Act, for example, fixed monetary penalties, requirements to take specified steps, or stop notices.