

# HISTORIC ENVIRONMENT (WALES) ACT 2016

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## EXPLANATORY NOTES

### COMMENTARY ON SECTIONS

#### *Schedule 2*

260. [Schedule 2](#) is introduced by section 24(4) of the Act, and inserts Schedule 1A and Schedule 1B into the 1990 Act.

#### **Schedule 1A Lapse of interim protection**

261. Schedule 1A contains provision which applies where interim protection ceases to have effect as a result of the Welsh Ministers' decision not to list a building. In those circumstances, any proceedings arising out of an application for listed building consent or any consent granted will lapse, and any enforcement notices or temporary stop notices served on the building will cease to have effect. However, the criminal liability of any person for an offence committed during the interim protection period will persist.

#### **Schedule 1B Decisions on reviews by person appointed by the Welsh Ministers**

262. Paragraph 1 enables the Welsh Ministers to make regulations that prescribe the classes of reviews on which decisions are to be made by a person appointed by the Welsh Ministers.
263. [Paragraph 2](#) sets out the powers and duties of an appointed person. The appointed person has the same powers and duties as the Welsh Ministers to carry out the review, to make a decision on the review and to decide on the relevant procedure and award costs.
264. [Paragraph 3](#) makes provision to allow the Welsh Ministers to revoke an appointed person's authority and appoint another person to undertake the review.
265. [Paragraph 4](#) allows an appointed person to appoint an assessor to provide advice on any matters arising at a local inquiry or hearing, or in written representations. Sub-paragraph (2) applies provisions within the Local Government Act 1972 which allow an appointed person to summon a person to attend and provide evidence at an inquiry. Refusal to attend will render a person liable, on summary conviction, to a fine not exceeding level 3 on the standard scale, imprisonment for a maximum of six months, or both.
266. [Paragraph 5](#) allows the Welsh Ministers to direct that anything that should be done by the appointed person, with the exception of making a decision on a review, may be done instead by the Welsh Ministers. This will enable the Welsh Ministers to direct that matters such as the notification of a review, the circulation of representations and evidence and the notification of a decision are to be undertaken by them.
267. [Paragraph 6](#) allows an appointed person to delegate to another person anything that would fall to be done by the appointed person except for the conduct of a local inquiry or hearing or the making of a decision on the review. This enables the appointed person to delegate administrative tasks such as the notification of hearing/inquiry timetables and details and the circulation of statements and representations.

*These notes refer to the Historic Environment (Wales) Act  
2016 (c.4) which received Royal Assent on 21 March 2016*

268. [Paragraph 7](#) provides that, where the Welsh Ministers appoint a member of staff of the Welsh Government to carry out their functions in relation to a review, those functions are to be treated as functions of the Welsh Government for the purposes of the Public Services Ombudsman (Wales) Act 2005. This will enable the Public Services Ombudsman for Wales to investigate any allegations of maladministration made in relation to the appointed person's discharge of those functions.