



Historic Environment (Wales) Act 2016

2016 anaw 4

PART 3

LISTED BUILDINGS

Prevention of deterioration or damage to listed buildings

30 Urgent works: extension of scope and recovery of costs

- (1) In section 54 of the Planning (Listed Buildings and Conservation Areas) Act 1990 (c.9) (urgent works to preserve listed buildings), in subsection (4), after “If” insert “, in the case of a building in England, ”.
- (2) After that subsection insert—

“(4A) If, in the case of a building in Wales, the whole or part of the building is in residential use, works may be carried out only where they would not interfere unreasonably with that use.”
- (3) After subsection (5) insert—

“(5A) Where the works are to be executed to a building in Wales the whole or part of which is in residential use, the occupier of the building must also be given not less than seven days' notice in writing of the intention to carry out the works.”
- (4) In subsection (6), after “subsection (5)” insert “ or (5A) ”.
- (5) In the heading to that section, omit “unoccupied”; and in the heading to section 76 of that Act (which enables the Welsh Ministers to direct that section 54 of that Act is to apply to buildings in conservation areas), omit “unoccupied”.
- (6) In section 55 of that Act (recovery of expenses), after subsection (5) insert—

“(5A) Where the Welsh Ministers make a determination under subsection (4), the owner of the building or (if it is given notice under subsection (5)) the local

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authority may, within 28 days of the service of the notice under subsection (5), appeal to the county court against the decision.

- (5B) In the case of a building in Wales, as from the time when the notice under subsection (2) becomes operative, the expenses which an authority may recover under this section carry interest at such rate as the Welsh Ministers may prescribe by order until recovery of all sums due under this section; and the expenses and any interest are recoverable by the authority as a debt.
- (5C) As from that time, the expenses and any interest are, until recovery, a charge on the land on which the building stands.
- (5D) The charge takes effect at that time as a legal charge which is a local land charge.
- (5E) For the purpose of enforcing the charge, the authority have the same powers and remedies under the Law of Property Act 1925 and otherwise as if they were a mortgagee by deed having powers of sale and lease, of accepting surrenders of leases and of appointing a receiver.
- (5F) The power of appointing a receiver is exercisable at any time after the end of the period of one month beginning with the date on which the charge takes effect.
- (5G) For the purposes of subsections (5B) to (5F), the notice becomes operative—
- (a) where no representations are made under subsection (4) within the period referred to in that subsection, at the end of that period;
 - (b) where representations are made as mentioned in paragraph (a) but no appeal against the determination under subsection (4) is made under subsection (5A) within the period referred to in that subsection, at the end of that period;
 - (c) where an appeal is made as mentioned in paragraph (b) and the decision on the appeal confirms the determination under subsection (4) (with or without variation), at the time of the decision;
 - (d) where an appeal is made as mentioned in paragraph (b) but is withdrawn, at the time of the withdrawal.”

Commencement Information

- I1** S. 30(1)-(5) in force at 21.5.2016, see s. 41(2)
- I2** S. 30(6) in force at 4.5.2017 for specified purposes by S.I. 2017/633, art. 2 (with art. 6(4))
- I3** S. 30(6) in force at 31.5.2017 in so far as not already in force by S.I. 2017/633, art. 5(d) (with art. 6(4))

PROSPECTIVE

31 Preservation of listed buildings in disrepair

- (1) After section 56 of the Planning (Listed Buildings and Conservation Areas) Act 1990 (c.9) insert—

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“Further provision about preservation

56A Preservation of listed buildings in disrepair

- (1) The Welsh Ministers may by regulations make provision about further steps that may be taken by local authorities or the Welsh Ministers to secure the proper preservation of listed buildings in Wales which have fallen into disrepair, and about connected matters.
 - (2) Regulations under this section may, among other things, make provision for—
 - (a) the service of a notice (a “preservation notice”) on the owner of a listed building in Wales which has fallen into disrepair, specifying—
 - (i) the works which the owner must execute to secure the proper preservation of the building; and
 - (ii) the time by which such works must be executed;
 - (b) appeals against preservation notices;
 - (c) offences for failure to comply with preservation notices;
 - (d) appeals in respect of such offences.
 - (3) Regulations under this section may disapply, or apply or reproduce with or without modifications, any provision of this Act.
 - (4) Regulations under this section may amend this Act.”
- (2) In section 82A of that Act (application to the Crown), in subsection (2), after paragraph (h) insert—

“(ha) section 56A;”.
 - (3) In section 88 of that Act (rights of entry), in subsection (2)—
 - (a) in paragraph (a), after “55,” insert “ 56A, ”, and
 - (b) in paragraph (c), after “section 9, 11, 26J or 43” insert “ or under regulations made under section 56A ”.
 - (4) In Schedule 7 to the Regulatory Enforcement and Sanctions Act 2008 (c.13) (power under specified enactments to include power to make provision for civil sanctions) at the appropriate place insert— “ Planning (Listed Buildings and Conservation Areas) Act 1990 (c.9), section 56A ”.

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