

# HISTORIC ENVIRONMENT (WALES) ACT 2023

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## EXPLANATORY NOTES

### COMMENTARY ON SECTIONS

#### Part 1 — Overview

##### *Section 1 — Overview*

8. The overview in this section includes a statement in subsection (1) about the status of the Act as part of a code of Welsh law. This statement has been included to improve the accessibility of the law in Wales and is an approach that will be adopted in future consolidation Acts and in any reform Acts that contain a comprehensive statement of the primary legislation on a particular topic.
9. This declaration of status is intended to help persons interested in the law on a particular topic — the historic environment in this instance — find and classify it more easily. The reference to the Act’s status has been included with a view to subordinate legislation made under the Act making identical provision. The Welsh Government’s intention is that primary, secondary and tertiary legislation (mostly guidance) will in future be categorised and published as coherent codes of law.
10. Classifying Acts in this way is consistent with recommendations made by the Law Commission in its report *Form and Accessibility of the Law Applicable in Wales* (Law Com No 366, 2016). That report acknowledged the importance for the accessibility of the law of maintaining the integrity of the law. Giving an Act the status of a code is intended to encourage a move away from a situation where the law on a particular topic is spread across a number of separate pieces of primary legislation. Rather, the intention is that future Senedd Acts are enacted and maintained in a way that allows users of the legislation to find as much of the law affecting a particular topic as possible by reading a single Senedd Act or subordinate legislation made under it.
11. Subsection (2) identifies the existing Acts from or under which provisions of this Act are derived. The majority of the content of the Act comes from the [Ancient Monuments and Archaeological Areas Act 1979 \(c. 46\)](#) (“the 1979 Act”) and the [Planning \(Listed Buildings and Conservation Areas\) Act 1990 \(c. 9\)](#) (“the 1990 Listed Buildings Act”).