

# HISTORIC ENVIRONMENT (WALES) ACT 2023

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## EXPLANATORY NOTES

### COMMENTARY ON SECTIONS

#### **Part 3 — Buildings of special architectural or historic interest**

#### *Chapter 5 — Acquisition and preservation of buildings of special interest*

#### *Section 150 — Grant by Welsh Ministers for repair or maintenance of building, garden etc.*

561. **Section 150(1)** enables the Welsh Ministers to make grants towards expenditure incurred, or to be incurred, in:

- a. the repair or maintenance of a building which they consider to be of special architectural or historic interest;

While the building may be listed, it is not required. The Welsh Ministers need only be satisfied that the building is of “special architectural or historic interest” to make a grant.

- b. the maintenance of any land associated with building;

This will permit grants to support the maintenance of land associated with a building for purposes such as access or the provision of amenities.

- c. the repair or maintenance of objects ordinarily kept in such a building; or

This would permit the funding of the conservation of objects found in a historic building. These could range from fittings and furniture to ornaments and works of art.

- d. the maintenance of a garden or other land which they consider to be of special historic interest.

In contrast to paragraph (b), the expenditure in this paragraph is limited to the maintenance of a garden or other land considered to be of special historic interest. This might include parkland, some other designed landscape or, perhaps, a relict industrial landscape providing the setting for a building of special architectural or historic interest.

562. The section’s remaining provisions apply where the grant under subsection (1) is made on terms which provide for it to be recoverable. In order for it to be recoverable, either before or at the time of making the grant the Welsh Ministers must give notice in writing to the recipient. They must also specify a “recovery period” of no more than ten years after the day the grant is made during which the grant will be recoverable under subsections (4) to (6) (subsection (2)).

563. Subsection (3) provides that the Welsh Ministers may recover all or part of the grant if the recipient fails to comply with any condition imposed on the grant.

*These notes refer to the Historic Environment (Wales) Act  
2023 (c.3) which received Royal Assent on 14 June 2023*

564. Subsections (4) to (6) provide the Welsh Ministers with powers to recover all or part of a grant in the event of a disposal during the recovery period of the whole or part of the interest that the grant recipient held in the building, land or objects to which the grant relates on the day that the grant was made. A disposal may be made by sale, by exchange or by lease for a term of at least 21 years.
565. These recovery powers might be used if, for example, a building's value increases as a result of the grant-funded works, and the grant recipient then sells the building in order to capitalise. These powers are equivalent to those provided for local authorities in section 149(3)–(5).