

# HISTORIC ENVIRONMENT (WALES) ACT 2023

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## EXPLANATORY NOTES

### COMMENTARY ON SECTIONS

#### **Part 4 — Conservation Areas**

##### ***Section 165 — Grant by Welsh Ministers for preservation or enhancement of conservation areas***

625. Under section 165 the Welsh Ministers may make grants to meet expenditure they consider has made, or will make, a significant contribution towards the preservation or enhancement of the character or appearance of a conservation area.
626. Subsections (5) to (7) set out powers of the Welsh Ministers to recover all or part of such a grant if it was made in relation to a building or other land but then — during a specified recovery period — there is a disposal of all or part of the interest that the recipient of the grant had in the building or land on the day when the grant was made. A disposal in this context means a sale, exchange or lease for a term of at least 21 years. The recovery period begins with the day on which the grant is made and must end no more than 10 years after that day.
627. These recovery powers might be used if, for example, the recipient of the grant were to sell a property to take advantage of a higher value gained as a consequence of the grant-aided works.
628. Under subsection (3), the Welsh Ministers may only recover grants using the powers described above if:
- a. the terms of the grant say it is recoverable under section 165, and
  - b. before or on making the grant the Ministers give written notice to the recipient of the grant summarising the effect of section 165 and specifying the recovery period.
629. As is stated at subsection (4), the Welsh Ministers may also recover grants if conditions imposed on the making of grants are not complied with.