



# Historic Environment (Wales) Act 2023

2023 asc 3

## PART 5

### SUPPLEMENTARY PROVISION ABOUT BUILDINGS OF SPECIAL INTEREST AND CONSERVATION AREAS

#### CHAPTER 2

##### PROCEEDINGS BEFORE THE WELSH MINISTERS

PROSPECTIVE

*Procedural provisions applying to appeals to Welsh Ministers*

#### **172 Fees for appeals**

- (1) The Welsh Ministers may by regulations require a person who makes an appeal to which this section applies to pay a fee to the Welsh Ministers.
- (2) This section applies to—
  - (a) an appeal under section 100 (appeal against decision or failure to make decision on application for listed building consent or conservation area consent, for the variation or removal of conditions or for approval of details);
  - (b) an appeal under section 127 (appeal against enforcement notice).
- (3) Regulations under this section may in particular—
  - (a) make provision about when a fee must be paid;
  - (b) make provision about how a fee is to be calculated (including who is to make the calculation);
  - (c) specify circumstances in which a fee is to be waived or refunded (wholly or in part);

*Status: This version of this cross heading contains provisions that are prospective.*

*Changes to legislation: There are currently no known outstanding effects for the Historic Environment (Wales) Act 2023, Cross Heading: Procedural provisions applying to appeals to Welsh Ministers. (See end of Document for details)*

- (d) specify circumstances in which no fee is to be paid;
- (e) make provision about the effect of paying or failing to pay a fee in accordance with the regulations (which may include provision that amends, repeals or revokes any enactment, including any provision of this Act).

**Commencement Information**

**I1** S. 172 not in force at Royal Assent, see [s. 212\(2\)](#)

**173 Determination of appeal by appointed person**

- (1) An appeal to which this section applies is to be determined by a person appointed by the Welsh Ministers (instead of by the Welsh Ministers).
- (2) This section applies to—
  - (a) an appeal under section 100 (appeal against decision or failure to make decision on application for listed building consent or conservation area consent, for the variation or removal of conditions or for approval of details);
  - (b) an appeal under section 127 (appeal against enforcement notice).
- (3) But this section does not apply to an appeal if—
  - (a) it is an appeal of a description specified in regulations made by the Welsh Ministers, or
  - (b) the Welsh Ministers direct that the appeal is to be determined by them instead of by an appointed person.
- (4) This section does not affect any provision of this Act or of regulations made under it that an appeal may be made to, or that a notice of appeal must be served on, the Welsh Ministers.
- (5) Where an appointed person determines an appeal, the appointed person’s decision is to be treated as the decision of the Welsh Ministers.
- (6) Schedule 12 makes further provision in connection with appointments under subsection (1) and directions under subsection (3)(b).

**Commencement Information**

**I2** S. 173 not in force at Royal Assent, see [s. 212\(2\)](#)

**Status:**

This version of this cross heading contains provisions that are prospective.

**Changes to legislation:**

There are currently no known outstanding effects for the Historic Environment (Wales) Act 2023,  
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