



# Historic Environment (Wales) Act 2023

2023 asc 3

## PART 7

### GENERAL

#### *General*

#### **209 Regulations under this Act**

- (1) A power to make regulations under this Act is exercisable by statutory instrument.
- (2) A power to make regulations under this Act includes power—
  - (a) to make different provision for different purposes;
  - (b) to make incidental, supplementary, consequential, transitory, transitional or saving provision.
- (3) In the case of regulations made under the powers mentioned in subsection (4), the provision that may be made by virtue of subsection (2)(b) includes provision that amends, repeals or revokes any enactment, including any provision of this Act.
- (4) The powers referred to in subsection (3) are the powers conferred by—
  - (a) section 167 (fees for exercise of planning authority functions);
  - (b) section 172 (fees for appeals relating to listed buildings and buildings in conservation areas);
  - (c) section 174(8) (proceedings for which Welsh Ministers must determine procedure);
  - (d) sections 185(2)(c), 186(7)(e) and 187(5) (correction of decisions).
- (5) A statutory instrument containing any of the following may not be made unless a draft of the instrument has been laid before, and approved by a resolution of, Senedd Cymru—
  - (a) regulations under section 2(3) (religious buildings that are to be treated as monuments);

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- (b) regulations under section 26(8) (application of provisions to scheduled monument partnership agreements);
  - (c) regulations under section 114(8) (application of provisions to listed building partnership agreements);
  - (d) regulations under section 147 (steps for preservation of listed buildings in disrepair);
  - (e) regulations under section 167 (fees for exercise of planning authority functions);
  - (f) regulations under section 172 (fees for appeals relating to listed buildings and buildings in conservation areas);
  - (g) regulations under section 201 (civil sanctions);
  - (h) regulations that amend or repeal any enactment contained in primary legislation (including any provision of this Act).
- (6) Any other statutory instrument containing regulations under this Act is subject to annulment in pursuance of a resolution of Senedd Cymru.
- (7) In subsection (5)(h) “primary legislation” means—
- (a) an Act of Senedd Cymru;
  - (b) an Assembly Measure;
  - (c) an Act of the Parliament of the United Kingdom.

#### Commencement Information

**II** S. 209 in force at 15.6.2023, see [s. 212\(1\)\(b\)](#)

## 210 Interpretation

In this Act—

“address” (“*cyfeiriad*”), in relation to electronic communications, means any number or address used for the purpose of electronic communications;

“appropriate Crown authority” (“*awdurdod priodol y Goron*”) has the meaning given by section 207(6);

“building” (“*adeilad*”) (except in Part 2) means—

- (a) any building or structure, or
- (b) any part of a building or structure,

but does not (except in section 148) include plant or machinery forming part of a building or structure;

“conservation area” (“*ardal gadwraeth*”) means an area designated under section 158;

“conservation area consent” (“*cydsyniad ardal gadwraeth*”) has the meaning given by section 162;

“the Crown” (“*y Goron*”) is to be interpreted in accordance with section 207(7);

“Crown interest” (“*buddiant y Goron*”) has the meaning given by section 207(3);

“Crown land” (“*tir y Goron*”) has the meaning given by section 207(2);

“development” (“*datblygiad*”) has the meaning given by section 55 of the [Town and Country Planning Act 1990](#) (c. 8);

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“disposal” (“*gwaredu*”), in relation to land, means disposal by sale, exchange or lease, by creating an easement, right or privilege, or in any other way, but does not include disposal by appropriation, gift or mortgage;

“Duchy interest” (“*buddiant y Ddugiaeth*”) has the meaning given by section 207(4);

“electronic communication” (“*cyfathrebiad electronig*”) has the meaning given by section 15(1) of the [Electronic Communications Act 2000 \(c. 7\)](#);

“enactment” (“*deddfiad*”) means any enactment, whenever enacted or made;

“functions” (“*swyddogaethau*”) includes powers and duties;

“land” (“*tir*”)—

(a) means any corporeal hereditament, including a building or monument, and

(b) in relation to the acquisition of land, includes any interest in or right over land;

“lease” (“*les*”) includes an underlease and an agreement for a lease or underlease, but does not include an option to take a lease or a mortgage;

“listed building” (“*adeilad rhestredig*”) has the meaning given by section 76;

“listed building consent” (“*cydsyniad adeilad rhestredig*”) has the meaning given by section 89;

“listed building partnership agreement” (“*cytundeb partneriaeth adeilad rhestredig*”) has the meaning given by section 113(5);

“monument” (“*heneb*”) is to be interpreted in accordance with section 2;

“owner” (“*perchennog*”), in relation to land (except in sections 15, 25, 26, 91, 113 and 186), means a person who, whether in their own right or as trustee for any other person—

(a) is entitled to receive the rack rent of the land, or

(b) would be so entitled if the land were let at a rack rent,

but does not include a mortgagee who is not in possession;

“planning authority” (“*awdurdod cynllunio*”) means a local planning authority, within the meaning given by Part 1 of the [Town and Country Planning Act 1990 \(c. 8\)](#), for an area in Wales;

“planning permission” (“*caniatâd cynllunio*”) has the meaning given by section 336(1) of the [Town and Country Planning Act 1990 \(c. 8\)](#);

“private interest” (“*buddiant preifat*”), in relation to Crown land, has the meaning given by section 207(5);

“scheduled monument” (“*heneb gofrestredig*”) has the meaning given by section 3(7);

“site” (“*safle*”), in relation to a monument, is to be interpreted in accordance with section 2;

“statutory undertaker” (“*ymgymerwr statudol*”) means a person who—

(a) is a statutory undertaker within the meaning given by section 262 of the [Town and Country Planning Act 1990 \(c. 8\)](#), or

(b) is deemed by that section to be a statutory undertaker for the purposes of any provision of that Act,

and references to the “undertaking” of a statutory undertaker are to be interpreted in accordance with that section.

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**Commencement Information**

**I2** S. 210 in force at 15.6.2023, see [s. 212\(1\)\(c\)](#)

**211 Consequential and transitional provision etc.**

- (1) Schedule 13 contains minor and consequential amendments and repeals.
- (2) Schedule 14 contains transitional and saving provisions.
- (3) The Welsh Ministers may by regulations—
  - (a) make provision that is incidental or supplementary to, or consequential on, any provision of this Act;
  - (b) make transitional, transitory or saving provision in connection with any provision of this Act.
- (4) Regulations under subsection (3) may amend, repeal or revoke any enactment (including any provision of this Act).

**Commencement Information**

**I3** S. 211(3)(4) in force at 15.6.2023, see [s. 212\(1\)\(d\)](#)

**212 Coming into force**

- (1) The following provisions come into force on the day after the day this Act receives Royal Assent—
  - (a) Part 1;
  - (b) section 209;
  - (c) section 210;
  - (d) section 211(3) and (4);
  - (e) this section;
  - (f) section 213.
- (2) The other provisions of this Act come into force on a day appointed by the Welsh Ministers in an order made by statutory instrument.
- (3) An order under subsection (2) may make transitional, transitory or saving provision in connection with the coming into force of a provision of this Act.

**Commencement Information**

**I4** S. 212 in force at 15.6.2023, see [s. 212\(1\)\(e\)](#)

**213 Short title**

The short title of this Act is the Historic Environment (Wales) Act 2023.

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**Commencement Information**

**I5** S. 213 in force at 15.6.2023, see [s. 212\(1\)\(f\)](#)

**Changes to legislation:**

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Cross Heading: General.