



# Historic Environment (Wales) Act 2023

2023 asc 3

## PART 3

### BUILDINGS OF SPECIAL ARCHITECTURAL OR HISTORIC INTEREST

#### CHAPTER 2

##### CONTROL OF WORKS AFFECTING LISTED BUILDINGS

###### *Appeals to the Welsh Ministers*

#### **101 Procedure for making appeal**

- (1) An appeal under section 100 must be made by serving a notice of appeal on the Welsh Ministers.
- (2) The grounds of appeal stated in the notice may include (alone or with other grounds)—
  - (a) a claim that the building to which the appeal relates is not of special architectural or historic interest and ought to be de-listed, or
  - (b) in the case of a building subject to interim protection or temporary listing, a claim that the building should not be listed.
- (3) The Welsh Ministers may by regulations make provision about—
  - (a) the form of a notice of appeal (which may include provision for using a form to be published or provided by the Welsh Ministers or another person);
  - (b) information that must be included with a notice of appeal;
  - (c) the way in which, and period within which, a notice of appeal must be served (which may include provision enabling the Welsh Ministers to extend the period).
- (4) Section 91 (notice to owners of building) applies in relation to appeals under section 100 relating to applications for listed building consent or for the variation or

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*Status: This is the original version (as it was originally enacted).*

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removal of conditions, but as if references to an application and an applicant were references to an appeal and an appellant.

- (5) The period specified by regulations under subsection (3)(c) must be at least 28 days beginning with the day after—
- (a) in the case of an appeal under subsection (2) of section 100, the day the applicant receives notice of the decision;
  - (b) in the case of an appeal under subsection (3) of that section, the end of the determination period (which has the same meaning as in that subsection).