



Historic Environment (Wales) Act 2023

2023 asc 3

PART 3

BUILDINGS OF SPECIAL ARCHITECTURAL OR HISTORIC INTEREST

CHAPTER 4

ENFORCEMENT OF CONTROLS RELATING TO LISTED BUILDINGS

Compliance with enforcement notices

PROSPECTIVE

132 Recovery of costs of compliance with enforcement notice

- (1) Where a planning authority exercises the powers under section 131(1) to enter land and take a step required by an enforcement notice, the authority may recover from a person who is then an owner of the land the costs it reasonably incurs in doing so.
- (2) If a planning authority seeks to recover costs under subsection (1) from an owner of land who—
 - (a) is entitled to receive the rack rent of the land merely as agent or trustee for another person (the “principal”), and
 - (b) does not have, and has not had at any time since the day payment of the costs was demanded, enough money on behalf of the principal to pay the costs in full,the liability of the agent or trustee is limited to the total amount of money that the agent or trustee has had on behalf of the principal since that day.
- (3) If subsection (2) prevents a planning authority recovering the whole of its costs from an agent or trustee, it may recover them from the principal, or partly from the principal and partly from the agent or trustee.

Status: This version of this provision is prospective.

*Changes to legislation: There are currently no known outstanding effects for the
Historic Environment (Wales) Act 2023, Section 132. (See end of Document for details)*

- (4) Where a copy of an enforcement notice has been served in respect of a listed building—
 - (a) costs which an owner or occupier of the building incurs for the purpose of complying with the notice, and
 - (b) amounts which an owner of land pays under subsection (1) in respect of costs incurred by the planning authority in taking steps required by the notice,are to be treated as incurred or paid for the use and at the request of the person who carried out the works to which the notice relates.
- (5) The costs recoverable by a planning authority under subsection (1) are, until recovered, a charge on the land to which the enforcement notice relates.
- (6) The charge takes effect as a local land charge at the beginning of the day after the day the authority completes the step to which the costs relate.
- (7) Subsection (8) applies where—
 - (a) a planning authority removes materials from land in the course of taking steps required by an enforcement notice, and
 - (b) the owner of the materials does not, within 3 days after the day they are removed, claim the materials and take them away.
- (8) The planning authority—
 - (a) may sell the materials, and
 - (b) if it does so, must pay the proceeds to the person who owned the materials, after deducting any costs recoverable by it from the person.
- (9) A planning authority may not recover costs under this section from the Crown.

Commencement Information

II S. 132 not in force at Royal Assent, see [s. 212\(2\)](#)

Status:

This version of this provision is prospective.

Changes to legislation:

There are currently no known outstanding effects for the Historic Environment (Wales) Act 2023, Section 132.