



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

Procedural provisions applying to appeals to Welsh Ministers

PROSPECTIVE

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.

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 173. (See end of Document for details)

- (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

- II** S. 173 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 173.