



Historic Environment (Wales) Act 2023

2023 asc 3

PART 3

BUILDINGS OF SPECIAL ARCHITECTURAL OR HISTORIC INTEREST

CHAPTER 1

LISTING BUILDINGS OF SPECIAL INTEREST

PROSPECTIVE

Proposals to list and de-list buildings: consultation and interim protection

78 Consultation before listing or de-listing building

- (1) Where the Welsh Ministers are proposing to list or de-list a building, they must serve a notice on the persons mentioned in subsection (2) which—
 - (a) sets out the proposed amendment to the list maintained under section 76, and
 - (b) invites those persons to make written representations about the proposal.
- (2) The persons are—
 - (a) every owner and occupier of the building,
 - (b) every planning authority in whose area the building is situated, and
 - (c) any other persons the Welsh Ministers consider appropriate as having special knowledge of, or special interest in, buildings of architectural or historic interest.
- (3) A notice under subsection (1) must—
 - (a) specify the period within which representations may be made, and
 - (b) in the case of a proposal to list a building—
 - (i) include a statement of the effect of section 79 (interim protection), and

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Changes to legislation: There are currently no known outstanding effects for the Historic Environment (Wales) Act 2023, Cross Heading: Proposals to list and de-list buildings: consultation and interim protection. (See end of Document for details)

(ii) specify the date on which interim protection takes effect under that section.

(4) The period specified under subsection (3)(a) must be at least 28 days beginning with the day the notice is served.

Commencement Information

I1 S. 78 not in force at Royal Assent, see [s. 212\(2\)](#)

79 Interim protection pending decision whether to list building

(1) This section applies where the Welsh Ministers serve notice under section 78(1) of a proposal to list a building.

(2) From the beginning of the day specified under section 78(3)(b)(ii), this Act (except sections 118 and 137 to 142) and the [Town and Country Planning Act 1990 \(c. 8\)](#) have effect in relation to the building as if it were a listed building.

(3) The protection conferred by virtue of subsection (2) is referred to in this Part as “interim protection”.

(4) The Welsh Ministers must—

- (a) publish a list of the buildings subject to interim protection, and
- (b) provide a copy of the notice served under section 78(1) in respect of such a building to any person who requests one.

(5) Interim protection ends in relation to a building—

- (a) where the Welsh Ministers list the building, at the beginning of the day specified in the notice under section 77(1);
- (b) where the Welsh Ministers decide not to list the building, at the beginning of the day specified in a notice served on—
 - (i) every owner and occupier of the building, and
 - (ii) every planning authority in whose area the building is situated.

(6) Schedule 7 makes provision about the effect of interim protection coming to an end under subsection (5)(b).

(7) This section does not apply to a building which is a scheduled monument.

Commencement Information

I2 S. 79 not in force at Royal Assent, see [s. 212\(2\)](#)

80 Compensation for loss or damage caused by interim protection

(1) This section applies where interim protection ends in relation to a building because the Welsh Ministers serve notice under section 79(5)(b) that they have decided not to list the building.

(2) Any person who had an interest in the building when the interim protection took effect is entitled, on making a claim to the Welsh Ministers, to be paid compensation by

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them for any loss or damage suffered by the person that is directly attributable to the interim protection.

- (3) The loss or damage for which compensation is payable includes any amount payable by the claimant in respect of a breach of contract caused by the need to stop or cancel works to the building because of the interim protection.
- (4) A claim for compensation under this section must be made in writing within 6 months beginning when the interim protection ends.
- (5) Where the building was previously subject to temporary listing under section 83 which ended because the interim protection took effect—
 - (a) the reference in subsection (2) to the time when the interim protection took effect is to be treated as a reference to the time when the temporary listing took effect;
 - (b) the reference in that subsection to loss or damage directly attributable to the interim protection includes loss or damage directly attributable to the temporary listing;
 - (c) the reference in subsection (3) to the need to stop or cancel works because of the interim protection includes the need to do so because of the temporary listing.

Commencement Information

I3 S. 80 not in force at Royal Assent, see [s. 212\(2\)](#)

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Changes to legislation:

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