



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

Temporary listing

83 Service of temporary listing notice

- (1) This section applies if a planning authority considers that a building in its area which is not a listed building (and is not treated as one by virtue of section 79(2)) is—
 - (a) of special architectural or historic interest, and
 - (b) in danger of being demolished or of being altered in a way that would affect its character as a building of special architectural or historic interest.
- (2) The authority may serve a temporary listing notice on every owner and occupier of the building.
- (3) A temporary listing notice is a notice which—
 - (a) states that the planning authority—
 - (i) considers the building to be of special architectural or historic interest, and
 - (ii) has requested the Welsh Ministers to consider listing it, and
 - (b) explains the effect of subsection (4), section 85 and Schedule 7.

Status: This version of this cross heading contains provisions that are prospective.
Changes to legislation: There are currently no known outstanding effects for the Historic Environment (Wales) Act 2023, Cross Heading: Temporary listing. (See end of Document for details)

- (4) As soon as a temporary listing notice has been served on every owner and occupier of the building to which it relates, 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.
- (5) The protection conferred by virtue of subsection (4) is referred to in this Part as “temporary listing”.
- (6) This section and section 84 do not apply to—
 - (a) a building which is a scheduled monument, or
 - (b) an exempt religious building.

Commencement Information

I1 S. 83 not in force at Royal Assent, see [s. 212\(2\)](#)

84 Temporary listing in urgent cases

- (1) This section applies if a planning authority considers it urgent that temporary listing should take effect in relation to a building in its area.
- (2) The authority may, instead of serving a temporary listing notice on each owner and occupier of the building—
 - (a) attach the notice conspicuously to the building, or
 - (b) if it is not reasonably practicable to attach the notice to the building, or the authority considers that doing so might damage the building, display the notice in a prominent place as near to the building as is reasonably practicable.
- (3) Attaching or displaying a notice in accordance with subsection (2) is to be treated for the purposes of section 83(4) as serving the notice on every owner and occupier of the building.
- (4) The notice must explain that by virtue of having been attached or displayed in accordance with subsection (2) the notice is treated as having been served for those purposes.

Commencement Information

I2 S. 84 not in force at Royal Assent, see [s. 212\(2\)](#)

85 End of temporary listing

- (1) Temporary listing of a building has effect until the end of the 6 months beginning with the day it takes effect under section 83(4), unless it ends under subsection (2) or (3).
- (2) If the Welsh Ministers serve notice under section 78(1) of a proposal to list the building, temporary listing ends when interim protection takes effect in relation to the building (and the building continues to be treated as if it were a listed building for certain purposes by virtue of section 79(2)).

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- (3) If the Welsh Ministers notify the planning authority in writing that they do not intend to consult under section 78 on a proposal to list the building, temporary listing ends at the beginning of the day specified in the notification.
- (4) Schedule 7 makes provision about the effect of temporary listing coming to an end—
 - (a) at the end of the 6-month period mentioned in subsection (1), or
 - (b) because the Welsh Ministers give notification under subsection (3) that they do not intend to consult on a proposal to list the building.
- (5) If temporary listing ends in relation to a building because the Welsh Ministers notify the planning authority that they do not intend to consult on a proposal to list the building—
 - (a) the authority must immediately give notice of that decision to every owner and occupier of the building;
 - (b) the authority may not serve another temporary listing notice in respect of the building during the 12 months beginning with the day the Welsh Ministers give the notification.

Commencement Information

I3 S. 85 not in force at Royal Assent, see [s. 212\(2\)](#)

86 Compensation for loss or damage caused by temporary listing

- (1) This section applies where temporary listing ends in relation to a building—
 - (a) at the end of the 6-month period mentioned in section 85(1), or
 - (b) because the Welsh Ministers give notification under section 85(3) that they do not intend to consult on a proposal to list the building.
- (2) Any person who had an interest in the building when the temporary listing took effect is entitled, on making a claim to the planning authority in whose area the building is situated, to be paid compensation by the authority for any loss or damage suffered by the person that is directly attributable to the temporary listing.
- (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 temporary listing.
- (4) A claim for compensation under this section must be made in writing within 6 months beginning when the temporary listing ends.

Commencement Information

I4 S. 86 not in force at Royal Assent, see [s. 212\(2\)](#)

Status:

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Changes to legislation:

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