



Historic Environment (Wales) Act 2023

2023 asc 3

PART 7

GENERAL

PROSPECTIVE

Compensation

202 Making claims for compensation

- (1) The Welsh Ministers may by regulations—
 - (a) make provision about how a claim for compensation under this Act must be made;
 - (b) amend any provision of this Act which specifies the period within which a claim for compensation must be made.
- (2) The Welsh Ministers may extend the period for making a claim for compensation under this Act in a particular case, if they are satisfied that there are good reasons for doing so.
- (3) The period for making a claim may be extended—
 - (a) at any time, whether before or after the period ends, and
 - (b) more than once.

Commencement Information

- II** S. 202 not in force at Royal Assent, see [s. 212](#)

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: Compensation. (See end of Document for details)

203 Determination of compensation claims by Upper Tribunal

- (1) Any dispute about compensation under this Act is to be referred to and determined by the Upper Tribunal.
- (2) Section 4 of the [Land Compensation Act 1961 \(c. 33\)](#) (costs) applies to the determination of a question referred under this section as it applies to the determination of a question referred under section 1 of that Act, but as if references to the acquiring authority were references to the person from whom compensation is claimed.

Commencement Information

I2 S. 203 not in force at Royal Assent, see [s. 212](#)

204 Compensation for depreciation of value of land

- (1) The rules in section 5 of the [Land Compensation Act 1961 \(c. 33\)](#) have effect for the purpose of assessing any compensation for depreciation payable under this Act, so far as relevant and with any necessary modifications, as they have effect for the purpose of assessing compensation for the compulsory acquisition of an interest in land.
- (2) Where an interest in land is subject to a mortgage—
 - (a) any compensation for depreciation that is payable under this Act in respect of the interest must be assessed as if the interest were not subject to the mortgage;
 - (b) a claim for compensation for depreciation may be made by any mortgagee of the interest, but that does not affect the right of the person whose interest is subject to the mortgage to make a claim;
 - (c) no compensation for depreciation is payable in respect of the interest of the mortgagee (as distinct from the interest that is subject to the mortgage);
 - (d) any compensation for depreciation that is payable in respect of the interest subject to the mortgage must be paid to the mortgagee or, if there is more than one mortgagee, to the first mortgagee; and it must be applied by the mortgagee to whom it is paid as if it were proceeds of sale.
- (3) In this section “compensation for depreciation” means compensation for loss or damage consisting of depreciation of the value of an interest in land.

Commencement Information

I3 S. 204 not in force at Royal Assent, see [s. 212](#)

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: Compensation.