

Status: This version of this schedule contains provisions that are prospective.
Changes to legislation: There are currently no known outstanding effects for the Historic Environment (Wales) Act 2023, SCHEDULE 10. (See end of Document for details)

PROSPECTIVE

SCHEDULE 10

(introduced by section 115(5))

PROCEDURE FOR ORDERS TERMINATING
LISTED BUILDING PARTNERSHIP AGREEMENTS

PART 1

ORDERS MADE BY PLANNING AUTHORITIES

Requirement for confirmation by Welsh Ministers

- 1 (1) An order under section 115 made by a planning authority does not take effect unless it is confirmed by the Welsh Ministers.
- (2) Where a planning authority submits an order to the Welsh Ministers for confirmation, it must serve notice of the submission of the order on—
- (a) the other parties to the listed building partnership agreement,
 - (b) any other person occupying the listed building, or the part of a listed building, to which the agreement relates under a lease granted or extended for a fixed term that has at least 2 years left to run, and
 - (c) any other person the authority thinks will be affected by the order.
- (3) The notice must specify the period within which a person on whom it is served may make a request in writing to the Welsh Ministers for an opportunity to appear before and be heard by a person appointed by the Welsh Ministers.
- (4) If a person on whom the notice is served makes such a request within that period, before confirming the order the Welsh Ministers must give such an opportunity to that person and each planning authority that is a party to the listed building partnership agreement.
- (5) The period specified under sub-paragraph (3) must be at least 28 days beginning with the day after the day the notice is served.
- (6) The Welsh Ministers may confirm the order with or without modifications.

Commencement Information

11 Sch. 10 para. 1 not in force at Royal Assent, see [s. 212\(2\)](#)

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PART 2

ORDERS MADE BY THE WELSH MINISTERS

Procedure to be followed before making order

- 2 (1) Before making an order under section 115, the Welsh Ministers must serve notice of the proposed order on—
- (a) the parties to the listed building partnership agreement (or if the Welsh Ministers are a party to the agreement, the other parties to it),
 - (b) any other person occupying the listed building, or the part of a listed building, to which the agreement relates under a lease granted or extended for a fixed term that has at least 2 years left to run, and
 - (c) any other person the Welsh Ministers think will be affected by the order.
- (2) The notice must specify the period within which a person on whom it is served may make a request in writing to the Welsh Ministers for an opportunity to appear before and be heard by a person appointed by the Welsh Ministers.
- (3) If a person on whom the notice is served makes such a request within that period, before making the order the Welsh Ministers must give such an opportunity to that person and any planning authority that is a party to the listed building partnership agreement.
- (4) The period specified under sub-paragraph (2) must be at least 28 days beginning with the day after the day the notice is served.

Commencement Information

I2 Sch. 10 para. 2 not in force at Royal Assent, see [s. 212\(2\)](#)

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