

*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, Paragraph 5. (See end of Document for details)

PROSPECTIVE

## SCHEDULE 12

### DETERMINATION OF APPEAL BY APPOINTED PERSON OR THE WELSH MINISTERS

*Direction under section 173(3)(b) that appeal is to be determined by Welsh Ministers*

- 5 (1) This paragraph applies where the Welsh Ministers give a direction under section 173(3)(b) that an appeal which would otherwise be determined by an appointed person is instead to be determined by them.
- (2) The direction must state the reasons for which it is given and must be served on—
- the person, if any, appointed to determine the appeal,
  - the appellant,
  - the planning authority, and
  - in the case of an appeal under section 100, any person who made representations relating to the subject matter of the appeal which regulations under section 91(4) required the planning authority to take into account.
- (3) The Welsh Ministers must give the persons mentioned in sub-paragraph (2)(b) to (d) an opportunity to make further representations if the reasons for the direction raise matters about which any of those persons have not made representations.
- (4) Except as provided by sub-paragraph (3), the Welsh Ministers need not give any person an opportunity to—
- appear before and be heard by a person appointed by them,
  - make fresh representations, or
  - modify or withdraw any representations the person has already made.
- (5) In determining the appeal the Welsh Ministers may take into account any report made to them by a person previously appointed to determine it.
- (6) Subject to this paragraph, the provisions of this Act that are relevant to the appeal apply to it as if this Schedule had never applied.

#### Commencement Information

- II** Sch. 12 para. 5 not in force at Royal Assent, see [s. 212\(2\)](#)

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