

*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 65. (See end of Document for details)*

PROSPECTIVE

## SCHEDULE 13

### MINOR AND CONSEQUENTIAL AMENDMENTS AND REPEALS

#### *Building Act 1984 (c. 55)*

65 After section 79 insert—

#### **“79A Wales: exercise of powers under sections 77 and 79 in relation to listed buildings, buildings in conservation areas etc.**

- (1) Before taking any steps mentioned in subsection (3) in relation to a listed building, a local authority in Wales must—
  - (a) if it is the planning authority for the area in which the building is situated, consider whether it should instead exercise its powers under sections 137 and 138 of the Historic Environment (Wales) Act 2023 (compulsory acquisition and repairs notices), and
  - (b) in any case, consider whether it should instead exercise its powers under section 144 of that Act (urgent preservation works).
- (2) Before taking any steps mentioned in subsection (3) in relation to—
  - (a) a building in relation to which interim protection or temporary listing has effect under Chapter 1 of Part 3 of the Historic Environment (Wales) Act 2023, or
  - (b) a building that is subject to a direction under section 164 of that Act (urgent works to preserve buildings in conservation areas),a local authority in Wales must consider whether it should instead exercise its powers under section 144 of that Act.
- (3) The steps referred to in subsections (1) and (2) are steps with a view to—
  - (a) obtaining an order under section 77(1)(a), or
  - (b) serving a notice under section 79(1).
- (4) In subsection (1), “listed building and “planning authority have the same meanings as in the Historic Environment (Wales) Act 2023.”

#### **Commencement Information**

**11** Sch. 13 para. 65 not in force at Royal Assent, see [s. 212\(2\)](#)

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