



Historic Environment (Wales) Act 2023

2023 asc 3

PART 3

BUILDINGS OF SPECIAL ARCHITECTURAL OR HISTORIC INTEREST

CHAPTER 5

ACQUISITION AND PRESERVATION OF BUILDINGS OF SPECIAL INTEREST

Compulsory acquisition of listed buildings in need of repair

PROSPECTIVE

137 Powers to acquire listed building compulsorily for purpose of preservation

- (1) This section applies if the Welsh Ministers—
- (a) consider that reasonable steps are not being taken for properly preserving a listed building, and
 - (b) are satisfied that there is a compelling case in the public interest for the building to be acquired compulsorily for the purpose of preserving it.
- (2) The Welsh Ministers—
- (a) may authorise the planning authority in whose area the listed building is situated to acquire compulsorily the building and any land in respect of which the conditions in subsection (3) are met, or
 - (b) may themselves acquire the building and land compulsorily.
- (3) The conditions are that—
- (a) the land includes, adjoins or is adjacent to the building, and
 - (b) the Welsh Ministers consider that the land is required—
 - (i) for preserving the building or its amenities,

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, Section 137. (See end of Document for details)*

- (ii) for providing or facilitating access to it, or
 - (iii) for its proper control or management.
- (4) This section does not permit the acquisition of—
- (a) a building which is a scheduled monument (but see section 43), or
 - (b) an exempt religious building.
- (5) This section does not permit the acquisition of an interest in Crown land unless—
- (a) the interest is held otherwise than by or on behalf of the Crown, and
 - (b) the appropriate Crown authority agrees to the acquisition.
- (6) The [Acquisition of Land Act 1981 \(c. 67\)](#) applies to an acquisition under this section.
- (7) In this Chapter “acquiring authority” means—
- (a) in the case of an acquisition or proposed acquisition under subsection (2)(a), the planning authority that acquires or proposes to acquire the listed building or land;
 - (b) in the case of an acquisition or proposed acquisition under subsection (2)(b), the Welsh Ministers.

Commencement Information

II S. 137 not in force at Royal Assent, see [s. 212\(2\)](#)

Status:

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Changes to legislation:

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