

2017 No. 633 (W. 143) (C. 55)

**TOWN AND COUNTRY
PLANNING, WALES**

**ANCIENT MONUMENTS,
WALES**

The Historic Environment (Wales)
Act 2016 (Commencement No. 1
and Transitional Provisions) Order
2017

EXPLANATORY NOTE

(This note is not part of the Order)

This Order is the first commencement order made by the Welsh Ministers under the Historic Environment (Wales) Act 2016 (“the 2016 Act”).

Article 2 brings section 30(6) (urgent works: extension of scope and recovery of costs) of the 2016 Act into force, so far as it confers power to make orders under the Planning (Listed Buildings and Conservation Areas) Act 1990, on the day after this Order is made.

Article 3 brings section 34 (list of historic place names) of the 2016 Act into force on 8 May 2017.

Article 4 brings the following sections of the 2016 Act into force on 31 May 2017:

- section 4 (amendments relating to the Schedule: consequential provision);
- section 25 (amendments relating to the temporary listing of buildings);
- section 26 (amendments relating to the listing of buildings: consequential provision);
- section 35 (historic environment records);
- section 36 (access to historic environment records); and
- section 37 (guidance).

Article 5 brings the following provisions of the 2016 Act into force, in so far as they are not already in force, on 31 May 2017:

- section 3 (amendments relating to the Schedule);
- section 5 (simplification of process);
- section 24 (amendments relating to the listing of buildings);
- section 30(6) (urgent works: extension of scope and recovery of costs);
- Schedule 1; and
- Schedule 2.

Article 6 contains transitional provisions.

See section 41 (coming into force) of the 2016 Act for provisions which came into force on and after the passing of the 2016 Act.

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2017

Made

3 May 2017

The Welsh Ministers make the following Order in exercise of the powers conferred upon them by section 41 of the Historic Environment (Wales) Act 2016(1).

Title and interpretation

1.—(1) The title of this Order is the Historic Environment (Wales) Act 2016 (Commencement No. 1 and Transitional Provisions) Order 2017.

(2) In this Order—

“the 1979 Act” (“*Deddf 1979*”) means the Ancient Monuments and Archaeological Areas Act 1979(2);

“the 1990 Act” (“*Deddf 1990*”) means the Planning (Listed Buildings and Conservation Areas) Act 1990(3);

“the 2016 Act” (“*Deddf 2016*”) means the Historic Environment (Wales) Act 2016;

“the Schedule” (“*y Gofrestr*”) means the Schedule of monuments compiled and maintained under section 1 of the 1979 Act.

(1) 2016 anaw 4.

(2) 1979 c. 46.

(3) 1990 c. 9.

Provision coming into force on the day after this Order is made

2. The appointed day for the coming into force of section 30(6) of the 2016 Act, so far as it confers power to make Orders under the 1990 Act, is the day after this Order is made.

Provision coming into force on 8 May 2017

3. The appointed day for the coming into force of section 34 of the 2016 Act is 8 May 2017.

Provisions coming into force on 31 May 2017

4. The appointed day for the coming into force of the following sections of the 2016 Act is 31 May 2017—

- (a) section 4;
- (b) section 25;
- (c) section 26; and
- (d) sections 35 to 37.

5. The appointed day for the coming into force of the following provisions of the 2016 Act, so far as they are not already in force, is 31 May 2017—

- (a) section 3;
- (b) section 5;
- (c) section 24;
- (d) section 30(6);
- (e) Schedule 1; and
- (f) Schedule 2.

Transitional provisions

6.—(1) The amendments to the 1979 Act made by sections 3 and 4 of the 2016 Act do not apply to a proposal to include a monument in or exclude a monument from the Schedule or, in the case of a monument which is identified in the Schedule by reference to a map maintained by the Welsh Ministers, to make a material amendment in relation to the monument, where that proposal is or has been the subject of a consultation issued between 1 January 2017 and 31 May 2017.

(2) The amendments to the 1990 Act made by sections 24 and 26(1) to (3), (7), (8), (10) to (13), (14)(b) and (16) of the 2016 Act do not apply to a proposal to amend a list of buildings compiled or approved under section 1 of the 1990 Act where that proposal is or has been the subject of a consultation issued pursuant to section 1 of the 1990 Act before 31 May 2017.

(3) The amendments to the 1990 Act made by sections 25 and 26(4) to (6), (8) to (10), (12)(b)(ii),

(13), (14)(a) and (15) of the 2016 Act do not apply to a building preservation notice served pursuant to section 3 of the 1990 Act before 31 May 2017.

(4) The amendment to the 1990 Act made by section 30(6) of the 2016 Act does not apply to the recovery of expenses of works executed under section 54 of the 1990 Act where notice of the intention to carry out those works was given to the owner of the building before 31 May 2017.

Ken Skates

Cabinet Secretary for Economy and Infrastructure, one of the Welsh Ministers

3 May 2017