

HISTORIC ENVIRONMENT (WALES) ACT 2016

EXPLANATORY NOTES

COMMENTARY ON SECTIONS

Part 3: Listed Buildings

Section 30 – Urgent works: extension of scope and recovery of costs

207. **Section 30** inserts new sections 54(4A), 54(5A) and 55(5A) to (5G) into the 1990 Act. These provisions extend the range of circumstances in which local authorities or the Welsh Ministers may carry out urgent works to preserve a listed building, provide a right of appeal against the Welsh Ministers' decision as to the expenses that may be recovered in respect of such works, and allow land charges to be created to secure the payment of those expenses.
208. Section 54 of the 1990 Act provides for the execution of urgent works by local authorities to unoccupied listed buildings. The powers in section 54 may also be exercised by the Welsh Ministers.
209. There are restrictions on the circumstances in which urgent works may be carried out under section 54. Section 54(4) of the 1990 Act provides that where a building is occupied, urgent works may be carried out only to those parts of the building that are not in use. Section 30(1) of this Act amends this restriction so that it applies only to buildings in England.
210. New section 54(4A) broadens the circumstances in which urgent works can be undertaken to preserve listed buildings in Wales. It enables urgent works to be carried out to any listed building in Wales as long as they do not unreasonably interfere with its residential use.
211. **Section 30(3)** inserts new subsection (5A) into section 54 of the 1990 Act, which requires an occupier of a building which is in residential use to be given not less than seven days' notice of the intention to carry out urgent works to the property. The owner of the building must also be given seven days' notice of those works, in accordance with section 54(5) of the 1990 Act.
212. If local authorities or the Welsh Ministers incur expenses in undertaking urgent works to a listed building, they may recover these expenses in accordance with section 55 of the 1990 Act. Section 55 provides that the process of recovery is initiated through the service of a notice on the owner. The owner may contest the recovery of expenses by making representations to the Welsh Ministers on the grounds set out in section 55(4). The Welsh Ministers determine the amount that is recoverable.
213. **Section 30(6)** inserts new subsection (5A) into section 55 of the 1990 Act which allows an owner of a listed building, within 28 days of receiving the decision of the Welsh Ministers on the recoverable amount, to appeal that decision to the county court. A local authority may also appeal against the Welsh Ministers' decision in the same way.
214. **Section 30(6)** also inserts new subsections (5B) to (5G) into section 55 of the 1990 Act which provide for the expenses incurred in carrying out urgent works to be a charge on

*These notes refer to the Historic Environment (Wales) Act
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the land on which the listed building stands. The new subsections also provide for: the imposition of interest on the sum owed at a rate to be prescribed by order of the Welsh Ministers, the manner in which a land charge takes effect, and the powers and remedies available to the local planning authority under the Law of Property Act 1925 to enforce the charge, including a power to appoint a receiver.