



# Historic Environment (Wales) Act 2016

2016 anaw 4

## PART 4

### MISCELLANEOUS

PROSPECTIVE

#### *Advisory Panel for the Welsh Historic Environment*

#### **38 Establishment of Panel and work programme**

- (1) The Welsh Ministers must establish a panel of persons, to be known as the Advisory Panel for the Welsh Historic Environment (“the Panel”).
- (2) The purpose of the Panel is to provide the Welsh Ministers with advice on matters relating to the formulation, development and implementation of policy and strategy in relation to the historic environment in Wales; and for this purpose “Wales” has the same meaning as in the Government of Wales Act 2006 (c.32) (see section 158(1) of that Act).
- (3) The Panel must, before each relevant financial year, publish a document (the “work programme”) setting out the matters on which it plans to provide the Welsh Ministers with advice during the period of three years comprising that financial year and the two subsequent financial years.
- (4) “Financial year” means the period of 12 months ending with 31 March; and “relevant financial year” means—
  - (a) the first financial year to begin after the commencement of subsection (3), and
  - (b) each third financial year afterwards.
- (5) The Panel must keep the work programme under review and may amend it in light of doing so; and where the Panel amends the work programme, it must publish it as amended.

*Status: This version of this cross heading contains provisions that are prospective.*

*Changes to legislation: Historic Environment (Wales) Act 2016, Cross Heading: Advisory Panel for the Welsh Historic Environment is up to date with all changes known to be in force on or before 21 July 2023. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes*

- (6) Before publishing the work programme under subsection (3) or (5), the Panel must submit a draft of it to the Welsh Ministers; but the requirement to submit a draft amended under subsection (5) applies only in so far as the Panel considers the amendments significant.
- (7) The Welsh Ministers, having received a draft under subsection (6), may approve the draft with or without modifications.
- (8) The Panel must, at the end of each financial year, publish a document setting out the matters in the work programme on which it has provided the Welsh Ministers with advice during that financial year.

### **39 Constitution etc**

- (1) The members of the Advisory Panel for the Welsh Historic Environment are to be appointed on such terms and conditions as the Welsh Ministers determine.
- (2) The membership of the Panel must not exceed 15 persons.
- (3) The Panel is not to be regarded as the servant or agent of the Crown or as enjoying any status, immunity or privilege of the Crown.
- (4) The validity of an act of the Panel is not affected by a vacancy among its members.
- (5) The Welsh Ministers may pay a member of the Panel such fees, allowances or expenses as the Welsh Ministers may determine.
- (6) The Welsh Ministers may provide such staff, accommodation or other facilities as the Welsh Ministers may consider necessary to enable the Panel to carry out its functions.
- (7) A person is disqualified from membership of the Panel if the person is—
  - (a) a member of the National Assembly for Wales,
  - (b) a member of the House of Commons or the House of Lords,
  - (c) a member of the Scottish Parliament,
  - (d) a member of the Northern Ireland Assembly,
  - (e) a member of the European Parliament,
  - (f) a member of a county council or county borough council in Wales,
  - (g) a member of a National Park authority in Wales, or
  - (h) a member of staff of an organisation specified in regulations made by the Welsh Ministers.
- (8) Accordingly, a disqualified person may not be appointed as a member of the Panel; and a person appointed as such who becomes disqualified ceases to be a member.
- (9) The Welsh Ministers may dismiss a member of the Panel if satisfied that the member—
  - (a) is unfit to continue as a member,
  - (b) is unable or unwilling to act as a member, or
  - (c) has brought the Panel into disrepute.
- (10) A member of the Panel may resign by giving not less than three months' notice in writing to the Welsh Ministers.

**Status:**

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**Changes to legislation:**

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**Changes and effects yet to be applied to the whole Act associated Parts and Chapters:**

- Act repealed by [2023 asc 3 Sch. 13 para. 193](#)