



Historic Environment (Wales) Act 2016

2016 anaw 4

PART 3

LISTED BUILDINGS

Listing of buildings of special architectural or historic interest

26 Amendments relating to the listing of buildings: consequential provision

(1) In section 1 of the Planning (Listed Buildings and Conservation Areas) Act 1990 (c.9) (listing of buildings of special architectural or historic interest)—

(a) in subsection (4)—

(i) in the opening words, after “any list under this section” insert “ in relation to buildings which are situated in England ”, and

(ii) in paragraph (a), omit “in relation to buildings which are situated in England,”, and

(b) after subsection (4) insert—

“(4A) Section 2A makes provision about consultation on amendments of any list under this section to include or exclude a building which is situated in Wales.”

(2) In section 2 of that Act (publication of lists), in subsection (3)—

(a) in the opening words—

(i) after “any building”, in the first place it occurs, insert “ situated in England ”, and

(ii) for “any building”, in the second place it occurs, substitute “ any such building ”, and

(b) in paragraph (a), omit “, Welsh county, county borough,”.

(3) In that section, after subsection (3) insert—

“(3A) As soon as possible after amending a list under section 1 to include or exclude a building which is situated in Wales, the Welsh Ministers—

Changes to legislation: Historic Environment (Wales) Act 2016, Section 26 is up to date with all changes known to be in force on or before 24 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

- (a) must inform the local planning authority in whose area the building is situated of its inclusion or exclusion; and
 - (b) in the case of an amendment to exclude a building, must serve a notice on every owner and occupier of the building, stating that the building has been excluded from the list.
- (3B) Section 2D makes provision about the further steps that the Welsh Ministers must take after amending a list under section 1 to include a building which is situated in Wales.”
- (4) In section 3 of that Act (temporary listing: building preservation notices)—
 - (a) in the opening words of subsection (2), after “a local planning authority” insert “ under this section ”,
 - (b) in the opening words of subsection (3), after “building preservation notice” insert “ under this section ”,
 - (c) in the opening words of subsection (4), after “building preservation notice” insert “ under this section ”,
 - (d) in subsection (5), after “building preservation notice” insert “ under this section ”, and
 - (e) in subsection (6), after “building preservation notice” insert “ under this section ”.
- (5) In section 4 of that Act (temporary listing in urgent cases), in subsection (2), for “section 3,” substitute “ sections 3 and 3A, ”.
- (6) In section 5 of that Act (provisions applicable on lapse of building preservation notice)—
 - (a) the existing provision becomes subsection (1), and
 - (b) after that subsection insert—
 - “(2) See section 3A(6) for provision as respects the lapse of building preservation notices in consequence of interim protection taking effect.”
- (7) In section 21 of that Act (appeals: supplementary provisions), in subsection (4), after “a building with respect to which” insert “ interim protection has effect or ”.
- (8) In section 31 of that Act (general provisions as to compensation for depreciation under Part 1 of the Act), in subsection (2), after “payable under sections 28” insert “ , 28B ”.
- (9) In section 60 of that Act (exceptions for ecclesiastical buildings and redundant churches), in subsection (2), after “sections 3,” insert “ 3A, ”.
- (10) In section 61 of that Act (exceptions for ancient monuments etc), in subsection (2), for “sections 3,” substitute “ sections 2B, 3, 3A, ”.
- (11) In section 62 of that Act (validity of certain orders and decisions), in subsection (2), before paragraph (a) insert—
 - “(za) any decision on a review under section 2D;”.
- (12) In section 82 of that Act (application of Act to land and works of local planning authorities)—
 - (a) in subsection (1), after “sections 2” insert “ to 2D, ”, and
 - (b) in subsection (3)—

Changes to legislation: *Historic Environment (Wales) Act 2016, Section 26 is up to date with all changes known to be in force on or before 24 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*

- (i) after “sections 1(3), (5) and (6),” insert “ 2B, 2C, ”,
 - (ii) after “28,” insert “ 28B, ”, and
 - (iii) after “Schedules 1” insert “ , 1A ”.
- (13) In section 88 of that Act (rights of entry), in subsection (4), after “section 28” insert “ , 28B ”.
- (14) In section 91 of that Act (interpretation), in subsection (1)—
- (a) in the definition of “building preservation notice”, for “section 3(1)” substitute “ sections 3(1) and 3A(1) ”, and
 - (b) insert at the appropriate place—
- ““interim protection” has the meaning given in section 2B(3);”.
- (15) In Schedule 4 to that Act (further provisions as to exercise of functions by different authorities), in paragraph 7, in sub-paragraph (1), after “sections 3,” insert “ 3A, ”.
- (16) In Schedule 6 to the Local Government (Wales) Act 1994 (c.19) (minor and consequential amendments: planning), in paragraph 25, in sub-paragraph (1), omit paragraph (b).

Commencement Information

II [S. 26](#) in force at 31.5.2017 by [S.I. 2017/633](#), [art. 4\(c\)](#) (with [art. 6\(2\)\(3\)](#))

Changes to legislation:

Historic Environment (Wales) Act 2016, Section 26 is up to date with all changes known to be in force on or before 24 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.

[View outstanding changes](#)

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](#)