



# Historic Environment (Wales) Act 2016

2016 anaw 4

## PART 2

### ANCIENT MONUMENTS ETC

#### *Scheduled monument consent*

#### **9 Procedure for determining applications**

(1) In Part 1 of Schedule 1 to the Ancient Monuments and Archaeological Areas Act 1979 (c.46) (applications for scheduled monument consent), in paragraph 3, after subparagraph (4) insert—

“(5) This paragraph does not apply to applications for scheduled monument consent in respect of works to a scheduled monument situated in Wales.”

(2) After paragraph 3 of that Schedule insert—

“3A (1) This paragraph applies to applications for scheduled monument consent in respect of works to a scheduled monument situated in Wales.

(2) The Welsh Ministers may grant scheduled monument consent in respect of all or any part of the works to which an application relates.

(3) Before determining whether or not to grant scheduled monument consent on an application, the Welsh Ministers may—

(a) cause a public local inquiry to be held; or

(b) afford to the applicant, and to any other person to whom it appears to the Welsh Ministers expedient to do so—

(i) an opportunity to appear before and be heard by a person appointed by the Welsh Ministers for that purpose; or

(ii) an opportunity to make representations to a person appointed by the Welsh Ministers for that purpose.

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*Changes to legislation: There are currently no known outstanding effects for the  
Historic Environment (Wales) Act 2016, Section 9. (See end of Document for details)*

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- (4) Before determining whether or not to grant scheduled monument consent on an application, the Welsh Ministers—
- (a) must, in every case, consider any representations made by any person with respect to that application; and
  - (b) must also, if an inquiry or hearing has been held or representations have been made in accordance with sub-paragraph (3), consider the report of the person who held the inquiry or hearing or to whom the representations were made.
- (5) The Welsh Ministers must serve notice of their decision with respect to the application on the applicant and on every person who has made representations with respect to the application.”

**Changes to legislation:**

There are currently no known outstanding effects for the Historic Environment (Wales) Act 2016, Section 9.