



Historic Environment (Wales) Act 2016

2016 anaw 4

PART 2 **E+W**

ANCIENT MONUMENTS ETC

Scheduled monument consent

9 Procedure for determining applications **E+W**

(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.

Changes to legislation: *Historic Environment (Wales) Act 2016, Section 9 is up to date with all changes known to be in force on or before 19 August 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*

- (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.”

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[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](#)