

Changes to legislation: Ancient Monuments and Archaeological Areas Act 1979, SCHEDULE A2 is up to date with all changes known to be in force on or before 03 April 2024. 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

SCHEDULES

[^{F1}SCHEDULE A2

(introduced by section 1AE)

DECISIONS ON REVIEWS BY PERSON APPOINTED BY WELSH MINISTERS

Textual Amendments

- F1** Sch. A1, Sch. A2 inserted (E.W.) (21.3.2016 for specified purposes, 31.5.2017 in so far as not already in force) by [Historic Environment \(Wales\) Act 2016 \(anaw 4\)](#), s. 41(1)(c)(3), [Sch. 1](#); S.I. 2017/633, art. 5(e)

Decisions on reviews by appointed persons

- 1 (1) The Welsh Ministers may by regulations prescribe the classes of reviews under section 1AE on which a decision is to be made by a person appointed by the Welsh Ministers for the purpose instead of by the Welsh Ministers.
- (2) Decisions on reviews of a prescribed class are to be made accordingly.
- (3) This paragraph does not affect any provision in this Act or any instrument made under it that an application for a review is to be made to the Welsh Ministers.
- (4) A person appointed under this paragraph is referred to in this Schedule as “an appointed person”.

Powers and duties of appointed person

- 2 (1) An appointed person has the same powers and duties in relation to a review under section 1AE as the Welsh Ministers have under—
- (a) subsections (3)(a) and (b) and (5) of that section; and
- (b) regulations made by virtue of subsection (7) of that section.
- (2) Where an appointed person makes a decision on a review, the decision is to be treated as that of the Welsh Ministers.
- (3) Except as provided by section 55, the validity of that decision is not to be questioned in any legal proceedings.
- (4) No application may be made to the High Court under section 55 on the ground that a decision on a review ought to have been made by the Welsh Ministers and not by an appointed person unless the person who made the application for the review challenges the appointed person's power to make the decision before the decision is made.

Appointment of another person to make a decision on a review

- 3 (1) At any time before an appointed person has made a decision on a review under section 1AE the Welsh Ministers may—

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- (a) revoke the person's appointment; and
 - (b) appoint another person under paragraph 1 to make the decision instead.
- (2) Where such a new appointment is made, the review, and any inquiry or other hearing in connection with the review, must be begun afresh.
- (3) Nothing in sub-paragraph (2) requires any person to be given an opportunity to make fresh representations or to modify or withdraw any representations already made.

Public local inquiries, hearings and written representations

- 4 (1) An appointed person may appoint an assessor to provide advice on—
- (a) any matters arising at a public local inquiry or hearing held by the appointed person in connection with a review under section 1AE or in consequence of such an inquiry or hearing; or
 - (b) any matters arising in written representations made to the appointed person in connection with such a review or in consequence of such representations.
- (2) Section 250(2) and (3) of the Local Government Act 1972 (local inquiries: evidence) applies to a public local inquiry held by an appointed person.

Directions

- 5 (1) The Welsh Ministers may direct that anything that would fall to be done by an appointed person in connection with a review under section 1AE, other than the making of a decision on the review under subsection (3)(b) of that section, is to be done instead by the Welsh Ministers.
- (2) A direction given under sub-paragraph (1) may be amended or withdrawn by a further direction.

Delegation

- 6 (1) An appointed person may delegate to another person anything that would fall to be done by the appointed person in connection with a review under section 1AE, other than—
- (a) the conduct of a public local inquiry or hearing; and
 - (b) the making of a decision on the review under subsection (3)(b) of that section.
- (2) A delegation under sub-paragraph (1) is to be to the extent, and on the terms, that the appointed person determines and may be amended or revoked.

Supplementary provision

- 7 Where an appointed person is a member of the staff of the Welsh Government, the functions of making a decision on a review and doing anything in connection with it conferred on the person by this Schedule are to be treated for the purposes of [F²the Public Services Ombudsman (Wales) Act 2005 and the Public Services Ombudsman (Wales) Act 2019] as functions of the Welsh Government.]

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Textual Amendments

- F2** Words in Sch. A2 para. 7 substituted (23.7.2019) by [Public Services Ombudsman \(Wales\) Act 2019 \(anaw 3\)](#), s. 77(1), [Sch. 5 para. 10](#); S.I. 2019/1096, reg. 2

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Changes and effects yet to be applied to :

- Sch. A2 omitted by [2023 asc 3 Sch. 13 para. 50](#)

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

Whole provisions yet to be inserted into this Act (including any effects on those provisions):

- s. 1(3A) inserted by [2023 asc 3 Sch. 13 para. 20\(b\)](#)
- s. 1AA-1AE omitted by [2023 asc 3 Sch. 13 para. 21](#)
- s. 7(4A) inserted by [2016 anaw 4 s. 10\(2\)](#)
- s. 33(1A) inserted by [2023 asc 3 Sch. 13 para. 35\(a\)](#)