
WELSH STATUTORY INSTRUMENTS

2021 No. 1176

The Scheduled Monuments (Heritage Partnership Agreements) (Wales) Regulations 2021

Termination orders: conditions

8.—(1) This regulation applies where a notice of proposed termination has been served in accordance with regulation 6(3).

(2) The Welsh Ministers may not make the termination order to which the notice of proposed termination relates unless—

- (a) the period of 28 days for making objections, beginning with the date of service of the notice of proposed termination, has ended without any objections being made by a person on whom the notice was served,
- (b) where an objection was made by such a person within that period, all such objections are withdrawn, or
- (c) if an objection has been made to the Welsh Ministers before the end of that period and the objection has not been withdrawn, they have—
 - (i) caused a public local inquiry to be held, or
 - (ii) afforded to the persons described in paragraph (3) an opportunity to appear before and be heard by a person appointed by the Welsh Ministers for that purpose.

(3) The persons are—

- (a) the person making the objection, and
- (b) if the person referred to in sub-paragraph (a) accepts the opportunity to appear before and be heard at a hearing—
 - (i) any other person on which the notice of proposed termination has been served, and
 - (ii) any other person to whom it appears to the Welsh Ministers appropriate to give the opportunity to appear before and be heard at a hearing.

(4) The Welsh Ministers must also have considered—

- (a) any objections made before the end of the period referred to in paragraph (2) and not withdrawn, and
- (b) the report of the person who held any inquiry or hearing in accordance with paragraph (2)(c).

(5) Where the Welsh Ministers make a termination order by virtue of the condition in paragraph (2)(a) or (b) having been met, the order must be made on the terms set out by the notice of proposed termination.

(6) Where the Welsh Ministers make a termination order by virtue of the condition in paragraph (2)(c) having been met, the order may be made either on the terms set out by the notice of proposed termination or with any variations the Welsh Ministers consider appropriate.

Status: This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

(7) Section 250(2) and (3) of the Local Government Act 1972⁽¹⁾ (local inquiries: evidence) applies to a public local inquiry held by a person appointed by the Welsh Ministers in accordance with paragraph (2).

⁽¹⁾ 1972 c. 70.