

Jane Hutt MS

Cabinet Secretary for Culture, Social Justice, Trefnydd and Chief Whip

28 October 2024

Dear Jane

The Applications for Scheduled Monument Consent (Wales) Regulations 2024

You will be aware that the Legislation, Justice and Constitution Committee has recently scrutinised [The Applications for Scheduled Monument Consent \(Wales\) Regulations 2024](#) (the Regulations). The Committee's [report](#) was laid before the Senedd on 30 September 2024.

Our first technical reporting point highlights that the amendment to the Transport and Works Applications (Listed Buildings, Conservation Areas and Ancient Monuments Procedure) Regulations 1992 (the 1992 Regulations), made using regulation 3(3)(b) of the Regulations, fails to identify with certainty the location of the new text. The Welsh Government [response](#) to this point states:

"The Welsh Government does not consider that the location of the amendment is unclear. It has been correctly identified by Lexis and it has been reflected on its database."

We do not consider this to be a convincing response. Lexis is a legal database, compiled by experts who may well be able to work out the location of an amendment from context. This does not justify the drafting approach taken, which fails to follow good practice for describing the location of an amendment where a word occurs more than once in a provision. Our concerns remain that the current drafting would be unclear to a lay reader. At the Committee's meeting on [21 October](#), we agreed to write to you to express these concerns.

Our second technical reporting point highlights an inconsistent use of the Welsh term for the English word "declaration". We note our concern that a reader of the Welsh text of the Regulations will be unable to distinguish between "declaration" and "statement" because the same word has been used to express both terms in the modifications of paragraph 2(b) in the new Schedule 3 to the 1992 Regulations. The Welsh Government response to this point states that it will seek to make the change

by correction slip. We would be grateful if you would confirm the specific change accepted and made by the SI Registrar.

Yours sincerely,

A handwritten signature in black ink that reads "Mike Hedges". The signature is written in a cursive style and is underlined with a single horizontal stroke.

Mike Hedges

Chair

