

SL(6)056 - The Listed Buildings (Heritage Partnership Agreements) (Wales) Regulations 2021

Background and Purpose

The Historic Environment (Wales) Act 2016 (“the 2016 Act”) amended the Planning (Listed Buildings and Conservation Areas) Act 1990 (“the 1990 Act”) by introducing heritage partnership agreements for listed buildings in Wales¹.

A heritage partnership agreement is a voluntary arrangement for the long term management of one or more designated historic assets. In relation to listed buildings, such agreements may be entered into between the owner of a listed building and either the local planning authority or the Welsh Ministers.

Although the initial legislative framework for heritage partnership agreements was set out in the 2016 Act, it required the Welsh Ministers to make further provision regarding the content of such agreements and the procedures for agreeing and terminating them.

These [Regulations](#) make specific provision regarding heritage partnership agreements for listed buildings in Wales, supplementing the provisions of the 1990 Act.

Procedure

Draft Affirmative.

The Welsh Ministers have laid a draft of the Regulations before the Senedd. The Welsh Ministers cannot make the Regulations unless the Senedd approves the draft Regulations.

Technical Scrutiny

The following point is identified for reporting under Standing Order 21.2 in respect of this instrument:

1. Standing Order 21.2(vi) – that its drafting appears to be defective or it fails to fulfil statutory requirements

Regulation 6(4) provides:

“(4) A date specified in accordance with paragraph (2)(a) as the date by which representations must be received...” [emphasis added]

Each of the subparagraphs within regulation 6(4) refers to a corresponding subparagraph in regulation 6(2) (i.e. (4)(a) refers to (2)(a), (4)(b) refers to (2)(b) and so on). Each one specifies a

¹ The 2016 Act also introduced heritage partnership agreements for scheduled monuments. These are covered in the Scheduled Monuments (Heritage Partnership Agreements) (Wales) Regulations 2021, which have been laid by the Welsh Government.



different method for calculating the date by which representations must be received, depending on which subparagraph in paragraph (2) is applicable.

It appears that the reference to paragraph (2)(a) should be a reference to paragraph (2) more generally, to reflect the fact that each of the subparagraphs in paragraph (2) require a relevant date to be specified, not just paragraph (2)(a).

Merits Scrutiny

No points are identified for reporting under Standing Order 21.3 in respect of this instrument.

Welsh Government response

A Welsh Government response is required.

Legal Advisers

Legislation, Justice and Constitution Committee

4 October 2021



Senedd Cymru

Pwyllgor Deddfwriaeth, Cyfiawnder a'r Cyfansoddiad

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Welsh Parliament

Legislation, Justice and Constitution Committee