

Government Response: The Listed Buildings (Partnership Agreements) (Wales) Regulations 2024

Technical Scrutiny point:

1. Standing Order 21.2(v) – that for any particular reason its form or meaning needs further explanation

The aim of drafting is to make legislation as clear and simple as possible while achieving a reasonable level of certainty. That extends to enabling a reader to read text which flows well. There are other examples of drafters not considering it necessary or helpful to repeat a full defined term where it arises in the context of previous use. See for example sections 17 and 19 of the Historic Environment (Wales) Act 2023 and the use of “consent”. That is a legitimate drafting choice and the Government agrees with the Senedd that the intent of the provisions remains clear in these Regulations.

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

See above as to the aim of drafting. The reference to “the notice” in regulation 5(2)(d) follows immediately from the reference to “a notice” in sub-paragraph (c). So it is not necessary to cross-refer to sub-paragraph (c); see for an analogy the point in Writing Laws for Wales paragraph 5.6(2). The approach is a legitimate drafting choice and the Government does not consider the drafting to be defective.

3. Standing Order 21.2(v) – that for any particular reason its form or meaning needs further explanation

Regulation 5(2)(d) lists the persons on whom the planning authority must give notice. There is an overlap between the definition of “owner” and “long term tenant” which is of no consequence so far as regulation 5(2)(d)(i) and (ii) is concerned.

In relation to the operation of regulation 5(6) and (7) it is the policy intention to only capture circumstances where the planning authority is the ‘owner’, not where it has a lesser interest.

The Government agrees with the Senedd that the overlap in the definitions does not create any inequitable consequences and is content with the operation of these provisions.

Merit Scrutiny point:

4. Standing Order 21.3(ii) – that it is of political or legal importance or gives rise to issues of public policy to be of interest to the Senedd

The provision has not been used in practice. Listed building partnership agreements are intended to be cooperative and supportive arrangements

for the management of historic buildings. Such agreements will vary in scale and complexity and the consultation requirements may differ accordingly. Consequently, no consideration has been given to introducing a statutory limitation. Like any discretionary power it would have to be exercised reasonably and in accordance with other general public law principles.