
W E L S H S T A T U T O R Y
I N S T R U M E N T S

2024 No. 924 (W. 151)

**HISTORIC ENVIRONMENT,
WALES**

The Historic Environment (Wales)
Act 2023 (Consequential Provision)
(Secondary Legislation)
Regulations 2024

EXPLANATORY NOTE

(This note is not part of the Regulations)

The Historic Environment (Wales) Act 2023 (“the 2023 Act”) consolidates the principal legislation for the conservation of the historic environment in Wales. The 2023 Act forms part of a code of law relating to the historic environment of Wales.

The main Acts brought together in that consolidation are the Historic Buildings and Ancient Monuments Act 1953 (c. 49), the Ancient Monuments and Archaeological Areas Act 1979 (c. 46), the Planning (Listed Buildings and Conservation Areas) Act 1990 (c. 9) and the Historic Environment (Wales) Act 2016 (anaw 4). The 2023 Act made some changes to the terminology used in those Acts.

The 2023 Act also restates provisions currently found in other Acts relevant to the historic environment. These include the Local Government Act 1972 (c. 70), the Town and Country Planning Act 1990 (c. 8) and the Planning and Compulsory Purchase Act 2004 (c. 5). The 2023 Act also incorporates some provisions from secondary legislation.

These Regulations make amendments to secondary legislation which are consequential on the 2023 Act.

The Welsh Ministers’ Code of Practice on the carrying out of Regulatory Impact Assessments was considered in relation to these Regulations. As a result it was not considered necessary to carry out a regulatory impact assessment as to the likely costs and benefits of complying with these Regulations.

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The Historic Environment (Wales)
Act 2023 (Consequential Provision)
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Regulations 2024

Made 9 September 2024

Laid before Senedd Cymru 11 September 2024

Coming into force 4 November 2024

The Welsh Ministers, in exercise of the powers conferred on them by section 211(3) and (4) of the Historic Environment (Wales) Act 2023⁽¹⁾, make the following Regulations.

Title and coming into force

1.—(1) The title of these Regulations is the Historic Environment (Wales) Act 2023 (Consequential Provision) (Secondary Legislation) Regulations 2024.

(2) These Regulations come into force on 4 November 2024.

Consequential provision

The Forestry (Felling of Trees) Regulations 1979

2. In Schedule 2 to the Forestry (Felling of Trees) Regulations 1979⁽²⁾ in paragraph (4)(i) of the Notes, after “1990” insert “or under section 158 of the Historic Environment (Wales) Act 2023”.

(1) 2023 asc 3.

(2) S.I. 1979/791, amended by S.I. 1987/632 and S.I. 2002/226; there are other amending instruments but none is relevant to these Regulations.

The Ancient Monuments (Applications for Scheduled Monument Consent) Regulations 1981

3. In regulation 1(2) of the Ancient Monuments (Applications for Scheduled Monument Consent) Regulations 1981(1), omit “and Wales”.

The Ancient Monuments (Class Consents) Order 1981

4. In article 1(2) of the Ancient Monuments (Class Consents) Order 1981(2), omit “and Wales”.

The Operations in Areas of Archaeological Importance (Forms of Notice etc.) Regulations 1984

5. The Operations in Areas of Archaeological Importance (Forms of Notice etc.) Regulations 1984(3) are amended as follows—

- (a) in regulation 1(2), omit “and Wales”;
- (b) in regulation 4(a)(ii), omit “, or on the Secretary of State” to “in Wales”.

The Areas of Archaeological Importance (Notification of Operations) (Exemption) Order 1984

6. In article 1(2) of the Areas of Archaeological Importance (Notification of Operations) (Exemption) Order 1984(4), omit “and Wales”.

The Town and Country Planning (Cardiff Bay Urban Development Area) Special Development Order 1989

7. In article 2 of the Town and Country Planning (Cardiff Bay Urban Development Area) Special Development Order 1989(5), in the definition of “scheduled monument”, for “the Ancient Monuments and Archaeological Areas Act 1979” substitute “section 3 of the Historic Environment (Wales) Act 2023”.

The Housing (Prescribed Forms) (No. 2) Regulations 1990

8. In the Schedule to the Housing (Prescribed Forms) (No. 2) Regulations 1990(6), in Form 18, in the second sub-paragraph of paragraph 2, after “1990” insert “or under section 76 of the Historic Environment (Wales) Act 2023”.

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- (1) S.I. 1981/1301.
 - (2) S.I. 1981/1302, to which there are amendments not relevant to these Regulations.
 - (3) S.I. 1984/1285, to which there are amendments not relevant to these Regulations.
 - (4) S.I. 1984/1286.
 - (5) S.I. 1989/1180, to which there are amendments not relevant to these Regulations.
 - (6) S.I. 1990/1730, to which there is an amendment not relevant to these Regulations.

The Coal Mining Subsidence (Notices and Claims) Regulations 1991

9. In Schedule 1 to the Coal Mining Subsidence (Notices and Claims) Regulations 1991⁽¹⁾, in paragraph 13, after “section 19(1)” insert “or section 19(1A)”.

The Crop Residues (Burning) Regulations 1993

10. In regulation 2(1) of the Crop Residues (Burning) Regulations 1993⁽²⁾, in the definition of “scheduled monument”—

- (a) after “meaning” insert “, in relation to monuments in England,”;
- (b) after “1979” insert “and in relation to monuments in Wales, has the meaning given by section 3(7) of the Historic Environment (Wales) Act 2023”.

The Ancient Monuments (Class Consents) Order 1994

11. The Ancient Monuments (Class Consents) Order 1994⁽³⁾ is amended as follows.

12. In article 1(3), omit “and Wales”.

13. In the Schedule, in Class 10, in both the heading and the words that follow it, omit from “or” to “Wales”.

The Town and Country Planning (General Permitted Development) Order 1995

14. The Town and Country Planning (General Permitted Development) Order 1995⁽⁴⁾ is amended as follows.

15. In article 1(2)—

- (a) for the definition of “listed building” substitute—

““listed building” has the meaning given by section 76 of the Historic Environment (Wales) Act 2023;”;
- (b) for the definition of “scheduled monument” substitute—

““scheduled monument” has the meaning given by section 3(7) of the Historic Environment (Wales) Act 2023;”;
- (c) omit the definition of “site of archaeological interest”.

(1) S.I. 1991/2509.

(2) S.I. 1993/1366.

(3) S.I. 1994/1381.

(4) S.I. 1995/418, amended by S.I. 1996/528 and S.I. 2015/596; there are other amending instruments but none is relevant to these Regulations.

16. In article 7—

- (a) omit paragraph (2)(a)(iii);
- (b) in paragraph (2)(b), for “compiled by the Secretary of State” to the end substitute “maintained by the Welsh Ministers under section 76(1) of the Historic Environment (Wales) Act 2023 (duty to maintain list of buildings);”.

17. In Part 2 of Schedule 1, in sub-paragraph (c), for “section 69” to “1990” substitute “section 158 of the Historic Environment (Wales) Act 2023”.

The National Park Authorities (Wales) Order 1995

18. In Schedule 5 to the National Park Authorities (Wales) Order 1995(1), omit paragraph 12 and the heading before it.

The Noise Insulation (Railways and Other Guided Transport Systems) Regulations 1996

19. In regulation 12(3) of the Noise Insulation (Railways and Other Guided Transport Systems) Regulations 1996(2), after “the Planning (Listed Buildings and Conservation Areas) Act 1990” insert “or section 89 of the Historic Environment (Wales) Act 2023”.

The National Park Authorities (Wales) (Amendment) Order 1996

20. In the Schedule to the National Park Authorities (Wales) (Amendment) Order 1996(3), in Part 2, paragraph 2, omit the entry for the inserted paragraph 12 relating to the Operations in Areas of Archaeological Importance (Forms of Notice etc.) Regulations 1984 and the heading before it.

The Hedgerows Regulations 1997

21. In Schedule 1 to the Hedgerows Regulations 1997(4), in Part 2, paragraph 2(a), after “1979” insert “or in the schedule of monuments maintained by the Welsh Ministers under section 3(1) of the Historic Environment (Wales) Act 2023”.

The Public Gas Transporter Pipe-line Works (Environmental Impact Assessment) Regulations 1999

22. In regulation 2 of the Public Gas Transporter Pipe-line Works (Environmental Impact Assessment

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- (1) S.I. 1995/2803, amended by S.I. 1996/534; there are other amending instruments but none is relevant to these Regulations.
 - (2) S.I. 1996/428, to which there is an amendment not relevant to these Regulations.
 - (3) S.I. 1996/534.
 - (4) S.I. 1997/1160, to which there are amendments not relevant to these Regulations.

Regulations 1999⁽¹⁾, in paragraph (1), in the definition of “sensitive area”, sub-paragraph (g), after “1979” insert “or the Historic Environment (Wales) Act 2023”.

The Visiting Forces and International Headquarters (Application of Law) Order 1999

23. In article 11(1) of the Visiting Forces and International Headquarters (Application of Law) Order 1999⁽²⁾—

- (a) for “and the Planning (Hazardous Substances) Act 1990”, substitute “, the Planning (Hazardous Substances) Act 1990 and Parts 3 to 5 of the Historic Environment (Wales) Act 2023”;
- (b) for “and section 31(3) of the Planning (Hazardous Substances) Act 1990” substitute “, section 31(3) of the Planning (Hazardous Substances) Act 1990 and section 207 of the Historic Environment (Wales) Act 2023”.

The Environmental Impact Assessment (Forestry) (England and Wales) Regulations 1999

24. In Schedule 2 to the Environmental Impact Assessment (Forestry) (England and Wales) Regulations 1999⁽³⁾, in paragraph 1, in the definition of “sensitive area”, sub-paragraph (f), after “1979” insert “or the Historic Environment (Wales) Act 2023”.

The Electronic Communications Code (Conditions and Restrictions) Regulations 2003

25. In regulation 2(2) of the Electronic Communications Code (Conditions and Restrictions) Regulations 2003⁽⁴⁾—

- (a) in the definition of “conservation area”—
 - (i) in sub-paragraph (a), omit “and Wales”;
 - (ii) after sub-paragraph (a) insert—

“(aa) in relation to Wales, any area designated as a conservation area under section 158 of the Historic Environment (Wales) Act 2023;”;
- (b) in the definition of “statutory list of buildings”—
 - (i) in sub-paragraph (a), omit “and Wales”;

(1) S.I. 1999/1672, to which there are amendments not relevant to these Regulations.

(2) S.I. 1999/1736, amended by S.I. 2006/1281 (W. 43); there are other amending instruments not relevant to these Regulations.

(3) S.I. 1999/2228, to which there are amendments not relevant to these Regulations.

(4) S.I. 2003/2553, to which there are amendments not relevant to these Regulations.

(ii) after sub-paragraph (a) insert—

“(aa) in relation to Wales, the list of buildings of special architectural or historic interest maintained under section 76(1) of the Historic Environment (Wales) Act 2023;”.

The Compulsory Purchase of Land (Prescribed Forms) (National Assembly for Wales) Regulations 2004

26. The Compulsory Purchase of Land (Prescribed Forms) (National Assembly for Wales) Regulations 2004⁽¹⁾ are amended as follows.

27. In regulation 2(1), omit the definition of “the Listed Buildings Act”.

28. In regulation 4—

- (a) for “section 47” to “repair” substitute “section 137 of the Historic Environment (Wales) Act 2023 (powers to acquire listed building compulsorily for purpose of preservation)”;
- (b) in paragraph (b)(ii), for “section 50(3)” to “deliberately left derelict)” substitute “section 140(3) of the Historic Environment (Wales) Act 2023 (direction for minimum compensation where building deliberately allowed to fall into disrepair)”.

29. In the Schedule—

- (a) in Form 1, in paragraph 4—
 - (i) for “Under section 50” to “(“the Listed Buildings Act”)” substitute “Under section 140 of the Historic Environment (Wales) Act 2023 (“the 2023 Act”)”;
 - (ii) for “or the Listed Buildings Act” substitute “or the 2023 Act”;
- (b) in Form 8, in the Notes on the use of Form 8—
 - (i) in the heading beginning “Additional provisions in relation to compulsory purchase orders”, for “made under section 47 of the Listed Buildings Act (*m*)” substitute “made under section 137 or 139 of the Historic Environment (Wales) Act 2023(*m*)”;
 - (ii) in paragraph 3, for “section 47 of the Planning (Listed Buildings and Conservation Areas) Act 1990” substitute “section 137 or 139 of the Historic Environment (Wales) Act 2023”;

(1) S.I. 2004/2732 (W. 239), to which there are amendments not relevant to these Regulations.

- (iii) in paragraph 4, for “Under section 50 of the Planning (Listed Buildings and Conservation Areas) Act 1990” substitute “Under section 141 of the Historic Environment (Wales) Act 2023”;
- (iv) in paragraph 5, for “the Planning (Listed Buildings and Conservation Areas) Act 1990” substitute “the Historic Environment (Wales) Act 2023”;
- (v) in the Notes after paragraph 5, in footnote (o)—
 - (aa) for “section 50(3) of the Listed Buildings Act” substitute “section 140(3) of the Historic Environment (Wales) Act 2023”;
 - (bb) for “section 50(4) and (5)” substitute “section 140(2) and (4) of that Act”.

The Town and Country Planning (Electronic Communications) (Wales) (No. 1) Order 2004

30. In the Town and Country Planning (Electronic Communications) (Wales) (No. 1) Order 2004(1)—

- (a) in article 2, omit the definition of “the Listed Buildings Act”;
- (b) omit articles 7 to 9.

The Planning (National Security Directions and Appointed Representatives) (Wales) Regulations 2006

31. The Planning (National Security Directions and Appointed Representatives) (Wales) Regulations 2006(2) are amended as follows.

32. In regulation 1, after paragraph (2) insert—

“(3) These Regulations form part of a code of law relating to the historic environment of Wales.”

33. In regulation 2(1)—

- (a) insert in the appropriate place ““the 2023 Act” (“*Deddf 2023*”) means the Historic Environment (Wales) Act 2023;”;
- (b) in the definition of “appointed representative”, for sub-paragraph (b) substitute—

“(b) section 178(4) or (5) of the 2023 Act;”;
- (c) in the definition of “direction”, for sub-paragraph (b) substitute—

(1) S.I. 2004/3156 (W. 273), to which there is an amendment not relevant to these Regulations.

(2) S.I. 2006/1387 (W. 137), to which there are amendments not relevant to these Regulations.

“(b) section 178(2) and (3) of the 2023 Act;”;

(d) omit the definition of “the Listed Buildings Act”.

34. In regulation 3—

(a) for paragraph (1)(b) substitute—

“(b) section 178(2) and (3) of the 2023 Act;”;

(b) for paragraph (3)(b) substitute—

“(b) section 178(4) of the 2023 Act;”.

35. For regulation 4(2)(a)(ii) substitute—

“(ii) section 178(5) of the 2023 Act;”.

The Transport and Works (Applications and Objections Procedure) (England and Wales) Rules 2006

36. The Transport and Works (Applications and Objections Procedure) (England and Wales) Rules 2006(1) are amended as follows.

37. In Rule 12(8)(e)(x), after “1979” insert “or the Historic Environment (Wales) Act 2023”.

38. In Schedule 5—

(a) in the first column of paragraph 14 of the table—

(i) in paragraph (i), after “1990” insert “or Part 3 of the Historic Environment (Wales) Act 2023”;

(ii) in paragraph (ii), after “1979” insert “or a monument scheduled under Part 2 of the Historic Environment (Wales) Act 2023”;

(b) in the first column of paragraph 15 of the table, in paragraph (i), after “1990” insert “or Part 4 of the Historic Environment (Wales) Act 2023”;

(c) in the second column of paragraph 15 of the table—

(i) omit “and (ii)”;

(ii) after sub-paragraph (b) insert—

“15 (ii) The Historic Buildings and Monuments Commission for England.”

(1) S.I. 2006/1466, to which there are amendments not relevant to these Regulations.

The Transport and Works (Model Clauses for Railways and Tramways) Order 2006

39. The Transport and Works (Model Clauses for Railways and Tramways) Order 2006⁽¹⁾ is amended as follows.

40. In paragraph 16(6) of Schedule 1, after “1979” insert “or the Historic Environment (Wales) Act 2023”.

41. In paragraph 21(6) of Schedule 2, after “1979” insert “or the Historic Environment (Wales) Act 2023”.

The Local Authorities (Executive Arrangements) (Functions and Responsibilities) (Wales) Regulations 2007

42. In Schedule 1 to the Local Authorities (Executive Arrangements) (Functions and Responsibilities) (Wales) Regulations 2007⁽²⁾, in Part A—

- (a) in paragraph 20, for the text in the second column substitute “Sections 96(1) and (2) and 97(1) to (8) of, and Schedule 9 paragraphs (1), (2) and (3) to, the Historic Environment (Wales) Act 2023 (asc 3).”;
- (b) in paragraph 21, for the text in the second column substitute “Sections 96(1) and 97(1) to (4) and (7) and (8) of the Historic Environment (Wales) Act 2023 as applied by section 163 of that Act.”;
- (c) in paragraph 22, in the second column, for “Section 13(1)” to “1990”, in the first place it occurs, substitute “Section 95(1) of the Historic Environment (Wales) Act 2023”;
- (d) in paragraph 23—
 - (i) in the first column, for “building preservation notice” substitute “temporary listing notice”;
 - (ii) for the text in the second column substitute “Sections 83(1) and (2) and 84(1) and (2) of the Historic Environment (Wales) Act 2023.”;
- (e) in paragraph 24—
 - (i) in the first column, for “a” to the end, substitute “an enforcement notice.”;
 - (ii) for the text in the second column substitute “Sections 123, 124 and 125 of

(1) S.I. 2006/1954, to which there are amendments not relevant to these Regulations.

(2) S.I. 2007/399 (W. 45), to which there are amendments not relevant to these Regulations.

the Historic Environment (Wales) Act 2023.”;

- (f) in paragraph 25, for the text in the second column substitute “Sections 137 to 139 and 111(5) of the Historic Environment (Wales) Act 2023.”;
- (g) in paragraph 26, for the text in the second column substitute “Section 135 of the Historic Environment (Wales) Act 2023.”;
- (h) in paragraph 27, for the text in the second column substitute “Section 144(1) and (3) to (7) of the Historic Environment (Wales) Act 2023.”

The Non-Domestic Rating (Unoccupied Property) (Wales) Regulations 2008

43. In regulation 4 of the Non-Domestic Rating (Unoccupied Property) (Wales) Regulations 2008⁽¹⁾—

- (a) for paragraph (e) substitute—
 - “(e) which is the subject of a temporary listing notice under section 83 or 84 of the Historic Environment (Wales) Act 2023 or is included in the list maintained under section 76(1) of that Act;”;
- (b) in paragraph (f), for “section 1 of the Ancient Monuments and Archaeological Areas Act 1979” substitute “section 3 of the Historic Environment (Wales) Act 2023”.

The REACH Enforcement Regulations 2008

44. In Schedule 5 to the REACH Enforcement Regulations 2008⁽²⁾, in Part 1, paragraph 8—

- (a) in the definition of “historic building”—
 - (i) in sub-paragraph (e), omit “and Wales”;
 - (ii) after sub-paragraph (e) insert—
 - “(ea) in relation to Wales, a listed building within the meaning of section 76 of the Historic Environment (Wales) Act 2023 which is classified as Grade I or Grade II (starred);”;
- (b) in the definition of “scheduled monument”—
 - (i) in sub-paragraph (h), omit “, Wales”;
 - (ii) after sub-paragraph (h) insert—
 - “(ha) in Wales, as it has in section 3 of the Historic Environment (Wales) Act 2023;”.

(1) S.I. 2008/2499 (W. 217), to which there are amendments not relevant to these Regulations.

(2) S.I. 2008/2852, to which there are amendments not relevant to these Regulations.

The Overhead Lines (Exemption) (England and Wales) Regulations 2009

45. In regulation 3(2) of the Overhead Lines (Exemption) (England and Wales) Regulations 2009⁽¹⁾—

- (a) in the definition of “conservation area” and “listed building”—
 - (i) after “meanings” insert “in relation to areas and buildings in England”;
 - (ii) after “1990” insert “and in relation to areas and buildings in Wales, have the meanings in section 210 of the Historic Environment (Wales) Act 2023”;
- (b) in the definition of “scheduled monument”—
 - (i) after “meaning” insert “in relation to monuments in England”;
 - (ii) after “1979” insert “and in relation to monuments in Wales, has the meaning in section 3(7) of the Historic Environment (Wales) Act 2023”.

The Corporation Tax (Land Remediation Relief) Order 2009

46. In the table in article 5 of the Corporation Tax (Land Remediation Relief) Order 2009⁽²⁾, after the entry for the Planning (Listed Buildings and Conservation Areas) Act 1990, insert—

“Historic Environment (Wales) Act 2023	section 138	requirement to serve repairs notice before starting compulsory acquisition”.
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The Town and Country Planning (Environmental Impact Assessment) (Undetermined Reviews of Old Mineral Permissions) (Wales) Regulations 2009

47. In regulation 2(1) of the Town and Country Planning (Environmental Impact Assessment) (Undetermined Reviews of Old Mineral Permissions) (Wales) Regulations 2009⁽³⁾, in sub-paragraph (f) of the definition of “sensitive area”, for “the Ancient Monuments and Archaeological Areas Act 1979” substitute “section 3 of the Historic Environment (Wales) Act 2023”.

(1) S.I. 2009/640, to which there are amendments not relevant to these Regulations.
 (2) S.I. 2009/2037, to which there are amendments not relevant to these Regulations.
 (3) S.I. 2009/3342, to which there are amendments not relevant to these Regulations.

The Infrastructure Planning (Decisions) Regulations 2010

48. In regulation 2 of the Infrastructure Planning (Decisions) Regulations 2010⁽¹⁾—

- (a) in the definition of “conservation area”—
 - (i) for “and in Scotland” substitute “, in Scotland”;
 - (ii) after “1997” insert “and in Wales under section 158 of the Historic Environment (Wales) Act 2023”;
- (b) in the definition of “listed building”—
 - (i) for “and in Scotland” substitute “, in Scotland”;
 - (ii) after “1997” insert “and in Wales under section 76 of the Historic Environment (Wales) Act 2023”;
- (c) in the definition of “scheduled monument”, after “1979” insert “and in Wales under section 3 of the Historic Environment (Wales) Act 2023”.

The Building Regulations 2010

49. The Building Regulations 2010⁽²⁾ are amended as follows.

50. In regulation 21, in paragraph (3)(a)—

- (a) in paragraph (i), after “1990” insert “or section 76 of the Historic Environment (Wales) Act 2023”;
- (b) in paragraph (ii), for “that Act” substitute “the Planning (Listed Buildings and Conservation Areas) Act 1990 or section 158 of the Historic Environment (Wales) Act 2023”;
- (c) in paragraph (iii), after “1979” insert “or section 3 of the Historic Environment (Wales) Act 2023”;

51. In regulation 37A, in paragraph (4)—

- (a) in sub-paragraph (a), for “section 1 of the Planning (Listed Buildings and Conservation Areas) Act 1990 substitute “section 76 of the Historic Environment (Wales) Act 2023”;
- (b) in sub-paragraph (b), for “section 69 of that Act” substitute “section 158 of the Historic Environment (Wales) Act 2023”;
- (c) in sub-paragraph (c), for “section 1 of the Ancient Monuments and Archaeological

(1) S.I. 2010/305, to which there are amendments not relevant to these Regulations.

(2) S.I. 2010/2214; relevant amending instruments are S.I. 2013/2730 (W. 264), S.I. 2018/558 (W. 97).

Areas Act 1979” substitute “section 3 of the Historic Environment (Wales) Act 2023”.

52. In regulation 44B, in paragraph (a), so far as it applies to Wales—

- (a) in sub-paragraph (i), for “section 1 of the Planning (Listed Buildings and Conservation Areas) Act 1990” substitute “section 76 of the Historic Environment (Wales) Act 2023”;
- (b) in sub-paragraph (ii), for “section 69 of that Act” substitute “section 158 of the Historic Environment (Wales) Act 2023”;
- (c) in sub-paragraph (iii), for “section 1 of the Ancient Monuments and Archaeological Areas Act 1979” substitute “section 3 of the Historic Environment (Wales) Act 2023”.

53. In Schedule 2, Class 1, paragraph 3, after “1979” insert “or under section 3 of the Historic Environment (Wales) Act 2023”.

The Marine Licensing (Exempted Activities) Order 2011

54. In article 31(b) of the Marine Licencing (Exempted Activities) Order 2011(1), after “1979” insert “or a monument entered in the schedule maintained under section 3 of the Historic Environment (Wales) Act 2023”.

The Waste (England and Wales) Regulations 2011

55. The Waste (England and Wales) Regulations 2011(2) are amended as follows.

56. In regulation 16(2)—

- (a) omit the “and” after sub-paragraph (e);
- (b) after sub-paragraph (f) insert—
 - “; and
 - (g) the Historic Environment (Wales) Act 2023.”

57. In regulation 17(1)(b)—

- (a) omit “or” in the fourth place it occurs;
- (b) after “the Planning (Listed Buildings and Conservation Areas) Act 1990” insert “, or under paragraph 2(5) and (6) of Schedule 9 to the Historic Environment (Wales) Act 2023”.

(1) S.I. 2011/409 (W. 81), amended by S.I. 2019/893; there are other amending instruments but none is relevant to these Regulations.

(2) S.I. 2011/988, to which there are amendments not relevant to these Regulations.

The Town and Country Planning (Development Management Procedure) (Wales) Order 2012

58. The Town and Country Planning (Development Management Procedure) (Wales) Order 2012⁽¹⁾ is amended as follows.

59. In article 26(7), in sub-paragraph (b) of both the definition of “householder appeal” and “minor commercial appeal”, for “section 20” to the end substitute “section 100 of the Historic Environment (Wales) Act 2023 (right to appeal against planning authority decision or failure to make decision).”

60. In article 27(15)(b), for “section 1” to the end substitute “section 76 of the Historic Environment (Wales) Act 2023 (duty to maintain and publish list of buildings).”

61. In Schedule 4, after the table, under the heading “Interpretation of Table”, paragraph (h)(i), for “section 1(11) of the Ancient Monuments and Archaeological Areas Act 1979” substitute “section 3(7) of the Historic Environment (Wales) Act 2023”.

The Town and Country Planning (Determination of Procedure) (Wales) Order 2014

62. In the Town and Country Planning (Determination of Procedure) (Wales) Order 2014⁽²⁾—

- (a) omit article 2(2);
- (b) in Schedule 1, omit paragraphs 14 to 23.

The Common Agricultural Policy (Integrated Administration and Control System and Enforcement and Cross Compliance) (Wales) Regulations 2014

63. In paragraph 12 of Schedule 1 to the Common Agricultural Policy (Integrated Administration and Control System and Enforcement and Cross Compliance) (Wales) Regulations 2014⁽³⁾—

- (a) in sub-paragraph (1), for “section 2(3) of the Ancient Monuments and Archaeological Areas Act 1979” substitute “section 13 of the Historic Environment (Wales) Act 2023”;
- (b) in sub-paragraph (2), in the Welsh text, for “caniatâd” substitute “cydsyniad” in both places it occurs;
- (c) for sub-paragraph (4) substitute—

“(4) In this paragraph, “scheduled monument” has the meaning given to it in section 3(7) of the Historic Environment (Wales) Act 2023 and

(1) S.I. 2012/801 (W. 110); relevant amendments are in S.I. 2015/1330, S.I. 2016/56 and S.I. 2016/59.

(2) S.I. 2014/2773 (W. 280).

(3) S.I. 2014/3223 (W. 328), to which there are amendments not relevant to these Regulations.

“scheduled monument consent” is to be construed in accordance with section 13 of that Act.”

The Infrastructure Planning (Interested Parties and Miscellaneous Prescribed Provisions) Regulations 2015

64. In Part 2 of Schedule 2 to the Infrastructure Planning (Interested Parties and Miscellaneous Prescribed Provisions) Regulations 2015⁽¹⁾, for the entry for the Ancient Monuments and Archaeological Areas Act 1979 and the text in the corresponding column substitute—

<i>“Historic Environment (Wales) Act 2023</i>	A consent under section 12 and Schedule 3 (authorisation of classes of works) A consent under section 13 (authorisation of works by scheduled monument consent)”.
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The Energy Efficiency (Private Rented Property) (England and Wales) Regulations 2015

65. In regulation 2(1) of the Energy Efficiency (Private Rented Property) (England and Wales) Regulations 2015⁽²⁾, in sub-paragraph (e) of the definition of “third party consent”—

- (a) omit “or”;
- (b) after “that Act” insert “, listed in accordance with section 76 of the Historic Environment (Wales) Act 2023, or in a conservation area designated in accordance with section 158 of that Act”.

The Swansea Bay Tidal Generating Station Order 2015

66. The Swansea Bay Tidal Generating Station Order 2015⁽³⁾ is amended as follows.

67. In article 45 and in the heading before it, for “Ancient Monuments and Archaeological Areas Act 1979” substitute “Historic Environment (Wales) Act 2023”.

68. In Schedule 1, Part 3, in paragraph 12(1)(c)(vi), for “ancient monuments” substitute “monuments of special historic interest”.

(1) S.I. 2015/462, to which there are amendments not relevant to these Regulations.
 (2) S.I. 2015/962, to which there are amendments not relevant to these Regulations.
 (3) S.I. 2015/1386, to which there are amendments not relevant to these Regulations.

The Planning (Hazardous Substances) (Wales) Regulations 2015

69. For regulation 28(6)(h)(ii) of the Planning (Hazardous Substances) (Wales) Regulations 2015⁽¹⁾ substitute—

“(ii) paragraph 2(6) of Schedule 9 to the Historic Environment (Wales) Act 2023 (action by Welsh Ministers on rejection of purchase notice by planning authority);”.

The Town and Country Planning (Determination of Appeals by Appointed Persons) (Prescribed Classes) (Wales) Regulations 2015

70. The Town and Country Planning (Determination of Appeals by Appointed Persons) (Prescribed Classes) (Wales) Regulations 2015⁽²⁾ are amended as follows.

71. In regulation 1, after paragraph (2) insert—

“(3) These Regulations form part of a code of law relating to the historic environment of Wales.”

72. In regulation 2, omit the definition of “the Listed Buildings Act”.

73. Omit regulation 3(2).

74. For regulation 5(1)(b) (but not the “or” after it), substitute “section 173(3)(b) of the Historic Environment (Wales) Act 2023;”.

The Developments of National Significance (Specified Criteria and Prescribed Secondary Consents) (Wales) Regulations 2016

75. In the Schedule to the Developments of National Significance (Specified Criteria and Prescribed Secondary Consents) (Wales) Regulations 2016⁽³⁾—

- (a) in paragraph 1, for “section 2(3)” to the end substitute “section 13(1) and (2) of the Historic Environment (Wales) Act 2023 (authorisation of works by scheduled monument consent).”;
- (b) in paragraph 3, for “section 8(1)” to the end substitute “section 89(1) or (2) of the Historic Environment (Wales) Act 2023 (authorisation of works by listed building consent).”;
- (c) in paragraph 4, for “section 74(1)” to the end substitute “section 162(1) or (2) of the Historic Environment (Wales) Act 2023

(1) S.I. 2015/1597 (W. 196), to which there are amendments not relevant to these Regulations.

(2) S.I. 2015/1822 (W. 264).

(3) S.I. 2016/53 (W. 23).

(authorisation of demolition by conservation area consent).”

The Developments of National Significance (Procedure) (Wales) Order 2016

76. In Schedule 5 to the Developments of National Significance (Procedure) (Wales) Order 2016⁽¹⁾, in the definitions under the heading “Interpretation of Table”, in paragraph (d)—

- (a) in sub-paragraph (i), for “section 1(11) of the Ancient Monuments and Archaeological Area Act 1979 (scheduled monuments)” substitute “section 3 of the Historic Environment (Wales) Act 2023”;
- (b) for sub-paragraph (iii) substitute—

“(iii) “registered historic park or garden” (“*parc hanesyddol cofrestredig neu ardd hanesyddol gofrestredig*”) means the park or garden included in the Register of Parks and Gardens of Special Historic Interest in Wales maintained under section 192 of the Historic Environment (Wales) Act 2023 and “registered historic landscape” (“*tirwedd hanesyddol gofrestredig*”) means the landscape included in the Register of Landscapes of Historic Interest in Wales maintained by the Welsh Ministers;”.

The Developments of National Significance (Wales) Regulations 2016

77. The Developments of National Significance (Wales) Regulations 2016⁽²⁾ are amended as follows.

78. In regulation 42, for “section 2(3)” to the end substitute “section 13(1) and (2) of the Historic Environment (Wales) Act 2023 (authorisation of works by scheduled monument consent).”

79. In regulation 44—

- (a) for the heading of the Welsh text substitute “Cydsyniad adeilad rhestredig”;
- (b) for “section 8(1)” to the end substitute “section 89(1) or (2) of the Historic Environment (Wales) Act 2023 (authorisation of works by listed building consent).”

(1) S.I. 2016/55 (W. 25), amended by S.I. 2019/290 (W. 68); there are other amending instruments but none is relevant to these Regulations.

(2) S.I. 2016/56 (W. 26), amended by S.I. 2017/642 (W. 148).

80. In regulation 45, for “section 74(1)” to the end substitute “section 162(1) or (2) of the Historic Environment (Wales) Act 2023 (authorisation of demolition by conservation area consent).”

81. In Schedule 2—

- (a) in paragraph 1(2)—
 - (i) in the words before paragraph (a), for “section 2 of the 1979 Act (control of works affecting scheduled monuments)” substitute “section 13 of the Historic Environment (Wales) Act 2023 (authorisation of works by scheduled monument consent)”;
 - (ii) in paragraph (a), for “certificates listed in paragraph 2 of Schedule 1 to that Act” substitute “declarations listed in section 15(1) of the Historic Environment (Wales) Act 2023”.
- (b) in paragraph 2—
 - (i) in sub-paragraph (1), for “section 2(3) of the 1979 Act” substitute “section 13(1) of the Historic Environment (Wales) Act 2023”;
 - (ii) in sub-paragraph (2), for “paragraph 3(2)(b)” to the end substitute “section 17(2)(b) of the Historic Environment (Wales) Act 2023”.

82. In Schedule 4—

- (a) for the heading of the Welsh text substitute “Cydsyniad adeilad rhestredig”;
- (b) in paragraph 1—
 - (i) omit sub-paragraphs (1) and (2);
 - (ii) for sub-paragraph (3) substitute—

“(3) Section 182(2) of the Historic Environment (Wales) Act 2023 is to be read as if before paragraph (a) there were inserted—

“(za) a decision on an application under section 62F(2) of the Town and Country Planning Act 1990 (developments of national significance: secondary consents);”.

83. In Schedule 5, for paragraph 1 substitute—

“1. Section 162(1)(a) of the Historic Environment (Wales) Act 2023 is to be read as if, before “written consent”, there were inserted “in the case of a decision on a secondary consent under section 62F(2) of the Town and Country Planning Act 1990, written consent to carry them out has been granted by the Welsh Ministers, or in any other case,”.”

The Town and Country Planning (Environmental Impact Assessment) (Wales) Regulations 2016

84. In the Town and Country Planning (Environmental Impact Assessment) (Wales) Regulations 2016⁽¹⁾, in regulation 2(1), in the definition of “sensitive area”, for sub-paragraph (d) substitute “(d) a scheduled monument within the meaning given by section 3 of the Historic Environment (Wales) Act 2023;”.

The Local Inquiries and Qualifying Procedures (Standard Daily Amount) (Wales) Regulations 2017

85. In the Local Inquiries and Qualifying Procedures (Standard Daily Amount) (Wales) Regulations 2017⁽²⁾, in regulation 1(4), in the definition of “local inquiry”, after “(costs of an inquiry under that Act)” insert “or paragraph 3 of Schedule 6 to the Historic Environment (Wales) Act 2023”.

The Town and Country Planning (Enforcement Notices and Appeals) (Wales) Regulations 2017

86. The Town and Country Planning (Enforcement Notices and Appeals) (Wales) Regulations 2017⁽³⁾ are amended as follows.

87. In regulation 1, after paragraph (2) insert—

“(2A) These Regulations form part of a code of law relating to the historic environment of Wales.”

88. For regulation 1(4)(d) substitute—

“(d) an appeal under section 127 of the 2023 Act (right to appeal against enforcement notice) or under that section as applied by section 163 of that Act (application of Part 3 to conservation areas).”

89. In regulation 2(1)—

- (a) insert in the appropriate place ““the 2023 Act” (“*Deddf 2023*”) means the Historic Environment (Wales) Act 2023;”;
- (b) omit the definition of “the Listed Buildings Act”;
- (c) in the definition of “enforcement notice”—
 - (i) for sub-paragraph (e) (but nor the “or” after it) substitute—

“(e) section 123(1) of the 2023 Act or under that section as applied by section 163 of that Act,”;

(1) S.I. 2016/58 (W. 28), revoked by S.I. 2017/567 (W. 136) with savings.
(2) S.I. 2017/476 (W. 99).
(3) S.I. 2017/530 (W. 113).

(ii) for sub-paragraph (f) substitute—

“(f) section 134(1) of the 2023 Act;”.

90. In regulation 3(1), after “(“the recipient”)” insert “, but this is subject to regulation 3A”.

91. After regulation 3, insert—

“**3A.** Regulations 3 and 4 do not apply to provision in these Regulations made under the 2023 Act (see section 205 of the 2023 Act).”

92. In regulation 8—

- (a) in the heading, for “section 39 of the Listed Buildings Act” substitute “section 127 of the 2023 Act”;
- (b) in paragraph (1), for “section 39 of the Listed Buildings Act or that section as applied by section 74(3) of the Listed Buildings Act” substitute “section 127 of the 2023 Act or under that section as applied by section 163 of that Act”.

93. In regulation 11(1)(c), for “section 46 of the Listed Buildings Act” substitute “section 134 of the 2023 Act;”.

The Town and Country Planning (Referred Applications and Appeals Procedure) (Wales) Regulations 2017

94. The Town and Country Planning (Referred Applications and Appeals Procedure) (Wales) Regulations 2017(1) are amended as follows.

95. In regulation 1—

- (a) the existing provision becomes paragraph (1) of regulation 1;
- (b) after that paragraph (1) insert—

“(2) These Regulations form part of a code of law relating to the historic environment of Wales.”

96. In regulation 2(2)—

- (a) in sub-paragraph (g)—
 - (i) for “section 12” substitute “section 94”;
 - (ii) for “or discharge” substitute “or removal”;
 - (iii) for “section 19,” substitute “section 99, ”;
 - (iv) for “section 20” substitute “section 100”;
 - (v) for “Listed Buildings Act” substitute “2023 Act”;
- (b) in sub-paragraph (h)—

(1) S.I. 2017/544 (W. 121).

- (i) for “section 12” substitute “section 94”;
 - (ii) for “section 19” substitute “section 99”;
 - (iii) for “section 20” substitute “section 100”;
 - (iv) for “Listed Buildings Act” substitute “2023 Act”;
 - (v) for “section 74(3)” substitute “section 163”;
- (c) for sub-paragraph (i) substitute—
- “(i) an appeal under section 127 of the 2023 Act (right to appeal against enforcement notice) or under that section as applied by section 163 of the 2023 Act;”.

97. In regulation 3(1)—

- (a) omit the definition of “the Listed Buildings Act”;
- (b) in the appropriate place, insert “the 2023 Act” (“*Deddf 2023*”) means the Historic Environment (Wales) Act 2023;”;
- (c) in the definition of “appeal”, in sub-paragraph (b), for “sections 20 or 39 of the Listed Buildings Act” substitute “sections 100 or 127 of the 2023 Act”;
- (d) in the definition of “appellant”—
 - (i) in sub-paragraph (a), for “section 12 or 19 of the Listed Buildings Act” substitute “section 94 or 99 of the 2023 Act”;
 - (ii) after sub-paragraph (a) insert—
 - “(aa) an application made to the Welsh Ministers under section 106 of the 2023 Act, the person who made that application;”;
 - (iii) in sub-paragraph (b), for “section 20 of the Listed Buildings Act” substitute “section 100 of the 2023 Act”;
 - (iv) in sub-paragraph (g), for “section 39 of the Listed Buildings Act” substitute “section 127 of the 2023 Act”;
- (e) in the definition of “enforcement notice”—
 - (i) for sub-paragraph (c) substitute—
 - “(c) section 123(1) of the 2023 Act or under that section as applied by section 163 of that Act;”;
 - (ii) for sub-paragraph (d) substitute—
 - “(d) section 134(1) of the 2023 Act;”;
- (f) in the definition of “householder appeal”, in sub-paragraph (b), for “section 20 of the Listed Buildings Act” substitute “section 100 of the 2023 Act”;

- (g) in the definition of “interested persons”, in sub-paragraph (a)(i)—
 - (i) omit “Listed Buildings Act,”;
 - (ii) after “Hazardous Substances Act,” insert “2023 Act,”;
- (h) in the definition of “local planning authority”—
 - (i) in sub-paragraph (b), for “section 20 of the Listed Buildings Act” substitute “section 100 of the 2023 Act”;
 - (ii) in sub-paragraph (c), for “section 39 of the Listed Buildings Act” substitute “section 127 of the 2023 Act”;
- (i) in the definition of “minor commercial appeal”, in sub-paragraph (b), for “section 20 of the Listed Buildings Act” substitute “section 100 of the 2023 Act”;
- (j) in the definition of “referred application”, for “section 12 or 19 of the Listed Buildings Act” substitute “section 94 or 99 of the 2023 Act”.

98. In regulation 4(1), after “(“the recipient”)” insert “, but this is subject to regulation 4A”.

99. After regulation 4, insert—

“**4A.** Paragraphs (1) to (7) of regulations 4 and 5 do not apply to provision in these Regulations made under the 2023 Act (see section 205 of the 2023 Act.)”

100. In regulation 11(2)(b)(iii), for “section 12 of the Listed Buildings Act” substitute “section 94 of the 2023 Act”.

101. In regulation 13 omit “, section 88E of the Listed Buildings Act”.

102. After regulation 13 insert—

“Period specified for choice of inquiry, hearing or written procedure

13A. For the purposes of section 174(3) of the 2023 Act, the period specified is 6 weeks from the starting date.”

103. In regulation 14—

- (a) in paragraph (1), for “section 88E(1) of the Listed Buildings Act” substitute “section 174(1) of the 2023 Act”;
- (b) in paragraph (2), for “section 88E(5)” substitute “section 174(5)”.

104. In regulation 28, for “paragraph 6 of Schedule 3 to the Listed Buildings Act” substitute “paragraph 3(2) of Schedule 12 to the 2023 Act”.

105. In regulation 37, for “paragraph 6 of Schedule 3 to the Listed Buildings Act” substitute “paragraph 3(2) of Schedule 12 to the 2023 Act”.

106. For regulation 51(b) substitute—

“(b) section 178(2) of the 2023 Act (local inquiries);”.

107. In regulation 52, for “section 46 of the Listed Buildings Act” substitute “section 134 of the 2023 Act”.

108. After regulation 52 insert—

“Part 10A

Applications relating to urgent works on Crown land

52A. These Regulations apply to applications relating to urgent works on Crown land under section 106 of the 2023 Act as they apply to referred applications.”

109. In Schedule 2, paragraph 1—

- (a) in the definition of “appointed representative”, for “sections 22 and 40 of, and paragraph 6A of Schedule 3 to, the Listed Buildings Act” substitute “section 178(4) of the 2023 Act”;
- (b) in the definition of “security direction”, for “paragraph 6(6) of Schedule 3 to the Listed Buildings Act” substitute “section 178(2) of the 2023 Act”.

The Environmental Impact Assessment (Agriculture) (Wales) Regulations 2017

110. In regulation 5(7) of the Environmental Impact Assessment (Agriculture) (Wales) Regulations 2017(1), for sub-paragraph (f) substitute—

“(f) a scheduled monument within the meaning given by section 3 of the Historic Environment (Wales) Act 2023.”

The Town and Country Planning (Environmental Impact Assessment) (Wales) Regulations 2017

111. In regulation 2(1) of the Town and Country Planning (Environmental Impact Assessment) (Wales) Regulations 2017(2), for sub-paragraph (d) of the definition of “sensitive area” substitute—

(1) S.I. 2017/565 (W. 134), to which there are amendments not relevant to these Regulations.

(2) S.I. 2017/567 (W. 136), to which there are amendments not relevant to these Regulations

“(d) a scheduled monument within the meaning given by section 3 of the Historic Environment (Wales) Act 2023;”.

The Electricity Works (Environmental Impact Assessment) (England and Wales) Regulations 2017

112. In Schedule 2 to the Electricity Works (Environmental Impact Assessment) (England and Wales) Regulations 2017⁽¹⁾, in paragraph 4(e)—

- (a) after “monument” insert “in England”;
- (b) after “1979” insert “or a scheduled monument in Wales within the meaning given by section 3 of the Historic Environment (Wales) Act 2023”.

The Scheduled Monuments (Review of Scheduling Decisions) (Wales) Regulations 2017

113. The Scheduled Monuments (Review of Scheduling Decisions) (Wales) Regulations 2017⁽²⁾ are amended as follows.

114. In regulation 1, after paragraph (2), insert—

“(3) These Regulations form part of a code of law relating to the historic environment of Wales.”

115. In regulation 2—

- (a) for the definition of “the 1979 Act” substitute ““the 2023 Act” (“*Deddf 2023*”) means the Historic Environment (Wales) Act 2023;”;
- (b) in the definition of “appointed person”, for “paragraph 1 of Schedule A2 to the 1979 Act” substitute “section 9(3) of the 2023 Act”;
- (c) in the definition of “hearing”, for “section 1AE(5)(b) of the 1979 Act” substitute “section 10(2)(b) of the 2023 Act”;
- (d) in the definition of “inquiry”—
 - (i) omit “public”;
 - (ii) for “section 1AE(5)(a) of the 1979 Act” substitute “section 10(2)(a) of the 2023 Act”;
- (e) in the definition of “interested person”—
 - (i) in the words before paragraph (a), for “section 1AA of the 1979 Act” to “relating to the Schedule)” substitute “section 5 of the 2023 Act (consultation before adding or removing monument to or from the Schedule)”;

(1) S.I. 2017/580.

(2) S.I. 2017/643 (W. 149).

(ii) in paragraph (b), for “section 1AA(5)(a) of the 1979 Act” substitute “section 5(1)(c) of the 2023 Act”;

(f) in the definition of “review”, for “by the Welsh Ministers under section 1AE of the 1979 Act” substitute “under section 9 of the 2023 Act”.

116. Omit regulations 3 and 4.

117. In regulation 5—

(a) in paragraph (2)(a)(vii), for “section 1AE(5) of the 1979 Act” substitute “section 10(2) of the 2023 Act”;

(b) in paragraph (2)(b)—

(i) in paragraph (ii), for “section 1AE(2) of the 1979 Act” substitute “section 4(2) of the 2023 Act”;

(ii) in paragraphs (iii) and (iv), for “certificate” substitute “declaration”;

(c) in paragraph (3), for “section 1AE(2) of the 1979 Act” substitute “section 4(2) of the 2023 Act”.

118. In regulation 6(2), for “section 1AA of the 1979 Act” substitute “section 5 of the 2023 Act”.

119. In regulation 7(2)(c), for “section 1AA of the 1979 Act” substitute “section 5 of the 2023 Act”.

120. In regulation 9—

(a) in paragraph (1), in the words before subparagraph (a), for “section 1AE(5)(c) of the 1979 Act” substitute “section 10(2)(c) of the 2023 Act”;

(b) in paragraph (1)(c), for “section 1AE of the 1979 Act” substitute “section 5 of the 2023 Act”;

(c) for paragraph (1)(d)(ii) substitute—

“(ii) make an amendment under section 5(1)(c) of the 2023 Act.”;

(d) in paragraph (2), for “section 1AE(5)(c) of the 1979 Act” substitute “section 10(2)(c) of the 2023 Act”.

121. In regulation 10, for “paragraph 4(1)(b) of Schedule A2 to the 1979 Act” substitute “paragraph 3(b) of Schedule 2 to the 2023 Act”.

122. In regulation 14, for “paragraph 4(1)(a) of Schedule A2 to the 1979 Act” substitute “paragraph 3(a) of Schedule 2 to the 2023 Act”.

123. In regulation 19, for “paragraph 4(1)(a) of Schedule A2 to the 1979 Act” substitute “paragraph 3(a) of Schedule 2 to the 2023 Act”.

124. Omit regulation 25.

The Listed Buildings (Review of Listing Decisions) (Wales) Regulations 2017

125. The Listed Buildings (Review of Listing Decisions) (Wales) Regulations 2017⁽¹⁾ are amended as follows.

126. In regulation 1, after paragraph (2) insert—

“(3) These Regulations form part of a code of law relating to the historic environment of Wales.”

127. In regulation 2—

- (a) for the definition of “the 1990 Act” substitute ““the 2023 Act” (“*Deddf 2023*”) means the Historic Environment (Wales) Act 2023;”;
- (b) in the definition of “appointed person”, for “paragraph 1 of Schedule 1B to the 1990 Act” substitute “section 81(3) of the 2023 Act”;
- (c) in the definition of “hearing”, for “section 2D(5)(b) of the 1990 Act” substitute “section 82(2)(b) of the 2023 Act”;
- (d) in the definition of “inquiry”, for “section 2D(5)(a) of the 1990 Act” substitute “section 82(2)(a) of the 2023 Act”;
- (e) in the definition of “interested person”, for “or consulted” to “changes to lists)” substitute “under section 78 of the 2023 Act (consultation before listing or de-listing building)”;
- (f) in the definition of “list”, for “compiled or approved under section 1 of the 1990 Act (listing of buildings of special architectural or historic interest)” substitute “maintained under section 76 of the 2023 Act (duty to maintain and publish list of buildings)”;
- (g) in the definition of “review”, for “by the Welsh Ministers under section 2D of the 1990 Act” substitute “under section 81 of the 2023 Act”.

128. Omit regulations 3 and 4.

129. In regulation 5—

- (a) in paragraph (2)(a)(vii), for “section 2D(5) of the 1990 Act” substitute “section 82(2) of the 2023 Act”;
- (b) in paragraph (2)(b)(ii), for “section 2D(2) of the 1990 Act” substitute “section 77(1) of the 2023 Act”;

(1) S.I. 2017/644 (W. 150).

- (c) in paragraph (3), for “section 2D(2) of the 1990 Act” substitute “section 77(1) of the 2023 Act”.

130. In regulation 6(2) and regulation 7(2)(c), for “section 2A of the 1990 Act” substitute “section 78 of the 2023 Act”.

131. In regulation 9—

- (a) in paragraph (1)—
 - (i) in the words before sub-paragraph (a), for “section 2D(5)(c) of the 1990 Act” substitute “section 82(2)(c) of the 2023 Act”;
 - (ii) in sub-paragraph (c), for “section 2A of the 1990 Act” substitute “section 78 of the 2023 Act”;
- (b) in paragraph (2), for “section 2D(5)(c) of the 1990 Act” substitute “section 82(2)(c) of the 2023 Act”.

132. In regulation 10, for “paragraph 4(1)(b) of Schedule 1B to the 1990 Act” substitute “paragraph 3(2)(b) of Schedule 2 to the 2023 Act”.

133. In regulation 14, for “paragraph 4(1)(a) of Schedule 1B to the 1990 Act” substitute “paragraph 3(2)(a) of Schedule 2 to the 2023 Act”.

134. In regulation 19, for “paragraph 4(1)(a) of Schedule 1B to the 1990 Act” substitute “paragraph 3(2)(a) of Schedule 2 to the 2023 Act”.

The Conservation of Habitats and Species Regulations 2017

135. In regulation 70(1)(h) of the Conservation of Habitats and Species Regulations 2017(1)—

- (a) omit the “or” after sub-paragraph (i);
- (b) at the end of sub-paragraph (ii), before the full-stop insert—
 - “; or
 - (iii) paragraph 2(6) of Schedule 9 to the Historic Environment (Wales) Act 2023 (action by Welsh Ministers on rejection of purchase notice by planning authority)”.

The Electricity and Gas (Energy Company Obligation) Order 2022

136. In article 79(3) of the Electricity and Gas (Energy Company Obligation) Order 2022(2)—

- (a) in the definition of “conservation area”—

(1) S.I. 2017/1012, to which there are amendments not relevant to these Regulations.
(2) S.I. 2022/875.

- (i) in sub-paragraph (a), omit “and Wales”;
- (ii) after sub-paragraph (a) insert—
 - “(aa) in the case of premises in Wales, section 210 of the Historic Environment (Wales) Act 2023;”;
- (b) in the definition of “listed building”—
 - (i) in sub-paragraph (a), omit “and Wales”;
 - (ii) after sub-paragraph (a) insert—
 - “(aa) in the case of premises in Wales, section 76 of the Historic Environment (Wales) Act 2023;”.

Revocation and saving

137.—(1) The following instruments are revoked—

- (a) the Historic Environment (Wales) Act 2016 (Commencement No. 1 and Transitional Provisions) Order 2017⁽¹⁾;
- (b) the Ancient Monuments (Claims for Compensation) (Wales) Regulations 2017⁽²⁾;
- (c) the Historic Environment (Wales) Act 2016 (Commencement No. 2) Order 2021⁽³⁾.

(2) The continuing operation of the saving made by section 105(4) of the Levelling-up and Regeneration Act 2023⁽⁴⁾ is not affected by paragraph (1)(a) or (c).

(3) The following instruments are revoked to the extent that they remain in force—

- (a) the Ancient Monuments (Applications for Scheduled Monument Consent) (Welsh Forms and Particulars) Regulations 2001⁽⁵⁾;
- (b) the Ancient Monuments (Claims for Compensation) (Wales) Regulations 1991⁽⁶⁾.

Jane Hutt

Cabinet Secretary for Culture, Social Justice, Trefnydd
and Chief Whip, one of the Welsh Ministers
9 September 2024

(1) S.I. 2017/633 (W. 143) (C. 55).
(2) S.I. 2017/641 (W. 147).
(3) S.I. 2021/1059 (W. 247) (C. 59).
(4) 2023 c. 55.
(5) S.I. 2001/1438 (W. 100).
(6) S.I. 1991/2647.