



Llywodraeth Cymru
Welsh Government

Explanatory Memorandum Historic Environment (Wales) Bill

DATE OF INTRODUCTION:
04 JULY 2022



“And by the common counsel and agreement ... they examined the old laws, and some of them they allowed to continue, others they amended, others they wholly deleted, and others they laid down anew.”

Book of Iorwerth 1240

Explanatory Memorandum to the Historic Environment (Wales) Bill

This Explanatory Memorandum has been prepared by the Office of the Legislative Counsel of the Welsh Government and Cadw and is laid before Senedd Cymru.

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Member's statements on introduction of the Bill

Statement required under 26C.9(i)

In my view the provisions of the Historic Environment (Wales) Bill, introduced by me on 4 July 2022, would be within the legislative competence of Senedd Cymru.

Statement required under 26C.9(iii)

This Consolidation Bill contains no provisions other than those permitted under Standing Order 26C.2.

Statement required under 26C.11

I endorse the accuracy of this Explanatory Memorandum and, having taken the advice of the Law Commission where relevant, certify that in my view the Historic Environment (Wales) Bill is a Consolidation Bill within the meaning of Standing Orders 26C.1 and 26C.2.

Mick Antoniw MS

Counsel General for Wales
Member in Charge of the Bill

4 July 2022

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Index required under Standing Order 26C.10

Requirements of Standing Order 26C.9		Location in Explanatory Memorandum
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26C.9 (vii)	Confirmation of no additional significant expenditure and best estimates of additional expenditure	Part 2, paragraph 33 and paragraphs 37 to 56
26C.9 (viii)	Potential impact on the justice system	Part 3, paragraph 64
26C.9 (ix)	Report of the Auditor General on provisions charging expenditure on the Welsh Consolidated Fund	Not applicable (and see paragraph 34)
Requirements of Standing Order 26C.11		Location in Explanatory Memorandum
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Part 1 – Background to the Bill

Description

1. The purpose of the Historic Environment (Wales) Bill ('the Bill') is to consolidate legislation relating to the historic environment in Wales.
2. Consolidation involves bringing together all or most of the (generally primary) legislation on a specific subject so that it can be easily found, and by modernising the form and drafting of the law to make it easier to understand and apply. Consolidation will often bring together several existing Acts on a subject, updating and harmonising the provisions, to eventually create a new, single, Act.

The historic environment – a precious and fragile resource

3. The people of Wales have inherited a unique historic environment. Shaped by past generations over many centuries, it continues to enhance our quality of life and well-being today. The historic places (frequently referred to as historic assets) that surround us give us a sense of place and help to define us as a nation. Our historic environment is made up of many historic assets, including individual historic buildings and monuments, archaeological sites, historic parks and gardens, conservation areas, historic townscapes and landscapes. In addition to the cultural, social and environmental benefits that this historic environment brings to the people of Wales, it also makes a substantial contribution to the nation's economy, for example through tourism. The historic environment can also be a powerful catalyst for regeneration in both urban and rural areas, playing an important part in strengthening community confidence and attracting inward investment to stimulate development and economic growth.
4. If the historic environment is a precious resource, it is also a fragile one. It must be protected so that present and future generations of Welsh citizens and visitors to our nation can continue to be inspired by it, learn from it and enjoy its many benefits. However, it cannot be frozen in time. Change is inevitable as the passage of years will take its toll on even the most substantial monuments or buildings and sometime change is necessary so that the historic environment can be carefully and sustainably conserved and managed. On behalf of the Welsh Ministers, Cadw have published *Conservation principles for the sustainable management of the historic environment in Wales* (2011) which sets out that conservation means managing change carefully so that we protect and preserve what is significant and special about our historic assets.

5. These principles for protection and conservation are underpinned by the legislation that is set out in this Bill. At its heart is the need to identify and designate, through a process of selection, those historic assets (whether historic buildings, historic monuments or historic areas) that are of special interest at a national level. The legislation then provides a set of measures that help to protect and preserve the special character that makes those designated historic assets of national importance, and in particular measures for controlling works that affect those assets.
6. The legislative provisions are accompanied by a range of planning advice and guidance documents relating to the historic environment, notably *Technical Advice Note 24: the Historic Environment (2017)*. So far 15 best-practice guidance documents have been published. Some are aimed primarily at the owners of historic assets, while others are intended for planning authorities, but all are freely available on the Cadw website. Together, the legislation and these advice and guidance documents provide the framework for the protection and conservation of the historic environment, and the management of change affecting historic places in Wales.
7. Regulating the historic environment does not mean that change to the form, fabric or function of a building or monument is not possible. Works that will not cause harm, or can otherwise be justified or even enhance, might allow a historic building to remain in active use or prevent a monument from further damage or decay. Rather, the system is designed to preserve the character of a building as one of special architectural or historic interest or a monument as one of special historic interest, through the careful management of change. For example, a listed chapel that is no longer used for religious purposes might require extensive works to be authorised if it is to remain in adaptive re-use. However, the impact of these works needs to be carefully assessed through the consenting process in order to preserve the special character of the building.
8. This framework for protection and conservation has a long history. The very first schedule of monuments in the UK was put in place by the Ancient Monuments Protection Act of 1882 and this included three Welsh prehistoric monuments. The “schedule” of monuments was joined by a “list” of buildings of special architectural or historic interest in 1947, and there are now more than 30,000 listed buildings and more than 4,000 scheduled monuments in Wales. The schedule and the list were subsequently supplemented by conservation areas in 1967 and most recently, as a consequence of the Historic Environment (Wales) Act 2016 (“the 2016 Act”), by a statutory register of historic parks and gardens and a statutory list of historic place names.

9. However, this very long history, and the frequent need to update and strengthen the legislation, has made historic environment law particularly complex. This complexity has been added to by amendments made to particular provisions by the different nations of the United Kingdom.

Reasons for introducing the Bill

10. Concerns have been raised for many years about the complexity of the law in the United Kingdom and the disorganised state of our vast and sprawling statute book. This is a problem caused, not only by the sheer volume of primary, secondary and quasi-legislation, but also because that legislation is amended, re-amended and re-made in inconsistent ways over time. This practice creates layers of legislation which may be related or interconnected in a number of different ways, making the legislative landscape difficult for users to navigate. In addition, it is now common for the law to be different in England, Scotland, Wales and Northern Ireland. Historic environment legislation is no exception.
11. This Bill brings together legislation currently set out in a number of Acts, mainly:
- the Historic Buildings and Ancient Monuments Act 1953
 - Parts 1 and 3 of the Ancient Monuments and Archaeological Areas Act 1979 (“the 1979 Act”)
 - the Planning (Listed Buildings and Conservation Areas Act) 1990 (“the 1990 Listed Buildings Act”)
 - Part 4 of the 2016 Act.
12. The Bill also restates the following planning legislation:
- provisions in Parts 14 and 15 of the Town and Country Planning Act 1990 (“the 1990 Planning Act”) which are applied to the 1990 Listed Buildings Act by sections 89(1) and 91(2) of that Act
 - Part 5 of the Planning and Compulsory Purchase Act 2004 (“the 2004 Act”), so far as it applies to decisions under the 1990 Listed Buildings Act.
13. Both the 1979 Act and the 1990 Listed Buildings Act were themselves consolidation exercises:
- a. Previous Acts of the UK Parliament on the protection of ancient monuments were the Ancient Monuments Protection Act 1882; the Ancient Monuments Consolidation and Amendment Act 1913; the Ancient Monuments Act 1931; and the Historic Buildings and Ancient Monuments Act 1953.

- b. The 1990 Listed Buildings Act mainly restated the provisions about historic and listed buildings contained in the Town and Country Planning Act 1971 (“TCPA 1971”), as amended by later Acts¹. TCPA 1971 had been a consolidation of the Town and Country Planning Act 1962 (“TCPA 1962”) and later Acts. TCPA 1962 had in turn been a consolidation of the Town and Country Planning Act 1947 and other Acts.

Part 1 of the 1990 Listed Buildings Act contains provisions that were first enacted at various times from 1947 onwards. For example, the requirement for a list of buildings was first enacted in TCPA 1947, the offence of intentionally damaging a listed building originated in the Civil Amenities Act 1967, and the requirement for listed building consent and the power to issue enforcement notices were introduced by the Town and Country Planning Act 1968.

Part 1 has been amended by a number of later Acts. The main amendments that apply to Wales have been made by the Planning and Compensation Act 1991, the 2004 Act and the 2016 Act. Amendments have also been made which apply only to England, in particular by the Enterprise and Regulatory Reform Act 2013.

14. As a result of this history, differences and inconsistencies between provisions have developed over time. When previous consolidation Acts restated provisions from earlier Acts, they generally did so with very few changes to the language, so differences were often maintained. In the drafting of this Bill, efforts have been made to identify and remove as many inconsistencies as possible, unless there are reasons for preserving them.
15. Given the age of a number of these Acts, they are not as clear and accessible as they could be. Some of the provisions are ambiguous or have caused problems in practice, some are arguably redundant, and some are simply out of date. They would therefore benefit from modernisation. For example, the Bill has simplified the provisions about the publication of the list of buildings of special architectural or historic interest to reflect the availability of digital services.
16. Most of the Acts being consolidated predate the devolution settlement for Wales. This means some of the rules, requirements and definitions in use are not relevant to law applying to Wales only. For example, the 1979 Act contains some provisions which apply to England, Wales and Scotland, some which

¹ The rest of TCPA 1971 was consolidated in the Planning Act and the Planning (Hazardous Substances) Act 1990.

apply only to Wales, and some only to England and only to Scotland. Additionally, some of the bodies referred to in the legislation do not reflect the institutional and constitutional arrangements applicable in Wales. The Bill restates the provisions only applicable to Wales, and updates the terminology and references, making it significantly easier for users of the legislation to understand the law as it applies to them.

17. Also of concern is the fact that, with the exception of the 2016 Act which was enacted by the (then) National Assembly for Wales, the remaining primary legislation is set out in Acts of the UK Parliament. As such it is enacted in English only. However, the majority of the 2016 Act makes amendments to the earlier legislation, and therefore only a limited number of its operative provisions are available bilingually. Overall, there is a very little bilingual legislation relating to the historic environment in Wales, which means the law is not as accessible as it should be. This is also an obstacle to those seeking to use the Welsh language as a language of the law.
18. In addition to bringing together relevant provisions from the numerous Acts, the Bill also incorporates some provisions of subordinate legislation made under the Acts being consolidated, and some case law and practice which is important in understanding the operation of those Acts. Annex C to this Memorandum explains where material of these kinds has been included.
19. The Bill gives effect to a number of recommendations made by the Law Commission in its final report on *Planning Law in Wales*². Some of the recommendations relate specifically to provisions that are restated in the Bill; others relate to provisions of planning legislation that are identical or very similar to provisions of the legislation that is consolidated in the Bill.
20. Additionally, the Law Commission has made further recommendations to the Welsh Ministers about specific matters which it considers would be appropriate for inclusion this consolidation – see Annex D.
21. The fact that a change was recommended in the Law Commission’s report does not necessarily mean that reliance is being placed on paragraph (v) of Standing Order 26C.2, which allows a consolidation Bill to make changes in the law which the Law Commission recommends “are appropriate for inclusion within a consolidation Bill”. A recommendation under paragraph (v) was sought only where the Welsh Government considered it likely that a change in the Bill could not be made under any other paragraph of Standing Order 26C.2 without such a recommendation. The notes provided at Annex C identify the changes within the Bill that rely on a recommendation under paragraph (v).

² Law Commission of England and Wales (2018) *Planning Law in Wales* (Law Com 383)

22. The objective of this consolidation is to improve the accessibility of the historic environment legislation for Wales, by providing a single modern, bilingual Act for Wales. This will promote consistency in the language, form and operation of the legislation supporting the effective protection and management of the historic environment. This will ensure that the historic environment can continue to contribute to the well-being of Wales and its people. This Act, together with subordinate legislation made under it, will form a Code of Welsh law on the Historic Environment. The significance of this status is twofold. The first is that the Welsh Government intends to publish all enactments that form part of the Code together. The second is that the Government also envisages, subject of course to the Senedd's agreement, a change to the Senedd's Standing Orders to seek to ensure that future changes to the law that forms part of a Code are made by amending or replacing the enactments rather than making different, "stand-alone", provisions that would again lead to a complex proliferation of laws.
23. More widely, this consolidation is the first of a series of planned projects to consolidate the law applicable in Wales. These projects are central to the task of making Welsh law more accessible, and they form part of the Government's *Future of Welsh Law* programme³. As set out in the Explanatory Memorandum to the Legislation (Wales) Bill⁴:

Ensuring the long term accessibility of Welsh law gives rise to significant benefits for the public and private sectors in Wales and for private citizens by progressively removing the barriers to efficient and effective use of the law. It will promote greater confidence in the law for business, Government and citizens, leading to more confident and efficient decision-making across all parts of civic society and the private sector.

These wider benefits are expected to materialise in relation to the consolidation of historic environment legislation.

24. A summary of the structure of the Bill and its contents is set out at the beginning of the Explanatory Notes to the Bill (see Annex A). The legislative framework provided by the existing legislation, and now the Bill, supports the operational work of Cadw, and planning and National Park authorities to effectively protect and manage the historic environment in Wales.

³ Available at: [Programme to improve the accessibility of Welsh law \(gov.wales\)](https://gov.wales/programme-to-improve-the-accessibility-of-welsh-law)

⁴ See Table 3 (page 45) of *Explanatory Memorandum to the Legislation (Wales) Bill* (as revised after Stage 2) available at: [pri-ld11927-em-r-e.pdf \(senedd.wales\)](https://senedd.wales/pri-ld11927-em-r-e.pdf)

25. Cadw is part of the Welsh Government and as such is responsible for acting on behalf of the Welsh Ministers in the delivery of many of the duties and powers that have been conferred upon the Welsh Ministers by the Bill. Of particular note is the duty to maintain and publish a schedule of monuments and a list of buildings, along with the authorisation of works to scheduled monuments by scheduled monument consent. Cadw is also responsible for considering monuments of special interest that might be acquired by the Welsh Ministers or brought into their guardianship. There are currently 130 monuments in the care of Cadw, on behalf of the Welsh Ministers. Cadw is responsible for the delivery of the duties placed on the Welsh Ministers to maintain and provide public access to these monuments.
26. The Bill also provides planning authorities and National Park Authorities with the required powers to deliver their specific responsibilities for managing works that impact on most listed buildings and conservation areas. In particular, planning authorities are responsible for the authorisation of works that affect the majority of listed buildings through listed building consent and also for taking enforcement action when required following unauthorised works or for taking action, if it is considered necessary, when listed buildings fall into disrepair.
27. In consolidating the existing legislation every effort has been made to express legal concepts in language that is comprehensible and accessible, and that reflects current practice – both drafting and operational. This has sometimes proved to be a challenging task and has seen the replacement of some time-honoured terms. For example, the term ‘ancient monument’ was introduced in the first piece of UK legislation for the historic environment: the Ancient Monuments Protection Act of 1882. It described a small selection of largely prehistoric monuments accorded protection by that Act, so the term was appropriate to its use at that time. But over subsequent Acts, the term has come to encompass monuments of any period, from distant pre-history to the Cold War. As a result, it is not completely accurate and in some cases is misleading; the Bill therefore replaces this term with the more precise and informative label ‘monument of special historic interest’.
28. The consolidation process has included removing or omitting provisions from the existing legislation where they are obsolete, spent or no longer of practical utility or effect. For the most part, these are minor redundant provisions (and more detail on these changes are set out in Annex C). More significantly there are two areas that have been removed as they are deemed to no longer be of practical utility or effect:
- Part II of the 1979 Act, which provides for the creation of archaeological areas, and

- sections 38 and 39 of the 2016 Act, which provides for the establishment of an Advisory Panel for the Welsh Historic Environment.
29. Part II of the 1979 Act has never been used in Wales and it is unlikely that it will be in the future because in practice planning policy provides greater protection to the archaeological heritage. Partly as a result of this the Law Commission has recommended that the 1979 Act should be amended to revoke Part II in Wales⁵.
30. The 2016 Act's provisions for the Advisory Panel have never been brought into effect. Subsequent years have seen changes in the governance of Cadw and the establishment of a Cadw Board which includes external members recruited through a process equivalent to the public appointments process. This can, if requested, provide independent advice to Ministers of the kind that was envisaged to be provided by the Advisory Panel. There is also a long-established Historic Environment Group that comprises representatives from a wide range of heritage stakeholders. Again, the Group frequently acts as a forum to provide advice to Ministers. With these two bodies in place, there is no realistic prospect that the Advisory Panel will be constituted.

Legislative competence

31. The Senedd has the legislative competence to make the provisions in the Bill pursuant to Part 4 of the Government of Wales Act 2006 as amended by the Wales Act 2017.
32. The Counsel General, as the Member in Charge of this Bill, has made a statement in accordance with Standing Order 26C.9(i) – see page 5 of this Explanatory Memorandum.

⁵ Law Commission of England and Wales (2018) *Planning Law in Wales* (Law Com 383). Recommendation 13-11: *We recommend that the Ancient Monuments and Archaeological Areas Act 1979 should be amended so that Part 2 (areas of archaeological interest) does not apply in Wales.*

Part 2 – Additional expenditure

33. The provisions of the Historic Environment (Wales) Bill ('the Bill') do not give rise to additional significant expenditure payable out of the Welsh Consolidated Fund.
34. There are no provisions in the Bill which charge expenditure on the Welsh Consolidated Fund.
35. There are some small transitional costs associated with implementing the Bill, should it be passed by the Senedd and enacted. These costs have been estimated for the appraisal period 2023 to 2026 and it is not anticipated that there will be any additional ongoing costs beyond this period.
36. In this assessment all costs have been rounded to the nearest £100.

Analysis of additional expenditure

37. The Bill consolidates the existing legislation relating to the historic environment in Wales, and in line with the requirements of the Senedd's Standing Order 26C.2 does not bring about policy reform of any significance⁶. In consequence there will be no additional significant costs associated with its operation to the Welsh Government or others.
38. Some transitional costs associated with implementing the consolidated legislation are anticipated. These will primarily arise from updating guidance (such as the best-practice guidance referred to in paragraph 6 above), forms and websites to reflect the new legislation as well as running familiarisation workshops (most, if not all, of which are likely to be done online rather than in person).

Identified areas of additional expenditure

Welsh Government

39. There are five likely areas of expenditure falling to the Welsh Government:
 - a. The preparation of the subordinate legislation required to bring the new legislation fully into effect. The subordinate legislation will need to be

⁶ Annex C to this Explanatory Memorandum sets out those changes which are permitted under Standing Order 26C and required to be explained

prepared and, in some cases, consulted upon. The costs will mainly be staff time, and will occur in the implementation period (i.e. prior to the new legislation coming into force).

- b. Updating guidance documents, forms and letters, developing core text and sector specific information that can be used by other organisations to explain the changes, and running familiarisation workshops. There may be a need to develop factsheets or other information that can be distributed at events, site visits etc. These costs will be mainly staff time and will occur in the implementation period.
 - c. Updating the Cadw website, Cof Cymru, the Welsh Government website and Cyfraith Cymru/Law Wales to reflect the new legislation. Again, this will be mainly staff time and will occur in the implementation period.
 - d. Updating the Planning Portal, which in the context of historic environment legislation is used for submitting applications for the consent of works to listed buildings. Changes to the Planning Portal arising from new regulations introduced in 2017 cost approximately £4,000 to implement. The costs for the changes arising from consolidating the historic environment legislation are likely to be similar and will arise in the implementation period.
 - e. Enabling Planning and Environment Decisions Wales (PEDW), who undertake a number of reviews, appeals and other activity associated with listed buildings and scheduled monuments, to update guidance notes, their website and forms. PEDW's administration staff and inspectors will also need to become familiar with the new legislation.
40. Staff time will be needed to update online resources and review and update the suite of guidance and management documents. The familiarisation workshops are likely to be held online enabling more than one local authority or National Park authority to attend each session; these are likely to be undertaken by higher grade staff within Cadw. The total cost to the Welsh Government, including PEDW, is estimated to be £27,500 and will fall in the implementation period.

Local authorities and National Park authorities

41. Local authorities and National Park authorities are the consenting authorities for applications for works to most listed buildings. They also consider applications for planning permission which may affect designated historic assets including listed buildings, scheduled monuments and historic parks and gardens. Staff

within each authority will need to become familiar with the new legislation, and will need to update their websites, relevant forms and standard letters. Local authorities will also act as a point of contact for owners of listed buildings and other people with an interest in the historic environment, so will need to ensure their advice reflects the new legislation.

42. Local authorities and National Park authorities will need to provide familiarisation sessions for council members and other relevant officials, but Cadw will provide the core materials for these.
43. Staff time is estimated to come to approximately four days per authority, at a total cost of approximately £17,500 and will fall in the implementation period.

Third sector bodies / amenity societies

44. Third sector bodies and amenity societies currently disseminate information on the operation of the existing legislation, so they will need to update this to reflect the changes. As noted above, Cadw will be providing updated information to such bodies, and we therefore estimate that the burden of updating individual websites will be minimal, and probably in the region of one person for one day.

Magistrates' courts, Crown Court and Crown Prosecution Service

45. The impact to the judicial system is not likely to be significant as the consolidation Bill does not change the effect of existing law (see also paragraph 64 below). Work will be needed by HM Courts and Tribunals Services to update their records to reflect the new legislation. This is undertaken as part of their normal course of business.

Police authorities

46. Cadw will liaise with the officers in each Welsh police force that deal specifically with heritage crime to provide awareness training and information on the new legislation. This will support the existing mechanisms within each force for identifying and implementing new legislation.
47. Staff time is estimated to come to approximately half a day to complete a familiarisation workshop for four heritage crime officers at a total cost of approximately £1,400, and this will fall in the implementation period.

Private law firms and advice organisations

48. It is not known how many private law firms or advice organisations such as Citizens Advice engage with historic environment legislation, however they are unlikely to incur any direct costs. They will however be encouraged to be aware of the changes and new legislation. Cadw will provide the core information needed and, based on the estimate of the cost involved in doing this for other organisations, it is thought that it may take two hours for individuals to read the relevant material which will be available on the Cadw website. The information will also be signposted through the Law Society, Legal Wales News, and other representative organisations and publications.

Welsh Archaeological Trusts

49. There are four archaeological trusts in Wales that support the core historic environment record, Archwilio. Their websites will need to be updated and it is estimated that each Trust will need two days for this. Cadw will provide support to them to familiarise themselves with the new legislation which is estimated will take each Trust approximately half a day.
50. It is estimated this will cost in the region of £2,400 in total; these costs will arise in the implementation period.

Royal Commission on the Ancient and Historical Monuments of Wales

51. The Royal Commission on the Ancient and Historical Monuments of Wales perform several functions on behalf of Cadw and will need to update a number of resources which support the historic environment record. These include the List of Historic Place Names of Wales and the National Monuments Record. They will also need support from Cadw to familiarise themselves with the new legislation.
52. It is estimated this will take approximately five days and cost in the region of £900; these costs will arise in the implementation period.

The Land Registry

53. As a result of the Infrastructure Act 2015, the responsibility for holding a local land charge register was transferred from local authorities to HM Land Registry in a phased approach. Local authorities and the Welsh Ministers are the “originating authority” to apply, vary and cancel charges on the register .

54. When an originating authority applies for registration, they must state the legislation under which the charge is created. The first Welsh local authority migrated to this system in April 2022.
55. The cost of updating this service for local authorities and the Welsh Government will fall within the costs identified previously.

Summary

56. The transitional costs identified above total approximately £50,000 and will be spread across the implementation period (2023-26). The identified costs mainly reflect the opportunity cost of staff time and do not represent an additional financial outlay. The Bill is not expected to give rise to any additional costs beyond the implementation period.

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Part 3 – Integrated impact assessment

57. Alongside the assessment of costs, an integrated impact assessment has been carried out, which is summarised below. A copy is available, on request, from historicenvironmentleg@gov.wales and is published on the [Welsh Government website](#).
58. The Bill brings together all or most of the current legislation on the historic environment, so that it can be easily found. This and the process of modernising the form and drafting of the law make it easier to understand and apply. The intention of the impact assessment was not to assess the impact of the policies contained in the legislation but the exercise of consolidating historic environment legislation.
59. As the Bill does not contain policy changes, the integrated impact assessment concluded that there is negligible impact in most areas but a positive impact on the Welsh language. A summary of main conclusions are set out below.

Impact on Welsh language

60. Consolidating the legislation will have a positive impact on the Welsh language as all of this legislation will now be available bilingually for the first time. This will ensure that Welsh and non-Welsh speakers will have fully equitable access to the historic environment legislation of Wales.
61. The availability of the legislation in Welsh should also encourage more use of technical terminology on the subject in Welsh, which isn't well used at the moment.

Equality impact assessment

62. The impact of the Bill on people in protected groups was considered. The impacts will be limited as the overall effect of the legislation will remain unchanged. The wider accessibility programme has been developed with a view to promoting equality of access to the law for all and consolidating the historic environment legislation of Wales will contribute to this aim. The exercise will improve access to historic environment legislation for all, including legal professionals, the judiciary, academics and citizens.

Rights of the child

63. Having reviewed the UNCRC articles, the benefits and impacts of the Historic Environment (Wales) Bill do not directly support or promote children's rights. There is considered to be no adverse effect to children's rights.

Justice impact assessment

64. The potential impacts on the justice system of the proposals have been assessed. The impact on the judicial system is not likely to be significant as the consolidation Bill does not change the effect of existing law. No new offences have been created, most offences have been restated, three have been repealed and one offence has been amended to remove imprisonment on guilt. The consolidation does mean that on the rare occasions in which those in the justice system may need to engage with the legislation, they will need to look at different legislation, meaning they will need to familiarise themselves with it. Once this has been done the effect will be positive because (from a Welsh perspective) there will be a single, modern, bilingual Act applicable in Wales; and because (from an English perspective) the law applicable in England will be less complex as provisions within the existing legislation that apply to Wales only will be removed.