
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. 929 (W. 154)

**HISTORIC ENVIRONMENT,
WALES**

**The Scheduled Monuments
(Partnership Agreements) (Wales)
Regulations 2024**

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations are made under powers given to the Welsh Ministers by the Historic Environment (Wales) Act 2023 (“the 2023 Act”). The 2023 Act forms part of a code of law relating to the historic environment of Wales. These Regulations also form part of that Code.

The Regulations make provision about partnership agreements relating to scheduled monuments in Wales.

The 2023 Act protects monuments of special historic interest. A monument may comprise a building, structure, work, cave or excavation, or site. The 2023 Act provides that the Welsh Ministers must maintain a record (referred to as a “schedule”) of monuments in Wales that are of national importance. Particular types of works may only be carried out to a “scheduled monument” if they are authorised by the Welsh Ministers. This authorisation is called “scheduled monument consent” and is granted under Part 2 of the 2023 Act.

The framework for a partnership agreement is set out in sections 25 to 29 of the 2023 Act. A partnership agreement is an agreement between the Welsh Ministers and the owner of a scheduled monument in Wales or the owner of land adjoining, or in the vicinity of, such a scheduled monument (referred to as “associated land”). There may also be additional parties to a partnership agreement, including any other person with an interest in the monument or associated land. A partnership agreement may relate to more than one scheduled monument.

A partnership agreement may grant scheduled monument consent for a programme of works

specified in the agreement. The works may only be for the purpose of removing or repairing a scheduled monument to which the agreement applies, or any part of it, or for the purpose of making any alterations or additions to such a monument. That consent may be subject to conditions.

Section 26(5) of the 2023 Act requires the Welsh Ministers to make Regulations to make further provision about the consultation and publicity procedures for agreeing and varying agreements.

Regulation 3 sets out the consultation and publicity requirements with which the Welsh Ministers must comply before they enter into a partnership agreement or an existing agreement is varied to include one or more additional scheduled monuments or to extend its duration. They include consulting with the owner and occupier of the land, and with relevant local authorities, and publicising draft partnership agreements or draft variations to agreements by electronic means for a specified number of days.

Regulation 4 provides that the Welsh Ministers must publish a list, by electronic means, of partnership agreements that are in effect and must update the list as soon as practicable after entering into a new partnership agreement or if variations are made.

Regulation 5 revokes the Scheduled Monuments (Heritage Partnership Agreements) (Wales) Regulations 2021.

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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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 sections 26(5) and (6), 209(2) and 211(3)(a) and (4) of the Historic Environment (Wales) Act 2023⁽¹⁾, make the following Regulations.

Title, coming into force and code

1.—(1) The title of these Regulations is the Scheduled Monuments (Partnership Agreements) (Wales) Regulations 2024.

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

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

Interpretation

2. In these Regulations—

“the 2023 Act” (“*Deddf 2023*”) means the Historic Environment (Wales) Act 2023;

“associated land” (“*tir cysylltiedig*”) has the meaning given by section 25(1)(b) of the 2023 Act;

(1) 2023 asc 3.

(2) See paragraphs 8 to 10 of the Explanatory Notes to the 2023 Act, which can be found at <https://www.legislation.gov.uk/asc/2023/3/notes/division/3>.

“draft agreement” (“*cytundeb drafft*”) means draft partnership agreement;

“draft variation” (“*amrywiad drafft*”) means draft variation to a partnership agreement;

“local authority” (“*awdurdod lleol*”) means—

- (a) in relation to scheduled monuments and associated land in Wales—
 - (i) a county council or a county borough council in Wales, and
 - (ii) a National Park authority in Wales;
- (b) in relation to associated land in England, the council of a county or district in England;

“owner” (“*perchennog*”) means—

- (a) an owner of the freehold estate, or
- (b) a tenant under a lease granted or extended for a fixed term that has at least 7 years left to run;

“partnership agreement” (“*cytundeb partneriaeth*”) means an agreement entered into by the Welsh Ministers under section 25(1) of the 2023 Act;

“scheduled monument” (“*heneb gofrestredig*”) means a monument included in the schedule of monuments maintained by the Welsh Ministers under section 3 of the 2023 Act.

Consultation and publicity requirements: draft agreement or draft variation

3.—(1) The Welsh Ministers may not enter into a partnership agreement unless they have complied with paragraphs (4) to (6).

(2) Paragraph (3) applies to a proposed variation of an existing partnership agreement so as to—

- (a) provide that the agreement relates to an additional scheduled monument, or
- (b) extend the duration of the agreement.

(3) The variation may not be made unless—

- (a) in the case of a variation proposed by a party other than the Welsh Ministers, that party has sent a copy of the draft variation to the Welsh Ministers, and
- (b) in any case, the Welsh Ministers have complied with paragraphs (4) to (6).

(4) The Welsh Ministers must—

- (a) send a copy of the draft agreement or draft variation (as the case may be) to—
 - (i) the owner of the scheduled monument or associated land to which the draft agreement or draft variation relates;

- (ii) any occupier of the scheduled monument or associated land;
 - (iii) any local authority in whose area the scheduled monument or associated land is situated;
 - (iv) any local authority which is a guardian of the scheduled monument or associated land (by virtue of section 45 or 49 of the 2023 Act), and
 - (b) invite representations from those persons before the end of a period specified in the invitation.
- (5) The Welsh Ministers must also—
- (a) publish the following information by electronic means for at least 21 days—
 - (i) the address or location of the scheduled monument or associated land to which the draft agreement or draft variation relates;
 - (ii) a summary of the draft agreement or draft variation;
 - (iii) details of how representations may be made to the Welsh Ministers about the draft agreement or draft variation;
 - (iv) the period within which any representations must be received,
 - (b) send the information described in sub-paragraph (a) to any person the Welsh Ministers consider to have an interest in the draft agreement or draft variation, other than a person to whom the draft agreement or draft variation has been sent under paragraph (4), and
 - (c) if requested to do so before the end of the period for making representations under this paragraph, send to the person who made the request a copy of the draft agreement or draft variation.
- (6) The Welsh Ministers must ensure that the periods for making representations under this regulation are periods of at least 21 days beginning with—
- (a) in the case of paragraph (4), the day on which a copy of the draft agreement or draft variation (as the case may be) is first sent under that paragraph, and
 - (b) in the case of paragraph (5), the day on which the information mentioned in sub-paragraph (a) of that paragraph is first published electronically.
- (7) Nothing in this regulation or regulation 4 requires the Welsh Ministers to publish or to send to any person information—

- (a) which is a trade secret,
- (b) if disclosure is otherwise likely to prejudice the commercial interest of any person,
- (c) the disclosure of which would constitute a breach of confidence actionable by any person, or
- (d) the disclosure of which is prohibited by or under any enactment or by an order of a court.

Publicity requirement: duty to publish list

4. The Welsh Ministers must—

- (a) publish a list, by electronic means, of all partnership agreements that are in effect, and
- (b) as soon as practicable after a partnership agreement is entered into, or an existing agreement is varied, add the agreement or variation to the list.

Revocation

5. The Scheduled Monuments (Heritage Partnership Agreements) (Wales) Regulations 2021⁽¹⁾ are revoked.

Jane Hutt

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

⁽¹⁾ S.I. 2021/1176 (W. 289).