

Explanatory Memorandum to The Historic Environment (Miscellaneous Amendments) (Wales) Regulations 2024

This Explanatory Memorandum has been prepared by Cadw and is laid before Senedd Cymru in conjunction with the above subordinate legislation and in accordance with Standing Order 27.1.

Minister's Declaration

In my view, this Explanatory Memorandum gives a fair and reasonable view of the expected impact of the Historic Environment (Miscellaneous Amendments) (Wales) Regulations 2024.

Jack Sargeant MS
Minister for Culture, Skills and Social Partnership
29 November 2024

PART 1

1. Description

1.1 These Regulations make minor amendments to secondary legislation which correct errors, or clarify provision made, in:

- the Historic Environment (Wales) Act 2023 (Consequential Provision) (Secondary Legislation) Regulations 2024 (S.I. 2024/924 (W. 151))
- the Scheduled Monuments (Partnership Agreements) (Wales) Regulations 2024 (S.I. 2024/929 (W. 154))
- the Listed Buildings and Conservation Areas (Procedure and Interest Rate) (Wales) Regulations 2024 (S.I. 2024/930 (W. 155)) (“the principal regulations”).

2. Matters of special interest to the Legislation, Justice and Constitution Committee

2.1 These Regulations respond to matters reported on by the Legislation, Justice and Constitution Committee in points 1, 3, 6, 8 and 9 of SL(6)517, point 1 of SL(6)520 and points 4, 5 and 6 of SL(6)516.

2.2 These Regulations meet the criteria for the Free Issue Procedure and so will be issued free of charge to anyone who has purchased a hard copy of the King’s Printer version of the principal regulations.

3. Legislative background

3.1 These Regulations are made in reliance on the powers conferred on the Welsh Ministers by sections 26(5)(b), 91(1) and (2), 92(2), 96, 97, 209(2) and 211(3)(a) and (4) of the Historic Environment (Wales) Act 2023 (“the 2023 Act”). They are powers to make provision in relation to scheduled monument partnership agreements, notice of applications to owners of listed buildings, grant or refusal of listed building consent, grant or refusal of listed building consent subject to conditions and to make provision that is incidental, supplementary to, or consequential on, the provision in regulations and on any provision of the 2023 Act.

3.2 These Regulations are made under the negative resolution procedure.

4. Purpose and intended effect of the legislation

4.1 These Regulations clarify and make minor amendments to secondary legislation to avoid any possibility of confusion and to ensure that the Welsh and English texts are identical.

5. Consultation

5.1 No consultation has been undertaken on these Regulations, as they make minor amendments to correct or clarify secondary legislation and do not reflect a change in the Welsh Government's policy.

6. Regulatory Impact Assessment (RIA)

A Regulatory Impact Assessment has not been prepared for these Regulations, as they correct or clarify existing regulations. The regulations do not achieve a change of policy. This is in line with the policy set out in the Welsh Ministers' code of practice for carrying out regulatory impact assessments for subordinate legislation.