

SL(6)520 – The Scheduled Monuments (Partnership Agreements) (Wales) Regulations 2024

Background and Purpose

These Regulations are part of a package of secondary legislation which brings into force and implements the Historic Environment (Wales) Act 2023 ('the 2023 Act'). The 2023 Act protects monuments of special historic interest and provides that the Welsh Ministers must maintain a record (referred to as a "schedule") of monuments in Wales that are of national importance.

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

A partnership agreement is an agreement between the Welsh Ministers and an owner of a scheduled monument in Wales, or the land adjoining, or in the vicinity of, such a scheduled monument. 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. Partnership agreements are voluntary agreements for the long-term management of one or more assets. A partnership agreement may grant scheduled monument consent for an agreed programme of works to be carried out during the lifetime of the agreement.

The framework for a partnership agreement is set out in sections 25 to 29 of the 2023 Act.

Regulation 3 makes provision about the consultation and publicity requirements for agreeing and varying partnership agreements.

Regulation 4 requires the Welsh Ministers to publish a list, by electronic means, of partnership agreements that are in effect. The Welsh Ministers must update the list after entering into a new partnership agreement or if variations are made.

Regulation 5 revokes The Schedules Monuments (Heritage Partnership Agreements) (Wales) Regulations 2021.

Procedure

Negative.

The Regulations were made by the Welsh Ministers before they were laid before the Senedd. The Senedd can annul the Regulations within 40 days (excluding any days when the Senedd is: (i) dissolved, or (ii) in recess for more than four days) of the date they were laid before the Senedd.



Technical Scrutiny

The following point is identified for reporting under Standing Order 21.2 in respect of this instrument.

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

Regulation 3(5)(b) requires the Welsh Ministers to send the information described in regulation 3(5)(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)”. Paragraph (4) includes the owner of a scheduled monument or associated land, an occupier of a scheduled monument or associated land, any local authority in whose area the scheduled monument or associated land is situated, and any local authority which is a guardian of the scheduled monument or associated land. It would be useful to understand which additional persons, or categories of persons might be considered to have an interest in a draft agreement or draft variation.

Merits Scrutiny

The following point is identified for reporting under Standing Order 21.3 in respect of this instrument.

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

It is noted that some of the provisions of the 2023 Act referred to in these Regulations were not in force on the date that these Regulations were made. As an example, this includes section 25 of the 2023 Act.

However, in accordance with the Historic Environment (Wales) Act 2023 (Commencement) Order 2024, the remaining provisions of the 2023 Act (except section 147, which is not referenced in these Regulations) will come into force on 4 November 2024, the same date on which these Regulations come into force.

Welsh Government response

Technical Scrutiny point 1: The identity of other interested persons depends on the kind of monument in question and the nature of the partnership agreement. For instance, they could be an amenity society such as the Council for British Archaeology, Heneb: the Trust for Welsh Archaeology, the Royal Commission on the Ancient and Historical Monuments of Wales or other local trusts or other partners that have an interest in the monument in question, or similar kinds of monuments.



Committee Consideration

The Committee considered the instrument and Government response at its meeting on 30 September 2024 and reports to the Senedd in line with the reporting points above.



Senedd Cymru

Pwyllgor Deddfwriaeth, Cyfiawnder a'r Cyfansoddiad

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Welsh Parliament

Legislation, Justice and Constitution Committee