

Statutory Guidance — Historic Environment Records in Wales: Compilation and Use

I'd like to thank the Committee for highlighting the potential for confusion arising from the use of 'must', 'should', and 'may' in the statutory guidance, Historic Environment Records in Wales: Compilation and Use.

During the consultation on this guidance, a number of respondents recommended that its title should clearly identify the public bodies to which it is addressed. Consultees also called for the guidance to recognise that it would not be uniformly applicable to those public bodies, given their diverse functions and information holdings.

Efforts were made to refine the guidance in light of these comments. However, it is acknowledged that in some instances this may have resulted in a lack of clarity about some of the responsibilities of the public bodies.

We will, therefore, write to the public bodies concerned to clarify how the terms 'must' and 'should' are to be understood. When 'may' appears in the guidance in relation to the responsibilities of the specified bodies, the usage mirrors that in the historic environment provisions of the Act to allow for the variation of requirements according to the nature of the public body and information concerned.

In the longer term, we will review and amend the guidance to take account of the Committee's comments and any feedback that we receive from the public bodies once they start using the guidance following the commencement of the historic environment record provisions of the Historic Environment (Wales) Act 2016 on 31 May 2017.