



Historic Environment (Wales) Act 2016

2016 anaw 4

PART 2

ANCIENT MONUMENTS ETC

Modifications relating to offences

15 Control of works affecting scheduled monuments

- (1) Section 2 of the [Ancient Monuments and Archaeological Areas Act 1979 \(c.46\)](#) (control of works affecting scheduled monuments) is amended as follows.
- (2) In subsection (8), after “works within subsection (2)(a) or (c) above” insert “which have been executed in relation to a scheduled monument situated in England or land in, on or under which there is such a scheduled monument”.
- (3) After that subsection insert—
 - “(8A) In any proceedings for an offence under this section in relation to works within subsection (2)(a) or (c) which have been executed in relation to a scheduled monument situated in Wales or land in, on or under which there is such a scheduled monument, it is a defence for the accused to prove that, before executing the works or before causing or permitting their execution (as the case may be), the accused—
 - (a) had taken all reasonable steps to find out whether there was a scheduled monument in the area affected by the works; and
 - (b) did not know, and had no reason to believe, that the monument was within the area affected by the works or (as the case may be) that it was a scheduled monument.”