



Historic Environment (Wales) Act 2023

2023 asc 3

PART 7

GENERAL

PROSPECTIVE

Powers to require information about interests in land

197 Power to require information by notice

- (1) A relevant authority may serve a notice (an “information notice”) requiring the occupier of any land or a person who receives rent (either directly or indirectly) in respect of any land to confirm in writing—
 - (a) the nature of the person’s interest in the land, and
 - (b) the name and address of any other person known to the person as having an interest in the land.
- (2) But a relevant authority may not serve an information notice unless the information required by the notice is needed by the authority to enable it to—
 - (a) exercise any of the authority’s functions under or by virtue of Part 2, or
 - (b) make an order or issue or serve a notice or other document under or by virtue of Part 3, 4 or 5.
- (3) An information notice may require the information to be given within—
 - (a) 21 days beginning with the day after the day the notice is served, or
 - (b) any longer period specified by the notice or allowed by the relevant authority.
- (4) In this section “relevant authority” means—
 - (a) the Welsh Ministers;
 - (b) a local authority (within the meaning given by section 157).

Status: This version of this part contains provisions that are prospective.
Changes to legislation: There are currently no known outstanding effects for the
Historic Environment (Wales) Act 2023, PART 7. (See end of Document for details)

Commencement Information

II S. 197 not in force at Royal Assent, see [s. 212](#)

198 Offences in connection with section 197

- (1) A person required to provide information by a notice under section 197 commits an offence if the person fails, without reasonable excuse, to provide the information.
- (2) A person guilty of an offence under subsection (1) is liable on summary conviction to a fine not exceeding level 3 on the standard scale.
- (3) A person required to provide information by a notice under section 197 commits an offence if the person, in purported compliance with the notice, knowingly provides information which is false or misleading in a material respect.
- (4) A person guilty of an offence under subsection (3) is liable on summary conviction, or on conviction on indictment, to a fine.

Commencement Information

I2 S. 198 not in force at Royal Assent, see [s. 212](#)

199 Information about interests in Crown land

- (1) This section applies to an interest in Crown land which is not a private interest.
- (2) Section 197 does not apply to an interest to which this section applies.
- (3) But the Welsh Ministers may, for the purpose of enabling a relevant authority to exercise a function mentioned in section 197(2)(a) or (b), request the appropriate Crown authority to confirm in writing—
 - (a) the nature of the authority's interest in the land;
 - (b) the name and address of any other person known to the authority as having an interest in the land.
- (4) The appropriate Crown authority must comply with a request under subsection (3) except to the extent—
 - (a) that the information requested is not within the knowledge of the authority, or
 - (b) that to do so will disclose information about—
 - (i) national security, or
 - (ii) the measures taken or to be taken to ensure the security of any land or other property.

Commencement Information

I3 S. 199 not in force at Royal Assent, see [s. 212](#)

Status: This version of this part contains provisions that are prospective.
*Changes to legislation: There are currently no known outstanding effects for the
Historic Environment (Wales) Act 2023, PART 7. (See end of Document for details)*

PROSPECTIVE

Offences

200 Offences by bodies corporate

- (1) This section applies where an offence under this Act committed by a body corporate is proved to have been committed with the consent or connivance of, or to be attributable to neglect on the part of—
 - (a) a senior officer of the body, or
 - (b) a person who was purporting to be a senior officer of the body.
- (2) The senior officer or person (as well as the body corporate) is guilty of the offence, and is liable to be proceeded against and punished accordingly.
- (3) In this section “senior officer” means a director, manager, secretary or other similar officer of the body corporate.
- (4) But in the case of a body corporate whose affairs are managed by its members, “director” means a member of the body.

Commencement Information

- I4** S. 200 not in force at Royal Assent, see [s. 212](#)

201 Civil sanctions

- (1) The Welsh Ministers may by regulations make any provision in relation to an offence under this Act that they could make under Part 3 of RESA 2008 (civil sanctions) if, for the purposes of that Part—
 - (a) the Welsh Ministers or any other authority which has an enforcement function in relation to the offence were a regulator, and
 - (b) the offence were a relevant offence in relation to that regulator.
- (2) Sections 59(3) and 60(1) and (2) of RESA 2008 (consultation) apply to regulations under subsection (1) as they apply to an order under Part 3 of RESA 2008.
- (3) Sections 63 to 70 of RESA 2008 (guidance, exercise of powers, payment into Welsh Consolidated Fund and disclosure of information) apply in relation to provision made under subsection (1) as they apply in relation to provision made under Part 3 of RESA 2008.
- (4) In subsection (1) the reference to an authority which has an enforcement function is to be interpreted in accordance with section 71 of RESA 2008.
- (5) In this section “RESA 2008” means the [Regulatory Enforcement and Sanctions Act 2008 \(c. 13\)](#).

Status: This version of this part contains provisions that are prospective.
*Changes to legislation: There are currently no known outstanding effects for the
 Historic Environment (Wales) Act 2023, PART 7. (See end of Document for details)*

Commencement Information

I5 S. 201 not in force at Royal Assent, see [s. 212](#)

PROSPECTIVE

Compensation

202 Making claims for compensation

- (1) The Welsh Ministers may by regulations—
 - (a) make provision about how a claim for compensation under this Act must be made;
 - (b) amend any provision of this Act which specifies the period within which a claim for compensation must be made.
- (2) The Welsh Ministers may extend the period for making a claim for compensation under this Act in a particular case, if they are satisfied that there are good reasons for doing so.
- (3) The period for making a claim may be extended—
 - (a) at any time, whether before or after the period ends, and
 - (b) more than once.

Commencement Information

I6 S. 202 not in force at Royal Assent, see [s. 212](#)

203 Determination of compensation claims by Upper Tribunal

- (1) Any dispute about compensation under this Act is to be referred to and determined by the Upper Tribunal.
- (2) Section 4 of the [Land Compensation Act 1961 \(c. 33\)](#) (costs) applies to the determination of a question referred under this section as it applies to the determination of a question referred under section 1 of that Act, but as if references to the acquiring authority were references to the person from whom compensation is claimed.

Commencement Information

I7 S. 203 not in force at Royal Assent, see [s. 212](#)

204 Compensation for depreciation of value of land

- (1) The rules in section 5 of the [Land Compensation Act 1961 \(c. 33\)](#) have effect for the purpose of assessing any compensation for depreciation payable under this Act, so far as relevant and with any necessary modifications, as they have effect for the purpose of assessing compensation for the compulsory acquisition of an interest in land.

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Changes to legislation: There are currently no known outstanding effects for the Historic Environment (Wales) Act 2023, PART 7. (See end of Document for details)

- (2) Where an interest in land is subject to a mortgage—
- (a) any compensation for depreciation that is payable under this Act in respect of the interest must be assessed as if the interest were not subject to the mortgage;
 - (b) a claim for compensation for depreciation may be made by any mortgagee of the interest, but that does not affect the right of the person whose interest is subject to the mortgage to make a claim;
 - (c) no compensation for depreciation is payable in respect of the interest of the mortgagee (as distinct from the interest that is subject to the mortgage);
 - (d) any compensation for depreciation that is payable in respect of the interest subject to the mortgage must be paid to the mortgagee or, if there is more than one mortgagee, to the first mortgagee; and it must be applied by the mortgagee to whom it is paid as if it were proceeds of sale.
- (3) In this section “compensation for depreciation” means compensation for loss or damage consisting of depreciation of the value of an interest in land.

Commencement Information

18 S. 204 not in force at Royal Assent, see [s. 212](#)

PROSPECTIVE

Service of documents

205 Service of notices and other documents: general

- (1) This section applies where a provision contained in or made under this Act requires or authorises a notice or other document to be served on a person (whether the provision uses the word “serve” or “give” or any other term).
- (2) The document may be served on the person in any of the following ways—
- (a) by handing it to the person or, in the case of a person who is a body corporate, handing it to the secretary or clerk of the body at its registered or principal office;
 - (b) by leaving it at the person’s usual or last known place of residence or, if the person has given an address for service, at that address;
 - (c) by sending it by post in a pre-paid letter—
 - (i) addressed to the person at the person’s usual or last known place of residence or, in the case of a person who is a body corporate, addressed to the secretary or clerk of the body at its registered or principal office, or
 - (ii) if the person has given an address for service, addressed to the person at that address;
 - (d) if the person has given an address for service using electronic communications, by sending it to the person at that address using an electronic communication which complies with the conditions in subsection (3).
- (3) The conditions are that the document is—

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Changes to legislation: There are currently no known outstanding effects for the Historic Environment (Wales) Act 2023, PART 7. (See end of Document for details)

- (a) capable of being accessed by the person to whom it is sent,
 - (b) legible in all material respects, and
 - (c) capable of being used for subsequent reference.
- (4) Where an electronic communication is used to serve a document on a person and is received by the person outside the person’s business hours, the document is to be treated as having been served on the next working day.
- (5) See section 233 of the [Local Government Act 1972 \(c. 70\)](#) for additional provision about the methods by which local authorities may serve documents.

Commencement Information

- 19** S. 205 not in force at Royal Assent, see [s. 212](#)

206 Additional provision about service on persons interested in or occupying land

- (1) This section applies (in addition to section 205) where a provision contained in or made under this Act requires or authorises a notice or other document to be served on a person—
- (a) as having an interest in a building, monument or land, or
 - (b) as an occupier of a building, monument or land.
- (2) Where the document is to be served on a person as having an interest in a building, monument or land, and the name of the person cannot be discovered after making reasonable inquiries, the document may be addressed to the person as “the owner” of the building, monument or land (which must be described).
- (3) Where the document is to be served on a person as an occupier of a building, monument or land, it may be addressed to the person by name or as “the occupier” of the building, monument or land (which must be described).
- (4) Subsection (5) applies—
- (a) where—
 - (i) a document is to be served on a person as having an interest in a building, monument or land,
 - (ii) the person’s usual or last known place of residence cannot be discovered after making reasonable inquiries, and
 - (iii) the person has not given an address for the service of the document, or
 - (b) where a document is to be served on a person as an occupier of a building, monument or land.
- (5) The document is to be treated as properly served if it is addressed to the person, clearly marked as an important communication affecting the person’s property, and is—
- (a) sent to the building, monument or land by post and not returned as undelivered,
 - (b) handed to a person who is, or appears to be, resident or employed in or on the building, monument or land, or
 - (c) attached conspicuously to the building or monument or to an object on the site of the monument or on the land.

Status: This version of this part contains provisions that are prospective.
Changes to legislation: There are currently no known outstanding effects for the Historic Environment (Wales) Act 2023, PART 7. (See end of Document for details)

Commencement Information

110 S. 206 not in force at Royal Assent, see [s. 212](#)

PROSPECTIVE

Special cases

207 Definitions relating to the Crown

- (1) This section applies for the purposes of this Act.
- (2) “Crown land” means land in which there is a Crown interest or a Duchy interest.
- (3) “Crown interest” means an interest which—
 - (a) belongs to His Majesty in right of the Crown or in right of His private estates, or
 - (b) belongs to a government department or is held in trust for His Majesty for the purposes of a government department.
- (4) “Duchy interest” means—
 - (a) an interest belonging to His Majesty in right of the Duchy of Lancaster, or
 - (b) an interest belonging to the Duchy of Cornwall.
- (5) “Private interest”, in relation to Crown land, means an interest which is neither a Crown interest nor a Duchy interest.
- (6) “Appropriate Crown authority”, in relation to Crown land, means—
 - (a) in the case of land belonging to His Majesty in right of the Crown and forming part of the Crown Estate, the Crown Estate Commissioners;
 - (b) in relation to any other land belonging to His Majesty in right of the Crown, the government department having the management of the land;
 - (c) in relation to land belonging to His Majesty in right of His private estates, a person appointed by His Majesty in writing under the Royal Sign Manual or, if no such appointment is made, the Welsh Ministers;
 - (d) in relation to land belonging to His Majesty in right of the Duchy of Lancaster, the Chancellor of the Duchy;
 - (e) in relation to land belonging to the Duchy of Cornwall, a person appointed by the Duke of Cornwall or by the possessor for the time being of the Duchy;
 - (f) in the case of land belonging to a government department or held in trust for His Majesty for the purposes of a government department, the department.
- (7) “The Crown” is to be treated as including the Senedd Commission.
- (8) Any question that arises about who is the appropriate Crown authority in relation to any land must be referred to the Treasury, whose decision is final.
- (9) In this section—
 - (a) references to His Majesty’s private estates are to be read in accordance with section 1 of the [Crown Private Estates Act 1862 \(c. 37\)](#);

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- (b) references to a government department include a Minister of the Crown and the Senedd Commission (and see section 85 of the [Government of Wales Act 2006 \(c. 32\)](#), which provides for references to a government department to include the Welsh Ministers, the First Minister and the Counsel General).

Commencement Information

I11 S. 207 not in force at Royal Assent, see [s. 212](#)

208 Church of England land

- (1) Where any provision contained in or made under this Act requires or authorises a notice or other document to be served on an owner of land, and the land is Church of England land, a corresponding document must also be served on the appropriate Board of Finance.
- (2) Church of England land belonging to an ecclesiastical benefice which is vacant is to be treated for the purposes of this Act as belonging to the appropriate Board of Finance.
- (3) Any compensation payable under this Act in relation to Church of England land must be—
 - (a) paid to the appropriate Board of Finance, and
 - (b) applied by that Board for the purposes for which the proceeds of a sale by agreement of the land would be applicable under any enactment or Church Measure authorising or disposing of the proceeds of such a sale.
- (4) Where an amount is recoverable under section 22 in relation to Church of England land, the appropriate Board of Finance may apply any money or securities held by it towards repaying that amount.
- (5) In this section—

“appropriate Board of Finance” (“*Bwrdd Cyllid priodol*”), in relation to any land, means the Diocesan Board of Finance for the diocese in which the land is situated;

“Church Measure” (“*Mesur gan Eglwys Loegr*”) means a Measure of the Church Assembly or of the General Synod of the Church of England;

“Church of England land” (“*tir Eglwys Loegr*”) means land which—

 - (a) belongs to an ecclesiastical benefice of the Church of England,
 - (b) is or forms part of a church subject to the jurisdiction of a bishop of a diocese of the Church of England or the site of such a church, or
 - (c) is or forms part of a burial ground subject to the jurisdiction of such a bishop.

Commencement Information

I12 S. 208 not in force at Royal Assent, see [s. 212](#)

Status: This version of this part contains provisions that are prospective.
Changes to legislation: There are currently no known outstanding effects for the
Historic Environment (Wales) Act 2023, PART 7. (See end of Document for details)

General

209 Regulations under this Act

- (1) A power to make regulations under this Act is exercisable by statutory instrument.
- (2) A power to make regulations under this Act includes power—
 - (a) to make different provision for different purposes;
 - (b) to make incidental, supplementary, consequential, transitory, transitional or saving provision.
- (3) In the case of regulations made under the powers mentioned in subsection (4), the provision that may be made by virtue of subsection (2)(b) includes provision that amends, repeals or revokes any enactment, including any provision of this Act.
- (4) The powers referred to in subsection (3) are the powers conferred by—
 - (a) section 167 (fees for exercise of planning authority functions);
 - (b) section 172 (fees for appeals relating to listed buildings and buildings in conservation areas);
 - (c) section 174(8) (proceedings for which Welsh Ministers must determine procedure);
 - (d) sections 185(2)(c), 186(7)(e) and 187(5) (correction of decisions).
- (5) A statutory instrument containing any of the following may not be made unless a draft of the instrument has been laid before, and approved by a resolution of, Senedd Cymru—
 - (a) regulations under section 2(3) (religious buildings that are to be treated as monuments);
 - (b) regulations under section 26(8) (application of provisions to scheduled monument partnership agreements);
 - (c) regulations under section 114(8) (application of provisions to listed building partnership agreements);
 - (d) regulations under section 147 (steps for preservation of listed buildings in disrepair);
 - (e) regulations under section 167 (fees for exercise of planning authority functions);
 - (f) regulations under section 172 (fees for appeals relating to listed buildings and buildings in conservation areas);
 - (g) regulations under section 201 (civil sanctions);
 - (h) regulations that amend or repeal any enactment contained in primary legislation (including any provision of this Act).
- (6) Any other statutory instrument containing regulations under this Act is subject to annulment in pursuance of a resolution of Senedd Cymru.
- (7) In subsection (5)(h) “primary legislation” means—
 - (a) an Act of Senedd Cymru;
 - (b) an Assembly Measure;
 - (c) an Act of the Parliament of the United Kingdom.

Status: This version of this part contains provisions that are prospective.

Changes to legislation: There are currently no known outstanding effects for the Historic Environment (Wales) Act 2023, PART 7. (See end of Document for details)

Commencement Information

I13 S. 209 in force at 15.6.2023, see [s. 212\(1\)\(b\)](#)

210 Interpretation

In this Act—

“address” (“*cyfeiriad*”), in relation to electronic communications, means any number or address used for the purpose of electronic communications;

“appropriate Crown authority” (“*awdurdod priodol y Goron*”) has the meaning given by section 207(6);

“building” (“*adeilad*”) (except in Part 2) means—

- (a) any building or structure, or
- (b) any part of a building or structure,

but does not (except in section 148) include plant or machinery forming part of a building or structure;

“conservation area” (“*ardal gadwraeth*”) means an area designated under section 158;

“conservation area consent” (“*cydsyniad ardal gadwraeth*”) has the meaning given by section 162;

“the Crown” (“*y Goron*”) is to be interpreted in accordance with section 207(7);

“Crown interest” (“*buddiant y Goron*”) has the meaning given by section 207(3);

“Crown land” (“*tir y Goron*”) has the meaning given by section 207(2);

“development” (“*datblygiad*”) has the meaning given by section 55 of the [Town and Country Planning Act 1990 \(c. 8\)](#);

“disposal” (“*gwaredu*”), in relation to land, means disposal by sale, exchange or lease, by creating an easement, right or privilege, or in any other way, but does not include disposal by appropriation, gift or mortgage;

“Duchy interest” (“*buddiant y Ddugiaeth*”) has the meaning given by section 207(4);

“electronic communication” (“*cyfathrebiad electronig*”) has the meaning given by section 15(1) of the [Electronic Communications Act 2000 \(c. 7\)](#);

“enactment” (“*deddfiad*”) means any enactment, whenever enacted or made;

“functions” (“*swyddogaethau*”) includes powers and duties;

“land” (“*tir*”)—

- (a) means any corporeal hereditament, including a building or monument, and
- (b) in relation to the acquisition of land, includes any interest in or right over land;

“lease” (“*les*”) includes an underlease and an agreement for a lease or underlease, but does not include an option to take a lease or a mortgage;

“listed building” (“*adeilad rhestredig*”) has the meaning given by section 76;

“listed building consent” (“*cydsyniad adeilad rhestredig*”) has the meaning given by section 89;

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Changes to legislation: There are currently no known outstanding effects for the Historic Environment (Wales) Act 2023, PART 7. (See end of Document for details)

“listed building partnership agreement” (“*cytundeb partneriaeth adeilad rhestredig*”) has the meaning given by section 113(5);

“monument” (“*heneb*”) is to be interpreted in accordance with section 2;

“owner” (“*perchennog*”), in relation to land (except in sections 15, 25, 26, 91, 113 and 186), means a person who, whether in their own right or as trustee for any other person—

(a) is entitled to receive the rack rent of the land, or

(b) would be so entitled if the land were let at a rack rent,

but does not include a mortgagee who is not in possession;

“planning authority” (“*awdurdod cynllunio*”) means a local planning authority, within the meaning given by Part 1 of the [Town and Country Planning Act 1990 \(c. 8\)](#), for an area in Wales;

“planning permission” (“*caniatâd cynllunio*”) has the meaning given by section 336(1) of the [Town and Country Planning Act 1990 \(c. 8\)](#);

“private interest” (“*buddiant preifat*”), in relation to Crown land, has the meaning given by section 207(5);

“scheduled monument” (“*heneb gofrestredig*”) has the meaning given by section 3(7);

“site” (“*safle*”), in relation to a monument, is to be interpreted in accordance with section 2;

“statutory undertaker” (“*ymgymerwr statudol*”) means a person who—

(a) is a statutory undertaker within the meaning given by section 262 of the [Town and Country Planning Act 1990 \(c. 8\)](#), or

(b) is deemed by that section to be a statutory undertaker for the purposes of any provision of that Act,

and references to the “undertaking” of a statutory undertaker are to be interpreted in accordance with that section.

Commencement Information

I14 S. 210 in force at 15.6.2023, see [s. 212\(1\)\(c\)](#)

211 Consequential and transitional provision etc.

- (1) Schedule 13 contains minor and consequential amendments and repeals.
- (2) Schedule 14 contains transitional and saving provisions.
- (3) The Welsh Ministers may by regulations—
 - (a) make provision that is incidental or supplementary to, or consequential on, any provision of this Act;
 - (b) make transitional, transitory or saving provision in connection with any provision of this Act.
- (4) Regulations under subsection (3) may amend, repeal or revoke any enactment (including any provision of this Act).

Status: This version of this part contains provisions that are prospective.

Changes to legislation: There are currently no known outstanding effects for the Historic Environment (Wales) Act 2023, PART 7. (See end of Document for details)

Commencement Information

I15 S. 211(3)(4) in force at 15.6.2023, see [s. 212\(1\)\(d\)](#)

212 Coming into force

- (1) The following provisions come into force on the day after the day this Act receives Royal Assent—
- (a) Part 1;
 - (b) section 209;
 - (c) section 210;
 - (d) section 211(3) and (4);
 - (e) this section;
 - (f) section 213.
- (2) The other provisions of this Act come into force on a day appointed by the Welsh Ministers in an order made by statutory instrument.
- (3) An order under subsection (2) may make transitional, transitory or saving provision in connection with the coming into force of a provision of this Act.

Commencement Information

I16 S. 212 in force at 15.6.2023, see [s. 212\(1\)\(e\)](#)

213 Short title

The short title of this Act is the Historic Environment (Wales) Act 2023.

Commencement Information

I17 S. 213 in force at 15.6.2023, see [s. 212\(1\)\(f\)](#)

Status:

This version of this part contains provisions that are prospective.

Changes to legislation:

There are currently no known outstanding effects for the Historic Environment (Wales) Act 2023, PART 7.