



Historic Environment (Wales) Act 2016

2016 anaw 4

PART 2 **E+W**

ANCIENT MONUMENTS ETC

Miscellaneous

19 Land believed to contain an ancient monument: power of entry **E+W**

In section 26 of the Ancient Monuments and Archaeological Areas Act 1979 (c.46) (power of entry on land believed to contain ancient monument), at the end insert—

“(4) But subsection (3) does not apply in relation to excavations in the land by a person authorised by the Welsh Ministers under subsection (1) if the Welsh Ministers know or have reason to believe that an ancient monument they know or believe to be in, on or under the land is or may be at risk of imminent damage or destruction.”

20 Monuments in territorial waters **E+W**

(1) In section 53 of the Ancient Monuments and Archaeological Areas Act 1979 (c.46) (monuments in territorial waters), in subsection (2), after “shall describe the monument as lying off the coast of England, or of Scotland, or of Wales; and” insert “, subject to subsection (2B),”.

(2) After subsection (2) of that section insert—

“(2A) The functions under this Act conferred on the Welsh Ministers by the Historic Environment (Wales) Act 2016 (as well as those already transferred to them) are exercisable in relation to Wales within the meaning of the Government of Wales Act 2006 (which includes the sea adjacent to Wales out as far as the seaward boundary of the territorial sea (see section 158(1) of that Act)).

Changes to legislation: Historic Environment (Wales) Act 2016, Cross Heading: Miscellaneous is up to date with all changes known to be in force on or before 19 August 2023. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes

(2B) Accordingly, a monument is not to be treated by virtue of section 53(2) as being in Wales unless it is situated in Wales within the meaning of section 158(1) of the Government of Wales Act 2006.”

21 Service of documents by electronic communication E+W

(1) In section 56 of the Ancient Monuments and Archaeological Areas Act 1979 (c.46) (service of documents), in subsection (1), after paragraph (c) insert—

“(ca) in a case where—

(i) the notice or other document relates to a monument situated in Wales or land in Wales; and

(ii) an address for service using electronic communications has been given by that person,

by sending it using an electronic communication, in accordance with the condition set out in subsection (1A); or”.

(2) After subsection (1) of that section insert—

“(1A) The condition mentioned in subsection (1)(ca) is that the notice or document must be—

(a) capable of being accessed by the person mentioned in that provision;

(b) legible in all material respects; and

(c) in a form sufficiently permanent to be used for subsequent reference;

and for this purpose “legible in all material respects” means that the information contained in the notice or document is available to that person to no lesser extent than it would be if served or given by means of a notice or document in printed form.”

(3) After subsection (2) of that section insert—

“(3) In this section, “Wales” has the same meaning as in the Government of Wales Act 2006 (see section 158(1) of that Act).”

(4) In section 61 of that Act (interpretation), in subsection (1), insert at the appropriate place?—

““address”, in relation to electronic communications, means a number or address used for the purposes of such communications;”;

““electronic communication” has the same meaning as in the Electronic Communications Act 2000;”.

(5) After subsection (2A) of that section insert—

“(2B) Where—

(a) an electronic communication is used for the purpose of serving or giving a notice or other document on or to any person for the purposes of this Act; and

(b) the communication is received by that person outside that person's business hours,

it is to be treated as having been received on the next working day; and in this subsection “working day” means a day which is not a Saturday, Sunday, Bank Holiday or other public holiday.”

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22 Meaning of “monument” in the Ancient Monuments and Archaeological Areas Act 1979 E+W

- (1) Section 61 of the Ancient Monuments and Archaeological Areas Act 1979 (c.46) (interpretation) is amended as follows.
- (2) In subsection (7)—
 - (a) omit the “and” after paragraph (b);
 - (b) after paragraph (c) insert “and
 - (d) any site in Wales (other than one falling within paragraph (b) or (c) above) comprising any thing, or group of things, that evidences previous human activity;”.
- (3) After subsection (7) insert—

“(7A) In subsection (7)(d) “Wales” has the meaning given by section 158(1) of the Government of Wales Act 2006.”

Changes to legislation:

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Changes and effects yet to be applied to the whole Act associated Parts and Chapters:

- Act repealed by [2023 asc 3 Sch. 13 para. 193](#)