

# HISTORIC ENVIRONMENT (WALES) ACT 2023

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## EXPLANATORY NOTES

### COMMENTARY ON SECTIONS

#### **Part 2 — Monuments of special historic interest**

#### *Chapter 5 — Enforcement of controls relating to scheduled monuments*

#### *Section 36 — Service and taking effect of enforcement notice*

135. [Section 36](#) sets out the requirements for service of a copy of an enforcement notice and when a notice takes effect.
136. Subsection (2) provides that an enforcement notice will take effect at the beginning of the day specified in the notice. Should an appeal be made to a magistrates' court against the notice under section 39, section 39(4) provides that the notice will not take effect until the appeal is determined or withdrawn.
137. Subsection (3) allows an enforcement notice to set different periods for stopping different works or taking different steps. Such flexibility enables an enforcement notice to make appropriate provision for the conservation requirements of a monument. For instance, a phased series of steps might be set out to achieve the satisfactory restoration or stabilisation of a monument damaged by unauthorised works.
138. Subsection (4) requires a copy of the notice to be served on every owner and occupier of the monument or land to which it relates, to any lessee (if appropriate) and to any other person who has an interest in the monument or land which the Welsh Ministers consider to be materially affected by the notice.
139. Subsection (5) requires a copy of the notice to be served before the end of 28 days after the day on which it was issued, and at least 28 days before the date specified in the notice as the date on which it is to take effect. "Issued" here means when the enforcement notice was agreed by a delegated officer of the Welsh Ministers.
140. [Section 66](#) makes provision for an authorised person to enter land to serve an enforcement notice and for related purposes.