

# HISTORIC ENVIRONMENT (WALES) ACT 2023

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## EXPLANATORY NOTES

### COMMENTARY ON SECTIONS

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

#### *Chapter 6 — Acquisition, guardianship and public access*

#### *Section 43 — Compulsory acquisition of monuments of special historic interest*

156. [Section 43](#) allows the Welsh Ministers to acquire a monument of special historic interest by compulsory acquisition for the purpose of its preservation, whether the monument is included in the schedule of monuments under section 3 or not. “Monument of special historic interest” is defined in section 75(6) (see paragraph 242 below).
157. Subsection (2) provides that the [Acquisition of Land Act 1981 \(c. 67\)](#) (“the 1981 Act”) applies to a compulsory acquisition under this section. One of the effects is that compensation is payable on the acquisition. Subsections (3) and (4) further provide that when assessing compensation for the acquisition of a monument that is scheduled at the time of the acquisition, it is to be assumed that scheduled monument consent would not be granted for any work which would or might result in the demolition, destruction or removal of the monument or any part of it. The effect is that the compensation payable may be less than would otherwise be the case.
158. None of the monuments in the care of the Welsh Ministers at the time of writing these notes have been acquired by compulsory acquisition. However, the Welsh Ministers might consider compulsory acquisition of a monument of special historic interest in exceptional circumstances, but only if other methods of acquisition (through agreement or gift) or guardianship had not proved possible and no other options were available for its preservation. The Welsh Government’s *Compulsory Purchase Order (CPO) Manual* (2021), which is kept under review, provides guidance on compulsory acquisition.