

HISTORIC ENVIRONMENT (WALES) ACT 2023

EXPLANATORY NOTES

COMMENTARY ON SECTIONS

Part 2 — Monuments of special historic interest

Chapter 7 — General

Section 69 — Supplementary provision about powers of entry under this Part

227. This section sets out supplementary provisions about the exercise of powers of entry relating to monuments of special historic interest. Subsection (1) sets out that such powers may be exercised at any reasonable time, but this does not apply to section 65(5).
228. The following subsections of section 69 identify a number of qualifications to the powers of entry.
229. Subsection (2) provides that, where any land is occupied, a notice of the intended entry must be given to every occupier prior to entry on to the land. Where the purpose of the entry is to carry out works (other than excavations under section 67) such a notice must be given at least 14 days before the date of the intended entry. In any other case, including excavations under section 67, a notice must be given at least 24 hours before the date of intended entry.
230. Subsection (3) further provides that the requirements set out in subsection (2) do not apply in the following circumstances:
- a. entry under section 61 where 7 clear days' written notice to every owner and occupier of a monument is required before executing urgent works for the preservation of a scheduled monument
 - b. in relation to the powers of entry for temporary stop notices (section 66(1)), where no notice is required to occupiers.
231. Subsections (11) and (12) of section 69 provide that a person who intentionally obstructs a person exercising a power of entry under Part 2 commits an offence and is liable on summary conviction to a fine not exceeding level 3 on the standard scale.