

# HISTORIC ENVIRONMENT (WALES) ACT 2023

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## EXPLANATORY NOTES

### COMMENTARY ON SECTIONS

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

#### *Chapter 7 — General*

#### *Section 65 — Powers of entry for inspection of scheduled monuments etc.*

211. This section provides powers for a person authorised in writing by the Welsh Ministers to enter any land for the inspection of a scheduled monument for the purposes set out in the section.
212. In practice, such inspections are normally undertaken either by specialist Cadw staff or by specialist archaeologists working for other organisations, such as one of the regional Welsh archaeological trusts.
213. These powers of entry are subject to supplementary provisions set out in section 69. Section 69(1) provides that the power of entry may be exercised at any reasonable time.
214. An exception to the requirement for entry at any reasonable time is made in section 69(1) for section 65(5), which provides for the erection of notice boards and marker posts. However, section 65(6) stipulates that the power in section 65(5) may only be exercised with the agreement of every owner and occupier.
215. [Section 69\(2\)](#) requires that, if the land is occupied, notice of the intended entry must be served on every occupier. For the purposes of inspection, at least 24 hours' notice of intended entry is required ([section 69\(2\)\(b\)](#)). If a notice board or marker post is to be erected under section 65(5) this constitutes works and at least 14 days' notice to every occupier is needed ([section 69\(2\)\(a\)](#)).
216. [Section 70](#) makes provision for compensation for damage caused by the exercise of powers of entry under this section.