

HISTORIC ENVIRONMENT (WALES) ACT 2023

EXPLANATORY NOTES

COMMENTARY ON SECTIONS

Part 3 — Buildings of special architectural or historic interest

Chapter 5 — Acquisition and preservation of buildings of special interest

Section 142 — Ending of rights over land acquired compulsorily

534. Section 142(1) provides that, on the completion of a compulsory acquisition of land under section 137, all private rights of way over the land and all rights to keep apparatus installed on the land cease. Moreover, the acquiring authority becomes entitled to any apparatus on, under or over the land.
535. Subsection (2), however, makes important exceptions in those cases where the right or apparatus is:
- a. a statutory undertaker's,
 - b. conferred or installed for the purposes of an electronic communications code network, or
 - c. specified in a direction given by the acquiring authority.
536. Subsection (3) provides that subsection (1) is also subject to any agreement between the parties.
537. Subsections (4) and (5) provide that a person who suffers loss by the ceasing of a right or the transfer of apparatus is entitled to compensation from the acquiring authority, determined in accordance with the 1961 Act.