

HISTORIC ENVIRONMENT (WALES) ACT 2023

EXPLANATORY NOTES

COMMENTARY ON SECTIONS

Part 7 — General

Section 197 — Power to require information by notice

Section 198 — Offences in connection with section 197

702. *Section 197* enables a “relevant authority” (defined in subsection (4) as the Welsh Ministers or a local authority) to serve an information notice on the occupier of any land or anyone who receives rent in respect of any land. The information notice requires the recipient to provide information about the nature of the person’s interest in the land and the name and address of any other person known to have an interest in the land. Subsection (2) provides that an information notice may only be served where the information is required to enable the relevant authority to undertake particular functions under the Act. For instance, when investigating alleged unauthorised works to a scheduled monument or listed building, the Welsh Ministers or a local authority may use an information notice as an initial step to identify occupiers and owners before making contact. For the purposes of this section, local authority has the meaning given in section 157.
703. *Section 198* provides that a person commits an offence if the person, without a reasonable excuse, fails to provide information, or knowingly provides false or misleading information, in response to an information notice served under section 197.
704. A person guilty of the offence of failing, without a reasonable excuse, to provide the required information is liable on summary conviction to a fine not exceeding level 3 on the standard scale. A person guilty of the offence of knowingly providing information which is false or misleading in a material respect is liable on summary conviction or on conviction on indictment to an unlimited fine.