



Historic Environment (Wales) Act 2023

2023 asc 3

PART 2

MONUMENTS OF SPECIAL HISTORIC INTEREST

PROSPECTIVE

CHAPTER 1

KEY TERMS

2 Meaning of “monument” and “site of monument”

- (1) In this Act “monument” means—
- (a) any building, structure or work (whether above or below the surface of the land) and any cave or excavation;
 - (b) the site of the remains of any building, structure or work or of the remains of any cave or excavation;
 - (c) the site of any vehicle, vessel, aircraft or other moveable structure, or part of such an object, which neither constitutes nor forms part of any work which is a monument within paragraph (a);
 - (d) the site of the remains of any object or part of an object mentioned in paragraph (c);
 - (e) the site of any thing, or group of things, that evidences previous human activity (other than a site falling within paragraph (b), (c) or (d)).
- (2) For the purposes of subsection (1) any machinery attached to a monument is to be treated as part of the monument if it could not be detached without being dismantled.
- (3) Subsection (1)(a) does not apply to any religious building for the time being used for religious purposes; but this is subject to any exceptions specified in regulations made by the Welsh Ministers.

Status: This version of this chapter contains provisions that are prospective.
Changes to legislation: There are currently no known outstanding effects for the
Historic Environment (Wales) Act 2023, CHAPTER 1. (See end of Document for details)

- (4) Subsections (1)(c) and (d) do not apply to—
- (a) the site of any object or its remains unless the position of that object or its remains in that particular site is a matter of public interest;
 - (b) the site of any vessel or its remains which is protected by an order under section 1 of the [Protection of Wrecks Act 1973 \(c. 33\)](#) designating an area around the site as a restricted area.
- (5) For the purposes of this Act the site of a monument includes not only the land in, on or under which it is situated but also any land comprising or adjoining that land which appears to the Welsh Ministers or a local authority, in the exercise in relation to that monument of any of their or its functions under this Part, to be essential for the monument’s support and preservation.
- (6) References in this Act to a monument include—
- (a) the site of the monument in question,
 - (b) a group of monuments, and
 - (c) any part of a monument or group of monuments.
- (7) References in this Act to the site of a monument—
- (a) are to the monument itself where it consists of a site, and
 - (b) in any other case include the monument itself.
- (8) In this section “remains” includes any trace or sign of the previous existence of the thing in question.

Commencement Information

- II** S. 2 not in force at Royal Assent, see [s. 212\(2\)](#)

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