



# Historic Environment (Wales) Act 2023

2023 asc 3

## PART 2

### MONUMENTS OF SPECIAL HISTORIC INTEREST

#### CHAPTER 2

##### SCHEDULE OF MONUMENTS OF NATIONAL IMPORTANCE

*Proposals to add or remove monument to or from  
the schedule: consultation and interim protection*

#### **5 Consultation before adding or removing monument to or from the schedule**

- (1) Subsection (2) applies where the Welsh Ministers are proposing to amend the schedule by—
  - (a) adding a monument,
  - (b) removing a monument, or
  - (c) amending the entry for a monument to remove anything previously included as part of the monument or add anything not previously included.
- (2) The Welsh Ministers must serve a notice on the persons mentioned in subsection (3) which—
  - (a) sets out the proposed amendment, and
  - (b) invites those persons to make written representations about the proposal.
- (3) The persons are—
  - (a) every owner and occupier of the monument,
  - (b) every local authority in whose area the monument is situated, and
  - (c) any other persons the Welsh Ministers consider appropriate as having special knowledge of, or special interest in, the monument or in monuments of historic or archaeological interest more generally.

- (4) A notice under subsection (2) must—
- (a) specify the period within which representations may be made, and
  - (b) in the case of a proposal to add a monument or to add anything as part of a monument—
    - (i) include a statement of the effect of section 6 (interim protection), and
    - (ii) specify the date on which interim protection takes effect under that section.
- (5) The period specified under subsection (4)(a) must be at least 28 days beginning with the day the notice is served.

## **6 Interim protection pending decision on certain amendments relating to the schedule**

- (1) This section applies where the Welsh Ministers serve notice under section 5(2) of a proposal to amend the schedule by—
- (a) adding a monument, or
  - (b) amending the entry for a monument by adding anything as part of the monument.
- (2) From the beginning of the day specified under section 5(4)(b)(ii) this Act has effect—
- (a) in the case of a proposal to add a monument to the schedule, as if the monument were a scheduled monument;
  - (b) in the case of a proposal to amend the entry for a monument, as if the amendment were made.
- (3) The protection conferred by virtue of subsection (2) is referred to in this Part as “interim protection”.
- (4) The Welsh Ministers must—
- (a) publish a list of the monuments subject to interim protection, and
  - (b) provide a copy of the notice served under section 5(2) in respect of such a monument to any person who requests one.

## **7 When interim protection ends**

- (1) Interim protection conferred by section 6(2)(a) (proposed addition of monument to the schedule) ends in relation to a monument—
- (a) where the Welsh Ministers add the monument to the schedule, at the beginning of the day specified in the notice under section 4(2), or
  - (b) where the Welsh Ministers decide not to add the monument to the schedule, at the beginning of the day specified in a notice served by them on the persons mentioned in subsection (3).
- (2) Interim protection conferred by section 6(2)(b) (proposed amendment of entry in the schedule relating to a monument) ends in relation to a monument—
- (a) where the Welsh Ministers amend the entry in the schedule, at the beginning of the day specified in the notice under section 4(2), or
  - (b) where the Welsh Ministers decide not to amend the entry in the schedule, at the beginning of the day specified in a notice served by them on the persons mentioned in subsection (3).

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*Status: This is the original version (as it was originally enacted).*

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- (3) The persons referred to in subsections (1)(b) and (2)(b) are—
  - (a) every owner and occupier of the monument, and
  - (b) every local authority in whose area the monument is situated.
- (4) Schedule 1 makes provision about the effect of interim protection coming to an end under subsections (1)(b) and (2)(b).

## **8 Compensation for loss or damage caused by interim protection**

- (1) This section applies where interim protection ends in relation to a monument because of a notice under section 7(1)(b) or (2)(b).
- (2) Any person who had an interest in the monument when the interim protection took effect is entitled, on making a claim to the Welsh Ministers, to be paid compensation by them for any loss or damage suffered by the person that is directly attributable to the interim protection.
- (3) The loss or damage for which compensation is payable includes any amount payable by the claimant in respect of a breach of contract caused by the need to stop or cancel works to the monument because of the interim protection.
- (4) A claim for compensation under this section must be made in writing within 6 months beginning when the interim protection ends.