



Historic Environment (Wales) Act 2023

2023 asc 3

PART 2

MONUMENTS OF SPECIAL HISTORIC INTEREST

CHAPTER 2

SCHEDULE OF MONUMENTS OF NATIONAL IMPORTANCE

Schedule of monuments

3 Duty to maintain and publish schedule of monuments

- (1) The Welsh Ministers must maintain a schedule of monuments in Wales which they consider to be of national importance, and must publish the up-to-date schedule.
- (2) An entry in the schedule for a monument must include a map maintained by the Welsh Ministers that identifies the area of the monument.
- (3) The Welsh Ministers may amend the schedule by—
 - (a) adding a monument;
 - (b) removing a monument;
 - (c) amending the entry for a monument (whether by removing anything previously included as part of the monument or adding anything not previously included, or otherwise).
- (4) The Welsh Ministers may not add to the schedule any building or structure occupied as a dwelling by any person other than the caretaker of the building or structure or a member of the caretaker's family.
- (5) An entry in the schedule recording the inclusion of a monument is a local land charge.
- (6) In this Part “the schedule” means the schedule maintained under this section.

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(7) In this Act “scheduled monument” means a monument included in the schedule.

4 Notification of owner etc. where the schedule is amended

- (1) Subsection (2) applies where the Welsh Ministers amend the schedule by—
 - (a) adding a monument,
 - (b) removing a monument, or
 - (c) amending the entry for a monument.
- (2) As soon as possible after amending the schedule the Welsh Ministers must serve notice that they have done so on—
 - (a) every owner and occupier of the monument, and
 - (b) every local authority in whose area the monument is situated.
- (3) Where the Welsh Ministers have added a monument to the schedule or amended the entry in the schedule for a monument—
 - (a) the notice must specify the date on which they did so, and
 - (b) they must include with the notice a copy of the entry or amended entry for the monument in the schedule.

*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

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(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).

(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).

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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.

Review of decisions to amend schedule to add monuments etc.

9 Review of decision to add monument to the schedule etc.

- (1) Where the Welsh Ministers—
 - (a) add a monument to the schedule, or
 - (b) amend the entry in the schedule for a monument to add anything as part of the monument,
 the notice under section 4(2) must state that any owner or occupier of the monument may make an application to the Welsh Ministers requesting a review of the decision.
- (2) An application may be made only on the ground that the monument or part (as the case may be) is not of national importance.
- (3) Where an owner or occupier makes an application for a review, the Welsh Ministers must appoint a person to—
 - (a) carry out the review, and
 - (b) make a decision on the review.
- (4) The Welsh Ministers may by regulations specify descriptions of cases in which they, instead of a person appointed by them, must carry out and make a decision on a review.
- (5) The Welsh Ministers must make any amendment to the schedule they consider appropriate to give effect to the decision on a review.
- (6) The Welsh Ministers may by regulations amend subsection (2) to—
 - (a) add a ground of review;
 - (b) modify a ground of review;
 - (c) remove a ground of review.

10 Supplementary provision about reviews

- (1) The Welsh Ministers must by regulations make provision about—
 - (a) the form and way in which an application under section 9 must be made;
 - (b) the information that must be provided to, or may be required by, the Welsh Ministers in connection with an application;

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- (c) the period within which an application must be made.
- (2) A review under section 9 must be carried out in one or more of the following ways (as determined by the person carrying out the review)—
- (a) by means of a local inquiry;
 - (b) by means of a hearing;
 - (c) on the basis of written representations.
- (3) The Welsh Ministers may by regulations make further provision in connection with reviews under section 9.
- (4) Regulations under subsection (1) or (3) may authorise the Welsh Ministers or persons appointed under section 9(3)—
- (a) to determine matters of a description specified in the regulations, and
 - (b) to give directions in relation to those matters.
- (5) Schedules 2 and 6 make further provision about reviews under section 9.