



Historic Environment (Wales) Act 2023

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PART 2

MONUMENTS OF SPECIAL HISTORIC INTEREST

CHAPTER 3

CONTROL OF WORKS AFFECTING SCHEDULED MONUMENTS

Authorisation of works

11 Requirement for works to be authorised

- (1) A person must not carry out works to which this section applies, or cause or permit such works to be carried out, unless the works are authorised under this Chapter.
- (2) This section applies to—
 - (a) works resulting in the demolition or destruction of, or any damage to, a scheduled monument;
 - (b) works for the purpose of removing or repairing a scheduled monument or any part of it, or of making any alterations or additions to the monument or any part of it;
 - (c) flooding or tipping operations on land in, on or under which a scheduled monument is situated.

12 Authorisation of classes of works

- (1) Works to which section 11 applies are authorised if the works are within a class of works described in the table in Schedule 3.
- (2) An authorisation under subsection (1) is subject to any exceptions or conditions specified in the table in relation to works of a particular class.

- (3) The Welsh Ministers may direct that subsection (1) does not apply to any scheduled monument specified in the direction.
- (4) A direction under subsection (3) does not take effect until notice of it has been served on every owner and occupier of the monument in question.
- (5) Subsection (1) does not authorise works contrary to any exception or condition attached to a scheduled monument consent.
- (6) An authorisation under subsection (1) has effect for the benefit of the monument and of all persons for the time being interested in the monument; but this is subject to any provision to the contrary in Schedule 3.

13 Authorisation of works by scheduled monument consent

- (1) Works to which section 11 applies are authorised if—
 - (a) written consent to carry them out has been granted by the Welsh Ministers, and
 - (b) the works are carried out in accordance with the terms of the consent (including any conditions attached to it).
- (2) Where—
 - (a) works to which section 11 applies have been carried out without being authorised under this Chapter, and
 - (b) the Welsh Ministers grant written consent for the works,the works are authorised from the grant of the consent.
- (3) Consent under subsection (1) or (2) is referred to in this Part as scheduled monument consent.