



# Historic Environment (Wales) Act 2023

2023 asc 3

## PART 2

### MONUMENTS OF SPECIAL HISTORIC INTEREST

#### CHAPTER 6

##### ACQUISITION, GUARDIANSHIP AND PUBLIC ACCESS

###### *Powers of limited owners*

#### **52 Powers of limited owners for purposes of sections 45, 50 and 51**

- (1) A person may establish guardianship of a monument or land under section 45 or join in executing a guardianship deed under that section, despite being a limited owner of the monument or land.
- (2) A person may grant an easement or other right over land which the Welsh Ministers are or any local authority is authorised to acquire under section 50, despite being a limited owner of the land.
- (3) A person may make a management agreement under section 51 with respect to a monument or land, despite being a limited owner of the monument or land.
- (4) For the purposes of this section—
  - (a) a body corporate or corporation sole is a limited owner of any land in which it has an interest, and
  - (b) any other persons are limited owners of land in which they have an interest if they hold that interest in any of the ways mentioned in subsection (5).
- (5) The ways of holding an interest in land referred to in subsection (4)(b) are—
  - (a) as tenant for life or statutory owner (within the meaning of the [Settled Land Act 1925 \(c. 18\)](#));

---

*Status: This is the original version (as it was originally enacted).*

---

- (b) as trustees of land (within the meaning of the [Trusts of Land and Appointment of Trustees Act 1996 \(c. 47\)](#));
  - (c) as trustees for charities or commissioners or trustees for ecclesiastical, collegiate or other public purposes.
- (6) Where a person who is a limited owner of any land by virtue of holding an interest in the land in any of the ways mentioned in subsection (5) executes a guardianship deed in relation to the land, the guardianship deed binds every successive owner of any estate or interest in the land.
- (7) But where the land is, at the date of the deed, subject to any incumbrance not capable of being overreached by the limited owner in exercise of any powers of sale or management conferred on the limited owner by law or under any settlement or other instrument, the deed does not bind the incumbrancer.
- (8) Where a management agreement under section 51 to which a limited owner is a party expressly provides that the agreement as a whole or any restriction, prohibition or obligation arising under the agreement binds the limited owner's successors, subsections (9) and (10) apply to the agreement or (as the case may be) to the restriction, prohibition or obligation in question.
- (9) Where a person is a limited owner by virtue of holding an interest in any of the ways mentioned in subsection (5), the agreement or restriction, prohibition or obligation binds every successive owner of any estate or interest in the land.
- (10) But where the land is, at the date of the agreement, subject to any incumbrance not capable of being overreached by the limited owner in exercise of powers of sale or management conferred on the limited owner by law or under any settlement or other instrument, the agreement or restriction, prohibition or obligation does not bind the incumbrancer.