



# Historic Environment (Wales) Act 2023

2023 asc 3

## PART 2

### MONUMENTS OF SPECIAL HISTORIC INTEREST

#### CHAPTER 6

##### ACQUISITION, GUARDIANSHIP AND PUBLIC ACCESS

###### *Public access to monuments under public control*

#### **55 Public access to monuments under public control**

- (1) The Welsh Ministers and any local authority must ensure the public has access to any monument which is under their or its ownership or guardianship by virtue of this Chapter; but this is subject to—
  - (a) the following provisions of this section,
  - (b) any regulations or byelaws made under section 56, and
  - (c) any provision to the contrary included in any agreement relating to the monument made under section 25 or 51 (scheduled monument partnership agreements and management agreements).
- (2) In relation to any monument under guardianship, the duty imposed by subsection (1) is also subject to any provision to the contrary in the guardianship deed.
- (3) References in the following subsections to a monument are—
  - (a) in relation to the Welsh Ministers, to a monument which—
    - (i) is under their ownership or guardianship by virtue of this Chapter;
    - (ii) is under their control or management otherwise than by virtue of this Chapter;
  - (b) in relation to a local authority, to a monument which is under its ownership or guardianship by virtue of this Chapter.

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*Status: This is the original version (as it was originally enacted).*

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- (4) The Welsh Ministers or a local authority may control the times of normal public access to a monument.
- (5) The Welsh Ministers or a local authority may exclude the public from access to a monument, or to any part of it, for any period they consider or it considers necessary—
  - (a) in the interests of safety;
  - (b) for its maintenance or preservation;
  - (c) in connection with events held or other organised activities carried out in or on it.
- (6) The Welsh Ministers or a local authority may also impose other restrictions or controls on public access to a monument, or to any part of it, for a purpose mentioned in subsection (5).
- (7) The Welsh Ministers or a local authority may charge the public for admission to a monument.
- (8) The Welsh Ministers or a local authority may refuse a person admission to a monument if they have or it has reason to believe that the person is likely to do anything likely to damage the monument or its amenities or to disturb the public in their enjoyment of it.

**56 Power to make regulations and byelaws in connection with public access to monuments under public control**

- (1) The Welsh Ministers may regulate public access to any monument under their ownership or guardianship by virtue of this Chapter by making regulations that prohibit or regulate any act or thing likely to damage the monument or its amenities or disturb the public in their enjoyment of it.
- (2) Regulations under subsection (1) may also make provision in relation to any monument under the control or management of the Welsh Ministers otherwise than by virtue of this Chapter.
- (3) A local authority may regulate public access to any monument under its ownership or guardianship by virtue of this Chapter by making byelaws that prohibit or regulate any act or thing likely to damage the monument or its amenities or disturb the public in their enjoyment of it.
- (4) A person who fails to comply with provision made by regulations or byelaws under this section commits an offence.
- (5) A person guilty of an offence under subsection (4) is liable on summary conviction to a fine not exceeding level 2 on the standard scale.
- (6) Byelaws made under this section may make different provision in relation to different monuments or different descriptions of monument.
- (7) Byelaws under this section do not take effect unless they are confirmed by the Welsh Ministers.
- (8) The Welsh Ministers may confirm the byelaws with or without modifications.

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

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**57 Provision of facilities for the public in connection with monuments of special historic interest**

- (1) The Welsh Ministers may provide facilities, information and other services to the public for or in connection with providing public access—
  - (a) to any monument under their ownership or guardianship by virtue of this Chapter, or
  - (b) to any monument otherwise under their control or management.
- (2) A local authority may provide facilities, information and other services to the public for or in connection with providing public access to any monument under its ownership or guardianship by virtue of this Chapter.
- (3) Facilities and information or other services for the public may be provided under this section in or on the monument itself or on any land associated with the monument.
- (4) The Welsh Ministers or a local authority may charge for the use of any facility or service provided by them or it under this section.