



Historic Environment (Wales) Act 2023

2023 asc 3

PART 3

BUILDINGS OF SPECIAL ARCHITECTURAL OR HISTORIC INTEREST

CHAPTER 4

ENFORCEMENT OF CONTROLS RELATING TO LISTED BUILDINGS

PROSPECTIVE

Compliance with enforcement notices

130 Order to permit steps required by enforcement notice

- (1) An owner of land may apply by way of complaint to a magistrates' court for an order requiring another person who has an interest in the land to permit the owner to take steps required by an enforcement notice.
- (2) The court may make such an order if it is satisfied that the other person is preventing the owner from taking steps required by the enforcement notice.

Commencement Information

- II** S. 130 not in force at Royal Assent, see [s. 212\(2\)](#)

131 Power to enter land and take steps required by enforcement notice

- (1) If the period within which an enforcement notice requires any step to be taken has ended and the step has not been taken, the planning authority that issued the notice may at any reasonable time enter the land to which the notice relates and take the step.

Status: This version of this cross heading contains provisions that are prospective.

Changes to legislation: There are currently no known outstanding effects for the Historic Environment (Wales) Act 2023, Cross Heading: Compliance with enforcement notices. (See end of Document for details)

- (2) A person who intentionally obstructs a person exercising a power under subsection (1) commits an offence.
- (3) A person guilty of an offence under subsection (2) is liable on summary conviction to a fine not exceeding level 3 on the standard scale.
- (4) This section does not apply in relation to Crown land.

Commencement Information

I2 S. 131 not in force at Royal Assent, see [s. 212\(2\)](#)

132 Recovery of costs of compliance with enforcement notice

- (1) Where a planning authority exercises the powers under section 131(1) to enter land and take a step required by an enforcement notice, the authority may recover from a person who is then an owner of the land the costs it reasonably incurs in doing so.
- (2) If a planning authority seeks to recover costs under subsection (1) from an owner of land who—
 - (a) is entitled to receive the rack rent of the land merely as agent or trustee for another person (the “principal”), and
 - (b) does not have, and has not had at any time since the day payment of the costs was demanded, enough money on behalf of the principal to pay the costs in full,
 the liability of the agent or trustee is limited to the total amount of money that the agent or trustee has had on behalf of the principal since that day.
- (3) If subsection (2) prevents a planning authority recovering the whole of its costs from an agent or trustee, it may recover them from the principal, or partly from the principal and partly from the agent or trustee.
- (4) Where a copy of an enforcement notice has been served in respect of a listed building—
 - (a) costs which an owner or occupier of the building incurs for the purpose of complying with the notice, and
 - (b) amounts which an owner of land pays under subsection (1) in respect of costs incurred by the planning authority in taking steps required by the notice,
 are to be treated as incurred or paid for the use and at the request of the person who carried out the works to which the notice relates.
- (5) The costs recoverable by a planning authority under subsection (1) are, until recovered, a charge on the land to which the enforcement notice relates.
- (6) The charge takes effect as a local land charge at the beginning of the day after the day the authority completes the step to which the costs relate.
- (7) Subsection (8) applies where—
 - (a) a planning authority removes materials from land in the course of taking steps required by an enforcement notice, and
 - (b) the owner of the materials does not, within 3 days after the day they are removed, claim the materials and take them away.

Status: This version of this cross heading contains provisions that are prospective.

Changes to legislation: There are currently no known outstanding effects for the Historic Environment (Wales) Act 2023, Cross Heading: Compliance with enforcement notices. (See end of Document for details)

- (8) The planning authority—
- (a) may sell the materials, and
 - (b) if it does so, must pay the proceeds to the person who owned the materials, after deducting any costs recoverable by it from the person.
- (9) A planning authority may not recover costs under this section from the Crown.

Commencement Information

I3 S. 132 not in force at Royal Assent, see [s. 212\(2\)](#)

133 Offence of failing to comply with enforcement notice

- (1) Where, at any time after the end of the period within which an enforcement notice requires any step to be taken, the step has not been taken, a person who is at that time an owner of the listed building to which the notice relates is guilty of an offence.
- (2) A person may be charged with an offence under this section by reference to a day or a longer period, and may be convicted of more than one offence in relation to the same enforcement notice by reference to different periods.
- (3) In proceedings against a person for an offence under this section, it is a defence for the person to prove—
- (a) that the person did everything the person could be expected to do to secure that the steps required by the notice were taken, or
 - (b) that the person was not served with a copy of the enforcement notice and was not aware of its existence.
- (4) A person guilty of an offence under this section is liable on summary conviction, or on conviction on indictment, to a fine.
- (5) In determining the amount of the fine, the court must in particular have regard to any financial benefit which has accrued or appears likely to accrue to the person in consequence of the offence.

Commencement Information

I4 S. 133 not in force at Royal Assent, see [s. 212\(2\)](#)

Status:

This version of this cross heading contains provisions that are prospective.

Changes to legislation:

There are currently no known outstanding effects for the Historic Environment (Wales) Act 2023,
Cross Heading: Compliance with enforcement notices.