



Historic Environment (Wales) Act 2023

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PART 3

BUILDINGS OF SPECIAL ARCHITECTURAL OR HISTORIC INTEREST

CHAPTER 6

GENERAL

Powers of entry

152 Powers to enter land

- (1) A person authorised in writing by the Welsh Ministers may enter any land to survey a building on that land or on any other land in connection with a proposal to list or de-list the building.
- (2) A person authorised in writing by a planning authority may enter any land to survey a building on that land or on any other land in connection with a proposal to serve a temporary listing notice in relation to the building.
- (3) A person authorised in writing by a planning authority or the Welsh Ministers may enter any land to—
 - (a) survey that land or any other land in connection with a proposal to make an order under section 107 (modification or revocation of listed building consent or conservation area consent),
 - (b) survey that land or any other land in connection with a proposal to make an order under section 115 (termination of listed building partnership agreement or provision of agreement), or
 - (c) assess whether an offence has been or is being committed under section 91(5), 117 or 118.
- (4) A person authorised in writing by a planning authority may enter any land to—

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- (a) determine whether a temporary stop notice should be issued,
 - (b) display a copy of a temporary stop notice in accordance with section 119, or
 - (c) assess whether a temporary stop notice has been complied with.
- (5) A person authorised in writing by a planning authority or the Welsh Ministers may enter any land to—
- (a) survey that land or any other land in connection with a proposal to issue an enforcement notice,
 - (b) assess whether an enforcement notice has been complied with,
 - (c) assess whether a listed building on that land or any other land is being maintained in a proper state of repair,
 - (d) survey that land or any other land in connection with a proposal to serve a repairs notice under section 138, or
 - (e) assess whether a repairs notice has been complied with.
- (6) A person authorised in writing by a local authority or the Welsh Ministers may enter any land to—
- (a) determine whether works should be carried out under section 144 for the preservation of a building on that land or on any other land, or
 - (b) carry out works under that section for the preservation of a building on that land or on any other land.
- (7) An authorised person may enter any land to survey it, or estimate its value, in connection with a claim for compensation payable by a planning authority or the Welsh Ministers under this Part in relation to that land or any other land.
- (8) In subsection (7) “authorised person” means—
- (a) an officer of the Valuation Office of His Majesty’s Revenue and Customs, or
 - (b) a person authorised in writing by the planning authority or the Welsh Ministers (as the case may be).
- (9) A power to survey land under this section includes power to search and bore to determine the nature of the subsoil or the presence of minerals.

153 Exercise of power to enter land without warrant

- (1) A power to enter land under section 152 may be exercised at any reasonable time.
- (2) A person authorised to enter land under section 152 may not demand admission as of right to any land which is occupied unless at least 24 hours’ notice of the intended entry has been given to every occupier.
- (3) Subsection (2) does not apply to the power to enter land under section 152(4) (temporary stop notices).
- (4) A person authorised to enter land under section 152—
 - (a) must, if required to do so by or on behalf of any owner or occupier of the land, produce evidence of the person’s authorisation and state the purpose of the entry before entering the land;
 - (b) may take on to the land any other persons that are necessary;
 - (c) must, if leaving the land at a time when no owner or occupier is present, leave it as effectively secured against trespassers as the person found it.

- (5) Where a person—
- (a) proposes to carry out works in the exercise of a power of entry under section 152, and
 - (b) is required to give notice of the intended entry under subsection (2) of this section,
- the person may not carry out the works unless the notice of intended entry includes notice of the person’s intention to carry them out.
- (6) Where—
- (a) a person proposes to carry out works in the exercise of a power of entry under section 152 on land which belongs to a statutory undertaker, and
 - (b) the undertaker objects to the proposed works on the ground that carrying them out would be seriously detrimental to the carrying on of its undertaking,
- the person may not carry out the works without the agreement of the appropriate Minister.
- (7) A person may not enter Crown land in the exercise of a power under section 152 without the agreement of—
- (a) a person who appears to the person seeking entry to the land to be entitled to give that agreement, or
 - (b) the appropriate Crown authority.
- (8) Subsections (2) to (6) do not apply to anything done by virtue of subsection (7).
- (9) In subsection (6) “appropriate Minister” has the meaning given by section 265 of the [Town and Country Planning Act 1990 \(c. 8\)](#).

154 Warrant to enter land

- (1) This section applies if a justice of the peace is satisfied on sworn information in writing—
- (a) that there are reasonable grounds for entering land for a purpose mentioned in section 152, and
 - (b) that—
 - (i) admission to the land has been refused or a refusal is reasonably expected, or
 - (ii) the case is one of urgency.
- (2) The justice of the peace may issue a warrant conferring a power to enter the land on any person who is authorised in writing by a person who may authorise entry under section 152 for the purpose in question.
- (3) For the purposes of subsection (1)(b) admission to land is to be treated as having been refused if no reply is received to a request for admission within a reasonable period.
- (4) Section 152(9) applies to a power to survey land conferred by a warrant under this section.
- (5) A warrant under this section confers a power to enter land—
- (a) on one occasion only, and
 - (b) only at a reasonable time, unless the case is one of urgency.

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- (6) A person authorised to enter land under this section—
 - (a) must, if required to do so by or on behalf of any owner or occupier of the land, produce evidence of the person’s authorisation and state the purpose of the entry before entering the land,
 - (b) may take on to the land any other persons that are necessary,
 - (c) must, if leaving the land at a time when no owner or occupier is present, leave it as effectively secured against trespassers as the person found it.
- (7) A warrant under this section ceases to have effect at the end of 1 month beginning with the day it is issued.
- (8) This section does not apply in relation to Crown land.

155 Supplementary provision about powers of entry

- (1) This section applies where a person has a power to enter land conferred by section 152 or by a warrant under section 154.
- (2) A person who intentionally obstructs a person exercising the power of entry 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) If damage is caused to land or other property—
 - (a) in the exercise of the power of entry, or
 - (b) in making any survey for the purpose of which the power of entry was conferred,
 a person suffering the damage may recover compensation from the person who authorised the entry.
- (5) A claim for compensation under subsection (4) must be made in writing within 6 months beginning with the day the damage was caused (or if the damage was caused over more than one day, the last day it was caused).
- (6) A person commits an offence if the person discloses information which the person obtained in the exercise of the power of entry, and which relates to a manufacturing process or trade secret, for a purpose other than that for which the person was authorised to enter the land.
- (7) A person guilty of an offence under subsection (6) is liable—
 - (a) on summary conviction, to a fine;
 - (b) on conviction on indictment, to a fine or imprisonment for a term not exceeding 2 years, or both.
- (8) This section does not apply to anything done by virtue of section 153(7) (entry on Crown land).

Supplementary

156 Exempt religious buildings

- (1) The Welsh Ministers may by regulations provide that a religious building used for religious purposes is an exempt religious building for the purposes of—
 - (a) sections 83 and 84 (temporary listing of building);
 - (b) section 88 (requirement for works affecting listed building to be authorised);
 - (c) section 118 (offence of intentionally damaging listed building);
 - (d) section 137 (compulsory acquisition of listed building for preservation);
 - (e) section 144 (urgent works for preservation of listed building).
- (2) For the purposes of section 88 a building is to be treated as being used for religious purposes if it would be used for those purposes but for the works in question.
- (3) Regulations under this section may—
 - (a) make provision in relation to religious buildings of a description specified in the regulations (whether by reference to a religious faith or denomination, a use made of the buildings, or any other circumstance) or in relation to a particular building;
 - (b) make provision in relation to all or part of a religious building;
 - (c) provide that a building is an exempt religious building only in relation to works of a description specified in the regulations (whether by reference to the extent of the works, the person by whom they are carried out, or any other circumstance);
 - (d) make different provision for buildings in different areas;
 - (e) make consequential amendments to any other provision of this Act.
- (4) In this section references to a religious building—
 - (a) include any structure or artificial object that is fixed to a religious building or within its curtilage;
 - (b) do not include a building used, or available for use, by a minister of religion wholly or mainly as a residence from which to perform the duties of that office.

157 Interpretation of this Part

In this Part—

“enforcement notice” (“*hysbysiad gorfodi*”) means an enforcement notice issued under section 123 or 134 (as the case may be);

“exempt religious building” (“*adeilad crefyddol esempt*”) is to be interpreted in accordance with section 156;

“interim protection” (“*gwarchodaeth interim*”) has the meaning given by section 79(3);

“listing” (“*rhestru*”) and “de-listing” (“*dadrestru*”), in relation to a building, have the meanings given by section 76(6);

“local authority” (“*awdurdod lleol*”) means—

- (a) a county council or county borough council in Wales;
- (b) a National Park authority in Wales;
- (c) a community council;
- (d) a police and crime commissioner in Wales;

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- (e) a fire and rescue authority in Wales constituted by a scheme under section 2 of the [Fire and Rescue Services Act 2004 \(c. 21\)](#) or a scheme to which section 4 of that Act applies;
- (f) a body in Wales which is a levying body within the meaning of section 74(1) of the [Local Government Finance Act 1988 \(c. 41\)](#);
- (g) a body in Wales to which section 75 of that Act (special levies) applies;
- (h) a joint board or joint committee, if all the constituent authorities are local authorities within paragraphs (a) to (g);

“temporary listing” (*“rhestru dros dro”*) has the meaning given by section 83(5);

“temporary stop notice” (*“hysbysiad stop dros dro”*) means a temporary stop notice issued under section 119;

“Wales” (*“Cymru”*) means the combined area of the counties and county boroughs in Wales.