

Status: This version of this part contains provisions that are prospective.
*Changes to legislation: There are currently no known outstanding effects for the
Historic Environment (Wales) Act 2023, PART 1. (See end of Document for details)*

PROSPECTIVE

SCHEDULE 4

PROCEDURE FOR ORDERS MODIFYING OR REVOKING SCHEDULED MONUMENT CONSENT

PART 1

NOTICE OF PROPOSED MODIFICATION OR REVOCATION

Requirement to serve a notice of proposed modification or revocation

- 1 (1) Before making an order under section 20 modifying or revoking a scheduled monument consent the Welsh Ministers must serve a notice of the proposed modification or proposed revocation on—
- (a) every owner and occupier of the monument, and
 - (b) any other person the Welsh Ministers consider would be affected by the proposal.
- (2) A notice under this paragraph must—
- (a) include a copy of the order the Welsh Ministers propose to make,
 - (b) set out the reasons for the proposed modification or proposed revocation,
 - (c) state that the person served with the notice has 28 days, beginning with the day after the day of service of the notice, to make an objection about the proposal to the Welsh Ministers, and
 - (d) state the way in which an objection must be made.
- (3) Where a proposed modification would exclude any works from the scope of the scheduled monument consent, the notice must provide that those works must not be carried out on or after a day specified by the notice.
- (4) Where a proposed modification would affect the carrying out of any of the works to which the consent relates in any other way, the notice must provide that the works must not be carried out on or after a day specified by the notice in a way specified in the notice.
- (5) A notice of proposed revocation must provide that the works to which the scheduled monument consent relates must not be carried out on or after a day specified by the notice.

Commencement Information

- II Sch. 4 para. 1 not in force at Royal Assent, see [s. 212\(2\)](#)

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Effect of notice under paragraph 1 on authorisation to carry out works

- 2 (1) Where a notice under paragraph 1 provides that works specified in the notice must not be carried out on or after a day specified by the notice, the specified works are not authorised for the purposes of Chapter 3 of Part 2 of this Act from the beginning of that day.
- (2) Where a notice under paragraph 1 provides that works specified in the notice must not be carried out on or after a day specified by the notice in a way specified in the notice, the specified works, if carried out that way, are not authorised for the purposes of Chapter 3 of Part 2 of this Act from the beginning of that day.
- (3) Where a notice under paragraph 1 provides that the works to which the scheduled monument consent relates must not be carried out on or after a day specified by the notice, those works are not authorised under Chapter 3 of Part 2 of this Act from the beginning of that day.
- (4) The preceding provisions of this paragraph cease to apply in relation to any works affected by a notice under paragraph 1—
- (a) where the Welsh Ministers make an order under section 20 within the period of 21 months beginning with the day the notice was served (“the 21 month period”), when the order is made (at which point authorisation ceases to the extent provided in the order),
 - (b) where the Welsh Ministers, within the 21 month period, serve notice on every owner and occupier of the monument that they have decided not to make the order, at the beginning of the day specified for the purposes of this paragraph by the Welsh Ministers in the notice, or
 - (c) in any other case, at the end of the 21 month period.

Commencement Information

I2 Sch. 4 para. 2 not in force at Royal Assent, see [s. 212\(2\)](#)

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