



# Historic Environment (Wales) Act 2023

2023 asc 3

## PART 2

### MONUMENTS OF SPECIAL HISTORIC INTEREST

#### CHAPTER 3

#### CONTROL OF WORKS AFFECTING SCHEDULED MONUMENTS

##### *Compensation*

PROSPECTIVE

#### **22 Recovery of compensation paid under section 21 on subsequent grant of consent**

- (1) This section applies where—
- (a) in a case where compensation under section 21 was paid in consequence of the refusal of scheduled monument consent, the Welsh Ministers subsequently grant scheduled monument consent for all or any of the works in respect of which the compensation was paid, and
  - (b) in a case where compensation under that section was paid in consequence of the grant of scheduled monument consent subject to conditions, the Welsh Ministers subsequently—
    - (i) modify the consent so that the conditions, or any of them, no longer apply to all or any of the works in respect of which the compensation was paid, or
    - (ii) grant a new consent for all or any of those works free from those conditions, or any of them.

*Status: This version of this provision is prospective.*

*Changes to legislation: There are currently no known outstanding effects for the  
Historic Environment (Wales) Act 2023, Section 22. (See end of Document for details)*

- (2) This section does not apply in any case unless the Welsh Ministers have served notice of the payment of compensation on the council of every county or county borough in which the monument is situated.
- (3) In granting or modifying a scheduled monument consent in a case to which this section applies, the Welsh Ministers may do so on terms that no works in respect of which the compensation was paid are to be carried out under the consent until the recoverable amount has been repaid to the Welsh Ministers or secured to their satisfaction.
- (4) In subsection (3) “recoverable amount” has the meaning given by section 23.
- (5) A notice under subsection (2) must specify—
  - (a) the decision which gave rise to the entitlement to compensation,
  - (b) the monument affected by the decision, and
  - (c) the amount of the compensation.
- (6) A notice under subsection (2) is a local land charge, and for the purposes of the [Local Land Charges Act 1975 \(c. 76\)](#) the council served with a notice under that subsection is to be treated as the originating authority as respects the charge.

#### **Commencement Information**

- II** S. 22 not in force at Royal Assent, see [s. 212\(2\)](#)

**Status:**

This version of this provision is prospective.

**Changes to legislation:**

There are currently no known outstanding effects for the Historic Environment (Wales) Act 2023, Section 22.