



Historic Environment (Wales) Act 2023

2023 asc 3

PART 2

MONUMENTS OF SPECIAL HISTORIC INTEREST

CHAPTER 5

ENFORCEMENT OF CONTROLS RELATING TO SCHEDULED MONUMENTS

Temporary stop notices

PROSPECTIVE

33 Offence of breaching temporary stop notice

- (1) A person commits an offence if, at any time when a temporary stop notice has effect, the person carries out works prohibited by the notice or causes or permits such works to be carried out.
- (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 temporary stop 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 that the person did not know, and could not reasonably have been expected to know, of the existence of the temporary stop notice.
- (4) In proceedings for an offence under this section, it is a defence to prove that—
 - (a) the works were urgently necessary in the interests of safety or health,
 - (b) the works carried out were limited to the minimum measures immediately necessary, and

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 33. (See end of Document for details)*

- (c) notice in writing justifying in detail the carrying out of the works was given to the Welsh Ministers as soon as reasonably practicable.
- (5) A person guilty of an offence under this section is liable on summary conviction, or on conviction on indictment, to a fine.
- (6) 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

II S. 33 not in force at Royal Assent, see [s. 212\(2\)](#)

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