



Historic Environment (Wales) Act 2023

2023 asc 3

PART 2

MONUMENTS OF SPECIAL HISTORIC INTEREST

CHAPTER 5

ENFORCEMENT OF CONTROLS RELATING TO SCHEDULED MONUMENTS

Enforcement notices

PROSPECTIVE

35 Power of Welsh Ministers to issue enforcement notice

- (1) The Welsh Ministers may issue an enforcement notice if they consider—
 - (a) that works which involve a breach of section 11 (requirement for works to be authorised) or of a condition subject to which scheduled monument consent was granted have been or are being carried out in relation to a scheduled monument or land in, on or under which the monument is situated, and
 - (b) that it is appropriate to issue the notice, having regard to the effect of the works on the monument as one of national importance.
- (2) An enforcement notice must—
 - (a) specify the alleged breach, and
 - (b) require works specified in the notice to be stopped, or require steps specified in the notice to be taken for one or more of the purposes set out in subsection (3).
- (3) The purposes are—
 - (a) restoring the monument or land to its condition before the breach took place,

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 35. (See end of Document for details)*

- (b) if the Welsh Ministers consider that restoration would not be reasonably practicable or would be undesirable, carrying out further works to alleviate the effect of the breach, or
 - (c) putting the monument or land in the condition it would have been in if the terms of any scheduled monument consent for the works to which the notice relates (including any conditions attached to the consent) had been complied with.
- (4) Where an enforcement notice imposes a requirement under subsection (3)(b), scheduled monument consent is to be treated as having been granted for any works carried out in compliance with the requirement.
- (5) The Welsh Ministers must—
- (a) maintain a list of every monument in respect of which an enforcement notice is in effect and publish the up-to-date list, and
 - (b) provide a copy of the enforcement notice relating to a monument in the list to any person who requests one.

Commencement Information

II S. 35 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 35.