



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

40 Powers to enter land and take steps required by enforcement notice

- (1) If the period within which an enforcement notice requires any step to be taken has ended and the step has not been taken, a person authorised in writing by the Welsh Ministers may—
 - (a) enter the land in, on or under which the monument is situated and take the step, and
 - (b) recover from a person who is then an owner or lessee of the monument or land the costs incurred in doing so.
- (2) The liability under subsection (1) of a person who is the owner of a monument or land merely by virtue of being entitled to receive the rack rent as trustee for another person is limited to the total amount of money the person has or has had by virtue of that entitlement.
- (3) Where, on an application by way of complaint made by an owner of a scheduled monument or land, a magistrates' court is satisfied that an occupier of the monument or land is preventing the owner from taking steps required by an enforcement notice, the court may by warrant authorise the owner to enter the land and take the steps.

***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 40. (See end of Document for details)*

Commencement Information

II S. 40 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 40.