



# Historic Environment (Wales) Act 2023

2023 asc 3

## PART 2

### MONUMENTS OF SPECIAL HISTORIC INTEREST

#### CHAPTER 7

##### GENERAL

###### *Powers of entry*

PROSPECTIVE

#### **69 Supplementary provision about powers of entry under this Part**

- (1) A power to enter land under this Part may be exercised at any reasonable time; but this subsection does not apply to section 65(5).
- (2) A person authorised to enter land under this Part may not demand admission as of right to any land which is occupied unless notice of the intended entry has been given to every occupier—
  - (a) where the purpose of the entry is to carry out any works on the land (other than excavations in exercise of the power under section 67), at least 14 days before the day of the intended entry, or
  - (b) in any other case (including excavations in exercise of the power under section 67), at least 24 hours before the day of the intended entry.
- (3) Subsection (2) does not apply to entry under—
  - (a) section 61 (but see subsection (2) of that section), or
  - (b) section 66(1).

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

- (4) A person authorised to enter land under this Part may not enter any building or structure or part of a building or structure occupied as a dwelling without the agreement of every occupier; but this subsection does not apply to the power in section 68.
- (5) A person authorised to enter land under this Part must—
- (a) if required to do so by or on behalf of an owner or occupier of the land, produce evidence of the person’s authorisation and state the purpose of the entry before entering the land;
  - (b) if leaving the land at a time when no owner or occupier is present, leave it as effectively secured against trespassers as the person found it.
- (6) A person entering land in exercise of a power of entry under this Part may take assistance or equipment reasonably required for the purpose to which the entry relates.
- (7) Where a person carries out any archaeological investigation or examination of land in the exercise of a power of entry under this Part, the person may take and remove any samples which appear to the person to be reasonably required for the purpose of archaeological analysis.
- (8) Where—
- (a) a power of entry under this Part is exercisable by a person (“P1”) in relation to any land, and
  - (b) works are being carried out on the land by another person (“P2”),
- P1 must, in exercising the power of entry, comply with any reasonable requirements or conditions imposed by P2 for the purpose of preventing interference or delay to the works.
- (9) Subsection (8) does not apply where the works in question are being carried out in breach of section 11 (requirement for works to be authorised).
- (10) For the purposes of subsection (8), a requirement or condition is not reasonable if complying with it would frustrate the exercise of the power of entry or the purpose of entry.
- (11) A person who intentionally obstructs a person exercising a power of entry under this Part commits an offence.
- (12) A person guilty of an offence under subsection (11) is liable on summary conviction to a fine not exceeding level 3 on the standard scale.
- (13) Where a person—
- (a) in the exercise of the power of entry under section 68, proposes to carry out works authorised by subsection (3) of that section, and
  - (b) is required to give notice of the intended entry under subsection (2)(a) of this section,
- the person may not carry out the works unless the notice of intended entry includes notice of the person’s intention to carry them out.
- (14) Where—
- (a) in the exercise of the power of entry under section 68, a person proposes to carry out any works authorised by subsection (3) of that section on land that belongs to a statutory undertaker, and

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(b) the undertaker objects to the proposal on the ground that carrying out of the works would be seriously detrimental to the carrying on of its undertaking, the person may not carry out the works without the agreement of the Welsh Ministers.

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**Commencement Information**

**II** S. 69 not in force at Royal Assent, see [s. 212\(2\)](#)

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