



Historic Environment (Wales) Act 2023

2023 asc 3

PART 2

MONUMENTS OF SPECIAL HISTORIC INTEREST

CHAPTER 7

GENERAL

Supplementary

PROSPECTIVE

75 Interpretation of this Part

(1) In this Part—

“archaeological examination” (*“archwiliad archaeolegol”*) has the meaning given by subsection (3);

“archaeological investigation” (*“ymchwiliad archaeolegol”*) has the meaning given by subsection (2);

“enforcement notice” (*“hysbysiad gorfodi”*) means an enforcement notice issued under section 35;

“flooding operations” (*“gweithrediadau i foddi tir”*) means covering land with water or another liquid or partially liquid substance;

“guardian” (*“gwarcheidwad”*) is to be interpreted in accordance with sections 45 and 49;

“guardianship deed” (*“gweithred warcheidiaeth”*) has the meaning given by section 45(7);

“interim protection” (*“gwarchodaeth interim”*) has the meaning given by section 6(3);

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 75. (See end of Document for details)*

- “local authority” (“*awdurdod lleol*”) means—
- (a) a county council or county borough council in Wales, and
 - (b) a National Park authority in Wales;
- “monument of special historic interest” (“*heneb o ddiddordeb hanesyddol arbennig*”) has the meaning given by subsection (6);
- “possession” (“*meddiant*”) includes receipt of rents and profits or the right to receive rents and profits (if any);
- “the schedule” (“*y gofrestr*”) has the meaning given by section 3;
- “scheduled monument consent” (“*cydsyniad heneb gofrestrdig*”) has the meaning given by section 13;
- “temporary stop notice” (“*hysbysiad stop dros dro*”) means a temporary stop notice issued under section 31;
- “tipping operations” (“*gweithrediadau tipio*”) means tipping soil or spoil or depositing building or other materials or matter (including waste) on any land;
- “works” (“*gwaith*”) includes—
- (a) flooding or tipping operations,
 - (b) any operations carried out for the purposes of agriculture (within the meaning of the [Town and Country Planning Act 1990 \(c. 8\)](#)) or forestry (including afforestation), and
 - (c) operations of any other description.
- (2) In this Part “archaeological investigation” means any investigation of land, objects or other material for the purpose of obtaining and recording any information of archaeological or historical interest and includes in the case of an archaeological investigation of land—
- (a) any investigation for the purpose of discovering and revealing and (where appropriate) recovering and removing any objects or other material of archaeological or historical interest situated in, on or under the land, and
 - (b) examining, testing, treating, recording and preserving any such objects or material discovered during the course of any excavations or inspections carried out for the purposes of any such investigation.
- (3) In this Part “archaeological examination”, in relation to land, means any examination or inspection of the land (including buildings or other structures on the land) for the purpose of obtaining and recording any information of archaeological or historical interest.
- (4) In this Part (other than in Chapter 4) references to land associated with a monument (or to associated land) are to be interpreted in accordance with section 49(9).
- (5) In this Part references to a monument, in relation to the acquisition or transfer of any monument (whether under this Part or otherwise), include any interest in or right over the monument.
- (6) In this Part “monument of special historic interest” means—
- (a) any scheduled monument, and
 - (b) any other monument wholly or mainly in Wales which the Welsh Ministers consider to be of public interest by reason of the historic, architectural, traditional, artistic or archaeological interest attaching to it.

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 75. (See end of Document for details)*

(7) But the reference to a monument in subsection (6)(b) does not include a monument situated in, on or under the bed of the sea below the low water mark.

Commencement Information

I1 S. 75 not in force at Royal Assent, see [s. 212\(2\)](#)

Status:

This version of this provision is prospective.

Changes to legislation:

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