



# Historic Environment (Wales) Act 2023

2023 asc 3

## PART 2

### MONUMENTS OF SPECIAL HISTORIC INTEREST

#### CHAPTER 3

##### CONTROL OF WORKS AFFECTING SCHEDULED MONUMENTS

PROSPECTIVE

##### *Applications for scheduled monument consent*

#### **14 Applying for scheduled monument consent**

- (1) An application for scheduled monument consent must be made to the Welsh Ministers.
- (2) An application must—
  - (a) identify the area of land to which it relates,
  - (b) describe the works to which it relates and the likely impact of the works on the monument, and
  - (c) contain any other information required by the Welsh Ministers.
- (3) The Welsh Ministers may by regulations make provision about—
  - (a) the form and content of an application (which may include provision for using a form to be published or provided by the Welsh Ministers);
  - (b) how an application must be made;
  - (c) documents or other materials that must be included with an application.
- (4) The Welsh Ministers may agree with an applicant that an application may be made otherwise than in accordance with subsection (2) or any provision made under subsection (3), if the application relates to works to which subsection (5) applies.

*Status: This version of this cross heading contains provisions that are prospective.*

*Changes to legislation: There are currently no known outstanding effects for the Historic Environment (Wales) Act 2023, Cross Heading: Applications for scheduled monument consent. (See end of Document for details)*

- (5) This subsection applies to minor works carried out for the purpose of—
- (a) removing or repairing a scheduled monument or any part of it, or
  - (b) making any alterations or additions to the monument.
- (6) The Welsh Ministers may by regulations specify additional cases in which an application for scheduled monument consent may be made otherwise than in accordance with subsection (2) or any provision made under subsection (3); and the regulations may confer a discretion on the Welsh Ministers.

#### **Commencement Information**

- II** S. 14 not in force at Royal Assent, see [s. 212\(2\)](#)

### **15 Declarations of ownership in respect of monument**

- (1) The Welsh Ministers may refuse to consider an application for scheduled monument consent unless one of the following declarations signed by or on behalf of the applicant is included with the application—
- (a) a declaration that, at the beginning of the 21 days ending with the day of the application, no person other than the applicant was the owner of the monument,
  - (b) a declaration that the applicant has given notice to all the persons (other than the applicant) who, at the beginning of that period, were owners of the monument, of the things required by subsection (2) and any regulations under subsection (3),
  - (c) a declaration that the applicant—
    - (i) is unable to make a declaration under paragraph (a) or (b),
    - (ii) has given notice to such of the persons mentioned in paragraph (b) as are named in the declaration, of the things required by subsection (2) and any regulations under subsection (3), but
    - (iii) has been unable to find out the names and addresses of the rest of those persons, despite taking all reasonable steps to do so, or
  - (d) a declaration that the applicant—
    - (i) is unable to make a declaration under paragraph (a), and
    - (ii) has, despite taking all reasonable steps to do so, been unable to find out the names and addresses of any of the persons mentioned in paragraph (b).
- (2) A notice for the purposes of subsection (1)(b) or (c)(ii) must—
- (a) identify the monument to which it relates (including the address or location of the monument, and its name (if any)),
  - (b) state that an application for scheduled monument consent is to be made in relation to the monument,
  - (c) identify the person making the application (and, where the applicant is making an application on someone's behalf, identify the other person), and
  - (d) describe the works to which the application relates.
- (3) The Welsh Ministers may by regulations specify additional things which must be included in a notice.

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*Changes to legislation:* There are currently no known outstanding effects for the Historic Environment (Wales) Act 2023, Cross Heading: Applications for scheduled monument consent. (See end of Document for details)

- (4) It is an offence for a person in purported compliance with this section—
- (a) to make a declaration which the person knows to be false or misleading in a material respect, or
  - (b) to recklessly make a declaration which is false or misleading in a material respect.
- (5) A person guilty of an offence under subsection (4) is liable on summary conviction to a fine not exceeding level 3 on the standard scale.
- (6) In this section “owner” means—
- (a) an owner of the freehold estate, or
  - (b) a tenant under a lease granted or extended for a fixed term that has at least 7 years left to run.

#### Commencement Information

**I2** S. 15 not in force at Royal Assent, see [s. 212\(2\)](#)

## 16 Power to refuse to consider similar applications

- (1) The Welsh Ministers may refuse to consider an application for scheduled monument consent if—
- (a) in the 2 years ending with the day the application is received, the Welsh Ministers have refused a similar application, and
  - (b) they consider that there has been no significant change in any relevant considerations since the similar application was refused.
- (2) The Welsh Ministers may refuse to consider an application for scheduled monument consent if the application is made at a time when a similar application is under consideration.
- (3) For the purposes of this section an application is similar to another application if (and only if) the Welsh Ministers consider that the works to which the applications relate are the same or substantially the same.

#### Commencement Information

**I3** S. 16 not in force at Royal Assent, see [s. 212\(2\)](#)

**Status:**

This version of this cross heading contains provisions that are prospective.

**Changes to legislation:**

There are currently no known outstanding effects for the Historic Environment (Wales) Act 2023,  
Cross Heading: Applications for scheduled monument consent.