



Historic Environment (Wales) Act 2023

2023 asc 3

PART 7

GENERAL

Offences

200 Offences by bodies corporate

- (1) This section applies where an offence under this Act committed by a body corporate is proved to have been committed with the consent or connivance of, or to be attributable to neglect on the part of—
 - (a) a senior officer of the body, or
 - (b) a person who was purporting to be a senior officer of the body.
- (2) The senior officer or person (as well as the body corporate) is guilty of the offence, and is liable to be proceeded against and punished accordingly.
- (3) In this section “senior officer” means a director, manager, secretary or other similar officer of the body corporate.
- (4) But in the case of a body corporate whose affairs are managed by its members, “director” means a member of the body.

201 Civil sanctions

- (1) The Welsh Ministers may by regulations make any provision in relation to an offence under this Act that they could make under Part 3 of RESA 2008 (civil sanctions) if, for the purposes of that Part—
 - (a) the Welsh Ministers or any other authority which has an enforcement function in relation to the offence were a regulator, and
 - (b) the offence were a relevant offence in relation to that regulator.

Status: This is the original version (as it was originally enacted).

- (2) Sections 59(3) and 60(1) and (2) of RESA 2008 (consultation) apply to regulations under subsection (1) as they apply to an order under Part 3 of RESA 2008.
- (3) Sections 63 to 70 of RESA 2008 (guidance, exercise of powers, payment into Welsh Consolidated Fund and disclosure of information) apply in relation to provision made under subsection (1) as they apply in relation to provision made under Part 3 of RESA 2008.
- (4) In subsection (1) the reference to an authority which has an enforcement function is to be interpreted in accordance with section 71 of RESA 2008.
- (5) In this section “RESA 2008” means the [Regulatory Enforcement and Sanctions Act 2008 \(c. 13\)](#).