

## SCHEDULE 14

### TRANSITIONAL AND SAVING PROVISIONS

#### PART 2

#### GUARDIANSHIP OF MONUMENTS

##### *Guardianship orders made under 1953 Act*

- 5 (1) Where, immediately before Part 2 of this Act comes into force, the Welsh Ministers are guardians of a monument by virtue of a guardianship order—
- (a) made, or treated as having been made, under section 12(5) of the [Historic Buildings and Ancient Monuments Act 1953 \(c. 49\)](#), and
  - (b) continued in force by paragraph 2(1) of Schedule 3 to the [Ancient Monuments and Archaeological Areas Act 1979 \(c. 46\)](#),
- the order continues in force despite the coming into force of that Part.
- (2) That Part applies while the guardianship order is in force as if the Welsh Ministers had been appointed as guardians of the monument by a deed under section 45 of this Act—
- (a) not containing any restriction not contained in the order, and
  - (b) executed by all the persons who, at the time when the order was made, were able by deed to appoint the Welsh Ministers guardians of the monument.
- (3) The Welsh Ministers may revoke a guardianship order to which this paragraph applies.

##### *Control and management of monument where guardianship pre-dates 1979 Act*

- 6 (1) This paragraph applies where—
- (a) a monument was taken into guardianship before 9 October 1981 (the date Part 1 of the [Ancient Monuments and Archaeological Areas Act 1979](#) came into force), and
  - (b) immediately before Part 2 of this Act comes into force, the monument is under the guardianship of the Welsh Ministers or a local authority.
- (2) Section 47(2) (full control and management) does not apply to the monument unless—
- (a) the deed establishing guardianship provided for control and management of the monument by the guardians, or
  - (b) the persons for the time being immediately affected by the operation of the guardianship deed have consented to the control and management of the monument by the guardians.

##### *Public access to monument where guardianship pre-dates 1913 Act*

- 7 (1) This paragraph applies where—
- (a) a monument was taken into guardianship before 15 August 1913 (the date the [Ancient Monuments Consolidation and Amendment Act 1913 \(c. 32\)](#) came into force), and

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*Status: This is the original version (as it was originally enacted).*

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- (b) immediately before Part 2 of this Act comes into force, the monument is under the guardianship of the Welsh Ministers or a local authority.
- (2) Section 55(1) (duty to ensure public access) does not apply to the monument unless—
- (a) the deed establishing guardianship provided for public access to the monument, or
  - (b) the persons for the time being immediately affected by the operation of the guardianship deed have consented to the public having access to the monument.

### *Interpretation*

- 8 For the purposes of paragraphs 6 and 7, a person is immediately affected by the operation of a guardianship deed relating to a monument if the person is bound by that deed and is in possession or occupation of the monument.