



Historic Environment (Wales) Act 2023

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PART 2

MONUMENTS OF SPECIAL HISTORIC INTEREST

CHAPTER 3

CONTROL OF WORKS AFFECTING SCHEDULED MONUMENTS

Applications for scheduled monument consent

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—

Status: This is the original version (as it was originally enacted).

- (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.
- (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.