



Historic Environment (Wales) Act 2023

2023 asc 3

PART 3

BUILDINGS OF SPECIAL ARCHITECTURAL OR HISTORIC INTEREST

CHAPTER 6

GENERAL

Powers of entry

PROSPECTIVE

153 Exercise of power to enter land without warrant

- (1) A power to enter land under section 152 may be exercised at any reasonable time.
- (2) A person authorised to enter land under section 152 may not demand admission as of right to any land which is occupied unless at least 24 hours' notice of the intended entry has been given to every occupier.
- (3) Subsection (2) does not apply to the power to enter land under section 152(4) (temporary stop notices).
- (4) A person authorised to enter land under section 152—
 - (a) must, if required to do so by or on behalf of any owner or occupier of the land, produce evidence of the person's authorisation and state the purpose of the entry before entering the land;
 - (b) may take on to the land any other persons that are necessary;
 - (c) must, if leaving the land at a time when no owner or occupier is present, leave it as effectively secured against trespassers as the person found it.
- (5) Where a person—

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 153. (See end of Document for details)*

- (a) proposes to carry out works in the exercise of a power of entry under section 152, and
- (b) is required to give notice of the intended entry under subsection (2) of this section,

the person may not carry out the works unless the notice of intended entry includes notice of the person's intention to carry them out.

(6) Where—

- (a) a person proposes to carry out works in the exercise of a power of entry under section 152 on land which belongs to a statutory undertaker, and
- (b) the undertaker objects to the proposed works on the ground that carrying them out would be seriously detrimental to the carrying on of its undertaking,

the person may not carry out the works without the agreement of the appropriate Minister.

(7) A person may not enter Crown land in the exercise of a power under section 152 without the agreement of—

- (a) a person who appears to the person seeking entry to the land to be entitled to give that agreement, or
- (b) the appropriate Crown authority.

(8) Subsections (2) to (6) do not apply to anything done by virtue of subsection (7).

(9) In subsection (6) “appropriate Minister” has the meaning given by section 265 of the [Town and Country Planning Act 1990 \(c. 8\)](#).

Commencement Information

II S. 153 not in force at Royal Assent, see [s. 212\(2\)](#)

Status:

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Changes to legislation:

There are currently no known outstanding effects for the Historic Environment (Wales) Act 2023, Section 153.