



# Historic Environment (Wales) Act 2023

2023 asc 3

## PART 2

### MONUMENTS OF SPECIAL HISTORIC INTEREST

#### CHAPTER 5

##### ENFORCEMENT OF CONTROLS RELATING TO SCHEDULED MONUMENTS

###### *Temporary stop notices*

#### **31 Power of Welsh Ministers to issue temporary stop notice**

- (1) The Welsh Ministers may issue a temporary stop notice if they consider—
  - (a) that works have been or are being carried out in relation to a scheduled monument which involve a breach of section 11 (requirement for works to be authorised) or of a condition subject to which scheduled monument consent has been granted, and
  - (b) that the works (or any of them) ought to be stopped immediately, having regard to the effect of the works on the monument as one of national importance.
- (2) A temporary stop notice must—
  - (a) specify the works to which it relates,
  - (b) prohibit the carrying out of the works (or any of them specified in the notice),
  - (c) set out the Welsh Ministers' reasons for issuing the notice, and
  - (d) state the effect of section 33 (offence of breaching temporary stop notice).
- (3) The Welsh Ministers must display a copy of a temporary stop notice on the monument or land to which it relates, and the copy must specify the date on which it is first displayed.
- (4) But if—

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*Status: This is the original version (as it was originally enacted).*

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- (a) it is not reasonably practicable to display a copy of the notice on the monument or land, or
- (b) the Welsh Ministers consider that displaying a copy of the notice on the monument or land might damage the monument,

the Welsh Ministers may instead display a copy in a prominent place as near to the monument or land as is reasonably practicable.

- (5) The Welsh Ministers may serve a copy of the notice on any person they consider—
- (a) to be carrying out the works that the notice prohibits or causing or permitting them to be carried out,
  - (b) to be an occupier of the monument or land to which the notice relates, or
  - (c) to have an interest in the monument or land.