



# Historic Environment (Wales) Act 2023

2023 asc 3

## PART 2

### MONUMENTS OF SPECIAL HISTORIC INTEREST

#### CHAPTER 5

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

###### *Enforcement notices*

PROSPECTIVE

#### **41 Offence of failing to comply with enforcement notice**

- (1) Where, at any time after the end of the period within which an enforcement notice requires any works to be stopped or any step to be taken, the works are being carried out or the step has not been taken, a person who is at that time an owner of the scheduled monument or land to which the notice relates is guilty of an offence.
- (2) A person may be charged with an offence under this section by reference to a day or a longer period, and a person may be convicted of more than one offence in relation to the same enforcement notice by reference to different periods.
- (3) In proceedings against a person for an offence under this section, it is a defence for the person to prove—
  - (a) that the person did everything the person could be expected to do to secure that the works specified in the notice were stopped or the steps required by the notice were taken, or
  - (b) that the person did not know, and could not reasonably have been expected to know, of the existence of the enforcement notice.

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*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 41. (See end of Document for details)*

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- (4) A person guilty of an offence under this section is liable on summary conviction, or on conviction for indictment, to a fine.
- (5) In determining the amount of the fine, the court must in particular have regard to any financial benefit which has accrued or appears likely to accrue to the person in consequence of the offence.

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**Commencement Information**

**II** S. 41 not in force at Royal Assent, see [s. 212\(2\)](#)

**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 41.