



Historic Environment (Wales) Act 2023

2023 asc 3

PART 2

MONUMENTS OF SPECIAL HISTORIC INTEREST

CHAPTER 6

ACQUISITION, GUARDIANSHIP AND PUBLIC ACCESS

Guardianship of monuments of special historic interest

PROSPECTIVE

45 Power to place monument of special historic interest under guardianship

- (1) A person with a qualifying interest in a monument of special historic interest may, with the agreement of the Welsh Ministers, appoint them by deed as guardians of the monument.
- (2) A person with a qualifying interest in a monument of special historic interest may, with the agreement of any local authority in or in the vicinity of whose area the monument is situated, appoint the authority by deed as guardian of the monument.
- (3) A person who is not the occupier of a monument may not establish guardianship of the monument under this section unless the occupier is also a party to the deed.
- (4) Any other person who has an interest in the monument may be a party to the deed in addition to the person establishing the guardianship of the monument and (where the latter is not the occupier) the occupier.
- (5) The following interests in a monument are qualifying interests for the purposes of this section—
 - (a) a freehold estate;

Status: Point in time view as at 15/06/2023. This version of this provision is prospective.

Changes to legislation: Historic Environment (Wales) Act 2023, Section 45 is up to date with all changes known to be in force on or before 15 July 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)

- (b) a leasehold estate, or interest in possession, which—
 - (i) has at least 45 years left to run, or
 - (ii) is renewable for at least 45 years;
 - (c) an interest in possession for the person’s own life or the life of another person, or for lives (whether or not including the person’s own life), under any existing or future trust of land where the estate or interest subject to the trust falls within paragraph (a) or (b).
- (6) In subsection (5)(c) “trust of land” has the same meaning as in the [Trusts of Land and Appointment of Trustees Act 1996 \(c. 47\)](#).
- (7) In this Chapter “guardianship deed” means a deed executed under subsection (1) or (2).

Commencement Information

II S. 45 not in force at Royal Assent, see [s. 212\(2\)](#)

Status:

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