



Historic Environment (Wales) Act 2023

2023 asc 3

PART 2

MONUMENTS OF SPECIAL HISTORIC INTEREST

CHAPTER 7

GENERAL

PROSPECTIVE

Damage to monuments

58 Offence of damaging certain monuments of special historic interest

- (1) A person who without lawful excuse destroys or damages a protected monument is guilty of an offence if the person—
- (a) knew or ought reasonably to have known that it was a protected monument, and
 - (b) intended to destroy or damage the monument or was reckless as to whether the monument would be damaged or destroyed.
- (2) In subsection (1) “protected monument” means—
- (a) a scheduled monument, or
 - (b) a monument under the ownership or guardianship of the Welsh Ministers or a local authority by virtue of this Chapter.
- (3) This section applies to anything done by or under the authority of the owner of the monument, other than an act for the carrying out of excepted works, as it applies to anything done by any other person.
- (4) In subsection (3) “excepted works” means—

Status: This version of this cross heading contains provisions that are prospective.

Changes to legislation: There are currently no known outstanding effects for the Historic Environment (Wales) Act 2023, Cross Heading: Damage to monuments. (See end of Document for details)

- (a) works authorised under Chapter 3;
 - (b) works for which development consent has been granted under the [Planning Act 2008 \(c. 29\)](#).
- (5) A person guilty of an offence under this section is liable—
- (a) on summary conviction, to a fine or imprisonment for a term not exceeding the applicable limit under section 224(1A)(b) of the Sentencing Code, or both;
 - (b) on conviction on indictment, to a fine or imprisonment for a term not exceeding 2 years, or both.

Commencement Information

I1 S. 58 not in force at Royal Assent, see [s. 212\(2\)](#)

59 Compensation orders for damage to monuments under guardianship

- (1) Subsection (2) applies where an owner or any other person is convicted of an offence involving damage to a monument which was at the time of the offence under the guardianship of the Welsh Ministers or any local authority by virtue of Chapter 6.
- (2) Any compensation order made under Chapter 2 of Part 7 of the Sentencing Code (compensation orders against convicted persons) in respect of that damage is to be made in favour of the Welsh Ministers or the local authority in question (as the case may require).

Commencement Information

I2 S. 59 not in force at Royal Assent, see [s. 212\(2\)](#)

60 Restrictions on use of metal detectors

- (1) In this section—
 - “consent” (“*cydsyniad*”) means the written consent of the Welsh Ministers;
 - “metal detector” (“*datgelydd metel*”) means any device designed or adapted for detecting or locating any metal or mineral in the ground;
 - “protected place” (“*man gwarchoddedig*”) means—
 - (a) the site of any scheduled monument, or
 - (b) the site of any monument under the ownership or guardianship of the Welsh Ministers or a local authority by virtue of Chapter 6.
- (2) A person commits an offence if the person uses a metal detector in a protected place without consent to do so.
- (3) A person given consent to use a metal detector in a protected place commits an offence if the person, in using the metal detector in that place, fails to comply with any condition attached to the consent.
- (4) A person commits an offence if the person, without consent to do so, removes any object of archaeological or historical interest which the person has discovered by the use of a metal detector in a protected place.

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- (5) A person given consent to remove or otherwise deal with any object which the person discovers by the use of a metal detector in a protected place commits an offence if, in removing or otherwise dealing with the object, the person fails to comply with any condition attached to the consent.
- (6) In any proceedings for an offence under subsection (2) it is a defence for a person to prove that the person used the metal detector for a purpose other than detecting or locating objects of archaeological or historical interest.
- (7) In any proceedings for an offence under subsection (2) or (4) it is a defence for a person to prove that the person—
 - (a) had taken all reasonable steps to find out whether the place in which the metal detector was used was a protected place, and
 - (b) did not know, and had no reason to believe, that the place was a protected place.
- (8) A person guilty of an offence under subsection (2) or (3) is liable on summary conviction to a fine not exceeding level 3 on the standard scale.
- (9) A person guilty of an offence under subsection (4) or (5) is liable on summary conviction, or on conviction on indictment, to a fine.

Commencement Information

I3 S. 60 not in force at Royal Assent, see [s. 212\(2\)](#)

Status:

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Changes to legislation:

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