

Status: This version of this provision is prospective.

Changes to legislation: Historic Environment (Wales) Act 2023, Section 24 is up to date with all changes known to be in force on or before 28 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) View outstanding changes



Historic Environment (Wales) Act 2023

2023 asc 3

PART 2

MONUMENTS OF SPECIAL HISTORIC INTEREST

CHAPTER 3

CONTROL OF WORKS AFFECTING SCHEDULED MONUMENTS

Compensation

PROSPECTIVE

24 Compensation where works affecting a scheduled monument cease to be authorised

- (1) This section applies where works affecting a scheduled monument which were previously authorised under this Chapter cease to be authorised—
 - (a) because an authorisation under section 12 ceases to apply (whether because of an amendment to the table in Schedule 3 or a direction given under subsection (3) of that section),
 - (b) because of the modification or revocation of a scheduled monument consent by an order made under section 20, or
 - (c) in accordance with paragraph 2 of Schedule 4, because of the service of a notice of proposed modification or revocation of a scheduled monument consent under paragraph 1 of that Schedule.
- (2) Any person who has an interest in the monument is entitled, on making a claim to the Welsh Ministers, to be paid compensation by them for—
 - (a) any expenditure incurred by the person in carrying out works which become abortive because further works cease to be authorised, or

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- (b) any other loss or damage suffered by the person which is directly attributable to that fact.
- (3) A person is not entitled to compensation under this section in a case within subsection (1)(a) unless, on an application for scheduled monument consent for the works in question, consent is refused, or is granted subject to conditions other than those which previously applied by virtue of section 12.
- (4) For the purposes of this section expenditure incurred in the preparation of plans for the purposes of any works, or on other similar matters preparatory to any works, is to be treated as expenditure incurred in carrying out the works.
- (5) Subject to that, no compensation is payable under this section in respect of—
 - (a) works carried out before an authorisation under section 12 applied in relation to the works or before the scheduled monument consent in question was granted (as the case may be), or
 - (b) other loss or damage (other than loss or damage consisting of depreciation of the value of an interest in land) arising out of anything done or omitted to be done before that authorisation applied or that consent was granted.
- (6) A claim for compensation under this section must be made in writing within 6 months beginning with the day the works cease to be authorised.

Commencement Information

- II** S. 24 not in force at Royal Assent, see [s. 212\(2\)](#)

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Changes and effects yet to be applied to the whole Act associated Parts and Chapters:

Whole provisions yet to be inserted into this Act (including any effects on those provisions):

- s. 11(3) inserted by [2024 asc 3 Sch. 3 para. 15\(2\)](#)
- s. 58(4)(c) inserted by [2024 asc 3 Sch. 3 para. 15\(3\)](#)
- s. 88(4) inserted by [2024 asc 3 Sch. 3 para. 15\(4\)](#)
- s. 118(2)(f) inserted by [2024 asc 3 Sch. 3 para. 15\(5\)](#)
- s. 161(6) inserted by [2024 asc 3 Sch. 3 para. 15\(6\)](#)