



Historic Environment (Wales) Act 2023

2023 asc 3

PART 2

MONUMENTS OF SPECIAL HISTORIC INTEREST

CHAPTER 6

ACQUISITION, GUARDIANSHIP AND PUBLIC ACCESS

*Acquisition and guardianship of land in the vicinity
of a monument of special historic interest etc.*

PROSPECTIVE

49 Acquisition and guardianship of land in the vicinity of a monument

- (1) References in sections 43 to 46 to a monument of special historic interest include any land adjoining or in the vicinity of the monument which the Welsh Ministers consider, or (as the case may be) a local authority considers, to be reasonably required for any of the purposes mentioned in subsection (2).
- (2) The purposes are—
 - (a) the maintenance of the monument or its amenities;
 - (b) the storage of equipment or materials for the maintenance of the monument or its amenities;
 - (c) providing or facilitating access to the monument;
 - (d) the proper control or management of the monument;
 - (e) the provision of facilities and services for the public for or in connection with providing public access to the monument.

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 49. (See end of Document for details)*

- (3) The power of compulsory acquisition in section 43(1), as it applies by virtue of subsection (1) of this section, is to be read as if for “the purpose of securing its preservation” there were substituted “any of the purposes mentioned in section 49(2)”.
- (4) Land may be acquired or taken into guardianship by virtue of this section either at the same time as the monument or later.
- (5) A person who is the guardian of any land by virtue of this section has full control and management of the land, and may do anything the guardian considers necessary—
 - (a) for its proper control and management (including requiring the payment of a charge in connection with any use of the land), and
 - (b) for the use of the land for any of the purposes relating to the monument mentioned in subsection (2).
- (6) A person who is the guardian of any land by virtue of this section may enter the land for the purpose of exercising the guardian’s powers under subsection (5) (and may authorise any other person to enter the site and to exercise those powers on the guardian’s behalf).
- (7) Section 48(1) to (4) and (7) apply in relation to any land taken into guardianship by virtue of this section as they apply in relation to a monument.
- (8) Apart from any termination of guardianship by virtue of section 48, guardianship of any such land also ends if the monument in question—
 - (a) ceases to be under guardianship otherwise than by virtue of being acquired by its guardians, or
 - (b) ceases to exist.
- (9) Where a monument is owned by, or under the guardianship of, the Welsh Ministers or a local authority by virtue of this Chapter, references in this Chapter to land associated with that monument (or to associated land) are references to—
 - (a) any land acquired or taken into guardianship by virtue of this section for a purpose mentioned in subsection (2), or
 - (b) any land appropriated for any such purpose under a power conferred by any other enactment.

Commencement Information

II S. 49 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 49.