



# Historic Environment (Wales) Act 2016

2016 anaw 4

## PART 2

### ANCIENT MONUMENTS ETC

#### *Agreements relating to scheduled monuments*

#### **11 Heritage partnership agreements**

- (1) After section 9 of the Ancient Monuments and Archaeological Areas Act 1979 (c.46) insert—

*“Agreements concerning scheduled monuments etc: Wales*

#### **9ZA Heritage partnership agreement**

- (1) The Welsh Ministers may enter into an agreement under this section (a “heritage partnership agreement”) with the owner of—
- (a) a scheduled monument situated in Wales; or
  - (b) any land adjoining or in the vicinity of such a scheduled monument (“associated land”).
- (2) Any of the following may also be a party to a heritage partnership agreement (in addition to the owner and the Welsh Ministers)—
- (a) any occupier of the scheduled monument or its associated land;
  - (b) any person with an interest in the scheduled monument or its associated land;
  - (c) any person involved in the management of the scheduled monument or its associated land;
  - (d) any local authority in whose area the scheduled monument or its associated land is situated;

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- (e) any local authority which is a guardian of the scheduled monument or its associated land by virtue of this Act;
  - (f) any other person who appears to the Welsh Ministers appropriate as having a special knowledge of, or interest in, the scheduled monument, or in monuments of special historic or archaeological interest more generally.
- (3) A heritage partnership agreement may contain provision—
- (a) granting scheduled monument consent under section 2(3) for specified works for the purpose of removing or repairing the scheduled monument to which the agreement relates or any part of it, or of making any alterations or additions to the monument; and
  - (b) specifying any conditions to which the consent is subject (whether with respect to the manner in which or the persons by whom the works or any of the works are to be executed or otherwise).
- (4) A heritage partnership agreement may also—
- (a) specify or describe works that would, or would not, in the view of the parties to the agreement, constitute works to which section 2 applies;
  - (b) make provision about the maintenance and preservation of the scheduled monument or its associated land;
  - (c) make provision about the carrying out of specified works, or the doing of any specified thing, in relation to the scheduled monument or its associated land;
  - (d) provide for public access to the scheduled monument or its associated land and the provision of associated facilities, information or services to the public;
  - (e) restrict access to, or use of, the scheduled monument or its associated land;
  - (f) prohibit the doing of any specified thing in relation to the scheduled monument or its associated land;
  - (g) provide for the Welsh Ministers, or any local authority in whose area the scheduled monument or its associated land is situated, to make payments of specified amounts and on specified terms—
    - (i) for, or towards, the cost of any works provided for under the agreement; or
    - (ii) in consideration of any restriction, prohibition or obligation accepted by any other party to the agreement.
- (5) In this section “specified” means specified or described in the heritage partnership agreement.
- (6) In this section and in section 9ZB “owner”, in relation to a scheduled monument or its associated land, means a person who is for the time being—
- (a) the estate owner in respect of the fee simple in the monument or its associated land (as the case may be); or
  - (b) entitled to a tenancy of the monument or its associated land (as the case may be) for a term of years certain of which not less than 7 years remains unexpired.

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- (7) Where more than one person is the owner of a scheduled monument or its associated land, the references in subsection (1) and in section 9ZB(2)(b) to the owner are to any one or more of those persons.

### **9ZB Heritage partnership agreement: supplemental**

- (1) A heritage partnership agreement—
- (a) must be in writing;
  - (b) must make provision for the parties to review its terms at intervals specified in the agreement;
  - (c) must make provision for its termination and variation; and
  - (d) may contain incidental and consequential provision.
- (2) A heritage partnership agreement may relate to more than one scheduled monument, provided that the following are parties to the agreement in each case—
- (a) the Welsh Ministers; and
  - (b) the owner of the scheduled monument or the owner of land adjoining or in the vicinity of the scheduled monument.
- (3) The Welsh Ministers must by regulations make provision—
- (a) about the consultation that must take place before a heritage partnership agreement is made or varied;
  - (b) about the publicity that must be given to a heritage partnership agreement before or after it is made or varied;
  - (c) specifying terms that must be included in a heritage partnership agreement; and
  - (d) enabling the Welsh Ministers to terminate by order a heritage partnership agreement or any provision of such an agreement.
- (4) Regulations made under subsection (3)(a) must require the Welsh Ministers to consult the following persons before entering into a heritage partnership agreement under section 9ZA(1)(a)—
- (a) the owner of the scheduled monument to which the proposed agreement relates;
  - (b) any occupier of the scheduled monument;
  - (c) any local authority in whose area the scheduled monument is situated;
  - (d) any local authority which is a guardian of the scheduled monument.
- (5) Regulations made under subsection (3)(a) must require the Welsh Ministers to consult the following persons before entering into a heritage partnership agreement under section 9ZA(1)(b)—
- (a) the owner of the land to which the proposed agreement relates;
  - (b) any occupier of the land;
  - (c) any local authority in whose area the land is situated;
  - (d) any local authority which is a guardian of the land by virtue of this Act.
- (6) Regulations made under section (3)(d) may specify provision that may be included in an order made by virtue of that paragraph, including provision

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enabling such orders to contain supplementary, incidental, transitory, transitional or saving provision.

(7) The Welsh Ministers may by regulations make provision disapplying, or applying or reproducing with or without modifications, any provision of this Act for the purposes of heritage partnership agreements.

(8) A heritage partnership agreement cannot impose any obligation or liability, or confer any right, on a person who is not a party to the agreement (and, accordingly, scheduled monument consent granted by such an agreement enures only for the benefit of the parties to the agreement).”

(2) In section 61 of that Act (interpretation)—

(a) in subsection (1), in the definition of “owner”, after “(except for the purposes of” insert “ sections 9ZA and 9ZB and ”;

(b) in subsection (6), after “In this Act” insert “ (other than in section 9ZA) ”.

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**Commencement Information**

**I1** S. 11 in force at Royal Assent for specified purposes, see s. 41(1)(c)

**I2** S. 11 in force at 1.1.2022 in so far as not already in force by S.I. 2021/1059, art. 2(a)

**Changes to legislation:**

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