



# Historic Environment (Wales) Act 2016

2016 anaw 4

## PART 2 **E+W**

### ANCIENT MONUMENTS ETC

#### *Overview*

## 2 Overview of this Part **E+W**

- (1) This Part is primarily about the protection of ancient monuments in Wales. It makes provision—
- (a) for the Welsh Ministers to consult before making certain changes to the Schedule under the Ancient Monuments and Archaeological Areas Act 1979 (c.46) (“the 1979 Act”) or certain amendments relating to monuments in the Schedule (section 3);
  - (b) to give a monument statutory protection while the Welsh Ministers decide whether to include it in the Schedule or, in the case of a monument already included in the Schedule, to make certain amendments relating to it (section 3);
  - (c) for the Welsh Ministers to review a decision of theirs to include a monument in the Schedule or to make certain amendments relating to a monument in the Schedule (section 3);
  - (d) to amend the procedure relating to scheduled monument consent and the provision for compensation for the refusal of such consent (sections 5 to 10);
  - (e) for the Welsh Ministers to enter into an agreement with the owner of a monument included in the Schedule about matters such as consent for works to the monument (section 11);
  - (f) for the Welsh Ministers to issue an enforcement notice or a temporary stop notice, or to apply to court for an injunction, in a case involving certain works to a monument included in the Schedule (sections 12 to 14);
  - (g) to modify the application of certain offences, including by the creation of a due diligence defence (sections 15 to 17);

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**Changes to legislation:** Historic Environment (Wales) Act 2016, Cross Heading: Overview is up to date with all changes known to be in force on or before 19 August 2023. 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](#)

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- (h) about the power to enter land believed to contain an ancient monument (section 19);
  - (i) about the circumstances in which a monument in the territorial sea is to be treated as being situated in Wales (section 20);
  - (j) to enable notices and other documents required or authorised to be served under the 1979 Act to be served by electronic communication (section 21);
  - (k) to amend the definition of “monument” in the 1979 Act (section 22).
- (2) This Part also makes provision for the Welsh Ministers to compile and maintain a register of historic parks and gardens (section 18).

**Changes to legislation:**

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

- Act repealed by [2023 asc 3 Sch. 13 para. 193](#)