



# Historic Environment (Wales) Act 2016

2016 anaw 4

## PART 2

### ANCIENT MONUMENTS ETC

#### *Overview*

#### **2 Overview of this Part**

- (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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*Status: This is the original version (as it was originally enacted).*

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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).