



Historic Environment (Wales) Act 2023

2023 asc 3

PART 2

MONUMENTS OF SPECIAL HISTORIC INTEREST

CHAPTER 6

ACQUISITION, GUARDIANSHIP AND PUBLIC ACCESS

PROSPECTIVE

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

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 cross heading contains provisions that are prospective.

Changes to legislation: There are currently no known outstanding effects for the Historic Environment (Wales) Act 2023, Cross Heading: Acquisition and guardianship of land in the vicinity of a monument of special historic interest etc.. (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\(2\)](#)

50 Acquisition of easements and other similar rights over land in the vicinity of a monument

- (1) The Welsh Ministers may acquire an easement over land adjoining or in the vicinity of any monument which is under their ownership by virtue of this Chapter, if they consider the easement to be necessary—
 - (a) for any of the purposes mentioned in section 49(2) relating to that monument, or
 - (b) for the use of any land associated with that monument for any of those purposes.
- (2) An acquisition under subsection (1) may be made by agreement or compulsorily.

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- (3) A local authority may acquire an easement over land adjoining or in the vicinity of any monument which is under its ownership by virtue of this Chapter, if the easement appears to it to be necessary—
 - (a) for any of the purposes mentioned in section 49(2) relating to that monument, or
 - (b) for the use of any land associated with that monument for any of those purposes.
- (4) An acquisition under subsection (3) may only be made by agreement.
- (5) The guardian of a monument or of any land may acquire, for the benefit of the monument or land, a relevant right over land adjoining or in the vicinity of the monument or land, if the guardian considers the right to be necessary—
 - (a) for any of the purposes mentioned in section 49(2) relating to that monument or land, or
 - (b) for the use of any land associated with that monument or land for any of those purposes.
- (6) For the purposes of subsection (5) “relevant right” means a right (of any description) which would, if acquired by an owner of the monument or land in question, be an easement.
- (7) The acquisition of a right under subsection (5)—
 - (a) in the case of the Welsh Ministers, may be made by agreement or compulsorily;
 - (b) in the case of a local authority, may be made only by agreement.
- (8) A right acquired under subsection (5)—
 - (a) is to be treated for the purposes of its acquisition under this section and in all other respects as if it were a legal easement, and
 - (b) may be enforced by the guardians for the time being of the monument or land for whose benefit it was acquired as if they were the freehold owner in possession of that monument or land.
- (9) If the condition in subsection (10) is met in relation to a monument, a right which under subsection (5) is acquired by agreement —
 - (a) may be revoked by the grantor, subject to any provision to the contrary in the agreement under which it was acquired, and
 - (b) may be revoked by any successor in title of the grantor as respects any of the land over which it is exercisable in which the the successor has an interest.
- (10) The condition mentioned in subsection (9) is that the monument—
 - (a) ceases to be under guardianship otherwise than by virtue of being acquired by its guardians, or
 - (b) ceases to exist.
- (11) A right acquired under subsection (5) is a local land charge.
- (12) The powers of acquisition in this section include power to acquire an easement or right by the grant of a new right.
- (13) The [Acquisition of Land Act 1981 \(c. 67\)](#) applies to any compulsory acquisition under this section.

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Changes to legislation: There are currently no known outstanding effects for the Historic Environment (Wales) Act 2023, Cross Heading: Acquisition and guardianship of land in the vicinity of a monument of special historic interest etc.. (See end of Document for details)

(14) Part 1 of the [Compulsory Purchase Act 1965 \(c. 56\)](#) applies (so far as relevant) to an acquisition by agreement under this section, other than sections 4 to 8, section 10 and section 31 of that Act.

Commencement Information

I2 S. 50 not in force at Royal Assent, see [s. 212\(2\)](#)

Status:

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