



Historic Environment (Wales) Act 2023

2023 asc 3

PART 2

MONUMENTS OF SPECIAL HISTORIC INTEREST

CHAPTER 6

ACQUISITION, GUARDIANSHIP AND PUBLIC ACCESS

PROSPECTIVE

Agreements with occupiers of monuments or adjoining etc. land

51 Agreements concerning management of monuments of special historic interest and land in their vicinity

- (1) The Welsh Ministers may make an agreement under this section with—
 - (a) any occupier of a monument of special historic interest, or
 - (b) any occupier of land adjoining or in the vicinity of such a monument.
- (2) A local authority may make an agreement under this section with—
 - (a) any occupier of a monument of special historic interest in or in the vicinity of its area, or
 - (b) any occupier of land adjoining or in the vicinity of any such monument.
- (3) An agreement under this section is referred to in this Part as a “management agreement”.
- (4) Any person who has an interest in a monument of special historic interest or in any land adjoining or in the vicinity of such a monument may be a party to a management agreement (in addition to the occupier).

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: Agreements with occupiers of monuments or adjoining etc. land. (See end of Document for details)*

- (5) A management agreement may—
- (a) make provision about the maintenance and preservation of the monument and its amenities (including, where an agreement is made by the Welsh Ministers, provision granting scheduled monument consent under section 13(1) for specified works of maintenance or preservation);
 - (b) make provision about the carrying out of specified works, or the doing of any specified thing, in relation to the monument or land;
 - (c) provide for public access to the monument or land and the provision of associated facilities, information or services to the public;
 - (d) restrict access to, or use of, the monument or land;
 - (e) prohibit the doing of any specified thing in relation to the monument or land;
 - (f) provide for the Welsh Ministers or the local authority (as the case may be) to make payments of specified amounts and on specified terms—
 - (i) for or towards the cost of any work provided for under the agreement, or
 - (ii) in consideration of any restriction, prohibition or obligation accepted by any other party to the agreement.
- (6) A management agreement may also contain incidental and consequential provision.
- (7) Where a management agreement made by the Welsh Ministers grants scheduled monument consent subject to conditions, the agreement must specify those conditions.
- (8) Subsection (9) applies where a management agreement expressly provides that the agreement as a whole or any restriction, prohibition or obligation arising under it is to be binding on the successors of any party to the agreement.
- (9) Every person deriving title to the monument or land in question from, through or under that party is bound by the agreement, or by that restriction, prohibition or obligation, unless the title is derived by virtue of any disposal made by that party before the date of the agreement.
- (10) Section 84 of the [Law of Property Act 1925 \(c. 20\)](#) (power of Upper Tribunal to discharge or modify restrictive covenants) does not apply to a management agreement.
- (11) In this section “specified” means specified or described in a management agreement.

Commencement Information

II S. 51 not in force at Royal Assent, see [s. 212\(2\)](#)

Status:

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