

Status: This version of this schedule contains provisions that are prospective.
Changes to legislation: There are currently no known outstanding effects for the Historic Environment (Wales) Act 2023, SCHEDULE 14. (See end of Document for details)

PROSPECTIVE

SCHEDULE 14

(introduced by section 211(2))

TRANSITIONAL AND SAVING PROVISIONS

PART 1

GENERAL PROVISIONS

Statutory and other references to this Act

- 1 (1) This paragraph applies to any reference (express or implied) in this Act or any other enactment, or in any other instrument or document, to—
- (a) a provision of this Act, or
 - (b) anything done or to be done under or for the purposes of a provision of this Act.
- (2) In relation to any time when a corresponding provision of a repealed enactment (or of any earlier enactment) had effect, the reference is to be read as including a reference to—
- (a) the corresponding provision as it had effect at that time, or
 - (b) things done or to be done under or for the purposes of that provision as it had effect at that time.

Commencement Information

11 Sch. 14 para. 1 not in force at Royal Assent, see [s. 212\(2\)](#)

Documents referring to repealed enactments

- 2 (1) This paragraph applies to any reference to a repealed enactment which is contained in a document made, served or issued after the repeal of that enactment.
- (2) Unless the context requires otherwise, the reference is to be read (according to the context) as referring to, or including a reference to, the corresponding provision of this Act.

Commencement Information

12 Sch. 14 para. 2 not in force at Royal Assent, see [s. 212\(2\)](#)

Relationship with Legislation (Wales) Act 2019

- 3 This Schedule applies in addition to sections 34 and 35 of the [Legislation \(Wales\) Act 2019 \(anaw 4\)](#) (general savings and effect of re-enactment) and does not limit

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the operation of those sections in connection with the repeal, revocation or re-enactment of any enactment by this Act.

Commencement Information

I3 Sch. 14 para. 3 not in force at Royal Assent, see [s. 212\(2\)](#)

Interpretation

- 4 In this Part of this Schedule—
- (a) references to a provision of this Act include a provision inserted into any other enactment by this Act;
 - (b) “repealed enactment” means any enactment that is repealed by this Act;
 - (c) references to repealing an enactment include excluding or limiting its application or effect (whether in relation to Wales or otherwise).

Commencement Information

I4 Sch. 14 para. 4 not in force at Royal Assent, see [s. 212\(2\)](#)

PART 2

GUARDIANSHIP OF MONUMENTS

Guardianship orders made under 1953 Act

- 5 (1) Where, immediately before Part 2 of this Act comes into force, the Welsh Ministers are guardians of a monument by virtue of a guardianship order—
- (a) made, or treated as having been made, under section 12(5) of the [Historic Buildings and Ancient Monuments Act 1953 \(c. 49\)](#), and
 - (b) continued in force by paragraph 2(1) of Schedule 3 to the [Ancient Monuments and Archaeological Areas Act 1979 \(c. 46\)](#),
- the order continues in force despite the coming into force of that Part.
- (2) That Part applies while the guardianship order is in force as if the Welsh Ministers had been appointed as guardians of the monument by a deed under section 45 of this Act—
- (a) not containing any restriction not contained in the order, and
 - (b) executed by all the persons who, at the time when the order was made, were able by deed to appoint the Welsh Ministers guardians of the monument.
- (3) The Welsh Ministers may revoke a guardianship order to which this paragraph applies.

Commencement Information

I5 Sch. 14 para. 5 not in force at Royal Assent, see [s. 212\(2\)](#)

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Control and management of monument where guardianship pre-dates 1979 Act

- 6 (1) This paragraph applies where—
- (a) a monument was taken into guardianship before 9 October 1981 (the date Part 1 of the Ancient Monuments and Archaeological Areas Act 1979 came into force), and
 - (b) immediately before Part 2 of this Act comes into force, the monument is under the guardianship of the Welsh Ministers or a local authority.
- (2) Section 47(2) (full control and management) does not apply to the monument unless—
- (a) the deed establishing guardianship provided for control and management of the monument by the guardians, or
 - (b) the persons for the time being immediately affected by the operation of the guardianship deed have consented to the control and management of the monument by the guardians.

Commencement Information

I6 Sch. 14 para. 6 not in force at Royal Assent, see [s. 212\(2\)](#)

Public access to monument where guardianship pre-dates 1913 Act

- 7 (1) This paragraph applies where—
- (a) a monument was taken into guardianship before 15 August 1913 (the date the [Ancient Monuments Consolidation and Amendment Act 1913 \(c. 32\)](#) came into force), and
 - (b) immediately before Part 2 of this Act comes into force, the monument is under the guardianship of the Welsh Ministers or a local authority.
- (2) Section 55(1) (duty to ensure public access) does not apply to the monument unless—
- (a) the deed establishing guardianship provided for public access to the monument, or
 - (b) the persons for the time being immediately affected by the operation of the guardianship deed have consented to the public having access to the monument.

Commencement Information

I7 Sch. 14 para. 7 not in force at Royal Assent, see [s. 212\(2\)](#)

Interpretation

- 8 For the purposes of paragraphs 6 and 7, a person is immediately affected by the operation of a guardianship deed relating to a monument if the person is bound by that deed and is in possession or occupation of the monument.

Commencement Information

I8 Sch. 14 para. 8 not in force at Royal Assent, see [s. 212\(2\)](#)

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PART 3

MISCELLANEOUS

Offence of breaching temporary stop notice in relation to scheduled monument

- 9 Section 33(4)(b) does not apply in relation to proceedings for an offence relating to a temporary stop notice that was issued before section 33 comes into force.

Commencement Information

I9 Sch. 14 para. 9 not in force at Royal Assent, see [s. 212\(2\)](#)

Service and taking effect of enforcement notice in relation to scheduled monument

- 10 Section 36(5)(a) does not apply in relation to the service of an enforcement notice that was issued before section 36 comes into force.

Commencement Information

I10 Sch. 14 para. 10 not in force at Royal Assent, see [s. 212\(2\)](#)

Purchase notice served on council in relation to building in National Park

- 11 (1) Sub-paragraph (2) applies in relation to a purchase notice that has been served on a county council or county borough council in Wales in relation to a building in a National Park before section 109 comes into force.
- (2) The following provisions are to be read as if references to a planning authority were references to the council—
- (a) section 183(7)(c);
 - (b) section 186(3) and (7);
 - (c) Schedule 9.

Commencement Information

I11 Sch. 14 para. 11 not in force at Royal Assent, see [s. 212\(2\)](#)

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