

Status: This version of this part contains provisions that are prospective.
Changes to legislation: There are currently no known outstanding effects for the
Historic Environment (Wales) Act 2023, PART 2. (See end of Document for details)

PROSPECTIVE

SCHEDULE 14

TRANSITIONAL AND SAVING PROVISIONS

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

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

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

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- (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

I2 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

I3 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

I4 Sch. 14 para. 8 not in force at Royal Assent, see [s. 212\(2\)](#)

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