



# Historic Environment (Wales) Act 2023

2023 asc 3

## PART 2

### MONUMENTS OF SPECIAL HISTORIC INTEREST

#### CHAPTER 6

##### ACQUISITION, GUARDIANSHIP AND PUBLIC ACCESS

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

PROSPECTIVE

**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.
- (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

*Status: This version of this provision is prospective.*

*Changes to legislation: There are currently no known outstanding effects for the  
Historic Environment (Wales) Act 2023, Section 50. (See end of Document for details)*

- (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.
- (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.

---

**Status:** *This version of this provision is prospective.*

**Changes to legislation:** *There are currently no known outstanding effects for the  
Historic Environment (Wales) Act 2023, Section 50. (See end of Document for details)*

---

---

**Commencement Information**

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

**Status:**

This version of this provision is prospective.

**Changes to legislation:**

There are currently no known outstanding effects for the Historic Environment (Wales) Act 2023, Section 50.