
WELSH STATUTORY INSTRUMENTS

2017 No. 641 (W. 147)

ANCIENT MONUMENTS, WALES

The Ancient Monuments (Claims for Compensation) (Wales) Regulations 2017

<i>Made</i>	- - - -	<i>4 May 2017</i>
<i>Laid before the National Assembly for Wales</i>	- -	<i>8 May 2017</i>
<i>Coming into force</i>	- -	<i>31 May 2017</i>

The Welsh Ministers, in exercise of the powers conferred on the Secretary of State by sections 47 and 60 of the Ancient Monuments and Archaeological Areas Act 1979⁽¹⁾ and now exercisable by them⁽²⁾, and the powers conferred on them by sections 1AD and 9ZL of that Act⁽³⁾ make the following Regulations:

Title, commencement, application and interpretation

1.—(1) The title of these Regulations is the Ancient Monuments (Claims for Compensation) (Wales) Regulations 2017 and they come into force on 31 May 2017.

(2) These Regulations apply to Wales.

(3) In these Regulations “the 1979 Act” (“*Deddf 1979*”) means the Ancient Monuments and Archaeological Areas Act 1979.

Claims for compensation

2.—(1) A claim for compensation must be made to the Welsh Ministers in writing and be submitted so that it is received by them within a period of six months beginning with—

- (a) in the case of compensation payable under section 1AD of the 1979 Act (compensation for loss or damage caused by interim protection), the date on which interim protection ceases to have effect;

(1) 1979 c. 46.

(2) The functions of the Secretary of State were transferred to the National Assembly for Wales by article 2 of the National Assembly for Wales (Transfer of Functions) Order 1999 (S.I. 1999/672). The functions of the National Assembly for Wales were transferred to the Welsh Ministers by virtue of section 162 of, and paragraphs 30 and 32 of Schedule 11 to, the Government of Wales Act 2006 (c. 32).

(3) Sections 1AD and 9ZL were inserted by sections 3(1) and 13(1) respectively of the Historic Environment (Wales) Act 2016 (anaw 4) (“the 2016 Act”).

- (b) in the case of compensation payable under section 7 of the 1979 Act (compensation for refusal of scheduled monument consent)⁽⁴⁾, the date of the notice of refusal or, as the case may be, the grant subject to conditions of scheduled monument consent;
- (c) in the case of compensation payable under section 9 of the 1979 Act (compensation where works affecting a scheduled monument cease to be authorised), the date on which the works cease to be authorised;
- (d) in the case of compensation payable under section 9ZL of the 1979 Act (temporary stop notice: compensation)—
 - (i) in the circumstances set out in section 9ZL(2)(a) of the 1979 Act, the date on which the temporary stop notice is first displayed; or
 - (ii) in the circumstances set out in section 9ZL(2)(b) of the 1979 Act, the date on which the temporary stop notice is withdrawn; or
 - (iii) in the circumstances where both paragraphs (i) and (ii) of sub-paragraph (d) apply the later of the dates applicable to those paragraphs;
- (e) in the case of compensation recoverable under section 46 of the 1979 Act (compensation for damage caused by exercise of certain powers under this Act)⁽⁵⁾, the date on which the damage was caused or, where the damage was caused as a result of a continuing act, the date when the act ceased.

(2) If the Welsh Ministers are satisfied that there is a reasonable cause for a failure to make a claim within the period set out in paragraph (1) they may at any time extend the period within which a claim may be made.

Revocation and saving provision

3.—(1) Subject to paragraph (2), the Ancient Monuments (Claims for Compensation) (Wales) Regulations 1991⁽⁶⁾ are revoked.

(2) The Regulations mentioned in paragraph (1) continue to have effect in relation to a claim for compensation received by the Welsh Ministers before 31 May 2017.

4 May 2017

Ken Skates
Cabinet Secretary for Economy and
Infrastructure, one of the Welsh Ministers

(4) Section 7 was amended by section 10(1) and (2) of the 2016 Act. There are other amendments which are not relevant to this instrument.

(5) Section 46 was amended by section 12(1) of the 2016 Act.

(6) [S.I. 1991/2647](#).

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations revoke and replace the Ancient Monuments (Claims for Compensation) (Wales) Regulations 1991 for the purpose of implementing changes made to the Ancient Monuments and Archaeological Areas Act 1979 (“the 1979 Act”) by the Historic Environment (Wales) Act 2016.

Regulation 2 makes procedural provision about the time and manner in which claims for compensation under sections 1AD (compensation for loss or damage caused by interim protection), 7 (compensation for refusal of scheduled monument consent), 9 (compensation where works affecting a scheduled monument cease to be authorised), 9ZL (temporary stop notice: compensation) and 46 (compensation for damage caused by exercise of certain powers under this Act) of the 1979 Act must be made to the Welsh Ministers.

Regulation 3 makes revocation and saving provision in respect of the Ancient Monuments (Claims for Compensation) (Wales) Regulations 1991.

The Welsh Ministers’ Code of Practice on the carrying out of Regulatory Impact Assessments was considered in relation to these Regulations. As a result, it was not considered necessary to carry out a regulatory impact assessment as to the likely costs and benefits of complying with these Regulations.