



Ancient Monuments and Archaeological Areas Act 1979

1979 CHAPTER 46

PART I

ANCIENT MONUMENTS

Acquisition of ancient monuments

10 Compulsory acquisition of ancient monuments

- (1) The Secretary of State may acquire compulsorily any ancient monument for the purpose of securing its preservation.
- (2) The Acquisition of Land (Authorisation Procedure) Act 1946 shall apply to any compulsory acquisition by the Secretary of State under this section of an ancient monument situated in England and Wales as it applies to a compulsory acquisition by another Minister in a case falling within section 1(1) of that Act.
- (3) The Acquisition of Land (Authorisation Procedure) (Scotland) Act 1947 shall apply to any compulsory acquisition by the Secretary of State under this section of an ancient monument situated in Scotland as it applies to a compulsory acquisition by another Minister or by the Secretary of State under section 58 of the National Health Service (Scotland) Act 1972 in a case falling within section 1(1) of the said Act of 1947.
- (4) For the purpose of assessing compensation in respect of any compulsory acquisition under this section of a monument which, immediately before the date of the compulsory purchase order, was scheduled, it shall be assumed that scheduled monument consent would not be granted for any works which would or might result in the demolition, destruction or removal of the monument or any part of it.

11 Acquisition by agreement or gift of ancient monuments

- (1) The Secretary of State may acquire by agreement any ancient monument.

Status: This is the original version (as it was originally enacted).

- (2) Any local authority may acquire by agreement any ancient monument situated in or in the vicinity of their area.
- (3) The Secretary of State or any local authority may accept a gift (whether by deed or will) of any ancient monument.
- (4) The provisions of Part I of the Compulsory Purchase Act 1965 (so far as applicable) other than sections 4 to 8, section 10 and section 31, shall apply in relation to any acquisition under subsection (1) or (2) above of an ancient monument situated in England and Wales.
- (5) For the purpose of any acquisition under subsection (1) or (2) above of any ancient monument situated in Scotland which is heritable—
 - (a) the Lands Clauses Acts (with the exception of the provisions excluded by subsection (6) below) and sections 6 and 70 to 78 of the Railways Clauses Consolidation (Scotland) Act 1845 (as originally enacted and not as amended by section 15 of the Mines (Working Facilities and Support) Act 1923) shall be incorporated with this section; and
 - (b) in construing those Acts for the purposes of this section, this section shall be deemed to be the special Act and the Secretary of State or the local authority acquiring the monument shall be deemed to be the promoter of the undertaking or company (as the case may require).
- (6) The provisions of the Lands Clauses Acts excluded from being incorporated with this section are—
 - (a) those which relate to the acquisition of land otherwise than by agreement;
 - (b) those which relate to access to the special Act; and
 - (c) sections 120 to 125 of the Lands Clauses Consolidation (Scotland) Act 1845.