



# Ancient Monuments and Archaeological Areas Act 1979

## 1979 CHAPTER 46

### PART III

#### MISCELLANEOUS AND SUPPLEMENTAL

##### *Application to special cases*

#### **50 Application to Crown land.**

- (1) Notwithstanding any interest of the Crown in Crown land, but subject to the following provisions of this section—
  - (a) a monument which for the time being is Crown land may be included in the Schedule; and
  - (b) any restrictions or powers imposed or conferred by any of the provisions of this Act shall apply and be exercisable in relation to Crown land and in relation to anything done on Crown land otherwise than by or on behalf of the Crown, but not so as to affect any interest of the Crown therein.
- (2) Except with the consent of the appropriate authority—
  - (a) no power under this Act to enter, or to do anything, on any land shall be exercisable in relation to land which for the time being is Crown land; and
  - (b) no interest in land which for the time being is Crown land shall be acquired compulsorily under Part I of this Act.
- (3) In relation to any operations proposed to be carried out on Crown land otherwise than by or on behalf of the Crown, an operations notice served under section 35 of this Act shall not be effective for the purposes of that section unless it is accompanied by a certificate from the appropriate authority in the prescribed form consenting to the exercise in relation to that land in connection with those operations of the powers conferred by sections 38 and 40 of this Act.

*Status: Point in time view as at 01/10/2006.*

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- (4) In this section “Crown land” means land in which there is a Crown interest or a Duchy interest; “Crown interest” means an interest belonging to Her Majesty in right of the Crown, or belonging to a Government department, or held in trust for Her Majesty for the purposes of a Government department, and includes any estate or interest held in right of the Prince and Steward of Scotland; “Duchy interest” means an interest belonging to Her Majesty in right of the Duchy of Lancaster, or belonging to the Duchy of Cornwall; and for the purposes of this section “the appropriate authority”, in relation to any land—
- (a) in the case of land belonging to Her Majesty in right of the Crown and forming part of the Crown Estate, means the Crown Estate Commissioners, and, in relation to any other land belonging to Her Majesty in right of the Crown, means the Government department having the management of that land;
  - (b) in relation to land belonging to Her Majesty in right of the Duchy of Lancaster, means the Chancellor of the Duchy;
  - (c) in relation to land belonging to the Duchy of Cornwall, means such person as the Duke of Cornwall, or the possessor for the time being of the Duchy of Cornwall, appoints;
  - (d) in the case of land belonging to a Government department or held in trust for Her Majesty for the purposes of a Government department, means that department;

and, if any question arises as to what authority is the appropriate authority in relation to any land, that question shall be referred to the Treasury, whose decision shall be final.

In this subsection “Government department” includes any Minister of the Crown.

**Modifications etc. (not altering text)**

- C1** S. 50 modified (17.7.1992) by S.I. 1992/1732, arts. 1, 3(1).  
 S. 50 extended (17.7.1992) by S.I. 1992/1732, arts. 1, 3(1)(a).  
**C2** S. 50(4)(a) modified (17.7.1992) by S.I. 1992/1732, arts. 1, 3(2).

**51 Ecclesiastical Property.**

- (1) Without prejudice to the provisions of the <sup>M1</sup>Acquisition of Land (Authorisation Procedure) Act 1946 with respect to notices served under that Act, where under any of the provisions of this Act a notice is required to be served on an owner of land, and the land is ecclesiastical property, a like notice shall be served on the [<sup>F1</sup>Church Commissioners][<sup>F1</sup>Diocesan Board of Finance for the diocese in which the land is situated].
- (2) [<sup>F2</sup>Where the fee simple of any ecclesiastical property is in abeyance, the fee simple][<sup>F2</sup>Where any ecclesiastical property is vested in the incumbent of a benefice which is vacant it] shall for the purposes of this Act be treated as being vested in the [<sup>F1</sup>Church Commissioners][<sup>F1</sup>Diocesan Board of Finance for the diocese in which the land is situated].
- (3) Any sum which under section 7, 9 or 46 of this Act is payable in relation to land which is ecclesiastical property and apart from this subsection would be payable to an incumbent, shall be paid to the [<sup>F1</sup>Church Commissioners][<sup>F1</sup>Diocesan Board of Finance for the diocese in which the land is situated], to be applied for the purposes

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for which the proceeds of a sale by agreement of the land would be applicable under any enactment or Measure authorising, or disposing of the proceeds of, such a sale.

- (4) Where any sum is recoverable under section 8 of this Act in respect of land which is ecclesiastical property the [<sup>F1</sup>Church Commissioners][<sup>F1</sup>Diocesan Board of Finance for the diocese in which the land is situated] may apply any money or securities held by [<sup>F3</sup>them][<sup>F3</sup>it] in the payment of that sum.
- (5) In this section “ecclesiastical property” means land belonging to an ecclesiastical benefice of the Church of England, or being or forming part of a church subject to the jurisdiction of a bishop of any diocese of the Church of England or the site of such a church, or being or forming part of a burial ground subject to such jurisdiction.

#### Textual Amendments

- F1** Words in s. 51 substituted (E.) (1.10.2006) by [Church of England \(Miscellaneous Provisions\) Measure 2006 \(No. 1\), s. 16\(2\), Sch. 5 para. 20\(a\)](#); 2006 No. 2, Instrument made by Archbishops
- F2** Words in s. 51(2) substituted (E.) (1.10.2006) by [Church of England \(Miscellaneous Provisions\) Measure 2006 \(No. 1\), s. 16\(2\), Sch. 5 para. 20\(b\)](#); 2006 No. 2, Instrument made by Archbishops
- F3** Word in s. 51(4) substituted (E.) (1.10.2006) by [Church of England \(Miscellaneous Provisions\) Measure 2006 \(No. 1\), s. 16\(2\), Sch. 5 para. 20\(a\)](#); 2006 No. 2, Instrument made by Archbishops

#### Marginal Citations

- M1** 1946 c. 49.

## 52 Application to the Isles of Scilly.

The Secretary of State may, after consultation with the Council of the Isles of Scilly, by order provide for the application to those Isles of the provisions of this Act—

- (a) as if those Isles were a district and the Council of the Isles were the council of that district; and
- (b) in other respects subject to such modifications as may be specified in the order.

## [<sup>F4</sup>52A The Broads.

Parts I and II and section 45(2) and (3) of this Act shall apply, in relation to the Broads (as defined by the Norfolk and Suffolk Broads Act 1988), as if the Broads Authority were a local authority.]

#### Textual Amendments

- F4** [S. 52A](#) inserted (E.W.) by [Norfolk and Suffolk Broads Act 1988 \(c. 4, SIF 81:1\), ss. 2\(5\)\(6\), 23\(2\), 27\(2\), Sch. 3 para. 30\(1\), Sch. 7](#)

## 53 Monuments in territorial waters.

- (1) A monument situated in, on or under the sea bed within the seaward limits of United Kingdom territorial waters adjacent to the coast of Great Britain (referred to below in this section as a monument in territorial waters) may be included in the Schedule under section 1(3) of this Act, and the remaining provisions of this Act shall

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extend accordingly to any such monument which is a scheduled monument (but not otherwise).

- (2) The entry in the Schedule relating to any monument in territorial waters shall describe the monument as lying off the coast of England, or of Scotland, or of Wales; and any such monument shall be treated for the purposes of this Act as situated in the country specified for the purposes of this subsection in the entry relating to the monument in the Schedule.
- (3) In relation to any monument in territorial waters which is under the ownership or guardianship of the Secretary of State [<sup>F5</sup>or the Commission] or any local authority by virtue of this Act, references in this Act to land associated with the monument (or to associated land) include references to any part of the sea bed occupied by the Secretary of State [<sup>F5</sup>or by the Commission] or by a local authority for any such purpose relating to the monument as is mentioned in section 15(1) of this Act.
- (4) Without prejudice to any jurisdiction exercisable apart from this subsection, proceedings for any offence under this Act committed in United Kingdom territorial waters adjacent to the coast of Great Britain may be taken, and the offence may for all incidental purposes be treated as having been committed, in any place in Great Britain.
- (5) It is hereby declared that, notwithstanding that by virtue of this section this Act may affect individuals or bodies corporate outside the United Kingdom, it applies to any individual whether or not he is a British subject, and to any body corporate whether or not incorporated under the law of any part of the United Kingdom.
- (6) A constable shall on any monument in territorial waters have all the powers, protection and privileges which he has in the area for which he acts as constable.
- (7) References in this section to the sea bed do not include the seashore or any other land which, though covered (intermittently or permanently) by the sea, is within Great Britain.

**Textual Amendments**

**F5** Words inserted by [National Heritage Act 1983 \(c. 47, SIF 78\)](#), s. 41, [Sch. 4 para. 64](#)

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