Ancient Monuments and Archaeological Areas Act 1979

1979 CHAPTER 46

PART I

ANCIENT MONUMENTS

Protection of scheduled monuments

9 Compensation where works affecting a scheduled monument cease to be authorised.

(1) Subject to the following provisions of this section, where any works affecting a scheduled monument which were previously authorised under this Part of this Act cease to be so, then, if any person who has an interest in the whole or any part of the monument—

(a) has incurred expenditure in carrying out works which are rendered abortive by the fact that any further works have ceased to be so authorised; or

(b) has otherwise sustained loss or damage which is directly attributable to that fact;

the Secretary of State **[**[F1]or Historic Environment Scotland**]** **[**[F2]or (where the monument in question is situated in England) the Commission**]** shall pay to that person compensation in respect of that expenditure, loss or damage.

(2) Subsection (1) above only applies where the works cease to be authorised under this Part of this Act—

(a) by virtue of the fact that a scheduled monument consent granted by order under section 3 of this Act ceases to apply to any scheduled monument (whether by virtue of variation or revocation of the order or by virtue of a direction under subsection (3) of that section); or

(b) by virtue of the modification or revocation of a scheduled monument consent by a direction given under section 4 of this Act; or

Changes to legislation: *Ancient Monuments and Archaeological Areas Act 1979, Section 9 is up to date with all changes known to be in force on or before 11 October 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes*

(c) in accordance with paragraph 8 of Schedule 1 to this Act, by virtue of the service of a notice of proposed modification or revocation of a scheduled monument consent under paragraph 5 of that Schedule.

(3) A person shall not be entitled to compensation under this section in a case falling within subsection (2)(a) above unless, on an application for scheduled monument consent for the works in question, consent is refused, or is granted subject to conditions other than those which previously applied under the order.

(4) For the purposes of this section, any expenditure incurred in the preparation of plans for the purposes of any works, or upon other similar matters preparatory thereto, shall be taken to be included in the expenditure incurred in carrying out those works.

(5) Subject to subsection (4) above, no compensation shall be paid under this section in respect of any works carried out before the grant of the scheduled monument consent in question, or in respect of any other loss or damage (not being loss or damage consisting of depreciation of the value of an interest in land) arising out of anything done or omitted to be done before the grant of that consent.

Textual Amendments

F1 Words in s. 9(1) inserted (S.) (27.2.2015 for specified purposes, 1.10.2015 in so far as not already in force) by Historic Environment Scotland Act 2014 (asp 19), s. 31(2), **sch. 2 para. 13** (with ss. 29, 30); S.S.I. 2015/31, art. 2, sch.; S.S.I. 2015/196, art. 2, sch.

F2 Words inserted by National Heritage Act 1983 (c. 47, SIF 78), s. 41, **Sch. 4 para. 35**

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Changes and effects yet to be applied to :

– s. 9(1) words omitted by 2023 asc 3 Sch. 13 para. 27

Changes and effects yet to be applied to the whole Act associated Parts and Chapters:
Whole provisions yet to be inserted into this Act (including any effects on those provisions):

– s. 1(3A) inserted by 2023 asc 3 Sch. 13 para. 20(b)
– s. 1AA-1AE omitted by 2023 asc 3 Sch. 13 para. 21
– s. 7(4A) inserted by 2016 anaw 4 s. 10(2)
– s. 33(1A) inserted by 2023 asc 3 Sch. 13 para. 35(a)