

## SCHEDULES

### SCHEDULE 8

Section 13.

#### HERITAGE: RIGHTS OF ENTRY

##### *Historic Buildings and Monuments Commission for England*

- 1
- (1) Any person duly authorised in writing by the Commission may at any reasonable time enter any land on which (or in or under which) a scheduled monument is situated—
    - (a) for the purpose of observing or advising upon the exercise in relation to the land of any of the powers conferred by paragraph 10(1) of Schedule 2 to this Act, or
    - (b) for the purpose of inspecting, observing or advising upon the carrying out of any works on the land in exercise of any of the other powers conferred by this Part of this Act.
  - (2) Any person duly authorised in writing by the Commission may at any reasonable time enter any land in Greater London for the purpose of inspecting or observing the carrying out in relation to any building on the land of any decontrolled works.
  - (3) The right conferred by sub-paragraph (1) or (2) above shall not be exercisable at a time when the nominated undertaker reasonably considers that it is not safe to exercise it.
  - (4) A person exercising the right conferred by sub-paragraph (1) or (2) above shall comply with any directions given by the nominated undertaker for the purpose of securing compliance with relevant health and safety provisions.
  - (5) In this paragraph, “decontrolled works” means works to which section 7 or 74 of the Planning (Listed Buildings and Conservation Areas) Act 1990 would apply, but for paragraph 1(1)(a), (3) or (4) or 2(1)(a) of Schedule 7 to this Act.

##### *Royal Commission on the Historical Monuments of England*

- 2
- (1) The nominated undertaker shall not carry out any decontrolled works consisting of the demolition of a building unless—
    - (a) notice of the proposal to carry out the works has been given to the Royal Commission, and
    - (b) the appropriate period since the giving of the notice has elapsed.
  - (2) Subject to sub-paragraph (3) below, the appropriate period for the purposes of sub-paragraph (1)(b) above is 8 weeks or such longer period as may have been agreed between the nominated undertaker and the Royal Commission.
  - (3) In case of emergency, the appropriate period for the purposes of sub-paragraph (1)(b) above is such period as is reasonable in the circumstances.

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*Status: This is the original version (as it was originally enacted).*

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- (4) In determining whether the appropriate period for the purposes of sub-paragraph (1) (b) above has elapsed, there shall be disregarded any day on which entry to the building is refused under paragraph 3(2) below.
- (5) In this paragraph, “decontrolled works” means works to which section 7 of the Planning (Listed Buildings and Conservation Areas) Act 1990 would apply, but for paragraph 1(1)(a) or (3) of Schedule 7 to this Act.
- 3 (1) Following the giving of a notice under paragraph 2(1) above in relation to any building, any person duly authorised in writing by the Royal Commission may, at any reasonable time during the inspection period, enter the building for the purpose of recording it.
- (2) The right conferred by sub-paragraph (1) above shall not be exercisable at a time when the nominated undertaker reasonably considers that it is not safe to exercise it.
- (3) A person exercising the right conferred by sub-paragraph (1) above shall comply with any directions given by the nominated undertaker for the purpose of securing compliance with relevant health and safety provisions.
- (4) For the purposes of sub-paragraph (1) above, the inspection period, in relation to a building which is the subject of a notice under paragraph 2(1) above, is the period beginning when the notice under that provision is given and ending when the prohibition under that provision ceases to apply to the building.

#### *Interpretation*

- 4 In this Schedule—
- “the Commission” means the Historic Buildings and Monuments Commission for England;
- “the Royal Commission” means the Royal Commission on the Historical Monuments of England;
- “scheduled monument” has the same meaning as in the Ancient Monuments and Archaeological Areas Act 1979.