



Historic Buildings and Ancient Monuments Act 1953

1953 CHAPTER 49 1 and 2 Eliz 2

PART I

PRESERVATION OF HISTORIC BUILDINGS AND CONTENTS THEREOF

[^{F1}4A Recovery of grants under section 4.

- (1) This section applies to any grant under [^{F2}section 3A or 4] of this Act made on terms that it shall be recoverable under this section; but any such grant shall only be regarded for the purposes of this section as so made if before or on making the grant [^{F3}the Commission or (as the case may be) the Secretary of State] gives to the grantee notice in writing—
 - (a) summarising the effect of this section; and
 - (b) specifying the period during which the grant is to be recoverable in accordance with sub-section (4) below in the case of a grant made for the purpose there mentioned.
- (2) The period specified under subsection (1)(b) above in the case of any grant shall be a period beginning with the day on which the grant is made and ending not more than ten years after that day.
- (3) [^{F4}Subject to subsection (3A) below,] If any condition subject to which a grant to which this section applies was made is contravened or not complied with, [^{F3}the Commission or (as the case may be) the Secretary of State] may recover the amount of the grant or such part of it as [^{F5}they think or (as the case may be) he thinks] fit from the grantee.

[Where a condition referred to in subsection (3) above specifies, or makes provision
^{F6}(3A) for calculating, the amount recoverable in the event of a condition being contravened or not complied with, that amount is the amount recoverable under subsection (3) in respect of the contravention or failure to comply with the condition.]

- (4) [^{F7}Subject to subsection (4A) below,] If, during the period specified under subsection (1)(b) above in the case of a grant to which this section applies made to

Changes to legislation: *Historic Buildings and Ancient Monuments Act 1953, Section 4A is up to date with all changes known to be in force on or before 12 April 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*

any person for the purpose of defraying in whole or in part any expenditure on the repair, maintenance or upkeep of any property, the grantee disposes in any manner mentioned in subsection (5) below of the interest, or any part thereof, held by him in the property on the day on which the grant is made (referred to below in this section as “the relevant interest”), [^{F3} the Secretary of State] [^{F3} the Commission or (as the case may be) the Secretary of State] may recover the amount of the grant or such part of it as [^{F5} he thinks] [^{F5} they think or (as the case may be) he thinks] fit from the grantee.

[Where a condition referred to in subsection (3) above specifies, or makes provision ^{F8}(4A) for calculating, the amount recoverable in the event of a disposal by the grantee of the relevant interest, that amount is the amount recoverable under subsection (4) above in respect of the disposal.]

- (5) Subsection (4) above only applies where the grantee disposes of the relevant interest or any part of it by way of sale or exchange or lease for a term of not less than twenty-one years.
- (6) If a person becomes entitled by way of gift from the grantee, whether directly or indirectly (but otherwise than by will) to a part of the relevant interest, a disposal by the donee in any manner mentioned in subsection (5) above of the interest so acquired by him in the property, or any part of that interest, shall be treated for the purposes of subsection (4) above as a disposal by the grantee of a part of the relevant interest.
- (7) If a person becomes entitled by way of any such gift to the whole of the relevant interest subsection (4) above shall have effect (except for the purpose of determining the relevant interest) as if the donee were the grantee.
- (8) Nothing in subsection (3) or (4) above shall be taken as conferring on [^{F3} the Secretary of State] [^{F3} the Commission or (as the case may be) the Secretary of State] a right to recover (by virtue of a breach of more than one condition or disposals of several parts of an interest in property) amounts in the aggregate exceeding the amount of the grant.]

Textual Amendments

- F1** S. 4A inserted by [Ancient Monuments and Archaeological Areas Act 1979 \(c. 46\), s. 48\(2\)](#)
- F2** Words substituted by [National Heritage Act 1983 \(c. 47\), s. 41, Sch. 4 para. 5\(2\)](#)
- F3** Words substituted by [National Heritage Act 1983 \(c. 47\), s. 41, Sch. 4 para. 5\(3\)](#)
- F4** Words in s. 4A(3) inserted (S.) (30.6.2011) by [Historic Environment \(Amendment\) \(Scotland\) Act 2011 \(asp 3\), ss. 1\(2\), 33\(2\); S.S.I. 2011/174, art. 2, Sch.](#)
- F5** Words substituted by [National Heritage Act 1983 \(c. 47\), s. 41, Sch. 4 para. 5\(4\)](#)
- F6** S. 4A(3A) inserted (S.) (30.6.2011) by [Historic Environment \(Amendment\) \(Scotland\) Act 2011 \(asp 3\), ss. 1\(3\), 33\(2\); S.S.I. 2011/174, art. 2, Sch.](#)
- F7** Words in s. 4A(4) inserted (S.) (30.6.2011) by [Historic Environment \(Amendment\) \(Scotland\) Act 2011 \(asp 3\), ss. 1\(4\), 33\(2\); S.S.I. 2011/174, art. 2, Sch.](#)
- F8** S. 4A(4A) inserted (S.) (30.6.2011) by [Historic Environment \(Amendment\) \(Scotland\) Act 2011 \(asp 3\), ss. 1\(5\), 33\(2\); S.S.I. 2011/174, art. 2, Sch.](#)

Changes to legislation:

Historic Buildings and Ancient Monuments Act 1953, Section 4A is up to date with all changes known to be in force on or before 12 April 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.

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Changes and effects yet to be applied to :

- s. 4A heading words substituted by [2023 asc 3 Sch. 13 para. 4\(a\)](#)
- s. 4A(1) words omitted by [2023 asc 3 Sch. 13 para. 4\(b\)\(i\)](#)
- s. 4A(1) words omitted by [2023 asc 3 Sch. 13 para. 4\(b\)\(ii\)](#)
- s. 4A(3) words omitted by [2023 asc 3 Sch. 13 para. 4\(c\)](#)
- s. 4A(4) words omitted by [2023 asc 3 Sch. 13 para. 4\(c\)](#)
- s. 4A(8) words omitted by [2023 asc 3 Sch. 13 para. 4\(c\)](#)

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. 5(6) inserted by [2023 asc 3 Sch. 13 para. 5\(1\)](#)
- s. 8(8) inserted by [2023 asc 3 Sch. 13 para. 7](#)