
 STATUTORY INSTRUMENTS

1981 No. 1301

ANCIENT MONUMENTS

**The Ancient Monuments (Applications for Scheduled
Monument Consent) Regulations 1981**

<i>Made - - - -</i>	<i>8th September 1981</i>
<i>Laid before Parliament</i>	<i>18th September 1981</i>
<i>Coming into Operation</i>	<i>9th October 1981</i>

The Secretary of State for the Environment and the Secretary of State for Wales, in exercise of the powers conferred by paragraphs 1(1) and 2(1) (2) and (3) of Schedule 1 to the Ancient Monuments and Archaeological Areas Act 1979(a), hereby make the following regulations:—

Citation, commencement, application and interpretation

1.—(1) These Regulations may be cited as the Ancient Monuments (Applications for Scheduled Monument Consent) Regulations 1981 and shall come into operation on 9th October 1981.

(2) These regulations apply only to England and Wales.

(3) In these regulations, “the Act” means the Ancient Monuments and Archaeological Areas Act 1979.

Applications for scheduled monument consent

2. (1) An application to the Secretary of State for scheduled monument consent under Part I of the Act shall be in the form set out in Schedule 1 to these Regulations, and shall contain the particulars required by that form.

(2) The application shall be accompanied by a plan identifying the monument to which it relates and such other plans or drawings as are necessary to describe the works which are the subject of the application.

(3) The applicant shall supply the Secretary of State with such further information as he may at any time require to enable him to determine the application.

Certificates and notices

3.—(1) A certificate which by virtue of paragraph 2(1) of Schedule 1 to the Act accompanies an application shall be in whichever of the forms set out in Part I of Schedule 2 to these regulations is appropriate, and shall contain the particulars required by that form.

(2) The requisite notice for the purposes of paragraph 2(1) of Schedule 1 to the Act shall be in the form set out in Part II of Schedule 2 to these regulations, and shall contain the particulars required by that form.

Persons to be treated as the owners of monuments

4. In relation to any monument, a person shall for the purposes of paragraph 2 of Schedule 1 to the Act be treated as the owner of the monument if he is for the time being the estate owner in respect of the fee simple in the monument or is entitled to a tenancy of the monument granted or extended for a term of years certain of which not less than seven years remain unexpired.

SCHEDULE 1

Regulation 2(1)

FORM OF APPLICATION FOR SCHEDULED MONUMENT CONSENT

APPLICATION FOR SCHEDULED MONUMENT CONSENT

ANCIENT MONUMENTS AND ARCHAEOLOGICAL AREAS ACT 1979

(To be completed by or on behalf of the applicant
in BLOCK CAPITALS or typescript)

1. Applicant

Name

Address

Post Code..... Tel No.....

2. Occupier of monument – if not the applicant

Name

Address

.....

Post Code..... Tel No.....

3. Monument to which application relates

Name (if any) of monument.....

Address or Location.....

.....

.....

County Monument Number

National Grid Reference.....

4. Description of proposed works

.....

.....

.....

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5. List of plans and drawings accompanying application

.....
.....
.....

6. Any other information relevant to application

.....
.....
.....

I/We hereby apply for scheduled monument consent for the works described in this application and shown on the accompanying plans and drawings.

Signature..... Date.....

on behalf of.....*

*Where the application is being dealt with by an agent to whom correspondence should be sent, state the—

Name of agent

Address of agent

.....

..... Post Code..... Tel No.....

SCHEDULE 2

Regulation 3

PART I

FORMS OF CERTIFICATE FOR THE PURPOSES OF
PARAGRAPH 2(1) OF SCHEDULE 1 TO THE ACT

Certificate in accordance with paragraph 2(1)(a)

It is hereby certified that no person other than the applicant was the owner (x) of the monument to which the accompanying application relates at the beginning of the period of twenty-one days which ended on the date of the application.

Signature..... Date.....

Certificate in accordance with paragraph 2(1)(b)

It is hereby certified that the applicant has given the requisite notice of the accompanying application to all the persons other than the applicant who, at the beginning of the period of twenty-one days which ended on the date of the application, were owners (x) of the monument to which the application relates, namely (y).

Signature..... Date.....

Certificate in accordance with paragraph 2(1)(c)

It is hereby certified—

(1) that the applicant is unable to issue a certificate in accordance with either paragraph 2(1)(a) or (b) of Schedule 1 to the Ancient Monuments and Archaeological Areas Act 1979;

(2) that the applicant has given the requisite notice of the accompanying application to the following persons who, at the beginning of the period of twenty-one days which ended on the date of the application, were owners (x) of the monument to which the application relates, namely (y); and

(3) that the applicant has taken such steps as are reasonably open to him to ascertain the names and addresses of the remainder of the persons who at the beginning of that period were owners (x) of that monument and has been unable to do so.

Signature..... Date.....

Certificate in accordance with paragraph 2(1)(d)

It is hereby certified that the applicant is unable to issue a certificate in accordance with paragraph 2(1)(a) of Schedule 1 to the Ancient Monuments and Archaeological Areas Act 1979, but has taken such steps as are reasonably open to him to ascertain the names and addresses of the other persons who, at the beginning of the period of twenty-one days which ended on the date of the accompanying application, were owners (x) of the monument to which the application relates and has been unable to do so.

Signature..... Date.....

FOOTNOTES

(x) "owner" means a person who is for the time being the estate owner in respect of the fee simple in the monument or is entitled to a tenancy of the monument granted or extended for a term of years certain of which not less than seven years remain unexpired.

(y) Insert names and addresses.

PART II

FORM OF NOTICE FOR THE PURPOSES OF
PARAGRAPH 2(1) OF SCHEDULE 1 TO THE ACT*Notice of application for scheduled monument consent*

(Delete the words in square brackets, as appropriate, and omit the brackets.)

This notice relates to the ancient monument at (x).

An application is to be made [by] [on behalf of] (y) to the Secretary of State for [the Environment] [Wales] for scheduled monument consent under the Ancient Monuments and Archaeological Areas Act 1979 to carry out the following works: (z).

An opportunity to make representations with respect to the application will be afforded by the Secretary of State before the application is determined.

Signature..... Date.....

FOOTNOTES

- (x) State the address or location of the monument, and the name (if any).
 (y) Insert name and address of applicant.
 (z) Insert brief description of the proposed works.

8th September 1981.

Michael R. D. Heseltine,
 Secretary of State for the Environment.

3rd September 1981.

Michael Roberts,
 Parliamentary Under
 Secretary of State for Wales.

EXPLANATORY NOTE

(This Note is not part of the Regulations.)

These regulations, which apply only to England and Wales, prescribe for the purposes of the Ancient Monuments and Archaeological Areas Act 1979 the form of an application for scheduled monument consent, the form of the certificate which should accompany an application and the form of the notice which should be given to all persons, other than the applicant, who were owners of the monument at the beginning of the period of twenty-one days ending with the application.

The regulations also provide for related matters. In particular, they specify who is to be treated as the owner of a monument.

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