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**STATUTORY INSTRUMENTS**

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**1984 No. 1285****ANCIENT MONUMENTS****The Operations in Areas of Archaeological Importance (Forms of Notice etc.) Regulations 1984**

<i>Made</i>	- - - -	10th August 1984
<i>Laid before Parliament</i>		16th August 1984
<i>Coming into Operation</i>		17th August 1984

The Secretary of State, in exercise of the powers conferred on him by sections 35(4)(b) and (c), 35(6) and 38(3) and 60(1) of the Ancient Monuments and Archaeological Areas Act 1979(a), and of all other powers enabling him in that behalf, hereby makes the following regulations:—

*Citation, commencement, application and interpretation*

1.— (1) These regulations may be cited as the Operations in Areas of Archaeological Importance (Forms of Notice etc.) Regulations 1984 and shall come into operation on 17th August 1984.

(2) The following requirements of these regulations apply only in relation to operations in areas of archaeological importance in England and Wales.

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

*Form of an Operations Notice*

2. The form set out in Part I of Schedule 1 hereto or a form substantially similar thereto is prescribed as the form required for the purposes of section 35 of the Act (an ‘operations notice’).

*Form of a Certificate*

3. The form of certificate set out in Part II of Schedule 1 hereto or a form of certificate substantially similar thereto is prescribed as the form of the certificate required by section 35(4)(b) of the Act to accompany a notice under section 35.

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(a) 1979 c.46; section 38 was amended by the National Heritage Act 1983 (c.47), section 41, Schedule 4, paragraph 57(2) and (5).

*Prescribed steps to be taken by local councils*

4. A district or London borough council on whom an operations notice is served in accordance with section 35(5) shall—

- (a) within 7 days of receipt of the notice serve a copy of it (together with the certificate and any other documents accompanying the notice)—
  - (i) on the investigating authority appointed for the relevant area of archaeological importance; or
  - (ii) where no particular authority is so appointed, on the Historic Buildings and Monuments Commission for England as respects a site in England, or on the Secretary of State for Wales as respects a site in Wales; and
- (b) if the operations described in the notice are to be carried out after clearance of the site, advise the developer in writing within 14 days of receipt of the notice of the name and address of the relevant investigating authority and of his duty under section 35(7) of the Act to notify the investigating authority of the clearance of the site immediately on completion of the clearance operations.

*Notice of Intention to Excavate*

5. The form set out in Schedule 2 hereto or a form substantially similar thereto is prescribed as the form to be used to give notice pursuant to section 38(3) of the Act (notice of intention to excavate to be given by investigating authorities).

Regulation 2

SCHEDULE 1

PART I

FORM OF NOTICE TO BE GIVEN BEFORE CARRYING OUT IN AN AREA OF ARCHAEOLOGICAL IMPORTANCE, OPERATIONS WHICH DISTURB THE GROUND, FLOODING OPERATIONS, OR TIPPING OPERATIONS

OPERATIONS NOTICE

ANCIENT MONUMENTS AND ARCHAEOLOGICAL AREAS ACT 1979: SECTION 35

(To be completed by or on behalf of the Developer (footnote 1) in BLOCK CAPITALS or typescript)

I/We, Name: .....
Address: .....
Postcode ..... Tel. No. ....

hereby give notice of my/our intention to carry out the operations described below.

A certificate in accordance with section 35 of the Ancient Monuments and Archaeological Area Act 1979 accompanies this notice.

I/We understand that if within six weeks of serving this notice I/we carry out or cause or permit to be carried out any operations referred to in this notice I/we may be guilty of an offence under section 35 of the 1979 Act.

Particulars of proposed operations

- 1. Description of proposed operations (footnote 2):
2. The Site on which the operations are to be carried out:

Name (if any) .....
Address or Location: .....
Ordnance Survey National Grid Reference: .....

(NOTE: Where the extent of the site cannot be accurately identified from its address or location, a clear plan of the site of the operations should be provided.)

- 3. The date on which it is proposed to begin the operations: .....

[4. Where the operations are to be carried out after clearance of the site (footnote 3), the Developer's estimated date for completion of the clearance operations (footnotes 4 and 5).\* .....

\*Delete if not applicable.

Signature ..... Date .....  
 on behalf of .....\*

\*Where the notice is being given by an agent to whom correspondence should be sent, state the—

Name of agent .....  
 Address of agent .....  
 .....  
 Postcode ..... Tel No. ....

#### SERVICE OF THIS NOTICE

This notice is to be served on the district council or London borough council or (as the case may be) on each district council or London borough council in whose area the site of the operations is wholly or partially situated *except* that where the developer is any such council, in this notice shall be served on the Secretary of State at 2 Marsham Street (HS Division), London, SW1P 3EB where the site is in England and at Cathays Park, Cardiff CF1 3HQ where the site is in Wales.

#### FOOTNOTES

1. "Developer" means any person carrying out or proposing to carry out any operations: (section 35(3) of the 1979 Act).
2. "Operations" means operations which disturb the ground; flooding operations; and tipping operations; (section 35(2) of the 1979 Act). "Flooding operations" means covering land with water or any other liquid or partially liquid substance; (section 61(1) of the 1979 Act). "Tipping operations" means tipping soil or spoil or depositing building or other materials or matter (including waste materials or refuse) on any land; (section 61(1) of the 1979 Act). A reference to operations on any land includes a reference to operations in, under or over the land in question; (section 41(1)(c) of the 1979 Act).
3. "Clearance of the site" means the demolition and removal of any existing building or other structure on the site and the removal of any other materials thereon so as to clear the surface of the land (but does not include the levelling of the surface or the removal of the materials from below the surface); (section 41(1)(d) of the 1979 Act).
4. "Clearance operations" means operations undertaken for the purpose of or in connection with the clearance of any site; (section 41(1)(e) of the 1979 Act).
5. Immediately on completion of clearance of the site the developer must notify the investigating authority for the area of archaeological importance in question. The council will inform the developer of the name and address of that investigating authority.
6. It is not necessary to serve a notice in this form in a case where the Areas of Archaeological Importance (Notification of Operations) (Exemption) Order 1984 provides exemption for the proposed operations.

## Regulation 3

## SCHEDULE 1

## PART II

*FORM OF CERTIFICATE FOR THE PURPOSES OF SECTION 35 OF  
THE ANCIENT MONUMENTS AND ARCHAEOLOGICAL AREAS ACT  
1979*

## Certificate accompanying an operations notice

1. *I/We Name* .....  
*Address* .....  
*Postcode* ..... *Tel No.* .....

hereby certify that with regard to the accompanying operations notice dated .....  
 ..... (*insert date*) given by or on behalf of .....  
 ..... (*insert name of the Developer in the operations notice*): relating to  
 operations at ..... (*give particulars of the site of the proposed operations*)

- (a) I/We have an interest in the site of the operations which (apart from any  
 restrictions imposed by law) entitles me/us to carry out the operations in  
 question; or
- (b) I/We have a right to enter on and take possession of the site of the  
 operations under section 11(1) or (2) of the Compulsory Purchase Act 1965  
 (powers of entry on land subject to compulsory purchase); or
- (c) This certificate is issued by statutory undertakers entitled to carry out the  
 operations in question by or under the following enactment  
 (*footnote*) ..... (*insert enactment*).

*Tick the box which applies.*

Signed ..... Date .....  
 on behalf of .....

*\*Where the certificate is given by an agent to whom the correspondence should be sent, state  
 the—*

*Name of the agent* .....  
*Address of the agent* .....  
 .....  
*Postcode* ..... *Tel No.* .....

2. (*To be completed only where the person issuing this certificate is not the Developer*)

I ..... (*name of person issuing this  
 certificate*) hereby state that I have authorised the Developer mentioned in the  
 accompanying operations notice dated ..... (*insert date  
 of operations notice*) to carry out the operations referred to in that notice.

Signed ..... (Signature of the person issuing this  
 Certificate)

Date .....

NOTE: If any person issues a certificate which purports to comply with the  
 requirements of this form and which contains a statement which he knows to be false or  
 misleading in a material particular, or recklessly issues a certificate which purports to

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comply with these requirements and which contains a statement which is false or misleading in a material particular, he shall be guilty of an offence.

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FOOTNOTE

“Enactment” includes an enactment in any local or private Act of Parliament, and order, rule, regulation, bye-law or scheme made under an Act of Parliament; (section 61(1) of the 1979 Act).

Regulation 5

SCHEDULE 2

FORM OF NOTICE TO BE GIVEN BY ANY INVESTIGATING AUTHORITY OF ITS INTENTION TO EXCAVATE

ANCIENT MONUMENTS AND ARCHAEOLOGICAL AREAS ACT 1979: SECTION 38(3)

NOTICE OF INTENTION TO EXCAVATE

To: .....
..... Name and Address of Developer

1. TAKE NOTICE that I/We .....
..... Name and address of investigating authority

being [the investigating authority] [authorised by section 34 [(4)] [(5)] of the Act to exercise the powers of the investigating authority] (footnote 1) for the area of archaeological importance in which is situated the site referred to in an operations notice dated ..... (insert date) and served by you on the ..... council(s) (insert name of council(s)) on ..... (insert date) intend, during the period set out in paragraph 2 below, to carry out excavations on that site for the purpose of archaeological investigation (footnote 2)

2. The period allowed for excavation is four months and two weeks beginning with—

- (a) ..... (insert the date immediately following the end of the period of six weeks beginning with the date of service of the operations notice on the council(s)); or
(b) if later (and where relevant), the date of receipt by me/us of the notification of clearance of the site pursuant to section 35(7) of the 1979 Act; or
(c) any earlier date agreed between us [such date being .....]. (If such a date has been agreed before the service of this notice it should be inserted here and (a) and (b) should be deleted; if no such date has been agreed delete words in square brackets).

NOTE: In a case where (b) is relevant (operations to be carried out after clearance of the site) the investigating authority has the right to carry out excavations before the relevant period begins provided that the authority does not thereby obstruct the execution on the site by the developer of clearance or other operations to which section 35 of the 1979 Act does not apply (footnote 3)

3. An investigating authority may at any reasonable time enter the site and any land giving access to it for the purpose of exercising its right to excavate.

4. It may be an offence for any person to carry out operations to which the operations notice relates at a time when the investigating authority has a right to excavate the site.

Signature ..... Date .....
on behalf of .....

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**SERVICE OF THIS NOTICE**

This notice must be served on the developer before the end of four weeks beginning with the date of service of the operations notice on the council; (section 38(3) of the 1979 Act).

Copies of this notice are to be served upon, (1) the council(s) served with the operations notice; (2) The Secretary of State (unless the functions of the investigating authority are for the time being exercised by him) at 2 Marsham Street (HS Division) London, SW1P 3EB as respects a site in England and at Cathays Park, Cardiff CF1 3HQ as respects a site in Wales; and (3) the Historic Buildings and Monuments Commission for England (unless the investigating authority is for the time being that Commission), as respects a site in England.

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**FOOTNOTES**

1. Delete whichever is inapplicable. The powers of an investigating authority are exercisable by any authority duly authorised to exercise those powers. Where no authority is appointed, the powers of such an authority are exercisable by the Commission in the case of an area in England and the Secretary of State in the case of an area in Wales.

2. "Archaeological investigation" means any investigation of any land, objects or other material for the purpose of obtaining and recording any information of archaeological or historical interest and (without prejudice to the generality of the preceding provision) includes in the case of an archaeological investigation of any land—

- (a) any investigation for the purpose of discovering and revealing and (where appropriate) recovering and removing any objects or other material of archaeological or historical interest situated in, on or under the land; and
- (b) examining, testing, recording and preserving any such objects or material discovered during the course of any excavations or inspections carried out for the purpose of any such investigation, (section 61(4) of the 1979 Act).

3. Section 35 of the 1979 Act applies to operations which disturb the ground; flooding operations; and tipping operations but it does not apply to any of those operations carried out with the consent of the investigating authority or to any operations exempted by an order under section 37 of that Act.

Signed by authority of  
the Secretary of State

*Bellwin,*  
Minister of State for  
Local Government  
Department of the Environment

10th August 1984.



## EXPLANATORY NOTE

*(This note is not part of the regulations.)*

These regulations, which apply only to England and Wales, prescribe for the purposes of Part II (Archaeological Areas) of the Ancient Monuments and Archaeological Areas Act 1979:—

- (1) the form of operations notice to be served before operations which disturb the ground, flooding operations, and tipping operations are carried out;
- (2) the form of certificate to accompany an operations notice;
- (3) the steps to be taken by a district council or a London borough council on whom an operations notice is served; and
- (4) the form of notice of intention to excavate to be served by an investigating authority for an area of archaeological importance.

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