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*Changes to legislation: There are currently no known outstanding effects for the Crossrail Act 2008, Cross Heading: Ancient monuments etc.. (See end of Document for details)*

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## SCHEDULES

### SCHEDULE 9

#### HERITAGE: DISAPPLICATION AND MODIFICATION OF CONTROLS

##### *Ancient monuments etc.*

- 4 (1) This paragraph has effect in relation to the Ancient Monuments and Archaeological Areas Act 1979 (c. 46).
- (2) Section 2 (control of works affecting scheduled monuments) shall not apply to any works authorised by this Act.
- (3) The powers of entry conferred by section 6(1) (entry to ascertain condition of scheduled monument), section 6A(1) (entry to enforce control of works affecting scheduled monuments) and section 26 (entry to record matters of archaeological or historical interest) shall not be exercisable in relation to land used for or in connection with the carrying out of any of the works authorised by this Act.
- (4) The provisions of the Act with respect to the functions of a person as a guardian by virtue of the Act, and the provisions of any agreement under section 17 (agreement concerning ancient monuments and land in their vicinity), shall have effect subject to the powers conferred by this Act with respect to works.
- (5) Section 19 (public access to monuments under public control) shall not apply in relation to a monument which is closed by the nominated undertaker for the purposes of, in connection with or in consequence of the carrying out of any of the works authorised by this Act.
- (6) Regulations under section 19(3) or (4A) (which may include provision prohibiting or regulating any act or thing which would tend to injure or disfigure a monument or its amenities or disturb the public in their enjoyment of it) shall not apply to anything done in exercise of the powers conferred by this Act with respect to works.
- (7) The power conferred by section 19(6) (power to refuse admission to monuments under public control) shall not be exercisable so as to prevent or restrict the exercise of the powers conferred by this Act with respect to works.
- (8) In section 25 (treatment of ancient monuments)—
- (a) subsection (2) (superintendence by the Historic Buildings and Monuments Commission for England) shall not authorise the superintendence of the carrying out of any of the works authorised by this Act, and
  - (b) subsection (3) (power of the Commission to charge for advice under subsection (1)) shall not apply in relation to advice given in connection with the carrying out of any of those works.
- (9) Section 28 (offence of damaging certain ancient monuments) shall not apply to anything done in exercise of the powers conferred by this Act with respect to works.

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- (10) Section 35 (notice required of operations in areas of archaeological importance) shall not apply to operations carried out in exercise of the powers conferred by this Act with respect to works.
- (11) Section 39(1) (power to investigate in advance of operations notice any site which may be acquired compulsorily) shall have effect as if operations carried out in exercise of the powers conferred by this Act with respect to works were exempt works for the purposes of that provision.
- (12) Section 42(1) (prohibition on use of metal detectors in protected places without consent) shall not apply to the use of a metal detector for the purposes of or in connection with the exercise of the powers conferred by this Act with respect to works.
- (13) Section 42(3) (prohibition on removal without consent of object discovered by use of a metal detector in a protected place) shall not apply to the removal of objects discovered by the use of a metal detector for the purposes of or in connection with the exercise of the powers conferred by this Act with respect to works.
- 5 (1) The power of entry conferred by section 36(1) of the National Heritage Act 1983 (c. 47) (entry to obtain information about ancient monuments and historic buildings for the purposes of the records kept by the Historic Buildings and Monuments Commission for England) shall only be exercisable in relation to land used, or intended for use, for or in connection with the carrying out of any of the works authorised by this Act with the consent of the nominated undertaker, such consent not to be unreasonably withheld.
- (2) Consent for the purposes of sub-paragraph (1) may be granted subject to compliance with any reasonable requirements or conditions imposed for reasons of safety or for the purpose of preventing interference with or delay to the works.
- (3) Section 36(6) of the National Heritage Act 1983 (which, in relation to land on which works are being carried out, regulates the exercise of the right to enter land to obtain information about ancient monuments and historic buildings for the purposes of the records kept by the Historic Buildings and Monuments Commission for England) shall not apply in relation to land on which works authorised by this Act are being carried out.
- (4) Any dispute under this paragraph shall, if the parties agree, be referred to arbitration, but shall otherwise be determined by the appropriate Ministers acting jointly.
- (5) In sub-paragraph (4), “appropriate Ministers” means the Secretary of State for Transport and <sup>F1</sup>the Secretary of State for Culture, Media and Sport].

#### Textual Amendments

- F1** Words in Sch. 9 para. 5(5) substituted (3.5.2023) by [The Secretaries of State for Energy Security and Net Zero, for Science, Innovation and Technology, for Business and Trade, and for Culture, Media and Sport and the Transfer of Functions \(National Security and Investment Act 2021 etc\) Order 2023 \(S.I. 2023/424\)](#), art. 1(2), **Sch. para. 16(4)** (with art. 17)

#### Modifications etc. (not altering text)

- C1** [Sch. 9 para. 5\(4\)](#): functions transferred (3.5.2023) by [The Secretaries of State for Energy Security and Net Zero, for Science, Innovation and Technology, for Business and Trade, and for Culture, Media and](#)

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Sport and the Transfer of Functions (National Security and Investment Act 2021 etc) Order 2023 (S.I. 2023/424), arts. 1(2), **13(3)** (with art. 17)

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