



# Ancient Monuments and Archaeological Areas Act 1979

## CHAPTER 46

### ANCIENT MONUMENTS AND ARCHAEOLOGICAL AREAS ACT 1979

#### PART I

##### ANCIENT MONUMENTS

###### *Protection of scheduled monuments*

- 1 Schedule of monuments.
- 1A Commission's functions as to informing and publishing.
- 2 Control of works affecting scheduled monuments.
- 3 Grant of scheduled monument consent by order of the Secretary of State.
- 4 Duration, modification and revocation of scheduled monument consent.
- 5 Execution of works for preservation of a scheduled monument by Secretary of State in cases of urgency.
- 6 Powers of entry for inspection of scheduled monuments, etc.
- 6A Commission's powers of entry in relation to scheduled monuments.
- 7 Compensation for refusal of scheduled monument consent.
- 8 Recovery of compensation under section 7 on subsequent grant of consent.
- 9 Compensation where works affecting a scheduled monument cease to be authorised.

###### *Acquisition of ancient monuments*

- 10 Compulsory acquisition of ancient monuments.
- 11 Acquisition by agreement or gift of ancient monuments.

*Status: Point in time view as at 05/11/1993.*

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### *Guardianship of ancient monuments*

- 12 Power to place ancient monument under guardianship.
- 13 Effect of guardianship.
- 14 Termination of guardianship.

### *Acquisition and guardianship of land in the vicinity of an ancient monument, etc.*

- 15 Acquisition and guardianship of land in the vicinity of an ancient monument.
- 16 Acquisition of easements and other similar rights over land in the vicinity of an ancient monument.

### *Agreements concerning ancient monuments, etc.*

- 17 Agreements concerning ancient monuments and land in their vicinity.

### *Powers of limited owners*

- 18 Powers of limited owners for purposes of sections 12, 16 and 17.

### *Public access to monuments under public control*

- 19 Public access to monuments under public control.
- 20 Provision of facilities for the public in connection with ancient monuments.

### *Transfer of ownership and guardianship of ancient monuments*

- 21 Transfer of ancient monuments between local authorities and Secretary of State.

### *Ancient Monuments Boards*

- 22 Ancient Monuments Boards.
- 23 Annual reports of Ancient Monuments Boards.

### *Miscellaneous and supplemental*

- 24 Expenditure by Secretary of State or local authority on acquisition and preservation of ancient monuments, etc.
- 25 Advice and superintendence by Secretary of State.
- 26 Power of entry on land believed to contain an ancient monument.
- 27 General provisions as to compensation for depreciation under Part I.
- 28 Offence of damaging certain ancient monuments.
- 29 Compensation orders for damage to monuments under guardianship in England and Wales.
- 30 Disposal of land acquired under Part I.
- 31 Voluntary contributions towards expenditure under Part I.
- 32 Interpretation of Part I.

## **PART II**

### **ARCHAEOLOGICAL AREAS**

- 33 Designation of areas of archaeological importance.
- 34 Investigating authorities for areas of archaeological importance.
- 35 Notice required of operations in areas of archaeological importance.

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- 36 Certificate to accompany operations notice under section 35.
- 37 Exemptions from offence under section 35.
- 38 Powers of investigating authority to enter and excavate site of operations covered by an operations notice.
- 39 Power of investigating authority to investigate in advance of operations notice any site which may be acquired compulsorily.
- 40 Other powers of entry on site of operations covered by an operations notice.
- 41 Interpretation of Part II.

### PART III

#### MISCELLANEOUS AND SUPPLEMENTAL

##### *Restrictions on use of metal detectors*

- 42 Restrictions on use of metal detectors.

##### *Powers of entry*

- 43 Power of entry for survey and valuation.
- 44 Supplementary provisions with respect to powers of entry.

##### *Financial provisions*

- 45 Expenditure on archaeological investigation.
- 46 Compensation for damage caused by exercise of certain powers under this Act.
- 47 General provisions with respect to claims for compensation under this Act.
- 48 Recovery of grants for expenditure in conservation areas and on historic buildings.
- 49 Grants to the Architectural Heritage Fund.

##### *Application to special cases*

- 50 Application to Crown land.
- 51 Ecclesiastical Property.
- 52 Application to the Isles of Scilly.
- 52A The Broads.
- 53 Monuments in territorial waters.

##### *Supplemental*

- 54 Treatment and preservation of finds.
- 55 Proceedings for questioning validity of certain orders, etc.
- 56 Service of documents.
- 57 Power to require information as to interests in land.
- 58 Offences by corporations.
- 59 Prosecution of offences: Scotland.
- 60 Regulations and orders.
- 61 Interpretation.
- 62 Special provision for Scotland.
- 63 .....
- 64 Transitional provisions, consequential amendments and repeals.
- 65 Short title, commencement and extent.

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## SCHEDULES

### SCHEDULE 1 — Control of Works Affecting Scheduled Monuments

#### Part I — APPLICATIONS FOR SCHEDULED MONUMENT CONSENT

- 1 (1) Provision may be made by regulations under this Act...
- 2 (1) The Secretary of State may refuse to entertain an...
- 2A As soon as practicable after receiving an application for scheduled...
- 3 (1) The Secretary of State may grant scheduled monument consent...
- 4 (1) Subsections (2) to (5) of section 250 of the...
  - Part II — MODIFICATION AND REVOCATION OF SCHEDULED MONUMENT CONSENT
- 5 (1) Before giving a direction under section 4 of this...
- 6 (1) If no objection to a proposed modification or revocation...
- 7 As soon as may be after giving a direction under...
- 8 (1) Where in accordance with sub-paragraph (3) of paragraph 5...
- 9 (1) Subject to sub-paragraph (2) below, subsections (2) to (5)...

### SCHEDULE 2 — Designation Orders

#### *Designation orders by the Secretary of State*

- 1 (1) A designation order made by the Secretary of State...
- 2 Before making a designation order the Secretary of State shall—...
- 3 (1) The consultations required by sub-paragraphs (a)(aa) of paragraph 2...
- 4 Copies of the draft order and of the map to...
- 5 Copies of the draft order and of the map to...
- 6 The Secretary of State may make the order, either without...
- 7 On making the order, the Secretary of State shall—

#### *Designation orders by a local authority*

- 8 (1) A designation order made by a local authority shall...
- 9 Before making a designation order a local authority shall—
- 9A Before making a designation order a local authority shall notify...
- 10 (1) The consultation required by sub-paragraph (a) of paragraph 9...
- 11 Copies of the draft order and of the map to...
- 12 The local authority may make the order, either without modifications...
- 13 A designation order made by a local authority shall not...
- 14 If the Secretary of State confirms the order the local...
- 15 The Secretary of State may by regulations prescribe the procedure...

#### *Designation orders by the Commission*

- 15A Paragraphs 8, 9, 10 to 13, 14( a ) and...

#### *Operation of designation orders*

- 16 (1) A designation order made by the Secretary of State...

#### *Variation and revocation of designation orders*

- 17 (1) An order varying or revoking a designation order shall...
- 18 Before and on making an order varying or revoking a...

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*Scotland*

19 In relation to a designation order relating to an area...

*Interpretation*

20 (1) In this Schedule “the area affected” means, in relation...

SCHEDULE 3 — Transitional Provisions

- 1 (1) Where an interim preservation notice is in force with...
- 2 (1) Subject to sub-paragraph (2) below, where a guardianship order...
- 3 (1) Where within the period of three months immediately preceding...
- 4 (1) Subject to the following provisions of this paragraph, where...
- 5 (1) Subject to sub-paragraph (2) below, where—
- 6 (1) Section 13(2) of this Act shall not apply to...
- 7 Notwithstanding the repeal by this Act of the Field Monuments...
- 8 Any reference in any document (including an enactment) to an...
- 9 Nothing in the preceding provisions of this Schedule shall be...
- 10 In this Schedule— “interim preservation notice” means a notice served...

SCHEDULE 4 — Consequential amendments

- 1 . . . . .
- 2 In section 47(d) of the Coast Protection Act 1949 (saving...
- 3 (1) In sections 5(2)(b) and 8(1)(c) of the Historic Buildings...
- 4 . . . . .
- 5 In section 6(4)(b) of the Land Powers (Defence) Act 1958...
- 6 In section 17(2) of the Building (Scotland) Act 1959 (requirements...
- 7 In section 3(3)(a) of the Flood Prevention (Scotland) Act 1961...
- 8 In section 2(5) of the Faculty Jurisdiction Measure 1964 (limit...
- 9 In section 7(8) of the Mines (Working Facilities and Support)...
- 10 . . . . .
- 11 . . . . .
- 12 In sections 54(1) and 56(2) of the Town and Country...
- 13 In section 131(2) of the Local Government Act 1972 (general...
- 14 In section 182(1) of the Local Government (Scotland) Act 1973...
- 15 . . . . .
- 16 In section 111 of the Land Drainage Act 1976 (protection...

SCHEDULE 5 — Enactments Repealed

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