



Ancient Monuments and Archaeological Areas Act 1979

1979 CHAPTER 46

PART I

ANCIENT MONUMENTS

Acquisition of ancient monuments

10 Compulsory acquisition of ancient monuments.

- (1) The Secretary of State may acquire compulsorily any ancient monument for the purpose of securing its preservation [^{F1}; but, where the monument in question is situated in England, he shall consult with the Commission before making a compulsory purchase order.]
- (2) The ^{M1}[^{F2}Acquisition of Land Act 1981] shall apply to any compulsory acquisition by the Secretary of State under this section of an ancient monument situated in England and Wales . . . ^{F3}
- (3) The ^{M2}Acquisition of Land (Authorisation Procedure) (Scotland) Act 1947 shall apply to any compulsory acquisition by the Secretary of State under this section of an ancient monument situated in Scotland as it applies to a compulsory acquisition by another Minister or by the Secretary of State under section 58 of the ^{M3}National Health Service (Scotland) Act 1972 in a case falling within section 1(1) of the said Act of 1947.
- (4) For the purpose of assessing compensation in respect of any compulsory acquisition under this section of a monument which, immediately before the date of the compulsory purchase order, was scheduled, it shall be assumed that scheduled monument consent would not be granted for any works which would or might result in the demolition, destruction or removal of the monument or any part of it.

Changes to legislation: Ancient Monuments and Archaeological Areas Act 1979, Cross Heading: Acquisition of ancient monuments is up to date with all changes known to be in force on or before 05 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

Textual Amendments

- F1** Words inserted by [National Heritage Act 1983 \(c. 47, SIF 78\)](#), s. 41, [Sch. 4 para. 36](#)
F2 Words substituted by [Acquisition of Land Act 1981 \(c. 67\)](#), [Sch. 4 para. 1 Table](#)
F3 Words repealed by [Acquisition of Land Act 1981 \(c. 67\)](#), [Sch. 6 Pt. I](#)

Marginal Citations

- M1** 1981 c. 67.
M2 1947 c. 42.
M3 1972 c. 58.

11 Acquisition by agreement or gift of ancient monuments.

- (1) The Secretary of State may acquire by agreement any ancient monument [^{F4}but, where the monument in question is situated in England, he shall consult with the Commission before doing so.]
- [^{F5}(1A) With the consent of the Secretary of State, the Commission may acquire by agreement any ancient monument situated in England.]
- (2) Any local authority may acquire by agreement any ancient monument situated in or in the vicinity of their area.
- (3) The Secretary of State or any local authority may accept a gift (whether by deed or will) of any ancient monument [^{F6}; but, where the monument in question is situated in England, the Secretary of State shall consult with the Commission before accepting]
- [^{F7}(3A) With the consent of the Secretary of State, the Commission may accept a gift (whether by deed or will) of any ancient monument situated in England.]
- (4) The provisions of Part I of the ^{M4}Compulsory Purchase Act 1965 (so far as applicable) other than sections 4 to 8, section 10 and section 31, shall apply in relation to any acquisition under subsection (1) or (2) above of an ancient monument situated in England and Wales.
- (5) For the purpose of any acquisition under subsection (1) or (2) above of any ancient monument situated in Scotland which is heritable—
- (a) the Lands Clauses Acts (with the exception of the provisions excluded by subsection (6) below) and sections 6 and 70 to 78 of the ^{M5}Railways Clauses Consolidation (Scotland) Act 1845 (as originally enacted and not as amended by section 15 of the ^{M6}Mines (Working Facilities and Support) Act 1923) shall be incorporated with this section; and
 - (b) in construing those Acts for the purposes of this section, this section shall be deemed to be the special Act and the Secretary of State or the local authority acquiring the monument shall be deemed to be the promoter of the undertaking or company (as the case may require).
- (6) The provisions of the Lands Clauses Acts excluded from being incorporated with this section are—
- (a) those which relate to the acquisition of land otherwise than by agreement;
 - (b) those which relate to access to the special Act; and

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- (c) sections 120 to 125 of the ^{M7}Lands Clauses Consolidation (Scotland) Act 1845.

Textual Amendments

- F4** Words inserted by [National Heritage Act 1983 \(c. 47, SIF 78\)](#), s. 41, **Sch. 4 para. 37(2)**
F5 S. 11(1A) inserted by [National Heritage Act 1983 \(c. 47, SIF 78\)](#), s. 41, **Sch. 4 para. 37(3)**
F6 Words inserted by [National Heritage Act 1983 \(c. 47, SIF 78\)](#), s. 41, **Sch. 4 para. 37(4)**
F7 S. 11(3A) inserted by [National Heritage Act 1983 \(c. 47, SIF 78\)](#), s. 41, **Sch. 4 para. 37(5)**
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Modifications etc. (not altering text)

- C1** S. 11 functions made exercisable concurrently (E.W.) (with effect in accordance with art. 25(1) of the amending S.I.) by [The Cotswolds Area of Outstanding Natural Beauty \(Establishment of Conservation Board\) Order 2004 \(S.I. 2004/1777\)](#), arts. 1, **25(2)(xxv)** (with art. 35)
C2 S. 11 functions made exercisable concurrently (E.W.) (with effect in accordance with art. 25(1) of the amending S.I.) by [The Chilterns Area of Outstanding Natural Beauty \(Establishment of Conservation Board\) Order 2004 \(S.I. 2004/1778\)](#), arts. 2, **25(1)**, **25(1)**, **25(2)(xxv)** (with art. 35)
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Marginal Citations

- M4** 1965 c. 56.
M5 1845 c. 33.
M6 1923 c. 20.
M7 1845 c. 19.

Changes to legislation:

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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. 1(3A) inserted by [2023 asc 3 Sch. 13 para. 20\(b\)](#)
- s. 1AA-1AE omitted by [2023 asc 3 Sch. 13 para. 21](#)
- s. 7(4A) inserted by [2016 anaw 4 s. 10\(2\)](#)
- s. 33(1A) inserted by [2023 asc 3 Sch. 13 para. 35\(a\)](#)