



Ancient Monuments and Archaeological Areas Act 1979

1979 CHAPTER 46

PART III

MISCELLANEOUS AND SUPPLEMENTAL

Supplemental

55 Proceedings for questioning validity of certain orders, etc.

(1) If any person—

- (a) is aggrieved by any order to which this section applies and desires to question the validity of that order, on the grounds that it is not within the powers of this Act, or that any of the relevant requirements have not been complied with in relation to it; or
- (b) is aggrieved by any action on the part of the Secretary of State to which this section applies and desires to question the validity of that action, on the grounds that it is not within the powers of this Act, or that any of the relevant requirements have not been complied with in relation to it;

he may, within six weeks from the relevant date, make an application under this section to the High Court or (in Scotland) to the Court of Session.

- (2) This section applies to any designation order and to any order under section 33 (4) of this Act varying or revoking a designation order.
- (3) This section applies to action on the part of the Secretary of State of either of the following descriptions, that is to say—
 - (a) any decision of the Secretary of State on an application for scheduled monument consent; and
 - (b) the giving by the Secretary of State of any direction under section 4 of this Act modifying or revoking a scheduled monument consent.

Status: Point in time view as at 01/02/1991. This version of this provision has been superseded.

Changes to legislation: Ancient Monuments and Archaeological Areas Act 1979, Section 55 is up to date with all changes known to be in force on or before 01 June 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)

- (4) In subsection (1) above “the relevant date” means—
- (a) in relation to an order, the date on which notice of the making of the order is published (or, as the case may be, first published) in accordance with Schedule 2 to this Act; and
 - (b) in relation to any action on the part of the Secretary of State, the date on which that action is taken.
- (5) On any application under this section the High Court or (in Scotland) the Court of Session—
- (a) may by interim order suspend the operation of the order or action, the validity whereof is questioned by the application, until the final determination of the proceedings;
 - (b) if satisfied that the order or action in question is not within the powers of this Act, or that the interests of the applicant have been substantially prejudiced by a failure to comply with any of the relevant requirements in relation thereto, may quash that order or action in whole or in part.
- (6) In this section “the relevant requirements” means—
- (a) in relation to any order to which this section applies, any requirements of this Act or of any regulations made under this Act which are applicable to that order; and
 - (b) in relation to any action to which this section applies, any requirements of this Act or of the ^{M1}Tribunals and Inquiries Act 1971 or of any regulations or rules made under this Act or under that Act which are applicable to that action.
- (7) Except as provided by this section, the validity of any order or action to which this section applies shall not be questioned in any legal proceedings whatsoever; but nothing in this section shall affect the exercise of any jurisdiction of any court in respect of any refusal or failure on the part of the Secretary of State to take a decision on an application for scheduled monument consent.

Marginal Citations

M1 1971 c. 62.

Status:

Point in time view as at 01/02/1991. This version of this provision has been superseded.

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