
STATUTORY INSTRUMENTS

1981 No. 1469 (S. 149)

ANCIENT MONUMENTS

**The Ancient Monuments and Archaeological Areas
(Compensation) (Scotland) Regulations 1981***Made* - - - - 7th October 1981*Laid before Parliament* 26th October 1981*Coming into Operation* 30th November 1981

In exercise of the powers conferred on me by sections 47 and 61(1) of the Ancient Monuments and Archaeological Areas Act 1979(a) and of all other powers enabling me in that behalf I hereby make the following regulations:—

Citation, commencement and interpretation

1.—(1) These regulations may be cited as the Ancient Monuments and Archaeological Areas (Compensation) (Scotland) Regulations 1981, and shall come into operation on 30th November 1981.

(2) In these regulations—

“the Act” means the Ancient Monuments and Archaeological Areas Act 1979; and

“claim” means a claim for compensation under section 7, 9 or 46 of the Act in relation to any land situated in Scotland.

Manner of claim for compensation

2. A claim shall be made in writing and in the form in the Schedule hereto.

Making of claim and time within which claim to be made

3. A claim shall be made—

(a) to the Secretary of State, or

(b) in the case of a claim under section 46 of the Act in respect of damage caused by the exercise by another authority of any power referred to in section 46(3) of the Act, to that other authority.

4. Subject to regulation 5 hereof, a claim shall not be valid unless lodged with the Secretary of State or such other authority as mentioned in regulation 3 hereof, within six months of—

(a) In the case of a claim under section 7 of the Act, the date of the notice of refusal, or granting subject to conditions, of scheduled monument consent; or

- (b) In the case of a claim under section 9 of the Act, the date on which the works ceased to be authorised; or
- (c) In the case of a claim under section 46 of the Act, the date on which the damage was caused, or where the damage was caused as a result of a continuing act, the date when the act ceased.

5. The Secretary of State, or the other authority against which a claim is made under section 46 of the Act, may entertain a claim not lodged within 6 months of the date mentioned in regulation 4 hereof, if satisfied that there is a reasonable cause for the failure to do so.

George Younger,
One of Her Majesty's Principal
Secretaries of State.

New St. Andrew's House,
Edinburgh.
7th October 1981.

Regulation 2

SCHEDULE

ANCIENT MONUMENTS AND ARCHAEOLOGICAL AREAS ACT 1979

The Ancient Monuments and Archaeological Areas (Compensation) (Scotland) Regulations 1981

CLAIM FOR PAYMENT OF COMPENSATION

PART I

NAME OF CLAIMANT (in Block Letters)

SURNAME

FORENAME/S

Full Postal Address (in Block Letters) including Postal Code

Home Address

Telephone No. (if any)

Official or Business Address

Telephone No.

NOTE: If claiming as a trustee, executor, curator, liferenter or in any other representative capacity. GIVE DETAILS

I/We hereby claim payment of compensation under section 7* and section 9* and section 46* of the Ancient Monuments and Archaeological Areas Act 1979 (in consequence of refusal* conditional grant*, modification*, proposed modification*, proposed revocation* of scheduled monument consent or damage caused in the exercise of the power of entry*) in accordance with the particulars given in Part II of this form.

Amount of Compensation claimed £

Signature of Claimant

Date

*Delete where appropriate

PART II

1. Full name and address of claimant's agent, if any

Name

Profession

Address

Telephone No.

2. Date of decision or notification or damage giving rise to claim

Day Month Year

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3. Land (including buildings) to which claim relates

Address or location

NOTE

A plan of a size sufficient to identify the precise location and extent of the land should be provided. The boundaries and area must be clearly shown.

4. Nature of interest in the land in respect of which claim is made

(1) Nature of interest of claimant: (Please tick (✓) appropriate box below)

Is the interest that of:

- | | |
|---|--------------------------|
| (i) superior | <input type="checkbox"/> |
| (ii) creditor in a ground annual | <input type="checkbox"/> |
| (iii) feuar | <input type="checkbox"/> |
| (iv) debtor in a ground annual | <input type="checkbox"/> |
| (v) owner of land other than feudal land | <input type="checkbox"/> |
| (vi) landlord under a lease | <input type="checkbox"/> |
| (vii) tenant under a lease | <input type="checkbox"/> |
| (viii) crofter | <input type="checkbox"/> |
| (ix) person with titular or other legal entitlement eg wayleave or servitude (please specify) | <input type="checkbox"/> |

(2) Bonds or heritable securities:

Is the interest subject to a bond or other heritable security? Yes/No

If "yes" give the name and address of the creditor and nature and date of creation of security

Name Address

.....

Nature of Security

Amount outstanding

Date of recording in General Register of Sasines or Land Register of Scotland

State names and addresses of other persons known to you to have any of the following interests in the land

Address

Amount of feu duty £

Creditor in ground annual

Amount of Ground Annual £

Landlord

Any other person(s) _____
(including nature of interest)

(Specify feu duty or ground annual if not mentioned above)

(b) Amount payable annually

[illegible]

6. Notices served by local or public authority (such as demolition orders, notice to treat, dangerous structure notice etc.)

(a) Name of Authority who served the notice _____

(b) Nature of order or notice (stating under what Act, regulations, byelaws etc.)

(c) Date served _____

Day	Month	Year

(d) Details of any compensation payable or claimable following the serving of the notices listed in 6(a)-(c)

(e) Details of any compensation paid _____

7. Particulars to be given as appropriate

(1) Claims under section 7(2)(a) of the Act. Give details of planning permission

(a) Authority by which it was given _____

(b) Date given and to whom _____

(c) Short description of development permitted

(2) Claims under section 7(2)(b) of the Act. Give details of the relevant works such that planning permission is granted therefor by a general development order.

(3) Claims under section 7(2)(c) of the Act. Give details of use no longer possible.

(a) Brief description of the use (eg storage of agricultural foodstuffs, animal rearing etc.)

(b) Date of commencement of that use _____

(c) Does it continue? _____ Yes/No

If not, when did it cease? _____

(4) Claims under section 9 of the Act. Give brief details of the abortive expenditure, including preparatory expenditure on plans and similar matters.

(5) Claims under section 46 of the Act. Give brief details of damage caused and person(s) believed to be responsible.

IMPORTANT

This form when completed should be lodged at the address shown below or where the claim is against an authority other than the Secretary of State, with that other authority within six months of the decision, notification or damage giving the right to claim.

The Secretary,
Scottish Development Department,
(Ancient Monuments),
New St. Andrew's House,
Edinburgh EH1 3SZ.

EXPLANATORY NOTE

(This Note is not part of the Regulations.)

These regulations provide for the manner in which, and the time within which, claims for compensation under sections 7, 9 and 46 of the Ancient Monuments and Archaeological Areas Act 1979 are to be made in relation to land in Scotland.

SI 1981/1469
ISBN 0-11-017469-0



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