

SCHEDULES

SCHEDULE 1

CONTROL OF WORKS AFFECTING SCHEDULED MONUMENTS

PART I

APPLICATIONS FOR SCHEDULED MONUMENT CONSENT

1.—(1) The Department may by regulations make provision with respect to the form and manner in which applications for scheduled monument consent are to be made, the particulars to be included therein and the information to be provided by applicants or (as the case may be) by the Department in connection therewith.

(2) Any scheduled monument consent (including scheduled monument consent granted by order under Article 5) shall (except so far as it otherwise provides) enure for the benefit of the monument and of all persons for the time being interested therein.

2.—(1) The Department may refuse to entertain an application for scheduled monument consent unless it is accompanied by one or other of the following certificates signed by or on behalf of the applicant, that is to say—

- (a) a certificate stating that, at the beginning of the period of 21 days ending with the application, no person other than the applicant was the owner of the monument;
 - (b) a certificate stating that the applicant has given the requisite notice of the application to all the persons other than the applicant who, at the beginning of that period, were owners of the monument;
 - (c) a certificate stating that the applicant is unable to issue a certificate in accordance with either of the preceding heads, that he has given the requisite notice of the application to such one or more of the persons mentioned in head (b) as are specified in the certificate, that he has taken such steps as are reasonably open to him to ascertain the names and addresses of the remainder of those persons and that he has been unable to do so;
 - (d) a certificate stating that the applicant is unable to issue a certificate in accordance with head (a), that he has taken such steps as are reasonably open to him to ascertain the names and addresses of the persons mentioned in head (b) and that he has been unable to do so.
- (2) Any certificate issued for the purposes of sub-paragraph (1)—
- (a) shall contain such further particulars of the matters to which the certificate relates as may be prescribed; and
 - (b) shall be in such form as may be prescribed;

and any reference in that sub-paragraph to the requisite notice is a reference to a notice in such form as may be prescribed.

(3) The Department may by regulations make provision as to who, in the case of any monument, is to be treated as the owner for the purposes of this paragraph.

(4) If any person—

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- (a) issues a certificate which purports to comply with the requirements of this paragraph and which contains a statement which he knows to be false or misleading in a material particular; or
- (b) recklessly issues a certificate which purports to comply with those requirements and which contains a statement which is false or misleading in a material particular,

he shall be guilty of an offence and liable on summary conviction to a fine not exceeding level 4 on the standard scale.

3.—(1) The Department may grant scheduled monument consent in respect of all or any part of the works to which an application for scheduled monument consent relates.

(2) Before determining whether or not to grant scheduled monument consent on any application therefor, the Department shall either—

- (a) cause a public local inquiry to be held by the planning appeals commission; or
- (b) afford to the applicant, and to any other person to whom it appears to the Department expedient to afford it, an opportunity of appearing before and being heard by the planning appeals commission.

(3) Before determining whether or not to grant scheduled monument consent on any application therefor, the Department—

- (a) shall in every case consider any representations made by any person with respect to that application before the time when it considers its decision thereon (whether in consequence of any notice given to that person in accordance with any requirements of regulations made under paragraph 2 or of any publicity given to the application by the Department, or otherwise); and
- (b) shall also, if any inquiry or hearing has been held in accordance with sub-paragraph (2), consider the report of the planning appeals commission.

(4) The Department shall serve notice of its decision with respect to the application on the applicant and on every person who has made representations to it with respect to the application.