



Ancient Monuments and Archaeological Areas Act 1979

1979 CHAPTER 46

PART I

ANCIENT MONUMENTS

[^{F1}Temporary stop notices

Textual Amendments

- F1** Ss. 9A-9O and cross-heading inserted (S.) (30.6.2011 for specified purposes, 1.12.2011 in so far as not already in force) by [Historic Environment \(Amendment\) \(Scotland\) Act 2011 \(asp 3\)](#), **ss. 6(1), 33(2)**; [S.S.I. 2011/174, art. 2, Sch.](#); [S.S.I. 2011/372, art. 2, Sch.](#)

9K Temporary stop notices

- (1) Where it appears to [^{F2}Historic Environment Scotland] that—
- any works have been, or are being, executed to a scheduled monument or to land in, on or under which there is a scheduled monument,
 - the works are such as to involve a contravention of section 2(1) or (6), and
 - it is expedient that the works are (or any part of the works is) stopped immediately,
- [^{F3}it may, if it considers] it expedient to do so having regard to the effect of the works on the character of the monument as one of national importance, issue a temporary stop notice.
- (2) The notice must be given in writing and must—
- specify the works in question,
 - prohibit execution of the works (or so much of the works as is specified in the notice), and

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- (c) set out [^{F4}Historic Environment Scotland's] reasons for issuing the notice.
- (3) A temporary stop notice may be served on any of the following—
- (a) a person who appears to [^{F5}Historic Environment Scotland] to be executing, or causing to be executed, the works,
 - (b) a person who appears to [^{F5}Historic Environment Scotland] to have an interest in the scheduled monument or the land in, on or under which the monument is situated (whether as owner or occupier or otherwise).
- (4) [^{F6}Historic Environment Scotland] must display on the land in, on or under which the monument is situated or on the monument (except where doing so might damage it)—
- (a) a copy of the notice, and
 - (b) a statement as to the effect of section 9M.
- (5) A temporary stop notice has effect from the time a copy of it is first displayed in pursuance of subsection (4).
- (6) A temporary stop notice ceases to have effect at the end of the period of 28 days starting on the day the copy notice is so displayed.
- (7) But if a shorter period starting on that day is specified in the notice, the notice instead ceases to have effect at the end of that shorter period.
- (8) And if the notice is withdrawn by [^{F7}Historic Environment Scotland] before that period of 28 days (or, as the case may be, that shorter period) expires, the notice ceases to have effect on being so withdrawn.

Textual Amendments

- F2** Words in s. 9K(1) substituted (27.2.2015 for specified purposes, 1.10.2015 in so far as not already in force) by [Historic Environment Scotland Act 2014 \(asp 19\)](#), s. 31(2), [sch. 2 para. 28\(a\)\(i\)](#) (with ss. 29, 30); S.S.I. 2015/31, art. 2, sch.; S.S.I. 2015/196, art. 2, sch.
- F3** Words in s. 9K(1) substituted (27.2.2015 for specified purposes, 1.10.2015 in so far as not already in force) by [Historic Environment Scotland Act 2014 \(asp 19\)](#), s. 31(2), [sch. 2 para. 28\(a\)\(ii\)](#) (with ss. 29, 30); S.S.I. 2015/31, art. 2, sch.; S.S.I. 2015/196, art. 2, sch.
- F4** Words in s. 9K(2)(c) substituted (27.2.2015 for specified purposes, 1.10.2015 in so far as not already in force) by [Historic Environment Scotland Act 2014 \(asp 19\)](#), s. 31(2), [sch. 2 para. 28\(b\)](#) (with ss. 29, 30); S.S.I. 2015/31, art. 2, sch.; S.S.I. 2015/196, art. 2, sch.
- F5** Words in s. 9K(3) substituted (27.2.2015 for specified purposes, 1.10.2015 in so far as not already in force) by [Historic Environment Scotland Act 2014 \(asp 19\)](#), s. 31(2), [sch. 2 para. 28\(c\)](#) (with ss. 29, 30); S.S.I. 2015/31, art. 2, sch.; S.S.I. 2015/196, art. 2, sch.
- F6** Words in s. 9K(4) substituted (27.2.2015 for specified purposes, 1.10.2015 in so far as not already in force) by [Historic Environment Scotland Act 2014 \(asp 19\)](#), s. 31(2), [sch. 2 para. 28\(d\)](#) (with ss. 29, 30); S.S.I. 2015/31, art. 2, sch.; S.S.I. 2015/196, art. 2, sch.
- F7** Words in s. 9K(8) substituted (27.2.2015 for specified purposes, 1.10.2015 in so far as not already in force) by [Historic Environment Scotland Act 2014 \(asp 19\)](#), s. 31(2), [sch. 2 para. 28\(e\)](#) (with ss. 29, 30); S.S.I. 2015/31, art. 2, sch.; S.S.I. 2015/196, art. 2, sch.

Modifications etc. (not altering text)

- C1** S. 9K savings for effects of 2014 asp 19, Sch. 2 para. 28 (1.10.2015) by [The Historic Environment Scotland Act 2014 \(Saving, Transitional and Consequential Provisions\) Order 2015 \(S.S.I. 2015/239\)](#), arts. 1(1), [9](#)

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9L Temporary stop notices: restrictions

- (1) A second or subsequent temporary stop notice must not be issued in respect of the same works unless [^{F8}Historic Environment Scotland has] in the meantime taken some other enforcement action in relation to the contravention of section 2(1) or (6) which is constituted by the works.
- (2) In subsection (1), “enforcement action” includes obtaining the grant of an interdict under section 9O.

Textual Amendments

- F8** Words in s. 9L(1) substituted (27.2.2015 for specified purposes, 1.10.2015 in so far as not already in force) by [Historic Environment Scotland Act 2014 \(asp 19\)](#), s. 31(2), [sch. 2 para. 29](#) (with [ss. 29, 30](#)); [S.S.I. 2015/31](#), art. 2, sch.; [S.S.I. 2015/196](#), art. 2, sch.

9M Temporary stop notices: offences

- (1) A person who contravenes a temporary stop notice—
 - (a) which has been served on the person, or
 - (b) a copy of which has been displayed in pursuance of section 9K(4),is guilty of an offence.
- (2) Contravention of a temporary stop notice includes causing or permitting its contravention.
- (3) An offence under this section may be charged by reference to a day or to a longer period of time.
- (4) A person may, in relation to the same temporary stop notice, be convicted of more than one offence under this section by reference to different days or different periods.
- (5) It is a defence in any proceedings under this section that—
 - (a) the temporary stop notice was not served on the accused, and
 - (b) the accused did not know, and could not reasonably have been expected to know, of its existence.
- (6) A person guilty of an offence under this section is liable—
 - (a) on summary conviction, to a fine not exceeding £20,000,
 - (b) on conviction on indictment, to a fine.
- (7) In determining the amount of the fine, the court is in particular to have regard to any financial benefit which has accrued or appears likely to accrue to the convicted person in consequence of the execution of the works which constituted the offence.

9N Temporary stop notices: compensation

- (1) A person who, at the date on which a temporary stop notice is first displayed in pursuance of section 9K(4), has an interest (whether as owner or occupier or otherwise) in the scheduled monument to which the notice relates or the land in, on or under which the monument is situated is entitled to be compensated by [^{F9}Historic Environment Scotland] in respect of any loss or damage directly attributable to the prohibition effected by that notice.

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- (2) But subsection (1) applies only if the circumstances are as set out in one or both of the following paragraphs—
- (a) the works specified in the notice are authorised by scheduled monument consent granted on or before the date mentioned in that subsection,
 - (b) [^{F10}Historic Environment Scotland withdraws] the notice other than following such grant of scheduled monument consent as is mentioned in paragraph (a).
- (3) Subsections (4) and (5) of section 9I apply to compensation payable under this section as they apply to compensation payable under that section; and for the purpose of that application references in subsection (5) of that section to a stop notice are to be taken to be references to a temporary stop notice.]

Textual Amendments

- F9** Words in s. 9N(1) substituted (27.2.2015 for specified purposes, 1.10.2015 in so far as not already in force) by [Historic Environment Scotland Act 2014 \(asp 19\)](#), s. 31(2), **sch. 2 para. 30(a)** (with ss. 29, 30); S.S.I. 2015/31, art. 2, sch.; S.S.I. 2015/196, art. 2, sch.
- F10** Words in s. 9N(2)(b) substituted (27.2.2015 for specified purposes, 1.10.2015 in so far as not already in force) by [Historic Environment Scotland Act 2014 \(asp 19\)](#), s. 31(2), **sch. 2 para. 30(b)** (with ss. 29, 30); S.S.I. 2015/31, art. 2, sch.; S.S.I. 2015/196, art. 2, sch.

Modifications etc. (not altering text)

- C2** S. 9N savings for effects of 2014 asp 19, Sch. 2 para. 30 (1.10.2015) by [The Historic Environment Scotland Act 2014 \(Saving, Transitional and Consequential Provisions\) Order 2015 \(S.S.I. 2015/239\)](#), arts. 1(1), **9**

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\(a\)](#)