



Ancient Monuments and Archaeological Areas Act 1979

1979 CHAPTER 46

PART III

MISCELLANEOUS AND SUPPLEMENTAL

Financial provisions

45 Expenditure on archaeological investigation.

(1) The Secretary of State may undertake, or assist in, or defray or contribute towards the cost of, an archaeological investigation of any land [^{F1}](other than land in England)] which he considers may contain an ancient monument or anything else of archaeological or historical interest.

[^{F2}(1A) The Commission may undertake, or assist in, or defray or contribute towards the cost of, an archaeological investigation of any land in England which they consider may contain an ancient monument or anything else of archaeological or historical interest; and the reference to an ancient monument in this subsection shall be construed as if the reference in section 61(12)(b) of this Act to the Secretary of State were to the Commission.]

(2) Any local authority may undertake, or assist in, or defray or contribute towards the cost of, an archaeological investigation of any land in or in the vicinity of their area, being land which they consider may contain an ancient monument or anything else of archaeological or historical interest.

(3) The Secretary of State [^{F3}or the Commission] or any local authority may publish the results of any archaeological investigation undertaken, assisted, or wholly or partly financed by them under this section in such manner and form as they think fit.

(4) Without prejudice to the application, by virtue of section 53 of this Act, of any other provision of this Act to land which is not within Great Britain, the powers conferred

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by this section shall be exercisable in relation to any such land which forms part of the sea bed within the seaward limits of United Kingdom territorial waters adjacent to the coast of Great Britain [^{F4}(or, as regards the powers mentioned in subsection (1A) above, England)].

Textual Amendments

F1 Words inserted by [National Heritage Act 1983 \(c. 47, SIF 78\)](#), s. 41, **Sch. 4 para. 61(2)**

F2 S. 45(1A) inserted by [National Heritage Act 1983 \(c. 47, SIF 78\)](#), s. 41, **Sch. 4 para. 61(3)**

F3 Words inserted by [National Heritage Act 1983 \(c. 47, SIF 78\)](#), s. 41, **Sch. 4 para. 61(4)**

F4 Words inserted by [National Heritage Act 1983 \(c. 47, SIF 78\)](#), s. 41, **Sch. 4 para. 61(5)**

Modifications etc. (not altering text)

C1 S. 45(2)(3) extended (E.W.) (19.9.1995) by [1995 c. 25, ss. 70, 125\(2\)](#), **Sch. 9 para.10(3)** (with ss. 7(6), 115, 117, [Sch. 8 para. 7](#))

[^{F5}45A Development and understanding of matters of historic, etc. interest: grants and loans

- (1) The Scottish Ministers may make grants or loans for the purpose of defraying in whole or in part any expenditure incurred, or to be incurred—
 - (a) in or in connection with;
 - (b) with a view to the promotion of,
 the development or understanding of matters of historic, architectural, traditional, artistic or archaeological interest.
- (2) A grant or loan under this section may be made subject to such conditions (including conditions as to repayment) as the Scottish Ministers consider appropriate.

^{F6}(3)]

Textual Amendments

F5 S. 45A inserted (S.) (30.6.2011) by [Historic Environment \(Amendment\) \(Scotland\) Act 2011 \(asp 3\)](#), **ss. 12, 33(2)**; [S.S.I. 2011/174, art. 2, Sch.](#)

F6 S. 45A(3) repealed (1.10.2015) by [Historic Environment Scotland Act 2014 \(asp 19\)](#), **ss. 20(3), 31(2)** (with ss. 29, 30); [S.S.I. 2015/196, art. 2, sch.](#)

46 Compensation for damage caused by exercise of certain powers under this Act.

- (1) Subject to subsection (2) below, where, in the exercise in relation to any land of any power to which this section applies, any damage has been caused to that land or to any chattels on that land, any person interested in that land or those chattels may recover compensation in respect of that damage from [^{F7}Historic Environment Scotland,] the Secretary of State [^{F8}or the Commission] or other authority by or on whose behalf the power was exercised.
- (2) Where any such damage is caused in the exercise of any such power by or on behalf of any person for the time being holding appointment as the investigating authority for an area of archaeological importance under section 34 of this Act, compensation shall

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be recoverable in accordance with this section from the ^{F9}Commission (if the area in question is situated in England) or from the Secretary of State (in any other case).]

- (3) This section applies to any power to enter, or to do anything, on any land under any of the following sections of this Act, that is to say, sections 6, ^{F10}6A^{F11} 9ZF,^{F12}9ZJ,] 26, 38, 39, 40 and 43.
- (4) References in subsection (1) above to chattels shall be construed in relation to Scotland as references to moveables.

Textual Amendments

- F7** Words in s. 46(1) inserted (S.) (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. 47** (with ss. 29, 30); [S.S.I. 2015/31](#), art. 2, sch.; [S.S.I. 2015/196](#), art. 2, sch.
- F8** Words inserted by [National Heritage Act 1983 \(c. 47, SIF 78\)](#), s. 41, **Sch. 4 para. 62(2)**
- F9** Words substituted by [National Heritage Act 1983 \(c. 47, SIF 78\)](#), s. 41, **Sch. 4 para. 62(3)(5)**
- F10** Word inserted by [National Heritage Act 1983 \(c. 47, SIF 78\)](#), s. 41, **Sch. 4 para. 62(4)**
- F11** Word in s. 46(3) inserted (E.W.) (21.5.2016) by [Historic Environment \(Wales\) Act 2016 \(anaw 4\)](#), **ss. 12(2)**, 41(2)
- F12** Word in s. 46(3) inserted (E.W.) (21.5.2016) by [Historic Environment \(Wales\) Act 2016 \(anaw 4\)](#), **ss. 13(4)**, 41(2)

47 General provisions with respect to claims for compensation under this Act.

- (1) Any claim for compensation under this Act shall be made within the time and in the manner prescribed.
- (2) Any question of disputed compensation under this Act shall be referred to and determined by the ^{F13}Upper Tribunal or] (in the case of any land situated in Scotland) by the Lands Tribunal for Scotland.
- (3) In relation to the determination of any such question, the provisions of ^{F14}section] 4 of the ^{M1}Land Compensation Act 1961 or (as the case may be) of Sections 9 and 11 of the ^{M2}Land Compensation (Scotland) Act 1963 shall apply, but the references in section 4 of the Act of 1961 and section 11 of the Act of 1963 to the acquiring authority shall be construed as references to the authority by whom the compensation claimed is payable under this Act.

Textual Amendments

- F13** Words in s. 47(2) substituted (1.6.2009) by [The Transfer of Tribunal Functions \(Lands Tribunal and Miscellaneous Amendments\) Order 2009 \(S.I. 2009/1307\)](#), art. 1, **Sch. 1 para. 129(a)** (with Sch. 5)
- F14** Word in s. 47(3) substituted (1.6.2009) by [The Transfer of Tribunal Functions \(Lands Tribunal and Miscellaneous Amendments\) Order 2009 \(S.I. 2009/1307\)](#), art. 1, **Sch. 1 para. 129(b)** (with Sch. 5)

Marginal Citations

- M1** 1961 c 33.
M2 1963 c 51.

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48 Recovery of grants for expenditure in conservation areas and on historic buildings.

^{F15}(1)

^{X1}(2) After section 4 of the ^{M3}Historic Buildings and Ancient Monuments Act 1953 (grants for preservation of historic buildings, their contents and adjoining land) there shall be inserted the following section —

“4A Recovery of grants under section 4.

- (1) This section applies to any grant under section 4 of this Act made on terms that it shall be recoverable under this section ; but any such grant shall only be regarded for the purposes of this section as so made if before or on making the grant the Secretary of State gives to the grantee notice in writing —
 - (a) summarising the effect of this section ; and
 - (b) specifying the period during which the grant is to be recoverable in accordance with subsection (4) below in the case of a grant made for the purpose there mentioned.
- (2) The period specified under subsection (1)(b) above in the case of any grant shall be a period beginning with the day on which the grant is made and ending not more than ten years after that day.
- (3) If any condition subject to which a grant to which this section applies was made is contravened or not complied with, the Secretary of State may recover the amount of the grant or such part of it as he thinks fit from the grantee.
- (4) If, during the period specified under subsection (1)(b) above in the case of a grant to which this section applies made to any person for the purpose of defraying in whole or in part any expenditure on the repair, maintenance or upkeep of any property, the grantee disposes in any manner mentioned in subsection (5) below of the interest, or any part thereof, held by him in the property on the day on which the grant is made (referred to below in this section as “the relevant interest”), the Secretary of State may recover the amount of the grant or such part of it as he thinks fit from the grantee.
- (5) Subsection (4) above only applies where the grantee disposes of the relevant interest or any part of it by way of sale or exchange or lease for a term of not less than twenty-one years.
- (6) If a person becomes entitled by way of gift from the grantee, whether directly or indirectly (but otherwise than by will) to a part of the relevant interest, a disposal by the donee in any manner mentioned in subsection (5) above of the interest so acquired by him in the property, or any part of that interest, shall be treated for the purposes of subsection (4) above as a disposal by the grantee of a part of the relevant interest.
- (7) If a person becomes entitled by way of any such gift to the whole of the relevant interest subsection (4) above shall have effect (except for the purpose of determining the relevant interest) as if the donee were the grantee.
- (8) Nothing in subsection (3) or (4) above shall be taken as conferring on the Secretary of State a right to recover (by virtue of a breach of more than one

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condition or disposals of several parts of an interest in property) amounts in the aggregate exceeding the amount of the grant.”

Editorial Information

X1 The text of s. 48(2) is in the form in which it was originally enacted: it was not reproduced in Statutes in Force and does not reflect any amendments or repeals which may have been made prior to 1.2.1991.

Textual Amendments

F15 S. 48(1) repealed (27.5.1997) by 1997 c. 11, ss. 3, 6(2), **Sch. 1 Pt.I** (with s. 5, **Sch. 3**)

Marginal Citations

M3 1953 c.49.

49 Grants to the Architectural Heritage Fund.

(1) The Secretary of State may make grants to the ^[F16]Architectural Heritage Fund].

^[F17](1A) The Commission may make grants to the Architectural Heritage Fund for the purpose of enabling it to perform its functions in, or in relation to, England.]

(2) A grant under this section may be made subject to such conditions as the Secretary of State ^[F18]or the Commission (as the case may be)] may think fit to impose.

^[F19](3) In this section “the Architectural Heritage Fund” means the institution registered under that name under ^[F20]the Charities Act 1993]^[F20]the Charities Act 2011]]

Textual Amendments

F16 Words substituted by [National Heritage Act 1983 \(c. 47, SIF 78\)](#), s. 41, **Sch. 4 para. 63(2)**

F17 S. 49(1A) inserted by [National Heritage Act 1983 \(c. 47, SIF 78\)](#), s. 41, **Sch. 4 para. 63(3)**

F18 Words inserted by [National Heritage Act 1983 \(c. 47, SIF 78\)](#), s. 41, **Sch. 4 para. 63(4)**

F19 S. 49(3) inserted by [National Heritage Act 1983 \(c. 47, SIF 78\)](#), s. 41, **Sch. 4 para. 63(5)**

F20 Words in s. 49(3) substituted (E.W.) (14.3.2012) by [Charities Act 2011 \(c. 25\)](#), s. 355, **Sch. 7 para. 36** (with s. 20(2), **Sch. 8**)

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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\(a\)](#)