

Status: Point in time view as at 28/12/2007.

Changes to legislation: Ancient Monuments and Archaeological Areas Act 1979, Part I is up to date with all changes known to be in force on or before 05 September 2023. 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)

SCHEDULES

SCHEDULE 1

CONTROL OF WORKS AFFECTING SCHEDULED MONUMENTS

PART I

APPLICATIONS FOR SCHEDULED MONUMENT CONSENT

- 1 (1) Provision may be made by regulations under this Act 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 Secretary of State in connection therewith.
- (2) Any scheduled monument consent (including scheduled monument consent granted by order under section 3 of this Act) 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 Secretary of State 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 twenty-one 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 paragraphs, that he has given the requisite notice of the application to such one or more of the persons mentioned in paragraph (b) above 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 paragraph (a) above, that he has taken such steps as are reasonably open to him to ascertain the names and addresses of the persons mentioned in paragraph (b) above and that he has been unable to do so.
- (2) Any certificate issued for the purposes of sub-paragraph (1) above—
 - (a) shall contain such further particulars of the matters to which the certificate relates as may be prescribed by regulations made for the purposes of this paragraph; and
 - (b) shall be in such form as may be so prescribed;

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and any reference in that sub-paragraph to the requisite notice is a reference to a notice in the form so prescribed.

- (3) Regulations made for the purposes of this paragraph may make provision as to who, in the case of any monument, is to be treated as the owner for those purposes.
- (4) If any person 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 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 or, in Scotland, on conviction before a court of summary jurisdiction, to a fine not exceeding [^{F1}level 3 on the standard scale].

Textual Amendments

- F1** Words substituted by virtue of [Criminal Justice Act 1982 \(c. 48\)](#), [s. 46](#) and [Criminal Procedure \(Scotland\) Act 1975 \(c. 21\)](#), [s. 289G](#) (as inserted by [Criminal Justice Act 1982 \(c. 48\)](#), [s. 54](#))

Modifications etc. (not altering text)

- C1** Sch. 1 para. 2 modified (1.1.1993) by [S.I. 1992/3138](#), [reg. 4\(2\)](#), [Sch. 2 para.1](#).
- C2** Sch. 1 para. 2 modified (S.) (28.12.2007) by [The Transport and Works \(Scotland\) Act 2007 \(Consents under Enactments\) Regulations 2007 \(S.S.I. 2007/569\)](#), [regs. 1](#), [6\(2\)](#)

- [^{F2}2A As soon as practicable after receiving an application for scheduled monument consent in relation to a monument situated in England, the Secretary of State shall send a copy of the application to the Commission.]

Textual Amendments

- F2** Para. 2A inserted by [National Heritage Act 1983 \(c. 47, SIF 78\)](#), [s. 41](#), [Sch. 4 para. 68\(2\)](#)

- 3 (1) The Secretary of State 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 Secretary of State shall either—
 - (a) cause a public local inquiry to be held; or
 - (b) afford to the applicant, and to any other person to whom it appears to the Secretary of State expedient to afford it, an opportunity of appearing before and being heard by a person appointed by the Secretary of State for the purpose.
- (3) Before determining whether or not to grant scheduled monument consent on any application therefor the Secretary of State—
 - (a) shall in every case consider any representations made by any person with respect to that application before the time when he considers his decision thereon (whether in consequence of any notice given to that person in accordance with any requirements of regulations made by virtue of paragraph 2 above or of any publicity given to the application by the Secretary of State, or otherwise); and

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- (b) shall also, if any inquiry or hearing has been held in accordance with subparagraph (2) above, consider the report of the person who held it. [^{F3}and
 - (c) shall, if the monument in question is situated in England, consult with the Commission.]
- (4) The Secretary of State shall serve notice of his decision with respect to the application on the applicant and on every person who has made representations to him with respect to the application.

Textual Amendments

F3 Para. 3(3)(c) inserted by [National Heritage Act 1983 \(c. 47, SIF 78\)](#), s. 41, [Sch. 4 para. 68\(3\)](#)

- 4 (1) Subsections (2) to (5) of section 250 of the ^{M1}Local Government Act 1972 (evidence and costs at local inquiries) shall apply to a public local inquiry held in pursuance of paragraph 3(2) above in relation to a monument situated in England and Wales as they apply where a Minister or the Secretary of State causes an inquiry to be held under subsection (1) of that section.
- (2) Subsections (2) to (8) of section 210 of the ^{M2}Local Government (Scotland) Act 1973 (evidence and expenses at local inquiries) shall apply to a public local inquiry held in pursuance of paragraph 3(2) above in relation to a monument situated in Scotland as they apply where a Minister or the Secretary of State causes an inquiry to be held under subsection (1) of that section.

Marginal Citations

M1 1972 c. 70.
M2 1973 c. 65.

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