

Changes to legislation: Ancient Monuments and Archaeological Areas Act 1979, SCHEDULE 2 is up to date with all changes known to be in force on or before 26 April 2024. 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) View outstanding changes

SCHEDULES

SCHEDULE 2 **E+W+S**

Section 33.

DESIGNATION ORDERS

Designation orders by the Secretary of State

- 1 (1) A designation order made by the Secretary of State shall describe by reference to a map the area affected.
- (2) The map shall be to such a scale, and the order in such form, as the Secretary of State considers appropriate.
- 2 Before making a designation order the Secretary of State shall—
- (a) consult each of the local authorities concerned; and
 - [^{F1}(aa) consult with the Commission (if the area which would be designated by the order is situated in England); and]
 - (b) publish notice of his proposal to make the order;
- in accordance with paragraph 3 below.

Textual Amendments

F1 Para. 2(aa) inserted by [National Heritage Act 1983 \(c. 47, SIF 78\)](#), s. 41, [Sch. 4 para. 69\(2\)](#)

- 3 (1) The [^{F2}consultations required by sub-paragraphs (a)(aa)] of paragraph 2 above shall precede the publication of the notice required by sub-paragraph (b) of that paragraph.
- (2) The notice required by paragraph 2(b) above—
- (a) shall be published in two successive weeks in the London Gazette and in one or more local newspapers circulating in the locality in which the area affected is situated;
 - (b) shall state that the Secretary of State proposes to make the order, describing the area affected and the effect of the order; and
 - (c) shall indicate where (in accordance with paragraphs 4 and 5 below) a copy of the draft order and of the map to which it refers may be inspected.

Textual Amendments

F2 Words substituted by [National Heritage Act 1983 \(c. 47, SIF 78\)](#), s. 41, [Sch. 4 para. 69\(3\)](#)

- 4 Copies of the draft order and of the map to which it refers—
- (a) shall be deposited with each of the local authorities concerned on or before the date on which notice of the Secretary of State's proposal to make the order is first published in accordance with paragraph 3(2)(a) above; and
 - [^{F3}(aa) shall be sent to the Commission (if the area which would be designated by the order is situated in England); and]

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- (b) shall be kept available for public inspection by each of those authorities, free of charge, at reasonable hours and at a convenient place, until the Secretary of State makes the order or notifies the local authority in question that he has determined not to make it.

Textual Amendments

F3 Para. 4(aa) inserted by [National Heritage Act 1983 \(c. 47, SIF 78\)](#), s. 41, [Sch. 4 para. 69\(4\)](#)

- 5 Copies of the draft order and of the map to which it refers shall similarly be kept available by the Secretary of State, until he makes the order or determines not to make it.
- 6 The Secretary of State may make the order, either without modifications or with such modification only as consists in reducing the area affected, at any time after the end of the period of six weeks beginning with the date on which notice of his proposal to make the order is first published in accordance with paragraph 3(2)(a) above.
- 7 On making the order, the Secretary of State shall—
- (a) publish notice in two successive weeks in the London Gazette and in one or more local newspapers circulating in the locality in which the area affected is situated, stating that the order has been made and describing the area affected and the effect of the order; and
 - (b) deposit a copy of the order and of the map to which it refers with each local authority concerned. ^{F4}and
 - (c) send to the Commission a copy of the order and of the map to which it refers (if the area designated is situated in England).]

Textual Amendments

F4 Para. 7(c) inserted by [National Heritage Act 1983 \(c. 47, SIF 78\)](#), s. 41, [Sch. 4 para. 69\(5\)](#)

Designation orders by a local authority

- 8 (1) A designation order made by a local authority shall describe by reference to a map the area affected.
- (2) The map shall be to such a scale, and the order in such form as may be prescribed.
- 9 Before making a designation order a local authority shall—
- (a) consult any other local authority concerned; and
 - (b) publish notice of their proposal to make the order;
- in accordance with paragraph 10 below.
- ^{F5}9A Before making a designation order a local authority shall notify the Commission of their proposal to make the order, if the area which would be designated by the order is situated in England.]

Textual Amendments

F5 Para. 9A inserted by [National Heritage Act 1983 \(c. 47, SIF 78\)](#), s. 41, [Sch. 4 para. 69\(6\)](#)

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- 10 (1) The consultation required by sub-paragraph (a) of paragraph 9 above shall precede the publication of the notice required by sub-paragraph (b) of that paragraph.
- (2) The notice required by paragraph 9(b) above shall be in the prescribed form and shall otherwise comply with paragraph 3(2) above (with the necessary modifications).
- 11 Copies of the draft order and of the map to which it refers—
- (a) shall be deposited with each of the local authorities concerned (other than the local authority proposing to make the order) on or before the date on which notice of the proposal to make the order is first published in accordance with paragraph 3(2)(a) above as applied by paragraph 10 above; and
- (b) shall be kept available for public inspection by each of the local authorities concerned, free of charge at reasonable hours and at a convenient place, until the local authority proposing to make the order either make it or determine not to make it and, in the case of any other local authority concerned, notify that local authority of their determination.
- 12 The local authority may make the order, either without modifications or with such modification only as consists in reducing the area affected, and submit it to the Secretary of State for confirmation, at any time after the end of the period of six weeks beginning with the date on which notice of their proposal to make the order is first published in accordance with paragraph 3(2)(a) above as applied by paragraph 10 above.
- 13 A designation order made by a local authority shall not take effect unless it is confirmed by the Secretary of State, and the Secretary of State may confirm any such order either without modifications or with such modification only as consists in reducing the area affected.
- 14 If the Secretary of State confirms the order the local authority shall on being notified that the order has been confirmed—
- (a) publish notice of the making of the order in the manner and form prescribed; and
- (b) deposit a copy of the order and of the map to which it refers with any other local authority concerned. ^[F6]and
- (c) send to the Commission a copy of the order and of the map to which it refers, if the area designated is situated in England.]

Textual Amendments

F6 Para. 14(c) inserted by [National Heritage Act 1983 \(c. 47, SIF 78\)](#), s. 41, [Sch. 4 para. 69\(7\)](#)

- 15 The Secretary of State may by regulations prescribe the procedure to be followed by a local authority in submitting a designation order for confirmation by the Secretary of State.

[^{F7} Designation orders by the Commission]

Textual Amendments

F7 Para. 15A inserted by [Local Government Act 1985 \(c. 51, SIF 81:1\)](#), s. 6, [Sch. 2 para. 2\(4\)](#)

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- [^{F8}15A Paragraphs 8, 9, 10 to 13, 14(a) and (b) and 15 above shall have effect in relation to a designation order made by the Commission as if—
- (a) in paragraphs 8(1), 12, 13 and 15 the references to a local authority were a reference to the Commission;
 - (b) in paragraphs 9 and 14 the first reference to a local authority were a reference to the Commission, and the word “other” were omitted; and
 - (c) in paragraph 11—
 - (i) in sub-paragraph (a) the words in brackets were omitted; and
 - (ii) in sub-paragraph (b) the reference to the local authority proposing to make the order were a reference to the Commission, and the word “other” were omitted.]

Textual Amendments

F8 Para. 15A inserted by [Local Government Act 1985 \(c. 51, SIF 81:1\)](#), s. 6, **Sch. 2 para. 2(4)**

Operation of designation orders

- 16 (1) A designation order made by the Secretary of State shall not come into operation until the end of the period of six months beginning with the date on which it is made.
- (2) A designation order made by a local authority and confirmed by the Secretary of State shall not come into operation until the end of the period of six months beginning with the date on which it is confirmed.

Variation and revocation of designation orders

- 17 (1) An order varying or revoking a designation order shall describe by reference to a map the area affected by the designation order and (in the case of an order varying a designation order) the reduction of that area made by the order.
- (2) The map shall be to such a scale, and the order in such form, as the Secretary of State considers appropriate.
- 18 Before and on making an order varying or revoking a designation order the Secretary of State shall follow the procedure laid down for the making by him of a designation order, and paragraphs 2 to 7 above shall accordingly apply in any such case (taking references to the area affected as references to the area affected by the designation order).

Scotland

- 19 In relation to a designation order relating to an area in Scotland, references in this Schedule to the London Gazette shall be construed as references to the Edinburgh Gazette.

Interpretation

- 20 (1) In this Schedule “the area affected” means, in relation to a designation order, the area to which the order for the time being relates.
- (2) For the purposes of this Schedule a local authority is a local authority concerned in relation to a designation order (or in relation to an order varying or revoking a

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designation order) if the area affected by the designation order, or any part of that area, is within the area of that local authority.

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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\(a\)](#)