



Ancient Monuments and Archaeological Areas Act 1979

1979 CHAPTER 46

PART III

MISCELLANEOUS AND SUPPLEMENTAL

Financial provisions

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 [^{F1}Historic Environment Scotland,] the Secretary of State [^{F2}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 be recoverable in accordance with this section from the [^{F3}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, [^{F4}6A][^{F5} 9ZF,][^{F6}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.

Changes to legislation: Ancient Monuments and Archaeological Areas Act 1979, Section 46 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

Textual Amendments

- F1** 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.
- F2** Words inserted by [National Heritage Act 1983 \(c. 47, SIF 78\)](#), s. 41, **Sch. 4 para. 62(2)**
- F3** Words substituted by [National Heritage Act 1983 \(c. 47, SIF 78\)](#), s. 41, **Sch. 4 para. 62(3)(5)**
- F4** Word inserted by [National Heritage Act 1983 \(c. 47, SIF 78\)](#), s. 41, **Sch. 4 para. 62(4)**
- F5** Word in s. 46(3) inserted (E.W.) (21.5.2016) by [Historic Environment \(Wales\) Act 2016 \(anaw 4\)](#), **ss. 12(2)**, 41(2)
- F6** Word in s. 46(3) inserted (E.W.) (21.5.2016) by [Historic Environment \(Wales\) Act 2016 \(anaw 4\)](#), **ss. 13(4)**, 41(2)

Changes to legislation:

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Changes and effects yet to be applied to :

- s. 46(3) words omitted by [2023 asc 3 Sch. 13 para. 42](#)

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\(a\)](#)