



National Heritage Act 1983

1983 CHAPTER 47

Historic Buildings and Monuments Commission for England

33 The Commission's general functions.

- (1) It shall be the duty of the Commission (so far as practicable)—
- (a) to secure the preservation of ancient monuments and historic buildings situated in England,
 - (b) to promote the preservation and enhancement of the character and appearance of conservation areas situated in England, and
 - (c) to promote the public's enjoyment of, and advance their knowledge of, ancient monuments and historic buildings situated in England and their preservation, in exercising the functions conferred on them by virtue of subsections (2) to (4) and section 34; but in the event of a conflict between those functions and that duty those functions shall prevail.
- (2) The Commission—
- (a) shall (so far as practicable) provide educational facilities and services, instruction and information to the public in relation to ancient monuments and historic buildings, with particular reference to those in England, and in relation to conservation areas situated in England;
 - (b) may give advice to any person in relation to ancient monuments, historic buildings and conservation areas situated in England, whether or not they have been consulted;
 - (c) may, for the purpose of exercising their functions, carry out, or defray or contribute towards the cost of, research in relation to ancient monuments, historic buildings and conservation areas situated in England;
 - (d) may, for the purpose of exercising their functions, make and maintain records in relation to ancient monuments and historic buildings situated in England.
 - [^{F1}(e) may produce souvenirs relating to ancient monuments or historic buildings situated in England and sell souvenirs.]
 - [^{F2}(f) may defray or contribute to the cost of any activity undertaken by another person if the activity—

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- (i) relates to ancient monuments or historic buildings, and
- (ii) is of a kind which the Commission may itself undertake.]

^{F3}[(2A) In relation to England, the Commission may—

- (a) prosecute any offence under Part I of the ^{M1}Ancient Monuments and Archaeological Areas Act 1979^[F4], under section 196D of the Town and Country Planning Act 1990] or under the ^{M2}Planning (Listed Buildings and Conservation Areas) Act 1990, or
- (b) institute in their own name proceedings for an injunction to restrain any contravention of any provision of ^[F5] Part 1 of the Ancient Monuments and Archaeological Areas Act 1979 or the Planning (Listed Buildings and Conservation Areas) Act 1990].]

^[F6](2AA) In relation to an actual or apprehended breach of planning control in respect of relevant demolition, in section 187B of the Town and Country Planning Act 1990 (injunctions restraining breaches of planning control) reference to a local planning authority includes reference to the Commission.

(2AB) In subsection (2AA)—

“breach of planning control” has the same meaning as in the Town and Country Planning Act 1990 (see section 171A of that Act);

“relevant demolition” has the same meaning as in section 196D of that Act.]

^[F7](2B) In relation to England, the Commission may make, or join in the making of, applications under section 73(1) of the Leasehold Reform, Housing and Urban Development Act 1993, and may exercise, or participate in the exercise of, any rights or powers conferred by a scheme approved under section 70 of that Act.]

^[F8](2C) In subsection (2B), references to provisions of the ^{M3}Leasehold Reform, Housing and Urban Development Act 1993 include references to those provisions as they have effect by virtue of section 118(1) of the Housing Act 1996.]

(3) Schedule 4 shall have effect to amend the enactments there mentioned—

- (a) for the purpose of conferring functions on the Commission in relation to England (including functions of making grants in relation to historic buildings and conservation areas, acquiring historic buildings, acquiring or becoming guardian of ancient monuments, providing information and other services to the public in connection with affording them access to ancient monuments, and undertaking archaeological investigation and publishing the results), and
- (b) for connected purposes (which include allowing the Secretary of State to approve lists of historic buildings compiled by the Commission, and imposing requirements for him to consult with the Commission before he includes a monument in the schedule of monuments or grants scheduled monument consent or designates an area of archaeological importance).

(4) Without prejudice to the generality of subsection (2)(b), the Commission may advise the Secretary of State with regard to the exercise of functions exercisable by him in relation to England under the ^{M4}Historic Buildings and Ancient Monuments Act 1953 and the ^{M5}Ancient Monuments and Archaeological Areas Act 1979, whether or not they have been consulted.

(5) For the purpose of exercising their functions the Commission may, subject to the provisions of this and any other Act—

- (a) enter into contracts and other agreements;

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- (b) acquire and dispose of property other than land;
 - (c) with the consent of the Secretary of State, acquire land for providing the Commission with office or other accommodation and dispose of the land when no longer required for such accommodation;
 - (d) do such other things as the Commission think necessary or expedient.
- (6) The Commission may make such charges as they may from time to time determine in respect of anything provided under subsection (2)(a) or given under subsection (2)(b) to any person other than a Minister of the Crown.
- (7) With the consent of the Secretary of State, the Commission may borrow temporarily by way of overdraft such sums as they may require for meeting their obligations and discharging their functions.
- (8) In subsections (1) and (2)—
- “ancient monument” means any structure, work, site, [^{F9}(including any site comprising, or comprising the remains of, any vehicle, vessel, aircraft or other movable structure or part thereof)] garden or area which in the Commission’s opinion is of historic, architectural, traditional, artistic or archaeological interest;
 - “conservation area” means an area designated as a conservation area under [^{F10}section 67 of the Planning (Listed Buildings and Conservation Areas) Act 1990];
 - “historic building” means any building which in the Commission’s opinion is of historic or architectural interest.
- ^{F11}(9) In this section references to ancient monuments in England include ancient monuments in, on or under the seabed within the seaward limits of the United Kingdom territorial waters adjacent to England.
- ^{F11}(10) For this purpose the Secretary of State may, by order, determine (or make provision for determining) any boundary between—
- (a) the parts of the United Kingdom territorial waters which are to be treated as adjacent to England, and
 - (b) those which are not.
- ^{F11}(11) The power to make an order under subsection (10) shall be exercisable by statutory instrument which shall be subject to annulment in pursuance of a resolution of either House of Parliament.]

Textual Amendments

- F1** S. 33(2)(e) inserted (1.7.2002) by 2002 c. 14, ss. 4(1), 8(2)
- F2** S. 33(2)(f) inserted (1.7.2002) by 2002 c. 14, ss. 7, 8(2)
- F3** S. 33(2A) inserted (25.09.1991) by Planning and Compensation Act 1991 (c. 34, SIF 23:1), s. 29(1) (with s. 84(5)); S.I. 1991/2067, art. 3.
- F4** Words in s. 33(2A)(a) inserted (1.10.2013) by Enterprise and Regulatory Reform Act 2013 (c. 24), s. 103(3), Sch. 17 para. 1(2)(a); S.I. 2013/2227, art. 2(m)
- F5** Words in s. 33(2A)(b) substituted (1.10.2013) by Enterprise and Regulatory Reform Act 2013 (c. 24), s. 103(3), Sch. 17 para. 1(2)(b); S.I. 2013/2227, art. 2(m)
- F6** S. 33(2AA)(2AB) inserted (1.10.2013) by Enterprise and Regulatory Reform Act 2013 (c. 24), s. 103(3), Sch. 17 para. 1(3); S.I. 2013/2227, art. 2(m)
- F7** S. 33(2B) inserted (1.11.1993) by 1993 c. 28, s. 187(1), Sch. 21 para. 9; S.I. 1993/2134, arts. 2, 5(a).

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- F8** S. 33(2C) inserted (1.4.1997) by 1996 c. 52, s. 118(6); S.I. 1997/618, art. 2
- F9** Words in s. 33(8) inserted (1.7.2002) by 2002 c. 14, ss. 1(2), 8(2)
- F10** Words substituted by Planning (Consequential Provisions) Act 1990 (c. 11, SIF 123:1), s. 4, Sch. 2 para. 60
- F11** S. 33(9)-(11) inserted (1.7.2002) by 2002 c. 14, s. 1(3)

Modifications etc. (not altering text)

- C1** S. 33(2A)(a)(b) transitional provisions for effects of 2003 c. 24, s. 63 Sch. 17 para. 1-6 (2.10.2013) by The Town and Country Planning (Isles of Scilly) Order 2013 (S.I. 2013/2148), arts. 1(1), 5(4)(b)
- C2** S. 33(2AA)(2AB) transitional provisions for effects of 2003 c. 24, s. 63 Sch. 17 para. 1-6 (2.10.2013) by The Town and Country Planning (Isles of Scilly) Order 2013 (S.I. 2013/2148), arts. 1(1), 5(4)(b)

Marginal Citations

- M1** 1979 c.46
- M2** 1990 c.9
- M3** 1993 c. 28.
- M4** 1953 c. 49.
- M5** 1979 c. 46.

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