



Historic Buildings and Ancient Monuments Act 1953

1953 CHAPTER 49

An Act to provide for the preservation and acquisition of buildings of outstanding historic or architectural interest and their contents and related property, and to amend the law relating to ancient monuments and other objects of archaeological interest. [31st July 1953.]

BE IT ENACTED by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:—

PART I

PRESERVATION OF HISTORIC BUILDINGS AND CONTENTS THEREOF

1 Historic Buildings Council for England

- (1) There shall be established a Council, to be called " the Historic Buildings Council for England ", for the purpose of advising the Minister of Works (hereafter in this Act referred to as " the Minister ") on the exercise, in relation to England, of his powers under this Part of this Act.
- (2) The said Council shall consist of a chairman appointed by the Minister and such number of other members so appointed as the Minister may from time to time determine, and the chairman and other members of the Council shall hold and vacate office in accordance with the terms of their appointments.
- (3) The Minister may out of moneys provided by Parliament pay to the chairman of the said Council such remuneration and allowances as the Minister may with the approval of the Treasury determine.

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No person shall be disqualified from being elected to, or sitting and voting as, a member of the House of Commons by reason of his being the chairman of the said Council; but, in relation to a chairman of the Council who is a member of the House of Commons, this subsection shall have effect with the substitution, for the words "remuneration and allowances" , of the words "allowances in respect of travelling and subsistence expenses, and in respect of other expenses (if any) necessarily incurred by him for the purpose of enabling him to perform his duties as chairman,".

- (4) The Minister may out of moneys provided by Parliament pay to the other members of the said Council such allowances as he may with the approval of the Treasury determine in respect of travelling and subsistence expenses and in respect of other expenses (if any) necessarily incurred by them for the purpose of enabling them to perform their duties as members of the Council.
- (5) Subject to any directions of the Minister as to quorum or other matters, the procedure of the said Council shall be such as the Council may determine.
- (6) The said Council shall, before such date in every year as the Minister may fix, send to the Minister a report in respect of the matters on which they have advised the Minister during the previous year, and the Minister shall lay a copy of the report before each House of Parliament.
- (7) Without prejudice to the last preceding subsection, if at any time it appears to the said Council that there is need for action to be taken by the Minister under this Part of this Act, they shall forthwith make to the Minister such representations as they may think appropriate in the circumstances.

2 Historic Buildings Council for Scotland

- (1) There shall be established a Council, to be called " the Historic Buildings Council for Scotland ", for the purpose of advising the Minister on the exercise, in relation to Scotland, of his powers under this Part of this Act, and to advise the Secretary of State, in cases where he thinks it appropriate to consult them, on the exercise of his functions under sections twenty-seven, twenty-eight and thirty-eight of the Town and Country Planning (Scotland) Act, 1947 (which contain provisions relating to buildings of special architectural or historic interest), and under subsection (2) of section ninety-six of that Act so far as it relates to building preservation orders.
- (2) Subsections (2) to (5) and subsection (7) of the preceding section shall apply to the said Council as they apply to the Historic Buildings Council for England, with the substitution in subsections (2) and (5), for references to the Minister, of references to the Minister and the Secretary of State acting jointly.
- (3) The said Council shall, before such date in every year as the Minister and the Secretary of State may jointly fix, send to the Minister and to the Secretary of State a report in respect of the matters on which the Council have advised either of them during the previous year, and the Minister and the Secretary of State shall jointly lay a copy of the report before each House of Parliament.

3 Historic Buildings Council for Wales

- (1) There shall be established a Council, to be called " the Historic Buildings Council for Wales ", for the purpose of advising the Minister on the exercise, in relation to Wales, of his powers under this Part of this Act.

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- (2) Subsections (2) to (7) of section one of this Act shall apply to the said Council as they apply to the Historic Buildings Council for England.

4 Grants for preservation of historic buildings, their contents and adjoining land

- (1) The Minister may, out of moneys provided by Parliament, make grants for the purpose of defraying in whole or in part any expenditure incurred or to be incurred in the repair or maintenance of a building appearing to the Minister to be of outstanding historic or architectural interest, or in the upkeep of any land comprising, or contiguous or adjacent to, any such building, or in the repair or maintenance of any objects ordinarily kept in any such building.
- (2) Where a grant under this section is made to the National Trust for Places of Historic Interest or Natural Beauty or the National Trust for Scotland for Places of Historic Interest or Natural Beauty, the grant may, if the Minister thinks fit, be made by way of endowment, subject to such provisions, by way of trust, contract or otherwise, as may appear to the Minister to be requisite for securing that, so long as it is reasonably practicable to give effect to the purposes of the endowment, the sum granted will be retained and invested by the Trust and used as a source of income for defraying the expenditure in respect of which the grant is made.
- (3) A grant under this section may be made subject to conditions imposed by the Minister for the purpose of securing public access to the whole or part of the property to which the grant relates, or for other purposes, as the Minister may think fit.
- (4) Before making any grant under this section the Minister shall consult with the appropriate Council under this Act, both as to the making of the grant and as to the conditions subject to which it should be made:

Provided that this subsection shall not apply in a case where the making of a grant appears to the Minister to be a matter of immediate urgency.

5 Acquisition by the Minister of historic buildings, their contents and adjoining land

- (1) Subject to subsection (4) of this section, the Minister shall have power to acquire by agreement, whether by purchase, lease or otherwise, or to accept a gift of—
- (a) any building appearing to him to be one of outstanding historic or architectural interest;
 - (b) any land comprising, or contiguous or adjacent to, any such building.
- (2) Subject as aforesaid, the Minister shall have power to purchase by agreement, or to accept a gift of, any objects which are or have been ordinarily kept in—
- (a) a building which, or any interest in which, is vested in the Minister, or a building which is under his control or management, being in either case— a building appearing to the Minister to be of outstanding historic or architectural interest; or
 - (b) a building of which the Minister is guardian under the Ancient Monuments Consolidation and Amendment Act, 1913; or
 - (c) a building which, or any interest in which, is vested in either of the said National Trusts.

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- (3) Subject as aforesaid, the Minister may make such arrangements as he may think fit as to the management or custody of any property acquired or accepted by him under this section, and as to the use of any such property, and may dispose of or otherwise deal with any such property as he may from time to time determine.
- (4) The Minister shall consult with the appropriate Council under this Act before acquiring or accepting any property under this section, and before taking any step by way of disposing of or otherwise dealing with any property so acquired or accepted, other than any step taken by him in the course of managing or keeping the property and making arrangements as to its use:

Provided that this subsection shall not prevent the Minister from acquiring or accepting any property without consultation with the said Council in a case where the acquisition or acceptance thereof appears to him to be a matter of immediate urgency.

- (5) Any expenses incurred by the Minister under this section shall be defrayed out of moneys provided by Parliament, and any receipts of the Minister under this section shall be paid into the Exchequer.

6 Grants to local authorities and National Trusts for acquisition of historic buildings

- (1) The Minister may, out of moneys provided by Parliament, make grants for the purpose of defraying in whole or in part any expenses incurred by a local authority in the acquisition of property under section forty-one of the Town and Country Planning Act, 1947, or section thirty-eight of the Town and Country Planning (Scotland) Act, 1947 (under which sections buildings of special architectural or historic interest may in certain cases be acquired by a local authority).
- (2) The Minister may also, out of moneys so provided, make grants to the said National Trusts for the purpose of defraying in whole or in part any expenses incurred by them in the acquisition of buildings which appear to the Minister to be of outstanding historic or architectural interest.
- (3) Before making any grant under this section the Minister shall consult with the appropriate Council under this Act:

Provided that this subsection shall not apply in a case where the making of a grant appears to the Minister to be a matter of immediate urgency.

7 Payments out of National Land Fund

There shall be paid to the Minister out of the National Land Fund, at such times as the Treasury may direct, sums equal to the amount of the expenses incurred by the Minister under subsection (2) of section four of this Act, sections five and six of this Act, section forty-one of the Town and Country Planning Act, 1947 and section thirty-eight of the Town and Country Planning (Scotland) Act, 1947, and the sums so paid shall, to such extent as may be directed by the Treasury, be applied as appropriations in aid of the moneys provided by Parliament for defraying such expenses of the Minister as may be so directed, and, so far as not so applied, shall be paid into the Exchequer.

8 Power of Minister to accept endowments of historic buildings

(1) Where any instrument coming into operation after the passing of this Act contains a provision purporting to be a gift of property to the Minister upon trust to use the income thereof (either for a limited time or in perpetuity) for or towards the upkeep of—

- (a) a building acquired or accepted by the Minister under section five of this Act, or a building which the Minister proposes so to acquire or accept, or
- (b) a building which at the coming into operation of the trust instrument is or will shortly be vested in or under the control or management of the Minister, being a building which appears to him to be one of outstanding historic or architectural interest, or
- (c) a building of which at that time the Minister is or will shortly be guardian under the Ancient Monuments Consolidation and Amendment Act, 1913,

or for or towards the upkeep of any such building together with other property, the Minister may accept the gift, and, if he does so, and the provision does not constitute a charitable trust, the following provisions of this section shall have effect.

(2) The validity of the gift and of the trust to use the income as aforesaid (hereinafter referred to as " the endowment trust ") shall be deemed not to be, or ever to have been, affected by any rule of law or equity which would not have affected their validity if the trust had been charitable.

(3) In relation to the property (of whatsoever nature) comprised in the gift and any property for the time being representing that property (hereinafter collectively referred to as " the trust fund ") the Minister shall during the continuance of the endowment trust have the like powers of management, disposition and investment as, in the case of land held on trust for sale, are conferred by law on the trustees for sale in relation to the land and to the proceeds of sale thereof:

Provided that this subsection shall have effect without prejudice to any additional or larger powers conferred on the Minister by the trust instrument.

(4) If while the endowment trust continues an event happens such that immediately thereafter the Minister is neither entitled to any interest in the building to which the trust relates, nor has the building under his control or management, nor is guardian of the building under the said Act of 1913, and apart from this subsection the endowment trust would not then be determined or be deemed to have failed, then on the happening of that event the endowment trust shall cease by virtue of this subsection and the trust fund shall devolve accordingly as on a failure of the trust.

(5) If the trust instrument contains a provision whereby on the failure or determination of the endowment trust the trust fund purports to be given, or to be directed to be held, on charitable trusts, the validity of that gift or direction shall be deemed not to be, or ever to have been, affected by any rule of law or equity relating to perpetuities.

(6) Subsection (3) of this section shall not apply to a trust to which the Trusts (Scotland) Act, 1921, applies.

9 Interpretation of Part I

(1) In this Part of this Act the expression " the appropriate Council under this Act "—

- (a) in relation to a building in England, and in relation to objects associated with such a building, means the Historic Buildings Council for England;

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- (b) in relation to a building in Scotland, and in relation to objects associated with such a building, means the Historic Buildings Council for Scotland; and
- (c) in relation to a building in Wales, and in relation to objects associated with such a building, means the Historic Buildings Council for Wales.

(2) In this Part of this Act—

the expression " gift " includes devise, bequest, appointment, conveyance, assignment, transfer and any other assurance of property; and

the expression " property ", in relation to England and Wales, means real or personal property of any description, and, in relation to Scotland, means heritable or moveable property of any description.

PART II

AMENDED PROCEDURE FOR PROTECTION OF ANCIENT MONUMENTS

10 Interim preservation notices

(1) Where in the case of a monument which appears to the Minister to be an ancient monument—

- (a) the Ancient Monuments Board report to him that the monument is in danger of destruction or removal or damage from neglect or injudicious treatment, and that the preservation of the monument is of national importance, or
- (b) the Minister considers it to be a matter of immediate urgency to act under this subsection without receiving such a report,

the Minister (subject to subsection (4) of this section and to the provisions hereinafter contained as to structures appearing to be occupied as dwelling-houses) may, if he thinks fit, serve a notice (in this Act referred to as an " interim preservation notice ") on the owner and, if the owner is not the occupier, on the occupier of the monument, stating that the monument will be under the protection of the Minister under this Part of this Act while the notice is in force.

Where the Minister, serves an interim preservation notice, he shall cause a copy of the notice to be fixed on some conspicuous part of the monument.

(2) Where the Ancient Monuments Board have reason to believe that a monument is in danger as aforesaid, and that the preservation of the monument is of national importance, they may (subject to the said provisions as to structures appearing to be occupied as dwelling-houses), by a written authorisation signed on their behalf by a member of the Board, authorise any person (including a member of the Board) to inspect the monument for the purpose of enabling the Board to determine whether it is proper for them to report to the Minister, and any person so authorised may at any reasonable time, on production by him if so required of the authorisation, enter any premises for the purpose of carrying out the inspection of the monument:

Provided that, unless the Ancient Monuments Board consider that the inspection of the monument is a matter of immediate urgency, they shall give not less than seven clear days' notice of the proposed inspection to the occupier of the premises which are to be entered.

(3) An interim preservation notice—

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- (a) may be revoked by the Minister at any time by notice served on the owner and, if the owner is not the occupier, on the occupier of the monument;
 - (b) if a preservation order made under the next following section with respect to the same monument comes into operation within a period of twenty-one months after the service of the interim preservation notice, shall cease to have effect when the order comes into operation; and
 - (c) if no such order comes into operation within that period, and the notice has not been revoked before the end of that period, shall cease to have effect at the end of that period.
- (4) If an interim preservation notice is revoked or ceases to have effect otherwise than on the coming into operation of a preservation order, no further interim preservation notice shall be served with respect to the same monument until after the end of the period of five years beginning with the date on which the former notice ceased to have effect unless, before the end of that period—
- (a) there has been given to the Minister in relation to the monument such a notice as is required by subsection (2) of section six of the Ancient Monuments Act, 1931; or
 - (b) work has been executed, or begun to be executed, in relation to the monument, being work notice of which is required to be, but has not been, given under that subsection.

11 Preservation orders

- (1) The Minister may, subject to and in accordance with the provisions of the Schedule to this Act, make an order (in this Act referred to as a "preservation order") placing under the more lasting protection of the Minister a monument with respect to which an interim preservation notice is in force, and any such order shall, in the circumstances specified in the said Schedule, be subject to special parliamentary procedure.
- (2) The Minister may at any time revoke a preservation order by an order of which notice shall be published in the London Gazette, or, if the order relates to a monument in Scotland, in the Edinburgh Gazette.

12 Effect of, and compensation for, interim preservation notices and preservation orders, and provisions as to guardianship orders

- (1) "While an interim preservation notice or a preservation order is in force with respect to a monument, the monument shall not be demolished or removed, nor shall any additions or alterations be made thereto or any work carried out in connection therewith, except with the written consent of the Minister granted either unconditionally or subject to such conditions as the Minister may think fit.
- (2) Where a person has an interest in the whole or a part of a monument and either—
 - (a) his interest is injuriously affected by the service of an interim preservation notice or by the coming into operation of a preservation order, or
 - (b) he suffers damage or incurs expenditure in respect of that interest in consequence of the refusal, or the granting subject to conditions, of any consent required under the preceding subsection,he shall be entitled to receive such compensation as may be appropriate in the circumstances.

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- (3) Any question as to a person's right to compensation under the last preceding subsection, or as to the amount of any such compensation which is appropriate in the circumstances.—
- (a) in a case where a preservation order is made, shall, both as respects the order and as respects the interim preservation notice superseded by the order, be determined under the preservation order and in accordance with the provisions thereof;
 - (b) in a case where an interim preservation notice is not superseded by a preservation order, shall in default of agreement be determined by the Lands Tribunal as may appear to the Tribunal to be just.

- (4) The reference in paragraph (b) of the last preceding subsection to the Lands Tribunal shall, as respects an interim preservation notice relating to a monument in Scotland, be construed as a reference to the Lands Tribunal for Scotland:

Provided that until sections one to three of the Lands Tribunal Act, 1949, come into force as respects Scotland the said reference shall be construed as referring to an official arbiter appointed under the Acquisition of Land (Assessment of Compensation) Act, 1919, and an official arbiter so appointed for the purposes of the said paragraph (b) shall have the like powers with respect to procedure, costs and the statement of cases as he has under the said Act of 1919.

- (5) If, while an interim preservation notice or a preservation order is in force with respect to a monument, it appears to the Minister that owing to neglect the monument is liable to fall into decay, the Minister may, with the consent of the Treasury, make an order (hereinafter referred to as a "guardianship order") constituting himself guardian of the monument so long as that order is in force, and—
- (a) if the order is made while an interim preservation notice is in force, the order shall remain in force so long as the notice and any preservation order superseding the notice remains in force;
 - (b) if the order is made while a preservation order is in force, the guardianship order shall remain in force so long as the preservation order is in force;

and the provisions of the Ancient Monuments Acts, 1913 and 1931, and this Act shall, while a guardianship order is in force, apply as if the Minister had been constituted guardian of the monument by a deed not containing any restriction not contained in the order and executed by all the persons who, at the time when the order is made, are able by deed to constitute the Minister guardian of the monument.

Any order made under this subsection may be revoked at any time by the Minister.

- (6) Where a person's interest in the whole or a part of a monument is injuriously affected by the coming into operation of a guardianship order, he shall be entitled to receive such compensation as may be appropriate in the circumstances; and any question as to a person's right to such compensation, or as to the amount of any such compensation which is appropriate in the circumstances,—
- (a) if the guardianship order is made during the currency of a preservation order, shall be determined under the guardianship order and in accordance with the provisions thereof;
 - (b) if the guardianship order is made during the currency of an interim preservation notice which is superseded by a preservation order, shall be determined under the preservation order and in accordance with the provisions of that order;

- (c) if the guardianship order is made during the currency of an interim preservation notice which is not superseded by a preservation order, shall in default of agreement be determined by the Lands Tribunal as may appear to the Tribunal to be just.

13 Supplementary and transitional provisions

- (1) This Part of this Act shall have effect in place of Part III of the Ancient Monuments Consolidation and Amendment Act, 1913, and accordingly the said Part III, together with section four of the Ancient Monuments Act, 1931 (by which it was amended), is hereby repealed.
- (2) Any Preservation Order made under section six of the Ancient Monuments Consolidation and Amendment Act, 1913, and any order constituting the Minister guardian under subsection (2) of section seven of that Act, being in either case an order in force immediately before the passing of this Act, shall continue in force and shall be deemed to have been made under section eleven of this Act, or under subsection (5) of section twelve thereof, as the case may be; and—
 - (a) any reference in the said Act of 1913, or in the Ancient Monuments Act, 1931, to a Preservation Order shall be construed as a reference to a preservation order made or deemed to have been made under the said section eleven and as including a reference to an interim preservation notice; and
 - (b) any provision of the Ancient Monuments Act, 1931, which contains a reference to section six of the said Act of 1913 shall have effect as if the reference were to this Part of this Act:

Provided that subsection (2) of the last preceding section shall not apply to a Preservation Order made under the said section six, and subsection (6) of the last preceding section shall not apply to an order made under subsection (2) of the said section seven.

- (3) The Minister shall not serve an interim preservation notice, or make a preservation order or a guardianship order, and the Ancient Monuments Board shall not issue an authorisation under subsection (2) of section ten of this Act, with respect to a structure which appears to the Minister or the Board, as the case may be, to be occupied as a dwelling-house, otherwise than by a person employed as caretaker thereof or his family.
- (4) Any compensation to which a person is entitled under this Part of this Act shall be paid by the Minister; and any expenses incurred by the Minister in the payment of such compensation, and any increase attributable to the provisions of this Part of this Act in the expenses incurred by the Minister under the Ancient Monuments Acts, 1913 and 1931, shall be defrayed out of moneys provided by Parliament.

PART III

FURTHER PROVISIONS RELATING TO ANCIENT MONUMENTS

14 Injury to ancient monuments by their owners

- (1) Subsection (3) of section fourteen of the Ancient Monuments Consolidation and Amendment Act, 1913 (which exempts the owner of a monument from punishment

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under that section for injuring or defacing it, unless the Minister or a local authority is guardian of the monument) shall not apply to anything done after the passing of this Act, except—

- (a) in the case of a monument in respect of which an interim preservation notice or a preservation order is in force, anything done with the written consent of the Minister under subsection (1) of section twelve of this Act;
 - (b) in the case of any other monument, anything done more than three months after the owner has, in accordance with subsection (2) of section six of the Ancient Monuments Act, 1931, given to the Minister notice in writing of his intention to do that thing.
- (2) Notwithstanding the preceding subsection, so much of subsection (1) of the said section fourteen as relates to the payment of sums for repairing damage shall not apply to the owner of the monument, except in a case where the Minister or a local authority is guardian of the monument.
- (3) For the purpose of determining in any proceedings whether an injunction (whether restrictive or mandatory), or, in Scotland, an interdict or other order, should be granted for preventing or remedying a contravention of subsection (1) of section twelve of this Act, no account shall be taken of the fact that a person has been or may be prosecuted in respect of the act in question by virtue of section fourteen of the said Act of 1913, as modified by this section.

15 Prosecution of offences under Ancient Monuments Acts

- (1) Section one hundred and four of the Magistrates' Courts Act, 1952 (which provides that an information cannot be tried unless it is laid within six months' after the commission of the offence), shall have effect in relation to offences under the Ancient Monuments Acts, 1913 and 1931, as if for the words " six months ", there were substituted the words " one year ".
- (2) Notwithstanding anything in the Summary Jurisdiction (Scotland) Act, 1908, proceedings in Scotland for an offence against either of the said Acts of 1913 and 1931 may be commenced at any time within one year after the commission of the offence.

16 Constitution of Ancient Monuments Boards

- (1) As respects any period for which separate advisory boards for Scotland and Wales are constituted under subsection (1) of section fifteen of the Ancient Monuments Consolidation and Amendment Act, 1913—
- (a) the advisory board first mentioned in that subsection shall be called "the Ancient Monuments Board for England and the said separate boards shall be called respectively "the Ancient Monuments Board for Scotland " and " the Ancient Monuments Board for Wales"; and
 - (b) references in this Act, and in any other enactment except the said subsection (1), to the Ancient Monuments Board shall be construed—
 - (i) in relation to England, as references to the Ancient Monuments Board for England;
 - (ii) in relation to Scotland, as references to the Ancient Monuments Board for Scotland;
 - (iii) in relation to Wales, as references to the Ancient Monuments Board for Wales.

- (2) The preceding subsection shall be deemed to have had effect as from the commencement of the said Act of 1913.

17 Annual reports of Ancient Monuments Boards

The Ancient Monuments Board for England, the Ancient Monuments Board for Scotland and the Ancient Monuments Board for Wales shall each, before such date in every year as the Minister may fix, send to the Minister a report on the discharge by them of their functions during the previous year, and the Minister shall lay a copy of each such report before each House of Parliament:

18 Amendment of s. 9 of Ancient Monuments Act, 1931

- (1) Subsection (1) of section nine of the Ancient Monuments Act, 1931 (which confers a power of entry on land believed to contain an ancient monument) shall have effect in relation to land which contains a designated monument as it has effect in relation to the land first mentioned in that subsection.
- (2) In this section the expression " designated monument" means a monument which is included in a list published under section twelve of the Ancient Monuments Consolidation and Amendment Act, 1913, or which is the subject of a preservation order or an interim preservation notice.

19 Amendment of s. 11 of Ancient Monuments Act, 1931

- (1) So much of section eleven of the Ancient Monuments Act, 1931, as provides that the provisions of the Land Charges Act, 1925, shall apply to the instruments mentioned in that section as if they were local land charges shall cease to have effect; and so much of that section as provides that those instruments shall be registered accordingly shall have effect as if for the word " accordingly " there were substituted the words " in the register of local land charges in such manner as may be prescribed by rules made for the purposes of this section under subsection (6) of section fifteen of the Land Charges Act, 1925, as amended by any subsequent enactment ".
- (2) The said section eleven, as amended by the preceding subsection, shall apply to notices served under subsection (1) of section ten of this Act, and to orders made under section eleven and under subsection (5) of section twelve of this Act, as it applies to the instruments referred to in the said section eleven of the said Act of 1931.
- (3) Nothing in this section shall affect the operation of subsection (1) of section fifteen of the Land Charges Act, 1925 (which makes provision for the protection of purchasers where local land charges are not duly registered), as applied (apart from this section) by section eleven of the said Act of 1931, in relation to any purchaser whose purchase was completed before the passing of this Act.

PART IV

MISCELLANEOUS AND GENERAL

20 Minor amendments regarding compulsory purchase of land by Minister

Neither—

- (a) paragraph 12 in Part III of the First Schedule to the Acquisition of Land (Authorisation Procedure) Act, 1946, nor
- (b) paragraph 12 in Part III of the First Schedule to the Acquisition of Land (Authorisation Procedure) (Scotland) Act, 1947,

(which paragraphs make a compulsory purchase order relating to land comprising an ancient monument or other object of archaeological interest subject to special parliamentary procedure unless the Minister gives a certificate about the use to which the land may be put) shall apply where the acquiring authority is the Minister, and accordingly in each of the said paragraphs after the words " Minister of Works " there shall be inserted the words " is the acquiring authority or ".

21 Administrative expenses of Minister

Any administrative expenses incurred by the Minister under this Act shall be defrayed out of moneys provided by Parliament.

22 Short title, construction and extent

- (1) This Act may be cited as the Historic Buildings and Ancient Monuments Act, 1953.
- (2) Part II -of this Act shall be construed as one with the Ancient Monuments Acts, 1913 and 1931; and the Ancient Monuments Acts, 1913 and 1931, and Parts II and III of this Act, may be cited together as the Ancient Monuments Acts, 1913 to 1953.
- (3) References in this Act to any other enactment shall be construed as references to that enactment as amended by or under any subsequent enactment including this Act.
- (4) For the purposes of this Act the administrative county of Monmouth shall be taken to be part of Wales and not part of England.
- (5) This Act shall not extend to Northern Ireland.

Status: This is the original version (as it was originally enacted).

SCHEDULE

Section 11.

PROCEDURE FOR MAKING PRESERVATION ORDERS

- 1 Before making a preservation order in relation to any monument, the Minister shall—
 - (a) cause a draft of the proposed order to be published in the London Gazette;
 - (b) send a copy of the draft to each local authority in whose area the monument is;
 - (c) publish in two successive weeks in one or more newspapers circulating in the locality where the monument is a notice stating that the order is proposed to be made and the effect of the order and specifying the time (not being less than twenty-eight days from the first publication of the notice in such a newspaper) within which and the manner in which objections to the proposed order can be made;
 - (d) serve on the owner of the monument and (if the owner is not the occupier) on the occupier of the monument a copy of the draft of the proposed order, together with a notice stating the effect thereof and specifying the time (not being less than twenty-eight days from the service of the notice) within which and the manner in which objections to the proposed order can be made;
 - (e) cause a copy of the draft of the proposed order to be fixed on some conspicuous part of the monument.
- 2
 - (1) If no objection is duly made by the owner or occupier of the monument or any other person appearing to the Minister to have an interest in the monument, or if all objections so made are withdrawn, the Minister may make the order either in the terms of the draft or with modifications thereof.
 - (2) If any objection duly made as aforesaid is not withdrawn, the Minister shall, before making the order, either cause a public local inquiry to be held or afford to any person by whom any objection has been duly made as aforesaid and not withdrawn an opportunity of appearing before and being heard by a person appointed by the Minister for the purpose, and, after considering the objection and the report of the person who held the inquiry or the person appointed as aforesaid, may make the order either in the terms of the draft or with modifications thereof.
 - (3) If any person by whom an objection has been made avails himself of the opportunity of being heard, the Minister shall afford to each local authority in whose area the monument is, and to any other person to whom it appears to the Minister expedient to afford it, an opportunity of being heard on the same occasion.
- 3
 - (1) Where the Minister makes a preservation order, and an objection duly made by the owner or occupier of the monument or any person appearing to the Minister to have an interest in the monument has not been withdrawn before the order is made, the order shall be subject to special parliamentary procedure.
 - (2) As soon as may be after the order has been made, the Minister shall publish in the London Gazette and in one or more local newspapers circulating in the locality in which the monument is a notice stating that the order has been made and the effect thereof and whether or not it is subject to special parliamentary procedure, and shall serve a like notice and a copy of the order on every person on whom a copy of the draft order was required to be served under paragraph 1 of this Schedule and on any

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other person appearing to the Minister to have an interest in the monument who duly made an objection which has not been withdrawn, and the order—

- (a) if it is not subject to parliamentary procedure, shall come into operation on the date on which the notice was first published as aforesaid;
- (b) if it is subject to parliamentary procedure, shall come into operation in accordance with the Statutory Orders (Special Procedure) Act, 1945.

(3) The Minister shall also, as soon as may be after the order has been made, cause a copy of the order to be fixed on some conspicuous part of the monument.

- 4 (1) Except in Scotland, subsections (2) to (5) of section two hundred and ninety of the Local Government Act, 1933 (which relate to the giving of evidence at and the defraying of costs of inquiries) shall apply to a public local inquiry held in pursuance of this Schedule as they apply to the inquiries mentioned in subsection (1) of the said section two hundred and ninety:

Provided that subsection (4) of that section (which requires the costs of the department holding the inquiry to be defrayed by the parties thereto) shall not apply except in so far as the Minister is of opinion, having regard to the object and result of the inquiry, that the Minister's costs should be defrayed by any party thereto.

(2) In Scotland, subsections (2) to (9) of section three hundred and fifty-five of the Local Government (Scotland) Act, 1947 (which relate to the procedure for holding local inquiries) shall apply to a public local inquiry held in pursuance of this Schedule as they apply to the inquiries mentioned in subsection (1) of the said section three hundred and fifty-five:

Provided that, if the Minister so directs, the public local inquiry held in pursuance of this Schedule shall be held by Commissioners under the Private Legislation Procedure (Scotland) Act, 1936, and where a direction is so given—

- (a) it shall be deemed to have been so given under section two, as read with section ten, of the Statutory Orders (Special Procedure) Act, 1945;
- (b) if paragraph 1 of this Schedule has been complied with as respects the publication of the draft order, the provisions of subsection (1) of the said section two with regard to advertisement of notice shall be deemed to have been complied with; and
- (c) the said provisions of section three hundred and fifty-five of the Local Government (Scotland) Act, 1947, shall not apply to such inquiry.

- 5 (1) If any person aggrieved by a preservation order desires to question the validity thereof on the ground that any requirement of this Act has not been complied with in relation to the order, he may, within six weeks from the date on which the order comes into operation, make an application to the High Court, and on any such application the Court, if satisfied that the interests of the applicant have been substantially prejudiced by a failure to comply with any such requirement, may quash the order or any provision contained therein.

(2) Subject to the provisions of the preceding sub-paragraph, a preservation order shall not, either before or after it has been made, be questioned in any legal proceedings whatsoever.

(3) This paragraph shall not apply to an order which is confirmed by Act of Parliament under section six of the Statutory Orders (Special Procedure) Act, 1945, or under subsection (4) of section two of that Act, as read with section ten thereof.

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- (4) References in this paragraph to the High Court shall, as respects a preservation order relating to a monument in Scotland, be construed as references to the Court of Session.
- 6 References in this Schedule to the London Gazette shall, in a case where the preservation order relates to a monument in Scotland, be construed as references to the Edinburgh Gazette.

TABLE OF STATUTES REFERRED TO IN THIS ACT

Short Title	Session and Chapter
Summary Jurisdiction (Scotland) Act, 1908	8 Edw. 7. c. 65.
Ancient Monuments Consolidation and Amendment Act, 1913	3 & 4 Geo. 5. c. 32.
Acquisition of Land (Assessment of Compensation) Act, 1919	9 & 10 Geo. 5. c. 57.
Trusts (Scotland) Act, 1921	11 & 12 Geo. 5. c. 58.
Land Charges Act, 1925	15 & 16 Geo. 5. c. 22.
Ancient Monuments Act, 1931	21 & 22 Geo. 5. c. 16.
Local Government Act, 1933	23 & 24 Geo. 5. c. 51.
Private Legislation Procedure (Scotland) Act, 1936	26 Geo. 5. & 1 Edw. 8. c. 52.
Statutory Orders (Special Procedure) Act, 1945	9 & 10 Geo. 6. c. 18.
Acquisition of Land (Authorisation Procedure) Act, 1946	9 & 10 Geo. 6. c. 49.
Acquisition of Land (Authorisation Procedure) (Scotland) Act, 1947	10 & 11 Geo. 6. c. 42.
Local Government (Scotland) Act, 1947	10 & 11 Geo. 6. c. 43.
Town and Country Planning Act, 1947	10 & 11 Geo. 6. c. 51.
Town and Country Planning (Scotland) Act, 1947	10 & 11 Geo. 6. c. 53.
Lands Tribunal Act, 1949	12, 13 & 14 Geo. 6. c. 42.
Magistrates' Courts Act, 1952	15 & 16 Geo. 6. & 1 Eliz. 2. c. 55.