

SCHEDULE 2

Regulation 4(2)

MODIFICATIONS OF THE 1979 ACT AND THE ANCIENT MONUMENTS REGULATIONS

1.—(1) Paragraph 2 of Schedule 1 to the 1979 Act (applications for scheduled monument consent) shall be modified as follows.

(2) In sub-paragraph (1), after paragraph (a), there shall be inserted—

“(aa) a certificate stating that—

(i) notice of the concurrent application has been given in accordance with rules made under section 6 of the Transport and Works Act 1992 to all of the persons (other than the applicant) who were, at the beginning of a period of 28 days ending with the date of the concurrent application, the owners of the monument; and

(ii) every such notice contains a statement that an application for scheduled monument consent has been, or is to be, made in respect of the monument.”.

(3) In sub-paragraph (1)(c), there shall be substituted for the word “either” the word “any”.

(4) After sub-paragraph (4), there shall be inserted—

“(4A) In this paragraph, “concurrent application” means an application made under section 6 of the Transport and Works Act 1992 relating to proposals for the purposes of which the granting of scheduled monument consent is required in respect of the monument.”.

2.—(1) The Ancient Monuments Regulations shall be modified as follows.

(2) In paragraph (2) of regulation 2, there shall be substituted, for the words commencing “a plan identifying” to the end of the paragraph—

“the following—

(a) a plan identifying the monument to which it relates;

(b) such other plans and drawings as are necessary to describe the works which are the subject of the application, and which may include—

(i) detailed plans, drawings and sections; or

(ii) extracts from the plans and sections submitted with the concurrent application; or

(iii) (where no such plans, drawings or sections have been prepared) a clear written description of the works which are the subject of the application supported by such other materials as the applicant is reasonably able to provide.”.

(3) In regulation 2, after paragraph (2), there shall be inserted—

“(2A) The application shall also be accompanied by a statement that the application is made for the purposes of proposals included in the concurrent application and the statement shall give (where the same are known) the date and the reference number of the concurrent application.”.

(4) In regulation 2, after paragraph (3), there shall be inserted—

“(3A) In this regulation, “concurrent application” has the meaning given by paragraph 2(4A) of Schedule 1 to the Act.”.

(5) For regulation 4 there shall be substituted—

“4. In relation to any monument, a person shall for the purposes of paragraph 2 of Schedule 1 to the Act be treated as the owner of the monument if he is a person, other than a mortgagee not in possession, who is for the time being entitled to dispose of the fee simple of the monument (whether in possession or reversion) or is a person holding, or entitled

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to the rents and profits of the land under, a lease or agreement the unexpired term whereof exceeds three years.”.

(6) In Part I of Schedule 2, there shall be inserted before the words “Certificate in accordance with paragraph 2(1)(b)”, the following—

“Certificate in accordance with paragraph 2(1)(aa).

It is hereby certified—

- (1) that the applicant has served, in accordance with rules made under section 6 of the Transport and Works Act 1992, all the notices required to be served upon the persons (other than the applicant) who were, at the beginning of a period of 28 days ending with the date of an application under the said section 6, owners of the monument;
- (2) every such notice contains a statement that the accompanying application for scheduled monument consent has been made in respect of the monument.

Signature

Date